

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2007-107

Consolidated on November 15, 2011

Passed by Council on April 10, 2007

Amendments:

- | | | |
|--------------------|------------------|---|
| 1) By-law 2008-089 | May 27, 2008 | Section 2.01
Section 2.02 d)
Section 6.08 |
| 2) By-law 2011-233 | November 8, 2011 | Section 2.02 e) |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2007 - 107

**A BY-LAW TO REGULATE AND GOVERN TRAIL USES ALONG THE VICTORIA
RAIL TRAIL CORRIDOR IN THE CITY OF KAWARTHA LAKES**

Recitals

1. The *Municipal Act, 2001*, Section 10 states that a single tier municipality may pass By-laws with respect to the culture, parks, recreation & heritage sphere of jurisdiction.
2. Municipally owned trails are either components of traditional area parks or form linear park spaces.
3. The Council of the Corporation of the City of Kawartha Lakes considers it appropriate to pass such a by-law to regulate and govern trail use along the Victoria Rail Trail Corridor in the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2007-107.

Article 1.00: Definitions and Interpretation

1.01 **Definitions**: In this By-law,

“**ATV**” or “**All Terrain Vehicle**” means those vehicles designated as All Terrain Vehicles under the Highway Traffic Act, Regulation 316/03;

“**Authorized Emergency Vehicle**” includes police vehicles, fire apparatus and ambulances;

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes;

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“**Council**” or “**City Council**” means the municipal council for the City;

“**Director of Community Services**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“**Municipal Law Enforcement Officer**” means a person appointed by Council under the *Police Services Act* to enforce the By-laws of the City;

“**Officer**” means a person designated by Council in accordance with subsection 142(4) of the *Municipal Act, 2001* to enforce the provision of this By-law;

“**Snowmobile**” means a self propelled motorized snow vehicle designed to be driven primarily on snow;

“**Vehicle**” includes an automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power but does not

include an authorized emergency vehicle, or a motorized snow vehicle or an all terrain vehicle, as specified under the Highway Traffic Act, Regulation 316/03;

“**KATVA**” means the Kawartha All Terrain Vehicles Association;

“**HATVA**” means the Haliburton All Terrain Vehicles Association;

“**OFSC**” means the Ontario Federation of Snowmobile Clubs;

“**VRTC**” means the Victoria Rail Trail Corridor.

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this By-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Article 2.00: Acceptable Uses

2.01 No person shall use the VRTC for non-motorized uses except for hiking, jogging, walking, cycling, cross-country skiing, skateboarding, in-line skating, acceptable disabled vehicles and equestrian uses.
(2008-089, effective May 27, 2008)

2.02 No person shall operate a motorized vehicle on the VRTC except for Snowmobiles or All-Terrain Vehicles, subject to the following conditions:

- a) No person shall operate a Snowmobile unless it is properly licensed and insured.
- b) No person shall operate a Snowmobile without exhibiting proof of membership in the Ontario Federation of Snowmobile Clubs.
- c) No person shall operate an ATV unless it is properly licensed and insured.
- d) No person shall operate an ATV without exhibiting proof of membership in the KATVA and/or reciprocating organization or unless such operation is for the purpose of conducting agricultural work by adjacent farm land owners with access limited to ninety (90) degree crossings.
(2008-089, effective May 27, 2008)

- e) No person shall operate a motorized vehicle on the VRTC unless it is properly licensed and insured for seasonal access to the section of trail from the Somerville 7th Concession North to the City of Kawartha Lakes-Haliburton boundary, for the purpose of forest access and large game extraction during the legal hunting season as defined by the Government of Ontario, Ministry of Natural Resources Annual Seasonal Deer and Moose Hunting Regulations.
(2011-233, effective November 8, 2011)

2.03 All other motorized use is restricted to Corporation of the City of Kawartha Lakes vehicles for the purpose of enforcement of this by-law and providing trail maintenance and repair and/or for authorized emergency vehicles and other vehicles belonging to registered organizations and authorized by the City of Kawartha Lakes.

Article 3.00: Uses Prohibited in Certain Areas
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3.01 No person shall operate an ATV on the following sections of the VRTC:

- a) Between Logie Street in Lindsay, North to Thunder Bridge Road;

Article 4.00: Road Route Access

4.01 Fenelon Falls – North to South Road Access Route

VRTC to Garnett Graham Park, east on Francis Street to Colborne Street, south on Colborne Street to Lindsay Street, East on Elliot Street and South on Murray Street to VRTC.

4.02 Fenelon Falls – South to North Road Access Route

VRTC, North on Murray Street, West on Elliot Street to Lindsay Street, north on Lindsay Street to Colborne Street, west on Francis Street to Garnett Graham Park to VRTC.

- 4.03 All road use will be governed by the *Highway Traffic Act, R.S.O. 1990, c.H.8.*

Article 5.00: Season of Use Restrictions

- 5.01 No person shall operate a Snowmobile or ATV on the VRTC between April 1 and April 30, inclusive.
- 5.02 No person shall operate a snowmobile on the VRTC from April 1st to November 30th.
- 5.03 No person shall operate an ATV on the VRTC from December 1st of one year to April 30th of the following year.

Article 6.00: General Provisions

- 6.01 No person shall use the VRTC, including road access, between the hours of 9:30 PM and 7:00 AM, unless by special permit.
- 6.02 No person operating a Snowmobile or ATV on the VRTC shall exceed a maximum speed of 50km per hour, unless otherwise posted.
- 6.03 All use of the VRTC is limited to a maximum speed of 20km per hour through the urban areas of Bethany, Fenelon Falls, Burnt River and Kinmount. Specifically:
- a) No person shall exceed 20km per hour on the VRTC from Twigg Road to Weston Road in Bethany;
 - b) No person shall exceed 20km per hour on the VRTC from West Street South to Northline Road in Fenelon Falls;
 - c) No person shall exceed 20km per hour on the VRTC through the community of Burnt River, as posted;
 - d) No person shall exceed 20km per hour on the VRTC from Heritage Park to the boundary between the City of Kawartha Lakes and Haliburton County near Kinmount.
- 6.04 KATVA shall through it's volunteers maintain, repair, and assist with brush trimming on the VRTC, in consultation with the City of Kawartha Lakes requirements, guidance and approval.
- 6.05 KATVA shall under instruction and in cooperation with KATVA apply media for dust control in areas where residence exist in consultation with the City of Kawartha Lakes requirements, guidance and approval.

- 6.06 KATVA shall be part of a City of Kawartha Lakes' Trail Committee to work with other groups in a cooperative fashion to promote safety and enhancements to the VRTC.
- 6.07 KATVA shall take steps to police its members in order to insure that conduct on the trail and roadways meet both the spirit and content of the by-law.
- 6.08 The City maintains the right to undertake further review or to revoke privileges of KATVA or any other organization should non-compliance of any of the conditions as set out in this by-law exist. **(2008-089, effective May 27/08)**

Section 7.00: Enforcement and Penalties

- 7.01 **Enforcement:** This By-law may be enforced by every municipal law enforcement officer and police officer.
- 7.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 7.03 **Offence and Penalty:** It is an offence for a person to contravene any provision of this By-law, and every person who contravenes this By-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.
- 7.04 **Multiple Offences:** The conviction of a person for the contravention of any provision of this By-law shall not operate as a bar to a prosecution against the same person for any subsequent or continued contravention of this By-law.
- 7.05 **Court Order:** If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Article 8.00: Administration and Effective Date

- 8.01 **Administration of the By-law:** The Director of Community Services is responsible for the administration of this By-law.
- 8.02 **Effective Date:** This By-law shall come into force on the date of passage.

By-law read a first, second and third time, and finally passed, this 10th day of April, 2007.

Mayor

Clerk