

ORDINANCE NO. O-24-22

**AN ORDINANCE REGARDING
LOW-SPEED ELECTRIC BICYCLES
IN THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the borough governing body 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 make it dangerous for pedestrians and other motorists; and

WHEREAS, the governing body feels that regulations and guidelines need to be put in place regarding the use of low speed electric bicycles or other similar devices within the borough in order to insure the safety and welfare of all persons using said devices, together with other motorists and pedestrians;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch as follows:

SECTION 1. DEFINITIONS

Low-Speed Electric Bicycles. 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: “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. See N.J.S.A. 39:1-1.

Low-Speed Electric Scooters. A scooter with a floorboard that can be stood upon by the operator, with handlebars and an electric motor capable of propelling the device with or without human propulsion at a maximum speed of fewer than 19 miles per hour.

SECTION 2. APPLICABLE RULES AND REGULATIONS

A. No person shall operate or use a low-speed electric bicycle or low-speed electric scooter, or other similar devices in a reckless or careless manner that endangers or is likely to endanger the safety or welfare of other persons or property.

B. No person shall operate or use a low-speed electric bicycle or low-speed electric scooter, or other similar devices at a speed faster than is reasonable or proper, taking into account the presence of traffic and/or pedestrians in the area.

C. Every person operating or using a low-speed electric bicycle or low-speed electric scooter, or other similar devices shall obey all traffic signals, signs, and devices in the same manner and to the same extent as would be required if said person was operating a motor vehicle.

D. No person operating or using a low-speed bicycle or low-speed electric scooter, or other similar devices shall attach the same or himself to any vehicle upon a roadway and no operator of any vehicle shall knowingly allow any person operating a low-speed electric bicycle or other similar device to attach the same or himself to the vehicle.

E. No person shall ride or sit as a passenger on a low-speed electric bicycle or low-speed electric scooter unless there is proper seating for both rider and passenger and such 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.

F. No person shall use or operate a low-speed electric bicycle or low-speed electric scooter or other similar device on borough owned property or school property, unless it is being operated on a paved, concrete or asphalt surface. Operation of such devices are specifically prohibited on the walking path around Franklin Lake.

G. No person shall drive or propel, or cause to be driven or propelled, along any road or other area within a park or recreation area in the borough any 4-wheeled conveyance, whether motor powered or electric.

SECTION 3. VIOLATIONS AND PENALTIES

Any persons violating the provisions of this chapter shall be subject to the following penalties:

A. First Offense. Any adult shall be subject to a fine not to exceed \$250. Any minor who violates this chapter on a first offense shall be reprimanded, in writing, by West Long Branch Police Department addressed to the parents or guardians of said offender stating the nature of the violation and a warning that a repetition of the violation or any other violation must be prevented or the device will be impounded for a period of time not less than 7 days nor more than 60 days, and during that period of time, the offender cannot ride his or her device or anyone else's device on any public streets or sidewalks.

B. Second Offense. Upon a second or subsequent offense the parent or guardian of a minor offender shall be subject to a fine not to exceed \$250 and/or the Police Department shall confiscate the low-speed bicycles or other similar devices pending a hearing in which case the offender's device may be impounded for a period of time not less than 7 days nor more than 60 days for a second offense or confiscated and destroyed for a third or subsequent offense.

C. Parental Guidance. If for any reason the law enforcement officer cannot determine the name and address of the parent of any minor who violates the provisions of this chapter, then the low-speed electric bicycle shall be automatically confiscated, and the offender will be summoned to appear at the West Long Branch Police Department with his

or her parent or guardian, whereby a summons shall be issued for the appropriate offense. If not a second or greater offense, the low-speed electric bicycle or other similar device shall be returned to the parent or guardian. Should the parent or guardian not appear within 30 days of the confiscation of the low-speed electric bicycle or other similar device, then such device shall be forfeited and destroyed by the Borough of West Long Branch.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: June 5, 2024
Passed: June 19, 2024
Adopted: June 19, 2024

MAYOR

BOROUGH CLERK