

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2017-146

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

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 Belleville 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;

Now Therefore, The Corporation of the City of Belleville 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 Belleville;
- 1.3 **Bicycle-style E-bike** – means a type of e-bike that resembles a conventional bicycle that meets all the criteria of Ontario Regulation 389/09 and which has a wheel diameter of 66 cm or more and which weighs less than 40 kilograms. An electric bicycle that resembles a conventional bicycle, but which does not meet the criteria set out herein, shall be deemed to be a scooter-style e-bike for the purposes of this By-law.
- 1.4 **Downtown** – means that area of the City of Belleville identified on the map attached as Schedule A;
- 1.5 **Downtown Sidewalk** – means a paved or concrete surface located within the Downtown, between the curb lines or the lateral lines of a roadway and the adjacent property lines and intended for the use of pedestrians and includes a sidewalk walkway.

1.6 **E-bike** – means a 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.

1.7 **Fail to Yield** – means failing:

- a. to give an audible signal to a pedestrian of an intention to pass;
- b. to pass a pedestrian at a slow rate of speed and at a safe distance; or
- c. contravening Section 144(29) of the *Highway Traffic Act*.

1.8 **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.

1.9 **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.

- 1.10 **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.
- 1.11 **Mobility Aid** – means a device used to facilitate the transportation of a person with a disability, such as a wheelchair.
- 1.12 **Multi-Use Trail** – means a path that is intended for use by persons such as cyclists, in-line skaters, pedestrians, roller skaters, skateboarders and which:
- a. is located parallel to a Highway and which has a minimum width of 2 metres; or
 - b. has a minimum width of 2 metres.
- 1.13 **Pedestrian** – means a person afoot, children in wheeled carriages and a person using a mobility aid but excludes a person engaged in the activity of in-line skating or roller skating or skateboarding.
- 1.14 **Police** – means as the context requires:
- a. a police officer employed by the City of Belleville Police Service, or any successor police service thereto; or
 - b. the City of Belleville Police Service, or any successor police service thereto.
- 1.15 **Public Land** – means land or property owned, occupied, managed, maintained or controlled by the Corporation of the City of Belleville, including a sidewalk and a sidewalk walkway but excluding the traveled portion of a Highway;
- 1.16 **Scooter-style E-bike** – means a type of e-bike that is not a bicycle-style e-bike;
- 1.17 **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 is less than 2 metres in width and includes a sidewalk walkway.
- 1.18 **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 is less than 2 metres in width and which typically connects a sidewalk to another sidewalk or to a Highway.
- 1.19 **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**.

- 1.20 **Traffic Control Device** – means any sign, or roadway, curb or sidewalk markings or other device erected or placed under by the City of Belleville for the purpose of guiding or directing traffic.
- 1.21 **Traffic Signal** – means any device manually, electrically, or mechanically operated for the regulation of traffic.
- 1.22 **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.
- 1.23 **Vehicle** – means a motor vehicle, motor cycle, motorized snow vehicle, trail bike, gas motor-assisted bicycle, scooter-style e-bike, bicycle-style e-bike while the motor is engaged, or any other vehicle or conveyance drawn, propelled or driven by any kind of non-muscular power excluding a mobility aid.

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 except for the purpose of:
 - i) loading or unloading of a person with a disability, while actively engaged in doing so;
 - ii) ingress to or egress from a private lane or driveway adjacent to the bicycle lane;
 - iii) making a turn at a highway intersecting the bicycle lane
 - iv) entering or exiting a curb lane used for parking; or
 - b. on any multi-use trail.
- 2.2 No person shall;
- a. operate a vehicle on a sidewalk or on a Downtown sidewalk; or
 - b. pedal an e-bike on a sidewalk or on a Downtown sidewalk.
- 2.3 No person aged 14 and over shall operate a bicycle on any sidewalk.
- 2.4 No person shall operate or use a bicycle, skateboard, in-line skate or roller skate on any Downtown sidewalk.
- 2.5 No person shall skateboard, in-line skate or roller skate on any Highway, except

- in a bicycle lane, unless otherwise indicated.
- 2.6 No person shall skateboard, in-line skate, roller skate or operate a Segway in a manner that is contrary to the information conveyed by a Traffic Control Device or a Traffic Signal.
 - 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, roller skate or operate a Segway 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, riding a bicycle or using or operating an e-bike or a Segway, interfere with a vehicle or a bicycle which is being operated in accordance with the *Highway Traffic Act*.
 - 2.11 Every person bicycling or skateboarding on a sidewalk shall dismount to cross Highway intersections, unless otherwise indicated.
 - 2.12 No person shall leave a bicycle, e-bike or Segway so that it obstructs:
 - a. a vehicle on a Highway;
 - b. a pedestrian on a sidewalk, multi-use trail, driveway, ramp, or building entrance; or
 - c. a parking meter.

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 prohibit persons to operate or use bicycles, in-line skates, roller skates, and skateboards on sidewalks on both sides of the Highways which are adjacent to the solid black line.

Article 7 – Short Title

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

Read a first time this 10th day of July 2017.

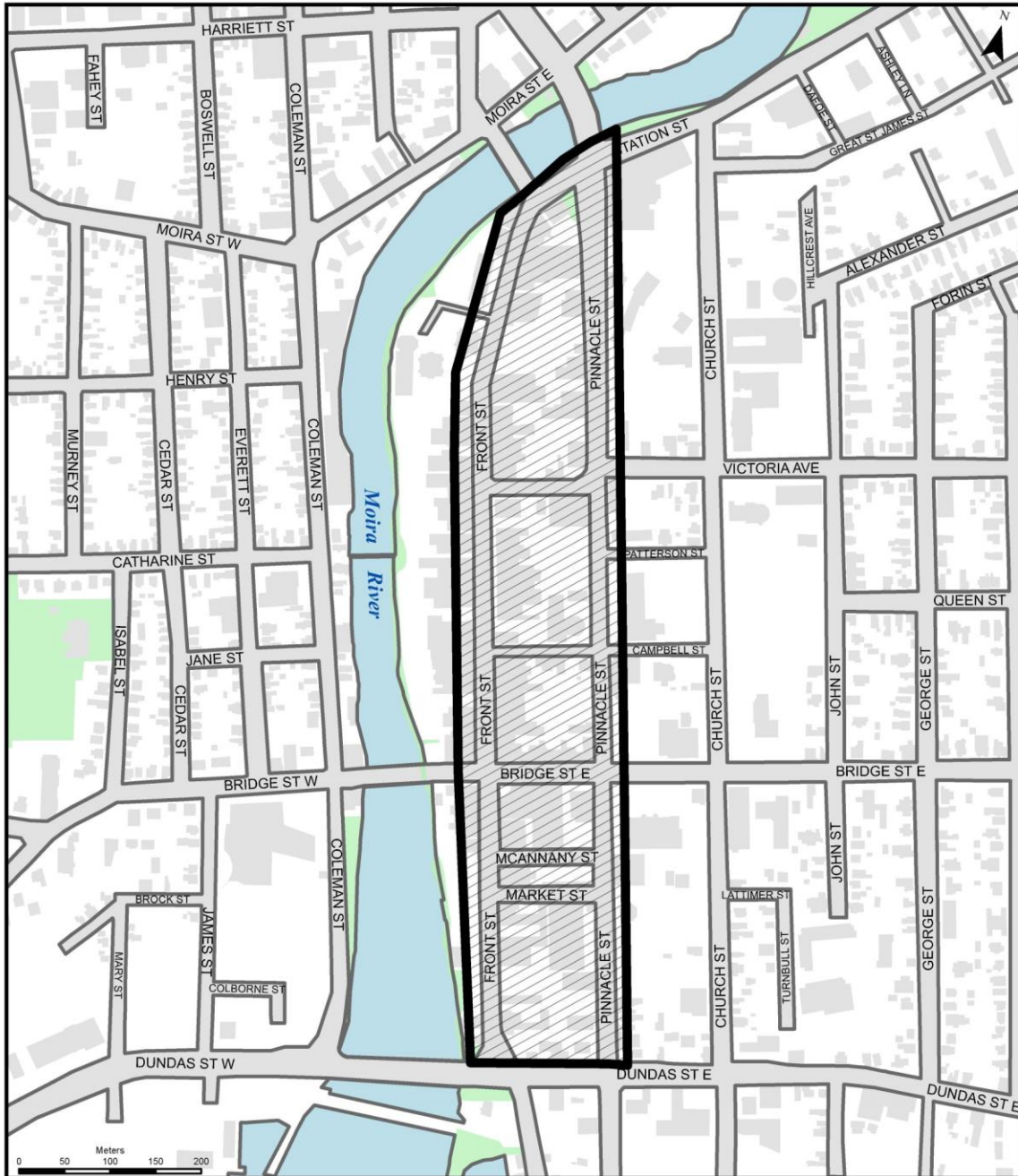
TASO CHRISTOPHER

MAYOR

MATT MACDONALD

CITY CLERK

Schedule A



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SCHEDULE "A" ACTIVE TRANSPORTATION BY-LAW</p>  <p>NO CYCLING, SKATEBOARDING, ROLLERBLADING OR ROLLERSKATING ON SIDEWALKS IN THIS AREA</p> |  <p>CITY OF BELLEVILLE ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT</p> |
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**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(a) | Did operate an e-bike or vehicle on a sidewalk or Downtown sidewalk | \$110.00 |
| 2.2(b) | Did pedal an e-bike on a sidewalk or Downtown sidewalk | \$110.00 |
| 2.3 | While over the age of 14, did operate a bicycle on a sidewalk | \$ 65.00 |
| 2.4 | Did operate or use a bicycle, skateboard, in-line skates or roller skates on a sidewalk in the Downtown | \$ 65.00 |
| 2.5 | Did operate or use a skateboard, in-line skates or roller skates on a prohibited Highway outside of a bicycle lane | \$110.00 |
| 2.6 | Did operate or use a bicycle, skateboard, in-line skates, roller skates or Segway contrary to a traffic control device or traffic signal | \$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, roller skates, or Segway without using prescribed lights | \$ 80.00 |

| | | |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2.8(b) | Did between dusk and dawn operate or use a bicycle, skateboard, in-line skates roller skates, or Segway 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 roller skates, Segway or e-bike | \$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 | \$110.00 |
| | roller skates, Segway or e-bike | |
| 2.11 | In the absence of sign permitting otherwise, did fail to dismount from a bicycle or skateboard when crossing a Highway intersection | \$110.00 |
| 2.12(a) | Did, by leaving a bicycle, e-bike or Segway, obstruct a vehicle on a Highway. | \$110.00 |
| 2.12(b) | Did, by leaving a bicycle, e-bike or Segway, obstruct a pedestrian on a sidewalk, multi-use trail, driveway, ramp, or building entrance | \$65.00 |
| 2.12(c) | Did, by leaving a bicycle e-bike or Segway, obstruct a parking meter. | \$65.00 |

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 | Bicycle-style E-Bikes and Scooter- Style E-Bikes | In-Line Skates, Roller Skates and Skateboards |
|--------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Multi-Use Trails | Allowed | Bicycle-style E-Bikes Allowed (while being pedaled) Scooter-style E-Bikes Prohibited | Allowed |
| Sidewalk – Outside of Downtown* | Prohibited (unless under years of age) | Prohibited | Allowed |
| Downtown Sidewalk* – | Prohibited | Prohibited | Prohibited |
| Bicycle Lane | Allowed | Allowed | Allowed (unless signed otherwise) |
| Roads | Allowed | Allowed | Prohibited (unless within a bicycle lane) |

*The downtown is defined in Schedule A of the Active Transportation By-law.

The following link is provided for your feedback to this DRAFT By-law.
activetransportation2017@city.belleville.on.ca