



## MUNICIPALITY OF **West Elgin**

### Staff Report

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**Report To:** Council Meeting  
**From:** J. Nethercott, Clerk  
**Date:** 2020-07-16  
**Report:** 2020-12  
**Subject:** ATV Legislation Updates

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#### **Recommendation:**

That West Elgin Council hereby receives the report from J. Nethercott, Clerk re: ATV Legislation Updates; for information purposes.

#### **Purpose:**

To provide Council with information regarding updates to the ATV Legislation changes that came into effect on July 1, 2020 and the changes that are scheduled to come into force and effect on January 1, 2021.

#### **Background:**

On January 23, 2020 the Clerk reported to West Elgin Council regarding to the up coming changes to the Highway Traffic Act and Off-Road Vehicles. This report stated that regulations would be released between December 2020 and June of 2021 with regards to the changes, which would permit Off Road Vehicles or ATV's to use Municipal Roads unless otherwise prohibited.

At the Council meeting on February 27, 2020 Council received a delegation requesting Council consider allowing ATV's or ORV's access to municipal roads, similar to what neighbouring municipalities have allowed. West Elgin Council requested more information from the delegation as well as information from Staff about this proposal.

Subsequently I have reached out to the Municipality's insurance company, Frank Cowan and received information that allowing ATVs or ORV's on municipal road ways would not affect our insurance and they provided information on what they would need the Club to provide to indemnify the Municipality from liability, if we allow this prior to the legislation changes. I also contacted the Elgin County Engineer, Brian Lima to gain the County's perspective. This has not changed since 2005, they do not wish ATVs or ORVs on their roadways.

On July 1, 2020, the attached information was received, with respect to changes to the types of ORVs or ATVs allowed on roadways under an amendment to the *Highway Traffic Act*, that was to take effect on July 1, 2020. As the municipality does not currently have a by-law to allow ORVs or ATVs on our roadways, this does not affect us. However, contained in this letter was information stating that the *Getting Ontario Moving Act*, is proposed to come into force and effect as of January 1, 2021. This means that all ORVs and or ATVs will be allowed on all roadways, unless a by-law is passed prohibiting these. Once again I reached out to Elgin County Engineer as to his thoughts

and at this time he believes the County's position has not changed and they would need to bring forward a by-law in the future to prohibit ORVs or ATVs on their roadways.

It is the recommendation of Staff, that West Elgin Council do not pass a by-law restricting the use of ATVs or ORVs on municipal roadways, as enforcement of this by-law would be challenging and costly. If West Elgin does nothing, the *Highway Traffic Act*, would govern what is required by riders on roadways and this would be enforced by the OPP.

**Policies/Legislation:**

Getting Ontario Moving Act