

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Depew

FILED  
STATE RECORDS

DEC 06 2023

Local Law No. 4

of the year 20 23

DEPARTMENT OF STATE

A local law

Electrize Bicycle And Scooter  
(Insert Title)  
REGULATION

Be it enacted by the

BOARD OF TRUSTEES  
(Name of Legislative Body)

of the

County  City  Town  Village  
(Select one:)

of Depew

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the (County)(City)(Town)(Village) of Village Board of Trustees was duly passed by the Village Board of Trustees on 11/28 2023, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Cheryl Davis*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 29, 2023

(Seal)

RESOLUTION

November 28, 2023

**ADOPT LOCAL LAW #4 OF 2023 – Electric Scooter and Bicycle Law**

Trustee Ziemba, offered the following resolution and moved for its adoption:

**WHEREAS**, the Board of Trustees of the Village of Depew, New York held a public hearing on October 23, 2023 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to hereby adopt a local law for Electric Scooter and Bicycle use within the Village of Depew.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.

The following resolution was seconded by Trustee Kraft, and duly put to a roll call vote which resulted in the following:

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

VILLAGE OF DEPEW  
BOARD MEETING  
November 28, 2023

Agenda Item # 7

Approved  Denied

## CHAPTER 193 – ELECTRIC BICYCLE AND SCOOTER REGULATION

### § 193-1. Legislative intent.

The Village finds and determines that the use of motorized scooters, electric scooters, and electric bicycles in public by drivers is posing a serious public safety threat not only to the 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 the negligent, careless, or reckless use of these devices should be prohibited in the lanes of traffic on public highways and thoroughfares. Therefore, the purpose of this article is to restrict and regulate the use of motorized scooters, electric scooters, and electric bicycles in the Village of Depew.

### § 193-2. 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.

**ONE WHEEL SCOOTER** -- Any one wheel device meeting having any of the characteristics defined in **ELECTIC BICYCLE** or **ELECTRIC SCOOTER** or **MOTORIZED SCOOTER**.

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.

**§ 193-3. 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.;

**§ 193-4. 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 or be supervised by a parent or legal guardian.
- C. Electric scooters, motorized scooters, and electric bicycles are not permitted at any time on any public sidewalk within the Village of Depew.
- D. Electric scooters, motorized scooters, and electric bicycles are not permitted at any time in the lane of traffic in the Village of Depew when operated in a negligent, careless or negligent manner.
- E. Electric scooters, motorized scooters, and electric bicycles are prohibited from exceeding 15 m.p.h. while operating in the Village.

- F. If operating after sunset, 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.
- G. Operators of electric scooters, motorized scooters, and electric bicycles must at all times 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 to operate as turn signals and brake lights.
- H. 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.
- I. Electric scooters, motorized scooters, and electric bicycles must yield the right of way to pedestrians at all times.
- J. Electric scooters, motorized scooters, and electric bicycles may only ride single file when on public streets and highways.
- K. Electric scooters, motorized scooters, and electric bicycles which have been modified to travel at speeds in excess of 25 miles per hour are strictly prohibited in the Village of Depew and cannot operate on any public highway.

**§ 193-5. 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.

**§ 193-6. 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 eighteen (18) years old, a summons shall be issued to the parent and/or guardian.

**§ 193-7. Effective date.**

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