

THE CORPORATION OF THE TOWN OF PARRY SOUND

BY-LAW NO: 2007-5150

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Being a By-law to restrict and Regulate the Placement of Objects In, On, Under and Over Sidewalks Under the Jurisdiction of the Municipality of The Town of Parry Sound and the obstruction and encumbrance of such sidewalks.

WHEREAS the Municipal Act, S.O. 2001 c25, section 10(2)(6) provides that the Council of a single-tier municipality may pass by-laws respecting matters pertaining to health, safety and well-being of persons;

AND WHEREAS the Municipal Act, S.O. 2001 c25, section 10(2)(8) provides that Council of a single-tier municipality may pass By-laws respecting matters pertaining to the protection of persons, and property.

AND WHEREAS pursuant to Section 270 of the Municipal Act, a Provision of Delegation of Powers and Duties Policy was adopted by Parry Sound Council which sets out the scope of the powers and duties which Council may delegate and which establishes principles governing such delegation;

AND WHEREAS the implementation of said By-law is an objective detailed in the 2007 Accessibility Plan

AND WHEREAS the Council of the Corporation of the Town of Parry Sound deems it necessary and expedient to enact a by-law prohibiting the placement of objects in, on, under and over sidewalks under the jurisdiction of the Municipality of the Town of Parry Sound and the obstruction and encumbrance of such sidewalks.

NOW THEREFORE, Council of the Corporation of the Municipality of the Town of Parry Sound enacts as follows:

1. For the purpose of this by-law:
 - 1.1 "Issuer" shall mean a staff from the Community Development Department or Operations Department whom issued a Permit pursuant to this By-law.
 - 1.2 "Municipality" shall mean the Corporation of the of the Town of Parry Sound.
 - 1.3 "Pedestrian Sidewalk" shall mean any sidewalk forming part of a highway under the jurisdiction of the of the Town of Parry Sound and sidewalk on any land owned by the Municipality.
 - 1.4 "Officer of the Municipality" shall mean a By-law Enforcement Officer, a Director and any person authorized in writing to act on behalf of a Director. (Note a Deputy of a Director is a Director while carrying out the duties of the Director).
 - 1.5 "Skate Board" shall mean any platform wheels on the bottom and includes a scooter.
 - 1.6 "Roller blades" also known as in-line skates, or any device that can be laced, buckled or placed on a person's feet and used for a mode of transportation.
 - 1.7 "Bicycle" includes a tricycle and unicycle but does not include a child's tricycle or a vehicle or other device for the conveyance of the physically challenge
2. In this By-law it is intended that a clear sidewalk width of 1.2 metres shall be available on every sidewalk and a clear height of not less than 2.8m be maintained. This includes but not limited to: light poles, fire hydrants, traffic signals and signs, mailboxes, newspaper boxes and other street

hardware/furniture (permanent or temporary) and merchandise displayed for sale.

3. No person shall:
 - (i) permit or cause any object to be placed, constructed or installed or remain in on, under or over any sidewalk in any manner unless a Permit has been issued by the Municipality.
 - (ii) occupy or obstruct or close any sidewalk or municipal designated parking space on a temporary basis unless a Permit has been obtained from the Municipality.
 - (iii) move or place any snow or ice or other bulk material on any sidewalk in a fashion that impedes pedestrian traffic thereon or interferes with maintenance efforts of the Municipality.
 - (iv) place, construct or install any object or objects in, on, under or over any sidewalk in such a manner that it would leave an area of less than 1.2 metres in width unless written permission from Council has been obtained.
 - (v) block, interfere, with or otherwise impede the passage of any pedestrian on any municipal sidewalk or portion thereof.
4.
 - (a) Upon receipt of a complete application and documentation that any conditions are satisfied, the Municipality shall issue, in writing, a Permit for items detailed in section 3(i) and 3 (ii).
 - (b) Any Permit issued pursuant to sub-section 4(a) shall require:
 - (i) a clear width of not less than 1.2m be maintained for a sidewalk
 - (ii) a clear height of not less than 2.8m be maintained above a sidewalk, and
 - (iii) that any deviation from the usual path of a sidewalk be clearly delineated
 - (c) A permit issued pursuant to sub-section 4(a) may require:
 - (i) proof of insurance respecting any aspect of the permitted activity in an amount not less than \$1,000,000.00 per occurrence and \$5,000,000 in aggregate and in a form satisfactory to the Director of Finance.
 - (ii) that flagperson(s), uniformed police officers and traffic warning device(s) be provided.
 - (iii) that the site be constantly attended and supervised.
 - (iv) that barricades, platforms or other structures be erected and maintained for the protection of the public.
 - (v) any reasonably necessary condition for the protection of public safety and right to travel along the street.
 - (vi) the removal of all debris and litter and free snow and ice from all access and egress
 - (d) A permit issued pursuant with this By-law is invalidated should any of the following events occur:

- (i) the temporary obstruction, use and closure authorized by the permit is conducted in a manner other than as approved by the Issuer.
 - (ii) the temporary obstruction, use and closure is conducted at a time other than authorized.
 - (iii) if a condition stated herein, or such other condition as may be imposed by the Issuer is not observed to his/her satisfaction.
 - (iv) if an Officer of the Municipality is of the opinion that the activity is being carried out in a dangerous fashion and advises the person who appears to be in charge of the activity, in writing, to cease and desist from the dangerous activity.
- 5.
 - (a) An Officer of the Municipality may give Notice in writing to any person they believe is committing an offence contrary to this By-law.
 - (b) If a person to whom an Officer has delivered a Notice pursuant to section 5(a) fails to abide by the Notice, the Municipality shall be entitled to take any action it deems appropriate to correct the contravention.
 - (c) The Municipality shall be entitled to recover any costs incurred taking action to correct a contravention, from the person to whom the Notice was delivered, in accordance with the Fees and Charges By-law.
- 6. Pedestrians shall have the right-of-way on a sidewalk, and no person shall ride upon or operate a bicycle, roller blades, in-line skates, skateboard, coaster, toy vehicle or similar device on a sidewalk without due care and attention and without reasonable consideration for others using the sidewalk. No person is permitted to use, drive, operate or ride a skateboard, bicycle or similar conveyances, devices, vehicles or modes of transportation on any sidewalk or highway identified in Schedule "A" to this By-law.
- 7. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine recoverable under the provisions of the Provincial Offences Act, R.S.O 1990 c.p.33, as amended.
- 8. This By-law shall come into force and take effect on the final day of passing thereof
- 9. This By-law revokes By-law 99-4116 and all amendments thereof.

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SCHEDULE "A"

Bicycle prohibition:

Sidewalks subject to section 6 of this By-law:

James Street
Seguin Street
Bay Street

Skateboard prohibition:

Sidewalks and Highways subject to section 6 of this By-law:

James Street
Seguin Street
Bay Street

All Town Docks and all property surrounding the docking, parking and walking areas.