

CONSOLIDATED VERSION

This consolidation is prepared for convenience only; for accurate reference see by-laws as adopted by Council.

BY-LAW NUMBER 2010-102

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO REGULATE AND CONTROL THE USE OF SKATEBOARDS, BICYCLES AND SIMILAR DEVICES WITHIN THE TOWNSHIP OF UXBRIDGE

WHEREAS, Section 11 of the *Municipal Act, 2001*, S.O 2001, c.25, as amended, provides that a municipality may pass a by-law with respect to the health, safety and wellbeing of persons;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge deems it advisable to pass a by-law to regulate and control the use of skateboards, bicycles and similar devices within the Township of Uxbridge;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

Section 1- Definitions

1.1 In this by-law:

- a) "Assistive Device" shall mean Any auxiliary tool, aid, technology or other mechanism that enables a person with a disability to undertake everyday tasks and activities such as moving, communicating or lifting; assists in accessing goods, services or information and helps the person to maintain independence. Examples include but are not limited to: communication aids, cognition aids, personal mobility aids, and medical aids.
- b) "Bicycle" means a muscular-powered vehicle which may have a seat or saddle for the use of the rider, equipped with foot pedals that operate 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 a unicycle but shall not include a similar vehicle equipped with any type of motor, a wheelchair, or a play vehicle;
- c) "Boulevard" means all parts of a highway other than the roadway and the sidewalk;
- d) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or any part of which it 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;
- e) "Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed to enforce the by-laws of the Township of Uxbridge;
- f) "Operate" includes drive, ride, coast, or propel by any power, including muscular power, and operating and operation shall have similar meanings;
- g) "Park" means a property owned by the municipality or leased or licenced to the municipality, that is or hereafter may be established, dedicated, set apart or made available for use as a public park including any buildings, structures, facilities, erections and improvements located in or on such property, for so long as the property is so established, dedicated, set apart or made available;

- h) "Parking Garage" means any structure and its appurtenant lands, owned or operated by the Township which is used for the parking of vehicles and for which a fee may be charged and collected for parking therein;
- i) "Parking Lot" means any area or tract of land owned or operated by the Township which is used for the parking of vehicles, whether or not a fee is charged for parking thereon;
- j) "Police Officer" means a Police Constable of the Regional Municipality of Durham or the Royal Canadian Mounted Police or the Province of Ontario and includes a Peace Officer;
- k) "Pedestrian" means a person on foot, in a wheelchair, on a play vehicle or in a baby carriage;
- l) "Person" means an individual or a business or a corporate entity;
- m) "Personal Conveyance Device" includes, but is not limited to, a skateboard, one or more roller blades, roller skates or wheeled skis and similar devices designed to carry individuals, but does not include a play vehicle, a wheelchair or a bicycle;
- n) "Play Vehicle" means, but is not limited to, a non-motorized toy with wheels or rollers designed for children to ride in or upon;
- o) "Roadway" means the part of **the** highway that is improved, designated 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;
- p) "Roller Skates" or "Roller Blades" include, but are not limited to, 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 rider on a hard surface in a manner similar to that of skates designed for skating on an ice surface;
- q) "Sidewalk" means all parts of a highway which are set aside by the Township for the use of persons as pedestrians and includes a pathway or footpath;
- r) "Skateboard" means, but is not limited to, an apparatus comprised of a flat surface mounted on wheels or rollers for the purpose of conveying a person as a rider, operated with or without a steering device by means of the person balancing upon the surface, and includes items commonly known as a scooters;
- s) "Township" means The Corporation of the Township of Uxbridge;
- t) "Wheelchair" means, but is not limited to, 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;
- u) "Wheeled Skis" means, but is not limited to, an apparatus comprised of one or more long, narrow, flat surfaces mounted on wheels or rollers for the purpose of conveying a person on a hard surface in a manner similar to that of skis designed for cross-country or downhill skiing on snow or ice.

Section 2- Prohibition on all Roadways

- 2.1 No Person shall Operate a Personal Conveyance Device or a Play Vehicle along or upon any Roadway, Parking Garage or Parking Lot under the jurisdiction of the Township of Uxbridge.

Section 3- Prohibition on Certain Sidewalks

- 3.1 No Person shall Operate a Personal Conveyance Device or Bicycle along or upon any Sidewalk, or any pathway or foot path used or set apart for the use of Pedestrians, in the areas identified in Schedule "A", attached hereto and forming part of this by-law.

Section 4- Crossing

- 4.1 Notwithstanding Section 3, where the operation of a Bicycle is otherwise permitted, it may be driven, ridden, coasted, or propelled directly across a Sidewalk, pathway or footpath for the sole purpose of crossing same.

Section 5- Right-of-way Rules

- 5.1 Upon any Sidewalk set apart for use by Pedestrians, and where the operation of Personal Conveyance Devices or Bicycles is permitted pursuant to this 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;
 - b) Persons operating Bicycles shall at all times yield right-of-way to Persons operating Personal Conveyance Devices.
- 5.2 No person shall fail to yield the right-of-way in accordance with this section.

Section 6- Prohibition in Parks Where Signed

- 6.1 No Person shall Operate a Personal Conveyance Device or Bicycle in any Park 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.

Section 7- Prohibition in Parking Lots

- 7.1 No Person shall leave a Personal Conveyance Device or Bicycle in or upon any Parking Lot within the limits of the Township, except in areas designated for that purpose.

Section 8- Prohibition Against Obstruction

- 8.1 No Person shall leave a Personal Conveyance Device or Bicycle parked or lying on any portion of a Highway, including a Sidewalk, or in front of or across any entranceway to a building or stairs in a manner which obstructs or interferes, or is likely to obstruct or interfere, with access to and from such building or stairs.

Section 9- Prohibition on all sidewalks

- 9.1 No person shall operate a motor vehicle along or upon any sidewalk, pathway or foot path which are set aside by the Township for the use of persons as pedestrians;

Section 10- Exemptions

- 10.1 All medically approved personal mobility aids are exempt for the provisions of this by-law.

Section 11- Administration/Interpretation

- 11.1 Unless otherwise defined in this By-law, definitions from the Highway Traffic Act and corresponding regulations, as amended, from time to time, shall apply to terms used in this By-law.

Section 12- Seizure

- 12.1 A Municipal Law Enforcement Officer, upon discovery of any Personal Conveyance Device or Bicycle parked, left or stopped in contravention of Section 8.1 of this by-law may cause it to be removed or placed or stored in a suitable place.
- 12.2 All costs and charges for removing, care or storage, if any, shall constitute a lien upon the Personal Conveyance Device or Bicycle, which lien is enforceable pursuant to the *Repair and Storage Liens Act*, 1990, R.S.O., c. R.25, as amended from time to time, and any Regulations under that Act or successor legislation thereto.

- 12.3 In addition to any fine that may be imposed pursuant to section 11.1 of this by-law, the costs referred to in Section 9.2 of this by-law shall be payable by the owner or operator of the Personal Conveyance Device or Bicycle.
- 12.4 The Township, at its sole discretion, may refuse to return a Personal Conveyance Device or Bicycle to the owner or operator until such time as the costs referred to in Section 9.2 are paid in full.

Section 13- Enforcement

- 13.1 This by-law shall be enforced by a Municipal Law Enforcement Officer or a Police Officer.

Section 14- Penalty

- 14.1 Any Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the *Provincial Offences Act*, R.S.O. 1990, C.P. 33, as amended. -

Section 15- Severability

- 15.1 If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

Section 16 – Repeal of By-Law

- 16.1 By-law Number 90-123 and Section 27 a) of By law 89-52 are hereby repealed in their entirety.

Section 17- Short Title

- 17.1 This by-law may be referred to as the "Personal Conveyance Device By-law".

Section 18- Effective date

- 18.1 This by-law shall come into full force and effect on the day of passing.

SCHEDULE "A"

