

THE CORPORATION OF THE CITY OF PETERBOROUGH

Proposed By-Law

BEING A BY-LAW TO REGULATE BICYCLES, SKATEBOARDS, IN-LINE SKATES, ROLLER SKATES, E-BIKES AND OTHER CONVEYANCES DRAWN, PROPELLED OR DRIVEN BY ANY KIND OF MUSCULAR POWER IN THE CITY OF PETERBOROUGH

WHEREAS Section 10(2) paragraph 6, of the *Municipal Act, 2001*, permits a municipal council to pass by-laws and to make regulations for the health, safety and well-being of persons;

AND WHEREAS The Corporation of The City of Peterborough by its Council has determined that it is in the public interest to regulate the operation of bicycles, e-bikes, in-line skates, roller skates and skateboards on highways, multi-use trails, sidewalks and sidewalk walkways in order to protect persons from injury and property from damage;

AND WHEREAS this by-law is intended to promote the health, safety and well-being of persons through encouraging the use of bicycles, e-bikes, in-line skates, roller skates and skateboards as means of transportation and for recreational purposes;

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

ARTICLE 1 – DEFINITIONS

- 1.1 **Bicycle** – means a two-wheeled, three-wheeled or four-wheeled conveyance propelled by muscular power and equipped with steering handlebars, pedals, one or two saddles or seats and a braking system but excludes an E-Bike.
- 1.2 **Bicycle Lane** – means that portion of a Highway that is identified as a bicycle lane by solid-line or dotted-line pavement markings or by signage erected by the City of Peterborough;
- 1.3 **Downtown** – means that area of the City of Peterborough identified on the map attached as Schedule A;
- 1.4 **E-Bike** – means a two-wheeled conveyance that:
 - a. has steering handlebars and is equipped with pedals;
 - b. travels on not more than three wheels in contact with the ground;
 - c. is capable of being propelled by muscular power applied to pedals;
 - d. has one or more electric motors that have, singly or in combination, the following characteristics:
 - i. it has a total continuous power output rating, measured at the shaft of each motor, of 500 watts or less;
 - ii. if it is engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases;
 - iii. if it is engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied; and

- iv. it is incapable of providing further assistance when the bicycle attains a speed of 32 km/h on level ground;
- e. bears a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power-assisted bicycle as defined in this subsection; and
- f. has one of the following safety features:
 - i. an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver; or
 - ii. a mechanism that prevents the motor from being engaged before the conveyance attains a speed of 3 km/h.

1.5 **Fail to Yield** – means:

- a. failing to give an audible signal to a Pedestrian of an intention to pass;
- b. proceeding in such a manner as to cause or require a Pedestrian to alter
 - i. his or her course; or
 - ii. the speed with which he or she was proceeding; or
- c. contravening Section 144(29) of the *Highway Traffic Act*.

1.6 **Helmet** – means a helmet which meets the requirements of Sections 3 and 4 of Ontario Regulation 610 under the *Highway Traffic Act* and which is fastened under the wearer's chin.

1.7 **Highway** – means an avenue, bridge, common and public highway, driveway, parkway, place, square, street, trestle or viaduct, any part of which is designed for or used by the general public for the passage of Vehicles.

1.8 **In-Line Skating** or **Roller Skating** – means propelling oneself while wearing a boot or shoe or other piece of footwear that is mounted upon one or more wheels which are attached to the sole of the boot or shoe. **In-Line Skate** or **Roller Skate** shall have the corresponding meaning.

1.9 **Multi-Use Trail** – means:

- a. a path, parallel to a Highway that has a paved asphalt surface having a minimum width of 2 metres; or
- b. a path that has a paved asphalt surface and a minimum width of 2 metres.

1.10 **Pedestrian** – means a person afoot, children in wheeled carriages and a person in a wheelchair powered by muscular power or any other kind of power but excludes a person engaged in the activity of In-Line Skating or Roller Skating

1.11 **Police** – means as the context requires:

- a. a police officer employed by the Peterborough Lakefield Community Police Service, or any successor police service thereto; or
 - b. the Peterborough Lakefield Community Police Service, or any successor police service thereto.
- 1.12 **Public Land** – means land or property owned, occupied, managed, maintained or controlled by the Corporation of the City of Peterborough, including a Sidewalk and a Sidewalk Walkway but excluding the traveled portion of a Highway;
- 1.13 **Sidewalk** – means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians and includes a Sidewalk Way.
- 1.14 **Sidewalk Walkway** – means any paved or concrete surface maintained by the City on Public Land which is not adjacent to the traveled portion of a Highway which resembles a Sidewalk and which typically connects a Sidewalk to another Sidewalk or to a Highway.
- 1.15 **Skateboard** – means a conveyance mounted on two or more wheels which are attached to a platform upon which a person stands while propelling oneself. **Skateboarding** shall have the corresponding meaning. If the context requires, **Skateboard** shall also mean the act of **Skateboarding**.
- 1.16 **Traffic Control Device** – means any sign, or roadway, curb or sidewalk markings or other device erected or placed under by the City of Peterborough for the purpose of guiding or directing traffic.
- 1.17 **Traffic Signal** – means any device manually, electrically, or mechanically operated for the regulation of traffic.
- 1.18 **U-Turn** – means
- a. while engaged in the activity of skateboarding, to turn a skateboard within a Highway so as to proceed in the opposite direction; or
 - b. while engaged in the activity of In-line Skating or Roller Skating, to turn, within a Highway, so as to proceed in the opposite direction.
- 1.19 **Vehicle** – means a motor vehicle, motor bus, motor cycle, motorized snow vehicle, trail bike, gas-powered motor-assisted bicycle and any other vehicle or conveyance drawn, propelled or driven by any kind of non-muscular power excluding an E-Bike, Segway or Wheelchair.
- 1.20 **Wheelchair** – means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments.

ARTICLE 2 – PROHIBITIONS

- 2.1 No person shall operate a Vehicle:
- a. in that portion of Bicycle Lane that is separated from the travelled portion of a Highway by a solid-line pavement marking; or
 - b. on any Multi-Use Trail.
- 2.2 No person shall operate an E-Bike or Vehicle on a Sidewalk.

- 2.3 No person shall operate or use a Bicycle, Skateboard, In-Line Skate or Roller Skate on any Sidewalk located Downtown.
- 2.4 No person shall Skateboard, In-Line Skate or Roller Skate on any Highway where the posted speed limit is greater than 50 Kilometres per hour.
- 2.5 No person shall Skateboard, In-Line Skate or Roller Skate in a manner that is contrary to the information conveyed by a Traffic Control Device or a Traffic Signal.
- 2.6 No person shall while Skateboarding, In-Line Skating or Roller Skating perform a U-turn on any Highway.
- 2.7 No person under the age of 18 shall Skateboard, In-Line Skate or Roller Skate without wearing a Helmet.
- 2.8 No person shall Skateboard, In-Line Skate or Roller Skate in or on any Multi-Use Trail, Sidewalk, Sidewalk Walkway or Bicycle Lane, between dusk and dawn, without wearing, front and back:
 - a. lights that are visible at a distance of 200 metres; or
 - b. reflective clothing that is visible at a distance of 200 metres.
- 2.9 No person shall, while Skateboarding, In-Line Skating, Roller Skating, riding a Bicycle or using or operating an E-Bike or a Segway, Fail to Yield to any Pedestrian.
- 2.10 No person shall while Skateboarding, In-Line Skating or Roller Skating interfere with a Vehicle or a Bicycle which is being operated in accordance with the *Highway Traffic Act*.

ARTICLE 3 – PENALTIES

- 3.1 Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the *Provincial Offences Act*:
 - a. Upon a first conviction, to the lesser of \$150 or the then current set fine amount, if any; and
 - b. Upon a second conviction to a fine of more than \$150 but less than \$5,000.
- 3.2 The set fines set out in Schedule “B” shall not be imposed until the amounts of the set fines set out therein have been established by the Regional Senior Justice for the Superior Court of Ontario.

ARTICLE 4 – SCHEDULES

- 4.1 The following schedules form part and parcel of this by-law:
 - a. **Schedule A** – Map of Downtown;
 - b. **Schedule B** – Set Fines; and;
 - c. **Schedule C** – Reference Chart re Permitted and Prohibited Areas of Operation for Bicycles, E-Bikes, In-line Skates, Roller Skates, and Skateboards.

- 4.2 Schedule C is included for administrative and reference purposes only and may be amended or replaced from time-to-time by the City Clerk.

ARTICLE 5 – ENFORCEMENT

- 5.1 This by-law may be enforced by the Police or by a duly appointed Peace Officer or Provincial Offences Officer.

ARTICLE 6 – REFERENCES AND INTERPRETATION OF SCHEDULE A

- 6.1 Any reference to an Act, Regulation or By-law or to any section or article therein includes a reference to amendment thereto or to any Act, Regulation or By-law which replaces the Act, Regulation or By-law referenced herein.
- 6.2 Schedule A shall be interpreted so as to permit persons to operate or use Bicycles, In-line Skates, Roller Skates, and Skateboards on Sidewalks on both sides of the Highways which are appurtenant to the solid black line.

ARTICLE 7 – SHORT TITLE

- 7.1 This by-law may be referred to as the “Active Transportation By-law”.

ARTICLE 8 – REPEAL

- 8.1 By-law 91-71 is hereby repealed in its entirety.
- 8.2 Chapter 729 – Bicycles – Use – On Highways of the Peterborough Municipal Code is hereby repealed in its entirety.
- 8.3 The following articles or sub-articles of By-law 09-164 are hereby deleted: sub-article 1(d) and 1(e) and Article 4. The remainder of By-law 09-164 hereby remains in full force and effect.

ARTICLE 9 – EFFECTIVE DATE

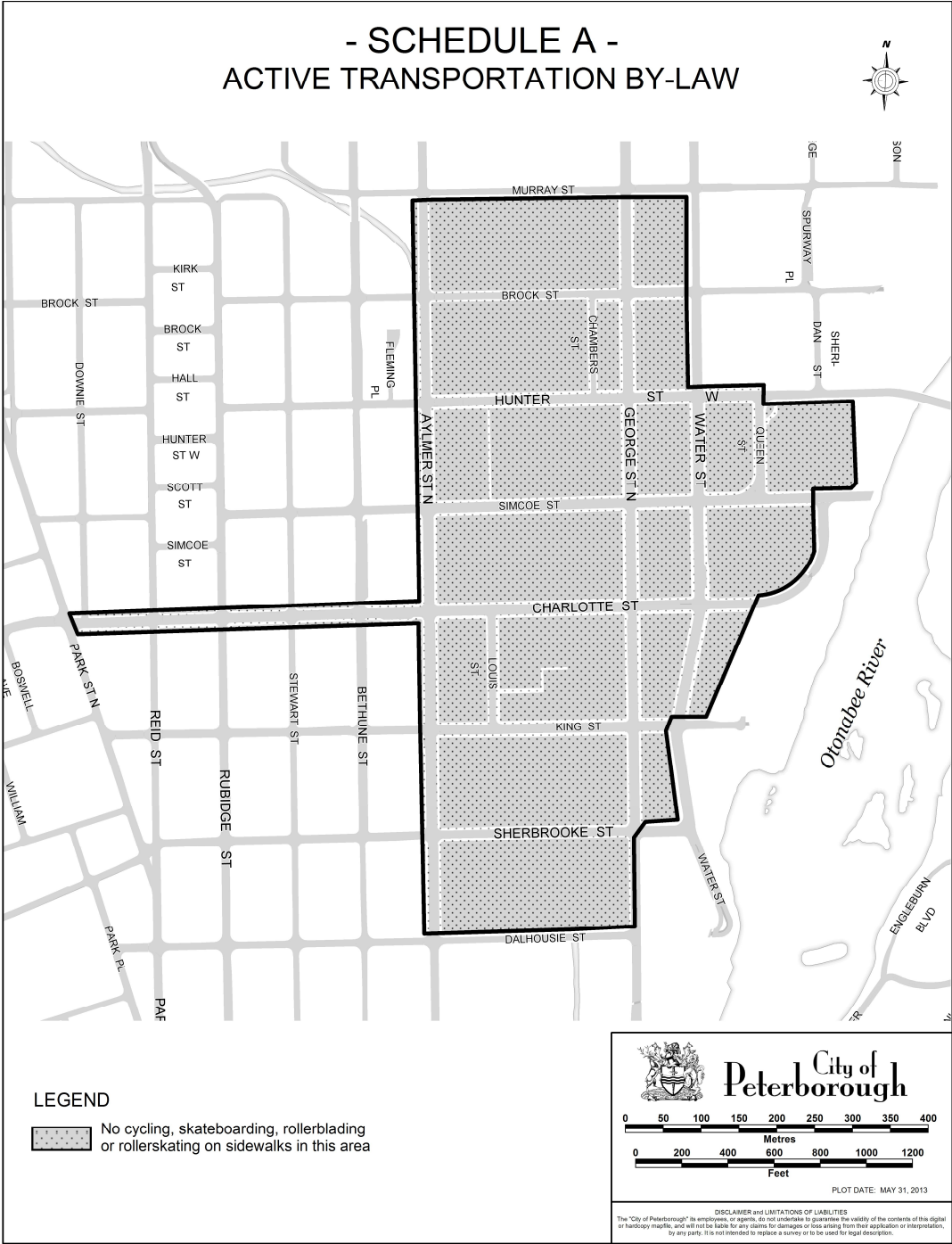
- 9.1 This by-law comes into effect on the date it receives third reading

By-law read a first, second and third time this ____ day of _____, 2013.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Schedule A



Schedule B
Set Fines

Article	Offence	Set Fine
2.1(a)	Did operate a Vehicle in a prohibited portion of a Bicycle Lane	\$110.00
2.1(b)	Did operate a Vehicle on a Multi-Use Trail	\$110.00
2.2	Did operate an E-bike or Vehicle on a Sidewalk	\$110.00
2.3	Did operate or use a Bicycle, Skateboard, In-Line Skates or Roller Skates on a prohibited Sidewalk	\$ 65.00
2.4	Did operate or use a Bicycle, Skateboard, In-Line Skates or Roller Skates on a prohibited Highway	\$110.00
2.5	Did operate or use a Bicycle, Skateboard, In-Line Skates or Roller Skates contrary to a Traffic Control Device or Traffic Signal	\$110.00
2.6	Did perform a U-Turn on a Highway while operating or using a Skateboard, In-Line Skates or Roller Skates	\$110.00
2.7	While under the age of 18, did operate or use a Skateboard, In-Line Skates or Roller Skates without wearing a Helmet	\$ 80.00
2.8(a)	Did between dusk and dawn operate or use a Bicycle, Skateboard, In-Line Skates or Roller Skates without using prescribed lights	\$ 80.00
2.8(b)	Did between dusk and dawn operate or use a Bicycle, Skateboard, In-Line Skates or Roller Skates without wearing prescribed reflective clothing	\$ 80.00
2.9	Did Fail to Yield to a Pedestrian while operating or using a Bicycle, Skateboard, In-Line Skates or Roller Skates	\$180.00
2.10	Did Interfere with a Vehicle or Bicycle being operated in accordance with the Highway Traffic Act while operating or using a Skateboard, In-Line Skates or Roller Skates	\$110.00

Schedule C

Reference Chart re Permitted and Prohibited Areas of Operation
for Bicycles, E-Bikes, In-line Skates, Roller Skates, and Skateboards.

Conveyance Location	Bicycle	E-Bike	In-Line Skates, Roller Skates & Skateboards
Multi-Use Trails	Permitted	Permitted	Permitted
Sidewalk – Outside of Downtown	Permitted	Prohibited	Permitted
Sidewalk – Within Downtown	Prohibited	Prohibited	Prohibited
Bicycle Lane	Permitted	Permitted	Permitted
Roads Where Speed Limit is 50 km/her or less	Permitted	Permitted	Permitted
Roads Where Speed Limit is Greater than 50 km/hr	Permitted	Permitted	Prohibited (unless within a Bicycle Lane)

PLEASE POST YOUR BY-LAW IN THE O:Corporate DIRECTORY 6 DAYS
PRIOR TO THE COUNCIL MEETING (unless it pertains to a “Caucus” item).
THE CLERK’S OFFICE WILL ASSIGN A NUMBER TO YOUR BY-LAW.