

CITY OF PRINCE RUPERT

NON-MOTORIZED WHEELED CONVEYANCE HELMET BYLAW NO. 3343, 2014

A BYLAW TO REGULATE THE WEARING OF HELMETS

WHEREAS pursuant to the *Community Charter*, Council may by Bylaw, regulate all uses of or involving a public place;

AND WHEREAS is it deemed necessary to mandate the use of helmets by users of non-motorized wheeled conveyances;

NOW THEREFORE the Council of the City of Prince Rupert, in an open meeting assembled, enacts as follows:

1. CITATION

This Bylaw shall be cited for all purposes as the “**Non-Motorized Wheeled Conveyance Helmet Bylaw No. 3343, 2014.**”

2. DEFINITIONS

“**Non-motorized wheeled conveyances**” refers to any apparatus with wheels being used for recreational or commuter transportation and includes, but is not limited to the following interpretations:

“**Roller Skates**” meaning any footwear or device which may be attached to the foot or footwear, to which wheels are attached and such wheels may be used by the wearer for moving or propulsion, including but not limited to in-line skates.

“**Scooter**” meaning a vehicle consisting of a long footboard between between one or two end wheels, controlled by an upright steering handle attached to the front wheel.

“**Skateboard**” means all wheeled objects, coasters, toys, conveyances, longboards, or similar devices used for transportation or sport which are propelled by human power.

“**City**” means the Corporation of the City of Prince Rupert.

“**Director of Recreation and Community Services**” means the Director Recreation and Community Services of the City or Prince Rupert or an authorized representative thereof.

“**Helmet**” means a protective device intended to be worn on the head that must:

- be certified and approved for the appropriate sport or purpose;
- have a smooth, rigid and durable outer surface;
- be constructed so that the helmet is capable of absorbing energy on impact;
- be firmly attached to a strap designed to be fastened under the chin of the person wearing it; and,
- be undamaged from use or misuse.

“**Municipal Ticket Information Bylaw**” means the "City of Prince Rupert Ticket Information Bylaw No. 2783, 1992".

“Peace Officer” means an Officer of the R.C.M.P. or a City of Prince Rupert Bylaw Officer.

“R.C.M.P.” means any member of the Royal Canadian Mounted Police.

“Ticket Information” means municipal ticket information issued in accordance with the City or Prince Rupert Ticket Information Bylaw No. 2783, 1992.

3. ADMINISTRATION

3.1 The Director of Parks, Recreation and Culture or his designate is appointed to administer and enforce all sections of this Bylaw.

3.2 A Peace Officer may enforce all sections of this Bylaw.

4. OFFENCES

4.1 A person commits an offence if that person uses a Non-motorized wheeled conveyance and is not wearing a Helmet.

4.2 A parent or guardian of a person under the age of 16 years commits an offence if the parent or guardian authorizes or knowingly permits the person to not wear a Helmet.

4.3 The following persons are exempt from the requirement to wear a Helmet:

- a)** a person for whom the wearing of a Helmet would interfere with an essential religious practice; or,
- b)** a person who is in possession of, and produces on request, a valid and subsisting certificate issued by a medical practitioner certifying that the person is, for the period stated in the certificate, unable for medical reasons to wear a Helmet.

5. PENALTY

5.1 Every person who violates any of the provisions of this Bylaw or neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed.

5.2 A person who contravenes any provision of this Bylaw for which no other penalty has been provided under this Bylaw, is guilty of an offence punishable on summary conviction and is liable to a fine of \$35.00 on the first offence, the first offence fine shall be waived if a receipt is provided proving purchase of a helmet within seven (7) days of the fine being issued. For the second offence a \$70.00 fine will be issued, and on the third offence the non-motorized wheeled conveyance will be confiscated.

5.3 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

5.4 In addition to any other penalty, the Director of Recreation and Community Services or their designate, or a Peace Officer may issue Ticket Information(s) upon a person for a violation of this Bylaw.

6. SEVERABILITY

6.1 If any section, subsection, clause, sentence or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remaining portion of this Bylaw.

7. COMING INTO FORCE

7.1 This Bylaw shall come into full force and effect upon the final passing thereof.

8. DESIGNATION BY BYLAW

8.1 This Bylaw is designated as a Bylaw that may be enforced by means of a Municipal Ticket Information under the *Community Charter* or a Bylaw Notice under the *Local Government Act Bylaw Notice Enforcement Act*.

READ A FIRST TIME this 11th day of February, 2014.

READ A SECOND TIME this 11th day of February, 2014.

READ A THIRD TIME this 24th day of February, 2014.

FINALLY CONSIDERED AND ADOPTED this 10th day of March, 2014.

Mayor

Corporate Administrator