

**AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE TO ESTABLISH
RULES FOR THE USAGE OF LOW-SPEED MOTORIZED SCOOTERS AND
ELECTRIC BICYCLES IN THE CITY OF WILMINGTON**

#0133

Sponsor:

**Council
Member
Oliver**

WHEREAS, the use of motorized scooters and bicycles have significantly increased in urban areas, offering residents and visitors a sustainable, affordable, and convenient mode of transportation; and

WHEREAS, the State of Delaware recently enacted House Bill No. 114, as amended, that, among other things, recognizes and regulates low-speed motorized scooters, permits their operation in bike lanes and on roads where bicycles are permitted, and requires helmet use for riders under the age of 18, and

WHEREAS, Wilmington City Council supports updating the City's transportation laws and seeks to align with State of Delaware's recent regulations on low-speed motorized scooters, while providing additional safeguards tailored to the City's urban environment and population; and

WHEREAS, the Council also seeks to promote public safety by establishing helmet requirements for individuals under the age of 18 operating low-speed motorized bicycles, consistent with helmet regulations for low-speed motorized scooters; and

WHEREAS, the definitions of low-speed motorized scooters and bicycles shall not include any automobile or device that is included within the definition of electric bicycle, low-speed motorized scooter, moped, motorcycle, off highway vehicle, any type of tractor, triped, motorized wheelchair or electric personal assistive mobility device (EPAMD).

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 37 is hereby amended by adding the underlined language to read as follows:

Sec. 37-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electric bicycle means a bicycle with 2 or 3 wheels that is equipped with fully-operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of 1 of the 3 following classes:

- (a) “Class 1 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour or less.
- (b) “Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour or less.
- (c) “Class 3 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of no less than 20 miles per hour and no more than 28 miles per hour.

Low-speed motorized scooter means any motorized scooter that cannot travel more than 15 miles per hour. Only low-speed motorized scooters are allowed to be operated upon any

street or highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this article.

SECTION 2. Chapter 37 is hereby amended by deleting the stricken language and adding the underlined language and to read as follows:

**ARTICLE VII. – BICYCLES, ELECTRIC BICYCLES, LOW-SPEED
MOTORIZED SCOOTERS, MOTORCYCLES AND PLAY VEHICLES**

DIVISION 1. - GENERALLY

Sec. 37-292. – Applicability of article.

This article, applicable to bicycles, electric bicycles, low-speed motorized scooters ~~or~~ and motorcycles, shall apply whenever a bicycle, electric bicycle, low-speed motorized scooter, or motorcycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this article.

Sec. 37-293. – Clinging to moving vehicles.

It shall be unlawful for any person traveling upon any bicycle, electric bicycle, low-speed motorized scooter, motorcycle, coaster, sled, roller skates or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.

Sec. 37-294. – Motorized skateboards ~~and scooters.~~

- (a) *Definition.* Motorized skateboard ~~or scooter~~ means any device that is designed to travel on at least two wheels with the deck or chassis of such device open and close to the ground, that has handlebars or a hand controlled throttle or brake, that is designed to be stood or sat upon by the operator, and that is

powered by a motor that is capable of propelling the device without human propulsion. Motorized skateboard ~~or scooter~~ shall not include any automobile or device that is included within the definition of electric bicycle, low-speed motorized scooter, moped, motorcycle, off highway vehicle, any type of tractor, triped, motorized wheelchair or electric personal assistive mobility device.

(b) *Operation of motorized skateboards ~~or scooters~~ upon public highways, streets, sidewalks, or right-of-way.* Motorized skateboards ~~or scooters~~ shall not be operated upon a public highway or street or sidewalk or right-of-way thereof, located in the city except under the following conditions:

(1) A motorized skateboard ~~or scooter~~ may be pushed across or along such public way provided such motorized skateboard ~~or scooter~~ is in neutral or that the power train is otherwise disengaged, and further provided that such use shall be in conformance with this title. A motorized skateboard ~~or scooter~~ may be operated in a street or highway located within the city for a special event of limited duration, conducted according to a pre-arranged schedule only under permit from the department having jurisdiction. A person who violates this subsection shall be subject to the penalties imposed by state law.

(c) *Operation on public or private property.* A person shall not operate a motorized skateboard ~~or scooter~~ upon any property in either public or private ownership without the express permission of the person in control of the property or knowingly in violation of any restrictions imposed on such use by the person in control of the property.

(d) *Careless operation or excessive rate of speed.* A person shall not operate a motorized skateboard ~~or scooter~~ in a careless or imprudent manner or at a rate of speed greater than is reasonable and prudent under the conditions or without having regard to actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance.

(h) *Operation by minors, incompetent persons or persons under mental or physical disabilities.*

(1) A person less than 12 years of age may operate a motorized skateboard ~~or scooter~~ only if:

- a. The person is under the direct supervision of a person who is at least 18 years of age; or
- b. The person is on land owned by or under the control of the person's parent or legal guardian.

(2) Persons 12 years of age or older may operate a motorized skateboard ~~or scooter~~ without adult supervision provided such use is in compliance with all other provisions of this chapter.

(3) A parent or legal guardian shall not permit a child under the age of 12 to operate a motorized skateboard ~~or scooter~~ except under the direct supervision of an adult.

(4) The owner of a motorized skateboard ~~or scooter~~ shall not permit:

- a. A device to be operated by a person under the age of 12, except under direct adult supervision.
- b. The device to be operated by a person who is incompetent to operate such a vehicle because of mental or physical disability or because of being under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in 21 Del. C. § 4177.

(i) *Helmet requirements.*

- (1) A person under 16 years of age shall not operate, ride upon or ride as a passenger, any motorized skateboard ~~or scooter~~, unless that person is wearing a properly fitted and fastened helmet which meets or exceeds the standard of the American National Standards Institute (ANSI 790.4 Helmet Standard or subsequent standard) or the Snell Memorial Foundation's 1984 Standard (or subsequent standard) for Protective Headgear for Use in Bicycling.
- (2) Any parent or legal guardian who fails to cause that parent or legal guardian's child to wear a helmet, as provided in this subsection, shall be subject to the fines imposed by state law.
- (3) The requirements of this subsection shall apply at all times while a motorized skateboard ~~or scooter~~ is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes.
- (4) Failure to wear a helmet as herein described shall not be considered evidence of either comparative or contributory negligence in any civil suit arising out of any accident in which a person under 16 years of age

is injured, nor shall failure to wear a helmet be admissible as evidence in the trial of any civil action.

SECTION 3. Chapter 37 is hereby further amended by deleting the stricken language and adding the underlined language to read as follows:

**DIVISION 2. – BICYCLES, ELECTRIC BICYCLES, LOW-SPEED
MOTORIZED SCOOTERS, AND MOTORCYCLES.**

Sec. 37-321. – Applicability of traffic regulations to persons riding bicycles, electric bicycles, low-speed motorized scooters, or motorcycles.

Every person riding a bicycle, electric bicycle, low-speed motorized scooter, or 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, except as to special regulations which apply to bicycles only, and those others which by their nature can have no application. Bicycle, electric bicycle, low-speed motorized scooter, or motorcycle shall not include any automobile or device that is included within the definition of off highway vehicle, any type of tractor, triped, motorized wheelchair or electric personal assistive mobility device (EPAMD).

Sec. 37-322. – Obedience to traffic signs and signals.

It shall be unlawful for the operator of any bicycle, electric bicycle, low-speed motorized scooter, or motorcycle to disobey the directions indicated by any official traffic sign or signal placed in accordance with the provisions of the motor vehicle laws of the state or this chapter.

Sec. 37-323. – Manner of riding bicycle, electric bicycle, low-speed motorized scooter, or motorcycle generally.

- (a) No person shall ride or propel a bicycle, electric bicycle, low-speed motorized scooter, or motorcycle upon any public street or highway except in a prudent and careful manner, and unless such person shall be capable of efficient control and operation of such bicycle, electric bicycle, low-speed motorized scooter, or motorcycle.
- (b) No person propelling a bicycle, electric bicycles, low-speed motorized scooter, or motorcycle shall ride other than upon or astride a permanent and regular seat attached thereto.

Sec. 37-324. – Riding on roadway.

Every person operating a bicycle, electric bicycle, low-speed motorized scooter, or motorcycle upon a roadway shall ride as near to the right side of the roadway as is practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Sec. 37-325. – Use of bicycle paths.

Whenever a usable path for bicycles, electric bicycles, low-speed motorized scooters, or motorcycles has been provided adjacent to a roadway, ~~bicycle~~ such riders shall use such path and shall not use the roadway.

Sec. 37-326. – Carrying articles.

No person operating a bicycle, electric bicycle, low-speed motorized scooter, or motorcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 37-327. – Passengers.

No person propelling or operating a bicycle, electric bicycle, low-speed motorized scooter, or motorcycle shall carry, or permit to be carried, any other person beyond the capacity for which such bicycle, electric bicycle, low-speed motorized scooter, or motorcycle was designed or intended, while the same is in motion.

Sec. 37-328. – Parking.

No person operating a bicycle, electric bicycle, low-speed motorized scooter, or motorcycle shall park such bicycle or motorcycle other than upon the roadway against the curb or, in the case of a bicycle, on the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

Sec. 37-329. – Riding bicycle, electric bicycle, or low-speed motorized scooter on sidewalk.

No person operating a bicycle, electric bicycle, or low-speed motorized scooter shall ride or propel such bicycle, electric bicycle, or low-speed motorized scooter upon any sidewalk at any time.

Sec. 37-330. – Riding bicycles, electric bicycles, or low-speed motorized scooters abreast.

Persons riding bicycles, electric bicycles, or low-speed motorized scooters on a public street or highway shall not ride two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Sec. 37-331. – Bicycle, electric bicycle, or low-speed motorized scooter emerging from alley, driveway, etc.

The operator of a bicycle, electric bicycle, or low-speed motorized scooter emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

Sec. 37-332. – Headlamp and rear reflector.

Every bicycle, electric bicycle, low-speed motorized scooter, or motorcycle operated upon a public street or highway during the nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department of public works which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlights on a motor vehicle.

Sec. 37-333. – Brakes.

Every bicycle, electric bicycle, low-speed motorized scooter, or motorcycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement, such that it is adequate to control the movement and to stop such bicycle, electric bicycle, low-speed motorized scooter, or motorcycle whenever necessary.

Sec. 37-334. – Signaling device on bicycles, electric bicycles, and low-speed motorized scooters.

No person shall operate a bicycle, electric bicycle, or low-speed motorized scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance

of at least 100 feet; except, that no bicycle, electric bicycle, or low-speed motorized scooter shall be equipped with nor shall any person use upon a bicycle, electric bicycle, or low-speed motorized scooter any siren or whistle.

Sec. 37-335. – Operation of low-speed motorized scooters, electric bicycles

- (a) A person must be at least 7 years of age to operate a Class 1 or Class 2 electric bicycles.
- (b) A person must be at least 16 years of age to operate Class 3 electric bicycle.

Sec. 37-336. – Operation of low-speed motorized scooters.

A person must be at least 14 years of age to operate a low-speed motorized scooter.

Sec. 37-337. – Helmet requirements.

- (a) Any operator or passenger shall not operate, ride upon, or ride as a passenger on any Class 3 electric bicycle, unless that person is wearing a properly fitted and fastened helmet which meets or exceeds the standards of the American National Standards Institute (ANSI 790.4 Helmet Standard or subsequent standard) or the Snell Memorial Foundation's 1984 Standards (or subsequent standard) for Protective Headgear for Use in Bicycling.
- (b) A person under 18 years of age shall not operate, ride upon or ride as a passenger, any bicycle, electric bicycle, or low-speed motorized scooter unless that person is wearing a properly fitted and fastened helmet which meets or exceeds the standards of the American National Standards Institute (ANSI 790.4 Helmet Standard or subsequent standard) or the Snell Memorial Foundation's 1984 Standards (or subsequent standard) for Protective Headgear for Use in Bicycling.

Secs. 37-3358 – 355. Reserved.

SECTION 4. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....November 6, 2025

Second Reading...November 6, 2025

Third Reading.....

Passed by the City Council,

President of City Council

ATTEST: _____

City Clerk

Approved this ____ day of ____, 2025

Mayor

SYNOPSIS: This Ordinance establishes rules for the operation of electric bicycles and low-speed motor scooters within the City of Wilmington that are consistent with recently enacted State law. The Ordinance also imposes helmet requirements for those who operate or ride on as passengers on bicycles, electric bicycles, and low-speed motorized scooters.

FISCAL IMPACT: The fiscal impact is not known at this time.