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THE CORPORATION OF THE CITY OF PENTICTON

SKATEBOARD PARK HELMET BYLAW NO. 2010-42

Consolidated for convenience only.

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW NO. 2010-42

A BYLAW OF THE CORPORATION OF THE
CITY OF PENTICTON TO REGULATE
THE WEARING OF HELMETS IN SKATEBOARD PARKS

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 the City's skateboard parks;

NOW THEREFORE the Municipal Council of the Corporation of the City of Penticton in open meeting assembled ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited for all purposes as "The City of Penticton Skateboard Park Helmet Bylaw No. 2010-42 (2010).

2. DEFINITIONS

"Bicycle" means a device propelled by human power upon which any person may ride, consisting of a light frame mounted on two wire-spoked wheels one behind the other and having a seat, handlebars for steering, brakes, and two pedals or a small motor by which it is driven.

"City" means the Corporation of the City of Penticton.

"Director of Parks, Recreation and Culture" means the Director of Parks, Recreation and Culture of the City or an authorized representative thereof.

"Helmet" means a protective device intended to be worn on the head that must: (2010-51)

- be certified and approved for the appropriate sport;
- 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“Municipal Ticket Information Bylaw” means the City Ticket Information Bylaw No. 97-24 (1997) as amended or repealed.

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

“Roller Skates” means 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” means a vehicle consisting of a long footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel.

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

“Skateboard Park” means an indoor or outdoor City facility specifically designed and constructed to support skateboard, roller skate, bicycle and scooter activities in a recreational environment, and which is identified by a civic signage posted at the facility.

“Ticket Information” means municipal ticket information issued in accordance with the City Municipal Ticket Information Bylaw.

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 An officer of the R.C.M.P. may enforce all sections of this Bylaw.

4. OFFENCES

4.1 A person commits an offence if that person uses the Skateboard Park with a Skateboard, Roller Skates, Bicycle or Scooter 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 use the Skateboard Park if that person is not wearing 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 \$29.00
- 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 Parks, Recreation and Culture or their designate, and the R.C.M.P. 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 28th day of April, 2010
READ A SECOND time this 28th day of April, 2010
READ A THIRD time this 28th day of April, 2010
RECONSIDERED, FINALLY PASSED AND ADOPTED
this 3rd day of May, 2010.

Dan Ashton, Mayor

Cathy Ingram, City Clerk

Certified a true copy of Bylaw No. 2010-42
as adopted

Cathy Ingram, City Clerk