

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT (Report #)

DATE: Date of meeting
TO: Committee of the Whole
FROM: Cory Smith, A/Director of Public Works
SUBJECT: Review of ATV By-Law

RECOMMENDATION:

THAT Committee of the Whole accept the updates to By-Law 13-108 as amended by By-Law 19-40 as submitted by Staff and that By-Law 13-08 as amended by 19-40 be rescinded and replaced with the revised By-Law.

AND THAT Committee of the Whole Direct Staff to update By-Law 13-108 with Preferred Option as selected by Council to replace Schedule A.

AND THAT Committee of the whole Direct Staff if a 1 year trial period of this revision is recommended.

BACKGROUND:

Staff was directed by Council to review By-Law 13-108, being a by-law to regulate operations of all-terrain vehicles on Highways under the jurisdiction of the Municipality of Mississippi Mills. Staff reviewed the existing by-law, previous reports to council and other relevant information. The review of By-Law 13-108 was prompted by a requirement of the by-law itself to have periodic reviews, in addition a recommendation by the Ontario Provincial Police recommended a review of the existing by-law and develop a short form by-law with a schedule of set fines so that it simplified enforcement of the by-law.

Staff were further directed to review options for areas permitted for ATV use in Mississippi Mills.

DISCUSSION:

Staff worked with Municipal Law Enforcement Services (MLES) to review and update the existing by-law. The main focus was to make general administrative amendments, and to remove section 5.1 and create set fines and short form wording. Section 5.1 was

no longer required as it was a requirement to review the By-Law within 1 year from its enactment. This section was no longer valid. Short form wording with a schedule of set fines was developed in conjunction with MLES. A copy of the revised By-Law and Short form wording have been attached to this report.

Staff have observed limited use of ATV's in current restricted areas. The primary purpose of the contravention has been residents gaining access to trails and areas of permitted use, without having to load the ATV's onto a trailer and haul them a short distance to an area of permitted use. In reviewing the current practices, it should be noted that enforcing the current by-law is difficult as most contraventions are very short trips. Providing limited permission for residents to drive directly to and from their property to access an area of permitted use could be done, but would be difficult to enforce as intent would need to be proven. Allowing residents to drive on all streets would eliminate this burden of proof. However, it does come with concerns from some residents about ATV's on the streets.

It is not recommended at this time to permit ATV's in the downtown core.

Staff have also provided options for areas where ATV use would be permitted in Mississippi Mills. At this time, the options are to maintain existing conditions, alternatively to allow use for ATV's on all roads with the exception of the Downtown Core (As per Figure 1), or Maintaining the existing restrictions, with allowing limited permission for residents to travel directly from their residences to and from an area of permitted use while completely maintaining the existing restrictions for streets in the downtown core (As per Figure 2).

OPTIONS:

1. Committee of the whole can accept the updated by-law and short form wording as written, with schedule A reflecting existing conditions
2. Committee of the whole can accept the updated by-law and short form wording as written, with schedule A as per Revision 1 (Figure 1)
3. Committee of the whole can accept the updated by-law and short form wording as written, with schedule A as per Revision 2 (Figure 2)
4. Committee of the Whole can choose any option from the above and include recommendations for a 1 year trial period and require staff to report back after a 1 year trial period

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

SUMMARY:

Staff have reviewed and updated By-Law 13-108 as amended by By-Law 19-40, with administrative amendments and the inclusion of short form wording to include a set schedule of fines. In addition, options are provided for committee to review for the purposes of revising the permitted areas for use in Mississippi Mills. Staff recommend that ATV's not be permitted in the downtown core and that any changes be included as a trial for a period of 1 year with staff reporting back to Council at the end of the 1 year period. Once the By-Law has been finalized, the short form will be sent to the province for final approval and the changes will be communicated to the residents on our website and social media.

Respectfully submitted by,

Reviewed by:

Cory Smith,
A/Director of Public Works

Ken Kelly,
CAO

ATTACHMENTS:

1. Draft ATV By-Law
2. Draft Short Form Wording
3. Figure 1 (Revision 1 for Schedule A)
4. Figure 2 (Revision 2 for Schedule A)