

BY-LAW NO. 22-03
A BY-LAW TO REGULATE THE USE OF NON-VEHICULAR
TRANSPORTATION WITHIN THE TOWN OF SAINT ANDREWS

WHEREAS the Town of Saint Andrews deems it to be expedient for the peace, order, and good government of the Town to regulate and control the use of non-vehicular transportation in the Town for bicycles, inline skates, quad skates, scooters, or skateboards, electric or person powered, are to be allowed.

WHEREAS subject to the *Motor Vehicle Act* and the *Local Governance Act* authorizes municipalities to make By-Laws with respect to such powers and services carried or provided under the *Local Governance Act*.

AND WHEREAS the Town Council is concerned about pedestrian safety and the protection of property.

THEREFORE, BE IT ENACTED by the Town Council of the Town of Saint Andrews, a By-Law, as follows:

1.0 DEFINITIONS

1.1 Bicycle

means a two or three-wheeled steerable machine that is pedaled by the rider's feet. A standard bicycle has wheels mounted in-line in a metal frame, with the front wheel held in a rotatable fork. The rider sits on a saddle and steers by leaning and turning handlebars that are attached to the fork. Feet turn pedals attached to cranks and a chain wheel.

1.2 Bicycle Electric (e-bike)

means a motorized bicycle with an integrated electric motor used to assist propulsion. Generally, fall into two categories, bikes that assist the rider's pedal power and bikes that add a throttle, integrated moped-style functionality. Both retain the ability to be pedaled by the rider and are therefore not classified as electric motorcycles. Electric bikes use rechargeable batteries and typically travel at speeds up to 45 km/hour.

- 1.3 Inline Skates/Rollerblades means a type of roller skate used for inline skating. Unlike quad skates, which have two front and two rear wheels, inline skates typically have two to five wheels arranged in a single line. Some, especially those for recreation, have a rubber “stop or brake” block attached to the rear of one or occasionally both skates so that the skater can slow down or stop by leaning back on the foot with a brake skate.
- 1.4 Pedestrian means a person on foot, in a wheelchair, on a play vehicle (child toy car or other), or in a baby carriage.
- 1.5 Quad Skate means four-wheeled roller skates that have two wheels in the front and two in the back on each skate. Features include a rubber break, or toe stop, in the front that makes for an easy, quick stop. Quad skates have a larger footprint than inline skates which increases stability.
- 1.6 Scooter means a vehicle typically ridden for recreation or transport, consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.
- 1.7 Scooter Electric means a personal device with no more than three wheels that have handlebars, is designed to be stood upon by the operator and is powered by an electric motor that can propel the device with or without human propulsion at a speed of no more than 35 km per hour on a paved level surface.
- 1.8 Scooter Mobility means a vehicle ridden while seated that usually has three or four wheels, is typically propelled by an electric motor and is used by those with impaired mobility.
- 1.9 Sidewalk means the portion of a highway or street between the curb lines and the lateral lines of a roadway, and the adjacent lines set apart for the use of pedestrians and include any part of a highway or street set apart or marked as being for the exclusive use of pedestrians.

- 1.10 Skateboard means a short narrow board with two small wheels fixed to the bottom of either end, on which (as a recreation or sport) a person can ride in a standing or crouched position, propelling themselves by occasionally pushing one foot against the ground.
- 1.11 Skateboard Electric means personal transport based on a skateboard. The speed is controlled by a hand-held throttle or weight-shifting and the direction of travel is adjusted by tilting the board to one side or the other.
- 1.12 Skate Park means the Skateboard Park located at the Community Youth Activity Centre located behind the W.C. O'Neil Arena Complex at 24 Reed Avenue.
- 1.13 Street Means the entire width between the boundary lines of every public street, road, highway, lane, alley, square, Town-owned lot of land, park, all parking lots, school entrances or exits, or place where any part thereof is used by the public for the passage of vehicles and includes bridges thereon.
- 1.14 Trail means any trail that is used for self-powered use, such as walking, bicycling, skateboarding, or electric-powered use, such as e-bikes, which includes but is not limited to the Van Horne Trail System and Coastal Link Trail in Saint Andrews. Trails can be on-road typically with paved road surfaces and are located along major highways or other secondary highways. Off-road trails can be paved, gravel, or natural or unpaved surfaces. Trails in Saint Andrews are multi-purpose non-gas motorized trails.

2.0 NON-VEHICLE TRANSPORTATION

- 2.1 Every person who is riding or operating a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, shall at all times:
- 2.1.1 Exercise due care and attention to their safety and the safety of others.
 - 2.1.2 Travel in a manner and at a speed appropriate to the surface being travelled upon.

2.2 No person shall ride or operate a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, in such a manner to cause any damage to public or private property.

2.3 Any person riding or operating a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, shall:

2.3.1 At all times between dusk and dawn wear reflective materials so that they are clearly visible from both the front and back of the person.

2.3.2 Travel in a straight line as close as is practicable to the right-hand side of the street.

2.3.3 At all times yield the right-of-way to pedestrians.

2.4 While riding or operating a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, on any street or trail within the Town of Saint Andrews no person shall:

2.4.1 Valt from a ramp or other object.

2.4.2 Use any object to move over, under, on, in, or around with a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, for a recreational purpose.

2.4.3 Dismount from a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, in an unsafe manner.

2.4.4 Ride or operate a bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered, in such a manner as to permit it or cause it to leave the ground.

2.4.5 Move erratically from side to side.

2.4.6 Race.

2.4.7 Slide their bicycle, inline skates, quad skates, scooters, or skateboards, electric or person powered.

3.0 ADMINISTRATIVE PENALTY

3.1 Any person who violates Section 2 of this By-Law is guilty of an offence and liable to a fine not to exceed the maximum fine that may be imposed for the

commission of an offence punishable under Part II of the Provincial Offences Procedures Act as a Category C offence.

3.2 A person charged with an offence under Section 2 of this By-Law may, on or before the date that a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$50.00 to the Town of Saint Andrews as follows:

3.2.1 In person at the Town of Saint Andrews Office, 212 Water Street, Saint Andrews, New Brunswick. E5B 1B5, Monday – Friday, 8:30 a.m. – 4:30 p.m.

3.2.2 By mail to Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick. E5B 1B4

3.3 At the time of payment for the ticket, the ticket or ticket number shall be surrendered to the Town and such payment shall be deemed payment in full.

4.0 REPEAL PROVISION

4.1 By-Law No. 01-5, A By-Law to Regulate the Use of Skateboards, Scooters, and Inline Skates within the Town of Saint Andrews and amendments thereto, given the third reading on August 7, 2001, is hereby repealed.

4.2 The repeal of By-Law No. 01-5, A By-Law to Regulate the Use of Skateboards, Scooters, and Inline Skates within the Town of Saint Andrews shall not affect any penalty, forfeiture, or liability, incurred before such repeal or any proceedings for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

This By-Law comes into force on the date of final passing thereof.

Read the First Time this 16th day of May, 2022

Public Hearing of Objections this _____ day of _____, 20____

Read the Second Time this _____ day of _____, 20____

Read a Third and Final Time this _____ day of _____, 20____

Brad Henderson, Mayor

Paul Nopper, Clerk – Senior Administrator