

ORDINANCE NUMBER 266

**AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY,
PENNSYLVANIA LIMITING THE USE OF BICYCLES, SCOOTERS,
SKATEBOARDS, IN-LINE SKATES AND HEELIES WITHIN THE
BOROUGH AND PROVIDING PENALTIES FOR ANY VIOLATIONS**

WHEREAS, the Borough of Bally (Borough) is responsible for enacting and enforcing matters associated with the health, safety and welfare of the residents; and

WHEREAS, the use of bicycles, scooters, skateboards, in-line skates and wheeled shoes have increased within the Borough; and

WHEREAS, such increased use of scooters, skateboards, in-line skates and wheeled shoes poses a health and safety risk to residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Bally as follows:

Section 1: Definitions

- A. Bicycle – a vehicle with two wheels propelled by pedals.
- B. Scooter – a vehicle consisting of an upright steering handle attached to a board or wheel and propelled by human power or with a motor.
- C. Skateboard – a vehicle consisting of a narrow board mounted on wheels and propelled by human power or with a motor.
- D. In-Line Skates – boots or shoes that fit over the feet with wheels or rollers mounted in line on the bottom and propelled by human power.
- E. Heelies – shoes that fit over the feet with a wheel or roller mounted in the heel and propelled by human power.

Section 2: Prohibited Locations.

- A. It shall be unlawful for any person to ride or drive a bicycle, scooter, skateboard, or to use any in-line skates or heelies upon any Borough Property.

B. It shall be unlawful for any person to ride or drive a scooter, skateboard, or to use any in-line skates or heeies upon any public sidewalk, thoroughfare or street or parking lot within the Borough without yielding the right-of way to pedestrians and motor vehicles operating on such public sidewalk, thoroughfare or street or parking lot within the Borough.

Section 3: **Prohibited Times.** It shall be unlawful for any person to ride or drive a bicycle, scooter, skateboard, in-line skates or heeies upon any public thoroughfare, street, sidewalk or parking lot in the Borough:

- A. Between sunset on one day and sunrise on the following day.
- B. At any other time when, due to insufficient light, or unfavorable atmospheric conditions, persons are not clearly discernible from a distance of 100 feet.
- C. At any time when operation of such bicycle, scooter, skateboard, in-line skates or heeies would impair the use of and create the risk of public inconvenience annoyance or alarm on such public sidewalk, thoroughfare or street or parking lot by pedestrians or motor vehicle operators within the Borough.

Section 4: **Private Property.** It shall be unlawful for any person to ride or drive a bicycle, scooter, skateboard, in-line skates, or heeies upon any private property without permission of the property owner.

Section 5: **Traffic Control Devices and Regulations; Right-of-Way to Pedestrians and Motor Vehicles.** Any person riding or driving a bicycle, scooter, skateboard, in-line skates or heeies shall:

- A. Obey the instructions of a police officer or other appropriately attired or authorized person to direct, control or regulate traffic.
- B. Obey traffic and pedestrian control signals as provided under any Pennsylvania Motor Vehicle Section including, but not limited to, Section 3111 (relating to traffic control signals) and Section 3112 (relating to pedestrian control signals), or any Borough Ordinance or Resolution.

- C. Yield the right-of-way to any pedestrian and may not overtake or pass a pedestrian.
- D. No person shall suddenly leave a curb, sidewalk, berm or street or any other place to ride or drive into or toward the path of a vehicle which is so close as to constitute a hazard.
- E. No person shall place a ramp, half-pipe or other structure in or about any thoroughfare, street, sidewalk or parking lot.

Section 6: Exception. This Ordinance shall not apply to any motorized item utilized by a person with any disability.

Section 7: Violations and Penalties

- A. First Offense: Any person violating this Ordinance will be given a verbal warning by a Borough Police Officer.
- B. Second Offense: Any Person violating this Ordinance will be subject to a temporary forfeiture of the item used in violation of this Ordinance to the Police Department for a period not exceeding thirty (30) days. If the person violating the Ordinance is a minor, in addition to the temporary forfeiture of the item, the Borough Police shall notify the parents, guardian or other person having legal custody of said minor of the violation of this Ordinance and the temporary forfeiture and require such individual to sign an acknowledgment of the minor's violation prior to the return of the forfeited property to the minor.
- C. Third or Subsequent Offense: Any person violating this Ordinance will be guilty of a summary offense punishable by a fine not to exceed \$300.00.

Section 8: Severability. If any provision(s) of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision(s) shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

Section 9: Effective Date. This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an Ordinance this 4th day of September, 2007.


Leo D. Mutter, Council President

Attest: 
Andrea Delo, Secretary

Approved:


Philip D. Ferrizzi, Mayor