

## **ORDINANCE NO. -**

**AN ORDINANCE OF THE BOROUGH OF CRESSONA, SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING CHAPTER [ ] OF THE BOROUGH CODE TO REGULATE THE USE OF BICYCLES, ELECTRIC BICYCLES (E-BIKES), ELECTRIC SCOOTERS (E-SCOOTERS), AND RELATED MOTORIZED DEVICES WITHIN THE BOROUGH; PROVIDING FOR DEFINITIONS, REQUIRED EQUIPMENT, OPERATING RULES, SPEED LIMITS, TRAIL AND SIDEWALK RESTRICTIONS, PENALTIES, AND RELATED MATTERS.**

WHEREAS, the Borough of Cressona ("Borough") is a Borough duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Borough Code of the Commonwealth of Pennsylvania, the Borough Council of Cressona ("Borough Council") has the authority to enact and amend provisions of the Borough Code at any time it deems proper; and

WHEREAS, the authority to enact such an ordinance is granted to the Borough under the Borough Code, including but not limited to its general police powers; and

WHEREAS, the Borough Council finds that the health, safety, morals, and general welfare of the Borough and its residents is best served by regulating e-bikes, e-scooters, and related motorized devices on Borough streets, sidewalks, parks, trails, and Borough property; and

WHEREAS, the Borough Council is desirous of establishing a comprehensive ordinance to protect pedestrian safety, preserve public property, and prevent nuisances caused by the unregulated operation of such devices;

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

### **SECTION I. TITLE**

This Ordinance shall be known as the "Borough of Cressona Bicycle and E-Bike Ordinance."

### **SECTION II. PURPOSE**

The purpose of this Ordinance is to regulate the use of bicycles, e-bikes, e-scooters, and related motorized devices on Borough streets, sidewalks, parks, trails, and Borough-owned property, for the health, safety, and general welfare of the Borough and its inhabitants. This Ordinance does not eliminate any regulations set forth in existing Borough park and recreation rules, all of which remain in full force and effect and are incorporated herein.

### **SECTION III. DEFINITIONS**

The following words and phrases, when used in this Ordinance, shall have the meanings given to them in this Section. Unless otherwise defined herein, words and phrases shall have the meanings ascribed to them in the Pennsylvania Vehicle Code, Title 75, as now in force or as hereafter amended.

**ABANDONMENT.** A bicycle, e-bike, or e-scooter, or any part thereof, that is left or remains unattended or unused in a public place for seventy-two (72) consecutive hours or longer after it has been tagged with a notice of intention to abate.

**BICYCLE.** A vehicle having two tandem wheels, propelled exclusively by human power, upon which any person may ride, and having wheels not less than twelve inches (12") in diameter. The term does not include scooters or similar devices.

**BIKE LANE.** A portion of a roadway designated for preferential or exclusive use by bicycles, e-bikes, or e-scooters, distinguished from the motor vehicle travel lane by a painted strip and other pavement markings.

**BIKE PATH / TRAIL.** A separate right-of-way designated for use by bicycles, e-bikes, e-scooters, or pedestrians, as designated by the Borough. The term includes the paved or improved surface and a minimum of two (2) feet on either side. Pedestrians retain the right-of-way on all Borough bike paths and trails.

**BOROUGH.** The Borough of Cressona, Schuylkill County, Pennsylvania.

**DIRT BIKE.** A two-wheeled motorized vehicle, whether powered by gasoline, electricity, or another motorized power source, that is designed, marketed, modified, or commonly used for off-road riding, trail riding, motocross, racing, stunt riding, or operation on unpaved surfaces.

**ELECTRIC POWER-ASSISTED BICYCLE (E-BIKE).** A vehicle weighing not more than 100 pounds, with two or three wheels more than eleven inches (11") in diameter, manufactured or assembled with an electric motor system rated at not more than 750 watts, equipped with operable pedals, and capable of a speed not more than 20 miles per hour on a level surface when powered by the motor source only. The term does not include a device specifically designed for use by persons with disabilities.

**ELECTRIC POWER-ASSISTED SCOOTER (E-SCOOTER).** A two-wheeled device with handlebars and a floorboard designed to be stood upon when riding, powered by an electric motor with a power output of not more than 300 watts, that is incapable of propelling the device at a speed of more than 15 miles per hour and that disengages or ceases to function when the device's brakes are applied. An e-scooter is not a motor vehicle for purposes of this Ordinance.

**EMERGENCY VEHICLE.** A vehicle being operated in an official capacity for emergency response or public-safety purposes as recognized under 75 Pa. C.S. § 102, as amended, including but not limited to fire department vehicles, police vehicles, ambulances, and other emergency vehicles designated under applicable law.

**HIGHWAY.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**MOTORIZED MOBILITY DEVICE.** A wheelchair, power wheelchair, motorized scooter, or other similar motor-powered vehicle or device that is designed, manufactured, or used primarily to provide mobility assistance to an individual with a disability or mobility impairment.

**OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER.** Any bicycle, e-bike, or e-scooter, or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

**PEDALCYCLE WITH ELECTRIC ASSIST.** As defined in the Pennsylvania Vehicle Code, Title 75.

**PUBLIC PARKS.** All parks, trails, open spaces, and recreational areas owned or managed by the Borough of Cressona.

**PUBLIC PLACE.** Any publicly owned property, including but not limited to sidewalks, streets, alleys, parks, and plazas located within the Borough's jurisdictional limits.

**ROADWAY.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder.

**SIDEWALK.** That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

**STREET.** Any roadway, highway, or limited access highway within the Borough.

**TRAIL.** A designated thoroughfare across land within the Borough intended for recreational or non-motorized transportation purposes.

#### **SECTION IV. COMPLIANCE WITH VEHICLE CODE**

Any person operating a vehicle of any kind within the Borough shall observe all requirements of the Pennsylvania Vehicle Code, Title 75, including but not limited to licensure, registration, and required safety equipment. This Ordinance shall be interpreted and enforced consistently with the Pennsylvania Vehicle Code. In the event of a conflict, the Pennsylvania Vehicle Code shall control, except where local regulation is expressly or impliedly authorized by law.

#### **SECTION V. REQUIRED EQUIPMENT**

No person shall operate a bicycle, e-bike, or e-scooter within the Borough without the following equipment:

- A. **Brakes.** Brakes capable of causing the device to stop within twenty-five (25) feet at ten (10) miles per hour on dry, level, clean pavement.
- B. **Audible Warning Device.** A bell or other audible warning device capable of being heard at a distance of at least one hundred (100) feet. No bicycle, e-bike, or e-scooter shall be equipped with, nor shall any person use, a siren or whistle.

- C. **Lighting.** When in use between sunset and sunrise, a rear-facing red light or red reflector visible from three hundred (300) feet, and a forward-facing white light — attached to the device or the operator — visible from a distance of at least five hundred (500) feet.
- D. **Seat.** All bicycles and e-bikes shall have a permanent seat. E-scooters shall not have any attached seat.

## SECTION VI. RULES OF OPERATION

- A. No person shall operate a bicycle, e-bike, or e-scooter other than upon or astride a permanent and regular seat attached thereto.
- B. No bicycle or e-bike shall be used to carry more persons at one time than the number for which it is designed and equipped. No e-scooter shall carry more than one person at one time.
- C. No person shall operate a bicycle, e-bike, or e-scooter that is either too large or too small for such person to operate safely.
- D. Every person operating a bicycle, e-bike, or e-scooter shall keep at least one hand on the handlebars at all times and shall carry nothing that prevents full control of the device or obstructs the operator's vision.
- E. No person shall operate a bicycle, e-bike, or e-scooter while interacting with a mobile device.
- F. **Turn Signals.** The operator of a bicycle, e-bike, or e-scooter intending to turn shall signal intent with the appropriate hand and arm signal at least one hundred (100) feet prior to turning. The signal need not be continuous.
- G. **Group Riding.** Persons riding bicycles, e-bikes, or e-scooters shall not ride more than two (2) abreast, except upon designated bike paths. When riding two abreast on a bike path, operators shall return to single file when approaching pedestrians or other riders.
- H. **Passing.** Operators of bicycles, e-bikes, or e-scooters may pass another trail user on the left after giving sufficient audible warning, provided there is sufficient distance to do so safely.
- I. **Reckless or Inattentive Operation.** No person shall operate a bicycle, e-bike, or e-scooter inattentively or carelessly, or at such speed or in any manner as to endanger any person or property, in light of the circumstances then existing.
- J. **Helmet Requirements.** All operators and passengers of e-bikes and e-scooters under the age of twenty-one (21) must wear a properly fitted and fastened helmet at all times while operating or riding as a passenger on such a device anywhere within the Borough.

**K. Age Restriction.** No person under the age of sixteen (16) shall operate an e-bike or e-scooter within the Borough.

**L. Sidewalk Restrictions.**

- a. No person shall operate an e-bike or e-scooter upon any Borough sidewalk.
- b. Notwithstanding Subsection (a) above, persons under the age of sixteen (16) who are accompanied by an adult may operate an e-bike or e-scooter upon a sidewalk, subject to the following conditions: the operator shall have all the rights and duties applicable to a pedestrian under the same circumstances; and the operator shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

**M. Speed Limits.** All operators shall obey posted maximum speed limit signs. The Borough shall post appropriate signage along all trails to advise users of applicable speed limits. Notwithstanding any posted speed limit, no operator shall travel at a speed that endangers persons or property under the circumstances then existing.

**N. Pedestrian Right of Way.** All operators of bicycles, e-bikes, and e-scooters shall yield the right-of-way to pedestrians at all times. This obligation includes: reducing speed and preparing to stop when approaching pedestrians; giving an audible signal before overtaking and passing a pedestrian; and maintaining a safe distance from pedestrians at all times.

**O. Roadway Operation.** Any person operating a bicycle or e-bike on a Borough roadway is subject to the Pennsylvania Vehicle Code, Title 75, as may be amended from time to time, including all applicable traffic laws, signals, and signage. E-bikes and bicycles may be operated in designated bike lanes, yielding to vehicles and pedestrians in accordance with applicable law.

**P. Parking.** Bicycles, e-bikes, and e-scooters shall not be parked in any manner that obstructs or impedes the movement of pedestrians, motor vehicles, or other riders, or that causes damage to trees, shrubs, or other living plants or Borough property. Operators are encouraged to use designated bike racks wherever available.

**Q. Exemptions.** The following are exempt from the restrictions of this Ordinance: motorized mobility devices used by persons with disabilities; emergency vehicles as defined herein; Borough vehicles operated by or on behalf of the Borough; and vehicles operated by contractors, utilities, or governmental agencies with Borough authorization for construction, maintenance, repair, inspection, or emergency purposes.

## **SECTION VII. RESPONSIBILITY OF PARENT/GUARDIAN**

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provision of this Ordinance.

## **SECTION VIII. ADMINISTRATION AND ENFORCEMENT**

The Mayor, the Borough of Cressona Code Official, and any other person designated by Borough Council shall have the power to administer and enforce this Ordinance and to issue citations for violations.

## **SECTION IX. VIOLATIONS AND PENALTIES**

- A. Any person who violates any provision of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough before a Magisterial District Judge, be subject to the following fines:
  - a. First violation: \$100.00
  - b. Second violation: \$250.00
  - c. Third and subsequent violations: \$500.00
  - d. In addition to the penalties references above, a person who violates any provision of this Ordinance shall be liable for all court costs, including reasonable attorney's fees incurred by the Borough in enforcement. Each day a violation continues shall constitute a separate offense.
- B. The Borough reserves the right to proceed under any other applicable enforcement authority, and no limitation is intended under the Crimes Code or other applicable law.
- C. If the defendant neither pays nor timely appeals a judgment entered against them, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

## **SECTION X. REPEALER**

To the extent that any prior ordinances or parts of ordinances are in conflict with this Ordinance, they are hereby repealed.

## **SECTION XI. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

## **SECTION XII. EFFECTIVE DATE**

This Ordinance shall take effect immediately after adoption and ratification.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026 by the Cressona Borough Council  
in lawful session duly assembled.

CRESSONA BOROUGH COUNCIL

\_\_\_\_\_  
Council President

CRESSONA BOROUGH

\_\_\_\_\_  
Borough Mayor

ATTEST:

\_\_\_\_\_  
Secretary