

THE CORPORATION OF THE CITY OF CORNWALL

By-law #037-2004

A By-law to to a further amend the Traffic and Parking By-law 069-1989
by adding the Definitions and Interpretations of "Pedestrian" and "Wheelchair"

WHEREAS The Transportation Section has received direction from Council to address concerns from close to 1000 residents regarding safe operation of Motorized Wheelchairs, also commonly known as "medical scooters" or "disable scooters/wheelchairs" , upon city streets and sidewalks; and

WHEREAS in order to improve the safe operation of motorized wheelchairs, as well as motorists and pedestrian's safety on City streets and sidewalks, elemental rules for wheelchair's operation upon City highways and sidewalks are necessary, in order to achieve consistency throughout the City. The set of rules will also serve as a toll for the disable community to advise their members with respect to how to drive in a more consistent and safer manner on City streets and sidewalks in accordance to the proposed by-law amendment; and

WHEREAS to achieve this, it is desirous to implement the proposed by-law amendment to the Traffic and Parking by-law, as per the motion carried by City Council at its regular meeting of February 9, 2004.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:

Pursuant to Sections 8, 9 and 11 of the Municipal Act and Section 185(2) of the Highway Traffic Act. and amendments, the Traffic and Parking by-law 069-1989 is amended by **adding** thereto the following:

Definitions and Interpretations:

- (32) "**pedestrian**" means:
(a) a person on foot, or
(b) a child, or other person in a wheeled chair, baby carriage, or toy vehicle being carried and propelled by another person on foot.
- (48) "**wheelchair**" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

Part B - TRAFFIC

WHEELCHAIRS

- (50.A) (1) A person driving a wheelchair upon a roadway shall:

- (a) drive as near the right-hand side of the roadway as practical, and
 - (b) exercise due care when passing a parked, stopped or standing vehicle or one proceeding in the same direction.
 - (c) bear the slow moving vehicle sign required by the Highway Traffic Act. Regulation 616 and comply with any other provisions required by any applicable legislation, including Regulation 625 of the Highway Traffic Act.
 - (d) be equipped with mirrors attached to the wheelchair or to the operator and placed in such a position as to afford the operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear.
- (2) A person driving a wheelchair upon a roadway designated for one-way traffic shall:
1. obey and follow the designated one way street direction.
 - (b) drive as near the right-hand side of the roadway as practicable, and
 - (c) exercise due care when passing a standing vehicle or one proceeding in the same direction.
- (3) Persons driving wheelchairs upon a roadway shall do so in single file.
- (4) When on the roadway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 meters or less, a wheelchair shall carry on the front thereof a lighted lamp displaying a white or amber light and on the rear thereof a lighted lamp displaying a red light.
- (5) No person driving a wheelchair shall carry any package, bundle or article which prevents the operator from keeping both hands on the handle bars or joystick control.
- (6) No wheelchair towing, hauling, pulling or pushing any kind of attachment, except those provided by the manufacturer as integral part of the equipment for the wheelchair, shall be operated upon a public highway or sidewalk.
- (7) No operator of a wheelchair shall permit any person riding upon a bicycle, coaster, roller skates, skis, wagon, toboggan, sled, or toy vehicle to attach the same, himself or herself to the wheelchair.
- (8) No person shall park a wheelchair on a highway except in such a manner as to cause the least possible obstruction to pedestrian or vehicular traffic.

- (9) No wheelchair shall be operated upon a public highway or sidewalk except for the purpose of the carriage of a person who has a physical defect or disability.
- (10) No wheelchair carrying more than one person shall be operated upon a public highway or sidewalk.
- (11) A person driving a wheelchair upon the sidewalk shall:
 - (a) drive as near the right-hand side of the sidewalk as practical, and
 - (b) exercise due care, slowing down, even coming to a full stop as the case may require, when encountering oncoming pedestrians or while overtaking pedestrians proceeding in the same direction, always yielding the right-of-way to pedestrians.
 - (c) be equipped with mirrors attached to the wheelchair or to the operator and placed in such a position as to afford the operator a clearly reflected view of the sidewalk in the rear, or of any pedestrian approaching from the rear.

Also, the Traffic and Parking by-law 069-1989 is amended by repealing thereto the following:

- (32) “**pedestrian**” means:
 - (a) a person on foot, or
 - (b) an invalid, child, or other person in a wheeled chair, baby carriage, or play vehicle;

Read a first and second time, in open Council, this 23rd day of February, 2004.

DENISE LABELLE-GÉLINAS, CLERK

MAYOR PHIL POIRIER

Read a third and final time, signed and sealed in open Council this 23rd day of February, 2004.

DENISE LABELLE-GÉLINAS, CLERK

MAYOR PHIL POIRIER