

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #19/21

**AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF WEST NEW YORK
TO PROMOTE THE SAFE USE OF ELECTRIC BICYCLES AND SCOOTERS**

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York (“Town”), recognize that the safety of all residents, visitors, cyclists and children is of paramount concern, and that low-speed electric bicycles and scooters are increasing in popularity and used as alternate forms of transportation; and

WHEREAS, the New Jersey Legislature recently adopted legislation, including changes to N.J.S.A. 39:1-1 and N.J.S.A. 39:4-14.16 permitting and regulating electric bicycles (e-bikes) and adding new regulations for electric scooters (e-scooters); and

WHEREAS, given the intense density and urban character of the Town, the Mayor and Board of Commissioners believe that an update to the Code, to encompass low-speed electric bicycles and scooters and the importance of responsible riding and enforcement in light of the Legislation, is warranted for the health safety and welfare of the residents of the Town, including those who operate e-bikes and e-scooters.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey that the Code of the Town of West New York is hereby amended and revised as follows:

SECTION ONE

The Title of Chapter 130 titled “Bicycles” is hereby amended to read “Bicycles, Electric Bicycles and Scooters.”

SECTION TWO

The following paragraphs are added to Chapter 130.

130-2. Definitions

“**Low-speed 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: "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.

“Low-speed 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 less than 19 miles per hour.

SECTION THREE

The following section shall be added to Chapter 130 to be entitled “Electric Bicycles and Scooters”

130-12. Electric Bicycles and Scooters

A. Prohibited Vehicles

Prohibited motor vehicles: Any electric bicycle or electric scooter with an electric motor greater than 750 watts is not to be considered a “low-speed” electric bicycle/scooter and shall be effectively prohibited from operation in the Town of West New York, 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.

B. Equipment and Operation

Rights and duties of persons on low-speed electric bicycles or low-speed electric scooters: Every person riding a low-speed electric bicycle or a low-speed electric scooter upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by Chapter 4 of Title 39 of the New Jersey Revised Statutes, and all supplements thereto, except as to those provisions thereof which by their nature can have no application. 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.

Lights and reflectors: Every low-speed electric bicycle or low-speed 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.

Audible 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 one hundred 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.

Position of Hands and Feet: A person propelling or riding on a low-speed electric bicycle or low-speed electric scooter shall not ride with his feet removed from the pedals/footrests, or with hands removed from the handlebars, nor shall he practice any trick or fancy riding in a street.

Carrying passengers: No person operating a low-speed electric bicycle or a low-speed electric scooter shall allow another person to ride as a passenger unless the passenger is carried in a proper bike 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; and the passenger is wearing a properly fitted and fastened helmet meeting the standards set forth in N.J.S.A. 39:4- 10.1.

Hitching on vehicles prohibited: No person riding upon any low-speed electric bicycle or low-speed electric scooter shall attach the same or himself to any streetcar or vehicle upon a roadway and no operator of any streetcar or vehicle shall knowingly allow any person riding upon any low-speed electric bicycle or low-speed electric scooter to attach the same or himself to the streetcar or vehicle.

Helmet: Persons are not permitted to operate a low-speed electric bicycle or low-speed electric scooter unless they wear a protective helmet.

Keeping to the right; exceptions; single-file: Every person operating a low-speed electric bicycle or low-speed 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.

Riding on sidewalks: No person over the age of 13 shall ride a low-speed electric bicycle or a low-speed electric scooter upon a sidewalk within the Town of West New York, or where signs prohibit the same. Whenever such person is riding a low-speed electric bicycle or a low-speed electric scooter upon a sidewalk or pedestrian right-of-way, such person shall ride in single file only, yield the right-of-way to any pedestrian and give an audible signal before overtaking and passing any pedestrian.

Riding on Sidewalks in Business Districts: No person, even those under the age of 13, shall ride a low-speed electric bicycle or a low-speed electric scooter upon a sidewalk in a business district between the hours of 9:00 a.m. and 9:00 p.m. within the Town of West New York, or where signs prohibit the same. The Police Department is hereby authorized to erect signs on any roadway or sidewalk within the Town of West New York where it is deemed necessary to

prohibit the riding of low-speed electric bicycles or low speed electric scooters thereon by any person; and when such signs are in place no person shall disobey the same.

Carrying articles: No person operating a low-speed electric bicycle or low-speed electric scooter shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.

Parking: No person shall park a low-speed electric bicycle or a low-speed electric scooter upon a street except where an appropriate rack or spots are provided. All low-speed electric bicycles or low-speed electric scooters, when parked on sidewalks, shall be parked only in such manner as not to obstruct or impede the normal movement of pedestrian or other traffic or access to adjacent buildings.

Speed: No person shall operate a low-speed electric bicycle or a low-speed electric scooter at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race. In no event shall speed of operation exceed 20 miles per hour.

Reckless or careless riding: No person shall ride a low-speed electric bicycle 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.

C. Enforcement

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

D. Business regulations.

- (1) All persons and businesses who own, rent, hire or lease bicycles, low-speed electric bicycles or low-speed electric scooters, in the Town of West New York for the delivery of items in commerce, such as messages, parcels, food, wares and/or other merchandise or goods, or for the delivery of items in commerce destined for the Town of West New York:
 - a. shall keep each bicycle, low-speed electric bicycle or low-speed electric scooter in a safe operating condition, and shall advise the persons using said bicycles, low-speed electric bicycles or low-speed electric scooters of the regulations for use in the Town of West New York;
 - b. shall post a copy of this chapter in a conspicuous place where said bicycles are kept, rented, hired or leased, if such location is within the Town of West New York; and

- c. shall ensure that any employee, agent, or contractor, while utilizing low-speed electric bicycle or low-speed electric scooters for hire by, for or on behalf of such person or business, shall wear a reflective vest, and have affixed a tag, license, decal or marking affixed to the low-speed electric scooter or bicycle clearly identifying such low-speed electric bicycle or low-speed electric scooter as being operated for hire by, for or on behalf of such person or business.
- (2) For the purposes of this section to “hire” includes persons or businesses whose employees or agents utilize low-speed electric bicycles or low-speed electric scooters to deliver their messages, parcels, food, wares and/or other merchandise or good during the time such low-speed electric bicycles or low-speed electric scooters is/are being used for such purpose, whether or not such low-speed electric bicycles or low-speed electric scooters is/are owned, leased or rented by the person or business.
 - (3) A person or businesses’ failure to comply with this section shall be considered a violation of this Ordinance.
 - (4) Any violation of this Ordinance by an operator of a low-speed electric bicycle or low-speed electric scooters while in the hire of a person or business, shall be considered a separate violation of this Ordinance by such person or business.

E. Registration Requirement:

- (1) All persons and businesses who own, rent, hire or lease bicycles, low-speed electric bicycles or low-speed electric scooters, in the Town of West New York for the delivery of items in commerce, such as messages, parcels, food, wares and/or other merchandise or goods, shall maintain proper registration tags and licenses for each bicycle, low-speed electric bicycle or low-speed electric scooter issued by the Police Department.
- (2) All persons and businesses who rent, hire or lease bicycles, low-speed electric bicycles or low-speed electric scooters for the delivery of items in commerce destined for the Town of West New York, but that are not located within the Town, shall comply with any municipal registration requirements applicable to bicycles, low-speed electric bicycles or low-speed electric scooters, that may be in force in the location where such business or person’s business is based.
- (3) A person or businesses’ failure to comply with this section shall be considered a violation of this Ordinance.

- (4) Any violation of this Ordinance by an operator of a low-speed electric bicycle or low-speed electric scooters while in the hire of a person or business, shall be considered a separate violation of this Ordinance by such person or business.

F. Penalties for Violations

Each person violating any provisions of this Section, shall, upon first conviction, be liable to a penalty of \$50, and upon a second conviction shall be liable to a penalty of \$100. No court appearance shall be required for a first or second alleged offense, but will be required for a third or subsequent alleged offense. Any third or subsequent conviction shall be liable to the penalty as stated in Chapter 1 Section 16.

SECTION FOUR

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION FIVE

Repealer. To the extent that any provision of the Code of the Town of West New York is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION SIX

In order to avoid accidental repeal of existing provisions, the Town Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION SEVEN

Codification. The Town Clerk and/or Corporation Counsel shall have this Ordinance incorporated in the official copies of the Code of the Town of West New York. The Town Clerk and/or the Corporation Counsel be and are hereby authorized and directed to correct any typographical error in this Ordinance and change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town, or as they may otherwise deem appropriate, even if the headings, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION EIGHT

This Ordinance shall take effect upon passage and publication as required by law.

Introduced: September 15, 2021

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 15, 2021** and ordered published, and will be further considered before final passage at a public hearing on **October 6, 2021 at 6:30 p.m.** held remotely. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org> . A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.