

# HALIFAX

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**Item No. 14.1.5**  
**Halifax Regional Council**  
**September 19, 2017**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed by



**SUBMITTED BY:**

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Jacques Dubé, Chief Administrative Officer

**DATE:** August 30, 2017

**SUBJECT:** Motorized Bicycles

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## **ORIGIN**

July 26, 2016 Motion of Halifax Regional Council:

THAT Halifax Regional Council request a staff report to consider amending By-law P-600 respecting Municipal Parks under Provision 10 – to include the prohibition of motorised bicycles in HRM Parks and Trails. **MOTION PUT AND PASSED.**

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, R.S.N.S 2008, c. 39, section 188(1)(c):

- (1) The Council may make by-laws, for municipal purposes, respecting
  - (c) persons, activities and things in, on or near a public place or place that is open to the public

By-law P-600, Respecting Municipal Parks

## **RECOMMENDATION**

It is recommended that Halifax Regional Council direct staff to amend to By-law P-600 respecting Municipal Parks to add a definition for bicycles as defined in the *Nova Scotia Motor Vehicle Act, R.S.N.S 1989*.

## **BACKGROUND**

On July 26, 2016, former Councilor Mosher indicated to Council that she was receiving complaints regarding motorized vehicles and motorized bicycles traveling on the Chain of Lakes Trail. During the discussion, Councillors requested that the report consider amendments to By-law P-600, respecting Municipal Parks which would be applied to all HRM trails and Parks and differentiate between different types of motorized bicycles.

Currently, By-law P-600 regulates vehicles in parks as follows:

### Vehicles in Parks

10. (1) No person shall operate any vehicle within a park except wheelchairs, bicycles, Municipal or utility vehicles, unless otherwise posted, or by permission.
- (2) No person shall ride a horse or bicycle in a park except on paths therefore.
- (3) No person shall ride a horse or a bicycle within a park where a sign prohibiting the same has been posted.

Under the *Motor Vehicle Act*, R.S.N.S 1989, c.293 the reference to electric assist bicycles (e-bikes) can be found in the definition for "bicycle":

2(c) "bicycle" means

- (i) a vehicle propelled by human power upon which or in which a person may ride and that has two tandem wheels either of which is 350 millimetres or more in diameter or that has four wheels any two of which are 350 millimetres or more in diameter but does not include a wheelchair, or
- (ii) a vehicle propelled by human and mechanical power that is fitted with pedals that are operable at all times to propel the bicycle, that has the same wheel requirements as set out in sub clause (i) and that has attached motor driven by electricity not producing more than 500 watts or with a piston displacement of not more than 50 cubic centimeters and is incapable of providing further assistance when the vehicle attains a speed of thirty kilometres per hour on level ground;

## DISCUSSION

### Electric Assist Bicycles (e-bikes)

At present, bicycles are permitted in HRM parks unless otherwise indicated through signage. Current language in the Parks By-law P-600, does not reflect bicycle types or bicycle descriptions. Electric assist bicycles (e-bikes) are not referenced in the Parks By-law. Since the adoption of the Parks By-law in 1999, various types of electric assist bicycles have become more popular. Other municipalities across Canada have also noticed an increased use of e-bikes in parks and trails; and have updated their by-laws to permit or not permit the use based on their respective provincial legislation regulating motor vehicles.

Municipalities that allow motorized bicycles in parks and trails include Ottawa, Toronto and London. These cities define bicycles as per their respective provincial legislation, limiting the weight of the bicycle between 35-40kg, restricting the speed between 20-34 km per hour and all state the bicycle must be outfitted with pedals.

Cities that do not allow motorized bicycles in parks and trails include Calgary, Windsor, Hamilton, Vancouver, Saskatoon, Edmonton and Montreal. Motorized bicycles are not allowed in parks in these cities; they do not meet the traditional definition of a bicycle (i.e., additional power aside from human propelled), or Council specifically passed a by-law prohibiting the use. In some cases, electronic bicycles fall under the same classification as motor vehicles and are restricted to using bike lanes in the street right of way (see Table 1.0 – E-bike Usage in Parks and Trails throughout Canada).

In order to prevent any public confusion and assist in enforcement, consistency is needed in determining what types of bicycles are permitted in parks and trails. Adopting the definition for bicycle from the *Motor Vehicle Act* appears to be the most appropriate way to do this. This makes it easier to understand for residents and will assist Police and Compliance Officers with enforcement. Adoption of the definition for bicycle will enable the use of electric-assist bicycles of a modest size and power, but will not allow the use of gas-powered bicycles.

Parks and Active Transportation (AT) staff support the use of bicycles, as defined in the *Motor Vehicle Act*, in parks and trails to create a healthy and vibrant HRM and encourage citizens to be more active. To support an inclusive and accessible HRM, electric-assist bicycles help attract a wider-range of residents to bicycling and healthy outdoor activities. We know that some residents are dissuaded from bicycling because of a concern about hills and whether they can surmount them under their own power. Electric-

assist bikes are one way of removing this barrier and broadening the appeal of bicycling. This may be of particular benefit to residents with some sort of mobility challenge.

### **Enforcement/Education**

Enforcement of this issue will still remain a challenge due to limited resources. However, if bicycles are clearly defined within P-600, and aligned to the *Motor Vehicle Act*, these instances will be less challenging to enforce by Police and Compliance Officers.

Upon adoption of a revised Parks By-law, a communication strategy will be delivered through the HRM website, as well as through municipal social media accounts, to ensure residents and park users are aware and educated on all changes to Parks By-law P-600. Compliance officers will also help deliver onsite communication and education regarding the By-law changes.

It should be noted that if any enforcement challenges are encountered within any specific HRM park or trail, staff can still prohibit site-specific usage of bicycles under the By-law through the posting of signage.

### **FINANCIAL IMPLICATIONS**

The communication strategy proposed can be funded within the existing operating budget for cost centre R831.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this report. The risks considered rate low.

### **COMMUNITY ENGAGEMENT**

None

### **ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

### **ALTERNATIVES**

Halifax Regional Council could direct staff to amend By-law P-600 respecting Municipal Parks to prohibit all motorized bicycles in HRM parks and trails.

### **ATTACHMENTS**

Table 1.0 – E-bike Usage in Parks and Trails throughout Canada

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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**Table 1.0 – E-bike Usage in Parks and Trails throughout Canada**

| Municipality | E-Bikes | Notes   |
|--------------|---------|---|
| Regina       | No      | <p>Not regulated. Parks By-law does not specifically address e-bikes but does indicate that driving any vehicle, including, but not limited to, a licensed or unlicensed motorized or motor-less vehicle is prohibited.</p> <p>Bike is a vehicle propelled by muscular power or combined muscular and electrical-assist. Fitted with pedals. Weighing no more than 35kg. Does not have sufficient electrical power to attain a speed greater than 34 km/hr on level ground.</p> |
| Calgary      | No      | <p>Park speed limit of 20km/hr.</p> <p>Bike is being solely propelled by human power.</p> <p>By-law states no motorized vehicles.</p>   |
| Windsor      | No      | <p>Council passed a by-law to prohibit e-bikes on multi-use trails.</p> <p>Municipalities have the ability to pass by laws that prohibit them from parks.</p>   |
| Toronto      | Yes     | <p>Bicycle is a bicycle, tricycle, unicycle, and a power-assisted bicycle which weighs less than 40 kg and requires pedalling for propulsion.</p> <p>Maximum rate of speed in a park is 20km/hr.</p>  |
| Hamilton     | No      | <p>Parks By-law states bicycles are allowed in parks, but the definition of a bicycle does not include a motor assisted bicycle.</p> <p>Motorized vehicles are prohibited on recreational trails, including electronic bikes.</p>   |
| Ottawa       | Yes     | <p>Parks and Facilities By-law prohibits the use of motorized vehicles in a city park or on a city bike path.</p> <p>E-bikes are considered bikes under the law and were not considered when the by-law was drafted.</p> <p>Power-assisted bicycles that are physically similar to conventional bicycles are allowed in parks and trails.</p>   |
| London       | Yes     | <p>By-law does not define e-bikes specifically.</p> <p>Bicycle includes a unicycle or tricycle but does not include a motor assist of any type.</p>   |
| Vancouver    | No      | <p>Power assisted bikes are not allowed on sidewalks, seawall and pathways.</p> <p>Permitted in bike lanes though.</p>  |
| Saskatoon    | No      | <p>Bicycle is not defined under provincial traffic act.</p> <p>Definition of a bike, less than 35kg and solely muscle powered.</p>  |
| Edmonton     | No      | <p>Bicycle defined as a cycle propelled solely by human power on which a person may ride, having two wheels.</p>  |
| Thunder Bay  | N/A     |   |
| Montreal     | No      | <p>Bicycles are permitted.</p> <p>E-bikes do not meet the definition of a bicycle; a locomotive engine whose displacement is ensured by the muscular strength of its driver.</p>  |