

ORDINANCE NO. 2026-05 (1290)

AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING CHAPTER 7 (BATHING AND BEACH CONTROL) AND CHAPTER 9 (BICYCLES AND SKATEBOARDS) OF THE CODE OF THE BOROUGH OF LAVALLETTE TO PROHIBIT THE OPERATION OF ALL MOTORIZED VEHICLES ON THE BOROUGH BOARDWALK, WITH AN EXEMPTION FOR MOBILITY DEVICES USED BY PERSONS WITH DISABILITIES OR HANDICAPS

WHEREAS, the Borough of Lavallette (“Borough”) is a body politic and corporate constituting a political subdivision of the state of New Jersey and as such is a municipal corporation duly organized and existing under the laws of the State of New Jersey; and

WHEREAS, the Borough owns and maintains a public boardwalk fronting on the Atlantic Ocean (“Boardwalk”), which serves as a primary place of resort and recreation for residents and visitors of the Borough, established and regulated pursuant to N.J.S.A. 40:61-22.20 and Chapter 7 of the Code of the Borough of Lavallette; and

WHEREAS, the Governing Body finds that the operation of motorized vehicles, including but not limited to electric bicycles (e-bikes), motorized scooters, golf carts, mopeds, and similar motorized conveyances, on the Boardwalk poses a significant risk to the safety of pedestrians, bathers, and other users of the Boardwalk; and

WHEREAS, the existing Code of the Borough of Lavallette, specifically § 7-11 of Chapter 7 (Bathing and Beach Control), already prohibits the use of motorized bicycles, mopeds, and motorized scooters on the Boardwalk, but does not comprehensively address all motorized vehicles, including e-bikes, golf carts, and other motorized conveyances that have proliferated in recent years; and

WHEREAS, Chapter 9 (Bicycles and Skateboards) of the Code of the Borough of Lavallette defines motorized scooters and e-bikes and directs that their use on the Boardwalk shall be governed by Chapter 7, but does not expressly prohibit all motorized vehicles from the Boardwalk; and

WHEREAS, the Governing Body further finds that it is appropriate and necessary to update the Borough Code to comprehensively ban all motorized vehicles from the Boardwalk, while providing a reasonable and legally required exemption for motorized mobility devices used by persons with disabilities or handicaps, consistent with the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.), and Chapter 5 (Americans With Disabilities Act Compliance) of the Code of the Borough of Lavallette; and

WHEREAS, the Governing Body finds that this Ordinance is in the best interests of the health, safety, and welfare of the residents, visitors, and users of the Borough’s Boardwalk;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lavallette, Ocean County, New Jersey, as follows:

SECTION 1. Amendment to Chapter 7 (Bathing and Beach Control) — Motorized Vehicle Prohibition on Boardwalk

Chapter 7 (Bathing and Beach Control) of the Code of the Borough of Lavallette is hereby amended to add the following new section, to be designated § 7-20, entitled “Prohibition of Motorized Vehicles on the Boardwalk,” which shall read as follows:

ARTICLE [NEW]
Prohibition of Motorized Vehicles on the Boardwalk

§ 7-20. Prohibition of Motorized Vehicles on the Boardwalk.

A. Purpose. The purpose of this section is to protect the safety and welfare of all persons using the public Boardwalk of the Borough of Lavallette by prohibiting the operation of motorized vehicles thereon, while ensuring that persons with disabilities and handicaps retain full access to the Boardwalk through the use of motorized mobility devices.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BOARDWALK — The public boardwalk owned and maintained by the Borough of Lavallette fronting on the Atlantic Ocean, as designated a place of resort pursuant to § 7-2 of this chapter.

E-BIKE or ELECTRIC BICYCLE — A pedal bicycle equipped with an electric motor or battery-powered assist, as further defined at N.J.S.A. 39:1-1, including Class 1, Class 2, and Class 3 e-bikes.

GOLF CART — Any motorized vehicle designed or used for the transport of persons over golf courses or similar terrain, whether gasoline-powered or electric-powered.

LOW-SPEED VEHICLE — A four-wheeled electric or motorized vehicle with a maximum speed of 25 miles per hour, as referenced in § 89-28 of Chapter 89 (Vehicles and Traffic) of this Code.

MOBILITY DEVICE — Any motorized wheelchair, power-driven wheelchair, scooter, or other motorized device that is designed solely for use by a person with a mobility disability for the purpose of locomotion and that is used by a person with such disability.

MOPED — A motorized bicycle as defined within N.J.S.A. 39:1-1.

MOTORIZED SCOOTER — A scooter with a helper motor of any size, dimension, or horsepower, as defined in Chapter 9 (§ 9-2) of this Code.

MOTORIZED VEHICLE — Any vehicle propelled by a motor, engine, or battery-powered electric drive system, including but not limited to e-bikes, electric bicycles, motorized scooters, golf carts, low-speed vehicles, mopeds, go-karts, all-terrain vehicles (ATVs), and any other motorized conveyance, whether privately or commercially owned. The term “motorized vehicle” shall not include a Mobility Device as defined herein.

C. Prohibition. No person shall operate, ride, possess, or cause to be operated any Motorized Vehicle upon the Boardwalk of the Borough of Lavallette at any time. This prohibition applies year-round, during all hours of the day and night, and regardless of weather conditions or season.

The prohibition set forth in this section shall apply to, but shall not be limited to, the following motorized vehicles:

- (1) Electric bicycles (e-bikes), including Class 1, Class 2, and Class 3 e-bikes;
- (2) Motorized scooters and electric scooters, whether standing or seated;
- (3) Golf carts and low-speed vehicles;
- (4) Mopeds and motorized bicycles;
- (5) All-terrain vehicles (ATVs) and utility terrain vehicles (UTVs);
- (6) Go-karts, mini-bikes, and dirt bikes;
- (7) Any other motorized (gas, solar, battery or otherwise powered) vehicle not expressly exempted by this section.

D. Exemptions.

(1) **Disability Mobility Devices.** Notwithstanding the prohibition set forth in Subsection C of this section, any person with a disability or handicap, as defined under the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.), or Chapter 5 (Americans With Disabilities Act Compliance) of the Code of the Borough of Lavallette, shall be permitted to operate a Mobility Device on the Boardwalk for the purpose of locomotion and access.

(2) **Borough Vehicles.** Motorized vehicles owned and operated by the Borough of Lavallette, including those used by the Borough’s Department of Public Works, Police Department, Beach Patrol, or other municipal agents, officers, or employees, shall be exempt from this prohibition when used in the performance of official Borough duties, consistent with § 90-16 of Chapter 90 (Zoning) of this Code.

(3) **Emergency Vehicles.** Authorized emergency and public safety vehicles are exempt from this prohibition when responding to an emergency or performing official duties.

E. Reasonable Accommodation. Consistent with the requirements of the ADA and the New Jersey Law Against Discrimination, the Borough shall provide reasonable accommodation to persons with disabilities to ensure equitable access to the Boardwalk. Any person claiming an exemption under Subsection D(1) may be required to present, upon request of a police officer, documentation of their disability or the nature of their mobility device if it is not readily apparent.

F. Enforcement. This section shall be enforced by the Borough of Lavallette Police Department and any other duly authorized enforcement officer of the Borough. Any Motorized Vehicle found in violation of this section may be subject to removal from the Boardwalk. The owner or operator of the vehicle shall be responsible for all costs of removal.

G. Penalties. Any person who violates any provision of this section shall, upon conviction, be subject to a fine of not less than **\$100** and not more than **\$1,000** for each separate offense, or imprisonment for a term not exceeding 90 days, or both, at the discretion of the court, consistent with the penalty provisions of Chapter 7 (§ 7-19) and Chapter 89 (§ 89-29) of the Code of the Borough of Lavallette. Each day of a continuing violation shall constitute a separate offense.

SECTION 2. Amendment to Chapter 9 (Bicycles and Skateboards) — Conforming Amendment

Chapter 9 (Bicycles and Skateboards) of the Code of the Borough of Lavallette is hereby amended to add the following paragraph to § 9-6 (Boardwalk use; compliance with Chapter 7):

“In addition to the restrictions otherwise set forth in this chapter, no person shall operate any Motorized Vehicle, as defined in § 7-20 of Chapter 7 of this Code, upon the Boardwalk of the Borough of Lavallette. The use of Mobility Devices by persons with disabilities is expressly permitted, consistent with § 7-20D(1) of Chapter 7 of this Code.”

SECTION 3. Severability.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other section, paragraph, subsection, clause, or provision hereof.

SECTION 4. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. For the avoidance of doubt, the existing prohibition on motorized bicycles, mopeds, and motorized scooters set forth in § 7-11 of Chapter 7 of the Code is hereby superseded and replaced by the broader prohibition set forth in § 7-20 of this Ordinance.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE OF PENDING ORDINANCE

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Take Notice the ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Lavallette, in the County of Ocean, State of New Jersey, on Monday, March 23, 2026. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held at the Lavallette Municipal Building, Council Chambers, located at 1306 Grand Central Avenue, Lavallette, New Jersey, on Monday, April 6, 2026 at 7:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein shall be given the opportunity to be heard concerning said Ordinance.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are posted in the Lavallette Municipal Building, Administration Offices located at 1306 Grand Central Avenue, Lavallette, NJ during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey.

Donnelly Amico
Municipal Clerk