

CITY OF PRINCE ALBERT BYLAW NO. 12 OF 2021

A Bylaw of The City of Prince Albert to regulate the operation of all bicycles upon or in the streets, sidewalks, trails, shared-use paths, parks, and other public places in the City of Prince Albert.

WHEREAS the Council of The City of Prince Albert deems it wise to regulate the operation of bicycles upon or in the streets, parks, and other public places in the City of Prince Albert;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as "The Bicycle Bylaw."

DEFINITIONS

2. In this Bylaw:
 - (a) "Act" means *The Traffic Safety Act* of the Province of Saskatchewan and all amendments thereto.
 - (b) "bicycle" means any muscular propelled, chain-driven, wheeled device in, on, or by which a person is or may be transported or drawn, including electric bicycles.
 - (c) "bridge" means a structure carrying a road, path or railroad across a canal, river, ravine, road, railroad or other obstacle, and includes an interchange bridge.

- (d) “bylaw enforcement officer” shall mean any person appointed as a bylaw enforcement officer by Council to administer and oversee bylaw enforcement for the City as permitted and authorized by section 337 of *The Cities Act* or pursuant to other legislative authority.
- (e) “curb” means the dividing line between that portion of any street intended for the passage of motor vehicles and that intended primarily for the use of pedestrians, whether marked with any form of curbstone or not.
- (f) “park” means any improved or unimproved lands owned by or subject to the direction and control of the City of Prince Albert and intended for the recreational use and enjoyment of the general public, and without limitation, includes all those areas encompassed by what is commonly known as the Rotary Trail, and as depicted in the attached Schedule “A”.
- (g) “electric bicycle”, also known as an e-bike, is a bicycle with an integrated electric motor used to assist propulsion.
- (h) “motor vehicle” means a vehicle propelled or driven by any means other than muscular power, but does not include bicycles.
- (i) “pedestrian” means any person on foot or in a wheelchair.
- (j) “police officer” means any sworn member of a police force in Saskatchewan, and any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer.
- (k) “power assisted bicycle” means a vehicle that:
 - i. Has steering handlebars and is equipped with pedals;
 - ii. Is designed to travel on not more than three wheels in contact with the ground;
 - iii. Is capable of being propelled by muscular power;
 - iv. has one or more electric motors that have, singly or in combination, the following characteristics:
 - 1. it has a total continuous power output rating, measured at the shaft of each motor, of 500 W or less;

2. if it is engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases;
 3. if it is engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied; and
 4. it is incapable of providing further assistance when the bicycle attains a maximum speed of 32 km/hour on level ground;
- v. 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
- vi. Has one of the following safety features:
1. 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
 2. a mechanism that prevents the motor from being engaged before the bicycle attains a speed of 3 km/hour.
- (l) "shared-use path" means a sidewalk, trail or other path that is:
- i. designated by traffic signs or physically separated from motor vehicle traffic by an open space or barrier;
 - ii. within a street right-of-way or an independent right-of-way; and
 - iii. shared by pedestrians, bicycles and other non-motor vehicles.
- (m) "sidewalk" means that portion of any street intended primarily for use by pedestrians.
- (n) "street" means all or any part of a road allowance, highway, road, lane, bridge, place, alley, square, thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians.

- (o) "Traffic Bylaw" means The Traffic Bylaw, a Bylaw of the City of Prince Albert to regulate vehicular and pedestrian traffic, the use of public streets, and to preserve order thereon.
- (p) "traffic sign" means any sign, signal, marking or other device placed, painted or erected for the guidance, regulation, warning, direction or prohibition of traffic.

APPLICATION

- 3. This Bylaw shall apply to the operation of all bicycles upon or in the sidewalks, streets, parks, shared-use paths and other public places in the City of Prince Albert.

EQUIPMENT

- 4. Brakes
No person shall operate a bicycle unless such bicycle is equipped with a braking mechanism adequate to control the movement of and to stop the bicycle whenever necessary. All such braking mechanisms shall be maintained in efficient working condition at all times.
- 5. Horn or Bell
No person shall operate a bicycle unless such bicycle is equipped with a horn or bell capable of emitting sound audible under normal conditions for a distance of not less than thirty-five (35) metres.
- 6. Lights and Reflective Devices
No person shall operate a bicycle during the period from one half hour after sunset to one half hour before sunrise, or at another time when conditions of poor visibility exist, unless such bicycle is equipped with and displays the following:
 - a. at least 1 (one) headlamp, but not more than two (2) headlamps;
 - b. at least 1 (one) red tail lamp; and
 - c. at least 1 (one) reflector mounted on the rear.

7. Helmets

No person shall operate an electric bicycle or power assisted bicycle without a helmet.

OPERATION

8. A person operating a bicycle has the same duties as a person operating a motor vehicle and shall also comply with the following sections outlined under this "Operation" heading.

9. Position on Street

Every person operating a bicycle shall ride as close as practical to the right-hand curb, except that any such person operating a bicycle may leave the proximity of the right-hand curb when approaching an intersection and indicating an intention to turn by giving the required signal to that effect.

10. Two Abreast

Except as is necessary for the purpose of passing, no person shall operate a bicycle on the left side of any two other bicycles being operated abreast.

11. Stunting

Every person operating a bicycle shall have at least one hand on the handle bars at all times, and no person operating a bicycle shall perform or engage in any acrobatic or other stunt.

12. Passengers

No person shall operate a bicycle while carrying more persons at one time than the number for which it is designed and equipped.

13. Loads

No person shall operate a bicycle while carrying a load which obstructs clear vision in all directions or that the load size or weight hampers the safe operation of the bicycle.

BICYCLE LANES

14. In any location where an exclusive lane for the passage of bicycles has been established and is so designated by traffic signs and/or pavement markings, every person operating a bicycle shall utilize such lane only, except that any such person may depart from the exclusive bicycle lane when approaching an intersection and indicating an intention to turn by giving the required signal to that effect.

SIDEWALKS, TRAILS, SHARED-USE PATHS AND PARKS

15. Comply with Traffic Signs

Every person operating a bicycle shall comply with the directions or regulations contained on any traffic sign.

16. Due Care and Attention

Every person operating a bicycle shall do so with due care and attention and with reasonable consideration for other persons.

17. Yield Right of Way

Every person operating a bicycle shall yield the right of way to any pedestrian therein.

18. Operating on Left Prohibited

Every person operating a bicycle upon any sidewalk, or shared-use path shall, except when overtaking and passing a pedestrian or bicyclist proceeding in the same direction, operate the bicycle to the right of the centre of any such sidewalk, or shared-use path.

19. Passing and Overtaking

Every person operating a bicycle upon any sidewalk, or shared-use path shall sound a horn or bell prior to overtaking and passing any pedestrian or bicyclist proceeding in the same direction upon any such sidewalk, or shared-use path.

20. Rate of Speed

- a. Every person operating a bicycle, electric bicycle or power assisted bicycle shall travel under control and at a reasonable rate of speed having regard to the nature, condition and use of the sidewalk or shared-use path including the amount of pedestrian traffic.

BRIDGES

21. In traversing any bridge, a person operating a bicycle may:

- a. Utilize that portion of the bridge or river crossing as is intended for the passage of motor vehicles; and
- b. Notwithstanding any other provision hereof, utilize the sidewalk portion of any bridge or river crossing.

22. Crossing on Sidewalk

In traversing any bridge or river crossing upon the sidewalk as provided in Section 22(b) of this Bylaw, every person operating a bicycle shall:

- a. Proceed with due care and attention and with reasonable consideration for all pedestrians;
- b. Yield the right of way to all pedestrians; and
- c. Dismount and walk the bicycle when passing a pedestrian proceeding in the same direction upon such sidewalk.

BICYCLE SERIAL NUMBER

23. No person shall alter or remove a serial number from a bicycle.

24. Subject to section 26 of this Bylaw, no person shall possess or operate a bicycle wherein the bicycle serial number has been altered or removed.
25. Officers, municipal employees or agents are permitted to be in possession of a bicycle with a removed or altered serial number for the purposes and intent of seizure and impoundment or otherwise carrying out the purpose and intent of this Bylaw.

SEIZURE AND IMPOUNDMENT

26. Where a police officer finds a person committing a violation under this Bylaw and has reasonable grounds to believe that such violation was willfully committed without regard to public safety, the police officer may seize and/or impound the bicycle.
27. Upon application by the owner for return of the bicycle which was seized pursuant to Sections 26 and 29 and upon three (3) clear days notice to the City, a Justice of the Peace or Provincial Court Judge may make an order:
 - a. Continuing the detention of the bicycle; or
 - b. Releasing the said bicycle on such reasonable conditions as he may deem necessary in the public interest.The Justice of the Peace or Provincial Court Judge may receive and base his decision on evidence considered credible or trustworthy by him in the circumstances of each case.
28. A police officer or bylaw enforcement officer from the City of Prince Albert, may seize, impound and/or sell any bicycle owned by a person against whom a fine or a penalty sum has been imposed and which remains unpaid for a period of sixty (60) days, and in the event of such sale thereof the City may apply the proceeds of sale to the fine or penalty sum and

29. A police officer or bylaw enforcement officer from the City of Prince Albert, may seize, impound and/or sell any bicycle in possession by a person wherein the bicycle serial number has been altered or removed.

OFFENCES AND PENALTIES

30. No person shall contravene any provision of this Bylaw.
31. Except as otherwise provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and, subject to Sections 34 and 41, is liable on summary conviction:
- i. in the case of an individual, to a fine of not more than \$2,000; and
 - ii. in the case of a corporation, to a fine of not more than \$5,000.
32. Any person who is in default of payment of a fine imposed pursuant to this section may be liable to a term of imprisonment not exceeding ninety (90) days.

NOTICE OF VIOLATION

33. Notwithstanding Sections 32 and 33 of this Bylaw, a bylaw enforcement officer or a police officer may, as an alternative to proceeding by way of summary conviction, issue a notice of violation for any contravention(s) of this Bylaw.
34. Subject to Section 36, a notice of violation issued by a bylaw enforcement officer or police officer shall be in a form provided by the City and shall include the designated penalty sum(s) set forth in Schedule B, which designated penalty sum shall, upon service on the person contravening the Bylaw provision, become a debt due and owing the City, which upon payment shall be accepted as an admission of the contravention.

35. If a notice of violation is issued to a person pursuant to Section 34, such person shall pay to the City the penalty sum specified in accordance with this Bylaw within fifteen (15) days of the date the notice of violation is delivered, failing which the penalty sum due and owing shall become the "Late Payment" penalty sum designated in Schedule B.
36. The date of payment shall be determined as follows:
- i. For payment in person, the date of payment shall be the date payment is received by the City;
 - ii. For payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall; or
 - iii. For payment by mail, the date of payment shall be the federal post marked date on the remittance.
37. Subject to Section 41, the City's rights under these Notice of Violation sections of this Bylaw shall be in addition to the City's right to seek other legal remedies or actions for abatement of the contravention.
38. The penalty sum specified in a notice of violation is to be paid:
- i. In person, during regular office hours, to the cashier located at City Hall, Prince Albert, Saskatchewan;
 - ii. By mail addressed to the Office of the City Treasurer, City Hall, Prince Albert Saskatchewan S6V 7P3; or
 - iii. By any other method indicated on the notice of violation.
39. If payment as required under a notice of violation is not paid by the date specified therein, then the penalty sum specified therein shall be enforceable by the City as a debt due to the City.

40. Upon payment of a notice of violation, the person contravening the Bylaw shall not be liable to prosecution for that offence by way of summary conviction.
41. A person to whom a notice of violation is being issued pursuant to these Notice of Violation sections of this Bylaw shall, upon request by the person issuing the notice of violation, provide their name, address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 35 of this Bylaw.

APPLICATION OF THE ACT AND TRAFFIC BYLAW

42. Except to the extent they are inconsistent herewith, the relevant provisions of both the Traffic Bylaw and the *Act* are applicable to the operation of bicycles in the City of Prince Albert.

PARAMOUNTCY

43. In the event of any conflict between the provisions of this Bylaw and those contained in The Recreation Facilities and Parks Bylaw of the City of Prince Albert, and all amendments thereto, the provisions of this Bylaw shall govern and supersede The Recreation Facilities and Parks Bylaw, to the extent of the conflict.

CONSEQUENTIAL AMENDMENTS

44. Bylaw No. 20 of 2001 respecting bicycles is hereby repealed.

COMING INTO FORCE

45. This Bylaw shall come into force and take effect on the 12th day of July, A.D. 2021.

INTRODUCED AND READ A FIRST TIME THIS 12TH DAY OF July ,AD 2021.

READ A SECOND TIME THIS 12TH DAY OF July ,AD 2021.

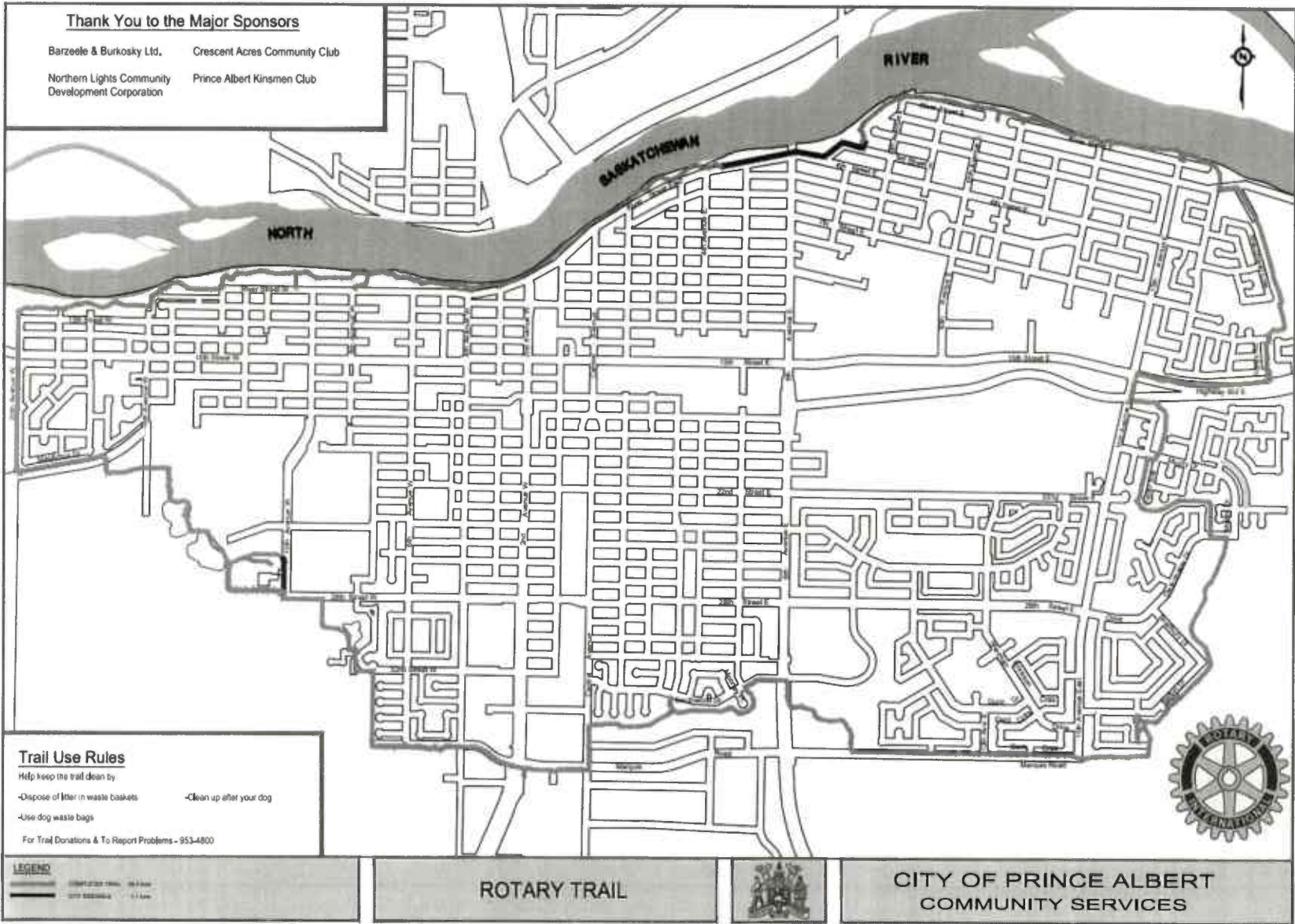
READ A THIRD TIME AND PASSED THIS 12TH DAY OF July ,AD 2021.



MAYOR



CITY CLERK



SCHEDULE "B"

Notice of Violation Penalty Sums

Penalty Sum applicable under Section 34 for contravention of Bylaw:	\$100.00
Late Payment Penalty Sum under Section 35:	\$300.00