

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

**BY-LAW NO. 2004-09**

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Being a By-Law to restrict access, use and motor vehicle traffic on certain unopened road allowances within the Municipality of Powassan.

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WHEREAS the Corporation of the Municipality of Powassan has authority to pass by-laws regarding 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 unopened road allowances set out in Schedule A are highways under the jurisdiction of the Municipality of Powassan;

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

AND WHEREAS the Council of the Corporation of the Municipality of Powassan deems it advisable to restrict the uses of specific unopened road allowances;

BE IT ENACTED AS A BY-LAW by the Council of the Corporation of the Municipality of Powassan:

**PART I – DEFINITIONS**

1. In this by-law,

“Trail” shall mean the snowmobile trail constructed and maintained by the South Shore Restoule Snowmobile Club pursuant to an agreement entered into between the Club and the Municipality of Powassan.

“Utility” shall mean any entity or corporation providing public services including electricity, water, natural gas, telephone, television or similar service.

**PART II – APPLICATION OF BY-LAW**

2. This by-law shall apply to the unopened road allowances set out in Schedule “A” attached hereto.

## **PART III – PROHIBITIONS AND REGULATIONS**

### ***Prohibition on public passage over road allowances***

3. No person shall enter upon those portions of the unopened road allowances, set out in Schedule “A”, in or upon a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990 as amended.

### ***Exemptions on Prohibition***

4. The following motor vehicles used by a person are exempt from the prohibition set out in section 3 of this by-law:
  - a) motor vehicles used by employees, representatives or agents of the Corporation of the Municipality of Powassan, the provincial or federal government while in the course of their duties;
  - b) motor vehicles used by 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 the road allowance set out in Schedule “A”;
  - c) emergency services vehicles when used by emergency service personnel.

### ***Signs***

5. The Municipality shall erect signs:
  - a) advising the public that motor vehicles are prohibited from entering onto the snowmobile trail subject to specified exemptions;
  - b) advising the public that use of motorized snow vehicles (snowmobiles) is permitted on the snowmobile trail subject to the rules of trail usage established by the South Shore Restoule Snowmobile Club and/or Ontario Federation of Snowmobile Clubs; and
  - c) setting out fines for contravention of the by-law.

### ***Gates***

6. The Municipality or its designated agent may erect and maintain gates on those unopened road allowances set out in Schedule “A”.

### ***Prohibition on Alteration, Damage***

7. No person shall make any alterations to the trail, road allowance or any gate located thereupon.

***Remedies and Penalties***

8. Every person who contravenes any provision of this by-law is guilty of an offence, pursuant to the provision 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***

9. This By-law may be enforced by the By-Law Enforcement Officers of the Corporation of the Municipality of Powassan.

***Damages***

10. In the event that damage occurs to any Municipal road as a result of any contravention of this by-law such persons causing the damage shall bear all costs for repairing any such damage.
11. The provisions of this by-law shall come into force and effect upon third reading hereof.

READ A FIRST time and considered read a SECOND and THIRD time and adopted as such in open Council meeting this 17<sup>th</sup> day of February 2004.

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Mayor

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Clerk

## **Schedule “A” to By-Law no. 2004-09**

### Descriptions

1. Unopened Road Allowance – The unopened road allowance between Lots 10 and 11 of Concession 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 former Town of Powassan, now in the Municipality of Powassan, District of Parry Sound.