

Bill No. 88
2023

By-law No. PS-114-23_____

A by-law to amend By-law PS-114 entitled, “A by-law to regulate traffic and the parking of motor vehicles 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 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 Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 1 of by-law PS-114 is amended by adding the following new definition of “Cargo Power-assisted Bicycle” after the definition of “bicycle”:

“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 of by-law PS-114 is amended by adding the following new definition of “Electric Kick-Scooter” after the definition of “driveway access”:

“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. The definition of “motor vehicle” in Section 1 of by-law PS-114 is deleted and replaced with the following new definition:

“motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a Cargo Power-Assisted Bicycle or an Electric Kick-Scooter, a streetcar, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;

4. Subsection 23(2) of by-law PS-114 is amended by deleting the period at the end of subsection (k) and replacing it with the phrase “; and”, and adding a new subsection (l) after subsection (k) as follows:

(l) the operation of a vehicle as part of a Pilot Project established by the Province of Ontario if the operation of that vehicle is permitted in a Reserved Lane by City of London By-law passed in connection with the Pilot Project;

5. Section 35 of by-law PS-114 is amended by adding the phrase “an Electric Kick-Scooter, a Cargo Power-assisted Bicycle” after the phrase “a motor assisted wheelchair”.

6. 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