

Type of Decision									
Meeting Date	Tuesday, October 17, 2017				Report Date	Thursday, October 12, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

## Snow on Roads and Missing Link Snowmobile Club (MLSC) - Report #17/10/17/1101 Deferred from March/April 2017 - AMENDED

**Subject:**

Use of Municipal Roads for Snowmobile trails.

**RECOMMENDATION:**

**WHEREAS** the 2016/2017 winter season presented significant issues with the use of municipal roads for snowmobiling leaving the municipality in an increased position of liability;

**AND WHEREAS** under Ontario law, a municipality may pass a by-law regulating, governing or prohibiting operation of snow mobiles on municipal roads;

**AND WHEREAS** no such by-law exists in Head, Clara & Maria;

**AND WHEREAS** the Motorized Snow Vehicle Act allows that snowmobiles cross serviced roads at a 90 degree angle;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby:

1. Continue to allow the club groomer to cross municipal roads at a 90 degree angle, paying careful attention to remove as much snow as possible avoiding any build-up of snow on municipal roads;
2. Authorize municipal staff to remove snow placed inadvertently on trail crossings either by the groomer and/or snowmobilers at no cost to the club;
3. Authorize the club to work with municipal employees to have installed various club provided signage and equipment to promote a community safety zone where snowmobile trails travel through residential areas;
4. Prohibit the use of municipal roads including Yates Road and Pine Valley Road for club directed snowmobile traffic;
5. Authorize staff to work with the municipal solicitor to draft a license agreement with the snowmobile club to deal with matters such as permitted and impermissible use,

insurance, liability and rules that apply to the permitted use including a detailed set of operating procedures that would prohibit applying snow to municipal roads and grooming of those roads, how the road and trail will be delineated, proper signage, speed limits etc.

**AND FURTHER THAT** a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive for their information and dissemination to association membership.

### **BACKGROUND/EXECUTIVE SUMMARY:**

This issue was presented to Council in March and April out of a concern for the increased liability for the municipality. Since the issue was deferred to this meeting; Council is to debate and vote on the resolution. The municipal solicitor has provided an opinion for Council's consideration and has offered to draft appropriate agreement to protect the municipality from increased liability due to snowmobiles on municipal roads.

Due to the significant challenges in communications experienced over the past season, this will ensure that the municipal position is known. If there are any accidents or incidents on our roads, this will help to provide evidence of Council completing their due diligence and mitigating damages.

### **Financial Considerations/Budget Impact:**

The above resolution suggests having municipal staff clear excess snow off roads placed by either the groomer or machines while crossing roads free of charge. Council might consider charging for this service.

Should there be a significant incident with the continued practise; the municipality will likely be found liable. With joint and several liability and the deep pocket syndrome, this is not a position which the municipality would like to find itself in.

### **Policy Impact:**

Significant. It is council's legislated obligation to ensure safe travel on municipal roads.

### **Others Consulted:**

Municipal Solicitor  
Municipal Insurer

Approved and Recommended by the Clerk

Melinda Reith, Municipal Clerk

*Melinda Reith*