

Municipality of Chatham-Kent
Infrastructure and Engineering Services
Engineering and Transportation Division

To: Mayor and Members of Council

From: Mark Ceppi, C. Tech.
Engineering Technologist I

Date: April 26, 2022

Subject: Off-Road Vehicle By-Law Restricted Highway Amendment

Recommendations

It is recommended that:

1. Off-Road Vehicles be permitted to operate on the following highway sections:
 - a) In the Community of Camden:
 - i. Kent Line between Mandaumin Road and Mawlam Road (Township of Dawn-Euphemia).
 - b) In the Community of Chatham Township:
 - i. Kent Line between Water Street and Mandaumin Road.
 - ii. Whitebread Line between St. Clair Parkway and Nelson Street.
 - c) In the Community of Orford:
 - i. Clachan road between Turin Line and King's Highway 401
 - ii. MacPherson Road between King's Highway 401 and Muirkirk Line
 - iii. MacPherson Road between McMillan Line (County of Elgin) and Talbot Trail
 - d) In the Community of Zone:
 - i. Euphemia Line between Limerick Road and Downie Road (Township of Dawn-Euphemia)
2. The Municipality of Chatham-Kent Off-Road Vehicle By-law 32-2017 be amended accordingly.

Background

The Municipality of Chatham-Kent Off-Road Vehicle By-law #32-2017 was implemented on March 7, 2017. The by-law, under the authority of the *Highway Traffic Act*, R.S.O. 1990 and *Ontario Regulation 316/03* (Operation of Off-road Vehicles on Highways), permits the operation of Off-road Vehicles on Chatham-Kent Highways from one-half hour after sunrise to one-half hour before sunset. This use is limited to off-road vehicles classified as all-terrain vehicles, multi-purpose off-highway utility vehicles, and

recreational off-highway vehicles. In addition, the use of off-road vehicles is prohibited on highway sections designated in the by-law as restricted, under the jurisdiction of the Province of Ontario, and in the Community of Chatham.

The Highway Traffic Act also regulates off-road vehicle licensing and insurance, operator requirements, safety equipment for vehicles and operators, speed limits for off-road vehicles, and rules of the road.

When the Off-road Vehicle By-law was passed in 2017, the Highway Traffic Act prohibited their use on municipal highways unless by-laws were passed to permit them. At the time the municipalities surrounding Chatham-Kent did not have by-laws in place to permit off-road vehicles on their highways. Therefore, all highways shared between Chatham-Kent and the adjacent municipality were designated as restricted in the Off-Road Vehicle By-law.

In June 2020, the Highway Traffic Act was amended to permit off-road vehicle operation on highways in municipalities specified in *Ontario Regulation 8/03* (Local Municipality Where 80 Kilometers Per Hour Speed Limit Applies) unless that Municipal Council passes a by-law to restrict them. This amendment affected off-road vehicle operation on highways in several municipalities surrounding Chatham-Kent and created potential conflicts with the Off-Road Vehicle By-law restricted highway designations currently applied to shared roads.

In November 2021, Chatham-Kent Engineering and Transportation Division (Engineering) received a request from an ATV Club, through a Ward 4 Councillor, to remove the off-road vehicle restricted highway designation from Kent Line between Tramway Road and Esterville Road. The reason for the request is to connect off-road vehicle trails located on private properties in the area.

This request initiated consultation with the Municipality of Dawn-Euphemia Township, which shares this section of Kent Line with Chatham-Kent. Other municipalities were added to this consultation to identify off-road vehicle by-law inconsistencies on highways they share with Chatham-Kent.

Comments

All surrounding municipalities were contacted to determine their current by-law status for off-road vehicle use on highway sections shared with Chatham-Kent. The results of this consultation are found in Table 1.

Based on the results of the survey sections of Whitebread Line, Kent Line, Euphemia Line, Clachan Road, and MacPherson Road can be removed from the Off-Road Vehicle By-law Restricted Highway schedule. These highway sections are illustrated in Appendix A.

Each of the highway sections recommended for off-road vehicle operation are local rural roadways with gravel surfaces. The posted speed limit on each highway is 80 km/h and traffic volumes are low. These characteristics are common with most rural Chatham-

Kent highways that currently permit off-road vehicle operation. Engineering does not have concerns permitting off-road vehicles on these highways.

A by-law to amend Off-road Vehicle By-law #32-2017 (Schedule A – Restricted Highways) based on the recommendations listed in this report is attached to the Council agenda for reading and approval.

Table 1: Off-Road Vehicle Operation Status of Surrounding Municipalities

Municipality	Shared Highway Sections	Off-Road Vehicle Highway Operation Status
County of Essex	<ul style="list-style-type: none"> Baptiste Road from Tecumseh Line to Community of Tilbury north limits. Erie Street South from 165 m south of Middleton Line to South limits. Wheatley Road from Middle Line to Community of Wheatley north limits. 	Restricted
County of Lambton	<ul style="list-style-type: none"> Mandaumin Road from Kent Line (south junction) to Kent Line (north junction). Lambton Line from Florence Road to Zone Road 6. 	Restricted
County of Middlesex	<ul style="list-style-type: none"> Clachan Road from Concession Drive to Thames River. 	Restricted
County of Elgin	<ul style="list-style-type: none"> Clachan Road from Turin Line to Thames River. MacPherson Road from McMillan Line to Muirkirk Line. 	Restricted
Municipality of Lakeshore (Essex County)	<ul style="list-style-type: none"> Tilbury West and Romney Road from Goodreau Line to Wheatley Road. Goodreau Line from Tilbury Road West and Romney Road to Wheatley Road. 	Restricted
Municipality of St. Clair Township (Lambton County)	<ul style="list-style-type: none"> Whitebread Line from St. Clair Parkway to Nelson Street. Kent Line from Water Street to Mandaumin Road. 	Permitted
Municipality of Southwest Middlesex (Middlesex County)	<ul style="list-style-type: none"> Clachan Road from Concession Drive to Limerick Road. 	Restricted
Municipality of Dawn-Euphemia Township (Lambton County)	<ul style="list-style-type: none"> Euphemia Line from Limerick Road to Downie Road. Kent Line from Madaumin Road to Mawlaw Road. 	Permitted
Municipality of West Elgin (Elgin County)	<ul style="list-style-type: none"> Clachan Road from Turin Line to South Limits. MacPherson Road from McMillan Line to Talbot Trail. MacPherson Road from Muirkirk Line to North Limits. 	Permitted

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

- ☐ Economic Prosperity:
Chatham-Kent is an innovative and thriving community with a diversified economy
- ☒ A Healthy and Safe Community:
Chatham-Kent is a healthy and safe community with sustainable population growth
- ☐ People and Culture:
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- ☐ Environmental Sustainability:
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- ☐ Financial Sustainability:
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- ☐ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- ☐ Has the potential to support all areas of strategic focus & critical success factors
- ☒ Neutral issues (does not support negatively or positively)

Consultation

The following municipalities were consulted by email:

- County of Essex
- County of Elgin
- County of Lambton
- County of Middlesex
- Municipality of Dawn-Euphemia Township
- Municipality of Lakeshore
- Municipality of St. Clair Township
- Municipality of Southwest Middlesex
- Municipality of West Elgin

Details from this consultation are present in the comment section of this report.

Financial Implications

There are no financial implications associated with the recommendations provided in this report.

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Attachments: Appendix A: Restricted Highways Map
Appendix B: By-law Amendment

C Director, Public Works
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