

## **BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 26-2023** - Ordinance of the Borough of Eatontown Entitled “An Ordinance Amending Chapter 272, Skateboards, Skates, and Roller Blades, Article 1 Purpose, Article 2 Definitions, Article 3, Prohibited Acts, and Article 4, Violations and Penalties, Adding Language Requiring All Riders to Wear Helmets When Riding an Electric Bicycle in the Borough of Eatontown.” was passed after a public hearing at the regular meeting of September 13, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

### **ORDINANCE 26-2023**

#### **BOROUGH OF EATONTOWN**

#### **COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

#### **AN ORDINANCE AMENDING CHAPTER 272, SKATEBOARDS, SKATES, AND ROLLER BLADES, ARTICLE 1 PURPOSE, ARTICLE 2 DEFINITIONS, ARTICLE 3, PROHIBITED ACTS, AND ARTICLE 4, VIOLATIONS AND PENALTIES, ADDING LANGUAGE REQUIRING ALL RIDERS TO WEAR HELMETS WHEN RIDING AN ELECTRIC BICYCLE IN THE BOROUGH OF EATONTOWN**

**WHEREAS**, New Jersey Statute 39:4-10.1 requires bicycle operators and passengers under age 17 required to wear helmets; and

**WHEREAS**, there has been a rise in ridership of low-speed electric bicycles as a method of travel and recreation in the Borough; and

**WHEREAS**, low-speed electric bicycles are capable of reaching high speeds and are dangerous to ride without helmets; and

**WHEREAS**, the Borough Code is presently silent as to helmet requirements for low-speed electric bicycle riders; and

**WHEREAS**, the Borough has an interest in protecting low-speed electric bicycle riders by requiring helmets for all low-speed electric bicycle riders.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey, hereby amends the Borough Code as follows:

[additions are underlined, and deletions are marked as strike-out.]

Chapter 272 Skateboards, Skates, ~~and Roller Blades~~, and Low-Speed Electric Bicycles

272-1 Purpose and Intent

The purpose and intent of this chapter is to establish regulations and guidelines for the operation and use of roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices within the Borough of Eatontown in order to ensure the welfare of all persons using said devices, motorists and pedestrians.

272-2 Definitions.

As used in this chapter, the following terms shall have the meaning 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. See N.J.S.A. 39:1-1.

#### ROLLER SKATE OR ROLLER BLADES

A skate or shoe having four or more or less small wheels instead of a runner.

#### SKATEBOARD

A platform or other board which is mounted on wheels or a board with roller-skate wheels or other similar wheels affixed to the underside, having no mechanism or other device with which to steer or control the direction or movement thereof while being used or operated or ridden.

...

#### 272-3 Prohibited acts; users to obey traffic devices.

The following rules and regulations shall apply to all roller blades, inline skates, skateboards, low-speed electric bicycles, or other similar devices operated and used by any person within the boundaries of the Borough of Eatontown.

- A. No person shall operate or use roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices in a reckless or careless manner that endangers or is likely to endanger the safety or welfare of other persons or property.
- B. No person shall operate or use roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices at a speed faster than is reasonable or proper, taking into account the presence of traffic and/or pedestrians in the area.
- C. Every person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall obey all traffic signals, signs and devices in the same manner and to the same extent as would be required if said person was operating a motor vehicle.
- D. No person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall attach the same or himself to any vehicle upon a roadway and no operator of any vehicle shall knowingly allow any person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices to attach the same or himself to the vehicle.
- E. No person shall use, operate or ride roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other devices of similar nature in Wampum Memorial Park
- F. No person shall ride or sit as a passenger on a low-speed electric bicycle unless such person is wearing a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling.

#### 272-4 Violations and Penalties

Any person violating the provisions of this chapter shall be subject to the following penalties:

- A. The first offense. Any adult shall be subject to a fine not to exceed \$250. Any minor who violates this chapter on a first offense shall be reprimanded, in writing, by the Eatontown Police Department addressed to the parents or guardians of said offender stating the nature of the violation and a warning that a repetition of the violation or any other violation must be prevented or the device would be impounded for a period of time not less than seven days nor more than 60 days, and during that period of time, the offender cannot ride his or her device or anyone else's device on any public streets or sidewalks.

- B. The second offense. Upon a second or subsequent offense the parent or guardian of a minor offender shall be subject to a fine not to exceed \$250 and/or the Police Department shall confiscate the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices pending a hearing in which case the offender's device may be impounded for a period of time not less than seven days nor more than 60 days for a second offense or confiscated and destroyed for a third or subsequent offense.
- C. Parental guidance. If for some reason the law enforcement officer cannot determine the name and address of the parent of any minor who violates the provisions of this chapter, then the roller blades, inline skates, skates, skateboards or other similar devices utilized shall be automatically confiscated and the offender will be summoned to appear at Municipal Hall with his or her parent or guardian whereby a summons shall be issued for the appropriate offense. If not a second or greater offense, the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall be returned to the parent or guardian. Should the parent or guardian not appear within 30 days of the confiscation of the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices, then such devices shall be forfeited and destroyed by the Borough of Eatontown.

**BE IT FURTHER ORDAINED**, that this Ordinance shall become part of the Borough's Code, as though codified as set forth more fully herein.