



## **By-law Number 2023-039**

### **A by-law to regulate the use of lands known as The 'Bruce County Rail Trail' and 'County Forests'**

Sections 8, 9, 11, 135 and 142 of the Municipal Act, 2001, 5.0. 2001, c. 25 (the "Act"), authorize the Corporation of the County of Bruce (the "County") to pass By-Laws regulating the use and enjoyment of lands and forests owned by the County, whether it be for personal or professional use;

County Council wishes to preserve and manage its lands and forests and provide for the orderly use and enjoyment of them;

**The Council for the Corporation of the County of Bruce enacts By-law 2023-039 as follows:**

#### **PART 1 - DEFINITIONS**

1.1 In this by-law:

**"All-Terrain Vehicle"** means an "off-road vehicle" as defined in the Off- Road Vehicles Act, R.S.O. 1990, c. 0.4.

**"Bait"** means a substance used to attract bears for the purpose of bear hunting.

**"Bicycle"** has the same meaning as in the Highway Traffic Act, R.5.0. 1990, c. H.8

**"Bruce County Rail Trail"** means the lands owned by the Corporation of the County of Bruce that were formerly owned by Canadian National Railway identified on Schedule "A" attached to and forming part of this By-Law.

**"County"** means The Corporation of the County of Bruce.

**"County Forest"** and **"Forest"** includes the Bruce County Rail Trail and all of the lands owned by the Corporation of the County of Bruce consisting of about 12,000 acres in numerous tracts identified on Schedule "A" attached to and forming part of this By-Law.

**"Council"** means the Council of the Corporation of the County of Bruce.

**"Cycling" or "Cycle"** means the use or operation of a bicycle, unicycle or tricycle by means of muscular power.

**"Designated Manager"** means one or more employees of the County responsible for Trail or Forest management.

**"Designated Trail"** means that part of a County Forest or Bruce County Rail Trail that has been marked by the County as such by a sign or other means.

**“Group Event”** means any activity or undertaking involving two or more persons directly or indirectly associated with, to be conducted by or under the auspices of a corporation, partnership, organization or association

**“Motor Vehicle”** has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8.

**“Motorized Vehicle”** includes an All-Terrain Vehicle, Motor Vehicle, Motorized Snow Vehicle, Off-Road Vehicle, and a Vehicle other than a bicycle.

**“Motorized Snow Vehicle”** has the same meaning as in the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44.

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

**“Officer”** means a police officer, a provincial offences officer or a Designated Manager.

**“Off-Road Vehicle”** has the same meaning as in the Off-Road Vehicles Act, R.S.O. 1990, c. O.4.

**“Person”** includes a corporation, partnership or other entity capable of entering into a legally binding agreement.

**“Refuse”** means garbage and includes anything discarded including but not limited to paper, food and drink containers, food, eating utensils, newspapers, diapers, glass, clothing, camping equipment and appliances, plant material and fill of any kind.

**“Run at Large”** refers to an animal being at any place other than the premises of the owner when not in the presence of and under the control of the owner or other person apparently responsible for the animal.

**“Tree”** means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres (15 feet) at physiological maturity.

**“Use Agreement”** means a written agreement signed by the parties between the County and a person for access to and use of the Bruce County Rail Trail or a County Forest for a Group Event.

**“Vehicle”** has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8.

**“Wheelchair”** has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8.

## **PART 2 - APPLICATION AND ADMINISTRATION**

### **2.1 Application**

This by-law applies to all areas within or on the geographical boundaries of the Bruce County Rail Trail and all County Forests identified in Schedule “A” to this By-Law.

## **Part 3 - ACTIVITIES PROHIBITED AND PERMITTED**

### **3.1 Prohibited Activities**

Within or on the geographical boundaries of a County Forest, no person shall:

- (1) Operate a motorized vehicle without a valid permit;
- (2) Operate a motor vehicle without valid insurance as required by law;
- (3) leave, deposit or dump refuse;
- (4) light or cause to be lit a fire;
- (5) gather or cut firewood;
- (6) camp;
- (7) hunt or fish without a valid permit;
- (8) use or possess bait;
- (9) engage in target practice;
- (10) engage in activities involving the use of paintball devices;
- (11) cut, prune, damage, remove or destroy any living tree, shrub, or groundcover without first obtaining the written permission of a Designated Manager;
- (12) permit or cause to permit an animal to run at large;
- (13) construct any fence, shelter, or other structure;
- (14) remove, alter or destroy any trail, fence or gate;
- (15) remove, alter, deface or destroy any sign apparently posted by the County;
- (16) disobey a sign posted by the County;
- (17) post a sign of any kind without first obtaining the express written permission of a Designated Manager;
- (18) create or construct or cause to be created or constructed a trail or path;
- (19) Conduct a Group Event without a Use Agreement authorizing the Group Event;
- (20) Fail to comply with a term or condition of a Use Agreement; or
- (21) Trap without first obtaining the express written permission of a Designated Manager.

### 3.2 Permitted Activities

Within or on the geographical boundaries of a County Forest, the following activities are permitted unless otherwise prohibited by law or by a sign posted by the County:

- (1) walking, hiking, cross country skiing, snowshoeing, dog sledding, horseback riding or cycling on trails designated by the County for these activities;
- (2) activities associated with teaching, nature appreciation or nature study;
- (3) use of a wheelchair or other device for the purpose of facilitating the mobility of a person with a disability;
- (4) walking, exercising or training a pet so long as the animal is not permitted to run at large;
- (5) use and operation of motorized snow vehicles on OFSC designated trails provided that the operator has a valid permit and valid insurance as required by law for its the use and operation;
- (6) use and operation of all-terrain vehicles on trails designated by the County for this purpose provided the operator has a valid permit;
- (7) use and operation of all-terrain vehicles on trails designated by the county for this purpose provided the operator has valid insurance as required by law for its use and operation;
- (8) hunting and fishing in accordance with provincial and federal regulations unless otherwise posted by the County;
- (9) notwithstanding paragraph 3.2(12), the use and construction of portable and temporary tree stands, blinds and ladders for and while hunting;
- (10) trapping with the express written permission of a Designated Manager; and

(11) Group Events pursuant to a Use Agreement.

#### **Part 4 - EXEMPTIONS**

Persons using or operating motorized vehicles while in the execution of their duties for or on behalf of an ambulance service, fire department, police department, or the County shall be exempt from the provisions of this By-Law.

#### **PART 5 - USE AGREEMENTS**

- 5.1 No person may conduct a Group Event without first having entered into a Use Agreement with the County and filing with a Designated Manager proof of applicable and collectible liability insurance for the Group Event, expressly naming the County as an insured, in a form and content approved in writing by a Designated Manager.
- 5.2 No person may establish or designate a trail in a County Forest without first entering into a Use Agreement with the County and filing with a Designated Manager proof of applicable and collectible liability insurance, expressly naming the County as an insured, in a form and content approved in writing by a Designated Manager.

#### **Part 6 - ENFORCEMENT**

- 6.1 This By-law may be enforced by an Officer.
- 6.2 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer in the lawful exercise of a power or duty under this by-law.
- 6.3 No person shall provide false information or give a false statement to an officer in the lawful exercise of a power or duty under this by-law.
- 6.4 An Officer who on reasonable and probable grounds believes a contravention of this By-Law has occurred or is occurring may issue a Stop Order substantially in the form attached as Schedule "B" to this By- Law.
- 6.5 A Stop Order may require the person to whom it has been issued to:
  - a) immediately stop the activity believed to be in contravention of this By-Law; or
  - b) immediately leave the County Forest or Bruce County Rail Trail in which the offence is believed to have been committed; or
  - c) prohibit entry by such person or person(s) to the Bruce County Rail Trail and all County Forests until such person or persons receive written notice from a Designated Manager that the Stop Order has been cancelled or withdrawn; or
  - d) comply with all of paragraphs 6.4 (a), (b) and (c).
- 6.6 If requested to do so by an Officer, the person to whom a Stop Order has been issued shall accompany the Officer or Designated Manager for the purpose of ensuring that such person leaves the Bruce County Rail Trail or County Forest safely and does not commit a further offence.
- 6.7 An Officer may serve a Stop Order by personal service or by registered mail addressed to the last known address of the person to whom the Stop Order was issued.
- 6.8 An Officer may prove service of a Stop Order by affidavit.

**PART 7 - OFFENCES**

- 7.1 Any person who contravenes sections 6.2 or 6.5 of this By-Law or a term of a Stop Order is guilty of an offence and is liable to a fine of not less than \$500.00 and not more than \$10,000.00.
- 7.2 Except as permitted by this By-Law, any person who injures or destroys any living tree in a County Forest is guilty of an offence and upon conviction is liable to a fine of up to \$1,000.00 for each tree injured or destroyed to a maximum of \$100,000.00.
- 7.3 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

**PART 8 - GENERAL PROVISIONS**

- 8.1 The short title of this By-Law is the "Bruce County Forest Use By-Law".
- 8.2 An Officer who has reasonable and probable grounds to believe a person has contravened this By-Law may issue an Offence Notice pursuant to the Provincial Offences Act, R.S.O. 1990, Chapter P. 33 specifying a set fine as provided in Schedule "C" attached to and forming part of this By-Law.
- 8.3 If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part thereof shall be deemed to be severable and the remainder of the By-Law shall be valid and shall remain in full force and effect.
- 8.4 Unless the context otherwise requires, the singular shall include the plural and vice versa and words importing a particular gender shall include the other gender.
- 8.5 Schedules "A", "B" and "C" are part of this By-law.
- 8.6 On the effective date of the enactment of this By-Law, By-Law Number 2022-066 of the Corporation of the County of Bruce shall be repealed and replaced by this By-Law.
- 8.7 Despite section 8.6 of this By-Law, By-Law Number 2022-066 of the Corporation of the County of Bruce shall continue to apply in respect of matters and offences that occurred before its repeal.

That by-law 2022-066 is hereby repealed.

This by-law shall come into force and take effect on the day that it is passed.

Passed this 5<sup>th</sup> day of October, 2023.

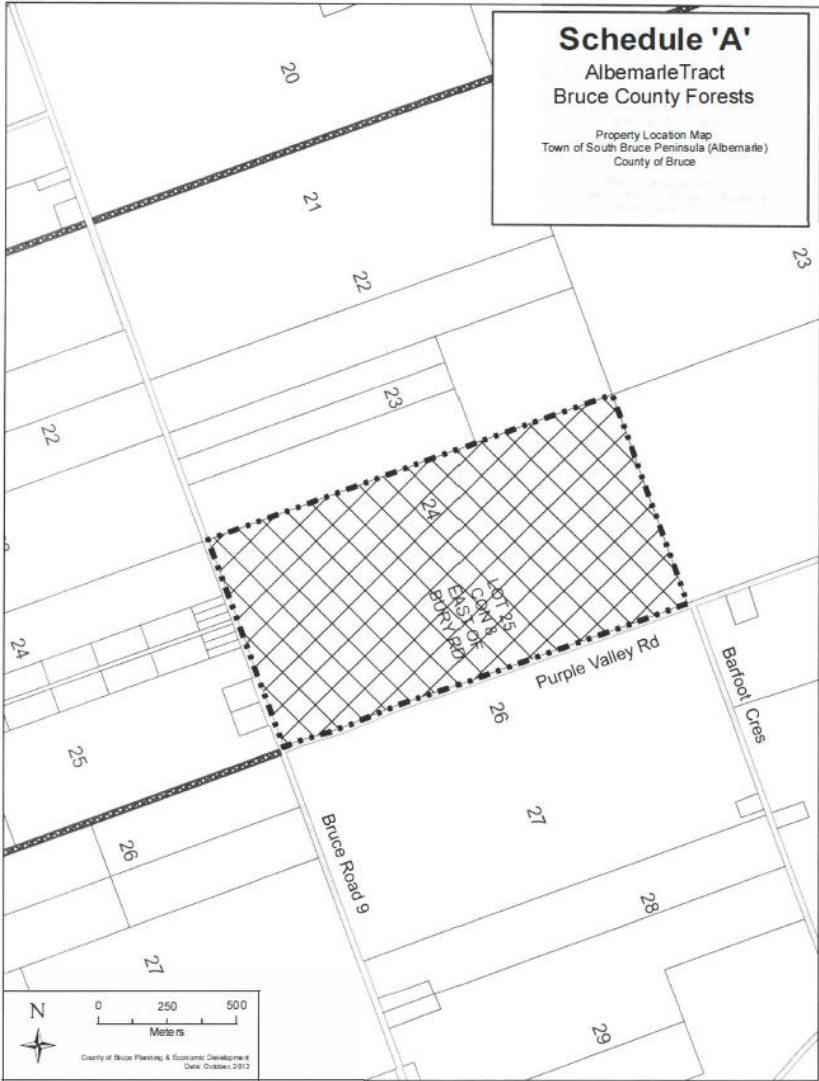
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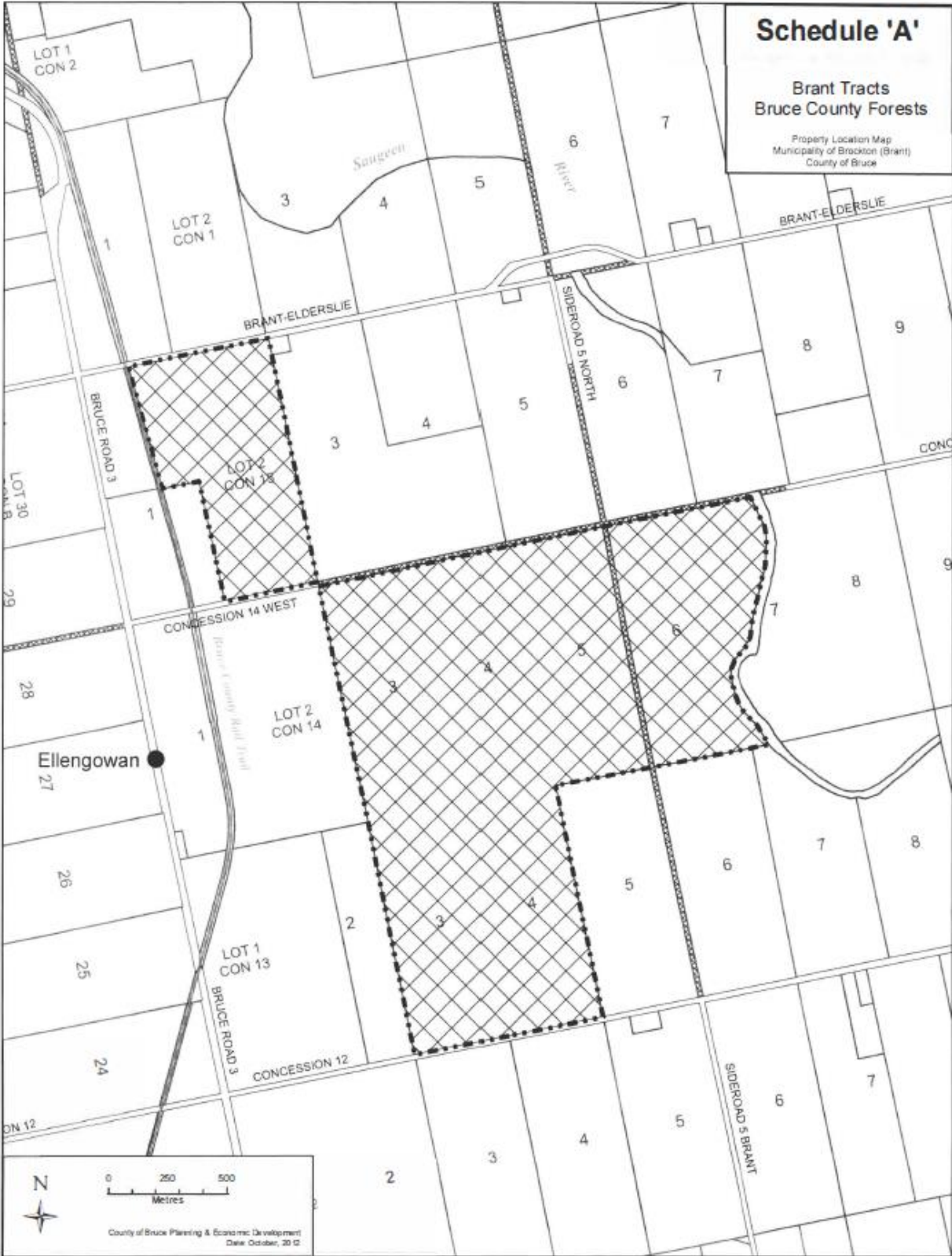
Chris Peabody  
Warden

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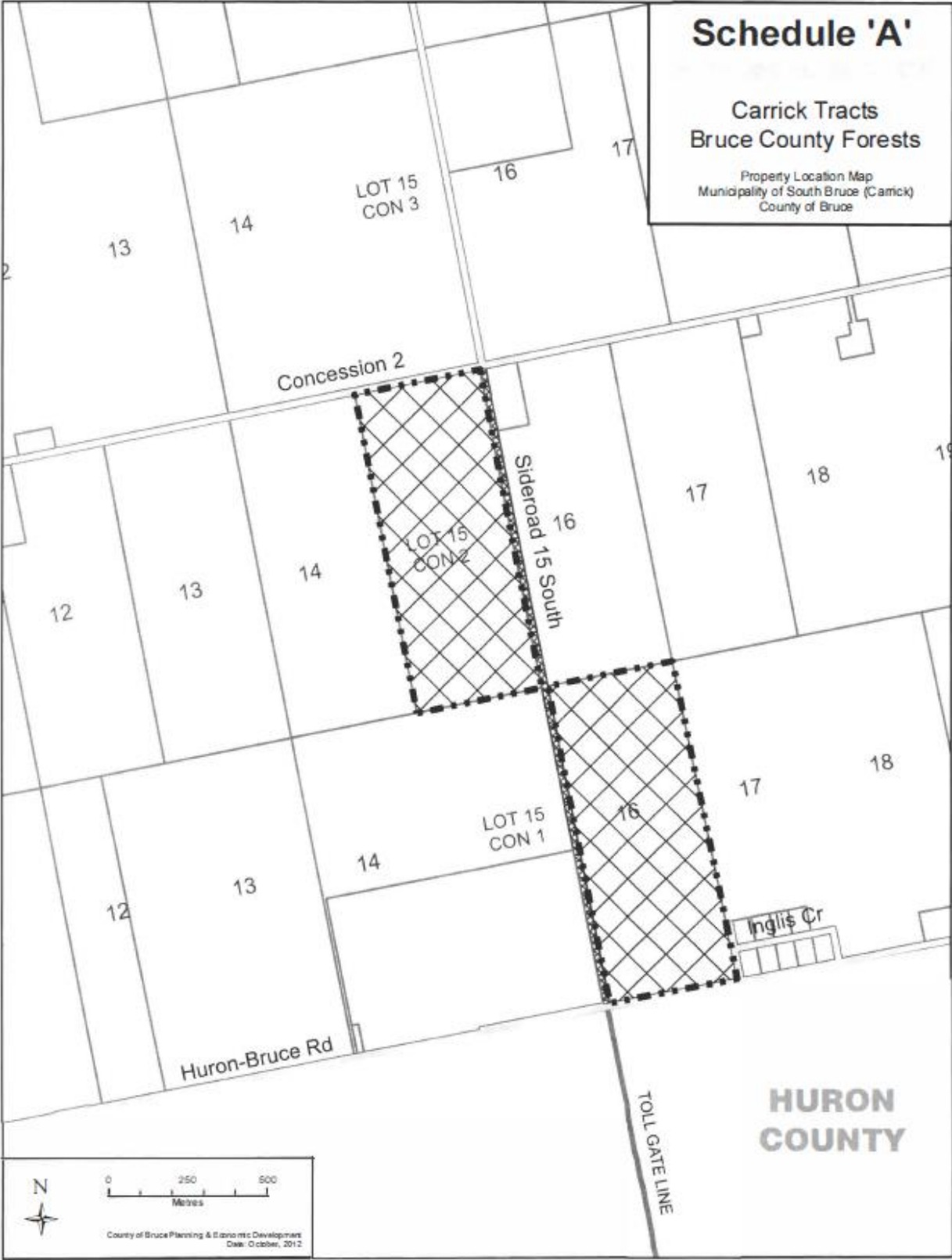
Linda White  
Clerk

Schedule “A” to By-law 2023-039



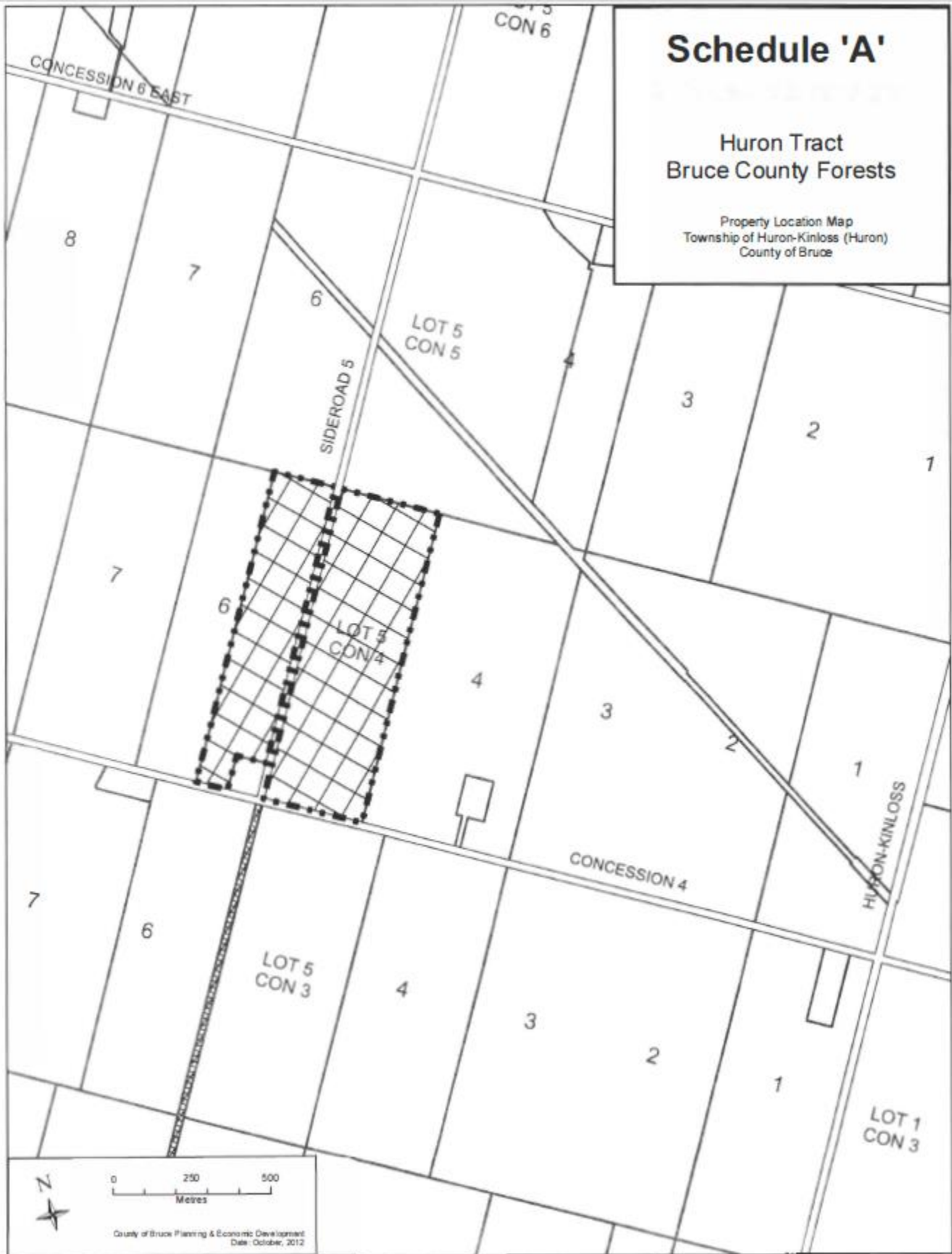












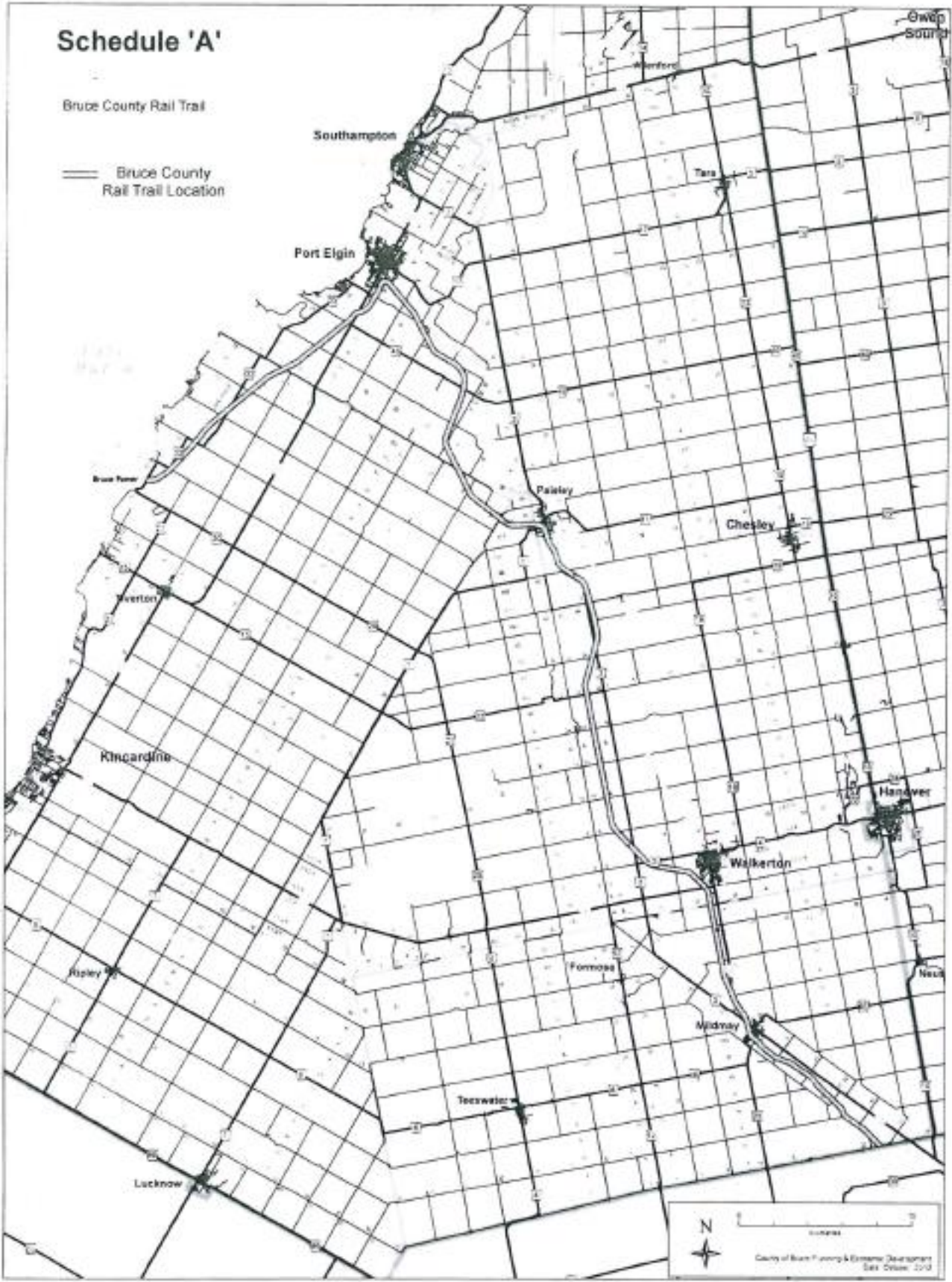


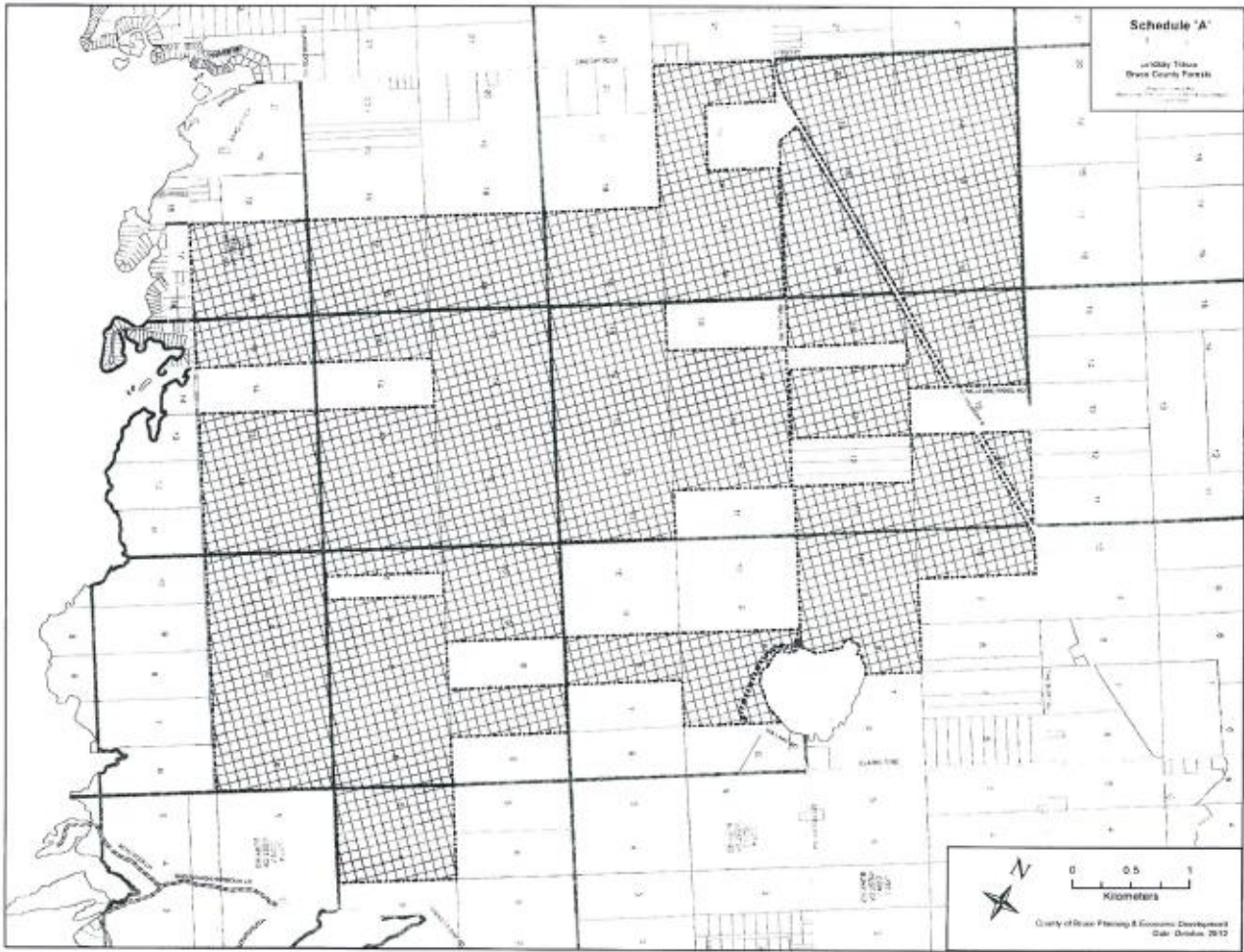


**Schedule 'A'**

Bruce County Rail Trail

== Bruce County Rail Trail Location





# Stop Order (sample)

You are hereby directed and ordered to forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising:

Municipal Address:\_\_\_\_\_

Legal Description:\_\_\_\_\_

Lot:\_\_\_\_\_

Concession:\_\_\_\_\_

Municipality:\_\_\_\_\_

Name of Owner:\_\_\_\_\_

Identified person, firm or corporation responsible for destruction or injury of trees:\_\_\_\_\_

Particulars of Contravention:

\_\_\_\_\_

Date by which order must be complied with:\_\_\_\_\_

Date of Inspection:\_\_\_\_\_

Effective Order Date:\_\_\_\_\_ To:\_\_\_\_\_

Signature of Officer:\_\_\_\_\_

Date:\_\_\_\_\_



Schedule “C” to By-law 2023-039

**THE CORPORATION OF THE COUNTY OF BRUCE  
PART I PROVINCIAL OFFENCES ACT  
BY-LAW. 2023-039**

*Table 1 Part 1 Provincial Offences Act*

	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Operate motorized vehicle in County Forest without a permit	3.1(1)	\$250.00
2	Operate motorized vehicle in County Forest without insurance	3.1(2)	\$250.00
3	Leave, deposit or dump refuse	3.1(3)	\$250.00
4	Light or cause fire	3.1(4)	\$300.00
5	Gather or cut firewood	3.1(5)	\$200.00
6	Camp in County Forest	3.1(6)	\$150.00
7	Unauthorized hunting/fishing	3.1(7)	\$150.00
8	Use or possess bear bait	3.1(8)	\$150.00
9	Target practice in County Forest	3.1(9)	\$150.00
10	Paintball in County Forest	3.1(10)	\$150.00
11	Damage or destroy trees/shrubs/groundcover without permission	3.1(11)	\$150.00
12	Permit animal to run at large in County Forest	3.1(12)	\$150.00
13	Construct fence, shelter, structure in County Forest	3.1(13)	\$150.00
14	Remove/alter/destroy trail, fence or gate	3.1(14)	\$300.00
15	Remove/alter/deface/destroy County sign	3.1(15)	\$300.00
16	Disobey County sign	3.1(16)	\$150.00
17	Post unauthorized sign in County Forest	3.1(17)	\$150.00
18	Create/Construct unauthorized trail or path	3.1(18)	\$150.00
19	Conduct Group Event without Use Agreement	3.1(19)	\$350.00
20	Fail to comply with Use Agreement	3.1(20)	\$250.00
21	Trap when not authorized	3.1 (21)	\$250.00
22	Obstruct Officer	6.2	\$250.00
23	Providing false information	6.3	\$250.00

Note: The penalty provision for the offences indicated above in Section 7.3 of By-law 2023-038, a certified copy of which has been filed.