

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 2031**

**AN ORDINANCE SUPPLEMENTING CHAPTER 259
“FIRE PREVENTION” OF THE CODE OF THE BOROUGH
OF FRANKLIN LAKES TO REGULATE E-MOBILITY DEVICES,
ELECTRIC VEHICLES, AND LITHIUM-ION BATTERIES**

WHEREAS, it is in the best interest of the health, welfare, and safety of the residents of the Borough of Franklin Lakes to supplement the Fire Prevention Code to address the risks associated with e-mobility devices, electric vehicles, lithium-ion batteries, and other related technologies; and

WHEREAS, the use, sale, and storage of these devices and components pose unique fire and public safety hazards, particularly when such items are unregulated, uncertified, or improperly maintained;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, as follows:

Section 1. Chapter 259 “Fire Prevention” of the Code of the Borough of Franklin Lakes is hereby supplemented by the addition of the following:

Article VIII E-Mobility Devices, Electric Vehicles and Lithium-Ion Batteries

§ 259-44 Definitions.

For the purpose of this article, the following definitions shall apply:

CERTIFICATION MARK

A visible indication of certification affixed to a product, which may include the logo, word mark, or name of a Nationally Recognized Testing Laboratory (NRTL).

E-MOBILITY DEVICE

Any battery-powered device including, but not limited to, electric vehicles (eVehicles), electric scooters (eScooters), electric bicycles (eBikes), self-balancing scooters (eSBscooters), electric unicycles (eUnicycles), electric skateboards (eSkateboards), and hybrid or similar devices powered by lithium-ion or comparable battery technologies.

LITHIUM-ION BATTERY

A rechargeable battery in which electric current is generated by lithium-ions embedded in a substrate of carbon graphite or nickel metal oxide, typically suspended in a high-viscosity carbonate mixture or gel polymer electrolyte.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL)

An organization recognized by the United States Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR § 1910.7(b), to perform testing and certification of products to ensure compliance with safety standards.

SECOND-USE LITHIUM-ION BATTERY

A battery that has been assembled, reconditioned, repurposed, or renewed using cells extracted from previously used batteries.

UL STANDARDS AND ENGAGEMENT

An American National Standards Institute-accredited organization responsible for developing consensus-based safety standards, including but not limited to UL 1487, UL 2271, UL 2272, and UL 2849.

UNREGULATED LITHIUM-ION BATTERY

A lithium-ion battery that has not been certified by an NRTL and does not display a valid certification mark.

§ 259-45 Sale, use and storage of E-mobility devices and lithium-ion batteries.

- A. The sale, use, or storage of any e-mobility device or lithium-ion battery is prohibited unless such device or battery has been certified by an NRTL to the applicable UL safety standard and bears a valid certification mark.
- B. Retail stores and warehouses are prohibited from maintaining in inventory any unregulated or uncertified e-mobility devices or lithium-ion batteries within the Borough.
- C. A copy of the applicable UL test report for each certified e-mobility device and lithium-ion battery in inventory or for sale must be maintained on site and made available upon request to the Fire Prevention Bureau for compliance verification.
- D. Retail establishments may display only one uncharged model of each e-mobility device for sale. If the device contains a removable battery, the battery must remain sealed in its original manufacturer's packaging and stored in a secure area in accordance with all safety requirements set forth herein.
- E. All e-mobility devices in storage must be maintained in an uncharged state, within original packaging, and accompanied by the original manufacturer-supplied charger.
- F. Retailers must provide fire safety and battery charging safety information to purchasers at the time of sale of any e-mobility device.
- G. All e-mobility devices, other than designated display models, must remain boxed and safely stored in their original packaging.
- H. Lithium-ion batteries in retail or warehouse settings must be stored in a fire-resistant metal storage cabinet, certified to UL 1487, and of sufficient size to contain the batteries safely.
- I. Charging of lithium-ion batteries is strictly prohibited on retail or warehouse premises, except when charging immediately prior to delivery to the customer.

§ 259-46 Sale of second-use lithium-ion and lithium-polymer batteries prohibited.

- A. It is unlawful to assemble or recondition lithium-ion batteries using cells extracted from used storage batteries.
- B. It is unlawful to sell or offer for sale any lithium-ion battery that incorporates cells from previously used storage batteries.

§ 259-47 Charging and storage restrictions in residential and commercial buildings.

- A. The storage or charging of e-mobility devices or lithium-ion batteries is prohibited within common areas of multi-family residential properties or commercial spaces, including but not limited to: entrances, exits, hallways, stairwells, utility rooms, attics, basements, garages, or any below-grade areas.
- B. Overnight or unattended charging of lithium-ion batteries is prohibited.
- C. Locations of charging stations for e-mobility devices must be approved in advance by the Fire Prevention Bureau.
- D. Approved fire extinguishing agents or devices must be installed in close proximity to charging stations and must be approved by the Fire Prevention Bureau.
- C. All storage, charging, handling, transportation, and use of lithium-ion batteries and e-mobility devices shall be conducted strictly in accordance with the manufacturer's specifications, instructions, and safety guidelines. Failure to follow such manufacturer recommendations shall constitute a violation of this ordinance and may result in enforcement actions as outlined in Section 259-49.

§ 259-48 Disposal of lithium-ion batteries.

Lithium-ion batteries must be disposed of in accordance with all applicable federal, state, and local regulations. Disposal in general trash or municipal waste streams is strictly prohibited.

§ 259-49 Violations, penalties and enforcement.

- A. Any person or entity found in violation of this Ordinance or any rule or regulation promulgated hereunder shall be subject to the following penalties:
 - (1) First Violation: A civil fine of up to \$2,000, in addition to any penalties imposed by the Fire Prevention Bureau.
 - (2) Subsequent Violations: For each repeat offense occurring within two (2) years of the initial violation, a civil fine of \$2,000 shall be imposed, in addition to penalties imposed by the Fire Prevention Bureau.

- B. All unregulated or uncertified e-mobility devices and lithium-ion batteries found in violation are subject to seizure by the Borough. The cost of proper disposal shall be charged to the responsible business owner, property owner, or other liable party.
- C. The Borough of Franklin Lakes Fire Department, Fire Prevention Bureau, Police Department, and Code Enforcement Division shall have authority to enforce all provisions of this article.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 04-21-2026
Adopted: 05-19-2026