

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 159-2023**

**A By-law to amend Parks By-law 134-95, as amended, to add the definitions of power-assisted bicycles, also known as "e-bikes" and electric kick-scooters, also known as "e-scooters" or "electric kick-style scooters", and to prohibit these vehicles from parking, driving or riding within parks.**

**WHEREAS** section 11(2)(6) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*") enables lower-tier municipalities to enact by-laws to protect the health, safety and well-being of persons;

**AND WHEREAS** section 11(3)(5) of the *Municipal Act* enables municipalities to pass by-laws with respect to parks;

**AND WHEREAS** Ontario Regulation 389/19 made under the *Highway Traffic Act, R.S.O. 1990*, c. H.8 (the "*Highway Traffic Act*") provides that no person shall operate an *Electric Kick-Scooter* on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground under the jurisdiction of a municipality unless such operation is permitted by and in accordance with a municipal by-law;

**AND WHEREAS** the City of Vaughan (the "*City*") considers it desirable to allow *Electric Kick-Scooters* to be operated in the *City* subject to certain restrictions,

**AND WHEREAS** the *City* does not consider it desirable to allow *Power-Assisted Bicycles* and *Electric Kick-Scooters* to be driven in *City* parks for safety reasons;

**NOW THEREFORE** the Council of The Corporation of the *City* of Vaughan ENACTS AS FOLLOWS:

1. In By-law 134-95, as amended, to amend section 1, to delete the current definition of "Bicycle" and "Motor Vehicle".
2. In By-law 134-95, as amended, to amend section 1, to add the following definitions, and to order definitions in this section alphabetically:

"Bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle or *Power-Assisted Bicycle*;

"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, and
- (d) an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour;

"Highway Traffic Act" refers to *Highway Traffic Act, R.S.O. 1990, c. H.8* and its regulations, as amended, and its successor acts and regulations;

"Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a *Power-Assisted Bicycle, Electric Kick-Scooter*, street car, or other motorized vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;

"Power-Assisted Bicycle" means a vehicle that:

- (a) is pedal-driven bicycle of conventional exposed fork-and-frame bicycle design and appearance that does not resemble a motor scooter or motorcycle and that;
  - (i) has two or three wheels,
  - (ii) is fitted at all times with pedals that are always operable to propel the bicycle,
  - (iii) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals,
  - (iv) has steering handlebars,
  - (v) has wheels that have a width of not less than 35 millimetres and a diameter of not less than 350 millimetres,
  - (vi) has one or more electric motors that, singly or in combination, have a continuous rated output power not exceeding 500 watts and that is incapable of providing propulsion assistance when the bicycle attains a speed of 32 kilometres per hour or more, and

- (vii) weighs not more than 55 kilograms,
  - (b) has the appearance of a motor scooter, with a seat and an open frame that may be stepped through and a platform on which the rider's feet may rest and that;
    - (i) meets the description in subclauses (a) (i) to (vi), and
    - (ii) weighs not more than 120 kilograms,
  - (c) has the appearance of a motorcycle, with a saddle designed to be straddled and a footrest, pedals or pegs where the rider's feet may remain secure, and that meets the description in (b) (i) and (ii);
- 3. In By-law 134-95, as amended, to add section "31.1 Electric-Kick Scooters and Power-Assisted Bicycles" to state, "No person shall operate, ride, drive, or park an *Electric-Kick Scooter* or *Power-Assisted Bicycle* in any park."

Voted in favour by City of Vaughan Council this 17<sup>th</sup> day of October, 2023.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk