

FIRST READING: May 21, 2024

ORD. NO. 68-25

2<sup>ND</sup> & FINAL READING: June 18, 2024

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII,  
TRAFFIC, OF AN ORDINANCE ENTITLED, "AN  
ORDINANCE ADOPTING AND ENACTING THE REVISED  
GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999,"  
PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER  
24, 1999, AND AS AMENDED AND SUPPLEMENTED**

Section 1. Chapter 3, section 15 entitled Skateboards shall be deleted in its entirety and replaced as follows:

## Chapter 3. Police Regulations

### § 3-15. LOW SPEED/MOTORIZED VEHICLES BICYCLES, SCOOTERS AND SKATEBOARDS.

#### § 3-15.1. Definitions.

[1979 Code § 4-28.1; Ord. No. 27-40 § 1]  
As used in this section:

##### **LOW-SPEED ELECTRIC BICYCLE**

Shall mean 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**

Shall mean 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.

##### **LOW-SPEED VEHICLE**

Shall mean a four-wheeled low-speed vehicle, as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 C.F.R. s.571.500.

##### **MOTORIZED BICYCLE**

Shall mean 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.

### **MOTORIZED SCOOTER**

Shall mean a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards and other vehicles with motors not manufactured in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. This term shall not include: electric personal assistive mobility devices, motorized bicycles, low-speed vehicles, low-speed electric bicycles, or low-speed electric scooters; or motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness.

### **MOTORIZED SKATEBOARD**

Shall mean a skateboard that is propelled otherwise than by muscular power.

### **SKATEBOARD**

Shall mean a platform or other board which is mounted on wheels or a board with roller skate wheels or other similar wheels affixed to the underside, having no mechanism or other device with which to steer or control the direction or movement while being used, operated or ridden.

## **§ 3-15.2. Use Prohibited.**

[1979 Code § 4-28.2; Ord. No. 27-40 § 1]

No person shall use, operate or ride upon any low speed vehicle, low speed electric bicycle, scooter and motorized bicycle, scooter and skateboard on any public sidewalk, and public parking lot.

## **§ 3-15.3. Forfeiture of Low Speed Vehicle, Bicycle, Scooter and Skateboard, Ramp, Track or Similar Device.**

[1979 Code § 4-28.3; Ord. No. 27-40 § 1]

a.

Any Police Officer who shall observe any person using, operating or riding upon a low speed vehicle, bicycle, scooter or skateboard in violation of this section may take possession of the low speed vehicle, bicycle, scooter or skateboard and the same shall be forfeited to the City. The City may destroy same or sell same at public auction pursuant to law.

b.

No person shall construct, build, place or use in any manner whatsoever any ramp, track or similar device or structure upon which skateboards are ridden in or upon any public property, including but not limited to any public park. For the purposes of this section, it shall be presumed that any person or persons using such a ramp, track or device are responsible for its construction or placement in violation of this section.

c.

Any Police Officer who shall observe any person constructing, building, placing or using such a ramp, track, or device in the manner described herein may take possession of same which shall be forfeited to the City. The City may destroy or sell same at public auction pursuant to law.

## **§ 3-15.4. Violations and Penalties.**

[1979 Code § 4-28.4; Ord. No. 27-40 § 1; New]

Any person who violates any of the provisions of this section shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5.

Section 2. The remaining provisions of the chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 3. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect in the manner provided by law.

PASSED: June 18, 2024

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President of Council

APPROVED: June 19, 2024

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Mayor

ATTEST:

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City Clerk

Approved as to form:

Daniel Antonelli, City Attorney