

CITY OF WHITEHORSE
REGULAR Council Meeting #2021-08

DATE: Monday, April 26, 2021
TIME: 5:30 p.m.

Mayor Dan Curtis
Deputy Mayor Jan Stick
Reserve Deputy Mayor Jocelyn Curteanu

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS

MINUTES Regular council meeting dated April 13, 2021

DELEGATIONS E-Bike Regulation Bylaw – Kylie Campbell
Sara McPhee-Knowles
Alexander Muradov

DELEGATE SUBMISSIONS E-Bike Regulation Bylaw – Jessica Westman
Dave Stathers

PUBLIC HEARING

STANDING COMMITTEE REPORTS

Corporate Services Committee – *Councillors Roddick and Curteanu*

Annual Asset Management Report – For Information Only

Racism and Discrimination Advisory Committee – For Information Only

City Planning Committee – *Councillors Hartland and Cabott*

Permanent Road Closure – Lane Right-of-way (City Hall/Old Fire Hall #1)

City Operations Committee – *Councillors Cabott and Hartland*

Community Services Committee – *Councillors Boyd and Stick*

Public Health and Safety Committee – *Councillors Stick and Boyd*

Development Services Committee – *Councillors Curteanu and Roddick*

NEW AND UNFINISHED BUSINESS

BYLAWS

2021-22	E-Bike Regulation Bylaw	3 rd Reading
2021-23	Amend Various Bylaws (Align with E-Bike Bylaw)	3 rd Reading
2021-21	Road Closure (Lane Right-of-way – City Hall)	1 st Reading

ADJOURNMENT

MINUTES of **REGULAR** Meeting #2021-07 of the council of the City of Whitehorse called for 5:30 p.m. on Tuesday, April 13, 2021, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis
Deputy Mayor Jan Stick
Councillors Dan Boyd
Laura Cabott – Electronic Participation
Jocelyn Curteanu – Electronic Participation
Samson Hartland
Stephen Roddick

ALSO PRESENT: City Manager Linda Rapp
Director of Community and Recreation Services Jeff O’Farrell
Director of Corporate Services Valerie Braga
Director of Development Services Mike Gau
Director of Human Resources Lindsay Schneider
Acting Director of Infrastructure and Operations Jason Everitt
Manager of Legislative Services Wendy Donnithorne
Assistant City Clerk Norma Felker
Legislative Services Administrative Assistant Pascaline Etter

Mayor Curtis called the meeting to order at 5:30 p.m.

CALL TO ORDER

2021-07-01

It was duly moved and seconded
THAT the agenda be adopted as presented.

AGENDA

Carried Unanimously

2021-07-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated March 22, 2021
be adopted as presented.

MINUTES

March 22, 2021

Carried Unanimously

DELEGATE SUBMISSIONS

Keith Lay, speaking on behalf of Active Trails Whitehorse Association, asked council to consider a number of amendments to the proposed E-bike Regulation Bylaw to add clarity and eliminate potential conflicts among trail users. He also stated that it is essential that an updated and usable map of motorized multiple use trails be prepared as soon as possible so that all operators know where these types of trails are located.

KEITH LAY
Active Trails Whitehorse
E-Bike Regulation Bylaw

COMMITTEE REPORTS

Corporate Services Committee

2021-07-03

It was duly moved and seconded
THAT the 2021 to 2024 capital expenditure plan be amended by adding a new capital project for the acquisition of a pump for the Lift Station #1 Upgrades project in the amount of \$90,000, funded by the Water and Sewer Reserve until a Gas Tax Transfer Payment Agreement is received.

CAPITAL BUDGET
AMENDMENT
Pump Acquisition for
Lift Station #1

Carried Unanimously

A council member encouraged administration to develop a plan to deal with these recurring pump failures.

Discussion

2021-07-04

It was duly moved and seconded
THAT the 2021 to 2024 capital expenditure program be amended by changing the scope of the Building Consolidation Plan Service Building project to include the demolition of the existing 1966 City Hall; and
THAT Administration be directed to bring forward the corresponding Cost "B" estimate as soon as it is prepared in order for Council to consider an amendment to the 2021-2024 capital budget.

SCOPE CHANGE
SERVICE BUILDING

A council member asked if a technical briefing could be prepared to better inform the media and potentially the public about this project.

Discussion

2021-07-05

It was duly moved and seconded
THAT a decision regarding a scope change for the Service Building project be postponed for two weeks to allow time for a technical briefing.

Motion to Postpone

Defeated (3 – 4)

IN FAVOUR Councillors Boyd, Cabott and Hartland
OPPOSED Mayor Curtis, Councillors Curteanu, Roddick and Stick

Recorded Vote

The main motion, being an amendment to the capital expenditure plan to authorize a scope change for the Service Building project, was then voted on.

Vote on Main Motion

Carried Unanimously

2021-07-06

It was duly moved and seconded
THAT the anti-racism resolution drafted in conjunction with the City of Dawson be forwarded to the Association of Yukon Communities for consideration by the membership at the 2021 Annual General Meeting. The resolution reads as follows:

“Inclusive Leadership in Yukon Communities

WHEREAS the Yukon’s history has been profoundly shaped by colonial occupations of Indigenous lands and the intense disruptions to Indigenous cultures and ways of life that followed; and

WHEREAS black, Indigenous, and people of colour have experienced racism and discrimination throughout the Yukon’s history, and continue to experience it today; and

WHEREAS the strength and beauty of Yukon communities lies in diversity, inclusivity, and generosity of spirit; and

WHEREAS the Yukon’s elected municipal officials are lawmakers and civic leaders whose responsibilities include fostering equity and respect for all citizens; and

WHEREAS the first step toward municipal action on reconciliation and racism requires that municipalities acknowledge and seek to better understand these issues; and

RESOLUTION FOR
CONSIDERATION AT THE
AYC ANNUAL MEETING

WHEREAS the Association of Yukon Communities (AYC) provides training funds for members in its annual operating budget, and may seek additional funds from external sources, such as the Community Training Trust Society;

BE IT RESOLVED THAT the AYC will coordinate, on an annual basis beginning in 2022, member education and training in anti-racism, inter-cultural competence, human rights, and/or other topics that enable us to better promote equitable and inclusive communities; and

BE IT FURTHER RESOLVED THAT AYC will budget for such education and training, and seek supplementary external funds where appropriate; and

BE IT FURTHER RESOLVED that AYC strongly encourages its members to:

- Provide such education and training for the elected officials, staff, and volunteers that represent their respective communities; and
- Conduct a review of their existing and proposed bylaws and policies with an anti-racism and inclusivity lens; and

.../continued

2021-07-06 (Continued)

- Explore and advocate for other actions to build equitable and inclusive communities, and share the results of these efforts with community members; and
- Explore participation in the Canadian Coalition of Inclusive Municipalities.”

RESOLUTION FOR
CONSIDERATION AT THE
AYC ANNUAL MEETING

(Continued)

Carried Unanimously

A corporate re-organization project was approved in the 2021 to 2024 capital expenditure plan. A number of changes to the corporate structure combined with work-load re-balancing have been identified to address the greatest needs and gaps. The significant changes are:

- Creating a Property Management department that includes Building Maintenance and vertical infrastructure. Moving the Building Maintenance function from the Infrastructure and Operations division will allow for more future planning in that division.
- Establishing a Corporate Human Resources division to support all other departments. The upcoming bargaining processes for three collective agreements will have a significant impact on resources in this area.
- Moving Transit Services to the Development Services division provides a fit with sustainability, energy/GHG reduction, and neighbourhood planning.
- Community and Recreation Services becomes Community Services, and some efficiencies should occur with Bylaw and Fire in the same division and the same building.
- The Wildland Fire Risk Reduction Strategy will initially be led by Legislative Services due to the need for policy and bylaw development before implementing other actions.

CORPORATE
RE-ORGANIZATION
For Information Only

No additional funding is required as changes can be covered in the initial stages using re-allocated funding from existing and project funds already anticipated and budgeted.

2021-07-07

It was duly moved and seconded
THAT a grant in the amount of \$500 be approved to the Yukon Anti-Poverty Coalition for the provision of compost to be used in the 2021 Ground Share pilot project, funded from the council donation account.

COUNCIL GRANT
DONATION OF COMPOST

Carried Unanimously

City Planning Committee

2021-07-08

It was duly moved and seconded THAT Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road to permit a drive-through component for an eating and drinking establishment, be brought forward to second reading and defeated.

BRING FORWARD AND
DEFEAT ZONING BYLAW
AMENDMENT FOR 107
RANGE ROAD

A council member suggested that the resolution as presented may not fully reflect the preferred action of the City Planning Committee, and proposed an amendment that would allow council members to make their decision on this issue as part of the bylaw process.

Discussion

2021-07-09

It was duly moved and seconded THAT the motion with respect to Zoning Amendment Bylaw 2021-13 be amended to read "THAT Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road to permit a drive-through component for an eating and drinking establishment, be brought forward for consideration of second and third reading under the bylaw process."

Amendment

Carried Unanimously

2021-07-10

It was duly moved and seconded THAT Bylaw 2021-14, a bylaw to amend the Zoning Bylaw with respect to a number of periodic revisions, be brought forward for second and third reading under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
(Periodic Revisions)

Carried Unanimously

2021-07-11

It was duly moved and seconded THAT Bylaw 2021-24, a bylaw to amend the Zoning Bylaw to improve the development application process and manage drainage requirements more effectively, be brought forward for consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
(Development Application
Process and Drainage
Requirements)

Carried Unanimously

City Operations Committee

There was no report from the City Operations Committee.

No Report

Community Services Committee

2021-07-12

It was duly moved and seconded
THAT Bylaw 2021-22, the E-Bike Regulation Bylaw, be brought forward for consideration under the bylaw process; and

BRING FORWARD
E-BIKE REGULATION
BYLAW AND RELATED
BYLAW AMENDMENTS

THAT Bylaw 2021-23, a bylaw to amend a number of current bylaws to align with the E-Bike Regulation Bylaw, be brought forward for consideration under the bylaw process.

Carried Unanimously

A council member asked if the recommendations presented by Mr. Lay have been considered. Administration advised that discussions with Active Trails Whitehorse Association and other interest groups included some of the items brought forward in the submission to council, and were considered in the preparation of the final draft of the bylaw.

Discussion

Administration confirmed that a response to the specific issues raised in Mr. Lay’s submission will be provided to council for information.

Public Health and Safety Committee

There was no report from the Public Health and Safety Committee.

No Report

Development Services Committee

There was no report from the Development Services Committee.

No Report

BYLAWS

2021-07-13

It was duly moved and seconded
THAT Bylaw 2021-10, bylaw to amend the 2021 to 2024 capital expenditure plan by re-budgeting 2020 capital expenditures, having been read a first and second time, now be given third reading.

BYLAW 2021-10
CAPITAL RE-BUDGETS
THIRD READING

Carried Unanimously

2021-07-14

It was duly moved and seconded
THAT Bylaw 2021-20, a bylaw to amend the Fees and Charges Bylaw in accordance with first quarter changes, having been read a first and second time, now be given third reading.

BYLAW 2021-20
FEES AND CHARGES
1st QUARTER CHANGES
THIRD READING

Carried Unanimously

2021-07-15

It was duly moved and seconded
THAT Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road
to permit a drive-through component for an eating and drinking
establishment, be given second reading.

Carried (6 – 1)

Council members spoke of their individual reasons for supporting or
opposing the bylaw. Reasons for support included the fact that the
current zoning is more than 20 years old and there has been significant
growth and change since the zoning was put in place. Environmental
issues were cited as reasons to oppose the bylaw.

IN FAVOUR Mayor Curtis, Councillors Boyd, Cabott, Curteanu,
Hartland and Stick
OPPOSED Councillor Roddick

BYLAW 2021-13

ZONING AMENDMENT
107 Range Road
SECOND READING

Discussion

Recorded Vote

2021-07-16

It was duly moved and seconded
THAT Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road
to permit a drive-through component for an eating and drinking
establishment, having been read a first and second time, now be given
third reading.

Carried (6 – 1)

IN FAVOUR Mayor Curtis, Councillors Boyd, Cabott, Curteanu,
Hartland and Stick
OPPOSED Councillor Roddick

BYLAW 2021-13

ZONING AMENDMENT
107 Range Road
THIRD READING

Recorded Vote

2021-07-17

It was duly moved and seconded
THAT Bylaw 2021-14, a bylaw to amend the zoning bylaw with respect
to a number of periodic revisions, be given second reading.

Carried Unanimously

BYLAW 2021-14

ZONING AMENDMENT
Periodic Revisions
SECOND READING

2021-07-18

It was duly moved and seconded
THAT Bylaw 2021-14, a bylaw to amend the zoning bylaw with respect
to a number of periodic revisions, having been read a first and second
time, now be given third reading.

Carried Unanimously

BYLAW 2021-14

ZONING AMENDMENT
Periodic Revisions
THIRD READING

2021-07-19

It was duly moved and seconded
THAT Bylaw 2021-22, a bylaw to regulate the control, use and operation
of electric bicycles, adaptive mountain bikes, electronic mobility devices
and e-scooters in the City of Whitehorse, be given first reading.

Carried Unanimously

BYLAW 2021-22
E-BIKE REGULATIONS
FIRST READING

2021-07-20

It was duly moved and seconded
THAT E-Bike Regulation Bylaw 2021-11 be given second reading.

Carried Unanimously

SECOND READING

2021-07-21

It was duly moved and seconded
THAT Bylaw 2021-23, a bylaw to amend a number of current bylaws to
align with the E-Bike Regulation Bylaw, be given first reading.

Carried Unanimously

BYLAW 2021-23
AMEND VARIOUS
BYLAWS TO ALIGN WITH
E-BIKE REGULATIONS
FIRST READING

2021-07-22

It was duly moved and seconded
THAT Bylaw 2021-23 be given second reading.

Carried Unanimously

SECOND READING

2021-07-23

It was duly moved and seconded
THAT Bylaw 2021-24, a bylaw to amend the Zoning Bylaw to improve
the development application process and manage drainage
requirements more effectively, be given first reading.

Carried Unanimously

BYLAW 2021-24
ZONING AMENDMENT
Development Applications/
Drainage Requirements
FIRST READING

There being no further business, the meeting adjourned at 7:25 p.m.

ADJOURNMENT



Minutes of the meeting of the Corporate Services Committee

Date	April 19, 2021	2021-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Stephen Roddick – Chair Councillor Jocelyn Curteanu – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott – Electronic Participation Councillor Samson Hartland Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Director of Human Resources Jason Everitt, Acting Director of Infrastructure and Operations Wendy Donnithorne, Manager of Legislative Services Norma Felker, Assistant City Clerk Pascaline Etter, Legislative Services Administrative Assistant	

Your Worship, the Corporate Services Committee respectfully submits the following report:

1. Annual Asset Management Report – For Information Only

Asset management initiatives have been ongoing at the City for many years. In 2019, following Council prioritizing asset management, a consultant was retained to assess the City’s progress and refocus implementation efforts. Despite the impact of the COVID pandemic on City operations, progress continued throughout 2020, culminating in adoption of the Asset Management Policy by Council. One of the requirements of this policy is that progress reporting occur.

Administration presented a report compiled by the Asset Management Steering Committee. The report highlights 2020 corporate asset management efforts in the areas of Steering Committee activities, City policy, staffing, major capital works and 2020 projects.

2. Advisory Committee on Racism and Discrimination – For Information Only

Mike Gladish addressed the committee to request that council reactivate the Advisory Committee on Racism and Discrimination.

In response to questions raised, administration advised that the original Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD) advisory committee was disbanded pursuant to the provisions of the Advisory Committee Bylaw adopted in November of 2017. In addition, the focus of the original CCMARD committee was contrary to the *Municipal Act*. The City's membership in the national CCMARD organization was felt to have lapsed during the time in which that organization was re-branding itself as the Canadian Coalition of Inclusive Municipalities.

In the interval since the committee was disbanded, individual departments have utilized inclusiveness as a lens. However, activities to systemically address and promote inclusiveness are not happening because there is no mandate to consider activating advisory committees.



Minutes of the meeting of the City Planning Committee

Date	April 19, 2021	2021-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Samson Hartland – Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott – Electronic Participation Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Director of Human Resources Jason Everitt, Acting Director of Infrastructure and Operations Patrick Ross, Manager of Land and Building Services Wendy Donnithorne, Manager of Legislative Services Norma Felker, Assistant City Clerk	

Your Worship, the City Planning Committee respectfully submits the following report:

1. Road Closure – Lane Right-of-way – City Hall Building Consolidation

City Hall and the former Fire Hall #1 are constructed across a parcel of land consisting of 12 individual lots and a portion of a lane right-of way that were established through the original survey for Downtown Whitehorse. The lots were not consolidated when the current City Hall was constructed.

Prior to the construction of the service building, these lots, together with the remaining portion of the lane, must be consolidated. In accordance with the *Municipal Act*, a bylaw to permanently close the remaining portion of the lane contained in this parcel of land must be passed before the consolidation of the lots can proceed.

The City is following the standard procedure for consolidation that would be required of any other developer.

The recommendation of the City Planning Committee is

THAT Bylaw 2021-21, a bylaw to close the remaining portion of lane right-of-way located adjacent to Lots 6 to 17 in Block 7, Downtown, known as the site of City Hall, be brought forward for consideration under the bylaw process.



Minutes of the meeting of the City Operations Committee

Date	April 19, 2021	2021-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Samson Hartland – Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott – Electronic Participation Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Jason Everitt, Acting Director of Infrastructure and Operations Wendy Donnithorne, Manager of Legislative Services Norma Felker, Assistant City Clerk	

Your Worship, there is no report from the City Operations Committee



Minutes of the meeting of the Community Services Committee

Date	April 19, 2021	2021-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Dan Boyd – Chair Councillor Jan Stick – Vice-Chair Mayor Dan Curtis Councillor Laura Cabott – Electronic Participation Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Stephen Roddick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Director of Human Resources Jason Everitt, Acting Director of Infrastructure and Operations Wendy Donnithorne, Manager of Legislative Services Norma Felker, Assistant City Clerk	

Your Worship, the Community Services Committee respectfully submits the following report:

1. **Proclamation** – For Information Only

Mayor Curtis proclaimed April 22, 2021 to be ***Earth Day*** in the City of Whitehorse.



Minutes of the meeting of the Public Health and Safety Committee

Date	April 19, 2021	2021-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jan Stick – Chair Councillor Dan Boyd – Vice Chair Mayor Dan Curtis Councillor Laura Cabott – Electronic Participation Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Stephen Roddick	
Staff Present	Linda Rapp, City Manager Jeff O'Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Director of Human Resources Jason Everitt, Acting Director of Infrastructure and Operations Wendy Donnithorne, Manager of Legislative Services Norma Felker, Assistant City Clerk	

Your Worship, there is no report from the Public Health and Safety Committee.



Minutes of the meeting of the Development Services Committee

Date	April 19, 2021	2021-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jocelyn Curteanu – Chair Councillor Stephen Roddick – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott – Electronic Participation Councillor Samson Hartland Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Director of Human Resources Jason Everitt, Acting Director of Infrastructure and Operations Wendy Donnithorne, Manager of Legislative Services Norma Felker, Assistant City Clerk	

Your Worship, there is no report from the Development Services Committee.

CITY OF WHITEHORSE
BYLAW 2021-22

A bylaw to regulate the control, use and operation of electric bicycles, adaptive mountain bikes, electronic mobility devices and e-scooters in the City of Whitehorse

WHEREAS section 265(a) of the *Municipal Act* (R.S.Y. 2002) provides that council may pass bylaws for the safety, health, and welfare of people and the protection of persons and property; and

WHEREAS section 265(i) of the *Municipal Act* provides that council may, subject to the *Motor Vehicles Act*, pass bylaws for the use of Motor vehicles or other vehicles, on or off highways, and the regulation of traffic; and

WHEREAS section 266(a) of the *Municipal Act* provides that, without restricting section 265, a council may in a bylaw passed under this division regulate, control, or prohibit; and

WHEREAS section 126(1) of the *Motor Vehicles Act* provides that a municipality may, with respect to highways under its direction, control and management, make bylaws controlling and regulating the use of all highways, sidewalks, and other public places and delegating to the chief constable or municipal manager any powers in connection therewith including delegating to the municipal manager the power to prescribe where traffic control devices are to be located, which shall be deemed to be made by bylaw of the municipality, and that records of all such locations shall be kept and be open to public inspection during normal business hours; and

WHEREAS section 126(2) of the *Motor Vehicles Act* provides that a municipality may make bylaws for the purposes of controlling or preventing the riding of bicycles on any sidewalk, controlling and regulating the operating of bicycles on highways and other public places, and providing for the seizure or impounding for a period not exceeding 60 days of any bicycle used or operated in contravention of any bylaw; and

WHEREAS section 126(4) of the *Motor Vehicles Act* provides that a municipality may make bylaws prohibiting, controlling and regulating the use of vehicles, including vehicles operated exclusively off-highway, on land that is not a highway; and

WHEREAS section 249(2) of the *Motor Vehicles Act* provides that a municipality may by bylaw confer on an officer or employee of the municipality the powers of a peace officer under any of sections 36, 50, 86, 106, 114, 130, 133-136, 181, 203, 217, 230, and 232 of the *Motor Vehicles Act*, and

WHEREAS more people are using electric bicycles as a means of transportation, and the City of Whitehorse promotes this healthy and sustainable form of transportation and strives to be a cycling friendly community;

NOW THEREFORE the council of the municipality of the City of Whitehorse in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**E-Bike Regulation Bylaw**".

E-Bike Bylaw 2021-22

DEFINITIONS

2. For the purposes of this bylaw:

“aMTB” (Adaptive mountain bike) means a wheeled recreational cycle designed to be operated by an individual who is unable to use a two-wheeled bicycle due to a disability, special need(s), and/or any other physical or neurological challenge, and includes, but is not limited to: a hand cycle, recumbent leg cycle, or tandem bicycle. An aMTB may have Pedal assist and/or direct Throttle power from an electric motor.

“Bicycle helmet” means a form of CSA approved or equivalent protective head gear specifically designed for bicycle operators to be worn on the head, secured by manufacturer’s straps and fasteners;

“Bicycle lane” means a lane on a highway or portion of highway that has been so designated by authorized signs or painted markings and is primarily used by bicycles, and does not include a turning lane where there are dashed lines painted on the Roadway or signage indicating the lane is a turning lane.

“Bicycle trailer” means any single or two-wheeled device which has been specifically designed and manufactured to tow behind a bicycle and is attached to a bicycle by means of a rigid tow bar;

"Central business district" means the area bounded on the north by the northern street line of Wood Street, on the east by the eastern street line of Front Street, on the south by the southern street line of Elliott Street, and on the west by the western street line of Fifth Avenue;

"City" means the City of Whitehorse;

"Council" means the council of the City of Whitehorse;

“e-bike” means a bicycle with an electric motor mounted either at the bottom bracket (mid-drive) or at either wheel hub, which provides power to the bicycle’s drivetrain. Engagement of the motor varies from pedal feedback over a specific wattage to direct Throttle control.

“e-mobility device” means a self-balancing transport device powered by an electric motor which uses the shifting weight of the rider to balance the device, and includes devices such as a hoverboard, electric unicycle, and electric skateboard.

“e-scooter” means a vehicle that is equipped with a standing surface and is designed to be operated by a single user from a standing position, has one or more electric motors, has steering handlebars, possesses not more than 3 wheels, and is capable of being propelled by muscular power;

“Head light” means a forward facing light mounted on the bicycle or the operator that emits a white light that is visible to persons and/or vehicles at a distance of no less than 200 metres;

“Impassable” means impracticable or unsafe to cross or travel along;

E-Bike Bylaw 2021-22

“Motorized multiple use trails” means those trails designed and designated by the City to be used by motorized vehicles including ATVs and snowmobiles as identified in the Trail Plan;

“Motor vehicle” means a motor vehicle as defined in the MVA, except where otherwise specified in this bylaw

“*Motor Vehicles Act*” or “MVA” means the Yukon *Motor Vehicles Act* and Regulations as may be amended from time to time;

“Night time” means the period commencing at sunset and ending at the following sunrise and includes daylight hours where atmospheric conditions reduce visibility to less than 200 metres;

“Nominal power” means the maximum continuous power output that an e-bike can produce without overheating the motor;

“Officer” means a City Bylaw Services Constable, employee of the City of Whitehorse, or any Peace Officer as defined by the MVA

“Ordinary walking speed” means the speed at which a person would ordinarily walk, and includes a fast-paced walk but excludes running or jogging;

“Pedal assist” means a mode of power engagement that requires pedalling input from the user to engage the motor;

“Prepared crossing” means that portion of a Sidewalk that intersects or crosses a bike path, or a cross-walk that adjoins a bike path.

“Roadway” means that portion of a street improved, designed or intended for use by vehicles or Motor vehicles, such as bicycles, cars, trucks and vans;

“Sidewalk” means that part of a street designed or intended for use by pedestrians;

“Tail light” means a rear facing light mounted on the bicycle or the operator that emits a red light or red flashing light that is visible to persons and/or vehicles at a distance of no less than 200 metres;

“Throttle” means a mode of power engagement that allows the user to engage the motor via a switch on the handlebar of the E-bike regardless whether the user is providing pedaling input;

“Trail” means a trail which meets the criteria for any of the classes of trail set out in Schedule “A” of this bylaw, and includes, without limiting the generality of the foregoing, a trail adopted by the City pursuant to the Trail Maintenance Policy, as amended, from time to time;

“Whitehorse Transit” means a Motor vehicle operated by or for the City of Whitehorse Transit System.

E-Bike Bylaw 2021-22

E-bike Classification

3. The City will employ existing e-bike classifications and industry standards to maintain consistency with adjacent jurisdictions and manufacturer standards. Three categories of e-bike classifications will apply:
 - (1) “Class 1 e-bike” means a bicycle equipped with an electric motor that provides assistance only when the rider is pedalling (pedal assist) and that ceases to provide assistance when the bicycle reaches 32 kilometres per hour and has a maximum continuous wattage output of 500 watts. For the purposes of this bylaw, a Class 1 e-bike is not considered a Motor vehicle
 - (2) “Class 2 e-bike” means a bicycle equipped with an electric motor that can be used exclusively to propel the bicycle (throttle equipped) and that ceases to provide assistance when the bicycle reaches 32 kilometres per hour. For the purposes of this bylaw, a Class 2 e-bike is not considered a Motor vehicle.
 - (3) “Class 3 e-bike” means a bicycle equipped with a Pedal or Throttle assist electric motor with a Nominal power output rating of 750 Watts or less and that ceases to provide assistance when the bicycle reaches 45 kilometres per hour. For the purposes of this bylaw, a Class 3 e-bike is not considered a Motor vehicle
4. An Adaptive Mountain Bike (aMTB) is not considered a Motor vehicle for the purposes of this bylaw.

OPERATION

5. All e-bikes shall be equipped with brakes on each wheel or on each axle, and be capable of bringing the e-bike to a full stop from an operating speed of 32 kilometres per hour within nine metres.
6. All electrical terminals on an e-bike, e-scooter, e-mobility device, or aMTB must be completely insulated or covered.
7. This bylaw shall not apply to an Officer, an enforcement officer appointed by the Federal Government of Canada, or an enforcement officer appointed by the Government of Yukon, who is acting in the course of lawful duties.
8. A person operating an e-bike, e-scooter, e-mobility device or aMTB upon a highway shall have the same rights and duties as a driver of a vehicle as prescribed in the *Motor Vehicles Act* of the Yukon Territory and the *City Traffic Bylaw*, with such modifications as are necessary.
9. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB, ride as a passenger on an e-bike, e-scooter, e-mobility device, or aMTB or ride as a passenger in a Bicycle trailer without wearing a Bicycle helmet.
10. A parent or guardian of a person under the age of 16 years shall not authorize or knowingly permit that person to operate or ride as a passenger on an e-bike, e-scooter, e-mobility device, or aMTB unless the person is wearing a Bicycle helmet.

E-Bike Bylaw 2021-22

11. Class 1 e-bikes and aMTBs are permitted on all Trails and Bicycle lanes.
12. Class 2 e-bikes, e-scooters and e-mobility devices are permitted only on Type 1 Trails described in Schedule "A" of this bylaw, motorized multiple-use trails, and Bicycle lanes.
13. Class 3 e-bikes are permitted only on Roadways, Bicycle lanes, motorized multiple use trails and the Two Mile Hill multiple use trail.
14. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB on a Sidewalk or marked crosswalk except:
 - (1) at a lane crossing;
 - (2) at a Prepared crossing;
 - (3) in an unmarked crosswalk;
 - (4) to cross over a crosswalk while traveling in a bike lane or traffic lane;
 - (5) where a Bicycle lane on the Roadway adjacent to the Sidewalk or marked crosswalk is impassable; or
 - (6) where a cyclist or e-device user would be forced to travel in a lane of traffic on the Roadway adjacent to the Sidewalk due to the edge or shoulder of the Roadway being impassable.
15. When permitted to operate an e-bike, e-scooter, e-mobility device or aMTB on a Sidewalk pursuant to section 14 of this bylaw, a person commits an offense of unsafe operation of an e-bike on a Sidewalk if the person:
 - (1) operates the e-bike, e-scooter, e-mobility device or aMTB so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard; or
 - (2) operates the e-bike, e-scooter, e-mobility device or aMTB at a speed greater than Ordinary walking speed when approaching or entering a crosswalk, approaching or crossing a driveway, or crossing a curb cut or pedestrian ramp when a Motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp.
16. A person operating an e-bike, e-scooter, e-mobility device or aMTB in a Prepared crossing or on a Sidewalk as permitted by section 14 of this bylaw shall:
 - (1) yield the right of way to pedestrians;
 - (2) give an audible signal by voice, bell or other signalling device before overtaking another crossing or Sidewalk user; and
 - (3) pass pedestrians at a speed no greater than Ordinary walking speed.
17. Notwithstanding any other provision in this bylaw, a person shall not operate an e-bike, e-scooter, e-mobility device or aMTB on a Sidewalk in the Central business district.

E-Bike Bylaw 2021-22

18. A person operating an e-bike, e-scooter, e-mobility device or aMTB on a Trail or on a Sidewalk as permitted in section 14 of this bylaw shall:
 - (1) yield the right of way to pedestrians;
 - (2) exercise due care and attention to avoid colliding with any other Trail or Sidewalk user;
 - (3) exercise reasonable consideration for any other Trail or Sidewalk user; and
 - (4) slow down and pass other Trail and Sidewalk users in a safe manner,
19. Notwithstanding any other provisions of this bylaw, unless a person operating an e-bike, e-scooter, e-mobility device or aMTB can provide more than one metre of separation when overtaking another Trail user, the person operating an e-bike shall give an audible signal by voice, bell or other signalling device before overtaking another Trail user.
20. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB upon a Roadway while wearing headphones or any other manufactured device capable of transmitting sound, over or in close proximity to both ears, unless the device is designed and worn for the purpose of improving the wearer's ability to hear.
21. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB upon a Roadway or Trail when there is signage indicating such use is prohibited.
22. An e-bike, e-scooter, e-mobility device or aMTB shall yield the right of way to a Motor vehicle when entering any Roadway from a Trail unless indicated otherwise by a traffic control device.
23. Every e-bike, e-scooter, e-mobility device or aMTB operated on a Roadway at any time during the Night time hours shall be equipped with:
 - (1) At least one Head light; and
 - (2) At least one red Tail light.
24. A person shall not tow anything behind an e-bike other than a Bicycle trailer, and such Bicycle trailer shall:
 - (1) be equipped with a red reflector, Tail light, or orange flag at the rear;
 - (2) be equipped with a Tail light when operated on a Roadway at Night time; and
 - (3) not exceed the manufacturer's occupancy limit.

MOTOR VEHICLES SHARING THE ROADWAY

25. A person operating and making a turn with a Motor vehicle on a Roadway shall yield to an e-bike, e-scooter, e-mobility device or aMTB being operated on the Roadway.

E-Bike Bylaw 2021-22

26. An operator of a Motor vehicle shall not pass an individual that is operating an e-bike, e-scooter, e-mobility device or aMTB that is travelling in the same direction as the Motor vehicle on the Roadway, on the shoulder, or in an adjacent Bicycle lane unless the operator leaves at least one metre of open space between the Motor vehicle and the bicyclist.

ENFORCEMENT

27. An Officer may stop any person operating an e-bike, e-scooter, e-mobility device or aMTB if that Officer has reasonable and probable grounds to believe that the person is acting in contravention of this bylaw.
28. Every person operating an e-bike, e-scooter, e-mobility device or aMTB shall, immediately when signalled or requested by an Officer acting under section 27 of this bylaw,
- (1) bring the e-bike, e-scooter, e-mobility device or aMTB to a stop;
 - (2) furnish any information respecting the person's identity, to the satisfaction of the Officer;
 - (3) remain stopped until such time as the Officer permits him or her to leave; and
 - (4) comply with any request or direction of the Officer.

POWERS OF A PEACE OFFICER

29. Every Officer has the powers of a peace officer under any of sections 36, 50, 86, 106, 114, 130, 133-136, 181, 203, 217, 230, and 232 of the MVA, with such modifications as are necessary, while engaged in the lawful execution of duties under this bylaw.
30. An Officer may, enter upon any land in any area of the city without warrant, except a dwelling house, if the Officer has reasonable and probable grounds to believe that such entry is reasonably necessary for any of the following purposes:
- (1) To prevent the continuation of an offence under this bylaw;
 - (2) To obtain particulars of ownership of an e-bike, e-scooter, e-mobility device or aMTB involved in an offence committed under this bylaw;
 - (3) To determine the identity of the operator of an e-bike, e-scooter, e-mobility device or aMTB involved in an offence committed under this bylaw;
 - (4) To collect or preserve evidence of an offence committed under this bylaw; or
 - (5) Any other valid law enforcement purpose relating to this bylaw

E-Bike Bylaw 2021-22

31. An Officer may seize and impound any e-bike, e-scooter, e-mobility device, or aMTB being operated in contravention of this bylaw for a maximum of ten days or until determination of the charges respecting such violation:
 - (1) if the operator of the e-bike, e-scooter, e-mobility device or aMTB fails or refuses to produce identification to the satisfaction of the Officer; or
 - (2) after a charge has been laid for a breach of this bylaw and the Officer has reasonable and probable grounds to believe that there are safety concerns associated with the continuation of such breach.
32. An e-bike, e-scooter, e-mobility device or aMTB that has been impounded under this bylaw shall not be released until the person claiming the e-bike, e-scooter, e-mobility device or aMTB provides photo identification and pays all costs associated with the impoundment including:
 - (1) all fines; and
 - (2) all impoundment fees as prescribed in the Fees and Charges Bylaw;
33. Where an e-bike, e-scooter, e-mobility device or aMTB has been impounded and is not claimed within six months from the date of seizure, the Manager of Bylaw Services may direct its disposal by public auction, and where an Officer has determined the value of such e-bike, e-scooter, e-mobility device or aMTB to be less than \$100.00, the Manager of Bylaw Services may direct that it be disposed of at the City of Whitehorse Waste Management Facility or scrap yard.

COMMITTING AN OFFENCE

34. Anyone who violates any provision of this bylaw, fails to do anything required by any provision of this bylaw, or permits anything to be done in contravention of this bylaw is guilty of an offence and subject to the penalties set out in this bylaw
35. A person who commits an offence under this bylaw is, in addition to any other punishment, liable upon summary conviction to:
 - (1) a set fine, under section 20 of the *Summary Convictions Act*, in respect of an offence specified in Schedule "B" of this bylaw; or
 - (2) a fine not exceeding ten thousand dollars where proceedings are commenced pursuant of the *Summary Convictions Act* of the Yukon.
36. The fine imposed against a person who has previously been convicted of an offence under this bylaw shall increase for any second and subsequent convictions for any offence under this bylaw.
37. Where a person is convicted of an offence under this bylaw the Judge may, in addition to any other measure imposed on the person, order that the person pay restitution in accordance with the applicable legal test in section 738 of the *Criminal Code of Canada*, as amended.

E-Bike Bylaw 2021-22

38. Where an offence is committed or continues on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.
39. Should a person owning or occupying real property within the City refuse or neglect to pay any fines that have been levied pursuant to this bylaw, the Officer may inform such person in default that, if these charges are unpaid on the thirty-first day of December on the same year, they shall be added to, and form part of, the taxes payable in respect of that real property as taxes in arrears.

COMING INTO FORCE

40. This bylaw shall come into full force and effect on and from the final passing thereof.

FIRST and SECOND READING: April 13, 2021
THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

E-Bike Bylaw 2021-22

SCHEDULE "A"

TRAIL TYPES

There are four general types of Trails found within the municipal boundaries of Whitehorse. Type 1 Trails have the highest amount of traffic with multiple users and Type IV Trails have the least amount of traffic with specific users.

Type I Trails

Type 1 Trails are double-track trails paved with asphalt or chip seal. Typical use includes pedestrian and cycling with limited motorized use. Type I Trails:

- (1) Are within the city core and connecting neighbourhoods;
- (2) Provide a two to three metre tread width;
- (3) Have trailhead signage and enroute signage installed where appropriate;
- (4) Have difficulty and distance markers installed where appropriate;
- (5) Have interpretive signage installed at established points of interest where appropriate;
- (6) Have benches and viewing platforms installed where appropriate; and
- (7) Provide lighting for night-time use if appropriate.

Type II Trails

Type II Trails are surfaced single-track or double-track trails. Typical uses include pedestrian and cycling with limited motorized use. Type II Trails:

- (1) Have a single-track tread width up to one metre;
- (2) Have a double-track tread width up to two metres;
- (3) Are machine built;
- (4) Have boardwalks and bridges installed if appropriate;
- (5) Have embedded trail obstacles removed;
- (6) Have trailhead signage and enroute signage installed where appropriate;
- (7) Have difficulty and distance markers installed where appropriate;
- (8) Have interpretive signage installed at established points of interest where appropriate;
- (9) Have benches and viewing platforms installed where appropriate; and
- (10) The typical difficulty rating is easy (green circle).

E-Bike Bylaw 2021-22

Type III Trails

Type III Trails are unsurfaced single-track and double-track trails. Typical use includes hiking and mountain biking with limited motorized use. Type III Trails:

- (1) Have a single-track tread width of 50 to 70 centimetres;
- (2) Have a double-track tread width of up to two metres;
- (3) Have trailhead signage and enroute signage installed where appropriate;
- (4) Have difficulty and distance markers installed where appropriate; and
- (5) Have difficulty rating ranges from easy (green circle) to extreme (double black diamond).

Type IV Trails

Type IV Trails are hinterland trails. Typical use includes hiking and mountain biking. Type IV Trails:

- (1) Plan for a tread width between 30 to 50 centimetres;
- (2) Have minimal trailhead and enroute signage installed if appropriate;
- (3) Have terrain that is sometimes rough with minimal tree grubbing and soil removed;
- (4) Has no high impact users such as horses or motorized vehicles; and
- (5) Have difficulty rating ranges from moderate (blue square) to extreme (double black diamond).

E-Bike Bylaw 2021-22

SCHEDULE "B" SET FINES

Authority (Bylaw Section)	<u>Description of Offence</u>	<u>Penalty</u>
5	Inadequate brakes	\$50.00
6	Electrical terminals not completely insulated or covered	\$50.00
9	Operate, etc. without helmet	\$50.00
10	Permit operation, etc. without helmet	\$50.00
12, 13	Operate where unauthorized	\$50.00
14	Operate on sidewalk or marked crosswalk	\$50.00
15	Operate on sidewalk in unsafe manner	\$50.00
16	Fail to yield, etc.	\$50.00
17	Operate on sidewalk in central business district	\$50.00
18	Fail to yield, etc.	\$50.00
19	Fail to give audible signal before overtaking another trail user	\$50.00
20	Operate while wearing headphones, etc.	\$50.00
21	Operate contrary to signage	\$50.00
22	Fail to yield to motor vehicle when entering roadway from trail	\$50.00
23	Operate without head light or tail light	\$50.00
24	Improper towing	\$50.00
25	Fail to yield	\$100.00
26	Unauthorized pass	\$100.00
28	Fail to stop, etc. for Officer	\$300.00

CITY OF WHITEHORSE
BYLAW 2021-23

A bylaw to amend a number of current bylaws to align with the E-Bike Regulation Bylaw.

WHEREAS section 220 of the *Municipal Act* provides that the power to adopt a bylaw or pass a resolution includes the power to amend or repeal the bylaw or resolution unless the Act or any other Act expressly provides otherwise; and

WHEREAS a bylaw to regulate electric bicycles and similar vehicles is being brought forward under the bylaw process; and

WHEREAS it is deemed desirable and expedient that a number of current bylaws be updated to reflect the adoption of the E-Bike Regulation Bylaw;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 3 of All-Terrain Vehicle Bylaw 2018-27 is hereby amended by deleting the existing definition for ATV and substituting therefore a new definition as follows:

“ATV” means a motorized wheeled vehicle designed and manufactured for off-road travel including, but not limited to, three wheelers, four wheelers, six wheelers, amphibious machines, off road or hybrid two wheeled vehicles but excludes, at all times, automobiles, class 1, 2 and 3 e-bikes, adaptive mountain bikes (aMTB) and e-mobility devices.

2. Section 2 of Bicycle Bylaw 2013-35 is hereby amended by adding a new definition as follows:

“e-bike” means a bicycle with an electric motor mounted either at the bottom bracket (mid-drive) or at either wheel hub, which provides power to the bicycle’s drivetrain. Engagement of the motor varies from pedal feedback over a specific wattage to direct throttle control.

3. Section 2 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting the existing definitions for Motorized Vehicle, Vehicle, and Wheeled Conveyance and substituting therefore new definitions as follows:

“MOTORIZED VEHICLE” means any conveyance that is powered by or capable of being powered by means other than human power, including solar, electric, or combustion engine including automobiles, snowmobiles, and all-terrain vehicles, excluding e-bikes and e-mobility devices.

“VEHICLE” means any motorized vehicle or non-motorized vehicle including a trailer or camper and excluding a bicycle, e-bike, electric mobility device, wheelchair or mobility device.

“WHEELCHAIR” means a chair with wheels, used in instances where walking is impossible or difficult due to illness, injury or disability.

Amending Various Bylaws – Bylaw 2021-23

4. Section 2 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by adding new definitions as follows:

“E-BIKE” means an electric motor-assisted bicycle as defined in the City of Whitehorse E-Bike Bylaw as amended from time to time.

“E-MOBILITY DEVICE” means a self-balancing transport device powered by an electric motor which uses the shifting weight of the rider to balance the device, and includes a hoverboard, electric unicycle, and electric skateboard.

“MOBILITY DEVICE” means any device designed to assist the mobility of a person with a physical disability.
5. Section 19 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting existing subsection (4) and substituting therefore a new subsection (4) as follows:

“19. (4) yield to slower traveling City trail users, pedestrian, wheelchairs and mobility devices.”
6. Section 49 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting existing subsections (2) and (3) and substituting therefore new subsections (2) and (3) as follows:

“49. (2) A vehicle, bicycle, e-bike or e-mobility device, if a charge has been laid for a breach of this bylaw and the Designated Officer has reasonable and probably grounds to believe that there are safety concerns associated with the continuation of such breach; or

(3) A vehicle, bicycle, e-bike or e-mobility device which has been abandoned.”
7. Section 50 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting the existing preliminary statement and substituting therefore a new preliminary statement as follows:

“50. The City may retain custody of a seized and impounded vehicle, bicycle, e-bike or e-mobility device until.”
8. This bylaw shall come into full force and effect upon final passage thereof, subject to the passing of E-Bike Regulation Bylaw 2021-22.

FIRST and SECOND READING: April 13, 2021

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

CITY OF WHITEHORSE

BYLAW 2021-21

A bylaw to authorize the closure of a portion of highway in the City of Whitehorse.

WHEREAS section 276 of the *Municipal Act* (2002) provides that council may by bylaw close a highway within its jurisdiction; and

WHEREAS it is deemed desirable that the remaining portion of lane located in Block 7 in the Downtown area, as shown on Plan 3807 LTO, be permanently closed to allow for the consolidation of the parcel of land located at 2121 Second Avenue advance of new development;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The following described portion of highway in the City of Whitehorse is hereby closed:
“That portion of lane right-of-way in the Downtown Area, adjacent to Lots 6 to 17, Block 7, Plan 3807 LTO, as shown outlined in red on the sketch attached hereto as Appendix ‘A’ and forming part of this bylaw.”
2. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

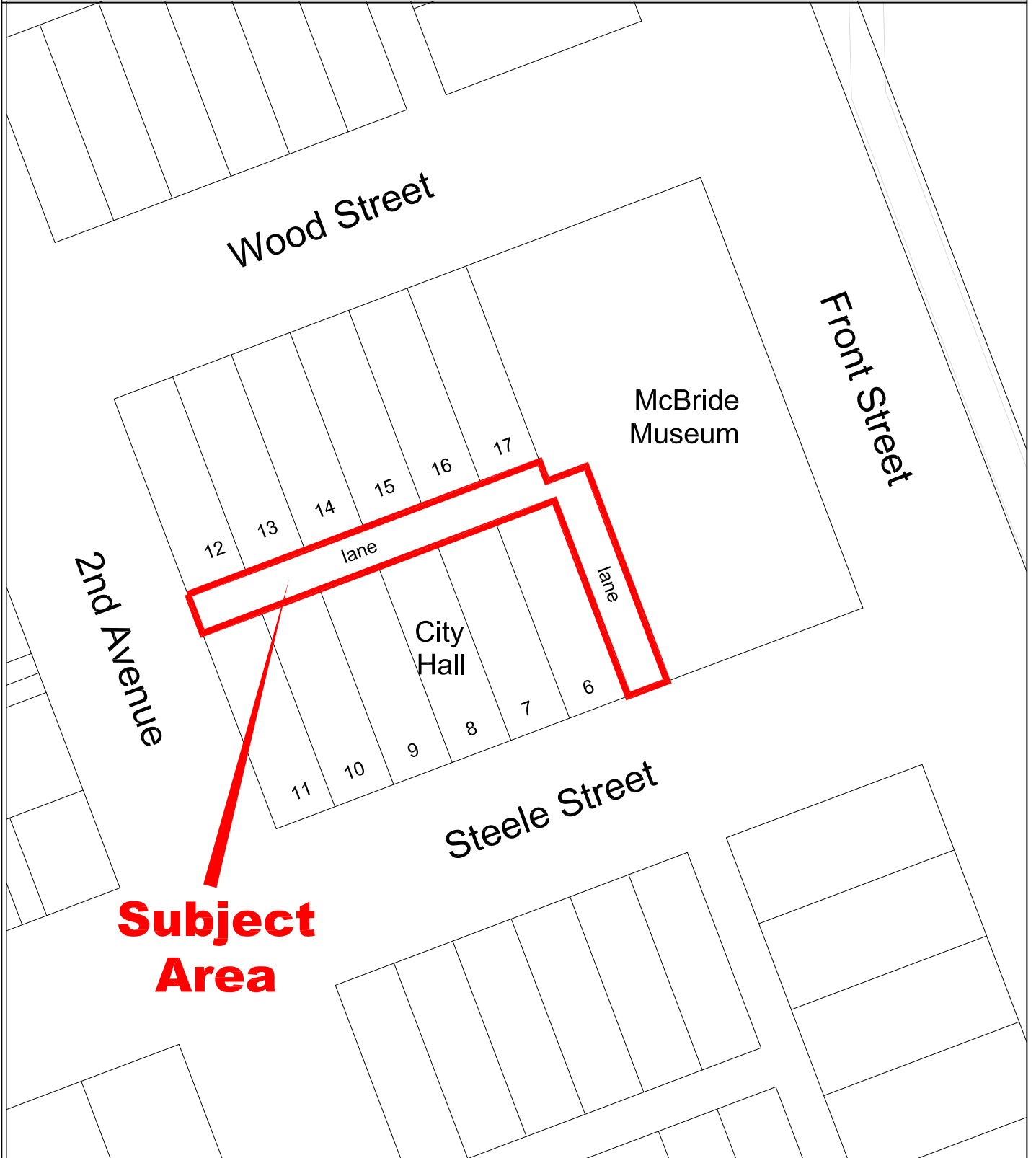
PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:

Mayor


Assistant City Clerk



BYLAW 2021-21

A bylaw to permanently close the remaining portion of Lane right-of-way located in Block 7, Plan 3807 LTO.

LEGEND

 SUBJECT AREA