

Authority: Item 4, Public Works Committee
Report 20-012 (PED20134/PW20050)
CM: December 16, 2020
Ward: City Wide
Bill No. 271

CITY OF HAMILTON
BY-LAW NO. 20-271

A By-law to Amend By-law 01-219, To Manage and Regulate Municipal Parks and to Amend By-law 17-225, Being a By-law to Establish a System of Administrative Penalties

WHEREAS Ontario Regulation 389/19 regarding a pilot project for electric kick-scooters, prohibits the operation of electric kick-scooters unless such operation is permitted by and in accordance with a municipal by-law;

AND WHEREAS Council deems it necessary to amend the Parks By-law to explicitly prohibit electric kick-scooters (“E-Scooters”) in Hamilton parks except in designated areas and to provide regulations for their permitted use;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. The following definition shall be included in By-law 01-219:

“E-Scooter” means a vehicle that has,

- (a) two wheels placed along the same longitudinal axis, one placed at the front of the e-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
3. The definition of “motorized recreational vehicle” in By-law 01-219 shall be repealed and replaced with the following:
 - (m) "motorized recreational vehicle" means a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, or E-Scooter, or similar vehicle, propelled or driven by an internal combustion engine, battery, or other form of power, other than muscular power;

4. That subsection 30. (2) in By-law 01-219 be repealed and replaced with the following:

30. (2) Unless authorized by permit, and except as provided in section 34 with respect to bicycles or as provided in section 34.1 with respect to E-Scooters, no person shall while in any park, drive, operate, pull or ride any vehicle except on a roadway or public parking area.

5. The following rules regarding E-Scooters shall be added under the new subheading "E-Scooters" in By-law 01-219:

E-Scooters

- 34.1 (1) No person shall ride an E-Scooter in a park, unless in a designated area where City signs are posted to permit same.
- (2) No person shall operate, or cause to be operated, or use an E-Scooter in a park, or part thereof, where cycling, skateboarding or rollerblading is prohibited.
 - (3) No person shall ride or push an E-Scooter in a park abreast of another E-Scooter or bicycle.
 - (4) No person riding an E-Scooter in a park shall carry any package or article or act in such a way as to prevent that person from maintaining one hand on the handlebars at all times, including while signaling for a turn or stop and in any case, no person shall fail to maintain control of an E-Scooter.
 - (5) No person shall cause an obstruction to pedestrian and/or vehicular traffic by parking an E-Scooter in a path or trail.
 - (6) No person under the age of 16 years shall operate an E-Scooter.
 - (7) Every person under the age of 18 years old shall wear a helmet that complies with the Highway Traffic Act when operating an E-Scooter.
 - (8) No person operating an E-Scooter shall carry any other person thereon.
 - (9) No person operating an E-Scooter shall tow another person, vehicle or device.
 - (10) No person operating an E-Scooter shall attach themselves to another E-Scooter, vehicle or device for the purpose of being drawn or towed.

- (11) No person operating an E-Scooter shall operate it in any position other than while standing at all times.
- (12) The operator of an E-Scooter shall keep a safe distance from pedestrians and other users of the roadway, shoulder, bicycle lane, trail, path, walkway, 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 sufficient space for the pedestrian or bicycle and the E-Scooter to pass.
- (13) No person shall operate an E-Scooter on a trail, or in a park, or multi-use pathway at a speed that is markedly greater than the speed of the pedestrians who are proximate to the E-Scooter.
- (14) Every owner or operator of an E-Scooter shall ensure that the E-Scooter is equipped with a bell or horn, which shall be kept in good order and sounded whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach.
- (15) 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 operator of an E-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 E-Scooter or may be carried or worn by the operator on his or her person.
- (16) No person shall operate or use an E-Scooter in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property.

6. Schedule A of By-law 17-225 is amended by adding the following to Table 12:
By-law No. 01-219 to Manage and Regulate Municipal Parks:

TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 4 SET PENALTY
528	01-219	34.1 (1)	Operate E-Scooter where prohibited	\$100.00
529	01-219	34.1 (2)	Operate E-Scooter in a park where cycling, skateboarding or rollerblading is prohibited	\$100.00
530	01-219	34.1 (3)	Ride or push E-Scooter in a park abreast of another E-Scooter or Bicycle	\$75.00
531	01-219	34.1 (4)	Fail to Maintain Control of E-Scooter	\$100.00

ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 4 SET PENALTY
532	01-219	34.1 (5)	Obstruct others with parked E-Scooter	\$75.00
533	01-219	34.1 (6)	Person under the age of 16 years operating an E-Scooter	\$75.00
534	01-219	34.1 (7)	Person under the age of 18 years old failing to wear a helmet that complies with the Highway Traffic Act	\$75.00
535	01-219	34.1 (8)	Operating an E-Scooter carrying any other person thereon	\$75.00
536	01-219	34.1 (9)	Operating an E-Scooter towing another person, vehicle or device	\$75.00
537	01-219	34.1 (10)	Operating an E-Scooter and attaching himself or herself to another E-Scooter (vehicle or device) for the purpose of being drawn (or towed)	\$75.00
538	01-219	34.1 (11)	Operating an E-Scooter in any position other than while standing at all times	\$75.00
539	01-219	34.1 (12)	Operator of an E-Scooter failing to keep a safe distance from pedestrians (and other users) at all times	\$75.00
		34.1 (12)	Operator of an E-Scooter failing to give way to a pedestrian (or bicycle) where there is insufficient space for the E-Scooter to pass	\$75.00
540	01-219	34.1 (13)	Operator of an E-Scooter driving at a speed that is markedly greater than the speed of the pedestrians who are proximate to the E-Scooter	\$75.00
541	01-219	34.1 (14)	Operator of an E-Scooter fail to ensure the E-Scooter is equipped with a bell (or horn) in good working order	\$75.00
542	01-219	34.1 (15)	Operator of an E-Scooter fail to carry (or attach) a lighted lamp at the front and rear	\$75.00
543	01-219	34.1 (16)	Operate (or use) an E-Scooter in such a manner that may (harm, injure or damage) any person (or property)	\$100.00

7. In all other respects, By-01-219 and By-law 17-225 are confirmed; and

8. The provisions of this By-law shall become effective on the date approved by City Council.

PASSED this 16th day of December, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk