

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-165

**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* authorizes a municipality to pass by-laws respecting health, safety, and well-being of persons;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990 requires persons under the age of 18 to wear helmets when operating a bicycle on a highway;

AND WHEREAS by Resolution No. 2010-418 passed by Council at its Regular Meeting held on Monday, June 16th 2010 Council authorized these amendments to By-law 35-96;

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 in the following manner:
 - (a) Section 1 is amended to delete the definition of "Motor Vehicle" and to insert in lieu thereof the following:

"Motor Vehicle" includes a motor vehicle as defined under the *Highway Traffic Act*, R.S.O.1990, as may be amended from time to time, and any snowmobile, go-cart, all-terrain vehicle or similar vehicle propelled or driven by internal combustion, but excludes wheelchair or other similar device (powered or otherwise) used by an individual due to a disability or other conveyance like in nature.
 - (b) Section 1 is amended to add the following:

"Bicycle" means a bicycle as defined under the *Highway Traffic Act*, R.S.O. 1990.

"Kate Pace Way" is the pathway identified as such in Schedule E to this by-law.

"Kinsmen Trail" is the pathway identified as such in Schedule E to this by-law.
2. That Part V of this by-law is amended by inserting the following section under a new subheading:

BICYCLE HELMETS

28.1 (a) No person under 18 years of age shall ride on or operate a bicycle while on the Kate Pace Way or the Kinsmen Trail unless the person is wearing a bicycle 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.

(b) No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to ride on or operate a bicycle on the Kate Pace Way or the Kinsmen Trail unless the person is wearing a bicycle 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.

3. The attached Schedule 'E' is hereby added as a Schedule E to By-Law No. 35-96.
4. This amending by-law shall come into force and effect on August 1, 2010.

READ A FIRST TIME IN OPEN COUNCIL THIS 12th DAY OF JULY, 2010;

READ A SECOND TIME IN OPEN COUNCIL THIS 12th DAY OF JULY, 2010;

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 12th DAY OF JULY, 2010.

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MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD

Schedule E - Map of Kate Pace Way and Kinsmen Trail

