

The Corporation of the Town of Saugeen Shores

By-law 43 - 2025

Being a By-law to Assume and Establish Shady Lane, Plan 508 Except Parts 1 and 2 on Plan 3R-10970 as Public Highway and to Restrict Public Access over Parts 1 and 2 on Plan 3R-10970.

Whereas Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act; and

Whereas pursuant to Sections 11(3)1. of the *Municipal Act, 2001*, a municipality may pass by-laws respecting highways within its jurisdiction including regulating traffic on the highway; and

Whereas pursuant to Section 35 of the *Municipal Act, 2001*, a municipality may pass by-laws 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 the highway; and

Whereas Shady Lane, as identified on registered Plan of Subdivision 508, was dedicated as a public highway, is owned by the Corporation of the Town of Saugeen Shores and is legally described as Shady Lane, Plan 508; Saugeen Shores; being all of PIN 33268-0537; and

Whereas Part 1 on reference plan 3R-10970, being a portion of Shady Lane, has been constructed as a trail entrance to the Woodland Trail System, being a public recreational trail operated by the Town of Saugeen Shores; and

Whereas the Town of Saugeen Shores has granted an easement in favour of the owner of Block 18, Plan 3M-268, over Part 2 on reference plan 3R-10970 for the purpose of ingress and egress to its property; and

Whereas the remainant part of Shady Lane (excluding Parts 1 and 2 on 3R-10970) forms part of Miramichi Bay Road, has been constructed to the Town of Saugeen Shores' satisfaction and is safe for use by the public; and

Whereas it is desirous to establish regulations for the use of Parts 1 and 2 on 3R-10970, being a portion of Shady Lane, Plan 508, to protect the safety and well-being of the public accessing the Woodland Trail System from Shady Lane;

Now Therefore Be It Resolved that the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

1. Shady Lane, Plan 508 except Parts 1 and 2 on Plan 3R-10970, Saugeen Shores; being part of PIN 33268-0537, is hereby assumed and established as a public highway under the jurisdiction of the Town of Saugeen Shores and shall form part of "Miramichi Bay Road".
2. Part of Shady Lane, Plan 508, designated as Part 1 on 3R-10970; Saugeen Shores; being part of PIN 33268-0537, shall be used solely for the purpose of a public recreational trail and entrance to the Woodland Trail System for pedestrians and for persons using assisted mobility devices, including motorized assisted mobility devices, such as motorized wheelchairs, and access shall be restricted to walking, non-motorized bicycle riding, skiing, running, horseback riding and other forms of active transportation save and except for any type of motorized method of transportation, other than as aforesaid. There shall be no vehicular traffic permitted.

3. Notwithstanding the restriction of use contained in paragraph 2 related to Part 1 on 3R-10970, the Corporation of the Town of Saugeen Shores, as owner, and its employees, contractors, servants and agents (collectively “Authorized Representatives”) shall have unrestricted access, including motorized vehicular access, for the purpose of establishing, grooming, maintaining and signing the trail and surrounding area and for the purpose of travelling over the said land to establish, groom, maintain and sign the public trail system located on the abutting lands, being Blocks 18 and 17 on Plan 3M-268.
4. Access over Part 2 on Plan 3R-10970 shall be limited to the registered owner(s) of Block 18, Plan 3M-268, their invitees, the Corporation of the Town of Saugeen Shores and Authorized Representatives.
5. Notwithstanding the regulations contained in this by-law restricting the use of Parts 1 and 2 on 3R-10970, access for emergency vehicles shall be permitted.
6. Nothing in this by-law shall be construed as restricting or limiting the owner of the lands, being The Corporation of the Town of Saugeen Shores, or its Authorized Representatives from accessing Parts 1 and 2 on Plan 3R-10970.
7. That the Mayor and Clerk are hereby authorized and directed to execute, deliver, sign and seal any ancillary documentation deemed necessary to give effect to this by-law.
8. That this By-law shall come into force and take effect upon the final reading thereof and upon its registration in the Bruce County Land Registry Office (No.3).

Read and Finally Passed and Sealed this 28th day, April 2025.

Luke Charbonneau, Mayor

Dawn Mittelholtz, Clerk