

ORDINANCE NO. 2025-1529

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7 OF THE BOROUGH
CODE, ENTITLED "TRAFFIC" TO ADD A NEW SECTION TO REGULATE LOW-
SPEED ELECTRIC BICYCLES AND SCOOTERS**

WHEREAS, the State enacted a law, codified at N.J.S.A. 39:4-14.16, effective January 1, 2019, that created a new vehicle class designated as "Low Speed Electric Bicycle"; and

WHEREAS, the Borough Council has consulted with the Tinton Falls Police Department concerning Low Speed Electric Bicycles and Low Speed Electric Scooters; and

WHEREAS, the Borough Council finds that the operation of Low Speed Electric Bicycles and Low Speed Electric Scooters on public streets within the Borough of Tinton Falls may constitute a traffic hazard and a hazard to motor vehicle operators and pedestrians within the Borough due to the high volume of traffic within and through the Borough; and

WHEREAS, the Borough Council finds, however, that the operation of Low Speed Electric Vehicles can be both safe and appropriate when operated properly and, under certain conditions, be permitted without a negative impact upon public safety,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, as follows:

SECTION 1. The Borough hereby amends Chapter 7 of the Borough Code to add a new Section 7-19, to be entitled "Low-Speed Electric Bicycles and Scooters," and which shall read as follows:

§ 7-19 LOW-SPEED ELECTRIC BICYCLES AND SCOOTERS.

§ 7-19.1. Definitions.

As used in this Section, the following terms, consistent with N.J.S.A. 39:1-1, shall have the definitions indicated:

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.

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. This term shall not include a Low-Speed Electric Bicycle or Low-Speed Electric Scooter.

Low-Speed Electric Scooters

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.

§ 7-19.2. Operation of Low-Speed Electric Bicycles and Low-Speed Electric Scooters within the Borough

A. Duties of persons on low-speed electric bicycles and low-speed electric scooters.

Any person operating a low-speed electric bicycle, low-speed electric scooter or similar device shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer. Operators of a low-speed electric bicycle shall ride as near to the right-side of the traveled roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Operators shall not ride at a speed faster than is reasonable or proper, taking into account the presence of traffic and/or pedestrians in the area.

B. Lights and reflectors.

Every low-speed electric bicycle, low-speed electric scooter or similar device shall have reflectors in the front and back. Every low-speed electric bicycle, low-speed electric scooter or similar device 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.

C. Audible sound/signal.

No person shall operate a low-speed electric bicycle, low-speed electric scooter or similar device 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, low-speed electric scooter or similar device shall not be equipped with, nor shall any person use upon a low-speed electric bicycle, low-speed electric scooter or similar device any siren or whistle.

D. Helmet.

All persons under the age of 17 are required to wear a protective helmet while operating a low-speed electric bicycle, low-speed electric scooter or similar device.

E. Riding on sidewalks and walking paths.

No person shall operate a low-speed electric bicycle, low-speed electric scooter or similar device upon a sidewalk or walking path within the Borough of Tinton Falls, with the exception of any person under the age of 14 who may operate a low-speed electric scooter upon a sidewalk or walking path, unless otherwise prohibited.

F. Reckless or careless riding.

No person shall ride or operate a low-speed electric bicycle, low-speed electric scooter or similar device in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of themselves or other persons or property. No person operating a low-speed electric bicycle, low-speed electric scooter or similar device shall attach themselves to any streetcar or vehicle, nor shall the operator of the low-speed electric bicycle, low-speed electric scooter or similar device allow others to hitch or hold onto an electric vehicle during operation. It shall be prohibited for a person operating a low-speed electric bicycle, low-speed electric scooter 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.

G. Prohibited Locations.

Low-speed electric bicycles, low-speed electric scooter or similar device are prohibited from operating within or upon any Borough-owned properties or recreation areas. Those who have obtained a permit for use of a Borough-owned park or recreational area for a special event where the use of such vehicles is specifically authorized shall be exempt from the prohibitions in this paragraph.

H. Exempt Vehicles. This Section shall 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. This Section also shall not apply to toy electric vehicles, such as power wheels, designed for toddlers, where the maximum speed is less than 3 mph.

I. Penalties for Violations.

Each person violating any provisions of this section shall, upon first conviction, be liable to a penalty of \$250.00, and upon a second conviction shall be liable to a penalty of \$500.00. No court appearance shall be required for a first or second alleged offense but will be required for a third or subsequent alleged offense. If the violator is a minor, then the parent or guardian of the minor offender shall be liable for the fine.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced: July 8, 2025.

Adopted:

DR. LAWRENCE DOBRIN
COUNCIL PRESIDENT

RISA CLAY
MAYOR

ATTEST:

MICHELLE HUTCHINSON
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.
DIRECTOR OF LAW