

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC
BY-LAW NO. XX-XX
A BY-LAW TO ESTABLISH A PILOT PROJECT FOR ELECTRIC KICK-SCOOTERS AND
FOR CARGO POWER-ASSISTED BICYCLES, FOR USE IN THE MUNICIPALITY OF
STRATHROY-CARADOC.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the “Act”) provides that the powers of a municipality shall be exercised by by-law;

AND WHEREAS section 9 of the Act provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS subsection 11(2) of the Act provides that a municipality may pass by-laws respecting the health, safety and wellbeing of persons as well as the protection of persons and property;

AND WHEREAS section 425 of the Act provides the authority for a municipal by-law to specify that a person who contravenes a by-law passed under the Act is guilty of an offence and that a director or officer of a corporation who knowingly concurs in the contravention of the by-law is guilty of an offence;

AND WHEREAS section 426 of the Act provides that any person who hinders or obstructs or attempts to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under the Act is guilty of an offence and that every director or officer of a corporation who knowingly concurs in the contravention by the corporation to hinder or obstruct a person who exercising a power or performing a duty under a by-law passed under the Act is guilty of an offence;

AND WHEREAS subsection 429 of the Act provides that a municipality may establish a system of fines for offences under municipal by-laws;

AND WHEREAS section 3 Ontario Regulation 389/19 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, provides that not person shall operate an electric kick-scooter on a highway, sidewalk, trail, path or walkway 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 section 3 of Ontario Regulation 141/21 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, provides that not person shall operate a cargo power-assisted bicycle on a highway, sidewalk, trail, path or walkway 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 Council for The Corporation of the Municipality of Strathroy-Caradoc has deemed it to be in the public interest to prohibit and regulate the operation of electric kick-

scooters and cargo power-assisted bicycles on certain portions of highways that are under the jurisdiction of The Corporation of the Municipality of Strathroy-Caradoc and on areas that are not highways within The Corporation of the Municipality of Strathroy-Caradoc.

NOW THEREFORE the Council of The Corporation of the Municipality of Strathroy-Caradoc **HEREBY ENACTS AS FOLLOWS:**

1. Short Title

1.1 This by-law may be referred to as the “Electric Kick-Scooter and Cargo Power-Assisted Bicycle By-law.”

2. DEFINITIONS

2.1 In this by-law:

“**Electric Kick-Scooter**” has the same meaning as it does in O. Reg. 389/19;

“**Cargo Power-assisted Bicycle**” has the same meaning as it does in O. Reg. 141/21;

“**Commercial Cargo Power-Assisted Bicycle**” means a Cargo Power-Assisted Bicycle that is owned by a corporation or individual that allows other individuals or corporations to use the Cargo Power-assisted Bicycle on a temporary membership basis or fee per use basis or any other commercial arrangement, including free trials, between the parties for the use of the Cargo Power-assisted Bicycle;

“**Commercial Electric Kick-Scooter**” means an Electric Kick-Scooter that is owned by a corporation or individual that allows other individuals or corporations to use the Electric Kick-Scooter on a temporary membership basis or fee per use basis or any other commercial arrangement, including free trials, between the parties for the use of the Electric Kick-Scooter;

“**Environmentally Significant Area**” or “**ESA**” has the same meaning as it does in the Park and Recreation By-law;

“**Highway**” has the same meaning as it does in the *Highway Traffic Act*;

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

“**Hiking Trail**” has the same meaning as it does in the Parks and Recreation By-law;

“**Minister**” means the Minister of Transportation for the Province of Ontario;

“**Municipal Right of Way**” has the same meaning as it does in the Right of Way By-law;

“**Municipality**” means the Corporation of the Municipality of Strathroy-Caradoc;

“**Natural Park Area**” has the same meaning as it does in the Parks and Recreation By-law;

“**O. Reg. 389/19**” means Ontario Regulation 389/19, as amended, made under the *Highway Traffic Act*;

“**O. Reg. 141/21**” means Ontario Regulation 141/21, as amended, made under the *Highway Traffic Act*;

“**Police Officer**” has the same meaning as it does under the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, as amended, and includes a member of the Strathroy-Caradoc Police Service;

“**Parks and Recreation By-law**” means the Municipality’s Parks and Recreation Area By-law# 63-17, as amended;

“**Pedestrian**” includes a person who has a physical reliance on a wheelchair or other similar remedial appliance or device;

“**Person**” includes, but is not limited to, a municipal corporation, partnership, sole proprietorship, corporation as defined in the *Business Corporations Act*, R.S.O. 1990, c. B.16, as amended;

“**Registrar**” means the Registrar of Motor Vehicles appointed under the *Highway Traffic Act*;

“**Roadway**” means the 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;

“**Right of Way By-law**” means the Municipality’s Right of Way By-law No. 45-21, as amended; and

“**Sidewalk**” has the same meaning as the word “Walkway” does in the Right of Way By-law.

3. PROHIBITIONS

3.1 No Person shall operate a Cargo Power-Assisted Bicycle or an Electric Kick-Scooter:

- (a) On a Sidewalk;
- (b) On a Hiking Trail, in an ESA or in a Natural Park Area, unless authorized under the Parks and Recreation By-law; or
- (c) On a Highway with a posted rate of speed of more than 50 kilometres per hour.

3.2 No Person shall operate, permit to operate or provide or cause to be provided a Commercial Electric Kick-Scooter or Commercial Cargo Power-Assisted Bicycle anywhere in the Municipality.

- 3.3 No Person shall operate a Cargo Power-Assisted Bicycle or an Electric Kick-Scooter:
- (a) Unless the Person is 16 years of age, or older;
 - (b) Unless the Person wears a helmet that complies with subsection 104(1) or (2.1) of the *Highway Traffic Act* if the Person is under 18 years of age;
 - (c) While carrying any other person thereon unless, in the case of a Cargo Power-Assisted Bicycle, the bicycle was manufactured to carry passengers;
 - (d) While towing another Person, vehicle or device;
 - (e) While attached to a vehicle, device, Cargo Power-Assisted Bicycle, or Electric Kick-Scooter for the purpose of being drawn or towed; or
 - (f) In the case of an Electric Kick-Scooter, while carrying cargo.
- 3.4 No Person operating a Cargo Power-Assisted Bicycle shall:
- (a) Carry any dangerous or hazardous goods; or
 - (b) Leave it in a location that is intended for the passage of vehicles or pedestrians.
- 3.5 No Person operating an Electric Kick-Scooter shall:
- (a) Operate it in any position other than while standing at all times; or
 - (b) Leave it in a location that is intended for the passage of vehicles or pedestrians.
- 3.6 No Person shall operate or permit to be operated a Cargo Power-Assisted Bicycle that carries a load unless the load is loaded, bound, secured, contained or covered so that no portion of the load may become dislodged or fall, leak, spill or blow from the Cargo Power-Assisted bicycle.
- 3.7 No Person shall operate or permit the operation of a Cargo Power-Assisted Bicycle or an Electric Kick-Scooter unless the Cargo Power-Assisted Bicycle or Electric Kick-Scooter complies with the requirements of section 9 of O. Reg. 141/21, or section 9 of O. Reg. 389/19, respectively.
- (a) In addition to the requirements of subsection 3.7 of this by-law, no Person shall operate a Cargo Power-Assisted Bicycle or an Electric Kick-Scooter unless it is equipped with a bell or horn which shall be kept in good working order.

4. GENERAL PROVISIONS

- 4.1 A Person is permitted to operate an Electric Kick-Scooter or Cargo Power-Assisted Bicycle on a Highway,
- (a) Where lanes for bicycles are provided on a Highway, the Electric Kick-Scooter or Cargo Power-Assisted Bicycle shall only be operated in such lanes, or
 - (b) Where lanes for bicycles are not provided on a Highway, the Electric Kick-Scooter or Cargo Power-Assisted Bicycle shall be operated,
 - i. If there is a shoulder on the Highway, on the shoulder as close to the right edge of the shoulder as possible; or
 - ii. If there is no shoulder on the Highway, on the right side of the Roadway as close to the edge of the Roadway as possible.
- 4.3 Every operator of an Electric Kick-Scooter or Cargo Power-Assisted Bicycle shall,

- (a) Keep a safe distance from pedestrians and other users of the roadway, shoulder, sidewalk, trail, path, walkway, public park or exhibition ground at all times;
- (b) 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 or Cargo Power-Assisted Bicycle to pass;
- (c) Not be operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground at a speed that is markedly greater than the speed of the pedestrians who are proximate to the Electric Kick-Scooter or Cargo Power-Assisted Bicycle;
- (d) Sound the bell or horn whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach;
- (e) Not be operated in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property; and
- (f) 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 or Cargo Power-Assisted Bicycle 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;
 - i. In the case of an Electric Kick-Scooter, the lamps referred to in subsection 4.3(f) of this by-law may be attached to it or carried or worn by the operator on his or her person.

4.4 Every operator of an Electric Kick-Scooter or Cargo Power-Assisted Bicycle shall stop when required to do so by a police officer and shall, on the demand of the police officer,

- (a) Surrender his or her driver's licence, if he or she has one and has it in his or her possession, for reasonable inspection by the officer; or
- (b) Provide the officer with his or her correct name, address and date of birth.

4.5 Where an Electric Kick-Scooter or Cargo Power-Assisted Bicycle is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the electric kick-scooter shall:

- (a) Forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection 4.4(b) of this by-law.
- (b) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within 10 days of the accident.
- (c) The report of a police officer under subsection 4.4(b) of this by-law shall be in the form that is approved by the Minister.

5. OFFENCE AND PENALTY

5.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Highway Traffic Act* and *Provincial Offenses Act*, R.S.O. 1990, c. P.33, as amended.

- 5.2 Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$2,500.
- 5.3 If a corporation contravenes any of the provisions of this by-law and a director or officer of a corporation knowingly concurs in the contravention of the offence by the corporation, the director or officer is guilty of the offence that the corporation contravened.
- 5.4 No Person shall hinder or obstruct or attempt to hinder or obstruct, either directly or indirectly, a police officer in the lawful exercise of a power or duty under this by-law.
- (a) Every director or officer of a corporation who knowingly concurs in the contravention by the corporation to hinder or obstruct or attempt to hinder or obstruct, either directly or indirectly, a police officer who is exercising a power or performing a duty under this by-law is guilty of an offence.

6. MISCELLANEOUS

- 6.1 The Director of Engineering and Public Works is responsible for the administration of this by-law.
- 6.2 This by-law may be enforced by a police officer.
- 6.3 In this by-law, wherever the singular is used, it is intended to include the plural.

7. SEVERABILITY

- 7.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force

8. Effective Date

- 8.1 This By-law shall come into force and effect on the day it is passed.

Read a First, Second and Third Time and Finally Passed this _____ day of _____,
2026

C. Grantham,
Mayor

J. Pereira,
Clerk