

Municipal Bicycle Bylaw Development Guide

Developed and Produced by



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INTRODUCTION

The Saskatchewan Coalition on Bicycle Safety began its work in 1991 to reduce the number and severity of bicycle-related injuries in Saskatchewan. The Coalition's work has revolved around two main strategies:

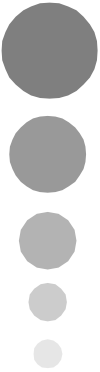
- Educating the public on bicycle-related injuries and how they can be prevented; and
- Advocating for more comprehensive bicycle legislation in Saskatchewan, including mandating bicycle helmet use for all cyclists.

This guide has been developed to challenge policymakers, and the public of Saskatchewan to reconfirm the importance of protecting the safety of all cyclists. Current Saskatchewan legislation at community and provincial levels does not adequately address all aspects of safe cycling behaviour. While comprehensive, provincial-wide bicycle legislation is the long-term goal of the Saskatchewan Coalition on Bicycle Safety, the Coalition also advocates for Saskatchewan's municipalities to implement comprehensive bicycle bylaws, which recognize bicycles as vehicles and outline the "rules of the road" cyclists must follow.

The purpose of this guide is to encourage Saskatchewan's communities to develop and implement comprehensive bicycle bylaws by providing background information on why legislation is a successful strategy in reducing bicycle-related injury and presenting a framework for communities who want to improve their current bicycle bylaw.

The Saskatchewan Coalition on Bicycle Safety believes that the province of Saskatchewan will one day have comprehensive, universal legislation that addresses all aspects of bicycle safety. In the meantime, the Coalition will work with and support the creation of effective bicycle bylaws at the municipal level, one community at a time.

Although legislation is a very effective strategy in reducing bicycle-related injuries, it does take time and effort to achieve. Working to improve local bicycle bylaws can be likened to a bicycle marathon – success will be achieved with a strong start, a good pace, and motivation to finish the race.



THE STARTING LINE

BICYCLE-RELATED INJURY IN SASKATCHEWAN

Cycling is a popular recreational activity among all ages and is a great source of exercise. However, cycling is not without its hazards. In 1995 alone, over 2,500 cyclists were hospitalized due to injury and 16 cyclists died in Canada (SMARTRISK, 1998). Among Saskatchewan children and youth under the age of 20 years, there were over 1,500 cycling-related hospitalizations and 13 deaths during the ten-year period from 1989 to 1999 (Saskatchewan Institute on Prevention of Handicaps, 2001).

Not only do cycling-related injuries exact a huge toll in terms of physical and mental disability, pain and suffering, and diminished quality of life, Canadians also bear a significant financial burden due to cycling-related injuries. The total economic cost of cycling-related injuries, including direct medical costs, exceeds \$195 million per year in Canada (SMARTRISK, 1998).

EDUCATION ALONE IS NOT THE ANSWER

Research shows that education alone is not necessarily the most effective strategy in encouraging safe cycling behaviour. Although education is the most commonly used strategy to reduce injury among cyclists, evaluations of bicycle education campaigns show how difficult it is to change behaviour among cyclists solely through educational efforts

The most effective educational and other voluntary programs appear to plateau at around 50 per cent helmet use. The reason for this is that education requires an active, voluntary behaviour change on the part of the cyclist.

LEGISLATION WORKS

Educational efforts alone do not result in universal safe cycling practices, therefore multifaceted programs comprised of legislation, education and

enforcement are needed. The most effective safe cycling promotion programs involve legislation mandating safe cycling behaviour, including helmet use.

Several studies have been conducted in communities that have implemented comprehensive bicycle legislation. These studies include:

- during the first year of legislation in Victoria, Australia, head injuries among cyclists declined by 51 per cent (Cameron et al., 1994)
- in both Georgia and Oregon, helmet use nearly doubled after a mandatory helmet law was adopted (Hatziandreu et al., 1995)
- helmet use increased by 52 per cent after a 1996 law in British Columbia required helmets for cyclists of all ages (Foss et al., 2000)

With any change to legislation, education is a vital component. Prior to making any changes to the existing bylaw, people must be educated on why they must change their behaviour to comply with the new bylaw.

LEGAL FACTS ABOUT BICYCLING IN SASKATCHEWAN

There are two level of legislation that pertain to cyclists: provincial and municipal.

Province-Wide Rules of the Road

A bicycle is a vehicle under the *Highway Traffic Act*. Under that Act, a vehicle is defined as “*a device in, on or by which a person or thing is or may be transported or drawn on a highway...*”.

The rules of the road require that cyclists:

- stop at stop signs and red lights;
- yield when necessary;
- make proper turns and use hand signals to indicate the intent to turn;
- ride with due care and attention and be considerate of other persons when using the roads;
- do not perform stunts; and
- yield to pedestrians in crosswalks.

Bicycle Bylaws: Biking Rules in Your Area

In addition to provincial rules of the road, many municipalities have bicycle bylaws.

Municipalities have the power to pass a bylaw on bicycles under the Urban Municipalities Act. Specifically, the Act (Section 161.1) states the following:

“A council may, by bylaw:

- a. regulate the operation of bicycles within the urban municipality;
- b. specify bicycle safety standards within the urban municipality; and
- c. regulate the use of bicycle helmets within the urban municipality.”

In a municipality with a bicycle bylaw, the police and/or bylaw control officers enforce the bylaw. The amount of the fine for a bicycle bylaw infraction is different in individual communities.

YOUR COMMUNITY’S BYLAW - DOES IT NEED CHANGING?

A community may look at changing municipal law when reacting to a cycling-related injury or death. In other instances, a community may be proactive and see the need to implement change to prevent injuries from occurring in the first place.

Your community may have a bicycle bylaw already in place. Check with your city hall, town hall or municipal office to find out what bicycle bylaws apply in your area.

The decision on whether your community’s bylaw needs improving depends on the existing bylaw, assuming a bylaw exists, and the information you uncover. The following sections outline the steps involved in working to create, or enhance, your local bicycle bylaw.



THE PATH TO SAFETY

Once the decision to create a bicycle bylaw, or to work on improving the current bylaw, has been made it is time to move forward by forming a group of interested citizens, develop a plan of action, and start advocating.

COALITION BUILDING

The first step is forming a coalition with representatives from key organizations and other interested individuals who would like to see a more comprehensive local bicycle bylaw. The representatives could be from local schools, parent-teacher associations, recreation groups, law enforcement, health district, the fire department or other interested parties.

A Coalition should have the following:

- defined and collective mission
- strong leadership
- process for decision-making
- large number of supporters
- sufficient resources (volunteers, political know-how, connections)
- flexibility (take advantage of opportunities; deal with setbacks)

INFORMATION GATHERING: A CRUCIAL STAGE

The information gathering stage is crucial because it helps your Coalition determine the position to take on the issue of a bicycle bylaw, set goals and objectives, and the strategy that would be best to use. There are three major steps in the information gathering process:

1. Researching the Issue

To determine the appropriate strategy, it is important to know the level of community awareness and support for the need of a comprehensive bicycle bylaw. This position needs to be clearly understood by the individuals who will be doing the lobbying.

The Coalition will need to know:

- aspects of bicycle legislation
- bicycle-related injury statistics (who is being injured, how many)
- financial cost of action
- broad effects of the coalition's proposal (positive and negative)
- how bicycle bylaws have been addressed in other communities
- priority of bicycle safety with respect to other issues
- competition for government and media attention
- long and short term goals of the coalition

2. Identifying and Understanding the Stakeholders

Stakeholders are those individuals or groups who have an interest or stake in the passing of a bicycle bylaw. Understanding who the stakeholders are and what influence they will have on the Coalition's position is critical in determining an effective strategy. Stakeholders include the following:

- Advocates – those who take a leadership role in taking action on the issue (often the Coalition's membership) and in some communities may be one or two people
- Supporters – those who will agree with your position
- Decision-Makers – those who have the power to take action on the issue (i.e., elected representatives)
- Influencers – those who have influence on decision-makers and on the decision-making process (i.e., the media)
- Opponents – those who disagree with your position

See **Appendix C** for a sample worksheet which is a helpful tool in identifying the stakeholders and potential strategies to support your Coalition's position.

3. Assessing Community Support

Knowing the level of community awareness of and support for the need for a comprehensive bicycle bylaw is important in determining the appropriate strategy. A campaign can fail if there is an assumption that community support exists when it does not. Indicators of community support come from public opinion surveys, community needs assessments, local media coverage, feedback from Coalition members and other supporters, and so on.

This information may indicate the need for a communications campaign to build public support *before* attempting to move to the next stage - influencing decision-makers.

DETERMINING A STRATEGY

Once your Coalition, comprised of credible members, has been formed and the issue and stakeholders have been thoroughly researched, the next step is to determine the strategy needed to effect change. The major components of your strategy will consist of determining:

- How can community awareness be enhanced?
- Who needs to be influenced/lobbied?
- How can broad-based support best be demonstrated?
- What arguments best support the need for a comprehensive bicycle bylaw?
- How will the message get to the targeted individuals/groups?

Keep in mind that most legislative change is incremental and based on compromise. Any change in the legislation will depend on political will, public support, and the ability to enforce the legislation. Once your Coalition has a clear understanding of the level of support among the community's citizens and the municipal government, you must now determine what specific changes to the current bylaw to request, or if no bylaw exists, what to recommend in a new bylaw. Remember that the process can be gradual – it is acceptable to make recommendations that are less than ideal to start off as this sets the stage for more work to be done later on.

RAISING COMMUNITY AWARENESS AND SUPPORT

There are various ways to make the community more aware of the need for a comprehensive bicycle bylaw. These methods include:

- Circulating a petition
- Public meeting
- Participation in Hearings/Committees

See **Appendix D** for further description on these options.

Lobbying: The Key to a Better Bicycle Bylaw

Lobbying is the communication of your interests to a carefully chosen target person or group with an aim to influence decision-making. Lobbying involves the following steps:

- identifying the appropriate decision-makers
- approaching the decision-makers and clearly communicating your interests
- staying in contact for further influence or follow-up

In addition to communicating with decision-makers, lobbying includes a variety of activities to get others to put pressure on the decision-makers. Activities such as public service announcements, petitions, letter campaigns, and so on can serve dual purposes – increase community awareness and support, and in turn, influence decision-makers.

To achieve a revision to the existing bicycle bylaw, or to be successful in passing a new bylaw where one did not previously exist, decision-makers and key influencers need to be persuaded that the change is positive.

Lobbying strategies should:

- be tailored to the interests of the audience at hand
- address the benefits of the Coalition's position and include evidence (i.e., research)
- counter opposing arguments in a constructive, not insulting manner
- include some kind of emotional appeal

Do not limit your lobbying efforts to just town/city councillors and the mayor. Also consider gaining the support of influential individuals and groups such as elected/appointed representatives of school and health boards, Director of Education and school principals, MLAs, Chief Executive Officer of the health district, R.C.M.P., fire department, and so on.

There are three levels of lobbying: low profile, medium profile, and high profile. Refer to Appendix E for techniques to use for each level of lobbying.

The Following are Components Necessary for Successful Lobbying:

- recognized, credible lead organization
- partnership of community groups to support the cause
- public support for issue
- media is sympathetic to and supportive of the cause
- member of local government supports the issue
- government and public understand the rationale behind the bylaw
- opponents of the issue can be challenged rationally with facts that support the intended change to the law

COMMUNICATION AND MEDIA ADVOCACY

Using the media can be a very effective method of influencing decision-makers. Through the use of the media, the objective is to mobilize people in the community to take action and ultimately pressure decision-makers to support your position. Some examples of communication items through the media include:

- letters to the editor - used to respond to items that have appeared in the paper
- op-eds – opportunity to present your position, whether it has been covered in the paper or not
- editorial briefings – a meeting with the editor(s) of a local newspaper to encourage supportive editorial comment
- advocacy interviewing – the use of paid advertising to advance a cause
- public service announcements (PSAs)
- newspaper fillers

The key to success in working with the media to advance your position is to be as proactive as possible. This means clearly defining the issue before the media or your opponents and working with reporters so that they understand your perspective.

Some guidelines in working with the media include:

- have a media policy which clearly identifies a spokesperson, how media requests will be handled, and a plan for dealing with controversial issues such as mandatory helmet use

- be well-informed about the issues and the Coalition’s position before speaking with the media
- if applicable, get to know which reporters cover health and safety-related issues. Develop a relationship with them and keep them updated on any new developments.
- respect the constraints (time, content) that restrict reporters
- tell reporters when you are not satisfied with the information they reported. Focus on the content of the article, not on them personally.
- inform decision-makers before releasing information that may implicate them in a media story
- make information relevant to the target audience

There are various ways to keep your issue alive in the media. Be proactive by looking for opportunities to forward relevant information to reporters such as:

- interesting research or statistics
- provide reporters with a local angle using provincial or national information
- issue a policy statement
- release a public opinion poll
- inform the media about a related letter campaign or other initiative

The Coalition’s strategy, composed of community awareness, media advocacy, and lobbying tactics, should have clear answers to the following questions:

- Have we thoroughly researched the issue?
- Is the public aware of the issue and supportive of our position?
- Have we defined a key message?
- Does our strategy address all individuals and groups who need influencing?
- How will the message be transferred to the target individuals/groups?
- What arguments best support the need for a comprehensive bicycle bylaw?
- How will broad-based support be demonstrated?
- Have we analyzed the stakeholders?
- Do we have sufficient resources (human and financial) to carry out an effective strategy?

- Have we prepared a brief that explains the issue in detail and gives supporting evidence?
- Have we chosen and trained spokespeople?
- Do we know how decisions are made on this issue?

Communicating with Decision-Makers

You are now ready to start communicating with the key decision-makers, namely, your town/city council who has the ultimate authority to pass or revise a bicycle bylaw.

Some considerations when communicating with decision-makers through meetings, letters, and phone calls include:

- plan beforehand what you want to achieve before making contact
- understand the importance of timing
- be brief and concise; present only the key points, using evidence to support your points, and use real-life examples whenever possible
- do not engage in any kind of personal attack and avoid confrontational tones
- be clear on what action you want the decision-maker to take; be realistic
- always acknowledge any support you receive
- always close with a thank-you
- share all communications with the entire Coalition. Keep copies of all correspondence, records of phone calls, and evaluation reports of meetings
- get to know municipal staff that control the flow of communication to elected representatives

Be creative as you want to draw attention to your position out of all the other communications that elected officials receive.

Refer to **Appendix F** for information on types of communication with decision-makers, their pros and cons and recommended actions.

Refer to **Appendix G** for information regarding municipal governments; powers and duties, elections, council operations, bylaw process and a bylaw checklist.



THE RIDE AHEAD



ENFORCEMENT

For a bylaw to be effective, the community needs to be aware of it and it needs to be enforced. The individuals that are responsible for the enforcement of bylaws are the R.C.M.P., local police (if applicable), and Bylaw Control Officers (if applicable).

Some jurisdictions implement fines and the impoundment of bicycles when a bicycle bylaw infraction occurs. However, keep in mind that enforcement of the bicycle bylaw does not necessarily need to be punitive. Some communities use incentive programs to reward those that abide by the bylaw while other communities, such as the City of Yorkton, use the opportunity to educate when an infraction occurs.

The key is to use the enforcement strategy that works best for your community. Work with your local police and Bylaw Control Officers (if available) to determine the most effective strategy that will not put unnecessary strain on human and financial resources.

ONGOING COMMUNICATION

If your Coalition is successful in the adoption of the proposed bylaw, make periodic contact with your town/city council to ensure there is still support for the bylaw among the council and the public, the bylaw is generally being adhered to, and there are no major problems with enforcement. Vigilance is needed to maintain any gains made, to avoid having them repealed at a later date.

EVALUATION

Communities that adopt comprehensive bicycle bylaws are encouraged to evaluate the results of the bylaw. The long-term goal of such a bylaw is to reduce the number of bicycle-related injuries in the community. Without any

results, whether they are good or bad, someone will argue that the bylaw is not making a difference and should be repealed. Some questions to ask during an evaluation may include:

- **Have the number of bicycle-related injuries decreased since the bylaw was adopted?**

To determine the number of bicycle-related injuries in the community, there are many potential sources that can be accessed for such data. Sources include hospital/health district data (hospitalizations, emergency room visits), physician visits, law enforcement, provincial injury data reports such as that compiled by the Saskatchewan Institute on Prevention of Handicaps, and so on.

- **Has observed helmet use increased among cyclists of all ages?**

To determine if helmet use has increased, observational studies can be conducted where the proportion of cyclists who are wearing helmets is calculated, along with their approximate age, and compared to previous proportion calculations (i.e., before the bylaw was adopted).

- **Are cyclists riding in a safer manner?**

Again, this can be determined by observational studies where the proportion of cyclists who are following the “rules of the road” (i.e., riding on the right-hand side of the road, obeying traffic signs, etc.) is calculated and compared to previous measures.

- **Are most community citizens familiar with the bylaw? Are most in favour of the bylaw?**

The level of knowledge and support of the bicycle bylaw can be determined by conducted either a mail-out survey or a phone survey of community members.

The Saskatchewan Coalition on Bicycle Safety is willing to provide support in the evaluation of municipal bicycle bylaws. The Coalition can be reached at (306) 655-2518.



APPENDIX A: CITY OF YORKTON

BICYCLE BYLAW

The only jurisdiction in Saskatchewan as of January 2002 with a municipal bicycle bylaw including helmet use is Yorkton. That bylaw was established in 1995.

The bicycle regulations are part of the Yorkton Traffic Bylaw.

This bylaw includes mandatory bicycle registration and bicycle equipment requirements. As well, the bylaw addresses rider obligations and duties, including the use of a CSA approved bicycle helmet.

The bylaw is promoted and enforced by the city's bylaw enforcement officer.

Yorkton City Council made residents aware of the bylaw amendment through media advertising.



APPENDIX B: LOCATIONS WITH COMPREHENSIVE BICYCLE LEGISLATION

There are a number of jurisdictions in Canada, the United States and in other parts of the world that have comprehensive bicycle legislation, including the use of helmets.

In Canada, the provinces of British Columbia, Alberta, Ontario, Nova Scotia and New Brunswick have comprehensive bicycle legislation that includes the use of approved helmets. Some Canadian urban municipalities also have bylaws.

Two internet websites with good information about current legislation are:

The Massachusetts Bicycle Association web site:
www.massbike.org/lawlegis/content.htm

The Bicycle Helmet Safety Institute:
www.bhsi.org (follow the links to laws) This site also includes sample legislation.



APPENDIX C: IDENTIFYING STAKEHOLDERS



This sample worksheet is a helpful tool in identifying the stakeholders and potential strategies to support your Coalition’s position. The worksheet may not apply to all communities and can be altered to be more suitable.



ISSUE: Revising Current Bicycle Bylaw to Include Mandatory Helmet Use				
Key Stakeholders	Position	Rationale for Position	Extent of Power	Coalition’s Strategy
Advocates				
Supporters				
Decision-Makers				
Influencers				
Opponents				



APPENDIX D: RAISING COMMUNITY AWARENESS AND SUPPORT

CIRCULATING A PETITION:

Petitions can be useful in showing broad support for a position, educating the community about the issue and attracting media attention. If possible, deliver the petition in person. Note that there may be municipal procedures to follow for conducting a petition - check with your municipal office.

PUBLIC MEETING

Public meetings can generate greater community awareness and support for an issue. Some general tips for planning a public meeting include:

- develop clear goals for your meeting
- start planning well in advance of the meeting date
- consider inviting special guests, such as community groups and elected representatives
- pick speakers who are well-informed about the issue and have good public speaking skills
- choose a site that is accessible, central, and well-known
- promote the meeting widely using posters, newspaper inserts, electronic promotions, PSAs, fax or phone invitations that specify the date, time, location, topic and speakers
- designate a moderator or chair to introduce the speakers, keep track of time, assist in the question period, and close the meeting
- keep the meeting within a two-hour time frame. Allow time for questions from the audience.
- have the moderator summarize some action steps for the audience at the end of the meeting
- record the meeting with a tape or video and assign note-takers
- evaluate meeting to determine if goals were met

PARTICIPATION IN HEARINGS/COMMITTEES

A formal hearing would allow your Coalition the opportunity to educate elected representatives about your issue and to get this position on public record. You should distribute copies of a formal brief in addition to making an oral presentation. Know in advance how much time is allotted for the presentation and what the room and audiovisual arrangements are.

Rehearse the presentation beforehand to improve delivery and confidence. Allow time at the end of the presentation for questions. Also, ensure that many supporters attend to add visual impact.

For specific information on presenting to municipal committees, contact your municipal office.



APPENDIX E: LOBBYING

During the effort to have your local bicycle bylaw changed, your Coalition can move among the levels so that the action occurring is most appropriate for the mood of the government and the public.

Levels of Lobbying	
Level	Techniques
Low profile	<ul style="list-style-type: none"> • meet with elected representatives and individuals that work for them to build support for the issue • share educational information about the issue with the above-mentioned individuals • bring the issue to the attention of other committees or organizations
Medium profile	<ul style="list-style-type: none"> • release information to the public through news conferences, public meetings, letters to the editor • ask for time on the city/town council's agenda to bring the issue to its attention • actively seek other individuals and organizations that will support the issue • organize letter-writing campaigns to elected representatives and to the newspaper
High profile	<ul style="list-style-type: none"> • release information to the media that strongly supports the issue in an emotional, yet factual way • if finances allow, advertise to promote your position on the issue • work closely with any elected representatives who support the issue • gather supporters in a public show of support for the issue

The following sample worksheet is a useful tool in determining your Coalition's lobbying strategy:

Lobbying Worksheet				
Audience (to whom)	Key Message (what)	Lobbying Tactic (how)	Responsibility (by whom)	Timing (when)

APPENDIX F: COMMUNICATION WITH DECISION-MAKERS

Type of Communication: Letter writing

Profile: Low to medium

Pros: Considered by some to be more effective than phoning because there is tangible evidence of the communication.

Cons: One way communication; difficult to determine how the letter will be interpreted.

Recommended Action:

- Always send a personalized letter; never send a generic letter.
- Always type the letter with a maximum of two pages.
- When writing about a specific bylaw, indicate the number, name or topic.
- Close with, "I am looking forward to your response."
- Follow up with a phone call or another letter to determine progress being made.

Type of Communication: Phone Calls

Profile: Low

Pros: Quick way to express your position on an issue.

Cons: Unlikely that you will be able to speak directly with the key decision-maker (eg. mayor, Director of Education, MP).

Recommended Action:

- Keep call under 10 minutes
- State your name and indicate who you are and who you are associated with.
- Do not call from a cellular phone and make sure that your call will be uninterrupted.
- Follow up with a letter to reaffirm your message and their commitment to follow through.

Type of Communication: Meeting

Profile: Low

Profile: Personalizes the issues and helps to establish relationships.

Cons: You may not be able to meet with the key decision-maker and you may be interrupted. You may only have a very brief time to state your position.

Recommended Action:

- Formalize the meeting time with a letter and indicate who will be attending.
- No more than two people should attend the meeting and select one spokesperson.
- Anticipate questions and have responses planned.
- Before leaving the meeting, summarize decisions made and actions to be taken.
- Take an information sheet on the issue to leave behind.
- Make sure that it contains names and phone numbers of contacts, especially those people who have attended the meeting.
- Follow up with a letter of thanks.
- Correspond regularly with the person with whom you met. Send them relevant articles to keep them up to date. You may wish to invite them to speak at a public meeting.

Type of Communication: Phone/Fax/Email/Letter Campaigns

Profile: Medium

Profile: Draws attention to the issue.

Cons: Because these campaigns are designed to disrupt the course of normal business, they can annoy the targeted decision-maker.

Recommended Action:

- A large number of people must be willing to participate within a specific time period.
- Ensure that each person places only one call or sends one fax, letter or email.
- Make sure messages are consistent but not identical.
- Provide people with all of the information needed in order to participate in this type of communication. (Addresses, phone/fax numbers, email addresses, outline)
- Best used before a critical vote.

Type of Communication: Briefs

Profile: Medium

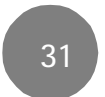
Pros: Can be used as the position statement of the Coalition and to market cause to potential supporters. The brief can be converted into fact sheets, news releases or backgrounder.

Cons: Takes time and energy to prepare a brief. It must be well-researched in order to be credible. Ideally should be endorsed by a number of organizations.

Recommended Action:

The brief should consist of the following pieces of information:

- title page with name of organization submitting the brief, the date and the name of the recipient
- an executive summary of the problem, who is affected and why and recommended solutions and evidence of their effectiveness
- expected results and benefits to the community
- list of supporters



APPENDIX G: MUNICIPAL GOVERNMENTS

It has been suggested that the most far-reaching changes can take place at the local level (BC Ministry of Health, 1991). This is due to the fact that local governments are smaller and easier to access and there is closer contact between the community and the decision-makers, thus, community advocacy has greater impact (Farrant, 1991).

WHAT IS A MUNICIPALITY?

Canada's system of government has three levels – federal, provincial and municipal. The federal and provincial levels have their powers set out in the Constitution. In Saskatchewan, the key powers and duties of urban municipalities are provided for in *The Urban Municipality Act*.

A municipality is a legally recognized entity for the purpose of governing a community. In Saskatchewan, municipalities are divided into three different types:

- Urban
- Rural
- Northern

An urban municipality can be a city, town, village or resort village, such as Estevan (city), St. Walburg (town), Tomkins (village), and Chitek Lake (resort village). Each urban municipality must be incorporated, assigned a name and have defined boundaries.

Rural municipalities, such as Antelope Park, Excel and Morris, are made up of rural areas that are then divided into districts, and organized hamlets. Rural municipalities only govern the rural areas within their boundaries, not the urban areas or Indian Reserves they surround.

Northern municipalities are made up of northern hamlets, villages and towns, such as Creighton (northern town), Pinehouse (northern village), and Dore Lake (northern hamlet).

Your urban municipality is the appropriate municipality type for lobbying for a bicycle safety bylaw.

POWERS AND DUTIES OF A MUNICIPALITY

The distribution of powers between the federal and provincial governments is set out in the *Constitution Act*. The federal government has control over such areas as banking, criminal law, employment insurance, and marriage and divorce. The provincial government has control over such areas as civil rights and property, education, highways and roads, hospitals, and marriage ceremonies. The provincial government can delegate some of their powers to cities, towns and municipalities. Laws made at this level are called bylaws. Bylaws govern matters such as sewage and garbage disposal, parks and playgrounds, building codes, and parking.

The powers and duties of a municipality are exercised through a local council, made up of elected representatives from the community. Municipalities may take only such action as is authorized by the provincial legislature through provincial Acts (statutes). The “general power to pass bylaws” is given to urban municipality councils in *The Urban Municipality Act*.

Municipalities make bylaws for the “peace, order and good government” of the municipality, for promoting the health, safety and welfare of the community, and for governing the proceedings of council. Local governments are responsible for a host of areas that directly impact on the local community. Some examples of the types of matters that are regulated through local bylaws are:

store hours	building permits
animal control	fire protection
fireworks	curfews
smoking	refuse and waste control
taxation	licensing
streets and sidewalks	parking
billboards and posters	fees for public utility services
traffic control and signs	bicycle regulation

private swimming pools
nuisances, such as noise, junked vehicles and litter
vending machines, VLTs and electronic games
public parks, bicycle paths, recreational facilities, zoos and museums

Certain powers of a council are discretionary, that is, it is up to council to decide whether or not to carry out that particular function. The decision to pass a bicycle bylaw, for example, is discretionary.

MUNICIPAL ELECTIONS

Municipal councils consist of locally elected representatives of the community. Local municipal government is the level of government closest to the people it represents.

Urban municipal councils are made up of one mayor and number of aldermen or councillors. The number of aldermen or councillors depends on the size and type of municipality. For example, villages have fewer aldermen/councillors than towns, which have fewer aldermen/councillors than cities. In many places, the term *alderman* has been replaced with the term *councillor*.

Urban councils are made up of a mayor (head of council) and:

- two councillors (may be increased to four by bylaw) in villages and resort villages;
- six councillors in town; or
- six councillors (may be increased to eight or ten by bylaw) in cities.

Urban general elections for all members of council are held every three years.

Municipal councillors have representative, policy-making and managerial roles to play. Most of their decisions have long-term consequences for their municipality. If your municipality has a strategic plan, become familiar with it to understand the broader environment in which decisions are made. Policy changes you suggest should include evidence of public support and show how the best interests of the community will be served.

THE VOICE OF THE COMMUNITY

The mayor is elected by voters from across the municipality and does not represent a single ward. As CEO of the municipal corporation and Chairperson of the Board of Directors, the mayor is the single most powerful person within this structure; however, their vote carries the same weight as that of other councillors.

Municipal politics often involve important issues that directly impact on our life in the community (e.g., store hours, garbage collection, smoking bans, recycling). When local councils meet to make decisions related to these issues, it is important that they consider local conditions and the opinions of the municipal residents. Council meetings are open to the public at all times. On occasion, councils may hold special meetings to talk about a particular issue.

Public meetings may be called by electors for the discussion of any municipal matter by submitting to the mayor a *petition* containing electors' signatures representing not less than 5 per cent of the population of the urban municipality. Any person may submit a petition to council on any matter within the urban municipality's jurisdiction, such as bicycle safety. Council must consider the petition at its next meeting, but it is not bound by the petition.

A person may submit a petition, signed by a number of electors equal to the greater of 15 per cent or 25 electors, requesting the submission of a *bylaw to a vote* of electors regarding any matter within the municipality's jurisdiction. The council is bound by the results of the vote - if the ensuing vote of the electors results in the bylaw being approved, the council must pass the bylaw within four weeks of the vote having taken place.

Municipal councils may also seek feedback from the public on any municipal matter by submitting a *question* to voters in the municipality. In this case, council is not bound by the outcome of the vote.

COUNCIL OPERATIONS

There are certain aspects of town/city council operations as specified under ~~the~~ *Urban Municipality Act* that are important for your Coalition to be aware of:

- **Open to the Public**

All regular and special meetings of a council must be open to the public. No person can be excluded from the meeting, except for improper conduct.

- **Special Meetings**

The mayor or a majority of council members may request a special meeting of council. The request for such a meeting must be in writing and must be given at least 24 hours prior to the meeting. The written notice of the special meeting must indicate the general business to be transacted at the meeting. Other business may be conducted at the meeting only if **all** council members are present and they agree by unanimous consent to deal with the issue.

- **Public Meeting of Electors**

A public meeting of electors, for the discussion of any municipal matter, may be called by the mayor (upon authorization from council) or upon receiving a petition from the electors. The petition of the electors must be signed by at least 5 per cent of the population of the municipality. Within 30 days of receiving the petition, the mayor shall call the requested public meeting and publish a notice of where and when the meeting will be held in a newspaper circulating in the municipality.

- **Delegations**

A delegation is a term used to describe the appearance of an individual or group before council for the purpose of voicing an opinion to the council. Some councils have set a specific time limit for delegations as well as requiring the submission of a letter or brief outlining the substance of the delegations' presentation in advance of the meeting.

- **Committee Meetings**

The *Urban Municipality Act* allows for the appointment of council committees by resolution. Council can appoint standing committees and special committees, which report directly to council. Any resolution or bylaw recommended by a committee may be passed at either a regular or special council meeting. An example of a standing committee may be the Traffic Committee and an example of a special committee may include a group of councillors to make a recommendation concerning mandatory helmet use for all cyclists.

- **Bylaw vs. Resolutions**

A resolution is primarily used for day-to-day business and generally expresses the will of council on a certain occasion that is likely not to recur. In most instances, resolutions are used unless the legislation specifies use of a bylaw. In the case of bicycles, many communities have applied a bylaw rather than a resolution.

- **Enforcement**

The *Urban Municipality Act* provides for the appointment of bylaw enforcement officers. Enforcement officers are charged with the day-to-day administration of the bylaws. They have no authority to waive or lessen the bylaw's requirements to fit special circumstances.

THE BYLAW PROCESS

The information below identifies the “typical” bylaw process where the pressure for change is coming from the community. The key activities to be undertaken by the Coalition are outlined. Use the information as a general guide, and seek out the specific details from your local government.

The Political Process

Step One: Getting issue on committee's agenda

Key Activities: At this point, you will already have researched the problem,

you will know the history of the issue in your community, you will have formed a Coalition and generated public support.

- Identify from the City Clerk the relevant standing committee and key municipal staff. Obtain a schedule of upcoming standing committee and council meetings. Find out when notice to present must be given, as well as presentation guidelines (length, number of speakers).
- Approach municipal staff and councillors on the committee about the importance of a new/revised bylaw. You need buy-in from one member so that he/she can raise your concerns and advance your proposal at the meeting. Ideally either the chair of the committee or a councillor is the elected representative from the ward of someone in the coalition.
- Don't be too ambitious or drastic in your proposal. Often change that is introduced incrementally is more favourably received by both decision-makers and the public.

Step Two: The issue is raised in committee. Motion is passed for further research and/or bylaw drafting by staff.

Key Activities:

- Attend the meeting.
- Make presentation to appropriate committee

Step Three: Municipal staff research and/or prepare the draft bylaw.

Key Activities:

- Communicate regularly with municipal staff to keep up-to-date on progress and developments.
- Get added to mailing lists.
- Develop a relationship with political assistants to the councillors. They may keep you informed about your opponents' activities or identify special areas of concern (i.e., political pressures) related to the proposed change.
- Encourage support among councillors and municipal staff among councillors and municipal staff through meetings and correspondence.
- Raise the profile of the issue in the media.
- Do a pamphlet drop.
- Write letters to the editor.
- Attend an editorial briefing to facilitate supportive editorial comment from the newspaper's editorial staff.

Step Four: The draft bylaw is released to the public for comment period (2-3 weeks). The report may be revised after this consultation.

Key Activities:

- Prepare thorough review and response to this draft.
- Each organization on the coalition should respond individually as well as collectively.

Step Five: The draft bylaw is scheduled on the committee agenda for public debate.

Key Activities:

- Demonstrate constituency support through letters, faxes, phone calls, petitions, call-in shows, and letters to the editor.
- Whenever there is a public meeting, inform the community how to contact you and support your cause.
- Recruit prominent public figures (provincial and federal representatives) to send letters of support.
- Meet with councillors who are opposed or neutral to emphasize public support and counter opposing arguments.
- If things look bleak, buy time. Consider what might be gained by sending the proposal back for further study.
- Schedule your presentation, and select a spokesperson.

Step Six: At the standing committee meeting, the staff report and recommendations are considered.

Key Activities:

- Make an oral presentation and provide written copies.
- Ensure good attendance by supporters. Make them easily identifiable by means of a badge, colour scheme, etc. This will send a “public opinion” message to decision-makers and the public (via media coverage).
- Stick to the facts and focus on the health issue.

Step Seven: There is a call for motions, a councillor may:

- Move to defeat the proposal,
- Send the proposal back to staff for further study,
- Adopt a staff option,
- Recommend other modifications, or
- Move to adopt the draft bylaw as is.

Each motion that has been seconded will be voted on. One motion usually receives majority support. If not, the committee could decide to postpone for further consideration.

Key Activities: If it appears that a poor proposal may receive majority support, discuss contingency plans with supportive councillors. They may opt to send back for study those parts that are not acceptable.

Step Eight: Once draft bylaw has been approved, a standing committee report is prepared and bylaw is scheduled for full council.

Key Activities:

- Do your most intensive lobbying here – all the previously mentioned activities.
- Bylaws usually require majority approval.

Step Nine: Full council considers the standing committee report and votes on the recommendations.

Key Activities:

- Have a large turnout of visible supporters.
- When a bylaw is passed, acknowledge support you have received (e.g., awards to supportive councillors).
- Follow up with letters, calls, and letters to the editor.

Step Ten: Once bylaw is passed, it is enacted and responsibility for enforcement is assigned.

Key Activities:

- Educate the general public about the changes to facilitate positive community response.
- Monitor to ensure that the municipality implements the new bylaw and enforces it adequately.
- Provide a review of the implementation, including positive aspects and areas needing further attention to journalists, politicians, and other community leaders.

Adapted from: Seibert, A. (1994). *A Community Advocate's Guide for Effective Tobacco Control Legislation*. Ottawa: National Clearinghouse on Tobacco and Health.

BYLAW CHECKLIST

The following items must be adhered to in the writing of a bylaw:

- ✍ The bylaw does not exceed the powers of the municipality
- ✍ If the bylaw is long, it is broken into numbered sections with headings
- ✍ The bylaw is numbered
- ✍ There should be no preamble
- ✍ The words passing the bylaw name the municipality and indicate that it is in the province of Saskatchewan
- ✍ The definitions used in the bylaw conform to the definitions set out in the enabling provisions of *The Urban Municipality Act*
- ✍ A “form clause” is included in the bylaw if a form is attached
- ✍ There should be an enforcement or “penalty clause”
- ✍ If the bylaw is to repeal or replace an existing bylaw, a “repealing clause” is included
- ✍ Wording is clear and easily understood. Jargon is avoided
- ✍ To indicate actions that must or must not be done, use the word “shall”
- ✍ Permissive actions are indicated by the word “may”
- ✍ Only those clauses that are necessary are used (e.g., if no penalty is required, do not use a penalty clause)
- ✍ The bylaw is signed by the Clerk/Administrator and by the Mayor or Councillor who presided at the meeting when the bylaw was adopted
- ✍ A certified true copy of the bylaw is produced for the bylaw register

FURTHER INFORMATION ON THE MUNICIPAL LAW PROCESS MAY BE OBTAINED FROM:

Municipal Affairs, Culture and Housing
Advisory (Management) Services
4th Floor, 1855 Victoria Avenue
Regina, Saskatchewan S4P 3V7
Phone: (306) 787-2680
Fax: (306) 787-8748

Municipal Affairs, Culture and Housing
Advisory (Management) Services
9th Floor, 122-3rd Avenue North
Saskatoon, Saskatchewan S7K 2H6
Phone: (306) 933-6922
Fax: (306) 933-7720
Web Site: <http://www.municipal.gov.sk.ca>

Saskatchewan Urban Municipalities Association (SUMA)
200-1819 Cornwall Street
Regina, Saskatchewan S4P 2K4
Phone: (306) 525-3727
Fax: (306) 565-3552
E-mail: suma@sk.sympatico.ca

APPENDIX H: COMPONENTS OF A BYLAW

CORPORATE NAME

Full name of the municipality. Examples: “Village of Bladworth”, “Town of Naicam”, and “City of Melfort.”

BYLAW NUMBER

The bylaw passed should include the number of the bylaw and the year it was passed. Bylaws should be numbered consecutively. Example: “Bylaw No. 4/2001” means the fourth bylaw passed in 2001.

BYLAW TITLE

The bylaw title states the purpose of the bylaw. Example “Bicycle Bylaw”.

ENACTING CLAUSE

This clause states that the council is the body that enacts the bylaw. Example: “The council of the Town of Naicam, in the Province of Saskatchewan, enacts as follows:”

INTERPRETATION CLAUSE

This clause contains a statement of the meaning of a word or a group of words. Example: “**land** – does not include improvements”.

When using an interpretive clause in your bylaw, ensure uniformity by listing definitions that are identical to what is in the enabling Act (i.e., Urban Municipality Act).

OPERATIVE CLAUSES(S)

The operative clause(s) state what the bylaw is intending to do and how it is to be done.

FORM CLAUSE

The form clause refers to an attached form.

Example:

“The Notice of Violation shall be in Form A, attached to and forming part of this bylaw”.

Attachment would read:

“Form A to Bylaw No. ____/____.”

PENALTY CLAUSE

The penalty clause cannot exceed the authority in the Act. The Urban Municipality Act, and most other statutes, do not provide council with authority to set minimum fines or penalties, only maximums.

Example:

“The penalty for an infraction against Section 4 of this bylaw shall be \$25.00 (twenty five dollars).”

REPEAL CLAUSE

If a new bylaw replaces an outdated one, the old bylaw must be repealed by inserting a repeal clause in the new bylaw. Repealed bylaws should be removed from the active bylaw register and placed in a separate file or register.

Example:

“Bylaw No. 21/72, passed March 15, 1972, being a bylaw to license bicycles, is hereby repealed.”

EFFECTIVE DATE CLAUSE

No effective date clause is needed if the bylaw is to take effect immediately; it becomes effective when it has received third reading. Council may, however, wish to have the bylaw come into effect later. In these cases, the clause should state the intended effective date.

Example:

“This bylaw shall come into force and take effect on September 2002”.

Signing and Sealing

After third reading, the Clerk/Administrator and the person who presided at the council meeting when the bylaw was adopted must sign the bylaw. The Clerk/Administrator at this time should affix the seal to the bylaw.

Example:

Clerk/Administrator

{SEAL}

Mayor/Presiding Officer

DATING THE BYLAW

Although there is no requirement that the bylaw be dated, the date of the third reading and adoption should be shown on the bylaw under the seal and signatures.

Example:

“Read a third time adopted this ____ day of _____, _____.”

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