

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "The Code of Ordinances City of Lowell, Massachusetts", Chapter 155, entitled "Fire Prevention", by adding to §155.13 entitled "Self-service gas stations".

WHEREAS, the illicit operation of dirt bikes, mini-bikes, OHRV's (Off-Highway Recreational Vehicles) and other unauthorized vehicles, has become a safety hazard within the City of Lowell; and

WHEREAS, in an effort to deter the activities cause by reckless operation of the above-mentioned vehicles, the City Council of the City of Lowell, is prohibiting the sale of gasoline to any such vehicles in operation at the time said gasoline is being purchased.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

1. "The Code for the City of Lowell" hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter §155.13, entitled "Self-service gas stations" by adding the following sections:

§155.13 Self-service gas stations.

U. No owner or employee of any retail dealer of gasoline shall sell, offer for sale, or attempt to sell any article or product represented as gasoline for use in any off highway vehicle as defined in Massachusetts General Laws Chapter this ordinance, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle, as defined in under Massachusetts General Law Chapter 90B section 20, as may be amended, and no individual shall purchase or attempt to purchase gasoline for use in any off-highway vehicle as defined in this ordinance, unless such vehicle is conveyed to and from the retailer's premises by a registered motor vehicle.

V. Signs with the words "THE FUELING OF UNAUTHORIZED VEHICLES IS PROHIBITED unless transported by a registered motor vehicle" at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. Translations in Spanish and Khmer shall be provided by the City. The location of warning signs shall be

based on local conditions but shall be visible and legible from all gas pumps. Signage shall be provided by the City of Lowell.

- W. Any owner of any retail dealer of gasoline who violates any provision of Subsections (U) or (V) of this section who owns or is employed by a retail dealer that has been previously issued one warning as the result of a previous violation of Subsections (U) or (V) of this section shall be fined one hundred dollars (\$100.00) per occurrence. Each off highway vehicle as to which an owner or employee of any retail dealer of gasoline sells, offers for sale, or attempts to sell gasoline shall be considered a separate violation of Subsection (U) above.”
2. All provisions of the Lowell City Code, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.
 3. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 and 40A of the General Laws of the Commonwealth of Massachusetts.

APPROVED AS TO FORM:

A handwritten signature in black ink that reads "Christine P. O'Connor" with a stylized flourish at the end.

Christine P. O'Connor
City Solicitor



Thomas A. Golden, Jr.
City Manager

Shawn Machado
Assistant City Manager

June 28, 2022

Mayor Sokhary Chau
And
Members of the Lowell City Council

Dear Mayor Chau and Members of the Lowell City Council,

Enclosed with this letter, please find an ordinance prohibiting the sale of gasoline at City filling stations to unlicensed and/or unregistered vehicles unless they are transported, on a trailer, by a registered motor vehicle. This ordinance was drafted in response to Councilor Jenness and Councilor Robinson's May 24, 2022 motion and is based on a similar ordinance passed by the City of Springfield, MA.

The Police Department has been working to prevent the reckless operation of dirt bikes, mini-bikes, off-highway recreational vehicles and other unauthorized vehicles around the City. They believe that this additional measure to prohibit the refueling of such vehicles will be a deterrent to illegal motorists. Such a measure will also help to prevent further endangerment to the general public.

The Police Department will continue to explore other innovative ideas to deal with this on-going problem.

Please let me know if you have any questions.

Sincerely,

Thomas A Golden, Jr.
City Manager

Cc: Christine O'Connor, City Solicitor
Barry Golner, Interim Superintendent of Police