

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 76 - 2021

Being a By-law to restrict the public's use of unopened road allowances, highways, streets, alleys and lanes in the Town of Kingsville

WHEREAS sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate;

AND WHEREAS the Corporation is the registered owner of a number of unopened road allowances, highways, streets, alleys and lanes by virtue of the registration of numerous old registered plans of division;

AND WHEREAS Section 35 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended grants a municipality the authority to pass a by-law removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS it is deemed expedient to restrict the public's use of its unopened road allowances, highways, streets, alleys and lanes as set out in this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. In this by-law

- (1) "Corporation" shall mean the Corporation of the Town of Kingsville;
- (2) "Council" shall mean the Council of the Corporation
- (3) "highway" shall include all road allowances made by the Crown Surveyors, and all road allowances, highways, streets, alleys and lanes shown on any registered plan of subdivision within the Town of Kingsville;
- (4) "motorized vehicle" shall include any vehicle that is powered by anything other than human power, and without limitation shall include any motor vehicle, motorcycle, motorbike, all terrain vehicle, scooter, snowmobile, and any other similar vehicle;
- (5) "Town of Kingsville" shall mean the geographic area of the Town of Kingsville

2. No person shall enter onto or use any unopened or unassumed highway within the Town of Kingsville with a motorized vehicle of an kind unless;

- (1) That person has obtained the express written permission of Council; and
- (2) That person has entered into a signed written agreement with the Corporation regarding the terms and conditions required by Council for the use of the unopened or unassumed highway as identified therein, the costs of which agreement and any other costs; expenses or fees set out in the agreement shall be borne by the person seeking permission from Council.

(3) No person shall make any alterations or changes to any unopened or unassumed highway, and without limiting the generality of the foregoing no person shall:

(1) Remove or clear any trees or vegetation from;

(2) Plan any trees or vegetation on;

(3) Remove or grade any obstruction, natural or otherwise, on;

(4) Place any obstruction of any kind on;

(5) Place any dirt, fill, matter or material of any kind whatsoever on;

(6) Grade the surface of;

(7) Construct any items on; or

(8) Make any alterations or changes to permit the passage of pedestrians or motorized vehicles on;

any unopened or unassumed highway within the Town of Kingsville unless that person has entered into a signed written agreement with the Corporation regarding the terms and conditions required by Council for the use of the unopened or unassumed highway as identified therein, the costs of which agreement and any other costs, expenses or fees set out in the agreement shall be borne by the person seeking permission from Council.

3. Any person who contravenes any of the provision of this By-law is guilty of an offence, and is liable, upon conviction, to a fine of not more than \$5,000.00 for each offence, which is recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.33, as amended.

4. This By-Law comes into force and takes effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this xx day of xx, 2021.

MAYOR, Nelson Santos

ACTING CLERK, Sandra Kitchen