

Exeter Borough Electric Bicycle Ordinance

ORDINANCE NO. _____ OF 2026

AN ORDINANCE REGULATING PEDALCYCLES WITH ELECTRIC ASSIST ON PUBLIC SIDEWALKS AND BOROUGH RECREATIONAL PROPERTY; PRESERVING APPLICABLE PENNSYLVANIA VEHICLE CODE REQUIREMENTS; PROVIDING FOR ENFORCEMENT, PENALTIES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Council seeks to protect pedestrians, preserve Borough recreational property, and provide clear rules for the lawful use of pedalcycles with electric assist; and

WHEREAS, 75 Pa.C.S. § 6109(a)(8) authorizes local regulation of pedalcycle operation, subject to the Pennsylvania Vehicle Code, and 8 Pa.C.S. § 1202 authorizes reasonable public safety and sidewalk regulations; and

WHEREAS, Council intends to supplement, within its lawful authority, the requirements of Commonwealth law and to distinguish qualifying pedalcycles with electric assist from other motorized devices;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Exeter, Luzerne County, Pennsylvania, as follows:

Section 1 Short title and purpose

This ordinance shall be known as the Exeter Borough Electric Bicycle Safety Ordinance. Its purpose is to protect pedestrian safety, regulate the use of Borough recreational property, and establish local operating rules consistent with Commonwealth law.

Section 2 Definitions

A. **Borough**. The Borough of Exeter, Luzerne County, Pennsylvania.

B. Borough recreational property. A park, playground, recreation area, or trail owned by the Borough or operated by the Borough under an agreement authorizing it to regulate public use. This term does not include property merely located in the Borough that is owned or controlled by another entity.

C. **Electric bicycle or e-bike**. A pedalcycle with electric assist as defined in 75 Pa.C.S. § 102. As of the enactment of this ordinance, that classification consists of a vehicle weighing not more than 100 pounds, having two or three wheels more than 11 inches in diameter, an electric motor system rated at not more than 750 watts, operable pedals, and a motor-only speed capability not exceeding 20 miles per hour on a level surface. Devices specifically designed for use by persons with disabilities are excluded from this definition. The controlling classification is the definition in § 102 as lawfully amended and effective; a future statutory amendment does not dispense with Council review of this ordinance for continued consistency with state law.

D. **Other motorized device.** A motor-propelled bicycle, scooter, minibike, electric dirt bike, or similar personal transportation device that does not qualify as an electric bicycle under subsection C. This descriptive term does not establish the device's legal classification under the Vehicle Code.

E. **Public sidewalk.** The portion of a public street or highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use. A separately designated shared-use trail on Borough recreational property is governed by Section 6 rather than the sidewalk prohibition in Section 4.

F. **Shared-use trail.** A path on Borough recreational property designated for both pedestrian and bicycle use, excluding a roadway open to general motor vehicle traffic.

G. **Walk an electric bicycle.** Move an electric bicycle on foot while its propulsion motor is not engaged. A motor used solely to provide walking assistance to a person with a disability is subject to Section 9.

Section 3 Scope and state law priority

A. Sections 4 and 7 apply to public sidewalks within the Borough to the extent of the Borough's lawful regulatory authority. Section 6 applies only to Borough recreational property. This ordinance does not authorize entry onto private property or regulate recreational property controlled by another entity.

B. Qualifying electric bicycles may be operated on public streets and highways subject to the Vehicle Code and otherwise applicable lawful traffic regulations. This ordinance creates no general street prohibition, separate roadway speed limit, municipal registration requirement, insurance requirement, or operator licensing requirement for electric bicycles.

C. Commonwealth law governs vehicle classification, roadway equipment, operator qualifications, and traffic offenses. Nothing in this ordinance authorizes conduct prohibited by Commonwealth law or imposes a local penalty for a state-law violation identified in Section 5.

D. Any action affecting a state-designated highway or its right-of-way shall be implemented only after obtaining approvals required by PennDOT. Any required engineering and traffic investigation and official traffic-control devices shall precede enforcement of the affected restriction, as provided in 75 Pa.C.S. § 6109 and applicable regulations.

Section 4 Public sidewalks

A. No person shall ride or operate an electric bicycle on a public sidewalk. A person may walk an electric bicycle on a public sidewalk, subject to pedestrian right-of-way and the prohibition against obstructing passage.

B. An operator may cross a sidewalk directly to enter or leave a lawful driveway or access point, provided the operator yields to pedestrians, travels at a speed no greater than an ordinary walking pace, and does not travel longitudinally along the sidewalk.

C. The Borough shall post conspicuous notice of this restriction at appropriate sidewalk access locations. Where official traffic-control devices or approval are required by state law, the restriction shall not be enforceable at the affected location until those requirements have been satisfied.

Section 5 Commonwealth requirements

The following provisions identify Commonwealth requirements for public information and enforcement coordination. They do not create separate municipal offenses or authorize the graduated penalties in Section 11:

A. **Minimum age.** Under 75 Pa.C.S. § 3514, a person under 16 years of age may not operate a pedalcycle with electric assist, within the applicable scope of the Vehicle Code.

B. **Roadway conduct.** Operators shall comply with applicable state traffic laws, including traffic signals, stop signs, roadway direction, turning, and the rules governing pedalcycle operation.

C. **Equipment and passengers.** Applicable requirements concerning lighting, reflectors, brakes, seating, passenger capacity, child carriers, and carrying articles are governed by 75 Pa.C.S. §§ 3504, 3506 and 3507.

D. **Helmets.** The requirements, exceptions, defenses, and penalties of 75 Pa.C.S. § 3510 remain controlling. This ordinance creates no independent general helmet requirement.

E. **Parents and guardians.** Responsibility for authorizing or knowingly permitting a child or ward to violate Commonwealth pedalcycle laws is governed by 75 Pa.C.S. § 3503. Parenthood or ownership of a device alone does not establish a local offense under this ordinance.

F. **Nonqualifying devices.** A vehicle that fails the statutory electric bicycle definition is not entitled to pedalcycle treatment merely because it is marketed as an e-bike, bears an e-bike label, or has a speed setting selected by the operator. Its lawful highway operation depends on its actual classification and compliance with the requirements applicable to that classification.

Section 6 Borough recreational property

A. **Permitted routes.** Electric bicycles may be operated on Borough recreational property only on roadways lawfully open to them and on trails open to bicycle use. Riding is prohibited on playground surfaces, athletic fields, courts, planted areas, and paths designated exclusively for pedestrians. Existing lawful bicycle closures remain applicable.

B. **Trail speed.** No person shall operate an electric bicycle at more than 10 miles per hour on a shared-use trail. A lower speed, including stopping or dismounting, is required whenever necessary to avoid endangering a pedestrian or other user. This limit does not apply to a roadway open to general motor vehicle traffic, where applicable traffic speed limits control. The trail limit shall be posted at trail entrances before numerical speed-limit enforcement begins.

C. **Passing pedestrians.** An operator shall yield to pedestrians, provide a timely audible warning by voice or bell before passing, and pass with sufficient clearance to avoid contact or forcing the

pedestrian off the path. When available space does not permit safe passing, the operator shall stop and wait or dismount and walk the bicycle.

D. Dangerous conduct. No person shall operate an electric bicycle on Borough recreational property in a manner that creates a substantial and unjustifiable risk of injury to another person or damage to property. Prohibited conduct includes racing through pedestrian traffic, intentionally swerving toward another user, and performing wheelies or other stunts where pedestrians or other users are present and endangered.

E. Minimum age on recreational property. No person under 16 years of age shall operate an electric bicycle on Borough recreational property. A violation occurring within the applicable scope of 75 Pa.C.S. § 3514 shall be prosecuted under state law; a violation outside that scope may be prosecuted under this subsection.

F. Functional safety. On portions of Borough recreational property outside the applicable scope of Commonwealth pedalcycle equipment requirements, no person shall ride an electric bicycle without functioning brakes capable of controlled stopping. Riding during darkness requires a visible white front light and visible red rear light or reflector. These local conditions do not replace any more specific state equipment requirement where it applies.

G. Closures. Council may, by resolution, close an identified recreational trail or segment to electric bicycle riding based on documented safety, maintenance, surface suitability, congestion, or resource-protection conditions. The resolution shall identify the affected area, reasons, and duration or review date. Notice shall be posted at each ordinary public entrance before enforcement. A closure does not prohibit walking an electric bicycle unless the area is closed to pedestrians as well.

H. Immediate hazards. The Chief of Police of Wyoming Area Regional Police or Borough official responsible for maintaining the property may temporarily close a route to all bicycle riding when an immediate physical hazard makes continued use unsafe. Notice shall be posted or given directly to affected users. The official shall report the closure to Council promptly. Continued closure beyond 30 days requires Council action under subsection G or other applicable lawful authority.

Section 7 Other motorized devices

A. No person shall ride or operate another motorized device on a public sidewalk, except to cross directly at a lawful driveway or access point while yielding to pedestrians and traveling no faster than ordinary walking pace.

B. No person shall ride or operate another motorized device on a trail, playground, athletic field, court, or other off-road portion of Borough recreational property. Operation on a roadway or parking area open to motor vehicles is governed by the Vehicle Code and applicable posted traffic regulations.

C. Disconnecting a motor or selecting a lower power mode does not, by itself, convert a nonqualifying device into a qualifying electric bicycle. Its status shall be determined from the

statutory criteria and competent evidence. This ordinance does not prohibit possession, purchase, or use on private property with the owner's permission, subject to other applicable law.

Section 8 Signs and administration

Council shall provide for appropriate signs and public notice. Borough personnel may install signs implementing this ordinance and Council's recreational-property designations but may not establish new permanent street restrictions, change penalties, or amend this ordinance administratively. Nothing in this section dispenses with required state approvals, traffic-control devices, or investigations.

Section 9 Exceptions and disability access

A. The riding restrictions do not apply to police, emergency responders, or authorized Borough maintenance personnel acting within their duties when use is reasonably necessary and undertaken with due regard for public safety. The exception does not excuse compliance with otherwise applicable Commonwealth law.

B. Wheelchairs and devices specifically designed for persons with disabilities are not treated as electric bicycles or other motorized devices under this ordinance. The Borough shall provide reasonable modifications and evaluate use of other power-driven mobility devices by persons with mobility disabilities in accordance with applicable federal and state disability law. Any restriction on such use must rest on the legally required assessment and cannot rest solely on this ordinance's general recreational-device prohibition.

Section 10 Enforcement

A. Wyoming Area Regional Police officers and other police officers lawfully exercising jurisdiction in the Borough may enforce this ordinance. Other Borough personnel may give notice of recreational-property rules and report violations but shall not exercise police powers without legal authority.

B. An officer may direct a person to cease a prohibited use and may issue a citation as authorized by law. A warning may be given when appropriate; a warning is not a prerequisite to prosecution.

C. Classification and numerical speed violations shall be established by competent evidence obtained through lawful means. A marketing label alone does not establish the statutory classification. This ordinance creates no authority for a compulsory search, warrantless technical inspection, or roadside speed test beyond that otherwise provided by law.

D. This ordinance creates no automatic confiscation or forfeiture. Seizure, impoundment, and disposition of a device may occur only under independently applicable legal authority and required procedures.

Section 11 Violations and penalties

A. A violation of an independently enforceable local prohibition in Sections 4, 6 or 7 is a summary offense. Enforcement shall proceed as a criminal action in the manner provided for summary offenses under the Pennsylvania Rules of Criminal Procedure, pursuant to 8 Pa.C.S. § 3321(b)(2).

B. Upon conviction, the fine shall be \$50 for a first offense, \$100 for a second offense, and \$300 for a third or subsequent offense, together with court costs authorized by law. An enhanced fine applies only if the defendant had a prior conviction under this ordinance within the 24 months preceding the current violation. Multiple convictions arising from the same incident count as one prior offense for enhancement purposes.

C. A single continuous operating incident shall not be divided into separate violations merely because it continues for additional minutes or crosses multiple locations. Distinct prohibited acts may be charged when supported by separate facts, subject to applicable merger, double-jeopardy, and procedural requirements.

D. Section 5 is informational and carries no municipal fine. Where conduct is prohibited by the Vehicle Code, the applicable state offense and state penalty shall govern prosecution of that conduct; the Borough shall not use this ordinance to increase that penalty or impose an additional local penalty for the identical conduct. Independently distinct local misconduct remains subject to this section.

E. Proceedings involving minors shall follow the jurisdictional and procedural requirements applicable to the charged offense. A parent, guardian, or device owner is not automatically liable for a fine imposed on an operator. No mandatory imprisonment or automatic imprisonment for nonpayment is prescribed by this ordinance.

Section 12 Relationship to existing ordinances

Existing Borough ordinances remain in force except to the extent of a direct and irreconcilable conflict with a valid provision of this ordinance, in which event this ordinance controls to the extent of that conflict. This ordinance does not repeal unrelated traffic, parking, park, noise, or property regulations. The Borough Manager may arrange its codification without altering its substantive provisions.

Section 13 Severability

If a court of competent jurisdiction holds any provision of this ordinance, or its application to a person or circumstance, invalid, the remaining provisions and applications shall remain effective to the extent they can operate lawfully and independently. Council declares that it would have enacted those remaining provisions without the invalid provision. Commonwealth law controls whenever an actual conflict arises.

Section 14 Effective date

This ordinance shall take immediately upon enacting.

ORDAINED AND ENACTED by the Council of the Borough of Exeter this _____ day of _____, 2026.

ATTEST

BOROUGH OF EXETER

By: JOSEPH PIZANO, President of Council

Honorable Denise Adams, Mayor

