

**CITY OF UNION CITY  
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**ORDINANCE 2023-67**

**ORDINANCE TO REGULATE THE SALE OF LITHIUM-ION BATTERIES IN THE  
CITY OF UNION CITY**

**WHEREAS**, the City of Union City (the “City”) is committed to safeguarding the public from bootleg, unregulated, and reconditioned lithium-ion batteries that are highly volatile and subject to “thermal runaway”, an internal chain reaction that causes rapid overheating, ultimately resulting in the cell’s destruction by igniting or exploding that occurs suddenly and with little to no notice; and

**WHEREAS**, unregulated and reconditioned lithium-ion batteries can easily ignite and produce fires that are among the most difficult to combat, as they are fast-spreading, difficult to extinguish and produce toxic and harmful fumes; and

**WHEREAS**, the Mayor and the Board of Commissioners have determined that it is in the City’s best interest to prohibit the sale and assembly of second-use and unregulated lithium-ion batteries within the City of Union City.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

**SECTION ONE**

The Union City Municipal Code of Ordinances is hereby amended to include an additional Chapter entitled “Sale of Lithium-Ion Batteries”.

**SECTION TWO**

The Chapter entitled “Sale of Lithium-Ion Batteries” shall provide as follows:

- A. **Definitions**. For purposes of this Chapter, the following terms shall be defined as follows:
1. **Lithium-Ion Battery**. The term “lithium-ion battery” is a storage battery in which an electrical current is generated by lithium-ions embedded in a carbon graphite or nickel metal-oxide substrate placed in a high-viscosity carbonate mixture or gelled polymer electrolyte.
  2. **Second-Use Lithium-Ion Battery**. The term “reconditioned lithium-ion battery” is a lithium-ion battery that has been assembled, repurposed, reconditioned or renewed using cells removed from used batteries.

3. **Unregulated Lithium-Ion Battery.** The term “unregulated lithium-ion battery” is a lithium-ion battery in a mobility device such as an electric bicycle or scooter that is not listed and labeled by a nationally recognized testing laboratory or other approve organization such as the Underwriters Laboratories Mark (UL Mark).
4. **Powered Mobility Devices.** A battery-powered transportation devices, including but not limited to E-bikes, E-Scooters, and other similarly powered mobility devices.
5. **Retail Store.** Business Establishment within the City of Union City that is licensed to sell mobility devices, E-bikes, E-scooters, and replacement batteries to consumers.
6. **Specialized Bike Retailer.** (or “Bike Shops”) Retail Stores within the City of Union City that exclusively sell powered mobility devices, related equipment and accessories, including but not limited to E-bikes, E-scooters, replacement batteries, and battery chargers.

**B. Sale of Second-Use Lithium-Ion Batteries Prohibited.**

1. It shall be unlawful to assemble or recondition a lithium-ion battery 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.

**C. Unregulated Lithium Ion Batteries Prohibited.**

1. The sale of batteries for mobility devices such as electric bicycles or scooters is prohibited unless such batteries have been listed and labeled by a nationally recognized testing laboratory or other approved organization such as the Underwriters Laboratories Mark (UL Mark).
2. Retail Stores and Specialized Retail Stores shall be prohibited from maintaining any unregulated lithium-ion batteries within its inventory located in the City of Union City.

**D. Restrictions for Retail Stores.**

1. Retail Stores shall be prohibited from selling any powered mobility device, including but not limited to E-bikes, E-Scooters, and replacement lithium-ion batteries for any such mobility devices that have not been listed and labeled by a nationally recognized testing laboratory or other approved organization such as the Underwriters Laboratories Mark (UL Mark).

2. The total inventoried stock of all mobility devices stored within a Retail Store within the City of Union City cannot exceed fifty (50) devices at any given time.
3. Retail Stores shall only be permitted to display one (1) uncharged model of any mobility device powered by a lithium-ion battery at any time. The battery for any such display devices within a Retail Store shall remain in its original packaging and shall be stored in a secured area within the establishment that complies with all safety requirements set forth in this Chapter for lithium-ion battery storage and charging.
4. All mobility devices, E-bikes, E-Scooters, or other similar equipment that are powered by a lithium-ion battery must be sold in an uncharged state, in its original packaging.
5. All mobility devices, other than display models, within the inventory of a Retail Store in the City of Union City shall remain boxed and safely stored in its original packaging at all times.

**E. Restrictions for Specialized Bike Retailers (“Bike Shops”).**

1. Specialized Bike Retailers are prohibited from selling any powered mobility devices, E-Bikes, E-Scooters, and/or replacement lithium-ion batteries for any such mobility devices that have not been listed and labeled by a nationally recognized testing laboratory or other approved organization such as the Underwriters Laboratories Mark (UL Mark).
2. Specialized Bike Retailers shall install a fire-resistant metal storage cabinet of sufficient size to hold as many E-bike batteries as in stock. The cabinet is required to have self-closing, self-latching doors with flame-arresting vents.
3. All lithium-ion batteries stored in a Specialized Bike Retailer are to be stored in the fire-resistant cabinet at all times except when the battery packs are being charged for delivery to customers.
4. Specialized Bike Retailers 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.
5. Specialized Bike Retailers are required to have a monitored fire alarm system. If the building is more than one story or of a mixed-use occupancy, the monitored fire alarm system shall extend into the common areas of the building and basement.

**F. Lithium-Ion Battery Charging Restrictions.**

1. Lithium-ion batteries shall be charged within a Specialized Bike Retailer 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.
2. Specialized Bike Retailers shall have a 32-gallon galvanized pail that is half-filled with water, an 8' x 8' fireproof blanket, or a "Cell Block" lithium-ion battery containment tank in the immediate vicinity of the lithium-ion battery charging cart.
3. Overnight and/or unattended charging of any lithium-ion batteries is prohibited.
4. At least one Class A, B, C fire extinguisher shall be mounted within easy reach of the charging station to extinguish any possible fire extension.

G. **Penalty.** A person or entity who violates any subchapter within this section or any rule or regulation promulgated thereunder shall be liable for a civil penalty as follows:

1. For first violation, a civil penalty of \$200.00.
2. For each subsequent violation issued for the same offense within two (2) years of the date of the first violation, a civil penalty of \$1,000.00.

**H. Enforcement.**

1. The Union City Fire Prevention Bureau shall be responsible for performing inspections of all Specialized Bike Retailers within the City of Union City every three (3) months.
2. The Union City Fire Prevention Bureau shall have the authority for the enforcement of all aspects of this Chapter.

**SECTION THREE:**

**Severability.** If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

**SECTION FOUR:**

**Repealer.** To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

**SECTION FIVE:**

In order to avoid accidental repeal of existing provisions, the Acting City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

**SECTION SIX:**

This Ordinance shall take effect upon passage and publication as required by law.

**BE IT FURTHER ORDAINED** that the Mayor, the Acting City Clerk, and such other municipal officials as are appropriate are hereby authorized to execute such documents and undertake such action as is necessary to carry out the purpose of this ordinance.

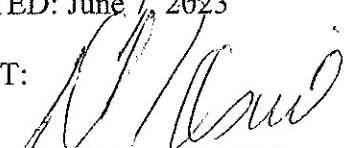
<b>Commissioners</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Lucio P. Fernandez	✓			
Wendy A. Grullon	✓			
Celin J. Valdivia	✓			
Maryury A. Martinetti	✓			
Mayor Brian P. Stack	✓			

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on May 16, 2023 and was further considered and adopted after a Public Hearing held on June 7, 2023 at the Housing Authority Hillside Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey 07087.

INTRODUCED: May 16, 2023

ADOPTED: June 7, 2023

ATTEST:

  
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Hilda I. Rosario  
Acting City Clerk

  
\_\_\_\_\_  
DATE