

LEGAL NOTICE
ORDINANCE NO. 61
2025
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND CHAPTER 202 VEHICLES, OFF-ROAD
AND LOW-SPEED OF THE CODE OF THE TOWNSHIP OF WAYNE

WHEREAS, the Mayor and Council of the Township of Wayne consider pedestrian and traffic safety to be a significant priority for the Township residents; and

WHEREAS, electric bikes, or e-bikes, have surged in popularity in recent years, revolutionizing how people travel through urban and suburban areas, but this rapid rise has also presented challenges for municipalities as they work to update laws, adapt infrastructure, and balance the use of roadways and pathways with pedestrians, motor vehicles, traditional cyclists and e-bike riders;

WHEREAS, in concert with education programming, the Township Police Department has recommended the implementation of certain enforcement measures in an effort to enhance pedestrian and traffic safety;

WHEREAS, the Mayor and Council find it to be in the best interest of the Township's residents to implement new laws to govern the use of this new mode of transportation.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 202 Vehicles, Off-Road and Low-Speed, is amended as follows:

Chapter 202 Vehicles: Off-Road, Low-Speed, **Low-Speed Electric Bicycle, Low-Speed Electric Scooter, and Motorized Bicycle.**

SECTION 2. Chapter 202 Vehicles: Off-Road, Low-Speed, Low-Speed Electric Bicycle, Low-Speed Electric Scooter, and Motorized Bicycle, Section 202-1, Purpose, is amended to include the following:

The purpose of this chapter is to establish standards for the operation of off-road vehicles, low-speed vehicles, **Low-Speed Electric Bicycles, Low-speed Electric Scooters, and Motorized Bicycles**, within the Township of Wayne **in order to promote traffic safety and** minimize the impact of noise and nuisances caused from the operation of such vehicles on residents of the Township and the environment.

SECTION 3. Chapter 202 Vehicles: Off-Road and Low-Speed, Section 202-2, Definitions, is amended to include the following:

~~AFFECTED PERSON~~

~~Means any person on a regulated property who has registered a noise complaint with an authorized enforcement agency and such person has an interest in the protected property as an owner, tenant or employee.~~

~~DEPARTMENT~~

~~Means the New Jersey Department of Environmental Protection.~~

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 - 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 - 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.

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.

SECTION 4. Chapter 202 Vehicles: Off-Road, Low-Speed Electric Bicycle, Low-Speed Electric Scooter, and Motorized Bicycle, Section 202-3, Applicability, is amended to include the following:

All Off-Road Vehicles, Low-Speed Vehicles, Low-Speed Electric Bicycles, Low-Speed Electric Scooters, and Motorized Bicycles vehicles as defined in Section 202-2 shall comply with the requirements contained herein.

SECTION 5. Chapter 202, Vehicles: Off-Road, Low-Speed, Low-Speed Electric Bicycles, Low-Speed Electric Scooters, and Motorized Bicycles, Subsection 202-5, Prohibited Acts, is amended as following:

A. It shall be unlawful to operate or permit to be operated any type of ~~vehicle~~ **Off-Road Vehicle or Low-Speed Vehicle** as defined in this chapter under the following circumstances.

A.—1. No ORV/LSV shall operate between the hours of 8:00 p.m. and 8:00 a.m.

B.—2. No person shall operate or cause to be operated any ORV/LSV not equipped with a factory-installed or functionally equivalent muffler in good working order and in constant operation.

~~E.~~ 3. No ORVs/LSVs shall be operated within 400 feet of an affected person's occupied property. If the Noise Control Officer or Noise Control Investigator determines the use of an ORV/LSV or ORVs/LSVs is not impacting on the complainant's enjoyment of life and property as a result of relative loudness, distance to the property line, number of vehicles or frequency of drive-bys, even if the ORV/LSV operator(s) is within 400 feet, a violation does not exist.

~~D.~~ 4. On private property of another without the prior express permission to do so by the owner or occupant of said property.

~~E.~~ 5. On public grounds without the prior express provisions or permission to do so by the proper public authority.

~~F.~~ 6. In such a manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

~~G.~~ 7. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or the property of any other person.

~~H.~~ 8. No ORV/LSV shall be permitted to operate on any public street within the Township of Wayne.

9. No ORV/LSV shall be permitted to operate on any Township athletic field, court, grass area, or natural surface hiking/walking trail;

B. It shall be unlawful to operate or permit to be operated any type of Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle as defined in this chapter under the following circumstances:

1. Operating a Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or their property, including, but not limited to, failing to yield to pedestrians;

2. Operating a Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle contrary to official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer;

3. Operating a Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle on any Township athletic field, court, grass area, or a natural surface hiking/walking trail;

4. Operating Low-Speed Electric Bicycles, on a roadway with a speed limit exceeding 25 MPH;

5. Operating a Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle with a passenger;

6. Operating a Low-Speed Electric Bicycle without a helmet if under the age of seventeen;

7. Parking a Low-Speed Electric Bicycle or Low-Speed Electric Scooter on a sidewalk that blocks pedestrian access;

8. For Motorized Bicycles, all operators must be at least fifteen years of age, must possess the appropriate license, must possess the appropriate vehicle registration, and must possess the appropriate insurance. All operators, regardless of age, are required to wear a protective helmet while riding a Motorized Bicycle;

9. No person shall use a wireless telephone or Electric communication device while operating Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle except when the telephone is a hands-free wireless telephone or the Electric 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; and

10. Every Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle shall have a reflector on the front and the back. Every Low-Speed Electric Bicycle, Low-Speed Electric Scooter, or Motorized Bicycle, when 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 on the rear which shall emit a red light visible from a distance of at least 500 feet to the rear.

SECTION 6. Chapter 202, Vehicles: Off-Road, Low-Speed, Low-Speed Electric Bicycles, Low-Speed Electric Scooters, and Motorized Bicycles, Subsection 202-6, Enforcement, is amended as following:

~~A. Any violation of this chapter shall be cause for an enforcement document to be issued to the violator or the property owner on which the ORV/LSV or ORVs/LSVs was operated by the noise control officer or noise control investigator according to procedures set forth at N.J.A.C.7:29. The recipient of an enforcement document with a monetary penalty shall be entitled to a hearing in municipal court having jurisdiction to contest such action.~~

The Township of Wayne Police Department is authorized to enforce the provisions of this Chapter. In doing so, the Township of Wayne Police Department may exercise discretion when issuing violations considering such factors as the nature and severity of the violation, the circumstances surrounding the violation, the violator's history of compliance, and the impact on public safety.

~~A. Any person who violates any provision of this chapter shall may be subject to a civil penalty for each offense and shall be liable, upon conviction, to the penalties established pursuant to the traffic laws of the Township of Wayne or as are stated in Chapter 1, Section 1-15 of the Code of the Township of Wayne. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense. The violator can request a settlement conference to discuss potential reductions in penalty or to enter a payment schedule.~~

~~B. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.~~

~~C. It shall be unlawful for the owner or person having control or custody of an ORV/LSV to allow or enable a minor (under age 18) to operate said ORV/LSV in a manner violating any section of this chapter. When a minor operates an ORV/LSV in violation of this chapter, it shall be a refutable presumption that the parent or guardian enabled the ORV/LSV to be so operated and as such the parent or guardian shall be an additional responsible party.~~

SECTION 7. Chapter 202, Vehicles: Off-Road, Low-Speed, Low-Speed Electric Bicycles, Low-Speed Electric Scooters, and Motorized Bicycles, is hereby amended to include, Subsection 202-7, Violations and Penalties, as following:

- A. Any person who violates any provision of this chapter may be subject to a civil penalty for each offense and shall be liable, upon conviction, to the penalties established for the violation of the traffic laws of the Township of Wayne or the penalties as stated in Chapter 1, Section 1-15 of the Code of the Township of Wayne. For repeat offenders, the minimum fine shall not be less than \$100.00.**
- B. No provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law.**
- C. It shall be a separate violation of this Chapter for the owner or person having control or custody of an Off-Road, Low-Speed, Low-Speed Electric Bicycles, Low-Speed Electric Scooters, or Motorized Bicycles to knowingly allow an under-age person to operate said vehicle.**
- D. Any person who operates a vehicle in violation of this Chapter may have their vehicle impounded and towed in accordance with Chapter 191. In the case of a juvenile, the costs associated with impounding the vehicle shall be charged to the owner or parent/guardian of the operator.**

Section 8. Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 9. Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 10. Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 11. This ordinance shall take effect twenty days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

JASON DESTEFANO
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of October 22, 2025 and November 12, 2025.

PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this 6th day
of November 2025.

ADOPTED ON: November 5, 2025

CHRISTOPHER P. VERGANO
MAYOR