

The Corporation of the City of Kawartha Lakes

By-Law 2025-____

A By-Law to Repeal and Replace By-Law 2007-107, being a By-Law to Regulate the Governance of all Trail Use in the City of Kawartha Lakes

Recitals

1. The Municipal Act, 2001, Section 10 states that a single tier municipality may pass By-laws with respect to the culture, parks, recreation & heritage sphere of jurisdiction.
2. Municipally owned trails are either components of traditional area parks or form linear park spaces.
3. With the passing of the City of Kawartha Lakes Trails Master Plan Update, the Council of the Corporation of the City of Kawartha Lakes considers it appropriate to pass such a by-law to regulate and govern trail use along all municipally owned trail systems.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2025-____.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this By-law,

“Active Use Trail” means a trail designed to be used for various forms of non motorized recreational transportation activities such as walking, running, cycling, also including accessible mobility aids, as defined in the 2024 Trails Master Plan Update.

“ATV” or “All Terrain Vehicle” means those vehicles designated as All Terrain Vehicles under the Highway Traffic Act, Regulation 316/03.

“Authorized Emergency Vehicle” includes police vehicles, fire apparatus and ambulances.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes.

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001.

“Council” or “City Council” means the municipal council for the City.

“Director of Community Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“E-bike” means a bicycle equipped with an electric motor or a power assisted bicycle with a maximum of 500 watts, a maximum assisted speed

of 32 km/h and a maximum weight of 120 kg with working pedals for human propulsion.

“Explorer Use Trail” means trails that are designed for various forms of motorized recreational transportation activities, as defined in the 2024 Trails Master Plan Update.

“Municipal Law Enforcement Officer” means a person within the administration of the City who has appointed as an officer for the purposes of the enforcement of any or all of the City’s By-Laws.

“Off-Road Two-Wheeled Motorcycle” (ORM) means a two wheeled manufactured motorcycle intended for off-road use including motorcycles for dual sport applications designed for off-road use, travels on two wheels, has a seat designed to be straddled by the operator and has a handlebar-type steering control, and includes all-terrain two wheeled motorcycles.

“Officer” means a person designated by Council in accordance with subsection 142(4) of the Municipal Act, 2001 to enforce the provision of this By-law.

“OFTR” means the Ontario Federation of Trail Riders.

“ROV” or “Recreational off-highway vehicle” means those vehicles designated as recreational off-highway vehicles under the Highway Traffic Act, Regulation 316/03, often referred to as side-by-side vehicles, which may include a vehicle that:

- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has an engine displacement equal to or less than 1,000 cubic centimetres.

“Shared Use Trail” means trails that are designed for safe shared use by active modes as well as motorized trail uses such as ATV, ROV and Snowmobiles, as defined in the 2024 Trails Master Plan Update.

“Snowmobile” means a self propelled motorized snow vehicle designed to be driven primarily on snow.

“Vehicle” includes an automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power but does not include an authorized emergency vehicle, or a motorized snow vehicle or an all terrain vehicle, as specified under the Highway Traffic Act, Regulation 316/03.

“HATVA” means the Haliburton All Terrain Vehicles Association.

“KATVA” means the Kawartha All Terrain Vehicles Association.

“**KORMA**” means the Kawartha Off Road Motorcycle Association.

“**OFSC**” means the Ontario Federation of Snowmobile Clubs.

“**VRT**” means the Victoria Rail Trail and Somerville Forest Tract Trails.

1.02 Interpretation Rules:

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this By-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.00: Acceptable Uses

2.01 No person shall use the designated segments of the municipal trail system except for permitted uses (Active Use Trail) for example hiking, jogging, walking, cycling, cross-country skiing, skateboarding, in-line skating, mobility aids, E-bikes, and equestrian uses.

2.02 No person shall operate a motorized vehicle on appropriate segments of the municipal trail system (Shared Use Trail and Explorer Use Trail) except for Snowmobiles, ATVs, ORMs, E-bikes or ROVs under 1626mm (64”) in width, subject to the following conditions:

- a) No person shall operate a Snowmobile ATV, ORM or ROV unless it is properly licensed and insured.
- b) No person shall operate a Snowmobile without exhibiting proof of membership in the OFSC.
- c) No person shall operate an ATV, ORM or ROV without exhibiting proof of permit or membership in the KATVA, OFTR and/or reciprocating organization or unless such operation is for the purpose of conducting agricultural work by adjacent farm land owners with access limited to ninety (90) degree crossings.
- d) No person shall operate a properly licenced and insured ATV or ROV without exhibiting proof of membership with KATVA unless

such operation is for seasonal access to the section of trail from the Somerville 7th Concession North to the City of Kawartha Lakes-Haliburton boundary, for the purpose of forest access and large game extraction during the legal hunting season as defined by the Ministry of Natural Resources and Forestry MNR for seasonal deer and moose hunting.

- e) No person shall operate an ATV with a passenger unless the ATV was specifically manufactured to permit multiple riders.
 - f) Any person operating or a passenger on an ATV, ROV, or ORM must wear a helmet as regulated under the Highway Traffic Act. Section 104 and the Off Roads Vehicles Act.
 - g) No person shall operate an ATV, ROV or ORM under the age of 12.
 - i) Any person operating an ATV, ROV or ORM between the ages of 12 and 16 must be under the direct supervision of an adult.
 - j) All passengers on an ATV, ROV or ORM cannot be under the age of 8.
 - k) All operators and passengers in an ROV must wear a seat belt, and use foot rests where applicable.
 - l) No person shall encroach upon or take possession of any part of a trail or trail allowance by any means whatsoever, including, without limitation, by planting, constructing, installing, storing or maintaining of a fence, gate, building, dock, vegetation, tree, shrub or other fixture, tree, shrub, plant or chattel, unless authorized by written approval from the City.
- 2.03 All other motorized use is restricted to Corporation of the City of Kawartha Lakes vehicles for the purpose of enforcement of this by-law and providing trail maintenance and repair and/or for authorized emergency vehicles and other vehicles belonging to registered organizations and authorized by the City of Kawartha Lakes.

Section 3.00: Permitted Motorized Use within Somerville Forest Tract

- 3.00 No person shall use the trails within the Somerville Forest Tract except for the following:
- a) Motorized use of the trails within the Somerville Forest Tract shall only be permitted on Trails numbers B-104, 339 and 340 or commonly referred to as the Marsh Trail, Millennium Trail,

Maconachie Trail, Boiler Trail, Mud Run Trail, OFTR Single Track and Somerville Trails.

- b) Permitted motorized use will be restricted to Snowmobiles , ATVs, ROVs and ORMs.
- c) All ATVs, ROVs and ORMs will meet those designations as prescribed under the Highway Traffic Act, Regulation 316/03.
- d) No person shall operate an ATV, ROV, ORM or Snowmobile without proper licensing and insurance.
- e) No person will operate a motorized vehicle without permit or being a member of the KATVA, OFTR or OFSC or reciprocating organization.
- f) No person shall operate a Snowmobile, ATV, ROV or ORM in the Somerville Forest Tract between April 1 and April 30, inclusive.
- g) No person shall operate a Snowmobile in the Somerville Forest Tract from April 1 to November 30, inclusive.
- h) No person shall operate an ATV, ROV or ORM in the Somerville Forest Tract from December 1 of one year to April 30 of the following year.

Section 4.00: Uses Prohibited in Certain Areas

4.01 No person shall operate an ATV on the following sections of the VRT:

- a) Between Logie Street in Lindsay, North to Thunder Bridge Road;

4.02 No person shall operate an ORM on the following sections of the VRT:

- a) South of the Superior Road Trailhead

4.03 No person shall operate an ROV on the following sections of the VRT:

- a) South of Northline Road

Section 5.00: Road Route Access (ATV Only)

5.01 Fenelon Falls – North to South Road Access Route

VRTC to Garnett Graham Park, east on Francis Street to Colborne Street, south on Colborne Street to Lindsay Street, East on Elliot Street and South on Murray Street to VRTC.

5.02 Fenelon Falls – South to North Road Access Route

VRTC, North on Murray Street, West on Elliot Street to Lindsay Street, north on Lindsay Street to Colborne Street, west on Francis Street to Garnett Graham Park to VRTC.

- 5.03 Any other road route access to the VRT for ATV and ROV use refer to Bylaw 2024-085 and Bylaw 2022-032.
- 5.04 All road use will be governed by the Highway Traffic Act, R.S.O.1990, c.H.8.

Section 6.00: Season of Use Restrictions

- 6.01 No person shall operate a Snowmobile, ATV, ROV or ORM on municipal trails between April 1 and April 30, inclusive.
- 6.02 No person shall operate a Snowmobile on municipal trails from April 1 to November 30.
- 6.03 No person shall operate an ATV, ROV or ORM on municipal trails from December 1 of one year to April 30 of the following year.
- 6.04 No person shall operate an ATV, ROV or ORM on the Millennium Trail from December 1 of one year to June 1 of the following year.
- 6.06 **Delegation of Authority for Trail Closure:** The Director may impose any conditions, extensions, restrictions considered reasonable for the seasonal use of City trails, relating to the protection of persons from injury and property from damage. Such conditions, extensions, restrictions may be due to but not limited to weather or scheduled maintenance or improvements.

Section 7.00: General Provisions

- 7.01 No person shall use municipal trails, including road access, between the hours of 9:30pm and 7:00am, unless by special permit.
- 7.02 No person operating a Snowmobile, ATV, ROV or ORM on municipal trails shall exceed a maximum speed of 50km per hour, unless otherwise posted.
- 7.03 All use of municipal trails is limited to a maximum speed of 20km per hour through the urban areas of Bethany, Fenelon Falls, Burnt River, Kinmount and Lindsay. Specifically:
 - a) No person shall exceed 20km per hour on the VRT from Twigg Road to Weston Road in Bethany;
 - b) No person shall exceed 20km per hour on the VRT from West Street South to Northline Road in Fenelon Falls;
 - c) No person shall exceed 20km per hour on the VRT through the community of Burnt River;

- d) No person shall exceed 20km per hour on the VRT from Austin Sawmill/Heritage Park to the boundary between the City of Kawartha Lakes and Haliburton County in Kinmount.
 - e) No person shall exceed 20km per hour on the VRT from Thunder Bridge Road and William Street North in Lindsay;
 - f) No person shall exceed 20km per hour on the VRT from King Street to Golden Mile Road in Lindsay;
- 7.04 No person shall operate a Snowmobile, ATV, ROV or ORM on municipal trails or in the Somerville Forest Tract in a manner that results in environmental damage or destruction of natural areas.
- 7.05 No person using municipal trails shall fail to obey a regulatory sign.
- 7.06 KATVA, OFTR and OFSC shall through its volunteers assist with the maintenance, repair, and brush trimming on municipal trails, in consultation with the City of Kawartha Lakes requirements, guidance and approval.
- 7.07 KATVA and OFTR shall apply media for dust control in areas where residence exist in consultation with the City of Kawartha Lakes requirements, guidance and approval.
- 7.08 KATVA, OFTR and OFSC shall take steps to educate and police respective association members in order to ensure that conduct on the trail and roadways meet both the spirit and content of the by-law.
- 7.09 The City maintains the right to undertake further review or to revoke privileges of KATVA, OFTR and OFSC or any other organization should non-compliance of any of the conditions as set out in this by-law exist.

Section 8.00: Enforcement and Penalties

- 8.01 **Enforcement:** This By-law may be enforced by every municipal law enforcement officer and police officer.
- 8.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 8.03 **Offence and Penalty:** It is an offence for a person to contravene any provision of this By-law, and every person who contravenes this By-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.
- 8.04 **Multiple Offences:** The conviction of a person for the contravention of any provision of this By-law shall not operate as a bar to a prosecution against the same person for any subsequent or continued contravention of this By-law.

- 8.05 **Court Order:** If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 9.00: Administration and Effective Date

- 9.01 **Administration of the By-law:** The Director of Community Services is responsible for the administration of this By-law.
- 9.02 **Repeals:** By-Laws 2007-107, 2008-089, 2011-233, 2013-034, 2014-142, 2019-055, 2019-089 and 2023-127 are hereby repealed effective June 24, 2025.
- 9.03 **Effective Date:** This By-law shall come into force on the date of passage.

By-law read a first, second and third time, and finally passed, this 22nd day of April, 2025.

Doug Elmslie, Mayor

Cathie Ritchie, Clerk