

COUNTY OF RENFREW

BY-LAW NUMBER 119-18

(Amended January 29, 2020)

(Amended March 30, 2022)

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 1 and November 30 inclusive, in any year. Vehicle must hold valid insurance and be properly licenced. Dates may be modified at the discretion of the Director of Development and Property, and dependent on dry conditions and an assessment of weather, safety, and consultation with user groups of which hold lease agreements.
- (xi) Other activities as approved through the execution of a land use agreement or special event permit obtained from the County of Renfrew.
- (xii) Other personal transportation as approved by 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 December 1st 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. **ADMINISTRATIVE 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 an Administrative Penalty as follows:

- (i) A breach by a Permit Holder or any user of the Trail of any provision of this By-law shall be subject to an Administrative Monetary Penalty as designated in Schedule "I".
- (ii) Upon receipt of a notice of Administrative Monetary Penalty, the Permit Holder or the person or corporation named in the notice shall pay the penalty within seven (7) days to the Municipality.
- (iii) An Administrative Monetary Penalty Notice shall include the

following information:

- (a) the Administrative Monetary Penalty Notice Date;
 - (b) the date on which the Administrative Monetary Penalty 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 Administrative Monetary Penalty; and,
 - (f) a statement advising that an unpaid Administrative Monetary Penalty will constitute a debt of the person or corporation to the Municipality.
- (iv) An Enforcement Officer may serve the Administrative Monetary Penalty 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) An Administrative Monetary Penalty 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.
- (vi) An Administrative Monetary Penalty may not be challenged or appealed.

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 his 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 his 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 his 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 Algonquin Trail on behalf of the County of Renfrew.

13. 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.

DEBBIE ROBINSON, WARDEN

PAUL V. MOREAU, CLERK

Schedule "I"

Item	Offence	Set Fine
1.	Vehicle must meet all applicable provincial and manufacturer safety standards with regard to safety equipment and serviceability of the vehicle.	\$185.00
2.	Failure to operate the vehicle in an unsafe manner for the driver, passengers and other trail users.	\$185.00
3.	Does not meet the manufacturer sound level standards.	\$300.00
4.	Drive ATV with 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 County of Renfrew.	\$185.00
8.	Disobeying signage posted by the County of Renfrew.	\$185.00
9.	Using the Ottawa Valley Recreational Trail (OVRT)/Algonquin Trail during a closure of the OVRT/Algonquin Trail 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.	\$185.00
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.	\$185.00

Item	Offence	Set Fine
17.	Removing, destroying, or otherwise disturbing any Natural Features without written consent of the County of Renfrew.	\$185.00
18.	Operation of a Dirt Bike or Motorcycle	\$185.00
19.	Operation of a Motor vehicle without Ontario Federation ATV (OFATV) permit displayed on vehicle pending permit required approval of County Council.	\$220.00

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