

ALL TERRAIN VEHICLES (ATV) POLICY/BYLAW

BY-LAW 2011-150



MAY 6, 2013

BACKGROUND



- ON JUNE 29, 2011, CITY COUNCIL PASSED BY-LAW 2011-150 WHICH AUTHORIZES ALL TERRAIN VEHICLES (ATVs) ON CERTAIN CITY STREETS
- COUNCIL IMPLEMENTED THE BY-LAW FOR A TWO YEAR TRIAL PERIOD
- THE SITUATION WAS MONITORED AND WE ARE NOW REPORTING BACK TO COUNCIL ON THE SUCCESS OF THE TRIAL PERIOD. SPECIFICALLY, COUNCIL WANTED TO CONSIDER THE FOLLOWING TWO ISSUES;
 1. WHAT TRAFFIC, ROAD, STUNT DRIVING (DANGEROUS OR RECKLESS DRIVING), ISSUES OF TRESPASSING AND DESTRUCTION OF PUBLIC AND PRIVATE PROPERTY WERE OBSERVED OVER THE TIME PERIOD OF THE TRIAL BY-LAW;
 2. WHAT PROGRESS WOULD BE MADE TOWARD THE DEVELOPMENT OF AN ATV ASSOCIATION, SIMILAR TO THE SNOWMOBILE ASSOCIATION, WHICH COULD ASSIST IN THE DEVELOPMENT OF A TRAIL NETWORK

FAQS/ FOIRE AUX QUESTIONS

Combien de temps le règlement municipal sera-t-il en vigueur?

Le Conseil a adopté un règlement municipal à l'essai pour deux ans. Durant cette période, le personnel municipal en évaluera les réussites et les échecs. On pourra le reconduire en fonction des résultats de ces deux années.

Qui veille à l'exécution du règlement municipal?

C'est le Service de police du Grand Sudbury qui veille à l'exécution du *Règlement municipal sur les véhicules tout terrain (VTT)*.

Dois-je porter un casque?

OUI! Il faut porter un casque de motocycliste approuvé. On devrait également porter des chaussures et des vêtements appropriés, ainsi qu'un dispositif de protection des yeux et des gants.

Quelles sont les vitesses maximales pour les VTT?

- 20 km/h sur les routes et les chemins dont la limite est de 50 km/h ou moins
- 50 km/h sur les routes et les chemins dont la limite est supérieure à 50 km/h.

À quel temps pendant la journée puis-je conduire mon VTT sur une route publique?

Les VTT ne peuvent pas circuler sur une route publique entre 23 h et 7 h.

À quel temps pendant l'année puis-je conduire mon VTT sur une route publique?

Les VTT ne peuvent pas circuler sur une route publique à partir du 1^{er} décembre jusqu'au 1^{er} avril.

AI-je besoin d'une assurance?

OUI! Dans les limites du Grand Sudbury, les VTT doivent être immatriculés et assurés.

Les véhicules utilitaires côte-à-côte, sont-ils autorisés par le règlement municipal en question?

NON! Aux fins du règlement municipal, les VTT sont définis comme suit :

- ils ont quatre roues, dont les pneus sont tous en contact avec la route;
- ils ont un guidon de direction;
- ils ont un siège que le chauffeur doit enfourcher;
- ils sont conçus pour transporter uniquement une conductrice ou un conducteur, sans passagers.

Quel âge dois-je avoir pour conduire un VTT?

Il faut avoir au moins 16 ans et posséder un permis de conduire valide (catégorie A, B, C, D, E, F, G, G2, M ou M2).

Puis-je avoir un passager?

NON! Les passagers sont interdits en tout temps sur les VTT empruntant les routes publiques du Grand Sudbury.

Où puis-je conduire mon VTT légalement (sur une route publique) au Grand Sudbury?

- Les VTT peuvent circuler sur l'accotement et peuvent emprunter la partie carrossable de la route lorsque celui-ci est impraticable ou dangereux.
- Il faut conduire un VTT dans la même direction que les autres véhicules se déplaçant sur les routes.
- La Ville du Grand Sudbury a conçu une carte indiquant les rues publiques que les VTT peuvent emprunter ainsi qu'une liste de ces rues, où l'on peut taper le nom de n'importe quelle rue du Grand Sudbury afin de savoir si les VTT y sont admis.

Où est-il interdit de conduire mon VTT au Grand Sudbury?

Sur toute route publique interdite par le règlement municipal.

Puis-je consommer de l'alcool en conduisant un VTT?

Il est illégal de conduire un VTT sous l'influence de l'alcool ou de drogues.

Si la conductrice ou le conducteur d'un VTT a des facultés affaiblies, un taux d'alcoolémie qui dépasse 80 mg pour 100 ml de sang (0,08), ou si cette personne refuse de subir un alcootest, la police peut porter une accusation contre lui en vertu du *Code criminel du Canada*.

How long is the by-law in effect?

Council has approved a by-law for a two-year trial basis. During this time, City staff will monitor what is and is not working. An extension to the by-law will be considered by council based on the outcome of two-year trial basis.

Who will be enforcing the by-law?

The Greater Sudbury Police will enforce the ATV by-law.

Do I have to wear a helmet?

YES! Riders must wear an approved motorcycle helmet. Riders are encouraged to wear appropriate footwear and clothing as well as eye protection and gloves.

What are the speed limits for ATVs?

- 20 km/h – on highways/roads where the speed limit is 50km/h or less.
- 50 km/h – on highways/roads where the speed limit is more than 50km/h.

What are the time of day restrictions for operating my ATV on Public Roads?

ATVs are NOT permitted to operate on public roads between the hours of 11pm on any day and 7am of the next following day.

What are the time of year restrictions for operating my ATV on Public Roads?

ATVs are NOT permitted to operate on public roads from December 1st in any year and before April 1st of the next following year.

Do I need insurance?

YES! Within the City of Greater Sudbury ATVs must be registered and insured.

Are "Side by Side" UTVs (Utility Task Vehicle) permitted in this bylaw?

NO! ATVs (All Terrain Vehicles) for the purpose of this bylaw are defined as:

- Has four wheels, the tires of which are all in contact with the road;
- Has steering handlebars;
- has a seat that is designed to be straddled by the driver; and
- is factory designed to carry a driver only and no passengers.

How old do I have to be to operate an ATV on a public road in the City of Greater Sudbury?

You must be at least 16 years of age and possess a valid driver's license. (Classes: A, B, C, D, E, F, G, G2, M or M2).

Can I have a passenger?

NO! Passengers are not allowed under any circumstance on an all terrain vehicle on a public road within the City of Greater Sudbury.

Where can I legally operate my ATV (on a public road) in the City of Greater Sudbury?

- Can operate on the shoulder or move to the travelled portion of a highway if the shoulder is impassable or unsafe.
- Riders must operate their ATV in the same direction as traffic on roads/highways.
- The City of Greater Sudbury has created a map that shows which public streets ATVs are allowed to operate on, as well as an ATV street look-up, where users can type in any street within the CGS and learn if ATVs are allowed or not allowed.

Where is it illegal for me to operate my ATV in the City of Greater Sudbury?

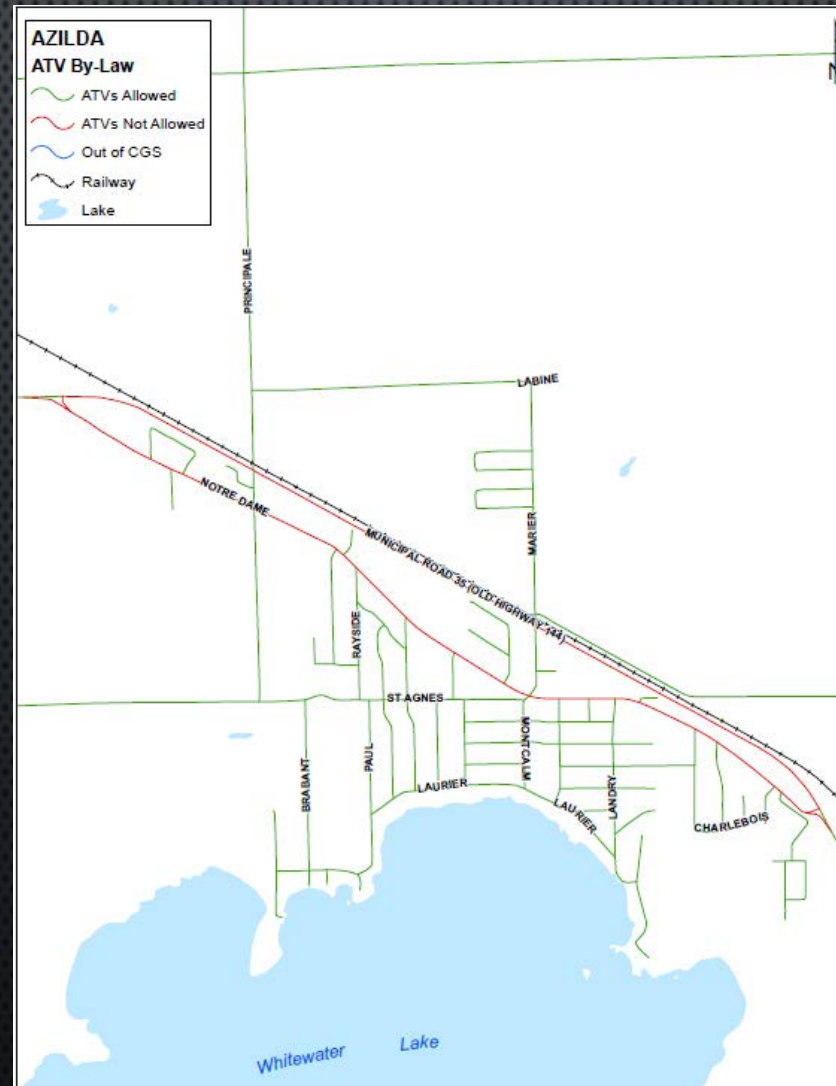
On any public road prohibited by the by-law

Can I drink alcohol while operating my ATV?

It's against the law to operate an all terrain vehicle when impaired by alcohol or drugs.

If the ATV driver is impaired or has a blood alcohol concentration of more than 80 milligrams in 100 millilitres of blood (.08), or if the driver refuses to take a breathalyzer test, the police can lay a charge under the Criminal Code of Canada.

COMMUNITY MAPS/CARTES DES COMMUNAUTÉS



STREET LOOKUP / RECHERCHE DES RUES

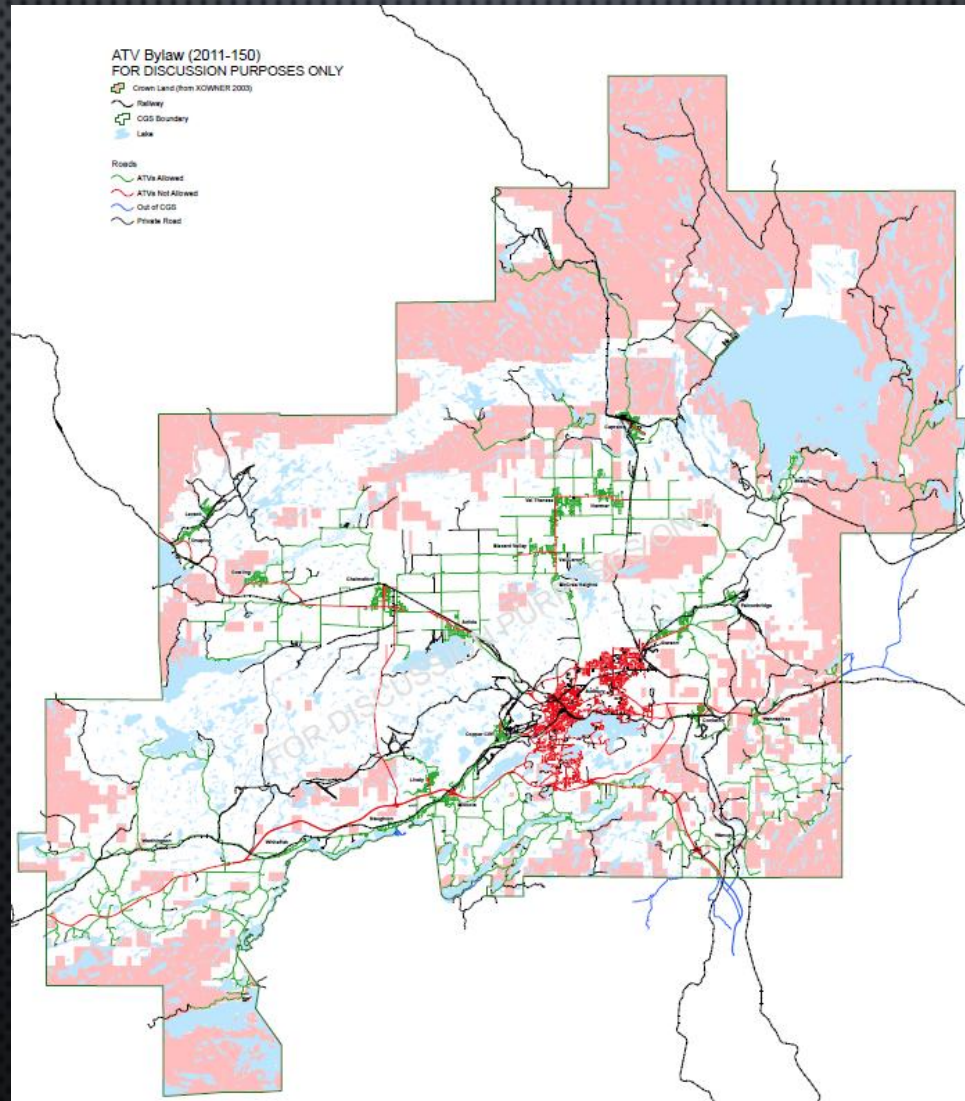
ATV Streets

Search using a full or partial street name to get started.

Search

© 2012 City of Greater Sudbury

CROWN LAND BASE



LOCAL ASSOCIATION DEVELOPMENT

- THE GREATER SUDBURY ATV ASSOCIATION HAS BEEN ACTIVE FOR APPROXIMATELY ONE YEAR
- APPROXIMATELY 100 MEMBERS
- [HTTP://WWW.GREATERSUDBURYATV.COM/](http://www.greatersudburyatv.com/)
- THE GOALS OF GREATER SUDBURY ATV ARE TO, “PROMOTE SAFE AND RESPONSIBLE ATV USE THROUGH RIDER EDUCATION.” THEY ALSO INTEND TO DEVELOP, MAINTAIN AND MONITOR LEGAL TRAIL NETWORKS WITHIN GREATER SUDBURY
- THE CHELMSFORD COMMUNITY ACTION NETWORK (CAN) IS EXAMINING WAYS TO ESTABLISH AN ASSOCIATION WITH A MANDATE OF DEVELOPING A TRAIL NETWORK
- FROM A STAFF STANDPOINT, WE FEEL THESE GROUPS ARE RESPONDING TO COUNCIL’S DESIRE TO SEE A TRAIL ASSOCIATION DEVELOP WITHIN GREATER SUDBURY



COMPLAINTS/CONCERNS



- THE ACTIVE CITIZEN REQUEST (ACR) SYSTEM WAS MODIFIED TO ASSIST STAFF IN MONITORING ATV COMPLAINTS, COMMENTS OR CONCERNS THROUGH THE 311 SYSTEM
 - **26** ACR INTERACTIONS WERE RECORDED DURING THE MONITORING PHASE OF THE TEMPORARY BY-LAW
 - **16** WERE GENERAL QUESTIONS (WHAT ROADS ARE PERMITTED, SPEED LIMITS, HOW OLD DOES THE DRIVER NEED TO BE, HOW MANY PASSENGERS ARE ALLOWED?...)
 - **4** COMPLAINTS WERE RECEIVED
 - **6** ADDITIONAL COMMENTS/SUGGESTIONS WERE RECEIVED, 4 WERE POSITIVE ON THE USE OF ATVs ON AREA ROADWAYS
- BASED ON THE MONITORING OF THIS ISSUE TO DATE, WE DO NOT FEEL THAT THERE HAVE BEEN A SIGNIFICANT AMOUNT OF PROBLEMS ASSOCIATED WITH THE USE OF ATVs ON AREA ROADS SINCE THE BY-LAW WAS PASSED
- IT SHOULD BE NOTED THAT STAFF HAVE RECEIVED 3 EMAIL MESSAGES FROM A CAPREOL RESIDENT AND 1 FROM A COPPER CLIFF RESIDENT IN OPPOSITION TO THE USE OF LOCAL ROADS FOR ATVs IN THE PAST FEW WEEKS

SIDE BY SIDES & “2-UPS”



- A SIDE-BY-SIDE OFF-ROAD VEHICLE HAS DRIVER AND PASSENGER SEATING BESIDE EACH OTHER, SIMILAR TO A CAR. IT IS USUALLY BUILT WITH A HOOD, A STEERING WHEEL AND FOOT PEDALS, INSTEAD OF A MOTORCYCLE-TYPE HANDLE BAR AND THUMB THROTTLE
- A 2-UP IS SIMILAR TO AN ATV BUT IS FACTORY DESIGNED AND BUILT WITH A PASSENGER SEAT DIRECTLY BEHIND THE DRIVER'S SEAT
- LIKE ATVS, THESE VEHICLES MUST BE REGISTERED, DISPLAY A REAR LICENCE PLATE (EXCEPT IN EXEMPT AREAS SUCH AS FAR NORTHERN ONTARIO) AND BE INSURED UNDER A MOTOR VEHICLE LIABILITY POLICY
- THESE VEHICLES ARE PROHIBITED FROM PROVINCIAL HIGHWAYS AND MUNICIPAL ROADS BUT THEY CAN BE LEGALLY DRIVEN ON PRIVATE LAND WITH OWNER'S PERMISSION & ON CROWN LANDS
- ALL ATVS CAN TRAVEL DIRECTLY ACROSS HIGHWAYS (WHERE PERMITTED), IF THE DRIVER IS AT LEAST 16 YEARS OF AGE AND HOLDS A VALID DRIVER'S LICENCE
- [HTTP://WWW.MTO.GOV.ON.CA/ENGLISH/PUBS/ATV/ATV-EN.PDF](http://www.mto.gov.on.ca/english/pubs/atv/atv-en.pdf)

Some examples of vehicles that will be allowed and not allowed under the proposed City of Greater Sudbury ATV By-law



Dirt bikes are not allowed on the road under this By-law.



Utility Task Vehicles (UTVs) or "Side-by-Sides" are not allowed on the road under this By-law



ARGO UTVs are not allowed on the road under this By-law



Three-wheelers (trikes) are not allowed on the road under this By-law



ATVs with 4 wheels and a seat designed to be straddled by the driver are allowed on the road under this By-law



Aftermarket 2-up seats are permitted, however passengers are not allowed on the road under this By-law



ATVs with more than 4 wheels are not allowed on the road under this By-law



Factory built 2-up-seat ATVs are not allowed on the road under this By-law

ROAD ISSUES

- INFRASTRUCTURE SERVICES CONCERNS AS A RESULT OF OFF-ROAD VEHICLE USE OVER THE PAST 2 YEARS
 - DEFINITE INCREASE IN MAINTENANCE TO THE SHOULDERS OF THE ROAD AS A RESULT OF OFF ROAD VEHICLE USE
 - “CHEWING UP” OF THE EDGE OF PAVEMENT IN CERTAIN LOCATIONS, AS A RESULT OF OFF-ROAD VEHICLES
 - NOT ABLE TO QUANTIFY THE IMPACT TO THE ROADS BUDGET, BUT AGREED THERE WAS AN INCREASE IN MAINTENANCE



POLICE / BY-LAW



- THE BY-LAW HAS WORKED WELL FROM AN ENFORCEMENT PERSPECTIVE
- MOST ATV RIDERS ENCOUNTERED ARE STOPPING FOR POLICE
- RECEIVED LESS ATV COMPLAINTS IN GENERAL NOW THAT RIDERS HAVE AUTHORITY TO RIDE ON THE ROAD DURING SPECIFIED TIMES
- THE COMPLAINTS RECEIVED DO NOT APPLY TO THE BY-LAW AND ARE NOT COMPLAINTS ABOUT OPERATORS DRIVING ON THE HIGHWAY; RATHER ATV RIDERS WITH NO HELMETS, NO PLATES, DRINKING AND RIDING ETC
- IN 2012 POLICE RESPONDED TO 3 MOTOR VEHICLE COLLISION FATALITIES INVOLVING OFF ROAD VEHICLES. NONE OF THESE FATALITIES OCCURRED ON HIGHWAYS WITHIN THE CITY OF GREATER SUDBURY
- MANY CALLS AND QUESTIONS AS TO WHY “SIDE-BY-SIDE” VEHICLES ARE NOT INCLUDED IN THE BY-LAW

ADDITIONAL ISSUES - WINTER USE



- SUGGESTION FOR WINTER USE — FOR RECREATION AND SNOW PLOWING
- THERE IS LESS DAYLIGHT DURING THE WINTER WHICH MAY IMPACT SAFETY
- ROADS CAN BECOME NARROWER DUE TO SNOW STORAGE WHICH WOULD REQUIRE ATVs TO TRAVEL MORE IN THE MIDDLE OF THE ROAD
- HIGHER SNOW BANKS MAY MAKE IT MORE DIFFICULT TO SPOT AN ATV AT INTERSECTION OR WHEN EXITING DRIVEWAYS
- WINTER ROAD USE WAS NOT MONITORED THESE PAST 2 YEARS AS IT WAS NOT PERMITTED, SO THERE IS NO LOCAL EXPERIENCE WITH RESPECT TO THE CONCERNS RAISED
- STAFF ARE RECOMMENDING THAT SHOULD WINTER ROAD USE BE PERMITTED, IT BE MONITORED AND COUNCIL BE PROVIDED WITH AN ANNUAL ASSESSMENT OF THIS ASPECT OF THE BY-LAW



RECOMMENDATIONS

- THAT COUNCIL AMEND BY-LAW 2011-150, TO PERMIT AND REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES (ATV) ON CERTAIN HIGHWAYS FOR A TEMPORARY PERIOD, BY DELETING SECTION 9;
- AND THAT BY-LAW 2011-150 BE AMENDED TO PERMIT THE OPERATION OF ATVs ON AREA ROADS BETWEEN DECEMBER 1 AND MARCH 31, IN ADDITION TO BEING PERMITTED BETWEEN APRIL 1 AND NOVEMBER 30, OF ANY GIVEN YEAR ON THOSE ROADS IDENTIFIED IN THE BY-LAW;
- AND THAT COUNCIL FORMALLY ADVISE THE PROVINCE OF ONTARIO, BY SENDING A LETTER TO THE MINISTER OF TRANSPORTATION, OF ITS INTEREST TO ENTER INTO A DISCUSSION WHICH WOULD ALLOW MUNICIPALITIES THE AUTHORITY TO PERMIT THE USE OF LOCAL ROADS FOR "SIDE-BY-SIDES", AND "TWO-UPS";
- AND THAT THE USE OF ATVs ON LOCAL ROADS BE MONITORED BY STAFF AND BE REPORTED TO COUNCIL OF THE CITY OF GREATER SUDBURY AS REQUIRED;
- AND THAT THE TITLE OF THE BY-LAW BE AMENDED TO DELETE THE REFERENCE TO TEMPORARY