



CITY OF WHITEHORSE SUBMISSION TO THE SELECT COMMITTEE ON OFF-ROAD VEHICLE USE

OVERVIEW

The City of Whitehorse is facing increasing complaints over the use of Off Road Vehicles (ORVs) within municipal boundaries. For the purposes of this submission ORVs are defined as ATVs, snowmobiles, dirt bikes, dune buggies etc.

While the municipality does have the ability to create its own bylaws it has been extremely difficult to enforce the current bylaw and its provisions as offenders are difficult if not impossible to identify.

In line with the Yukon Government's review of ORV legislation the City has several requests for amendments that would enable City officials to identify offenders and adequately enforce bylaw provisions.

The City is requesting that the following amendments be made to ORV legislation:

1. Require all ORVs be registered with the Department of Motor Vehicles at point of sale.
2. Require all drivers of ORV vehicles hold a valid driver's license.
3. Require all ORVs be adequately insured for public damage and personal liability.
4. Requiring all ATV and Snowmobile fines be paid before obtaining or renewing registration or driver's license.
5. Provide Municipal authorities with the authority to seize ORVs.
6. Allow the Municipality the ability to set the standard for signage as it relates to off road vehicles.
7. Require all ORV riders in the territory be required to wear a helmet when operating an ORV.

Other Items that should be considered as part of this submission include:

1. Head lights and tail lights
2. Update on access to information agreement between City of Whitehorse and Government of Yukon to include access to information for licence plates on an ORV for offences committed under City Bylaws.
3. Requirement for ORV users to successfully complete a course prior being permitted to operate.

EXPLANATION OF REQUESTED AMENDMENTS

ORV Registration and License Plate

This is the single most important amendment to the legislation being sought by the City of Whitehorse. Currently, it is extremely difficult to identify offenders as their vehicles have no license plate and drivers are difficult or impossible. City Bylaws are near impossible to enforce under the current circumstances.

Having vehicles registered with the department of Motor Vehicles and required to contain a plate would allow City Bylaw officers or citizens who witness an offence to record the license plate, which allows for future follow up.

Drivers License

The City responds to a number of complaints over ORV use that involves minors operating a motor vehicle. A valid driver's license would help ensure driver education was obtained and help prevent minors from riding ORVs.

Insurance

Currently, many ATVs are not insured. In the event that an accident occurs and results in personal injury and/or damage to property the only recourse to pursue compensation is through legal action.

2008 data on hospital admissions:

- ATV/Snowmobile 134
- Motor Cycle 69

Fine Payment

In 1995, the Commissioner in Executive Council ordered that motor vehicles that had outstanding fines attached to them, including Traffic Bylaw fines, could not be re-registered until those fines were paid. Extending these provisions to ORVs would ensure that any municipal fine applied to an ORV operator would carry with them the appropriate weight.

Seizure of Vehicles of ORV

Where bylaw officers have reasonable or probable grounds to believe an offence may continue or a threat to public safety exists, being able to seize a vehicle (for offences such as not having insurance) would provide officers with the appropriate authority to enforce the bylaw and promote public safety. It would also provide more incentive for operators to ensure their vehicles are in good working order, are properly operated and insured.

Standard Signage

Providing the municipality with the ability to set signage standards would allow the municipality to adequately inform the public as to bylaw provisions, such as prohibited areas, designated trails, and associated fines, etc.

Helmets

Currently, the City of Whitehorse, as in most jurisdictions in Canada, requires helmets to be worn while operating ORVs. Having territorial legislation would help bolster this safety effort and provide a united message to the public on the importance of ORV safety.

EXPLANATION OF ADDITIONAL ITEMS OF CONSIDERATION:

Headlights and Brakes

This is a safety request. ORVs without lights are difficult for pedestrians to spot on trails and difficult for motorists to spot at vehicle crossings. Currently, there are a number of ORVs that operate in Whitehorse without these safety features. Having regulations of when such ORVs may operate will provide enforcement personnel the ability to deal with these situations as they are identified.

Access to Information Agreement between Government of Yukon and City of Whitehorse

An update to the access to information agreement between the City of Whitehorse and the Government of Yukon to include access to information for licence plates on ORVs for offences committed under City Bylaws would be required in order for the City to locate offenders. Currently the agreement allows the City to access motor vehicle registration information for the purposes of enforcing the Motor Vehicles Act, and the Traffic Bylaw for limited situations as it relates to the Vehicle for Hire Bylaw (Taxi Bylaw).