

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW 11-1999

A BY-LAW TO PROTECT, REGULATE THE USE, AND CONTROL THE APPEARANCE, OF THE MUNICIPAL SIDEWALKS IN THE DOWNTOWN BUSINESS AREA.

WHEREAS The Corporation of the Town of Shelburne is empowered to enact the within by-law, pursuant to the provisions of the Municipal Act, R.S.O. 1990, chapter M.45, ss. 102, 207 #42, 210, ## 60-63, 73, 109, 110, 119, 121, 123, and ss. 297, 308, 312 and 314

THE CORPORATION OF THE TOWN OF SHELBURNE BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:

1. Definitions

- (a) BY-LAW ENFORCEMENT OFFICER means a person appointed by the Town to enforce the by-laws of the Town;
- (b) PEDESTRIAN means a person travelling on foot and invalids and children in a wheelchair or carriage. A person using a bicycle, skateboard or rollerblades is excluded from this definition;
- (c) SIDEWALK means that portion of a highway between the curb line and the adjacent property line intended for the use of pedestrians;
- (d) TOWN means The Corporation of the Town of Shelburne;
- (e) TRAFFIC includes pedestrians, ridden or herded animals, vehicles and other conveyances either separately or together while using any highway for the purposes of travel;
- (f) TRAFFIC CONTROL DEVICE means any sign, or other device erected or placed under the authority of the Town for the purpose of regulating traffic;
- (g) VEHICLES include a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle and the cars of electric or steam railways running only upon rails.

2. LOCATION

Sidewalks regulated under this By-Law are as follows:

- (a) OWEN SOUND STREET  
West Side from Main Street to First Avenue  
East Side from Main Street to First Avenue
- (b) MAIN STREET  
South Side from Victoria Street to Adeline Street  
North Side from William Street to and including the sidewalk in front of the property known as 138 Main Street West

section 3  
A worded by  
D4-Low 43-2004.

3. REGULATIONS

- (a) A continuous 30" (2'-6") strip next to the curb line, shall be kept clear of all obstructions to provide safe visibility and room to open vehicle doors when parked.
- (b) Provided that they otherwise comply with the by-laws of the Town, the next 4'11" from the curb may be used for the following:
  - (i) street lighting
  - (ii) tree planters
  - (iii) benches (during permitted periods only)
  - (iv) garbage containers
  - (v) traffic control devices (signage)
  - (vi) temporary business signs & displays
- (c) The remainder of the sidewalk to the buildings shall be kept clear for pedestrian use.
- (d) No vending machines may be placed on sidewalks.
- (e) Business signs and/or displays allowed on the above portion of sidewalk shall not restrict access to car parking.
- (f) All business signs and/or displays shall be removed at the end of each business day by the occupants of the business in front of which the signs and displays have been placed and shall not be re-erected or replaced until 8 AM of any morning.
- (g) All benches shall be removed for the winter months by December 1st and not re-installed until April 15th. The Town shall remove and store municipally owned benches. All private benches shall be removed and stored by the owners of such benches.
- (h) Temporary business signs shall have a maximum height of 4'0".
- (i) All awnings and business signage attached to buildings shall have a minimum 8'0" clearance above sidewalk to allow for snow removal.
- (j) The use of bicycles, roller blades, and skateboards on sidewalks is prohibited.

4. DISCRETIONARY MATTERS

- (a) Placement of newspaper boxes, real estate boxes, or any other similar item on sidewalks is prohibited without prior approval of a By-Law Enforcement Officer. The By-Law Enforcement Officer shall have regard to the size, character, proposed placement, traffic flow, safety, and the number of other placements in granting or refusing approval. The decision of the By-Law Enforcement Officer shall be appealable to the Property Standards Committee.
- (b) On the grounds of safety or non-compliance a By-Law Enforcement Officer shall have the authority to require the removal of any obstruction, signage or display. The decision of the By-Law Enforcement Officer shall be appealable to the Property Standards Committee. In the event of the owner failing to remove the obstruction, signage or display, the Town shall remove the same at the expense of the owner.

5. OFFENCES

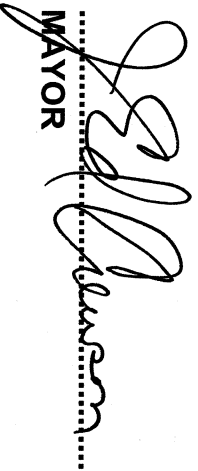
(a) Every person who contravenes any part of Section 3 of this By-Law is guilty of an offence and is subject to the provisions of the Provincial Offences Act.

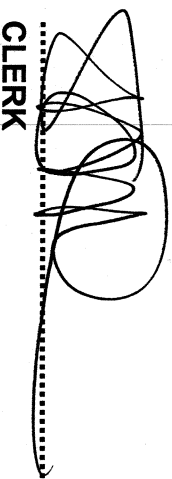
6. GENERAL

(a) Every part of this by-law found to be invalid shall be severed from the rest of the by-law.

BY-LAW READ A FIRST AND SECOND TIME THIS 22ND DAY OF MARCH, 1999

BY-LAW READ A THIRD TIME AND PASSED THIS 22ND DAY OF MARCH, 1999

  
.....  
MAYOR

  
.....  
CLERK