

TOWN OF WAYNETOWN
NOTICE OF ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN THAT THE TOWN COUNCIL OF THE TOWN OF WAYNETOWN, MONTGOMERY COUNTY, INDIANA ON THE 8TH DAY OF OCTOBER 2025 ADOPTED AN ORDINANCE ESTABLISHING THE GUIDELINES FOR THE USE OF ELECTRONIC BICYCLES (EBIKES) AND ELECTRONIC FOOT SCOOTERS (ESCOOTERS) ON THE PUBLIC STREETS OF WAYNETOWN, IN., WHICH ORDINANCE READS AS FOLLOWS, AND FOR WHICH THE ORIGINAL IS ON FILE AND AVAILABLE FROM THE CLERK-TREASURER.

ORDINANCE NO 2025-003

AN ORDINANCE AMENDING CHAPTER 70 OF THE TOWN CODE OF THE TOWN OF WAYNETOWN, INDIANA ESTABLISHING THE GUIDELINES FOR THE USE OF ELECTRONIC BICYCLES (EBIKES) AND ELECTRONIC FOOT SCOOTERS (ESCOOTERS) ON THE PUBLIC STREETS OF WAYNETOWN, IN.

WHEREAS, the Town Council of Waynetown, believes it is in the best interest of the citizens of Waynetown to establish local regulations of EBikes AND EScooters in town limits.

SECTION 1: DEFINITIONS

Electronic Bicycle (EBike): An EBike as defined by Indiana State Law under IC Code 9-13-2-26.6; IC Code 9-13-2-26.7; IC Code 9-13-2-26.8; is classified in three classes.

Class 1 Electric Bicycle (IC Code 9-13-2-26.6)

An electric bicycle equipped with an electric motor that:

- (1) Provides assistance only when the operator is pedaling; and
- (2) Ceases to provide assistance to the operator when the electric bicycle reaches a speed of twenty (20) mile per hour.

Class 2 Electric Bicycle (IC Code 9-13-2-26.7)

An electric bicycle equipped with an electric motor that:

- (1) May be used to exclusively propel the electric bicycle; and
- (2) Ceases or is unable to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

Class 3 Electric Bicycle (IC Code 9-13-2-26.8)

An electric bicycle equipped with an electric motor that:

- (1) Provides assistance only when the operator is pedaling; and
- (2) Ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

“Electric Foot Scooter” (EScooter) means a device: (IC Code 9-13-2-49.4)

- (1) weighing not more than one hundred (100) pounds;
 - (2) designed to travel on not more than three (3) wheels in contact with the ground;
 - (3) with handlebars and a floorboard that the rider uses to stand on the device during operation; and
 - (4) powered by an electric motor that is capable of powering the device with or without human propulsion at a speed not more than twenty (20) miles per hour on a paved level surface.
- The term does not include a motor driven cycle, motor vehicle, or motorcycle.

Town of Waynetown “Downtown”

Washington Street from Bratton Road to Carolyn Street in Waynetown.

SECTION 2: IC CODES FOR ELECTRONIC BICYCLES AND ELECTRONIC SCOOTERS

IC 9-21-11-13.1 Electric bicycles; rights and duties; exemption from certain statutes; required equipment and features; restrictions on use

Sec. 13.1. (a) An electric bicycle is not a motor vehicle (as defined in IC 9-13-2-105).

(b) Except as otherwise provided in this section, an operator of an electric bicycle is:

- (1) subject to all of the duties; and
- (2) entitled to all of the rights and privileges; of a bicycle operator.

(c) Except as otherwise provided in this section, an electric bicycle shall be regulated as a bicycle.

(d) The operator of an electric bicycle is not subject to:

- (1) IC 9-24 (driver's licenses); or
- (2) IC 9-25 (financial responsibility).

(e) An electric bicycle is not subject to:

- (1) IC 9-17 (certificates of title);
- (2) IC 9-18.1 (motor vehicle registration); or
- (3) IC 14-16-1 (off-road vehicles).

(f) On and after January 1, 2020, a manufacturer or distributor of an electric bicycle shall affix a permanent and conspicuous label to each electric bicycle. Each label described under this subsection shall prominently display the following information:

- (1) The class level of the electric bicycle.
- (2) The top assisted speed of the electric bicycle.
- (3) The rated wattage of the electric bicycle's electric motor.

(g) If a modification to an electric bicycle results in any alteration to the:

- (1) top assisted speed of the electric bicycle; or
 - (2) engagement of the electric bicycle's electric motor;
- the label described in subsection (f) shall be replaced with a subsequent label that accurately reflects the class level, top assisted speed, and rated wattage of the modified electric bicycle.

(h) All electric bicycles shall comply with the bicycle equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission (16 CFR 1512).

(i) All electric bicycles shall be equipped with an electric motor that disengages or ceases to provide assistance when the operator:

- (1) stops pedaling; or
- (2) applies brakes.

(j) Subject to subsection (k), and except as provided in subsection (l), an electric bicycle may be operated wherever bicycles are permitted to travel.

(k) The lawful operation of an electric bicycle is subject to the following provisions:

(1) Unless otherwise specified by a statute, rule, or local ordinance, a Class 1 or Class 2 electric bicycle may be operated on any bicycle path or multipurpose path where bicycles are permitted.

(2) A Class 3 electric bicycle may not be operated on a bicycle path or multipurpose path unless one (1) or more of the following conditions apply:

(A) The bicycle path or multipurpose path is within or adjacent to a highway or roadway.

(B) A local authority or state agency with jurisdiction over the bicycle path or multipurpose path authorizes the use of a Class 3 electric bicycle on the bicycle path or multipurpose path.

(3) A person less than fifteen (15) years of age may not operate a Class 3 electric bicycle.

(4) A person less than fifteen (15) years of age may ride as a passenger on a Class 3 electric bicycle if the Class 3 electric bicycle is designed to accommodate a passenger.

(5) A properly fitted and fastened bicycle helmet that meets the most recent and applicable standards issued by the United States Consumer Product Safety Commission or the American Society for Testing and Materials must be worn by any person who operates or rides as a passenger on a Class 3 electric bicycle and is less than eighteen (18) years of age.

(l) Subsection (k) shall not apply to a path or trail designated as nonmotorized if the following conditions are met:

- (1) The bicycle path or trail has a natural surface tread.
- (2) The bicycle path or trail was made by clearing and grading the native soil.
- (3) No surfacing materials have been added to the bicycle path or trail.

A local authority or state agency may regulate the use of electric bicycles or any class of electric bicycle on a bicycle path or trail described under this subsection.

Electric foot scooter (EScooter): An EScooter as defined by Indiana State Law under IC Code 9-21-11-13.6; IC Code 9-21-11-14:

(a) A person operating an electric foot scooter has all the rights and duties under this chapter that are applicable to a person riding a bicycle, except the following:

- (1) Special regulations of this chapter.
- (2) Those provisions of this chapter that by their nature have no application, including section 3 of this chapter.

(b) An electric foot scooter operated on a highway from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise must be equipped with the following:

- (1) A lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front.
- (2) A lamp on the rear exhibiting a red light visible from a distance of five hundred (500) feet to the rear or a red reflector visible from a distance of five hundred (500) feet to the rear.

(c) An electric foot scooter must be equipped with a brake that will enable the person who operates the electric foot scooter to make the braked wheels skid on dry, level, clean pavement.

(d) Except as provided in subsection (e), an electric foot scooter may be parked on a sidewalk in a way that does not impede the normal or reasonable movement of pedestrians or vehicle traffic.

(e) A local authority may prohibit the parking of an electric foot scooter on a sidewalk if the local authority provides an adequate alternative parking location in a public right-of-way that is proximate to the prohibited area.

(f) Subject to any ordinance, rule, or regulation adopted by a local authority to the contrary, an electric foot scooter may be operated where a bicycle may be operated.

(g) Notwithstanding any other law or provision, an electric foot scooter may not be operated on an interstate highway.

SECTION 3: TOWN OF WAYNETOWN ORDINANCE GOVERNING THE USE OF ELECTRONIC BICYCLES AND ELECTRONIC SCOOTERS

(1) All operators must follow all traffic laws as defined by Indiana State Law and local ordinances.

(2) All operators must follow all Indiana State Law and local ordinances pertaining but not limited to equipment and protection.

(3) No operator under the age of eighteen (18) shall operate an EBike on State Highways or US Highways located within the Town of Waynetown, Indiana.

(4) No operator shall operate on the sidewalks in the downtown area of the Town of Waynetown. Downtown area is defined as Washington Street eastbound and westbound from Bratton Road to Carolyn Street.

(5) No operator shall allow passengers on any class of EBike.

(6) All EBikes must have the proper class label affixed to the front of the EBike and visible to the public at all times.

SECTION 4: PENALTIES

Any person violating this ordinance may receive a fine according to this scale.

FIRST OFFENSE: Warning either verbally or written; or a fine of \$25.00, payable within 30 days of issuance.

SECOND OFFENSE: Warning either verbally or written; or a fine of \$25.00 or \$100.00 if First offense was a fine, payable within 30 days of fine.

THIRD OFFENSE: Warning either verbally or written; or a fine of \$100.00 or \$250.00 if First Offense was a fine, payable within 30 days of fine.

FOURTH AND FOLLOWING OFFENSES: Warning either verbally or written; or a fine of \$1000.00 payable within 30 days of fine.

SECTION 5: (A) All other provisions of the Town Code not in conflict with this Ordinance shall remain in full force and effect, and all provisions of the Town Code replaced or superseded by this Ordinance shall be and hereby are repealed.

(B) The subsequent invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(C) This Ordinance shall be in full force and effect upon adoption and 30 days after any necessary publication.

(D) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

Adopted unanimously by the Town Council of the Town of Waynetown, Indiana this 8th day of October, 2025