



**BOROUGH OF CALDWELL
NEW JERSEY**

ORDINANCE NO. 1456-24

**AN ORDINANCE CONCERNING ELECTRIC SCOOTERS AND ELECTRIC BICYCLES
AND AMENDING THE "CODE OF THE BOROUGH OF CALDWELL" BY ADDING ARTICLE
VIII TO CHAPTER 230 OF SAID CODE**

WHEREAS, the Borough of Caldwell has experienced an increase in the use of electric scooters and electric bicycles on its public streets, sidewalks, paths, parks and places of public business and recreation; and

WHEREAS, the use of electric scooters and electric vehicles in heavily trafficked urban areas has drastically increased the risk of serious injury to those utilizing these devices, as well as pedestrians and motorists navigating the sidewalks and roadways; and

WHEREAS, The Borough Council of the Borough of Caldwell, pursuant to its general police powers under N.J.S.A. 40:48-1, et seq., is authorized to adopt legislation to regulate activities in order to protect the health, welfare, and safety of the public within the Borough of Caldwell.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Caldwell, County of Essex, State of New Jersey, that Article VIII, entitled "Electric Scooters and Electric Bicycles" is hereby added to Chapter 230 of the Code of the Borough of Caldwell as follows:

**ARTICLE VIII ELECTRIC SCOOTER AND ELECTRIC BICYCLE
OPERATION AND PARKING**

§ 230-69 SCOPE

The provisions of this article shall apply whenever an electric scooter or electric bicycle is operated upon any street or upon any public way within the Borough of Caldwell, subject only to those exceptions stated in this article. Where the provisions of this article contradict and/or overlap with any state laws, the state law shall govern.

§ 207-70 DEFINITIONS

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

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.

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.

PRIVATE ELECTRIC SCOOTER OR ELECTRIC BICYCLE

Any electric scooter or electric bicycle owned and operated by a private individual.

SHARED ELECTRIC SCOOTER OR ELECTRIC BICYCLE

Any electric scooter or electric bicycle owned by a company permitted to offer publicly accessible electric scooters or electric bicycles through a pay-per-ride or subscription program.

USER

Any person who is operating an electric scooter or electric bicycle.

§ 207-71 APPLICATION OF TRAFFIC LAWS TO ELECTRIC SCOOTERS AND ELECTRIC BICYCLES

Every person riding an electric scooter or electric bicycle 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 the laws of this state and the traffic provisions of this Code applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

§ 207-72 ELECTRIC SCOOTER AND ELECTRIC BICYCLE REGULATIONS

A. Obedience to Traffic Control Devices

1. Any person operating an electric scooter or electric bicycle shall obey the instructions of official traffic control signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
2. Whenever authorized signs are erected indicating that a turning movement is restricted, no person operating an electric scooter or electric bicycle shall disobey the direction of any such sign, except where that person dismounts from the electric scooter or electric bicycle to make the turn in which event such person shall then obey the regulations applicable to pedestrians.
3. No person shall ride or operate an electric scooter or electric bicycle in any direction except that permitted of vehicular traffic traveling on the same side of the roadway.
4. Any person operating an electric scooter or electric bicycle shall stop for pedestrians in crosswalks.

B. Riding on Roadways and Bicycle Paths Generally

1. Every person operating an electric scooter or electric bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction, unless an exclusive bicycle lane is provided.
2. Persons riding an electric scooter or electric bicycle upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. Whenever a bicycle lane has been established on a roadway, any person operating an electric scooter or electric 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 a person may move out of the lane under any of the following situations:
 - a. Whenever overtaking or passing another electric scooter, electric bicycle, 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.
 - b. When preparing for a turn at an intersection or into a private road or driveway.
 - c. When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

C. Helmets are required for anyone under 17 years of age riding an electric bicycle or an electric scooter.

D. Manner of Riding an Electric Scooter or Electric Bicycle. No electric scooter or electric bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

E. Speed Restrictions. No person shall operate an electric scooter or electric bicycle at a speed greater than is reasonable and prudent under the condition then existing provided it does not exceed 20 miles per hour.

F. Yielding Right-of-Way from a Bicycle Path. Every person operating an electric scooter or electric bicycle on a bike path that is about to enter or cross a roadway shall yield the right-of-way to all

traffic on such roadway.

- G. Leaving Bicycle Lanes. No person operating an electric scooter or electric bicycle shall leave the bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.
- H. Electric Scooters and Electric Bicycles Emerging from Alleys or Driveways; Yielding Right-of-Way. The operator of an electric scooter or electric bicycle emerging from an alleyway, driveway, or building shall, upon approaching a sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians or bicyclists approaching on the sidewalk or sidewalk area. Upon entering the roadway, the user shall yield the right-of-way to all vehicles approaching on the roadway.
- I. Clinging to Vehicles Prohibited. No person riding upon an electric scooter or electric bicycle shall attach the same to any streetcar or vehicle upon the roadway.
- J. Riding on Sidewalks.
 - 1. No person shall ride an electric scooter or electric bicycle upon a sidewalk, which is defined in N.J.S.A. 39:1-1 as "that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line."
 - 2. Any person traveling with an electric scooter or electric bicycle on the sidewalk shall dismount before entering the prohibited areas and walk the electric scooter or electric bicycle along the sidewalk.
 - 3. No person shall start or stop riding an electric scooter or electric bicycle on the sidewalk.
- K. Carrying Articles. No person operating an electric scooter or electric bicycle shall carry any package, bundle, or article which prevents the user from keeping both hands upon the handlebars.
- L. Parking. No person shall park an electric scooter or electric bicycle upon a street other than upon the roadway against the curb or in a designated bicycle, electric scooter, or electric bicycle parking area or upon the sidewalk in a rack to support the electric scooter or electric bicycle, or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.
- M. Lamps and Equipment on Electric Scooters and Electric Bicycles
 - 1. Electric scooters and electric bicycles 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 with a lamp emitting a red light visible from a distance of 500 feet to the rear.
 - 2. An electric scooter or electric bicycle shall not be equipped with, nor shall any person use, any siren or whistle upon an electric scooter or electric bicycle.
 - 3. Electric scooters and electric bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
 - 4. Electric scooters and electric bicycles shall be equipped with a bell or other audible signal for the purposes of overtaking and passing any pedestrians, bicycles, or other electric scooters.
 - 5. Electric scooters and electric bicycles shall be equipped with a kick stand to prevent them from toppling over when parked.
- N. Electric Scooter and Electric Bicycle Parking, Generally.
 - 1. Electric scooters and electric bicycles are permitted to be secured at the bicycle racks in the Borough for up to seven consecutive days without being utilized.
 - 2. Electric scooters and electric bicycles shall be parked in designated electric scooter and electric bicycle parking areas if they are available and advertised as such by either signage, pavement markings, or racks.
 - 3. Electric scooters and electric bicycles may be attached or secured to the bicycle rack with a U-lock, chain lock, or any type of lock made specifically for bicycles. No person shall attach or secure an electric scooter or electric bicycle to any fixed object not suited for electric

scooter or electric bicycle parking. No person shall leave an electric scooter or electric bicycle lying on or standing upon the sidewalk in such a manner as to hinder or impede pedestrians.

O. Abandonment of Electric Scooters and Electric Bicycles, Generally

1. An electric scooter or electric bicycle may be deemed abandoned by the Borough if:
 - a. It has been parked for a period of seven or more consecutive calendar days in the same location; or
 - b. It appears visually to be in a state of prolonged disuse such that it has deflated tires, damaged or missing equipment making it inoperable, accumulated leaves and debris associated with it; or
 - c. 75% or more of the electric scooter or electric bicycle is rusted; or
 - d. It is found in any other condition in which an electric scooter or electric bicycle would be deemed abandoned.
2. It shall be unlawful for any person to abandon any electric scooter or electric bicycle within the Borough.
3. In the event that an electric scooter or electric bicycle is deemed to be abandoned by the Borough, the Borough shall have the authority to place an abandoned notice, in the form of an adhesive sticker, on the electric scooter or electric bicycle itself to notify the owner that said electric scooter or electric bicycle is deemed to be abandoned pursuant to this subsection and that it will be removed and disposed of if not removed.
4. The notice in the form of an adhesive sticker shall state the following:
 - a. The date after which the electric scooter or electric bicycle may be removed if the owner/user does not remove and reclaim it; and
 - b. The name and contact information for a Borough representative to contact in case the electric scooter or electric bicycle has been mistakenly identified as abandoned.
5. Once an abandoned notice sticker has been placed on the electric scooter or electric bicycle, the owner of the electric scooter or electric bicycle shall have 14 calendar days as set forth on the notice sticker to remove the electric scooter or electric bicycle from the location. If it is not removed within the fourteen-calendar-day notice period as provided on the sticker, it may thereafter be removed from its location by any means necessary and disposed of by the Borough in accordance with the law.

P. Shared Electric Scooter and Electric Bicycle Rental Restriction. The shared electric scooter or electric bicycle user shall be the same person who made the rental reservation. No person shall rent a shared electric scooter or electric bicycle for another user.

Q. Electric Scooter and Electric Bicycle Charging. No electric scooter or electric bicycle battery shall be recharged in the public right-of-way without prior written authorization from the Borough.

R. Electric Scooter and Electric Bicycle Disposal. All electric scooters and electric bicycles shall be disposed of in a manner in accordance with state and federal regulations as they relate to hazardous materials disposal.

S. All operators of electric scooters and electric bicycles shall certify once (at the time of sign-up for an electric scooter program), prior to riding, that they have read the state law (N.J.S.A. 39:1-1 et seq.) and the herein ordinance governing electric scooter and electric bicycle use.

T. Electric scooters and electric bicycles shall not be operated within the public parks and riders must dismount from the electric scooter or bicycle and walk it if necessary to traverse the park to reach their desired destination.

§ 207-73 VIOLATIONS AND PENALTIES

A. Except as detailed in Subsection B below, in the event that any individual violates the terms of this article, he/she shall be subject to a fine in the Municipal Court of the Borough of Caldwell in

the amount no greater than \$100 for a first offense, no more than \$200 for the 2nd offense, and \$500 for any subsequent offenses.

BE IT FURTHER ORDAINED THAT all provisions of this ordinance are severable. If for any reason, any provision of this ordinance is held to be invalid, the validity of the remainder of the ordinance shall not be affected.

This ordinance shall take effect upon final passage and publication thereof required by law.

DATE OF INTRODUCTION: **March 5, 2024**

DATE OF ADOPTION: **March 19, 2024**

FIRST: Council President Brown

FIRST:

SECOND: Councilwoman Buechner

SECOND:

RECORD OF COUNCIL VOTE

_____ presented the following Ordinance- Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Buechner						Daniolowicz				
Alonso						Jurgensen				
Brown						Rodeffer				

Brittany Heun, Deputy Clerk

Garrett Jones, Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.