

ORDINANCE NO. 2024-01

BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH

ORDINANCE AMENDING CHAPTER 95 (PARKS AND PLAYGROUNDS) AND CREATING A NEW SECTION 129-43 (REGULATING
MOTORIZED BICYCLES) IN THE BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Neptune City, through adoption of Chapter 129 codifies the rules and regulations related to the operation of motorized vehicles in the Borough; and

WHEREAS, the Administrator and Chief of Police recommend certain amendments and additions to the Chapter 129 to regulate the operation of motorized bicycles in the Borough; and

WHEREAS, it is further necessary to amend Chapter 95 to prohibit the use of motorized bicycles in the Borough's parks and playgrounds; and

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapters 95 and 129 be amended as follows:

Deletions are noted by ~~strike-throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

Section 1:

§ 95-4 Prohibited uses.

- F. Miscellaneous acts and conduct forbidden on or within a park or playground area. No person shall:
- (1) Sleep in any motor vehicle.
 - (2) Throw a stone or other missile.
 - (3) Play any game of chance or have possession of any instrument or device for gambling.
 - (4) Sell, expose for sale or give away goods, wares or circulars, or post or display any sign, placard or advertising device.
 - (5) Play, engage in or take part in any game or competitive sport for money or other valuable thing without an authorized permit issued by the Borough Council.
 - (6) Unless authorized by law, discharge or have possession of any firearm.
 - (7) Consume or possess alcoholic beverages, except by a permit of the Borough Council.
 - (8) Make any fire at a park or playground, except at such places as may be designated by the Playground Committee and only under such conditions and restrictions as may be prescribed by said Committee.
 - (9) Cut, break, deface, defile or misuse any building, playground equipment, fence, tree, bush, plant or turf or other thing belonging to a park or playground, or any part thereof.
 - (10) Destroy, remove or carry away or have possession of any building, playground equipment, fence, tree, bush, plant, turf or other thing belonging to a park or playground or any part thereof.
 - (11) Cut into, destroy or remove any of the curbing, roadways, sidewalks or paths within a park or playground without written permission from the Borough Council.
 - (12) Operate a skateboard or ride a bicycle on the Boardwalk at Memorial Park.
 - (13) Operate a motorized bicycle, including a LSMB as defined in § 129-43.**

Section 2:

Article XII

§ 129-43 Motorized Bicycles

A. Prohibited Vehicles

- 1. Any motorized bicycle with an electric motor greater than 750 watts is not to be considered a "low-speed" motorized bicycle ("LSMB") and shall be effectively prohibited from operation in the Borough of Neptune City, unless such vehicle is specifically authorized by the New Jersey Motor Vehicle Code, and is properly registered and insured, and operated by a licensed operator.**

B. Motorized Bicycle Rules and Regulations

- 1. Rights and duties of persons on low-speed motorized bicycle: Every person riding a LSMB upon a roadway shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.**
- 2. Helmet: Persons are not permitted to operate a LSMB unless they wear a protective helmet.**
- 3. Passengers: It shall be prohibited for a person operating a LSMB to allow another person to ride as a passenger, unless the person is carried in a proper bike seat, trailer or other accessory that complies with current regulations and contains adequate provision for retaining the passenger in place and for protecting the passenger. The Passenger shall also be required to wear a properly fitted and fastened helmet pursuant to N.J.S.A. 39:4-10.1.**
- 4. Lights and reflectors: When in use during nighttime, every LSMB shall be equip with:**
 - 1. A front headlamp emitting a white light visible from a distance of at least five hundred (500) feet to the front;**
 - 2. A rear lamp emitting a red light visible from a distance of at least five hundred (500) feet to the rear;**
 - 3. In addition to the red lamp, a red reflector shall be mounted on the rear;**
- 5. Audible Signal: A LSMB must be equip with a bell or other audible device that can be heard at least one hundred (100) feet away. However, the LSMB shall not be equipped with a siren or whistle.**
- 6. Hitching on Vehicle Prohibited: No person operating a LSMB shall attach themselves to any streetcar or vehicle. Nor shall the operator of the LSMB knowingly permit any passenger to do the same.**
- 7. Feet and Hands on Pedals and Handlebars: All operators of a LSMB shall keep their feet on the pedal and both hands on the handlebars at all times. It shall be prohibited to practice or perform any trick or fancy driving.**
- 8. Operating Regulations: Every person operating a LSMB on a roadway shall ride as near to the right-side as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. An operator of a LSMB 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;**
- 9. Prohibited Locations: No person over the age of fourteen (14) shall ride a LSMB upon a sidewalk within the Borough of Neptune City, nor in any location where it is prohibited by sign.**
- 10. Carrying Items: No person operating a LSMB shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.**
- 11. Parking: No person shall park a LSMB upon a street except where an appropriate rack or spots are provided. All LSMB, when parked on sidewalks, shall be parked only in such manner as not to obstruct or impede the normal movement of pedestrian or other traffic or access to adjacent buildings.**
- 12. Speed: No person shall operate a LSMB at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race. In no event shall speed of operation exceed 20 miles per hour.**
- 13. Reckless or careless riding: No person shall ride a LSMB in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.**

C. Enforcement. The Neptune City Police Department is hereby authorized to promulgate, with the approval of the Council, such further rules and regulations concerning registration, operation, equipment and safety of LSMB as deemed necessary from time to time.

D. Business regulations.

- 1. All persons and businesses who own, rent, hire or lease LSMB in the Borough of Neptune City for the delivery of items in commerce, such as messages, parcels, food and/or other merchandise or goods, or for the delivery of items in commerce destined for the Borough of Neptune City:**
 - a. Shall keep each LSMB in a safe operating condition, and shall advise the persons using said LSMB of the regulations for use in the Borough of Neptune City;**
 - b. Shall post a copy of this chapter in a conspicuous place where said bicycles are kept, rented, hired or leased, if such location is within the Borough of Neptune City; and**
 - c. Shall ensure that any employee, agent, or contractor, while utilizing LSMB for hire by, for or on behalf of such person or business, shall wear a reflective vest, and have affixed a tag, license,**

decals or markings affixed to LSMB clearly identifying such LSMB as being operated for hire by, for or on behalf of such person or business.

2. For the purposes of this section, to "hire" includes persons or businesses whose employees or agents utilize LSMB to deliver their messages, parcels, food and/or other merchandise or good during the time such LSMB are being used for such purpose, whether or not such LSMB are owned, leased or rented by the person or business.
3. A person's or businesses' failure to comply with this section shall be considered a violation of this section.
4. Any violation of this section by an operator of a LSMB while in the hire of a person or business shall be considered a separate violation of this section by such person or business.

E. Registration requirement:

1. All persons and businesses who own, rent, hire or lease LSMB in Borough of Neptune City for the delivery of items in commerce, such as messages, parcels, food and/or other merchandise or goods, shall maintain proper registration tags and licenses for each LSMB issued by the Neptune City Police Department.
2. All persons and businesses who rent, hire or lease LSMB in the Borough of Neptune City for the delivery of items in commerce destined for the Borough of Neptune City, but that are not located within the Borough, shall comply with any municipal registration requirements applicable to LSMB that may be in force in the location where such business or person's business is based.
3. A person's or businesses' failure to comply with this section shall be considered a violation of this section.
4. Any violation of this section by an operator of a LSMB while in the hire of a person or business, shall be considered a separate violation of this section by such person or business.

F. Penalties for violations. Each person violating any provisions of this section shall, upon first conviction, be liable to a penalty of \$50, and upon a second conviction shall be liable to a penalty of \$100. No court appearance shall be required for a first or second alleged offense, but will be required for a third or subsequent alleged offense. Any third or subsequent conviction shall be liable to a penalty of at least \$100 and up to ninety (90) days community service on such terms and in such form as the court shall deem appropriate, or any combination thereof

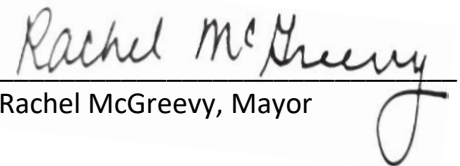
DATE INTRODUCED: March 11, 2024
DATE ADOPTED: March 25, 2024

ATTEST



Corinne DiCorcia Williams, RMC

Date: 03/25/2024



Rachel McGreevy, Mayor