

Type of Decision							
Meeting Date	Tuesday, September 11, 2018			Report Date	Thursday, August 16, 2018		
Council Decision Required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Priority	X	High	Low
Complies with Current Policy	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Creates New Policy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Aligns with Strategic Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Priority in Asset Management Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Follows Procedure By-law	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Follows Procurement By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Aligns with Zoning By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Aligns with previous Council precedent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
As per Provincial Legislation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Provincial Act or Regulation	Motorized Snow Vehicles Act and the Highway Traffic Act.		
Direction	x	Information Only		Type of Meeting	X	Open	Closed
REPORT TITLE - Snowmobile By-Law							
Report #11/09/2018 - 1003							

Subject: Regulating and governing the operation of Snowmobiles on Municipal Roads

RECOMMENDATION:

That Council adopt the following recommendations.

Resolution #1

WHEREAS Council has an obligation to protect the health and safety of the public under the Municipal Act;

AND WHEREAS many residents and visitors to Head, Clara & Maria enjoy the use of snowmobiles;

AND WHEREAS Council wishes to continue to permit the use of snowmobiles but in a safe and respectful manner, attempting to ensure the safety of riders and the general public alike;

THEREFORE BE IT RESOLVED THAT in order to permit snowmobile use in a safe and controlled manner, and to provide a document which Ontario Provincial Police and any municipal enforcement staff might use to enforce municipal rules, the Council of the United Townships of Head, Clara & Maria does approve the attached by-law number 2018-20, the Snowmobile By-Law as amended to become effective immediately on final passing.

AND FURTHER THAT this by-law be read a first time this 11th day of September 2018.

BACKGROUND/EXECUTIVE SUMMARY:

1. The consultation which occurred in respect to the use of the Algonquin trail identified some resident dissatisfaction with the current status of uncontrolled use of snowmobiles on municipal roads as well as trespass, littering and disrespect for property owners.
2. In order to ensure that respectful controlled use of snowmobiles on municipal roads is legally enforceable by the municipality, a by-law is required.
3. Council has an obligation to the public to ensure public health and safety and enacting a snowmobile by-law will allow council to set times of use and speed limits which the OPP and any municipal enforcement officers in the future may enforce.
4. Occasional enforcement will ensure compliance with rules. Fines will offset costs of enforcement.
5. They may also choose to restrict access to certain roads if they so choose.
6. Staff recommend that all roads be available for respectful, safe use as has been in the past. The only challenge municipal employees ever had with the use of snowmobiles on municipal roads was the speed at which they crossed the roads, at which they travel down the roads and the grooming of municipal roads. The Municipal Act legislates that municipalities must ensure that their roads are maintained to a certain level, and failure to do so will open the municipality up to the Negligence Act. There was never an issue with snow machines travelling respectfully on municipal roads.
7. Staff have received some mixed messages but it is general understanding that the MLSC does not wish to have access to the Algonquin Trail along its length due to some sections which are dangerous and will be costly to build and maintain. That may change in the future. It is understood that at this time, they simply wish to use certain sections based on operations on Crown logging roads and how that might affect riders. They too are concerned for the safety of their riders and wish to keep everyone safe.

Options/Discussion:

1. Option 1 – Don't pass a by-law.

a. Pros

- i. No challenges with enforcement.
- ii. Status quo.
- iii. No local legislation to assist in enforcing speed, or times of use.

b. Cons

- i. No control over use on municipal roads.
- ii. The continued notion that HCM is “the wild west” and rules don't apply will continue for those identified as “weekend warriors” during consultation meetings.
- iii. Continued unchecked damage to municipal roads.
- iv. OPP have no by-law with which to assist with enforcing speed limits, times of use etc.

2. Option 2 – Adopt a municipal Snowmobile By-law.

a. Pros

- i. Provides a framework for legal use of snowmobiles on municipal roads.
- ii. Ideally reduces speed, dangerous driving and damage to municipal roads.
- iii. Curfew allows for quiet enjoyment of property during the night.

b. Cons

- i. Need for concerted efforts with respect to enforcement, otherwise it is useless.
- ii. Costs associated with increase policing costs and/or by-law enforcement costs.

3. Speed Limits – s. 2.4

- a. Other by-laws reviewed note a 20 or 30 kph speed limit in areas with residences/other traffic.
- b. Community Safety Zones?
- c. The draft budget shows legislated limits.
- d. Municipalities may set lower speed limits or additional rules if they choose.

4. Excluded Roads – Schedule required? S2.1

- a. Does Council see any roads which should have access completely excluded?
- b. Section 2.1 speaks to a Schedule which could be attached to exclude any specific road or portion thereof.

5. Time Limits – s 2.3

- a. Most by-laws reviewed initiated a curfew for built up areas of 7:00 a.m. to 11:00 p.m.
- b. The draft currently states only those roads in excluded areas should have time limits.
- c. Staff would recommend that curfews be implemented for all roads with permanent residences.

Financial Considerations – Budget Impact:

Financial considerations would include those for enforcement, advertisement, increased police calls, by-law enforcement. Fines would return revenues to the municipality to offset the costs of by-law enforcement.

Others Consulted:

OPP, appropriate legislation, various municipal Snowmobile By-Laws – City of Pembroke, Town of Renfrew, City of Greater Sudbury and others...

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

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