

THE CORPORATION OF THE COUNTY OF NORTHUMBERLAND

BY-LAW *21*-10

A BY-LAW TO GOVERN THE USE OF LANDS KNOWN AS THE NORTHUMBERLAND COUNTY FOREST

WHEREAS Section 11 (3.5) of the *Municipal Act 2001* S.O. c.25, 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 by the passing of resolutions #202:07:09 CC and #59-02-10 CC County Council deems it desirable to prepare rules and regulations for governing the use of lands designated by the County as County Forest;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the County of Northumberland hereby enacts as follows:

1. Definitions

1.1 In this by law:

“**agreement**” means an agreement with the County and a person, user group or organization outlining requirements for use of a County Forest including special events;

“**all terrain vehicles**” or **ATV’s** means a vehicle described or referred to as an off-road vehicle in the *Off-Road Vehicles Act* R.S.O. 1990, c. O.4 and included within the definition of off-road vehicle under this By-law;

“**authorized parking area**” means an area of the County Forest designated, set aside for or established for the parking of a vehicle, which may have posted regulations with respect to the use of the area;

“**Cobourg Scout Reserve**” means that area which is leased to the Scouts Canada White Pine Council as identified on Schedules A, B, C and D attached to this By-law;

“**County**” means The Corporation of the County of Northumberland;

“**County Forest**” or “**Northumberland County Forest**” means the land owned by the County of Northumberland and designated by the County as the “Northumberland County Forest” or any part thereof. The County Forest or Northumberland County Forest is shown on Schedule “A” attached to this By-law. For greater clarity the road allowances of the local municipalities located within or adjacent to the County Forest, including the seasonal and unmaintained road allowances owned by the Township of Alnwick/Haldimand and Hamilton Township are not part of the County Forest;

“**designated**” means a trail or parcel within the County Forest authorized by the County for one or more specific recreational uses and marked, posted or signed for such purposes;

“**gross vehicle weight**” means the weight of the vehicle and load;

“**liquor**” shall have the same meaning as defined in the *Liquor License Act*, R.S.O. 1990, c. L-19 as amended from time to time;

“**motor vehicle**” means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c H.8, as may be amended from time to time;

“**motorcycle**” means a self propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than 3 wheels in contact with the ground;

“**motorcycle parcel**” means those parts of the County Forest shown and labeled as a motorcycle parcel on Schedules B and D attached to this by-law;

“**snowmobile**” or **motorized snow vehicle** means a self propelled vehicle designed to be driven primarily on snow as defined in the *Motorized Snow Vehicles Act* R.S.O. 1990 c.M.44;

“**motorized trail**” means a trail designated for the purpose of motorized use by off-road vehicles, motorcycles, or motorized snow vehicles;

“**off-road vehicle**” means an off-road vehicle as defined under the *Off Road Vehicles Act* R.S.O. 1990 c .0. 4;

“**Provincial Offences Officer**” means an employee of the County or any officer included within the definition of “provincial offences officer” in the *Provincial Offences Act*, R.S.O.1990, c.P.33;

“**run at large**” means with reference to a dog, a dog that is not under the control of the owner or not in compliance with the Township of Alnwick/Haldimand By-law 57-2003 Animals Running At Large/License and Regulation

“**special event**” includes any event that takes place in the Northumberland County Forest where person(s) are charged an entry fee or the event is advertised, but does not include organized hikes or nature walks;

“**vehicle**” includes a vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c H.8, as may be amended from time to time but excludes a child’s wagon, a baby carriage, a child’s stroller, and a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability.

1.2 Rules of Interpretation

- (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.

2. By-law Applicability

2.1 Intent of this By-law

The intent of this By-law is to implement the vision of the Northumberland County Forest as adopted and approved by County Council under resolution #202:07:09 CC “To conserve and enhance the ecology and functions of the Forest, including ground and surface water, soils, vegetation and wildlife while providing opportunities for recreation and other social and economic benefits” and to implement County Council Resolution #59-02-10 CC regulating the permitted Hunting activities in the County Forest.

2.2 By-law Applicability

- (a) Lands on which this by-law applies:

This by-law applies to the County Forest and any premises located therein, subject only to the exceptions set out in paragraphs (b) and (c) below;

(b) Exception for Emergency and Maintenance Vehicles:

Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, the County or person(s) working under the authority of the County shall be exempt from the provisions of this by-law;

(c) Exception for the Cobourg Scout Reserve:

The provisions of this bylaw do not apply to that part of the County Forest leased to the Scouts Canada White Pine Council and identified on Schedules A, B, C and D as the Cobourg Scout Reserve.

3. Prohibited Activities

3.1 Within the County Forest no person shall:

- 1) Litter, dump or dispose of any foreign material or refuse;
- 2) Have open fires;
- 3) Camp overnight;
- 4) Possess or consume liquor;
- 5) Conduct target practice or paintball;
- 6) Cut, prune, dig or gather trees, shrubs, groundcover or firewood;
- 7) Allow a dog to run at large;
- 8) Construct unauthorized structures, tree stands, shelters or permanent structures;
- 9) Remove, deface, alter or destroy any County sign, gate or fence;
- 10) Install an unauthorized sign of any kind;
- 11) Interfere with or disrupt logging operations;
- 12) Construct an unauthorized trail;
- 13) Construct obstacles such as ramps and bridges on any roads or trails without written permission from the County;
- 14) Harvest non wood products such as cedar boughs, mushrooms and tree seed/cones for commercial purposes;
- 15) Harvest or collect the seed of rare plants for personal or commercial use;
- 16) Remain in the County Forest or any part thereof between the hours of 10:00 p.m. (22:00 hours) and 5:00 a.m. (05:00 hours) local time for any purpose without written permission from the County;
- 17) Disobey a posted sign;
- 18) Hike, cycle, snowshoe, horseback ride on, or allow or walk dogs on, the designated cross-country ski trails as shown on "Schedule B" hereto attached on or between December 1 each year and March 31 of the following year;
- 19) Hunt, use firearms or use bows on the lands designated as no hunting zones in "Schedule C" to this By-law;
- 20) Hunt for any game other than deer as established annually under the *Fish and Wildlife Conservation Act* S.O. 1997, c.41;
- 21) Enter onto a trail or into an area that has been closed by the County;
- 22) Enter onto the lands designated as Natural Protected Areas as shown on "Schedule D" to this by-law;
- 23) Operate a motor vehicle in excess of 400 kg gross vehicle weight except in authorized parking areas as shown on Schedule B hereto attached;
- 24) Operate a motor vehicle that is not compliant with the applicable law of the Province of Ontario, including the *Off Road Vehicles Act R.S.O. 1990 c. O.4*;
- 25) Operate a motorcycle other than on the designated motorized trails or in the designated motorcycle parcels as shown on "Schedule B" hereto attached;
- 26) Operate an off road vehicle or snowmobile other than on the designated motorized trails as shown on "Schedule B" hereto attached;
- 27) Operate a snowmobile at any time on or between April 1 and October 31, inclusive, in any year;
- 28) Operate an off-road vehicle or a motorcycle on or between November 1 to May 15, inclusive, in any year;

- 29) Operate a snowmobile without proof of membership in good standing with the Ontario Federation of Snowmobile Clubs or with the Great Pine Ridge Snowmobile Association;
- 30) Operate an off-road vehicle without proof of membership in good standing with the Eastern Ontario Trails Alliance, Ontario Federation of ATV's or with the Northumberland and District ATV Riders;
- 31) Operate a motorcycle without proof of membership in good standing with the Ontario Federation of Trail Riders or with the Northumberland Trail Riders;
- 32) Operate a snowmobile at a rate of speed greater than 50 kilometers per hour;
- 33) Operate an off road vehicle or motorcycle at a rate of speed greater than 30 kilometers per hour.

4. Permitted Activities

4.1 Subject to Section 3 of this By-law the following activities are permitted:

- (a) Walking, hiking, dog walking;
- (b) Cross country skiing, snowshoeing;
- (c) Orienteering, geocaching;
- (d) Nature appreciation, bird watching, nature study;
- (e) Dog sledding;
- (f) Cycling;
- (g) Horseback riding;
- (h) Harvesting of non wood products such as tree seed/cones, mushrooms for personal use;
- (i) Activities approved through the execution of an Agreement with the County;
- (j) Hunting for deer according to the deer season including the bow, shotgun and muzzle loading seasons as established annually under the *Fish and Wildlife Conservation Act S.O. 1997, c.41* on the lands designated for the deer hunt on "Schedule C" hereto attached;
- (k) Other activities as approved through the execution of a land use agreement or special event permit obtained from the County.

4.2 Agreements and Special Events

- (a) An organization that wishes to use a County Forest for the purpose of establishing a designated trail or for such purpose as deemed appropriate by the County is required to enter into an Agreement and provide proof of insurance naming the County as an additional insured ;
- (b) A person or organization that wishes to use a County Forest for the purpose of a special event must obtain an approved Agreement with the Council of the County of Northumberland no less than 8 weeks prior to the date of the special event.
- (c) An Agreement does not give the party named in the request any rights beyond the terms and conditions as stated in the Agreement;
- (d) No person or organization who has entered into an Agreement with the County shall contravene any of the terms and conditions of the Agreement.

4.3 The County has the authority to close any trail or area at any time for any reason at its discretion if it is thought to be causing environmental degradation or pose a hazard.

5. Enforcement and Penalties

5.1 Every person who uses a County Forest is subject to all Municipal by-laws and all Provincial and Federal laws and regulations and any person violating any by-law or law may be required to leave the County Forest.

- 5.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any provincial offences officer or any person exercising a power or performing duty under this by-law.
- 5.3 Any person who is alleged to have contravened any section of this By-law shall accurately and honestly identify themselves to the provincial offences officer upon request and failure to do so shall be deemed to have hindered or obstructed the officer in the execution of their duties.
- 5.4 In addition to any other authority they may have, a provincial offences officer is authorized to enforce the provisions of this by-law and to order any persons believed by such provincial offences 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 Northumberland County Forest any thing 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 Northumberland County Forest.
- 5.5 The court in which a conviction has been entered pursuant to this bylaw 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.
- 5.6 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.

6 Miscellaneous

6.1 Short Title

This by-law may be referred to as the County Forest Land Use and Recreation By-Law

6.2 Validity/Severability

In the event any Court of competent jurisdiction should adjudge that any section or sections of this by-law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the By-law and the remainder of the by-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein

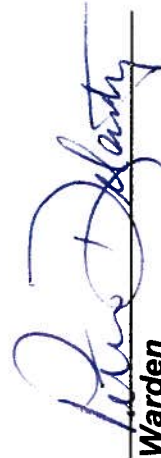
6.3 Schedules A, B, C and D shall form part of this by-law.

6.4 This by-law shall come into full force and effect on the date of passing.

THAT By-law 21 -10 be introduced and be deemed to be read a first, second and third time, be passed and be properly signed and sealed at the Town of Cobourg, this 19th day of May, 2010

I, DIANE CANE, Clerk
of the Corporation of the County of
Northumberland do hereby certify
that this is a true copy of By-law
No. 21-10 of the said Corporation
Passed on the 19th day of May, 2010


Diane Cane, Clerk


Warden


Clerk