



Committee on Legislative Matters and the Northampton City Council

Members:

Councilor William H. Dwight, Chair

Councilor David A. Murphy, Vice Chair

Councilor Maureen Carney

Councilor Alisa Klein

MEETING AGENDA

Date: December 10, 2018

Time: 5 p.m.

**Location: City Council Chambers
212 Main St., Northampton, Massachusetts**

1. Meeting Called to Order and Roll Call
2. Public Comment
3. Approval of Minutes of Previous Meeting

A. Minutes of November 13, 2018

Documents:

[11-13-18_Committee_on_Legislative_Matters.pdf](#)

4. Items Referred to Committee

**A. 18.205 An Ordinance Relative to Bicycle Share Services - referral expected
12/6/2018**

History:

- Referred to Legislative Matters - 12/6/2018

Documents:

[18.205 An Ordinance Relative to Bicycle Share Services.pdf](#)

5. New Business
6. Adjourn

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Committee on Legislative Matters and the Northampton City Council

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MEETING MINUTES

Date: November 13, 2018, Time: 5 p.m.

Location: City Council Chambers, 212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor William H. Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Carney, Councilor Dwight, Councilor Klein and Councilor Murphy. Also present were: City Solicitor Alan Seewald and City Councilor Jim Nash.
2. **Announcement of Audio and Video Recording**
Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.
3. **Public hearing on proposed zoning changes**
 - A. **18.174 An Ordinance to Amend Chapter 350-12.3 Significant Trees**
Councilor Carney moved to open the public hearing. Councilor Klein seconded. The motion passed unanimously 4:0. The public hearing was opened at 5:04 p.m.

Councilor Dwight asked if anyone wished to speak in favor.

The proposal to amend the ordinance came out of the Mayor's office and the Public Shade Tree Committee, Office of Planning and Sustainability Director Wayne Feiden advised. At its public hearing November 8th, the Planning Board recommended in favor of the ordinance with amendments.

City Council passed the original tree ordinance three years ago (when City Councilors Jesse Owens and Owen Freeman-Daniels were members, Councilor Dwight reminded). Before it passed, planners worked with the City Council to adopt it but were sort of guessing at some things, Mr. Feiden related. It is time to revisit the ordinance on what has worked and what hasn't, he explained.

Trees serve all sorts of functions but planners are also trying to encourage other values such as net zero energy building and affordable housing, he pointed out. Most recently, Habitat for Humanity had difficulty trying to afford net zero building requirements.

What is proposed by amendment of the Planning Board is to allow a waiver for tree removal when creating net zero energy buildings with other community benefits such as affordable housing or open space. As an example of a project this would facilitate, Mr. Feiden cited development of a property on Glendale Road. The site consists of roughly 80 acres and developers crowded development onto two acres near the road. They could have spread development around the property in which no trees would have come down, but this would have eliminated 50 acres of open space. The waiver provision allows the Planning Board to look at whether getting net zero build is worth the loss of some trees.

Also, before trees had to be replaced with deciduous trees; this allows coniferous trees to be planted. For city-owned property, decisions to approve specific tree replacements could be made by the planning office in consultation with the Tree Warden, he said.

Her initial concern before realizing that the tree committee was involved was what they thought, Councilor Klein shared. Councilors have that input but one thing that continues to stand out as a concern is that it ends up being the Planning Board that makes a case by case decision and they don't necessarily have the expertise that people on the Public Shade Tree Committee have. There's a part of her that has concern that people with expertise aren't going to be called in on every tree replacement decision, she explained.

Mr. Feiden described the special permit approval process. The DPW is always sent all special permit applications for review, he confirmed. With recent reorganization, Tree Warden Rich Parasiliti is becoming more of a functionary and less of a policy position. Whoever is in that position would be the one who would be notified so the Planning Board would have the benefit of his or her recommendation.

The Planning Department application deadline is four weeks before the meeting primarily to solicit and receive comment. They ask the DPW to give them their comments a week before so they can share them with the applicant.

Councilor Dwight asked if there is a table of reference that addresses carbon offset.

The Planning Board debated that, Mr. Feiden responded. They questioned whether they could just do a flat formula and allow [the waiver] by right if applicants met the formula. They can calculate/present in table form how much carbon is being lost but some trees are scrubby and not very exciting and some are amazing in terms of shade value. It seemed important to tell the Planning Board what they had to consider but not to do it in a formula format, he concluded.

Councilor Dwight said he understands that the Planning Board is a discretionary board and takes all these things into consideration, but he imagines when decisions are challenged it is somewhat difficult to defend the challenge if there are more gray lines.

That was the discussion for the Planning Board, exactly, Mr. Feiden confirmed.

Councilor Dwight read a comment received from Amy Meltzer into the record as follows:

"I am unable to attend the meeting Tuesday night when the proposed changes will come to the City Council Committee on Legislative Matters, which suggest waiving the requirement for replacing significant trees in cases of net zero development, and possibly in other cases as suggested by the Northampton Planning Board. I do not consider this a "minor amendment", as it's described in the public agenda, and I urge you

not to recommend this proposal as a blanket waiver. At a time when the city is committed to climate readiness and resiliency, it's unwise to make an exemption from replanting or paying for replanting automatic under ANY circumstances. If members of the city government feel it's essential in very limited cases, I urge the city to create a limited process by which developers may apply for such a waiver."

What she's recommending is exactly what the Planning Board is recommending, Mr. Feiden commented. The original recommendation was approval as part of the site plan review process; now the Planning Board is recommending a case-by-case assessment and issuance of a special permit, he clarified.

Councilor Carney mentioned that Ms. Meltzer said the proposed ordinance was characterized as a 'minor amendment' on a public agenda. Mrs. Krutzler assured her that this description was not used in any of the City Council's agendas.

Councilor Dwight asked if there were any opponents or people who otherwise wished to speak. Hearing none, Councilor Carney moved to close the public hearing but was informed that the hearing should be kept open for discussion of the second zoning ordinance. Councilor Carney withdrew her motion and members moved to a consideration of 18.179.

B. 18.179 An Ordinance to Amend Chapter 350-11.5 B2 Site Plan Submittal Requirements

The Planning Board and Tree Warden have sometimes felt that they don't ask for enough information so this is requiring additional information such as the species of trees, Mr. Feiden explained. Some applicants include this information but many don't, so planners want to make the requirements uniform.

Councilor Dwight reviewed the proposed changes.

Councilor Dwight asked if there were any questions or comments. Hearing none, Councilor Carney moved to close the public hearing. Councilor Klein seconded. The motion passed unanimously 4:0.

Councilor Murphy moved to move 18.174 and 18.179 as a group as amended by the Planning Board. Councilor Carney seconded.

Councilor Carney asked about the change to the size caliper.

This was at the request of Mr. Parasiliti, Mr. Feiden said. If applicants are planting in a back yard planners prefer a smaller caliper because they get twice as many trees, he explained. The change allows the Planning Board the option of allowing smaller trees.

Councilor Dwight called the motion in favor of a positive recommendation to a vote, and it passed unanimously 4:0.

4. Minutes of October 9, 2018

Councilor Carney moved to approve the minutes of October 9, 2018. Councilor Klein seconded. The motion passed unanimously 4:0.

5. Items Referred to Committee

- A. 18.173 An Ordinance to Amend Chapter 312-36 of the Code Book (Proposal to Increase Hourly Rate in E.J. Gare Parking Garage)**

Councilor Carney moved to put the ordinance on the floor for discussion. Councilor Klein seconded. All members have read the Mayor's memo and they had an informal discussion with the Mayor as the proposal was first presented, Councilor Dwight reminded. Addressing himself to the city solicitor, Councilor Dwight said they wanted to make sure this is a legal process because councilors on the board before were very concerned with who possesses the authority to change the parking rates in the garage.

This is not a subject that anyone he knows in the city is looking to make an issue of, Attorney Seewald responded. He did express his concern when he first came on board that the proper delineation is that the City Council decides the use of the property then gives it to the Mayor to figure out how to operate the parking garage. [To do otherwise] is "going by old standards where the council is tenacious and wants to continue its hold over the doings in the parking garage," he indicated.

As a point of information, the City Council did change the time limit of parking meters, Councilor Carney noted.

This has not been an issue that has been raised to him since 2013/2014, Attorney Seewald asserted.

It came up during Finance Committee discussions, Councilor Murphy acknowledged.

After charter reform, there was some debate on this floor as to where the authority lies, Councilor Dwight reminded. The executive branch as he understands it actually does determine parking rates, etc. However, there were two councilors that took issue with that and actually won the debate and that has led to where they are now where the City Council is actually determining parking rates and parking terms, he related.

He thinks there was a lot of reeducation of the City Council at the time on their role, Attorney Seewald observed. He thinks they carved out enough of the executive authority that it was just not a fight that needed to be fought.

That's only because the Mayor has acquiesced, Councilor Murphy pointed out.

If it is deemed that rate changes and parking duration is the purview of the Mayor, does it come out of the ordinance book? Councilor Carney asked.

"It's an executive function," Attorney Seewald confirmed.

If the Mayor were to object, Councilor Carney asked if the next step would be to withdraw the ordinance.

He could do that, Attorney Seewald agreed.

He has not heard a peep about this, Councilor Dwight acknowledged. Last time, he heard a lot of peeps,

Councilor Carney asked if there had been any news coverage about the rate increase. It will be on the City Council agenda Thursday, members noted.

In this case the increase was to offset the cost of the credit card system, Councilor Dwight added. It also was part of the comprehensive parking plan, Councilor Klein said.

It is worth noting the passing of Bill Letendre, who died Wednesday, and making note of his contribution. He was the 'father of the parking garage,' Councilor Dwight remarked.

Councilor Klein asked if the chair of the Transportation and Parking Commission (TPC) had anything to say about its discussion.

Councilor Klein pretty much summarized their discussion; how this aligns with the parking plan and brings rates in the garage in alignment with other rates throughout the city. Also that, along with compensating for the cost of credit cards, raising the rate serves to create turnover in the garage and increase the availability of parking and make people want to park for a little while and move on rather than stay there all day.

She recalls a recommendation for an incremental movement to encourage people to find other means to come downtown, Councilor Klein added.

Councilor Dwight called the motion for a positive recommendation to a vote, and it passed unanimously 4:0.

B. 18.183 An Ordinance Relative to No Parking on Grass Plots/Tree Belts

A recommendation is still pending from TPC, so this ordinance will be tabled until the next meeting, Councilor Dwight advised.

C. 18.184 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Adding Section 5-7 (Designating Certain Positions as Municipal Employees)

Councilor Klein moved to put the amended version on the floor. Councilor Carney seconded.

Councilor Dwight expressed his understanding that this is a housekeeping measure.

Attorney Seewald confirmed his understanding. They have come to learn that actions designating certain positions as special municipal employees are strewn about in different orders so this is an effort to put them all in one place, he explained.

Councilor Dwight asked if this impacts in any way their qualification for minimum wage. . .

It has only to do with conflict of interest, Attorney Seewald clarified. Designation as a special municipal employee loosens restrictions for municipal employees in that they have a right to work during normal working hours elsewhere and to work for a few hours in another position.

Councilor Murphy noted that a lot of people were losing interest in serving on boards if doing so meant they couldn't appear before the Planning Board, etc.

The one that stands out to her as kind of questionable is the Board of Health because members of that board have the ability to set regulations in the city, Councilor Klein observed. If employees are creating regulations, it seems as if the threshold should be higher. . .

Attorney Seewald pointed out that other bodies such as the Planning Board, License Commission, etc., issue regulations. However, he has said the Board of Health is the most powerful board in any town.

It was her understanding that what the Board of Health can do has more impact than regulations of the Planning Board because is tantamount to law, Councilor Klein continued. She was under the impression they could actually create ordinances.

Anyone who has a financial interest in a matter before a board will not be able to participate, Attorney Seewald stressed.

Special municipal employees have advantages in certain exemptions; it's not that the law doesn't apply to them. For example, there are some exemptions that would require an order of the City Council. Also, employees would still have to get the appointing authority to authorize participation in some matters; they just wouldn't have to come to this body. Most of this is housekeeping because most of these positions are already designated as special municipal employees, he noted.

With respect to extra-curricular club advisors, if someone is a teacher and wants to be an adviser, he or she is getting a second contract in his or her own department; thus requiring an exemption.

Councilor Dwight called the motion in favor of a positive recommendation to a vote, and it passed unanimously 4:0.

D. 18.195 An Ordinance Relative to Parking on Grove Avenue

Councilor Murphy moved to put the ordinance on the floor for discussion. Councilor Carney seconded.

After being recognized by the chair, Deborah Jacobs of 82 Grove Avenue explained that she and a neighbor at 74 Grove Avenue (Linda Butler) sent in a request to the TPC over the fact that they were having such a hard time getting out of their driveways. Their street is a wonderful resource for people who want to use the rail trail/get down to the river, she noted. They were told by the TPC that they could not get no parking across from their driveways and were asked to come back with another proposal. The street is also very, very narrow. Mrs. Butler made a recommendation.

The ordinance as presently proposed [to prohibit parking altogether on the westerly side and to prohibit parking on the easterly side of Grove Avenue for 120 feet from Evergreen Road] "will make some people very, very unhappy" in that they wouldn't be able to park on either side of the street, she claimed. It also doesn't really help them get out of their driveways.

Mrs. Butler would like to go to Plan C and she would like this withdrawn because it really doesn't do what they set out to do.

Every single person who lives on that street came to a meeting; however, the plan that got submitted was changed by the TPC, Councilor Klein indicated. One piece of what was requested was abided by - to prohibit parking on one side of the street - but the other issue, that there are two houses that literally cannot back out of their driveway - was not addressed. Also, one space was blocked off that wasn't even requested and doesn't make sense to anyone.

DPW Director Donna LaScaleia said the reason they did this was because a tree and bushes could obstruct the sight line of people turning onto Grove Avenue, Councilor Nash explained.

There is no reason the city should prohibit parking on this section, Councilor Klein asserted. The TPC ordinance doesn't address what's necessary. Plan C is going back to the drawing board and trying to figure this out in a way that makes sense to people.

A terrific proposal was put forth by Linda Butler, of which half is being put forward, i.e. a parking prohibition on the easterly side of the street, Councilor Nash agreed. Ms. Butler's proposal for this side of the street involved line striping. There was line striping on Florence Street, Fruit Street and Grove Avenue. At that point, TPC members realized 'we need a clear policy before we go forward with line striping on any of these streets.' Someone made a motion and request to the DPW to develop a proposal over the next few months so that they have a clear policy. So that piece of the proposal for Grove Avenue got tabled, as well as for Fruit Street and Maple.

TPC members took the DPW's recommendation on sight lines at face value, Councilor Nash noted. From the photographs that were shared he could see that no parking there may be unnecessary.

Folks coming down to access the bike trail need a little more direction as to where to park. Where line striping is more helpful is in directing people where to park, he added.

Councilor Murphy asked what the appropriate solution was for tonight – do they continue to allow them to come up with an alternative or just approve part of it. . .

Councilor Nash said he would defer to Councilor Klein and her constituents. Maybe tabling action until the line-striping piece is clarified, he suggested. The TPC motion was to give Ms. LaScaleia until January to propose a policy on line-striping, he indicated.

Members discussed and sought direction from the city solicitor. His suggestion would be to make a negative recommendation, Attorney Seewald said.

Councilor Murphy withdrew his positive recommendation and moved to make a negative recommendation at the request of the neighbors. Councilor Klein seconded.

Councilor Klein publicly apologized to the chair of the TPC because she wasn't able to come to the meeting at which the proposal was discussed because it was on Yom Kippur.

The motion passed unanimously 4:0.

E. 18.196 An Ordinance Relative to Parking on Wilder Place

Councilor Murphy moved to put the ordinance on the floor for discussion. Councilor Carney seconded.

Similar to the previous ordinance, this ordinance is also to create a 'no parking' zone, Councilor Nash explained. In this case, the proposal has the support of the neighbors.

The people who are parking there now aren't people living on the street. They are either working for a business in the immediate area or running into one of their customers. The street is super narrow and people are parking on both sides at points even at the end of the street where there is a fire hydrant and two driveways. The DPW went out and made the recommendation to move all parking to one side of the

street, in this case the westerly side. The ordinance was initiated by residents of Wilder Place, he confirmed.

Councilor Dwight called the motion for a positive recommendation to a vote, and it passed unanimously 4:0.

6. **New Business**

The committee will reconvene at 7 p.m. for a joint meeting with the Community Resources Committee to discuss tenant representation in the Northampton Housing Authority, Councilor Dwight announced.

7. **Adjourn**

Councilor Klein moved to adjourn. Councilor Carney seconded. The motion passed unanimously 4:0. The meeting was adjourned at 6:11 p.m.

Prepared By:

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CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 312 Code of Ordinances, City of Northampton, Massachusetts, be amended by modifying ARTICLE I, V, XIV of said code; to specify criteria for Bike and Scooter share programs.

18.205 An ORDINANCE

Relative to Bicycle Share Services

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

312 ARTICLE I

[Add to Definitions]:

Bike/Scooter Share

A service in which bicycles or scooters or other human-powered vehicles (whether partially or wholly) are made available for public shared-use to individuals on a short term basis for a price or free. Services can be provided either from a specified dock or station location or may be dockless or free-floating.

312 ARTICLE V Stopping Standing Parking

ADD

312-49 Bicycle Parking on the Public Way. For bicycle parking racks and spacing standards see 350 8.11 C.

- A. Bicycles are permitted to park against a building, in compliance with subsections herein, on a bicycle rack, or other facility specifically intended for that purpose.
- B. Bicycles are not permitted to be parked to: fire hydrants, benches, trees, trash receptacles.
- C. Except when at designated bicycle racks, bicycles shall not be parked in the landscape/furniture zone adjacent to:
 1. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones;
 2. Loading zones;
 3. Disabled parking zone;
 4. Curb ramps;
 5. Entryways;
 6. Driveways.

- D. Bicycles shall not obstruct the pedestrian path of travel nor handicap access ramps nor access to street furniture such as benches, pay stations, bus shelters. A parked bicycle must leave at least 36 inches of unobstructed travel along the pedestrian path.
- E. No motorized vehicles, except low speed electric bicycles as specified in 312-78 shall be parked on a bicycle rack or other facility specifically designed and intended for bicycle parking.
- F. Bicycles parked in violation of the above regulations shall be tagged with 72 hour notice for removal and impoundment. If such violations are presenting a public safety hazard as determined by the City, they shall be removed immediately for impoundment. Removed bicycles shall be held by the City for a minimum of 30 days.
- G. A bicycle with one or more of the following defects can be removed and sent to scrap by the City for public safety and maintenance purposes:
 - 1. no tires or wheels;
 - 2. warped wheels or frame;
 - 3. missing, rusted or broken chain in such a state that renders the bicycle inoperative; or
 - 4. missing or warped handle bars
- H. Fees for recovering impounded vehicles may be set by the City for up to a \$100/per vehicle.

312 ARTICLE VIX Vendors

ADD

312-127 Bike Or Scooter Share Systems

A. Permits and Fees

- 1. No private docked or dockless bike or scooter share program shall allow their bikes or scooters to park on any City right-of-way or public space without a permit.
- 2. The Office of Planning and Sustainability may issue a permit to operate a docked or dockless bike or scooter share program within the City.
- 3. The Permit fee to operate a bike/scooter program, is based on the size of the fleet, to cover costs incurred by the City of Northampton, including permit review, monitoring, safety inspection, managing requests and complaints and removal of bicycles parked in violation of a program permit or where otherwise prohibited. Applicants shall pay \$15/bike or scooter annually for a bike share operator's permit.

B. Application

- 1. Applications and renewals for bike share permits shall be submitted to Northampton Office of Planning and Sustainability and must include these items:
 - Completed Annual Permit;
 - Fee
 - Insurance documentation;
 - Images and description of bicycle and mobile application;
 - Size of fleet at launch, including any planned fleet expansions during the permit period;
 - Service area at launch, including any planned expansions during the permit period;
 - Plan for educating users on proper bicycle parking;

- Location of all planned stations. No stations shall be created without approval from Office of Planning and Sustainability.
- Permissions for overnight parking on private property

C. Service Area

1. The City may limit the service area for bike or scooter share systems at its own discretion, including areas outside of City sponsored bike share programs.
2. Priority permitting will be granted to those systems that serve areas outside the area already served by ValleyBike share.

D. Bike or Scooter Fleet Parking and Stations

1. Bicycle /Scooter parking on the public way shall be in accordance with Chapter 312-49.
2. Share operators shall inform customers on how to park a bicycle or scooter properly.
3. Bicycles/Scooters shall either be parked on private property outside pedestrian zones or be parked in the landscape/furniture zone of the sidewalk. However in all cases, they must be parked on private property between the hours of 6AM and 11:59 PM.
4. Between the hours of 12 AM and 6 AM, no bikes shall be parked in the public way or on public bike racks. Bike share operators shall incorporate mechanisms to ensure that overnight parking is on private property or on previously approved bike share stations/racks. Any overnight parking within the right-of-way will subject the bikes to impoundment in accordance with Chapter 312-49.
5. Bicycles shall be upright when parked.
6. Any bicycle/scooter that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the operator based on these times: • 6am to 6pm on weekdays, not including holidays - within two hours of receiving notice, • All other times – within 10 hours of receiving notice.
7. Bicycles/scooters can only be parked on hard surfaces (e.g. concrete, asphalt) within the landscape/furniture zone and may not be parked in landscaped areas.

E. Pedal-Assist/Ebike Specifications

All fleets of pedal-assist or ebikes and scooters must have governors that allow them to operate on the City's multiuse paths in accordance with 312-78.

F. Signage and Advertising

1. The company logo, a unique bicycle/scooter ID number, and a 24-hour customer service number shall appear on each bicycle or scooter.
2. Additional regulations for logos outside of the bike or scooter share logo, such as a system sponsorships or advertisements, are subject to City of Northampton sign ordinances.

G. Safety and Maintenance

1. All bike share bicycles must meet the minimum standards set forth in U.S. Requirements for Bicycles in 16 CFR Part 1512, and Safety Requirements for Bicycles in ISO 4210-2:2015.
2. All bike share bicycles must be equipped with working front and rear lights.
3. All bikes and scooters must be equipped with GPS or other geolocation technology needed for monitoring, enforcement, and for use in crime detection if scooters/bicycles are involved.

4. All permitted systems shall have visible language that notifies the user that:
 - i. Helmets are recommended to be worn while riding a bicycle;
 - ii. Where sidewalk riding is allowed, bicyclists and scooter riders shall yield to pedestrians on sidewalks.
5. The operator must establish and operate a 24-hour customer service number, which is available and staffed at all times the system is operable. This number shall allow the company to be notified that there is a safety or maintenance issue with the bicycle/scooter.
6. All permitted operators shall have a staffed operations center within half hour drive of Northampton and must provide a contact person from their company with phone number and email (outside of the public customer service number) for City of Northampton officials to contact directly.
7. Any inoperable bicycle or scooter, or any bicycle/scooter that is not safe to operate shall be removed from the right-of-way within 24 hours of notice by any means to the operator by any individual or entity, and shall be repaired before returning it to service.
8. If any department incurs any costs addressing or abating any violations of these requirements that results in the repair or maintenance of public property to abate any violations, upon receiving written notice of the City costs, the permitted operator shall reimburse for such costs within thirty days of receiving itemized notification of such costs.
9. The City may immediately lock bicycles/scooters that are found left in violation of these requirements. There will be a fee to release any locked vehicle that has been locked in violation of these regulations.
10. Prior to the permit being issued, all permittees shall sign and record an indemnification agreement indemnifying and holding harmless the City, its employees, officials, agents and assignees.
11. Permitted operators agree that the City of Northampton is not responsible for educating users regarding helmet requirements or for educating users on how to ride or operate a bicycle/scooter. Permitted operators agree to educate users regarding laws applicable to riding and operating a bicycle/scooter.

H. Equitable Bike/Scooter Share

Operators that provide general service to the community are required to submit an equity plan for bike share/scooter share access for low income and under-served populations. Considerations should be placed on:

- Service areas;
- Community engagement;
- Payment options, including solutions for unbanked citizens;
- Customer service;
- Adaptive bicycle options for differently abled users;
- Subsidized rates for low income populations;
- Engaging local partnerships to assist in subsidized rates;
- Hiring policies and workforce opportunities as a component of the equity plan.

I. Insurance and Indemnity Required

1. General Liability Insurance \$1,000,000 minimum per occurrence; and \$2,000,000 total.
2. Workers Compensation that meets Massachusetts requirements;
3. Automobile Liability Insurance \$1,000,000 minimum per occurrence;
4. A surety or performance bond to protect the City if the private bikeshare company goes out of business or is failing to meet certain terms under a contractual agreement. The bond amount will

be linked to the system fleet size. The goal of a surety bond is to protect the City in the possible event that they incur the costs of fleet removal due to non-compliance in accordance with the contract.

5. Contracts will include a clause that allows the City to remove or securely lock bicycles without prior notice in case of any violation of parking, obstruction, interference, or emergency.

J. Reporting

In order to renew annual permits, operators are required to submit a report of the previous year's statistics indicating on a monthly basis:

- Number of bike/scooters in service
- Number of bikes out of service (damaged)
- Aggregated system usage including: total unique users, total miles ridden, total number of rentals, average rental duration etc.
- Monthly summary of bike distribution and GPS-based natural movement in heat map format
- Summary of customer comments/complaints and resolution
- Summary of theft/vandalism and resolution
- Summary of bike maintenance activities
- Summary of bike redistribution (rebalancing) activities

285-12B amend as follows:

Provisions for bicycles and scooters or similar vehicles.

(1) Bicycles/Scooters shall be allowed to be driven on all streets and on all sidewalks outside the Central Business District and the General Business District.

[Amended 4-5-2018 by Ord. No. 18.043]

(2) Bicycles/Scooters shall not be allowed to be driven on the sidewalks in the Central Business District and General Business District, except that bicycles/scooters shall be allowed to be driven in those districts on any section of sidewalk that is part of any marked multiuse trails (bicycle path), or marked cycle track or buffered bicycle lane.

[Amended 4-5-2018 by Ord. No. 18.043]

(3) Bicycles/scooters shall not be allowed to be driven in Pulaski Park.

(4) Walking bicycles/scooters shall be allowed in all areas where they are not allowed to be driven.