

Document 1

BY-LAW NO. 2021-XX

A by-law of the City of Ottawa regulating the operation and use of cargo power-assisted bicycles in the City of Ottawa.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law:

“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;
- (e) has a weight of more than 55 kilograms;
- (f) has a width not exceeding 1.3 metres;
- (g) has a length not exceeding 4 metres;
- (h) has a height not exceeding 2.2 metres;
- (i) has wheels that have a width of not less than 35 millimetres and a diameter of not less than 350 millimetres;
- (j) does not have any structure that fully encloses the occupant area; and
- (k) has an electric motor with a continuous rated output power not exceeding 1,000 watts that is incapable of providing propulsion assistance when the bicycle attains a speed of 32 kilometres per hour or more;

“cargo power-assisted bicycle parking facilities” include ring and post racks, ring racks, bicycle corrals that support bicycles in an upright position, outer boulevard, designated furniture zones, or an area designated by pavement marking or official sign for parking of cargo power-assisted bicycles, and which facilities are predominantly located within the City right-of-way or within a municipal parking lot and may be located in select designated and delineated on-street parking spaces, but do not include light standards, utility poles, sign posts, fences, street furniture, or similar infrastructure within the City right-of-way;

“boulevard” means all parts of the highway save and except any roadway, shoulder or sidewalk, and

(a) “central boulevard” means that part of the boulevard lying between the roadways of a divided highway and includes channelizing islands;

(b) “outer boulevard” means that part of the boulevard lying between any sidewalk and the roadway or the near edge of the shoulder where such exists; and

(c) “inner boulevard” means that part of the boulevard lying between the property line and the edge of the sidewalk nearest to the property line, and where there is no sidewalk that part of the boulevard lying between the property line and the roadway or the edge of the shoulder, where such exists, furthest from the roadway;

“Chief of Police” means the Chief of Police of the Ottawa Police Service, or an authorized representative;

"City" or "City of Ottawa" means the municipal corporation known as the City of Ottawa or the geographic area of the City of Ottawa, as the context requires;

“commercial cargo power-assisted bicycle” means a cargo power-assisted bicycle that,

(a) is greater than 0.95 meters in width;

(b) has a weight greater than 120 kilograms unladen;

- (c) is used for the conveyance of cargo, parcels or goods for commercial purposes; or
- (d) is used for hire for the conveyance of persons;

“furniture zone” means the portion of a sidewalk that buffers pedestrians from the adjacent highway or roadway and where elements such as trees, street lights, hydrants, parking meters, or street furniture are typically located;

“General Manager” means the General Manager of the Transportation Services Department of the City or an authorized representative;

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Highway Traffic Act” means the Ontario Highway Traffic Act, R.S.O. 1990, c. H.8 as amended;

“official sign” means a sign on the highway approved by the Ministry of Transportation of Ontario;

“operator” means, in respect of commercial cargo power-assisted bicycle, a person operating a cargo power-assisted bicycle for or on behalf of another person who is the owner thereof and where an owner personally operates a cargo power-assisted bicycle, shall include the owner;

“owner” means, in respect of commercial cargo power-assisted bicycle, the person who owns or uses commercial cargo power-assisted bicycles in association with their business;

“pedestrian” means,

- (a) a person on foot;
- (b) a person in a wheelchair; or
- (c) a child in a carriage, stroller or play vehicle;

"person" means a natural person, an employee, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply;

"reserved bicycle lane" means those parts of the highway set aside by the City for the use of cyclists and designated by official sign or pavement markings;

"reserved bus lane" means those parts of the highway set aside by the City for the use of buses and designated by official sign or pavement markings;

"roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

"shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;

"sidewalk" means those parts of a highway set aside by the City for the use of pedestrians;

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, roadbuilding machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar.

APPLICATION OF BY-LAW

2. This by-law applies to all highways, sidewalks, trails, paths, walkways, parks, exhibition grounds or multi-use pathway trails under the jurisdiction of the City.

SUBJECT TO LAWS

3. The provisions of this by-law are subject to the provisions of the Highway Traffic Act and Ontario Regulation 141/21, as amended.

4. No person shall operate, or cause to be operated, or use a cargo power-assisted bicycle on a highway, sidewalk, trail, path or walkway, a park, exhibition ground or multi-use pathway trails, unless:

- (a) permitted by and in accordance with the provisions of the Highway Traffic Act and Ontario Regulation 141/21, as amended;
- (b) permitted by and in accordance with the provisions of the City of Ottawa Traffic and Parking By-law NO. 2017-301, as amended pertaining to vehicles;
- (c) permitted by and in accordance with applicable laws and the provisions of this by-law.

GENERAL REGULATIONS

5. No person operating or riding on a cargo power-assisted bicycle shall fail to wear a helmet that complies with the requirements of subsection 104 (1) or (2.1) of the Highway Traffic Act.

6. No person under the age of 16 years shall operate a cargo power-assisted bicycle.

7. No person operating a cargo power-assisted bicycle shall carry any other person thereon unless the bicycle is manufactured to carry passengers.

8. No person operating a cargo power-assisted bicycle shall tow another person, vehicle or device.

9. No person operating a cargo power-assisted bicycle shall attach himself or herself to another cargo power-assisted bicycle, vehicle or device for the purpose of being drawn or towed.

10. No person operating a cargo power-assisted bicycle shall carry dangerous or hazardous goods.

11. No person shall operate or permit to be operated a cargo power-assisted bicycle that carries a load unless the load is bound, secured, contained or covered so that no portion of the load may become dislodged or fall, leak, spill or blow from the cargo power-assisted bicycle.

PARKING AND OPERATION

12. Where a reserved bicycle lane is provided on a highway, no person shall fail to operate a cargo power-assisted bicycle in the reserved bicycle lane.
13. No person shall operate, or cause to be operated, or use a cargo power-assisted bicycle on a highway where bicycles are not allowed.
14. Where reserved bicycle lanes are not provided on a highway, a cargo power-assisted bicycle shall only be operated:
 - (a) if there is a shoulder on the highway, on the shoulder as close to the right edge of the shoulder as possible; or
 - (b) if there is no shoulder on the highway, on the right side of the roadway as close to the edge of the roadway as possible.
15. No person shall operate, or cause to be operated, or use a cargo power-assisted bicycle on a sidewalk.
16. No person shall operate, or cause to be operated, use, park or stop a cargo power-assisted bicycle on or along a pedestrian mall designated pursuant to the Traffic and Parking By-law NO. 2017-301, as amended.
17. No person shall operate, or cause to be operated, or use a cargo power-assisted bicycle in a park, or part thereof, where cycling, skateboarding or rollerblading is prohibited.
18. Cargo power-assisted bicycles, except for commercial power-assisted bicycles, may be used or operated on a multi-use pathway trail, unless prohibited by official sign.
19. No person shall stop or park a cargo power-assisted bicycle or permit a cargo power-assisted bicycle to remain stopped or parked within a furniture zone in a manner that obstructs pedestrian access to benches, bus stops or other amenities.
20. No person shall stop or park a cargo power-assisted bicycle or permit a cargo power-assisted bicycle to remain stopped or parked on a highway, roadway, sidewalk, trail, path or walkway except where cargo power-assisted bicycle parking facilities are provided.

21. (1) No person shall stop or park a cargo power-assisted bicycle on a highway, roadway, trail, path, walkway, park, exhibition ground, multi-use pathway, reserved bicycle lane, or reserved bus lane in such a manner that obstructs the flow of pedestrian, vehicular or cyclist traffic.
- (2) Subsection (1) shall not apply to a person operating a commercial cargo power-assisted bicycle licensed under the City of Ottawa Licensing By-law NO. 2002-189, as amended, while actively engaged in the process of receiving or discharging passengers, including the processing of fare payment.

COMMERCIAL CARGO POWER-ASSISTED BICYCLES

22. No person shall operate a commercial cargo power-assisted bicycle on a multi-use pathway.
23. The owner of commercial cargo power-assisted bicycle:
 - (a) shall ensure each bicycle owned, used, or operated within the City of Ottawa in association with the owner's business is clearly marked with the logo, business name, or legal name of the owner on at least two opposing sides of the bicycle;
 - (b) shall ensure that each bicycle owned, used or, operated within the City of Ottawa in association with the owner's business shall be clearly marked with a unique four-digit number on the same two opposing sides as the logo, business name, or legal name of the owner, with each number no less than 50 millimetres in height;
 - (c) shall apply for an E-cargo Bike Parking Permit that provides short-term parking privileges in loading zones and no parking zones; and
 - (d) shall submit a response to the City's annual Commercial E-cargo Bike Survey, which contains, but is not limited to, the following information:
 - i. number of bicycles owned and in use within the City of Ottawa;
 - ii. areas of operation within the City of Ottawa;
 - iii. days of week and hours operations;

- iv. average number of trips per bicycle per day;
- v. average number of packages delivered per bicycle per day;
and
- vi. anonymized trip and routing data.

24. Where a commercial cargo power-assisted bicycle is being used for hire for the conveyance of persons:

- (a) The bicycle operator and owner shall not fail to obtain and maintain a valid rickshaw licence in accordance with the City of Ottawa Licensing By-law No. 2002-189, as amended; and
- (b) The bicycle operator shall not fail to ensure that all passengers wear a helmet when riding on a cargo power-assisted bicycle.

SAFE OPERATION

25. No person shall operate or use a cargo power-assisted bicycle in such a manner that may harm, injure or damage, either directly or indirectly, any person or property.

26. The person operating a cargo power-assisted bicycle shall keep a safe distance from pedestrians and other users at all times and shall give way to a pedestrian or bicycle by slowing or stopping, as necessary, where there is insufficient space for the pedestrian or bicycle and the cargo power-assisted bicycle to pass.

27. The person operating a cargo power-assisted bicycle shall not drive at a speed that is markedly greater than the speed of the pedestrians, cyclists and other users who are proximate to the cargo power-assisted bicycle.

28. Where a cargo power-assisted bicycle is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the person operating a cargo power-assisted bicycle shall forthwith report the accident to a police officer.

EQUIPMENT

29. The battery and motor of a cargo power-assisted bicycle shall be securely fastened to the cargo power-assisted bicycle to prevent them from moving while the cargo power-assisted bicycle is in motion.

30. A cargo power-assisted bicycle shall be equipped with a bell or horn which shall be kept in good working order and sounded whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach.

31. When operated at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, a cargo power-assisted bicycle shall be equipped with a lighted lamp displaying a white or amber light at the front, a lighted lamp displaying a red light at the rear clearly discernible at a distance of 150 metres.

32. The person operating a cargo power-assisted bicycle shall ensure the cargo power-assisted bicycle is equipped with white reflective material placed on its front forks, and red reflective material covering a surface of not less than 250 millimetres in length and 25 millimetres in width placed at the rear.

ERECTION OF SIGNS

33. The Chief of Police and the General Manager may erect, place and maintain such official signs as are required to give effect to the provisions of this by-law.

OFFENCES AND PENALTIES

34. Every person who contravenes any of the provisions of this by-law is guilty of an offence.

35. Every person who is convicted of an offence under this by-law is liable to:

- (1) a minimum fine not exceeding \$500 and a maximum fine not exceeding \$100,000 as provided for in subsection 429(3), paragraph 1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- (2) a special fine that may exceed \$100,000 as provided for in subsection 429(3), paragraph 1 of the Municipal Act, 2001.

36. When a person has been convicted of an offence under this by-law, the Ontario Court of Justice and any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted, issue an order:

- (1) prohibiting the continuation or repetition of the offence by the person convicted; and

- (2) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

APPLICATION AND ADMINISTRATION ENFORCEMENT

37. This by-law shall be enforced by the Chief of Police and the Municipal By-Law Enforcement Officers of the City of Ottawa.

EFFECTIVE DATE

38. This by-law shall come into force and take effect upon enactment and shall be repealed on March 1, 2026.

SHORT TITLE

39. This by-law shall be referred to as the “E-cargo Bike By-law”.

ENACTED AND PASSED this day of ,2021.

CITY CLERK

MAYOR