

LOCAL LAW NO. 5 of 2022

A Local Law known and cited as regulating bicycles, bicycles with electric assist and electric scooters in the Town of Ossining

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. The Town Code is hereby amended to add a new Chapter 56 to the Town Code entitled “Bicycles, Bicycles with Electric Assist and Electric Scooters,” which shall consist of the following:

Article I. Intent and Definitions

Section 56-1. Purpose and Intent.

The Town Board of the Town of Ossining finds that it is in the public interest for the town to adopt a local law regulating the use of bicycles, bicycles with electric assist and electric scooters within the unincorporated town. This local law is to be supplemental to the provisions of the New York State Vehicle and Traffic Law and Town Code Chapter 188 (Vehicles and Traffic) and not in conflict therewith.

Section 56-2. Definitions.

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

Bicycle

Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

Bicycle with electric assist

A bicycle which is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1, et. seq. and meeting the requirements of one of the following three classes:

1. Class one bicycle with electric assist

A bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.

2. Class two bicycle with electric assist

A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing such assistance when such vehicle reaches a speed of twenty miles per hour.

3. **Class three bicycle with electric assist**

Solely within a city having a population of one million or more, a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

Electric Scooter

Every device weighing less than one hundred pounds that (a) has handlebars, a floorboard or a seat that can be stood or sat upon by the operator, and an electric motor, (b) can be powered by the electric motor and/or human power, and (c) has a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.

Pedal assist

A bicycle with electric assist that has a battery-electric motor that provides assistance to the rider only when the rider is pedaling.

Shared bicycle or shared bicycle with electric assist system

A network of self-service and publicly available bicycles or bicycles with electric assist in which a bicycle or bicycle with electric assist trip begins and/or ends on any public highway.

Throttle assist

A bicycle with electric assist that has a battery-electric motor that can be engaged by a throttle on the handlebars without the rider pedaling.

- B. Should the State of New York adopt changes to the above definitions as set forth in the Vehicle and Traffic Law of New York State (“Vehicle and Traffic Law”) sections 102, 102-c, 114-e and 1243(1) the definitions herein shall be deemed to be simultaneously amended.

Article II. Bicycles and Bicycles with Electric Assist

Section 56-3. Rights and duties of bicycles with electric assist.

Except as provided otherwise in the Vehicle and Traffic Law or this Chapter, a bicycle with electric assist or the operator of a bicycle with electric assist shall be afforded all the rights and privileges and be subject to all of the requirements for a bicycle or the operator of a bicycle pursuant to Vehicle and Traffic Law Article 34 (Operation of Bicycles and Play Devices).

Section 56-4. Tampering or modification of bicycle with electric assist prohibited.

- A. A person shall not tamper with or modify a bicycle with electric assist so as to change the motor-powered speed capability or motor engagement (between pedal and throttle-

assist types of engagement) of a bicycle with electric assist. A person shall not tamper with or modify a bicycle with electric assist in a manner that allows the motor in a Class one or Class two bicycle with electric assist to provide assistance above the speed of twenty miles per hour if the bicycle with electric assist is being propelled exclusively by the motor.

- B. A device shall no longer be considered a bicycle with electric assist if the motor is modified such that the motor is capable of propelling the device at a speed that exceeds twenty miles per hour for Class one and Class two devices if the bicycle with electric assist is being propelled exclusively by the motor.

Section 56-5. Motor disengagement

A Class one bicycle with electric assist shall operate in a manner such that the motor is disengaged through a mechanism that, when the rider stops pedaling the electric motor will disengage or cease to function. A Class two bicycle with electric assist shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied.

Section 56-6. Areas of operation for Class one and Class two bicycles with electric assist

- A. No person shall operate a Class one or Class two bicycle with electric assist upon any of the streets or parts thereof in the Town of Ossining as listed in Schedule I (Section 56-18) and made a part of this chapter. Adequate signage shall be visibly posted outside the boundaries of such prohibited areas.
- B. Upon written request to the Town Supervisor, the Town Board may designate appropriate town-owned public lands and properties under its jurisdiction for use by bicycles with electric assist. The Town Board may impose restrictions and conditions for the regulation and safe operation of bicycles with electric assist including specific trails where operation is restricted or prohibited and hours of operation as listed in Schedule II (Section 56-19) and made a part of this chapter.
- C. Bicycles with electric assist may be parked on sidewalks over which the town has jurisdiction in the following circumstances: (i) where the bicycle with electric assist is owned by a natural person where the owner is engaged in personal use; (ii) where the bicycle with electric assist is used to transport property in commerce and the operator is actually engaged commercially in the loading or unloading of property; and/or (iii) to comply with the Americans with Disabilities Act. Bicycles with electric assist which are authorized by this section to park on the sidewalk, may so park whether the bicycle with electric assist is attended or unattended. For (i) and (ii), the town shall provide a method by which the bicycle with electric assist can be identified as owned by a natural person or is used to transport property in commerce.

Section 56-7. Shared bicycle and shared bicycle with electric assist system

- A. The Town Board authorizes the operation of a shared bicycle with electric assist system within the unincorporated Town. The Town shall promulgate rules and regulations for the operation of the assist system.

- B. Notwithstanding any other provision of law to the contrary, all trip data, personal information, images, videos, and all recorded images collected by any shared bicycle with electric assist system which is authorized to operate in the unincorporated Town: (i) shall be for the exclusive use of the shared bicycle with electric assist system and shall not be sold, distributed, or otherwise made available for any commercial purpose and (ii) shall not be disclosed or otherwise made accessible except (a) to the person who is the subject of such data, information or record; or (b) if necessary, to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States Constitution, or a subpoena for individual data, information or records properly issued pursuant to the criminal procedure law or the civil practice law and rules. Nothing contained in this paragraph shall be deemed to preclude the exchange of such data, information or recorded images solely for the purpose of administering such authorized shared system. "Personal information" shall mean information that identifies an individual, including but not limited to name, address, telephone number, and the type and form of payment including credit card number, debit card number, or other payment method.

Section 56-8. Penalties for offenses

To the extent that violations of this article are not governed by Vehicle and Traffic Law Article 34 (Operation of Bicycles and Play Devices), violations of any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding \$250 or by imprisonment in the County Jail not exceeding 15 days.

Article III. Electric Scooters

Section 56-9. Rights and duties of operators of electric scooters

Every person operating an electric scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle and the rider of a bicycle as set forth in the Vehicle and Traffic Law except as to those special regulations detailed in Vehicle and Traffic Law Article 34-D and except as to those provisions which by their nature have no application. No person shall operate an electric scooter unless such operation complies with the provisions of the Vehicle and Traffic Law and any local law and regulations adopted by the Town Board.

Section 56-10. Areas of operation for electric scooters

- A. No person shall operate an electric scooter upon any of the streets or parts thereof in the unincorporated Town as described in Schedule III (Section 56-20) and made a part of this chapter. Adequate signage shall be visibly posted outside the boundaries of such prohibited areas.
- B. Upon written request to the Town Supervisor, the Town Board may designate appropriate town-owned public lands and properties under its jurisdiction for use by electric scooters. The Town Board may impose restrictions and conditions for the regulation and safe operation of electric scooters including specific trails where

operation is restricted or prohibited and hours of operation as described in Schedule IV (Section 56-21).

- C. Electric scooters may be parked on sidewalks over which the Town has jurisdiction in the following circumstances: (i) the electric scooter is owned by a natural person where the owner is engaged in personal use, provided that the electric scooter is not parked in a manner that interferes with the free passage of pedestrians on a sidewalk and/or (ii) in compliance with the Americans with Disabilities Act. The Town Board shall provide a method by which an electric scooter owned by a natural person may be so identified.

Section 56-11. Regulations for operation of electric scooters

- A. No electric scooter shall be used to carry more than one person at a time. No person operating an electric scooter shall carry any person as a passenger in a pack fastened to the operator or fastened to the electric scooter.
- B. No person operating an electric scooter shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars or which obstructs the operator's vision in any direction.
- C. The operator of an electric scooter shall yield the right-of-way to pedestrians.
- D. No person less than sixteen years of age shall operate or ride as a passenger on an electric scooter and no person sixteen years of age or older shall allow any person less than sixteen years of age to operate or ride as a passenger on an electric scooter. A police officer shall issue a summons for a violation of this section by a person less than sixteen years of age to the parent or guardian of such person if the violation occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian and shall not be issued the person less than sixteen years of age.
- E. No person shall operate an electric scooter at a speed that is greater than is reasonable and prudent under existing condition and in no event in excess of fifteen miles per hour.
- F. No electric scooter may be operated on a sidewalk except as provided in section 56-10.
- G. No operator of an electric scooter shall attach the scooter or operator to any vehicle being operated on a roadway. No vehicle operator shall knowingly permit any person to attach any electric scooter or the operator of the electric scooter to the operator's vehicle.

Section 56-12. Riding electric scooters on roadways, shoulders and lanes reserved for non-motorized vehicles and devices.

- A. Upon all roadways, any electric scooter shall be operated either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a person operating an electric scooter and a vehicle to travel safely side-by-side within the lane.

- B. Persons operating electric scooters upon a roadway shall ride single file. Persons operating electric scooters upon a shoulder, bicycle or in-line skate lane, or bicycle or in-line skate path intended for use of bicycles, in-line skates or electric scooters may ride two or more abreast if sufficient space is available, except when passing a vehicle, bicycle, electric personal assistive mobility device, person on in-line skates or pedestrian standing or proceeding along such shoulder, lane or path, persons operating electric scooters shall operate such scooters single file.
- C. Any person who is operating an electric scooter who is entering a roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

Section 56-14. Lamps and other equipment

- A. Every electric scooter when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. At least one such light shall be visible for two hundred feet from each side.
- B. No person shall operate an electric scooter unless such scooter is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that an electric scooter shall not be equipped with nor shall any person use upon an electric scooter any siren or whistle.
- C. Every electric scooter shall be equipped with a brake that enables the operator to bring the electric scooter to a controlled stop.

Section 56-15. Operators to wear protective headgear

No person sixteen or seventeen years of age shall ride upon, propel or otherwise operate an electric scooter unless such person is wearing a helmet meeting the standards established by the Commissioner of the Department of Motor Vehicles pursuant to Vehicle and Traffic Law section 1238(2-a). Wearing a helmet means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened.

Section 56-16. Reporting of an incident involving physical injury

Any person eighteen years of age or older operating an electric scooter who, knowing or having cause to know, that physical injury as defined in subdivision nine of section 10.00 of the penal law, has been caused to another person, due to the operation of the electric scooter by such operator, shall, before leaving the place where the physical injury occurred, stop, and provide his or her name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report such incident as soon as physically able to the nearest police station or judicial officer.

Section 56-17. Penalties for offenses

To the extent violations of this article are not governed by Vehicle and Traffic Law article 34-D (Operation of Electric Scooters), violations of any of the provisions of this article, shall, upon conviction thereof, be punished by a fine not exceeding \$250 or by imprisonment in the County Jail not exceeding 15 days.

SECTION 2. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 3. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING