



TOWN OF KENTVILLE BY-LAW

CHAPTER 57

TRAIL USE

1.0 PURPOSE

This By-law shall be known as By-law Chapter 57, and may be cited as the “Trail Use By-law”.

2.0 DEFINITIONS

In this By-law,

- 2.1 “Chief Administrative Officer” means the Chief Administrative Office for the Town of Kentville or designated assign;
- 2.2 “Mobility Aid” means a device designed to improve the mobility of a person with a mobility impairment. Mobility aids include motorized scooters and wheelchairs.
- 2.3 “Town” means the Town of Kentville, in the County of Kings, Province of Nova Scotia;
- 2.4 “Trail” means the Kentville Trail System more particularly described in Schedule “A” attached hereto;
- 2.5 “Utility” mean any corporation that provides water, power, or telecommunication services;
- 2.6 “Watercourse” includes the bed or shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether or not it contains water, and all ground water.

3.0 SCOPE

4.0 BY-LAW

Protection of Trail

- 4.1 While on the Trail, no person shall do, cause or permit any of the following:
 - 4.1.1 add to, remove, destroy, defile, or damage any fauna or flora, or any Town facility, structure, equipment, or sign;
 - 4.1.2 indulge in any riotous, boisterous, violent, or threatening conduct, or use profane or abusive language;
 - 4.1.3 foul or pollute any watercourse.

Fire

- 4.2 No person shall light a fire without the permission and in full compliance with all municipal by-laws and provincial acts.
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Use of Trail

4.3 The Trail may be used for any form of active transportation (self-propelled movement) except prohibited uses described in sections 4.4 and 4.5.

Prohibited Uses

4.4 No person shall enter upon or use the Trail for the following prohibited uses:

- Dog Sledding;
- Horse Riding;

Vehicles on Trail

4.5 No person shall operate any motorized, wheeled device or vehicle on the Trail except mobility aids (section 2.2), or Town vehicles, unless by permission.

Signage

4.6 The Chief Administrative Officer for the Town may post signs respecting the hours during which the Trail is open or closed.

4.7 The Chief Administrative Officer may cause to be erected a sign or other device specifying an area on the Trail where specific activities are permitted, prohibited or restricted.

4.8 Every person on the Trail shall observe and obey every prohibition and restriction stipulated by a sign or other device erected under section 4.7.

Permission

4.9 Any permission required pursuant to this By-law shall be given by the Chief Administrative Officer in writing.

Permits

4.10 Notwithstanding section 4.4, uses which are prohibited under section 4.5 may be temporarily permitted provided that an application in writing for a Trail Use Permit for such use is made to, and approved by Council. Such permits may be issued by the Chief Administrative Officer.

Revocation of Permits

4.11 The Chief Administration Officer may cancel, revoke or suspend any permit where there is a violation of this By-law and any condition of any permit issued under the authority of this By-law.

Appeal Procedure

4.12 Any person who has been refused a permit or whose permit has been revoked pursuant to the exercise of any discretion by the Chief Administrative Officer may appeal to the Council.

4.13 All appeals shall be in writing, in the form of a notice, and filed with the Chief Administrative Officer within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.

The Council shall:

4.14 hear the appeal at a time and place as it determines, and may confirm the refusal or revocation by the Chief Administrative Officer, or

4.15 direct the immediate issuance or re-issuance of the permit by the Chief Administrative Officer.

Penalty

4.16 Every person who violates or fails to comply with any of the provisions of this By-law or the conditions of any permit issued under this By-law is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$10,000.00, or in default of payment, to imprisonment for a term not exceeding one year. Each day that the offence continues shall constitute a fresh offence.

4.17 A person, who is alleged to have violated this by-law and is given notice of the alleged violation by the Town, with the amount of the fine completed on the face of the notice, must pay a penalty in the amount of \$100.00 to the Town; provided that, if the notice so provides, the person alleged to have violated this by-law may pay the penalty to the Town within 14 days of the date of the alleged violation in full satisfaction thereof and no further proceedings shall be taken in respect of that alleged violation.

5.0 ASSOCIATED DOCUMENTS

Schedule A: The Kentville Trail System

6.0 CLERK'S ANNOTATION FOR OFFICIAL BY-LAW BOOK

Date of first reading:	November 27, 2017
Date of advertisement of Notice of Intent to Consider:	January 11, 2018 January 18, 2018 January 25, 2018
Date of second reading:	January 29, 2018 February 26, 2018
*Date of advertisement of Passage of By-Law:	February 26, 2018
Date of mailing to Minister a certified copy of By-Law:	February 27, 2018
Reformatted:	December 2017

I certify that this Trail Use Bylaw – Chapter 57 was adopted by Council and published as indicated above.



CAO Mark Phillips

February 27, 2018

*Effective Date of the By-Law unless otherwise specified in the By-Law

SCHEDULE "A"

The "Kentville Trail System" includes the following described lands:

1. ALL those certain lots, pieces or parcels of land, of irregular figure, situate, lying and being in the Town of Kentville, in the County of Kings, in the Province of Nova Scotia, containing a total area of five hundred and forty-five thousand two hundred and forty-four square feet (545,244 sq. ft.), more or less, as shown on Plan Number L-16-611, dated September 19, 1997 and being more particularly described as follows:

Being the portion of the abandoned right of way, together with its extra-lands, of the Dominion Atlantic Railway Company, extending in a westerly direction from the western limit of the Elderkin Brook in the Town of Kentville, being mileage 54.943 of the abandoned Halifax Subdivision to the eastern limit of Leverett Avenue in the Town of Kentville, being part of the abandoned Halifax Subdivision.

ref: 2304
Plan L-16-611

2. All those certain lots, pieces or parcels of land, of irregular figure, situate, lying and being in the Town of Kentville, in the County of Kings, in the Province of Nova Scotia, containing a total area of one million eight hundred and sixty-seven thousand six hundred and sixty-four square feet (1,867,664 sq. ft), more or less as shown on plan 62754 dated September 23, 1997 and being more particularly described as follows:

Parcel 1

Being that portion of the abandoned right of way, together with its extra-lands, of the Dominion Atlantic Railway Company, extending in a westerly direction from the south-western boundary of West Main Street in the Town of Kentville, being mileage 0.39 of the abandoned Kentville Subdivision to the western limit of the Town of Kentville, being mileage 3.15 of the abandoned Kentville Subdivision.

Save and except that certain lot, piece or parcel of land quit-claimed to the Department of Highways, (Nova Scotia) by Dominion Atlantic Railway Company on August 13, 1935.

Parcel 2

Being that portion of the right of way, together with its extra-lands, of the Dominion Atlantic Railway Company, extending in a general north-westerly and north-easterly directions from the northern limit of the Cornwallis River in the Town of Kentville, being mileage 0.20 of the abandoned Kingsport Spur to the southern limit of Exhibition Street in the Town of Kentville, being mileage 0.71 of the abandoned Kingsport Spur.

ref: 2304
Plan 62754

AND such other lands as Council may from time to time by resolution designate.