

Recommendation:

That the C.A.O.-2023-26 report, dated October 17, 2023 regarding ORV Use in the Township of Douro-Dummer be received; and
That Council provide further direction on the use of ORVs on the County Roads; and
That Council provide further direction on the use of ORVs on Township Roads.

Overview:

At the Regular Council Meeting held on June 20, 2023, Council received Staff Report CAO – 2023-13 and adopted the following Resolution:

Resolution Number 213-2023

Moved by: Councillor Watt

Seconded by: Deputy Mayor Nelson

That the report, dated June 20, 2023 regarding Use of ORVs on Township Roads be received; that a request be sent to the County of Peterborough to allow ORVs on select County Roads as shown in Option B along with the inclusion of County Road 8 from Highway 28 east to County Road 38; and finally, that staff be requested to bring back a report regarding the possibility of allowing ORVs on Township roads. Carried

Township Staff made the request to the County of Peterborough as per the motion. County staff provided a report to County Council which is attached to this report for review. The report provides comments they received from other lower tier municipalities and specifically concerns from the Township of Selwyn who requested that the section of County Road 29 from Lakefield to County Road 6 be excluded.

The recommendation of County staff was adopted by County Council and reads as follows:

Moved by Councillor Lambshead

Seconded by Councillor Armstrong

That Report PPW 2023-20 Amendment to ORV By-law 2022-61 & 2023-31 be received; and,

That Report PPW 2023-20 and the comments on the proposed by-law amendment received from the lower tier municipalities be referred to the Council of the Township of Douro-Dummer for consideration.

The Resolution from Douro-Dummer Council also requested that staff bring back a report regarding the possibility of ORVs on Township Roads.

While public consultation has occurred in the past, Council's decision has been to prohibit off-road vehicles on Township roads. Council continues to hear from residents most recently through email and by way of delegations expressing their position on off-road vehicles, some in favour and some against.

There are a number of considerations that Council should be aware of when contemplating opening the roads to ORV use. While the legislation changed to expand the definition and allow the use, it left the onus on the municipality to put rules and regulations in place via by-law, to ensure safety and mitigate the risk to the municipality.

Staff requested that the insurance company provide their comments on liability concerns that have been raised. Comments related to items that should be considered when contemplating opening the roads was sent via email, a copy of which is attached to this report. Some of the specific considerations identified to reduce associated risk are listed below.

- Public Education: Conduct a public education campaign that leverages various communication channels to disseminate information regarding the new by-law that allows ORVs/ATVs to operate on designated municipal roads.
 - Non permissible activities
 - No driving in construction zones
 - No driving on the median of the roadway
 - Requirements for drivers
 - 16 yrs. or older
 - Holds valid G2 or M2 license
 - Headlights and taillights must be on at all times
 - Requirements for passengers
 - 8 yrs. or older
 - Requirements for safety measures (e.g. use of helmet and seatbelt) for driver and passenger
 - Responsibility of ATV operators
 - Ride according to road, trail, and weather conditions
 - Ride in designated areas only
- Signage: Install signage throughout the municipality that informs road users that ORVs and ATVs are allowed to operate on designated municipal road. This signage can provide the following information to the road users:
 - Speed limits of vehicles vs. ORVs/ATVs
 - Designated roads and trails for use by the ORVs/ATVs
 - Road sharing between vehicles and ORVs/ATVs
- Maintenance: Establish an inspection and maintenance program that would regularly inspect and maintain the municipal roads and shoulders that have been designated for use by ORVs/ATVs.
 - Establish an inspection policy, which should outline the required frequency and scope of inspections taken to identify safety hazards that require remedial actions
 - Establish a maintenance policy, which should outline the remedial actions, timelines, communication, and documentation associated with the repair and/or removal of any safety hazards
 - Establish a centralized documentation repository to house the inspection reports and work orders

In addition to the comments above, should Council wish to allow ORVs on unopened road allowances, I would request that further comments be provided from the insurance company to ensure we are aware of any additional associated risk that arise as a result of such decision.

In Peterborough County each Council has made the decision that best suits their respective municipality and all, with the exception of the Township of Cavan Monaghan allow, ORVs in some capacity on their roadways.

Conclusion:

Council has a number of options to consider.

Option #1

The existing By-law prohibiting off-road vehicles on municipal roadways remains in place with no changes

Option #2

Permit ORVs on the County Roads as request by Council at the meeting of June 20, 2023 with consideration given to the comments from the Township of Selwyn.

Option #3

Move forward with Option #2 and permit ORVs on a pilot basis on identified Township roads for a specific period of time.

Option #4

Move forward with Option #2 and permit ORVs on identified Township roads within the Township of Douro-Dummer.

With options #3 or #4, Council should consider the comments from the insurance company representative and be prepare to provide direction to staff on the particular rules and regulations to be implemented to enable staff to bring back a draft By-law for review.

Financial Impact:

- There minimal additional costs expected to prepare the By-law.
- There may be some immediate costs to address any public education, communication or signage that may be required to permit or guide ORVs as needed, or remove signs as appropriate.
- There may also be some maintenance impacts on the shoulder of the roads in certain areas that may arise if usage is permitted although that cost is unknown at this time.

- Any specific costs related to liability or damages are not identified at this time, but would be reviewed with our insurance company regularly.

Strategic Plan Applicability:

To develop and/or assist with the development and delivery of social and recreational programs as well as effectively maintaining and updating recreational facilities to promote healthy lifestyles and meet the broad range of community needs.