BOROUGH OF FAIRVIEW, BERGEN COUNTY, NEW JERSEY, NOTCE OF INTRODUCTION ORDINANCE NO 26-18 Notice is hereby given that the following Ordinance 26-18 was introduced at a Council Meeting of the Mayor and Council of the Borough of Fairview on Tuesday, August 18, 2026, and passed on first reading, and the same was then ordered to be published in full or in summary according to law; and that such Ordinance will be further considered for final passage at a regular meeting of the Mayor and Council to be held in the Council Chambers, 59 Anderson Avenue, 2nd Floor, Fairview, New Jersey, on September 15, 2026, at 6:00 p.m., at which time and place, or any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given opportunity to be heard concerning such Ordinance.

ORDINANCE 26-18

AN ORDINANCE AMENDING CHAPTER 3 SECTION 30 OF THE CODE OF THE BOROUGH OF FAIRVIEW TO EXTEND CERTAIN LICENSING, REGISTRATION, INSURANCE, EQUIPMENT, AND OPERATIONAL REQUIREMENTS APPLICABLE TO MOTORIZED BICYCLES TO CERTAIN MOTORIZED SCOOTERS AND TO ESTABLISH REGULATIONS FOR LOW-SPEED ELECTRIC SCOOTERS

WHEREAS, the State of New Jersey regulates motorized bicycles, motorized scooters, and low-speed electric scooters pursuant to Title 39 of the Revised Statutes and amendments thereto; and

WHEREAS, R.S. 39:4-14.3 establishes requirements governing the licensing and operation of motorized bicycles and, where applicable under State law, low-speed electric bicycles; and

WHEREAS, R.S. 39:1-1 separately defines “motorized bicycle,” “motorized scooter,” and “low-speed electric scooter”; and

WHEREAS, the Governing Body finds that the safe operation, identification, registration, insurance, equipment, parking, and use of motorized bicycles and motorized scooters within the Municipality are matters affecting public safety; and

WHEREAS, the Governing Body further finds that uniform local requirements governing vehicles and devices operating within the Municipality will assist law enforcement and promote the safety of pedestrians, bicyclists, motorists, and operators; and

WHEREAS, the Governing Body intends this Ordinance to supplement, and not conflict with, the laws and regulations of the State of New Jersey;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Fairview, County of Bergen, State of New Jersey, as follows:

SECTION 1. Amendment of Chapter 3.

Chapter 3 “Bicycle Restrictions,” of the Code of the Borough of Fairview is hereby amended by adding the following new section:

§ _-. Motorized Bicycles, Motorized Scooters and Low-Speed Electric Scooters.

A. Definitions.

For purposes of this section, the following terms shall have the meanings established by R.S. 39:1-1 and amendments thereto, except where a different meaning is expressly provided herein:

MOTORIZED BICYCLE

A motorized bicycle as defined in R.S. 39:1-1.

MOTORIZED SCOOTER

A motorized scooter as defined in R.S. 39:1-1.

LOW-SPEED ELECTRIC SCOOTER

A low-speed electric scooter as defined in R.S. 39:1-1.

HIGH-SPEED MOTORIZED BICYCLE OR SCOOTER

Any motorized bicycle or motorized scooter for which State law requires, or authorizes the requirement of, a driver's license or motorized bicycle license, registration, insurance, or other motor-vehicle credential.

OPERATOR

Any person who rides upon, controls, or is in actual physical control of a motorized bicycle, motorized scooter, or low-speed electric scooter.

B. Application of State Motor Vehicle Requirements.

1. Every person operating a motorized bicycle or motorized scooter within the Municipality shall comply with all applicable provisions of Title 39 of the Revised Statutes, including all licensing, registration, insurance, equipment, lighting, operation, and safety requirements applicable to the particular vehicle.
2. To the maximum extent permitted by State law, a motorized scooter operated within the Municipality shall be subject to the same licensing, registration, insurance, equipment, and operational requirements that apply to a motorized bicycle of comparable classification.
3. Nothing in this section shall be construed to create a municipal driver's license, motorized bicycle license, or registration system that conflicts with a license, permit, registration, or credential issued by the New Jersey Motor Vehicle Commission.
4. The operator of a motorized bicycle or motorized scooter shall carry and, upon request of a law enforcement officer, exhibit all licenses, permits, registration certificates, insurance identification cards, and other documentation required by State law.

C. Insurance.

1. No person shall operate a motorized bicycle or motorized scooter on any public street, highway, roadway, or other location within the Municipality where insurance is required by State law unless the vehicle is covered by the minimum liability insurance required by New Jersey law.

2. The operator shall possess the required insurance identification card or other proof of financial responsibility and shall exhibit such proof upon request of a law enforcement officer.

D. Registration and Identification.

1. Every motorized bicycle or motorized scooter required by State law to be registered shall be properly registered before being operated within the Municipality.
2. No person shall operate a motorized bicycle or motorized scooter with an altered, obscured, defaced, counterfeit, or improperly displayed registration plate, identification number, or other identifying mark.
3. Nothing herein shall require municipal registration of a vehicle where State law expressly preempts or prohibits such municipal registration requirement.

E. Licensing.

1. No person shall operate a motorized bicycle or motorized scooter within the Municipality unless the operator possesses the license or permit required by State law for that class of vehicle.
2. Where State law requires a valid basic driver's license or motorized bicycle license or permit for operation of a particular class of vehicle, the operator shall possess the required credential at all times while operating the vehicle.
3. Nothing in this section shall be interpreted to require a separate municipal license where State law provides that the State-issued license or permit is sufficient.

F. Low-Speed Electric Scooters.

1. A low-speed electric scooter may be operated within the Municipality only in accordance with R.S. 39:4-14.16 and all other applicable provisions of Title 39.
2. Nothing in this section shall be interpreted to require a driver's license, motorized bicycle license, registration, or insurance for a low-speed electric scooter when such requirement is prohibited or not authorized by State law.
3. Operators of low-speed electric scooters shall comply with all applicable State and municipal rules concerning traffic control devices, yielding, operation, parking, sidewalks, bicycle paths, pedestrian safety, and other applicable rules of the road.
4. No operator of a low-speed electric scooter shall operate the device in a manner that endangers pedestrians, bicyclists, motorists, or other persons.

G. Equipment and Safety Requirements.

All motorized bicycles and motorized scooters operated within the Municipality shall comply with the equipment requirements imposed by Title 39 and applicable regulations of the New Jersey Motor Vehicle Commission.

No person shall operate a motorized bicycle or motorized scooter that has been modified, altered, or tampered with in a manner that causes the vehicle to exceed the speed, power, equipment, or classification limitations established by State law.

H. Modification and Tampering.

No person shall remove, disable, alter, modify, or tamper with a manufacturer's speed limiter, governor, identification device, safety equipment, or other component of a motorized bicycle, motorized scooter, or low-speed electric scooter when the modification causes the vehicle to operate outside the classification under which it is permitted to be operated.

A vehicle modified so that it falls within a different classification under State law shall be subject to the licensing, registration, insurance, equipment, and operating requirements applicable to its resulting classification.

I. Operation on Municipal Property.

No person shall operate a motorized bicycle, motorized scooter, or low-speed electric scooter on municipal property, parks, recreational facilities, pedestrian areas, sidewalks, or other restricted areas except as expressly permitted by ordinance, posted regulation, or State law.

The Chief of Police, Director of Public Works, or other appropriate municipal official may recommend designation of specific municipal areas where such devices may be operated or prohibited, subject to applicable State law.

J. Parking and Storage.

No person shall park, abandon, or store a motorized bicycle, motorized scooter, or low-speed electric scooter in a manner that:

1. obstructs a sidewalk, crosswalk, curb ramp, fire lane, driveway, entrance, or emergency access;
2. interferes with pedestrian or vehicular traffic;
3. blocks access to a public facility; or
4. otherwise creates a hazard to the public.

K. Enforcement.

The Police Department and other officers authorized by law shall enforce the provisions of this section.

Where a violation also constitutes a violation of Title 39, the enforcing officer may issue a summons under the applicable State statute in addition to, or in lieu of, a summons under this section, to the extent permitted by law.

L. Penalties.

Any person who violates a provision of this section shall be subject to a penalty of not more than $100.00 for each offense, together with applicable court costs and other lawful assessments.

Each day that a violation continues shall constitute a separate offense where permitted by law.

Nothing herein shall limit the authority of a court to impose any additional penalty or remedy authorized by State law.

M. State Law; Preemption.

This section shall be interpreted and enforced consistently with the laws and regulations of the State of New Jersey.

If any provision of this section is determined to conflict with an applicable provision of Title 39, any regulation promulgated thereunder, or other controlling State law, the State law or regulation shall control, and the conflicting portion of this section shall be deemed unenforceable to the extent of the conflict.

Nothing in this section shall be construed as authorizing the Municipality to prohibit, restrict, license, register, or impose an additional requirement upon a vehicle or device in a manner expressly prohibited by State law.

N. Severability.
If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. Repealer.
All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date.
This Ordinance shall take effect upon final adoption and publication according to law.

Diane T. Testa, Administrator/Municipal Clerk