

O-26-45
02/18/26

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC, SECTION 7-7, MOTORIZED SCOOTERS.

WHEREAS, Senate Bill No. 18-34 (Second Reprint) was signed into law on January 6, 2006 as P.L. 2006, c. 273; and

WHEREAS, this Municipal Council has consulted with the Bayonne Police Department concerning bicycle and motorized bicycle, vehicle or scooter, or similar device; and

WHEREAS, this Municipal Council, due to a lack of objective rules and regulations, finds that the operation of bicycle and motorized bicycle, vehicle or scooter, or similar device on public streets within the City of Bayonne does constitute a traffic hazard and a hazard to motor vehicle operators and pedestrians within the City of Bayonne due to the high volume of traffic within and through the City; and

WHEREAS, this Municipal Council finds, however, that the operation of bicycle and motorized bicycle, vehicle or scooter, or similar device may be both safe and appropriate and, under certain conditions, be permitted without a negative impact upon public safety; now, therefore,

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

SECTION 1: That the Revised General Ordinances of the City of Bayonne, Chapter 7, Traffic, Section 7-7, Motorized Scooters be and is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

§ 7-7. { MOTORIZED SCOOTERS.} **** BICYCLES AND MOTORIZED BICYCLE, VEHICLES, SCOOTERS OR UNICYCLES****

~~{No person shall operate a motorized scooter, which is defined as a scooter that is propelled by a small motor located on the vehicle, on the public streets within the City, unless said operator holds a valid operator's license issued by the Motor Vehicle Commission of the State of New Jersey pursuant to N.J.S.A. 39:3-10 et seq. and is wearing a properly fitted and fastened helmet approved by the Director of the Motor Vehicle Commission. In addition, to the aforementioned requirements, the motorized scooter shall be properly registered with the State of New Jersey in accordance with N.J.S.A. 39:3-4 et seq. and adequately insured pursuant to the provisions of N.J.S.A. 39:6B-1. Any person who violates any provisions of this section shall be subject to the penalties provided in Title 39, Motor Vehicles and Traffic Regulations of the New Jersey Statutes Annotated.}~~

****§ 7-7.1 DEFINITIONS.** As used in this Chapter, the following terms, consistent with NJ Statutes and N.J.S.A. 39:1-1, shall have the definitions indicated:

A. BICYCLE

Any two-wheeled vehicle having a rear drive wheel which is solely human-powered by pedals and having a seat height of 25 inches or greater when the seat is in the lowest

adjustable position.

B. CROSSWALK

Part of a highway at an intersection, either marked or unmarked existing at each approach of every roadway intersection, included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

C. 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.

D. LOW-SPEED ELECTRIC SCOOTER

A scooter with a floorboard that can be stood upon by the operator, with handlebars and an electric motor capable of propelling the device with or without human propulsion at a maximum speed of fewer than 19 miles per hour.

E. LOW-SPEED VEHICLE

A four-wheeled low-speed vehicle, as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 C.F.R. s.571.500.

F. MOTORIZED BICYCLE

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 a pedal bicycle with fully-operable pedals and an electric motor that can provide assistance when the rider is pedaling or that, through the use of a throttle, can be used to exclusively propel the bicycle. This term shall not include a [low-speed electric bicycle, or low-speed electric scooter as defined in this section.

G. MOTORCYCLE

Motorcycle, autocycle, motor bike, bicycle with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles, low-speed electric bicycles, and low-speed electric scooters as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands

H. MOTOR VEHICLE

All vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks, low-speed electric bicycles, low-speed electric scooters, and motorized bicycles.

I. MOTORIZED SCOOTER

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.

J. MOTORIZED SKATEBOARD

A skateboard that is propelled otherwise than by muscular power.

K. MOTORIZED WHEELCHAIR

Any motor-driven wheelchair utilized to increase the independent mobility, in the activities of daily living, of an individual who has limited or no ambulation abilities and includes mobility scooters manufactured specifically for such purposes and designed primarily for indoor use.

L. MOTORIZED UNICYCLE

Any one-wheeled vehicle propelled otherwise than by muscular power.

M. PEDESTRIAN

A person afoot, but not be limited to: a pedestrian as defined in R.S.39:1-1; a person in a wheelchair or motorized wheelchair as defined in R.S.39:1-1; and a person employed by or who contracts with any public utility company in this State, a property maintenance worker, or any other person who is permitted by law to be upon the roadway and outside a motor vehicle for work or recreation and is upon a roadway and outside a motor vehicle for work or recreation.

N. PEDICAB

A wheeled device that: (1) contains three or more wheels; (2) is designed to transport passengers and be propelled by muscular power using pedals; (3) is designed to accommodate no more than 15 passengers in addition to the driver; (4) is operated for hire; and (5) if equipped with a motor, is equipped with: an electric motor that meets the classifications of a class 1 or class 2 low-speed electric bicycle of less than 750 watts that provides assistance only when the driver is pedaling and that ceases to provide assistance when the wheeled device reaches the speed of 20 miles per hour; or an electric motor of less than 750 watts that may be used exclusively to propel the wheeled device and that is not capable of providing assistance when the wheeled device reaches the speed of 20 miles per hour. A pedicab shall not be considered a motor vehicle or a motorcycle

O. PERSONAL CONVEYANCE

Includes, but is not limited to:

- 1) A bicycle as defined in R.S.39:1-1;**
- 2) A low-speed electric bicycle as defined in R.S.39:1-1;**
- 3) A low-speed electric scooter as defined in R.S. 39:1-1;**
- 4) A motorized wheelchair as defined in R.S.39:1-1 or a similar mobility assisting device used by persons with physical disabilities or by persons whose ambulatory mobility has been impaired by age or illness;**
- 5) An electric personal assistive mobility device as defined in section 1 of P.L.2001, c.430 (C.39:4-14.10);**
- 6) A motorized scooter as defined in R.S.39:1-1;**
- 7) A skateboard or roller skate as referenced in section 1 of P.L.1997, c.411 (C.39:4-10.5);**
- 8) A motorized skateboard as defined in R.S.39:1-1; or**

- 9) Any other device used by a person for transportation.

P. SHOULDER

The portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

Q. SIDEWALK

The portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line.

R. STREET

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§7-7.2 OPERATION OF BICYCLES AND MOTORIZED BICYCLES, VEHICLES, SCOOTERS OR UNICYCLES WITHIN THE CITY.

a. Duties of Persons Operating Bicycles and Motorized Bicycles, Vehicles, Scooters, Unicycle or Similar Devices Within the City.

- i. Any person operating a bicycle and motorized bicycle, vehicle or scooter, unicycle or similar device, within the City, shall obey all instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer. Operators of bicycle and motorized bicycle, vehicle, scooter, unicycle or similar device, within the City shall obey all motor vehicle laws as provided by Title 39, R.S.39:1-1 et seq.**
- ii. All persons under the age of 17 are required to wear a protective helmet while operating a bicycle and motorized bicycle, vehicle, scooter, unicycle or similar device.**
- iii. Bicycles and motorized bicycles, vehicles, scooters, unicycle or similar devices as defined in R.S.39:1-1, shall be operated on the streets, highways and roadways, of this State, except as otherwise provided in this section, and may be parked on a sidewalk provided that the bicycle and motorized bicycle, vehicle or scooter, unicycle or similar device does not impede the normal movement of pedestrian or other traffic upon the sidewalk.**
- iv. No person shall operate a motorized bicycle, vehicle, scooter, unicycle or similar device upon a sidewalk, trail designated for non-bicycle or non-motorized traffic or walking path within the City of Bayonne.**

- v. A bicycle may be operated on a sidewalk but not on a walking path.

- vi. It shall be prohibited for a person operating a bicycle and motorized bicycle, vehicle, scooter, unicycle or similar device 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.

- vii. Bicycles and motorized bicycles, vehicles, scooters, unicycle or similar devices, are prohibited from operating within or upon any of the City owned property, playground area or recreation areas, including, but not limited to, Collins Park, 16th Street Park, Fitzpatrick Park, Makowski Park, and Halecky Park. Those who have obtained a permit for use of the park or recreational area for a special event where use of such vehicles is authorized, shall be exempt. This provision does 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.

§ 7-7.3 ENFORCEMENT.

This Ordinance does not apply those devices used to increase the independent mobility of an individual who has limited or no ambulation abilities, such as a motorized wheelchair.

The City of Bayonne's Police Department is hereby authorized to promulgate such further rules and regulations concerning the operation, equipment and safety of bicycle and motorized bicycle, vehicle, scooter, unicycle or similar device, as deemed necessary from time to time.

§ 7-7.4 VIOLATIONS AND PENALTIES.

1. **First Offense.** Any person in violation of this ordinance shall be subject to a fine of up to \$250.00.
2. **Second Offense.** Any person in violation of this ordinance shall be subject to a fine of up to \$500.00.
3. **Third Offense.** Any person in violation of this ordinance shall be subject to a fine of up to \$1,250.00.
4. **Helmet Violation.** The parent or guardian of a minor who violates the helmet provision of this chapter shall be subject to a fine up to \$250.00 and shall appear in court with the minor.

§7-7.5 COMPLIANCE WITH STATE LAW.

All persons operating bicycle and motorized bicycle, vehicle, scooter, unicycle or similar device, whether the device is charged by electricity or battery, within the City of Bayonne shall comply with the provisions of N.J.S.A. 39:1-1 et seq., Motor Vehicles and Traffic Regulations.**

SECTION 2. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect; and

SECTION 3. BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.