

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of Ordinances, City of Lowell, Massachusetts," with respect to Chapter 110 entitled Bicycles, Skateboards and Roller skates by creating a new Article II entitled Pilot Bicycle Share Service.

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

"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 110 by creating a new Article II entitled Pilot Bicycle Share Service.

ARTICLE II
PILOT BICYCLE SHARE SERVICE

§110-5. License Requirements & Rules

The City Council exercises regulatory control over public ways in the City of Lowell. In this capacity, any private bicycle share (or "bike share") service enterprise utilizing portions of the public way, including Lowell and/or UMass Lowell property for the purposes of installing bike share docks, parking free-standing bike share inventory, or otherwise operating a bike share service must be licensed by the City of Lowell.

Each license shall be valid for a one year "pilot" program from the date of issue in the interests of allowing operation of an emerging business model, while also allowing the City to study the impact of bike sharing on traffic, transportation, safety, economic development, and other factors before determining the long-term value and appropriateness of bike share services in Lowell. Bike Share Operator licenses shall not be transferred without the consent of the Licensing Board.

§110-6. Definitions.

LICENSING BOARD is the City Council.

BIKE SHARE SERVICE is any for profit or non-profit enterprise which provides unsupervised bicycle rentals to individual consumers for short-term uses, including commuting, tourism, recreation, and other point-to-point travel, utilizing membership programs, mobile device applications, or unstaffed rental equipment including docking stations.

BIKE SHARE OPERATOR'S LICENSE (OR PERMIT), as used in this Ordinance, is authorization to operate a business providing bike share rentals within the City of Lowell.

DOCK-BASED BIKE SHARE is any bike share service which operates by providing access to inventory at fixed dock locations where shared bicycles (and only the operator's shared bicycles) are secured, and may be accessed and returned by users through appurtenant unstaffed pay stations or mobile devices.

FREE-STANDING BIKE SHARE is any bike share service which operates by providing access to inventory at any specifically permitted or otherwise authorized public or private property location within the City of Lowell independent of a dedicated dock station, including public ways, and public and private bicycle racks.

PUBLIC-WAY is for the purposes outlined herein, any public street, sidewalk, or path owned, controlled, or operated by the City of Lowell.

§110-7. License Eligibility -- Competitive Procurement.

As a novel commercial enterprise utilizing the public way and likely public areas for storage/access to its inventory, applicants shall only be considered for a license following a competitive procurement process consistent with the requirements of M.G.L. c. 30B.

§110-8. Specific Operator Requirements.

A. Safety

- (1) All bike share bicycles available for use in the City of Lowell shall meet the consumer product safety standards set forth in United States Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512.
- (2) All bike share bicycles available for use shall also be equipped to meet safety requirements set forth in M.G.L. c. 85 §11B, including, but not limited to §§11B(7) – (10).

- (3) All Bike share Operators shall also take all reasonable measures to ensure compliance with all relevant requirements of the City of Lowell Ordinances Ch. 266 Vehicles and Traffic §1 – 21.
- (4) All operators shall provide proof of a mechanism or other satisfactory means for customers to notify the company that there is a safety or maintenance issue with a bike share bicycle.
- (5) All operators shall provide proof via a mobile device application, visible notice on each available bicycle such as a decal, or other satisfactory means that each consumer is notified that:
 - i. Helmets are recommended to be worn at all times and are required for persons under sixteen;
 - ii. Bicyclists must obey state and local traffic laws; and
 - iii. Bicyclists must yield to pedestrians on sidewalks.
6. Free-standing bike share operators must also provide proof via mobile device application, visible notice on each available bicycle such as a decal, or other satisfactory means that each consumer is notified that Bicycles must not be stored or parked at the end of use in a manner that obstructs pedestrian or vehicular traffic on the public way or in any way inhibits access to public spaces.
- (7) Bike Share Operators shall demonstrate that they have an adequate plan to ensure maintenance of bicycles, including without limitation periodic checks of brakes, cables, and frames. Available bicycles must also be outfitted with a working headlight and rear light.

§110-9. Insurance and Indemnification.

- A. All permitted operators shall provide proof of and maintain insurance in the following categories in the following amounts:
 - (1) Worker's Compensation Insurance as required per M.G.L. c. 149, s. 34 and M.G.L. c. 152, as amended.
 - (2) Commercial General Liability
 - (i) Personal Injury
\$1,000,000 each occurrence
\$2,000,000 aggregate