

By-Law No. 2022-0033

of

The Corporation of the County of Frontenac

A By-Law to Regulate and Govern the Use of the Frontenac K&P Trail

Whereas the County of Frontenac has acquired the former Kingston Pembroke Railway Line from Orser Road at the City of Kingston to Clarendon Road and has determined that the said rail line shall be utilized as a recreational trail; and,

Whereas the County has designated the said former railway line as a recreational trail, within the meaning of the Occupier's Liability Act R.S.O. 1990, c.0.2 under the name "K&P Trail"; and,

Whereas the County of Frontenac has acquired lands adjacent to the trail, designated at Trail Heads, to allow cars and/or trailers to park to access the trail; and,

Whereas, section 9 of the municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

Whereas, Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that sections 9 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and,

Whereas, Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, 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 section 434.1(1) of the Municipal Act, 2001, as amended from time to time, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act; and

Whereas, the Corporation of the County of Frontenac has owned, operated and expanded the Frontenac K&P Trail since 2009; and,

Whereas, the Council of the County of Frontenac deems it expedient and in the interest of public safety to regulate and govern the use of the Frontenac K&P Trail; and,

Whereas, the Council of the County of Frontenac has determined that any breach of the provisions of this By-law should be subject to an administrative monetary penalty;

Now Therefore Be It Resolved That the Council of the County of Frontenac hereby enacts as follows:

1. Short Title

This By-law shall be known and may be referred to as the "Trails By-law".

2. Definitions

For the purposes of this By-law, the following definitions shall apply:

- a) **"Administrative Penalty"** means an administrative penalty administered pursuant to "By-law 2021-0018 of the Corporation of the County of Frontenac being "A By-Law to Establish a Process for Administrative Penalties".
- b) **"By-law Enforcement Officer"** means a By-law Enforcement Officer of the Corporation of the County of Frontenac and any other officer authorized by the Corporation of the County of Frontenac for the enforcement of By-laws in the County of Frontenac.
- c) **"Camp"** includes the placement of a tent or trailer at any time on the Property or the lodging or staying overnight on the Property.
- d) **"Debris"** includes anything that is not natural to the Property, including refuse, rubbish, junk or disused material of any kind whatsoever and without limiting the generality of the foregoing, includes a vehicle that appears by reason of its age, appearance, mechanical condition or lack of license plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location..
- e) **"Dirt Bike"** means a two-wheel motorized machine used primarily for traveling on land other than registered roadways.
- f) **"E-Bike"** shall mean a motor assisted bicycle within the meaning of the Highway Traffic Act, R.S.O .1990, c.H.8, as amended.
- g) **"Enforcement Officer"** means a Provincial Offences Officer, an Ontario Provincial Police Officer, or any person exercising a power or performing duty under this By-law.
- h) **"Firearm"** includes any type of gun or other firearm including an air gun, spring gun, pellet gun, tranquilizer gun, cross-bow, long-bow or other type of bow, sling shot, or any similar thing.
- i) **"Frontenac County"** means the Municipal Corporation of the County of Frontenac.
- j) **"Licensee"** means an association or club issued a License by the County of Frontenac to use the Trail and allow their members to use the Trail through the issuance of Permits in accordance with an executed License Agreement between the association or club and the County of Frontenac.
- k) **"Litter"** includes the throwing, dumping, placing, depositing of any debris.

- l) **"Motor Vehicle"** means a vehicle used for transportation relying upon a motor for operation including vehicles described as Off-Road Vehicles, Snowmobiles/ Motorized Snow Vehicles, Motorcycles and Dirt Bikes, but does not include an electric mobility aid
- m) **"Natural Features"** means all geology, vegetation, and wildlife pertaining to, existing in or produced by nature throughout the Frontenac K&P Trail. This includes all plant and wildlife species and wetland areas.
- n) **"Off-Road Vehicle"** shall mean an off-road vehicle within the meaning of the Off Road Vehicles Act, R.S.O .1990, c.O. 4, as amended.
- o) **"Frontenac K&P Trail"** means the trail owned, leased and/or managed by the County of Frontenac that includes the former Kingston & Pembroke Rail corridor from Orser Road at the City of Kingston to Clarendon Road, being approximately 70 kilometres in length and as described in Schedule "A".
- p) **"Pedestrian"** means any person travelling on foot or with related foot gear and not requiring the aid of a motor for propulsion.
- q) **"Penalty Notice"** means a notice given pursuant to sections 2.2 and 2.4 of "By- law 2021-0018 of the Corporation of the County of Frontenac "A By-Law to Establish a Process for Administrative Penalties";
- r) **"Signage"** means postings throughout the Frontenac K&P Trail erected by or authorized by the County of Frontenac.
- s) **"Trail"** refers to the Frontenac K&P Trail
- t) **"Property"** means the property described as the Frontenac K&P Trail in the County of Frontenac.
- u) **"Self-propelled implements of husbandry (SPIH)"** means vehicles manufactured, reconstructed designed, redesigned, or converted for specific use in farming. For example, combines, swathers, harvesters, and sprayers are SPIHs, and a farm tractor is not an SPIH, as defined by the Ontario Federation of Agriculture.
- v) **"Snowmobile/Motorized Snow Vehicle"** means a motorized snow vehicle, within the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990, c.M. 44, as amended.
- w) **"Trail Head"** means a central location where fifteen or more cars and/or trailers can be parked adjacent to the trail.
- x) **"Vandalism"** means the destruction or damage of property, intentional or not, and includes but is not limited to behavior such as breaking benches, slashing tires.

3. Administration

- 3.1 The Planning and Economic Development Department or, in the event of organizational changes, another unit designated by County Council to carry out the responsibilities with respect to the management and operation of the K&P Trail, is responsible for the administration of this by-law.

- 3.2 The authority to establish temporary regulations in accordance with section 10.1 and 10.2 is delegated to the Director of Planning and Economic Development or his or her designate or, in the event of organizational changes, to another employee designated by County Council.
- 3.3 Amendments to this by-law, including changes to regulations, shall not come into effect until the necessary technical changes have been made and, where required, signage has been installed to provide public notice.
- 3.4 Every vehicle parked in a trail head parking lot shall be parked at the risk of its owner, and the County is not responsible for any loss or damage to any vehicle or its contents.
- 3.5 Every motorized vehicle permitted on the trail pursuant to section 5 shall use the trail at the risk of its owner, and the County is not responsible for any loss or damage to any motorized vehicle or its contents

4. Permitted Uses

The following are considered permitted uses of the Frontenac K&P Trail in addition to vehicles permitted under section 5 of this by-law:

- (a) Walking, running, hiking, dog walking;
- (b) Cross country skiing, snowshoeing;
- (c) Orienteering, geocaching;
- (d) Nature appreciation, bird watching, nature study;
- (e) Dog sledding;
- (f) Cycling, including the use of E-bikes;
- (g) Horseback riding;
- (h) Harvesting of non-wood products such as tree seed/cones, mushrooms for personal use;
- (i) Other activities as approved through the execution of a land use agreement or special permission obtained from the County of Frontenac in the case of events, or short-term access.

5. Permitted Motorized Vehicle Use on the K&P Trail

Subject to the provisions of section 7 of this by-law, only the following vehicles may enter upon or utilize the K&P Trail:

- i. Off Road Vehicles operated and with valid permits under the Off Road Vehicles Act, R.S.O. 1990, c 0.4;
- ii. Motorized Snow Vehicles operated and with valid permits under the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44;
- iii. Electric Bicycles;
- iv. Police and Emergency Vehicles;
- v. Farm Tractors and Self-Propelled Implements of Husbandry.

6. Motorized Vehicles Prohibited Where Authorized Signs Are On Display

- 6.1 Where authorized signs prohibiting motorized vehicles on the trail are on display, no person shall permit any vehicle to enter upon or utilize the Trail or parts thereof named or described in Schedule "1" to this by-law.

7. Regulations regarding motorized vehicle use on the K&P Trail

- 7.1 No person shall permit any vehicle to enter upon or utilize the Trail unless the vehicle in question is a permitted vehicle under section 5.
- 7.2 No person shall permit any vehicle to enter upon or utilize the Trail unless that person is in possession of all such valid certificates of ownership, license and insurance as are required by any applicable law or regulation.
- 7.3 No person shall, at any time, operate any vehicle on the Trail at a speed or speeds in excess of 50 kilometres per hour.
- 7.4 No person shall, at any time, operate any vehicle on the Trail at a speed or speeds in excess of 20 kilometres per hour within the limits of any town, village, or hamlet, identified as Community Safety Zones,
- 7.5 No person shall, while operating a vehicle on the trail, interfere with, impede the use of the Trail by, fail to yield to a Pedestrian or any other person using the Trail

8. Prohibited Activities

- 8.1 No person shall, at any time, carry out the following activities on the Frontenac K&P Trail,
- a) Tamper with or remove any signage
 - b) Disobey Signage posted by the County of Frontenac
 - c) Use the Trail during a closure of the Trail by the County of Frontenac due to extreme weather conditions, maintenance, or other reason at their discretion
 - d) Fail to pick up after pets
 - e) Fail to control a pet, including dogs and horses
 - f) Camp or cause any person to camp
 - g) Hunt or cause any person to hunt
 - h) Discharge or operate a weapon or firearm or cause any person to discharge or operate any weapon or firearm
 - i) Vandalize the Property or cause any person to vandalize the Property
 - j) Start or feed an open air fire
 - k) Remove, destroy, or otherwise disturb any Natural Features without the express written consent of the County of Frontenac
 - l) Operate a dirt bike or motorcycle on the trail
- 8.2 No person shall place any barrier or other material, object or obstruction on the Trail without prior written consent of the County.

- 8.3 No person shall undertake any excavation upon, in or under the Trail without prior written consent of the County.
- 8.4 No person shall deposit any soil, fill, gravel, stone, concrete, asphalt, sod or turf either singly or in combination with other material on the Trail without prior written consent of the County.
- 8.5 No person shall throw, dump, place, deposit or cause or permit to be thrown, dumped, placed or deposited Debris or refuse on the Trail
- 8.6 No person shall operate a business or consignment stand on the Trail or Trail Head without prior written consent of the County

9. Temporary Trail Regulations

- 9.1 Temporary trail regulations may be established by the County to permit essential work to be carried out, or to deal with an emergency or other special circumstances.
- 9.2 Temporary trail regulations may be established from time to time by agencies outside of the County of Frontenac which may affect the use of the trail.
- 9.3 Temporary trail regulations established in accordance with section 10.1 and 10.2 take effect when signage has been installed in appropriate locations which provide public notice and cease to be in effect when the signage is removed
- 9.4 Temporary trail regulations established in accordance with sections 10.1 and 10.2 take precedence over the provisions of this by-law in the event of a conflict and all persons shall comply with the temporary regulations

10. Access to Private Lands

- 10.1 In the event that an existing private driveway or entrance, which has been approved in accordance with any applicable municipal by-laws, or provincial laws and regulations, crosses the Trail, then the driveway or entrance may continue to be used to cross the Trail, by the owner of the private driveway or entrance or persons authorized to do so by the owner.
- 10.2 In the event that an existing private driveway or entrance permitting other vehicles that use the trail to access property (camps, hunting camps, and no other routes exist. There are commercial vehicles who use the trail to harvest wood, etc).

11. Time of Use

- 11.1 Use of the Trail shall be limited to that time period between 6 a.m. and 10 p.m. during each day from April 1, to November 30 and between 7 a.m. and 10 p.m. during each day from **December 1 to March 30 of any given year.**

12. Offences and Penalties

- 12.1 Every person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with Administrative Penalty Process By-Law 2021-0018, be liable to pay to the County of Frontenac an Administrative Penalty in accordance with Schedule B of Administrative Penalty Process By-Law 2021-0018.
- 12.2 Every person who uses the Trail is subject to all Municipal by-laws and all Provincial and Federal laws and regulations. Any person violating any Municipal by-law or other law may be ordered by Frontenac County or an Enforcement Officer to leave the Trail.
- 12.3 No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the County in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, for purposes of this By-law, any person who fails to provide proof of identification satisfactory to the Provincial Offences Officer when requested to do so by the Provincial Offences Officer is deemed to obstruct an Officer under this By-Law.
- 12.4 No person shall neglect or refuse to produce any information, identification or thing or to provide any information required by any person acting pursuant to this By-law.
- 12.5 In addition to any other authority they may have, an Enforcement Officer is authorized to enforce the provisions of this By-law and to order any persons believed by such Enforcement 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 the Trail anything owned by or in the control of such person which the Enforcement Officer believes is or was involved in such contravention, and;
 - c. To leave the Trail.
- 12.6 The court in which a conviction has been entered pursuant to this By-law 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.

- 12.7 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.

13. Administrative Penalty

- 13.1 Any person found by an Enforcement Officer to have breached any provision of this By-law including applicable offences in Schedule 'B' may be subject to an Administrative Penalty as follows:

- a. A breach by a Permit Holder or any user of the Trail of any provision of this By-law shall be subject to an Administrative Penalty of \$85.00 or as designated in Schedule "B".
- b. Upon receipt of a notice of Administrative Monetary Penalty, the Permit Holder or the person or corporation named in the notice shall pay the penalty within seven (7) days to the Municipality.
- c. An Administrative Monetary Penalty Notice shall include the following information:
 - i. the Administrative Monetary Penalty Notice Date;
 - ii. the date on which the Administrative Monetary Penalty is due and payable;
 - iii. the signature of the issuing Enforcement Officer;
 - iv. particulars of the contravention reasonably sufficient to indicate the nature of the contravention;
 - v. the amount of the Administrative Monetary Penalty; and
 - vi. a statement advising that an unpaid Administrative Monetary Penalty will constitute a debt of the person or corporation to the Municipality.
- d. An Enforcement Officer may serve the Penalty Notice on a person or corporation by one of the following methods:
 - i. delivering it personally to the person or to the head office of the corporation;
 - ii. sending a copy by registered mail to the last known address of the person or the head office of the corporation; or
 - iii. posting a copy of the notice in a conspicuous place at the site of the contravention and sending a copy by registered mail to the last known address of the person or the head office of the corporation.
- e. An Administrative Monetary Penalty remaining unpaid after the date when it is due and payable, constitutes a debt to the Municipality owed by the person or corporation named in the notice. The

Municipality may take all steps available in law to collect the unpaid penalty.

- f. An Administrative Monetary Penalty may not be challenged or appealed.

14. Applicability

This By-law does not apply to vehicles or persons:

- 1) of authorized law enforcement, firefighting, emergency medical, or other emergency personnel when carrying out authorized duties, or
- 2) engaged in work on or along the Frontenac K&P Trail on behalf of Frontenac County.

15. Schedules and Severability

- 15.1 The schedules attached to this by-law shall be read with and form part of this by-law
- 15.2 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalidw

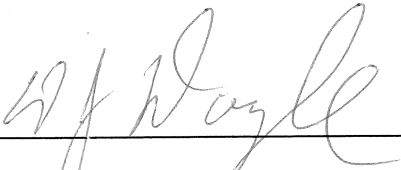
16. Commencement

- 16.1 That this by-law shall come into force and take effect on the date of final passing


Read a first and second time this 21st day of September, 2022.

Read a third time and finally passed this 21st day of September, 2022.

The Corporation of the County of Frontenac



Denis Doyle, Warden



Jannette Amini, Clerk

Corporation of the County of Frontenac
By-Law Number 2022-0033: Trails By-law, as amended
Schedule "1", Subsection 6
Motorized Vehicles Prohibited – Signs on Display

Column 1 Vehicle Type	Column 2 Between	Column 3 To	Amending By-law
Off Road Vehicles operated and with valid permits under the Off Road Vehicles Act, R.S.O. 1990, c 0.4	Orser Road, Township of South Frontenac (K&P Trail KM 21.5)	Bellrock Road, Township of South Frontenac (K&P Trail KM 39)	
Dirt Bikes	Orser Road, Township of South Frontenac (K&P Trail KM 21.5)	Clarendon Road, Township of North Frontenac (K&P Trail KM 89.5)	
Motorcycles	Orser Road, Township of South Frontenac (K&P Trail KM 21.5)	Clarendon Road, Township of North Frontenac (K&P Trail KM 89.5)	