



Town of Whitby

By-law # Insert Number

E-scooter and E-bike By-law

Being a by-law to regulate the operation and use of **electric kick- scooters (e-scooters)** and **power-assisted bicycles (e-bikes)** in the Town of Whitby]

Whereas Ontario Regulation 389/19 under the Highway Traffic Act provides that no person shall operate an e-scooter on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground under the jurisdiction of a municipality unless such operation is permitted by and in accordance with 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 e-scooters;

And Whereas the Town of Whitby seeks to regulate the operation e-scooters or e-bikes on the Town's roadways, bike facilities on property owned or maintained by the Town, and certain Town owned properties and facilities;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1 Except where provided in Subsection 1.2 to 1.25 of this By-law, the definitions included in the Highway Traffic Act (HTA), R.S.O. 1990, c.H.8, as amended, shall apply to this By-law.

In this By-law,

- 1.2 "Authorized sign" means any sign, other than official sign, placed upon a highway under the authority of this By-law for the purpose of guiding and directing traffic;
- 1.3 "Bicycle" means a bicycle with two laden wheels, propelled solely by human power, upon which typically one or two persons may travel. Includes a tricycle and unicycle but does not include a motor assisted bicycle;
- 1.4 "Bicycle lane" means a portion of a roadway, which has been designated by pavement markings and signage for the exclusive use of cyclists;
- 1.5 "Boulevard" means all the parts of the highway save and except any roadway, shoulder or sidewalk and,
- i. "Outer Boulevard" means all the parts of the highway lying between any sidewalk and the roadway or the near edge of the shoulder where such exists; and,

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- ii. “Inner Boulevard” means that part of the highway lying between the property line and the edge of the sidewalk nearest to the property line and where there is no sidewalk, it means that part of the highway lying between the property line and the roadway or the edge of the shoulder where such exists, furthest from the roadway;
- 1.6 “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;
- 1.7 “Crosswalk” means, that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;
- 1.8 “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;
- 1.9 “Electric kick- scooter” or “e-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 the operator to stand on,
 - 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 wheel diameter of not more than 430 millimetres,
 - f) equipped with a bell or horn;
- 1.10 “E-scooter or e-bike parking facilities” include ring and post racks, ring racks, charging stations, corrals that support e-scooters or 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 e-scooters or e-bikes, 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, but do not include light standards, utility poles, sign posts, fences, street furniture, or similar infrastructure within the right-of-way;

- 1.11 “Highway Traffic Act” or “HTA” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, any regulations passed in accordance with that Act, and any successor legislation thereto;
- 1.12 “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;
- 1.13 “Multi-use path” 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 as per this By-law;
- 1.14 “Motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this By-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, an e-bike, an e-scooter, a motorized snow Vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry, or a road building machine within the meaning of the Highway Traffic Act;
- 1.15 “Municipal Law Enforcement Officer” means a Municipal Law Enforcement Officer appointed by the Town and an Officer of any Ontario Police Service;
- 1.16 “Official sign” means a sign as defined in the Highway Traffic Act or acceptable engineering guidelines or manuals;
- 1.17 “Park” includes playgrounds, sports fields, memorial squares, public squares, gardens, ponds, boat launches, trails, pathways, open spaces, green spaces, splash pads, tennis courts, multi-purpose courts, skateboard facilities, bocce courts, lawn bowling greens, off-leash dog parks, beaches, picnic shelters, picnic areas, and any other area owned or used by the municipality for active or passive recreational purposes, or for any purpose ancillary thereto;
- 1.18 “Pedestrian” means a person on foot or in a wheelchair or baby carriage;
- 1.19 “Pedestrian crossover” means any part of a Roadway, designated by By-law, and distinctly marked for pedestrian crossing by Signs on the Highway and lines or other markings on the surface of the Roadway;
- 1.20 “Power-assisted bicycle”, or “e-bike” means a bicycle that has,

- i) a handlebar for steering, working pedals, two or three wheels, an electric motor, braking systems
 - ii) a maximum assisted speed of 32 km/h
 - iii) a maximum weight of 120 kg (includes the weight of the bike and battery)
 - iv) an electric motor not exceeding 500 watts
 - v) no modifications to the motor to allow it to exceed a power output greater than 500 watts and an assisted speed greater than 32 km/h
 - vi) battery and electric motor securely fastened to the bicycle frame to prevent them from moving while the e-bike is operating
 - vii) all electrical terminals properly insulated
 - viii) minimum wheel width of 35 mm and minimum diameter of 350 mm
 - ix) two independent braking systems that applies force to each wheel and is capable of bringing the e-bike, while being operated at a speed of 30 km/h, to a full stop within 9 metres, on a level asphalt surface, from the point at which the brakes were applied
- 1.21 "Sidewalk" means those parts of a highway set aside by the Region or the Town of Whitby for the use of pedestrians;
- 1.22 "Shoulder" means that part of a highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel;
- 1.23 "Town" means The Corporation of the Town of Whitby or the geographic limits of the Town of Whitby as context requires;
- 1.24 "Trails" means paved or non-paved areas of at least 2.5 m wide through parks and open spaces, which are utilized by a number of multiple different users such as bicyclists, walkers and runners for both transportation and recreation, and are designed to connect neighbourhoods, places of employment, public transport stops and other nodes;
- 1.25 "Walkway" means that part of a municipal right of way, outside of the roadway, set aside by the Town for the use of pedestrians.

2. Application and Interpretation

- 2.1. This By-law applies to the highways, sidewalk, trails, walkways, parks, multi-use paths or any other property under the jurisdiction of the Town of Whitby.
- 2.2. This By-law is subject to the provisions of the Highway Traffic Act.

3. Prohibition

- 3.1 No person shall operate, or cause to be operated, or use an e-scooter or e-bike on a highway, sidewalk, trail, path, walkway, park, multiuse pathway or any other property under the jurisdiction of the Town of Whitby 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.
- 3.2 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 kilometer per hour, unless within a bicycle lane or paved shoulder of no less than 1.2 m width.
- 3.3 No person shall operate, or cause to be operated, or use an e-scooter or e-bike where cycling, skateboarding or rollerblading is prohibited.
- 3.4 No person shall operate, or cause to be operated any e-scooters or e-bikes on any sidewalk, unless permitted by an official or authorized sign.
- 3.5 No person shall operate motor vehicles on Town's off-road bicycle facilities such as multi-use paths, trails and cycle tracks.
- 3.6 Where bicycle lanes or paved shoulder of no less than 1.2 m width are provided on a highway, e-scooters shall only be operated in the bicycle lanes or paved shoulders.
- 3.7 No person shall operate other micromobility devices such as electric skateboards, electric hoverboards, electric unicycles and Segways on Town's off-road bicycle facilities such as multi-use paths, trails and cycle tracks.

4. General Regulation

- 4.1. The Director of Engineering Services for the Town of Whitby or his/her designate and the Commissioner of Community Services for the Town of Whitby or his/her designate 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.
- 4.2. No person under the age of 16 years shall operate an e-scooter or e-bike.
- 4.3. No person under the age of 18 years old shall fail to wear a helmet that complies with the HTA when operating an e-scooter.

- 4.4. No person shall fail to wear a helmet that complies with the HTA when operating an e-bike.
- 4.5. No operator of an e-bike or e-scooter is permitted to carry another person as a passenger, or otherwise.
- 4.6. No person operating an e-scooter or e-bike shall tow another person, vehicle or device.
- 4.7. No person operating an e-scooter shall operate it in any position other than while standing at all times.
- 4.8. No person operating an e-scooter shall carry cargo on an e-scooter.
- 4.9. No person shall park or stop or leave an e-scooter or e-bike or permit an e-scooter or e-bike to remain parked or stopped on a highway, roadway, sidewalk, trail, path, walkway, park, or multi-use pathway except where e-scooter or e-bike parking facilities are provided.
- 4.10. No person shall park or stop an e-scooter or e-bike or permit an e-scooter or e-bike to remain parked or stopped within a boulevard, unless authorized by the Town.
- 4.11. A person may operate an e-scooter on multi-use paths, paved trails, cycle tracks, bicycle lanes, paved shoulder no less than 1.2 m and Town roads that has a speed limit less than or equal to 50 kilometers per hour.
- 4.12. A person may operate an e-bike that is not over 55 kg on multi-use paths and trails.
- 4.13. A person may operate an e-bike on Town roads, bicycle lanes, paved shoulders and cycle tracks.
- 4.14. No person shall modify an e-scooter or e-bike to exceed the manufacturer's performance specifications.

5. Safe Operation

- 5.1. The operator of an e-scooter or e-bike shall keep a safe distance of at least one metre from pedestrians and other users of the roadway or shoulder 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 e-scooter or e-bike to pass.
- 5.2. An e-scooter or e-bike shall not be operated on a trail, or in a park, or multi-use path at a speed that is markedly greater than the speed of the pedestrians who are proximate to the e-scooter and e-bike.
- 5.3. No person shall operate an e-scooter or e-bike within a crosswalk or pedestrian crossover, as defined in the HTA.

- 5.4. Every e-scooter and 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.
- 5.5. 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 unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less, every e-scooter or 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 e-scooter or e-bike or may be carried or worn by the operator.
- 5.6. Where bicycle lanes are not provided on a highway with a posted rate of speed of 50 kilometers per hour or less, the operator of an e-scooter shall,
 - a) if there is a shoulder on the highway, stay on the shoulder as close to the right edge of the shoulder as possible; and
 - b) if there is no shoulder on the highway, stay on the right side of the roadway as close to the edge of the roadway as possible.
- 5.7. A person riding an e-scooter or e-bike on multi-use paths and trails shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- 5.8. The maximum rate of speed for e-scooters and e-bikes in multi-use paths and trails is 20 kilometres per hour.
- 5.9. No person shall use handheld devices when operating an e-scooter or e-bike.

6. Schedule(s)

- 6.1. Schedule "A" Administrative Penalties

7. Enforcement and Penalties

- 7.1 The provisions of this By-law may be enforced by:
 - a) a municipal law enforcement officer;
 - b) any person appointed for the purpose by a by-law of the Town.
- 7.2 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.
- 7.3 Every person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable to the penalty as set out in Schedule "A" to this By-law.

- 7.4 Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town's Administrative Penalty By-law for an offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If a person receives an additional Penalty Notice for the same offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives a subsequent Penalty Notice for the same offence within ninety (90) calendar days or less of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives any subsequent Penalty Notices for the same offence within one hundred and eighty (180) calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law.

8. Short Title

- 8.1. This By-law may be referred to as the "E-scooter and E-bike By-law"

9. Effective Date

- 9.1. This By-law shall come into force on July 1, 2025, and the regulation related to e-scooter shall be repealed on the revocation of Ontario Regulation 389/19: Pilot Project – Electric Kick-Scooters.

By-law read and passed this 23rd day of June, 2025.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule “A” – Administrative Penalties

Column 1 Item	Column 2 Subsection	Column 3 Description	Column 4 Tire one (1)	Column 5 Tire two (2)	Column 6 Tire three (3)
1	4.2	Operating an e-scooter on a highway with speed limit greater than 50 km/hr, unless within a bicycle lane or paved shoulder of no less than 1.2 m width.	205	350	450
2	4.3	Operating an e-scooter or e-bike where cycling, skateboarding or rollerblading is prohibited.	205	350	450
3	4.4	Operating an e-scooter or e-bike on sidewalks.	205	350	450
4	4.5	Operating a motor vehicle on Town’s off-road bicycle facilities such as multi-use paths, trails and cycle tracks.	205	350	450
5	4.6	Operating an e-scooter on a highway where a bicycle lane or paved shoulder of no less than 1.2 m exists.	205	350	450
6	4.7	Operating other micromobility devices such as electric skateboards, electric hoverboards, electric unicycles and Segways on Town’s off-road bicycle facilities such as multi-use paths, trails and cycle tracks.	205	350	450
7	5.2	E-scooter or e-bike operator under the age of 16 years old.	205	350	450
8	5.3	E-scooter operator under the age of 18 years old not wearing a helmet.	205	350	450
9	5.5	Operating an e-scooter or e-bike and carrying any other person thereon.	205	350	450
10	5.6	Operating an e-scooter or e-bike towing another person, vehicle or device.	205	350	450
11	5.7	Operating an e-scooter in a position other than while standing at all times.	205	350	450
12	5.8	Carrying cargo on an e-scooter.	205	350	450
13	5.9	Parking, stopping an e-scooter or e-bike in a prohibited area.	205	350	450
14	5.10	Parking an e-scooter or e-bike within a boulevard.	205	350	450

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Column 1 Item	Column 2 Subsection	Column 3 Description	Column 4 Tire one (1)	Column 5 Tire two (2)	Column 6 Tire three (3)
15	5.12	Operating an e-bike over 55 kg in weight on multi-use paths and paved trails.	205	350	450
16	6.1	E-scooter or e-bike riders not keeping a safe distance of at least one metre from pedestrians.	205	350	450
17	6.2	Operating e-scooter or e-bike at a speed that is markedly greater than the speed of the nearby pedestrians.	205	350	450
18	6.3	Operating an e-scooter or e-bike within a crosswalk or pedestrian crossover.	205	350	450
19	6.4	Operating an e-scooter or e-bike without proper bell or horn	205	350	450
20	6.7	Operating an e-scooter or e-bike without proper lights	205	350	450
21	6.8	Operating e-scooter or e-bike in multi-use paths and trails above 20 km/hr	205	350	450
22	6.9	Person using handled devices when operating e-scooter or e-bike.	205	350	450