

ORDINANCE #2023/5

AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE 10 "VEHICLES AND TRAFFIC" OF THE CODE OF THE BOROUGH OF FREEHOLD

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Freehold, County of Monmouth, State of New Jersey, as follows:

Section 1

Title 10 "Vehicles and Traffic" of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

10.42 Electric Bicycles and Scooters

10.42.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Electric bicycle" means 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:

- a. "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 twenty (20) miles per hour;
or
- b. "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 twenty (20) miles per hour.

"Electric scooter" means 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 nineteen (19) miles per hour.

"Owner" means any company, entity or individual that has ownership of an electric bicycle or electric scooter.

"User" means any person who is operating an electric scooter.

10.42.020 Application of Motor Vehicle Laws

Every person riding an electric bicycle or electric scooter within the Borough of Freehold Park shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state including the provisions of Chapter 4 of Title 39 of the New Jersey Revised Statutes applicable to bicycles as defined in N.J.S. 39:4-10 and the traffic provisions of this Code applicable to the driver of a vehicle, except as to special regulations in this Section and except as to those provisions of laws and ordinances which by their nature are inapplicable to

such persons. In particular, any person operating a low-speed electric bicycle 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.

10.42.030 Rules and Regulations

The following rules and regulations shall pertain to electric bicycles and electric scooters and their operation within the Borough:

- A. Helmet Requirements. Electric bicycle operators and electric scooter operators under the age of seventeen (17) must wear a helmet per N.J.S. 39:40-10.1.
- B. Manner of Riding. No electric bicycle or electric scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. Speed Restrictions. No person shall operate an electric bicycle or electric scooter at a speed greater than is reasonable and prudent under the condition then and there existing provided it does not exceed nineteen (19) miles per hour.
- D. Riding on Sidewalks.
 - 1. No person shall ride an electric bicycle or electric scooter upon a sidewalk.
 - 2. Any person traveling on the sidewalk with an electric bicycle or electric scooter shall dismount before entering the sidewalk thoroughway and walk the electric bicycle or electric scooter along the sidewalk.
 - 3. No person shall start or stop an electric bicycle or electric scooter trip on the sidewalk.
- E. Carrying Articles. No person operating an electric bicycle or electric scooter shall carry any package, bundle, or article, which prevents the user from keeping both hands upon the handlebars.
- F. Lamps and Equipment on Electric Scooters. Every electric bicycle or electric scooter, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front, and with a lamp on the rear which shall emit a red light visible from a distance of at least five hundred feet to the rear. In addition to the red lamp, a red reflector may be mounted on the rear, of a type approved by the state motor vehicle commission, which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.
- G. Electric Bicycle and Electric Scooter Parking/Placement.
 - 1. Electric bicycles may be attached or secured to a bicycle rack. No person shall attach or secure an electric bicycle to any fixed object not typically used for bicycle parking.

2. Electric scooters shall be parked in designated electric scooter parking areas if they are available and advertised as such by either signage, pavement markings or racks. No person shall attach or secure an electric scooter to any fixed object not typically used for bicycle parking.
3. No person or owner shall leave an electric bicycle or electric scooter lying on or standing upon the sidewalk or any portion of the Borough's right-of-way as to hinder or impede pedestrian access.

H. Abandonment of Electric Bicycles and Electric Scooters.

1. An electric bicycle or electric scooter may be deemed abandoned by the Borough if:
 - a. It has been parked for a period of forty-eight (48) or more consecutive hours except in designated bicycle racks and approved marked areas; or
 - b. It appears visually to be in a state of prolonged disuse such that it has deflated tires, damaged or missing equipment making it inoperable, accumulated debris associated with it; or
 - c. It is parked, placed or left on a roadway or in any public right-of-way in violation of this chapter.
2. It shall be unlawful for any person, user or owner to abandon any electric bicycle or electric scooter within the Borough.
3. In the event that an electric bicycle or electric scooter is deemed to be abandoned as defined herein, the Borough's Department of Public Works, the Police Department or the Department of Code Enforcement shall have the authority to seize and impound same pursuant to this Section and that it will be removed.

I. Electric Bicycle and Electric Scooter Charging. No electric bicycle or electric scooter battery shall be recharged in the public right-of-way without prior written authorization from the Borough.

J. Electric Bicycle or Electric Scooter Disposal. All electric bicycles and electric scooters shall be disposed of in a manner in accordance with state and federal regulations as they related to hazardous materials disposal.

K. Keeping to the right; exceptions; single-file: Every person operating an electric bicycle or electric scooter upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; provided, however, that any person may move to the left under any of the following situations:

- a. to make a left turn from a left-turn lane or pocket;

- b. to avoid debris, drains or other hazardous conditions that make it impracticable to ride at the right side of the roadway;
- c. to pass a slower moving vehicle;
- d. to occupy any available lane when traveling at the same speed as other traffic;
- e. to travel no more than two abreast when traffic is not impeded

10.42.040 Violations and penalties

- A. Except as detailed below, in the event that any user or owner violates the terms of this Section, the violator shall be subject to a fine in the Municipal Court of the Borough of Freehold in an amount of one hundred dollars (\$100.00) for a non-moving violation. No court appearance shall be required for this violation.
- B. If the offense involves a moving violation under Title 39, then the violation shall be subject to appropriate penalties as determined by the Municipal Court Magistrate.

Section 2

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

Section 3

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

Section 4

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Introduced: February 13, 2023

Public Hearing/Adoption: February 27, 2023