

THE CORPORATION OF THE COUNTY OF HALIBURTON

BY-LAW NUMBER 3268

**A BY-LAW TO AMEND COUNTY OF HALIBURTON  
BYLAW NO. 3154 BEING A BYLAW TO AUTHORIZE AN  
AGREEMENT WITH THE KAWARTHA 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 Kawartha All Terrain Vehicle Association to legally enter and use the Haliburton County Rail Trail as described in Schedule "A" of County of Haliburton Bylaw No 3154.

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

1. Clause 3(d) of County of Haliburton Bylaw No. 3154 be amended to read as follows:  
  
3(d) Is designed to carry a driver and one passenger as provided in a "two-up" tandem built ATV designed specifically for two passengers
2. Clause 3(h) of County of Haliburton Bylaw No. 3154 be amended to read as follows:  
  
3(h) Includes ATV vehicles as described under Regulation 316/03 of the Ontario Highway Traffic Act, R.S.O. 1990 as amended and "two-up" tandem built ATVs designed specifically for a driver and one passenger.
3. Schedule "B" of County of Haliburton Bylaw No. 3154 is amended as Schedule "A" attached to and forming part of this Bylaw.
4. This Bylaw takes effect on the day of passing.

READ a first, second and third time, and finally approved this 22nd day of April 2009.

  
\_\_\_\_\_  
Dave Burton, Warden

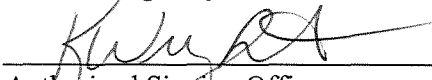
  
\_\_\_\_\_  
Tamara Wilbee, Clerk

**Corporation of the County of Haliburton**  
**By-Law Number 3268**  
**Schedule "A"**

The Corporation of the County of Haliburton grants permission to the Kawartha 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 No. 3268 is for All-Terrain Vehicles only as specified under Regulation 316/03 of the Highway Traffic Act and "two-up" tandem built ATVs designed specifically for a driver and one passenger.
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, 2009 and ends on November 30, 2009 unless notice of termination of this permission is given by the County of Haliburton.
4. The Kawartha 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, related to use of ATVs on the corridor, the Corporation of the County of Haliburton. The County of Haliburton shall be named as an additional insured on the Kawartha All Terrain Vehicle Association's liability insurance policy with a minimum of \$3 million coverage.
5. The Kawartha All Terrain Vehicle Association and its member hereby undertake to name the Haliburton All Terrain Vehicle Association as an additional insured on the Kawartha All Terrain Vehicle Association's liability insurance policy with a minimum of \$3 million coverage.
6. The Kawartha All Terrain Vehicle Association shall hold the Haliburton All Terrain Vehicle Association harmless of any liability claims of Kawartha All Terrain Vehicle Association members while using the Haliburton Rail Trail Corridor.
7. The Kawartha 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.
8. The Kawartha 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.
9. The Kawartha All Terrain Vehicle Association acknowledges County of Haliburton Bylaw No. 3106 as amended being a bylaw to regulate the operation of vehicles and uses on the Haliburton County Rail Trail Corridor.


Acknowledged by the Kawartha All Terrain Vehicle Association:


  
Authorized Signing Officer

April 2, 2009  
Date

  
Witness

Acknowledged by the Corporation of the County of Haliburton

  
Dave Burton, Warden

  
Tamara Wilbee, Clerk

April 22, 2009  
Date