CHAPTER 107
CITY OF OSWEGO
Electric Bicycle and Electric Scooter Regulation Law

Section 1.

The purpose of this Local Law is to adopt in the City of Oswego regulations regarding the use of Electric Bicycles and Electric Scooters.

Section 2.

The Code of the City of Oswego is hereby amended by adding Chapter 107, titled Electric Bicycles and Scooters, to read as follows:

§ 107-1. Title.

This chapter shall be known and may be cited as the City of Oswego Electric Bicycle and Electric Scooter Regulation Law.

§ 107-2. Legislative findings and purpose.

A. The Common Council finds that:

(1) The use of bicycles with electric assist (E-bikes) and electric scooters (E-scooters) has increased significantly on city streets, sidewalks, and public spaces.

(2) Improper, high-speed, or sidewalk operation of these devices can endanger pedestrians (including children, seniors, and persons with disabilities), as well as other bicyclists, motorists, and the device operators themselves.

(3) New York State law authorizes the operation of E-bikes and E-scooters on certain streets and highways, and expressly allows cities, towns, and villages to regulate the time, place and manner of their use.

B. The purpose of this chapter is to regulate the operation and location of E-bikes and E-scooters within the City of Oswego, in a manner consistent with the New York State Vehicle and Traffic Law, to protect public health, safety, and welfare.

§ 107-3. Authority. This chapter is adopted pursuant to:

A. Article IX of the New York State Constitution;

B. Municipal Home Rule Law § 10; and

C. Vehicle and Traffic Law § 1680, 1682, Article 34-C (Bicycles with Electric Assist) and Article 34-D (Electric Scooters).

§ 107-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BICYCLE WITH ELECTRIC ASSIST (ELECTRIC BICYCLE or E-BIKE) — A bicycle with electric assist as defined in vehicle and Traffic Law § l 02-c, including class 1, Class 2, and class 3 devices, as those classes are defined by state law.

CITY – The City of Oswego and its municipal boundaries as defined within the City Code.

ELECTRIC SCOOTER (E-SCOOTER) — A device as defined in Vehicle and Traffic Law § 114-e, generally weighing less than 100 pounds, having handlebars, a floorboard or seat for the operator, powered by an electric motor and/or human power, and having a maximum motor assisted speed of 20 miles per hour on a paved level surface.

MULTI-USE PATH — Any paved or unpaved path or trail under City jurisdiction which is designated for shared pedestrian and bicycle use.

OPERATOR — Any person who rides, drives, or otherwise has physical control of an E-bike or E-scooter.

SIDEWALK — Any portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians, as defined in Vehicle and Traffic Law § 144.

STREET/HIGHWAY/ROADWAY — Public ways as defined in Vehicle and Traffic Law § 118 and 148, including the portion customarily used for vehicular travel.

§ 107-5. Permitted operation.

A. Bicycles with electric assist.

(1) Class 1 and Class 2 E-bikes may be operated:

(a) On City streets and highways with a posted speed limit of 30 miles per hour or less;

(b) In designated bicycle lanes; and

(c) On multi-use paths where bicycles are lawfully permitted, unless otherwise restricted by City resolution or posted signs.

(2) Class 3 E-bikes are prohibited for use within the City of Oswego pursuant to vehicle and Traffic Law §1242(10). Non-compliant bikes are prohibited for use within the City of Oswego.

(3) No E-bike shall be operated at a speed greater than:

(a) 20 miles per hour for Class 1 or Class 2; or

(b) Consistent with the definitions in state law.

B. Electric scooters.

(1) E-scooters may be operated:

(a) Only on streets and highways with a posted speed limit of 30 miles per hour or less;

(b) In bicycle lanes or similar facilities where bicycles are permitted;

(c) Consistent with vehicle and Traffic Law § 1282(5).

(2) No person shall operate an E-scooter at a speed greater than 15 miles per hour, in accordance with Vehicle and Traffic Law § 1282(6).

(3) E-scooters shall not be operated on any limited-access highway, expressway, or any street or highway where bicycles are prohibited.

C. Sidewalks and pedestrian areas.

(1) General rule. No person shall operate an E-bike or E-scooter on any sidewalk within the City of Oswego, except when necessary to enter or leave a driveway or roadway, and then only at walking speed.

(2) Designation of limited exceptions. The Common Council may, by resolution, designate specific public lands, trails, or limited sidewalk areas where E-bikes or E-scooters may

be operated or parked, and may impose hours, routes, or conditions of use, consistent with Vehicle and Traffic Law § 1282(7) to (8).

§ 107-6. Prohibited operation.

A. Reckless or unsafe operation. No person shall operate an E-bike or E-scooter:

(1) In a reckless, careless, or negligent manner;

(2) At a speed greater than is reasonable and prudent under existing conditions;

(3) In a manner that unreasonably endangers pedestrians, other cyclists, motorists, or property.

B. Sidewalk use. Except as expressly permitted in § 107-5C, E-bikes and E-scooters shall not be operated on sidewalks.

C. Passengers on electric scooters.

(1) No E-scooter shall be used to carry more than one person at a time.

(2) No operator of an E-scooter shall carry any passenger in a pack or container fastened to the operator or to the E-scooter, consistent with Vehicle and Traffic Law § 1282(1).

D. Carrying packages on electric scooters. No person operating an E-scooter shall carry any package, bundle, or article that prevents the operator from keeping at least one hand on the handlebars or that obstructs the operators vision in any direction.

E. Age restrictions.

(1) No person under 16 years of age shall operate or ride as a passenger on an E-Bike or a E-scooter.

(2) No person 16 years of age or older shall knowingly allow any person under 16 years of age to operate or ride as a passenger on an E-Bike or a E-scooter.

F. Towing and attachment.

(1) No operator of an E-bike or E-scooter shall attach the device or themselves to any moving motor vehicle.

(2) No motor vehicle operator shall knowingly permit any person on an E-bike or E-scooter to attach to such vehicle.

G. Intoxication.

No E-bike or E-scooter shall be operated by any person in an impaired condition due to alcohol, drugs, or any combination thereof.

H. Tampering with speed or power.

No person shall modify an E-bike or E-scooter so that it can be propelled at a speed higher than the applicable maximum motor-assisted speed permitted by state law for that device class (including 1 5 mph for E-scooters under vehicle and Traffic Law § 1282(6)).

§ 107-7. Safety equipment and operation.

A. Helmets.

(1) E-bike and E-scooter operators and passengers 16 and 17 years of age shall wear an approved bicycle or scooter helmet as required by state law.

(2) The City strongly encourages helmet use by all E-bike and E-scooter riders, regardless of age.

B. Lights and reflectors.

(1) When operated between one-half hour after sunset and one-half hour before sunrise, every E-bike and E-scooter shall be equipped with:

(a) A white front light visible from at least 500 feet; and

(b) A red rear light or reflector visible from at least 300 feet.

(2) Devices should include, and operators are encouraged to use, additional reflectors or reflective clothing to increase visibility.

C. Right-of-way to pedestrians. Operators of E-bikes and E-scooters shall yield the right-of-way to pedestrians at all times, including at crosswalks, on multi-use paths, and in parking areas.

D. Single file. Where E-bikes or E-scooters are operated in groups, they shall be operated single file on streets or paths unless overtaking is safely and briefly required, consistent with similar municipal regulations.

§ 107-8. Parking and storage.

A. E-bikes and E-scooters shall not be parked on sidewalks in a manner that:

(1) Blocks or substantially interferes with pedestrian travel;

(2) Obstructs curb ramps, doorways, fire hydrants, or transit stops; or

(3) Creates a safety hazard.

B. Where bicycle racks or designated parking areas are provided, E-bikes and E-scooters should be secured to those facilities.

C. The Common Council may by resolution establish additional rules for E-bike and E-scooter parking, including designated corrals or shared-system docks.

§ 107-9. Shared systems.

A. No shared E-bike or shared E-scooter system (dockless or station-based) shall operate within the City of Oswego unless expressly authorized by local law or resolution of the Common Council, consistent with Vehicle and Traffic Law § 1282(10).

B. Any such authorization may include requirements relating to:

(1) Permits or franchises;
(2) Insurance and indemnification;

(3) Data privacy and use limitations;

(4) Fleet size, rebalancing, and maintenance;

(5) Parking and deployment locations; and

(6) User education and safety measures.

§ 107-10. Enforcement.

A. This chapter shall be enforced by:

(1) The City of Oswego Police Department; and

(2) Any other duly authorized law enforcement officers or code enforcement personnel.

B. Officers are authorized to issue:

(1) Appearance tickets or summonses returnable in a court of competent jurisdiction; and

(2) Civil citations as otherwise authorized by City Code.

§ 107-11. Penalties.

A. Except where state law prescribes a different penalty (including civil fines under Vehicle and Traffic Law § 1282), any person who violates this chapter shall be guilty of a violation, punishable by:

(1) First offense: a fine of up to $100;

(2) Second offense within 12 months: a fine of up to $250;

(3) Third or subsequent offense within 12 months: a fine of up to $500.

B. Each separate violation, and each day a continuing violation persists, may be treated as a separate offense.

C. In the event a child 16 years or younger operates any Motorized and Electric scooter, motorized device, and/or Electric Bicycle in violation of this chapter and/or the Vehicle and Traffic Law of the State of New York, such device shall be impounded by any police department authorized to operate within the City of Oswego. The parents/guardians of such child shall be notified by such police department to appear before the police department in order to have such device released to the parent/guardian upon the payment of the civil penalty amounts set forth below. It shall not be a defense that the child operates such device owned by a third party or parties. In the case of violations by persons under 18 years of age, a summons may be issued to the parent or legal guardian, consistent with state law.

D. If the operator is under eighteen (18) years of age, the parent or legal guardian shall be notified of the seizure and impoundment. A summons may be issued to the parent or legal guardian where authorized by state law, and the impounded device shall be released only in accordance with applicable law and City procedures as set forth below.

E. Any Motorized or Electric Scooter, motorized device, or Electric Bicycle found to be operated in violation of this chapter or the Vehicle and Traffic Law of the State of New York may be immediately seized and impounded by any police department authorized to operate within the City of Oswego. The device shall remain impounded until released in accordance with procedures established by the City and applicable law, including payment of any authorized impound, storage, or civil penalties as set forth below. The fact that the device is owned by a person other than the operator shall not constitute a defense to the seizure or impoundment of the device.

F. Redemption fee.

(1) For a first offense, and in addition to any fines, surcharges, impound, storage, towing, or other authorized costs imposed under this chapter, the owner of the impounded device may redeem such device upon satisfactory proof of ownership and payment of a redemption fee of one hundred dollars ($100.00).

(2) For a second violation of this chapter within a one-year period, and in addition to any fines, surcharges, impound, storage, towing, or other authorized costs, the redemption fee shall be five hundred dollars ($500.00).

(3) For a third or subsequent violation of this chapter within a two-year period, and in addition to any fines, surcharges, impound, storage, towing, or other authorized costs, the redemption fee shall be seven hundred fifty dollars ($750.00).

G. Release of impounded devices.

(1) An impounded device shall be released only to:

(a) the lawful owner of the device; or

(b) the owners authorized agent, upon presentation of either:

(i)a written, notarized authorization from the owner; or

(ii) a duly executed and valid Power of Attorney.

(2) Prior to release, the owner or authorized agent shall:

(a) provide satisfactory proof of ownership;

(b) pay all applicable redemption fees established by this chapter;

(c) pay all applicable impound, towing, storage, administrative, and other authorized costs; and

(d) satisfy any other requirements imposed by applicable law.

H. Disposition of unclaimed property.

If an impounded device is not claimed and redeemed by the lawful owner or authorized agent within sixty (60) days after notice has been mailed by first-class and/or certified mail, or if the owner or authorized agent is unknown and cannot be identified or located within sixty (60) days of impoundment, the City may sell, auction, destroy, or otherwise dispose of the property in accordance with the surplus property provisions of the City Code and applicable New York State law.

§ 107-12. Relationship to state law.

A. This chapter is intended to supplement, not conflict with, the provisions of the New York State Vehicle and Traffic Law. Where a conflict appears, state law shall control.

B. Nothing in this chapter shall be construed to authorize the operation of any device that does not meet the state law definition of a bicycle with electric assist or an electric scooter, nor the operation of any device where prohibited under state law.

§ 107-13. Severability.

If any clause, sentence, paragraph, subdivision, or part of this chapter, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof.

§ 107-14. Repealer.

All local laws, ordinances, resolutions, rules, or parts thereof in conflict with this chapter are hereby repealed to the extent of such conflict.

§ 107-15. Effective date.

This chapter shall take effect immediately upon filing with the New York State Department of State, in accordance with the provisions of the Municipal Home Rule Law.