



Risk Management Considerations for Snowmobile Land Use Requests

Snowmobiling is part of Canadian winter culture. It is, however, a risky activity. If your municipality has been approached by a snowmobile club to use municipal land for snowmobiling use, consider these points:

1. Make sure the club is in good standing with the Ontario Federation of Snowmobile Clubs (OFSC). This can be done by obtaining a current OFSC certificate.
2. Enter into a “Land Use Permission Agreement” called “Memorandum of Understanding”. This agreement should have the designated area for snowmobile use sketched on a separate sheet of paper or shown on a map.
3. The Land Use Permission Agreement should state that the snowmobile club will maintain that portion of the designated area for snowmobiling purposes.
4. The Memorandum of Understanding should include:
 - a. An “adequate limit of liability” to cover specified land use (not less than \$5,000,000 due to the exposure).
 - b. An indemnification clause in favour of the municipality.
 - c. The municipality as an additional insured to the snowmobile club’s insurance policy. The policy

should have a 30-day notification of cancellation clause. A certificate of insurance should be provided to the municipality. Ask for the certificate at least 10 days prior to the start of the contract.

5. The club must post appropriate safety signage, remove litter and repair/replace property damaged in the designated area.

The Motorized Snow Vehicle Act

The *Motorized Snow Vehicles Act* is the primary piece of legislation that governs snowmobiling in Ontario. To view the MSVA, visit www.e-laws.gov.on.ca.

Some municipalities will want to put a by-law in force and section 7 outlines what you can do, depending on the level of municipality.

The Local Municipality may pass a by-law which states:

(2) The council of a local municipality may 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. R.S.O. 1990, c. M.44, s. 7 (2).

Application of subs. (2)

(3) Where a by-law is passed under subsection (2), the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. R.S.O. 1990, c. M.44, s. 7 (3).

The Upper-tier municipality may pass by-laws:

(4) The council of an upper-tier municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. R.S.O. 1990, c. M.44, s. 7 (4); 2002, c. 17, Sched. F, Table.

The Upper-tier municipality may pass prohibiting by-laws:

(5) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of any upper-tier municipality by a by-law passed under subsection (4), the council of the municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across the highway or any part thereof. R.S.O. 1990, c. M. 44, s. 7 (5); 2002, C. 17, Sched. F, Table.

Municipal Responsibility

Remember, the municipality is ultimately responsible for the land, not the snowmobile club. Keep inspection reports to demonstrate your maintenance activity.

Be sure to inspect:

- Road allowances
- Ditches for debris
- Signs (agreement usually makes snowmobile club responsible)

You may want to notify the community about snowmobile trails. Consider posting signs as you enter the community so the public is aware that there are snowmobile trails in the area. Because snowmobiles are lower than the average vehicle, drivers should be sure to check specifically for snowmobiles when backing out of their driveway.