

ORDINANCE 2362

AN ORDINANCE AMENDING CHAPTER 163, ARTICLE I, TITLED LOW SPEED ELECTRIC VEHICLES, OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 163, Article I, titled Motorized Bicycles be deleted and replaced as follows:

Article I, Low Speed and Motorized Electric Vehicles.

Section 163-1 - Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Low Speed Electric Vehicles - 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 One Low Speed Electric Bicycle” 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 Two 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 is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

“Motorized Electric Vehicle” - A pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50cc or said motor is rated 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 vehicle.

Section 163-2 - Operation of Low Speed Electric Vehicles Within the Borough.

A. Any person operating a low speed electric vehicle 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 vehicle shall ride as near to the right side of the travel roadway as practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. All persons under the age of 17 are required to wear a protective helmet while operating a low speed electric vehicle.

C. No person shall operate a low speed electric vehicle on a sidewalk within the Borough or in any location prohibited by signage.

D. No person shall ride or operate a low speed electric vehicle 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 vehicle shall attach themselves to any street car or vehicle, nor

shall the operator of the low speed electric vehicle allow others to hitch or hold onto an electric vehicle during operation. It shall be prohibited for a person operating a low speed electric vehicle 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 a passenger in place and for protecting the passenger.

Section 163-3 - Operation Prohibited.

Motorized electric vehicles as defined herein are prohibited from operating within or upon any roadway owned by or under the jurisdiction of the Borough, or in any park or parking lot owned by the Borough.

Section 163-4 – Operation of Motorized Electric Vehicles.

Motorized electric vehicles shall only be operated within the Borough if properly registered, insured and operated by a licensed operator. Motorized electric vehicles can only be operated by licensed operators on the roadways in accordance with the New Jersey Motor Vehicle Code. All operators, regardless of age, are required to wear a protective helmet while operating a motorized electric vehicle.

Section 163-5 - Statutory Provisions.

The provisions of N.J.S.A. 4-14.3, et seq. are hereby expressly incorporated by reference.

Section 163-6 - Violations and Penalties.

Any person who violates any provision of this Article shall be subject to a fine not to exceed \$250.00 for a first offense; not to exceed \$1,000.00 for a second offense; and not to exceed \$2,000.00 for a third or subsequent offense.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.