

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 31-10

A BY-LAW TO PRESCRIBE AND DESIGNATE PERMITTED AND PROHIBITED ACTIVITIES IN HALTON REGIONAL FOREST TRACTS AND TO REPEAL BY-LAW NO. 224-86, AS AMENDED.

WHEREAS the Halton Regional Forest Tracts are comprised of certain lands owned by the former County of Halton for forestry purposes which became vested in the Region pursuant to the *Regional Municipality of Halton Act*, R.S.O. 1990, c. R.11, and further lands acquired by the Region for forestry purposes;

AND WHEREAS Regional Council has determined to permit certain activities and to prohibit certain other activities in the Halton Regional Forest Tracts;

AND WHEREAS it is deemed expedient to enumerate such permitted and prohibited activities in the Halton Regional Forest Tracts by by-law;

AND WHEREAS the Region entered into the Haul Route Lease Agreement, permitting a portion of the Cox Tract Leased Lands to be used as a haul route and another portion of the Cox Tract Leased Lands to be used for the purpose of the construction and maintenance of a berm, both of which shall be rehabilitated prior to the completion of the term of the Haul Route Lease Agreement;

AND WHEREAS Regional Council passed By-law No. 224-86, as amended by By-law No. 189-96, in order to enumerate permitted and prohibited activities in the Halton Regional Forest Tracts, including certain activities related to the Haul Route Lease Agreement;

AND WHEREAS Regional Council deems it desirable to repeal By-law No. 224-86, as amended, and to pass a new by-law governing the use of the Halton Regional Forest Tracts.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

1. THAT in this By-law:
  - (a) “Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or successor legislation;
  - (b) “Berm” means the berm permitted by the Haul Route Lease Agreement and described in Schedule “B” attached hereto;

- (c) “Cox Tract Leased Lands” means the leased portion of the Cox Tract as identified in the Haul Route Lease Agreement and described in Schedule “B” hereto;
- (d) “Enforcement Officer” means a provincial offences officer as defined in the Act, and includes a person appointed as a By-law Enforcement Officer by the Region;
- (e) “geocaching” means an outdoor activity in which the participants use a global positioning system (GPS) receiver or other navigational techniques to hide and seek containers called geocaches or caches anywhere in the world;
- (f) “Halton Regional Forest Tracts” means the forest tracts, also referred to as forest stands, identified on the maps attached in Schedule “A” hereto, which are collectively referred to as the Halton Regional Forest;
- (g) “Haul Route” means the haul route permitted by the Haul Route Lease Agreement and described in Schedule “B” attached hereto;
- (h) “Haul Route Lease Agreement” means the agreement between the Region and Dufferin Aggregates, a division of St. Lawrence Cement Inc., entered into on December 11, 1996, permitting a portion of the Cox Tract Leased Lands to be used as a private haul route for the transporting of aggregate, materials and equipment used in the operation and rehabilitation of the Milton Quarry, having an approximate length of three hundred and twenty-five (325) metres and an approximate width of thirty (30) metres, and further, permitting another portion of the Cox Tract Leased Lands to be used for the purpose of the construction and maintenance of an acoustical berm;
- (i) “paintball” means a game or sport in which players eliminate opponents by hitting them with pellets containing paint shot from a special gun;
- (j) “Region” means The Regional Municipality of Halton;
- (k) “Regional Council” means the council of the Region;
- (l) “tree stand”, also referred to as a deer stand or a hunting stand, means an open or enclosed platform used by hunters to place themselves at an elevated height above the terrain.

2. THAT the following activities shall be permitted in each of the Halton Regional Forest Tracts each day during the period from sunrise to sunset:

- (a) hiking;
  - (b) snowshoeing;
  - (c) bicycling;
  - (d) cross-country skiing;
  - (e) horseback riding;
  - (f) activities relating to nature appreciation including bird watching, photography and other similar activities; and
  - (g) geocaching, subject to Section 3 of this By-law.
3. THAT upon written application to the Regional Forester by a person or organization, geocache locations may be permitted by the Regional Forester, or his or her designate, in writing and upon such terms and conditions as deemed appropriate.
4. THAT upon written application to the Regional Forester by a person or organization, organized events of a recreational nature not specifically prohibited by Section 10 of this By-law may be permitted by the Regional Forester, or his or her designate, in writing and upon such terms and conditions as deemed appropriate.
5. THAT bow hunting shall be permitted in each year during the period designated by the Minister of Natural Resources as the Bows-Only Season - Deer, in all of the Halton Regional Forest Tracts with the exception of the Coulson Tract and Cox Tract.
6. THAT shotgun hunting shall be permitted in each year during the period designated by the Minister of Natural Resources as the Controlled Deer Hunt, in all of the Halton Regional Forest Tracts with the exception of the Coulson Tract and Cox Tract.
7. THAT wild turkey hunting shall be permitted in each year during the period designated by the Minister of Natural Resources as the Spring Wild Turkey Hunt, in the following Halton Regional Forest Tracts:
- (a) Acton Tract;
  - (b) Conley Tract;
  - (c) Elliot Tract;

- (d) Finney Tract;
  - (e) Frank Tract;
  - (f) Laking Tract; and
  - (g) Snyder Tract.
8. THAT notwithstanding any other provision of this By-law, upon written application to the Regional Forester by a person or organization, the erection and use of tree stands for hunting purposes may be permitted by the Regional Forester, or his or her designate, in writing and upon such terms and conditions as deemed appropriate, provided that:
- (a) they are of a freestanding or portable design; and
  - (b) they are removed within one week of the end of the specific hunting season or hunt as described in either Section 5, 6 or 7 of this By-law for which they were erected.
9. THAT notwithstanding any other provision of this By-law, the Cox Tract Leased Lands may be used for the Haul Route for the transporting of aggregate and such other uses as provided for in the Haul Route Lease Agreement, including:
- (a) the construction and maintenance of the Haul Route;
  - (b) the construction and maintenance of the Berm and other noise attenuation features associated with the Berm;
  - (c) the construction and maintenance of security features, including fencing, signage and the closure of the Bruce Side Trail, as required by the Haul Route Lease Agreement; and
  - (d) the rehabilitation of the Haul Route and Berm in accordance with the rehabilitation plan as required by the Haul Route Lease Agreement.
10. THAT the following activities shall be specifically prohibited in each of the Halton Regional Forest Tracts:
- (a) camping;
  - (b) the making of fires of any type;
  - (c) the use of any open-flame apparatus whether for cooking, heat or light;

- (d) the operation of all motorized vehicles;
  - (e) the use or discharge of any weapon, including any firearm, long-bow, cross-bow, and other similar weapon, other than in connection with hunting as permitted pursuant to Sections 5, 6 and 7 of this By-law;
  - (f) all paintball and related activities;
  - (g) the erection or construction of any buildings or structures; and
  - (h) the collection of all forest products, including:
    - i. wood and wood products;
    - ii. conifer cones and bows (branches);
    - iii. tree bark;
    - iv. native woody and non-woody plants for transplanting and cultivation;
    - v. mushrooms;
    - vi. soil and soil components (mineral and organic soil, rocks and boulders); and
    - vii. native animals including reptiles and amphibians.
11. THAT the authorized employees, servants, agents and contractors of the Region engaged in the management, administration and investigation of matters respecting the Halton Regional Forest Tracts pursuant to the Halton Regional Forest Management Plan shall be permitted to carry out such activities as are required for those purposes and shall be exempted from the prohibitions contained in Subsections 10(a), (b), (c), (d), (g) and (h) of this By-law.
12. THAT any and all other activities not permitted by this By-law shall be prohibited.
13. THAT every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the maximum fine or penalty as provided for in the Act and every fine is recoverable under the Act.
14. (a) THAT any Enforcement Officer is authorized to inform any person of the provisions of this By-law and to require compliance therewith.
- (b) THAT in addition to any other authority they may have, any Enforcement Officer is authorized to order any person believed by such Enforcement Officer to be contravening, or who has contravened, any provision of this By-law:
  - i. to desist from the activity constituting or contributing to such contravention;

- ii. to remove from the Halton Regional Forest Tracts anything owned by or in the control of such person which the Enforcement Officer believes is or was involved in such contravention; and/or
    - iii. to leave the Halton Regional Forest Tracts.
  - (c) THAT any Enforcement Officer may enforce the provisions of this By-law.
  - (d) THAT where any person contravenes any provision of this By-law, or fails to comply with an order referred to in Subsection 14(b) of this By-law, the permission and licence of such person to remain in the Halton Regional Forest Tracts is revoked.
15. THAT any person who is alleged to have contravened any provision of this By-law shall identify themselves to an Enforcement Officer upon request; any person who fails to do so shall be deemed to have hindered or obstructed the Enforcement Officer in the execution of their duties and Section 17 of this By-law shall apply.
16. THAT any person who provides false information to an Enforcement Officer shall be deemed to have hindered or obstructed the Enforcement Officer in the execution of their duties and Section 17 of this By-law shall apply.
17. THAT no person shall hinder or obstruct an Enforcement Officer in the enforcement of this By-law; any such hindering or obstruction shall be subject to fines or penalties as set out in Section 13 of this By-law.
18. THAT every person who enters a Halton Regional Forest Tract is subject to any and all applicable municipal by-laws and provincial and federal laws and regulations, and any person violating any by-law, law or regulation may be required to leave the Halton Regional Forest Tract.
19. THAT the Regional Chair and the Regional Clerk are authorized to execute on behalf of the Region any and all agreements and related documents which may be required in connection with permission being granted pursuant to Section 3, 4 or 8 of this By-law.
20. THAT if any part of this By-law is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the remainder of this By-law shall continue in full force and effect.
21. THAT the short title of this By-law is the “Halton Regional Forest Use By-law”.

22. THAT By-law No. 224-86, as amended by By-law No. 189-96, is hereby repealed effective on the coming into force of this By-law.

23. THAT this By-law comes into force and effect on the day it is passed.

READ and PASSED this 31<sup>st</sup> day of March, 2010.

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REGIONAL CHAIR

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REGIONAL CLERK

Report No. LPS11-10