

THE CORPORATION OF THE COUNTY OF HALIBURTON

BY-LAW NUMBER 3269

A BY-LAW TO AMEND COUNTY OF HALIBURTON  
BYLAW NO. 3149 BEING A BYLAW 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" of County of Haliburton Bylaw No 3149.

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. 3149 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 a driver and one passenger
2. Clause 3(h) of County of Haliburton Bylaw No. 3149 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. 3149 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 3269**  
**Schedule "A"**


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 3269 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 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 an additional 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:


  
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Mark Coles, President

*April 16/2009*  
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Date

  
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Witness

Acknowledged by the Corporation of the County of Haliburton

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

  
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Tamara Wilbee, Clerk