

**BOROUGH OF SHIREMANSTOWN
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-_____

**AN ORDINANCE OF SHIREMANSTOWN
BOROUGH, CUMBERLAND COUNTY,
PENNSYLVANIA, REGULATING THE OPERATION
OF ELECTRIC BICYCLES AND ELECTRIC
SCOOTERS UPON SIDEWALKS AND OTHER
PUBLIC RIGHTS-OF-WAY WITHIN THE BOROUGH**

BACKGROUND

WHEREAS, the Pennsylvania Vehicle Code, 75 Pa.C.S. § 102, defines an “e-bike” as a pedalcycle with electric assist weighing not more than one hundred (100) pounds, having two or three wheels more than eleven (11) inches in diameter, equipped with an electric motor rated at not more than seven hundred fifty (750) watts, having operable pedals, and incapable of a speed of more than twenty (20) miles per hour on a level surface when powered solely by the motor; and,

WHEREAS, under the Pennsylvania Vehicle Code, an e-bike meeting this definition is generally treated as a pedalcycle rather than a motor vehicle, is not subject to registration, titling, licensing, or insurance requirements, and is generally permitted to operate wherever bicycles are permitted; and,

WHEREAS, electric scooters and similar stand-up, motor-powered devices without operable pedals are not specifically classified or defined for lawful highway operation under the Pennsylvania Vehicle Code and, under current Pennsylvania law and PennDOT guidance, may not lawfully be operated upon public highways, including roadways, sidewalks, and bicycle lanes, and may be operated only upon private property with the consent of the property owner; and,

WHEREAS, the Borough Council has determined that the increasing presence of e-bikes and other electrically motorized devices within the Borough, and particularly upon Borough sidewalks, presents potential safety concerns for pedestrians, including children, senior citizens, and persons with disabilities; and,

WHEREAS, the Borough Council has given careful consideration to the matter and has determined that adoption of reasonable, uniform local regulations governing the operation of e-bikes and other electrically motorized devices upon Borough sidewalks and public rights-of-way is beneficial to the health, safety, and welfare of the residents of the Borough; and,

NOW, THEREFORE, BE IT ORDAINED, by the Council for the Borough of Shiremanstown, Cumberland County, Pennsylvania, **AND IT IS HEREBY ORDAINED** by the authority of the same, as follows:

1. **Recitals.** The recitals set forth above are incorporated herein by reference.

2. **Enactment.** The Code of Ordinances of Shiremanstown Borough is hereby amended by adding a new Chapter ____, entitled “Electric Bicycles and Motorized Scooters,” to read as follows:

§ ____-101. **Purpose.**

The purpose of this Chapter is to promote the safety and welfare of pedestrians and other lawful users of Borough sidewalks, streets, and other public rights-of-way by regulating the operation of e-bikes, electric scooters, and other electrically motorized mobility devices within the Borough.

§ ____-102. **Definitions.**

Words and phrases defined in the Pennsylvania Vehicle Code, 75 Pa.C.S. § 101 et seq., shall have the meanings ascribed to them therein. In addition, the following words and phrases, when used in this Chapter, shall have the meanings set forth in this section:

E-BIKE (or ELECTRIC BICYCLE): A pedalcycle, as defined by the Pennsylvania Vehicle Code. The term does not include an electric scooter or other electrically motorized device without operable pedals, nor a device specifically designed for use by persons with disabilities.

ELECTRIC SCOOTER (or MOTORIZED SCOOTER): A device with two or more wheels designed to be stood upon by the operator, powered wholly or in part by an electric motor, and capable of propulsion without pedaling, including but not limited to “kick scooters,” “stand-up scooters,” and similar devices, whether or not equipped with a seat. The term does not include a wheelchair or other mobility device used by a person with a disability.

ELECTRICALLY MOTORIZED DEVICE: Any device propelled in whole or in part by an electric motor other than an e-bike, including but not limited to electric scooters, motor-driven cycles, motor scooters (as defined by the Pennsylvania Vehicle Code), self-balancing devices such as “hoverboards” and “onewheels,” and similar devices.

OPERATOR: Any person who rides, uses, or is in physical control of an e-bike, electric scooter, or other electrically motorized device.

PEDESTRIAN: Any person traveling on foot, including a person using a wheelchair or other mobility aid.

§ ____-103. **Compliance with Pennsylvania Law.**

Nothing in this Chapter shall be construed to authorize any operation prohibited by the Pennsylvania Vehicle Code or other applicable law, or to supersede or conflict with Commonwealth law. Except as otherwise provided by law, nothing in this Chapter restricts lawful operation upon private property with the consent of the property owner.

§ ____-104. **Operation of E-Bikes Upon Streets, Roadways, and Sidewalks.**

1. **Compliance with Pennsylvania Vehicle Code.** All persons operating an e-bike within the Borough shall be subject to all duties applicable to the operator of a pedalcycle under the Pennsylvania Vehicle Code (Title 75), except as modified by this Chapter.
2. **Sidewalk Restriction.** Except as expressly provided in this subsection, no person shall operate an e-bike upon a sidewalk within the Borough. An e-bike may be operated upon a sidewalk only where no adjacent street or roadway exists or is available for lawful e-bike operation. Whenever an e-bike is lawfully operated upon a sidewalk under this subsection, the operator shall comply with all applicable pedestrian right-of-way, audible-signal, speed, and safe-operation requirements of this Chapter and Pennsylvania law.
3. **Age Restriction.** No person under sixteen (16) years of age shall operate an e-bike, consistent with as provided in the Pennsylvania Vehicle Code.
4. **Yielding to Pedestrians.** An operator of an e-bike upon a Borough sidewalk shall yield the right-of-way to pedestrians at all times. This includes:
 - a. Reducing speed and preparing to stop when approaching a pedestrian;
 - b. Providing an audible signal before overtaking or passing a pedestrian; and
 - c. Maintaining a safe distance from pedestrians at all times.
5. **Speed Limit.** No person shall operate an e-bike upon a Borough sidewalk at a speed greater than 10 miles per hour, or at a speed greater than is reasonable and prudent for pedestrian safety under the conditions then existing, whichever is lesser.
6. **Manner of Operation.** A person operating an e-bike shall not ride other than upon or astride a permanent and regular seat attached to the device, and no e-bike shall be used to carry more persons at one time than the number for which the device is designed and equipped.
7. **Careless Operation.** No operator shall operate an e-bike in a careless, reckless, or negligent manner or in any manner that endangers or is likely to endanger any pedestrian or other person using a Borough sidewalk or public right-of-way.
8. **Roadway Operation.** An e-bike operated upon a Borough street or roadway shall comply with all applicable provisions of the Pennsylvania Vehicle Code governing pedalcycles, including the following:
 - a. An e-bike may be operated on the shoulder of a highway and shall travel in the same direction as vehicular traffic;
 - b. When traveling slower than the prevailing speed of traffic, the operator shall comply with 75 Pa.C.S. §§ 3301 and 3505 and shall operate in the right-hand lane or as close as practicable to the right-hand curb or edge of the roadway, subject to the exceptions provided by Commonwealth law; and
 - c. Persons operating e-bikes upon a roadway shall not ride more than two abreast, except on paths or portions of roadways set aside for the exclusive use of pedalcycles.

Consistent with 75 Pa.C.S. § 3508(b), no person shall operate an e-bike upon a sidewalk in a business district unless such operation is expressly permitted by an official traffic-control device.

§ ____-106. Electric Scooters and Other Unauthorized Electrically Motorized Devices.

Electric scooters are prohibited from operation within the Borough upon any public street, roadway, shoulder, sidewalk, bicycle lane, public highway, public right-of-way, Borough park, Borough trail, or other Borough-owned or Borough-controlled public property. No person shall ride or operate an electric scooter in any such location. Nothing in this section shall be construed to prohibit operation upon private property where such operation is otherwise lawful and occurs with the consent of the property owner.

§ ____-107. Parks.

The operation of e-bikes shall be permitted only upon paved roadways and designated paved multi-use paths within Borough parks, except where otherwise posted, signed, designated, marked, or restricted by the Borough. Electric scooters are prohibited throughout Borough parks. Operation of e-bikes and other electrically motorized devices is prohibited upon grass, landscaped areas, natural-surface trails, picnic areas, playgrounds, playground equipment or play structures, athletic fields, courts, and any other area not specifically designated for bicycle travel. No person shall ride, place, propel, or operate any such device upon, over, against, or through playground equipment or play structures. No person shall operate any such device in any area posted, signed, designated, marked, or otherwise noted by the Borough as closed, prohibited, or restricted to such use.

§ ____-108. Posted, Signed, Designated, or Marked Restrictions.

In addition to the restrictions stated elsewhere in this Chapter, no person shall operate an e-bike, electric scooter, or other electrically motorized device contrary to any lawful official traffic-control device or any Borough sign, marking, designation, notice, or other posted restriction regulating or prohibiting such operation. Any restriction on a street or highway for which an official traffic-control device is required by 75 Pa.C.S. § 6109(c) shall not be effective until the required official traffic-control device has been erected.

§ ____-109. Responsibility of Parent or Guardian.

Consistent with 75 Pa.C.S. § 3503, 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 Chapter relating to the operation of an e-bike or pedalcycle. With respect to an electric scooter or other electrically motorized device, a parent or guardian shall not authorize or knowingly permit a minor child or ward to operate such device in violation of this Chapter or applicable Pennsylvania law.

§ ____-110. Enforcement.

This Chapter shall be enforced by the Borough's police department, code enforcement officer, and/or such other individuals as may be designated by Borough Council or the Borough Manager.

§ ____-111. Violations and Penalties.

This Chapter may be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates any provision of this Chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$25 nor more than \$100, plus costs of prosecution. Each day that a violation continues or is permitted to continue shall constitute a separate offense.

3. ***Severability.*** If any section, clause, sentence, or provision of this Ordinance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

4. ***Repealer.*** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

5. ***Effective Date.*** This Ordinance shall become effective ten (10) days after enactment, as provided by law.

ENACTED AND ADOPTED by the Council for the Borough of Shiremanstown, Cumberland County, Pennsylvania, this ____ day of _____, 2026.

ATTEST:

COUNCIL OF THE BOROUGH OF
SHIREMANSTOWN

Borough Of Shiremanstown Secretary

By: _____
Bryan E. Homer, Jr., Council President

APPROVED, this ____ day of _____, 2026, by the Mayor of the Borough of Shiremanstown.

John J. Getz, Mayor

The Proposed Ordinance will be considered for adoption at the regular meeting of the Council of the Borough of Shiremanstown on October 12, 2026, at 7:00 p.m. at the Shiremanstown Borough Municipal Building. All interested residents are encouraged to attend.