

THE CORPORATION OF THE TOWNSHIP OF SOUTH DUNDAS

BY-LAW NO. 2000- 28

A BY-LAW of the Corporation of the Township of South Dundas to prohibit vehicles on certain sidewalks.

WHEREAS pursuant to Section 207 (42) of the Municipal Act, R.S.O. 1990, Chapter M.45, by-laws may be passed for prohibiting carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, parklot, garden or other place set apart for ornament or embellishment or for public recreation.

AND WHEREAS pursuant to Section 210 (129) of the Municipal Act, by-laws may be passed, subject to the approval of the Minister of Transportation, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

AND WHEREAS pursuant to Section 210 (140) of the Municipal Act, by-laws may be passed prohibiting and abating public nuisances.

NOW THEREFORE the Council of the Corporation of the Township of South Dundas enacts as follows:

1. Definitions

- (a) "By-Law Enforcement Officer" means a member of the Township of South Dundas, a peace officer, or any other person appointed by the Township for the enforcement of its by-laws;
- (b) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles, and includes all of the land within the lateral property lines of the highway, whether a roadway, a sidewalk or a boulevard;
- (c) "Operate" includes drive, ride, coast or propel by any power, including muscular power, and "operating" and "operation" shall have similar meanings;
- (d) "Bicycle" means a muscular-powered vehicle having a seat or saddle for the use of the rider, equipped with foot pedals that are operable at all times to propel it, and a hand or foot-operated braking system, and is designed to travel on not more than three wheels in contact with the ground, including a tricycle and unicycle but not including a similar vehicle equipped with any type of motor, a wheelchair or a play vehicle;
- (e) "Personal Conveyance Device" includes a skateboard, one or more roller blades, roller skates or wheeled skis, and similar devices designed to carry individuals, excepting a play vehicle, a wheelchair and a bicycle;
- (f) "Play Vehicle" means a non-motorized or motorized toy with wheels or rollers designed for children to ride in, on or upon;

- (g) "Roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;
- (h) "Roller Skates" or "Roller Blades" are pieces of equipment strapped to or worn on the foot or feet which are mounted on wheels or rollers for the purpose of conveying the user on a hard surface in a manner similar to that of skates designed for skating on an ice surface;
- (i) "Sidewalk" means all parts of a highway or other lands which are set aside by the Township for the use of persons as pedestrians or which are ordinarily used for pedestrian walkways;
- (j) "Skateboard" means an apparatus comprised of a flat surface mounted on wheels or rollers for the purpose of conveying a person as rider, operated with or without a steering device by means of the person balancing upon the surface, and includes items commonly known as "scooters";
- (k) "Wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical disability;
- (l) "Commercial Establishment" means any building or structure ordinarily used or occupied for the purpose of conducting a for profit business or undertaking of any kind and includes professional offices and retail stores.

2. Prohibition on all Roadways

No person shall operate a personal conveyance device or a play vehicle along or upon any sidewalk adjacent to a commercial establishment.

3. Crossing

Notwithstanding Section 2, where the operation of a bicycle or personal conveyance device is otherwise permitted, it may be driven, ridden, coasted, operated or propelled directly across a sidewalk for the sole purpose of crossing such sidewalk.

4. Right of Way Rules

Upon any sidewalk, or any pathway or foot path used or set apart for use by pedestrians, where the operation of personal conveyance devices or bicycles is permitted pursuant to the By-Law, the following right-of-way rules shall apply:

- a) persons operating personal conveyance devices and bicycles shall at all times yield right-of-way to pedestrians; and
- b) persons operating bicycles shall at all times yield right-of-way to persons operating personal conveyance devices.

Failure to yield right-of-way in accordance with this Section shall constitute an offence.

5. Prohibition in Parks Where Signed

It shall constitute an offence for any person to operate a personal conveyance device or bicycle in any part or on any property owned by the Township or any board thereof, where one or more signs have been posted by the Township to prohibit such operation.

6. Seizure

A By-Law Enforcement Officer, upon discovery of any personal conveyance device or bicycle parked, left or stopped in contravention of this By-Law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage, if any, shall constitute a lien upon the personal conveyance device or bicycle, enforceable pursuant to the Repair and Storage Liens Act, 1989, S.O. 1989, Chapter 17, as amended from time to time, and any Regulations under that Act or successor legislation thereto. Any such costs and charges shall be payable by the owner or operator of the personal conveyance device or bicycle, as applicable, in addition to any fine imposed pursuant to Section 7 hereof.

7. Penalty

Any person who commits an offence pursuant to this By-Law shall be liable, upon conviction thereof, to a fine not exceeding two thousand (\$2,000.00) dollars, exclusive of costs, for each offence.

READ and passed in open Council, signed and sealed this 14th day of September, 2000.


MAYOR


CLERK