

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT  
RAPPORT

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Our File/N/Réf.	L.1.1.68
Your File/V/Réf.	03 07-95-0096
DATE	12 September 1996
TO/DEST.	Co-ordinator, Transportation Committee
FROM/EXP.	Regional Solicitor & Environment and Transportation Commissioner
SUBJECT/OBJET	<b>LICENCING AND REGULATION OF BICYCLES - MOTION TC-23</b>

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**DEPARTMENTAL RECOMMENDATION**

**That Transportation Committee defer its consideration of the establishment of a Regional licencing scheme for bicycles until the results of the current voluntary bicycle licencing project of the Ottawa-Carleton Regional Police Service are known, and can be examined by Staff, Committee and Council.**

**PURPOSE**

During the consideration of the 1996 Transportation Budget, the Transportation Committee approved the motion TC-23 on December 4, 1995, directing that "bicycles in general be licensed by the RMOC".

Staff have recently been informed of a voluntary bicycle licencing project presently being undertaken by the O.-C. Regional Police Service ("OCRPS") in Ottawa, Nepean and Gloucester. This project is an ideal way to determine the level of interest in bicycle licencing among Ottawa-Carleton residents. These results will be very useful to the Regional Corporation in determining whether or not a Regional licencing scheme should be implemented, and the best ways to undertake such an endeavour.

This report also discusses other considerations involved in a decision to licence bicycles by the Regional Corporation.

## CURRENT VOLUNTARY LICENCING PROJECT

The OCRPS is presently offering a free, voluntary bicycle licencing program in Ottawa, Nepean and Gloucester. Residents of other municipalities may also participate, however. Bicycle owners may go to the designated areas with their bicycles to register them with volunteers of the OCRPS, who then place a sticker containing a bar code on the bicycle. Through a data base, the bar code number is cross-referenced with the serial number on the bicycle and the owner's name. Should a bicycle be subsequently lost/stolen then found by the OCRPS, the police would therefore be able to return the bicycle to the owner.

This licencing project is being entirely run by OCRPS staff and volunteers. The data base is being operated by the OCRPS staff, but updated by volunteers as well. Bicycle owners have the onus of informing the police of a change of address or ownership, in order to keep the data base current. The OCRPS also administers a free licencing project through schools in Nepean. It is also planning on having bicycle licencing initiatives at Ottawa University and Carleton University this fall. Again, these projects are being run by OCRPS with the help of volunteers.

The OCRPS has informed Regional Staff that their ultimate goal is to have all bicycles in the Ottawa-Carleton area licensed and registered; however, their present licencing project has a limit of 10,000 licences. Should all these licences be used up, the OCRPS will then determine if they will offer additional licences.

The Regional Corporation can use the results of this voluntary licencing project as an ideal "test-case" to get an indication of the level of interest for bicycle licencing in the Ottawa-Carleton area, and may at that time have a better appreciation of the factors and considerations involved with setting up a region-wide licencing system. After the completion of the licencing project, the Region would also be able to benefit from the experience of the OCRPS regarding the implementation and administration of a bicycle licencing system. A report will be prepared and tabled with this Committee and Council at that time, based on the experience of the OCRPS with regards to a voluntary bicycle licencing. Staff recommendations will be forwarded for consideration by Committee and Council. It is expected that the report will be prepared and tabled in late fall of 1996, when the OCRPS program is completed and bicycle use is no longer feasible.

For the above-noted reasons, it is recommended that the Transportation Committee defer the consideration of a Regional bicycle licencing scheme.

## POSSIBLE LICENCING SCHEME OPTIONS:

The following are possible options for Regional involvement in a bicycle licencing scheme:

1. A region-wide, **mandatory**, licencing scheme administered by the Regional Corporation, with either a licencing fee charged, or free licences;

2. A region-wide, **voluntary**, licencing system administered by the Regional Corporation, with either a licencing fee charged, or free licences, or a combination of both for certain age groups (i.e. children under 12 do not pay);
3. An expanded licencing program administered by the OCRPS with assistance by the Regional Corporation in certain aspects (i.e. possibly marketing, distribution of licences, among others).

#### OBTAINING LEGISLATIVE AUTHORITY TO LICENCE BICYCLES:

The Regional Corporation presently does not have the legislative authority to licence bicycles. That power belongs to the local municipalities. Should the Regional Corporation decide to implement a Regional bicycle licencing scheme, as in options 1 and 2 above, it would therefore require legislative authority to do so.

The Legal Department had looked to the migration of services dispositions of Bill 26, *the Savings and Restructuring Act 1996*, as a possible way to obtain legislative authority to licence bicycles. Section 209.2 provides the means by which an upper tier municipality could assume a local municipal power. However, Ontario Regulation 215/96, which specifies which local services and facilities may be assumed by an upper tier power under section 209.2, does not contemplate the assumption of licencing of bicycles. Therefore, it appears that Bill 26 can not be used at this time to obtain the required legislative authority.

#### **Amendments to the *Regional Municipalities Act***

The only other option available to the Regional Corporation is an amendment to the *Regional Municipalities Act* to give sole authority to the Regional Corporation to licence bicycles.

The current dispositions of the *Regional Municipalities Act* allow the Regional Corporation to regulate traffic on Regional roads, under section 32 (1). However, the ability to licence the use of bicycles is not included in this disposition.

In order to obtain the legislative authority to licence bicycles, the *Regional Municipalities Act* could be amended to make subsection 210 (132) of the *Municipal Act* directly applicable to the Regional Corporation. The authority to licence bicycles could be given exclusively to the Regional Corporation, or, as a shared power with the area municipalities.

A simple incorporation of subsection 210 (132) of the *Municipal Act* into the *Regional Municipalities Act* would allow the Region to licence bicycles on Regional roads only. It may be preferable to seek to remove the authority of local municipalities to licence bicycles, and place this responsibility solely on the Region. This would allow for a Regional bicycle licencing scheme. Otherwise, the situation could arise where the local municipalities could set their own licencing system for local roads, with a separate licencing system administered by the Regional Corporation for the Regional road system. Bicycle users would then be faced with differing licencing schemes from road to road, thereby creating confusion. It would be simpler to have one licencing scheme, administered by one authority.

### ***Licencing vs. Regulation***

It is important to note that the power to **licence** bicycles is separate and distinct from the **regulation** of bicycles. The **regulation** of bicycle use on roads (i.e. the “conduct” of bicycle users) is already legislated by both the *Highway Traffic Act* and the Region’s Traffic and Parking By-law, which essentially govern vehicle use on roads, including bicycles; other areas such as mandatory helmets and reflective lights on bicycles are also legislated by the Province. Therefore, should the Region obtain the necessary legislative authority to set up a licencing scheme, that authority would not include the authority to regulate for those areas that are already provided for in the Traffic and Parking By-Law or the HTA. However, the Regional Corporation could set up a code of conduct for any other areas which are not presently captured by the present legislation governing vehicles on roads.

### **OTHER CONSIDERATIONS**

Should the Transportation Committee and Council consider establishing a bicycle licencing scheme administered by the Regional Corporation, the following areas will also have to be examined:

1. Licencing Fees There is no specific amount mentioned in legislation regarding a licencing fee. Traditionally, the courts have found that a licencing fee must not be prohibitive under the particular circumstances in which it applies. The amount of the licencing fee, however, should be sufficient to off-set the administrative costs of setting up the licencing system, but should not be so high as to discourage bicycle owners from using their bicycles.
2. Administration and Enforcement Discussions should take place between staff and the OCRPS regarding the benefits and costs of adopting a mandatory Regional bicycle licencing system, including the most appropriate method of enforcement for such a system, and the type of administrative infrastructure needed to manage the licencing system. It would have to be determined by the OCRPS whether enforcement by police officers of a licencing obligation is a viable option.

### **CONSULTATION**

The establishment of a bicycle licencing scheme in any format will require a public consultation component. At a suitable time, consultation should be undertaken with area municipalities and the public regarding a Regional licencing system, in keeping with the Region’s public consultation goals. As well, should a mandatory licencing scheme be established, a public consultation initiative will have to be undertaken to inform residents of the new licensing requirements, as well as the administrative and enforcement procedures to which bicycle riders and owners will be subject.

### **FINANCIAL IMPLICATIONS**

Financial implications will be reviewed should Committee and Council direct staff to proceed.

## CONCLUSION

It is recommended that this Committee and Council defer their consideration of the establishment of a bicycle licencing scheme until the OCRPS has completed its present bicycle licencing project. The results of this project will give staff, the Committee and Council some idea of the level of interest in the Region for bicycle licencing, and may as well give some guidance regarding the actual establishment and operation of an expanded licencing program. Regional staff will communicate with the OCRPS to obtain updates and feedback concerning their licencing project.

Should the Regional Corporation decide to establish a licencing scheme, legislative authority to do so will have to be sought by an amendment to the *Regional Municipalities Act*. Consultation with area municipalities will have to be undertaken to establish a practical and logical system of licencing bicycles across the Region. Consultation with the OCRPS will also have to be undertaken in order to set up the necessary administrative and enforcement infrastructures, administrations and procedures.

Finally, a public consultation and information initiative will have to be set up in order to inform residents of the new licencing provisions, any mechanisms for payment, and administrative and enforcement procedures.

*Approved by D. Brousseau  
on behalf of M.J.E. Sheflin,  
Environment and Transportation Commissioner*

*Approved by  
J. Douglas Cameron,  
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