

**BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS,
STATE OF NEW JERSEY**

ORDINANCE NO. 11-2026

**ORDINANCE AMENDING CHAPTER 169 OF THE CODE
OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY
OF MORRIS, NEW JERSEY, TO ADDRESS THE USE AND
OPERATION OF LOW-SPEED ELECTRIC BICYCLES,
LOW-SPEED ELECTRIC SCOOTERS, ELECTRIC
MOTORIZED BICYCLES, MOTORIZED BICYCLES AND
MOTORIZED SCOOTERS WITHIN THE BOROUGH OF
MOUNT ARLINGTON**

WHEREAS, the Borough of Mount Arlington (the “**Borough**”), has previously amended the Code of the Borough (the “**Borough Code**”) to address the proper and safe use of low-speed electric bicycles, low-speed electric scooters, motorized bicycles, motorized scooters and other similar motor powered devices in the Borough; and

WHEREAS, the New Jersey State Legislature (the “**State Legislature**”) has recently amended N.J.S.A. 39:1-1 *et seq.*, concerning the requirements for operating low-speed electric bicycles, low-speed electric scooters, motorized bicycles, electric motorized bicycles and motorized scooters; and

WHEREAS, the Borough wishes to amend Chapter 169 of the Borough Code to reflect the changes made to N.J.S.A. 39:1-1 *et seq.* enacted by the State Legislature and to ensure the continued safe use and operation of low-speed electric bicycles, low-speed electric scooters, electric motorized bicycles, motorized bicycles and motorized scooters within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Mount Arlington, County of Morris, New Jersey as follows:

SECTION 1. Chapter 169 of the Code of the Borough of Mount Arlington (the “**Borough Code**”), respectively, be and is hereby amended and supplemented as set forth in Exhibit A hereto (which is incorporated by reference as if set forth at length herein), to further address the use and operation of bicycles within the Borough (including low-speed electric bicycles, low-speed electric scooters, electric motorized bicycles, motorized bicycles and motorized scooters).

SECTION 2. Chapter 169 of the Borough Code may be renumbered for codification purposes.

SECTION 3. All ordinances or part of ordinances inconsistent with, or in conflict with this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. This Ordinance shall take effect immediately upon passage, publication and approval according to law.

EXHIBIT A

PROPOSED CHANGES TO CHAPTER 169 OF THE MOUNT ARLINGTON BOROUGH CODE

Chapter 169 Vehicles and Traffic

Applicability of this Article.

The provisions of this Article shall apply to all roadways under the jurisdiction of the Borough of Mount Arlington and subject to regulation by the Mayor and Council of the Borough of Mount Arlington, and all facilities, parks, property and public sidewalks within the Borough owned, or under the control or supervision of the Borough of Mount Arlington.

This Article shall not apply to, nor shall it be construed to regulate, directly or indirectly, in any manner, the use or operation of any powered or motorized wheelchair, medical device, mobility scooter or similar mobility assisting devices designed for use by persons with disabilities, medical conditions or by persons whose ambulatory mobility has been impaired by age or illness.

Nothing in this Article shall be construed to apply, regulate or prohibit activity that is exempt from, or not subject to, Borough regulation pursuant to State law. If any provision of this Article is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail. Nothing in this Article is intended, nor shall be construed, to supersede any applicable State laws.

A. Definitions. The following term shall have the meanings indicated:

BOROUGH FACILITY, PARK OR PROPERTY

All buildings, facilities, structures, parks, recreation facilities, playgrounds, athletic fields, beaches, parking lots and other lands and real property owned or under the control or supervision of the Borough of Mount Arlington upon which the public is invited or upon which the public is permitted, including but not limited to any parking area, driveway or drive aisle.

ELECTRIC MOTORIZED BICYCLE

Any two-wheeled vehicle with fully operable pedals and an electric motor capable of greater than 750 watts that is capable of reaching a speed greater than 28 miles per hour.

LOW-SPEED ELECTRIC BICYCLE

A two-wheeled vehicle with fully operable pedals and an electric 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; This term shall not include: electric personal assistive mobility devices, 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.

LOW-SPEED ELECTRIC SCOOTER

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. This term shall not include: electric personal assistive mobility devices, 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.

MOTORIZED BICYCLE

A pedal bicycle that is equipped with: (1) a helper motor characterized in that either the maximum piston displacement is less than 50 cubic centimeters or the helper motor is rated at no more than 1.5 brake horsepower; (2) 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 to a speed of not more than 15 miles per hour; (3) a helper motor that is powered by an electric drive motor that provides assistance when the rider is pedaling and has a maximum speed between 21 miles per hour and 28 miles per hour on a flat surface; or (4) an electric motor that is capable of propelling the bicycle in excess of 15 miles per hour through the use of a throttle 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 as defined in this Article.

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.

PEDESTRIAN

A person who is afoot and who is not operating, seated on, riding, occupying, entering into or alighting from a low-speed electric bicycle, low-speed electric scooter, motorized bicycle, motorized scooter, vehicle or other motor propelled device.

SIDEWALK

A sidewalk owned, controlled or maintained by the Borough. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

B. Incorporation of New Jersey e-bike and e-scooter laws and regulations. New Jersey state laws and regulations governing low-speed electric bicycles, low-speed electric scooters, motorized bicycles and motorized scooters, all as defined by N.J.S.A. 39:1-1, including N.J.S.A.39:4-15.6 and Title 39 of the New Jersey statutes and any regulations promulgated pursuant thereto, are incorporated herein by reference, and shall also govern the use and regulation of such low-speed electric bicycles, low-speed electric scooters, motorized bicycles and motorized scooters within the Borough of Mount Arlington.

C. Operation of low-speed electric bicycles, low-speed electric scooters, motorized bicycles and motorized scooters.

(1) Obedience to Traffic Control Devices

- (a) Every person riding or propelling a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter upon any Borough Roadway shall observe all traffic rules and regulations applicable hereto, and shall turn only at intersections, signal for all turns, ride at the right-hand of the street (or otherwise ride within any designated bike route) in the Borough, pass to the left when passing overtaken vehicles and individuals that are slower moving and shall pass vehicles to the right when meeting. All persons operating and propelling a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall comply with the motor vehicle and traffic regulations of the State of New Jersey, as well as those of the County of Morris and the Borough, as applicable.
- (b) A person operating a low-speed electric scooter or motorized scooter on a Borough roadway is not required to register the low-speed electric scooter or motorized scooter or have a driver's license
- (c) No person who is under 15 years of age shall be permitted to operate a low-speed electric bicycle or motorized bicycle.
- (d) A person 17 years of age or older operating a low-speed electric bicycle or motorized bicycle shall be required to register the low-speed electric bicycle or motorized bicycle and have a driver's license or valid motorized bicycle license or permit to operate the low-speed electric bicycle or motorized bicycle. A person aged 15 years of age or older but under the age of 17, or those without a valid driver's license, must possess a valid moped license (class F).
- (e) Notwithstanding anything to the contrary herein, the operator of a low-speed electric bicycle shall not be required to be in possession of a valid basic driver's license or valid motorized bicycle license or permit if the operator is renting a low-speed electric bicycle from a company operating shared low-speed electric bicycles

under a contract with a local government, provided that the company requires the operator to be 16 years of age or older.

D. Riding on Borough roadways and bicycle paths generally.

- (1) Whenever a bicycle lane has been established on a Borough roadway, any person operating a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall ride within the bicycle lane.
- (2) No person under 17 years of age shall operate or ride upon a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter as a driver or passenger on any Borough roadway, unless that person is wearing a properly fitted and fastened protective helmet.
- (3) No person shall ride or sit as a passenger on a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter while the device is in motion on any Borough roadway unless there is proper seating for both rider and passenger.
- (4) No person operating, riding or using a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall hold fast or hitch on to automobiles or other vehicles.
- (5) No person operating or riding on any low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall tow or pull any object of any kind while such device is in motion on a Borough roadway.
- (6) No person shall use a wireless telephone or other electronic communication device while operating a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter on any Borough roadway, except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation and the operator exercises a high degree of caution.
- (7) No person operating a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter on a Borough roadway shall remove both hands from the handlebars while riding or operating the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter.
- (8) Any group of two or more persons operating any low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall travel in single file except and unless the volume of vehicles and traffic conditions are such that side by side travel is safe under the circumstances.

E. Operation on sidewalks

- (1) No person shall use or operate any low-speed electric bicycle, low-speed electric scooter, motorized bicycle, motorized scooter, motor vehicle, or any other motor powered or equipped device on any sidewalk within the Borough, except that this prohibition is not intended to regulate or prohibit pedestrian activity, nor the use or riding of bicycles and other non-motor equipped wheeled devices that are powered to motion exclusively by human muscle, on the sidewalk.

- (2) Bicycles and other non-motor equipped wheeled devices shall be permitted on sidewalks within the Borough.
- (3) Any person dismounting from a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter may stand, walk and travel freely on and about the sidewalk with, and while walking or pushing, a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter.
- (4) The operator of a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter emerging from an alleyway, driveway, or building shall, upon approaching a sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians or bicyclists approaching on the sidewalk or sidewalk area.

F. Operation on and within Borough facilities, fields and property. The operation and use of low-speed electric bicycles, low-speed electric scooters, motorized bicycles or motorized scooters on, within or upon any Borough Facility, Park and Property, including recreational areas, fields, lawns, trails, grass or pathways owned or controlled by the Borough as well as any driveway, parking lot or other paved surface therein is prohibited, except in such areas where explicitly permitted by way of an official Borough sign posted at such location.

G. Parking, generally.

- (1) Low-speed electric bicycles, low-speed electric scooters, motorized bicycles and motorized scooters are permitted to be secured on any bicycle rack located at Borough Facilities.
- (2) When available, low-speed electric bicycles, low-speed electric scooters, motorized bicycles and motorized scooters shall be parked in designated, marked, parking areas when on any Borough property or facility.
- (3) Low-speed electric bicycles, low-speed electric scooters, motorized bicycles and motorized scooters may be attached or secured to a bicycle rack with a U-lock, chain lock, or any type of lock made specifically for bicycles and/or low-speed electric bicycles and low-speed electric scooters. No person shall attach or secure a low-speed electric bicycle or low-speed electric scooter to any fixed object not suited for electric scooter or electric bicycle parking.
- (4) No person shall leave a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter lying on or standing upon a sidewalk in such a manner as to block or impede pedestrians. A person may temporarily leave a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter parked on the sidewalk, provided that it does not block or impede the safe and orderly movement of pedestrians upon the sidewalk, and provided further that the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall be parked to the side of the paved surface area.

- (5) No person shall leave or park a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter on or at any Borough Property or business or private property within the Borough where prohibited by the owner.
- (6) No person shall leave or park a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter in such a manner as to block or impede access, entry or pedestrian travel to or from any Borough facility.
- (7) No person shall park a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter upon a street other than upon the roadway against the curb or in a designated bicycle, electric scooter, or electric bicycle parking area in a rack to support the electric scooter or electric bicycle, or against a building or at the curb.
- H. Lamps and equipment.** A low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter operated during non-daylight hours shall be equipped with at least one lighted lamp on its front. The lamp shall show a white light and be of such nature and so displayed that it may be seen at least 500 feet distant in the direction toward which the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter is proceeding. If the front lamp is so arranged that it will show a red light visible for a distance of at least 500 feet in the rear thereof, no red light attached to the rear of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall be necessary, but where the front lamp does not show such a red light, there shall be attached to the rear of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter one lighted lamp showing a red light or red reflector visible for a distance of at least 500 feet from the rear thereof, from half an hour after sunset to half an hour before sunrise.
- I. Operation on private property.** No person shall operate a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter on any business or private property within the Borough where a sign is posted by the property or business owner prohibiting such use or operation.
- J. Prohibited modifications.** Pursuant to Title 39 of the New Jersey Revised Statutes, no person shall tamper with or modify any low-speed electric bicycle, low-speed electric scooter, electric motorized bicycle, motorized bicycle or motorized scooter so as to change the motor-powered speed capability or otherwise exceed the maximum speed allowable by law for such device. Notwithstanding any other penalties authorized by law or this Article, any low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter found to have been unlawfully tampered with or modified shall be subject to impoundment in accordance with § 238-52.

K. Abandonment of low-speed electric bicycles, low-speed electric scooters, motorized bicycles or motorized scooters.

- (1) It shall be unlawful for any person to abandon any low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter within the Borough. A low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter may be deemed abandoned by the Borough if:
 - (a) It has been parked for a period of three (3) or more consecutive calendar days in the same location; or
 - (b) It appears visually to be in a state of prolonged disuse such that it has deflated tires, damaged or missing equipment making it inoperable, accumulated leaves and debris associated with it; or
 - (c) Seventy-Five percent (75%) or more of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter is rusted; or
 - (d) It is found in any other condition in which a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter would be deemed abandoned.
- (2) In the event that a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter is deemed to be abandoned by the Borough, the Police Department shall have the authority to remove and dispose of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter if not otherwise removed.

L. Enforcement

- (1) The provisions of this Article shall be enforceable by the Borough of Mount Arlington Police Department.
- (2) Nothing in this Ordinance shall be construed to preclude, restrict or limit any law enforcement officer from exercising their lawful authority and discretion in the enforcement of this Ordinance in accordance with the rules and regulations of the Police Department as well as Attorney General's Office and County Prosecutor's Office directives and standard and accepted police practices.
- (3) Violations of the provisions of this Article may be enforced in any lawful manner the Mount Arlington Police Department may deem appropriate, including but not limited to in accordance with the provisions of this Article independently and/or in combination with Title 39 of the New Jersey Revised Statutes and other applicable law.

M. Violations and penalties. Notwithstanding and in addition to any violations or penalties authorized by law, this Article or the Borough Code, any person found to be in violation of any provision of this Article shall, upon conviction, be subject to the following:

- (1) Operators over Eighteen (18) Years Old. Any person eighteen (18) years of age or older who operates a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter in violation of this Article, or who otherwise fails to comply with the requirements of this Article, shall be subject to a fine of not more than

\$250.00 for the first offense, a fine of not more than \$500.00 for the second offense and a fine of not more than \$1000.00 for a third or subsequent offense.

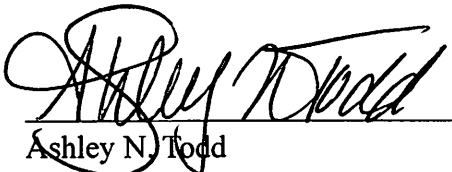
(2) Operators under Eighteen (18) Years Old:

- a. Upon a first offense, the parent(s) or legal guardian(s) of any person under eighteen (18) years of age who operates a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter in violation of this Article, or who otherwise fails to comply with the requirements of this Article, shall be subject to a fine of not more than \$250.00 and/or the potential impoundment of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter for a period of not more than seven (7) days.
- b. Upon a second offense, the parent(s) or legal guardian(s) of the non-adult offender shall be subject to a fine of not more than \$500.00 and/or the impoundment of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter for a period of not less than seven (7) days, nor more than sixty (60) days. Any low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter impounded by the Borough of Mount Arlington Police Department shall only be releasable to the parent(s) or legal guardian(s) of the non-adult offender.
- c. Upon a third or subsequent offense, the parent(s) or legal guardian(s) of the non-adult offender shall be subject to a fine of not more than \$1000.00, and the impoundment of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter pending a hearing as to the continued impoundment of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter in accordance with standard practice and procedures. Any low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter impounded by the Borough of Mount Arlington Police Department shall only be releasable to the parent(s) or legal guardian(s) of the non-adult offender.
- d. In the event the Borough of Mount Arlington Police Department cannot determine the name and address of the parent(s) or legal guardian(s) of any person under eighteen (18) years of age who violates any of the provisions of this Article, the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter shall be seized or impounded pending identification and notification of the parent(s) or legal guardian(s), and the non-adult offender shall be summoned to appear at the Borough of Mount Arlington Police Department with his or her parent(s) or legal guardian(s), at which time a summons may be issued to the parent(s) or guardian(s) for the appropriate offense(s). The Borough Police Department will arrange for the return of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or

motorized scooter to the parent(s) or legal guardian(s) of the non-adult offender provided it does not constitute a second or subsequent offense for which the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter would be subject to impoundment. In the event the parent(s) or legal guardian(s) of the non-adult offender shall fail to respond within thirty (30) days of the seizure or impoundment of the low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter, the Borough may proceed in accordance with standard police practices with respect to abandonment, unclaimed property or other appropriate disposition.

- e. In any instance in which the Police Department deems it necessary to utilize the services of a licensed towing operator to assist with and effectuate an impoundment in accordance with this Article, any and all fees and costs imposed for the impoundment, storage and removal shall be the responsibility of the parent(s) or guardian(s) of the non-adult offender.

Attest:



Ashley N. Todd
Acting Municipal Clerk



Michael Stanzilis
Mayor