

ATV, ORV and Snowmobile (By-law No. 2019-421)

ATV, ORV and Snowmobile

BY-LAW NO. 2019-421 as amended by By-law 2022-180

A by-law of the City of Ottawa to regulate the operation of All-Terrain Vehicles (ATVs), Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, and Motorized Snow Vehicles on certain designated highways and unopened road allowances within the City of Ottawa.

WHEREAS the Section 191.8 of Highway *Traffic Act* authorizes a municipality to pass by-laws permitting and regulating the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway or part of a highway under the jurisdiction of the municipality and further, to prescribe the rate of speed for such off-road vehicles as well as the specific months or hours during which they can be operated on a municipal highway or part of a highway;

AND WHEREAS Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways, as amended, passed under the *Highway Traffic Act*, regulates the operation and requirements of ATV, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, which are classes of off-road vehicles,

AND WHEREAS Section 7(2) of the Motorized *Snow Vehicles Act* also allows a municipality to pass by-laws regulating, governing or prohibiting the operation of Motorized Snow Vehicles within the municipality including any highways therein or any part or parts thereof;

AND WHEREAS Section 35 of the *Municipal Act*, 2001, allows a municipality to restrict the common law right of passage by the public on a highway within its jurisdiction;

AND WHEREAS Council deems it in the public interest to permit and regulate the operation of ATV, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, and Motorized Snow Vehicles on certain designated highways and unopened road allowances within the City of Ottawa on a non-exclusive basis, and to prohibit other motor vehicles from these highways and unopened road allowances;

THEREFORE the Council of the City of Ottawa enacts as follows:

Section 1 - Definitions

1. In this by-law:

“All-Terrain Vehicle” means an off-road vehicle that,

1. has four wheels, all of which contact the ground;
2. is equipped with steering handlebars;
3. a seat designed to be straddled by the driver;
4. is designed to carry,
 1. a driver only and no passengers, or
 2. a driver and only one passenger, if the vehicle,
 1. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 2. is equipped with foot rests for the passenger that are separate from the foot rests for the driver, and;
5. in all respects meets the requirements of the *Highway Traffic Act* and the *Off-Road Vehicles Act* and any regulations passed thereunder, as amended and as may be replaced from time to time, and the expression **“ATV”** shall have the corresponding meaning;

“Multi-Purpose Off-Highway Utility Vehicle” means an off-road vehicle that,

1. has four or more wheels, the tires of which are all in contact with the ground;
2. has a steering wheel for steering control;
3. has seats that are not designed to be straddled;

4. has seat belts for each seated position, and
5. has a minimum cargo capacity of 159 kilograms. in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any regulations passed thereunder, as amended and as may be replaced from time to time, and the expression “**ORV**” shall have the corresponding meaning;

“**Recreational Off-Highway Vehicle**” means an off-road vehicle that,

1. has four or more wheels, the tires of which are all in contact with the ground;
2. has a steering wheel for steering control;
3. has seats that are not designed to be straddled;
4. has seat belts for each seated position, and
5. has an engine displacement equal to or less than 1,000 cubic centimetres; in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any regulations passed thereunder, as amended and as may be replaced from time to time, and the expression “**ORV**” shall have the corresponding meaning;

“**City**” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa, as the context requires;

“**Designated Highway**” means a public highway or part thereof, under the jurisdiction of the City, that is indicated on Schedule “A” and shown on Schedule “C” as being permitted for use by ATVs, Multi-Purpose

Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, and Motorized Snow Vehicles under this by-law, as the case may be;

“**Designated Unopened Road Allowance**” means an unopened road allowance or part thereof, under the jurisdiction of the City, that is indicated on Schedule “B” and shown on Schedule “C” as being permitted for use by ATVs, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, and Motorized Snow Vehicles under this by-law, as the case may be;

“forest access road” means permanent roads that provide access for service, emergency, and other vehicles through Municipal Conservation Forests;

“General Manager of Planning, Infrastructure and Economic Development” means the General Manager of Planning, Infrastructure and Economic Development or an authorized representative/designate of the General Manager of Planning, Infrastructure and Economic Development;

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, drive, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;

“Motor Vehicle” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry, or a road- building machine;

“Motorized Snow Vehicle” means a self-propelled vehicle designed to be driven primarily on snow;

“Motorized Snow Vehicles Act” means the *Motorized Snow Vehicles Act*, R.S.O. 1990, c.M.44, as amended;

“municipal law enforcement officer” means a municipal law enforcement officer duty authorized by the Council of the City of Ottawa to enforce this by-law;

“municipal natural areas” means natural environment areas, urban natural features, rural natural features, significant wetlands and major open space designated as such in the City of Ottawa Official Plan and includes municipal conservation forests, municipal conservation lands and community woodlands;

“off-road vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

f. on not more than three wheels, or

g. on more than three wheels and being of a prescribed class of vehicle; “Off-Road Vehicles Act” means the Off-Road Vehicles Act, R.S.O. 1990, c. O.4, as amended;

“**police officer**” means the Chief of Police or an officer of the Ottawa Police Service or other police service having jurisdiction in the area, who are duly appointed under the *Police Services Act*;

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O. 1990 c. P.33, as amended; and,

“**unopened road allowance**” means a highway under the jurisdiction of the City that has neither been opened for public travel nor assumed for maintenance purposes by the City.

Section 2 - Interpretation

1. This by-law includes the Schedules attached to it, and the Schedules are hereby declared to form part of the by-law.
2. The headings and subheadings used in this by-law are inserted for convenience of reference only, form no part of this by-law, and shall not affect in any way the meaning or interpretation of the provisions of this bylaw.
3. Unless the context requires otherwise, references to items in the plural include the singular unless used with a number modifying the term, and words imparting the masculine gender shall include the feminine.
4. It is declared that if any section, subsection, paragraph or part thereof is declared by any Court to be bad, illegal, or ultra vires, such section, subsection, paragraph part or parts shall be deemed to be severable and all other parts of this by-law are declared to be separate and independent, and enacted as such.

Section 3 - Vehicles on public highways

No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, on any highway or part of a highway under the jurisdiction of the City that is not a Designated Highway.

Section 4 - Vehicles on unopened road allowances

No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on an unopened road allowance or part of an unopened road allowance under the jurisdiction of the City that is not a Designated Unopened Road Allowance.

Section 5 - Trail network system, new routes

New routes in respect to the network system trails be applied for, permitting ATV, Multi-Purpose Off-Highway Utility Vehicles, and Recreational Off-Highway Vehicles to ride on the City's, approved network system within the rural areas of the City of Ottawa. Applications must be made, in writing, to the Rural Affairs Office and provide the following to be considered:

1. Applicants must have membership in, or affiliation, with Ontario Federation of ATV Clubs;
 1. Proof of appropriate insurance, to the satisfaction of the General Manager, Planning Infrastructure and Economic Development, as required;
2. Documented support of Ontario Federation of ATVs Clubs for proposed new routes;
3. Confirmation that the applicant has consulted with the local snowmobile club and include response from the consultation;
4. Detailed descriptions of proposed new routes for the network system, including maps.

Once these conditions are met, the Rural Affairs Office will review the proposed new routes, and work with the Applicant to complete the following:

1. Identify which parts of the proposed network system are:
 1. City owned land;
 2. City owned right-of-way;
 3. Private land;
 4. Shared use trails;

2. Rural Affairs Office will assist Applicant with public outreach to the community and adjacent landowners to determine support;
3. Rural Affairs Office will conduct Internal stakeholder outreach to determine support.

Upon completion of this review, the Rural Affairs Office will make a determination based on the full application and make a recommendation regarding the proposed new route.

Section 6 - Expansion of existing trail network systems

The process for expansion of existing trail network systems for ATV,

Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, and Motorized Snow Vehicles within the rural areas of the City of Ottawa may be accomplished through an expedited process. Applicants are to provide the following to the Rural Affairs Office:

1. Detailed descriptions of proposed new routes, including maps;
2. Written proof of contact with adjacent landowners to determine support;
3. Applicants for new:
 1. ATV, Multi-Purpose Off-Highway Utility Vehicles, and Recreational Off- Highway Vehicles must be in communication and working in cooperation with local Motorized Snow Vehicle Club that shares trail in proposed network;
 2. Motorized Snow Vehicle must be in communication and working in cooperation with local ATV, Multi-Purpose Off-Highway Utility Vehicles, and Recreational Off-Highway Vehicles Club that shares trails in proposed network.

Upon completion of this review, the Rural Affairs Office will make a determination based on the full application and make a recommendation regarding the proposed new route.

Section 7 to 17 - General Regulations

Section 7

Any person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or a Motorized Snow Vehicle under this by-law shall comply with *Highway Traffic Act*, the *Off-Road Vehicles Act*, the *Motorized Snow Vehicles Act*, and all other Federal or Provincial laws and municipal bylaws, as applicable, or any regulations made under them as amended or replaced from time to time.

Section 8

Permission to operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or a Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance under this by-law does not constitute permission to travel upon or to operate such vehicles on any other private or public property without the consent of the property owner.

Section 9

1. When requested to do so by a police officer or a municipal law enforcement officer, no person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle on a Designated Highway or Designated Unopened Road Allowance shall fail to present for inspection proof of valid membership to the Ontario Federation of ATVs Clubs or to an affiliated ATV club recognized by the Ontario Federation of ATV Clubs.
2. When requested to do so by a police officer or a municipal law enforcement officer, no person operating a Motorized Snow Vehicle on a Designated Unopened Road Allowance shall fail to present for inspection proof of valid membership to a recognized Motorized Snow Vehicle club recognized by the City.

Section 10

1. No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or a Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance at a rate of speed greater than:
 1. for a Designated Highway:

1. 20 kilometres per hour, if the speed limit under the *Highway Traffic Act* for that part of the highway is not greater than 50 kilometres per hour; and,
 2. 50 kilometres per hour, if the speed limited under the *Highway Traffic Act* for that part of the highway is greater than 50 kilometres per hour; and
2. for a Designated Unopened Road Allowance, the speed limit indicated on a sign posted on site.
 1. 20 kilometres per hour when within a village between the hours of 2100 and 0900

Section 11

No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance at any time earlier than 0700 hours and later than 2300 hours.

Section 12

1. No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle on a Designated Highway or Designated Unopened Road Allowance unless he or she is a valid member or valid affiliated member of the Ontario Federation of ATVs Clubs and the Ontario Federation of All-Terrain Vehicles Clubs has a valid license of occupation in effect with the City.
2. No person shall operate a motorized snow vehicle on a Designated Unopened Road Allowance unless he or she is a valid member or valid affiliated member of a bona fide Motorized Snow Vehicle club recognized by the City and the said club has a valid license of occupation in effect with the City.
3. No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, or Recreational Off-Highway Vehicle, or Motorized Snow Vehicle outside the areas permitted by the related license of occupation agreement.

Section 13

1. No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle on a Designated Highway or Designated Unopened Road Allowance unless he or she is a valid member or valid

affiliated member of the Ontario Federation of ATVs Clubs and the Ontario Federation of ATVs Clubs has a valid land use agreement in effect with the City.

2. No person shall operate a motorized snow vehicle on a Designated Unopened Road Allowance unless he or she is a valid member or valid affiliated member of a bona fide Motorized Snow Vehicle club recognized by the City and the said club has a valid land use agreement in effect with the City.
3. No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, or Recreational Off-Highway Vehicle, or Motorized Snow Vehicle outside the areas permitted by the related land use agreement.

Section 14

1. No person shall, without permission, in a municipal natural area:
 1. operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, or Recreational Off-Highway Vehicle anywhere within a municipal natural area, with the exception of forest access roads within the Marlborough Forest as shown in Schedule D between the months of September to December;

Section 15

No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance if the exhaust system of the vehicle installed by the manufacturer has been modified, or if the vehicle has a two-stroke engine.

Section 16

No person shall operate a Motor Vehicle on any Unopened Road Allowance unless such vehicle is required for emergency response purposes or unless prior permission has been obtained from the City.

Section 17

Notwithstanding any other Section of this by-law, no person shall operate an ATV Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle or a Motorized Snow Vehicle on a Designated Unopened Road Allowance at any time during the spring thaw, from the 15th day of March to the 15th day of May, every year.

1. Should weather conditions necessitate a shift in these dates, the Rural Affairs Office, ATV Club, and Motorized Snow Vehicles Club shall determine more suitable times.

Seasonal use of shared trails

Flexible Season close dates

1. For the first year of use of a new network system and for the first year from the date of enactment of this bylaw, and in any case where the ATV Club is unable to maintain their portion of the shared use trails during the winter months, the season start date for Motorized Snow Vehicles will be determined shall be established jointly by the Snowmobile Club and ATV club and communicated to the City.
2. Upon notifying the City of the seasonal change date, the ATV club shall:
 1. Notify their membership of the seasonal end date by:
 1. Updating the online map
 2. Posting on social media
 3. Updating the website
 2. Post appropriate signage informing ATV, Multi-Purpose Off- Highway Utility Vehicle, and Recreational Off-Highway Vehicle users that the trails are closed for the winter season.
3. The Rural Affairs Office will review this on an annual basis.

Shared Use of trails during winter season.

1. After the first year under this by-law, and once the ATV Club is able to show they are able to maintain and warden their portion of the trails, ATVs, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off- Highway Vehicles, would be permitted to utilize the Shared Use trails during the snowmobile season.
 1. Shared use would incorporate designated sides of the trails for ATVs, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off- Highway Vehicles, and for Motorized Snow Vehicles.

2. The Rural Affairs Office will review this on an annual basis.

3. Special Events

1. For the purpose of hosting charitable events, the ATV Club may request they use of trails, for single day events, from the Motorized Snow Vehicle Club during the Motorized Snow Vehicle season.

Negotiation and agreement of the use are between the two parties. All required permits, consultation, and outreach remain the responsibility of the clubs to acquire.

Section 18 - No evidence of opening or assumption of unopened road allowance & use at own risk

Permission under this by-law to operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Unopened Road Allowance does not constitute evidence that the Council of the City agrees to open or to assume for maintenance purposes the unopened road allowance and all persons use such Designated Unopened Road Allowances at their own risk.

Section 19 - Non-exclusive use

It is declared that any permitted use under this by-law of a Designated Highway and a Designated Unopened Road Allowance is non-exclusive and any person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle shall have due regard for other users and shall use caution when passing other users.

Section 20 to 23 - Enforcement, offences, fines & penalties

Section 20

This by-law may be enforced by a police officer or a municipal law enforcement officer.

Section 21

Any person who contravenes any of the provisions of this by-law is guilty of an offence.

Section 22

Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*.

Section 23

1. When a person has been convicted of an offence under this by-law:
 1. the Ontario Court of Justice; or
 2. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 24 - Short title

This by-law may be referred to as the “ATV, ORV and Snowmobile By-law”.

Section 25 - Effective date and repeal

This by-law shall come into force and effect upon enactment.

Schedule "A" - Designated Highways

Highway	From	To
Gordon Murdock Road (formerly 2nd Line Road)	Belmeade Road	Road Allowance between Concession 2, Lots 41 & 42 1
Louis-Forget Road (formerly 3rd Line Road)	Road Allowance between Concession 2, Lots 41 & 42 1	McDiarmid Road
Blanchfield Road	Springhill Road	Cabin Road
Cabin Road	Blanchfield Road	Gordon Murdock Road (formerly 2nd Line Road)
Doyle Road (north / south section)	Snake Island Road	Doyle Road (east / west section)
Manotick Station Road 2	Road Allowance between Concession 2, Lots 10 & 11 1	Nick Adams Road
Nick Adams Road	Manotick Station Road	Dead end of Nick Adams Road
Stagecoach Road	Road Allowance between Concession 3, Lots 10 & 11 1	Road Allowance between Concession 4, Lots 10 & 11 1
Gordon Murdock Road (formerly 2nd Line Road)	Cabin Road	Osgoode Main Street
Osgoode Main Street	Gordon Murdock Road (formerly 2nd Line Road)	5566 Osgoode Main Street

1. *All Concessions and Lots refer to the geographic township of Osgoode.*
2. *For the segment of the trail on Manotick Station Road, ATVs will be restricted to the cleared portion of the road allowance between the shoulder and the fence line.*

Schedule "B" - Designated unopened road allowances

Highway	From	To
Road Allowance between Con 2, Lots 41 & 42 1	Gordon Murdock Road (formerly 2nd Line Road)	Louis-Forget Road (formerly 3rd Line Road)
Road Allowance between Con 2 & 3, Lots 39/40 to Lot 30/31 1	McDiarmid Road	Springhill Road
Road Allowance between Con 1 & 2, Lots 24/25 to Lots 21/22 1	Cabin Road	Snake Island Road
Road Allowance between Con 1 & 2, Lots 19/20 to Lot 6 1	Doyle Road (east / west section)	Dozois Road / Knights Drive / Squire Drive
Road Allowance between Con 2, Lots 10 & 11 1	Road Allowance between Con 1 & 2, Lots 10 & 11 1	Manotick Station Road
Road Allowance between Con 3, Lots 10 & 11 1	Dead end at east end of Nick Adams Road	Stagecoach Road
Road Allowance between Con 4 & 5, Lots 10 & 11 1	Stagecoach Road	Bank Street / Grey's Creek Road
Road Allowance between Con 1, Lots 10 & 11 1	Road Allowance between Con 1 & 2, Lots 10 & 11 1	River Road
Road Allowance between Con 2 Lots 15 & 16 ¹	Road Allowance between Con 1 & 2, Lots 15 & 16 ¹	Easterly for 940 metres

[Schedule C \[1.97 MB \]](#) Opens in a new tab or window **(link is external)**

[Schedule D \[PDF 292 KB \]](#) Opens in a new tab or window **(link is external)**