



ORDINANCE - 2026-1

**City of Asbury Park
County of Monmouth
State of New Jersey**

ORDINANCE OF THE CITY OF ASBURY PARK ADDING A NEW SECTION 3-40 TO THE CITY CODE, TO BE ENTITLED “E-MOBILITY DEVICES AND LITHIUM ION BATTERIES”

IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter 3 of the City Code, entitled “Police Regulations” is hereby amended and supplemented to add a new Section 3-40, to be entitled “E-Mobility Devices and Lithium Ion Batteries,” and which shall read as follows:

§ 3-40 E-MOBILITY DEVICES AND LITHIUM ION BATTERIES

§ 3-40.1. Definitions.

CERTIFICATION MARK — A visible record of certification affixed to a certified product that can include the logo, wordmark, or name of the certifying body.

E-MOBILITY DEVICE — A stand-up e-scooter, e-bike, e-SB scooter (self-balancing), front-face e-unicycle, e-skateboard, and hybrid product that is battery-powered by lithium-ion batteries or other similar stored energy battery or battery pack.

LITHIUM-ION BATTERY — A storage battery in which an electrical current is generated by lithiumions embedded in a carbon graphite or nickel metal-oxide substrate placed in a high-viscosity carbonate mixture or gelled polymer electrolyte.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) — Applicable to this chapter, an organization that meets the qualifications provided in 29 CFR 1910.7 (b) and is recognized as an NRTL by the U.S. Department of Labor, Occupational Safety and Health ("OSHA") NRTL program. Such NRTL must have the standards identified in this chapter within the scope of their recognition by OSHA. Each NRTL uses its own unique registered certification mark(s) to designate product conformance to the applicable product safety test standard.

RETAIL STORE — A retail establishment within the City of Asbury

Park that sells or stores e-mobility devices, e-bikes, e-scooters, lithium-ion batteries and other similarly powered mobility devices to consumers.

SECOND-USE LITHIUM-ION BATTERY — A lithium-ion battery that has been assembled, repurposed, reconditioned or renewed using cells removed from used batteries.

UL STANDARDS AND ENGAGEMENTS — A standards development organization that develops consensus standards under a process accredited by the American National Standards Institute.

1. UL 1487 — The UL Standard for battery containment enclosures.
2. UL 2271 — The UL Standard for batteries for use in light electric vehicle applications, or any storage battery for a powered bicycle or mobility device.
3. UL 2272 — The UL Standard for electrical systems for personal e-mobility devices, for all powered mobility devices, including e-scooters.
4. UL 2849 — The UL Standard for electrical systems for E-Bikes, for the electrical system of any powered bicycle.

UNREGULATED LITHIUM-ION BATTERY — A lithium-ion battery that has not been certified by an NRTL, as defined in this chapter, and does not bear the mark of that NRTL.

WAREHOUSE — A warehouse within the City of Asbury Park that sells, ships or stores e-mobility devices, E-bikes, e-scooters, lithium-ion batteries and other similarly powered mobility devices as part of their inventory.

§ 3-40.2. Sale and storage of e-mobility devices and lithium-ion batteries.

1. The sale and storage e-mobility devices, such as electric bicycles, electric scooters, hoverboards, and lithium-ion batteries are prohibited unless such devices and batteries have been certified by an NRTL to the relevant UL standard and bears the certification mark of the NRTL. A list of NRTLs can be found on the OSHA website <https://www.osha.gov/nationally-recognized-testing-laboratory-program/current-list-of-nrtls>. Be advised that not all the NRTLs listed test to UL 2271, UL 2272 and UL 2849 Standards.
2. Retail stores and warehouses shall be prohibited from maintaining any unregulated and not certified e-mobility devices and lithium-ion batteries within their inventory located in the City of Asbury Park.
3. Prior to the sale or storage of any e-mobility device or lithium-ion battery, the applicable UL Test Report for each model or device for sale or being stored shall be supplied to the Fire Prevention Bureau to ensure compliance with the applicable UL Standard for each e-mobility device and lithium-ion battery.
4. Retail stores shall only be permitted to display one uncharged model of each e-mobility device powered by a lithium-ion battery being sold at any time. If the battery is removable, the battery for any such display devices within a retail store shall remain

in its original packaging and shall be stored in a secure area within the establishment that complies with all safety requirements set forth in this article for lithium-ion battery storage and charging.

5. All e-mobility devices must be stored in an uncharged state, with its original packaging and its original manufacturer supplied charger.
6. Fire safety and charging safety information about e-mobility devices and lithium-ion batteries must be supplied by the seller to the purchaser of the e-mobility device at the time of sale.
7. All e-mobility devices, other than display models, shall remain boxed and safely stored within the original packaging.
8. Retail stores or warehouses that sell or store e-mobility devices are required to have a monitored fire alarm system. If the building is more than one story or of a mixed-use occupancy, there shall be a monitored wet-sprinkler system present in addition to the monitored fire alarm system which shall extend into the common areas of the building and basement.
9. If the retail store or warehouse sells or stores individual lithium-ion battery packs for e-mobility devices, a fire-resistant metal storage cabinet of sufficient size to hold as many e-mobility lithium-ion batteries as in stock shall be used. The cabinet shall be certified to UL 1487.
10. All individual lithium-ion batteries stored in a retail stores or warehouses are to be stored in the fire-resistant cabinet at all times, except when the battery packs are being charged for delivery to customers. The cabinet shall be certified to UL 1487.
11. Retail stores are prohibited from charging any lithium-ion batteries while they are stored inside the fire-resistant storage cabinet. Lithium-ion batteries are only permitted to be charged immediately prior to delivery to the customer. The cabinet shall be certified to UL 1487.

Warehouses are prohibited from charging any e-mobility lithium-ion batteries that are to be sold or shipped individually or with e-mobility devices.

§ 3-40.3. Sale of second use lithium-ion batteries and Lithium Polymer batteries prohibited.

1. It shall be unlawful to assemble or recondition a lithium-ion battery and/or using cells removed from used storage batteries; and/or
2. It shall be unlawful to sell or offer for sale a lithium-ion battery that uses cells removed from used storage batteries.

§ 3-40.4. Lithium-ion battery charging restrictions.

1. e-mobility devices and lithium-ion batteries are prohibited from being stored or charged within the common areas of any multi-family residential properties including but not limited to means of egress (entrances

- and exits), hallways, stairwells or basements.
2. Lithium-ion batteries shall be charged within a retail store on a wheeled metal cart with a quick-disconnect function from a wall outlet. A surge proof power strip may be secured to the cart to accommodate the charging of additional lithium-ion batteries, if necessary.
 3. Stores that charge lithium-ion batteries shall have a 32-gallon galvanized pail that is half filled with water, an eight-foot-by-eight-foot fireproof blanket, or a "cell block" lithium-ion battery containment tank in the immediate vicinity of the lithium-ion battery charging cart.
 4. Overnight and/or unattended charging of any lithium-ion batteries is prohibited.
 5. At least one Class A, B, and C fire extinguisher shall be mounted within easy reach of the charging station to extinguish any possible fire extension.

§ 3-40.5. Disposal of lithium-ion batteries.

1. Proper disposal of lithium-ion batteries shall be in accordance with state and local regulations.
2. Lithium-ion batteries are prohibited from being disposed of in the regular trash.

§ 3-40.6. Violations and penalties.

A person or entity who violates any section within this chapter or any rule or regulation promulgated thereunder shall be liable for a penalty as follows:

1. For first violation, a civil fine of up to \$2,000 in addition to the penalty from the Fire Prevention Bureau.
2. For each subsequent violation issued for the same offense within two years of the date of the first violation, a civil fine of \$2,000 in addition to the penalty from the Fire Prevention Bureau.
3. All unregulated e-mobility devices and lithium-ion batteries are subject to seizure by the City of Asbury Park. The costs of properly disposing of the unregulated lithium-ion batteries and e-mobility devices shall be billed to the business and property owners.

§ 3-40.7. Enforcement.

1. The City of Asbury Park Fire Department, Police Department and Code Enforcement shall be responsible for performing inspections of all stores within the City of Asbury Park every three months that sell e-mobility devices and lithium-ion batteries.

2. The City of Asbury Park Fire Department, Police Department and Code Enforcement shall have the authority for the enforcement of all aspects of this article.

Section 2. All other provisions of the City Code which are not referenced in this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

Section 3. All parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.


Section 4. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, ANTHONY CUCCI, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2026-1 which was finally adopted by the City Council at a meeting held on the February day of 11, 2026

CERTIFIED BY ME THIS 12th DAY OF February, 2026.

RESULT: Passed
MOVER: Council member Eileen Chapman
SECONDE R: Deputy Mayor Amy Quinn
AYES: Mayor John Moor, Deputy Mayor Amy Quinn, Council member Angela Ahbez-Anderson, Council member Eileen Chapman
NAYS: None



Anthony Cucci, City Clerk
ANTHONY CUCCI
CITY CLERK