

COUNTY OF RENFREW

BY-LAW NUMBER 81-24

**A BY-LAW TO REGULATE AND GOVERN THE USE OF THE LANDS IDENTIFIED
AS COUNTY OF RENFREW RECREATIONAL TRAILS AS LINEAR PARKS**

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that Sections 9 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their affairs as they consider appropriate and, b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality is authorized to pass by-laws with respect to matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS the Council of the Corporation of the County of Renfrew developed and adopted a management plan for the Algonquin Trail, as part of the Ottawa Valley Recreational Trail, that addresses issues such as use, control, liability, etc.;

AND WHEREAS the Council of the Corporation of the County of Renfrew developed and adopted a management plan for the K & P Recreational Trail that addresses issues such as use, control, liability, etc.;

AND WHEREAS it is deemed expedient and in the interest of public safety to regulate and govern the use of the County of Renfrew Recreational Trails;

AND WHEREAS the Council of the Corporation of the County of Renfrew has determined that any breach of the provisions of this By-law should be subject to a fine as set out in Schedule "I".

NOW THEREFORE the Council of the Corporation of the County of Renfrew hereby enacts as follows:

1. DEFINITIONS

"Algonquin Trail" means a 30-metre wide linear park to include all owned and leased land in the County and the City of Pembroke, and is the County of Renfrew portion of the Ottawa Valley Recreational Trail.

"Camp" includes the placement of a tent or trailer at any time on the Property or the lodging or staying overnight on the Property.

"County of Renfrew" means the Municipal Corporation of the County of Renfrew.

“Debris” includes anything that is not natural to the Property.

“Dirt Bike” means a two-wheel motorized machine used primarily for traveling on land other than registered roadways.

“Enforcement Officer” means a Provincial Offences Officer, an Ontario Provincial Police Officer, a By-law Officer as appointed by the County or a local municipality located within the geographic boundary of the County of Renfrew, or any person exercising a power or performing duty under this By-law.

“Firearm” includes any type of gun or other firearm including an air gun, spring gun, pellet gun, tranquilizer gun, cross-bow, long-bow or other type of bow, sling shot, or any similar thing.

“K & P Recreational Trail” means a varying width linear park to include all owned and leased land in the County of Renfrew, running from the interior of the Town of Renfrew to Calabogie.

“Licensee” means an association or club issued a license by the County of Renfrew to use the County of Renfrew Recreational Trails, and allow their members to use the designated County of Renfrew Recreational Trails through the issuance of permits in accordance with an executed License Agreement between the association or club and the County of Renfrew.

“Litter” includes the throwing, dumping, placing, depositing of any debris.

“Motor Vehicle” means a vehicle used for transportation relying upon a motor for operation including vehicles described as Off-Road Vehicles, Snowmobile/Motorized Snow Vehicles, Motorcycles, Dirt Bikes.

“Natural Features” means all geology, vegetation, and wildlife pertaining to, existing in or produced by nature throughout the County of Renfrew Recreational Trails. This includes all plant and wildlife species and wetland areas.

“Off-Road Vehicle” means an off-road vehicle within the meaning of the Off Road Vehicles Act, R.S.O .1990, c.O. 4, as amended.

“Ottawa Valley Recreational Trail” or **“OVRT”** means the 296 km section of trail owned and leased by the County of Renfrew, County of Lanark and the Township of Papineau-Cameron running from outside Mattawa to outside Smiths Falls.

“Pedestrian” means any person travelling on foot or with related foot gear and not requiring the aid of a motor for propulsion.

“Permit” means a current permit issued by a Licensee authorized by the County of Renfrew to allow the use of the trail by Permit Holders.

“Permit Holder” means a person issued a permit by a Licensee authorized by the County of Renfrew.

“County of Renfrew Recreational Trails” means any recreational trail designated by the County of Renfrew under this By-law as a linear park; including, but not limited to, Algonquin Trail and K & P Recreational Trail.

“Signage” means postings throughout the County of Renfrew Recreational Trails erected, or authorized, by the County of Renfrew.

“Property” means the property described as the Renfrew County Recreational Trails in the County of Renfrew.

“Snowmobile/Motorized Snow Vehicle” means a motorized snow vehicle, within the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990, c.M. 44, as amended.

2. **PERMITTED USES**

The following are considered permitted uses of the County of Renfrew Recreational Trails:

- (i) Walking, running, hiking, dog walking.
- (ii) Cross country skiing, snowshoeing.
- (iii) Orienteering, geocaching.
- (iv) Nature appreciation, bird watching, nature study.
- (v) Dog sledding.
- (vi) Cycling, including the use of E-bikes.
- (vii) Horseback riding.
- (viii) Harvesting of non-wood products such as tree seed/cones, mushrooms for personal use.
- (ix) Electric-powered personal mobility vehicles (scooters, wheelchairs, etc.)
- (x) Other activities as approved through the execution of a land use agreement, lease agreement, license agreement, or special event permit obtained from the County of Renfrew.
- (xi) Other personal transportation as approved by the County of Renfrew.

3. **PROHIBITED ACTIVITIES**

The following activities are prohibited on the County of Renfrew Recreational Trails:

- (i) Tampering with or removing any signage.
- (ii) Using any portion of County of Renfrew Recreational Trails during a closure of that portion by the County of Renfrew due to extreme weather conditions, maintenance, or other reason at their discretion.
- (iii) Disobeying signage posted by the County of Renfrew.
- (iv) Camping or causing any person to camp.
- (v) Hunting or causing any person to hunt.
- (vi) Discharging or operating a weapon or firearm or causing any person to discharge or operate any weapon or firearm.
- (vii) Littering.
- (viii) Failing to pick up after pets or horses.

- (ix) Failing to control a pet, including dogs and horses.
- (x) Vandalizing Property or cause any person to vandalize Property.
- (xi) Starting or feeding an open air fire.
- (xii) Removing, destroying, or otherwise disturbing any natural features without written consent of the County of Renfrew.
- (xiii) Operation of a Motor Vehicle without a required license, insurance, or permit approved through lease agreement.

If a person is using the County of Renfrew Recreational Trails while operating a Motor Vehicle in accordance with Section 2, they shall not interfere with, or impede, a pedestrian or any other person using the County of Renfrew Recreational Trails.

5. SPEED LIMIT

The maximum speed limit permitted throughout the County of Renfrew Recreational Trails is 50 km/hour on rural parts of the trail and 20 km/hour on urban parts of the trail. Urban and rural sections of the County of Renfrew Recreational Trails and their respective speed limits will be delineated by signage. Every person who operates a motor vehicle, in compliance with Sections 2 and 3, on the trail shall comply with the speed limits.

6. PERMITS

Sections of the County of Renfrew Recreational Trails may be leased on an annual basis to local clubs or associations, which operate under the auspices of the 'Ontario Federation of Snowmobile Clubs' or the 'Ontario Federation of ATV Clubs'.

As per the Motorized Snow Vehicles Act, no person shall drive a motorized snow vehicle upon a prescribed trail except under the authority of, and in accordance with, a trail permit for the motorized snow vehicle issued. Similar restrictions shall be enforced for any other motor vehicle users of the County of Renfrew Recreational Trails permitted through a Lease Agreement.

Lease Agreements shall stipulate the period in each calendar year during which permitted uses under the Agreement may take place.

7. CANINE AND EQUESTRIAN USE

Canine and equestrian use requires the removal of excrement from the County of Renfrew Recreational Trails surface and violations are subject to penalty. Equestrian excrement shall be considered in the same manner as canine excrement.

8. CURFEWS/TIME OF USE

Users of the County of Renfrew Recreational Trails may do so from 7:00 a.m. to 11:00 p.m., unless otherwise posted by local by-laws with appropriate legislation cited.

9. ENFORCEMENT AND PENALTIES

- 9.1. Every person who uses the County of Renfrew Recreational Trails is subject to all Municipal By-laws and all Provincial and Federal laws and regulations. Any person violating any Municipal By-law, or other law, may be ordered by the County of Renfrew or an Enforcement Officer to leave the County of Renfrew Recreational Trails.
- 9.2. No person shall hinder or obstruct, or attempt to hinder or obstruct an Enforcement Officer.
- 9.3. No person shall neglect or refuse to produce information, identification or to provide any information required by any person acting pursuant to this By-law.
- 9.4. In addition to any other authority they may have, an Enforcement Officer is authorized to enforce the provisions of this By-law and to order any persons believed by such Enforcement Officer to be contravening or who has contravened any provision of this By-law:
 - a) To desist from the activity constituting or contributing to such a contravention;
 - b) To remove from the County of Renfrew Recreational Trails anything owned by or in the control of such person which the officer believes is or was involved in such contravention, and;
 - c) To leave the County of Renfrew Recreational Trails.
- 9.5. The court in which a conviction has been entered pursuant to this By-law and any other court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.
- 9.6. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as may be amended from time to time and to any other applicable penalty, including but not limited to those defined in the Off-Road Vehicles Act, the Highway Traffic Act, the Motorized Snow Vehicles Act and the Trespass to Property Act.
- 9.7. The County of Renfrew appoints the Ontario Provincial Police (“OPP”), and/or a designated By-law Enforcement Officer with the authority to enforce this By-law.

10. PENALTY

Any person found by an Enforcement Officer to have breached any provision of this By-law including applicable offences in Schedule “I” may be subject to a fine as follows:

- (i) A breach by a Permit Holder or any user of the County of Renfrew Recreational Trails of any provision of this By-law shall be subject to a fine as set out in Schedule "I".
- (ii) Upon receipt of a notice of a fine, the Permit Holder or the person or corporation named in the notice shall pay the penalty within seven (7) days to the Municipality.
- (iii) A fine Notice shall include the following information:
 - (a) the fine Notice Date;
 - (b) the date on which the fine is due and payable;
 - (c) the signature of the issuing Enforcement Officer;
 - (d) particulars of the contravention reasonably sufficient to indicate the nature of the contravention;
 - (e) the amount of the fine; and,
 - (f) a statement advising that an unpaid fine will constitute a debt of the person or corporation to the Municipality.
- (iv) An Enforcement Officer may serve the fine Notice on a person or corporation by one of the following methods:
 - (a) delivering it personally to the person or to the head office of the corporation;
 - (b) sending a copy by registered mail to the last known address of the person or the head office of the corporation; or,
 - (c) posting a copy of the notice in a conspicuous place at the site of the contravention and sending a copy by registered mail to the last known address of the person or the head office of the corporation.
- (v) A fine remaining unpaid after the date when it is due and payable, constitutes a debt to the Municipality owed by the person or corporation named in the notice. The Municipality may take all steps available in law to collect the unpaid penalty.

11. **SHORT FORM WORDINGS**

- 11.1. The Municipality shall make application to the Ministry of the Attorney General of Ontario for approval of Short Form Wordings and Set Fines in accordance with the Set Fine Schedule approved by resolution of Council, and such fines shall come into effect upon the approval or amendment by the Attorney General of Ontario or their designate.
- 11.2. Staff shall be authorized to make changes to the By-law or Set Fine Schedule without amendment to the By-law or Resolution of Council, if so recommended by the Attorney General or their designate in order for the Set Fines to be approved.

11.3. Council may, by Resolution, amend the Set Fines under this By-law at any time. Any amendment made to the Set Fines by Resolution of Council will come into force upon approval of the Attorney General or their designate.

12. **APPLICABILITY**

This By-law does not apply to vehicles or persons:

- i) of authorized law enforcement, firefighting, emergency medical, or other emergency personnel when carrying out authorized duties, or
- ii) engaged in work on or along the County of Renfrew Recreational Trails on behalf of the County of Renfrew.

13. THAT the document marked Schedule "I" attached to and made a part of this By-law is hereby approved.

14. THAT By-law 119-18 is hereby repealed.

15. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a first time this 29th day of May 2024.

READ a second time this 29th day of May 2024.

READ a third time and finally passed this 29th day of May 2024.

original signed by

PETER EMON, WARDEN

original signed by

GWEN DOMBROSKI, CLERK

Schedule 'I'

Item	Offence	Set Fine
1.	Operating a vehicle which fails to meet all applicable provincial and manufacturer safety standards with regard to safety equipment and serviceability of the vehicle.	\$185.00
2.	Operation, or causing the operation, of a vehicle in an unsafe manner for the driver, passengers and/or other trail users.	\$185.00
3.	Operation, or causing the operation, of a vehicle that does not meet the manufacturer sound level standards.	\$300.00
4.	Operation, or causing the operation, of a vehicle with a passenger seated improperly.	\$360.00
5.	Speeding — more than 20 km/h where limit is 20 km/h or less.	\$220.00
6.	Speeding — more than 50 km/h where limit is 50 km/hr.	\$220.00
7.	Tampering with or removing signage posted by, or in partnership with, the County of Renfrew.	\$185.00
8.	Disobeying signage posted by, or in partnership with, the County of Renfrew.	\$185.00
9.	Using a portion of the County of Renfrew Recreational Trails during a closure of that portion of County of Renfrew Recreational Trails by the County of Renfrew due to extreme weather conditions, maintenance, or <u>before or after prescribed dates and times the trail is open.</u>	\$220.00
10.	Littering, or failing to pick up after dogs or horses.	\$500.00
11.	Failing to control a pet, including dogs and horses.	\$185.00
12.	Camping or causing any person to camp.	\$185.00
13.	Hunting or causing any person to hunt.	\$185.00
14.	Discharging or operating a weapon or firearm, or causing any person to discharge or operate any weapon or firearm.	\$185.00
15.	Vandalizing the Property or causing any person to vandalize the Property.	\$250.00
16.	Starting or feeding an open-air fire.	\$500.00

Item	Offence	Set Fine
17.	Removing, destroying, or otherwise disturbing any Natural Features without written consent of the County of Renfrew.	\$185.00
19.	Operation of any Motor vehicle without a licensed permit displayed on vehicle.	\$220.00

**At the discretion of enforcement official fines doubled in Community Safety Zones areas as signed along the Trail.