

Authority: Item 5, Public Works Committee
Report 08-004 (PW08021)
CM: February 27, 2008

Bill No. 065

CITY OF HAMILTON

BY-LAW NO. 08-065

To Amend By-law No. 01-219 to provide for operation of Segway Personal Transporters in Municipal Parks

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 7 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public;

AND WHEREAS the Council of the City of Hamilton, on the 27th day of April, 2004, did pass and enact City of Hamilton By-law No. 01-219 to Manage and Regulate Municipal Parks;

AND WHEREAS Council desires to amend By-law No. 01-219 to provide for limited use of Segway Personal Transporters within parks, specifically in parking lots, sidewalks within parks, on paths and multiuse trails

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

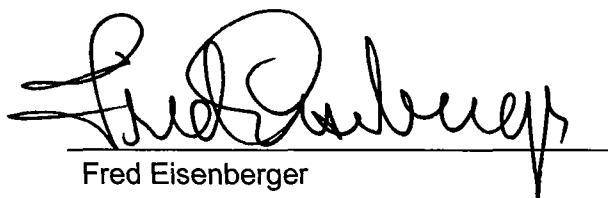
1. City of Hamilton By-law No. 01-219, as amended, is hereby further amended by repealing and replacing clause 1(s) with the following:

"1. (s) "persons with disabilities" and "disabled person" includes any person who is blind, or a person who has any degree of physical disability, which requires the physical reliance upon a wheelchair, crutches, braces, canes, or other similar remedial appliance or device, or who are authorized users of Segway Personal Transporters, or requires the reliance upon an animal trained to provide guidance or other form of assistance;

2. City of Hamilton Bylaw No. 01-219 as amended is hereby further amended by repealing subsection 30(2) and replacing it with the following subsections:

- “30. (2) Unless authorized by permit, and except where provided in this section and section 34 with respect to bicycles, no person shall while in any park, drive, operate, pull or ride any vehicle except on a roadway or public parking area, provided however this section shall not apply with respect to persons with disabilities and disabled persons or other authorized users of Segway Personal Transporters who are operating the Segway device in a public parking area, or on a sidewalk, path or multiuse trail within a park.
- 30.(3) For the purposes of this section, “authorized users of Segway Personal Transporters” means a member of the Hamilton Police Service for the purpose of law enforcement, or a person who is 14 years old or older whose mobility is limited by one or more disabilities, conditions or functional impairments who operates the Segway in compliance with Ontario Regulation 488/06.
- 30(4) For the purposes of this section a Segway Personal Transporter is a device manufactured by Segway Inc. and called a Segway Personal Transporter or a Segway Human Transporter, which device has not been modified after its manufacture other than by the addition of a basket, bag, bell, horn or lamp or other accessory customarily attached to a bicycle, and which addition does not increase the speed capability of the device. ”
2. Subject to the amendments made in this By-Law, in all other aspects, By-Law No. 01-219, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take affect on the date of its passing and enactment.

PASSED AND ENACTED this 26th day of March, 2008



Fred Eisenberger
Mayor



Kevin Christensen
City Clerk