

BE IT ENACTED by the Council of the Town of Yarmouth under the authority of section 305B of the Motor Vehicle Act, RSNS 1989, c 293.

1.0 Short Title

This Bylaw shall be known as Bylaw 81, the Micromobility Bylaw.

2.0 Interpretation

In this Bylaw:

- a. “bicycle lane” means a marked lane on a roadway designated by a traffic sign for the use by bicyclists;
- b. “CAO” means the Chief Administrative Officer of the Town of Yarmouth;
- c. “electric kick-scooter” means a vehicle that is operated in a standing position and has
 - i. two wheels placed along the same longitudinal axis, a steerable wheel placed at the front of the vehicle and non-steerable wheel at the rear; or
 - ii. three wheels, two at the front for stability and one at the back, the front wheels being steerable and non-steerable wheel at the rear,
 - iii. wheels with a diameter of not less than one hundred and eighty-five millimetres and not greater than four hundred and thirty millimetres,
 - iv. a platform for standing between the two wheels,
 - v. a steering handlebar that acts directly on the steerable wheel, and
 - vi. an electric motor not exceeding five hundred watts that provides a maximum speed of thirty-two kilometres per hour;
- d. “Director/Manager” means the position determined by the CAO to be the head of a department of the Town, and who is accountable to the CAO.
- e. “multi-use trail” means any three to four metre wide paved or crusher dust trail that forms part of a network intended for walking, bicycling, or other active modes of transportation owned by the Town;
- f. “Town” means the Town of Yarmouth;
- g. “owner” means a business offering a shared transport service in which an electric kick-scooter is made available to use or operate for short-term rental in the Town;
- h. “park” means any land, owned, leased, or controlled by the Town, designated or used as parkland, including gardens, playgrounds, sports fields and beach areas;
- i. “roadway” means that portion of a street or highway between the curb lines or the travelled portion of a street designed for vehicular travel;

- j. “sidewalk” means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway;
- k. “street” means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts and retaining walls in connection therewith and without restricting the generality of the foregoing includes the full right of way width; and
- l. “traffic authority” means the traffic authority appointed by Town Council pursuant to section 311 of the Municipal Government Act.

3.0 Application

This Bylaw applies to the use and operation of electric-kick scooters in the Town.

3.1 Except where permitted by this Bylaw, the operation of an electric kick-scooter in the Town is prohibited.

3.2 The operation of an electric kick-scooter shall only be permitted on:

- a. roadways having a speed limit of 50 kilometers per hour or less;
- b. bicycle lanes on any roadway; and
- c. multi-use trails within streets.

3.3 Where permitted under section (3.2), no person shall operate an electric kick-scooter:

- a. at a speed in excess of 25 kilometers per hour on a roadway or bicycle lane;
- b. at a speed in excess of 15 kilometers per hour on a multi-use trail;
- c. on a sidewalk; or
- d. subject to subsection (3.4), in a park.

3.4 The Manager responsible for Public Works may designate parks permitting the use and operation of an electric kick-scooter.

3.5 No person shall park, dock, store or leave an electric kick-scooter on a highway, roadway, sidewalk, trail, path, walkway, exhibition ground or multi-use trail in such a manner that obstructs the flow of pedestrian, cyclist or vehicular traffic.

3.6 The traffic authority may erect signs fixing the maximum allowable speed of electric kick-scooters where the operation of electric kick-scooters is permitted by bylaw.

4.0 Abandonment Prohibited

No owner shall permit an electric kick-scooter to be abandoned upon any town property.

5.0 Information Required on Electric Kick-Scooters

The owner of an electric kick-scooter shall permanently affix an electric kick-scooter with the following information:

- a. the name of the owner or business or both; and
- b. a valid published telephone number and address for returning the electric kick-scooter to the owner.

6.0 Impoundment

Any town employee or agent may retrieve and impound any electric kick-scooter abandoned on town property.

6.1 Within 48 hours, the Town shall inform the owner that the electric kick-scooter has been impounded.

6.2 An impound fee in the amount set in the Schedule of Fees Policy shall apply to each electric kick-scooter impounded pursuant to subsection 6.0.

6.3 The Town shall release impounded electric kick-scooters on the payment of the impound fee pursuant to subsection 6.2.

6.4 The Town may sell or otherwise dispose of any impounded electric kick-scooters not retrieved by the owner within 7 working days following the date of notice.

- a. All expenses incurred by the Town in seizing, removing, impounding, storing and disposing of the electric kick-scooter may be charged and recovered as a debt due from the owner.

6.5 Upon any electric kick scooter being impounded the Town shall check for a phone number. If a phone number is found, the Town shall make at least one attempt to contact the owner of the electric kick scooter using the phone number.

6.6 If an electric kick scooter is missing, the onus is on the owner of the electric kick scooter to ascertain within the time period provided for impounding under this Bylaw, whether the electric kick scooter has been impounded. The Town shall not incur liability in the event of failure to give Notice to the owner, if the owner has not made inquiry of the Town to determine whether the electric kick scooter was impounded.

7.0 Penalties

A person who contravenes any section of this Bylaw is liable upon summary conviction to a penalty of not less than fifty dollars (\$50).

Clerk's Annotation for Official Bylaw Book

Date of Adoption: September 27th, 2023

I certify that this 'Micromobility Bylaw' was adopted by Council as indicated above.

Town Clerk:

Date:

Adopted

Date of First Reading	August 10 th , 2023
Notice of Intent to Consider	August 30 th , 2023
Date of Second Reading	September 14 th , 2023
Date of Publication	September 27 th , 2023