

THE CORPORATION OF THE CIT OF KAWARTHA LAKES

BY-LAW – XXXX-XXX

A BY-LAW TO REGULATE AND GOVERN TRAIL USE WITHIN THE SOMERVILLE COUNTY FOREST IN THE CITY OF KAWARTHA LAKES

Recitals:

1. THE *Municipal Act*, 2001, SECTION 10 STATES THAT A SINGLE TIER MUNICIPALITY MAY PASS BY-LAWS WITH RESPECT TO CULTURE, PARKS, RECREATION & HERITAGE SPHERE OF JURISDICTION.
2. MUNICIPALLY OWNED TRAILS ARE EITHER COMPONENTS OF TRADITIONAL AREA PARKS OR FORM LINEAR PARK SPACES.
3. FOREST SIGNAGE TO RESTRICT FOREST ACCESS TO ‘AUTHORISED USERS’ HAVE BEEN POSTED AT ENTRANCES TO THE SOMERVILLE FOREST.
4. THE “TERMS OF REFERENCE” OF THE SOMERVILLE/LAXTON RECREATION FOREST USER ADVISORY GROUP (RFUAG) STATE THE PURPOSE OF RFUAG IS AS FOLLOWS:
 2. THE PURPOSE OF THE GROUP SHALL BE TO MONITOR AND PROVIDE ADVICE TO THE CITY OF KAWARTHA LAKES (CKL) ON A REGULAR BASIS ON RECREATIONAL ISSUES AND THE IMPLEMENTATION OF THE FOREST MANAGEMENT PLAN INCLUDING:
 - 2.1. RECOMMENDATIONS OF STANDARDS AND GUIDELINES FOR EACH RECREATION USE OCCURRING IN THE FOREST
 - 2.2. MONITORING AND ASSESSING THE IMPACTS OF USERS OF THE FOREST ON THE RESOURCE FUNCTION OF THE FOREST
 - 2.3. USER CONFLICTS WITHIN THE FOREST
 - 2.4. USER CONFLICTS WITH LANDOWNERS OF PROPERTY ABUTTING THE FOREST
 - 2.5. ADVISING CKL ON APPROVAL OF GROUPS USE OF THE FOREST IN AN EFFORT TO REDUCE CONFLICTS, ENSURING SAFE USE AND REDUCING LIABILITY
 - 2.6. THE ENACTMENT OR PROPOSED ENACTMENT OF ANY BY-LAWS RESTRICTING OR REGULATING THE USE OF THE FOREST
 - 2.7. OTHER ISSUES REQUESTED BY THE GROUP UPON CKL APPROVAL
5. THE SOMERVILLE/LAXTON RECREATION FOREST USER ADVISORY GROUP OF THE CITY OF KAWARTHA LAKES CONSIDERS IT APPROPRIATE TO PASS SUCH A BY-LAW TO REGULATE AND GOVERN USE OF THE SOMERVILLE FOREST IN THE CITY OF KAWARTHA LAKES.

Assumptions:

THE SOMERVILLE FOREST IS CONSIDERED TO BE A 'WORKING FOREST' AND IS NOT PARKLAND, PRESERVE OR FOR SINGLE-USE; HOWEVER SOME AREAS MAY NOT BE SUITABLE FOR ALL ACTIVITIES.

FURTHER TO THE SOMERVILLE FOREST MASTER PLAN, THE FOLLOWING ASSUMPTIONS HAVE BEEN UTILIZED:

- THE SOMERVILLE FOREST IS OWNED BY THE CORPORATION OF THE CITY OF KAWARTHA LAKES AND IS NOT CROWN LAND.
- RECREATIONAL PURSUITS IN THE FOREST ARE A PRIVILEGE, NOT A RIGHT.
- FOREST HEALTH, MANAGEMENT AND ASSOCIATED OPERATIONS TAKE PRECEDENCE OVER RECREATIONAL ACTIVITIES.

Criteria for Analysis of Recreational Activities:

ALL ACTIVITIES WITHIN THE SOMERVILLE FOREST HAVE SOME IMPACT UPON THE FOREST AND OTHER USERS. WHILE ASSESSING THE LEVEL OF IMPACT IS SUBJECTIVE, THE FOLLOWING CRITERIA WERE APPLIED TO EACH:

- ACTIVITY MUST HAVE MINIMAL ENVIRONMENTAL IMPACT
- ACTIVITY MUST NOT HAVE SIGNIFICANT IMPACT UPON OTHER FOREST USERS;
- ACTIVITY MUST BE COMPATIBLE WITH FORESTRY OPERATIONS;
- ACTIVITY MUST NOT POSE SIGNIFICANT LIABILITY CONCERNS TO THE CITY;
- ACTIVITY SHOULD NOT REQUIRE SIGNIFICANT CITY STAFF INTERVENTION FOR ADMINISTRATION OR POLICING.

**Accordingly, the Council of the Corporation of the City of Kawartha
Lakes enacts this By-Law xxxx-xxx.**

THAT WALKING, HIKING, CROSS-COUNTRY SKIING, SNOWSHOEING, ORIENTEERING, GEOCACHING, NATURE APPRECIATION, NATURE STUDY, DOGSLEDDING, AND HORSEBACK RIDING BE PERMITTED IN THE SOMERVILLE FOREST.

THAT MOUNTAIN BIKING BE PERMITTED AND THAT USE AGREEMENTS BE ENCOURAGED WITH ORGANIZED GROUPS.

THAT SNOWMOBILING BE PERMITTED TO CONTINUE ON DESIGNATED OFSC TRAILS WHERE USE AGREEMENTS ARE IN EFFECT WITH THE CITY.

THAT ALL TERRAIN VEHICLES AND OFF ROAD MOTORCYCLES BE PERMITTED TO USE DESIGNATED TRAILS WITHIN SOMERVILLE FOREST AT SUCH TIME AS USE AGREEMENTS ARE IN PLACE WHICH SPECIFY ADEQUATE INSURANCE, A PERMIT SYSTEM, TRAIL MAINTENANCE PROGRAM AND NOISE LIMITS.

THAT TRAPPING, HUNTING AND FISHING REMAIN AS A PERMITTED USE IN SOMERVILLE FOREST AND THAT HUNTERS BE PERMITTED TO UTILIZE ATV'S ON EXISTING TRAILS THROUGHOUT THE SOMERVILLE FOREST AS FOLLOWS:

- TO ENABLE DISABLED OR INFIRM HUNTERS TO ACCESS THE SCF DURING ALL HUNTING SEASONS
- TO FACILITATE LARGE GAME RETRIEVAL (MOOSE, DEER AND BEAR)
- TO FACILITATE COMPLETE ACCESS OF THE SOMERVILLE FOREST DURING THE MOOSE AND DEER HUNT ONLY
- THAT ALL HUNTERS MUST BE MEMBERS IN GOOD STANDING WITH THE ONTARIO FEDERATION OF ANGLERS AND HUNTERS.
- THAT ONLY PORTABLE AND TEMPORARY TREE STANDS AND LADDERS BE PERMITTED.

THAT THE HARVESTING OF NON-WOOD FOREST PRODUCTS SUCH AS MUSHROOMS, FIDDLEHEADS AND OTHER NATURALLY OCCURRING EDIBLE AND MEDICINAL PRODUCTS, BE PERMITTED FOR PERSONAL USE ONLY; AND THAT THE CITY OF KAWARTHA LAKES RESERVES THE RIGHT TO RESTRICT HARVESTING IF WARRANTED.

THAT THE FOLLOWING USES OR ACTIVITIES BE PROHIBITED WITHIN THE SOMERVILLE FOREST:

- OPERATION OF MOTORIZED VEHICLES IN EXCESS OF 400 KG GROSS VEHICLE WEIGHT, EXCEPT FOR MAINTENANCE, COUNTY, EMERGENCY AND ENFORCEMENT VEHICLES
- LITTERING, DUMPING OR DISPOSAL OF ANY FOREIGN MATERIAL
- OPEN FIRES
- CAMPING
- CONSUMPTION OF ALCOHOL

- TARGET PRACTICE; PAINTBALL
- CUTTING, PRUNING, DIGGING OR GATHERING OF TREES, SHRUBS, GROUNDCOVER OR FIREWOOD
- CONSTRUCTION OF UNAUTHORIZED STRUCTURES
- PLACEMENT OF UNAUTHORIZED SIGNS