

COUNTY OF HALIBURTON

BY-LAW NO. 3106

**BEING A BY-LAW TO REGULATE THE OPERATION OF VEHICLES AND USES ON THE HALBURTON COUNTY RAIL TRAIL CORRIDOR**

**WHEREAS** Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended provides that a municipality may pass bylaws:

- i) Permitting the operation of off-road vehicles with low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;
- ii) Prescribing a lower rate of speed for all terrain vehicles by regulation any highway within the municipality that is under its jurisdiction or on any part or parts of such highway including prescribing different rates of speed for different highways or parts of highways.

**WHEREAS** Section 7(4) of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44 as amended provides that 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; and

**WHEREAS** the County of Haliburton owns the former railway right-of-way that lies within the boundaries of the County of Haliburton between the Village of Haliburton and the south boundary of the County at the Village of Kinmount known as the Haliburton County Rail Trail as described in Schedule "A" attached to and forming part of this Bylaw; and

**WHEREAS** the Council of the Corporation of the County of Haliburton deems it in the best public interest to regulate the type of usage within the Haliburton County Rail Trail.

**NOW THEREFORE** the Council of the Corporation of the County of Haliburton enacts as follows:

1. Definitions

1.1. "All Terrain Vehicles" shall mean an off-road vehicle that:

- a) has four (4) wheels, the tires of which are in contact with the ground;
- b) has steering handlebars;
- c) has a seat that is designed to be straddled by the driver
- d) is designed to carry a driver only and no passengers
- e) has headlights and tail lights that must be on at all times
- f) has an operating rear brake light
- g) has an all terrain vehicle licence plat and insurance
- h) has operating signal lights

1.2. "Enduro Bike" is a bike that has the deep suspension of a motocross bike combined with the features required to make it legal for use on a public road and is powered by either a single-cylinder two-stroke engine between 125 and 300 cm<sup>3</sup> or a four-stroke engine between 250 and 650 cm<sup>3</sup>

1.3. "Haliburton County Rail Trail" shall mean the corridor that lies within the boundaries of the County of Haliburton between the Village of Haliburton and the south boundary of the County at the Village of Kinmount as described in Schedule "A" attached to and forming part of this Bylaw;

1.4. "Low Pressure Bearing Tire" shall mean a wide, balloon type tire with a rounded cross section and no distinct should area and is designed to operate with inflation pressure of no greater than 70 kpa (10 psi);

1.5. "Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow;

1.6. "Off Road Vehicle" shall mean an off-road vehicle within the meaning of the Off Road Vehicles Act, RSO 1990, Chapter O.4 as amended

1.7. "Permit" shall mean a permit issued under authority of this Bylaw by the Corporation of the County of Haliburton.

2. Regulation of All Terrain Vehicles on the Haliburton County Rail Trail


2.1 No person shall operate an all terrain vehicle on the Haliburton Rail Trail Corridor unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 and is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03, S. 6.


2.2 No person shall operate an all terrain vehicle at a rate of speed greater than thirty (30) kilometres per hour.

2.3 No person shall operate an all terrain vehicle on the Haliburton County Rail Trail corridor before the hour of 10:00 a.m. in any given day, and after sunset Eastern Standard Time in any given day.

- 2.4 No person shall operate an all terrain vehicle on the Haliburton County Rail Trail corridor between December 1 and May 31 inclusive in any given year.
3. Regulation of Motorized Snow Vehicles on the Haliburton County Rail Trail
  - 3.1 No person shall operate a motorized snow vehicle on the Haliburton Rail Trail corridor unless it meets the requirements and is operated in accordance with the Motorized Snow Vehicles Act, 1990, Chapter M.44 as amended.
  - 3.2 No person shall operate a motorized snow vehicle on the Haliburton County Rail Trail corridor unless said operation occurs during the prescribed period of December 1 to April 1 in any given year.
  - 3.3 No person shall operate a motorized snow vehicle outside of the five (5) metre groomed portion of the Haliburton County Rail Trail maintained by the Haliburton County Snowmobile Association.
4. Hikers, cyclists and equestrians are permitted to use the Haliburton Rail Trail during the prescribed period of April 2 to November 30.
5. No person shall engage in cross country skiing, snow shoeing and/or dog sledding on the Haliburton County Rail Trail except by special permit issued by the Corporation of the County of Haliburton.
6. No person shall operate a highway vehicle as defined under the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended, on the Haliburton County Rail Trail except by special permit issued by the Corporation of the County of Haliburton.
7. No person shall operate an off-road vehicles as defined under the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4 as amended, on the Haliburton County Rail Trail except by special permit issued by the Corporation of the County of Haliburton.
8. No person shall operate a motorcycle as defined under the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended and/or Enduro Bikes, on the Haliburton County Rail Trail except by permit issued by the Corporation of the County of Haliburton.
9. Any person who contravenes any section of this Bylaw is guilty of an offence, and upon conviction, is liable to a fine as provided for in the Provincial Offences Act
10. Upon the passage of this Bylaw, County of Haliburton Bylaw No. 2980 and Bylaw 3098 are repealed.
11. This Bylaw shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

**READ** a First, Second and Third time, passed, signed and the Corporate Seal attached this 27th day of September 2006.

  
Murray Fearrey Warden

  
Tamara Williams Clerk

COUNTY OF HALIBURTON

BY-LAW NO. 3106

SCHEDULE "A"

In the Township of Snowdon, in the County of Haliburton and the Province of Ontario, being composed of all of the Right-of-Way and extra lands of the Canadian National Railway Company, formerly the Victoria Railway Company.

Through:

- Firstly: That portion of Lot 1, Concession "A" according to registered instrument No. 279;
- Secondly: That portion of Lot 2, Concession "A" according to registered instrument No. 1020;
- Thirdly: That portion of Lot 3, Concession "A" according to registered instrument No. 334;
- Fourthly: That part of Lot 4, Concession "A" according to registered instrument No. 495;
- Fifthly: That portion of Lot 5, Concession "A", according to registered instrument No. 521 and the remainder of that portion of Lot 5, Concession "A" described in instrument No. 850;
- Sixthly: Those portions of Lot 1, 2, 3, and 4, Concession 2, those portions of Lots 2, 3, 4 and 5, Concession 3, those portions of Lots 6 and 7, Concession 4 and that portion of Lot 7, Concession 5, according to registered instrument No. 493;
- Seventhly: That portion of Lot 6, Concession 3 occupied by the Right-of-Way of the said Railway since 1878;
- Eighthly: That portion of Lot 7, Concession 6 according to registered instrument No. 254;
- Ninthly: That portion of Lot 8, Concession 6 according to registered instrument No. 264;
- Tenthly: That portion of Lot 9, Concession 6 according to registered instrument No. 258;
- Eleventhly: That portion of Lot 10, Concession 6 occupied by the Right-of-Way of the said Railway since 1878;
- Twelfthly: The remainder of that portion of Lot 10, Concession 6 according to the registered instrument No. 278;
- Thirteenthly: That portion of Lot 11, Concession 7 according to registered instrument No. 253;
- Fourteenthly: Those portions of Lot 11 and 12, Concession 8 according to registered instrument No. 281;
- Fifteenthly: Those portions of Lots 13 and 14, Concession 8 occupied by the Right-of-Way of the said Railway since 1878;
- Sixteenthly: That portion of Lot 13, Concession 9 according to registered instrument No. 289;
- Seventeenthly: Those portions of Lot 14, Concession 9 and Lot 14, Concession 10 according to registered instrument No. 263 and 130;
- Eighteenthly: That portion of Lot 15, Concession 10 occupied the Right-of-Way of the said Railway since 1878;
- Nineteenthly: That portion of Lot 16, Concession 10 according to registered instrument No. 273;
- Twentiethly: That portion of Lot 17, Concession 10 according to registered instrument No. 266;
- Twenty firstly: That portion of Lot 17, Concession 11 according to registered instrument No. 265;
- Twenty secondly: That portion of Lots 18, 19 and 20, Concession 11 occupied by the Right-of-Way of the said Railway since 1878;
- Twenty thirdly: That portion of Lot 20, Concession 12 according to registered instruments No. 256 and 284;
- Twenty fourthly: That portion of Lot 21, Concession 12 according to registered instrument No. 640;
- Twenty fifthly: Those portions of Lot 22, Concession 12, Lots 22, 23 and 24, Concession 13 and Lot 24, Concession 14 occupied by the Right-of-Way of the said Railway since 1878;
- Twenty sixthly: Those portions of Lot 25 and 26, Concession 14 according to registered instrument No. 255;
- Twenty seventhly: The remainder of that portion of Lot 26, Concession 14 according to registered instrument No. 276;

- Twenty eighthly: The remainder of that portion of Lot 27, Concession 14 occupied by the Right-of-Way of the said Railway since 1878;
- Twenty ninthly: The remainder of that portion of Lot 28, Concession 14 according to registered instrument No. 268;
- Thirtiethly: The remainder of those portions of Lots 29 and 30, Concession 14 occupied by the Right-of-Way of said Company since 1878;
- Thirty firstly: The remainder of those portions of Lots, 31, 32 and 33, Concession 14 according to registered instrument No. 304;
- Thirty secondly: That portion of the road allowance between Lot 5, Concession "A" and Lot 1, Concession 2 according to registered instrument No. 1144;

In the Township of Glamorgan, in the County of Haliburton and Province of Ontario, being composed of the remainder of the Right-of-Way of the Canadian National Railway Company, formerly the Victoria Railway Company through Lot 1 Concession 15 according to registered instrument No. 9;

In the Township of Dysart, in the County of Haliburton and Province of Ontario, being composed of all Right-of-Way and extra lands of the Canadian National Railway Company, formerly Victoria Railway Company.

Through:

- Firstly: Those portions of Lots 1 and 2, Concession 1 being the remainder of lands according to registered instrument No. 266;
- Secondly: Those portions of Lots 3, 4, and 5, Concession 1, Lots 5, 6 and 7, Concession 2, Lots 7 and 8, Concession 3 and Lot 8, Concession 4 being the remainder of lands according to registered instrument No. 235;
- Thirdly: That portion of Lot 8, Concession 5 according to registered instrument No. 264;
- Fourthly: That portion of Lot 9, Concession 5 according to registered instrument No. 203;
- Fifthly: That portion of Lots 9, Concession 6 according to registered instrument No. 208;
- Sixthly: Those portions of Lots 10 and 11, Concession 6 according to instrument No. 206;
- Seventhly: That portion of Lot 12, Concession 6 occupied by the Right-of-way of the said railway since 1878;
- Eighthly: That portion of Lot 12, Concession 7 according to registered instruments No. 207 and 263;
- Ninthly: Those portions of Lots 13 and 14, Concession 7 according to registered instrument No. 202;
- Tenthly: That portion of Lot 13, Concession 8 occupied by the Right-of Way of the said Railway since 1878;
- Eleventhly: That portion of Lot 14, Concession 8 according to registered instrument No. 393;
- Twelfthly: That portion of Lot 15, Concession 8 and of the road allowance in front of Lots 14, 15 and 16, Concession 8 and part of the water lot in front of Lots 14, 15 and 16 and part of the road allowance and water lot in front of the road allowance between Lots 15 and 16, Concession 8 expropriated by the Canadian National Railway Company as shown on Railway Plan No.9, recorded August 19, 1937;