

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

**PUBLIC MEETING MINUTES DRAFT ATV BY-LAW REVIEW
MONDAY, APRIL 14, 2008 FROM 7:00 TO 9:22 P.M.
FENELLA COMMUNITY HALL**

1. CALL TO ORDER – 7:04 P.M.

The Clerk/Administrator, Terrence Korotki conducted introductions of the Council Members and staff in attendance.

Listing of individuals in attendance as noted on Attendance Sheets:

- Jan van Kamper
- Alan Wilson
- Joyce and Mike Higgs
- Tom Nice
- Gary Settingington
- Stephen Goodrich
- Doug Rout
- Owen Cooney
- Jerome Calnan
- Howard Toyne
- Randy Walton
- Ken Nelson
- Doug Higgins
- Arlene Smith
- George Chisolm
- Mike Browning
- Jenny Gicksohn
- Lynn Noseworthy, Medical Officer of Health
- Doreen Boville
- Alex Weaver
- Craig Smith
- Don Ferguson
- Jim Blakley
- Mike Heales
- Linda Moore-Cann
- Fran Jack
- Rob Dekeyser
- Rebecca Mahn
- Brenda Russell
- Nathan & Triccia McAllister
- Keith Kydd
- Vanessa Lalonde
- Arthur Fydirchuk
- Ed Keithsworth
- Julie Davey
- Doug Koekstra
- Wayne Hammond
- Dave Rahme
- Tony Virag
- Herbert Nehr
- Bryan Sherwin
- E. K. Ainsworth
- Barry Blackburn
- Jim Stanley
- Brian Archibald
- Frank Griffis
- Jackie Chapman
- Patty Green
- Eleanor Olmsted
- David Jones
- Hans Maas
- Nick Vanderknokke
- Gretchen Harris
- Bryan Quinlan
- Jane Gillespie
- Alasdair Gillespie
- Dan Quinlan
- Garnet Stickenreiter
- Heinz Dudichum
- Archie McGeachy
- Maura McGeachy
- Barry Surerus
- Don Brown
- Kelly Leclerc
- Wayne Trudeau
- Anna Trudeau
- Jocelyne Weaver
- Kevin Smith
- Mike Matiyek
- Brian Mutton
- John Reymes
- Rick Galbraith
- Paul Wells
- Neil Thornton
- Samantha MacDonald
- Susan Hearty
- Lori Anderson
- Terrace Good
- Mike Lalonde
- Eric Childs
- Rob Smith
- Karen Becker
- Barry Davey
- Karen Boyle
- Luke Bevan
- Peter Kegg
- Glen Barrett
- Brighte Nehr
- Greg McCracken
- Pat Blackburn
- Jan Kopf
- Glen Ferguson
- Doug Stewart
- Steve Chapman
- Jeff Muldran
- R. M. Quinn
- C. Ainsworth

The Clerk/Administrator, Terrence Korotki read in full the following Draft By-Law, as being presented and discussed at this meeting:

“THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. –2008

BEING A BY-LAW TO PERMIT THE OPERATION OF OFF-ROAD VEHICLES ON ANY HIGHWAY WITHIN THE TOWNSHIP OF ALNWICK/HALDIMAND THAT IS UNDER THE JURISDICTION OF THE TOWNSHIP OF ALNWICK/HALDIMAND, OR ON ANY PART OR PARTS OF SUCH HIGHWAYS

THIS BY-LAW IS IN CONJUNCTION WITH ONTARIO REGULATION 316/03 MADE UNDER THE HIGHWAY TRAFFIC ACT

WHEREAS the Highway Traffic Act R.S.O. 1990, Section 191.8(1) Chapter H.8 as amended, 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 Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended, states that the Council of a municipality may pass by-laws;

- a) Permitting the operation of off-road vehicles with 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 highways;
- b) Prescribing a lower rate of speed for all-terrain 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 Section 4(2) of the Ontario Regulation 316/03 states that All-terrain vehicles may be driven on a highway listed in Schedule B only if, in addition to meeting the requirements of Part III, there is only one driver and no passenger on the all-terrain vehicle at the time.

AND WHEREAS Section 48 of Schedule B on the Ontario Regulations 316/03 states that every highway or part of a highway in a municipality on which an All-terrain vehicle (ATV) is permitted to operate under the authority of by-law made by the municipality under subsection 191.8(3) of the Act, but only during the months or hours specified in the by-law if the by-law limits the operation of an ATV on a highway or part of a highway within the municipality to certain months or hours.

NOW THEREFORE the Council of the Township of Alnwick/Haldimand, by its Council, hereby ENACTS as follows:

1. Definitions:

“All Terrain Vehicles” shall mean an off-road vehicle that:

- (a) Has four wheels, the tires of which are in contact with the ground;
- (b) Has steering handlebars;
- (c) Has a seat that is designed to be straddled by the driver, and
- (d) Is designed to carry a driver only and no passengers;
- (e) Has headlights, taillights that must be on at all times;
- (f) Must have an operating brake light;

- (g) Must have a minimum of one mirror that must be mounted on the left side of the all terrain vehicle to allow the driver to see traffic approaching from the rear;
- (h) Has all terrain vehicle license plate and insurance.

“Highway” shall include a common and public highway, street, avenue, parkway and driveway, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Low Pressure Bearing Tire” shall mean a wide, balloon type tire with rounded cross sections and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi).

“Off Road Vehicle” shall mean an off-road vehicle within the meaning of the Off Road Vehicles Act, O. Reg. 316/03, and S.1.

2. Regulation of All Terrain Vehicles on Highways.

An all terrain vehicle shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03 and is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, S.6.

An all terrain vehicle shall not be driven at a rate of speed greater than:

- (a) 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 50 kilometers per hour.
- (b) 35 kilometers per hour, if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is greater than 50 kilometers per hour.

All terrain vehicles are not permitted to ride on any municipal roads covered by this by-law between the hours of 10 p.m. and 6 a.m.

An all terrain vehicle shall comply with the following provisions:

- (a) No driver of an ATV shall drive on a municipal road without wearing an approved helmet.
- (b) No driver of an ATV shall operate such vehicle on any municipal road without a valid driver's license.
- (c) No driver of an ATV shall carry any passenger while operating on any municipal road.
- (d) No driver of an ATV shall operate without valid insurance coverage on said vehicle on any municipal road covered by this by-law.
- (e) No driver of an ATV shall operate on any municipal road covered by the by-law without licensing such vehicle.
- (f) Driver must operate ATV in same direction as traffic.
- (g) All ATV's shall travel on shoulder of road, but may operate on road if shoulder is not safe.
- (h) No person shall change or alter the exhaust system of an ATV to exceed the manufacturer's recommended decibel level of (NOTE: this information is not available at this time. I will supply this info as soon as I receive it)

3. General

Operation of all terrain vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Corporation of the Township of Alnwick/Haldimand.

Operation of all terrain vehicles shall be permitted on the extreme right hand side of the highway road surface only and in accordance with Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicle Act, as amended.

All terrain vehicles are restricted to the parking areas only of any municipal park.

4. Penalties

Any person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

5. Validity

If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

6. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Alnwick/Haldimand.

This By-law read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this day of , 2008."

The Clerk/Administrator, Terrence Korotki read the following written correspondence that had been received with respect to this meeting:

Hugh Auld	April 14, 2008 by email
K. T. Misener	April 13, 2008 by email
Jean Long & Jessica Charnock	April 13, 2008 by email
Joan Bale and Family	April 13, 2008 by email
Mike Browning	April 13, 2008 by email
Richard Homme	April 13, 2008 by email
Stephen Arnold & Linda Arnold	April 13, 2008 by email
Brian Barlow	April 13, 2008 by email
Vivian VandenHazel	April 05, 2008 by email
Gretchen Harris	April 03, 2008 by email
Neil Jagger	March 30, 2008 by email
Gretchen Harris	March 27, 2008 by email
Christine Borsuk	March 26, 2008 by email
Robert, Angela and Ethan Taylor	March 26, 2008 by email
Gretchen Harris	March 25, 2008 by email
Howard Higgins	March 25, 2008 by email
Vivian VandenHazel	March 18, 2008 by email
Scott Falconer	March 18, 2008 by email
Gretchen Harris	March 17, 2008 by email
Gretchen Harris	March 05, 2008 by email
Terrace Good	February 11, 2008 Canada Post

Other Correspondence:

Letter from Northumberland County addressed to Honourable Jim Watson, Minister, Municipal Affairs and Housing dated March 4, 2008.

Additional Correspondence received after the listing above was printed:

Eleanor Olmsted	April 10, 2008 letter faxed April 14/08
Terrace Good	April 14, 2008 letter faxed April 14/08
Pat and Griff Sherbin	April 14, 2008 email
Dennis Zezula	April 14, 2008 email
Christine Borsuk	April 14, 2008 email
Willow Beach Field Naturalists	January 25, 2008 letter rec'd Jan30/08

2. DELEGATIONS – MAXIMUM OF 5 MINUTES EACH:

One individual representing a group will be given up to five (5) minutes to make their presentation.

Repetitious presentations will not be permitted.

Written submissions of presentations are appreciated and will be included in the Minutes of this Public Meeting.

A) ALNWICK/HALDIMAND TOWNSHIP RESIDENTS

7:23 – 7:28 Mike Ainsworth, 841 Shelter Valley Road – President, Northumberland and District (All Terrain Vehicle)ATV Club, and resident of Alnwick/Haldimand.

I HAVE BEEN SPEARHEADING THIS REQUEST FOR AN ATV BY-LAW WITHIN ALNWICK/HALDIMAND FOR BOTH OUR CLUB AND FOR MYSELF PERSONALLY AS A TAX PAYING CITIZEN OF THIS MUNICIPALITY.

I AM A RESPONSIBLE LIENCED DRIVER AND REGULATION 316/03 GIVES ME THE AVENUE TO REQUEST THIS MUNICIPALTY - ACCESS TO THE SIDES OF THE ROADS

ANY ARGUMENTS USED AGAINST THE USE OF ATVS ON THE ROADS IN THIS MEETING TONIGHT COULD BE USED AGAINST ANY MODE OF TRANSPORTATION USING OUR ROADS TODAY

RECOGNIZING THE NEED TO HAVE LAWS PERTAINING TO ATVS ON THE ROADS

REGULATION 316/03 WAS PUT TOGETHER BY THE MINISTRY OF TRANSPORTATION AFTER CONSULTATION WITH CATV, OFATV, MANUFACUTERS, HEALTH ORGANIZATIONS, OSFC AND OTHER STAKEHOLDERS.

ATVING IS THE FASTEST GROWING RECREATIONAL ACTIVITY IN ONTARIO TODAY.

WHEN I STARTED THIS CAMPAIGN I SPOKE ABOUT THE ECONOMIC SPIN OFFS. THE NEW CLUTE & ASSOCIATE REPORT IS THE FIRST REPORT TO ADDRESS THESE ECONOMIC SPIN OFF IN ONTARIO

THE CLUTE REPORT WAS PREPARED ON BEHALF OF THE ONTARIO MINISTRY OF HEALTH PROMOTIONS IN 2007. IT STATES THAT ONTARIO SHOULD EXPECT TO FACE INCREASE DEMAND FOR FACILITIES FOR AN ADDITIONAL ¼ OF A MILLION RECREATIONAL ATVS BEFORE 2010 AND A DOUBLING OF CURRENT NUMBERS BY 2020.

PROJECTED ECONOMIC IMPACTS THROUGH THE SALE AND USE OF ATV'S IN ONTARIO IN 2015 ARE:

TOTAL REVENUE: \$1,312,952,699
TOTAL JOBS: 12,930
TOTAL TAXES: \$ 337,602,696

RECENT DATA PUBLISHED IN DECEMBER 2006 BY THE CANADIAN OFF HIGHWAY VEHICLE DISTRIBUTERS COUNCIL INDICATED THAT CANADIANS SPENT 3.3 BILLION DOLLARS IN 2005 IN ACTIVITIES INVOLVING 975,000 OPERATING ATVS.

AN THE ESTIMATED NUMBER OF ATVS IN ONTARIO IN 2007 ACCORDING TO THE CLUTE REPORT WAS 327,762 THE OPP PROVINCIAL ALL TERRAIN VEHICLE FATALITIES STATISTICS FOR 2007 UP UNTIL 04 NOVEMBER WERE:

IN ONTARIO 25 FATALITIES

THIS IS AN ATV FATALITY RATE IS .008 %

UNFORTUNATLY IN NORTHUMBERLAND COUNTY THERE WERE 2 FATALITIES.

BOTH OF THESE FATALITIES HAPPENED OFF ROAD.

ATV BY LAW IN ALNWICK/HALDIMAND MAKES SENSE. IT WILL ALLOW ATVERS THE LEGAL USE OF THE SIDES OF THE ROADS AT A REDUCED RATE OF SPEED SO THEY CAN ENJOY THEIR CHOICE OF RECREATIONAL ACTIVITY. AT THE SAME TIME THE TOWNSHIP WILL BENEFIT FROM THE ECONOMIC SPIN OFF

WHETHER WE HAVE A BY-LAW OR NOT THE ACTIVITIES GOING ON IN OUR TOWNSHIP WILL CONTINUE. IT HAS BEEN THIS WAY FOR YEARS, BUT THE NON-EXISTANCE OF THIS BY-LAW IS PUTTING LAW ABIDING CITIZENS AT RISK ENJOYING THEIR SPORT. IT IS MAKING THEM CHEAT, BREAK THE LAW AND TRESPASS WITH A "CATCH ME IF YOU CAN" ATTITUDE. THIS MAKES IT UNSAFE FOR ALL INVOLVED. OUR CLUB AND ALL ATV ENTHUSIASTS SUPPORT THIS BY-LAW 100%

OUR CLUB MOTTO IS SAFE & RESPONSIBLE RIDING.
WE BELIEVE HAVING A BY-LAW MAKE ATV RIDING BOTH
SAFER AND MORE RESPONSIBLE.

- 7:28 – Keith Kydd, Wideview Avenue. Mr. Kydd advised that he has been a resident of the municipality for approximately 11 years. He stated that there are around 12 or 15 ATV's within the landing and noted that it would be safer for these individuals to use the 3rd Line Road to gain access to the forest rather than parking on the side of the road to load and unload their machines.
- 7:29 – Mr. Nick Vanderknokke –Mr. Vanderknokke stated there is numerous machines that ride on MacDonald Road in order to gain access to the Northumberland Forrest and stated that it is very scary when these machines are passing a motor vehicle while driving on the shoulder of the road. These machines should not be on the road – they are not designed for it.
- 7:30 - Mr. Bryan Quilan of Jewell Road. Mr. Quilan noted that he has lived in the township for over 30 years. His home is just north of the County of Northumberland Forest, which is a main entrance to the forest. He noted that he is home about twice a day and on a good day there may be four or five atv's go past his home. He stated that this road is a dead end and there are old tires and garbage on the road of which has actually been picked up by kids on atv's.
- 7:31 – Mr. Robert McQuin of 3rd Line Road. Mr. McQuin asked what the monetary figure is for insurance for ATV's. Mr. McQuin also expressed concerns with the proposed development on lands known as Golden Beach Resort which would create a large amount of vehicular traffic and if ATV's were given the right to use the shoulders of the roads, especially in this area, it would not make safety sense at all.
- 7:33 – Mr. Wayne Trudeau stated that moved to the Township for over 20 years, for the simple reason to enjoy the country and we can do what you want to do. However, what is bad is when individuals from the city move in and start directing us of what we can and cannot do. Individuals move here for various different reasons and we all have a right to enjoy the Northumberland Forest, whether we're a walker, hiker, bird watcher alike. Mr. Trudeau stated that he has some concerns himself with the use of ATV's on the road, that being of dust, speed and safety.
- However, if the speed limits are governed and there are certain areas of access and to be a responsible rider and try to reduce the hazards. Mr. Trudeau noted that there are machines called mules, which are side-by-sides, and these machines are not even mentioned in the by-law.
- 7:36 – Mr. Evan Taylor of 1135 Centreton Road. Mr. Taylor was of the opinion that the by-law would be good as it would provide the right for him to go from one access point to another legally, as was the case when he was farming, he had the right to go from one farm to the other and although not farming now, would still like to have that right.

7:37 – Chris Drew Bowmanton Road In 2003 I contacted my Municipal Councillor, Ray Bennis for advice. We had moved back to the Baltimore area 5 years earlier and were now experiencing a significant increase in destructive and dangerous behaviour by off-road vehicle operators as they entered our road from a seasonally maintained side road (4X4's, dirt bikes and ATV's). Ray was very understanding and appreciated our situation. Ray also informed me of the process for giving a delegation to Council. After careful consideration, we decided that we must present the issue to Council or continue to put up with what was going on.

In June of 2003 I gave a delegation to Alnwick/Haldimand Council in which I presented concrete evidence of the problem we were facing – video footage and a summary sheet of off-road vehicle traffic. The presentation was well received by most Councillors. In the discussion that followed, Ray was very observant and pointed out the disrespect of the vehicle operators and specifically commented on the high volume of traffic that we were facing.

I left the meeting feeling positive that my concerns were heard and understood. Mayor Finley was true to his word on an increase in police presence and the OPP SAVE team made an appearance later that summer.

Since 2003, the unfortunate reality in our area is that the inconsiderate behaviour and volume of off-road vehicle traffic has continued to increase.

As a resident of this community and a father of 3 young children, I would ask you to consider the following:

- Resist the temptation to believe that the Township of Alnwick/Haldimand will receive any significant economic benefit by implementing such a bylaw
- Resist the temptation to believe that this Municipality is the same as those who have implemented such a bylaw and instead look to those who have found other solutions
- Resist the temptation to believe that policing such a bylaw will be easy and cost-recoverable.
- Accept the concerns of citizens about quality of life impacts, which includes, family safety, as both legitimate and serious.
- Accept the likelihood that such a bylaw will increase, not decrease traffic through residential areas, causing even more safety and liability concerns.

As a rural municipality on the fringe of the GTA (the largest population in Canada), the Township of Alnwick/Haldimand has and will continue to be faced with some very unique issues, restrictions and pressures. Despite our unique position, you must recognize that we are not alone. I would encourage you seek advice and assistance from neighboring municipalities within Northumberland County and from the County itself, to come up with solutions to far-reaching and complicated issues including the one that we are discussing this evening.

In closing, I would like to say that I truly believe that most of the people in this room want the same things for the Municipality of Alnwick/Haldimand:

- A Municipality where EVERY citizen's voice is heard and opinions respected
- A Municipality where MANY different lifestyle choices can be accommodated
- A Municipality where the quality of life for ALL of its citizens is its number one priority

As councillors, you have the opportunity to take the right steps and make the right choices that will promote the Township of Alnwick/Haldimand as a place where people want to settle, raise families and lead productive lives. Thank you for your time and consideration.

7:41 - John Reymes – Mr. Reymes noted that the ATV riders do not want to ride on the side the road, they just want to be able to get to the trails safely.

7:42 p.m. – Mike Browning of Grandview Drive, Roseneath Landing. Mr. Browning stated that ATV's are wonderful for their intended uses. However, in three years there has been over 200 incidents relating to ATV's being operated directly on the roads. Mr. Browning stated that there are very few times that ATV's are used with common sense as there are serious infractions, such as, no helmets, age limit, passengers, and speed. Mr. Browning noted that even if the by-law was passed, Council has neither the resources nor finances to enforce. Mr. Browning noted that there would be additional costs related to liability and extra road maintenance. Mr. Browning also questioned how the environmental issues would be addressed and also enforced.

7:47 p.m. – Mr. Owen Cooney – Mr. Cooney requested clarification with respect to the Township Liability Insurance. The Clerk/Administrator, Terrence Korotki, provided an overview of the process when the Township is served notice of any pending or proposed legal action. Mr. Korotki advised the cost for each claim is \$25,000.00.

7:49 p.m. - Allan Wilson from Roseneath Landing and resident for the past 18 years. Mr. Wilson asked if the Township has been taken to court over an ATV incident and, if so, what the approximate cost was to the Township. Mr. Korotki advised that there is presently one claim in process, of which has not been settled at this time.

7:50 p.m. – Maura McGeachy from Grandview Drive, Roseneath. Mrs. McGeachy stated that there are youngsters 12 and 13 years of age racing up and down the road and asked if there was a minimum age requirement for ATV's. Mr. Ainsworth advised that the Act says, in order to operate an ATV legally, you must hold a valid Motor Vehicle License or the "G2" class of License. If a person is pulled over and they do not have a valid driver's licence then the parents of that person would be given the fine.

7:54 p.m. - Barry Surerus of Roseneath and resident for 59 ½ years. Mr. Surerus noted that this issue could have the potential for a huge debate. However, there are always changes and that everyone needs to have respect to each other. There has been a lot of work gone into this draft proposal and was of the opinion that the club is trying to do the right thing by teaching the young children of how to ride safely. Mr. Surerus was of the opinion that if everyone worked together that a satisfactory solution could be available that is acceptable to all.

- 7:58 p.m. - Brenda Russell advised that she had mixed feelings on this matter as she has always wanted an ATV. She noted that possibly a compromise could come into play that would address the, safety issues, possibly reducing the speed limit, etc. Ms. Russell stated that the noise of the machines can be deafening at times. She also noted that she may even own an ATV in the future.
- 7:59 p.m. - Christine Borsuk – Ms. Borsuk stated that her issue was with the noise and smell of these machines. Ms. Borsuk noted that she had been to a horse event during the Annual Roseneath Fair and was down wind of one these machines and it was all she could hear and the smell was awful. These vehicles are causing a lot of pollution. She hopes her living has a very small affect on this planet. Ms. Borsuk noted that she could not see enforcement of this by-law if it was passed. Ms. Borsuk noted that on her way to the meeting tonight and going approximately 88 kilometres an hour on County Road 45 there was dust whirling up from the side of the road, so she decided to pull over onto the shoulder of the road doing 5 km an hour which caused a large amount of dust to fly causing a safety hazard to other drivers. Ms. Borsuk reiterated that she does like the fumes and will not be attending the Roseneath Fair event again, as she wishes to breathe fresh air.
- 8:03 p.m. – Gretchen Harris – Ms. Harris questioned the cost of policing and enforcing the by-law. Generally, the Police stay on the main arteries and do not patrol the side roads. However, if the by-law is passed they should be given six or seven safety items and concerns to be checked.
- 8:03 p.m. - Pete Kerr of Roseneath Landing. Mr. Kerr noted that it was ATV's that ploughed their driveway of snow many times this past winter. Mr. Kerr stated that the majority of the riders respect the law and are not going to be racing up and down the main roads.
- 8:04 p.m. - Steve Merrill of Merrill Road. Mr. Merrill questioned everyone in the room as to whom drove in their cars to get the meeting tonight and stated that a car produces more fumes than a four wheeler.
- 8:04 p.m. – Dan Quinlan of Macklin Road. Mr. Quinlan noted that Mr. Merrill's reference was a good point as there is never any argument about other vehicles and their fumes. Mr. Quinlan agreed that there needs to be a by-law in place. Mr. Quinlan noted that he will ride to get to the trail whether it is legal or he has to break the law.
- 8:06 p.m. - Doug Stewart of County Road 22. Mr. Stewart advised that the emissions regulations for ATV's are getting tougher and tougher in order to ensure that these emissions are reduced substantially.
- 8:07 p.m. - Soffe Peacock of Bowmanton Road. Ms. Peacock stated there are a number of individuals walking on the road and with the speed and dust coming from these machines is unsafe. No to mention the road damage they are producing. The existing law doesn't get enforced so how is the by-law going to get enforced. Ms. Peacock asked what other municipality of similar size has passed a by-law.

- 8:09 p.m. – Ms. Lizzy Mitchell. Ms. Mitchell asked if she could start breaking the law! Ms. Mitchell’s question to Council was, “How is this by-law going to help the policing in monitoring and enforcing?”
- 8:10 p.m. - Colin Turnpenny Grafton. Mr. Turnpenny stated that he had no concerns with this activity provided the machines were used appropriately. However, he did not feel that they would be appropriate on or within small nature reserves such as the Nawautin Sanctuary.
- 8:11 p.m. - Mike Lalonde of Castleton. Mr. Lalonde stated that he is a rider and a supporter of this by-law. Mr. Lalonde introduced his daughter who had just received her first ATV last week. Mr. Lalonde stated that she has been taught how to ride appropriately. Although there is no regulation to control the usage of the machine, the by-law would be a good tool to set a standard of which would be enforceable.
- 8:13 p.m. - Mr. Quinn of Roseneath Landing. Mr. Quinn noted that if the by-law was passed there would have to be zero tolerance for non-compliance.
- 8:13 p.m. - Nathan McAllister of Carmel. Mr. McAllister noted that he was here tonight to see how this would go as he was curious and would love to own an ATV if he could afford one. Mr. McAllister stated that this by-law may not do us one bit of good, as we need something to control the people who break the law, as it’s the people here tonight.
- 8:15 p.m. – Eleanor Olmsted. Ms. Olmsted stated she hoped that a reasonable compromise could be reached regarding this matter. Ms. Olmsted commented that if the ATV only want to be able to go from point “A” to point “B” to get from one trail to another, why does the by-law include all roads in the municipality? Ms. Olmsted also noted there she has submitted written comments prior to the meeting for consideration.
- 8:16 p.m. - Tricia McAllister of Carmel. Mrs. McAllister noted that since it has taken this long to establish a draft by-law would it not be possible to take a couple of more months and develop a proper trail to establish a trail system and pass a by-law to permit access to and from this trial system in order to allow individuals to ride legally and to make a by-law more enforceable for those who do ride illegally.
- 8:18 p.m. - Linda Moore-Cann of from Cobourg. Ms. Moore-Cann stated that she does not live in the municipality at this time, but did grow up in the area. Ms. Moore-Cann noted that she is sixty years old and is a responsible person and plans on continuing to ride. She stated that she doesn’t want to ride up and down the road, she wants to ride the trails and have a picnic and watch nature. She noted that her bike is quiet. Ms. Moore-Cann also noted that rider do have respect for cars and other vehicular traffic, they just want to get from one trail to the other.
- 8:22 p.m. - Doug Rout, County Road No. 2, Grafton. Mr. Rout noted a recent incident with respect to a hit and run accident. The driver of the car hit a horse on County Road No. 2 and left the scene. This type of accident is also an insurance issue, as some vehicle owners don’t have insurance coverage either. Mr. Rout noted that people should behave out there and do your thing.

Comments from Other Individuals:

8:23 p.m. – Joyce Higgs of Trent Hills provided the following comments:

ATVs are enjoyed by many people and have a growing economic impact. However, I do not believe they should have unlimited access to all municipal roads as proposed in the draft by-law.

Details of online petition.

The Northumberland and District ATV Riders, with a membership of “over 100” (NDATV homepage) have prepared an online petition signed by 642 people (as of April 14, 2008). Of the total, 444 signatories are resident of Northumberland County, with only 65 specifically from Alnwick/Haldimand. Unlike many online voting sites that use cookies or record the IP address of the voter to prevent multiple voting, this particular petition does not.

“The Independent” Newspaper online poll

On April 10, 2008, The Independent Newspaper released details of its online poll which ran the week before: only 21% of respondents backed ATV access to “most rural roads”, 14 % backed ATV access to “roads that link trails” and the majority, 69%, believed that ATVs should be restricted to “off-road only”. In this poll, respondents were able to cast only one vote per IP address unless they contacted the newspaper to request another vote from that address.

The overriding concern must be safety

According to the OPP, in 2007, 26 people had died in 25 ATV accidents. This was more than double the number in 2006. Half of these fatalities occurred in the east and central regions. Six times as many people were killed while not wearing a helmet. Alcohol played a role in 15 deaths in 2007 – a fourfold increase over 2006.

Dr. Norman Bartlett, Chief of Emergency Medicine at Campbellford Memorial Hospital, presented a vivid picture of accidents involving ATVs at the Trent Hills Public Meeting on November 29. He reported:

- “Campbellford Memorial Hospital Emergency Room All Terrain/Off Road Vehicle injuries statistics from April-October (time of greatest injuries nationally) for 2004-2006 show approximately 45 visits over 6 month period but over the six month period of 2007 increased to 62, about 30% increase.
- Regionally 52 ATV injuries referred to Kingston General Hospital trauma service over the past five years
- Injury patterns of patients referred to trauma service were horrific – the worst trauma we currently see in the Emergency Department are ATV trauma due to lack of safety devices – no belts, roll bars, etc. and the high speed they are traveling. The societal impact and cost of treating spinal cord and head injuries in young people is enormous ranging from approx 1-5 million dollars in health care and rehab costs. This contrasts with the decreased injuries being seen from motor vehicle crashes and snowmobiles. There may be more bicycling and auto accidents but the actual severity of injury and death and hospitalization is many fold higher for ATV trauma.”

Not only are there serious safety concerns about ATVs, but driving ATVs on public roads is even more dangerous than driving them off-road. A Canadian Paediatric Society study "indicates that fatal ATV crashes are more common on paved roads after collisions with automobiles."

The Canada Safety Council, as quoted on the Canada ATV website, begins its ATV safety course with the following warning: "*Ride off-road only...If you must ride on a public road, keep well to the right and watch your speed. These machines do not handle well on pavement.*" (emphasis mine)

Within the first month of Quinte West's bylaw, the OPP and the city's bylaw enforcement department had received upwards of 12 complaints, with the police laying 5 charges. Fire Chief Cliff Jeffrey said complaints involved speeding ATVs, children riding on ATVs without helmets, the use of ATVs after hours and noise complaints. (The Trentonian, Nov.20/07)

Unlimited access to all municipal roads is unwarranted.

The Northumberland and District ATV Riders club claims ATV riders need access to public roads and unopened road allowances in order to link their proposed 176 km of trails in Northumberland County.

Their president, Mike Ainsworth, explains that this will allow ATV riders "...to leave our homes, access gas stations, convenience stores and restaurants as well as our trails." (Letter to the editor, The Independent, January 10, 2008). Allowing ATVs access to ALL municipal roads so they can pick up a litre of milk and a loaf of bread or go out for lunch is neither necessary nor prudent. There are other more appropriate modes of transportation to use while running errands. Mr. Ainsworth, in his letter to the editor, insists that "ATV'ers do not wish to continually run the roads, but...we need use of the roads to access our trails and conveniences." If the by-law is passed, ATV riders WILL have the right to travel on any municipal road at speeds up to 35 km an hour for whatever they reason they want – travelling between trails or not. I do not believe such blanket access is necessary. If ATV riders have access to unopened road allowances, what is to stop them from using them as trails? After all, many of the unopened road allowances are more like trails than roads – almost non-existent traffic and challenging, rugged terrain. I do not believe that ATVs should be allowed unrestricted access to unopened road allowances. Unopened road allowances are often used by farmers to access their fields, store equipment and hay. Turning these into rutted trails would economically hurt farmers.

Why should ATVs be treated differently than snowmobiles? While ATVs have an economic impact, the Ontario Federation of Snowmobile Clubs estimates their members contribute \$1 billion annually to the Ontario economy, without needing unlimited access to public roads. Their policy statement says:

*"The Ontario Federation of Snowmobile Club supports the authorized use of ATVs on **specific municipal roads when such use is part of a community-based plan for controlled ATV travel that includes approved access to suitable off-road ATV opportunities as well as planned enforcement programs and other defined measures to control both inadvertent and deliberate ATV trespass. We fully support the desire of ATV riders to have trails of their own to ride,**" concluded (OFSC General Manager Paul) Shaughnessy, "and also recognize their need to move from ATV trail to ATV trail by road just as snowmobilers must with snowmobile trails in the winter. So we believe the priorities are to develop permissible local ATV trails, **and then to allow road access where necessary.**" (emphasis mine)*

The Township of Rideau Lakes (north of Brockville) refused to pass a by-law allowing public road access to ATVs, adopting the following policy statement:

"Off-road vehicle access to the Municipal Road System is generally not acceptable, unless it can be shown that it will not interfere with the primary, through traffic function of the Municipal Road System.

Where it can be demonstrated that a specific section of Municipal road is required to complete an established trail system, the Township/Public Works Committee may consider limited access to that specific section, on a trial basis, subject to satisfactory resolution of all safety and nuisance concerns. Persons or organizations wishing such access may apply to the Township/Public Works Committee for consideration." (by-law number 2004-181Dec.20/04) (emphasis mine)

Quinte West passed a by-law allowing ATVs access to specific roads at specific times of the day. The Province of New Brunswick is considering ATV highway access laws. According to a policy draft, provincial ATV and snowmobile federations could apply for highway usage permits on behalf of local clubs. Off-road vehicles would then be able to travel with the flow of traffic for up to a kilometre along provincially designated highways, and up to five kilometres along public highways to reach services or trail connectors. In the designated zones, signage would be installed to inform motorists that off-road vehicles could be travelling closer to them than the 7.5-metre buffer required by law. The federation will be able to apply for special access along bridges, overpasses, underpasses and tunnels. (The Telegraph-Journal, Sept. 26/07)

As you can see, not everyone believes that unrestricted access to all public roads is necessary.

ATVs on public roads would increase the township's liability to insurance claims.

At the Trent Hills public meeting on November 29, 2007, Gary Newman, the Municipality's insurance broker, reported that the Municipality's liability insurance rates would not automatically increase if a by-law allowing ATVs on public roads was passed. However, he also cautioned that rates would go up if there was an increase in claims because of accidents. Given the increasing number of accidents over the past few years –the Canadian Institute of Health Information data shows a 50% increase in hospitalizations over period of 1996-2000 – I believe the Municipality's exposure to lawsuits would increase.

The township of Head, Clara and Maria in the Ottawa Valley rejected a by-law allowing ATVs on public roads in part because of liability concerns. Melinda Reith, Municipal Clerk, reported that, "the Reeve at the time was a retired OPP officer and he had concerns about risk to drivers (ATV and vehicle) as it related to high speeds and our non-paved municipal roads. There were concerns with potential liability issues due to accidents that might occur because of high speeds that might be blamed on the condition of our roads (all non-paved / gravel surfaces)."

Diane Pearce, CAO of Loyalist Township (Odessa), explained that one reason they declined to allow ATVs access to public roads was "concerns about liability; ... our insurers (Cowan) supported the Township's position."

Mr. Newman also raised the possibility that, if ATVs were allowed by law to use public roads, the municipality could be sued by and ATV rider if the ATV had an accident on the shoulder of the road. Because the shoulders are graded away from the road (for proper drainage), this is an inherently unsafe location for an ATV. As Dr. Bartlett noted, "a high number of accidents are rollovers: 25% of accidents referred to Kingston General Hospital specifically were listed as rollovers."

I do not believe we should increase our exposure to additional insurance claims, especially given the litigious nature of our society. Indeed, Newman, Oliver and McCarten's own website links to an article entitled, "As I slip and fall I look around to see who I can sue" (written by Cathy Wismer, Program Manager, Casualty, Ontario), advising clients how to protect themselves against the increasing incidence of negligence claims.

Municipalities have expressed concerns about their liability for vehicular accidents on public roads (such as wanting to brush back the road allowances). We should also be concerned at the risk of increased liability if ATVs are allowed unrestricted access to municipal roads and unopened road allowances.

It is difficult if not impossible for the OPP to apprehend any ATV riders who do not obey the law.

At the Trent Hills public meeting, Constable Bruce Thompson, an OPP officer with 24 years experience, described how difficult it would be to police ATVs on public roads. Police cars could not follow an ATV off-road, and by the time the detachment's ATVs were deployed any offending ATV would be long gone, to say the least.

Other communities which decided not to pass a by-law allowing ATVs on public roads echoed the same concern: their OPP detachment's recommendation NOT to pass such a by-law.

Their comments include:

- "The Wellington County OPP is of the opinion that ATV's belong exactly where they are built for, OFF ROAD VEHICLES. ATV's are not designed for use on the highway. A lot of times their equipment e.g. tires, horns, signals, braking devices would not pass a mechanical safety required for use on our highways. The police believe we have enough difficulties dealing with one class of vehicle. Police further believe that if you were to pass a bylaw allowing for ATV traffic the number of citizen complaints within your county would sky rocket. The nature of complaints would revolve around the type of ATV allowed on the highway, and the manner in which they were driven." (Rob Nixon, OPP Detachment, Wellington County)
- "We had discussions on it with our Police Services Board first. The OPP recommended against us passing a by-law and pointed out the fact that if someone is driving an ATV on the roads and they are speeding or doing anything else illegal, that it is very difficult for the OPP to catch and charge them, particularly when they are in a police cruiser. This was the main reason it was turned down." (Diane Smithson, CAO, Mississippi Mills, Lanark County)
- "The OPP encouraged Council to take a position against allowing ATVs on public roads for safety and enforcement reasons." (Diane Pearce, CAO, Loyalist Township)

- "There was also the issue of enforcing laws. We are a small rural municipality with no police force of our own. We rely on the OPP to enforce laws. As you are likely aware, the OPP have vast areas to police and their presence is not felt as strongly as it might. This led Council of the day to believe that people would take advantage of that and not follow the safety rules that were applicable to the use of ATVs on municipal roads and take advantage of the lack of a police presence increasing the potential for incidents." (Melinda Reith, Township of Head, Clara & Maria in the Ottawa Valley)

Smith Ennismore Lakefield, just north of Peterborough, voted against a bylaw allowing ATVs on township road allowances, in part because of a recommendation by the Police Services Board not to pass such a bylaw. (SEL council minutes March 23, 2004)

Driving on "shoulders" of public roads is problematic.

According to the Highway Traffic Act regulations, ATVs can travel on the shoulder of a road, but may move to travelled portion of a road if shoulder is impassable/unsafe. If this is the case, ATVs would be able to travel on roadways throughout the winter (as snow banks from snow plows would be on the shoulders). I would suspect the same result during springtime or after heavy rains due to soft shoulders. If there are no shoulders, as is the case with many rural roads and unopened road allowances, ATVs would be able to legally travel on roadways.

In addition, because ATVs are not to operate "in such a way as to disrupt or destroy the natural environment including fish habitats, property and flora and fauna" (introduction to online petition), ATVs would be unable to travel on the shoulders of many roads, as they are covered with plant growth and, presumably, driving over such growth would disrupt or destroy the natural environment. In essence, allowing ATVs to travel on shoulders seems unenforceable – ATVs could, in effect, share the road with all other vehicular traffic on the majority of local roads.

Wear and tear on municipal roads

Does the Municipality have any estimates on the cost of increased wear and tear on municipal roads (especially gravel roads and shoulders) because of persistent ATV use? I do not have figures for Alnwick/Haldimand, but in Trent Hills, half the road surfaces are gravelled. (Save your Sideroads presentation June 7/07) This number would dramatically increase if road allowances – which are not maintained to the same standard – are included.

Environmental effects of ATVs

In January of this year, the draft Trails Study for the Northumberland County Forest, commissioned by Northumberland County, was released. The study was prepared by Dr. John Marsh, a trails study expert, and Al MacPherson of Trent University and was based, in part, on 50 days of research on the condition of the Forest's 100 trails. The study recommended that "trucks, 4x4's and cars, given their potential to cause environmental damage, should be excluded from all trails outside the three zones already identified." According to Dr. Marsh, "these trails need further investigation because some are already severely eroded and unsafe" or the motorized traffic is having a "detrimental impact on rare species of flora and fauna." (The Independent Jan 24, 2008) Given the effects that ATVs and other off-road vehicles have had in the forest, why should we think there would be no environmental damage to our public roads? If ATVs are given access to unopened road allowances, which are, in effect, trails, the same kind of damage can be expected.

Noise pollution

The Canada Safety Council and Canada ATV websites advise ATV operators to “ride with others – never alone”. Although the NDATV club urges trail users to “avoid excessive noise”, one of the advantages of belonging to a club is the ability to ride with other ATVs (as illustrated in at least three photos on the club’s homepage, which show between 6 and 12 ATV’s riding together). How is it possible to avoid excessive noise with that number of vehicles travelling together? Despite the assertion that new four-stroke ATVs are quieter than their predecessors, it would be impossible to limit road access to ATVs with four-stroke engines. If ATVs were to be allowed on public roads, there is also the possibility that one particular road or section of road becomes a favourite spot, with ATVs coming and going along it. This noise would be throughout the year – as these machines are not only all terrain, but all weather.

Status of other jurisdictions’ bylaws

According to the Eastern Ontario Trails Alliance website, out of 26 counties in Ontario, none have passed bylaws allowing ATVs on public roads. Out of 212 townships, towns or municipalities, only 43 have passed such bylaws and 14 have defeated such bylaws. Given these statistics, there is certainly no need to rush a decision and I would urge that you move cautiously on this matter.

Potential influx of ATVs from other municipalities

Despite the Northumberland ATV Riders Club assertion that they are safe ATV operators, there are obviously others who are not, as evidenced by the number and severity of ATV accidents locally and across the province. The Club itself “... agree[s] with the public that there are many more atv riders in the county than members of our club.” (NATV Riders Club home page) ATV riding is a rapidly growing sport, and the Northumberland ATV Riders Club encourages and welcomes other ATV riders. In fact, their web site advertises that “It is very easy to get here! Northumberland is just an hour’s drive east of Toronto along Highway 401”. I believe we should be concerned with the potential number of ATV drivers on our public roads. According to Len Creamer, Senior Municipal Law Enforcement Officer, the Municipality of Clarington decided that The Highway Traffic Act was sufficient regulation. This means that they have implicitly banned ATVs on their roads. *If an ATV by-law were to be passed in a municipality of Northumberland, it would be the first community east of Toronto along the 401 corridor where ATVs would be permitted on public roads. As such, we must be prepared to accept a possible influx of riders from other areas, who may or may not be the caliber of the Northumberland ATV Riders Club.*

Do ATVs “fit” your vision of Alnwick/Haldimand and Northumberland County?

Municipalities throughout Northumberland County have gone to great lengths to advertise the scenic beauty and tranquility of country roads – witness the tourist brochures, advertising and municipalities’ websites enticing urban visitors to enjoy our rural charm and picturesque countryside in “The Rolling Hills of Northumberland”. Your own website welcomes visitors to “our shining waters, rolling hills and beckoning steeples”. I do not see ATVs on public roads as part of that vision, and I doubt many visitors would.

Conclusion

For all the reasons I have outlined in this presentation, I would urge you to vote AGAINST a by-law allowing ATVs on municipal roads in the Municipality of Alnwick/Haldimand. I would also ask Mayor Finlay to reject such a by-law at the county level.

Thank you for your time and consideration.

8:29 p.m. - Samantha McDonald. Ms. McDonald stated that she had attended of meetings as well as the previous meeting in Cramahe Township. She noted that other municipalities have passed a by-law for a one year trial and suggested that this may be an idea for this municipality. The municipalities that have passed seem very glad that they have done so.

8:31 p.m. – Lynn Noseworthy, Medical Officer of Health, Haliburton Kawartha Pine Ridge District Health Unit:

*Speaking Notes
Alnwick Haldimand Township
April 14, 2008*

Role of the Board of Health for the Haliburton, Kawartha, Pine Ridge District Health Unit

- The Board of Health for the Haliburton, Kawartha, Pine Ridge District Health Unit has a mandate to reduce disability, sickness and death caused by motorized vehicles
- The requirements and standards related to this particular mandate state that “The board of health shall work with municipal police, the Ontario Provincial Police, other traffic enforcement agencies and community groups to prevent injuries caused by motorized vehicles ...by supporting policies and educating the public and targeted groups”. The topics to be addressed include road and motorized vehicle safety
- With regard to what is being proposed, our concern is the safety of all users – ATV riders, pedestrians, bicyclists, automobile operators et cetera – who would be required to share the roadways, should this bylaw be implemented as drafted
- Based on the research available, collisions on roads and highways are known to be a significant source of injury and death for ATV users
- These collisions often involve an on-road vehicle
- For reasons which will be cited in this presentation, we believe that a route that requires ATVs to operate on pavement, on the side of public roads and/or with the regular flow of vehicular traffic, poses a verified risk for ATV operators and other road users

The Public Health Issue

- ATVs represent the fastest growing segment of the recreational vehicle market
- Public health’s concern is the risk involved and the injuries and death that occur as a result of ATV use
- With increased ATV usage has come a rise in injuries – most of them preventable
- According to the Canadian Institute for Health Information (October 2007), ATV related hospitalizations had climbed 66% in the last decade
- From 2006 to 2007, the number of Ontario fatalities more than doubled; and alcohol was a factor in 50% of the incidents

- In addition to alcohol use, there are several additional factors leading to injury and death, including lack of training, speed, inexperience, improper clothing, non-use of helmets and where ATVs are ridden
- I will be speaking to the specific risks associated with ATVs being used on public roads

ATV Design

- ATV manufacturers clearly state that ATVs should not be operated on any public roadway, even a dirt or gravel one or on any on paved surface (ie. driveways, parking lots) due to the potential of a collision with another vehicle
- ATV manufacturers also recommend that operators should never operate an ATV on any paved surfaces because pavement may seriously affect handling and control of the machine
- Any discussions regarding allowing road access for ATVs must consider their basic design and intended use
- ATVs are not suitable for on-road use
- Specifically, ATV tires dictate that the machine be used off the roadway due to the fact that they are designed to provide tread slip under some conditions and grip under others
- An additional complication is noted when ATVs are operated with one set of wheels on the paved portion of the road and the other set of tires on the non-paved portion
- The two sets of wheels rotate at different speeds and under certain conditions such as turning or rough road conditions, the machine can be upset
- The majority of problems associated with roadway accidents are a result of losing control due to the physics of tire and roadway incompatibility
- Also, off-road tires are not designed to go fast and at higher road speeds, the machine will tend to go straight rather than turn easily
- For these reasons, we encourage ATV users to maximize their safety by primarily using managed off road trails systems

Provincial Findings

- Several provinces, including Ontario, have established committees or task forces to address the use of ATVs
- New Brunswick was a frontrunner in this regard
- What the New Brunswick task force found was that over half of collisions were on roads and highways and almost one-third involved an ATV colliding with an on-road vehicle
- A Quebec study found that road access was much more dangerous for ATVs than snowmobiles – 37.2% of all ATV deaths occur on public roads compared to 21.4% for snowmobiles
- When the Quebec study considered deaths occurring on roadways only, ATVs were almost twice as likely to be killed as snowmobilers (65.8% vs. 34.5%)
- The Quebec study also found that almost 30% (28.8) of incidents involving ATVs included collision with other motor vehicles
- In Ontario, according to OPP statistics as of November 1, 2007, 43.5% of the 2007 ATV deaths had occurred on municipal or township roads

In Closing...

- While there are several factors which the Alnwick Haldimand council must consider before implementing any bylaw allowing road access for ATVs, we believe the most important factor is safety and creating a situation where the risk of injury and death is minimized
- Credible research and manufacturers' operating instructions confirm that a route which allows ATVs to operate on pavement, on the side of public roads and/or with the regular flow of vehicular traffic, poses a verified risk for ATV operators and other road users
- We respectfully ask that the municipality consider the risks involved and make the safety of all road users the priority and not implement a bylaw that would allow road access for ATVs

8: 36 p.m. – Mr. Browning noted that if a person actually reads the back of their Insurance Card from their Insurance Carrier, it states that the company will not insure if the individual conducted an illegal action.

8:37 p.m. - Brian Archibald of Cramahe Township. Mr. Archibald stated he rides on his own property, as well as in the forest and there should be access to get to the trails, without having to load and unload. Mr. Archibald also commented that there are very little fumes from his ATV as it has been idling in an enclosed garage and you could not smell it. Mr. Archibald noted that he has travelled over 4,000 km in the forest area and has not seen a naturalist yet, but has seen a horse once. The Club is all about safe and responsible riding.

8:39 p.m. – Fern Dobson of Colborne. Mr. Dobson stated that every Council needs to access their budget dollars as the policing costs are very high already and once there is additional enforcement required for these ATV's the cost for policing will be astronomical. With respect to the economic benefits, this only goes to the manufacturers and not back into the communities in which these machines are used. Ms. Dobson was of the opinion that the club should purchase their own land to ride on so the governments don't have to!

8:41 p.m. - Stephen Goodrich of Elder Road. Mr. Goodrich noted that he has been using the Northumberland County Forest for recreational past time for over 25 years and has not seen a whole lot of serious incidents from this type of use. Mr. Goodrich noted that the Northumberland County Forest is our land!

8:42 p.m. - Mike Matiyek. Mr. Matiyek was of the opinion that Council should endorse the by-law and get it done.

8:43 p.m. - Terrace Good of Dunbar Road. Mr. Good stated that he cannot even go out to his land as there are dirt bikes doing 130 km an hour. He stated that once he had some ATV's driving behind him and he had to keep accelerating to avoid an accident. Mr. Good noted that when they all stopped he asked them where their licences plates were and they just drove off. Dunbar road in not only for four wheelers, I pay property taxes and I have to put up with all this s t!

8:45 p.m. – Mr. Ainsworth noted that he has attended most if not all of the public meetings and have heard all the issues and concerns, which means something has to be done to address these issues. He noted that in the municipalities that have passed by-laws it has been a good outcome.

Mr. Ainsworth noted that the Club does not want all these ATV's out in the forest running wild there has to be some control. There are many individuals in the County that are making a living or at least supplementing their incomes by servicing, repairs or even selling these machines.

Mr. Ainsworth noted that he is a volunteer member of the County of Northumberland Forest Users Committee.

Mr. Ainsworth stated that there needs to be a by-law in order to provide rules and regulations which then can be enforced. We need definite trails and a by-law, which can then be published, such as the same of the previous snowmobile clubs.

Mr. Ainsworth was of the opinion that the By-law makes sense. It will give the police an avenue to police this activity and the road superintendents that have been contacted concurred that their budget allocations have not increased due to the approval of a by-law for this activity. Mr. Ainsworth also noted that there is approximately 1.5 pounds of pressure from a tire on the ground, which is less than a person actually walking.

8:50 p.m. - Chris Drew. Mr. Drew noted that this municipality is not the same of South Frontenac or North Frontenac, in fact, we are very different, the economic benefits to the communities definitely exist in the northern areas. If the by-law was passed to permit this activity in the forest it would dissect any possibility of a motor free zone in the Forest.

8:52 p.m. - Mike Higgs of Trent Hills. Mr. Higgs asked, "Why is the club asking for access to the roads, if only trying to link specific trails?"

8:53 p.m. - Gretchen Harris. Ms. Harris asked how many Natural and Significant areas of the Oak Ridges Moraine are these machines going to traverse? It is illegal to use these machines on roads as stated in the Highway Traffic Act. They cannot be used in the Conservation Areas so there is no point in considering the Northumberland Forest. Ms. Harris noted that this issue will be confirmed when the County of Northumberland receive their response from the Ministry of Municipal Affairs and Housing regarding this matter.

8:54 p.m. - Brian Archibald. Mr. Archibald noted that the club members have cleaned up garbage on the Trails. If there is illegal activity going on and you can take a photograph of a licence plate or video tape the incident then contact the OPP and they will follow up on the matter and actual charge individuals.

8:56 p.m. - Pat Calder of Cramahe Township. Ms. Calder noted that their questions are not being answered. She questioned the rush to pass this by-law, as she of the understanding that the Municipality was going to wait for the County of Northumberland Users Advisory Committee findings and comments.

Ms. Calder noted the importance of teaching safe riding and responsibility and challenged the Club as to what they have done this year to do just that, teach. Ms. Calder asked, "Once the by-law passed, will all the promises be forgotten?"

It was suggested that a clause be included in the by-law to address riders that are not from this area, as they don't pay taxes in the County.

8:59 p.m. - Brenda Free, Alnwick/Haldimand ATV Committee Member.
Ms. Free noted that the Health Unit has commenced the creation of the Northumberland ATV Safety Coalition for ATV Safety, of which will consist of fifteen member agencies. The Committee Members and volunteers will be establishing and coordinating safety programs which will be then presented to children in the area schools.

9:00 p.m. – It was asked if the By-law addressed unopened road allowances or not?

9:01 p.m. – Mr. Wayne Trudeau noted that the Cobourg Police Services have actual acquired two ATV's to patrol the beach area in the summer months, which was witnessed last summer, as well as, during various events and parades. So, if the police can use ATV's on the roads why not other users.

3. COUNCIL COMMENTS:

Councillor Bennis:

Councillor Bennis noted that the existing governance is not working, of which the proposed by-law was to address and given some control over this activity within the municipality. At the present time, the municipality is in negotiations with the County of Northumberland over the road allowances within the Northumberland Forest.

Councillor Bennis noted that he sits as a Member on the Ganaraska Region Conservation Authority Users Committee, which is working very, very well, as there is representation of all areas on the Committee, such as the County Forest Users Group.

Councillor Holmes:

Councillor Holmes read the following presentation: "I would prefer that while I am speaking, that there will be no unauthorized photographs be taken which is distracting to me, thank you. I have received many comments from various ratepayers, which I will comment on, as well as, my own. Firstly, at the present time ATV's riders trailer their machines to the forest, which has no regulations, rules or otherwise, that regulate their use. A by-law will only encourage these operators to ride the machines to the (honey pot of the county), and elsewhere, thus dramatically increasing our exposure to lawsuits with a huge liability exposure. I believe that ATV's on our roads will cause a distraction to motorists, and become a safety issue to them. These machines are low to the ground, and will be kicking up dust as they travel on. Consider this scenario, an older driver heading for town, or just passing through, comes upon one of these machines, and the rider decides to cross the road without due regard for traffic. The car driver will not likely know first of all whether or not that they have the right of way, and whether or not these machines are allowed on the roadway in the first place. A driver from out of the area or a jurisdiction that has no ATV by-law in place will be totally confused as how to re-act. Another issue with these machines on all our roadways, is the matter of sharing the road with the ATV's, partially on the road, or entirely on the traveled portion, due to non-existent shoulders to support ATV's.

Vehicles are going to be required to slow up to the ATV speed, and pass when ever safe. What about the car driver directly behind the first and they decide to pass this slow moving car in front not realizing an ATV is impeding traffic? I have been told that there will be an economic spin off to the Township business people. I question that, as we presently have two gasoline service depots, and three restaurants. Two eateries, and two gasoline suppliers in the southern portion of the Township. Not much there in my mind. There has been a petition circulating around that has been presented to Council which has more than 400 signatures against this by-law. I understand that the ATV club has a membership of around 150. How many of our township ratepayers belong to this club, and I do mean ratepayer, the one who pays the bill. ATV's are promoted by the manufacturer as an all terrain vehicle for off road use, which is off road, period. The tires on these machines are stamped not for highway use by the tire manufacturer. A by-law allowing road use can open up further liability for the township. Honda Canada states that pavement or hard surfaces makes steering difficult, and turning extremely hazardous, increasing the risk of rollover and fatal injuries. Polaris Canada states never drive on public roads, and always avoid paved surfaces. I believe we should seek advice of our insurer as to a premium increase in relation to experience of other municipalities that have enacted such a by-law. In my mind, I can envision all kinds of liability issues that have the potential to bankrupt this township. The name of the day is to sue, sue, sue. Our local health unit is entirely against the concept of by-laws allowing the use of these machines within their jurisdiction. Campbellford District Hospital reports a 30 percent increase in ATV related injuries over a six month period last year. We are constantly being reminded of the dangers of these machines by the news outlets when reporting deaths and serious injuries. Our area suffered the loss of a young person just this past year. I understand that the ATV Club president said 26 fatalities in central Ontario is a very small number compared to the rider volume. I wonder how many fatalities took place province wide. I say that 1 is too many, PERIOD. The health unit also reports that municipalities who enact these bylaws see a greater number of accidents, than those that do not have one. I firmly believe that enforcement costs will rise, mainly due to the increase of ATV's on the roads. This ATV traffic is already a huge concern to area residents, which, by the way is one of the largest line items in our budget. In regards to the use of these ATV's in the County Forest, I feel that now is the time to recognize the concerns of many environmentalists that are raising legitimate issues. There is no question in my mind, that these machines cause extensive damage to the environment. Now is the time to have an environmental impact study be conducted within the County Forest before they finalize their position of new and old trails. Protection of any ANSI or wetlands must come first. We will be the first in line for liability and a lawsuit, if the County does not conduct this study, and address the other concerns of all others regarding the County Forest. As a final comment, I feel that these machines are manufactured for off road use, and not on public roads. They are recognized as a valuable tool for farmers, trappers, and hunters, therefore private property or crown lands is where they belong. I have no problem with the farmer commuting from one farm to the other to check on cattle etc. Our ratepayers deserve the quiet enjoyment of their neighbourhood, which many property owners came to this are for in the first place. Perhaps public referendum needs to taken. I would also like to suggest that all this information gathered and received regarding this matter be copied and forwarded to the ATV Committee, Club Members and the County Forest Users Committee for a written response addressing each of the concerns expressed. Thank you.

Deputy Mayor McDonald:

Deputy Mayor McDonald commented there has been good discussion tonight on both sides of the issue and agreed with Councillor Holmes, that a written response addressing all the individual concerns, be prepared and submitted for Council's review. The ATV's are here to stay so we need to work together. It would be a crying shame if it couldn't be used by everyone.

Ms. Brenda Free, on behalf of the individuals in attendance tonight, would like to thank Council for this opportunity to voice our concerns and comments.

Mayor Finley noted that there has been no timetable set for proceeding with this matter in any format.

4. ADJOURNMENT – 9:22 P.M.)

The Public Meeting for purpose of receiving and hearing comments and concerns with respect to the Draft ATV By-Law for the Township of Alnwick/Haldimand, be adjourned at 9:22 p.m.

MAYOR, WILLIAM FINLEY

CLERK/ADMINISTRATOR,
TERRENCE KOROTKI