

ORDINANCE 723-25

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, TO REGULATE CERTAIN ELECTRIC BICYCLES AND SCOOTERS

WHEREAS, the Borough of Ocean Gate has encountered a substantial increase in the number of persons operating electric bicycles, electric scooters and other similar motor-powered devices on public streets, sidewalks, paths, parks and other public and private property throughout the municipality; and

WHEREAS, the use of electric bicycles, electric scooters and other powered devices without due care and adherence to traffic laws and on sidewalks and areas where pedestrians are present and unsuitable for use poses a risk to riders, pedestrians as well as to the motoring public; and

WHEREAS, the Borough finds and declares that the establishment and enforcement of regulations for the use and operation of electric bicycles, electric scooters and other powered devices within the Borough will improve the overall safety of roadways, sidewalks and other public facilities and will otherwise promote and protect the general safety and wellbeing of operators, pedestrians, motorists as well as visitors and residents;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Ocean Gate, in the County of Ocean, State of New Jersey as follows:

Intent and Purpose.

The purpose and intent of this Article is to establish regulations and guidelines for the operation of low-speed electric bicycles and low-speed electric scooters within the Borough of Ocean Gate. It is not primarily intended to penalize individuals who operate electric bicycles or scooters in violation of the provisions contained herein, but rather to educate both children and adults regarding proper and safe riding practices, to ensure their safety and welfare, the safety and welfare of motorists and pedestrians, and to make riding an enjoyable experience.

Applicability of this Article.

The provisions of this Article shall apply to all roadways under the jurisdiction of the Borough of Ocean Gate and subject to regulation by the Mayor and Council of the Borough of Ocean Gate, and all facilities, parks, property and public sidewalks within the Borough owned, or under the control or supervision of the Borough of Ocean Gate.

This Article shall not apply to, nor shall it be construed to regulate, directly or indirectly, in any manner, the use or operation of any powered or motorized wheelchair, medical device, mobility scooter or similar mobility assisting devices designed for use by persons with disabilities,

medical conditions or by persons whose ambulatory mobility has been impaired by age or illness.

Nothing in this Article shall be construed to apply, regulate or prohibit activity that is exempt from, or not subject to, Borough regulation pursuant to State law. If any provision of this Article is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail. Nothing in this Article is intended, nor shall be construed, to supersede any applicable State laws.

Definitions.

As used in this Article, the following words, terms and their derivations shall have the following meanings unless their use in the text of this Article clearly demonstrates a different meaning:

BOROUGH FACILITY, PARK OR PROPERTY shall mean and include all buildings, facilities, structures, parks, recreation facilities, playgrounds, athletic fields, beaches, parking lots and other lands and real property owned or under the control or supervision of the Borough of Ocean Gate upon which the public is invited or upon which the public is permitted, including but not limited to any parking area, driveway or drive aisle.

LOW-SPEED ELECTRIC BICYCLE shall mean and include 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. This term shall not include: electric personal assistive mobility devices, motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness.

LOW-SPEED ELECTRIC SCOOTER shall mean and include 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. This term shall not include: electric personal assistive mobility devices, motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness.

MOTORIZED BICYCLE means and includes a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 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 or low-speed electric scooter as defined in this Article.

MOTORIZED SCOOTER means and includes a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards and other vehicles with motors not manufactured in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. This term shall not include: electric personal assistive mobility devices, motorized bicycles, low-speed vehicles, low-speed electric bicycles, or low-speed electric scooters; or motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness.

PEDESTRIAN means and includes a person who is afoot and who is not operating, seated on, riding, occupying, entering into or alighting from a low-speed electric bicycle, low-speed electric scooter, vehicle or other motor propelled device.

SIDEWALK means and includes any sidewalk owned, controlled or maintained by the Borough. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

Application of traffic laws to low-speed electric bicycles and low-speed electric scooters.

Every person operating a low-speed electric bicycle or low-speed electric scooter upon any roadway shall, independent of this Article, be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle pursuant Chapter Four of Title 39 of the New Jersey Revised Statutes and of the Borough Code, except as to those provisions thereof which by their nature can have no application to such persons.

Operation of low-speed electric bicycles and low-speed electric scooters.

A. Obedience to traffic control devices.

- (1) Any person operating a low-speed electric bicycle or low-speed electric scooter on any Borough roadway shall observe and obey all traffic control signals, signs and other control devices in the same manner and to the same extent as required of the operator of a motor vehicle, except and unless otherwise directed by a police officer or exempted pursuant to the provisions of this Article or official signage.
- (2) Whenever authorized signs are posted indicating that a turning movement is restricted, no person operating a low-speed electric bicycle or low-speed electric scooter shall disobey the direction of any such sign, except where the operator dismounts from the low-speed electric bicycle or low-speed electric scooter to make the turn, in which event such person shall then obey the regulations applicable to pedestrians.

- (3) No person shall ride or operate a low-speed electric bicycle or low-speed electric scooter in any direction on any Borough roadway, except that permitted of vehicular traffic traveling on the same side of the roadway.
- (4) A person operating a low-speed electric bicycle or low-speed electric scooter on a Borough roadway is not required to register the low-speed electric bicycle or low-speed electric scooter, furnish proof of insurance, or have a driver's license.

B. Riding on Borough roadways and bicycle paths generally.

- (1) Any person operating a low-speed electric bicycle or low-speed electric scooter upon a Borough roadway shall ride as near to the right-hand side of the traveled roadway as practicable under the circumstances, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (2) No person shall ride or sit as a passenger on a low-speed electric bicycle or low-speed electric scooter while the device is in motion on any Borough roadway unless there is proper seating for both rider and passenger and each such persons under 17 years of age is wearing a properly fitted and fastened protective helmet.
- (3) Any person operating a low-speed electric bicycle or low-speed electric scooter on a Borough roadway shall stop for pedestrians in crosswalks.
- (4) No person operating, riding on or using a low-speed electric bicycle or low-speed electric scooter, or other similar powered device, shall connect or attach themselves, any passenger or the low-speed electric bicycle or low-speed electric scooter on which they are riding to any vehicle upon a Borough roadway.
- (5) No person operating or riding on any low-speed electric bicycle or low-speed electric scooter shall tow or pull any object of any kind while such device is in motion on any Borough roadway.
- (6) No person shall use a wireless telephone or other electronic communication device while operating a low-speed electric bicycle or low-speed electric scooter on any Borough roadway, except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation and the operator exercises a high degree of caution.
- (7) Every person operating a low-speed electric bicycle or low-speed electric scooter on a bike path that is about to enter or cross a roadway shall yield the right-of-way to all traffic on such roadway.
- (8) No person operating a low-speed electric bicycle or low-speed electric scooter on a Borough roadway shall carry any package, bundle, or article which prevents the operator from keeping both hands upon the handlebars.

- (9) Any group of two or more persons operating any low-speed electric bicycle or low-speed electric scooter shall travel in single file, except and unless the volume of vehicles and traffic conditions are such that side by side travel is safe under the circumstances.
 - (10) Whenever a bicycle lane has been established on a Borough roadway, any person operating a low-speed electric bicycle or low-speed electric scooter shall ride within the bicycle lane.
- C. No person under 17 years of age shall operate, or ride upon a low-speed electric bicycle or low-speed electric scooter as a driver or passenger on any Borough roadway, unless that person is wearing a properly fitted and fastened protective helmet.
- D. Operation on Sidewalks.
- (1) No person shall use or operate any low-speed electric bicycle, low-speed electric scooter, motorized bicycle, motorized scooter, motor vehicle or any other motor powered or equipped device on any sidewalk within the Borough, except that this prohibition is not intended to regulate or prohibit pedestrian activity, nor the use or riding of bicycles and other non-motor equipped wheeled devices that are powered to motion exclusively by human muscle, on the sidewalk.
 - (2) Bicycles and other non-motor equipped wheeled devices that are powered to motion exclusively by human muscle shall be permitted on sidewalks within the Borough.
 - (3) Any person operating a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter upon dismounting from such low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter, may stand, walk and travel freely on and about the sidewalk with, and while walking or pushing, a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter.
 - (4) The operator of a low-speed electric bicycle or low-speed electric scooter emerging from an alleyway, driveway, or building shall, upon approaching a sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians or bicyclists approaching on the sidewalk or sidewalk area. Upon entering the Borough roadway, the user shall yield the right-of-way to all vehicles approaching on the roadway.
- E. Operation on and within Borough Facilities, Fields and Property.
- (1) The operation and use of low-speed electric bicycles, low-speed electric scooters, motorized bicycles or motorized scooters on, within or upon any Borough Facility, Park and Property, including recreational areas, fields, lawns, trails, grass or pathways owned or controlled by the Borough as well as any driveway, parking lot or other paved

surface therein, regardless of the surface of such area, is prohibited, except in such areas where explicitly permitted by way of an official Borough sign posted at such location.

F. Parking, generally.

- (1) Low-speed electric bicycles and low-speed electric scooters are permitted to be secured on any bicycle rack located at Borough Facilities.
- (2) When available, low-speed electric bicycles and low-speed electric scooters shall be parked in designated, marked, parking areas when on any Borough property or facility.
- (3) Low-speed electric bicycles and low-speed electric scooters may be attached or secured to the bicycle rack with a U-lock, chain lock, or any type of lock made specifically for bicycles and/or low-speed electric bicycles and low-speed electric scooters. No person shall attach or secure a low-speed electric bicycle or low-speed electric scooter to any fixed object not suited for electric scooter or electric bicycle parking.
- (4) No person shall leave low-speed electric bicycle or low-speed electric scooter lying on or standing upon a sidewalk in such a manner as to block or impede pedestrians. A person may temporarily leave a low-speed electric bicycle or low-speed electric scooter parked on the sidewalk, provided that it does not block or impede the safe and orderly movement of pedestrians upon the sidewalk and provided further that the low-speed electric bicycle or low-speed electric scooter shall be parked to side of the paved surface area.
- (5) No person shall leave or park a low-speed electric bicycle or low-speed electric scooter on or at any Borough Property or business or private property within the Borough where prohibited by the owner.
- (6) No person shall leave or park a low-speed electric bicycle or low-speed electric scooter in such a manner as to block or impede access, entry or pedestrian travel to or from any Borough facility.
- (7) No person shall park a low-speed electric bicycle or low-speed electric scooter upon a street other than upon the roadway against the curb or in a designated bicycle, electric scooter, or electric bicycle parking area in a rack to support the electric scooter or electric bicycle, or against a building or at the curb.

G. Lamps and equipment. A low-speed electric bicycle or low-speed electric scooter operated during non-daylight hours shall 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 with a lamp emitting a red light visible from a distance of 500 feet to the rear.

H. No person shall operate a low-speed electric bicycle or low-speed electric scooter on any business or private property within the Borough where a sign is posted by the property or business owner prohibiting such use or operation.

- I. Prohibited Modifications. Pursuant to Title 39 of the New Jersey Revised Statutes, no person shall tamper with or modify any low-speed electric bicycle or low-speed electric scooter so as to change the motor-powered speed capability or otherwise exceed the maximum speed allowable by law for such device. Notwithstanding any other penalties authorized by law or this Article, any low-speed electric bicycle or low-speed electric scooter found to have been unlawfully tampered with or modified shall be subject to impoundment in accordance with

Abandonment of low-speed electric bicycles and scooters.

- A. A low-speed electric bicycle or low-speed electric scooter may be deemed abandoned by the Borough if:
 - (1) It has been parked for a period of three (3) or more consecutive calendar days in the same location; or
 - (2) 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 leaves and debris associated with it; or
 - (3) Seventy-Five Percent (75%) or more of the low-speed electric bicycle or low-speed electric scooter is rusted; or
 - (4) It is found in any other condition in which an electric scooter would be deemed abandoned.
- B. The abandonment by any person of any low-speed electric bicycle or low-speed electric scooter within the Borough shall be strictly prohibited.
- C. In the event that a low-speed electric bicycle or low-speed electric scooter is deemed to be abandoned by the Borough, the Police Department shall have the authority to remove and dispose of the low-speed electric bicycle or low-speed electric scooter if not otherwise removed.

Enforcement.

- A. The provisions of this Article shall be enforceable by the Borough of Ocean Gate Police Department. Nothing in this Ordinance shall be construed preclude, restrict or limit any law enforcement officer from exercising their lawful authority and discretion in the enforcement of this Ordinance in accordance with the rules and regulations of the Police Department as well as Attorney General's Office and County Prosecutor's Office directives and standard and accepted police practices.
- B. Violations of the provisions of this Article may be enforced in any lawful manner the Borough of Ocean Gate Police Department may deem appropriate, including but not limited

to in accordance with the provisions of this Article independently and/or in combination with Title 39 of the New Jersey Revised Statutes and other applicable law.

Violations and Penalties.

Notwithstanding and in addition to any violations or penalties authorized by law, this Article or the Borough Code, any person found to be in violation of any provision of this Article shall, upon conviction, be subject to the following:

- A. Operators Over Eighteen (18). Any person eighteen (18) years of age or older who operates a low-speed electric bicycle or low-speed electric scooter in violation of this Article, or who otherwise fails to comply with the requirements of this Article, shall be subject to a fine of not more than \$250.00 for the first offense, a fine of not more than \$500.00 for the second offense and a fine of not more than \$1000.00 for a third or subsequent offense.
- B. Operators Under Eighteen (18).
 - (1) Upon a first offense, the parent(s) or legal guardian(s) of any person under eighteen (18) years of age who operates a low-speed electric bicycle or low-speed electric scooter in violation of this Article, or who otherwise fails to comply with the requirements of this Article, shall be subject to a fine of not more than \$250.00 and/or the potential impoundment of the low-speed electric bicycle or low-speed electric scooter for a period of not more than seven (7) days .
 - (2) Upon a second offense, the parent(s) or legal guardian(s) of the non-adult offender shall be subject to a fine of not more than \$500.00 and/or the impoundment of the low-speed electric bicycle or low-speed electric scooter for a period of not less than seven (7) days, nor more than sixty (60) days. Any low-speed electric bicycle or low-speed electric scooter impounded by the Borough of Ocean Gate Police Department shall only be releasable to the parent(s) or legal guardian(s) of the non-adult offender.
 - (3) Upon a third or subsequent offense, the parent(s) or legal guardian(s) of the non-adult offender shall be subject to a fine of not more than \$1000.00, and the impoundment of the low-speed electric bicycle or low-speed electric scooter pending a hearing as to the continued impoundment of the low-speed electric bicycle or low-speed electric scooter in accordance with standard practice and procedures. Any low-speed electric bicycle or low-speed electric scooter impounded by the Borough of Ocean Gate Police Department shall only be releasable to the parent(s) or legal guardian(s) of the non-adult offender.
 - (4) In the event the Borough of Ocean Gate Police Department cannot determine the name and address of the parent(s) or legal guardian(s) of any person under eighteen (18) years of age who violates any of the provisions of this Article, the low-speed electric bicycle or low-speed electric scooter shall be seized or impounded pending identification and notification of the parent(s) or legal guardian(s), and the non-adult offender shall be summoned to appear at the Borough of Ocean Gate Police Department with his or her parent(s) or legal guardian(s), at which time a summons may be issued to the parent(s)

or guardian(s) for the appropriate offense(s). Provided it does not constitute a second or subsequent offense for which the low-speed electric bicycle or low-speed electric scooter would be subject to impoundment, the Borough Police Department will arrange for the return of the low-speed electric bicycle or low-speed electric scooter to the parent(s) or legal guardian(s) of the non-adult offender upon the parent(s) or legal guardian(s) responding to Police Headquarters and providing the appropriate identification. In the event the parent(s) or legal guardian(s) of the non-adult offender shall fail to respond within thirty (30) days of the seizure or impoundment of the low-speed electric bicycle or low-speed electric scooter, the Borough may proceed in accordance with standard police practices with respect to abandonment, unclaimed property or other appropriate disposition.

- (5) In any instance in which the Police Department deems it necessary to utilize the services of a licensed towing operator to assist with and effectuate an impoundment in accordance with this Article, any and all fees and costs imposed for the impoundment, storage and removal shall be the responsibility of the parent(s) or guardian(s) of the non-adult offender.

Section 2. Repealed. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

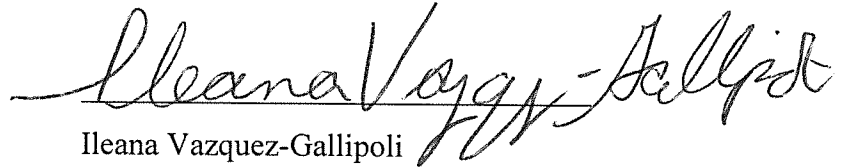
Section 5. Prior actions. All actions of the Borough of Ocean Gate taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 6. Codification. This Ordinance may be renumbered for codification purposes.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading at a meeting of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey held on November 12, 2025 and will come on for a second reading, public hearing and final passage at a regular meeting of the Borough Council to be held on December 10, 2025, at Borough

Council Chambers, 801 Ocean Gate Avenue, Ocean Gate New Jersey at 7:00 P.M. or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place, any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

A handwritten signature in cursive script, reading "Ileana Vazquez-Gallipoli". The signature is written in dark ink and is positioned above the printed name.

Ileana Vazquez-Gallipoli

Municipal Clerk