

BY-LAW NO. 2019-DRAFT-AMENDED JAN. 02-2019

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

**BEING A BY-LAW TO RESTRICT ACCESS TO
SEASONALLY MAINTAINED HIGHWAYS IN THE TOWNSHIP OF TUDOR AND
CASHEL**

WHEREAS section 2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, grants municipalities powers and duties for the purpose of providing good government;

AND WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that municipalities are granted broad authority to govern its affairs as it considers appropriate;

AND WHEREAS section 35 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws restricting the common law right of passage by the public over a highway and the common law right of access to a highway by an owner of land abutting a highway.

NOW THEREFORE the Council of the Corporation of the Township of Tudor and Cashel hereby enacts as follows:

1. In this By-Law:

- a) "Motor Vehicle" means an automobile, a motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry, a road-building machine or an off-road vehicle;
- b) "Off-Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel:
 - i. on not more than three wheels, excluding motorcycles, or
 - ii. on more than three wheels and being of the following class of vehicle:
 - a) dune buggies;
 - b) vehicles designed for use on all terrains, commonly known as all-terrain vehicles, that have steering handlebars and a seat that is designed to be straddled by the driver; or
 - c) vehicles designed for utility applications or uses on all terrain that have four or more wheels and a seat that is not designed to be straddled by the driver;
- c) "Off-Season" means from the 1st day of November through the 30th day of April in each calendar year;
- d) "Seasonally Maintained" means maintained by the Township between the 1st day of May through the 31st day of October in each calendar year;
- e) "Township" means the Corporation of the Township of Tudor and Cashel;

2. The highways listed in Schedule "A" attached hereto and forming part of this By-Law shall be Seasonally Maintained by the Township.

3. During the Off-Season, the highways listed in Schedule "A" shall be restricted to Motor Vehicles, as defined in 1. a) above.

4. If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of the Council for the Township that all remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

PASSED this day of , 2019.

REEVE: LIBBY CLARKE

SEAL

CLERK: BERNICE CROCKER

DRAFT

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**SCHEDULE "A"
LIST OF SEASONALLY MAINTAINED HIGHWAYS**

1. Steenburg Lake Road South from the beginning of the property located at civic address #448 with Assessment Roll Number 12 48 000 020 19050 at Part Lot 22, Concession 19 where Tudor and Cashel Township begins to the end of the road as this is a dead-end road;
2. North Jordan Lake Road from the beginning of the property located at civic address #121 to the end of the road as this is a dead-end road;
3. East Road from the beginning of the property located at civic address #122 near the intersection of Old Hydro Lane to the end of the road as this is a dead-end road;
4. Egan Creek Road from the beginning of the property located at civic address #1151 where it intersects with Renata Lane to the end of the road;
5. Beaver Creek Lane at the beginning of the property located at civic address #54 to the end of the road as this is a dead-end road;