

Chapter 190. Vehicles and Traffic

Article XXXVII. Electric Scooter Operation and Parking

[Added 5-1-2019 by Ord. No. B-131]

§ 190-66. Scope.

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

§ 190-67. Definitions.

As used in this article, 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 less than 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.

§ 190-68. 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 article and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

§ 190-69. 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.
- (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 existing provided it does not exceed 18 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.

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 himself to any streetcar or vehicle upon a roadway.
- J. Riding on sidewalks and the Hudson River Waterfront Walkway ("waterfront walkway").
[Amended 9-18-2019 by Ord. No. B-192]
 - (1) No person shall ride an electric scooter upon a sidewalk, which is 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."
 - (2) No person shall ride on the portion of the waterfront walkway that begins at the north end of Sinatra Park running south to the municipal border, including but not limited to the promenade area adjacent to Blue Eyes Cafe nor the portion of the Waterfront Walkway that begins at the south end of the skateboard park and runs north to the municipal border. This prohibition shall not include bike lanes or roadways along the waterfront walkway.
 - (3) Any person traveling with an electric scooter on the sidewalk or the portions of the waterfront walkway described in Subsection **J(2)** shall dismount before entering the prohibited areas and walk the electric scooter along the sidewalk.
 - (4) No person shall start or stop riding an electric scooter on the sidewalk or portions of the waterfront walkway described in Subsection **J(2)**.
- 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 seven 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. 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 seven 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 leaves and debris associated with it; or
- (c) 75% or more of the electric scooter is rusted; or
- (d) 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 Transportation and Parking 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 14 calendar days as set forth on the notice sticker to remove the electric scooter from the location. If it is not removed within the fourteen-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 (Hoboken City Code Article **XXXVII**) governing electric scooter use.

[Added 6-19-2019 by Ord. No. B-152]

- T. Scooters shall not be operated within public parks, and riders must dismount from the scooter and walk it if necessary to traverse the park to reach their desired destination.
[Added 6-19-2019 by Ord. No. B-152; amended 9-18-2019 by Ord. No. B-192]

§ 190-70. Violations and penalties.

[Amended 6-19-2019 by Ord. No. B-152]

- A. Except as detailed in Subsection **B** below, in the event that any individual violates the terms of this article, he/she shall be subject to a fine in the Municipal Court of the City of Hoboken in an amount of \$100.
- B. If the offense is for riding on a sidewalk in violation of § **190-69J**; failing to obey traffic control devices in violation of § **190-69A(1)**; riding in any direction other than the direction permitted for vehicular traffic in violation of § **190-69A(3)**; or carrying more persons at one time than the number for which the vehicle is equipped in violation of § **190-69D**, the penalty for the first offense shall be \$20; the penalty for the second offense shall be \$100; the penalty for the third offense shall be \$500; and upon the fourth offense, the individual shall be suspended for a period of one year from any City-sponsored rideshare program.