

BILL NO. 32 - 2024

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING
ARTICLE 525 OF THE CODIFIED ORDINANCES OF
THE CITY OF BETHLEHEM TITLED
“ALL-TERRAIN VEHICLES AND DIRT BIKES” AND
ESTABLISHING PROHIBITED OFFENSES
INVOLVING THE OPERATION WITHIN CITY LIMITS

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS
FOLLOWS:

SECTION 1: That Article 525 of the Codified Ordinances of the City of Bethlehem, entitled
“All-Terrain Vehicles and Dirt Bikes”, be established to read as follows:

Article 525
All-Terrain Vehicles and Dirt Bikes

525.01 PURPOSE

The purpose of this ordinance is to regulate the use of all-terrain vehicles and dirt bikes to
protect the health, safety, and welfare of the residents of the City of Bethlehem.

525.02 DEFINITIONS

“**All-terrain vehicle**” as defined in section 7702 (relating to definitions) of the Vehicle
Code, 75 Pa. C.S. §7702.

“**Dirt bike**” a two-wheeled motor vehicle that has a seat or saddle, is designed and
manufactured exclusively for off-road use and does not comply with Federal Motor Vehicle Safety
Standards or Environmental Protection Agency on-road emissions standards. The term does not
include:

- (1) A vehicle that is or is required to be registered under Chapter 13 (relating to
registration of vehicles) of the Vehicle Code, 75 Pa. C.S. §1301.
- (2) A dual sport motorcycle
- (3) An electric pedalcycle

“Dual sport motorcycle” is a motorcycle that is designed and manufactured to be ridden on and off road and is titled and registered with the Pennsylvania Department of Transportation (“PennDOT”) for on-road use.

“Electric pedalcycle” is a vehicle that:

- (1) Weighs not more than 100 pounds with two wheels more than 11 inches in diameter;
- (2) Is manufactured or assembled with an electric motor system rated at not more than 750 watts and that ceases to provide assistance when the vehicle reaches speeds of 28 miles per hour; and
- (3) Is equipped with operable pedals and a seat or saddle for the rider

“Highway” as defined in Section 102 of the Vehicle Code, being “the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.”

“Snowmobile” as defined in section 7702 (relating to definitions) of the Vehicle Code, 75 Pa. C.S. §7702.

525.03 PROHIBITIONS

A. **Operation** is prohibited.

- (1) No individual may operate an all-terrain vehicle, a dirt bike, or a snowmobile in any of the following public areas within the boundaries of the City of Bethlehem:
 - a. A highway
 - b. A sidewalk
 - c. A pedalcycle lane

B. **Sale of gas** is prohibited.

- (1) No owner, operator or employee of any gas station or other retail dealer of gasoline (collectively “gas stations”) shall sell, offer for sale, or attempt to sell any article or product represented as gasoline for use in any all-terrain vehicle or dirt bike, or permit any such vehicle’s gas tank to be filled, if operated in violation of this ordinance.
- (2) Exception. The prohibition on gas sales at Section 525.03(B)(1) above shall apply unless such all-terrain vehicle or dirt bike is conveyed to and from the

gas station by a registered motor vehicle and securely mounted on a legally authorized hitch, trailer, or carrier.

525.04 PENALTY – FINES

- A. Any person convicted of or pleading guilty to violating Section 525.03 of this Article commits a summary offense and shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) and the costs of prosecution for a first offense.
- B. Upon conviction or guilty plea for a second or subsequent offense, the offender shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Three Hundred Dollars (\$300.00) and the costs of prosecution.

525.05 FORFEITURE

- A. Where the police have probable cause to issue a citation for violation of this Article by use of an all-terrain vehicle or dirt bike, the police shall immediately seize and impound the all-terrain vehicle or dirt bike.
- B. In addition to the penalty provided under Section 525.04, Penalty – Fines, an all-terrain vehicle or dirt bike operated in violation of this ordinance shall be subjected to forfeiture in accordance with 42 Pa. C.S. §5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).
- C. The final forfeiture as authorized under subsection (A) and (B) may not occur until the individual is convicted of or has pled guilty to a violation of this ordinance.
- D. Admission into the Accelerated Rehabilitative Disposition Program (“ARD”) or any other diversionary program as the result of a violation of Section 525.03, Prohibitions, shall constitute a conviction for purposes of this ordinance.

SECTION 2: That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

Sponsored by _____

Bill No. 32-2024
Ordinance No. 2024-____

PASSED finally in Council on the _____ day of _____, 2024.

President of Council

ATTEST:

City Clerk

This Ordinance approved this day of , 2024.

Mayor