

BY-LAW NUMBER 02-39

Being a by-law to establish regulations for the use of trails in the Township of Lake of Bays

WHEREAS the Township of Lake of Bays is the owner of those original road allowances and other highways which are more particularly described in Schedule "A" to this by-law, pursuant to the provisions of Section 262 of the Municipal Act;

AND WHEREAS it is in the public interest to establish those portions of those highways which are not presently open for vehicular traffic as bicycle paths and foot paths pursuant to the provisions of Section 308, paragraph 5 of the Municipal Act;

AND WHEREAS it is in the public interest to maintain as much as possible of the said paths so established, in a state of nature, in order to preserve the recreational amenities of such paths and in order to maintain the character of the rural areas of the Township.

AND WHEREAS it is also in the public interest to establish trails in easements reserved or granted for that purpose to the Township, and to regulate the use of same pursuant to section 191(6) of the *Municipal Act*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. DEFINITIONS in this by-law:

- (a) "bicycle" means a vehicle of one, two or three wheels, which is not powered by means other than human effort.
- (b) "motorized snow vehicle" means such vehicle as defined in and regulated pursuant to the provisions of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M-44, as amended.
- (c) "Municipal Act" means R.S.O. 1990, Chapter M-45, as amended, from time to time.
- (d) "roadway" means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and which is a roadway as defined by Section 1 of the Highway Traffic Act, R.S.O. 1990, Chapter H-8.
- (e) "structure" means anything constructed and placed on or in a trail, whether temporarily or permanently; and without limiting the generality of the foregoing, includes a fence, a sign, a trailer or a tent; but does not include a bicycle or a motorized snow vehicle.
- (f) "Township" means The Corporation of the Township of Lake of Bays and "council" means the council of the Corporation.
- (g) "trail" means the whole of each easement as described in Schedule "A" to this by-law and the whole of each highway or road allowance, including any legal deviations, as described in Schedule "A" to this by-law, except,
 - (i) The roadway, and
 - (ii) Any portion thereof, which has been leased to the owner of an adjoining property.
- (h) "trees" means any tree or shrub on a trail, except for a tree planted pursuant to a by-law enacted under Section 312(4) of the Municipal Act.

2. BICYCLE AND FOOT PATHS

- (a) The whole of every trail is hereby designated as a bicycle path and as a foot path.
- (b) Any easement which is designated as a trail is also limited by the terms of the easement.

3. REGULATIONS OF USE

- (a) The use of a trail shall be limited to passage by bicycle and pedestrian traffic only, except as set out in this by-law.
- (b) No person shall operate a motorized vehicle of any kind on a trail, except as set out in this by-law.
- (c) Where an area of a trail has been cleared or improved for ease of travel, that area of the trail be used for passage by bicycle and pedestrian traffic, and the remainder of the trail shall be left in a state of nature subject to Section 4 of the by-law.
- (d) No person shall use a trail as a means of trespassing on adjacent private property, or as a location from which to discharge any firearm onto adjacent private property.
- (e) No person shall use any structure for overnight accommodation on a trail.
- (f) Nothing in this by-law prohibits the passage of motorized vehicles, horses or other means of transportation along or across a trail in order to gain access to lands abutting or beyond a trail without the written permission of Council provided that any damage that occurs to the trail is remedied to the satisfaction of the Township and provided that the trail is used as access for any of the following purposes:
 - (i) use by the landowner of adjacent lands;
 - (ii) use of and for agriculture, cutting and removal of wood and aggregate extraction;
 - (iii) hunting, trapping or fishing;
 - (iv) recreational use of lakes and rivers; and
 - (v) hunt and fish camp access.
- (g) Nothing in this by-law prohibits the passage along a trail of a wheelchair or similar device, which is being used to convey a person having a physical disability.

4. WORKS ON TRAILS

- (a) No person shall excavate, grade or otherwise alter the natural surface of a trail, without first obtaining the permission of Council.
- (b) No person shall cut, prune or uproot any tree within a trail, without first obtaining the permission of Council.
- (c) No person shall erect or cause to be erected, any structure on a trail, without first obtaining the permission of Council.
- (d) The permission of Council shall be obtained by:

- (i) filing with the Township, a written request setting out the precise purpose, location and extent of the work to be done. Such request shall include plans for protection of adjacent properties, and plans for removal of any debris, and shall respect the Township's ownership of the trail and whatever is found thereon and therein.
- (ii) providing such liability insurance coverage and indemnity agreement for the work to be done, as the Council determines on review of the request is necessary to protect the Township from adverse claims by third parties.
- (iii) receiving from Council its approval of the request, by by-law or resolution as appropriate.

5 WINTER SNOWMOBILE OPERATION

- (a) Any snowmobile club, or group of federation of snowmobile clubs, may apply to the Council to use a trail for the passage of motorized snow vehicles during the period of November 15th to April 15th in each year.
- (b) Where such permission has been given, it remains in effect from year to year until revoked.
- (c) Where such permission has been given, work may be done on a trail to improve its utility for the passage of motorized snow vehicles, in accordance with Section 4 of this by-law. The grooming of a trail for use by motorized snow vehicles or by skiers shall not, provided that it does not alter the natural surface of the trail or damage any tree thereon, require any permission under Section 4 of this by-law.
- (d) Despite the use of a trail in winter for the passage of motorized snow vehicles the trail remains open for use as a foot path at all times, and all users shall be required to observe caution and appropriate safety precautions at all times.
- (e) Where a trail is used for the operation of motorized snow vehicles that trail shall also be subject to any by-laws enacted by the Township pursuant to the provisions of Section 7 of the Motorized Snow Vehicles Act.
- (f) Section 5 of this By-law does not apply to a trail over an easement, the terms of which do not permit the operation of a motorized snow vehicle.

6 ENFORCEMENT

- (a) Any person who contravenes a provision of this by-law is guilty of an offence and liable on contravention to the penalties set out in the Provincial Offences Act.
- (b) If any person contravenes any of the provisions of Section 4 of this by-law, that person shall fully compensate the Township for the cost of restoring the trail to its previous condition existing prior to the contravention, including the cost of replacement of every tree damaged or destroyed or removed.

READ a FIRST, SECOND and THIRD TIME this 23rd day of April, 2002.

Mayor



Clerk

SCHEDULE "A"

TO BY-LAW #02-39

Formerly Seabreeze Road: (easement)

In the geographic Ward of Franklin, former road allowance Lot 8, Concession 3 and 4 commencing at Lot 8, Concession 4 to Lots 8, Concession 3 inclusive.

Ronville: (Public Road)

Road Allowance Lot 13, Concession 4 commencing from lot line between Lots 12 and 13 to lot line between Lots 11 and 12 in Concession 4.

Old Highway: (Public Road)

Road Allowance between Lots 15 and 16 commencing from District Road #9 to Highway #60 in all positions that are not travelled road.

SCHEDULE "A"

TO BY-LAW #02-39

In the geographic ward of Ridout

Bellwood Acres: (Public Road)

The road allowance Lot 6, Concession 11 commencing from Paint Lake Road to Bellwood Acres Road all in Lot 6, Concession 11.

