

**THE CORPORATION OF TAY VALLEY TOWNSHIP**

**BY-LAW NO. 10-091**

A By-law to establish an ATV Task Force and adopt Terms of Reference for said Task Force.

WHEREAS pursuant to Section 5 (1) of the Municipal Act, S.O. 2001 c.25, the powers of a municipality shall be exercised by its council;

AND WHEREAS pursuant to Section 5 (3) of the said Act a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 191.8(1) of the Highway Traffic Act, R.R.O. 1990 c.H.8, states that "No person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws";

AND WHEREAS Sections 191.8(3) of the said Act states that a municipality may pass by-laws:

- “(a) permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;
- (b) prescribing a lower rate of speed for off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways.”

AND WHEREAS, the Council of Tay Valley Township deems it expedient to establish an ATV Task Force and adopt a terms of reference for the said Task Force to determine;

NOW THEREFORE the Council of the Corporation of Tay Valley Township enacts as follows:

1. That the ATV Task Force – Terms of Reference, attached hereto as Schedule “A”, be adopted.
2. Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.
3. That the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read and passed this 23<sup>rd</sup> day of November, 2010.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

**ATV TASK FORCE  
TERMS OF REFERENCE**

In recognition of the need for discussion and research on allowing ATV usage on township roads, pursuant to the Highway Traffic Act, Tay Valley Township deems it appropriate to establish an ATV Task Force.

**MANDATE**

The purpose of the Task Force is to provide advice to Council on whether or not to allow ATV usage on township roads. To fulfill its mandate it is anticipated the Working Group will, among other things:

- Research best practices from other local municipalities;
- Review associated insurance and liability issues;
- Consider the health and safety of residents and visitors, including ATV users, cyclists, pedestrians and motorists;
- Receive public feedback;
- Suggest suitable roads to allow access to and from different off-road trails, as well as user requirements and conditions, if allowance is supported; and
- Recommend an acceptable solution to Council by April 30, 2011.

**REPORTING RESPONSIBILITY**

The ATV Task Force will communicate its findings and recommendations to the Committee of the Whole by April 30, 2011. Attendance and agenda topics will be coordinated through the Chief Administrative Officer or designate. Updates on the work of the Working Group will be communicated to Committee of the Whole on a regular basis by the Council Member representatives.

**MEMBERSHIP**

The ATV Task Force shall comprise a maximum of eight (8) members, appointed at the beginning of the Council term by Council, comprised of the following:

- Two (2) Council Members, with one (1) acting as Chair, the other as alternate Chair
- Four (4) residents with at least two (2) ATV users.

In addition, the following persons will serve in a non-voting/resource capacity:

- One (1) representative of the Ontario Provincial Police, preferably the Detachment Commander or designate
- One (1) staff representative from the Public Works Department, namely the Superintendent or designate.

The Chief Administrative Officer shall act as a resource person to the Task Force and coordinate the work and meetings of the group.

## **MEETINGS**

The Task Force will meet at least monthly or at the call of the Chair or alternate Chair. Agendas will be posted on the Township website one week prior to the meeting. The Chief Administrative Officer or designate will act as Recording Secretary. Meeting Minutes will be action-only and will record those members in attendance and any topics discussed. A quorum of members (50% plus one) will be required for a meeting to take place. All meetings will be open to the public. Meetings will generally occur at the Township Office.

## **TERM**

The term of appointment shall be for a period of less than one year at the pleasure of Council. The Task Force will dissolve once its final report is presented to Committee of the Whole.