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# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Commissioner of Planning and Economic Development, Commissioner of Works and Regional Solicitor  
Report: #2024-COW-46  
Date: November 13, 2024

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**Subject:**

Regional Electric Kick Scooter By-law Extension

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**Recommendation:**

That the Committee of the Whole recommends to Regional Council:

- A) That the Effective Date be removed from the Regional Electric Kick Scooter By-law, allowing it to continue to be in force for so long as the Province of Ontario's Regulation 389/19: Pilot Project – Electric Kick-Scooters is in effect; and
  - B) That a by-law to amend the Electric Kick-Scooter By-law (#23-2022), generally in the form included as Attachment #2 to this Report, to remove the section titled "Effective Date", be presented to Council for adoption to give effect to the recommendation.
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**Report:**

**1. Purpose**

- 1.1 On April 13, 2022, Committee of the Whole approved report [#2022-COW-9](#), which recommended that an Electric Kick Scooter By-law to enable electric kick scooters (e-scooters) be adopted. The purpose of the by-law is to regulate e-scooters and their safe operation on Regional roads and properties within Durham.
- 1.2 The Electric Kick Scooter By-law was possible in part because of Regulation 389/19 of the Highway Traffic Act, which provides that a municipality can allow the use of e-scooters with the passage of a by-law.

- 1.3 The Electric Kick Scooter By-law (23-2022) came into effect on April 27, 2022 (Attachment #1) and provided the Region with flexibility to repeal the By-law if the Ministry of Transportation of Ontario (MTO) did not extend their five-year Pilot Program. The Regional Electric Kick Scooter By-law expires on November 27, 2024, to align with the current expiry of the Provincial Pilot.
- 1.4 On October 28, MTO extended the pilot e-scooter program until November 27, 2029, and has sought feedback from municipal staff and the public to gather additional data to support its review and analysis of e-scooters ([Environmental Registry of Ontario, Electric Kick-Style Scooters \(e-scooters\) Pilot](#)).
- 1.5 The purpose of this report is to recommend the removal of the Effective Date section of the Electric Kick Scooter By-law. Without an Effective Date, the by-law will remain in effect for the same period as the Provincial Pilot. The proposed amending by-law is included in Attachment #2.
- 1.6 Should the Province cancel the Pilot at any time, it would need to repeal the Regulation. Without the Regulation, the Electric Kick Scooter By-law would be of no force and effect at law, and staff would request that the Clerk repeal the By-law using the authority established in the Procedure By-law (2024-032).

## **2. Background**

- 2.1 There is a need to establish clear regulations that continue to enable the safe operation of e-scooters and ensure that measures are in place to enforce their safe operation consistently across the Region.
- 2.2 A Regional Electric Kick Scooter By-law is necessary to:
  - a) Reduce conflicts between road, sidewalk and trail users by clearly identifying areas where e-scooters may be permitted to operate;
  - b) Establish clear requirements on speed, age, equipment, fines and infractions; and
  - c) Ensure consistent enforcement and management across municipal boundaries.
- 2.3 The Regional Electric Kick Scooter By-law permits the use of electric kick-scooters under specific conditions within Durham. The By-law specifies where and how e-scooters can be used on Regional roads and properties, where devices are prohibited, and what activities are not permitted, safe operation requirements, enforcement and offences of e-scooters.

### **3. Current Developments With E-scooters in Durham**

- 3.1 E-scooters, as a new mode of transportation, provide options for first and last-mile connections to transit and may contribute to reduced traffic congestion. Since the pilot program's inception, 16 municipalities have opted into the pilot e-scooter program in Ontario, and several are either considering new by-laws or in the process of developing them.
- 3.2 Within Durham Region, e-scooter by-laws were approved in 2022-2023 in Pickering, Ajax and Oshawa. Whitby is currently working on a by-law, after conducting a public survey in May 2024.
- 3.3 Currently, two area municipalities in Durham Region also offer electric e-scooter share programs (Ajax and Oshawa) and Pickering approved a pilot program in June 2024.
- 3.4 Given that e-scooters (and e-bikes) are novel forms of transportation, in 2022, Regional staff developed [promotional and educational materials](#) to help generate awareness and educate the public on where and how to use e-scooters and e-bicycles within the Region. This guidance helps support and promote the safe use of these devices.
- 3.5 Regional and area municipal staff have noted, in comments on the Provincial Pilot program to MTO, that continued efforts are needed to communicate proper e-scooter use in terms of where they can and cannot be used under respective by-laws. Further, safety considerations including use of helmets, and concerns with respect to where shared e-scooters are parked at the end of a trip (e.g., blocking sidewalks or multi-use paths impeding pedestrians, cyclists and e-mobility scooters), have also been shared.

### **4. Previous Reports and Decisions**

- 4.1 On May 4, 2021, the Planning and Economic Development Committee received Report [#2021-P-12](#) which summarized the draft Regional E-Mobility By-law and received authorization to release the draft By-law for public and agency comment.
- 4.2 On April 13, 2022, the Planning and Economic Development Committee approved report [#2022-COW-9](#), related to the Electric Kick-Scooter By-law to enable electric kick scooters (e-scooters) and to regulate their safe operation on Regional roads and properties within Durham. The report also recommended changes to the Regional Traffic and Parking By-law (44-2006) to include a definition related to

electric power-assisted bicycles (e-bicycles) to bring it into conformity with the Highway Traffic Act. These changes were made through the delegated authority to the Commissioner of Works.

## **5. Relationship to Strategic Plan**

5.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

Environmental Sustainability:

- E-scooters are clean-energy solutions to sustainable transportation that use a combination of human-power and electric-power. The Electric Kick Scooter By-law supports the use and safe operation of sustainable transportation options, which can help reduce traffic congestion, pollution, energy consumption.

Community Vitality:

- The Electric Kick Scooter By-law supports a range of mobility options that would support well-connected and complete communities. E-scooters also help address the challenge of first-mile and last-mile trips.

Economic Prosperity:

- E-scooters are cost-effective and efficient modes of travel. Permitting e-scooters and other e-mobility devices (such as e-bikes) can help attract new businesses to the Region that could enable new employment and partnership opportunities specific to this technology.

## **6. Conclusion**

6.1 Aligning the Electric Kick Scooter By-law with the Provincial Pilot extension will help to achieve the Region's strategic goals of expanding sustainable transportation options, reducing community greenhouse emissions, responding to the need to provide for more local non-auto trips, and addressing community needs for improving safety, coordination, and commitment to sustainable modes of transportation.

6.2 The Electric Kick Scooter By-law extension will also support current and future planned e-scooter share programs operating in Durham, providing residents with alternative options to move around the Region and reduce congestion on Regional roads.

## 7. Attachments

Attachment #1: Current Regional Electric Kick Scooter By-law (23-2022)

Attachment #2: Proposed Amending By-law to the Regional Electric Kick Scooter By-law

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP, PLE  
Commissioner of Planning and  
Economic Development

Original signed by

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Jason Hunt, LLB  
Regional Solicitor and Director of Legal  
Services

Original signed by

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Ramesh Jagannathan, MBA, M.Eng.,  
P.Eng., PTOE  
Commissioner of Works

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

**By-law Number 23-2022**  
**of The Regional Municipality of Durham**

Being a by-law to regulate the operation and use of electric kick-scooters, including electric kick-scooters in The Regional Municipality of Durham.

The Council of The Regional Municipality of Durham hereby enacts as follows:

**1. Short Title**

1.1 This By-law may be cited as the “Electric Kick Scooter By-law”.

**2. Definitions**

In this By-law:

- 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 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 “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.
- 2.5 “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 or authorized sign for parking of electric kick-scooters, and which facilities are predominantly located within the 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 right-of-way;
- 2.6 “furniture zone” means the portion of a sidewalk 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;
- 2.7 “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;

- 2.8 “Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- 2.9 “multi-use pathway” means an in-boulevard path physically separated from motor vehicle traffic for use by cyclists, pedestrians and other non-motorized users;
- 2.10 “official sign” means a sign on the highway approved by the Ministry of Transportation of Ontario;
- 2.11 “pedestrian” means,
- (a) a person on foot;
  - (b) a person in a wheelchair; or
  - (c) a child in a carriage, stroller or play vehicle;
- 2.12 “Region” or “Regional” means the municipal corporation of The Regional Municipality of Durham or the geographic area as the context requires;
- 2.13 “reserved bicycle lane” means those parts of the highway set aside by the Region for the use of cyclists and designated by an official or authorized sign or by pavement markings
- 2.14 “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;
- 2.15 “shared services” means electric kick-scooters that are made available by a third-party for use by the public, for a fee.
- 2.16 “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;
- 2.17 “sidewalk” means those parts of a highway set aside by the Region for the use of pedestrians;
- 2.18 “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 all highways, sidewalks, trails, paths, walkways, parks, multi-use pathways or any other property under the jurisdiction of the Region.
- 3.2 This By-law is subject to the provisions of the Highway Traffic Act.

### **4. Prohibition**

- 4.1 No person shall operate, or cause to be operated, or use an electric kick-scooter on a highway, sidewalk, trail, path, walkway, park, multi-use pathway or any other property under the jurisdiction of the Region 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.

4.2 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 60 kilometres per hour, unless within a reserved bicycle lane.

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

4.4 No person shall operate, or cause to be operated, or use an electric kick-scooter where cycling, skateboarding or rollerblading is prohibited.

## **5. General Regulations**

5.1 The Chief of Police and Commissioner of Works 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.

5.3 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.

5.4 No person operating an electric kick-scooter shall carry any other person thereon.

5.5 No person operating an electric kick-scooter shall tow another person, vehicle or device.

5.6 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.

5.7 No person operating an electric kick-scooter shall operate it in any position other than while standing at all times.

5.8 No cargo may be carried on an electric kick-scooter.

5.9 No person shall park, stop or leave 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, or multi-use pathway, except where electric kick-scooter parking facilities are provided.

5.10 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 Region.

5.11 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 in such a manner that obstructs the flow of pedestrian, vehicular or cyclist traffic.

## **6. Safe Operation**

6.1 The operator of an electric kick-scooter shall keep a safe distance of at least one metre 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 to pass.

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

6.3 Where no reserved bicycle lanes exist on a highway where electric kick-scooter are permitted to operate, the operator of an electric kick-scooter shall ride as



close as practicable to the right-hand curb or edge of the roadway or on the paved shoulder.

6.4 No person shall operate an electric kick-scooter within a crosswalk or pedestrian crossover, as those terms are defined in the Highway Traffic Act.

6.5 Every electric kick-scooter 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.

6.6 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.

6.7 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.

## **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;
- (b) any person appointed for the purpose by a by-law of the Region; and/or
- (c) all employees of the Region whose duties include the enforcement of this by-law; and/or
- (d) any authorized person or employee of a local municipality within the Region of Durham.

## **8. Offences and Fines**

8.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence.

8.2 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.

## **9. Electric Kick-Scooter Shared Services**

9.1 Where shared services are allowed to operate in a municipality, the following rules shall apply to the operation or use of the shared services electric kick-scooters:

- (a) No person shall park, stop or leave 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 or multi-use pathway, except where electric kick-scooter parking facilities are provided.
- (b) 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 Region.
- (c) 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 in such a manner that obstructs the flow of pedestrian, vehicular or cyclist traffic.

**10. Effective Date**

10.1 This By-law shall come into force on April 29, 2022 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, 2024.

This By-law Read and Passed on the 27<sup>th</sup> day of April, 2022.

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J. Henry, Regional Chair and CEO

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C. Bandel, Acting Regional Clerk

**By-law Number 2024-  
of The Regional Municipality of Durham**

Being a by-law to amend By-law 23-2022.

Whereas the Regional Municipality of Durham (the “Region”) passed By-law 23-2022 (the “Electric Kick-Scooter By-law”) to regulate the operation and use of electric kick-scooters in The Regional Municipality of Durham, according to a pilot program authorized under the *Highway Traffic Act*, R.S.O. 1990 by Ontario Regulation 389/19 (the “Regulation”).

And Whereas the Ministry of Transportation proposes to extend the Regulation to November 27, 2029 to gather additional data to support its review and analysis of electric kick-scooters.

And Whereas the Region wishes to amend its by-law to allow for the continued use of electric kick-scooters for so long as the Regulation is in effect.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That Section 10 of the Electric Kick-Scooter By-law is deleted.

This By-law Read and Passed on the ----<sup>th</sup> day of -----, 2024.

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J. Henry, Regional Chair and CEO

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A. Harras, Regional Clerk