



By-law No. 2003-126

“A By-law Providing for the Regulation and the Use of Helmets for Persons Using Skateboards, Scooters and Rollerblades in City Parks”

**Originally Passed and Enacted August 11, 2003**

<b>Amended by By-law:</b>	<b>Passed On:</b>
Not Amended	

**Consolidated Version**  
*Revised and Verified February 7, 2014*

*Consolidated for Convenience Only*

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**BY-LAW NO. 2003 - 126**

**THE CORPORATION OF THE CITY OF OWEN SOUND**

**A BY-LAW PROVIDING FOR THE REGULATION AND THE USE OF HELMETS FOR PERSONS USING SKATEBOARDS, SCOOTERS AND ROLLERBLADES IN CITY PARKS**

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 11, establishes spheres of jurisdictions for culture, parks, recreation and heritage; and

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 130, allows municipalities to regulate matters related to the health, safety and well being of the inhabitants of the municipality; and

WHEREAS City Council deems it desirable to promote safety by establishing a By-law requiring the use of helmets for persons using skateboards, scooters and rollerblades in City Parks; and

WHEREAS City Council deems it appropriate to enact such a By-Law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

**Section 1 - SHORT TITLE**

1. This By-law shall be cited as the City of Owen Sound Helmet Use By-law.

**Section 2 - DEFINITIONS**

- 2 In this By-law, the following definitions shall apply:
  - 2.1 **“Helmet”** shall mean a protective device for the head that complies with Ontario Regulation 610 Safety Helmets as set out in the Highway Traffic Act, R.R.O. 1990 or subsequent legislation or regulation affecting bicycle helmet criteria.
    - 2.1.1 The helmet shall have a smooth outer surface constructed so that the helmet is capable of absorbing energy on impact and be strongly attached to a strap designed to be fastened under the chin of the wearer and is undamaged from use or misuse.
  - 2.2 **“Park”** is defined as any open space, playground or other lands used for passive or active recreational purposes leased, owned and/or operated by the Corporation of the City of Owen Sound.

**Section 3 - HELMETS, SELF-PROPELLED VEHICLE**

- 3.1 No person under 18 years of age shall ride on or operate a bicycle, scooter, skateboard or other self-propelled vehicle within any Park unless the person is wearing a bicycle helmet that complies with applicable regulations and standards as defined under the Highway Traffic Act, R.R.O. 1990, Regulation 610 as amended.

**Duty of Parent or Guardian**

- 3.2. No parent or guardian of a person under 16 years of age shall authorize or knowingly permit that person to ride on or operate a bicycle, scooter, skateboard or other self-propelled vehicle within any Park unless the person is wearing a bicycle helmet as required by subsection 3.1.

**Section 4 - HELMET, ROLLER BLADES**

- 4.1 No person under 18 years of age shall rollerblade or rollerskate within any Park unless the person is wearing a bicycle helmet that complies with applicable regulations and standards as defined under the Highway Traffic Act, R.R.O. 1990, Regulation 610 as amended.

**Duty of Parent or Guardian**

- 4.2 No parent or guardian of a person under 16 years of age shall authorize or knowingly permit that person to roller-blade or roller-skate within any Park unless the person is wearing a bicycle helmet as required by subsection 4.1.

**Section 5 - HELMET REQUIREMENTS**

- 5.1 The helmet referred to in Section 3.1 and Section 4.1 of this By-law shall conform to the requirements of one or more of the following standards:
- 5.1.1 Canadian Standards Association CAN/CSA D113.2-M89 (Cycling Helmets) or any amended version of it.
  - 5.1.2 Snell Memorial Foundation B-95 (1995 Standard for Protective Headgear for Use with Bicycles) or any amended version of it.
  - 5.1.3 Snell Memorial Foundation B-90 (1990 Standard for Protective Headgear for Use in Bicycling) or any amended version of it.
  - 5.1.4 Snell Memorial Foundation B-90S (1994 Supplementary Standard for Protective Headgear for Use with Bicycles) or any amended version of it.
  - 5.1.5 American National Standards Institute ANSI Z90.4-1984 (American National Standard for Protective Headgear for Bicyclists) or any amended version of it.
  - 5.1.6 American Society for Testing and Materials ASTM F1447-94 (Standard Specification for Protective Headgear Used in Bicycling) or any amended version of it.
  - 5.1.7 British Standards Institute BS 6863:1989 (British Standard Specification for Pedal Cyclists' Helmets) or any amended version of it.
  - 5.1.8 Standards Association of Australia AS 2063.2-1990 (part 2: Helmets for Pedal Cyclists) or any amended version of it.
  - 5.1.8 Snell Memorial Foundation N-94 (1994 Standard for Protective Headgear: for Use in Non-Motorized Sports)
- 5.2 The helmet shall bear the mark of the standards authority or the mark of the manufacturer showing that the helmet meets the prescribed standard.
- 5.3 A reference in Sections 3.1, 4.1 and 5.1 to an amended version of a standard includes any amendments made to the standard after the coming into force of this Regulation.
- 5.4 If the Regulations of the Province of Ontario found in the Highway Traffic Act or a successor Statute dealing with bicycle helmets are revised in the future, the criteria for bicycle helmets found in the revised Regulation will apply to this By-law.

**Section 6 - REQUIREMENT TO PROVIDE IDENTIFICATION**

- 6.1 A By-law Enforcement Officer or Police Officer who finds any person contravening subsection 3.1 or 4.1 may require that person to stop and to provide identification of himself or herself.
- 6.2 Every person who is required to stop by a By-law Enforcement Officer or Police Officer acting under subsection 5.1 shall stop and identify himself or herself to the By-law Enforcement Officer or Police Officer.
- 6.3 For the purposes of this section, giving one's correct name and address is sufficient identification.

**Section 7 - PENALTY**

- 7 Any person who contravenes the provisions of this By-law is guilty of an offence and upon conviction therefor is subject to the penalty set out in the Provincial Offences Act.

**Section 8 - VALIDITY**

- 8 Should any section, subsection, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the parts so declared to be invalid.

**Section 9 - EFFECTIVE DATE**

- 9 This By-law shall come into full force and effect on the date of the final passing thereof.

**Section 10 - HEADINGS**

- 10. The headings contained in this By-law are for illustration purposes only.

FINALLY PASSED AND ENACTED this 11<sup>th</sup> day of August, 2003.

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*Signature on File*  
Mayor

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*Signature on File*  
Clerk