



TO:	CHAIR AND MEMBERS COMMUNITY & PROTECTIVE SERVICES COMMITTEE MEETING ON NOVEMBER 11, 2013
FROM:	WILLIAM C. COXHEAD MANAGING DIRECTOR OF PARKS AND RECREATION
SUBJECT:	PARKS & RECREATION AREA BY-LAW PR-2 AMENDMENTS To provide clarity on the exclusion of e-scooters from Multi-Use Pathways

RECOMMENDATION

That, on the recommendation of the Managing Director of Parks and Recreation, the attached proposed By-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting on November 19, 2013, to amend the Parks & Recreation Area By-Law PR-2 to address the exclusion of power-assisted e-scooters from the City’s multi-use pathway system, lowering the speed limit on pathways from 30kmph to 20kmph, improving the Upper Thames Conservation Authority’s ability to act as by-law enforcement officers within the City’s Environmentally Significant Areas, restricting the feeding of wildlife in city parks and improving guidelines for licensed events or gatherings in city parks.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Community and Protective Services Committee:**
 Parks and Recreation Area By-Law PR-2 Amendments June 25, 2013
 Parks and Recreation By-Law – Prohibition on Depositing Animal Feed - June 22, 2009
 Revised Parks and Recreation By-Law - April 25, 2005
 New Parks By-Law – July 29, 1996

BACKGROUND

Municipal Council resolved at the June 25, 2013 session to refer back to staff for further refinement of the by-law to differentiate and exclude the use of e-scooters from multi-use pathways, while allowing e-bikes. On August 2, 2013 Council also requested that Civic Administration assess the following items for possible inclusion in the Parks and Recreation Area by-law.

- Allow e-bikes when powered by pedal, rather than motor, when being used on a bike path and/or designated bike lanes;
- Require e-bike users to be at least 16 years of age; and
- Require e-bike users to wear helmets

PROPOSED PR-2 BY-LAW UPDATES

Which type should be permitted on Multi-Use Pathways in Parks?

The Parks & Recreation Area By-law currently prohibits motor vehicles (as defined in the Highway Traffic Act) from multi-use pathways. In 2009 the Province amended the *Highway Traffic Act* and excluded “power-assisted” bicycles (or e-bikes) from the definition of “motor



vehicle". For purposes of the Parks & Recreation Area By-law, Civic Administration is recommending that the by-law be amended to make it clear that e-scooters are prohibited from multi-use pathways while allowing e-bikes on the path while under pedal power.

As a multi-use recreational trail, there is a large range of users from small children to dog-walkers to in-line skaters to cyclists, mixed in with people who are leisurely strolling on our pathways through our parks system. Park patrons regularly raise concerns about e-scooters on the multi-use pathway. These e-scooters are relatively silent and can be heavier and generally faster than normal bicycles or power assisted normal bicycles and present a greater risk to other pathway users. The e-bikes have not been problematic to date and look and feel more like a regular bicycle and are subject to the same scale, space, size and speed as regular bicycles that are already permitted.

e-scooters – Not Permitted (see attached Schedule 1)

The intent of the by-law amendment is to clearly prohibit e-scooters from using multi-use recreational pathways. This is accomplished by treating them like motorcycles which are prohibited already. A definition for e-scooter and amending certain subsections to prohibit power-assisted e-bikes from hiking trails and ESAs, and prohibiting e-scooters from multi-use pathways will be included in the by-law. Other municipalities such as Windsor and Calgary currently ban e-scooters from their pathway system.

e-bikes - Permitted (see attached Schedule 2). The e-bike is lighter, resembles a normal bicycle and may continue to be used on multi-use pathways only when powered by pedal, rather than by motor.

The Ministry of Transportation has recently released guidelines for use of all style e-bikes. They are to be operated by users reaching the minimum age of 16 years and the use of bicycle helmets or motorcycle helmets are mandatory when being operated on the roadway.(see attached Schedule 3)

We are recommending following this same standard for helmets and age restrictions while operating e-bikes on our multi-use pathways in parks and these constraints are included in the by-law.

Exceptions

A wheelchair or similar device (motorized or otherwise) used by an individual due to a mobility disability may continue to be used in all areas of parks including all multi-use pathways and the accessible portions of hiking trails.

It should be noted that e-scooters will continue to be permitted to operate on designated commuter bicycle paths and lanes within the right of way of major roads. (subject to any Highway Traffic Act requirements).

The additional amendments to the Parks and Recreation Bylaw PR-2 were addressed in the previous report to Council on June 25, 2013 as follows:

- Speed Limits on Multi-Use Pathways;
- ESA Management and Enforcement;
- Feeding of Wildlife and
- Licensed Events or Gatherings
- The June 25, 2013 report is resubmitted as Appendix B (attached)

This report was prepared with the review and/or input from Lynn Marshall, City Solicitors Office and Joy Jackson, Risk Management and Orest Katolyk, By-law Enforcement.



CONCLUSION

In conclusion, the proposed By-law changes attached are required to address changing use patterns and recurring issues within the City's park and open space system. Updating the By-law to address these issues will help administrators manage activities in our parks and natural areas. Please note that the By-law will come into effect on February 1, 2014 to allow time for new set fine orders to be attained.

PREPARED BY:	RECOMMENDED BY:
SCOTT STAFFORD DIVISION MANAGER PARKS AND COMMUNITY SPORTS	WILLIAM C. COXHEAD MANAGING DIRECTOR OF PARKS AND RECREATION



APPENDIX A

Bill No.
2013

By-law No.

A By-law to amend By-law No. PR-2, entitled "A by-law relating to the use, protection and regulation of PUBLIC PARKS AND RECREATION AREAS IN THE CITY OF LONDON"

WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting Health, safety and well-being of persons, and Protection of persons and property;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law PR-2 is amended by deleting the definition of "Environmentally Significant Area" in its entirety and replacing it with a new definition, as follows:
"Environmentally Significant Area" means those areas delineated as ESAs on a Map Schedule of the Official Plan for the City of London Planning Area adopted by the Municipal Council and amended from time to time, and which are under the control or management or joint management of the City;
2. Section 1.1 of By-law PR-2 is amended by inserting the phrase "power-assisted bicycles," after the phrase "bicycles," in the definition of "Hiking trail".
3. Section 1.1 of By-law PR-2 is amended by deleting the definition of "Park" it in its entirety and replacing it with a new definition, as follows:
"Park" means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land.
4. Section 1.1 of By-law PR-2 is amended by inserting a new definition of "power-assisted bicycle", "e-bike" and "e-scooter", after the definition of "Park", as follows: "power-assisted bicycle" has the meaning attributed to it in the *Highway Traffic Act* and is commonly referred to as an electric bicycle or e-bike, and for greater certainty, has affixed to it pedals that are operable, and for greater certainty an e-bike and an e-scooter are defined as follows:
"e-bike" shall mean a "power-assisted bicycle" that has the appearance of a bicycle;
and
"e-scooter" shall mean a "power-assisted bicycle" that has the appearance of a scooter
5. Section 2.1 of By-law PR-2 is amended by deleting the section in its entirety and replacing it with a new section, as follows:

2.1 By-law applicability - defined

This by-law applies to all recreation areas, parks and any premises located therein which are under the control or management or joint management of the City, together with the avenues, boulevards, drives, streets and approaches thereto and connecting the same.

6. Subsection 3.1(3) of By-law PR-2 is amended by deleting the number "30" and replacing it with the number "20".
7. Subsection 3.1(4) of By-law PR-2 is amended by inserting the phrase "e-scooter," after the phrase "motor vehicle".
8. Subsection 3.1(5) of By-law PR-2 is amended by inserting the phrase "e-bike" after the phrase "bicycle,"



9. Subsection 3.1(37) of By-law PR-2 is amended by deleting the punctuation “.” and replacing it with “;”.
10. Section 3.1 of By-law PR-2 is amended by inserting new subsections 3.1(38), 3.1(39), 3.1(40), 3.1(41), 3.1(42) and 3.1(43) as follows:
 - (38) interfere with a picnic, organized gathering or special event authorized by a City-issued permit or rental agreement;
 - (39) move park furniture from one area to another area to accommodate their picnic, organized gathering or special event;
 - (40) drive, ride or operate a motorized boat;
 - (41) drive, ride or operate an e-bike under motor power;
 - (42) being under the age of 16 years, drive, ride or operate an e-bike;
 - (43) drive, ride or operate an e-bike unless the person is wearing a bicycle or motorcycle helmet
11. Subsection 5.4(7) of By-law PR-2 is amended by inserting the phrase “, power-assisted bicycle,” after the term “bicycle”.
12. Subsection 5.4(9) of By-law PR-2 is amended by deleting the punctuation “.” and replacing it with “;”.
13. By-law PR-2 is amended by inserting new subsection 5.4(10) as follows:
 - (10) No person shall hike, run, jog, or cross country ski other than on a hiking trail.
14. By-law PR-2 is amended by inserting a new section 7.1.1 as follows:
 - 7.1.1 (a) If a Municipal Law Enforcement Officer, a Police Officer, or person under contract with the City to enforce this by-law is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, to discontinue the contravention.
 - (b) An Order to Discontinue Activity shall set out:
 - (i) the address of the property or name of the park on which the contravention occurred;
 - (ii) the date of the contravention;
 - (iii) the reasonable particulars of the contravention of the by-law; and
 - (iv) the date by which there must be compliance with the order.
 - (c) The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.
 - (d) No person shall contravene an Order to Discontinue Activity.
15. This by-law shall come into force and effect on February 1, 2014.

PASSED in Open Council , 2013

Joseph Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -