

**DATE:** February 8, 2021

**REPORT NO:** PD-13-2021

**SUBJECT:** **Technical Report - ATV Regulation Changes, Province of Ontario**

**CONTACT:** Brian Treble, Director of Planning & Building  
Tiana Richardson, By-law Enforcement Officer

**OVERVIEW:**

- As of January 1, 2021, off road vehicles are now permitted on roads in a municipality unless the municipality passed or passes a by-law to restrict, prohibit, or regulate their use.
- Attached to this report is a Provincial letter and guidance document that explains more about what has happened.
- As of January 1, 2021, off road vehicles are allowed, by default, on municipal highways unless the municipality has an existing by-law that restricts their use. Otherwise, the municipality needs to create a new by-law to prohibit or restrict the use of some or all off road vehicles.
- Further, the classification of off road vehicles now includes off road motorcycles and extreme terrain vehicles.
- Therefore, if the Township wishes to regulate off road vehicles then a by-law is now required. Prior to this change, such vehicles were prohibited unless a by-law was passed allowing them to be on municipal roadways. Now, the reverse is true.
- Staff propose to draft a by-law and should Committee and Council have any thoughts, staff encourage members to share them before a draft by-law is presented. Staff further propose to present a draft by-law at a public meeting for public information and input.

**RECOMMENDATION:**

1. That, Report PD-13-2021 regarding “Technical Report, ATV Regulation Changes, Province of Ontario” dated February 8<sup>th</sup>, 2021, be RECEIVED, and;
2. That, Staff report back with a draft by-law prior to holding a public meeting.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #5**

- Community Health and Safety

### **BACKGROUND:**

Previous provisions of Provincial legislation required that municipalities had to enact a by-law to permit off road vehicles to operate on municipal highways. Now, off road vehicles are allowed by default on municipal highways, unless the municipality has an existing by-law that restricts their use or if the municipality creates a new by-law to prohibit or restrict the use of some or all off road vehicles.

### **CURRENT SITUATION:**

Staff have been informed that both West Lincoln and Wainfleet, in the Niagara Region, are now affected by the Provincial change, noted above, that came into effect on January 1st, 2021.

Historically, West Lincoln never passed a by-law for off-road vehicles, which meant that the travel of off road vehicles was not allowed. Due to the absence of a by-law, under the new Provincial rule, the use of off road vehicles is now permitted by default. The attached letter and guidance document explain this situation further.

The change is promoted as providing off road vehicle riders more on-road opportunities in some parts of Ontario and therefore enhanced trail access resulting from increased on-road connections to the off road vehicle trail network has resulted.

Such off road vehicles are often seen in West Lincoln. Many are travelling for recreational purposes, while others are farmers who use the vehicles to travel from farm to farm and carry tools and equipment.

Staff propose to prepare a draft by-law for input from Committee and Council. The draft by-law will then be presented to Committee and Council for input prior to holding an information session and public meeting designed to inform the public and allow for comments.

### **FINANCIAL IMPLICATIONS:**

Staff will prepare a draft by-law and consult with various Department staff, Regional Police (NRP) and local groups such as the Federation of Agriculture and prior to presenting a draft by-law to Committee and Council.

There will be a cost to post a Notice of Public Meeting in the local papers and possibly for signage along roadways, if any is required. This will be further outlined in future reports.

### **INTER-DEPARTMENTAL COMMENTS:**

Planning and By-law staff will start discussions with various internal Township staff from Public Works, Fire, and the CAO and will also consult with the local Federation of Agriculture and off road trail groups prior to presenting a draft by-law to Committee and Council.

Input from Committee and Council will be appreciated at any point in this process.

**CONCLUSION:**

Staff will report back with a draft by-law at a future Committee and Council meeting once preliminary staff consultation has occurred, and prior to holding a public meeting.

**ATTACHMENTS:**

1. Provincial Letter of January 4, 2021
2. Municipal Guidance Document

**Prepared & Submitted by:**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**



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**Tiana Richardson**  
**By-law Enforcement Officer**