

Mayor Nolan offered the following Ordinance and moved on its adoption and authorized its publication according to law:

ORDINANCE NO. O-12-7
AN ORDINANCE AMENDING CHAPTER 4-10 “BICYCLES” OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS

NOTE: The section of Chapter 4-10 that is to be amended by this Ordinance includes only the Sections specifically set forth below. All additions shown in **bold with underlines**. The deletions are shown as ***strikeovers in bold italics***. It is the intent to delete the entire chapter.

Section 4-10 BICYCLES (DELETED)

4-10.1 — Definitions.

~~*— Bicycle shall mean and include a vehicle with two tandem wheels, neither of which is less than 15 inches in diameter, with solid or pneumatic tires, using a steering bar or wheel, a saddle seat, and propelled by human power.*~~

~~*— Operate or any form or tense thereof, shall mean and refer to the use, putting into action, or causing to function of a bicycle.*~~

~~*— Fit operating condition shall mean that all moving parts shall be in good functioning order; the frame shall be structurally sound; the tires shall be properly inflated; and the bicycle shall comply with all the requirements of R.S. 39:4-3, as amended.*~~

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4-10.2 — Registration; License Tags.

~~*— No person residing within the borough shall operate a bicycle upon any street, sidewalk or other public place in the borough without first having registered the bicycle and secured a license tag therefor.*~~

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4-10.3 — Application Form; Registration Card and Tags.

~~*— Application for license tags and registration certificates shall be made to the chief of police or any other person in charge of the police department, upon a form approved by the mayor and council and the registration card and license tags shall be issued as herein provided.*~~

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4-10.4 — Registration Fee; Proof of Ownership Required.

~~*— A license fee for each bicycle is hereby fixed at one (\$1.00) dollar per year and shall be paid at the time a registration tag is applied for. The application shall be signed by the owner and shall state the full name and address of the owner of the bicycle, the name of the manufacturer, the serial number of the frame thereof, the approximate date when the owner obtained title thereto, and if not new when obtained. If the owner is a person under 18 years of age, the signature shall be witnessed and the application countersigned by a parent of the owner, or if no parent is living, then by the legal guardian of the owner, and shall contain a certification by the parent or guardian that the applicant is capable of operating the bicycle.*~~

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4-10.5 — Operating Requirements; Issuance of Tags.

~~— Before a license may be issued, the applicant shall demonstrate that the bicycle is in fit operating condition, that the applicant is capable of operating the same and is familiar with the laws of the State of New Jersey relative to the operation of bicycles.~~

~~— Upon compliance by the applicant with the requirements herein set forth, the chief of police or any other person in charge of the police department, shall issue to the applicant a registration card and tag. The license tag shall at all times be attached to the bicycle, and, together with the registration card issued to owner, shall be subject to inspection at all times by any member of the police department.~~

~~4-10.6 — Registration Date.~~

~~— All bicycles regulated by this section shall be licensed on or before January 1 each year, and shall expire December 31 of the following year.~~

~~4-10.7 — Transfer of Ownership; Registration Not Transferable.~~

~~— It shall be the duty of every licensee who sells or transfers ownership of a bicycle to report the sale or transfer within 72 hours to the police department, by returning the registration card and license tag issued to such person and furnish the police department with the name and address of the person to whom the bicycle was sold or transferred.~~

~~4-10.8 — Bicycle Regulations.~~

~~— Every person operating a bicycle subject to the provisions of this section shall comply with all the provisions of R.S. 39:4, as amended, with applicable ordinances of the borough, and with all rules and regulations promulgated hereunder. The chief of police or any other person in charge of the police department, shall cause to be promulgated and issued to each licensee a printed copy of the safety rules of R.S. 39:4-3, as amended.~~

~~4-10.9 — Impounding of Bicycles.~~

~~— A bicycle being operated contrary to the provisions of this section may be impounded by the police department until such time as the owner meets with the requirements of this section, and shall not be returned except upon payment of two (\$2.00) dollars. All moneys received for registration or recovery of impounded bicycles shall be remitted by the chief of police, or any other person in charge of the police department, to the borough treasurer.~~

~~4-10.10 — Violations; Penalties.~~

~~— Any person under the age of 18 years who violates any of the provisions of this section shall for the first offense be reprimanded by the chief of police, or any other person in charge of the police department, in writing, addressed to the parents or guardian; second offense, the offender's registration card and tag shall be suspended for a fixed period of time at the discretion of the chief of police, or any other person in charge of the police department; third offense, the offender will be formally charged as a juvenile operator and appear before juvenile conference committee; fourth offense, the offender will be formally charged as a juvenile operator and appear before the Juvenile Court at Freehold.~~

~~— Any person 18 years or over violating any provisions of this section shall, upon conviction, in addition to the suspension of or revocation of such registration as herein mentioned, be subject to a fine not to exceed twenty five (\$25.00) dollars, or by imprisonment not to exceed ten days, or both fine and imprisonment in the discretion of the judge.~~

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: March 21, 2012

Carolyn Cummins, Borough Clerk

Introduction: February 1, 2012

Publication: February 17, 2012 – Two River Times

P.H./Adoption: March 21, 2012

Publication: March 30, 2012

I hereby certify this to be a true copy of Ordinance O-12-7 adopted by the Governing Body of the Borough of Highlands on March 21, 2012.

BOROUGH CLERK/DEPUTY CLERK