

## **Chapter 93**

### **ELECTRIC BICYCLES & SCOOTERS**

#### **ARTICLE I**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Alden 3-8-2022 as L.L. No. 3-2022. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Building construction and fire prevention -- See Ch. 78.**

**Licenses and permits -- See Ch. 125.**

**Zoning -- See Ch. 210.**

**Fees -- See Ch. A220.**

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## ARTICLE I General Provisions

### § 93-1. Legislative intent.

The Village finds and determines that the use of motorized scooters, electric scooters, and electric bicycles in public by young drivers is posing a serious public safety threat not only to the young drivers and to other pedestrians, but also, users of our highways and drivers. For others, they do not recognize the dangers to pedestrians and to those entering and exiting establishments onto the public sidewalks or the effect that they can have on the motoring public. It is the intent of the Village that the use of these devices should be prohibited from use on the sidewalks and in the lanes of traffic on public highways and thoroughfares. Therefore, the purpose of this article is to restrict the use of motorized scooters, electric scooters, and electric bicycles in the Village of Alden.

### § 93-2. Word usage; definitions.

**ELECTRIC BICYCLE** -- Any bicycle as defined under New York State Vehicle and Traffic Law § 102-c, and more specifically, a bicycle which is not more than thirty six (36) inches wide; has an electric motor that is less than 750 watts; is equipped with operable pedals; and complies with the Consumer Product Safety Commission under 16 CFR 1512.1, et seq.

**ELECTRIC SCOOTER** -- Any scooter as defined under New York State Vehicle and Traffic Law § 114-e as a device weighing less than one hundred (100) pounds; has handlebars; has a floorboard of a seat that the operator can stand or sit upon; has an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of 20 m.p.h. on a paved level surface when powered solely by the electric motor.

**HIGHWAY** -- Any public way as defined by New York State Vehicle and Traffic Law § 118.

**LANE OF TRAFFIC** -- That portion of the paved surfaces of a highway or street normally and customarily used for vehicular traffic, but excluding any marked bike path.

**MOTORIZED SCOOTER** -- A skateboard or like device with two or more wheels and an upright steering mechanism attached to the front wheel or wheels, upon which a person or persons may ride propelled by other than muscular power, except that it shall not include an electrically driven mobility assistance device or wheelchair as those devices are defined in New York State Vehicle and Traffic Law § 130-a, nor

shall it include any low-speed vehicle as such is defined in New York State Vehicle and Traffic Law § 121-f.

**PARKING AREA OF A SHOPPING CENTER** -- Those areas defined by New York State Vehicle and Traffic Law § 129-a.

**PARKING LOT** -- Those areas defined by New York State Vehicle and Traffic Law § 129-b.

**SIDEWALK** -- Those areas defined by New York State Vehicle and Traffic Law § 144.

**STREET** -- Those areas defined by New York State Vehicle and Traffic Law § 148.

### **§ 93-3. Prohibition.**

Except as provided herein, no person shall operate a motorized scooter, electric scooter, or electric bicycle upon any sidewalk, parking area of a shopping center, or within the lane of traffic on any highway or street within the Village of Alden.

### **§ 93-4. Electric bicycles.**

Electric bicycles that meet the above requirements are further classified as follows:

- A. "Class one bicycle with electric assist" - A bicycle with electric assist having an electric motor that provides assistance only when the person operating the bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of 20 m.p.h.;
- B. "Class two bicycle with electric assist" - A bicycle with electric assist having an electric motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of 20 m.p.h.;

### **§ 93-5. General rules.**

- A. Operators of electric scooters, motorized scooters, and electric bicycles must wear protective headgear and/or helmets at all times while operating such devices.
- B. Operators of electric scooters, motorized scooters, and electric bicycles must be at least sixteen (16) years of age at the time of the operation of such devices anywhere on public land.

- C. Electric scooters, motorized scooters, and electric bicycles are not permitted at any time on any public sidewalk within the Village of Alden.
- D. Electric scooters, motorized scooters, and electric bicycles are not permitted at any time in the lane of traffic in the Village of Alden unless same have been properly registered in the State of New York, the operator has a valid driver's license, and the operator and owner of the device can provide proof of liability insurance at the time of operation of the device.
- E. Electric scooters, motorized scooters, and electric bicycles are prohibited from exceeding 15 m.p.h. while operating in the Village.
- F. Operators of electric scooters, motorized scooters, and electric bicycles must wear readily visible reflective clothing or other material while operating such device.
- G. Operators of electric scooters, motorized scooters, and electric bicycles must have lamps, lights and/or other reflective materials permanently affixed to the device which must be in full working order while the device is in operation.
- H. Electric scooters, motorized scooters, and electric bicycles may not be operated in the Village of Alden after one half hour after sunset or one half hour before sunrise.
- I. Except as limited below with respect to Commercial Use, electric scooters, motorized scooters, and electric bicycles may not be parked on the public sidewalks unless appropriately placed within a bicycle rack that may be present. At no time may electric scooters, motorized scooters, and electric bicycles be parked in a manner that interfere with pedestrian use of a sidewalk.
- J. Electric scooters, motorized scooters, and electric bicycles must yield the right of way to pedestrians at all times.
- K. Electric scooters, motorized scooters, and electric bicycles may only ride single file when on public streets and highways.
- L. Electric scooters, motorized scooters, and electric bicycles shall not be operated by an individual in an impaired condition due to alcohol or drugs, whether prescription or otherwise.

**§ 93-6. Commercial use.**

- A. Electric scooters, motorized scooters, and electric bicycles used for commercial use within the Village shall be registered with the Village Clerk prior to such use.
- B. Electric scooters, motorized scooters, and electric bicycles used for commercial use within the Village may be operated for a limited time on the sidewalks of the Village when such operation is in the course and scope of the commercial operations, provided that the license has been obtained as set forth below.
- C. Electric scooters, motorized scooters, and electric bicycles used for commercial use within the Village must yield the right of way to pedestrians.
- D. Electric scooters, motorized scooters, and electric bicycles used for commercial use within the Village may be parked on the Village sidewalks for the sole purposes of loading and unloading.
- E. Applications for a permit or certificate of registration shall contain the following information: name, proof of age, address, and electronic mail address of the person to be conducting the commercial activity; the name and address of the business or organization for which the permit or certificate of registration is sought; a brief description of the business or activity to be conducted; if employed, the name, address, electronic mail address, and telephone number of the employer; or if acting as an agent, the name, address, electronic mail address, and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be; a statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof; the type of device that will be used and its registration number, if any, and name and address of registrant together with the name and policy number of the insurance carrier covering the device; proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article; two photographs of the applicant that shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure one (1) inch by two (2) inches and show the head and shoulders of the applicant in a clear and distinguishing manner; and such other information as may reasonably be required by the Board of Trustees as a condition to registration or permitting or to permit investigation into the applicant's background and past practices. The application shall be signed by the applicant and shall be accompanied by the fees established in the Village's

fee schedule, as amended by the Board of Trustees from time to time. All applications shall be made at least twenty (20) days prior to conducting any activities requiring a permit.

**§ 93-7. Investigation, approval or disapproval.**

- A. The Village may conduct such background checks as the Village deems necessary and prudent. The following shall be grounds for denying a permit:
- (1) Failure of an applicant to truthfully provide any information requested by the Village as part of the application process.
  - (2) The time of use would endanger the health, safety, and welfare of the public
  - (3) Failure of the applicant to pay any required fee.
  - (4) When an applicant has a bad business reputation. Evidence of a bad business reputation may include prior revocations of any permit or license, prior convictions for violation of any federal or state law or regulation or of any local ordinance, which adversely reflects upon the person's ability to conduct the business or other operation/activity for which the permit is being sought, or prior complaints with the Village, Better Business Bureau, state Attorney General, or other similar business or consumer rights office.
  - (5) The applicant has been convicted of a felony, misdemeanor, or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application.
  - (6) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application.
  - (7) The applicant offers no proof of authority to serve as an agent.
  - (8) The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

- (9) Such other legitimate reason as may be determined by the Board of Trustees.
  - (10) The Board of Trustees may also impose such conditions on any approval that shall be deemed reasonable and prudent by the Board.
- B. In the event of any permit is not approved, the applicant shall have the right to present such evidence to the Board of Trustees with respect to such application within ten (10) calendar days of such disapproval.

**§ 93-8. Refusal of license or permit; appeal.**

In the event that the Clerk shall refuse to issue a license or permit, the person who has been refused a license or permit may appeal to the Board of Trustees, who shall, upon a favorable majority vote, order the Village Clerk to issue a license or permit to the applicant.

**§ 93-9. Permit expiration.**

All permits issued under the provisions of this article shall expire sixty (60) days from the date of issuance, unless an earlier expiration date is noted on the permit.

**§ 93-10. Permit exhibition.**

Every person required to obtain a permit under the provisions of this article shall exhibit the permit when requested to do so by any prospective customer or individual.

**§ 93-11. Transfer prohibited.**

It shall be unlawful for any person other than the permit holder to use or wear any permit or badge issued under the provisions of this article.

**§ 93-12. Permit revocation.**

Any permit issued under this article may be revoked or suspended by the Clerk, after notice for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit;

- B. Fraud, misrepresentation or false statement made by the permit holder in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions of the permit;
- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

### **§ 93-13. Notice and hearing.**

Notice of a hearing for revocation of a permit issued under this article shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be faxed, sent electronically, or mailed to the permit holder at the address shown on the permit application or at the last known address of the permit holder or by causing a copy of such notice to be personally delivered the applicant. In either case, the permit will be deemed revoked upon mailing or delivery of such notice.

### **§ 93-14. Appeals.**

- A. Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the Mayor within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B. An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for the appeal.
- C. The Clerk shall transmit the written statement to the Mayor within ten (10) days of its receipt and the Mayor shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement by the Mayor.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.



- F. The decision of the Mayor on the appeal shall be final and binding.
- G. Where any business, trade or other entity for which a license is granted by the Village is or is about to become a nuisance or menace to the peace, comfort and health of the Village of Alden or its inhabitants, the Code Enforcement Officer shall have the right to immediately suspend such license or permit upon serving written notice to the holder of such license or permit or upon any person in charge of such business, trade or other entity, pending a decision by the Board of Trustees.

**§ 93-15. Motorized and electric scooters.**

Motorized and Electric Scooter operators, in addition to the provisions above:

- A. May not carry more than one person at one time;
- B. May not carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars or which obstructs his or her vision in any direction;
- C. May only operate on highways with a posted speed limit of 30 m.p.h. or less, including non-interstate public highways, private roads open to motor vehicle traffic, and designated bicycle or in-line skate lanes, except otherwise provided;
- D. May not operate an electric scooter in excess of 20 m.p.h.;
- E. Motorized and Electric scooter operators may not attach their scooter, or himself or herself, to any vehicle being operated upon a roadway. Moreover, vehicle operators may not permit any person to attach any motorized or electric scooter, or himself or herself, to such operator's vehicle in violation of this section.

**§ 93-16. Bicycle and scooter sharing systems.**

In addition to the provisions set forth above, bicycle and scooter sharing systems shall be permitted in the Village subject to the reasonable conditions placed as to their location and use and further provided that the operator of such system has registered and received a permit as set forth in section 6 above.

Furthermore, all trip data, personal information, images, videos, credit card information, and other recorded images collected by any share system must be for the exclusive use

of such shared bicycle or shared electric scooter or shared bicycle with electric assist system and may not be sold, distributed, or otherwise made available for any commercial purpose and may not be disclosed or otherwise made accessible except (i) to the person who is the subject of such data, information or record; or (ii) if necessary to comply with a lawful court order, judicial warrant, or subpoena for individual data, information or records properly issued pursuant to the criminal procedure law or the civil practice law and rules.

#### **§ 93-17. Fees.**

Applicable fees for any sign permit issued shall be paid at the time of issuance of said permit in an amount as determined from time to time by the Village Board of Trustees.<sup>1</sup>

#### **§ 93-18. Penalties for offenses.**

Violations of this Article shall be subject to a Fifty Dollar (\$50.00) fine for the first violation, up to One Hundred Dollars (\$100.00) for a second violation, and up to Two Hundred Fifty Dollars (\$250.00) for each subsequent violation. In the event that the violator is less than sixteen (16) years old, a summons shall be issued to the parent and/or guardian.

#### **§ 93-19. Effective date.**

This law shall take effect immediately upon filing with the Secretary of State.

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<sup>1</sup> Editor's Note: See Ch. A220, Fees.