

INTRODUCED BY _____
SECONDED BY _____

INTRODUCTION _____
HEARING _____
ADOPTION _____

**BOROUGH OF CLIFFSIDE PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE 2023-17

WHEREAS the Mayor and Council of the Borough of Cliffside Park recognize that the safety of all residents, visitors, cyclists and children is of paramount concern, and that low-speed electric bicycles and scooters are increasing in popularity and are used as alternate forms of transportation; and

WHEREAS, the New Jersey Legislature recent adopted legislation, including changes to N.J.S.A. 39:1-1 and N.J.S.A. 39:84-14.16 permitting and regulating electric bicycles (“e-bikes_ and adding new regulations for electric scooters (e-scooters); and

WHEREAS, given the intense density and urban character of the County, the Mayor and Council believe that a Ordinance should be adopted and implemented, which will encompass low speed electric bicycles and scooters and the importance of responsible riding and enforcement in light of current legislation, which is warranted for the health, safety and welfare of its residents including those who operate e-bikes and e-scooters.

NOW THEREFORE BE IT ORDAINED, that the Council of Cliffside Park does hereby adopt the following:

§ ____-01 Definitions

Low-Speed Electric Bicycle/Electric Scooter

Any electric bicycle or electric scooter with a motor less than 750 watts is classified as a “low-speed electric bicycle/scooter”

§ ____-02 Title 39 Obligation

Every person riding a low-speed electric bicycle or low-speed electric scooter upon a municipal or county roadway located within the Borough of Cliffside Park shall be granted all the rights and shall be subject to all the duties and penalties applicable to the driver of a vehicle under N.J.S.A. Title 39. Specifically, any person operating a low-speed bicycle or low-speed electrical scooter shall obey all State and Municipal traffic control signals, signs, or other control devices applicable to vehicles unless otherwise directed by a police officer.

§ ____-03 Prohibited Vehicles

Any electric bicycle or electric scooter with an electric motor greater than 750 watts is not to be considered a “low speed” electric bicycle/scooter and shall be effectively prohibited from

operation in the Borough of Cliffside Park, unless such vehicle is specifically authorized by the Motor Vehicle Statutes of the State of New Jersey and is properly registered and insured and operated by a licensed operator.

§ _____-04 Vehicle Requirements

(A) Reflective Equipment

Every low-speed bicycle and low-speed scooter, when operated at nighttime, shall be equipped with a lamp on the front of the vehicle, which shall emit a white light visible from a distance of at least five hundred (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 five hundred (500) feet to the rear. In addition, red reflectors shall be mounted on low-speed electric bicycles or low speed electric scooters, which shall be visible from all distances from fifty (50) feet to three hundred (300) feet when directly in front of a lawful headlamp of a motor vehicle.

(B) Horn or Bell

Every low-speed bicycle or low-speed scooter shall be equipped with a bell or other device capable of giving an audible signal for a distance of at least one hundred (100) feet.

§ _____-05 Vehicle Restrictions and Regulations

(A) Control of the Low-Speed Electric Bicycle/Scooter

The person propelling or riding the low-speed electric bicycle/scooter shall not ride with their feet removed from the pedal/footrests, or with hands removed from the handlebars, nor shall they practice any “trick riding” or hazardous stunts on any streets.

(B) Passengers

No person operating a low-speed electric bicycle/scooter shall allow another person to ride as a passenger unless the passenger is carried in proper bike seat, trailer, or other accessory that complies with State regulations 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

(C) Helmets

All persons operating a low-speed electric bicycle/scooter shall wear helmets pursuant to New Jersey State Statutes.

(D) Driving Restrictions

(1) No person riding upon any low-speed electric bicycle/scooter shall attach the same or themselves to any vehicle, bus, or truck, on a Municipal or County Roadway, and no

operator of any vehicle, bus or truck operating on any Municipal or County Roadway shall knowingly permit any person riding upon a low-speed electric bicycle/scooter to hitch themselves in a tow-like manner to the vehicle, bus or truck;

(2) No person shall operate a low-speed electric bicycle/scooter on any Municipal Sidewalk or pedestrian right-of-way;

(3) No person shall operate a low-speed electric bicycle/scooter while carrying any package, bundle, container, or article which prevents the rider/operator from keeping both hands upon the handlebars;

(4) No person shall operate a low-speed electric bicycle/scooter at speeds that exceed 20 miles per hour (mph);

(5) No person shall operate a low-speed electric bicycle/scooter in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property;

(E) Vehicle Storage

No person shall, for any reason whatsoever, store, leave or bring a low-speed electric bicycle/scooter inside any commercial or multi-family buildings, Municipal buildings, or residential apartment buildings at any time, excepting that the low-speed electric bicycle/scooter may be left or stored in commercial or residential garages;

(F) Charging

(1) No person shall charge or connect the low-speed electric bicycle/scooter into any electrical power source located within any commercial or multi-family buildings, Municipal Buildings, or residential apartment buildings at any time, excepting low-speed electric bicycle/scooter may be charged in either commercial or residential garages subject to obtaining written approval from the Municipal Fire Code Officials who shall examine the charging equipment and issue a permit, only if the charging station is "UL" (Underwriters Laboratory) approved.

(2) The charging inspection fee shall be waived if the property owner voluntarily submits the charging unit for inspection;

(3) If the charging unit is not voluntarily submitted for inspection to the Fire Code Official, a one-time fee will be issued in the amount of Three Hundred Dollars (\$300.00). This fee may be modified by Council Resolution.

§ ____-06 Enforcement

This Ordinance authorizes the Borough of Cliffside Park Police Department and/or Fire Code Official, respectively, to issue Title 39 and/or Ordinance violation summonses for violators of any Title 39 and/or Ordinance provisions.

§ ____-07 Penalties

(A) Any violation of this Ordinance by an operator of a low-speed electric bicycle/scooter shall be considered a separate violation of this Ordinance by such person;

(B) Each violation of this Ordinance by an operator of a low-speed electric bicycle/scooter shall be subject to the following penalties:

First Offense	\$250.00 penalty plus Court Costs
Second Offense	\$500.00 penalty plus Court Costs
Third and Subsequent Offense	Penalties not less than \$500.00 and no more than \$1,000.00 plus, at the Magistrate's discretion, confiscation of the low-speed electric bicycle/scooter

Additionally, any and all Title 39 penalties will be enforced as adjudicated.

§ ____-08 Impounding

(A) Upon the issuance of a Summons by the Borough of Cliffside Park Police Department to a person operating a low-speed electric bicycle/scooter, for violation of any regulation contained herein, the Cliffside Park Police Department shall impound the low-speed electric bicycle/scooter and place same in storage, subject to the adjudication of the provisions contained in this Ordinance;

(B) Once a low-speed electric bicycle/scooter is impounded by the Cliffside Park Police Department for violation of any provision contained herein, while the operator is pending Municipal Court Appearance, the Court may assess a storage fee of \$10.00 per day, which fee must be paid concurrently with the imposed penalties. If the operator of the low-speed electric bicycle/scooter is acquitted of all Summonses, the storage fee shall be waived.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED _____, **2023**

ADOPTED _____, **2023**

ATTEST:

APPROVED:

Sercan Zoklu, Borough Clerk

Thomas Calabrese, Mayor