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## Chapter 46 — Pedacycles/Bicycles

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### Article I — Registration and Operation

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## Article I — Registration and Operation

### § 46-101 Short Title.

This Article shall be known, and may be cited, as the “Alburtis Pedacycle Registration and Operation Ordinance”.

### § 46-102 Definition of Pedacycle.

For purposes of this Article, the term “pedacycle” shall mean a vehicle propelled solely by human powered pedals.

**§ 46-103 Registration Procedures; Record.**

Any owner or operator of a pedacycle within the Borough may file with the Police Department a complete description of such bicycle upon a blank form to be provided for the purpose, which such filing will constitute a registration of such pedacycle. Such registration shall be serially numbered and be kept on file by the Chief of Police in his office as a public record.

**§ 46-104 Identification Tags.**

Immediately upon the registration of a pedacycle in his office, the Chief of Police or someone designated by him shall affix to such pedacycle an identification tag, serially numbered to correspond to the registration of such pedacycle. Such tag shall thereafter remain affixed to the pedacycle unless removed by the Chief of Police or someone designated by him for cause or for replacement with another tag upon re-registration.

**§ 46-105 Registration Fee.**

A charge of One Dollar (\$1.00) per registration shall be made for the registration or tagging of any pedacycle under the provisions of this Article.

**§ 46-106 Report of Change of Ownership or Dismantling.**

Within ten (10) days after any pedacycle registered under this Article shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the Chief of Police by the person in whose name the pedacycle had been registered.

**§ 46-107 Transfer of Registration or Identification Tags.**

No registration or identification tag shall be assigned or transferred by the owner or holder thereof to any other person or any other pedacycle without notice to the Chief of Police.

**§ 46-108 Operation of Pedacycles.**

(a) **Reckless Operation.** Any person who shall operate any pedacycle in a reckless manner shall be subject to the penalties provided for in this Article.

(b) **Pennsylvania Vehicle Code.** Any person who operates any pedacycle in violation of the Pennsylvania Motor Vehicle Code relating to pedacycles shall be subject to the penalties provided therein.

(c) **Trick Riding.** It is unlawful for any operator of a pedacycle to do trick riding, such as riding the same without having his/her hands on the handlebars, when such pedacycle is being operated on any street or public place in the Borough.

## § 46-109 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Twenty-five Dollars (\$25.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the police officer or the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

## Appendix

### ¶ 46-A Disposition of Ordinance 90.

| <u>Ordinance 90</u> | <u>1981 Code</u> |
|---------------------|------------------|
| § I                 | § 53-1           |
| § II                | § 53-2           |
| § III               | § 53-3           |
| § IV                | § 53-4           |
| § V                 | § 53-5           |
| § VI                | § 53-6           |
| § VII               | § 53-7           |
| § VIII              | § 53-8           |
| § IX                | § 53-9           |

| <u>Ordinance 90</u>    | <u>1981 Code</u> |
|------------------------|------------------|
| § X                    | § 53-10          |
| § XI                   | § 53-11          |
| § XII                  | § 53-12          |
| § XIII                 | § 53-13          |
| § XIV                  | § 53-14          |
| § XV                   | § 53-15          |
| § XVI (effective date) |                  |

### ¶ 46-B Disposition of Ordinance 274.

| <u>Ordinance 274</u>       | <u>2003 Codified Ordinances</u> |
|----------------------------|---------------------------------|
| § 1                        | § 46-102                        |
| § 2                        | § 46-103                        |
| § 3 (except last sentence) | § 46-104                        |
| § 3 (last sentence)        | § 41-105                        |
| § 4                        | § 46-106                        |
| § 5                        | § 46-108                        |
| § 6                        | § 46-107                        |
| § 7                        | § 46-109                        |
| § 8 (repealer)             |                                 |

### ¶ 46-C Disposition of 1981 Code, Chapter 53.

Former Chapter 53 of the 1981 Code was superseded in 1989 by Ordinance 274.

### ¶ 46-D Source Ordinances.

|               |            |
|---------------|------------|
| Ordinance 274 | 10-11-1989 |
| Ordinance 415 | 10-29-2003 |
| Ordinance 518 | 03-12-2014 |
| Ordinance 526 | 01-28-2015 |

### ¶ 46-E Prior Ordinances Concerning Related Subject Matter.

|               |            |
|---------------|------------|
| Ordinance 90  | 08-01-1960 |
| Ordinance 215 | 11-11-1981 |