Minute No. 493
Report – Standing Policy Committee on Protection and Community Services – June 27, 2011

Item No. 1 Off Road Vehicle Enforcement Program

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by Executive Policy Committee, and adopted the following:

1. That the Winnipeg Police Service Off Road Vehicle (ORV) enforcement program be initiated to immediately undertake a comprehensive review of the by-laws governing Off Road Vehicles and make recommendations to Council to modernize the by-laws, that could consider (but not be limited to):

    A. Eliminate the ability to legally use ORV anywhere inside the City of Winnipeg (excluding natural disaster events, such as severe blizzards);

    B. Impose minimum fines that would be substantial and act as a real deterrent for bylaw violations;

    C. Explore the viability of legislative changes that would provide authorities the power to seize ORV 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.

2. That an additional appropriation of $89,482 be approved for the Winnipeg Police Service 2011 Budget to cover the cost of the proposed enforcement program. The Winnipeg Police Service will request consideration for additional funding (at an approximate level of $15,700) on an ongoing basis starting with the 2012 Budget Process.

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

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Protection and Community Services, as amended by the Executive Policy Committee, be adopted.

The motion for the adoption of the item was put.

Councillor Eadie called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Katz, Councillors Browaty, Fielding, Gerbasi, Havixbeck, Orlikow, Pagtakhan, Sharma, Steen, Steeves, Swandel, Vandal and Nordman. 13

Nay: Councillors Eadie, Smith and Wyatt. 3

and the motion for adoption of the item was carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, with the following amendment:

- Amend Recommendation 1. by deleting the words “would (but not be limited to)” and replacing with “could consider (but not be limited to)”

and submitted the matter to Council.

Further, on July 13, 2011, the Executive Policy Committee directed the Winnipeg Public Service to report back to the October 2011 meeting of the Standing Policy Committee on Protection and Community Services on broadening the review to include a public consultation process and to provide statistics of incidents over the last five years.

On July 6, 2011, the Executive Policy Committee laid over consideration of the matter to its meeting of July 13, 2011.

Report – Standing Policy Committee on Protection and Community Services – June 27, 2011

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On June 27, 2011, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submits the following to the Executive Policy Committee and Council:

1. That the Winnipeg Police Service Off Road Vehicle (ORV) enforcement program be initiated to immediately undertake a comprehensive review of the by-laws governing Off Road Vehicles and make recommendations to Council to modernize the by-laws, that would (but not be limited to):

    A. Eliminate the ability to legally use ORV anywhere inside the City of Winnipeg (excluding natural disaster events, such as severe blizzards);

    B. Impose minimum fines that would be substantial and act as a real deterrent for bylaw violations;

    C. Explore the viability of legislative changes that would provide authorities the power to seize ORV 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.

2. That an additional appropriation of $89,482 be approved for the Winnipeg Police Service 2011 Budget to cover the cost of the proposed enforcement program. The Winnipeg Police Service will request consideration for additional funding (at an approximate level of $15,700) on an ongoing basis starting with the 2012 Budget Process.

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

COUNCIL DECISION:

On June 22, 2011, Council concurred in the recommendation of the Standing Policy Committee on Protection and Community Services, that the Winnipeg Police Service report back to the Standing Policy Committee on Protection and Community Services on the question of adequacy and enforcement of regulations regarding snowmobile and Off Road Vehicles in Winnipeg in 90 days.

Report – Standing Policy Committee on Protection and Community Services – June 27, 2011

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2011, the Executive Policy Committee referred the matter back to the Standing Policy Committee on Protection and Community Services.

On April 20, 2011, the Executive Policy Committee laid over the matter to its meeting on May 18, 2011.

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2011, the Standing Policy Committee on Protection and Community Services recommended that the Council Motion of January 31, 2011 be received as information inasmuch as the Standing Policy Committee received a verbal report from the Winnipeg Public Service, and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On March 23, 2011, Council granted an extension of time of 30 days 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.

STANDING COMMITTEE RECOMMENDATION:

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.

Report – Standing Policy Committee on Protection and Community Services – June 27, 2011

DECISION MAKING HISTORY (continued):

COUNCIL DECISION:

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

Moved by Councillor Wyatt,
Seconded by Councillor Vandal,

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;

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):

Report – Standing Policy Committee on Protection and Community Services – June 27, 2011

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

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.

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.

Report – Standing Policy Committee on Protection and Community Services – June 27, 2011

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

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.

ADMINISTRATIVE REPORT

ISSUE: **Off Road Vehicle Enforcement Program**

Critical Path: **Standing Policy Committee on Protection & Community Services – EPC -Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Safioles M. Musgrove	Chief K. McCaskill	M Ruta CFO	Alex Robinson Deputy CAO

RECOMMENDATIONS

1. That the Winnipeg Police Service Off Road Vehicle enforcement program be initiated to immediately undertake a comprehensive review of the by-laws governing Off Road Vehicles and make recommendations to Council to modernize the by-laws, that would (but not be limited to):

    a. eliminate the ability to legally use ORV anywhere inside the City of Winnipeg (excluding natural disaster events, such as severe blizzards).

    b. impose minimum fines that would be substantial and act as a real deterrent for bylaw violations.

    c. explore the viability of Legislative changes that would provide authorities the power to seize ORV 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.

2. That an additional appropriation of $89,482 be approved for the Winnipeg Police Service 2011 Budget to cover the cost of the proposed enforcement program. The Winnipeg Police Service will request consideration for additional funding (at an approximate level of $15,700) on an ongoing basis starting with the 2012 Budget Process.

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

REASON FOR THE REPORT

On April 4, 2011, the Standing Policy Committee on Protection and Community Services recommended that the Council Motion of January 31, 2011 be received as information inasmuch as the Standing Policy Committee received a verbal report from the Winnipeg Public Service, and submitted the matter to the Executive Policy Committee and Council.

On April 20, 2011, the Executive Policy Committee laid over the matter to its meeting on May 18, 2011.

On May 18, 2011, EPC referred the matter back to the Standing Policy Committee on Protection and Community Services.

IMPLICATIONS OF THE RECOMMENDATIONS

- The proposed Winnipeg Police Service enforcement program will expand the ability for the Central Traffic Unit to conduct enforcement specific to off road vehicles in the City of Winnipeg. This will positively impact the Service and the City of Winnipeg as there are numerous requests for increased enforcement, yet very little has been done to address the community concerns.

- The additional education and enforcement will make for a safer environment for all citizens.

- There are no contracts involved in the proposal but the expansion of the Central Traffic Unit to incorporate this area of policing will require an additional multi-year budget to purchase and maintain the equipment and training required to conduct enforcement.

HISTORY

On January 13, 2011 a collision occurred between a pedestrian and an off road vehicle (snowmobile) in the City of Winnipeg that resulted in the death of the pedestrian. The collision occurred in an area that is frequented by snowmobiles illegally and is a violation of the Vehicles Act.

As in the 2011 Service goals, pertinent to a coordinated traffic enforcement strategy, the Winnipeg Police Service (WPS) is taking steps to ensure enforcement is available to address off road vehicles operating illegally in the City of Winnipeg.

There are three Acts that pertain to the enforcement of off road vehicles (ORV) in the City of Winnipeg and the Province of Manitoba:

1. Vehicles By-law (City of Winnipeg)
   - The Vehicles by-law was designed to prohibit the off road operation of off road vehicles in the City of Winnipeg except in designated areas. (Appendix A – map)
   - This by-law is outdated and the definition of vehicles within the By-law does not include a snowmobile. The Act is being revised so that it accurately and inclusively defines what qualifies as a vehicle

2. Off Road Vehicles Act (Province of Manitoba)
   - The Off Road Vehicles Act governs the registration, licensing and rules of operation for off road vehicles within the Province of Manitoba.
   - This Act is enforceable and has clearly defined offences and penalties similar to the Highway Traffic Act.

3. Frozen Waterways by-law (City of Winnipeg)
   - The Frozen Waterways by-law prohibits the use of all vehicles on the frozen surface of any waterway within the City of Winnipeg. This includes all rivers, their tributaries and all retention ponds.

In 2010 records indicate that there were approximately 50 Provincial Offence Notices issued by the WPS under the Off Road Vehicles Act. Off road vehicle enforcement is logistically difficult and costly given the following considerations:

- River Patrol is a two person Unit working about 14 days a month where the majority of time is spent monitoring ice conditions and issuing permits. Enforcement is concentrated to frozen river ways only. The unit has limited resources – 2 all-terrain quads and 2 snowmobiles. During the summer, all duties are focused on the waterways, i.e. boating.

- Central Traffic has only recently expanded to incorporate officers specifically directed to enforcement duties. Central Traffic has no off road vehicles in the Unit therefore enforcement is only possible from cruiser cars or motorcycles. This makes enforcement virtually impossible. Most offences are observed and enforced when citizens are caught returning to their residence or when returning to an illegal drop off site where they deploy their ORV.

- Community Support Units are in the same position as Central Traffic regarding complaints and enforcement of ORV.

The following is the result of a two day targeted enforcement project that was conducted following the fatal collision:

Resources from several Service units as well as assistance from RCMP, Springfield Municipal Police and Department of Natural Resources, were used in a targeted enforcement/public education campaign. In order to accomplish this project officers were required to use their own personal snowmobiles and equipment as well as the River Patrol equipment and vehicles.

Targeted Enforcement Project – 2 days January 29 & 30

Snowmobiles stopped: 44	**6 within City limits:** - properly registered and held valid drivers' licences - cautioned for operating within city limits - no Provincial Offence Notice issued **38 outside City limits (*not WPS jurisdiction*):** - 1 unregistered - 1 Provincial Offence Notice issued
Spotchecks of vehicles leaving the city transporting snowmobiles: 47	- 3 vehicles were found to be unregistered - 1 driver was unlicensed - 5 inspections were conducted - 4 people receiving warnings for having defective equipment.
Cost of project	$21,326.80

Off Road Vehicles Enforcement Plan

The Central Traffic Unit will take primary responsibility for enforcement but coordinated efforts with District Community Support Units will always be considered. Outside agency assistance as well as WPS specialty unit assistance, i.e. Flight Operations Unit and River Patrol, will be utilized as required and as available.

The plan is to provide enforcement focusing on high complaint areas during the peak times the offences are being committed. A central file will document complaints received to WPS so that enforcement actions can be qualified and justified by intelligence received from the public.

A record of all enforcement actions will be maintained and will include:

- Number of officers involved / equipment used
- Time, date and location of offences allowing for analysis and mapping of problem areas.
- Number of offence notices issued and their dispositions
- Annual report summarizing the enforcement actions

The ability to rapidly deploy Police ORV will depend on the resources obtained including but not limited to:

- Number of off road vehicles at the disposal of Central Traffic
- Location where these vehicles are housed
- Number of officers trained and equipped to operate the ORV
- Suitable vehicles to convey the ORV to deployment areas
- The necessity and viability to deploy resources as needed if it is demonstrated that offences are occurring outside of current working schedule in Central Traffic.

To achieve optimal enforcement levels, the purchase of additional vehicles is required, including 1 utility task vehicle (UTV) and 2 snowmobiles, as well as the immediate training of 8 members of Central Traffic to operate the vehicles. Ongoing training will ensure an adequate number of Central Traffic officers are qualified. The training will be extended to District Community Support Unit officers as soon as practicable.

Deployment of the ORV will be determined by data that demonstrates where and when offences are occurring. Officers will report back to the enforcement supervisor all deployment activities and subsequent results of the deployment.

The primary function of the ORV will be enforcement activity. Outside of enforcement other activities that could be incorporated are: search and rescue, parades, escorts, responding to calls for service i.e. “bush parties,” patrol of parks such as La Barriere, Little Mountain Park and Juba Park to the Forks.

Off Road Vehicles Education Campaign

In addition to additional ORV enforcement, the WPS will undertake a public education approach that may include but is not limited to:

- Media campaigns to inform citizens of the rules of ORV operation and announce the increased enforcement actions that will take place.
- Low cost advertising such as upgrading City of Winnipeg web site and links to Police and agencies associated with ORV operations.
- Radio spots for brief comments regarding WPS and City of Winnipeg traffic matters.
- Regular releases to the press from WPS PIO.
- “ORV Operation Prohibited” signs erected at major routes entering into the City of Winnipeg.
- Additional signage in known problem areas.

At the request of Council, the WPS will endeavor to coordinate efforts with the Province of Manitoba to:

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, by-laws are supported via existing provincial legislation.

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) explore the viability of creating new legislation that would allow the City of Winnipeg to seize

ORV's for by-law breaches.

Currently there is no legislation that would permit such seizures from occurring although an ORV may be towed for specific offences.

Comprehensive Review of By-laws

A flaw in the wording of the City of Winnipeg "Vehicles By-law" has prevented the Service from enforcing snowmobiles being illegally operated in the City of Winnipeg. In brief the problem lies in the definition of Vehicle as written in the by-law.

The intent of this bylaw is to prohibit the operation of "Off-Road Vehicles" within the City of Winnipeg. The bylaw has missed the "off-road" portion of "off-road vehicle", where it states "vehicle" instead of "off-road vehicle" in the definitions section. Simply stated – snowmobiles are not correctly defined in the by-law. The WPS has been working with City of Winnipeg Legal Services to amend the current Vehicles By-law.

FINANCIAL IMPACT

Financial Impact Statement Date: May 17, 2011

Project Name: Off-Road Vehicle Enforcement First Year of Program 2011

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 89,482	$ 15,682	$ 15,682	$ 15,862	$ 15,862
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 89,482	$ 15,682	$ 15,682	$ 15,862	$ 15,862
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 89,482	$ 15,682	$ 15,682	$ 15,862	$ 15,862

Additional Comments: 2012-2015 include ongoing costs such as maintenance, insurance, training and specialized clothing requirements

Ron Smolik
Department Controller

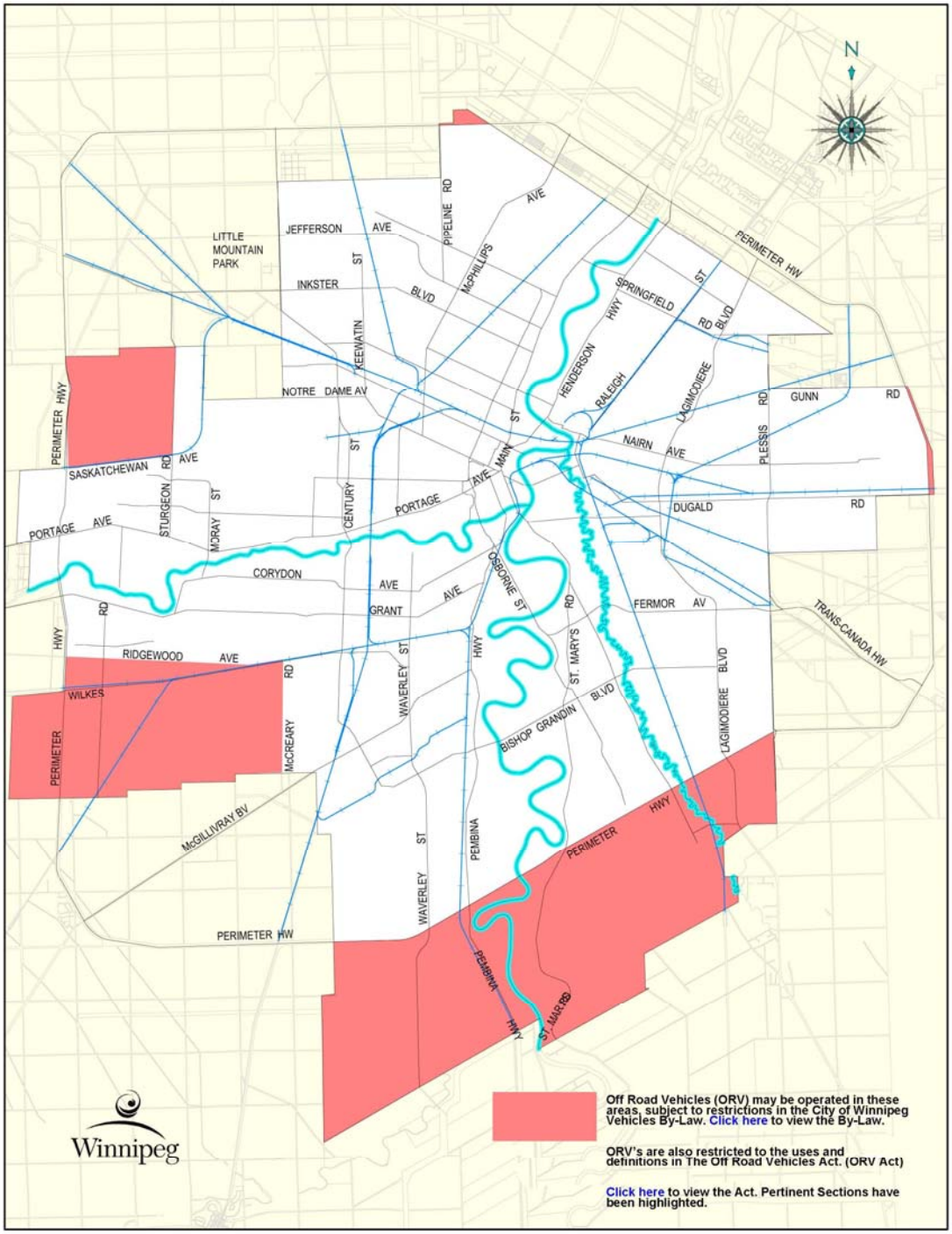
CONSULTATION

In preparing this Report there was consultation with:

Legal Services Division

SUBMITTED BY

Department:	Winnipeg Police Service
Division:	Organizational Development, Division 32
Prepared by:	D. Safioles, Sergeant Central Traffic, Division 50
	M. Musgrove, Research Analyst
Date:	June 24, 2011
File No.	ODS 11 – 034


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LITTLE MOUNTAIN PARK
JEFFERSON AVE
INKSTER BLVD
PIPELINE RD
McPHILLIPS ST
KEEWATIN ST
NOTRE DAME AV
PERIMETER HWY
SASKATCHEWAN AVE
PORTAGE AVE
STURGEON RD
McGRAY ST
CENTURY ST
PORTAGE AVE
MAIN ST
CORYDON AVE
GRANT AVE
OSBORNE ST
HENDERSON HWY
RALEIGH
SPRINGFIELD RD
ST BLVD
LAGIMODIERE BLVD
NAIRN AVE
PLESSIS RD
GUNN RD
DUGALD RD
FERMOR AV
TRANS-CANADA HWY
ST. MARYS RD
BISHOP GRANDIN BLVD
RIDGEWOOD AVE
WILKES
McCREARY RD
WAVERLEY ST
PEMBINA HWY
McGILLIVRAY BV
PERIMETER HW
ST. MARYS RD
Winnipeg
Off Road Vehicles (ORV) may be operated in these areas, subject to restrictions in the City of Winnipeg Vehicles By-Law. Click here to view the By-Law.
ORV's are also restricted to the uses and definitions in The Off Road Vehicles Act. (ORV Act)
Click here to view the Act. Pertinent Sections have been highlighted.