

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #3424(2013)

**Being a by-law to regulate the use of Skateboards and
Longboards on highways under the jurisdiction of the
Town of Pelham**

WHEREAS the Council of the Corporation of The Town of Pelham has, pursuant to the Municipal Act, 2001, Section 11(2) the authority to pass By-Laws respecting health, safety and well-being of persons, protection of persons, property and structures:

AND WHEREAS Council of the Corporation of the Town of Pelham deems it desirable and necessary for Public Safety to regulate and restrict the use of Skateboards on highways under the jurisdiction of the Town of Pelham and to implement fines and penalties associated with infractions to this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS THE FOLLOWING:

Section 1 Title

1.1 This by-law shall be known as "The Skateboarding By-law"

Section 2 Definitions

In this by-law:

- 2.1 "By-Law Enforcement Officer" means a By-Law Enforcement Officer appointed by the Town of Pelham
- 2.2 "Device" for the purpose of this by-law will include the terms Skateboard and Longboard.
- 2.2 "Highway" has the same meaning as in the Highway Traffic Act.
- 2.3 "Longboard" means a longer variant of a Skateboard. It is commonly used for cruising, downhill racing, slalom racing, sliding and Transportation.
- 2.4 "Peace Officer" has the same meaning as in the Highway Traffic Act.
- 2.5 "Police Officer" means any policeman or policewomen.
- 2.6 "Recreation" or "Recreational Activity" is an activity of leisure, leisure being discretionary time. Recreational activities are done for enjoyment, amusement or pleasure and are considered to be fun. Without limiting the generality of the forgoing, the activities listed in section 4.8 of this by-law are

all defined as Recreation and Recreational Activity for the purposes of this by-law.

- 2.7 **"Skateboard"** means a short narrow board having a set of four wheels mounted under it, ridden in a standing or crouching position and often used to perform stunts as well as for transportation. For the purpose of this by-law the term **"Longboard"** will also be included under this definition.
- 2.8 **"Transport"** or **"Transportation"** for the purpose of this by-law is the movement of people from one location to another for a specific purpose and does not include the use of a Skateboard or Longboard for Recreation as defined in this by-law.

Section 3 Authority

- 3.1 *The By-Law Enforcement Officer* shall administer this By-law.
- 3.2 This By-law shall be enforced by the *By-Law Enforcement Officer, Police Officer or Peace Officer* in the Province of Ontario.

Section 4 Skateboarding Regulations

- 4.1 Skateboarding as a **Recreational Activity** is Prohibited on all highways within the Town of Pelham as described by the Trespass to Property Act R.S.O. 1990, CHAPTER T.21 as last amended 2000, c.30, s.11.
- 4.2 Despite Subsection 4.1 of this by-law, the use of skateboards and longboards are permitted in an indoor or outdoor civic facility specifically designed and constructed to support skateboard and longboard activities in a recreational environment and which is identified by civic signage posted at the facility.
- 4.3 The riding of Skateboards for use as **Transportation** is permitted on sidewalks, bicycle lanes, finished shoulders and highways within the Town of Pelham, only as set out in this section:
- (a) **Where there is a sidewalk;** the use of that sidewalk is permitted to ride a Skateboard for Transportation purposes only, but no person shall Skateboard on any bicycle lane, paved shoulder, or highway;
 - (b) **Where there is a bicycle lane but no sidewalk;** the use of that bicycle lane is permitted to ride a Skateboard for Transportation purposes only, but no person shall Skateboard on any paved shoulder or highway;
 - (c) **Where there is a paved shoulder but no sidewalk or bicycle lane;** the use of that paved shoulder is permitted to ride a Skateboard for Transportation purposes only, but no person shall Skateboard on any highway;

- (d) **Where there is a highway but no sidewalk, bicycle lane or paved shoulder;** the use of that highway is permitted to ride a Skateboard for Transportation purposes only.

4.4 Every person who is riding a Skateboard on any sidewalk, bicycle lane, paved shoulder or highway shall, at all times:

- (a) exercise due care and attention to his or her safety;
- (b) travel in a manner and at a speed appropriate to the surface being traveled upon; and
- (c) exercise due care and attention to the safety of all other users of the sidewalk, bicycle lane, paved shoulder or highway.

4.5 Every person riding a Skateboard on a sidewalk shall come to a complete stop and disembark from the Skateboard prior to entering any roadway.

4.6 No person shall ride a Skateboard on any sidewalk, bicycle lane, paved shoulder or highway in such a manner so as to cause any damage to public or private property.

4.7 Any person riding a Skateboard on a sidewalk, bicycle lane, paved shoulder or highway shall:

- (a) at all times wear a Canadian Standards Association (CSA) approved helmet appropriate for Skateboarding with the chin strap securely fastened;
- (b) at all times between dusk and dawn wear reflective materials that are visible from both the front and back of the person;
- (c) travel in a straight line as close as is practicable to the right-hand side of the sidewalk, bicycle lane, paved shoulder or highway having regard to their direction of travel;
- (d) at all times yield the right-of-way to Pedestrians; and
- (e) yield to cyclists when using a designated bicycle lane.

4.8 Without limiting the generality of Subsection 4.3, no person shall engage in any of the following activities while riding a Skateboard on any sidewalk, bicycle lane, paved shoulder or highway:

- (a) vaulting from a ramp or other object;
- (b) using any object to move over, under, on, in or around for a recreational purpose;
- (c) dismounting from a skateboard in an unsafe manner;
- (d) riding the skateboard in such a manner so as to permit or cause it to leave the ground;
- (e) moving erratically from side to side; or

(f) racing or sliding.

4.9 No person shall place on any sidewalk, bicycle lane, paved shoulder or highway any object that is intended to be used to ride a Skateboard over, under, on, in or around.

4.10 Every person riding a Skateboard on a sidewalk, bicycle lane or paved shoulder shall ensure that such a Skateboard does not enter into the Highway.

Section 5 Enforcement

5.1 This By-law shall be enforced by a By-Law Officer, Peace Officer and/or Police Officer.

5.2 Any Police Officer, Peace Officer or By-Law Officer who finds a person in contravention of this By-Law may:

(a) issue a citation under the Provincial Offences Act, The Trespass to Property Act and/or The Highway Traffic Act

(b) seize and detain the device (skateboard/longboard) for a period of 24 hours.

(i) the owner of the device be required to pay to the Town an amount fixed by the by-law as expenses of the seizure and detention, including storage and other charges.

(ii) If the device has not been claimed within 30 days , said device becomes the property of the Town and may be forthwith destroyed or otherwise disposed of by the Town according to the Town of Pelham Procurement Policy By-law 3250(2012).

Section 6 Obstruction

6.1 No person shall obstruct, or attempt to obstruct, any officer or other person who is exercising a power or performing a duty under this by-law or the Municipal Act, 2001, S.O. 2001, c11(2) as amended, or its predecessor.

6.2 Without limiting Section 6.1, "obstruct" includes:

6.2.1 to hinder or mislead;

6.2.2 to knowingly provide false information or make a false claim or statement;

6.2.3 to prevent, bar or delay, or attempt to prevent, bar or delay, any person, including an officer, from carrying out his or her duties or exercising his or her powers, including but not limited to the taking of

photographs and the seizing of a device (Skateboard/Longboard) used in the contravention of this by-law;

6.2.4 to fail to provide, upon request by an officer, any information, documents or things relevant to an investigation.

6.3 Without limiting Sections 6.1 and 6.2, every person who is alleged to have contravened any of the provisions of the this by-law shall identify themselves to an officer upon request and failure to do so shall be deemed to have obstructed the officer in the execution of his or her duties contrary to Section 6.1 of this by-law.

Section 7 Penalties

7.1 Amount

For any offences of those sections set out in Column 2 of **Schedule "A"** to this by-law as briefly described in Column 3, the fine shall be set out as specified in Column 7 of said Schedule.

7.2 General

Any person who contravenes this By-law is guilty of an offence as described by the Provincial Offences Act and/or the Trespass to Property Act and/or the Highway Traffic Act.

7.3 Recovery of Expense

- (a) An amount of \$25.00 is to be paid to the Town to claim any device that has been confiscated due to a contravention of this By-Law.
- (b) If a person is under the age of 16 years they must be accompanied by a parent or guardian when claiming the device which has been confiscated.
- (c) The Town may collect expenses referred to in Section 6.2(a), by the sale of the device at public auction or private sale after 30 days of said device being confiscated and not being claimed.

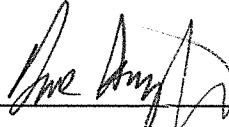
Section 8 Severability

8.1 If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable for any reason whatsoever, then that particular provision or provisions or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

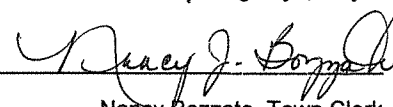
Section 9 Effective Date

That this by-law shall become effective on the date of third reading as set out below.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
7th DAY OF OCTOBER, 2013 A.D.



D. Augustyn, Mayor



Nancy Bozzato, Town Clerk

SCHEDULE "A"

SKATEBOARDING BY-LAW #3424 (2013)

SECTION 7(1) – PENALTIES –AMOUNTS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
AUTHORITY	SECTION	OFFENCE Short Wording	SET FINE	COURT Costs	VICTIM Surcharge	TOTAL \$
T.P.A	2.(1)(a)(II)	engage in prohibited activity on premises	\$50.00	\$5.00	\$10.00	\$65.00
MUNICIPAL ACT	By-law 3424(2013) 7.3(a)	fee to claim confiscated device	\$25.00	n/a	n/a	\$25.00