

## NOTICE OF PENDING ORDINANCE

### **ORDINANCE 2026-8 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 322 OF THE TOWNSHIP CODE ENTITLED “VEHICLES, ELECTRIC” TO CREATE A NEW ARTICLE II ADDRESSING ELECTRONIC BICYCLES AND ELECTRONIC SCOOTERS**

**WHEREAS**, the Township Council of the Township of Berlin finds it necessary to update its local traffic and safety regulations to address the rapid increase in the use of electric bicycles (“e-bicycles”) and electronic scooters (“e-scooters”) and to align the Township Code with recent state statutory updates (Senate Bill S4834/A6235, enacted) and to further determine that pursuant to N.J.S.A. 40:48-2 and N.J.S.A. 39:4-14.16 the Township possesses the explicit authority to regulate, restrict, or prohibit the operation of these motorized devices on local roadways, local sidewalks, paths, and public properties to prevent hazardous conflicts between high-speed motorized riders and motor vehicles, property, and pedestrians, thereby preserving the public health, safety, and welfare.

**WHEREAS** The Township Council therefore desires to amend the Township’s existing Sections § 322 of the Township Code to add an Article II specifically addressing the use and regulations of electronic bicycles and electronic scooters within the township.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Council of the Township of Berlin, County of Camden, State of New Jersey that the following sections of the Township Code shall be amended as follows:

#### **§322 Article II shall now be created and shall read:**

Chapter 322. Vehicles, Electric

Article II. Electric Bicycles and Scooters

§ 322-10. Intent and purpose.

The purpose and intent of this article is to establish regulations and guidelines for the safe operation of low-speed electric bicycles and low-speed electric scooters within the Township of Berlin, to promote public safety for riders, motorists, and pedestrians, and to encourage responsible use. This article supplements, but does not supersede, applicable state law.

§ 322-11. Applicability.

A. The provisions of this article shall apply to all roadways, sidewalks, parks, facilities, and property under the jurisdiction of the Township of Berlin.

B. 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.

C. Nothing in this article shall be construed to apply, regulate or prohibit activity that is exempt from, or not subject to, Township 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 it be construed, to supersede any applicable state laws.

§ 322-12. Definitions.

As used in this article, the following terms shall have the meanings set forth below, unless context clearly indicates otherwise. If state law amends any referenced definition, the state definition shall control without further amendment of this article.

Former “Class 1 / 2 / 3” devices. For purposes of this article, any electric bicycle or similar device labeled, marketed, or previously classified as a “Class 1,” “Class 2,” or “Class 3” electric bicycle shall be deemed to fall within the State categories of “low-speed electric bicycle,” “motorized bicycle,” or “electric motorized bicycle,” respectively, as those terms are defined in N.J.S.A. 39:1-1, as may be amended, based on the device’s ability to provide pedal-assist only, any throttle capability, motor power, and maximum assisted speed as established by State law. **LOW-SPEED ELECTRIC BICYCLE** — Shall mean and include 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. A low-speed electric bicycle shall have the same meaning as provided in N.J.S.A. 39:1-1, as may be amended.

**MOTORIZED BICYCLE** — Means a pedal bicycle with fully operable pedals and an electric motor capable of propelling the bicycle with or without pedaling at a speed of not more than 28 miles per hour on level ground, and having a motor not exceeding 750 watts, as defined in N.J.S.A. 39:1-1, as may be amended.

**ELECTRIC MOTORIZED BICYCLE** — Means 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. An electric motorized bicycle shall have the same meaning as provided in N.J.S.A. 39:1-1, as may be amended.

**LOW-SPEED ELECTRIC SCOOTER** — Means a device weighing less than 100 pounds that has handlebars, a floorboard that can be stood upon by the operator, and is powered by an electric motor, and which has a maximum speed on a paved level surface of less than 19 miles per hour, as defined by applicable state law, as may be amended.

**PEDESTRIAN** — Means and includes 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, vehicle or other motor-propelled device.

**SIDEWALK** — Means and includes any sidewalk owned, controlled or maintained by the Township. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

**TOWNSHIP FACILITY, PARK OR PROPERTY** — Shall mean and include all buildings, facilities, structures, parks, recreation facilities, playgrounds, athletic fields, beaches, parking lots and other lands and real property owned by or under the control or supervision of the Township

of Berlin 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.

§ 322-13. Application of traffic laws.

A. Persons operating low-speed electric bicycles, motorized bicycles, electric motorized bicycles, or low-speed electric scooters on Township roadways have all rights and duties applicable to vehicle operators under the Township Code and Title 39, except as modified by this article or state law.

B. Operation of low-speed electric bicycles, motorized bicycles, and electric motorized bicycles within the Township shall comply with all applicable provisions of Title 39 of the Revised Statutes and any regulations promulgated by the New Jersey Motor Vehicle Commission, including but not limited to requirements for licensing, registration, insurance, helmet use, and minimum age.

C. Operation of low-speed electric scooters within the Township shall comply with all applicable provisions of Title 39 of the Revised Statutes and any other applicable state law governing low-speed electric scooters.

§ 322-14. Operation of low-speed electric bicycles and low-speed electric scooters.

A. Obedience to traffic control devices.

(1) Any person operating a low-speed electric bicycle or low-speed electric scooter on any Township roadway shall observe and obey all applicable traffic control signals, signs, and other control devices in the same manner and to the same extent as required of the operator of a motor vehicle, where applicable, except and unless otherwise directed by a police officer or exempted pursuant to the provisions of this article or official signage.

(2) Whenever authorized signs are posted indicating that a turning movement is restricted, no person operating a low-speed electric bicycle or low-speed electric scooter shall disobey the direction of any such sign, except where the operator dismounts from the low-speed electric bicycle or low-speed electric scooter to make the turn, in which event such person shall then obey the regulations applicable to pedestrians.

(3) No person shall ride or operate a low-speed electric bicycle or low-speed electric scooter in any direction on any Township roadway, except that permitted of vehicular traffic traveling on the same side of the roadway. This subsection shall not be interpreted as permitting riders of low-speed electric bicycles or low-speed electric scooters to ride on roadways where they are otherwise prohibited from riding pursuant to county, state, or federal law, or other provisions of the Township Municipal Code.

(4) Nothing in this article shall be construed to waive, alter, or supersede any State requirements relating to licensing, registration, insurance, helmet use, or minimum age applicable to the operation of low-speed electric bicycles, motorized bicycles, or electric motorized bicycles.

Operators remain responsible for complying with all such State requirements.

B. Riding on Township roadways and bicycle paths generally.

(1) Any person operating a low-speed electric bicycle or low-speed electric scooter upon a Township roadway shall ride as near to the right-hand side of the traveled roadway as practicable under the circumstances, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) No person shall ride or sit as a passenger on a low-speed electric bicycle or low-speed electric scooter while the device is in motion on any Township roadway unless there is proper

seating for both rider and passenger and each such person is wearing a properly fitted and fastened protective helmet. This subsection establishes a local safety requirement and shall not be construed to waive or limit any different or additional helmet requirement imposed by state law.

(3) Any person operating a low-speed electric bicycle or low-speed electric scooter on a Township roadway shall stop for pedestrians in crosswalks.

(4) No person operating, riding on or using a low-speed electric bicycle or low-speed electric scooter, or other similar powered device, shall connect or attach themselves, any passenger or the low-speed electric bicycle or low-speed electric scooter on which they are riding to any vehicle upon a Township roadway.

(5) No person operating or riding on any low-speed electric bicycle or low-speed electric scooter shall tow or pull any object of any kind while such device is in motion on any Township roadway.

(6) No person shall use a wireless telephone or other electronic communication device while operating a low-speed electric bicycle or low-speed electric scooter on any Township 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) Every person operating a low-speed electric bicycle or low-speed electric scooter on a bike path that is about to enter or cross a roadway shall yield the right-of-way to all traffic on such roadway.

(8) No person operating a low-speed electric bicycle or low-speed electric scooter on a Township roadway shall carry any package, bundle, or article which prevents the operator from keeping both hands upon the handlebars.

(9) Any group of two or more persons operating any low-speed electric bicycle or low-speed electric 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.

(10) Whenever a bicycle lane has been established on a Township roadway, any person operating a low-speed electric bicycle or low-speed electric scooter shall ride within the bicycle lane.

#### C. Helmet use and minimum age.

No person shall operate or ride upon a low-speed electric bicycle or low-speed electric scooter as a driver or passenger on any Township roadway, sidewalk, or path unless that person is wearing a properly fitted and fastened protective helmet. This requirement is in addition to, and not in lieu of, any helmet requirements imposed by State law. Operation of a low-speed electric bicycle, motorized bicycle, or electric motorized bicycle by persons under the minimum age established by State law is prohibited.

#### D. 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 motor-equipped device on any sidewalk within the Township, 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.

(2) Bicycles and other non-motor-equipped wheeled devices that are powered to motion exclusively by human muscle shall be permitted on sidewalks within the Township, subject to the duty to exercise due care for pedestrians.

(3) Any person operating a low-speed electric bicycle, low-speed electric scooter, motorized bicycle or motorized scooter, upon dismounting from such device, may stand, walk and travel freely on and about the sidewalk with, and while walking or pushing, such device.

(4) The operator of a low-speed electric bicycle or low-speed electric 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. Upon entering the Township roadway, the user shall yield the right-of-way to all vehicles approaching on the roadway.

E. Operation on and within Township 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 Township facility, park and property, including recreational areas, fields, lawns, trails, grass or pathways owned or controlled by the Township as well as any driveway, parking lot or other paved surface therein, regardless of the surface of such area, is prohibited, except in such areas where explicitly permitted by way of an official Township sign posted at such location. This prohibition shall not apply to emergency, maintenance, or law enforcement use authorized by the Township.

F. Parking, generally.

(1) Low-speed electric bicycles and low-speed electric scooters are permitted to be secured on any bicycle rack located at Township facilities.

(2) When available, low-speed electric bicycles and low-speed electric scooters shall be parked in designated, marked parking areas when on any Township property or facility.

(3) Low-speed electric bicycles and low-speed electric scooters may be attached or secured to the 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 any low-speed electric bicycle or low-speed electric 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 or low-speed electric 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 device shall be parked to the side of the paved surface area.

(5) No person shall leave or park a low-speed electric bicycle or low-speed electric scooter on or at any Township property or business or private property within the Township where prohibited by the owner.

(6) No person shall leave or park a low-speed electric bicycle or low-speed electric scooter in such a manner as to block or impede access, entry or pedestrian travel to or from any Township facility.

(7) No person shall park a low-speed electric bicycle or low-speed electric 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 device, or against a building or at the curb.

G. Lamps and equipment.

A low-speed electric bicycle or low-speed electric scooter operated during non-daylight hours 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 a lamp emitting a red light visible from a distance of 500 feet to the rear.

H. Private property.

No person shall operate a low-speed electric bicycle or low-speed electric scooter on any business or private property within the Township where a sign is posted by the property or business owner prohibiting such use or operation.

§ 322-15. Abandonment of low-speed electric bicycles and scooters.

A. A low-speed electric bicycle or low-speed electric scooter may be deemed abandoned by the Township if:

- (1) It has been parked for a period of three or more consecutive calendar days in the same location; or
- (2) It appears visually to be in a state of prolonged disuse such that it has deflated tires, damaged or missing equipment making it inoperable, or accumulated leaves and debris associated with it; or
- (3) It is found in any other condition in which a low-speed electric bicycle or low-speed electric scooter would reasonably be deemed abandoned.

B. The abandonment by any person of any low-speed electric bicycle or low-speed electric scooter within the Township shall be strictly prohibited.

C. In the event that a low-speed electric bicycle or low-speed electric scooter is deemed to be abandoned by the Township, the Police Department shall have the authority to remove and dispose of the device if not otherwise removed, in accordance with applicable laws and Township policies governing abandoned or unclaimed property.

§ 322-16. Enforcement.

A. The provisions of this article shall be enforceable by the Berlin Township Police Department.

B. Nothing in this article shall be construed to preclude, restrict or limit any law enforcement officer from exercising their lawful authority and discretion in the enforcement of this article 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.

§ 322-17. Violations and penalties.

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

A. Operators over 18. Any person 18 years of age or older who operates a low-speed electric bicycle or low-speed electric scooter in violation of this article, or who otherwise fails to comply with the requirements of this article, shall, upon conviction thereof, be punished by a fine of not more than \$2,000, pursuant to N.J.S.A. 40:49-5, in the discretion of the Judge.

B. Operators under 18.

(1) Upon a first offense, the parent(s) or legal guardian(s) of any person under 18 years of age who operates a low-speed electric bicycle or low-speed electric scooter in violation of this article, or who otherwise fails to comply with the requirements of this article, shall be subject, in the discretion of the Judge, to a fine of not more than \$2,000, pursuant to N.J.S.A. 40:49-5, or the maximum amount that is permitted by law, and/or the potential impoundment of the low-speed electric bicycle or low-speed electric scooter for a period of not more than seven days. The Municipal Court is encouraged to consider educational measures, community service, or reduced fines, particularly for first-time, non-aggravated violations.

(2) Upon a second offense, the parent(s) or legal guardian(s) of the non-adult offender shall be subject, in the discretion of the Judge, to a fine of not more than \$2,000, pursuant to N.J.S.A. 40:49-5, or the maximum amount that is permitted by law, and/or the impoundment of the low-speed electric bicycle or low-speed electric scooter for a period of not less than seven days, nor more than 60 days. Any device impounded by the Township of Berlin Police Department shall only be releasable to the parent(s) or legal guardian(s) of the non-adult offender.

(3) Upon a third or subsequent offense, the parent(s) or legal guardian(s) of the non-adult offender shall be subject, in the discretion of the Judge, to a fine of not more than \$2,000, pursuant to N.J.S.A. 40:49-5, or the maximum amount that is permitted by law, and the impoundment of the low-speed electric bicycle or low-speed electric scooter pending a hearing as to the continued impoundment of the device in accordance with standard practice and procedures.

(4) In the event the Township of Berlin Police Department cannot determine the name and address of the parent(s) or legal guardian(s) of any person under 18 years of age who violates any of the provisions of this article, the device 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 Township of Berlin 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). Provided it does not constitute a second or subsequent offense for which the device would be subject to impoundment, the Township Police Department will arrange for the return of the device to the parent(s) or legal guardian(s) of the non-adult offender upon the parent(s) or legal guardian(s) responding to Police Headquarters and providing the appropriate identification. In the event the parent(s) or legal guardian(s) of the non-adult offender shall fail to respond within 30 days of the seizure or impoundment, the Township may proceed in accordance with standard police practices with respect to abandonment, unclaimed property or other appropriate disposition.

(5) 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.

#### § 322-18. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this article.

INTRODUCED: June 15,2026

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on June 15, 2026, and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on July 20, 2026 at 5:30 p.m. at the Berlin Township Municipal Hall, 135

Route 73 South, West Berlin, NJ.08091, at which time all persons interested will be given an opportunity to be heard concerning such ordinance.

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