

First Amended 11-7-2022, revised 1-13-2023

LOCAL LAW NO. OF 2023 OF THE VILLAGE OF SALTAIRE; A LOCAL LAW
MODIFYING SECTIONS OF CHAPTER 10 (BICYCLES) AND CHAPTER 50 (VEHICLES
AND TRAFFIC) OF THE SALTAIRE VILLAGE CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED
VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date, Purpose.

- 1.1 Title of Local Law.
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.
- 1.5 Findings.
- 2.0 General Provisions.
- 2.1 Modifications of Sections of Chapter 10 of the Saltaire Village Code.
- 2.2 Modifications of Sections of Chapter 50 of the Saltaire Village Code.
- 3.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and Purpose.

- 1.1. Title.

This Local Law shall be entitled, "Local Law No. of 2023 of the Village of Saltaire; A Local Law Modifying Sections of Chapter 10 (Bicycles) and Chapter 50 (Vehicles and Traffic) of the Saltaire Village Code”.

- 1.2 Enactment.

Pursuant to Section 10 of the New York State Home Rule Law, the New York State Village Law and the Village Code of the Village of Saltaire, the Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law No. of 2023, a Local Law of the Incorporated Village of Saltaire.

- 1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of the State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Village of Saltaire.

1.4. Purpose and Intent of Local Law.

The purpose and intent of this local law is to adopt regulations which will maintain the aesthetic character of the Village of Saltaire, and which will also ensure the peaceful, quiet and safe enjoyment of the Village of Saltaire by the residents of the Village, and their guests and public, and the other parties using the walks of the Village, and the safe use and sharing of the walks of the Village.

1.5 Findings.

The Board of Trustees hereby finds:

A. That the predominant forms of traffic on the public walkways within the Village of Saltaire are pedestrian foot traffic, including children and family groups, and manually-powered bicycles, and that the intersections, width, sight lines and other characteristics of the public walks in the Village of Saltaire were designed and constructed to be for pedestrian foot traffic, very limited vehicle traffic and manually pedaled bicycles only.

B. That the use or operation of an Electrical Assist Bicycle in the Village of Saltaire creates a dangerous and hazardous condition for the residents of the Village, their guests and the general public who are on the public walkways either as pedestrians or operating manually pedaled bicycles.

C. Section 1242-3(b) of the New York State Vehicle and Traffic Law enables a village in New York State and Suffolk County to prohibit and regulate the use of Electrical Assist Bicycles in the respective village provided proper signage of the prohibition and regulation is posted, and that the adoption of this Local Law and the included regulations will enable the Village of Saltaire to provide that proper signage and to protect the Village of Saltaire and its residents as set forth in this Local Law.

2.0 General Provisions; Amendments to Chapter 10 and Chapter 50.

2.1 The following designated Sections of Chapter 10 (Bicycles) of the Saltaire Village Code are amended to read as follows:

§ 10-2. Definition.

For purposes of this Chapter, the term “bicycle” shall include any pedal-operated or foot-propelled wheeled vehicle or device, including but not limited to tricycles and scooters but excluding vehicles or devices prohibited by Section 10-8 herein, and electrically-powered bicycles as defined by Section 50-2 of this Code.

§ 10-12. Electrical Assist Bicycles.

For purposes of the Saltaire Village Code, and enforcement of the provisions contained herein, in the Village of Saltaire, electric-assist bicycles shall be deemed to be motor vehicles

and shall be regulated in accordance with the provisions of Chapter 50 of the Saltaire Village Code.

2.2 The following designated Sections of Chapter 50 (Vehicles and Traffic) of the Saltaire Village Code are amended to read as follows:

§ 50-2. Definitions.

The following words and phrases when used in this Chapter and Code shall have the meanings respectively ascribed to them in this section:

ELECTRICAL ASSIST BICYCLE (also known and referred to as an **ELECTRIC BIKE** or **E-BIKE**): Any bicycle with an electrical assist function, having an electrical motor that may be used either exclusively to propel such bicycle, or as an assist when the operator is also manually pedaling such bicycle, and which may also be operated by manual power alone. For purposes of this Code, the term Electrical Assist Bicycle shall include electrically-powered scooters, tricycles and other vehicles.

TRANSIENT VISITOR: An individual who has no occupation, business, home or residence (as an owner or renter) on Fire Island but is visiting the island solely as a tourist or for recreational purposes on a one-time, sporadic or non-consistent basis.

§ 50-7. Transportation of Materials

A No Change

B. Trailers are prohibited within the Village except under the following conditions: (1) The vehicle towing a trailer displays a valid Permit sticker issued by the Village of Saltaire; (2) The trailer is attached to a vehicle for which a permit was issued that authorized its use in combination with a trailer; (3) Only one trailer may be towed by a vehicle at any time; (4) The combined dry weight of the vehicle and trailer does not exceed 2,500 (two thousand five-hundred) pounds, except when the trailer is a wood chipper, in which case the combined dry weight shall not exceed 5,000 (five thousand) pounds.

C. No Change

§50-19. Penalties for offenses.

D Failure to secure a Permit as required in 50-21, B 8 shall be punishable by a fine of not less than two hundred-fifty dollars (\$250) per offense. Violation of any other provision of Section 50-21 shall, upon a first conviction thereof, be punishable by a fine of not less than four hundred dollars (\$400); and not less than five hundred dollars (\$500) for each subsequent offense where the offense date is within one (1) year of the

date of offense of the most recent conviction for an offense of this Section 50-19, and for each conviction thereafter.

§ 50-21. Electric Assist Bicycles.

A. OPERATION

1. The operation and use of an Electrical Assist Bicycle while under power using its electric motor is hereby prohibited within the Village of Saltaire from May 1 through the Monday of Columbus Day weekend of each year, with the exception of any time within that period which exterior construction is permitted in and by the Village of Saltaire. During said period contractors and their employees may operate Electrical Assist Bicycles in the Village powered by their electric motors during weekdays but not on weekends or holidays. Operation and use of an Electrical Assist Bicycle powered by using its electric motor shall be permitted in the Village of Saltaire from the Tuesday following Columbus Day weekend of each year through April 30 of the following year, inclusive.
2. During the period when operation of an Electrical Assist Bicycle using its electric motor is permitted in the Village of Saltaire, no such bicycle shall be operated by means of electrical assist power from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise of each day. Operation of Electrical Assist Bicycles during such hours shall be permitted only by means of manual or pedal propulsion.
3. The operation of an Electrical Assist Bicycle, whether by manual or pedal power, electrical assist power, or utilizing both, shall be restricted solely to persons 16 (sixteen) years of age and older.
4. The operation and use of electric bicycles shall be subject to and in compliance with all other provisions of this Chapter and Code, and any other regulations as may from time to time be promulgated by resolution of the Board of Trustees, including any and all provisions relating to safety requirements, operating regulations, prohibition of passengers, speed limits (8 miles per hour) and other restrictions, registration and enforcement.
5. The operation and use while under electrical power of any other bicycle (as defined in Section 10-2 of this Code) or prohibited vehicle (as defined in Section 10-8 of this Code, but including electrically-powered scooters) is prohibited, unless modified by resolution of the Board.
6. Operators of an E-Bike shall observe the restrictions set forth by Section 10-3 of the Village Code while operating the vehicle.

7. All Electrical Assist Bicycles operating within the Village must have a valid permit issued by the Village and display a Permit decal of each registered E-Bike as directed by Public Safety so that it is readily visible.
8. Permits for the operation of Electrical Assist Bicycles shall, upon application therefor, be issued to residents of the Village of Saltaire, residents of the communities of Kismet and the Easterly Communities as defined in Section 50-2 herein, contractors and business operators, emergency service providers, and such other individuals or entities as the Board may from time to time designate. The Board may by resolution authorize a fee for the operation of Electrical Assist Bicycles, in such manner and amount as it shall determine (including setting different fees for separate classes of permit holders), and may also by resolution limit the number of such permits that may be issued to individuals within each eligible class of applicant.
9. The Board of Trustees hereby finds and determines that, because of the inherent difficulties of travel through the Village due to the unique nature and character of its narrow and mostly elevated walks, its predominantly pedestrian traffic, and the "rules of the road" peculiar to Fire Island, the operation under power of Electrical Assist Bicycles by Transient Visitors (as defined in Section 50-2 herein) poses an unacceptable hazard to the residents of the Village of Saltaire due to such Visitors' unfamiliarity with the nature of the Village. Therefore, no Transient Visitor shall at any time operate an Ebike under power within the Village; nor shall any Transient Visitor tow a trailer or any other vehicle or device behind such Visitor's Electrical Assist Bicycle. Transient Visitors shall not be required to obtain a permit to operate an Electrical Assist Bicycle within the Village of Saltaire (as described in subsection (8) above) but shall otherwise be subject to all other laws and regulations governing the operation of such vehicles within the Village.

3.0 Severability

3.1 In the event that any portion or provision of this Local Law should be deemed to be invalid or unenforceable the remaining provisions of the Local Law shall remain in full force and effect.