

Municipality of Chatham-Kent
Infrastructure and Engineering Services
Engineering Division

To: Mayor and Members of Council
From: Jeff Hagan, P.Eng., PTOE, RSP1
Manager, Transportation
Date: January 2, 2024
Subject: Extending Hours of Operation for Off-Road Vehicles

Recommendations

It is recommended that:

1. Off-road vehicles be permitted to operate on municipal roadways from 7:00 AM to 10:00 PM.
2. To implement the above recommendation, By-law 32-2017, A By-law to Permit and Regulate the use of Off-road vehicles on Highways in the Municipality of Chatham-Kent, be amended as attached in Appendix A.

Background

At the September 11, 2023, meeting of Council, a motion was adopted directing staff to review the current time restrictions for off-road vehicle use on municipal highways and report back with recommended changes.

The requested report ("Hours of Operation for Off-Road Vehicles") came before Council at its November 27, 2023, meeting. In response to this report, Council adopted the following motion:

That the report be referred to administration for an updated by-law that includes allowing these vehicles to run from 7:00 AM to 10:00 PM.

This report provides the by-law amendment as directed.

Staff were also requested to include consideration for increasing signage at municipal trails and parks to restrict off-road vehicles from operating in these areas and consider an increase in fines.

The Highway Traffic Act (HTA) regulates the operation of off-road vehicles on public highways, including requirements for:

- General rules of the road
- Licensing and insurance requirements
- Vehicle equipment requirements (e.g., lights)
- Personal equipment requirements (e.g., helmets)

The HTA also gives municipalities the authority to regulate the operation of off-road vehicles on highways under their jurisdiction by by-law, allowing them to restrict or prohibit off-road vehicles from specific roads or at specific times.

Comments

Currently, Off-Road Vehicle By-law 32-2017 permits operation of off-road vehicles on municipal roads between half an hour after sunrise to half an hour before sunset. The by-law also identifies roads where off-road vehicles are not permitted (busier paved roads and roads in urban areas).

The requested amendment to Off-Road Vehicle By-law 32-2017 is attached as Appendix A. This amendment changes the times when off-road vehicles are allowed on the road to 7:00 AM - 10:00 PM.

The main effect of this change will be to allow off-road vehicles during evening and nighttime. The implications of this change in terms of rules of the road are as follows:

- Off-road motorcycles and extreme terrain vehicles (XTVs, e.g., 6x6 and 8x8):
 - Current time restrictions: no lights required – lights are not required during allowed off-road vehicle times.
 - Proposed time restrictions: front and rear lights are required in early morning (until 30 minutes after sunrise) and evening (from 30 minutes before sunset)
- All other off-road vehicles (e.g., ATVs, 4-wheeled side-by-sides):
 - Current time restrictions: front and rear lights are required to be on at all times.
 - Proposed time restrictions: no change.

Generally, modern ATVs, side-by-sides and XTVs come equipped with lights as standard equipment. Off-road vehicles without lights (typically motocross-style off-road motorcycles or older off-road vehicles) are prohibited by the Highway Traffic Act from operating on public highways later than 30 minutes before sunset unless aftermarket lights are fitted to the vehicle.

Signage for Off-Road Vehicle Restrictions and Fines

Regarding signage, the Municipality currently has signage in place at some locations such as entrances to trails to advise that the operation of off-road vehicles is not permitted in these areas. Staff will undertake an assessment of the existing signage and locations, review with best practices of other municipalities, and develop a plan to increase signage in trails, with a focus on areas where issues have been identified.

Most fines for off-road vehicle drivers are set by the Highway Traffic Act (for operation in the right-of-way) or by the Off-Road Vehicles Act (for operation outside the right-of-way) and cannot be modified by municipal by-law.

Operation of motor vehicles, including off-road vehicles, in parks outside of areas designated for motor vehicles is prohibited by the Public Parks and Recreation Areas By-law #19-2016, which provides set fines ranging from \$100 to \$200 (depending on the nature of the offense) for motor vehicle offenses, as well as set fines of \$200 to \$300 for damaging plants, trees, equipment, or other municipal property.





Reviewing fine amounts set through the Municipal By-Law for park and recreation areas requires a broader review of the bylaw and current best practices. Staff have also noted that Council had previously approved a motion in 2021 as follows:

ATV Trails - Whereas Council's priorities and strategic direction for this term includes Economic Prosperity, a Healthy and Safe Community, People and Culture and Environmental Sustainability; And whereas these priorities include a dedicated focus on implementing strategies to help everyone become stewards of our lands within Chatham-Kent. And whereas CK Plan 2035 states that Chatham-Kent will continue to develop innovative approaches to addressing the protection and preservation of natural resources. And whereas Chatham-Kent's vision statement of, 'a welcoming, healthy, prosperous community that is culturally rich and naturally innovative,' represents the kind of community we will and can become, including: having respect for our environment and natural resources. And whereas there is no by-law to prescribe the use of off-road vehicles within municipal owned bush lots and/or properties including those with potential stewardship relationships with our Conservation Authority partners. I hereby ask that administration prepare a report that includes the following: 1. Identify any lands deemed appropriate for use of creating trails to accommodate off-road vehicles, bicycles, and pedestrians. 2. Have discussion with the TSATV (Tri Shores ATV club Lambton-Kent) with regards to their stewardship program and willingness to develop trails for use of off-road vehicles, bicycles, and pedestrians within Chatham-Kent. 3. Investigate OFATV (Ontario Federation of ATV clubs) agreements in other areas of Ontario as it applies to legal coverage and partnerships with Conservation Authorities. 4. Return the report to council so that the report aligns with the Woodlot Preservation report.

Staff anticipate reviewing these elements as part of the Transportation Mobility Master Plan work beginning in 2024 and will bring back a report to Council with consideration to the above and consideration for the associated fines for use of these vehicles in prohibited locations. This is targeted for Q4 2024.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability
	6b		

Consultation

The Chatham-Kent Police Service (CKPS) was consulted in the preparation of this report. CKPS does not support the report recommendations due to increased risk of collisions and injuries. CKPS noted that nighttime off-road vehicle use tends to be associated with higher rates of impaired operation than daytime use.

The concern identified by CKPS will be monitored through the annual update of the Road Safety Action Plan.

Communication

Communication is proposed through outreach to local ATV clubs and service clubs organizing ATV-related events, as well as through posts on the municipal website and social media.

Diversity, Equity, Inclusion and Justice (DEIJ)

The proposed by-law amendment will enhance the ability of local groups to undertake fundraising activities such as charity ATV rides. These activities are often focused on raising funds for charities and not-for-profit organizations that provide service to equity-deserving groups, such as people experiencing poverty.

Most all-terrain vehicle injuries occur among men, even when the higher rate of ATV use in men is considered. The disparity in ATV injuries between men and women may increase as nighttime ATV use increases.

Financial Implications

Increasing signage at entrances to Municipal Trails and Parks will have a cost, estimated at \$200 per sign. It is recommended that this be funded from the associated lifecycles for these assets.

This report is not considering an increase in fines at this time, and therefore there are no financial implications related to this.

Prepared by: Jeff Hagan, P.Eng., PTOE, RSP1, Manager, Transportation

Reviewed by:

Marissa Mascaro, P. Eng., Director, Engineering

Robert Pollock, Director, Parks, Fleet & Facilities

Edward Soldo, P. Eng., General Manager, Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

Sgt. Jim Lynds, Patrol Support Supervisor, Chatham-Kent Police Service

Attachment: Appendix A – By-law Amendment

C: Todd Trahan, President, Wallaceburg Kinsmen

Tri Shores ATV Club

Mike Wright, Thamesville ATV Group

Chatham-Kent ATV Club