

Bill No. 84
2023

By-law No. PR-2-23_____

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 the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (“*Highway Traffic Act*”) provides in Part XVI s. 228 that the Lieutenant Governor in Council may by regulation authorize or establish a project for research into or testing or evaluation of any matter governed by the *Highway Traffic Act* or relevant to highway traffic;

AND WHEREAS the *Highway Traffic Act* establishes in section 228(8) that every person who contravenes a regulation made under that section is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$2,500;

AND WHEREAS Ontario Regulation 389/19 entitled “Pilot Project – Electric Kick-Scooters” established a pilot project to evaluate the use and operation of electric kick-scooters, and is to be revoked on November 27, 2024;

AND WHEREAS Ontario Regulation 141/21 entitled “Pilot Project – Cargo Power-Assisted Bicycles” established a pilot project to evaluate the use and operation of cargo power-assisted bicycles, and is to be revoked on March 1, 2026;

AND WHEREAS these Pilot Projects prohibit the use of Electric Kick-Scooters and Cargo Power-Assisted Bicycles on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground under municipal jurisdiction unless such operation is permitted by the Regulation, and where such operation is permitted by a municipal by-law;

AND WHEREAS Municipal Council resolved at its Council meeting of July 5, 2022 that Civic Administration bring forward proposed by-law amendments to incorporate cargo e-bikes for personal use and commercial use, and e-scooter use;

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

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 4, Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; in paragraph 5, Economic, social and environmental well-being of the municipality, including respecting climate change; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; and in paragraph 10, Structures, including fences and signs;

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 adding the following new definition of “Cargo Power-assisted Bicycle” after the definition of “Bulk Feeding”:

Cargo Power-assisted Bicycle - defined

“Cargo Power-assisted Bicycle” means a pedal-driven bicycle of conventional exposed fork-and-frame bicycle design and appearance that,

- (a) has two or three wheels;
- (b) is fitted at all times with pedals that are always operable to propel the bicycle;
- (c) has a platform, basket or container for carrying cargo, parcels or goods,
- (d) has steering handlebars;
- (d.1) has a weight of more than 55 kilograms;
- (e) has a width not exceeding 1.3 metres;
- (f) has a length not exceeding 4 metres;
- (g) has a height not exceeding 2.2 metres;
- (h) has wheels that have a width of not less than 35 millimetres and a diameter of not less than 350 millimetres;
- (i) does not have any structure that fully encloses the occupant area; and
- (j) has an electric motor with a continuous rated output power not exceeding 1000 watts that is incapable of providing propulsion assistance when the bicycle attains a speed of 32 kilometres per hour or more.

2. Section 1.1 of by-law PR-2 is amended by adding the following new definition of “Electric Kick-Scooter” after the definition of “designated”:

Electric Kick-Scooter - defined

“Electric Kick-Scooter” means a vehicle that has,

- (a) two wheels placed along the same longitudinal axis, one placed at the front of the kick scooter and one at the rear;
- (b) a platform for standing between the two wheels;
- (c) a steering handlebar that acts directly on the steerable wheel; and
- (d) an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour.

3. Section 1.1 of by-law PR-2 is amended by deleting the definition of “Hiking trail” and replacing it with the following new definition:

Hiking trail – defined

“Hiking trail” means that part of a park that has been marked, posted or blazed for the purpose of hiking, cross country skiing or running by the public, and which is not pavement or concrete, and excludes certain uses as set out in this by-law. Hiking trails may or may not be accessible to motorized wheel chairs depending on topographic restrictions.”

4. Section 1.1 of by-law PR-2 is amended by deleting the definition of “Multi-use Pathway” and replacing it with the following new definition:

Multi-use pathway – defined

“Multi-use pathway” means that part of a park that has been improved with a hard surface and intended for a variety of uses, including pedestrian use, and excludes certain uses as set out in this by-law.”

5. The definition of “Power-assisted bicycle” in section 1.1 of by-law PR-2 is repealed and replaced with the following new definition of “Power-assisted bicycle”:

Power-assisted bicycle” – defined

“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.

6. Subsection 3.1(4) of by-law PR-2 is deleted and replaced with the following new subsection 3.1(4):

“on a multi-use pathway: drive, ride or operate any motor vehicle (including an automobile, motorcycle or motor assisted bicycle), any kind of power-assisted bicycle that weighs more than 120 kg or is capable of providing propulsion

assistance when the bicycle attains a speed of 32 kilometres per hour or more, or horse-drawn conveyance;”.

7. Subsections 3.1(5) of by-law PR-2 is deleted and replaced with the following new subsection 3.1(5):

“on a hiking trail: drive, ride or operate any motor vehicle (including an automobile, motorcycle or motor assisted bicycle), a bicycle (including a tricycle, unicycle or any kind of power-assisted bicycle), Electric Kick-Scooter, skateboard, or carry on in-line skating;”

8. Subsection 3.1(41) of by-law PR-2 is deleted and replaced with the following new subsection 3.1(41):

“drive, ride or operate a motor assisted bicycle, or any kind of power-assisted bicycle that weighs more than 120 kg or is capable of providing propulsion assistance when the bicycle attains a speed of 32 kilometres per hour or more;”

9. Subsection 3.1(43) of by-law PR-2 is deleted and replaced with the following new subsection 3.1(43):

“drive, ride or operate any kind of power-assisted bicycle or Electric Kick-Scooter unless the person is wearing a helmet that complies with the requirements of the *Highway Traffic Act*.

10. Subsection 5.4(7) of by-law PR-2 is deleted and replaced with the following new subsection 5.4(7):

“No person shall, within the boundaries of an ESA or a natural park area, operate a vehicle (including a motor vehicle, automobile, motorcycle, motor assisted bicycle, tricycle, unicycle, bicycle, any kind of power-assisted bicycle, Electric Kick-Scooter, motorized snow vehicle, or traction engine, unless signs are posted specifically allowing such activity;”

11. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 7, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 7, 2023
Second Reading – March 7, 2023
Third Reading – March 7, 2023