

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

As defined in New York Vehicle and Traffic Law § 102, as subsequent amended, and which as of the date of the adoption of this law is defined as: Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a 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

As defined in New York Vehicle and Traffic Law § 102, as subsequent amended, and which as of the date of the adoption of this law is defined as: 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~~

As defined in New York Vehicle and Traffic Law § 114-e, as subsequent amended, and which as of the date of the adoption of this law is defined as: 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

As defined in New York Vehicle and Traffic Law § 1243, as subsequent amended, and which as of the date of the adoption of this law is defined as: 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.

Shared electric scooter system

As defined in New York Vehicle and Traffic Law § 1282(10)(a), as subsequent amended, and which as of the date of the adoption of this law is defined as: A network of self-service and publicly available electric scooters, and related infrastructure, in which an electric scooter 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-e, 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

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

shall be made available for public inspection in the Town Clerk's Office and on the Town's website and shall be updated annually.

Section 56-4. Rights and duties of bicycles with electric assist.

A. Except as provided otherwise in the~~In addition to those provisions of~~ Vehicle and Traffic Law ~~and~~or this Chapter specifically addressing bicycles with electric assist, 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 and standards for a bicycle or the operator of a bicycle pursuant to **Vehicle and Traffic Law Article 34** (Operation of Bicycles and Play Devices), as subsequently amended. A copy of Vehicle and Traffic Law Article 34 shall be made available for public inspection in the Town Clerk's Office and on the Town's website and shall be updated annually.

B. In addition to the requirements of Vehicle and Traffic Law Article 34, pursuant to the local authority afforded to the Town under Vehicle and Traffic Law § 1242(3)(c) all persons operating a bicycle with electric assist within the unincorporated Town shall:

~~A. Persons operating a bicycle with electric assist in the unincorporated Town of Ossining shall:~~

~~32. be wearing a helmet of good fit fastened securely upon the head with the helmet straps, and which helmet meetsing the standards established by the Commissioner of the Department of Motor Vehicles; and pursuant to Vehicle and Traffic Law § 1238(2)(a), which means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened; and~~

~~43. if operating the bicycle with electric assist during the period from one-half hour after-before sunset to one-half hour before-after sunrise and/or during inclement weather when visibility is reduced or limited, including but not limited to rain, snow, fog or haze, shall be wearing readily visible reflective clothing or material to the standards established by the Commissioner of the Department of Motor Vehicles.(i) 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 or amber light visible to the rear for three hundred feet, with at least one such light being visible for two hundred feet from each side, and (ii) equipped with reflective devices or material.~~

Section 56-45. 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. ~~In accordance with the authority afforded to the Town by Vehicle and Traffic Law § 1242(3)(c), Aa bicycle, or a~~ Class one or Class two bicycle with electric assist, may only be operated in the unincorporated Town of Ossining on paved streets or roads used for transportation of vehicles with a posted speed limit of thirty miles per hour or less.
- B. The Town Board may designate appropriate town-owned public lands and properties under its jurisdiction for use by ~~bicycles and/or~~ bicycles with electric assist. In so doing, 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 permitted hours of operation.
- C. ~~In accordance with the authority afforded to the Town by Vehicle and Traffic Law § 1242(5), if~~ there is no reasonably safe, practical and legal location in close proximity to the operator's destination to park in a parking space, parking lot or driveway, ~~bicycles and~~ 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~~ then the operator may temporarily park on the sidewalk; and/or (iii) to comply with the Americans with Disabilities Act of 1990, as amended. 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. Notwithstanding the foregoing, no bicycle or bicycle with electric assist may be parked on a sidewalk if it interferes with the free passage of pedestrians on a sidewalk, including but not limited to pedestrians pushing or traveling with or in a device such as a stroller, shopping cart, walker or wheelchair.

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

- A. ~~In accordance with the authority afforded to the Town by Vehicle and Traffic Law § 1243, The~~ Town Board authorizes the operation of a shared ~~bicycle system and/or shared~~ bicycle with electric assist system within the unincorporated Town. No such system shall operate in the unincorporated Town unless the contractor or provider has entered into a contract with the Town that authorizes such activities subject to the terms and conditions therein. Concurrent with the implementation of any such shared system, the Town shall promulgate rules and regulations for the operation of the shared system.

- B. Notwithstanding the foregoing and any other provision of law to the contrary, any contractor or provider of a shared ~~bicycle system and/or~~ shared bicycle with electric assist system operating within the unincorporated Town shall comply with all applicable laws, rules and regulations, including but not limited to Vehicle and Traffic Law § 1243.

~~Section 56-8. Reporting of an incident involving physical injury~~

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 or penalty not exceeding \$250 or by imprisonment in the County Jail not exceeding 15 days; each day any violation of any provision of this Article shall continue shall constitute a separate offense.

Article III. Electric Scooters

~~Section 56-109.~~ Rights and duties of operators of electric scooters

- A. 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. A copy of Vehicle and Traffic Law Article 34-D shall be made available for public inspection in the Town Clerk's Office and on the Town's website and shall be updated annually. 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.

- B. In addition to the requirements of Vehicle and Traffic Law Article 34-D, pursuant to the local authority afforded to the Town under Vehicle and Traffic Law § 1281(2)(c) all persons operating an electric scooter within the unincorporated Town shall:

1. not exceed fifteen miles per hour;
2. be wearing a helmet of good fit fastened securely upon the head with the helmet straps, and which helmet meets the standards established by the Commissioner of the Department of Motor Vehicles; and
3. if operating the electric scooter during the period from one-half hour before sunset to one-half hour after sunrise and/or during inclement weather when visibility is reduced or limited, including but not limited to rain, snow, fog or haze, shall be wearing readily visible reflective clothing or material to the standards established by the Commissioner of the Department of Motor Vehicles.

~~Section 56-110.~~ Areas of operation for electric scooters

- A. In accordance with the authority afforded to the Town by Vehicle and Traffic Law § 1281(2)(c), an electric scooter may only be operated in the unincorporated Town of Ossining on paved streets or roads used for transportation of vehicles with a posted speed limit of thirty miles per hour or less.

- B. The Town Board may designate appropriate town-owned public lands and properties under its jurisdiction for use by electric scooters. In doing so, 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 permitted hours of operation.
- C. In accordance with the authority afforded to the Town by Vehicle and Traffic Law § 1282(7). If there is no reasonably safe, practical and legal location in close proximity to the operator's destination to park in a parking space, parking lot or driveway, 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 of 1990, as amended. The Town Board shall provide a method by which an electric scooter owned by a natural person may be so identified. Electric scooters that are authorized by this section to park on the sidewalk may so park whether electric scooter is attended or unattended. Notwithstanding the foregoing, no electric scooter may be parked on a sidewalk if it interferes with the free passage of pedestrians on a sidewalk, including but not limited to pedestrians pushing or traveling with or in a device such as a stroller, shopping cart, walker or wheelchair.

Section 56-12. Regulations for operation of electric scooters

- A. The Town Board authorizes the operation of a shared electric scooter system within the unincorporated Town. No such system shall operate in the unincorporated Town unless the contractor or provider has entered into a contract with the Town that authorizes such activities subject to the terms and conditions therein. Concurrent with the implementation of any such shared system, the Town shall promulgate rules and regulations for the operation of the shared system.
- B. Notwithstanding the foregoing and any other provision of law to the contrary, any contractor or provider of a shared electric scooter system operating within the unincorporated Town shall comply with all applicable laws, rules and regulations, including but not limited to Vehicle and Traffic Law § 1282.

Section 56-12. 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 or penalty not exceeding \$250 or by imprisonment in the County Jail not exceeding 15 days; each day any violation of any provision of this Article shall continue shall constitute a separate offense.