

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 160-2023

A By-law to amend Traffic By-law 284-94, as amended, to permit the use of *Electric Kick-Scooters* also known as "e-scooters", and to regulate the use of *Electric Kick-Scooters* and *Power-Assisted Bicycles* (also known as "e-bikes") in the City, and to make other changes regarding the use of *Bicycle Lanes*, *Cycle Tracks*, and *In-Boulevard Multi-Use Paths*.

WHEREAS section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*") states that lower-tier municipalities may enact by-laws with respect to *Highways*, including parking and traffic on *Highways*;

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 considers it desirable to allow *Electric Kick-Scooters*, to be operated in the City subject to certain restrictions;

AND WHEREAS the City considers it desirable to further regulate the safe operation of *Power-Assisted Bicycles* within the City;

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

1. In By-law 284-94, as amended, to amend section 2(1), by deleting the definitions of "Act", "Bicycle", "Bicycle Lane", "Cycle Track", and "Motor Vehicle".
2. In By-law 284-94, as amended, to replace the term "Act" with the term "*Highway Traffic Act*".
3. In By-law 284-94, as amended, to amend section 2 (1) to add the following definitions, and to order definitions in this section alphabetically:

"Bicycle" includes a tricycle, a unicycle and a *Power-Assisted Bicycle*;

"Bicycle Lane" means a portion of the *Roadway* for use by *Bicycles* and other vehicles as permitted by this By-law;

“Cycle Track” means a portion of the *Highway* for use by *Bicycles* and other vehicles as permitted by this By-law, which is separated from the *Roadway*;

“Electric Kick-Scooter” means a vehicle that has:

- (a) two wheels placed along the same longitudinal axis, one placed at the front of the electric kick-style 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;

"In-Boulevard Multi-Use Path" means a portion of the *Highway* for use by pedestrians, *Bicycles* and other vehicles as permitted by this By-law, which is separated from the *Roadway*;

“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*;

“Ontario Regulation 389/19” refers to *O. Reg. 389/19: Pilot Project - Electric Kick-Scooters* under the *Highway Traffic Act*;

“Parking By-law” refers the *City Parking By-law 064-2019*, as amended, or its successor by-law;

“Parks By-law” refers the *City Parks By-law 134-95*, as amended, or its successor by-law;

“Power-Assisted Bicycle” means a vehicle that:

- (a) is a 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 subsections (a) (i) to (vi), and
 - (ii) weighs not more than 120 kilograms,
- (c) is a vehicle that 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);

"Repair and Storage Liens Act" refers to the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25, as amended and its successor acts;

4. In By-law 284-94, as amended, to replace section 5.0 with the following:

5.0 Regulations for *Bicycles*, *Power-Assisted Bicycles* and *Electric Kick-Scooters*

- (1) No person shall operate *Bicycles*, *Power-Assisted Bicycles* and *Electric Kick-Scooters* in the *City* unless it is being operated in accordance with this By-law.

- (2) No person shall operate an *Electric Kick-Scooter* unless:
- (a) Permitted by and in accordance with the provisions of the *Highway Traffic Act* and *Ontario Regulation 389/19*; and
 - (b) Permitted by and in accordance with the provisions of this By-law and any other applicable by-laws or applicable portions of by-laws, including the *Parks By-law* and *Parking By-law*.
- (3) Subject to section 5.0(15), no person shall operate an *Electric Kick-Scooter* anywhere except on:
- (a) The *Roadway* or shoulder abutting the *Roadway* within a *Highway*, if the *Highway* has a speed limit of 50 km/h or less and does not have a *Bicycle Lane*, *Cycle Track* or *In-Boulevard Multi-Use Path*;
 - (b) *Bicycle Lane*;
 - (c) *Cycle Track*; or
 - (d) *In-Boulevard Multi-Use Path*.
- (4) No person shall operate or use an *Electric Kick-Scooter* within a *crosswalk* or *pedestrian crossover*.
- (5) No person shall park or otherwise leave an *Electric Kick-Scooter* anywhere except in parking spaces designated for *Bicycles* or *Electric Kick-Scooters*.

Safe Operation of *Electric Kick-Scooters*

- (6) *Electric Kick-Scooters* shall be operated in compliance with the following:
- (a) The operator of an *Electric Kick-Scooter* shall keep a safe distance from pedestrians and other users at all times and shall give way to a pedestrian or *Bicycle* by slowing or stopping, as necessary, where there is insufficient space for the pedestrian or *Bicycle* and the *Electric Kick-Scooter* to pass.
 - (b) No person shall operate an *Electric Kick-Scooter* at a speed that is much greater than the speed of the pedestrians who are nearby.
 - (c) Every *Electric Kick-Scooter* shall be equipped with a bell or horn which shall be kept in good working order and sounded whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach.

- (d) 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 visible 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, which may be carried or attached to the vehicle or may be carried or worn by the operator on his or her person.
- (e) No person shall operate an *Electric Kick-Scooter* in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property.
- (f) No person under the age of 16 years shall operate an *Electric Kick-Scooter*.
- (g) No person under 18 years old shall fail to wear a helmet that complies with the requirements of the *Highway Traffic Act* when operating an *Electric Kick-Scooter*.
- (h) No person operating an *Electric Kick-Scooter* shall carry any other person on the vehicle.
- (i) No person operating an *Electric Kick-Scooter* shall tow another person, vehicle or device.
- (j) 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.
- (k) No person operating an *Electric Kick-Scooter* shall operate it in any position other than while standing at all times.
- (l) No person shall operate an *Electric Kick-Scooter* while carrying cargo.
- (m) Every *Electric Kick-Scooter* shall have one or more electric batteries that are the sole source of power to the motor.
- (n) An *Electric Kick-Scooter* shall not have:
 - (i) a seat, surface or structure that could be used as a seat;

- (ii) pedals attached to it;
 - (iii) a basket attached to it;
 - (iv) wheels with a diameter of more than 430 millimetres; or
 - (v) any structure to enclose the *Electric Kick-Scooter*.
- (o) The weight of an *Electric Kick-Scooter*, including the weight of the battery but otherwise unladen, shall not exceed 45 kilograms.
- (p) The battery and motor of an *Electric Kick-Scooter* shall be securely fastened to the *Electric Kick-Scooter* to prevent them from moving while the *Electric Kick-Scooter* is in motion.
- (q) All electric terminals on an *Electric Kick-Scooter* shall be completely insulated and covered.
- (r) An *Electric Kick-Scooter* shall not be modified after its manufacture in any way that may result in increasing its power or its maximum speed beyond 24 kilometres per hour.
- (s) The motor of an *Electric Kick-Scooter* shall cease to propel the *Electric Kick-Scooter* forward if the accelerator is released or the brakes are applied.
- (t) The braking system of an *Electric Kick-Scooter* must be capable of bringing the *Electric Kick-Scooter*, while being operated at a speed of 24 kilometres per hour on a clean, paved and level surface, to a full stop within nine metres from the point at which the brakes were applied.
- (u) An *Electric Kick-Scooter* and all of its components shall be maintained in good working order at all times.
- (v) Every operator of an *Electric Kick-Scooter* shall stop when required to do so by a *Police Officer* and shall, on the demand of the *Police Officer*:
- (i) surrender his or her driver's licence, if he or she has one and has it in his or her possession, for reasonable inspection by the officer; or
 - (ii) provide the *Police Officer* with his or her correct name,

address and date of birth.

- (w) Where an *Electric Kick-Scooter* is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the *Electric Kick-Scooter* shall report the accident to the York Regional Police or Ontario Provincial Police.

Prohibition of *Electric Kick-Scooter* and *Power-Assisted Bicycle* Ride Sharing

- (7) No person or corporation shall permit other individuals or corporations to use an *Electric Kick-Scooter* or a *Power-Assisted Bicycle* on a temporary membership basis or fee per use basis or any other commercial arrangement, including free trials, between the parties for the use of the *Electric Kick-Scooter* or a *Power-Assisted Bicycle* unless specifically authorized by the City by way of permit, licence or contract with the City.

***Electric Kick-Scooter* Impoundment**

- (8) With respect to *Electric Kick-Scooters*:
 - (a) Enforcement of this By-law may result in charges to the owner and/or operator of an *Electric Kick-Scooter* in contravention of this By-law and others applicable to *Electric Kick-Scooters*, including the *Parks By-law* and *Parking By-law*, and may result in the removal and storage of the *Electric Kick-Scooter*.
 - (b) The *Electric Kick-Scooter* may be removed if it is placed, parked, left, disposed of, or stopped on *City* property, in contravention of the provisions of this By-Law and others applicable to *Electric Kick-Scooters*, including the *Parks By-law* and *Parking By-law*, and it may be impounded.
 - (c) Upon the impoundment of any *Electric Kick-Scooter*, pursuant to subsection (b) above, written notice will be provided to the owner if identified, by means of electronic transmission, regular mail or notice delivered to the owner to indicate that the owner's *Electric Kick-Scooter* has been impounded and will set out a reasonable period of

time for the owner to retrieve the *Electric Kick-Scooter*.

- (d) All costs associated with the removal and the storage of any impounded *Electric Kick-Scooter* shall be at the expense of the owner.
- (e) Any impounded *Electric Kick-Scooter* will be released to the owner or the owners' agent upon presentation by the owner or the owner's agent of satisfactory identification and full payment of all costs associated with the removal of and storage fees of the *Electric Kick-Scooter*.
- (f) If an *Electric Kick-Scooter* has been impounded for at least 60 days and its owner cannot be identified, it may be disposed of.
- (g) If notice has been provided to an owner under section 8(c) and the *Electric Kick-Scooter* remains unclaimed by the owner for at least 60 days, it may be disposed of pursuant to the *Repair and Storage Liens Act*.

Bicycle Lanes

- (9) No person shall operate a vehicle other than a *Bicycle*, *Electric-Kick Scooter* or *Power-Assisted Bicycle*, in a *Bicycle Lane*, except for the purpose of:
 - (a) ingress to or egress from a private lane or driveway adjacent to the *Bicycle Lane*;
 - (b) making a turn at a *Highway* intersecting the *Bicycle Lane*;
 - (c) entering or exiting a curb lane used for parking;
 - (d) loading or unloading of a person with a disability, while actively engaged in doing so;
 - (e) operating a school bus while actively engaged in picking up or dropping off school children; or
 - (f) operating a taxicab or other service while actively engaged in loading or unloading of passengers.
- (10) No person shall stop a vehicle other than a *Bicycle*, *Electric-Kick Scooter* or, *Power-Assisted Bicycle* in a *Bicycle Lane* except for the purpose of:
 - (a) loading or unloading of a person with a disability, while actively

engaged in doing so;

- (b) operating a school bus while actively engaged in picking up or dropping off school children; or
- (c) operating a taxicab or service while actively engaged in loading or unloading of passengers.

Cycle Tracks and In-Boulevard Multi-Use Paths

- (11) No person shall operate a vehicle other than a *Bicycle, Electric-Kick Scooter* or *Power-Assisted Bicycle* in any *Cycle Track* or *In-Boulevard Multi-Use Path* except for the purpose of ingress to or egress from a private lane or driveway adjacent to the *Cycle Track* or *In-Boulevard Multi-Use Path*.
- (12) No person shall stop a vehicle other than a *Bicycle, Electric-Kick Scooter* or *Power-Assisted Bicycle* in any *Cycle Track* or *In-Boulevard Multi-Use Path*.

Stopping for Public Transit Vehicles

- (13) Where a person operating a *Bicycle, Electric-Kick Scooter* or *Power-Assisted Bicycle* on a *Bicycle Lane, Cycle Track* or *In-Boulevard Multi-Use Path* approaches a public transit vehicle which is stationary for the purpose of taking on or discharging passengers, that person shall not pass the public transit vehicle or approach nearer than two (2) meters measured back from the rear or front entrance or exit, as the case may be, of the public transit vehicle on the side on which passengers are getting on or off until the passengers have crossed the *Bicycle Lane, Cycle Track* or *In-Boulevard Multi-Use Path*.
- (14) Subsection 5.0(13) does not apply to the following vehicles if compliance would be impracticable:
 - (a) ambulances, police or fire services vehicles or any other vehicle actively engaged in responding to an emergency; or
 - (b) vehicles actually and actively engaged in works undertaken for or on behalf of City or a public utility, including utilities providing telecommunications, energy, water supply or wastewater related services.

Sidewalks

- (15) Except where *Official Signs* to that effect are erected and on display, no person shall operate an *Electric-Kick Scooter* or *Power-Assisted Bicycle* on a *Sidewalk*.

Bicycle Lane, Cycle Track and In-Boulevard Multi-Use Path Designation

- (16) A portion of the *Highway* is designated as a *Bicycle Lane*, *Cycle Track*, or *In-Boulevard Multi-Use Paths*, where *Official Signs* to that effect are erected and displayed.

5. In By-law 284-94, as amended, to create section “16.0 Severability and Conflict”, to state:

- (1) If any provision or part of a provision of this By-law is declared by any court or tribunal or any provincial or federal legislation or regulation to be illegal or inoperative, in whole or in part, or inoperative circumstances, the balance of this By-law or its application in any other circumstance shall not be affected and shall continue to be in full force and effect.
- (2) In the event of a conflict between any provision of this By-law and any applicable Act or regulation, the provision that is most restrictive shall prevail.

6. In By-law 284-94, as amended, to delete Schedule “H” Parts 1 and 2.

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

Steven Del Duca, Mayor

Todd Coles, City Clerk