

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 10, CHAPTER 10.41 "ELECTRIC SCOOTERS"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, VEHICLES AND TRAFFIC is hereby amended to add a new chapter, Chapter 10.41, "Electric Scooters" to read as follows:

10.41.010 Scope.

The provisions of this article shall apply whenever an electric scooter is operated upon any street or upon any public right-of-way within the City of New Brunswick, subject only to those exceptions stated in this section. Where the provisions of this Chapter contradict and/or overlap with any state laws, the state law shall govern.

10.41.020 Definitions.

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

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 19 miles per hour.

PRIVATE ELECTRIC SCOOTER

Any electric scooter owned and operated by a private individual.

SHARED ELECTRIC SCOOTER

Any electric scooter owned by a company permitted to offer publicly accessible electric scooters through a pay-per-ride or subscription program.

USER

Any person who is operating an electric scooter.

10.41.030

Application of traffic laws to electric scooters.

Every person riding an electric scooter upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this Code applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

10.41.040

Electric scooter rules and regulations.

A.

Obedience to traffic control devices.

(1)

Any person operating an electric 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 an electric scooter shall disobey the direction of any such sign, except where that person dismounts from the 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 an electric scooter in any direction except that permitted of vehicular traffic traveling on the same side of the roadway, unless traveling in a bike lane that runs counter to the flow of vehicular traffic.

(4)

Any person operating an electric scooter shall stop for pedestrians in crosswalks.

B.

Riding on roadways and bicycle paths generally.

(1)

Every person operating an electric scooter upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction, unless an exclusive bicycle lane is provided.

(2)

Persons riding an electric scooter upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3)

Whenever a bicycle lane has been established on a roadway, any person operating an electric scooter upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such a person may move out of the lane under any of the following situations:

(a)

Whenever overtaking or passing another electric scooter, bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.

(b)

When preparing for a turn at an intersection or into a private road or driveway.

(c)

When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

C.

User age restrictions. No person younger than 18 shall operate an electric scooter.

D.

Manner of riding an electric scooter. No electric scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

E.

Speed restrictions. No person shall operate an electric scooter at a speed greater than is reasonable and prudent under the condition then and there existing provided it does not exceed 19 miles per hour.

F.

Yielding right-of-way from a bicycle path. Every person operating an 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, unless otherwise instructed by existing traffic signalization.

G.

Leaving bicycle lanes. No person operating an electric scooter shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.

H.

Electric scooters emerging from alleys or driveways; yielding right-of-way. The operator of an 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 roadway, the user shall yield the right-of-way to all vehicles approaching on the roadway.

I.

Clinging to vehicles prohibited. No person riding upon an electric scooter shall attach the same or themselves to any streetcar or vehicle upon a roadway.

J.

Riding on sidewalks.

(1)

No person shall ride an electric scooter upon a sidewalk.

(2)

Any person traveling on the sidewalk with an electric scooter shall dismount before entering the sidewalk throughway and walk the electric scooter along the sidewalk.

(3)

No person shall start or stop an electric scooter trip on the sidewalk.

K.

Carrying articles. No person operating an electric scooter shall carry any package, bundle, or article which prevents the user from keeping both hands upon the handlebars.

L.

Parking. No person shall park an electric scooter upon a street other than upon the roadway against the curb or in a designated bicycle or electric scooter parking area or upon the sidewalk in a rack to support the electric scooter, or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

M.

Lamps and equipment on electric scooters.

(1)

Electric scooters 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 with a lamp emitting a red light visible from a distance of 500 feet to the rear.

(2)

An electric scooter shall not be equipped with, nor shall any person use, any siren or whistle upon an electric scooter.

(3)

Electric scooters shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(4)

Electric scooters shall be equipped with a bell or other audible signal for the purposes of overtaking and passing any pedestrians, bicycles, or other electric scooters.

(5)

Electric scooters shall be equipped with a kick stand to prevent them from toppling over when parked.

N.

Electric scooter parking, generally.

(1)

Electric scooters are permitted to be secured at the bicycle racks in the City for up to four consecutive days without being utilized.

(2)

Electric scooters shall be parked in designated electric scooter parking areas if they are available and advertised as such by either signage, pavement markings, or racks.

(3)

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. No person shall attach or secure an electric scooter to any fixed object not suited for electric scooter parking or typically used for bicycle parking. No person shall leave an electric scooter lying on or standing upon the sidewalk in such a manner as to hinder or impede pedestrians.

O.

Abandonment of electric scooters, generally.

(1)

An electric scooter may be deemed abandoned by the City if:

(a)

It has been parked for a period of more than four (4) 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 debris associated with it; or

(c)

It is found in any other condition in which an electric scooter would be deemed abandoned.

(2)

It shall be unlawful for any person to abandon any electric scooter within the City.

(3)

In the event that an electric scooter is deemed to be abandoned by the City's Department of Engineering and Public Works or the Police Department, the Department shall have the authority to place an abandoned electric scooter notice, in the form of an adhesive sticker, on the electric scooter itself to notify the owner that said electric scooter is deemed to be abandoned pursuant to this subsection and that it will be removed and disposed of if not removed.

(4)

The notice in the form of an adhesive sticker shall state the following:

(a) The date after which the electric scooter may be removed if the owner/user does not remove and reclaim it; and

(b) The name and contact information for a City representative to contact in case the electric scooter has been mistakenly identified as abandoned.

(5)

Once an abandoned notice sticker has been placed on the electric scooter, the owner of the electric scooter shall have ten (10) calendar days as set forth on the notice sticker to remove the electric scooter from the location. If it is not removed within the ten -calendar-day notice period as provided on the sticker, it may thereafter be removed from its location by any means necessary and disposed of by the City in accordance with the law.

P.

Shared electric scooter rental restriction. The shared electric scooter user shall be the same person who made the rental reservation. No person shall rent a shared electric scooter for another user.

Q.

Electric scooter charging. No electric scooter battery shall be recharged in the public right-of-way without prior written authorization from the City.

R.

Electric scooter disposal. All electric scooters shall be disposed of in a manner in accordance with state and federal regulations as they relate to hazardous materials disposal.

S.

All operators of electric scooters shall certify once (at the time of sign-up for an electric scooter program), prior to riding, that they have read the state law (N.J.S.A. 39:1-1 et seq.) and the herein ordinance (New Brunswick City Code Chapter 10.44) governing electric scooter use.

T.

Scooters shall not be operated within public parks unless they are being operated on a bicycle path or roadway through the park, or if it is necessary to cross through the park to reach an e-scooter parking location, users must dismount from the scooter and walk it to the destination.

10.41.050

Violations and penalties.

A.

Except as detailed in Subsection B below, in the event that any individual violates the terms of this section, he/she shall be subject to a fine in the Municipal Court of the City of New Brunswick in an amount of \$100.

B.

If the offense is for failure to obey traffic control devices in violation of 10.41.040 A (1); riding in any direction other than the direction permitted for vehicular traffic in violation of 10.41.040 A (3); or carrying more persons at one time than the number for which the vehicle is equipped in violation of 10.41.040 D, the penalty for the first offense shall be \$50.00; the penalty for the second offense shall be \$100; the penalty for the third offense shall be \$500; and upon the fourth or subsequent offense, the individual shall be suspended for a period of one year from any City-sponsored rideshare program.

C.

If the offense is for riding on a sidewalk in violation of 10.41.040 J, the penalty for the first offense shall be \$250; the penalty for subsequent offenses shall be \$500 per occurrence.

10.41.060

Voluntary Personal Scooter Registration

A.

Any resident of the City that would desire to voluntarily register their privately-owned personal electric scooter may do so at the City Clerk's Office for a fee of fifteen dollars (\$15.00) per electric scooter per year.

10.41.070

Shared Electric Scooters Services and Programs

A.

Any shared electric scooter company may operate their service within New Brunswick provided they meet the following criteria:

(1)

The company providing the shared electric scooter service shall agree with the City on the number of electric scooters that they can operate at any given time. The number of electric scooters per each company will be set or altered upwards by the New Brunswick City Council by resolution at a frequency of not more often than every once per calendar month. The company may at their own discretion adjust the number of scooters downwards without City Council action.

(2)

All electric scooters that are part of a shared electric scooter service shall be required to have a minimum of two (2) wheels.

(3)

company that expresses interest in offering a shared electric scooter service in the City will agree to a pilot program of not more than ninety (90) days with no more than two-hundred (200) initial electric scooters during that time period.

(4)

The company will provide the City a fee of fifty dollars (\$50.00) per scooter in an effort to mitigate the cost of additional electric scooter enforcement, the creation of electric scooter infrastructure, and education around the topic of electric scooter safety.

(5)

The company will provide the City three (3) safety helmets per scooter placed into operation for the city to distribute for safety.

(6)

The company will provide the City with a payment of \$0.15 cents per scooter trip to support increased enforcement of city scooter regulations and related infrastructure improvements.

(7)

The City will set a maximum number of electric scooters provided in aggregate by all companies to be permitted to operate with the City. The number is to be no more than six hundred (600) electric scooters.

(8)

The company will use any reasonable means of technology, such as but not limited to geofencing, to limit their electric scooter operations to comply with the map located at 10.41.070 A (16).

(9)

Company shall provide City with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; (c) Umbrella or Excess Liability coverage with a limit of no less than \$5,000,000.00 each occurrence/aggregate; and (d) where company employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

(10)

If Company collects anonymized fleet and ride activity data for all trips starting or ending within the jurisdiction of City on any vehicle of Licensee or of any person or company controlled by, controlling, or under common control with Licensee, then that data will be shared with the City, provided steps are taken to ensure individual privacy and protect trade secrets.

(11)

The company will be required to have an identification plate on all of their electric scooters.

(12)

The company will disable and store away all electric scooters on days of inclement weather and for 48 hours following a snowfall of greater than 5 inches.

(13)

Electric scooters that are not in compliance with 10.41.070 A (12) will be subject to the regulations located within Title 12, Chapter 12.20 "ABANDONED, WRECKED AND REPAIR OF VEHICLES ON STREETS".

(14)

The company will locate 5% of their electric scooters, rounded up to the next whole electric scooter, and no fewer than five (5), in each neighborhood of need every morning in compliance with the map located at 10.41.070 A (17).

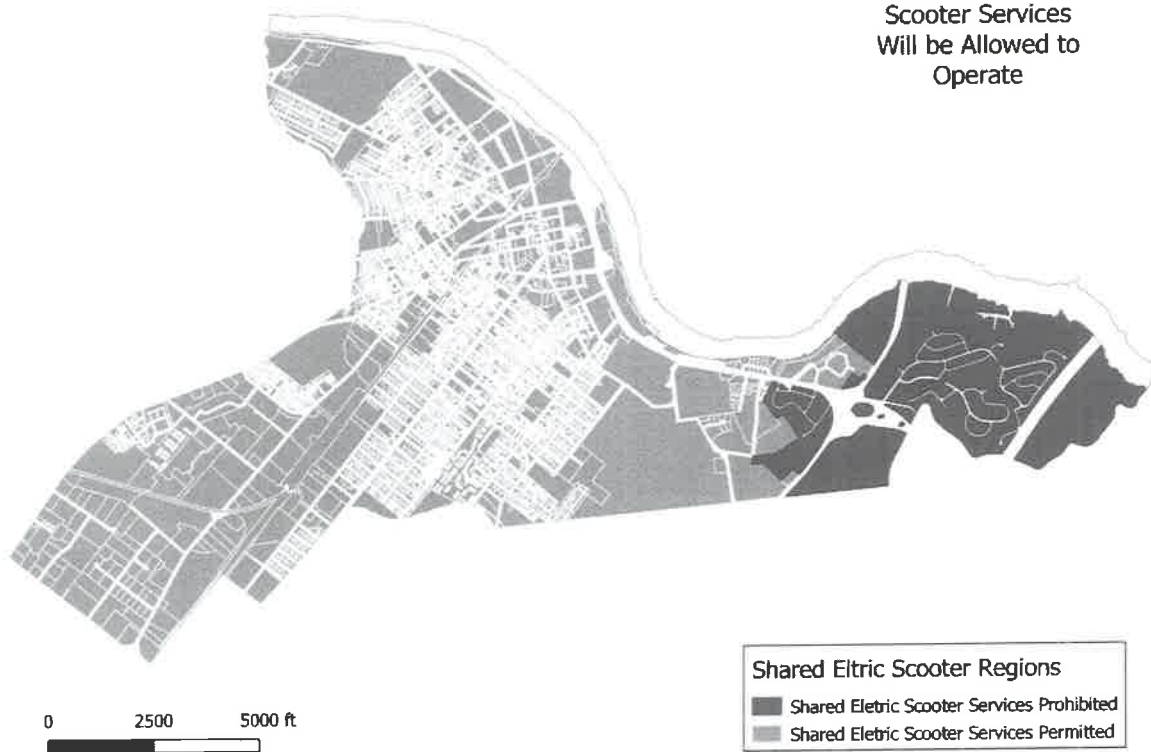
(15)

The City and any Shared Electric Scooter Service company shall formalize by way of an agreement that provides the specifics of their services as it relates to this subsection 10.41.070.

(16)

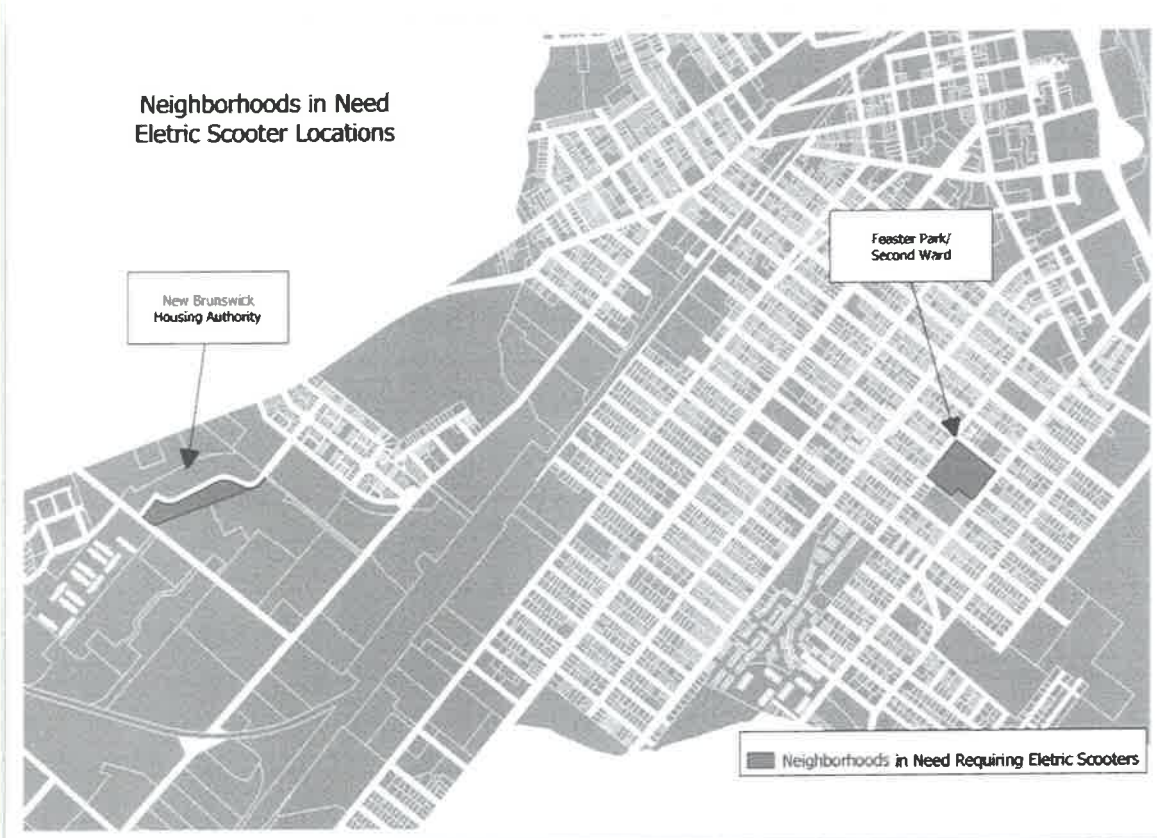
The following map designates those areas of the City of New Brunswick where Shared Electric Scooters are permitted.

Where Shared Electric Scooter Services Will be Allowed to Operate



(17)

The following map designates those locations in the City of New Brunswick where Shared Electric Scooter companies must locate a minimum of 5% of their fleet as per the specifics of 10.41.070 A (14).



SECTION II

SEVERABILITY:

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: October 2, 2019


COUNCIL PRESIDENT


ADOPTED ON SECOND READING
DATED: October 16, 2019


COUNCIL PRESIDENT

ATTEST:


CITY CLERK

APPROVAL OF THE MAYOR ON THIS 18th DAY OF October, 2019.


MAYOR

APPROVALS:


CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc

I, Leslie R. Zelenko, City Clerk of the City of New Brunswick, NJ, do hereby Certify the foregoing Ordinance as a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on OCTOBER 16, 2019.
Leslie R. Zelenko
Leslie R. Zelenko, City Clerk
Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified.

COUNCIL MEMBER	V	N	AB	COUNCIL MEMBER	V	N	AB
ESCOBAR	S			SCOBAR	S		
FLEMING				ANDERSON Pres	S		
				ANDERSON Pres	S		

COUNCIL MEMBER	V	N	AB	COUNCIL MEMBER	V	N	AB
ESCOBAR	S			ANDERSON Pres	S		
FLEMING				ANDERSON Pres	S		