



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 012-2016

BEING A BY-LAW TO REGULATE THE USE OF SKATEBOARDS, IN-LINE SKATES, ROLLER SKATES, E-BIKES, SEGWAYS, HOVER BOARDS, BICYCLES AND POWER/MOTOR-ASSISTED VEHICLES IN CERTAIN AREAS WITHIN THE TOWN OF COBOURG.

WHEREAS Section 10 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that municipalities may pass by-laws and make regulations for the health, safety and well-being of persons;

AND WHEREAS the Council of the Corporation of the Town of Cobourg deems it necessary to restrict the use of skateboards, in-line skates, roller skates, E-Bikes, bicycles, Segway's and power/motor assisted vehicles on certain public sidewalks and highways within the Town of Cobourg for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

DEFINITIONS

1. In this By-law,

"Bicycle" shall mean a two-wheeled, three-wheeled or four-wheeled conveyance propelled by muscular power and equipped with steering handle bars, pedals, one or two saddles or seats and a braking system but excludes e-bikes and a motor-assisted bicycle;

"Bicycle Path" shall mean 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 Town of Cobourg;

"Council" shall mean the Council for the Corporation of the Town of Cobourg;

"Downtown" shall mean the area of the Town of Cobourg identified on the Map attached as Schedule "B"

"E-Bike" shall mean and contains the following:

- 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 32km/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 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 3km/h.

“highway” includes a common public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle within the Town of Cobourg designated and intended, or used by the general public, for the passage of vehicles and includes the area between the lateral property lines thereof;

“Hover Board” (Self-Balancing Two-Wheeled Board) consisting of two wheels arranged side-by-side, with two small platforms between the wheels, on which the rider stands.

“In-line skate or Roller skate” shall mean 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;

“Intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;

“Mobility Aid” shall mean shall mean a device used to facilitate the transportation of a person with a disability, such as a wheelchair

“motorcycle” shall mean a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle;

“motorized scooter” includes a two-wheeled type skateboard driven by motor power;

“motor vehicle” includes an automobile, a motorcycle, a motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“Pedestrian” shall mean a person on foot or in a wheeled chair or baby carriage;

“Provincial Offences Officer” shall mean a Police Officer (as defined in the Police Services Act), Provincial Offences Officer or By-law Enforcement Officer designated to enforce this By-law;

“Public Land” shall mean land or property owned, occupied, managed, maintained or controlled by the Town of Cobourg, including a Sidewalk and a Sidewalk Walkway but excluding the traveled portion of a Highway;

“Restricted-use Motorcycle” shall mean a vehicle, excluding a power-assisted bicycle, a competition vehicle and a vehicle imported temporarily for special purposes, but including an all-terrain vehicle designed primarily for recreational use, that:

- (a) has steering handlebars,
- (b) is designed to travel on not more than four wheels in contact with the ground,
- (c) does not have as an integral part of the vehicle a structure to enclose the driver and passenger, other than that part of the vehicle forward of the driver’s torso and the seat backrest, and
- (d) bears a label, permanently affixed in a conspicuous location, stating, that the vehicle is a restricted-use motorcycle or an all-terrain vehicle and is not intended for use on public highways.

“Segway” shall mean a two-wheeled motorized personal vehicle consisting of a platform for the feet mounted above an axle and an upright post surmounted by handles.

“Sidewalk” shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway, primarily intended for the use of pedestrians;

“Skateboard” shall mean a conveyance mounted on two or more wheels which are attached to a platform upon which a person stands while propelling oneself.

“street” shall mean a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the Town of Cobourg and this term includes all road works and appurtenance to municipal land;

“wheelchair” shall mean 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.

REGULATIONS

2. No person shall ride, propel or operate a skateboards, in-line skates, roller skates, e-bikes, bicycles, motorized scooter, hover boards segway, restricted-use motorcycle or similar devices upon the following municipally owned public lands and buildings as described in Schedule "B" with the exception of established bicycle paths:
 - a. Market Square;
 - b. Victoria Square;
 - c. Municipal Signed Parking Lots;
 - d. Cobourg Community Centre Entrance Ways;
 - e. Rotary Waterfront Park;
 - f. Cobourg Marina area specifically berths, Centre pier and walkways;
 - g. All Municipal property with Public Buildings.
3. No person shall;
 - a) Operate, ride, and propel, a skateboard, in-line skates, roller skates, e-bike, bicycle, motorized scooter, segway, hover board, or similar devices on any Town of Cobourg Sidewalk.
4. No person shall;
 - a) while using, in-line skates, roller-skates, skateboard, e-bike, bicycle, segway, hover board, or similar devices, interfere with a motor vehicle or a bicycle which is being operated in accordance with the *Highway Traffic Act*.
5. 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, driveway, ramp, or building entrance, or
 - c) a parking meter.
6. While in a park, no person shall:
 - a) Operate, ride and propel a skateboard, in-line skates, roller skates, e-bike, bicycle, motorized scooter, segway, hover board, or similar devices where posted to prohibit or otherwise restrict the use of the same except in areas specifically designated for that purpose;
 - b) Obstruct, endanger or inconvenience other users of the park while operating or utilizing propel a skateboard, in-line skates, roller skates, e-bike, bicycle, motorized scooter, segway, hover board, or similar devices.
 - c) Interfere with pedestrians while operating, riding a skateboard, in-line skates, roller skates, e-bike, bicycle, motorized scooter, segway, hover board, or similar devices on Cobourg Pathways and Footpaths and failing to give way to pedestrians.

EXEMPTIONS

7. Wheelchairs and Mobility Aid's as defined in Section (1) of this By-law and under the *Highway Traffic Act* are exempt from the provisions of this By-law.

AUTHORIZED SIGNS

8. As determined by Municipal Staff, approved regulatory signs shall be posted at various locations on Municipal sidewalks and by other means as may be deemed necessary and determined by the Town of Cobourg.

PENALTY

9. Every person who contravenes a provision of this by-law is guilty of an offence and upon CONVICTION, is liable to the penalties provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as well as subject to the set fines set out herein Schedule "A" of this by-law.
10. This by-law shall come into force and take effect on the date that the Regional Senior Justice of the Ontario Court of Justice approves each set fine as set out in Schedule "A" for offences under this by-law, and in accordance with the *Provincial Offences Act*, R.S.O 1990 CHAPTER P.33

ENFORCEMENT

11. This By-law shall be enforced by Municipal By-law Enforcement Officers and the Cobourg Police or by a duly appointed Peace Officer or a Provincial Offences Officer.

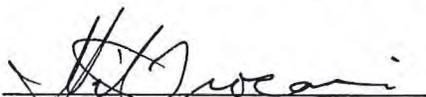
REPEAL

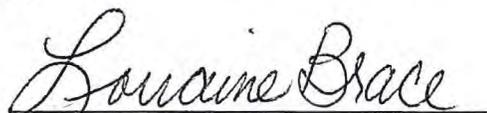
10. By-law No. 005-2012 of the Town of Cobourg is hereby repealed.
11. All By-laws or parts of By-laws of the Corporation of the Town of Cobourg relating to restrictions upon the use of skateboards, in-line skates and bicycles which are inconsistent with this By-law are repealed with the passing of this By-law.

SEVERABILITY

12. If any section or sections of this By-law or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

READ a first, second and third time and finally passed in Open Council this 29th day of February , 2016.


MAYOR


MUNICIPAL CLERK

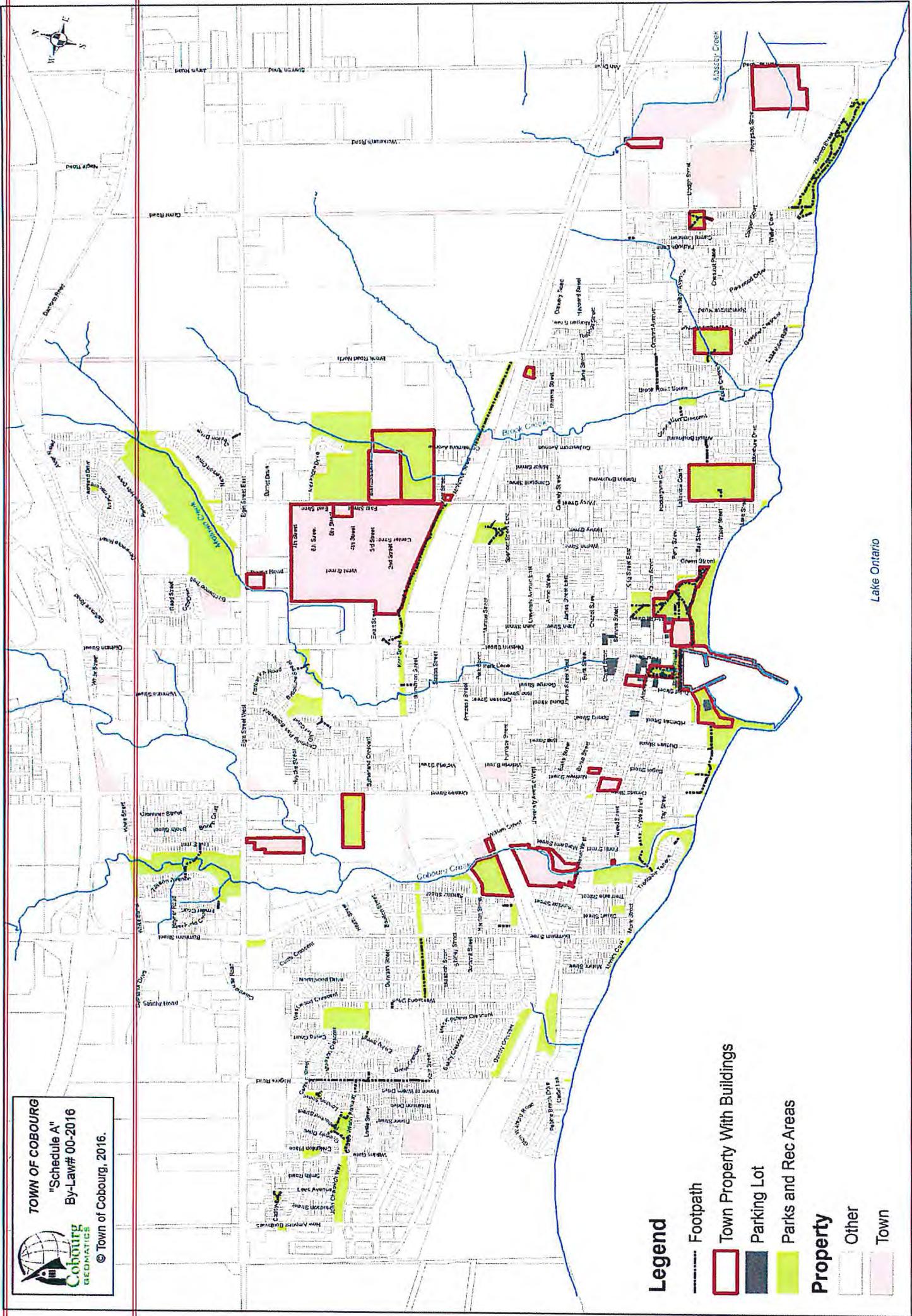
SCHEDULE "A"

**The Corporation of the Town of Cobourg
By-Law No. 012-2016: To Regulate the Use of Skateboards, In-line Skates, Roller Skates, E-Bikes, Segway's, Bicycles, and Power/Motor Assisted Vehicles in Certain Areas within the Town of Cobourg
Part I Provincial Offences Act**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions creating or defining offence	COLUMN 3 Set Fine
1.	Operate device on municipally owned public lands.	Section 2	\$65.00
2.	Use device on municipal sidewalks.	Section 3 (a)	\$65.00
3.	Did while using device interfere with a motor vehicle or a bicycle.	Section 4 (a)	\$105.00
4.	Did by leaving a device obstruct a motor vehicle on a highway.	Section 5 (a)	\$105.00
5.	Did by leaving a device obstruct a pedestrian	Section 5 (b)	\$65.00
6.	Did by leaving a device obstruct a parking meter.	Section 5 (c)	\$65.00
7.	Ride, operate, propel or otherwise use or permit the riding of devices in prohibited areas.	Section 6 (a)	\$65.00
8.	Obstruct, endanger or inconvenience other users of the park while operating/riding a device.	Section 6 (b)	\$65.00
9.	Interfere with pedestrians using Cobourg Pathway, Footbath while operating/riding a device.	Section 6 (c)	\$65.00

NOTE: The general penalty provision for the offences listed above is Section 9 of By-law #012-2016, a certified copy of which has been filed.

Schedule "B"



TOWN OF COBOURG
 "Schedule A"
 By-Law# 00-2016

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7 To Regulate the Use of Skateboards, In-line Skates, Roller Skates, E-Bikes, Segway's, Bicycles, and Power/Motor Assisted Vehicles. By-law No. 012-2016