Agenda - Council – March 23, 2011

Report – Standing Policy Committee on Protection and Community Services – February 28, 2011

Item No. 1 Review of By-laws Governing Off Road Vehicles

STANDING COMMITTEE RECOMMENDATION:

On March 16, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That an extension of time of 30 days be granted to enable the Winnipeg Public Service to report back as directed by the Standing Policy Committee on Protection and Community Services on January 31, 2011.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 28, 2011, the Standing Policy Committee on Protection and Community Services recommended that an extension of time of 30 days be granted to enable the Winnipeg Public Service to report back as directed by the Standing Policy Committee on Protection and Community Services on January 31, 2011, and submitted the matter to the Executive Policy Committee and Council.

On January 31, 2011, the Standing Policy Committee on Protection and Community Services laid the matter over to its meeting on February 28, 2010 and requested the Winnipeg Police Service to be present at the time to answer questions.

COUNCIL DECISION:

On January 26, 2011, Council ruled automatic referral of the following motion to the Standing Policy Committee on Protection and Community Services:

WHEREAS the existing by-laws relating to Off Road Vehicles (ORV) is outdated and requires review and revision with regard to the changes in ORV technology and the need to protect the public;

AND WHEREAS the existing Vehicles By-law No. 6726/95 actually still allows ORV usage in some parts of Winnipeg;

AND WHEREAS the existing Vehicles By-law No. 6726/95 does not prescribe a minimum fine structure, nor does it offer the ability to seize vehicles and sell in auction;

AND WHEREAS the Central Traffic Unit's River Patrol is the only police unit to possess snowmobiles and much of their time is consumed with enforcement issues on the city's rivers and issues relating to ice safety;

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS there is a need for a regular Public Education campaign to be conducted by the City of Winnipeg and the Province of Manitoba, including provincial agencies/crown corporations, such as Manitoba Public Insurance on the dangers of ORV use inside the City of Winnipeg;

AND WHEREAS there may be opportunities for the Province of Manitoba to assist the City of Winnipeg with enforcement of illegal use of ORVs through the MPI vehicle registration and licensing process;

THEREFORE BE IT RESOLVED THAT:

a) The City of Winnipeg immediately undertake a comprehensive review of the by-laws governing Off Road Vehicles, including but not limited to, Vehicles By-law No. 6726/95, and make recommendations to Council to modernize the by-laws, that would (but not be limited to):
   i) eliminate the ability to legally use ORVs anywhere inside the City of Winnipeg (excluding natural disaster events, such as severe blizzards).
   ii) impose minimum fines that would be substantial and act as a real deterrent for by-law violations.
   iii) provide authorities the power to seize ORVs and that such vehicles would be offered to auction, with funds being earmarked to Public Education campaigns on the dangers of illegal ORV use within the City of Winnipeg.

b) City Council request an immediate report from the Winnipeg Police Service, that will subsequently be supplied on an annual basis, to the Standing Policy Committee on Protection and Community Services, which will:
   i) provide information on WPS enforcement plans with regard to the illegal usage of ORVs, with a breakdown between winter season ORV enforcement and summer season ORV enforcement.
   ii) provide the record of success of the previous years' enforcement (ex. fines, ORVs seized, etc.)
   iii) provide information on public education campaigns which will be directed toward deterring the illegal use of all forms of Off Road Vehicles. Such campaigns will clearly outline the dangers of ORV use within the City of Winnipeg and provide information on areas outside of Winnipeg which are ORV friendly, including existing ORV drop off areas.

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

c) The Winnipeg Police Service immediately explore means to expand the snowmobile and four-wheel drive Off Road Vehicle fleet beyond Central Traffic's River Patrol Unit in order to ensure adequate and timely enforcement of said by-laws throughout the City of Winnipeg, and that the status of this consideration be reported to City Council.

d) The City of Winnipeg request that the Province of Manitoba:

i) participate in coordinated public education campaigns between the City of Winnipeg and the Province of Manitoba, including all relevant provincial agencies, departments, and crown corporations, in order to ensure that the strongest and most wide reaching message possible is delivered to the public.
ii) review existing processes for ORV licensing and registration, with the intent of improving the registered owners' declaration, including, but not limited to, a requirement to clearly name all operators of said ORV, not just the usual operators.
iii) ensure, where necessary, our by-laws are supported via existing provincial legislation, including powers to seize ORVs.
iv) develop a system for the licensing of individuals via mandatory individual ORV operator safety courses and written testing.
v) review the minimum age presently allowed for the operation of an ORV, with the intent to raise the age of unsupervised riders from 14 to 16.
vi) that the above request to the province and its success (or lack thereof) be reported to Council.