

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2024-14**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVE, COUNTY OF MONMOUTH, SUPPLEMENTING CHAPTER 7 “VEHICLES AND TRAFFIC” OF THE BOROUGH’S REVISED GENERAL ORDINANCES BY ADDING SECTION 43, “LOW-SPEED ELECTRIC BICYCLES AND LOW-SPEED ELECTRIC SCOOTERS”

WHEREAS, the governing body of the Borough of Fair Haven has observed that there has been a substantial increase in the number of persons, many of whom are juveniles, operating low speed electric bicycles and similar motorized devices, and are operating them in locations and in a manner that present dangers to themselves, pedestrians, and other motorists; and

WHEREAS the Mayor and Council of the Borough of Fair Haven 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 Mayor and Council find it to be in the best interests of the Borough residents to implement certain measures and guidelines 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 by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

SECTION 1. Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**CHAPTER 7
VEHICLES AND TRAFFIC
* * ***

§ 43 Electric Bicycles and Scooters

§ 43.1 Intent and Purpose

The purpose and intent of this section is to establish regulations and guidelines for the operation of low-speed electric bicycles and low-speed electric scooters within the Borough of Fair Haven. It is not primarily intended to penalize individuals who operate electric bicycles or scooters 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, the safety and welfare of motorists and pedestrians, and to make riding an enjoyable experience.

§ 43.2 Definitions

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

LOW-SPEED ELECTRIC BICYCLE (“E-BIKE”)

A two- or three-wheeled vehicle with fully operable pedals and/or an electric motor that meets the requirements of one of the following classifications:

- a. “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

- b. “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 (“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 at a maximum speed of less than 19 miles per hour.

MOTORIZED BICYCLE

A pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. 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 or low-speed electric scooter as defined in this section.

§ 43.3 Rules and Regulations

- A. Reckless or Careless Operation. No person shall operate a low-speed electric bicycle or low-speed electric scooter in a reckless or careless manner which endangers, or is likely to endanger, the safety or welfare of the person, other persons, or property.
- B. Duties of Persons on Low-Speed Electric Bicycles and Low-Speed Electric Scooters. Every person operating a low-speed electric bicycle or 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. Operators of a low-speed electric bicycle or low-speed electric scooter 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.
- C. Telephone Use Prohibited. No person shall use a wireless telephone or electronic communication device while operating a low-speed electric bicycle or low-speed electric scooter except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation and the operator exercises a high degree of caution.
- D. Speed Restrictions. No person shall operate or use a low-speed electric bicycle or low-speed electric scooter at a speed faster than is reasonable or prudent, taking into account the presence of traffic and/or pedestrians in the area.
- E. Lights and Reflectors. Every low-speed electric bicycle and low-speed electric scooter shall have a reflector on the front and the back. 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.

- F. Audible sound/Signal. No person shall operate a low-speed electric bicycle or low-speed electric scooter 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 or low-speed electric scooters shall not be equipped with, nor shall any person use upon a low-speed electric bicycle or low-speed electric scooter any siren or whistle.
- G. Helmet. A person under 17 years of age shall not operate, or ride upon a low-speed electric bicycle or low-speed electric scooter as a passenger, unless that person is wearing a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling. This requirement shall apply to a person under the age of 17 who rides upon a low-speed electric bicycle or low-speed electric scooter while in a restraining seat which is attached to the low-speed electric bicycle or low-speed electric scooter.
- H. Hitching on Vehicles Prohibited. No person operating or using a low-speed bicycle or low-speed electric scooter, or other similar devices shall attach the same or themselves to any vehicle upon a roadway and no operator of any vehicle shall knowingly allow any person operating a low-speed electric bicycle or low-speed electric scooter to attach the same or themselves to the vehicle.
- I. Riding on Sidewalks Prohibited. No person shall operate a low-speed electric bicycle or low-speed electric scooter upon a sidewalk in the Borough of Fair Haven.
- J. Borough Property. Low-speed electric bicycles, low-speed electric scooters and motorized bicycles are prohibited from operating within or upon any Borough-owned property or recreation areas, including but not limited to: the Borough Dock, Fair Haven Fields, Fair Haven Fields Nature Trails and The Harding Road Bird Sanctuary.
- K. Motorized Bicycles. Motorized bicycles shall only be operated within the Borough of Fair Haven 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 riding a motorized bicycle.

§ 43.4 **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.

§ 43.5 **Enforcement**

The provisions of this section shall be enforced by the Borough of Fair Haven Police Department.

The Borough of Fair Haven Police Department is authorized to exercise discretion in the enforcement of this section. In doing so, the enforcing officer shall consider factors such as the nature and severity of the violation, the circumstances surrounding the violation, the violator's history of compliance, and the impact on public safety.

§ 43.6 **Violations and Penalties**

Any violation of this Ordinance by an operator of a low-speed electric bicycle or low-speed electric scooter shall be considered a separate violation of this Ordinance by such person.

Juvenile Operators. Any juvenile found to be in violation of the provisions of this section shall be subject to the following penalties:

- A. Upon failure to comply with or violation of any of the provisions of this section, a juvenile operator shall be issued a verbal warning by the enforcing officer of the nature of the violation and a notation of such shall be made in the Department's files and the juvenile's parent or legal guardian shall be notified.
- B. Upon second offense, a juvenile operator shall be issued a verbal warning by the enforcing officer of the nature of the violation and a notation of such shall be made in the Department's files and the juvenile's parent or legal guardian shall be notified. The low-speed electric bicycle or low-speed electric scooter shall be impounded by the enforcement officer and shall only be released to the juvenile's parent or legal guardian.
- C. Upon third and subsequent offenses, a juvenile operator's parent or legal guardian shall be summonsed for a fine of \$250. The enforcing officer shall make a notation of the nature of the violation in the Department's files and the juvenile's parent or legal guardian shall be notified. The low-speed electric bicycle or low-speed electric scooter shall be impounded by the enforcement officer and shall only be released to the juvenile's parent or legal guardian.

Adult Operators. Any persons 18 years of age or older found to be in violation of the provisions of this section shall be subject to the following penalties:

- A. For the first offense, a verbal warning of the nature of the violation shall be issued by the enforcing officer and a notation of such shall be made in the Department's files.
- B. For the second offense and any subsequent offenses thereafter, a fine of \$250. The enforcing officer shall make a notation of the nature of the violation in the Department's files.

§ 43.7 Impounding

If for any reason the enforcement officer cannot determine the name and address of the parent of any juvenile who violates the provisions of this chapter, then the low-speed electric bicycle or low-speed electric scooter shall be automatically impounded, and the offender will be summoned to appear at the Fair Haven Police Department with their parent or legal guardian, whereby a summons shall be issued for the appropriate offense.

Any parent or legal guardian who does not appear within 30 days of the impounding of the low-speed electric bicycle or low-speed electric scooter, then such device shall be forfeited and destroyed by the Borough of Fair Haven.

§ 43.8 Severability

If any provision or portion of a provision of this section 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 section shall not be invalidated.

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SECTION 2. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.


SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Introduced: 9/9/2023

Adopted: 9/23/2024

Attest:



Allyson M. Cinquegrana, RMC
Borough Clerk

Approve:



Joshua Halpern
Mayor

