

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

OFFICE CONSOLIDATION OF

BY-LAW NO. 742-2001

AS AMENDED BY BY-LAW 927-2002 DATED OCTOBER 15, 2002

AND FURTHER AMENDED BY BY-LAW 1136-2003 DATED OCTOBER 22, 2003

Note: Amendments are shown in *italics*.

**BEING A BY-LAW REGARDING THE USE OF THE PRINCE EDWARD COUNTY
MILLENNIUM TRAIL**

WHEREAS:

1. The County has acquired the former Canadian National Railway Line from County Road No. 64 to Highway No. 49 East of Picton.
2. The County has determined that the said rail line shall not be established or assumed as a public highway, but shall be utilized as a recreational trail.
3. 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 "Prince Edward County Millennium Trail". (the "Trail")
4. Pursuant to Section 207(52); (55) and (58) and Section 210(140) of the Municipal Act, the County is vested with the authority to:
 - (1) exercise all or any powers conferred by the (Public Parks Act R.S.O. 1990 c P.46, including the Powers to pass by-laws for the use, regulation, protection and government of the trail.
 - (2) laying out, maintaining and regulating bicycle paths.
 - (3) for maintaining, operating and managing parks, recreational areas, and other place of recreation
5. The County desires to exercise the foregoing powers for the betterment of the Trail and the health, safety and enjoyment of the users of the Trail and the inhabitants of Prince Edward County.

NOW THEREFORE the Council of the Corporation of the County of Prince Edward (the "County") hereby enacts as follows:

1. The Trail shall, subject to the provisions of this By-law and all other applicable By-laws, rules, legislation and regulations, be open for use by members of the public at their own risk as a recreational trail.
2. Use of the Trail shall be limited to that time period between 7 a.m. and 11 p.m. during each day.
3. Use of the Trail is permitted for recreational purposes only, by pedestrians and persons on

horseback and those vehicles permitted under s. 4 of this By-law.

4. Subject to the provisions of s. 5 of this By-law, only the following vehicles may enter upon or utilize the Trail:
 - (1) Off Road Vehicles operated and with valid permits under the Off Road Vehicles Act, R.S.O. 1990, c 0.4;
 - (2) Motorized Snow Vehicles operated and with valid permits under the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44;
 - (3) Bicycles;
 - (4) Dog Sleds;
 - (5) Police and Emergency Vehicles;
 - (6) Farm Tractors and Self-Propelled Implements of Husbandry.
 - (7) *That motorized use be restricted to snowmobiles and farm vehicles in the winter months once grooming operations commence.*
5. No person shall permit any vehicle to enter upon or utilize the Trail unless that person is the holder of a valid vehicle permit for the vehicle in question and is in possession of all such valid certificates of ownership, license and insurance as are required by any applicable law or regulation.
6. *No person shall, at any time, operate any vehicle on the Trail at a speed or speeds in excess of 50 kilometres per hour except within the limits of any town, village, or hamlet where no person shall at any time operate any vehicle on the Trail at a speed or speeds in excess of 20 kilometres per hour.*
7. No person shall enter onto nor exit from the Trail except at intersections of the Trail with Public Highways under the jurisdiction of the County.
8. No person shall enter onto the Trail from nor exit from the Trail to privately owned property unless such person is the owner of that privately owned property or is authorized to do so by the owner of that privately owned property.
9. No person shall hunt nor discharge nor operate any weapon or firearm on the Trail.
10. Each person shall observe and duly comply with all signs, directions and guidelines respecting the use of the Trail.
11. No person shall place any barrier or other material, object or obstruction on the Trail nor undertake any excavation upon, in or under the Trail, nor 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.
12. No person shall ring bells, blow horns, shout or make, cause or permit unusual noises, or noises likely to disturb the inhabitants and livestock of any neighbouring properties.
13. No person shall start or permit an open fire on the Trail. No person shall camp, lodge or stay overnight on the Trail.

14. (a) “Debris” means 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.
- (b) No person shall throw, dump, place, deposit or cause or permit to be thrown, dumped, placed or deposited Debris on the Trail or any adjacent publicly or privately owned property.
15. Every person who is the owner of a pet, or who is in custody and control of a pet, who is entering on and using the Trail, shall at all times keep that pet leashed and under care and control and shall not permit the pet to run at large nor permit the pet to enter upon any privately owned property adjacent to or in the vicinity of the Trail.
16. 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.
17. Any person found to be contravening any of the provisions of this By-law is guilty of an offence and pursuant to the Provincial Offences Act R.S.O. 1990, c.P.33, as amended from time to time, upon conviction is liable to a fine of not more than \$5,000.00 for each offence.
18. Should any clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the part so declared to be invalid.
19. The provisions of this by-law shall come into force and effect upon the date of final passage thereof.

Read a first, second and third time and finally passed this 22nd day of October 2001.