

Authority: Item 4, Public Works Committee
Report 20-012
(PED20134/PW20050)
CM: December 16, 2020
Ward: City Wide
Bill No. 269

CITY OF HAMILTON
BY-LAW NO. 20-269

A By-law to Amend By-law No. 01-215, Being a By-law to Regulate Traffic

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 Traffic By-law to permit electric kick-scooters (“E-Scooters”) in Hamilton;

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 01-215:

“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 The heading for Part 4 – Pedestrians, Bicyclists and Animals shall be repealed and replaced with:

Part 4 – PEDESTRIANS, BICYCLISTS, E-SCOOTERS AND ANIMALS

4. Subsection 21 (1) shall be amended to add “E-Scooter,” after the word coaster.
5. The subheading “**E-SCOOTERS**” shall be added after subsection 46 (4) and before the subheading “BICYCLES LANES”.
6. The following rules regarding E-Scooters shall be added under the new subheading “E-SCOOTERS”:
E-SCOOTERS

- 46.1 (1) No person shall ride an E-Scooter on a roadway unless the E-Scooter is in a bicycle lane or is ridden as close as practicable to the right hand curb or edge of the roadway, except while overtaking or passing another vehicle proceeding in the same direction, or while preparing for a left turn at an intersection or into a private road or driveway.
- (2) No person shall ride or push an E-Scooter along a roadway abreast of another E-Scooter or bicycle.
- (3) No person riding an E-Scooter on a roadway 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.
- (4) No person shall cause an obstruction to pedestrian and/or vehicular traffic by parking an E-Scooter on a roadway or sidewalk.
- (5) No person under the age of 16 years shall operate an E-Scooter.
- (6) 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.
- (7) No person operating an E-Scooter shall carry any other person thereon.
- (8) No person operating an E-Scooter shall tow another person, vehicle or device.
- (9) No person operating an E-Scooter shall attach themselves to another E-Scooter, vehicle or device for the purpose of being drawn or towed.
- (10) No person operating an E-Scooter shall operate it in any position other than while standing at all times.
- (11) No person shall carry cargo on an E-Scooter.
- (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 cause to be operated, or use an E-Scooter on a highway with a legal speed limit greater than 50 kilometers per hour, unless within a bicycle lane.
 - (17) 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.
7. Subsection 47 (2), shall be amended to add “and E-Scooters” after the words “...set aside for the exclusive use of cyclists...”.
 8. Subsection 47 (5) shall be amended to add “and E-Scooters” at the end of the sentence.
 9. Subsection 47 (8) shall be amended to add “and E-Scooters” at the end of the sentence.
 10. Subsection 48 (1) shall be amended by adding “and E-Scooter” after the words “motor assisted bicycles”.
 11. Subsection 53 (1) shall be repealed and replaced with the following:
 53. (1) Notwithstanding any other provisions this By-law, no person shall ride a bicycle or E-Scooter, upon, along or across any highway or part of a highway described in Schedule 26.
 12. In all other respects, By-01-215 is confirmed; and,
 13. 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