

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2025-20

Title: **AN ORDINANCE AMENDING CHAPTER 7, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF LOWER TO ENACT ARTICLE IV, ELECTRIC BICYCLE/SCOOTERS, TO ESTABLISH REGULATIONS ASSOCIATED WITH THE OPERATION OF ELECTRIC BICYCLES AND SCOOTERS**

**WHEREAS**, in accordance with N.J.S.A. 39:4-197, municipalities are afforded the authority to regulate traffic and parking on municipal public rights-of-way throughout their jurisdiction; and

**WHEREAS**, Chapter 7, Traffic, Article II, Bicycle Regulations, of the Code of the Township of Lower establishes regulations associated with operation/use of bicycles on public rights-of-way within the Township; however, this Article does not specifically address the use and operation of electric bicycles and electric scooters; and

**WHEREAS**, over the course of the past several years the use and operation of electric bicycles and electric scooters have become more prevalent on public streets, sidewalks, bike paths, boardwalks, and other shared public spaces, often in close proximity to pedestrians, children, seniors, and motor vehicles; and

**WHEREAS**, the use and operation of electric bicycles and electric scooters in high-traffic pedestrian areas and on sidewalks throughout the Township significantly increases the risk of serious injury to the operators, as well as to pedestrians and motorists navigating these congested areas; and

**WHEREAS**, the Township Council of the Township of Lower finds it to be necessary and appropriate in the interest of public safety to prohibit the use of electric bicycles and electric scooters on the sidewalks throughout the Township of Lower.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 7, Traffic, Article IV, Electric Bicycles and Scooters, is hereby added to Chapter 7 of the Township Code as follows:

**Section 1.** Chapter 7, Traffic, Article IV, Electric Bicycles and Scooters, is hereby enacted as follows:

**ARTICLE IV      Electric Bicycles and Scooters**

**§ 7-26    Purpose.**

The provisions of this Article shall apply whenever an electric bicycle or electric scooter is operated upon any street or upon any public way within the Township of Lower. In the event any of the provisions of this Article conflicts with applicable State Laws, the State Laws shall control.

**§ 7-27    Definitions.**

All words and phrases set forth herein shall be afforded their ordinary meanings as defined and outlined within N.J.S.A. 39:1-1. However, the following specific definitions are incorporated herein for ease of reference:

**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.

#### **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.

#### **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.

#### **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 as defined in this section.

#### **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.

### **§ 7-28 Traffic Laws/Regulations.**

Any person operating a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter shall obey all state traffic statutes, laws, and regulations, and the instructions of official traffic control signals, signs, and other control devices applicable to vehicles.

### **§ 7-29 Electric Bicycle/Scooter Regulations**

1. Any person operating a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter shall obey the instructions of official traffic control signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
2. Whenever authorized signs are erected indicating that a turning movement is restricted, no person operating a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter shall disobey the direction of any such sign, except where that person dismounts from the electric scooter or electric bicycle to make the turn in which event such person shall then obey regulations applicable to pedestrians.

3. No person shall ride or operate a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter in any direction except in the same direction as vehicular traffic traveling on the same side of the roadway.
4. Any person operating a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter shall stop for pedestrians in crosswalks.
5. The operator of a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter shall ride as close to the right-hand side of a public street or roadway as practicable.
6. All operators of a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter under the age of 17 are required to wear a protective helmet while operating a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter.
7. No person shall use or operate a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter on a sidewalk, defined in N.J.S.A. 39:1-1 as "that 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," within the Township of Lower.
8. Low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter in use at nighttime shall 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 emitting a red light visible from a distance of 500 feet to the rear.
9. No person shall ride or operate a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of themselves or other persons or property.
10. It shall be prohibited for a person operating a low-speed electric bicycle, low-speed electric scooter, low-speed vehicle, motorized bicycle, or motorized scooter 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.

#### **§ 7-30 Violations and Penalties.**

Any individual who violates the terms and provisions of this Article shall be subject to a fine of \$100.00 for a first offense and a fine of \$200.00 for a second and/or subsequent violation.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

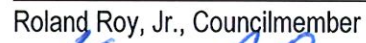
**Section 3.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.



**Section 4.** This Ordinance shall become effective 20 days after final passage and publication according to law.

  
Thomas Conrad, Councilmember

  
Joseph Wareham, Councilmember


  
Roland Roy, Jr., Councilmember

  
Kevin Coombs, Deputy Mayor

  
Frank Sippel, Mayor

First Reading: September 3, 2025

Adopted:  October 6, 2025

Attest:   
Julie A. Picard, Township Clerk