

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW NO. 2006-061

**Being a By-law to Restrict Access, Use, and Motor Vehicle Traffic
on Certain Road Allowances within the Township of Springwater.**

(MOTOR VEHICLE PROHIBITION)

WHEREAS The Corporation of the Township of Springwater has authority to pass by-laws over Highways under its jurisdiction, including parking and traffic pursuant to section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25;

AND WHEREAS the road allowances set out in Schedule "A" are highways under the jurisdiction of the Corporation of the Township of Springwater

AND WHEREAS pursuant to section 35 of the *Municipal Act, 2001*, a local municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway;

AND WHEREAS The Council of the Corporation of the Township of Springwater deems it advisable to restrict the passage of motor vehicles on or over the road allowances set out in Schedule "A";

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

PART I - DEFINITIONS AND APPLICATION

Definitions

1. In this by-law:

- (1) **"motor vehicle"** includes an automobile, motorized snow vehicle, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power;
- (2) **"scooter"** shall mean an accessibility device intended for and used by a disabled person as a means of conveyance;
- (3) **"utility"** shall mean any entity or corporation providing public services including electricity, water, natural gas, telephone, television, telecommunication or similar service;

Application of By-law

2. This by-law applies to the road allowances set out in Schedule "A" attached hereto and being a part of this by-law.

PART II - PROHIBITIONS AND REGULATIONS

Removal of Common Law Right of Passage: Motor Vehicles

3. No person shall enter upon the road allowances set out in Schedule "A" in or upon a motor vehicle.

Exemptions on Prohibition

4. Section 3 does not apply to the following:

- (1) employees, representatives or agents of the Corporation of the Township of Springwater, the Provincial or Federal Government while in the course of their duties;
- (2) employees, representatives or agents of any utility while in the course of their duties where such utility maintains or operates services in, upon or adjacent to such road allowance;
- (3) emergency service personnel while in the course of their duties; and
- (4) any other person authorized in writing by the Township of Springwater, pursuant to section 5 herein; and
- (5) any person riding upon a scooter, as defined herein, upon the road allowances set out in Schedule "A".

Authorization in Writing

5. (1) The Township may authorize in writing the use of motor vehicles on the road allowances set out in Schedule "A", upon receiving a written request, and such

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authorization may be made upon the terms and conditions deemed appropriate by the Township. Without limiting the generality of the foregoing, this may require the "user" to enter into an agreement concerning such use.

- (2) For the purposes of subsection (1), agreements existing as of the date of the passage of this By-law, entered into by the Township with a snowmobile club regarding the creation, improvement, and maintenance of Ontario Federation of Snowmobile Clubs trails, shall be deemed to be an authorization in writing.

Signs

6. The Township may erect signs:

- (1) advising the public that entry upon the road allowance upon a motor vehicle is prohibited, subject to the specified exceptions; and
- (2) setting out the fines for contravention of the by-law.

Gates

7. The Township may erect gates upon the road allowances set out in Schedule "A" for the purposes of restricting public access.

Prohibition on Damage, Alterations to Road Allowances

8. No person shall damage or make any alterations to the road allowance unless such alteration is authorized in writing by the Township.

Damage, Alteration to Gates and Signs

9. No person shall make any alteration or damage any sign or gate placed or located upon a road allowance by the Township or by an authorized person pursuant to a written authorization.

PART III - ENFORCEMENT AND ADMINISTRATION

Remedies and Penalties

10. Every person who contravenes any provision of this by-law is guilty of an offence, pursuant to the provisions of the **Provincial Offences Act**, R.S.O. 1990, c. P.33 (as amended) and, upon conviction, is liable to a fine of up to \$5,000.00 or to the maximum fine applicable pursuant to that legislation.

By-law Enforcement

11. This By-law may be enforced by the Municipal Law Enforcement Officers of the Corporation of the Township of Springwater.

Damages

12. In the event that damage occurs to any Township road allowance as a result of any contravention of this by-law, such persons causing the damage shall bear all costs for repairing any such damage.

Force and Effect

13. THAT this By-law shall take force upon final passage hereof and take effect upon passage hereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4th DAY of JULY, 2006

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

Deputy Mayor Tony Guergis

Clerk Carey deGorter

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

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SCHEDULE "A"

ROAD ALLOWANCES

<i>Road Allowance:</i>	<i>From:</i>	<i>To:</i>
Matheson Road	Baseline Road	Old Second Road North
Baseline Road	Terminus of open portion, approximately 1.0 km north of junction with Rainbow Valley Road East	Flos Road Four East