

CITY OF NANAIMO

BYLAW NO. 5000.048

A BYLAW TO REGULATE MICROMOBILITY TRAFFIC AND SAFETY ON HIGHWAYS

WHEREAS the Council is authorized, under Section 120 of the *Motor Vehicle Act*, OIC 640/2023, and Sections 8(2) and (3)(a) and 36 of the *Community Charter*, to regulate traffic and the use of highways within the municipality, including regulation of and permission for use of micromobility devices on highways.

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “TRAFFIC AND HIGHWAYS REGULATION BYLAW AMENDMENT BYLAW 2024 NO. 5000.048”.

2. “Traffic and Highways Regulation Bylaw 1993 No. 5000” is hereby amended by:

(a) By deleting the definition of “Director” in Section 2 – Interpretation and replacing it with the following:

“GENERAL MANAGER,
ENGINEERING AND
PUBLIC WORKS”

means the person duly appointed who has functional responsibility and accountability for operations of Engineering and Public Works departments and includes any person appointed or designated to act on their behalf.

(b) By deleting all instances of “Director” or “Director of Engineering and Public Works” and replacing all instances with “General Manager, Engineering and Public Works” throughout Bylaw No. 5000.

(c) By deleting the definition of “Director of Parks and Recreation” in Section 2 – Interpretation.

(d) By adding a new “Part 11 – Micromobility Device Regulations” directly before “PART II – GENERAL” (and renumbering subsequent sections accordingly) as follows:

“PART 11 – MICROMOBILITY DEVICE REGULATIONS

DIVISION (1) – INTERPRETATION

62. Interpretation

In this Part 11, without limiting the definitions in section 2 of this Bylaw:

“ELECTRIC KICK
SCOOTER”

(1) means a device that complies with the following:

(a) is designed to be:

- (i) solely self-propelled, or
 - (ii) self-propelled with the capability to be propelled by human power
- (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis, with one to 2 wheels at the front of the device and one to 2 wheels at the rear
- (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform
- (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device
- (e) is designed to transport not more than one person
- (f) is not a motor assisted cycle or another device that has pedals
- (g) does not have:
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the Electric Kick Scooter
- (h) the device must have one or more electric motors that:
 - (i) are powered solely by one or more electric batteries
 - (ii) are not capable of propelling the device at a speed exceeding 25 km/h when the device is being operated on a clean, paved and level surface, and
 - (iii) have a continuous power output rating that, in total, does not exceed 500 W

**“PROTECTED
BICYCLE LANE”**

- (1) means that a part of a Highway which is separated from Motor Vehicle Traffic by a bicycle lane buffer and is designated by the General Manager, Engineering and Public Works for use by persons on bicycles, non-motorized skates, skateboards, Electric Kick Scooters or Kick Scooters.

“KICK SCOOTER”

- (2) means device without a motor that complies with the following:
- (a) is designed to be propelled by human power

- (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis, with one to 2 wheels at the front of the device and one to 2 wheels at the rear
 - (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform
 - (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device
 - (e) is designed to transport not more than one person
 - (f) is not a motor assisted cycle or another device that has pedals
 - (g) does not have:
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the scooter
- (3) For certainty, an Electric Kick Scooter does not include a motorized wheelchair.

DIVISION (2) - MICROMOBILITY REGULATIONS

63. Micromobility Regulations

- 63.1 An owner, registered owner, lessee or operator of a Vehicle must not cause, allow or permit the Vehicle to stop on any portion of a Highway that is designated by the General Manager, or their designate, this Bylaw or any other enactment for use by persons on bicycles, Electric Kick Scooters or Kick Scooters.
- 63.2 No person shall ride an Electric Kick Scooter or Kick Scooter in a marked crosswalk unless it is also marked to permit cycling by persons on bicycles.
- 63.3 Subject to the provisions of subsection (4), a person may ride an Electric Kick Scooter or Kick Scooter in an unmarked crosswalk.
- 63.4 A person riding an Electric Kick Scooter or Kick Scooter if permitted in a crosswalk must yield the right of way to pedestrians who are entering, leaving, or in the crosswalk. For the purposes of this subsection, a marked crosswalk includes the area of the crosswalk also marked to permit cycling by persons on bicycles.

63.5 Subject to the requirements of this section 63, a person may ride or coast on an Electric Kick Scooter or Kick Scooter on:

- (a) any Highway, other than an Arterial Highway, that is subject to a speed limit of 50 kilometres per hour or less, or
- (b) portion of Highway designated by the General Manager, or their designate, as a protected bicycle lane.

63.6 A Person must not operate an Electric Kick Scooter:

- (a) on a sidewalk, except for the purpose of directly crossing a sidewalk as a pedestrian pushing the device, unless the General Manager, or their designate, has designated the sidewalk as a bicycle path or multi-use trail;
- (b) despite subsection (5), on a Highway with a posted speed limit higher than 50 km/h;
- (c) despite subsection (5), on a Highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal bylaw;
- (d) who is under 16 years of age; or
- (e) that has an electric motor which exceeds 500 watts and that provides a maximum speed in excess of 25 kilometres per hour.

63.7 A person must not ride an Electric Kick Scooter or Kick Scooter on any Highway or protected bicycle lane:

- (a) while wearing headphones, or any other manufactured device capable of transmitting sound, over or in close proximity to both ears, except that this prohibition will not apply to the wearing of a device designed and worn for the purpose of improving the wearer's ability to hear sounds emanating from outside of the device;
- (b) unless that person wears a helmet;
- (c) unless, between 1/2 hour after sunset and 1/2 hour before sunrise, that person or the person's skateboard or Kick scooter is equipped with and using lighting or reflective equipment that under normal atmospheric conditions is visible in all directions at least 75 m from the person or the Electric Kick Scooter or Kick Scooter;
- (d) unless that person travels in the direction of Vehicular or bicycle traffic and as close as practicable to the extreme right side of the Highway or protected bicycle lane; or
- (e) in a reckless manner or in a manner that will obstruct traffic or endanger the safety or property of any person.

63.8 A person operating an Electric Kick Scooter or Kick Scooter must not:

- (a) carry any other person or cargo on the scooter;
- (b) tow another person, vehicle or device;
- (c) attach themselves to another scooter, Vehicle or device for the purpose of being drawn or towed;
- (d) operate it in any position other than while always standing; or
- (e) leave it in a location that is intended for the operation or passage of Vehicles, bicycles, scooters or pedestrians.

63.9 A person must not drive, operate, or propel:

- (a) on any Highway or other public place, an internal combustion motorized scooter, except for internal combustion Motor Vehicles the *Motor Vehicle Act* permits to operate on Highways; or
- (b) despite paragraph (a), any Motor Vehicle on a path in a park or public place, except for certainty a motorized wheelchair or an Electric Kick Scooter or Kick Scooter.

63.10 A Peace Officer may impound any Vehicle or internal combustion motorized scooter in contravention of section 63.9 (a) or (b).

63.11 A person riding an Electric Kick Scooter or Kick Scooter must, at the request of a Peace Officer, state their correct name, address, and date of birth.

63.12 A Peace Officer may arrest without warrant any person riding an Electric Kick Scooter or Kick Scooter whom the officer finds committing a breach of any provision of this Bylaw if such person fails to stop and state their correct name, address, and date of birth.

63.13 Without limiting any other provision of this Bylaw, a person must comply with British Columbia Order in Council 640/2023.”

(e) By deleting the new section 66(2) and replacing it with the following:

“(2) The person affected by a decision of the General Manager, Engineering and Public Works as outlined in Section 66(1) must file a Notice of Appeal to the Director of Legislative Services, within 30 days of the date of the General Manager, Engineering and Public Works’ decision as outlined in the Appeals Procedure Bylaw, 2022 No. 7354, as amended from time to time.”

(f) By deleting the words “with respect to each section in Schedule ‘E’ attached to and forming part of this Bylaw.” and replacing it with “in the Bylaw Notice Enforcement Bylaw 2012 No. 7159” as amended from time to time.” In Section 13.

(g) By deleting Fine Schedule “E” in its entirety.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER