

ARTICLE I  
General Provisions

**§ 83-1. Purpose; intent.**

The Board of Trustees of the Village of Ossining finds that it is in the public interest for the Village to adopt a local law regulating the use of bicycles, bicycles with electric assist and electric scooters within the Village. This chapter is to be supplemental to the provisions of the New York State Vehicle and Traffic Law and Village of Ossining Code Chapter 250, Vehicles and Traffic, and not in conflict therewith.

**§ 83-2. Definitions.**

As used in this chapter, the following terms shall have the meanings 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 preteenage children.

**BICYCLE WITH ELECTRIC ASSIST** — A bicycle which is no more than 36 inches wide and has an electric motor of less than 750 watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 CFR 1512.1 et seq., and meeting the requirements of one of the following three classes:

- A. **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 20 miles per hour.
- B. **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 20 miles per hour.
- C. **CLASS THREE BICYCLE WITH ELECTRIC ASSIST** — Solely within a city having a population of 1,000,000 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 25 miles per hour.

**ELECTRIC SCOOTER** — Every device weighing less than 100 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 20 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. 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") §§ 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**

**§ 83-3. Rights and duties of operators.**

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).

**§ 83-4. 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 20 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 20 miles per hour for Class One and Class Two devices if the bicycle with electric assist is being propelled exclusively by the motor.

**§ 83-5. 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.

**§ 83-6. 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 Village of Ossining as listed in Schedule I<sup>1</sup> 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 Village Manager, the Board of Trustees may designate appropriate Village-owned public lands and properties under its jurisdiction for use by bicycles with electric assist. The Board of Trustees 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<sup>2</sup> and made a part of this chapter.
- C. Parking on sidewalks.

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1. Editor's Note: Said schedule is on file in the Village offices.

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- (1) Bicycles with electric assist may be parked on sidewalks over which the Village has jurisdiction in the following circumstances:
  - (a) Where the bicycle with electric assist is owned by a natural person where the owner is engaged in personal use;
  - (b) 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
  - (c) To comply with the Americans with Disabilities Act.<sup>3</sup>
- (2) 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 Subsection C(1)(a) and (b), the Village 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.

**§ 83-7. Shared bicycles and shared bicycles with electric assist system.**

- A. The Board of Trustees authorizes the operation of a shared bicycle with electric assist system within the Village of Ossining. The Village shall promulgate rules and regulations for the operation of the assist system.
- B. Collected data and information.
  - (1) 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 Village of Ossining:
    - (a) 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
    - (b) Shall not be disclosed or otherwise made accessible, except:
      - [1] To the person who is the subject of such data, information or record; or
      - [2] 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.
  - (2) Nothing contained in this subsection 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.

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3. Editor's Note: See 42 U.S.C. § 12101 et seq.

**§ 83-8. 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 as provided for in Chapter 1, General Provisions, Article III, General Penalty.

ARTICLE III  
**Electric Scooters**

**§ 83-9. Rights and duties of electric scooter operators.**

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 Board of Trustees.

**§ 83-10. Areas of operation for electric scooters.**

- A. No person shall operate an electric scooter upon any of the streets or parts thereof in the Village of Ossining as described in Schedule III (§ 83-20) 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 Village Manager, the Board of Trustees may designate appropriate Village-owned public lands and properties under its jurisdiction for use by electric scooters. The Board of Trustees 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 (§ 83-21).
- C. Electric scooters may be parked on sidewalks over which the Village has jurisdiction in the following circumstances:
  - (1) 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. The Board of Trustees shall provide a method by which an electric scooter owned by a natural person may be so identified; and
  - (2) In compliance with the Americans with Disabilities Act.<sup>4</sup>

**§ 83-11. 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.

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4. Editor's Note: See 42 U.S.C. § 12101 et seq.

- D. No person less than 16 years of age shall operate or ride as a passenger on an electric scooter, and no person 16 years of age or older shall allow any person less than 16 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 16 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 18 years of age or more. Such summons shall only be issued to such parent or guardian and shall not be issued to the person less than 16 years of age.
- E. No person shall operate an electric scooter at a speed that is greater than is reasonable and prudent under existing conditions and in no event in excess of 15 miles per hour.
- F. No electric scooter may be operated on a sidewalk except as provided in § 83-10.
- 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.

**§ 83-12. Riding electric scooters on roadways, shoulders and lanes reserved for nonmotorized 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.

**§ 83-13. Required equipment.**

- A. Every electric scooter when in use during the period from 1/2 hour after sunset to 1/2 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 500 feet to the front and with a red light visible to the rear for 300 feet. At least one such light shall be visible for 200 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 100 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.

**§ 83-14. Protective headgear required.**

No person 16 or 17 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 § 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.

**§ 83-15. Reporting incidents involving physical injury.**

Any person 18 years of age or older operating an electric scooter who knowing or having cause to know that physical injury, as defined in Subdivision 9 of § 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.

**§ 83-16. 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 as provided for in Chapter 1, General Provisions, Article III, General Penalty.