

**AN ORDINANCE TO AMEND  
THE TOWN OF CORNELIUS CODE OF ORDINANCES**

**WHEREAS**, it has become necessary for the Town to amend the Code of Ordinances; and

**WHEREAS**, this amendment further clarifies Chapter 72: Regulation of Bicycles, E-Bikes, and Personal Conveyance Vehicles; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Cornelius that Title VII of the Code of Ordinances includes the amended Chapter 72 and hereby is amended as shown in *Exhibit A*.

This Ordinance shall become effective upon adoption.

Adopted this 17<sup>th</sup> day of November 2025.

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Scott Higgins, Mayor Pro-Tem

ATTESTED:

APPROVED AS TO FORM:

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Lori A. Harrell, Town Clerk

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Town Attorney

## **CHAPTER 72: REGULATION OF BICYCLES, E-BIKES, AND PERSONAL CONVEYANCE VEHICLES**

### **§ 72.01 DEFINITIONS.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**BICYCLE.** A bicycle is a device that is human powered, propelled solely by pedals, operated by one or more persons, and having two or more wheels, except children's tricycles.

**ELECTRIC-ASSIST BICYCLES AND BICYCLES WITH HELPER MOTORS ("E-BIKES").** Low-speed electrically assisted bicycles with two or three wheels, each having fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, and a top motor-powered speed of no more than 20 miles an hour when operated by a rider weighing 170 pounds on a paved level surface, and that operate in a manner such that the electric motor disengages or ceases to function when the brakes are applied or the rider stops pedaling.

**PERSONAL CONVEYANCE VEHICLE ("PCV").** A device that is designed to be ridden by the user and is human powered or powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour. Including but not limited to scooters, skateboards, hoverboards, etc. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement.

**VEHICLE.** Any wheeled conveyance, whether motor-powered or animal-driven, including but not limited to golf carts, all-terrain vehicles, motorbikes, mopeds, motorcycles, powered vehicles that do not meet the definition of electric-assisted bicycles or personal conveyance vehicle as defined herein; except, electric-assisted bicycles as defined, personal conveyance vehicles as defined, standard bicycles, wheelchairs and similar vehicles, baby carriages, and vehicles in the service of the park and recreation department or law enforcement. Additionally, this term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement.

### **§ 72.02 APPLICATION.**

(A) The provisions of this chapter shall apply to all persons operating a bicycle, E-Bike, PCV or a Vehicle on streets, sidewalks, multi-use paths, greenways, (greenways and multi-use paths may be referred to collectively herein as “Shared Use Paths”) roadways and highways under the jurisdiction of the town.

(B) This chapter does not apply to vehicles used by law enforcement or other Town departments in the course and scope of their official duties.

(C) Owners and operators of Bicycles, E-Bikes, PVCs and Vehicles must comply with provisions of Chapter 70 Section 70.06 – Helmet Protection for Children.

#### § 72.15 RIGHTS AND DUTIES OF BICYCLISTS.

Every person riding a bicycle or an E-bike upon a roadway (a “Bicyclist”) shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic regulations of the town applicable to the driver of a vehicle, except as to special regulations in this subchapter and except as to those provisions of laws and regulations which by their nature can have no application.

#### § 72.16 LIMITATIONS AS TO OPERATION, RIDING POSITION, AND NUMBER OF RIDERS OF BICYCLES AND E-BIKES.

(A) An operator propelling a bicycle or E-bike may not ride other than upon or astride a permanent and regular attached seat.

(B) No bicycle or E-bike may be used to carry more persons at one time than the number for which it is designed and equipped.

(C) A person riding upon any bicycle or E-bike may not attach it or them or himself to a vehicle upon a roadway.

(D) A person operating a bicycle or E-bike may not carry any package, bundle, or article that prevents the rider from keeping at least one hand upon the handlebars.

#### § 73.17 REQUIRED EQUIPMENT FOR BICYCLES AND E-BIKES.

(A) A bicycle and E-bike must be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(B) A bicycle or E-bike, when in use at nighttime, must be equipped with a lamp on the front which must emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear that must be visible from all distances from 50 feet to 300 feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

#### § 72.18 ABANDONED BICYCLES AND E-BIKES.

(A) It shall be unlawful for any person to abandon any bicycle or E-bike on any public right-of-way or on any public property within the town. A bicycle or E-bike shall be deemed abandoned if it:

(1) Is in such a state of disrepair as to be incapable of being operated in its present condition; or

(2) Has not been moved or used in more than seven days and bears physical indications of having been abandoned.

(B) Any bicycle or E-bike deemed abandoned, pursuant to division (A) of this section, may be removed and disposed of by discarding, donation, auction, or any other manner deemed appropriate by the town.

#### § 72.19 RIDING BICYCLES AND E-BIKES ON SIDEWALKS.

(A) No person shall ride or operate a bicycle or an E-bike upon any sidewalk in the town except:

(1) Children the age of 17 and under and any adults accompanying children the age of 17 and under may ride on any sidewalk;

(2) Where the sidewalk is designated a Shared Use Path measuring at least eight feet in width; or

(3) Where the adjacent highway has a posted speed limit of 25 miles per hour or more, any person may ride a bicycle or E-bike on the adjacent sidewalk except as otherwise herein prohibited.

(B) For the purposes of this section, "bicycle path" means a portion of the roadway or a paved lane separated from the roadway that has been designated by striping, pavement markings, and signage for the preferential or exclusive use of Bicyclists.

(C) Any person permitted under this section to ride or operate a bicycle or E-bike on a sidewalk, bicycle path, or Shared Use Path shall at all times ride or operate the bicycle or E-bike with due care and yield the right-of-way to pedestrians.

(D) No person shall ride or operate a bicycle or E-bike on any sidewalk or Shared Use Path in the town recklessly under the circumstances or at a speed in excess of twenty miles an hour.

(E) Where permitted in the above subsections, bicycles and E-bikes shall not be operated in a manner which causes damage to public or private property.

(F) The provisions of this section shall not diminish, detract from, or change the rights and duties of Bicyclists under this chapter or state law.

## § 72.30 RIGHTS AND DUTIES OF PERSONS OPERATING PERSONAL CONVEYANCE VEHICLES.

A person may operate a PCV upon a roadway only if the roadway has a designated speed limit of no more than 25 miles per hour. A person operating a PCV on an allowed roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic regulations of the town applicable to the driver of a vehicle, except as to special regulations in this subchapter and except as to those provisions of laws and regulations which by their nature can have no application.

## § 72.31 LIMITATIONS AS TO OPERATION, SPEED, RIDING POSITION, AND NUMBER OF RIDERS OF PERSONAL CONVEYANCE VEHICLES.

(A) An operator of a PCV shall operate the PCV with due care and yield the right-of-way to pedestrians within public pathways and rights-of-way.

(B) No PCV may be used to carry more persons at one time than the number for which it is designed and equipped.

(C) No person shall operate a PCV while engaged in an activity that is not necessary to the operation of the PCV which impairs, or would reasonably be expected to impair, the ability of the person to safely operate the PCV.

(D) No person shall operate a PCV on public streets, sidewalks or Shared Use Paths within the Town's jurisdiction before sunrise or after sunset.

## § 72.32 RIDING PCVs ON SIDEWALKS.

(A) No person shall ride or operate an PCV upon any sidewalk in the town except:

(1) Children the age of 17 and under and any adults accompanying children the age of seventeen and under may ride a PCV on any sidewalk;

(2) Where the sidewalk is designated as a Shared Use Path measuring at least eight feet in width;

(3) Where the adjacent highway has a posted speed limit of 25 miles per hour or more, any person may ride an PCV on the adjacent sidewalk except as otherwise herein prohibited.

(B) For the purposes of this section, "bicycle path" means a portion of the roadway or a paved lane separated from the roadway that has been designated by striping, pavement markings, and signage for the preferential or exclusive use of Bicyclists.

(C) Any person permitted under this section to ride or operate a PCV on a sidewalk, bicycle path, or Shared Use Path shall at all times ride or operate the PCV with due care and yield the right-of-way to pedestrians using the sidewalk.

(D) No person shall ride or operate a PCV on any sidewalk or Shared Use Path in the town recklessly under the circumstances or at a speed in excess of twenty miles an hour.

(E) Where permitted in the above divisions, PCVs shall not be operated in a manner which causes damage to public or private property.

(F) The provisions of this section shall not diminish, detract from, or change the rights and duties of operators of PCVs under this chapter or state law.

#### § 72.35 MODIFICATION OF E-BIKE EQUIPMENT TO INCREASE HORSEPOWER OR SPEED.

(A) Any electric assisted bicycle that is equipped, with or without pedals, such that it can reach a top motor-powered speed of more than 20 miles per hour but less than 30 miles per hour shall be deemed a moped under this chapter and shall be subject to all regulation applicable to mopeds.

(B) Any electric assisted bicycle that is equipped, with or without pedals, such that it can reach a motor-powered speed in excess of 30 miles per hour is deemed a motorcycle under this chapter and shall be subject to all regulations applicable to motorcycles.

#### § 72.36 RIGHTS AND DUTIES OF PERSONS OPERATING MOPEDS AND MOTORCYCLES.

Every person operating a moped or a motorcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic regulations of the town applicable to the driver of a vehicle.

#### § 72.37 LICENSING AND REGISTRATION REQUIREMENT FOR MOPEDS AND MOTORCYCLES.

(A) A person operating a moped on a public highway at all times must comply with North Carolina law applicable to mopeds and in addition moped operators must have in their possession a North Carolina moped registration and proof that the operator is at least sixteen years old.

(B) A person operating a motorcycle on a public highway at all times must comply with North Carolina law applicable to motorcycles and in addition operators must have in their possession a motorcycle registration, proof of insurance, and a valid driver's license with a motorcycle endorsement.

#### § 72.38 RIDING MOPEDS OR MOTORCYCLES ON SIDEWALKS AND PUBLIC PATHWAYS.

No person shall ride or operate a moped or a motorcycle upon any sidewalk, public pathway or Shared Use Path in the town.

#### § 72.45 VEHICLES NOT PERMITTED TO OPERATE ON SIDEWALKS OR PUBLIC ROADWAYS

(A) No person shall ride or operate a Vehicle upon any sidewalks, Shared Use or other public paths within the Town.

(B) No person shall operate a Vehicle upon Town roadways that is not registered with the State, equipped as required, and otherwise compliant with North Carolina law.

(C) Operators of Vehicles on Town roadways must be licensed and insured as required by state law.

§ 72.99 PENALTY.

- (A) Impoundment: The Town Manager, his designee or any law enforcement officer of the Town may impound any bicycle, E-bike, PCV, moped, motorcycle or other Vehicle operated in violation of the provisions of this chapter, retain possession of the same until ownership is established, issue a civil penalty in accordance with § 72.99(B) and dispose of the vehicle if ownership is not established and civil citations are not paid within 90 days of issuance; provided that nothing herein contained shall be construed to limit the authority of law enforcement officers to take into custody any bicycle, E-bike, PCV or Vehicle believed to be stolen.
- (B) In addition to impoundment, owners who knowingly operate or allow to be operated a Bicycle, E-Bike, PVC, Moped, Motorcycle or Vehicle in violation of this chapter will be subject to civil citations as follows:
- a. . \$100 for first offense cited under this Chapter.
  - b. \$200 for second offense cited under this Chapter.
  - c. \$500 for third and subsequent offenses cited under this Chapter.
- (C) Owners who knowingly operate or allow to be operated a Motorcycle or Vehicle upon the roadways of the Town in violations of state law requiring proof of financial responsibility (GS 20-313) shall be guilty of a class 3 misdemeanor.
- (D) Owners who knowingly operate or allow to be operated a Moped, Motorcycle or Vehicle upon the roadways of the Town in violations of state laws requiring proper registration of the Vehicle (GS 20-111) shall be guilty of a class 3 misdemeanor.