

# THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

## BY-LAW 2009-

**A By-law to authorize the Mayor and Clerk to enter into an agreement with the Central Ontario ATV Club (COATV); to amend the Lease Agreements with the North Simcoe Rail Trail for the use of certain lands; and to permit the operation of ATV's on a portion of unopened and opened road allowance of Flos Road 3 West in accordance with the *Highway Traffic Act* for a one year term for 2010.**

**WHEREAS** Section 8 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 under this or any other Act (hereinafter the "Act"); and

**WHEREAS** Section 11 of the *Municipal Act* 2001, as amended, provides municipalities with the authority to provide for any service or thing that the municipality considers necessary or desirable for the public; and

**WHEREAS** Subsection 191.8, of the *Highway Traffic Act*, R.S.O. 1990, Ch H.8, as amended, enables a municipality to pass by-laws permitting and regulating the operation of certain Off Road Vehicles, commonly known as All Terrain Vehicles, on certain highways within the jurisdiction of the municipality, and to regulate the operating hours and speed of said vehicles while on municipal highways and other matters specifically set out in the statute and regulations thereunder; and

**WHEREAS** The Township of Springwater did enter into agreement with the North Simcoe Rail Trail Inc. for the management and operation of the rail trail system in former Flos and former Vespra Townships; and

**WHEREAS** The Township of Springwater received a written request from the Central Ontario ATV Club (COATV) to enter into an agreement to use a portion of the North Simcoe Rail Trail Inc. and on a portion of the opened and unopened road allowance at Flos Road 3 West; and

**WHEREAS** the Council of The Corporation of The Township of Springwater deems it necessary to pass a by-law to authorize the Mayor and Clerk to enter into an Agreement with the COATV Club to authorize use of that part of the North Simcoe Rail Trail as specified herein, to amend the agreement with the North Simcoe Rail Trail Inc. to allow off road vehicle use to permit the use of off road vehicles in accordance with the *Highway Traffic Act* for a one year term from April 1, 2010 to March 31, 2011;

**NOW THEREFORE** the Council of The Corporation of the Township of Springwater enacts as follows:

1. THAT the Mayor and the Clerk be authorized to execute an Agreement with the Central Ontario ATV Club (COATV) to provide the COATV with access to an opened and unopened portion of Flos Road 3 West for a one year term from April 1, 2010 to March 31, 2011, attached as Schedule "A" hereto forming part of this by-law.
2. That the Lease Agreement between The Township of Springwater and the North Simcoe Rail Trail Inc. be amended as to Section 6.1, Permitted Uses, and to exempt the definition of *Recreational Purposes* to permit ATV's for the specified section of trail for a one year term from April 1, 2010 to March 31, 2011.
3. That The Township of Springwater does permit the operation of ATV's on a portion of the opened and unopened road allowance of Flos Road 3 West, in accordance with the *Highway Traffic Act* for a one year term from April 1, 2010 to March 31, 2011.
4. THAT this By-law shall come into force and take effect upon final passage.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED** this Sixteenth day of November, 2009.

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Tony Guergis, Mayor

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Carol O. Trainor, Clerk

**SCHEDULE "A"**

**BY-LAW 2009 -**

**THIS AGREEMENT DATED THE SIXTEENTH DAY OF NOVEMBER 2009**

**BETWEEN**

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**  
Herein after called "The Township"

**AND**

**THE CENTRAL ONTARIO ATV CLUB**  
Herein after called "COATV"

**WHEREAS** the Township is the owner of certain road allowances in the municipality; and

**WHEREAS** the Township and the COATV have come to an agreement concerning the use of a portion of certain road allowances in the Township of Springwater as an off-road vehicle route linkage (hereinafter called the 'Trail');

**THE PARTIES HERETO NOW EXECUTE AND CONSENT THE FOLLOWING:**

1. The Township agrees:

To grant consent that the COATV may use the Trail for the purpose of off-road vehicle (ORV) linkage between two Simcoe County forest tracts and for no other purpose. Said trail is set out in Appendix 'A' of this Agreement.

To grant consent that the COATV may use the said trail identified in Appendix 'A' for a one year term from April 1, 2010 to March 31, 2011. The Township will conduct a review of the term prior to renewal or entering into another agreement.

2. The COATV agrees:

**A. Ecological Sustainability**

The ecological impact of the trail must be minimal and not harm the environmental sustainability of the area.

**B. Physical Sustainability**

The land resource sought must have suitable capacity, width and navigability for off-road vehicle use, and be able to withstand the human and natural forces acting upon

them without unreasonably degrading the resource.

### **C. Social Sustainability**

The rights of adjacent landowners and other affected parties must be taken into consideration, including concerns over dust, noise, and trespass to property.

### **D. Compliance with Legislation**

Trail uses must conform to all applicable legislation, including the provincial *Highway Traffic Act*, Ontario Regulation 316/03, *Off-Road Vehicles Act*, *Motorized Snow Vehicles Act*, *Trespass to Property Act*, and municipal by-laws.

### **E. Trespass to Property**

Trail layout must not lead users to private property or utility corridors, unless specific written permission exists for use of the private or utility-owned lands. Deviation from an established trail is illegal under the *Trespass to Property Act*.

### **F. Tread Lightly Principles**

Trail uses must be consistent with the principles and guidelines of the non-profit Tread Lightly organization which promotes land stewardship, safety in recreational sport, and environmental messaging.

### **G. Provincial Incorporation**

Proof of provincial incorporation must be provided.

### **H. Motorized Recreation Group Requirements**

ORV users must have a permit system, trail warden system, trail maintenance program and third party liability insurance. They may also be required to post a cash surety for maintenance and damage, as deemed appropriate by the Township.

### **I. Speed Limits**

ORV users must agree to follow speed and noise limits as set by the Township. Speed shall be limited to a maximum of 20 km/h.

### **J. Noise Limits**

In order to ensure consistency with Ontario Regulation 316/03, no vehicle exhaust system shall be modified in such a manner that would result in increased noise emissions. The maximum allowable noise limit from any off-road vehicle is 94 dB. All vehicle exhaust systems must be equipped with spark arrestors.

## **K. Maintenance Schedule**

The COATV will provide to the Township a written trail maintenance plan and cover additional costs that may be required for dust control measures on Flos Road 3 West as determined by the Director of Public Works or his/her designate.

### **CENTRAL ONTARIO ATV CLUB**

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Representative from the COATV

We have authority to bind the Corporation.

### **THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**

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Tony Guergis, Mayor

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Carol O. Trainor, Clerk



# Township of Springwater

North Simcoe Rail Trail

Appendix 'A'

