

BY-LAW NO. 2020-XX

A by-law of the City of Ottawa regulating the operation and use of electric kick-scooters in the City of Ottawa

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law:

“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;

“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 sign for parking of electric kick-scooters, and which facilities are predominantly located within the City 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 City right-of-way;

“Chief of Police” means the Chief of Police of the Ottawa Police Service, or an authorized representative;

“City” means the municipal corporation of the City of Ottawa or the geographic area as the context requires;

“furniture zone” means the portion of a sidewalk that buffers pedestrians from the adjacent highway or roadway and where elements such as trees, street lights, hydrants, parking meters, or street furniture are typically located;

“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;

“Highway Traffic Act” means the Ontario Highway Traffic Act, R.S.O. 1990, c. H.8 as amended;

“official sign” means a sign on the highway approved by the Ministry of Transportation of Ontario;

“pedestrian” means,
(a) a person on foot;
(b) a person in a wheelchair; or
(c) a child in a carriage, stroller or play vehicle;

“reserved bicycle lane” means those parts of the highway set aside by the City for the use of cyclists and designated by official sign or pavement markings;

“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;

“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;

“sidewalk” means those parts of a highway set aside by the City for the use of pedestrians;

“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 or a street car;

APPLICATION OF BY-LAW

2. This by-law applies to all highways, sidewalks, trails, paths, walkways, parks, exhibition grounds or multi-use pathway trails under the jurisdiction of the City.

BY-LAW SUBJECT TO THE HIGHWAY TRAFFIC ACT

3. The provisions of this by-law are subject to the provisions of the Highway Traffic Act.

PROHIBITION

4. (1) No person shall operate, or cause to be operated, or use an electric kick-scooter on a highway, sidewalk, trail, path or walkway, a park, exhibition ground or multi-use pathway trails 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 the provisions of the City of Ottawa Traffic and Parking By-law No. 2017-301, as amended, pertaining to vehicles; and
 - (c) permitted by and in accordance with the provisions of this by-law.

5. 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 50 kilometers per hour, unless within a reserved bicycle lane.

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

7. No person shall operate, or cause to be operated, or use an electric Kick-scooter in a park, or part thereof, where cycling, skateboarding or rollerblading is prohibited.

8. No person shall operate, or cause to be operated, use, park or stop an electric kick-scooter on or along a pedestrian mall designated pursuant to the Traffic and Parking By-law No. 2017-301, as amended.

GENERAL REGULATIONS

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

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

11. 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.

12. No person operating an electric kick-scooter shall carry any other person thereon.
13. No person operating an electric kick-scooter shall tow another person, vehicle or device.
14. 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.
15. No person operating an electric kick-scooter shall operate it in any position other than while standing at all times.
16. No cargo may be carried on an electric kick-scooter.
17. 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 trail, except where electric kick-scooter parking facilities are provided.
18. 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 City.
19. 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 trail in such a manner that obstructs the flow of pedestrian, vehicular or cyclist traffic.

SAFE OPERATION

20. The operator of an electric kick-scooter shall keep a safe distance from pedestrians and other users of the roadway, shoulder, sidewalk, trail, path, walkway, park, exhibition ground or multi-use pathway trail 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.
21. An electric kick-scooter 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.
22. 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.

23. 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.

24. 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.

SIGNS BY CHIEF OF POLICE

25. The Chief of Police may erect, place and maintain such official and authorized signs as are required to give effect to the provisions of this by-law.

OFFENCES AND FINES

26. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- (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.

APPLICATION AND ADMINISTRATION ENFORCEMENT

27. This by-law shall be enforced by the Chief of Police and the Municipal By-Law Enforcement Officers of the City of Ottawa.

EFFECTIVE DATE

28. This by-law shall come into force and take effect on [] and shall be repealed on November 27, 2024.

SHORT TITLE

29. This by-law shall be referred to as the "Electric Kick-Scooter By-law".

ENACTED AND PASSED this day of , 2020.

CITY CLERK

MAYOR