

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #11/26

**AN ORDINANCE TO AMEND CHAPTER 198 TO ESTABLISH REGULATIONS
RELATED TO THE SALE, STORAGE AND CHARGING OF LITHIUM-ION
BATTERIES**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, it may deem necessary and proper for the order and protection of persons, and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of West New York (the “Town”) is a municipality as defined by Title 40 of the New Jersey Annotated Statutes; and

WHEREAS, the Town 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 Town’s best interest to place restrictions on the charging of lithium ion batters and prohibit the sale and assembly of second-use and unregulated lithium-ion batteries within the Town of West New York.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey hereby authorize Chapter 198 to be amended and revised as follows:

SECTION ONE

Chapter 198 entitled “Fire Prevention” shall be amended to include a new Article VII entitled “Lithium-Ion Batteries” as follows:

Article VII “Lithium-Ion Batteries”

Chapter §198-46

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 Town of West New York 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 Town of West New York 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 Town of West New York.

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 Town of West New York 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 Town of West New York 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. Lithium-Ion Storage Restrictions at Multi-Family Dwellings

1. It shall be unlawful to charge or store a lithium-ion powered battery for a powered mobility device or to store a lithium-ion battery powered mobility device within the common areas, basements, attics, or below ground garage of any multi-family residential property containing three (3) or more dwelling units.

H. **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.

I. Enforcement.

1. The Fire Prevention Bureau of the Town of West New York and the Department of Public Safety shall be responsible for performing inspections of all Specialized Bike Retailers within the Town of West New York every three (3) months.
2. The Fire Prevention Bureau of the Town of West New York and the Department of Public Safety shall have the authority for the enforcement of all aspects of this Chapter.

SECTION TWO

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 THREE

Repealer. To the extent that any provision of the Code of the Town of West New York is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town 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 FIVE

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 198 to establish provisions regulating the sale, storage and charging of lithium-ion batteries.

Introduced: April 1, 2026

Adopted: April 15, 2026

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **April 15, 2026** and at said date was duly and finally adopted after public hearing thereon.

Adelinny Plaza, RMC
Town Clerk

Commissioner Marcos A. Arroyo

Commissioner Victor M. Barrera

Commissioner Marielka A. Diaz

Commissioner Adam W. Parkinson

Mayor Albio Sires
Board of Commissioners

Attest: _____
Adelinny Plaza, RMC
Town Clerk