

**BOROUGH OF JERMYN
LACKAWANNA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 11 OF 2026

AN ORDINANCE OF THE BOROUGH OF JERMYN, LACKAWANNA COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF JERMYN BY ADDING A NEW CHAPTER REGULATING RECREATIONAL MOTORIZED VEHICLES AND ELECTRIC BICYCLES; PROHIBITING THEIR OPERATION ON CERTAIN PUBLIC AND PRIVATE PROPERTY AND ON BOROUGH PARK TRAILS AND RECREATION AREAS; ESTABLISHING REQUIREMENTS FOR PERMITTED USES; PROVIDING FOR ENFORCEMENT; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough Council of the Borough of Jermyn finds that the unregulated operation of dirt bikes, all-terrain vehicles, minibikes, go-karts, and gas-powered and high-powered electric cycles and scooters on Borough streets, sidewalks, parks, trails, and private property endangers the public health, safety, and welfare, damages public and private property and natural resources, and disturbs the peace and quiet enjoyment of Borough residents; and

WHEREAS, the Borough is authorized to enact this Ordinance under the Pennsylvania Borough Code, 8 Pa.C.S. § 101 et seq., and the general police powers of the Borough, in a manner consistent with the Pennsylvania Vehicle Code, 75 Pa.C.S. § 101 et seq.;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, that the Code of the Borough of Jermyn is amended by the addition of a new chapter to read as follows:

RECREATIONAL MOTORIZED VEHICLES AND ELECTRIC BICYCLES

§ 1. Purpose and legislative intent.

The Borough Council finds and declares that the unregulated operation of recreational motorized vehicles within the Borough constitutes a nuisance and a hazard to the public health, safety, and welfare. This chapter is enacted to protect persons, property, and natural resources, to preserve the peace and quiet enjoyment of the community, and to regulate low-speed electric bicycles in a manner consistent with their treatment as pedalcycles under the Pennsylvania Vehicle Code, while prohibiting the operation of motorized vehicles on Borough parks, trails, and recreation areas.

§ 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Jermyn, Lackawanna County, Pennsylvania.

MOTOR VEHICLE — A vehicle which is self-propelled, as defined in 75 Pa.C.S. § 102 (relating to definitions), except a pedalcycle and a pedalcycle with electric assist.

PARK — Any park, playground, ballfield, athletic field, green space, recreation area, or other real property owned, leased, maintained, or controlled by the Borough and held open for public recreational use, including all parking areas and appurtenances thereto.

PEDALCYCLE — A vehicle propelled solely by human-powered pedals, or a pedalcycle with electric assist as defined herein, consistent with 75 Pa.C.S. § 102.

PEDALCYCLE WITH ELECTRIC ASSIST (also “low-speed electric bicycle” or “e-bike”) —

A vehicle weighing not more than 100 pounds, with two or three wheels each more than 11 inches in diameter, manufactured or assembled with an electric motor system rated at not more than 750 watts (1 horsepower), equipped with operable pedals, and capable of a maximum speed of not more than 20 miles per hour on a level surface when powered by the motor source, as defined in 75 Pa.C.S. § 102. Any device that exceeds one or more of these specifications — including a device powered by a motor rated at more than 750 watts, capable of a motor-powered speed exceeding 20 miles per hour on a level surface, weighing more than 100 pounds, or lacking operable pedals — is NOT a pedalcycle with electric assist and shall be deemed a recreational motorized vehicle or a motor vehicle, as applicable.

RECREATIONAL MOTORIZED VEHICLE — Any wheeled or tracked device having a gasoline, diesel, electric, or similar motor and capable of carrying or propelling one or more persons for recreational purposes. Such term includes, but is not limited to, dirt bikes, trail bikes, minibikes, off-highway motorcycles, all-terrain vehicles (ATVs), utility task vehicles (UTVs), go-karts, dune buggies, snowmobiles, gas-powered scooters and bicycles, motorized skateboards, self-balancing boards, and any electric scooter or electric bicycle that does not meet the definition of a pedalcycle with electric assist set forth in this section. Such term **excludes**: (a) a pedalcycle or a pedalcycle with electric assist as defined herein; (b) vehicles used for business operations, agriculture, construction, or private property maintenance; (c) motorized wheelchairs and other mobility devices used by persons with disabilities; and (d) vehicles operated for governmental, emergency, or law enforcement purposes.

TRAIL — Any path, walkway, pedestrian way, footpath, bicycle path, multi-use trail, or similar way, whether improved or unimproved, located within or maintained by the Borough and intended for pedestrian, bicycle, or other non-motorized use, including any portion of the Lackawanna River Heritage Trail or other rail-trail or shared-use path within the Borough.

§ 3. Prohibitions — general.

- A. No person shall operate a recreational motorized vehicle upon any public street, alley, highway, or sidewalk within the Borough, except a vehicle that is registered, titled, insured, and lawfully operated upon a highway in accordance with the Pennsylvania Vehicle Code.
- B. No person shall operate a recreational motorized vehicle upon any property owned, leased, or controlled by the Borough of Jermyn, including but not limited to any park, trail, recreation area, parking lot, or municipal grounds.
- C. No person shall operate a recreational motorized vehicle within the bed of any stream, creek, river, pond, ditch, wetland, or similar body or channel, whether natural or artificial, that conveys or holds surface water, including the Lackawanna River and its tributaries.

- D. No person shall operate a recreational motorized vehicle upon any private property without the express written consent of the property owner or lawful occupant, which consent shall be produced upon the request of any police officer or code enforcement officer.
- E. No person shall operate a recreational motorized vehicle in any careless or reckless manner, or in a manner that creates unreasonable noise, dust, or disturbance, or that endangers any person or property.

§ 4. Prohibitions — Borough parks, trails, and recreation areas.

- A. No person shall operate a recreational motorized vehicle in, on, or upon any Borough park, trail, or recreation area, or any portion thereof, at any time. This prohibition applies to all trails, footpaths, walkways, and multi-use paths within any Borough park or maintained by the Borough, and to all lawns, fields, and natural areas therein.
- B. Pedalcycles with electric assist are prohibited on all park trails, footpaths, and pedestrian ways, *except* that a pedalcycle with electric assist may be operated on a trail or path that the Borough has specifically designated and posted for shared bicycle use, and then only when propelled by pedaling with electric assist and not by throttle or motor power alone. Where such operation is permitted, the rider must pedal to move the device; operation by throttle or motor power alone is prohibited.
- C. The Borough may post signs at the entrances to and within its parks and trails giving notice of the prohibitions in this chapter. The absence of a posted sign shall not constitute a defense to a violation of this chapter.

§ 5. Electric bicycles (pedalcycles with electric assist).

- A. A pedalcycle with electric assist that meets the definition set forth in § 2 shall be regulated as a pedalcycle under the Pennsylvania Vehicle Code and may be operated upon Borough streets and in bicycle lanes to the same extent, and subject to the same duties and restrictions, as a pedalcycle propelled by human power alone.
- B. No person under 16 years of age shall operate a pedalcycle with electric assist, consistent with the Pennsylvania Vehicle Code.
- C. No person shall operate a pedalcycle with electric assist upon a sidewalk within a business district, or elsewhere in a manner inconsistent with the Pennsylvania Vehicle Code.
- D. Nothing in this chapter shall be construed to require the registration, titling, licensing, or insuring of a pedalcycle with electric assist that meets the definition set forth in § 2.

§ 6. Requirements for permitted uses.

Where the operation of a recreational motorized vehicle is otherwise permitted under this chapter, including operation on private property with the written consent of the owner, such operation shall comply with all of the following:

- A. The vehicle shall be operated only on a privately owned parcel having an area of one acre or larger.
- B. The vehicle shall be operated only on all-weather or stabilized surfaces, and not in a manner that causes soil erosion or damage to vegetation or waterways.

- C. The vehicle shall be operated at a minimum distance of 100 feet from any property line and 400 feet from any inhabitable structure not located on the parcel where the vehicle is operated.
- D. The vehicle shall be operated only between the hours of 9:00 a.m. and 7:00 p.m., prevailing time.
- E. The vehicle shall not produce noise in excess of 80 decibels as measured on the A-weighting scale (dBA) at a distance of 25 feet from the source of the noise emission.
- F. Every operator shall comply with all applicable requirements of the Pennsylvania Vehicle Code, including, where applicable, 75 Pa.C.S. Ch. 77 (relating to snowmobiles and all-terrain vehicles).

§ 7. Exemptions.

The provisions of this chapter shall not apply to:

- A. Vehicles owned or operated by the Borough, the Commonwealth of Pennsylvania, or any other governmental entity in the performance of a governmental function;
- B. Police, fire, emergency medical, and other emergency vehicles operated in the course of their duties;
- C. Motorized wheelchairs and other mobility devices used by persons with disabilities;
- D. Vehicles used in the ordinary course of a lawful business, agricultural, or property-maintenance operation on the premises where such operation is conducted; and
- E. Pedalcycles and pedalcycles with electric assist, except as specifically regulated in §§ 4 and 5 of this chapter.

§ 8. Enforcement; impoundment.

- A. This chapter may be enforced by the Borough police department, code enforcement officers, and any other officer authorized by the Borough.
- B. In addition to the penalties provided in § 9, any recreational motorized vehicle operated in violation of this chapter may be impounded in accordance with applicable law and released only upon payment of towing, storage, and administrative costs and upon proof of ownership.
- C. Each day that a violation continues, and each separate act of operation in violation of this chapter, shall constitute a separate offense.

§ 9. Violations and penalties.

Any person who violates, or permits the violation of, any provision of this chapter shall, upon conviction thereof before a Magisterial District Judge or other court of competent jurisdiction, be sentenced to pay a fine of not less than \$300 and not more than \$1,000, plus the costs of prosecution, and, in default of payment thereof, may be sentenced to imprisonment for a term not exceeding 30 days. Where the violator is a minor, the parent or guardian who authorized or knowingly permitted the operation may be held responsible for the penalty to the extent provided by law.

§ 10. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the

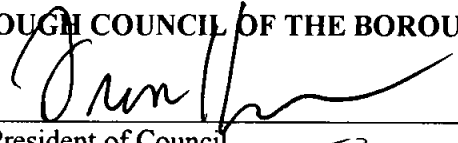
remaining portions of this chapter. The Borough Council hereby declares that it would have adopted this chapter, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

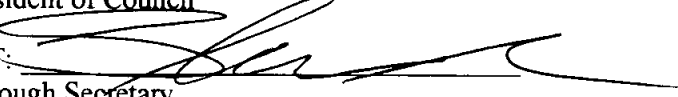
§ 11. Repealer and effective date.

All ordinances or parts of ordinances inconsistent with this chapter are hereby repealed to the extent of such inconsistency. This Ordinance shall take effect and be in force from and after the earliest date permitted by law following its enactment.

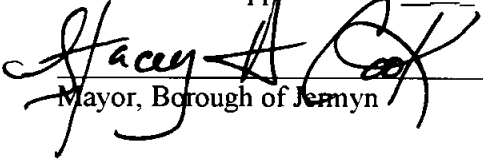
ENACTED AND ORDAINED this 23 day of July, 2026, by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, in lawful session duly assembled.

BOROUGH COUNCIL OF THE BOROUGH OF JERMYN

By: 
President of Council

ATTEST: 
Borough Secretary

Examined and approved this 23 day of July, 2026.


Mayor, Borough of Jermyn