



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Off Road Vehicles Permitted on Roads changes

Prepared By: Kelly Lush, Deputy Clerk

Department: Clerk's department

Date: Nov. 2, 2020

Report Number: CLK-2020-10-90

File Number: 150 Reports

Attachments: Letter – Off Road Vehicles By-Law Amendment, Draft By-Law

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby approves Report CLK-2020-10-90 prepared by Kelly Lush, Deputy Clerk AND further authorizes amending the Off-Road Vehicle By-Law No. 2015-89 to include dirt bikes and extreme terrain vehicles AND FURTHER authorizes the appropriate By-Law come forward.

Background:

As of July 1, 2020 the province expanded the types of off-road vehicles permitted on-road to two new additional types: off-road motorcycles commonly known as dirt bikes; and, extreme terrain vehicles, which are semi-amphibious vehicles with six or more wheels. This updated regulation can be found at <https://www.ontario.ca/laws/regulation/030316>.

The Ministry of Transportation, Safety Program Development Branch notes that the same on-road access rules for existing off-road vehicles continue to apply for these new vehicles on provincial roadways and municipalities may permit the use of off-road motorcycles and extreme terrain vehicles in their local jurisdiction through by-law.

To support municipalities with these changes, the ministry has developed guidance documents to help municipalities decide whether to permit these new vehicles on their local roadways. These documents also provide guidance for proposed, yet to be proclaimed, changes for municipalities listed in Ontario Regulation 8/03 which will amend the way off-road vehicles are permitted on-road access to municipal roads. In municipalities listed in Ontario Regulation 8/03, off-road vehicles will automatically be allowed on municipal roads unless the municipality creates a by-law to prohibit or

restrict their use. These new provisions have a target implementation date of January 1, 2021 and will replace the current requirement that those municipalities listed in Ontario Regulation 8/03 must enact a by-law to permit off-road vehicles to operate on identified municipal roads. Updates on these changes will be provided at a later date. The letter from the ministry and guidance documents are attached.

Discussion:

The Township of Huron-Kinloss existing by-law permitting off-road vehicles will need to be amended to allow these new types of vehicles on the roads.

The following amendments will be required:

1.3.2 "extreme terrain vehicle" means an off-road vehicle that,

- (a) has six or eight wheels, the tires of which are all in contact with the ground,
- (b) has no tracks that are in contact with the ground,
- (c) has seats that are not designed to be straddled, and
- (d) has a minimum cargo capacity of 159 kilograms;

1.3.4 "off-road motorcycle" means an off-road vehicle, designed primarily for recreational use, that,

- (a) has steering handlebars,
- (b) has two wheels, the tires of which are all in contact with the ground,
- (c) has a minimum wheel rim diameter of 250 millimetres,
- (d) has a minimum wheelbase of 1,016 millimetres,
- (e) has a seat that is designed to be straddled by the driver,
- (f) is designed to carry a driver only and no passengers, and
- (g) does not have a sidecar;

1.3.5 "off-road vehicle" has the same meaning as in the Off-Road Vehicles Act;

"recreational off-highway vehicle" means an off-road vehicle that,

"seat belt assembly" means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person. O. Reg. 316/03, s. 1; O. Reg. 135/15, s. 1; O. Reg. 315/20, s. 1.

The amendment was brought forward to the September 28, 2020 Police Services Board meeting for comment. The following resolution was passed:

THAT the Township of Huron-Kinloss Police Services Board hereby receives for information Report HKPSB-2020-09-03 prepared by Kelly Lush, Deputy Clerk AND recommends amending the Off-Road Vehicle By-Law No. 2015-89 to include dirt

bikes and extreme terrain vehicles AND FURTHER that the recommendation be forwarded for Council consideration.

Financial Impacts:

There are no financial implications associated with report.

Strategic Alignment / Link:

We are an accessible community that offer opportunities for everyone by being open and transparent; we are a spirited community that takes pride in calling Huron-Kinloss home.

Respectfully Submitted By:

Kelly Lush, Deputy Clerk

Approved By:

Mary Rose Walden, Chief Administrative Officer