

COUNTY OF RENFREW

BY-LAW NUMBER 119-18

A BY-LAW TO REGULATE AND GOVERN THE USE OF THE LANDS KNOWN AS THE ALGONQUIN TRAIL (FORMERLY KNOWN AS THE CP RAIL CORRIDOR) AS A LINEAR PARK

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 it is deemed expedient and in the interest of public safety to regulate and govern the use of the Algonquin Trail in the County of Renfrew;

AND WHEREAS the Council has determined that any breach of the provisions of this By-law should be subject to an Administrative Monetary Penalty.

1. DEFINITIONS

“Administrative Monetary Penalty” is a penalty imposed for a contravention of this By-law and issued upon discovery of the unlawful event. It is due and payable with no right of appeal and constitutes a debt to the County.

“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, 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, tranquillizer gun, cross-bow, long-bow or other type of bow, sling shot, or any similar thing.

“Licensee” means an association or club issued a license by the County of Renfrew to use the Algonquin Trail and allow their members to use the Algonquin Trail 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 Algonquin Trail. This includes all plant and wildlife species and wetland areas.

“Off-Road Vehicle” shall mean 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.

“Signage” means postings throughout the Algonquin Trail erected by or authorized by the County of Renfrew.

“Property” means the property described as the Algonquin Trail 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 Algonquin Trail:

- (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) Operating an Off-Road Vehicle on or between May 15 and November 15 inclusive, in any year. Vehicle must hold valid insurance and be properly licenced.
- (xi) Other activities as approved through the execution of a land use agreement or special event permit obtained from the County of Renfrew.

3. **PROHIBITED ACTIVITIES**

The following activities are prohibited on the Algonquin Trail:

- (i) Tampering with or removing any signage.
- (ii) Using the Algonquin Trail during a closure of the Algonquin Trail 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, or failing to pick up after pets or horses. Failing to control a pet, including dogs and horses.
- (viii) Vandalizing the Property or cause any person to vandalize the Property.
- (ix) Starting or feeding an open air fire.
- (x) Removing, destroying, or otherwise disturbing any natural features without written consent of the County of Renfrew.
- (xi) Operation of a Dirt Bike or Motorcycle.
- (xii) Operation of a Motor Vehicle.

- 4. If a person is using the Algonquin Trail while operating a Motor Vehicle in accordance with Section 2, they shall not interfere with or impede the use of the Algonquin Trail by a pedestrian or any other person using the Algonquin Trail.

5. **SPEED LIMIT**

The maximum speed limit permitted throughout the Algonquin Trail 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 Algonquin Trail and their respective speed limits will be delineated by signage.

6. **PERMITS**

Sections of the Algonquin Trail are leased on an annual basis to the local snowmobile clubs, who operate under the auspices of the Ontario Federation of Snowmobile 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. During the period from November 30th to April 30th in each calendar year, permits for snowmobiles may be acquired from the Ontario Federation of Snowmobile Clubs. Permits for other uses by any other authorized organization approved by the County of Renfrew may be required.

7. **CANINE AND EQUESTRIAN USE**

Canine and equestrian use requires the removal of excrement from the Algonquin Trail 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 Algonquin Trail 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**

- (i) Every person who uses the Algonquin Trail 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 Algonquin Trail.
- (ii) No person shall hinder or obstruct, or attempt to hinder or obstruct an Enforcement Officer.
- (iii) 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.
- (iv) 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 Algonquin Trail 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 Algonquin Trail.
- (v) 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.
- (vi) 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*.
- (vii) The County of Renfrew appoints the Ontario Provincial Police (“OPP”) with the authority to enforce this By-law.

10. **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 Algonquin Trail on behalf of the County of Renfrew.

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

READ a first time this 28th day of November, 2018.

READ a second time this 28th day of November, 2018.

READ a third time and finally passed this 28th day of November, 2018.

JENNIFER MURPHY, WARDEN

PAUL V. MOREAU, CLERK