

**BOROUGH OF BAY HEAD**

**ORDINANCE 2023-08**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 222, ENTITLED “VEHICLES AND TRAFFIC.”**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 222 and create Chapter 222-28, entitled “Operation of Bicycles, Electric Bicycles, and Electric Scooters” to institute regulations governing bicycles, electric bicycles, and scooters.

**SECTION 2.** The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to create Chapter 222-28, entitled “Operation of Bicycles, Electric Bicycles, and Scooters,” which shall read as follows:

**Chapter 222-28 Operation of Bicycles, Electric Bicycles, and Scooters**

**A. Definitions.**

As used in this Chapter, the following terms shall have the definitions indicated:

Bicycle – includes any device having a wheel or wheels with solid or pneumatic tires 12 inches or more in diameter, connected by a frame and so constructed as to be propelled by human power. Bicycles equipped with training wheels and tricycles when used by young children are excluded from this definition.

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. Any electric bicycle or electric scooter with an electric motor greater than 750 watts is not considered a "low-speed" electric bicycle and shall be effectively prohibited from operation within the Borough of Bay Head, 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.

Scooter - a device ridden while standing that consists of a narrow footboard mounted between or atop two wheels tandem that has an upright steering handle attached to the front wheel, and that is moved by pushing with one foot.

Low-Speed Electric Scooter - 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.

**B. Operation of Bicycles, Electric Bicycles, and Scooters**

1. Duties of persons on bicycles, low-speed electric bicycles, scooters, or low-speed scooters.

Any person operating a bicycle, low-speed electric bicycle, scooter, or a low-speed electric scooter shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer. Pursuant to state law, minors under the age of 15 are not permitted to operate a low-speed electric bicycle.

2. Lights and reflectors.

Every bicycle, low-speed electric bicycle, or low-speed electric scooter shall have reflectors in the front and back. Every low-speed electric bicycle or low-speed scooter 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 or low-speed electric scooter 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 and scooters shall not be equipped with, nor shall any person use upon a low-speed bicycle or scooter, any siren or whistle.

4. Helmet.

Minors aged 15 and 16 are not permitted to operate a low-speed electric bicycle or low-speed electric scooter unless they wear a protective helmet. Minors aged 16 and under are also required to wear a helmet while operating a bicycle or scooter.

5. Riding on sidewalks and walking paths

No person shall ride or operate a low-speed electric bicycle or a low-speed electric scooter upon a sidewalk and/or walking path within the Borough of Bay Head.

6. Reckless or careless riding.

No person shall ride a bicycle, low-speed electric bicycle, scooter, or a low-speed electric scooter in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.

7. Enforcement of Regulations Governing the Operation of Bicycles, Electric Bicycles, and Scooters.

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 and safety of bicycles, low-speed electric bicycles, and low-speed electric scooters as deemed necessary from time to time.

8. 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 3.** 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 4.** This ordinance shall take effect after second reading and publication as required by law.

**ATTEST:**

**APPROVED:**

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**Patricia M. Applegate, Municipal Clerk**

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**William W. Curtis, Mayor**

	<b>Introduced on First Reading:</b>	<b>April 3, 2023</b>
<b>Introduced on Second Reading:</b>	<b>May 1, 2023</b>	
<b>Approved on Second Reading:</b>	<b>May 1, 2023</b>	

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**Patricia M. Applegate, Municipal Clerk**

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**William W. Curtis, Mayor**