

BY-LAW NO. 2013 – 199

A by-law of the City of Ottawa to temporarily regulate the operation of All-Terrain Vehicles and Motorized Snow Vehicles on certain designated highways and unopened road allowances within Osgoode Ward (Ward 20) in 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, as amended, passed under the Highway Traffic Act, regulates the operation and requirements of All-Terrain Vehicles, which are class 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 All-Terrain Vehicles and Motorized Snow Vehicles on certain designated highways and unopened road allowances within Osgoode Ward (Ward 20) for a temporary period and on a non-exclusive basis, for the purposes of evaluation, and to prohibit other motorized vehicles from these highways;

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

DEFINITIONS

1. In this by-law:

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

- (a) has four wheels, the tires of all 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,
- and that 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;

“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 All-Terrain 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 All-Terrain Vehicles and Motorized Snow Vehicles under this by-law, as the case may be;

“highway” includes a common or public highway, street, avenue, parkway, 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,

“Motorized Vehicle” means 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 power-assisted bicycle, an All-Terrain Vehicle, a Motorized Snow Vehicle, a farm tractor, a self-propelled implement of husbandry, or road maintenance equipment;

“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;

“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.

INTERPRETATION

2. (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 by-law.
- (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.

ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS

3. No person shall operate an All-Terrain Vehicle on any highway or part of a highway under the jurisdiction of the City that is not a Designated Highway.

ALL-TERRAIN VEHICLES ON UNOPENED ROAD ALLOWANCES

4. No person shall operate an All-Terrain 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.

GENERAL REGULATIONS

5. (1) No person shall operate an All-Terrain Vehicle on a Designated Highway or Designated Unopened Road Allowance unless he or she is a valid member or valid affiliated member of the Nation Valley All-Terrain Vehicle Club and the Nation Valley All-Terrain Vehicle Club has a valid license of occupation in effect with the City.
- (2) When requested to do so by a police officer or a municipal law enforcement officer, no person operating an All-Terrain Vehicle on a Designated Highway or Designated Unopened Road Allowance shall fail to present for inspection proof of valid membership to the Nation Valley All-Terrain Vehicle Club or to an affiliated All-Terrain Vehicle club recognized by the Ontario Federation of All-Terrain Vehicle Clubs.
6. No person shall operate an All-Terrain Vehicle on a Designated Highway or Designated Unopened Road Allowance at any time earlier than 0800 hours and later than 30 minutes after sunset.
7. No person shall operate an All-Terrain Vehicle on a Designated Highway or Designated Unopened Road Allowance when signs posted on site during spring thaw or at any other time of year, as required by the City, prohibit the operation of vehicles.
8. No person shall operate an All-Terrain 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.

SPEED LIMIT & CONDUCT

9. No person shall operate an All-Terrain Vehicle on a Designated Highway or Designated Unopened Road Allowance at a rate of speed greater than:
 - (a) for a Designated Highway:
 - (i) 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,
 - (ii) 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,
 - (b) for a Designated Unopened Road Allowance, the speed limit indicated on a sign posted on site.

OPERATION OF MOTORIZED SNOW VEHICLES

10. (1) No person shall operate a Motorized Snow Vehicle on a Designated Highway in a manner contrary to the Highway Traffic Act or the Motorized Snow Vehicles Act.
- (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) 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 as required in subsection (2).

11. Sections 7 and 9 apply with required modifications to the operation of Motorized Snow Vehicles on a Designated Highway and a Designated Unopened Road Allowance.

12. Despite any other Section of this by-law, no person shall operate a Motorized Snow Vehicle on a Designated Unopened Road Allowance at any time from April 30 to December 1st of the same year.

PROHIBITION OF MOTORIZED VEHICLES ON DESIGNATED UNOPENED ROAD ALLOWANCES

13. No person shall operate a Motorized 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.

NO EVIDENCE OF OPENING OR ASSUMPTION OF UNOPENED ROAD ALLOWANCE & USE AT OWN RISK

14. Permission under this by-law to operate an All-Terrain 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.

NON-EXCLUSIVE USE

15. 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 All-Terrain Vehicle or Motorized Snow Vehicle shall have due regard for other users and shall use caution when passing other users.

COMPLIANCE WITH APPLICABLE LAWS

16. Any person operating an All-Terrain 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 by-laws, as applicable, or any regulations made under them as amended or replaced from time to time.

17. Permission to operate an All-Terrain 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.

ENFORCEMENT, OFFENCES, FINES & PENALITIES

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

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

20. 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.

21. When a person has been convicted of an offence under this by-law,
 (a) the Ontario Court of Justice; or
 (b) 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.

SHORT TITLE

22. This by-law may be referred to as the "Temporary All-Terrain Vehicles & Other Vehicles By-law".

EFFECTIVE DATE & REPEAL

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

24. This by-law is repealed on November 30, 2015.

ENACTED AND PASSED this 26th day of June 2013.

CITY CLERK

MAYOR

SCHEDULE “A” – DESIGNATED HIGHWAYS

HIGHWAY	FROM	TO
2 nd Line Road	Belmeade Road	Road Allowance between Concession 2, Lots 41 & 42 ¹
3 rd Line Road	Road Allowance between Concession 2, Lots 41 & 42 ¹	McDiarmid Road
Blanchfield Road	Springhill Road	Cabin Road
Cabin Road	Blanchfield Road	2 nd 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
2 nd Line Road	Cabin Road	Osgoode Main Street
Osgoode Main Street	2 nd Line Road	5673 Osgoode Main Street

- 1. All Concessions and Lots refer to the former 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

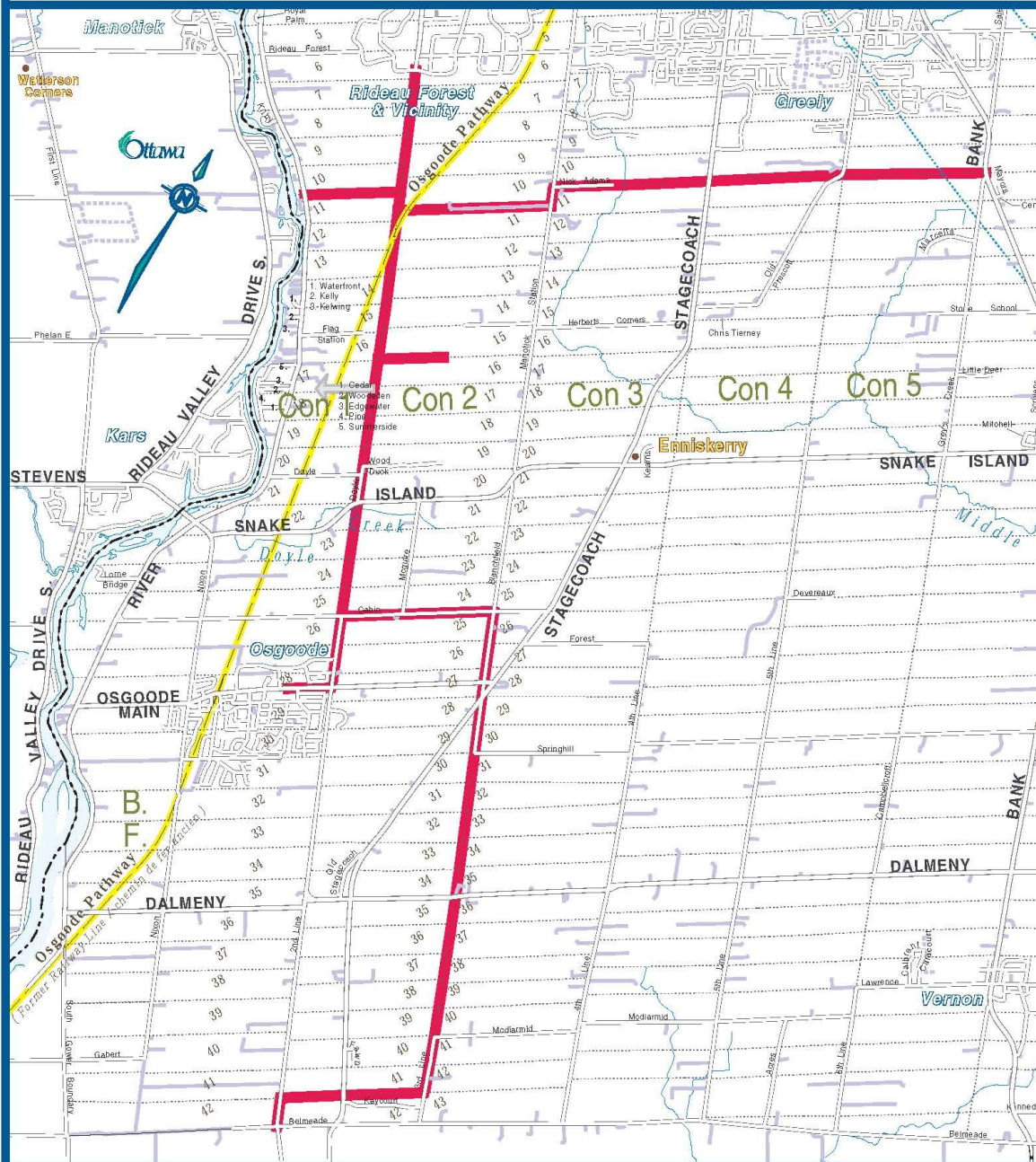
HIGHWAY	FROM	TO
Road Allowance between Con 2, Lots 41 & 42 ¹	2 nd Line Road	3 rd Line Road
Road Allowance between Con 2 & 3, Lots 39/40 to Lot 30/31 ¹	McDiarmid Road	Springhill Road
Road Allowance between Con 1 & 2, Lots 24/25 to Lots 21/22 ¹	Cabin Road	Snake Island Road
Road Allowance between Con 1 & 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

1.All Concessions and Lots refer to the former geographic township of Osgoode.

SCHEDULE
"C"

Schedule "C" Designated Highways and Designated Unopened Road Allowances
Annexe C - Autoroutes désignées et emprises routières non utilisées désignées

All-Terrain Vehicle Trail Network **Réseau de sentiers pour véhicules tout-terrain**



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Enacted by City Council at its meeting of
June 26, 2013.

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LEGAL SERVICES

VB

COUNCIL AUTHORITY:
Council Meeting June 12, 2013
ARAC Report 31A, Item 2