



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Mayor and Members of Council

**From:** Robert Auger, Director Legislative Services & Clerk

**Date to Council:** May 23, 2023

**Report Number:** LCS-2023-16

**Subject:** Regulation of E-Scooters during Pilot Program - By-Law 2023-062

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### Recommendations

It is recommended:

**That** Report LCS-2023-16, the Regulation of E-Scooters during Pilot Program – By-Law 2023-062, **be received**;

**And that** Council **authorize** the Town to participate in Ontario's E-Scooter Pilot Program and direct Administration to advise the Ministry of Transportation of such participation;

**And further that** By-Law 2023-062, being a by-law to amend By-Law 2001-36, as amended, being a by-law to regulate traffic and parking on highways and private roadways under the jurisdiction of the Municipality, **be considered** for first, second, third, and final readings.

### Background

On May 9, 2023, Council received Report CRS-2023-06 regarding an Electric Kick Scooter (hereinafter “E-Scooter”) pilot program for the provision of E-Scooter rental services in certain designated areas of the Town. Council accordingly passed By-Law 2023-057 and authorized the provision of E-Scooter rental services by Bird Canada, Inc.

during the period commencing May 23 and ending September 30, 2023, but subject to extension at the Town's option if satisfied with the initial pilot period of such rentals.

However, in order to give legal effect to this program/service, the Town is required to pass a by-law permitting the use of E-Scooters in accordance with the Provincial Pilot Project as identified by and in accordance with [Ontario Regulation 389/19: Pilot Project Electric Kick Scooters](#) which is a regulation made under the Highway Traffic Act.

This report outlines the accompanying legislation and the proposed by-law and its regulation regarding safe operation and general parameters of use during the Town's participation in the Provincial Pilot Project.

## Comments

The proposed By-Law 2023-062 was drafted pursuant to the Provincial E-Scooter pilot project (Ontario Regulation 389/19) which Project runs until the earlier of the 27<sup>th</sup> of November 2024 and the date the pilot project is rescinded by the provincial government.

Ontario Regulation 389/19 provides that it is up to each municipality to decide whether it wishes to engage in the pilot program and so long as the minimum requirements of this Regulation and the Highway Traffic Act are otherwise being met the Municipality has discretion as to the extent and the parameters of the Town's participation in the pilot program. Participation in the Provincial Pilot Project will have reporting requirements for the municipality including statistical reporting relating to collisions relating to e-scooters during the pilot project in the Ontario E-scooter Pilot Program: [Guide for Municipalities](#).

If the Provincial Pilot Project is deemed successful it is possible that the provincial government will enact amendments to the Highway Traffic Act to permanently authorize the use of e-scooters in the province.

The proposed By-Law 2023-062 applies exclusively to E-scooters which are defined as a vehicle that has two wheels (one in front of the other), a standing platform, electric motorization, and a singular steering handlebar.

The By-Law applies to both the use of privately owned e-scooters as well as to e-scooters that are commercially rented to the public. As a result of the May 9, 2023 Administrative Report CRS-2023-06 the passage of By-Law 2023-057 Bird Canada Inc. will be the exclusive supplier of such rental services in the Town during the initial pilot program period of May 23 to September 30, 2023.

In accordance with Ontario Regulation 389/19, the proposed By-Law would allow the use of E-Scooters only in certain identified areas of the Town (on such shared roadways, sidewalks, trails and multi-use pathways, if applicable, as may be identified within those areas).

For the purposes of the initial pilot period of May 23 to September 30 the identified areas of the Town where E-Scooters will be permissible will largely be on those trails and pathways identified in the area being generally described as:

That area which is bound by the riverfront pathway to the north, Brighton Road to the east, Tecumseh Road and/or County Road 22 to the south and a seamless boundary to the Town to facilitate users accessing trails and pathways that traverse both Tecumseh and Windsor

**Attachment 1** to this report identifies the applicable Boundary Map areas.

The proposed By-Law further outlines rules of general usage and safety, and together with other restrictions provides that no E scooter shall travel upon any road in the Town that has a posted speed limit of more than 50 kilometres per hour.

The By-Law provides a variety of other rules such as:

- The minimum age of operation being 16 years of age.
- Mandating that anyone under the age of 18 is required to wear a properly fitting helmet when operating an E-Scooter.
- No E-Scooter shall be operated on a sidewalk unless specifically authorized by signage.
- The maximum speed of E-Scooters shall be sanctioned at 24 kilometres per hour, must have a braking system that ensures that when operating the scooter at 24 kilometres per hour (that on a clean, paved and level surface) the scooter can come to a full stop within nine (9) metres from the point at which the brakes were applied. This addition ensures that those that operate E-Scooters are able to do so under more control.
- 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.
- Parking is also a pertinent issue, as sidewalks and roadways must remain safe and clear for all those that share the roads. The By-law mandates that no E-Scooter will be parked anywhere but designated parking areas. No E-Scooters will be parked in such a way that obstructs pedestrian paths of travel, driveways, roadways, or in any way that obstructs garbage removal and other services of the Town.

A review of the Town's Pilot program together with possible expansion of the program is expected to be evaluated in late fall of 2023.

## Consultations

Community & Recreation Services  
Community Safety  
Public Works & Engineering Services  
Ontario Provincial Police

## Financial Implications

Further to Report CRS-2023 received by Council at the May 9, 2023 Regular Council meeting there are no anticipated costs or revenue associated with the E-Scooter Pilot Program.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☐

Website ☒

Social Media ☒

News Release ☒

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Robert Auger, LL.B.  
Director Legislative Services & Clerk

Reviewed by:

Beth Gignac, BA Hons  
Director Community & Recreation Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Boundary Map Town of Tecumseh E-Scooter Pilot Program