

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NUMBER 1733 2006

BEING A BY-LAW RESPECTING THE USE OF SKATEBOARDS, IN-LINE SKATES AND BICYCLES IN CERTAIN AREAS WITHIN THE COUNTY OF PRINCE EDWARD.

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25 provides that municipalities may pass by-laws respecting highways, including parking and traffic on highways;

AND WHEREAS Section 130 of the Municipal Act, 2001, as amended provides that a municipality may regulate matters not specifically provided for by the Municipal Act or any other Act for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 185(2) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended, provides that a council may by by-law prohibit the use of motor-assisted bicycles, bicycles or wheelchairs on any highway or portion of a highway under jurisdiction;

AND WHEREAS the Council of the Corporation of the County of Prince Edward deems it necessary to restrict the use of skateboards, inline skates and bicycles on certain public sidewalks and highways within the County of Prince Edward;

AND WHEREAS Council has previously funded the construction of a skateboarding area upon the grounds of the Prince Edward Community Care;

AND WHEREAS the safety and welfare of pedestrians on public sidewalks within the County of Prince Edward are deemed by Council to be in jeopardy with the continued use of skateboards, inline skates and bicycles.

NOW THEREFORE the Council of the Corporation of the County of Prince Edward enacts as follows:

DEFINITIONS

1. In this By-Law,
 - (a) "Bicycle" includes a tricycle and a unicycle, but does not include a motor-assisted bicycle utilized by a person with a physical defect or disability.
 - (b) "Council" shall mean the Council for the Corporation of the County of Prince Edward.
 - (c) "Highway" includes a common public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle within the County of Prince Edward designated and intended, or used by the general public, for the passage of vehicles and includes the area between the lateral property lines thereof.
 - (d) "Inline Skates" includes all footwear with wheels attached.
 - (e) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.
 - (f) "Motorized Scooter" includes a 2 wheeled type skateboard driven by motor power.
 - (g) "Pedestrian" means a disabled person and persons, including children, in wheeled carriages or wheelchairs.
 - (h) "Pocket Bike" means a motorized bike not licenced by the Ministry of Transportation of Ontario.
 - (i) "Provincial Offences Officer" means a Police Officer, Provincial Offences Officer or By-Law Enforcement Officer designated to enforce this By-Law.
 - (j) "Sidewalk" shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway, primarily intended for the use of pedestrians.
 - (k) "Skateboard" means a board with wheels attached.

(l) "Street" shall mean a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, tressle or other public way under the jurisdiction of the County of Prince Edward and this term includes all road works and appurtenance to municipal land.

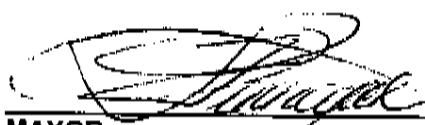
2.a No person shall ride or coast upon skateboards or similar devices upon the following highways within Ward 1 (Picton), County of Prince Edward:

Bridge Street	Mary Street	Talbot Street
Centre Street	Paul Street	Union Street
Elizabeth Street	Picton Main Street	Walton Street
East Lake Street	Queen Street	York Street
Johnson Street	King Street	Ross Street

- b. No person shall ride or coast upon in-line skates upon Picton Main Street from the intersection of Bridge Street and Picton Main Street (top of Town Hill) to the intersection of Picton Main Street and East Lake Road and Talbot Street within Ward 1 (Picton), County of Prince Edward."
3. No person shall ride upon, coast upon or operate, in-line skates, bicycles, pocket bikes, skateboards or similar devices upon any sidewalk on Picton Main Street from the intersection of Bridge Street and Picton Main Street (top of Town Hill) to the Intersection of Picton Main Street and East Lake Road and Talbot Street within Ward 1 (Picton), County of Prince Edward.
4. No person shall ride upon or operate inline skates, skateboards, pocket bikes or similar devices upon the following municipality owned lands in Ward 1 (Picton), County of Prince Edward during the business hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday inclusive, the location and area of which are illustrated by Schedules "A", "B" and "C" annexed to this by-law:
 - a. Market Square parking area
 - b. Market Lane
 - c. Market Lane parking areas
 - d. Mary Street parking lot
 - e. Shire Hall parking area
5. No person shall ride, propel or otherwise use, or permit any child in his or her custody or care to ride, propel or otherwise use, a bicycle or tricycle upon a sidewalk or highway in such a manner as to interfere with persons using the sidewalk or highway.
6. No person shall ride, propel or otherwise use or permit the riding, propelling or use of a pocket bike or motorized scooter on any sidewalk, street or highway in the County of Prince Edward.
7. No person shall (either by himself or herself or by permitting others) without lawful authority, conduct any activity which interferes with public travel or use of a street or sidewalk.
9. Motorized wheelchairs or other devices utilized by physically impaired persons for transportation are exempt from this by-law.
10. Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended.
11. By-Law No. 338-1999 of the County of Prince Edward is hereby repealed.
12. All By-Laws or parts of By-Laws of the former ten municipalities within the Corporation of the County of Prince Edward relating to restrictions upon the use of skateboards, inline skates and bicycles which are inconsistent with this by-law are repealed with the passing of this by-law.
13. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

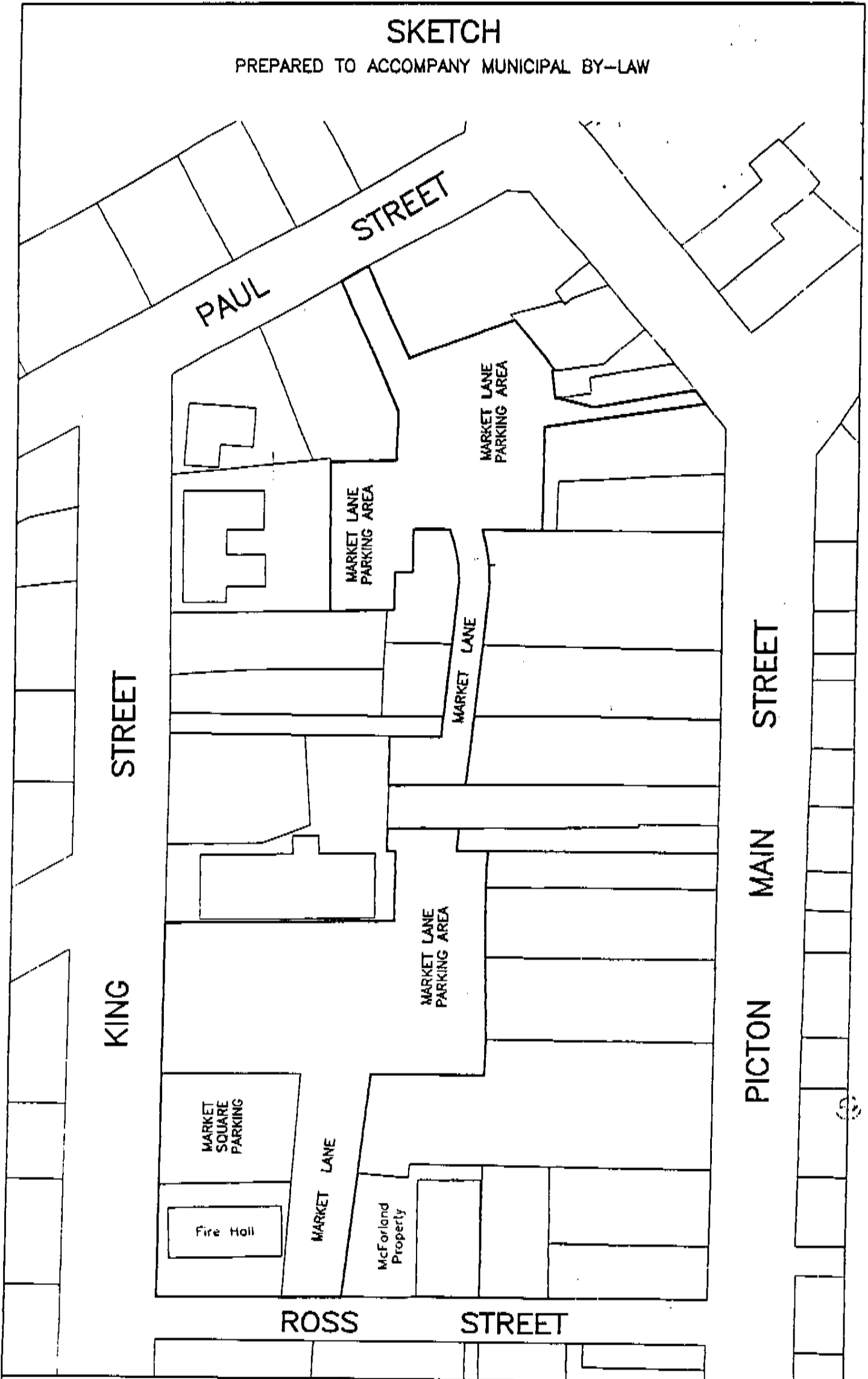
READ a first, second and third time and finally passed this 8th day of May, 2006.


CLERK
Victoria Leskie


MAYOR
Leo Finnegan

SKETCH

PREPARED TO ACCOMPANY MUNICIPAL BY-LAW



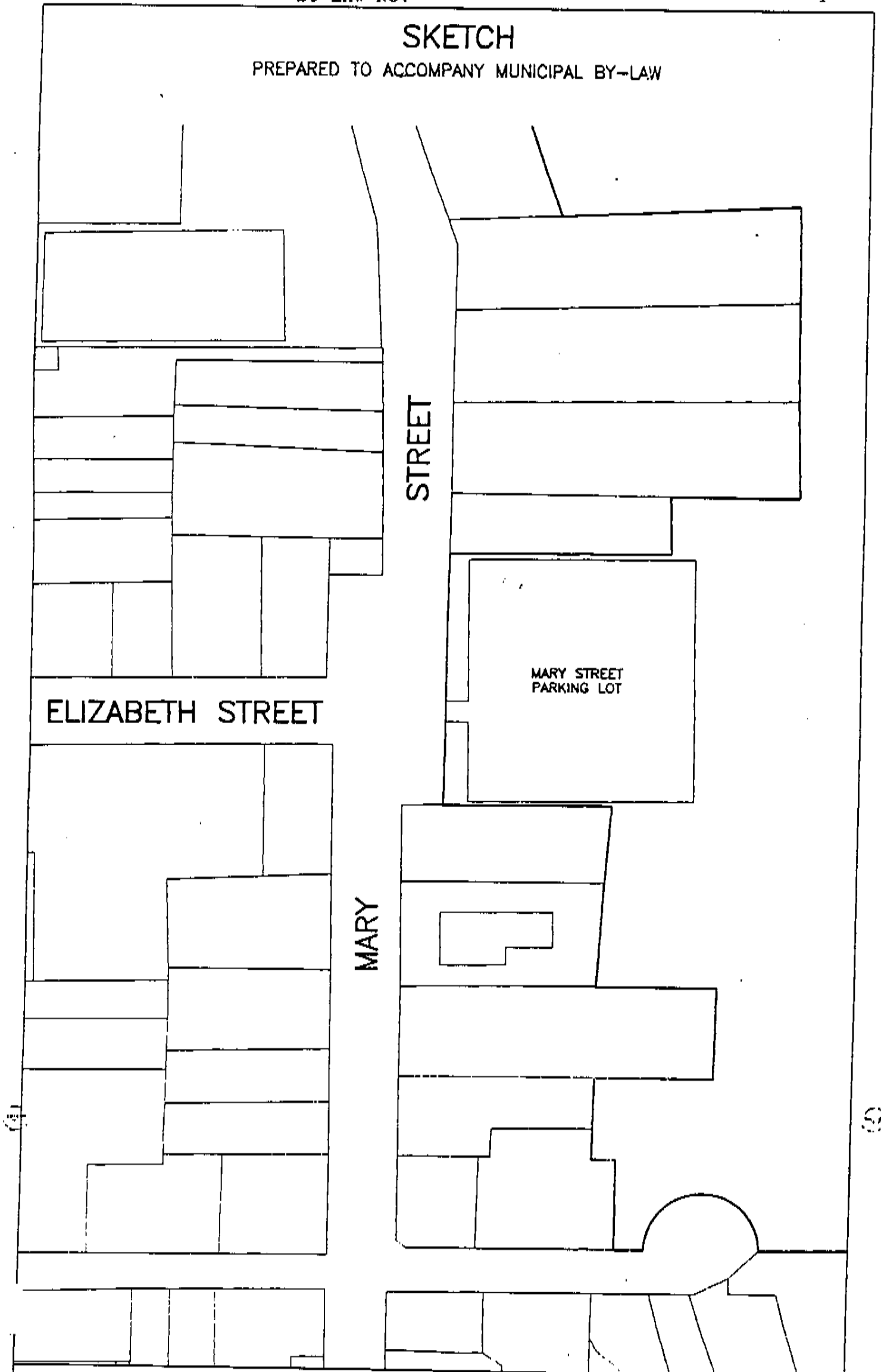
B. ROGER PICKARD SURVEYING LTD.

Ontario Land Surveyor
4 Elizabeth St., Picton (613) 476-2213
Fax : (613) 476-2213

————— DENOTES MUNICIPAL PROPERTY

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ELIZABETH STREET

MARY STREET

MARY

MARY STREET
PARKING LOT

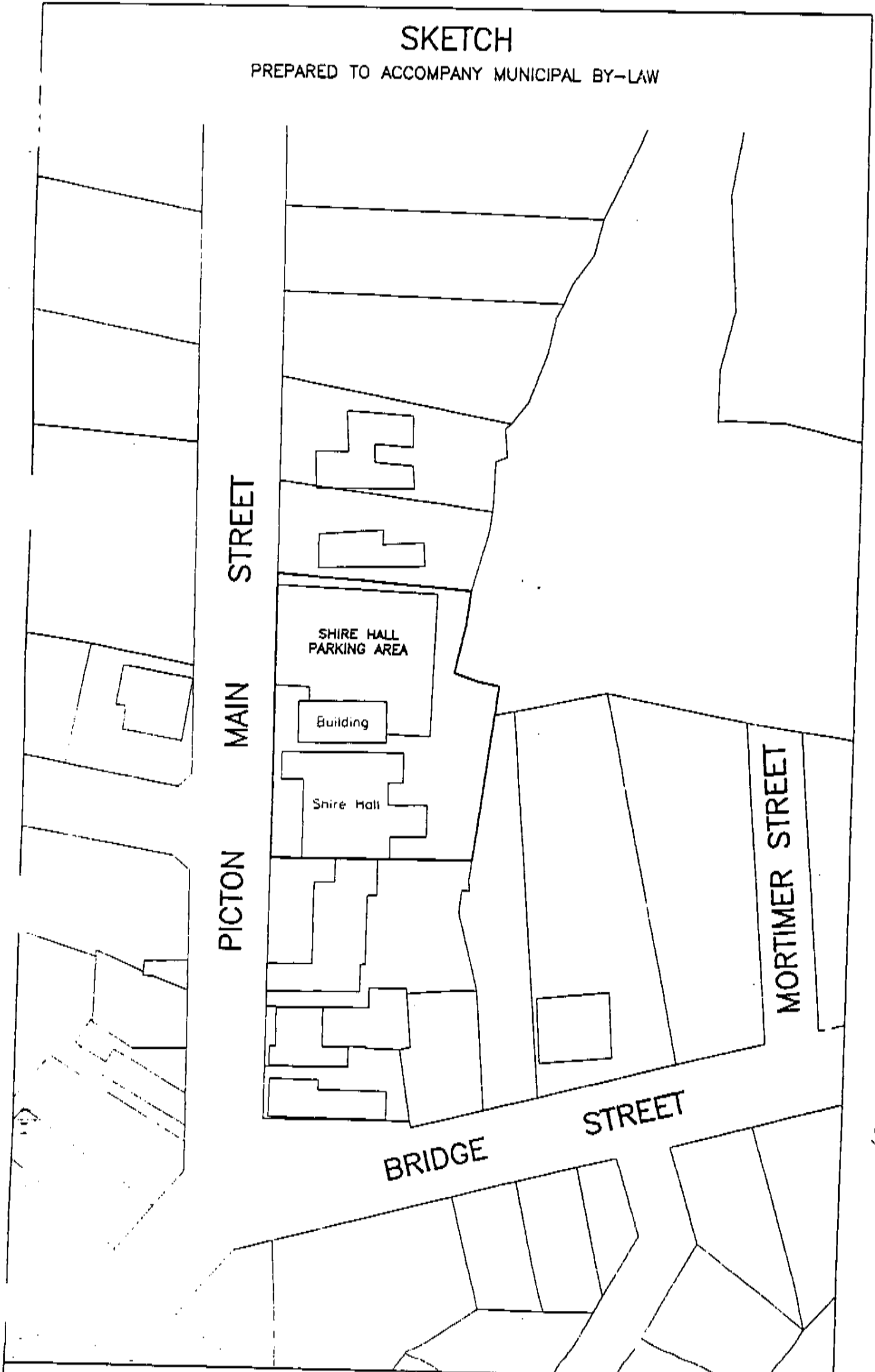
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