

THE CORPORATION OF THE COUNTY OF HALIBURTON

BY-LAW NUMBER 3149

A BY-LAW TO AUTHORIZE AN AGREEMENT WITH THE HALIBURTON ALL TERRAIN VEHICLE ASSOCIATION AND OTHER PROVINCIAL POWER PASS MEMBERS UNDER THE DIRECT SUPERVISION OF THE HALIBURTON ALL TERRAIN VEHICLE ASSOCIATION

WHEREAS Section 8 of the *Municipal Act, R.S.O. 2001*, as amended, hereinafter referred to as *the Act*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; 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 County of Haliburton is desirous of granting permission to the Haliburton All Terrain Vehicle Association and other Provincial Power Pass Members under the Direct Supervision of the Haliburton All Terrain Vehicle Association to legally enter and use the Haliburton County Rail Trail as described in Schedule "A" attached to and forming part of this Bylaw subject to certain conditions as outlined in Schedule "B" attached to and forming part of this Bylaw.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF HALIBURTON ENACTS AS FOLLOWS:

1. The Warden and the Clerk are hereby authorized to grant permission to the Haliburton All Terrain Vehicle Association and other Provincial Power Pass Members under the Direct Supervision of the Haliburton All Terrain Vehicle Association to legally enter and use the Haliburton County Rail Trail as described in Schedule A attached to and forming part of this Bylaw subject to the conditions as outlined in Schedule "B" attached to and forming part of this Bylaw.
2. No person shall operate an all terrain vehicle on the Haliburton County Rail Trail without a valid permit issued by the Haliburton All Terrain Vehicle Association or the Provincial Power Pass permit.
3. 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 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 plate and insurance
 - h) Is a vehicle as described under Regulation 316/03 of the Ontario Highway Traffic Act, R.S.O. 1990 as amended
4. Any person who contravenes Section 2 of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
5. This By-law takes effect on the day of passing.

READ a first, second and third time, and finally approved this 23rd day of May 2007.


Murray Fearrey, Warden


Tamara Williams, Clerk

Corporation of the County of Haliburton
By-Law Number 3149
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 by 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;

Corporation of the County of Haliburton
By-Law Number 3149
Schedule "B"

The Corporation of the County of Haliburton grants permission to the Haliburton All Terrain Vehicle Association and other Provincial Power Pass members under the direct supervision of the Haliburton All Terrain Vehicle Association permission to legally enter and use the premises described as the Haliburton County Rail Trail Corridor that lies within the boundaries of the County of Haliburton provided the following conditions are met:

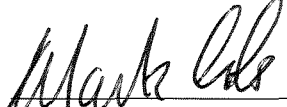
1. The permitted use granted under County of Haliburton Bylaw 3149 is for All-Terrain Vehicles only as specified under Regulation 316/03 of the Highway Traffic Act.
2. Entry and use of the Haliburton County Rail Trail Corridor is permitted only on the recreation trail right-of-way on that part of the premises designated as the five metre maintained surface portion of the trail during the hours of 10:00 a.m. and dusk only.
3. Permission is granted for the period June 1, 2007 and ends on November 30, 2007 unless notice of termination of this permission is given by the County of Haliburton.
4. The Haliburton All Terrain Vehicle Association and its members hereby undertake to hold harmless and agree to indemnify from the consequences of legal action and/or insurance claims, the Corporation of the County of Haliburton. The County of Haliburton shall be named as a co-insured on the Haliburton All Terrain Vehicle Association's liability insurance policy with a minimum of \$3 million coverage.
5. The Haliburton All Terrain Vehicle Association will issue permits to its members and will ensure that all members are properly insured, possess proof of membership and the all terrain vehicle is properly plated.
6. The Haliburton All Terrain Vehicle Association and its members will obey the posted and observed speed limit of thirty (30) kilometres per hour on the Haliburton Rail Trail Corridor.
7. The Haliburton All Terrain Vehicle Association will actively participate in a partnership with the County of Haliburton and the Ontario Provincial Police to develop an effective enforcement programme and will respond to issues arising from ATV use on the Haliburton County Rail Trail Corridor during the period April 1 to December 1.
8. The Haliburton All Terrain Vehicle Association shall provide labour and equipment for dust control in response to adjacent landowner complaints. The County of Haliburton will provide the necessary dust control materials.
9. The Haliburton All Terrain Vehicle Association shall contribute to the maintenance of the Haliburton County Rail Trail Corridor, including annual debris retrieval, traveled surface restoration, minor clearing and erection of related signage. In the event of the expiry of this permission, the foregoing work will be carried out within ten (10) days of notification of the expiry.

Acknowledged by the Haliburton All Terrain Vehicle Association:



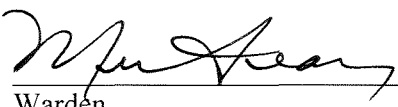
Authorized Signing Officer

May 25, 2007
Date

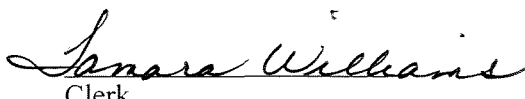


Witness

Acknowledged by the Corporation of the County of Haliburton



Warden



Clerk