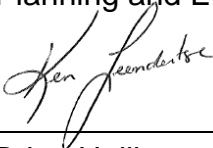





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 6, 2021
SUBJECT/REPORT NO:	Regulating Off-Road Vehicles (PED21110) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Adam Palmieri (905) 546-2424 Ext. 5438 Monica Ciriello (905) 546-2424 Ext. 5809
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the draft By-law to regulate Off-Road Vehicles, attached as Appendix "A" to Report PED21110, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council; and,
- (b) That subject to the approval of Recommendation (a), By-law 17-225; a By-law to Establish a System of Administrative Penalties which has been prepared in a form satisfactory to the City Solicitor be amended accordingly to include the By-law attached as Appendix "B" to Report PED21110.

EXECUTIVE SUMMARY

On September 16, 2020, Council approved Item 6.1; a motion directing Licensing and By-law Services (LBS) and Legal Services to draft a municipal By-law to prohibit off-road vehicles (ORVs) on highways and on public lands within the City of Hamilton (City), including the exemption for husbandry use for normal farming operations and have staff explore the option of prohibiting ORVs driving on private property without permission.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Prior to January 1, 2021, if a municipality did not have a By-law in place, ORVs were not allowed on municipal highways and this was enforced by the local police agencies under the *Highway Traffic Act, R.S.O 1990 (HTA)* and *Ontario Regulation 316/03*.

Effective January 1, 2021, all ORVs that meet the requirements under *Ontario Regulation 316/03* for ORVs are allowed by default on municipal highways under the jurisdiction of municipalities listed in *O. Reg 8/03*, this list includes the City.

The new provincial legislation transfers to local municipalities the responsibility to prohibit or restrict via By-law the operation of ORVs on municipal highways, roadways, private and public lands. Appendix “D” to Report PED21110 provides an overview of the definitions of ORVs from the Ministry of Transportation, Ontario.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

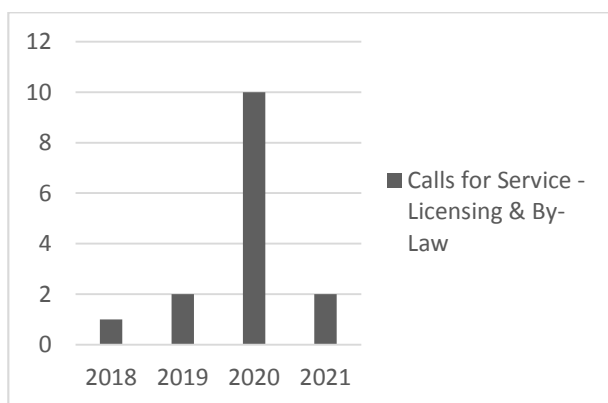
RELEVANT CONSULTATION

Legal Services and Hamilton Police Service were consulted in the preparation of this Report and By-law. A public notice was also issued to the public.

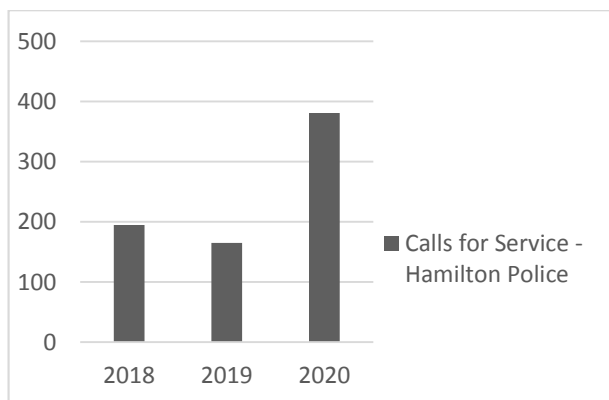
ANALYSIS AND RATIONALE FOR RECOMMENDATION

As it is now the responsibility of the City, as per *Ontario Regulation 8/03*, to prohibit or restrict ORVs from operating on the municipal highways, the recommendation is to consider the attached Off-Road Vehicles By-law, Appendix “A” to Report PED21110. The By-law will allow the City to prohibit or restrict ORVs from operating within the City boundaries while also providing exemptions for husbandry use for normal farming operations.

Since 2018, LBS averaged approximately four calls per year for ORVs related infractions. These calls range in type from noise related offences, to operating ORVs in a City park or on City property.



Since 2018, the Hamilton Police Service (HPS) averaged approximately 250 calls per year for ORV related issues as seen in Appendix “C” to Report PED21110. These calls also range in type from All-Terrain Vehicle (ATV), Dirt Bike and ORVs, all of which are covered under this By-law. Data from HPS indicates a saturation of calls in the rural Wards including: Binbrook, Waterdown and Glanbrook.



The City has seen at least three ORVs related collisions involving motor vehicles this year, with at least one fatality. The proposed By-law will provide enforcement officers the tools necessary to enforce the new MTO regulations and definitions. LBS will begin to track key metrics as received throughout 2021.

Key metrics considered for assessment would include:

- Calls for service;
- Reduction of overall incidents involving ORVs and Motor Vehicles;
- Impacts on surrounding community (reduction of calls for service); and,
- Compliance rates for municipal By-laws and effectiveness of enforcement strategies.

The key metrics will be reviewed to determine work volume. If additional enforcement and or education are required, it will be submitted via the 2022 Budget enhancement process.

Appendix “B” to Report PED21110 which amends By-law 17-225, a By-law to Establish a System of Administrative Penalties, will also assist as a tool for deterrence and enforcement, by charging the offender with an administrative penalty.

ALTERNATIVES FOR CONSIDERATION

Council may decide that the amount of complaints received by the City pertaining to ORVs is not substantial and that an Off-Road Vehicles By-law is not required.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21110 – Draft Off-Road Vehicle By-law

Appendix “B” to Report PED21110 – Draft By-law amending the APS By-law 17-225

Appendix “C” to Report PED21110 – HPS Report / Event Analysis for Off-Road Vehicles

Appendix “D” to Report PED21110 – MTO – Off Road Vehicle Guidance Document

AP:MC:eo