

**BY-LAW NUMBER 80 - 2007
OF THE
CORPORATION OF THE MUNICIPALITY OF MEAFORD**

**BEING A BY-LAW TO ACCEPT THE SURVEY REPORT FOR
SOUTH PART OF LOT 23, CONCESSION 6
IN THE FORMER TOWNSHIP OF ST. VINCENT, NOW INCORPORATED AS
PART OF THE MUNICIPALITY OF MEAFORD**

WHEREAS Section 11 (3) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes lower tier municipalities to pass by-laws under the “Highways, including parking and traffic on highways” sphere of jurisdiction; and

WHEREAS Section 35 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that a 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 Municipality of Meaford (“the Municipality”) has received and reviewed the Survey Report prepared for it relating to certain Waterfront Properties located in the South Part of Lot 23, Concession 6 in the former Township of St. Vincent, the surnames of the owners thereof in 2006 being Kirkaldy, Seaman, Greaves, Williams, J., Williams, T./N., Morrison, Boyd and Rathbun; and

WHEREAS the Survey Report concludes that the property in said location along the waterfront lying along Nottawasaga Bay and now shown on a draft Reference Plan as Part 1, is owned by the Municipality, being part of the municipal road established by an 1854 By-law No. 11; and

WHEREAS ratepayers of the Municipality have requested that the Municipality ought to take all steps necessary to require the removal of obstructions placed on the said Part 1; and

WHEREAS the Municipality is desirous of requiring the removal of the said obstructions so that the said lands may continue to be used for the passage of members of the public, including the ratepayers of the Municipality;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MEAFORD HEREBY ENACTS AS FOLLOWS:

1. THAT the Council of the Corporation of the Municipality of Meaford hereby accepts the Conclusions of the Survey Report abovementioned, including that Part 1 shown on the draft Reference Plan mentioned above is a municipal road owned by, and under the jurisdiction of, the Municipality.
2. THAT the Council of the Corporation of the Municipality of Meaford hereby instructs the Municipal Solicitor to take the legal steps, including a Court Application if necessary, to confirm the Municipality’s ownership of the said Part 1 as a municipal road, and to compel the removal therefrom of all obstructions found thereon.
3. THAT right of passage of Part 1 shown on the draft Reference Plan is restricted to non-motorized passage only. “Non-motorized passage” means passage by pedestrians, bicycles or tricycles, or other machines propelled or driven by muscular power, but excludes passage by any automobile or other motor vehicle, including a motorized snow vehicle or snowmobile, motorcycle, motor scooter, or motor assisted bicycle, tractor, all terrain vehicle, or any other vehicle propelled or driven otherwise than by muscular power, provided that this

prohibition on other than non-motorized passage shall not apply to mobility assistance vehicles or vehicles owned or controlled by the Municipality of Meaford while the same are being used for the carrying out of maintenance or regulatory functions for the Municipality, or to emergency vehicles such as ambulances or fire trucks.

4. THAT this By-law shall come into force and effect upon the final passing thereof.

READ a FIRST and SECOND time this 25th day of June, 2007

READ a THIRD time and finally passed this 25th day of June, 2007.

Original Signed by

Wally Reif, *Mayor*

Original Signed by

Peggy Rouse, *Deputy Clerk*