

ORDINANCE #1102

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 64 "VEHICLES & TRAFFIC " AS AMENDED AND SUPPLEMENTED, PERTAINING TO LOW-SPEED ELECTRIC VEHICLES

WHEREAS, Senate Bill No. 18-34 (Second Reprint) was signed into law on January 6, 2006 as P.L. 2006, c. 273; and

WHEREAS, the aforesaid legislation amends New Jersey law to include Low Speed Vehicles (LSV) as a new vehicle type that will be permitted to be operated on approved New Jersey roadways; and

WHEREAS, the aforesaid legislation also provides that a municipality may prohibit the use of Low Speed Vehicles on any of its roadways if it is determined that Low Speed Vehicle use would constitute a hazard; and

WHEREAS, the Borough Council has consulted with the Oceanport Police Department concerning Low Speed Electric Vehicles; and

WHEREAS, the Borough Council finds that the operation of Low Speed Electric Vehicles on public streets within the Borough of Oceanport does constitute a traffic hazard and a hazard to motor vehicle operators and pedestrians within the Borough of Oceanport due to the high volume of traffic within and through the Borough; the fact that the majority of traffic within the Borough of Oceanport is "transient", thereby originating and terminating in other locations; and for other reasons specific to the roads within the Borough of Oceanport; and

WHEREAS, the Borough Council finds, however, that the operation of Low Speed Electric Vehicles may be both safe and appropriate and, under certain conditions, be permitted without a negative impact upon public safety,

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport, County of Monmouth, State of New Jersey as follows:

Section 1. Chapter 64 Vehicle and Traffic, of "The Code of the Borough of Oceanport" as amended and supplemented, be and the same is hereby further amended and supplemented by the addition thereto of a new Article XXI "Low-Speed Electric Vehicles", to read, in full, as follows:

§ 64-73 Definitions. As used in this Chapter, the following terms, consistent with NJ Statutes and N.J.S.A. 39:1-1, shall have the definitions indicated:

Low-Speed Electric Bicycle

A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following classifications: "class 1 low-speed electric bicycle," which means a low-speed 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 "class 2 low-speed electric bicycle," which means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

Motorized Bicycle

A pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50cc. or said motor is rated at no more than 1.5 brake horsepower or is powered by an electric drive motor and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface or a pedal bicycle having an electric motor that is capable of propelling the bicycle in excess of 20 miles per hour with a maximum motor-powered speed of no more than 28 miles per hour on a flat surface. This term shall not include a Low-Speed Electric Bicycle.

Low-Speed Electric Scooters

A scooter with a floorboard that can be stood upon by the operator, with handlebars and an electric motor capable of propelling the device with or without human propulsion at a maximum speed of fewer than 19 miles per hour.

§ 64-74 Operation of Low-Speed Electric Bicycles and Low-Speed Electric Scooters within the Borough.

1. Duties of persons on low-speed electric bicycles, low-speed electric scooters, or similar devices

Any person operating a low-speed electric bicycle, low-speed electric scooter, or similar device shall obey the instructions of

official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer. Operators of a low-speed electric bicycle shall ride as near to the right-side of the traveled roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Operators shall not ride at a speed faster than is reasonable or proper, taking into account the presence of traffic and/or pedestrians in the area.

2. Lights and reflectors.

Every low-speed electric bicycle, low-speed electric scooter, or similar device shall have reflectors in the front and back. Every low-speed electric bicycle, low-speed electric scooter, or similar device shall, when in use at nighttime, 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 lamp on the rear which shall emit a red light visible from a distance of at least 500 feet to the rear.

3. Audible sound/signal.

No person shall operate a low-speed electric bicycle, low-speed electric scooter, or similar device 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 such low-speed electric bicycles, low-speed electric scooters, or similar devices shall not be equipped with, nor shall any person use upon a low-speed electric bicycles, low-speed electric scooters, or similar devices any siren or whistle.

4. Helmet.

All persons under the age of 17 are required to wear a protective helmet while operating a low-speed electric bicycle, low-speed electric scooter, or similar device.

5. Riding on sidewalks and walking paths.

No person shall operate a low-speed electric bicycle, low-speed electric scooter, or similar device upon a sidewalk or walking path within the Borough of Oceanport.

6. Reckless or careless riding.

No person shall ride or operate a low-speed electric bicycle, low-speed electric scooter, or similar device in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of themselves or other persons or property. No person operating a low-speed electric bicycle, low-speed electric scooter, or similar device shall attach themselves to any streetcar or vehicle, nor shall the operator of the low-speed electric bicycle, low-speed electric scooter, or similar device allow others to hitch or hold onto an electric vehicle during operation. It shall be prohibited for a person operating a low-speed electric bicycle, low-speed electric scooter, or similar device to allow another person to ride as a passenger, unless the person is carried in a proper seat, trailer or other accessory that complies with current regulations and contains adequate provision for retaining the passenger in place and for protecting the passenger.

7. Prohibited locations.

Low-speed electric bicycles, low-speed electric scooter, similar device or any electric powered, gas powered or motorized vehicles, are prohibited from operating within or upon any of the Borough owned property or recreation areas to include the Maria Gatta Park, Blackberry Bay Park, Community Center Park, Charles Park, Trinity Park, Old Wharf Park, and Sommers Park. Those who have obtained a permit for use of the park or recreational area for a special event where use of such vehicles are authorized, shall be exempt. This shall also not apply to those devices used to increase the independent mobility of an individual who has limited or no ambulation abilities, such as a motorized wheelchair.

8. Motorized bicycles.

Motorized bicycles shall only be operated within the Borough of Oceanport if properly registered, insured and operated by a licensed operator. Motorized bicycles can only be operated by licensed operators on the roadways in accordance with the New Jersey Motor Vehicle Code. All operators, regardless of age, are required to wear a protective helmet while operating a motorized bicycle.

9. Enforcement.

The Oceanport Police Department is hereby authorized to promulgate, with the approval of the Borough of Oceanport Council, such further rules and regulations concerning the operation, equipment and safety of low-speed electric bicycle, low-speed electric scooter, or similar device as deemed necessary from time to time.

10. Violations and Penalties

A. First Offense. Any adult shall be subject to a fine of up to \$250. Any minor who violates this chapter on a first offense shall be reprimanded, in writing, by the Oceanport Police Department addressed to the parents or guardians of said offender stating the nature of the violation and a warning that a repetition of the violation or any other violation must be prevented or the device may be impounded for a period of time not less than 7 days nor more than 60 days, and during that period of time, the offender cannot ride his or her device or anyone else's device on any public streets or sidewalks.

B. Second Offense. Upon a second offense the parent or guardian of a minor offender shall be subject to a fine of up to \$250 and/ or the Police Department shall confiscate the low-speed electric bicycles, low-speed electric scooters, or similar devices pending a hearing in which case the offender's device may be impounded for a period of time not less than 7 days nor more than 60 days for a second offense.

C. Third Offense. Upon a third offense the parent or guardian of a minor offender shall be subject to a fine of up to \$1000 and the Police Department shall confiscate the low-speed electric bicycle, low-speed electric scooter, or similar device pending a hearing in which case the offender's device may be subject to forfeiture.

D. Parental Guidance. If for any reason the law enforcement officer cannot determine the name and address of the parent of any minor who violates the provisions of this chapter, then the low-speed electric bicycle, low-speed electric scooter, or similar device shall be automatically confiscated, and the offender will be summoned to appear at the Oceanport Police Department with his or her parent or guardian, whereby a summons shall be issued for the appropriate offense. If not a second or greater offense, the low-speed electric bicycle, low-speed electric scooter, or similar device shall be returned to the parent or guardian. Should the parent or guardian not appear within 30 days of the confiscation of the low-speed electric bicycle or other similar device, then such device shall be forfeited and destroyed by the Borough of Oceanport.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: October 17, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: November 7, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

THOMAS J. TVRDIK
Mayor