AN ORDINANCE REGULATING PEDALCYCLES WITH ELECTRIC ASSIST (COMMONLY REFERRED TO AS E-BIKES) ON PUBLIC SIDEWALKS/WALKWAYS AND TOWNSHIP RECREATIONAL PROPERTY TO ENSURE PEDESTRIAN SAFETY AND PRESERVE TOWNSHIP OWNED RECREATIONAL PROPERTY. THE ORDINANCE ESTABLISHES LOCAL OPERATING RULES, PRESERVES APPLICABLE PENNSYLVANIA VEHICLE CODE REQUIREMENTS, AND PROVIDES FOR ENFORCEMENT AND PENALTIES ASSOCIATED THEREWITH

ORDINANCE NO. 11—2—26

# MUNICIPALITY OF

# EXETER TOWNSHIP

LUZERNE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

November 2, 2026

**EXETER TOWNSHIP**
**LUZERNE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 11-2-26**
**(THE EXETER TOWNSHIP ELECTRIC BICYCLE SAFETY ORDINANCE)**

AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA TO BE KNOWN AS THE EXETER TOWNSHIP ELECTRIC BICYCLE SAFETY ORDINANCE REGULATING PEDALCYCLES WITH ELECTRIC ASSIST (COMMONLY REFERRED TO AS E-BIKES) ON PUBLIC SIDEWALKS/WALKWAYS AND TOWNSHIP RECREATIONAL PROPERTY TO ENSURE PEDESTRIAN SAFETY AND PRESERVE TOWNSHIP OWNED RECREATIONAL PROPERTY. THE ORDINANCE ESTABLISHES LOCAL OPERATING RULES, PRESERVES APPLICABLE PENNSYLVANIA VEHICLE CODE REQUIREMENTS, AND PROVIDES FOR ENFORCEMENT AND PENALTIES ASSOCIATED THEREWITH.

WHEREAS, the Exeter Township Board of Supervisors seeks to protect pedestrians, preserve Township 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 the Second Class Township Code, 53 P.S. § 65101, et seq. which charges the Board of Supervisors with ensuring the safety and welfare of the citizens of the township and further empowers the Board to make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers; and

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

WHEREAS, the Board of Supervisors intends that enforcement by Wyoming Area Regional Police be coordinated with the participating municipalities while preserving each municipality's legislative authority and territorial jurisdiction; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania, as follows:

## Section 1 Short title and purpose

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

## Section 2 Definitions

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

B. **Township recreational property**. A park, playground, recreation area, or trail owned by the Township or operated by the Township under an agreement authorizing it to regulate public use. This term does not include property merely located in the Township 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 Board 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/walkway**. 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 Township recreational property is governed by Section 6 rather than the sidewalk/walkway prohibition in Section 4. A paved surface is not shared-use trail solely because bicycles have used it.

F. **Shared-use trail**. A path on Township 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/walkways within the Township to the extent of the Township's lawful regulatory authority. Section 6 applies only to Township 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/walkways

A. No person shall ride or operate an electric bicycle on a public sidewalk/walkway while its motor is providing propulsion or pedal assistance. This subsection does not prohibit riding an electric bicycle solely by human pedaling, without motor assistance, where bicycle riding is otherwise lawful. Such riding remains subject to applicable Commonwealth law and other lawful Township restrictions governing bicycle use. A person may walk an electric bicycle on a public sidewalk/walkway, subject to pedestrian right-of-way and the prohibition against obstructing passage.

B. An operator may cross a sidewalk/walkway 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. This exception does not authorize operation otherwise prohibited by Commonwealth law.

C. The Township shall post conspicuous notice of this restriction at appropriate sidewalk/walkway 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 Township recreational property

A. **Permitted routes**. Electric bicycles may be operated on Township 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 Township 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 Township 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 Township 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**. The Board of Supervisors 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 Township 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 the Board of Supervisors or Township Secretary promptly. Continued closure beyond 30 days requires Board action under subsection G or other applicable lawful authority.

## Section 7 Other motorized devices

A. Subject to Section 9 and otherwise applicable under Commonwealth law, no person shall ride or operate another motorized device on a public sidewalk/walkway. An operator may cross directly at a lawful driveway or access point only if that operation is otherwise lawful, the operator yields to pedestrians, travels no faster than ordinary walking pace, and does not travel longitudinally along the sidewalk/walkway. This exception does not confer permission to operate a device prohibited by Commonwealth law.

B. No person shall ride or operate another motorized device on a trail, playground, athletic field, court, or other off-road portion of Township 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

The Board of Supervisors shall provide for appropriate signs and public notice. Township personnel may install signs implementing this ordinance and the Board'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.

The Township Solicitor advises the Board of Supervisors on this ordinance and municipal legal requirements. The solicitor for Wyoming Area Regional Police advises WARP on police operations and enforcement procedures. These roles remain separate; coordination may occur as needed.

## Section 9 Exceptions and disability access

A. The riding restrictions do not apply to police, emergency responders, or authorized Township 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. Nothing in this ordinance shall limit rights protected by applicable federal or state disability law. The Township shall permit wheelchairs and manually powered mobility aids in areas open to pedestrian use and shall make reasonable modifications for other power-driven mobility devices used by persons with mobility disabilities, in accordance with 28 C.F.R. Section 35.137. Any restrictions on such devices shall comply with the assessment and legitimate safety requirements of that regulation.

## Section 10 Enforcement

A. Wyoming Area Regional Police officers and other police officers lawfully exercising jurisdiction in the Township may enforce this ordinance. Other Township 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.

E. A citation shall identify the municipality, location and specific provision allegedly violated. Enforcement within another participating municipality shall proceed under that municipality's duly enacted ordinance or applicable Commonwealth law. Nothing in this ordinance grants Wyoming Area Regional Police legislative authority or extends its jurisdiction beyond that otherwise established by law and applicable intergovernmental agreements.

## 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.

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 Exeter Township ordinance within the 24 months preceding the current violation. A conviction under another municipality's ordinance shall not count as a prior offense for enhancement under this ordinance. 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 Township 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 Township 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 Township Secretary 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. The Board of Supervisors 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.

**ENACTED** and **ORDAINED** this 2ND day of November, 2026.

THE BOARD OF SUPERVISORS OF

EXETER TOWNSHIP

By: _____

,Supervisor

ATTEST:

_____

Dalia Sejas, Secretary