

**ORDINANCE OF THE TOWNSHIP OF BELLEVILLE
ESSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 35-23

DATE OF INTRODUCTION: 8/15/23 DATE OF ADOPTION: 9/12/23
Legal Advertisement: 8/24/23 Legal Advertisement: 9/21/23

TITLED:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 – POLICE REGULATIONS,
ARTICLE 49 – ROLLER SKATES, IN-LINE SKATES, SKATEBOARDS, BICYCLES, AND ELECTRIC
SCOOTERS, DIRT BIKES AND ALL-TERRAIN VEHICLES**

WHEREAS, in accordance with N.J.S.A. §39:3C-35, the New Jersey State Legislature has authorized municipalities to declare that the unlawful operation of an all-terrain vehicle or dirt bike on any public street, highway, or right-of-way is an immediate threat to public health, safety, and welfare, and to designate the all-terrain vehicle as contraband subject to forfeiture pursuant to New Jersey law; and

WHEREAS, the Township finds it prudent to impose regulations on certain establishments to minimize the detrimental effects of illegally operated ATVs and off-road vehicles within the Township of Belleville and to further protect the public peace and good order.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Belleville that Chapter 3 – Police Regulations shall be amended as follows:

**3-49 ROLLER SKATES, IN-LINE SKATES, SKATEBOARDS, BICYCLES, AND ELECTRIC SCOOTERS,
DIRT BIKES AND ALL-TERRAIN VEHICLES**

3-49.1 Definitions.

ALL-TERRAIN VEHICLE OR ATV means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three and six non-highway tires, which vehicles, by their nature and design, are not intended to be used and operated along paved roads and highways but are intended, rather, to be operated off-road, in or upon dirt, sand, mud or similar conditions and to traverse hills, trails and similar type areas, but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, a county, a municipality, or

a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee's, agent's, member's or technician's official duties.

BICYCLE means a vehicle propelled by human power upon which a person may ride, having two (2) tandem wheels, either of which is twelve (12) inches or more in diameter, and may be any vehicle generally recognized as a bicycle though equipped with two (2) front or rear wheels. A "commercial bicycle" is a bicycle owned or operated by (1) a business to deliver food or goods, or (2) used as part of "bike share service or program."

BUSINESS DISTRICT means an area that is zoned for retail use.

BICYCLE PARKING RACK means a stationary fixture to which a bicycle can be securely attached to prevent theft.

DIRT BIKE means any two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

ELECTRIC SCOOTER (E-SCOOTER): a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion.

FURNITURE ZONE: the section of the sidewalk between the curb and a pedestrian through zone in which street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, tree pits, and bicycle parking are provided, according to the Urban Design Guide of the National Association of City Transportations Officials.

PRIVATE ELECTRIC SCOOTER: any electric scooter owned and operated by a private individual.

ROLLER SKATES: a pair of devices worn on the feet with sets of wheels attached, regardless of the number or placement of those wheels, and used to slide or propel the user over ground.

SCOOTER: a platform low to the ground and mounted on wheels, regardless of the number or placement of those wheels, with a steering column attached to the front axle, and used to slide or propel the user across the ground. The scooter may or may not have a seat.

SHARED USE PATH: any paved pathway in the public right-of-way that supports multiple recreation and transportation opportunities, such as walking, bicycling, and inline skating, excluding trails and walkways located in Township parks.

SKATEBOARD: a platform low to the ground and mounted on wheels, regardless of the number or placement of those wheels, and used to slide or propel the user over the ground.

SNOWMOBILE: any motor vehicle, designed primarily to travel over ice or snow of a type which uses sled type runners, skis, an endless belt tread, cleats, or any combination of these or other similar means of contact with the surface upon which it is operated.

STORAGE FACILITY: real property designed and used for the purpose of renting or leasing individual storage space to individuals or entities who are to have access to the space for the purpose of storing personal property.

3-49.2 Bicycle riders subject to traffic regulations:

- A. Riding bicycles on business district public sidewalks prohibited; riding bicycles on public sidewalks in areas outside of business districts prohibited, except for minors age nine (9) and under; use of bicycle lanes in public bicycle parking racks regulated; and safety of cyclists.
- B. All persons operating bicycles shall have all the rights and shall obey all applicable laws of the State of New Jersey and ordinances of this city, particularly those regulating traffic. Bicycle riders shall obey the same rules as the drivers of motor vehicles unless inapplicable.
 - (1) Any person operating a bicycle within a roadway shall obey the instructions of the official traffic control signs, and other control devices applicable to vehicles unless otherwise directed by a police officer.
 - (2) No person shall ride or operate a bicycle within a roadway in any direction except that permitted of vehicular traffic traveling on the same side of the roadway, or that permitted in a bike lane.
 - (3) Any person operating a bicycle within a roadway or bike lane shall stop for pedestrians in crosswalks.
- C. Every person riding a bicycle within a roadway shall ride as near to the right roadside as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction. A bicyclist may move left under any of the following conditions:
 - (1) To make a left turn from a left turn lane or pocket;
 - (2) To avoid debris, drains, or other hazardous conditions on the right;
 - (3) To pass a slower moving vehicle;
 - (4) To occupy any available lane when traveling at the same speed as other traffic;
 - (5) To travel no more than two abreast when traffic is not impeded, but otherwise ride in single file.
- D. It shall be unlawful for any person to operate or ride a bicycle in any of the following places:

- (1) On any public property where signs are posted prohibiting such use;
 - (2) On private property where a sign prohibiting bicycle riding has been posted by the owner, lessee, or person in charge of such property;
 - (3) On sidewalks in business districts;
 - (4) On sidewalks outside of business district areas, except for minors age nine (9) and under.
- E. Use of bicycle lanes. Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such person may move out of the lane under any of the following situations:
- (1) Whenever overtaking or passing another bicycle, vehicle, or pedestrian, within, the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
 - (2) When preparing for a turn at an intersection or into a private road or driveway.
 - (3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
- F. No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.
- G. In addition to bicyclists, the following are permitted to use bicycle lanes:
- (1) Individuals using roller blades, scooters, and skateboards; and
 - (2) Individuals using motorized wheelchairs with an orange safety flag at least five (5) feet above the street level; and
 - (3) Bicyclists with attached trailers for children with an orange safety flag attached to the rear of the portage vehicle at least five (5) feet above the street level.
- H. Equipment. It shall be unlawful for the driver of the bicycle to wear more than one (1) earphone attached to an audio device while operating a bicycle.
- I. Carry Articles. No person operating a bicycle shall carry any package device, or article which prevents the rider from keeping both hands upon the handlebars.
- J. Clinging to moving motor vehicles is prohibited.
- K. Lamps and equipment on bicycles:

- (1) Bicycles in use when dark shall be equipped with a lamp on the front which shall omit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from fifty (50) feet to three hundred (300) feet to the rear. A lamp omitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.
 - (2) Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.,
 - (3) Bicycles shall be equipped with an audible signal to vehicles, pedestrians, and other bicyclists.
- L. No commercial bicycle shall be permitted to use any publicly-owned bicycle parking rack for a period of more than two (2) consecutive hours. Any owner of a commercial bicycle found to be in violation of this section shall be subject to a minimum fine of one hundred dollars (\$100.00) with a recommended fine of one thousand dollars.

3-49.3 Helmet Use and Safety.

- A. No one under 18 years of age may ride upon in-line skates, bicycles, roller blades, roller skates, skateboards, or similar devices without wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standard), the United States Consumer Product Safety, or the Snell Memorial Foundations 1984 Standard for Protective Headgear For Use In Bicycling Or Helmet Design For Use With Particular Device Being Used.
- B. No person operating a bicycle shall allow another person to ride a passenger on a bicycle unless (1) such person 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 provisions for retaining the person 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 (2) such passenger is wearing a properly fitted and fastened helmet meeting the standards in Section 3-49.1(A).
- C. No passenger on a bicycle shall be carried in a pack fastened to the operator.

3-49.4 Violations and Penalties.

Anyone who violates a requirement of 3-49.2 and 3-49.3 shall be warned of the violation by the enforcing official. His or her parent or legal guardian may be fined a maximum of fifty dollars (\$50.00). There shall be a presumption that the parent or guardian failed to exercise reasonable supervision or control over the persons conduct. A fine may be waived if an offender or his parent or legal guardian presents suitable proof that an approved helmet or bike seat has been purchased since the violation occurred.

3-49.5 Use restricted for roller skates, in-line skates, skateboards, electric scooters, dirt bike and all-terrain vehicles:

- A. No person may ride or use a skateboard or scooter, except as provided herein, on the streets and sidewalks of all commercially zoned districts with the Township.
- B. No person less than eighteen (18) years of age may ride or use a motorized scooter, motorized skateboard, or motorized roller skates on any roadway, sidewalk or public property with the Township of Belleville. The motor need not be engaged in order for a person to be in violation thereof.
- C. No person shall operate a dirt bike, all-terrain vehicle, or snowmobile as defined in N.J. Stat. §39:3-C-1, on public streets, highways, or rights-of-way in violation of N.J.S.A. 39:3C-17. Any all-terrain vehicle, dirt bike, or snowmobile operated on a public street, highway, or right-of-way in such a manner is declared contraband subject to forfeiture in accordance with the provisions of N.J.S.2C:64-1 et. seq.
- D. In addition, any unregistered or uninsured dirt bike, all-terrain vehicle, or snowmobile as defined in NJ State 39:3C-1 abandoned, stored, parked on a public street, sidewalk or in an alley shall be subject to impoundment in accordance with the provisions of N.J.S. 2C64-6 or may be destroyed.

3-49.6 Electric scooters; regulations:

- A. Use on roadways, bike lanes, sidewalks prohibited.
 - (1) Electric scooters may be operated in roadways, bike lanes and shared use paths (excluding trails and walkways within Township parks) through the Township, unless otherwise prohibited.
 - (2) Electric scooters may not be operated, including the starting and stopping of an electric scooter trip on the sidewalk, in Township parks, or any place exclusively for pedestrian use.
 - (3) Any individual traveling on a sidewalk with an electric scooter must dismount the electric scooter before entering the sidewalk and must walk the electric scooter along the sidewalk.

- B. No person under the age of eighteen (18) may use or operate an electric scooter.
- C. Manner of riding an electric scooter.
 - (1) Any person operating an electric scooter must have hands on the electric scooter handlebars at all times when operating the electric scooter. No rider shall physically hold any object that occupies the user's hands while handling the electric scooter.
 - (2) Any person operating an electric scooter must have feet placed firmly on the platform of the electric scooter at all times while operating the electric scooter.
 - (3) There shall be no more than one (1) individual on an electric scooter at a time.
 - (4) No individual may operate or use an electric scooter while intoxicated.
- D. Speed restriction. The speed of all electric scooters shall be limited to fifteen (15) miles per hour; however, the speed of any electric scooter shall be limited to fifteen (15) miles per hour.
- E. Time. Electric scooters shall not be operated between the hours of 11:00 p.m. and 6:00 a.m.
- F. Application of traffic laws and controls.
 - (1) Any person operating an electric scooter must yield to pedestrians in all cases including shared use paths and crosswalks.
 - (2) Any person operating an electric scooter must yield to bicycles in bicycle lanes and other shared use paths.
 - (3) Any person operating an electric scooter shall operate all electric scooters in a manner consistent with the applicable State and local laws, including but not limited to traffic laws.
 - (4) Any person operating an electric scooter must obey official traffic control signals and other traffic control devices applicable to vehicles.
 - (5) Any person operating an electric scooter must ride or operate the electric scooter in the direction permitted of vehicular traffic traveling on the same side of the roadway.
 - (6) Any person operating an electric scooter upon a roadway shall ride as near to the right hand side of the roadway as practicable.

3-49.7 Dispensing Fuel Requirements and Reporting.

- A. No gas station owner/employee operating in the Township, dispensing gas from gas pumps located on said property to the general public, shall dispense gasoline directly into an all-terrain vehicle, dirt bike, or snowmobile unless said vehicle was transported to the gas station on a properly registered vehicle, trailer, truck or other lawful means of conveyance.

- B. It is not a violation of this section if the gas station employee/owner reasonably believes that he or she would suffer physical harm by refusing to dispense or allow to be dispensed gasoline to the all-terrain vehicle, dirt bike, or snowmobile operated in a manner inconsistent with this chapter, so long as the employee/owner immediately reports the activity to the Township of Belleville Police Department once safe to do so, but in no instance longer than one (1) hour after the illegally operated all-terrain vehicle(s), dirt bike(s), or snowmobile(s) have departed the property.

3-49.8 Storage Facility Access and Reporting.

- A. It shall be unlawful for the owner of a storage facility, or its employee in the Township, to knowingly allow a person to deliver or remove an all-terrain vehicle, dirt bike, or snowmobile to or from the storage facility that is not transported on a properly registered vehicle, trailer, truck, or other lawful means of conveyance.
- B. It is not a violation of this section if the owner/employee reasonably believes that he or she would suffer physical harm if they did not allow access to the storage facility of the all-terrain vehicle, dirt bike, or snowmobile being operated in a manner inconsistent with this chapter, so long as the owner/employee reports the activity to the Township of Belleville Police Department within twenty-four (24) hours of learning about the activity.

3-49.9 Violations and penalties.

- A. Any person, except a minor, who violates this article shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine as provided in Chapter 1, General Provisions, §1-25.
- B. Any minor who violates any provision of §3-49.1 and §3-49.3 shall, upon a first offense, receive a written warning addressed to the minor's parents or guardian. The minor and the parent may also be advised that a second violation will make them liable for a fifty dollar (\$50.00) fine, and that a third or subsequent offense will make them liable to a minimum fine of one hundred dollars (\$100.00) and maximum fine of five hundred dollars (\$500.00).
- C. In addition to subsection (A) of this section, any member of the Township of Belleville Police Department who witnesses a violation of this subsection shall confiscate the motorized scooter, motorized skateboard, or motorized roller skates which shall remain in police custody until such time as the matter is adjudicated in the Municipal Court and the violator pays any fine that is ordered. Should the defendant be found guilty of the alleged violation, the vehicle will be forfeited as provided in N.J.S.A. 39:4-14.13.

- D. A police officer shall only issue a citation for a violation of any provision of §3-49.1 and §3-49.3 by a person less than fourteen (14) years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian. Such citations for violations shall only be issued to such parent or guardian.
- E. In the case of an all-terrain vehicle, dirt bike, or snowmobile, operated on public streets in violation of N.J.S.A 39:3C-17, the all-terrain vehicle, dirt bike, or snowmobile, may be impounded and subject to fees pursuant to N.J.S.A. 39:3C-35, or shall be disposed of or destroyed in accordance with the provisions of N.J.S.A. 2C-64-6.
- F. No dirt bike, all-terrain vehicle, or snowmobile impounded shall be released by the Township of Belleville Police Department to the possession of the owner thereof until such owner has submitted satisfactory proof of identity and ownership including, but not limited to, the appropriate registration and insurance for the dirt bike, all-terrain vehicle, or snowmobile and paying all outstanding fees and costs associated with the impoundment, and reasonable towing and storage costs as provided in N.J.S.A. 39:3C-35.

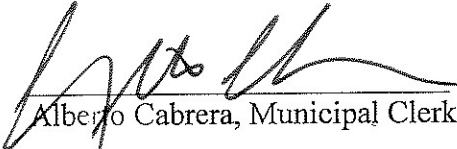
On a motion by Council Member: COZZARELLI

Seconded by Council Member: GRAZIANO

INTRODUCTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL				X
DE PEÑA	X				STRUMOLO BURKE				X
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI				X					
X - Indicates Vote				N.V. - Not Voting			AB - Absent		

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 15th day of AUGUST, 2023.


Alberto Cabrera, Municipal Clerk


Steven Martino, Township Attorney

Anthony Iacono
Manager's Office

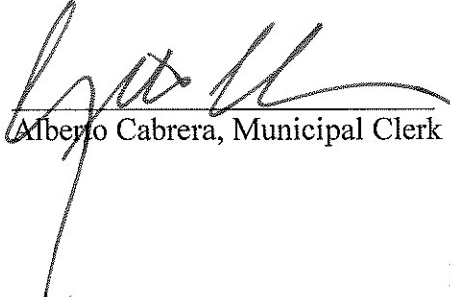
On a motion by Council Member: COZZARELLI

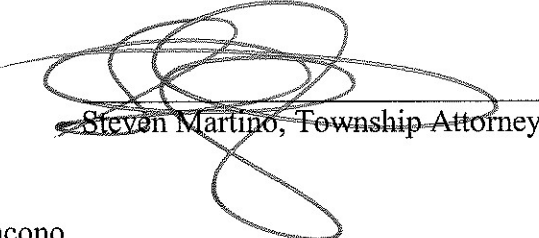
Seconded by Council Member: De PEÑA

ADOPTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL	X			
DE PEÑA	X				STRUMOLO BURKE				X
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI	X								
X - Indicates Vote			N.V. - Not Voting			AB - Absent			

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 12th day of SEPTEMBER, 2023.


Alberto Cabrera, Municipal Clerk


Steven Martino, Township Attorney

Anthony Iacono
Manager's Office