

BY-LAW No. 109-08

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to prohibit the passage of motor vehicles upon any sidewalks, pathways or footpaths set apart for the use of pedestrians and to repeal By-law 41-04,

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, S. 11(2) provides that a municipality may pass by-laws for purposes related to health, safety and well-being of persons;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, S. 11(3) provides that a municipality may pass by-laws respecting highways;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, S. 8(1) provides that the powers of a municipality under the Municipal Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the Council of the Corporation of the City of Cambridge deems it necessary to prohibit and regulate vehicles of any description, whatever the notice power, being used, drawn, hauled or propelled along or upon any sidewalk used or set apart for the safe passage of pedestrians.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

DEFINITIONS

1. That in this by-law:
 - a. "Highway" means a common and public highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct, trestle, or any other way open to public use, and includes the area between the lateral property lines thereof;
 - b. "Mobility Aid" means a device used to facilitate the transport, in a seated orientation, of a person with a physical disability.

- c. "Motor Vehicle" means an automobile, motorcycle, motor assisted bicycle, motorized snow vehicle, go cart, trail bike, mini bike, all-terrain vehicle, moped, electric bike, pocket bike, electric scooter, motorized skateboard, or any other means of transportation propelled or driven otherwise than by muscular power.
- d. "Maintenance purposes" includes the removal of snow and litter.
- e. "Sidewalk" means that portion of the highway or public property designated for the passage of persons and includes that part of the road where pedestrians have priority over traffic.

GENERAL

- 2. No person shall drive, operate, ride upon, or propel any motor vehicle upon any sidewalk.
- 3. Section 2 does not apply to:
 - a. Emergency vehicles;
 - b. Vehicles used for maintenance purposes; or
 - c. Mobility aids.

OFFENCE

- 4. Any person who contravenes any provision of this by-law is upon conviction guilty of an offence and is liable to any penalty as provided for by the Provincial Offences Act, R.S.O., 1990, c. P. 33, as amended, or any successor legislation.

SEVERABILITY

- 5. If any part, section, sub-section, clause or sub-clause of this by-law is for any reason held to be invalid, such decision does not affect the validity of the remaining portions of this by-law.

SHORT TITLE

- 6. This by-law may be cited as the Sidewalk By-law.

REPEAL

- 7. By-Law No. 41-04 is hereby repealed.

EFFECTIVE DATE

8. This by-law comes into force and effect on the date it is enacted by City Council.

READ A FIRST, SECOND AND THIRD TIME.

ENACTED AND PASSED, THIS 14th DAY OF JULY, 2008.

MAYOR

CLERK