

By-law Number ***-2022

of The Regional Municipality of Durham

Being a by-law to regulate the operation and use of electric kick-scooters, including electric kick-scooters in The Regional Municipality of Durham.

The Council of The Regional Municipality of Durham hereby enacts as follows:

1. Short Title

1.1 This By-law may be cited as the “Electric Kick Scooter By-law”.

2. Definitions

In this By-law:

- 2.1 “authorized sign” means any sign placed upon a highway or on municipal property under the authority of this by-law;
- 2.2 “cargo” means goods carried on an electric kick-scooter by putting them on a platform, basket or container for carrying parcels or goods. Purses, backpacks or bags that are safely and securely attached to the operator are not considered cargo.
- 2.3 “Chief of Police” means the Chief of Police of the Durham Regional Police Service or an authorized representative;
- 2.4 “electric kick-scooter” means a vehicle that has,
- (a) two wheels placed along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear,
 - (b) a platform for standing between the two wheels,
 - (c) a steering handlebar that acts directly on the steerable wheel,
 - (d) an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour, and
 - (e) a maximum weight of 45 kilograms (kg) and wheels with a diameter of more than 430 millimetres.
- 2.5 “electric kick-scooter parking facilities” include ring and post racks, ring racks, charging stations, corrals that support electric kick-scooters in an upright position or enable the frame to be secured, or an area designated by pavement marking or official or authorized sign for parking of electric kick-scooters, and which facilities are predominantly located within the right-of-way or within a municipal parking lot and may be located in select designated and delineated on-street parking spaces or sidewalks, but do not include light standards, utility poles, sign posts, fences, street furniture, or similar infrastructure within the right-of-way;
- 2.6 “furniture zone” means the portion of a sidewalk that buffers pedestrians from the adjacent highway or roadway and where elements such as trees, streetlights, hydrants, parking meters, or street furniture are typically located;
- 2.7 “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;

- 2.8 “Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- 2.9 “multi-use pathway” means an in-boulevard path physically separated from motor vehicle traffic for use by cyclists, pedestrians and other non-motorized users;
- 2.10 “official sign” means a sign on the highway approved by the Ministry of Transportation of Ontario;
- 2.11 “pedestrian” means,
- (a) a person on foot;
 - (b) a person in a wheelchair; or
 - (c) a child in a carriage, stroller or play vehicle;
- 2.12 “Region” or “Regional” means the municipal corporation of The Regional Municipality of Durham or the geographic area as the context requires;
- 2.13 “reserved bicycle lane” means those parts of the highway set aside by the Region for the use of cyclists and designated by an official or authorized sign or by pavement markings
- 2.14 “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;
- 2.15 “shared services” means electric kick-scooters that are made available by a third-party for use by the public, for a fee.
- 2.16 “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;
- 2.17 “sidewalk” means those parts of a highway set aside by the Region for the use of pedestrians;
- 2.18 “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.

3. Application and Interpretation

3.1 This By-law applies to all highways, sidewalks, trails, paths, walkways, parks, multi-use pathways or any other property under the jurisdiction of the Region.

3.2 This By-law is subject to the provisions of the Highway Traffic Act.

4. Prohibition

4.1 No person shall operate, or cause to be operated, or use an electric kick-scooter on a highway, sidewalk, trail, path, walkway, park, multi-use pathway or any other property under the jurisdiction of the Region unless:

- (a) permitted by and in accordance with the provisions of the Highway Traffic Act and Ontario Regulation 389/19, as amended;
- (b) permitted by and in accordance with any applicable traffic by-laws; and

(c) permitted by and in accordance with the provisions of this By-law.

4.2 No person shall operate, or cause to be operated, or use an electric kick-scooter on a highway with a legal speed limit greater than 60 kilometres per hour, unless within a reserved bicycle lane.

4.3 No person shall operate, or cause to be operated, or use an electric kick-scooter on a sidewalk, unless permitted by an official or authorized sign.

4.4 No person shall operate, or cause to be operated, or use an electric kick-scooter where cycling, skateboarding or rollerblading is prohibited.

5. General Regulations

5.1 The Chief of Police and Commissioner of Works are authorized to erect, place and maintain such official and authorized signs as are required to give effect to the provisions of this By-law.

5.2 No person under the age of 16 years shall operate an electric kick-scooter.

5.3 No person under the age of 18 years old shall fail to wear a helmet that complies with the Highway Traffic Act when operating an electric kick-scooter.

5.4 No person operating an electric kick-scooter shall carry any other person thereon.

5.5 No person operating an electric kick-scooter shall tow another person, vehicle or device.

5.6 No person operating an electric kick-scooter shall attach himself or herself to another electric kick-scooter, vehicle or device for the purpose of being drawn or towed.

5.7 No person operating an electric kick-scooter shall operate it in any position other than while standing at all times.

5.8 No cargo may be carried on an electric kick-scooter.

5.9 No person shall park, stop or leave an electric kick-scooter or permit an electric kick-scooter to remain parked or stopped on a highway, roadway, sidewalk or trail, path, walkway, park, or multi-use pathway, except where electric kick-scooter parking facilities are provided.

5.10 No person shall park or stop an electric kick-scooter or permit an electric kick-scooter to remain parked or stopped within a furniture zone, unless authorized by the Region.

5.11 No person shall park or stop an electric kick-scooter or permit an electric kick-scooter to remain parked or stopped on a highway, roadway, sidewalk or trail, path, walkway, park, exhibition ground or multi-use pathway in such a manner that obstructs the flow of pedestrian, vehicular or cyclist traffic.

6. Safe Operation

6.1 The operator of an electric kick-scooter shall keep a safe distance of at least one metre from pedestrians and other users of the roadway, shoulder, sidewalk, trail, path, walkway, park, or multi-use pathway at all times and shall give way to a pedestrian or bicycle by slowing or stopping where there is insufficient space for the pedestrian or bicycle and the electric kick-scooter to pass.

6.2 Where reserved bicycle lanes are provided on a highway, an electric kick-scooter shall only be operated in the reserved bicycle lane.

6.3 Where no reserved bicycle lanes exist on a highway where electric kick-scooter are permitted to operate, the operator of an electric kick-scooter shall ride as

close as practicable to the right-hand curb or edge of the roadway or on the paved shoulder.

6.4 No person shall operate an electric kick-scooter within a crosswalk or pedestrian crossover, as those terms are defined in the Highway Traffic Act.

6.5 Every electric kick-scooter shall be equipped with a bell or horn which shall be kept in good working order and sounded to notify cyclists, pedestrians or others of its approach.

6.6 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, persons and vehicles are not clearly discernible at a distance of 150 metres or less, every electric kick-scooter shall carry a lighted lamp displaying a white or amber light at the front and a lighted lamp displaying a red light at the rear. The lamps may be attached to the electric kick-scooter or may be carried or worn by the operator on his or her person.

6.7 No person shall operate or use an electric kick-scooter in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property.

7. Enforcement

7.1 The provisions of this by-law may be enforced by:

- (a) a police officer pursuant to subsection 42(1)(h) of the Police Services Act, R.S.O. 1990, c. P.15;
- (b) any person appointed for the purpose by a by-law of the Region; and/or
- (c) all employees of the Region whose duties include the enforcement of this by-law; and/or
- (d) any authorized person or employee of a local municipality within the Region of Durham.

8. Offences and Fines

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

8.2 Every person who is convicted of an offence is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

9. Electric Kick-Scooter Shared Services

9.1 Where shared services are allowed to operate in a municipality, the following rules shall apply to the operation or use of the shared services electric kick-scooters:

- (a) No person shall park, stop or leave an electric kick-scooter or permit an electric kick-scooter to remain parked or stopped on a highway, roadway sidewalk, or trail, path, walkway, park or multi-use pathway, except where electric kick-scooter parking facilities are provided.
- (b) No person shall park or stop an electric kick-scooter or permit an electric kick-scooter to remain parked or stopped within a furniture zone, unless authorized by the Region.
- (c) No person shall park or stop an electric kick-scooter or permit an electric kick-scooter to remain parked or stopped on a highway, roadway

sidewalk, or trail, path, walkway, park, exhibition ground or multi-use pathway in such a manner that obstructs the flow of pedestrian, vehicular or cyclist traffic.

10. Effective Date

10.1 This By-law shall come into force on April 29, 2022 and shall be repealed on the earlier of:

(a) the revocation of Ontario Regulation 389/19: Pilot Project – Electric Kick-Scooters and

(b) November 27, 2024.

This By-law Read and Passed on the ----th day of -----, 2022.

J. Henry, Regional Chair and CEO

C. Bandel, Acting Regional Clerk