CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 582-2025

AN ORDINANCE OF THE CITY OF CAPE MAY AMENDING AND SUPPLEMENTING CHAPTER 7 "VEHICLES AND TRAFFIC" TO REGULATE 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 of the City Code entitled "Vehicles and Traffic" 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 City significantly increases the risk of serious injury to the operators, as well as to pedestrians and motorists navigating these congested areas; and

WHEREAS, the City Council of the City of Cape May 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 City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May as follows:

Section 1. Section 7 of the City of Cape May Code regarding "Vehicles and Traffic" shall be amended to include the following **NEW SECTION**:

ARTICLE VI – Electric Bicycles and Scooters

§ 7-62 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 City of Cape May. In the event any of the provisions of this Article conflicts with applicable State Laws, the State Laws shall control.

§ 7-63 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. The definitions contained in this section shall be construed in a practical and common-sense manner for the protection of public safety,

consistent with their use in N.J.S.A. 39:1-1 and applicable federal regulations. References to maximum speed, motor power, or wattage are intended as general descriptors and shall not be applied as strict limitations. Vehicles or devices that are substantially similar in design, purpose, and intended operation shall be deemed included within these definitions, notwithstanding variations in technical specifications or the capability to exceed stated speed thresholds under certain conditions. In the event of any apparent conflict between a technical or overly literal reading of the following definitions and a reasonable, common-sense interpretation consistent with the intent of this Article, the common-sense interpretation shall govern. 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.

§ 7-64 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.

§ 7-65 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 City of Cape May.

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.

§ 7-66 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. For purposes of clarity and consistency with related provisions of the City Code, City Council hereby directs the following renumbering within Chapter 7:

(1) The New Section entitled "Minimum Parking Limitations and Regulations for All Vehicles," adopted pursuant to Ordinance No. 563-2025 on July 1, 2025, shall be codified as § 7-58, as proposed in the body of this Ordinance Amendment; and
(2) The existing Article V of Chapter 7, entitled "Exhibition Driving," shall be amended solely for purposes of renumbering its provisions to § 7-59, § 7-60, and § 7-61.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 4. This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:

Erin C. Burke, City Clerk

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

BY: _____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 582-2025 was introduced at a regular meeting of the City Council of the City of Cape May, held on October 21, 2025; was amended and reintroduced on November 17, 2025; and was further considered for final passage during a meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on December 16, 2025 at 5:30 P.M. at which time a Public Hearing was held.

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier	X					
McDade	X					X
Bodnar	X				X	
Baldwin	X					
Mullock	X					

Introduced: October 21, 2025
1st Publication: October 29, 2025
Amended and Reintroduced: November 18, 2025
Republished: November 26, 2025
2nd Reading & Adoption: December 16, 2025
Final Publication: December 24, 2025
Effective Date: January 13, 2026