

OFFICE CONSOLIDATION

BY-LAW NO. 5569

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to govern the use of lands known as Simcoe County Forests.

WHEREAS s. 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a Municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS by the adoption of Recommendation CS-225-07 of the Corporate Services Committee, County Council deems it desirable to prepare rules and regulations for governing the use of lands designated by the County as County Forest.

NOW THEREFORE the Council of the Corporation of the County of Simcoe hereby enacts as follows:

Part 1 - DEFINITIONS

1.1 In this by-law:

“**All-Terrain Vehicle**” means an off-road vehicle that,

- (a) has wheels,
- (b) has steering handlebars,
- (c) has a seat that is designed to be straddled by the driver, and
- (d) is designed to carry a person(s).

“**Authorized Parking Area**” means an area of a County Forest designated, set aside for or established, for the parking of a vehicle, which may have posted regulations with respect to the use of the area.

“**Biking**” is cycling on a mountain bike, bike, unicycle or tricycle but does not include a motor assisted cycle of any type.

“**County**” means The Corporation of the County of Simcoe.

“**County Forest**” means land owned by the County and designated by the County as a Simcoe County Forest.

“**Control**” includes care and custody.

“**Council**” means the Council of The Corporation of the County of Simcoe
“**Designated Trail**” means that part of a County Forest that has been marked, posted or blazed for the purpose of a trail on which a trail permit is required.

“**Gross Weight**” means the combined weight of vehicle and load.

“**Hiking trail**” means that part of a County Forest that has been marked, posted or blazed for the purpose of hiking, cross country skiing or running by the public.

“**Liquor**” shall have the same meaning as defined in the *Liquor Licence Act*, R.S.O. 1990, c. L-19 as amended.

“**Motorized Snow Vehicle**” means a self-propelled vehicle designed to be driven primarily on snow.

“**Motor Vehicle**” is as defined in the *Highway Traffic Act*.

“**OFAH**” means the Ontario Federation of Anglers and Hunters.

“**OFATV**” means Ontario Federation of All Terrain Vehicle Clubs.

“**OFTR**” means Ontario Federation of Trail Riders.

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

“**Officer**” means a police officer, a Municipal Law Enforcement Officer, or other person appointed by the County to enforce this By-law.

“**Off-Road Vehicle**” is as defined in the *Off-Road Vehicles Act*.

“**Organized Event**” includes any event that takes place in a County Forest where person(s) are charged an entry fee or the event is advertised, but does not include organized hikes or nature walks.

“**Refuse**” includes but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind.

“**Run at Large**” means being at any place other than the premises of the owner of the dog and not under the control of the owner.

“**Under the Control of**” means when a dog is unleashed, that the dog is close to the owner, within sight and earshot of its owner, and that it responds to voice commands and it is prevented from approaching within one (1) metre of any animal or person without such person’s consent.

“Use Agreement” means an agreement with the County and a person, user group or organization outlining all requirements for use of a County Forest.

“Vehicle” includes a motor vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child's wagon, a baby carriage, a child's stroller, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability, or a motorized snow vehicle or a street car.

Part 2 - BY-LAW APPLICATION AND ADMINISTRATION

By-law applicability

- 2.1 This by-law applies to all County Forests and any premises located therein which are under the control and management of the County, together with the boulevards, and approaches thereto and connecting the same.

Emergency - maintenance vehicles - exemption

- 2.2 Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, the County or person (s) working under the authority of the County shall be exempt from the provisions of this by-law.

By-law administration

- 2.3 This by-law shall be administered by the County Forestry Department.

Part 3 - GENERAL PROHIBITED ACTIVITIES

Activities - prohibited

- 3.1 No person shall in a County Forest:
- (1) operate a motorized vehicle in excess of 400 kg gross vehicle weight;
 - (2) litter, dump or dispose of any foreign material or refuse;
 - (3) have open fires;
 - (4) camp;
 - (5) consume or possess liquor;
 - (6) conduct target practice or paintball;
 - (7) cut, prune, dig or gather trees, shrubs, groundcover or firewood;
 - (8) construct unauthorized structures;
 - (9) allow a dog to run at large;
 - (10) construct tree stands, shelters or permanent structures with use of nails and hardware;
 - (11) remove, alter, deface or destroy any County sign, gate, or fence;

- (12) install an unauthorized sign of any kind;
 - (13) interfere or disrupt logging operations;
 - (14) construct an unauthorized trail;
 - (15) hunt on the lands designated and as set out in Schedule "A" to this By-law;
 - (16) hunt without valid OFAH membership.
- 3.2 No person shall use a vehicle, off-road vehicle, or motorized snow vehicle on a trail in a County Forest unless such use is authorized.
- 3.3 No person shall disobey a posted sign within a County Forest.
- 3.4 No person shall operate a vehicle, off-road vehicle, or motorized snow vehicle in a County Forest except in accordance with the provisions of this by-law.

Part 4 - ACTIVITIES APPROVED

- 4.1 For greater clarity the following activities are permitted:
- (1) walking, hiking;
 - (2) cross county skiing, snowshoeing;
 - (3) orienteering, geocaching;
 - (4) nature appreciation, nature study;
 - (5) dog sledding;
 - (6) horseback riding;
 - (7) dog walking under the control of or on a leash;
 - (8) biking;
 - (9) snowmobiling on OFSC designated trails provided a valid permit has been obtained;
 - (10) off-road vehicle which includes All-Terrain vehicles and motorcycles on OFATV or OFTR designated trails provided a valid permit has been obtained;
 - (11) hunting and fishing in selected forests as per provincial and federal hunting and fishing regulations. Hunters are required to be members of OFAH. Hunters are only permitted to use portable and temporary tree stands and ladders;
 - (12) trapping provided a permission form has been obtained from the County;
 - (13) harvesting non-wood forest products such as tree seed/cones, mushrooms for personal use;
 - (14) those approved through the execution of a Use Agreement.

Part 5 - USE AGREEMENTS

- 5.1 No person shall conduct an organized event in a County Forest without an executed Use Agreement.
- 5.2 An organization who wishes to use a County Forest for the purpose of establishing a designated trail or for such other purpose as deemed appropriate by the County is required to enter into an Use Agreement.
- 5.3 Every person or organization entering into an Use Agreement shall pay a fee as established in the Use Agreement.
- 5.4 No person who has entered into an Use Agreement with the County shall contravene any of the terms or conditions of the Use Agreement.

Part 6 - ENFORCEMENT AND PENALTY

- 6.1 Where any person contravenes any provisions of this by-law, such person is subject to the provisions of the *Trespass to Property Act, R.S.O. 1990, c. T.21*.
- 6.2 An Officer may enforce the provisions of this by-law.
- 6.3 Where any person contravenes any of the provisions of this by-law, the permission of such person to remain on County Forest lands is revoked.
- 6.4 An officer may order a person believed to be in contravention of this by-law to:
 - (a) cease the activity that is in contravention of the by-law; and/or
 - (b) leave the County Forest.
- 6.5 Any person who is alleged to have contravened any section of this by-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer in the execution of their duties.
- 6.6 Any person who provides false information to an Officer shall be deemed to have hindered or obstructed the Officer in the execution of their duties.
- 6.7 No person shall hinder or obstruct an Officer in the enforcement of this by-law.
- 6.8 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the maximum fine as provided for in the *Provincial Offences Act*, and every fine is recoverable under the *Provincial Offences Act*.

- 6.9 The court in which the conviction has been entered 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.

Part 7 - APPLICABLE LAW

- 7.1 Every person who uses a County Forest is subject to all applicable Municipal by-laws and all Provincial and Federal laws and regulations and any person violating any by-law or law may be required to leave the County Forest.
- 7.2 The County may use set fines for certain offences in this By-law and the procedures of the *Provincial Offences Act* shall apply.

Part 8 - MISCELLANEOUS

Short Title

- 8.1 This by-law may be referred to as The County Forest Recreation By-Law.

Validity

- 8.2 It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such Part or Parts or sections thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent therefore and enacted as such.

Repeal

- 8.3 THAT By-law No. 3650, By-law No. 3654, and By-law No. 3717 are hereby repealed.

By-law read a first, second and third time and finally enacted this 27th day of November, A.D., 2007.

Warden, County of Simcoe

Clerk, County of Simcoe

SCHEDULE "A"**TO COUNTY FOREST RECREATION BY-LAW NO. 5569
(as amended by By-law No. 6497)****Hunting is prohibited within the County Forest Tracts listed below:**

	MUNICIPALITY	TRACT	LOCATION
	Barrie	Dyer	CON 12 PT LOT 1
		Blauxham	CON 10 N PT LOT 5 (old Innisfil)
	Essa	Rippon	CON 3 W PT LOT 32
	Springwater	Museum	CON 5 PT LOTS 12 & 13; CON 6 PT LOTS 12 & 13; RP 51R28669 PARTS 1, 2 & 3; RP 51R30321 PART 3
		Midhurst	CON 4 E PT LOT 12
	Penetanguishene	Thompson	CON 1 LOT 114
	Tiny	Thompson	CON 2 OS LOT 114
6497		Charlebois	CON 2 OS LOT 112 LOT 114; CON 2 OS PT LOT 113 RP;51R1305 PARTS 1 2 & 6; CON 2 OS PT LOT 113 PL 51R;1305 PARTS 3 5
6497	Midland	Martin's Valley	CON 1 OS PT LOTS 111 TO 113;51R21219 PART 1
	New Tecumseth	Tottenham	CON 1 N PT LOT 6; CON 1 S PT LOT 6