

Ordinance of the City of Jersey City, N.J.

File No. Ord. 22-070
Agenda No. 3.3 (1st Reading)
Agenda No. 4.3 (2nd Reading and Final Passage)



AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 332 - VEHICLES AND TRAFFIC, ARTICLE X – IMPOUNDING AND BOOTING VEHICLES OF THE JERSEY CITY CODE TO ALLOW FOR THE IMPOUNDMENT OF SNOWMOBILES, ALL-TERRAIN VEHICLES, AND DIRT BIKES OPERATED ON PUBLIC STREETS.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, in accordance with N.J.S.A. § 39:3C-35, the New Jersey State Legislature has authorized municipalities to declare that the unlawful operation of an all-terrain vehicle or dirt bike on any public street, highway, or right-of-way is an immediate threat to public health, safety, and welfare, and to designate the all-terrain vehicle as contraband subject to forfeiture pursuant to New Jersey law; and

WHEREAS, an all-terrain vehicle or dirt bike operated on any public street, highway, or right-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17) poses an immediate threat to the public health, safety, or welfare of the City; and

WHEREAS, the City declares any all-terrain vehicle or dirt bike operated on a public street, highway, or right-of-way is contraband subject to forfeiture in accordance with the provisions of N.J.S.2C:64-1 et seq.; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 242 – Peace and Good Order shall be amended as follows:

Chapter 242 – PEACE AND GOOD ORDER

ARTICLE VI – ROLLER SKATES, IN-LINE SKATES, SKATEBOARDS, BICYCLES, ~~AND~~ ELECTRIC SCOOTERS, DIRT BIKES AND ALL-TERRAIN VEHICLES

§ 242-9.2 DEFINITIONS

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

ALL-TERRAIN VEHICLE or ATV means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three and six non-highway tires, but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, a county, a municipality, or a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee's, agent's, member's or technician's official duties.

CITY: the City of Jersey City.

DIRT BIKE means any two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

ELECTRIC SCOOTER (E-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.

ELECTRIC SCOOTER DOCKING STATION: a stationary fixture to which electric scooters used as part of an electric scooter share program or service are attached and made available for use and where these electric scooters can be returned at the end of their use.

APPROVED AS TO LEGAL FORM

A handwritten signature in black ink, appearing to be 'JMA', is written over a horizontal line.

Business Administrator

A handwritten signature in black ink, appearing to be 'P.D.', is written over a horizontal line.

Corporation Counsel

An Ordinance amending and supplementing Chapter 332 - Vehicles and Traffic, Article X – Impounding and Booting Vehicles of the Jersey City Code to allow for the impoundment of snowmobiles, all-terrain vehicles, and dirt bikes operated on Public Streets.

ELECTRIC SCOOTER SHARED RENTAL SYSTEM: a network of scooters and docking stations (physical or digitally defined) whereby users may rent publicly available scooters from automation stations around the City, ride them, and return them to any other automated station within the service area.

FURNITURE ZONE: the section of the sidewalk between the curb and a pedestrian through zone in which street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, tree pits, and bicycle parking are provided, according to the Urban Design Guide of the National Association of City Transportations Officials.

PRIVATE ELECTRIC SCOOTER: Any electric scooter owned and operated by a private individual.

ROLLER SKATES: a pair of devices worn on the feet with sets of wheels attached, regardless of the number or placement of those wheels, and used to slide or propel the user over ground.

SCOOTER: a platform low to the ground and mounted on wheels, regardless of the number or placement of those wheels, with a steering column attached to the front axle, and used to slide or propel the user across the ground. The scooter may or may not have a seat.

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.

SHARED USE PATH: any paved pathway in the public right-of-way that supports multiple recreation and transportation opportunities, such as walking, bicycling, and inline skating, excluding trails and walkways located in City parks.

SKATEBOARD: a platform low to the ground and mounted on wheels, regardless of the number or placement of those wheels, and used to slide or propel the user over the ground.

§ 242-9.3. - Use restricted.

A. No person may ride or use a skateboard or scooter, except as provided herein, on the streets and sidewalks of all commercially zoned districts within the City.

B. No person less than eighteen (18) years of age may ride or use a motorized scooter, motorized skateboard, or motorized roller skates on any roadway, sidewalk or public property within the City of Jersey City. The motor need not be engaged in order for a person to be in violation thereof.

C. No person shall operate a dirt bike or all-terrain vehicle, as defined in N.J. Stat. § 39:3C-1, on public streets, highways, or rights-of-way in violation of section 17 of P.L. 1973, c.307 (C.39:3C-17). Any all-terrain vehicle or dirt bike operated on a public street, highway, or right-of-way in such a manner is declared contraband subject to forfeiture in accordance with the provisions of N.J.S.2C:64-1 et seq.

D. In addition, any unregistered or uninsured dirt bike or all-terrain vehicle as defined in NJ Stat. 39:3C-1 abandoned, stored, parked on a public street, sidewalk or in an alley shall be subject to impoundment in accordance with the provisions of N.J.S. 2C:64-6 or may be destroyed.

§ 242-9.4 - Electric scooters; regulations.

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§ 242-9.5. - Violations and penalties.

A. Any person, except a minor, who violates this article shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine as provided in Chapter 1, General Provisions, § 1-25.

B. Any minor who violates any provision of § 242-9.1 and § 242-9.3 shall, upon a first offense, receive a written warning addressed to the minor's parents or guardian. The minor and the parent may also be advised that a second violation will make them liable for a fifty-dollar (\$50.00) fine or community service as provided in Chapter 1, General Provisions, § 1-25, and that a third or subsequent offense will make them liable to a minimum fine of one hundred dollars (\$100.00) and a maximum fine as provided in Chapter 1, General Provisions, § 1-25.

C. In addition to subsection (A) of this section, any member of the Department of Public Safety who witnesses a violation of this subsection shall confiscate the motorized scooter, motorized skateboard, or motorized roller skates which shall remain in police custody until such time as the matter is adjudicated in the Municipal Court and the violator pays any fine that is ordered. Should the defendant be found guilty of the alleged violation, the vehicle will be forfeited.

D. A police officer shall only issue a fine for a violation of any provision of § 242-9.1 and § 242-9.3 by a person less than fourteen (14) years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian. Such fines shall only be issued to such parent or guardian.

E. In the case of an all-terrain vehicle or dirt bike, where the all-terrain vehicle or dirt bike is operated on public streets in violation of section 17 of P.L.1973, c.307, the all-terrain vehicle or dirt bike may be impounded and shall be disposed of in accordance with the provisions of N.J.S.2C:64-6 or may be destroyed.

F. No dirt bike or all-terrain vehicle impounded shall be released by the Department of Public safety to the possession of the owner thereof until such owner has submitted satisfactory proof of identity and ownership including, but not limited to, the appropriate registration and insurance for the dirt bike or all-terrain vehicle and paying all outstanding fees and costs associated with the impoundment, and reasonable towing and storage costs.

NOTE: All new material is underlined words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

An Ordinance amending and supplementing Chapter 332 - Vehicles and Traffic, Article X – Impounding and Booting Vehicles of the Jersey City Code to allow for the impoundment of snowmobiles, all-terrain vehicles, and dirt bikes operated on Public Streets.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Aug 17 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	ABSENT	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Sep 8 2022						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY – Sep 8 2022						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

RECORD OF FINAL COUNCIL VOTE – Sep 8 2022						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Aug 17 2022**

Adopted on second and final reading after hearing on **Sep 8 2022**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Sep 8 2022



City Clerk



Joyce E. Watterman, President of Council
Approved: Sep 8 2022

Amendment(s):

Motion to amend by Saleh, Seconded by Prinz-Arey

All Amendments are in Red
Section 242-9.3 - Use Restricted - Section D - Added
Section 242-9.5 - Violations and penalties - Section F - Added



Steven M. Fulop, Mayor
Date to Mayor: Sep 9 2022
Approved: Sep 9 2022

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Denise Ridley, Councilperson		2015475098	DRidley@jcnj.org
Department	Municipal Council		
Division	Municipal Council		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Aug 17 2022
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Purpose

An Ordinance Amending and Supplementing Chapter 242 - Peace and Good Order Regarding the Operation of All-Terrain Vehicles And Dirt Bikes On Public Streets

Cost (Identify all sources and amounts)

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Contract term (include all)

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Approved by
Ray Reddington, Attorney
John Metro, Business Administrator

Status:
Approved - Aug 04 2022
Approved - Aug 10 2022