First Reading

INTRODUCED BY: Councilman Karcic SECONDED BY: Councilwoman Bocchino				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				X
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilwoman Sheedy SECONDED BY: Councilwoman Cavadas				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC				X
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

ORDINANCE NO. 2383
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON (BICYCLES, SKATEBOARDS AND ELECTRIC SCOOTERS)

WHEREAS, the Governing Body of the Borough of North Arlington ("Borough") deems it necessary for the official conduct of the affairs of the Borough of North Arlington that the Borough has an ordinance regulating bicycles, electric scooters and skateboards; and

WHEREAS, the operation of bicycles, electric scooters and skateboards in the Borough is a matter of public safety; and

WHEREAS, bicycles, electric scooters and skateboards in the Borough operate in a dense urban environment, often in close proximity to other vehicular traffic and pedestrians, thus underscoring the need for bicyclists and scooter operators to the highest standards of safety; and

WHEREAS, the Governing Body of the Borough wishes to enact legislation which will govern the use of bicycles, electric scooters and skateboards in the Borough; and

WHEREAS, the Governing Body of the Borough has determined that adopting this new Chapter would be in the best interest of the community and will advance the safety of our residents and benefit the public welfare; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen State of New Jersey, that a new Chapter of the Code of the Borough of North Arlington shall hereby be established as follows:

1. Purpose and intent.

The purpose and intent of this chapter is to establish regulations and guidelines for the operation of bicycles, skateboards, low-speed electric bicycles and low-speed electric scooters within the Borough of North Arlington. It is not primarily intended to penalize individuals who operate bicycles and skateboards in violation of the provisions contained herein, but rather to educate both children and adults regarding proper and safe riding practices, to ensure their safety and welfare and the safety and welfare of motorists and pedestrians, and to make riding an enjoyable experience.

2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BICYCLE — Any device having a wheel or wheels with solid or pneumatic tires 12 inches or more in diameter, connected by a frame and so constructed as to be propelled by human power, except that bicycles equipped with training wheels and tricycles when used by young children shall not be so included.

LOW-SPEED ELECTRIC BICYCLE — As defined in N.J.S.A. 39:1-1, includes 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.

LOW-SPEED ELECTRIC SCOOTER — Includes a scooter, as defined in N.J.S.A. 39:1-1, with a floorboard that can be stood upon by the operator, with handlebars, and with an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of less than 19 miles per hour. Shall also include a wheeled device that can be stood upon by the operator, with or without handlebars, and with an electric motor that is capable of propelling the device with or without human propulsion.

SKATEBOARD — any board with wheels fixed to the bottom of either end, on which a person can ride in a standing or crouching position and propel themselves by foot.

3. Low-speed electric bicycles or low-speed electric scooters.

Any use of low-speed electric bicycles or low-speed electric scooters shall be in accordance with applicable federal and state laws, including but not limited to N.J.S.A. 39:4-14.16 and any amendments to such.

4. Safety rules and regulations for low-speed electric bicycles and low-speed electric scooters.

A. It shall be unlawful for any person to ride or operate a low-speed electric bicycle or a low-speed electric scooter upon the public rights-of-way in the Borough of North Arlington, unless such person rides or operates such low-speed electric bicycle or a low-speed electric scooter in accordance with the following rules and regulations:

(1) Lights and reflectors. Every low-speed electric bicycle or low- speed electric scooter when in use at 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 lamp on the rear which shall emit a red light visible from a distance of at least 500 feet to the rear.

(2) Audible signal device. No person shall operate a low-speed electric bicycle or a low-speed electric scooter with handlebars unless it is equipped with a device capable of giving a signal audible for a distance of at least 100 feet, except that such device shall not be equipped with, nor shall any person use upon such a device, any siren or whistle.

(3) Positions of hands and feet. A person propelling or riding a low-speed electric bicycle or a low-speed electric scooter shall not ride other than upon or astride a permanent and regular seat attached thereto or in an upright position on a designated platform(s), nor shall any trick or fancy riding be performed.

(4) Hitching on vehicles prohibited. No person riding upon any low-speed electric bicycle

or a low-speed electric scooter shall attach to any vehicle or moving device, and no operator of any vehicle or moving device shall knowingly allow any person riding upon a low-speed electric bicycle or a low- speed electric scooter to attach the same or themselves to such.

(5) Keeping to the right; passing; paths.

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

(b) Persons riding on a low-speed electric bicycle or a low-speed electric scooter shall ride in single file, except on paths or parts of roadways set aside for the use of such devices.

(c) Wherever a usable path for a bicycle has been provided adjacent to a roadway, low-speed electric bicycle or low-speed electric scooter riders can use such path.

(6) Rights and duties of persons on low-speed electric bicycles or low-speed electric scooters. Every person riding a low-speed electric bicycle or a low-speed electric scooter upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by Chapter 4 of Title 39 of the New Jersey Revised Statutes, and all supplements thereto, except as to those provisions thereof which, by their nature, can have no application. In particular, any person operating a low-speed electric bicycle or a low-speed electric scooter shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(7) Riding on sidewalks.

(a) No person shall ride a low-speed electric bicycle or a low-speed electric scooter upon any sidewalk within the Borough of North Arlington, or where signs prohibit the same.

(b) The Police Department is hereby authorized to erect signs on any roadway or sidewalk within the Borough of North Arlington where it is deemed necessary to prohibit the riding of low-speed electric bicycles or low-speed electric scooters thereon by any person; and when such signs are in place no person shall disobey the same.

(8) Carrying articles. No person operating a low-speed electric bicycle or a low-speed electric scooter shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.

(9) Parking. No person shall park a low-speed electric bicycle or a low-speed electric scooter upon a street, except where an appropriate rack or spots are provided. All low-speed electric bicycles or low-speed electric scooters, when parked on sidewalks, shall be parked only in such manner as not to obstruct or impede the normal movement of pedestrian or other traffic or access to adjacent buildings.

(10) Speed. No person shall operate a low-speed electric bicycle or a low-speed electric scooter at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race.

(11) Reckless or careless riding. No person shall ride a low-speed electric bicycle or a low-speed electric scooter in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.

(12) Carrying passengers. No person operating a low-speed electric bicycle or a low-speed electric scooter shall allow another person to ride as a passenger, unless the passenger is carried in a proper bike 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; and the passenger is wearing a properly fitted and fastened helmet meeting the standards set forth in N.J.S.A. 39:4- 10.1.

B. The Police Department is hereby authorized to promulgate, with the approval of the Mayor and Borough Council, such further rules and regulations concerning registration, operation, equipment and safety of low-speed electric bicycles and low-speed electric scooters as deemed necessary from time to time.

5. Safety rules and regulations for bicycles and skateboards.

A. It shall be unlawful for any person to ride or operate a bicycle or skateboard upon the public rights-of-way in the Borough of North Arlington, unless such person rides or operates such bicycle in accordance with the following rules and regulations:

(1) Lights and reflectors on bicycles. Every bicycle when in use at 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 lamp on the rear which shall emit a red light visible from a distance of at least 500 feet to the rear. In addition to the red lamp, a red reflector may be mounted on the rear, of a type approved by the New Jersey Motor Vehicle Commission, which shall be visible from all directions from 50 feet to 300 feet to the rear when directly in front of the lawful upper beams of the headlamps on a motor vehicle.

(2) Audible signal device. No person shall operate a bicycle 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 a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(3) Positions of hands and feet. A person propelling or riding a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall ride with feet removed from the pedals or with both hands removed from the handlebars, nor shall there be any trick or fancy riding.

(4) Brakes. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(5) Hitching on vehicles prohibited. No person riding upon any bicycle or skateboard shall attach to any vehicle or moving device upon a roadway, and no operator of any vehicle shall knowingly allow any person riding upon a bicycle to attach to any vehicle or moving device.

(6) Keeping to the right; passing; paths.

(a) Every person operating a bicycle or skateboard upon a roadway, unless upon a one-way street, shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles shall ride in single file, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding skateboards shall travel no more than two abreast when traffic is not impeded.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway,

bicycle riders shall use such path and shall not use the roadway or sidewalk.

(7) Rights and duties of persons on bicycles and skateboards. Every person riding a bicycle or skateboard upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by Chapter 4 of Title 39 of the New Jersey Revised Statutes, and all supplements thereto, except as to those provisions thereof which by their nature can have no application. In particular, any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(8) Riding on sidewalks.

(a) No person shall ride a bicycle or skateboard upon any sidewalk in a business district within the Borough of North Arlington, or where signs prohibit the same.

(b) The Police Department is hereby authorized to erect signs on any roadway or sidewalk within the Borough of North Arlington where it is deemed necessary to prohibit the riding of bicycles thereon by any person; and when such signs are in place no person shall disobey the same.

(c) The Police Department is hereby authorized to erect signs on any sidewalk within the Borough of North Arlington where it is deemed necessary to prohibit the riding of skateboards thereon by any person. The Police Department may also erect such signs on any roadway where the use of skateboards has been specifically banned by Borough Ordinance identifying said roadway. No person shall disobey such a sign.

(c) Whenever any person is riding a bicycle upon a sidewalk or pedestrian right-of-way, such person shall ride in single file only, yield the right-of-way to any pedestrian and give an audible signal before overtaking and passing any pedestrian.

(9) Carrying articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.

(10) Parking. No person shall park a bicycle upon a street except where a bicycle rack is so provided. All bicycles, when parked on sidewalks, shall be parked only in such manner as not to obstruct pedestrian traffic or access to adjacent buildings.

(11) Speed. No person shall operate a bicycle or skateboard at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race.

(12) Reckless or careless riding. No person shall ride a bicycle or skateboard in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.

(13) Carrying passengers. No person operating a bicycle shall allow another person to ride as a passenger on a bicycle unless the passenger is carried in a proper bike seat, trailer or other bicycle accessory that complies with the Snell Memorial Foundation, the Safety Equipment Institute, or the United States Consumer Product Safety Commission, and contains adequate provision for retaining the passenger in place and for protecting the passenger from moving parts of the bicycle; and such bike seat, trailer or other bicycle accessory is used in accordance with manufacturer's age and weight requirements and limitations; and the passenger is wearing a properly fitted and fastened helmet meeting the standards set forth in N.J.S.A. 39:4-10.1.

B. No one under 17 years of age may operate or ride upon a bicycle or skateboard without wearing a properly fitted and fastened helmet which meets the requirements set forth in N.J.S.A. 39:4-10.1, specifically the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standard) or subsequently issued standards or supplements.

C. The Police Department is hereby authorized to promulgate, with the approval of the Mayor and Borough Council, such further rules and regulations concerning registration, operation, equipment and safety of bicycles and skateboards as deemed necessary from time to time, except that pursuant to N.J.S.A. 39:4-10.10a, the Police Department may not ban the use of skateboards on any particular street unless said street is specifically designated as such by Borough Ordinance.

6. Renting, hiring or leasing of bicycles, skateboards, low-speed electric bicycles or low-speed electric scooters to the public.

All persons who rent, hire or lease bicycles, skateboards, low-speed electric bicycles or low-speed electric scooters in the Borough of North Arlington shall maintain proper registration tags and licenses for each bicycle, low- speed electric bicycle or low-speed scooter and keep each bicycle, skateboard, low-speed electric bicycle or low-speed electric scooter in a safe operating condition, and shall advise the persons using said bicycles, skateboards, low-speed electric bicycles or low-speed electric scooters of the regulations for use in the Borough of North Arlington by posting a copy of this chapter in a conspicuous place where said vehicles are rented, hired or leased.

7. Safety programs.

The Police Department is hereby authorized to provide within the Borough of North Arlington a bicycle, skateboard, low-speed electric bicycle and low-speed electric scooter program, individually or in concert with the Board of Education of the Borough, the Motor Vehicle Commission, the County of Bergen or any other governmental, volunteer or service organization. Such programs may include lectures, courses in traffic safety, inspection programs and distribution of informational material relating to bicycle, skateboard low-speed electric bicycle or low-speed electric scooter safety.

8. Incorporation of legislative provisions herein.

This chapter incorporates the provisions of New Jersey Revised Statutes 39:4-10 through 39:4-14.16, and further supplements said provisions.

9. Riding prohibited in parks.

The riding of bicycles, skateboards, low-speed electric bicycles or low-speed scooters shall be prohibited in public parks in the interest of safety. Designated bicycle paths and public pathways shall be excluded from this prohibition.

10. Streets where skateboarding is prohibited.

The use of skateboards is specifically prohibited on the following public streets and roadways within the Borough of North Arlington:

11. Violations and penalties.

A. Juvenile operators.

(1) Upon failure to comply with or violation of any of the provisions of this chapter, or with any other safety regulation promulgated by the Police Department, except for violations of §5A(13) or §5B, a juvenile operator shall be issued a verbal warning by the enforcing officer of the nature of the violation and a notation of such may be made in the Department's files. If deemed warranted, the juvenile's parent or legal guardian may also be notified. Upon second and subsequent offenses, the juvenile's parents or guardians shall be notified of the violations, and the notifying officer shall advise the parents or guardians of the importance and need for safe bicycling and riding practices. The juvenile and the parents or legal guardians may be liable for a fine not to exceed $100 and/or a period of community service.

(2) For any violations of § 5A(13) or § 5B involving the lack of a proper safety helmet, the juvenile shall be warned of the violation by the enforcing official. The parents or legal guardians of that juvenile may also be fined a maximum of $25 for the juvenile's first offense, and a maximum of $100 for a subsequent offense if it can be shown that the parents or guardians failed to exercise reasonable supervision or control over the juvenile's conduct. Penalties for failure to wear a safety helmet may be waived if the juvenile or their parents or legal guardians present suitable proof that an approved helmet was owned at the time of the violation or subsequently purchased.

B. Adult operators. Any person 18 years of age or older found in violation of any provision of this chapter or any safety regulation promulgated by the Police Department shall be subject to a fine not to exceed $500 at the discretion of the Judge before whom such person is convicted.

C. Any person or business association engaged in renting, hiring or leasing bicycles, low-speed electric bicycles or low-speed electric scooters in the Borough of North Arlington found to be in violation of § 6 of this chapter shall be issued a summons and may be subject to a fine not to exceed $500, at the discretion of the Judge before whom such person is convicted.

D. Enforcement of this chapter may be completed by the North Arlington Police Department.

12. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this chapter are hereby repealed as to said inconsistencies or conflicts.

13. Severability.

If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

14. Enactment.

This Ordinance shall take effect immediately upon passage and publication as required by law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: August 10, 2023

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, July 13, 2023, THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON August 10, 2023 at 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk