

being a by-law to regulate and control the use of skateboards, bicycles and similar devices within the City of Oshawa.

WHEREAS paragraph 208(42) of the Municipal Act, R.S.O. 1980, c. 302, as amended, authorizes the Council of a Municipality to pass by-laws prohibiting vehicles or other conveyances upon pedestrian ways, highways, and public areas;

BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa by the Council thereof as follows:

1. Definitions

In this by-law:

- (a) "BICYCLE" means a muscular-powered vehicle having a seat or saddle for the use of the rider, equipped with foot pedals that are operable at all times to propel it, and a hand- or foot-operated braking system; and is designed to travel on not more than three wheels in contact with the ground, including a tricycle and unicycle but not including a similar vehicle equipped with any type of motor, a WHEELCHAIR, POWER-ASSISTED BICYCLE or a PLAY VEHICLE; (68-2014)
- (b) "BOULEVARD" means all parts of a HIGHWAY other than the ROADWAY and the SIDEWALK;
- (c) "BY-LAW ENFORCEMENT OFFICER" means a member of the Durham Regional Police Service, a peace officer, or any other person appointed by the CITY for the enforcement of its by-laws;
- (d) "CITY" means The Corporation of the City of Oshawa;
- (d .1) "ELECTRIC KICK-SCOOTER" as defined in subsection 1 (1) of Ontario Regulation 389/19 of the Highway Traffic Act; (123-2022)
- (e) "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 all of the land within the lateral property lines of the highway, whether a ROADWAY, a SIDEWALK, or a BOULEVARD;
- (e.1) "MULTI-USE TRAILS" means a shared use path with a minimum width of 3 metres that serves a variety of users including cyclists, pedestrians and in-line skaters. Multi-use trails are separate from the regular flow of traffic and are wide enough to be bidirectional. (68-2014)
- (f) "OPERATE" includes drive, ride, coast, or propel by any power, including muscular power, and "OPERATING" and "OPERATION" shall have similar meanings;
- (g) "PARK" means a park, reservation, playground, beach, recreation centre, public trail system, square, garden, water or any other area in the CITY, owned or used by the CITY, set apart for or devoted to ornament, embellishment, or active or passive recreation;
- (h) "PARKING GARAGE" means any structure and its appurtenant lands, owned or operated by the CITY which is used for parking vehicles and for which a fee may be charged and collected for parking therein;
- (i) "PARKING LOT" means any area or tract of land owned or operated by the CITY which is used for parking vehicles, whether or not a fee is charged for parking thereon;
- (j) "PEDESTRIAN" means a person on foot, in a WHEELCHAIR, on a PLAY VEHICLE, or in a baby carriage;

- (k) "PERSONAL CONVEYANCE DEVICE" includes a SKATEBOARD, one or more ROLLER BLADES, ROLLER SKATES or WHEELED SKIS, and similar devices designed to carry individuals, excepting a PLAY VEHICLE, a WHEELCHAIR, and a BICYCLE.
- (l) "PLAY VEHICLE" means a non-motorized or motorized toy with wheels or rollers designed for children to ride in, on or upon;
- (l.1) "POWER-ASSISTED BICYCLE" means a bicycle that,
- (a) is a power-assisted bicycle as defined in subsection 2 (1) of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada),
- (b) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (a),
- (c) has affixed to it pedals that are operable, and
- (d) is capable of being propelled solely by muscular power; (68-2014)
- (m) "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;
- (n) "ROLLER SKATES" or "ROLLER BLADES" are pieces of equipment strapped to or worn on the foot or feet which are mounted on wheels or rollers for the purpose of conveying the user on a hard surface in a manner similar to that of skates designed for skating on an ice surface;
- (o) "SIDEWALK" means all parts of a HIGHWAY which are set aside by the CITY for the use of persons as PEDESTRIANS;
- (p) "SKATEBOARD" means an apparatus comprised of a flat surface mounted on wheels or rollers for the purpose of conveying a person as rider, operated with or without a steering device by means of the person balancing upon the surface, and includes items commonly known as "scooters";
- (q) "WHEELCHAIR" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical disability; and
- (r) "WHEELED SKIS" means an apparatus comprised of one or more long, narrow, flat surfaces mounted on wheels or rollers for the purpose of conveying a person on a hard surface in a manner similar to that of skis designed for cross-country or downhill skiing on snow or ice.
2. Prohibition on all Roadways: It shall constitute an offence for a person to OPERATE a PERSONAL CONVEYANCE DEVICE or a PLAY VEHICLE along or upon any ROADWAY within the limits of the City of Oshawa.
- 2.1 It shall constitute an offence for a person to OPERATE a POWER-ASSISTED BICYCLE and ELECTRIC KICK-SCOOTERS along or upon any SIDEWALK within the limits of the CITY. (68-2014, 123-2022)
- 2.2 Persons shall be permitted to operate ELECTRIC KICK-SCOOTERS on any ROADWAY with a maximum speed of 50 km/h or less in accordance with Schedule XVII of the Traffic and Parking By-Law 79-99, as amended, in designated bicycle lanes in accordance with Schedule XXV of the Traffic and Parking By-Law 79-99, as amended, and on "MULTI-USE TRAILS; (123-2022)
3. Prohibition on Certain Sidewalks: It shall constitute an offence for a person to OPERATE a PERSONAL CONVEYANCE DEVICE or BICYCLE along or upon any SIDEWALK, or any pathway or foot path used or set apart for use by PEDESTRIANS, located within that part of the City of Oshawa which is described as follows:

All that portion of the City which is contained within the following boundary:

to the North, by William Streets East and West as follows:

from a point in the western bank of the Oshawa Creek which intersects an imaginary extension of the north boundary of William Street West, following the north boundary of William Street West in an easterly direction to the point where it crosses Simcoe Street North and becomes William Street East, and continuing along the north boundary of William Street East in an easterly direction to its intersection with the east boundary of Division Street; to the East and South by Division, King, Charles, Bruce and Albert Streets as follows:

from the point of intersection of the north boundary of William Street East and the east boundary of Division Street, in a southerly direction along the east boundary of Division Street to the point where it intersects the south boundary of King Street East;

following the south boundary of King Street East in a westerly direction to the point where it intersects the east boundary of Charles Street;

following the east boundary of Charles Street in a southerly direction to the point where it intersects the south boundary of Bruce Street;

following the south boundary of Bruce Street in a westerly direction to the point where it intersects the east boundary of Albert Street;

following the east boundary of Albert Street in a southerly direction to the point where it intersects the south boundary of John Street East; to the South by John Streets East and West as follows:

from the point where the east boundary of Albert Street intersects the south boundary of John Street East, along the south boundary of John Street East in a westerly direction to the point where it crosses Simcoe Street South and becomes John Street West, and continuing along the south boundary of John Street West in a westerly direction to the point where the southern limit of the John Street West bridge over the Oshawa Creek intersects a vertical extension of the west bank of the Oshawa Creek; and to the West by the west bank of the Oshawa Creek as follows:

from the point in the west bank of the Oshawa Creek where a vertical plumb line dropped from the southern limit of the John Street West bridge intersects it, following the west bank of the Oshawa Creek in a northerly direction to a point in the west bank of the Oshawa Creek where it intersects with an imaginary extension of William Street West.

Schedule "A" to this By-law is a map illustrating the boundaries described in this section.

4. Crossing: Notwithstanding section 3, where the OPERATION of a BICYCLE, ELECTRIC KICK-SCOOTER or POWER-ASSISTED BICYCLE is otherwise permitted, it may be driven, ridden, coasted, or propelled directly across a SIDEWALK, pathway or footpath for the sole purpose of crossing same. (68-2014, 123-2022)
5. Right of Way Rules: Upon any SIDEWALK, MULTI-USE TRAIL or any pathway or foot path used or set apart for use by PEDESTRIANS, where the OPERATION of PERSONAL CONVEYANCE DEVICES, POWER-ASSISTED BICYCLE, ELECTRIC KICK-SCOOTER or BICYCLES is permitted pursuant to this By-law, the following right-of-way rules shall apply:
 - (a) persons OPERATING PERSONAL CONVEYANCE DEVICES, POWER-ASSISTED BICYCLE, ELECTRIC KICK-SCOOTER and BICYCLES shall at all times yield right-of-way to PEDESTRIANS; and (123-2022)
 - (b) persons OPERATING BICYCLES, ELECTRIC KICK-SCOOTER and POWER-ASSISTED BICYCLE shall at all times yield right-of-way to persons OPERATING PERSONAL CONVEYANCE DEVICES. (68-2014, 123-2022)

Failure to yield right-of-way in accordance with this section shall constitute an offence.

6. Prohibition in Parks where Signed: It shall constitute an offence for any person to OPERATE a PERSONAL CONVEYANCE DEVICE, POWER-ASSISTED BICYCLE or

BICYCLE, ELECTRIC KICK-SCOOTER in any PARK or on any property owned by the CITY or any board thereof, where one or more signs have been posted by the CITY to prohibit such OPERATION. (68-2014, 123-2022)

7. Prohibition in Parking Garages and Parking Lots: It shall constitute an offence for a person to OPERATE a PERSONAL CONVEYANCE DEVICE or BICYCLE in or upon any PARKING LOT or PARKING GARAGE within the limits of the City of Oshawa.
8. Prohibition Against Obstruction: It shall constitute an offence for a person to leave a PERSONAL CONVEYANCE DEVICE, POWER-ASSISTED BICYCLE or BICYCLE, ELECTRIC KICK-SCOOTER parked or lying on any portion of a HIGHWAY, including a SIDEWALK, or in front of or across any door, stairs or entranceway to any building in a manner which is likely to obstruct or interfere with access to and from such building. (68-2014, 123-2022)
9. Seizure: A BY-LAW ENFORCEMENT OFFICER, upon discovery of any PERSONAL CONVEYANCE DEVICE, POWER-ASSISTED BICYCLE or BICYCLE, ELECTRIC KICK-SCOOTER parked, left or stopped in contravention of section 8 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage, if any, shall constitute a lien upon the PERSONAL CONVEYANCE DEVICE, POWER-ASSISTED BICYCLE or BICYCLE, enforceable pursuant to the Repair and Storage Liens Act, 1989, S.O. 1989, c.17, as amended from time to time, and any Regulations under that Act or successor legislation thereto. Any such costs and charges shall be payable by the owner or operator of the PERSON CONVEYANCE DEVICE, POWER-ASSISTED BICYCLE or BICYCLE, as applicable, in addition to any fine imposed pursuant to section 10 hereof. (68-2014, 123-2022)
10. Administrative Penalty: (127-2022)
 - 10.1 No Person shall fail to comply with any provision or standard of this Bylaw. (127-2022)
 - 10.2 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (127-2022)
 - 10.3 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of this By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$125. If a Person receives an additional penalty notice for the same contravention of the By-law within one (1) calendar year 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 City a tier two (2) administrative penalty amount for that contravention in the amount of \$225. If the Person receives a subsequent penalty notice for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$325. If the Person receives any subsequent penalty notices for the same contravention of the By-law within one (1) calendar year 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 City a tier three (3) administrative penalty amount for that offence in the amount of \$325. (127-2022)
11. Offence: Any person who commits an offence pursuant to this by-law shall be liable, upon conviction thereof, to a fine not exceeding two thousand (\$2,000.00) dollars, exclusive of costs, for each offence. (127-2022)
12. Idem: By-law 112-74 of the Corporation of the City of Oshawa is hereby repealed. (127-2022)

By-law read a first, second and third time and finally passed this twenty-second day of July, 1991.

SCHEDULE "A" TO BY-LAW 78-91

