

AN ORDINANCE
of the City Council of the City of Berkley, Michigan, to amend Chapter 86 and
Chapter 106 of the Berkley City Code of Ordinances to provide for the regulation
of electric bicycles, electric skateboards/scooters and bicycles.

THE CITY OF BERKLEY ORDAINS:

ARTICLE I – AMENDMENT TO CHAPTER 86 PARKS AND RECREATION

Chapter 86 Parks and Recreation, Article I, IN GENERAL, Sec. 86-1 Definitions shall be amended to add the following definitions:

Bicycle means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in tandem or tricycle arrangement, all of which are over 14 inches in diameter.

Electric bicycle means a device upon which an individual may ride that satisfies all of the following:

(a) The device is equipped with all of the following:

(i) A seat or saddle for use by the rider.

(ii) Fully operable pedals for human propulsion.

(iii) An electric motor of not greater than 750 watts.

(b) The device falls within 1 of the following categories:

(i) *Class 1 electric bicycle* means an electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.

(ii) *Class 2 electric bicycle* means an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.

(iii) *Class 3 electric bicycle* means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

Electric bicycle does not include an e-moto bicycle, which is a high-powered moped like device (has an engine of 100ccs or less with no gear shifting with a maximum speed of 30 mph) or motorcycle like device.

Electric personal assistive mobility device means a self-balancing non-tandem 2-wheeled device, designed to transport only 1 person at a time having an electric propulsion system with average power or 750 watts or 1 horsepower and a maximum speed on a paved surface of not more than 15 miles per hour.

Electric skateboard/scooter mean a wheeled device that has a floorboard designed to be stood upon when riding that is no more than 60 inches long and 18 inches wide, is designed to transport only 1 person at a time, has an electronic propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of no more than 25 miles per hour. An electric skateboard or electric scooter may have handlebars and, in addition to having an electrical propulsion system with power of no more than 2,500 watts, may be designed to also be powered by human propulsion.

ARTICLE IV USE OF PARKS shall be amended to replace Sec. 86-69 Penalties with a new section prohibiting electric bicycles and renumbering and revising the former Sec. 86-69 to become Sec. 86-70 to read as follows:

Sec. 86-69 Electric bicycles, e-moto/high-powered moped like devices and electric skateboards prohibited

It ~~shall is be~~ unlawful to operate a class 1, class 2 or class 3 electric bicycle or e-moto/-high-powered moped like device or ~~and~~ electric skateboard/scooter in a park. Nothing in this article shall prohibit a person from using an electric personal mobility device related to a disability, in any park.

Sec. 86-70 Violations

A ~~violation of person who violates~~ sections 86-1 through 86-68 ~~shall be responsible for is~~ a municipal civil infraction. A ~~violation of person who violates~~ section 86-69 ~~shall be responsible for is~~ a misdemeanor.

ARTICLE II- AMENDMENT TO CHAPTER 106 –STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 106 Streets, Sidewalks and Other Public Places shall be amended to add a new Article IV, Bicycles, Electric Bicycles, and Electric Skateboards/~~S~~scooters and E-Moto/High-Powered Moped like Device to read as follows to read as follows:

ARTICLE IV ELECTRIC BICYCLES, ~~AND~~ ELECTRIC
SKATEBOARD/SCOOTERS and E-MOTO/HIGH-POWERED MOPED LIKE
DEVICE.

Sec. 106-400 Definitions

Bicycle means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in tandem or tricycle arrangement, all of which are over 14 inches in diameter.

Downtown Area means the area bounded by and including Twelve Mile Road between Coolidge Highway and Greenfield Road, and adjacent side streets, as may be designated by the City Manager and posted with signage. This also includes the area bounded by and including Coolidge Highway between Twelve Mile Road and Eleven Mile Road

Electric bicycle means a device upon which an individual may ride that satisfies all of the following:

(a) The device is equipped with all of the following:

(i) A seat or saddle for use by the rider.

(ii) Fully operable pedals for human propulsion.

(iii) An electric motor of not greater than 750 watts.

(b) The device falls within 1 of the following categories:

(i) *Class 1 electric bicycle* means an electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.

(ii) *Class 2 electric bicycle* means an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.

(iii) *Class 3 electric bicycle* means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

Electric bicycle does not include an e-moto bicycle, which is a high-powered moped like device (has an engine of 100ccs or less with no gear shifting with a maximum speed of 30 mph) or motorcycle like device.

Electric personal assistive mobility device means a self-balancing non-tandem 2-wheeled device, designed to transport only 1 person at a time having an electric propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved surface of not more than 15 miles per hour.

Electric skateboard and *electric scooter* mean a wheeled device that has a floorboard designed to be stood upon when riding that is no more than 60 inches long and 18 inches wide, is designed to transport only 1 person at a time, has an electronic propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of no more than 25 miles per hour. An electric skateboard or electric scooter may have handlebars and, in addition to having an electrical propulsion system with power of no more than 2,500 watts, may be designed to also be powered by human propulsion.

Traffic Control Device means signs, signals, markings, and devices consistent with the Michigan Vehicle Code, placed or erected by the City or other public body having jurisdiction, for the purpose of regulating, warning, or guiding traffic. This includes, but is not limited to, sandwich board signs, painted markings on sidewalks, fixed signage placed throughout the downtown area, and other traffic control devices authorized by law.

Sec 106-401 Areas Prohibited from riding Bicycles, Electric Bicycles, and Electric Skateboards/sScooters and E-Moto/High-Powered Moped Like Device.

(a) No person shall ride a bicycle, electric skateboard/scooter on sidewalks in the downtown area and in any other area designated by the director of public safety for City sponsored or permitted events and indicated by a traffic control device order in accordance with the procedures outlined in the Uniform Traffic Code. Individuals may ride bicycles and electric skateboard/scooter on designated bike lanes in the downtown area.

~~(b) No person shall ride an electric skateboard/scooter on sidewalks within the downtown area. Individuals may ride electric skateboard/scooters with handles on designated bike lanes in the downtown area.~~

~~(eb)~~ No person shall ride an electric bicycle or e-moto/high-powered moped like device upon a sidewalk within the City and in any other area designated by the director of public safety for City sponsored or permitted events and indicated by a traffic control order in accordance with the procedures outlined in the Uniform Traffic Code. Persons may operate electric bicycles or e-

moto/high-powered moped like devices on streets and designated bike lanes within the city.

(~~ec~~) The director of public safety is hereby authorized to erect signs and traffic control devices in the downtown area and on any publicly owned parking area, street, sidewalk, parking structure, parking lot, or other public property prohibiting the riding of bicycles, electric bicycles, e-moto/high-powered moped like devices and electric skateboards/scooters on sidewalks thereon, in accordance with the provisions of this Ordinance. These prohibitions are intended to ensure pedestrian safety.

Sec 106-105 Violations

A ~~person who~~ violations of sections 106-400-401(a)-(b) ~~shall be responsible for~~ is a municipal civil infraction. A ~~person who~~ violations section 106-401(~~be~~) ~~shall be responsible for~~ is a misdemeanor.

ARTICLE III – SEVERABILITY.

~~If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect. Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall **will** remain in full force and effect.~~

ARTICLE IV - EFFECTIVE DATE.

This Ordinance ~~shall~~ will take effect following publication in the manner prescribed by law.

ARTICLE V: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect

ARTICLE VI: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Berkley City Council at a meeting thereof duly called and held on the ____ day of _____, 2026, and ordered to be given publication in the manner prescribed by the law.

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on _____.

Adopted on the Second Reading at the Regular City Council Meeting on _____.

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk