

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 87-2024

A by-law to regulate the operation and use of electric kick scooters and pedal assist e-bikes in the Town of Ajax.

WHEREAS Ontario Regulation 389/19 prohibits a person from operating an electric kick-scooter on a highway, sidewalk, trail, path, walkway, public park or exhibition ground that is under the jurisdiction of a municipality, unless such operation is permitted by and in accordance with the regulation and a municipal by-law;

And Whereas the Municipal Act, 2001, Highway Traffic Act and Ontario Regulation 389/19 allow municipalities to regulate the use of electric kick scooters;

And Whereas the Town of Ajax desires to allow the operation of electric kick-scooter or pedal assist e-bikes on municipal roadways;

And Whereas the Town of Ajax desires to allow the operation of electric kick-scooter and pedal assist e-bikes on bike facilities on property owned or maintained by the Town of Ajax;

And Whereas the Town of Ajax desires to restrict the use of electric kick-scooter or pedal assist e-bikes on certain municipal property.

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

1. SHORT TITLE

- 1.1 This By-law may be cited as the “Electric Kick scooter and Pedal Assist E-bike By-law”.

2. DEFINITIONS

- 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 or pedal assist e-bike 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 “cycle track” means a bikeway that is physically separated from the roadway by a curb. Cycle tracks often travel parallel to the sidewalk or in the boulevard. They are designated exclusively for use by people riding bikes though other types of rolling, such as rollerskating, skateboarding, or scooting, may be permitted. They may be at the same level as the sidewalk, or at an intermediate level between the roadway and sidewalk. Cycle tracks may be placed in the boulevard adjacent to or setback from the curb.
- 2.5 “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.
- 2.6 “electric kick-scooter or pedal assist e-bike parking facilities” include ring and post racks, ring racks, charging stations, corrals that support electric kick-scooter or pedal assist e-bikes 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-scooter or pedal assist e-bikes, and which facilities are predominantly located within the road allowance 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;
- 2.7 “furniture zone” means the portion of a boulevard 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;
- 2.8 “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;
- 2.9 “Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- 2.10 “motor vehicle” includes an automobile, a motorcycle, a 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 street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine. Electric kick scooters and pedal assist e-bikes are not “motor vehicles”.
- 2.11 “multi-use pathway” means a path located on the boulevard that is physically separated from motor vehicle traffic, designated for use by cyclists, pedestrians and people using other vehicles driven by muscular power
- 2.12 “off-road trail” means a path separated from roads typically through a natural area or corridor that accommodates pedestrians and cyclists. The surface type can range from natural surface to asphalt depending on the location.
- 2.13 “official sign” means a sign on the highway approved by the Ministry of Transportation of Ontario;
- 2.14 “pedal assist e-bike” means 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,
- (a) has two or three wheels,
 - (b) is fitted at all times with pedals that are always operable to propel the bicycle,
 - (c) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals,
 - (d) has steering handlebars,
 - (e) has wheels that have a width of not less than 35 millimetres and a diameter of not less than 350 millimetres,
 - (f) 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
 - (g) weighs not more than 55 kilograms,

- 2.15 “pedestrian” means,
 - (a) a person on foot;
 - (b) a person in a wheelchair; or
 - (c) a child in a carriage, stroller or play vehicle;
- 2.16 “reserved bicycle lane” means those parts of the highway set aside by the Region or the Town of Ajax for the use of cyclists and designated by an official or authorized sign or by pavement markings
- 2.17 “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;
- 2.18 “shared services” means electric kick-scooter or pedal assist e-bikes that are made available by a third- party for use by the public, for a fee.
- 2.19 “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;
- 2.20 “sidewalk” means those parts of a highway set aside by the Region or the Town of Ajax for the use of pedestrians;
- 2.21 “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 any other property under the jurisdiction of the Town of Ajax.
- 3.2 This By-law is subject to the provisions of the Highway Traffic Act.

4. PERMITTED AND PROHIBITED OPERATION

- 4.1 The operator of an electric kick scooter may use an electric scooter on multi-use paths, paved off-road trails with a minimum width of 2 metres, cycle tracks, designated bicycle lanes, and Town roads with a legal speed limit less than or equal to 60 kilometres per hour.
- 4.2 The operator of a pedal assist e-bike may use a pedal assist e-bike on multi-use paths, paved off-road trails with a minimum width of 2 metres, cycle tracks, designated bicycle lanes, and Town roads with a legal speed limit less than or equal to 60 kilometres per hour.
- 4.3 No person shall operate, or cause to be operated, or use an electric kick-scooter or pedal assist e-bike on any property under the jurisdiction of the Town of Ajax 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.
- 4.4 No person shall operate, or cause to be operated, or use an electric kick-scooter or pedal assist e-bike on a highway with a legal speed limit greater than 60 kilometres per hour, unless within a reserved bicycle lane.

- 4.5 No person shall operate, or cause to be operated, or use an electric kick-scooter or pedal assist e-bike on any sidewalk.
- 4.6 No person shall operate, or cause to be operated, or use an electric kick- scooter or pedal assist e-bike in areas where cycling, skateboarding or rollerblading are prohibited.

5. GENERAL REGULATIONS

- 5.1 Planning and Development Services and Operations and Environmental Services 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 or pedal assist e-bike.
- 5.3 All persons under the age of 18 years old shall wear a helmet that complies with the Highway Traffic Act when operating an electric kick-scooter or pedal assist e-bike.
- 5.4 No person operating an electric kick-scooter or pedal assist e-bike shall carry any other person thereon.
- 5.5 No person operating an electric kick-scooter or pedal assist e-bike shall pull or be pulled by another person, vehicle or device.
- 5.6 No person operating an electric kick-scooter shall operate it in any position other than while standing at all times.
- 5.7 No cargo may be carried on an electric kick-scooter.
- 5.8 No person shall park, stop or leave an electric kick-scooter or pedal assist e-bike or permit an electric kick-scooter or pedal assist e-bike 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.
- 5.9 No person shall park or stop an electric kick scooter or pedal assist e-bike or permit an electric kick scooter or pedal assist e-bike to remain parked or stopped within a furniture zone, unless authorized by the Town of Ajax.
- 5.10 No person shall park or stop an electric kick-scooter or pedal assist e-bike or permit an electric kick- scooter or pedal assist e-bike 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.
- 5.11 The operator of an electric kick scooter or pedal assist e-bike may park at an existing bicycle parking facility, including bicycle parking within a furniture zone.

6. SAFE OPERATION

- 6.1 The operator of an electric kick-scooter or pedal assist e-bike shall keep a safe distance 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 or pedal assist e-bike to pass.

- 6.2 An electric kick-scooter or pedal assist e-bike shall not be operated on a trail, or in a park, exhibition ground or multi-use pathway trail at a speed that is markedly greater than the speed of the pedestrians who are proximate to the electric kick-scooter.
- 6.3 Where reserved bicycle lanes are provided on a highway, an electric kick- scooter shall only be operated in the reserved bicycle lane.
- 6.4 Where no reserved bicycle lanes exist on a highway where electric kick-scooters or pedal assist e-bikes are permitted to operate, the operator of an electric kick-scooter or pedal assist e-bike shall ride as close as practicable to the right-hand curb or edge of the roadway or on the paved shoulder.
- 6.5 No person shall operate an electric kick-scooter or pedal assist e-bike within a crosswalk or pedestrian crossover, as those terms are defined in the Highway Traffic Act.
- 6.6 Every electric kick-scooter and pedal assist e-bike 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.
- 6.7 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 or pedal assist e-bike 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 pedal assist e-bike or may be carried or worn by the operator on his or her person.

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. All contraventions involving roadways shall be enforced by the police.
 - (b) any person duly appointed by a by-law of the Town of Ajax;
 - (c) all employees of the Town of Ajax whose duties include the enforcement of this by-law.

8. OFFENCES AND FINES

- 8.1 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

9. EFFECTIVE DATE

- 9.1 This By-law shall come into force on December 9, 2024 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, 2029.

READ a first and second time this
9th day of December 2024.

READ a third time and passed this
9th day of December 2024.

Mayor and CEO

Clerk