

**BOROUGH OF BAY HEAD**

**ORDINANCE NO. 2023-16**

**ORDINANCE OF THE BOROUGH COUNCIL, BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 222 OF THE BOROUGH CODE ENTITLED "VEHICLES AND TRAFFIC" SO AS TO CREATE SECTION 222-17.1, REGULATING LOW SPEED ELECTRIC VEHICLES**

**BE IT ORDAINED** by the Borough Council of the Borough of Bay Head, County of Ocean, State of New Jersey, (hereinafter referred to as the "Borough") that Chapter 222 of the Borough Code entitled "Vehicles and Traffic" shall be amended and supplemented.

**SECTION 1.** The Borough hereby amends Chapter 222, Vehicles and Traffic, so as to rename Article VI, which shall now be entitled "Low Speed Electric Vehicles" and read as follows:

**ARTICLE VI Low Speed Electric Vehicles**

**§ 222-17.1 Regulations for Low Speed Electric Vehicles**

**A. Definitions.**

As used in this Chapter, the following terms, consistent with Title 39 of the New Jersey Statutes Annotated, shall have the following definitions as indicated:

**Low-Speed Electric Bicycle:** 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.

**Motorized Bicycle:** a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cubic centimeters (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.

## **B. Operation of Low-Speed Electric Bicycles within the Borough**

### 1. Duties of persons on low-speed electric bicycles.

Any person operating a low-speed electric bicycle 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 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.

### 2. Lights and reflectors.

Every low-speed electric bicycle shall have reflectors in the front and back. Every low-speed electric bicycle shall, when in use at nighttime, 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.

### 3. Audible sound/signal.

No person shall operate a low-speed electric bicycle 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 shall not be equipped with, nor shall any person use upon a low-speed electric bicycle any siren or whistle.

### 4. Helmet.

All persons under the age of 17 are required to wear a protective helmet while operating a low-speed electric bicycle.

5. Reckless or careless riding.

No person shall ride or operate a low-speed electric bicycle in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of themselves or other persons or property, including, but not limited to, operating the bicycle in an inebriated state. No person operating a low-speed electric bicycle shall attach themselves to any streetcar or vehicle, nor shall the operator of the low-speed electric bicycle allow others to hitch or hold onto an electric bicycle during operation. It shall be prohibited for a person operating a low-speed electric bicycle to allow another person to ride as a passenger, unless the person is carried in a proper 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.
  
6. Prohibited Locations.

Low-speed electric bicycles, to include any electric powered, gas powered or motorized vehicles, are prohibited from operating within or upon any of the Borough owned property or recreation areas. Those who have obtained a permit for use of the park or recreational area for a special event where use of such vehicles are authorized, shall be exempt. This shall also not apply to those devices used to increase the independent mobility of an individual who has limited or no ambulation abilities, such as a motorized wheelchair.
  
7. Motorized Bicycles.

Motorized bicycles shall only be operated within the Borough of Bay Head 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 operating a motorized bicycle.
  
8. Enforcement.

The Bay Head Police Department is hereby authorized to promulgate, with the approval of the Borough of Bay Head Council, such further rules and regulations concerning the operation, equipment and safety of low-speed electric bicycles as deemed necessary from time to time.

9. Registration.

All electric bicycles must be properly registered with the Borough Clerk's Office before being utilized on public highways. The Borough Clerk shall have an appropriate notification/registration form available. There will be no charge for registration. However, if failure to properly register, that will be deemed a violation of this Ordinance.

10. Penalties for Violations.

Each person violating any provisions of this section shall, upon first conviction, be liable to a penalty of \$50.00, and upon a second conviction shall be liable to a penalty of \$100.00. No court appearance shall be required for a first or second alleged offense but will be required for a third or subsequent alleged offense.

**SECTION 2.** The Borough hereby rennumbers current Article VI, entitled "Penalty" to Article VII. The Borough hereby rennumbers Article VII, entitled "Schedules" to Article VIII.

**SECTION 3.** All ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Bay Head Borough on first reading at a meeting held on the **6<sup>th</sup> day of November 2023, at 7:00 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **4<sup>th</sup> day of December, 2023, at 7:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 83 Bridge Avenue, Bay Head, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

**NOTICE OF ADOPTION**

**PUBLIC NOTICE IS HEREBY GIVEN** that the foregoing ordinance published herewith has been finally adopted by the Borough Council of the Borough of Bay Head, in the County of Ocean, New Jersey on December 4, 2023.

**ATTEST:**

**APPROVED:**

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**Antoinette Jones, Deputy Municipal Clerk**

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**William W. Curtis, Mayor**