

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2013-012

**BEING A BY-LAW TO AMEND BY-LAW NO. 35-96
(BEING A BY-LAW TO REGULATE THE USE OF
PUBLIC PARKS WITHIN THE CITY OF NORTH BAY)**

WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001 c.25 authorizes a municipality to pass by-laws respecting health, safety, and well-being of persons;

AND WHEREAS by Clause No. 1, as amended, of General Government Committee Report No. 2012-05 passed by Council at its Regular Meeting held on Monday, May 14, 2012 Council restricted the use of Power Assisted Bicycles on City and North Bay-Mattawa Conservation trails within the City to pedal mode only.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACT AS FOLLOWS:

1. That Part I of By-law 35-96 is amended to add the following:

- “(t) Power Assisted Bicycle” as defined under the *Highway Traffic Act*, R.S.O. 1990, c.H.8 means a bicycle that,
- (i) is a power-assisted bicycle as defined in subsection 2 (1) of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada),
 - (ii) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (i),
 - (iii) has affixed to it pedals that are operable, and
 - (iv) is capable of being propelled solely by muscular power.”

2. That Part V of this by-law is amended by inserting the following section under a new subheading:

“POWER ASSISTED BICYCLE

- 28.2 (a) No person shall operate a Power Assisted Bicycle on the Kate Pace Way or Kinsman Trail unless they are sixteen (16) years of age or older.
- (b) No person shall operate a Power Assisted Bicycle on the Kate Pace Way or Kinsman Trail unless it is equipped with a bell or horn.
- (c) Every person operating a Power Assisted Bicycle on the Kate Pace Way or Kinsman Trail shall sound its horn whenever it is reasonably necessary to notify pedestrians or others of its approach.
- (d) Every person operating a Power Assisted Bicycle on the Kate Pace Way or Kinsman Trail 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 are not clearly discernible at a distance of 150 metres or

less:

- (i) shall carry a lighted lamp displaying a white or amber light at the front of the Power Assisted Bicycle and a lighted lamp displaying a red light at the rear of the Power Assisted Bicycle; and
 - (ii) the lamps shall be attached to the Power Assisted Bicycle or shall be carried or worn by the operator on his or her person.
- (e) No person under sixteen (16) years of age shall ride on a Power Assisted Bicycle while on the Kate Pace Way or Kinsman Trail unless the person is wearing a helmet that complies with the regulations under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the chin strap of the helmet is securely fastened under the chin.
- (f) No person who is the owner or is in possession or control of a Power Assisted Bicycle shall permit a person under sixteen (16) years of age to ride on the Power Assisted Bicycle while on the Kate Pace Way or Kinsman Trail unless the person is wearing a helmet that complies with the regulations under the *Highway Traffic Act*, R.S.O. 1990, c.H.8 and the chin strap of the helmet is securely fastened under the chin.
- (g) No person shall operate a Power Assisted Bicycle on the Kate Pace Way or Kinsman Trail in any mode other than pedal mode, only."

3. This by-law shall come into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 4TH DAY OF FEBRUARY, 2013.

READ A SECOND TIME IN OPEN COUNCIL THIS 4TH DAY OF FEBRUARY, 2013.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 4TH DAY OF FEBRUARY, 2013.

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MAYOR ALLAN McDONALD

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CITY CLERK CATHERINE CONRAD