

NOT ADOPTED

AN ORDINANCE AMENDING CHAPTER 64, ENTITLED BICYCLES OF THE MUNICIPAL CODE OF THE CITY OF ORANGE TOWNSHIP CREATING SECTION 64.5 ENTITLED BICYCLE REGULATIONS (Submitted by Councilmember-At-Large Adrienne Wooten)

WHEREAS, New Jersey has high rates of bicyclist injuries and fatalities according to state police data; and

WHEREAS, these rates are much higher than the national average and indicate the need to improve driving behavior and road design, and to protect vulnerable road users (people on bicycle, foot, scooter, in a wheelchair, or otherwise not in a car, bus, or truck); and

WHEREAS, bicycle laws help create safe and convenient places to ride bicycles; and

NOW THEREFORE BE IT ORDAINED that Chapter 64 of the Municipal Code of the City of Orange Township and amended and section 64.5 Entitled Bicycle Regulations is created.

SECTION 1

64.5 BICYCLE REGULATIONS

DEFINITION

Bicycle- means any two-wheeled vehicle having a rear drive wheel which is solely human powered and having a seat height of 26 inches or greater when the seat is in the lowest adjustable position.

SECTION 64.5 BICYCLE REGULATIONS

64-6 Lights on Bicycles

64-7 Audible Signal

64-8 Brakes

64- 9 Feet and Hands on Pedals and Handlebars; Carrying Another Person

64-10 Hitching on Vehicle Prohibited

64-11 Rights and Duties of Persons on Bicycles

64-12 Operating Regulations

64-13 Helmet Law

64-14 Safe Passing Law

64-6 Lights on Bicycles

When in use at nighttime every bicycle shall be equipped with: 1) A front headlamp emitting a white light visible from a distance of at least 600 feet to the front; 2) A rear lamp emitting a red light visible from a distance of at least 600 feet to the rear; 3) In

addition to the red lamp a red reflector may be mounted on the rear.

64-7 Audible Signal

A bicycle must be equipped with a bell or other audible device that can be heard at least 100 feet away, but not a siren or whistle.

64-8 Brakes

A bicycle must be equipped with a brake that can make wheels skid while stopping on dry, level, clean pavement.

64-9 Feet and Hands on Pedals and Handlebars; Carrying Another Person

Bicyclists should not drive the bicycle with feet removed from the pedals, or with both hands removed from the handlebars, nor practice any trick or fancy driving in a street. Limit passengers to only the number the bicycle is designed and equipped to carry (the number of seats it has).

64-10 Hitching on Vehicle Prohibited

No person riding a bicycle shall attach themselves to any streetcar or vehicle.

64-11 Rights and Duties of Persons on Bicycles

Every person riding a bicycle on a roadway is granted all the rights and subject to all of the duties of the motor vehicle driver.

64-12 Operating Regulations

Every person riding a bicycle on a roadway shall ride as near to the right roadside as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction. A bicyclist 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; 6) To travel no more than two abreast when traffic is not impeded, but otherwise ride in single file. Every person riding a bicycle shall ride in the same direction as vehicular traffic. In New Jersey, the law states a bicyclist must obey all state and local automobile driving laws. A parent may be held responsible for the child's violation of any traffic law.

64-13 Helmet Law

In New Jersey, anyone under 17 years of age that rides a bicycle or is a passenger on a bicycle, or is towed as a passenger by a bicycle must wear a safety helmet.

On August 1, 1998 this helmet law was extended to include roller and inline skates and skateboards. Roller skates means a pair of devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels and used to glide or propel the user over the ground.

The definition of bicycle with reference to the helmet legislation is a vehicle with two wheels propelled solely by human power and having pedals, handle bars and a saddle-like seat. The term shall include a bicycle for two or more persons having seats and corresponding pedals arranged in tandem.

All helmets must be properly fastened and fitted. Bicycle helmets must meet the federal standards developed by the Consumer Product Safety Commission (CPSC) effective March 10, 1999 that ensure the best head protection and strong chin straps to keep the helmet in place during a fall or collision. Also acceptable are helmets meeting the Snell Memorial Foundation's 1990 Standard for Protection Headgear.

Exemptions from the helmet requirement are persons who operate or ride a bicycle (as a driver or a passenger) on a roadway closed to motor traffic; on a trail, route, course, boardwalk, path or area set aside only for the use of bicycles. These exemptions do not apply if the areas of operation are adjacent to a roadway and not separated from motor vehicle traffic by a barrier that prevents the bicycle from entering the roadway. Bicyclists or passengers operating in an area where helmets are not required who need to cross a road or highway should *walk* with the bicycle.

Initial violators of the helmet law will receive warnings. For minors, the parent or legal guardian may be fined a maximum of \$26 for the 1st offense and a maximum of \$100 for subsequent offense(s), if lack of parental supervision contributed to the offense.

Bicycle salespersons and rental agents must display a sign at least 16 inches long and 8 inches wide at the point where the transaction is completed when they sell or rent a bicycle. This sign should read: **"STATE LAW REQUIRES A BICYCLE RIDER UNDER 17 YEARS TO WEAR A HELMET."**In the case of bicycle rentals, the salesperson/rental agent must provide a helmet, if necessary, for a fee.

64-14 Safe Passing Law

The operator of a motor vehicle approaching a pedestrian, bicycle, low-speed electric bicycle, low-speed electric scooter, or any other lawful personal conveyance located or operating in an area designated for pedestrians or those conveyances, as appropriate, on the roadways of this State shall approach with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

(1)when possible under existing safety and traffic conditions, make a lane change into a lane not adjacent to the pedestrian or personal conveyance;

(2)if a lane change cannot be made pursuant to paragraph (1) of this subsection, leave a reasonable and safe distance of not less than four feet while approaching the pedestrian or personal conveyance and maintain a distance of at least four feet until the motor vehicle has safely passed the conveyance; or

(3)if it is not possible, prohibited by law, or unsafe to make a lane change pursuant to paragraph (1) of this subsection or to leave a reasonable and safe distance of not less than four feet pursuant to paragraph (2) of this subsection, the motor vehicle operator shall reduce the speed of the motor vehicle to 25 miles per hour or a lower posted speed and be prepared to stop; the operator may pass the pedestrian or personal conveyance only if, considering the size and speed of the motor vehicle, traffic conditions, weather, visibility,

and the surface and width of the roadway, passing does not endanger the safety of a pedestrian, operator of the personal conveyance, or any other person on the roadway.

A person who commits a violation of the provisions of this section which results in bodily injury as defined in N.J.S.2C:11-1 shall be fined \$500 and assessed two motor vehicle penalty points; if no bodily injury results, the violator shall be fined \$100 and shall not be assessed any penalty points.

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: PURPOSE

The purpose of this legislation is to ensure public safety as it pertains to bicycles.

SECTION 6: FISCAL IMPACT

Minimal

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved by:

Dwayne D. Warren, Esq. Mayor

Dated: _____