



BY-LAW

NO. 2023 –

Being a By-law to Amend By-law No. 2011-068; Being a By-law to assume the street known as Upper Lorne Beach Road, PLAN 3M-216 as a Public Highway and to regulate traffic on said Street

Whereas pursuant to the *Municipal Act, 2001*, Section 30(4)2, a municipality is obligated to maintain a public highway shown on a registered plan of subdivision until it has passed a by-law assuming the highway; and

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

Whereas pursuant to the *Municipal Act, 2001*, Section 35 provides that a Municipality may pass by-laws restricting the common law right of passage over a highway; and

Whereas by By-law No. 2011-068; the Municipality of Kincardine assumed the street known as Upper Lorne Beach Road, PLAN 3M-216 as a Public Highway and to regulate traffic on said street; and

Whereas it is desirous to amend By-law No. 2011-068 regarding the regulation of traffic on said street; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That Section 3 be repealed and replaced with “The operation of the access control gate shall be at the discretion of the Municipality of Kincardine Infrastructure and Development Department and subject to the direction of the Council of the Municipality of Kincardine.”
2. That Section 4 be repealed and replaced with “There shall be no through traffic permitted on Upper Lorne Beach Road, Plan 3M-216 from Victoria Street to the North of the access control gate from March 1 through November 30 annually.”
3. That Section 5 be repealed and replaced with “There shall be no through traffic permitted on Upper Lorne Beach Road, Plan 3M-216 from the Lakeshore area to the South of the access control gate from March 1 through November 30 annually.”
4. That Section 7 be repealed and replaced with “Notwithstanding the regulations contained in this by-law restricting the use of Upper Lorne Beach Road, Plan 3M-216, access through the control gate shall be permitted from December 1st through February 28 annually.”
5. That Section 8 be repealed.
6. That this By-law shall become effective upon its final passage by the Council of the Municipality of Kincardine and upon its registration in the Registry Office for the Registry division of Bruce (No. 3).

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Road Dedication (Upper Lorne Beach Road) Amendment By-law
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7. This by-law may be cited as the “Road Dedication (Upper Lorne Beach Road) Amendment By-law”.

Read a First and Second Time this 14th day of August, 2023.

Read a Third Time and Finally Passed this 14th day of August, 2023.

Mayor

Clerk