

CITY OF LYNN NOTICE:

Notice is hereby given that on Tuesday, May 10, at 5:30 p.m., the Lynn City Council will hold a public hearing on an amendment to the Ordinance regarding Motor Scooters and Motorized Bikes.

IN THE YEAR TWO THOUSAND AND TWENTY-TWO AN ORDINANCE AMENDING THE ORDINANCE REGULATING THE OPERATION OF ANY MOTORIZED SCOOTER, MINI-MOTORCYCLE, POCKET BIKE, MOTORIZED SKATEBOARD, POWER BOARD, MOTORIZED BICYCLE (MOPED) OR RECREATION VEHICLE IN THE CITY OF LYNN

Be it ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:-

Section 1:00 Title

An Ordinance amending the Ordinance regulating the operation of any motorized scooter, mini-motorcycle, pocket bike, motorized skateboard, power board, motorized bicycles (mopeds) or recreation vehicles, on any public way or sidewalk, in the City of Lynn is hereby established.

Section 2:00 Definitions:

(a) *Motorized Bicycle (Moped)*: A pedal bicycle with a helper motor or a non-pedal bicycle which has a motor and has a cylinder capacity of no more than 50 centimeters, has an automatic transmission, has a maximum speed of 30 mph, and complies with Federal MV Safety Standards in accordance with M.G.L. Ch. 90 sec. 1C.

(b) *Motorized Conveyance*: Any wheel device used to carry persons or property which is powered by any means other than muscular power alone.

(b) *Motorized Scooter/Mini-Motorcycle/Pocket Bike*: Any two or three wheeled vehicles with handlebars and electric or gas powered motor vehicle that can move the vehicle with or without human propulsion and can be designed for the rider to either sit or stand. Motorcycles, motorized bicycles (mopeds), three-wheeled motorized wheelchairs, recreational vehicles are not considered to be either a motorized scooter, mini-motorbike, pocket bike or a recreational vehicle.

(c) *Motorized Skateboard/Power board*: Any device consisting of a deck or riding surface of any design upon which a person may stand or sit, having any number of wheels, and is propelled by any type of motorized power. Motorized scooters, mini-motorcycles, pocket bikes, motorized bicycles (mopeds) or recreational vehicles are not considered to be either a motorized skateboard or power board.

(d) *Recreation Vehicles*: Any motor vehicle designed or modified for use over unimproved terrain for recreation or pleasure while not being operated on a public way as defined in chapter 90 including, but not limited to, all-terrain vehicles, off-highway motorcycles, dirt bikes, recreation utility vehicles and all registered motor vehicles while not being operated on a public way as defined in said chapter 90; provided, however, that recreation vehicles and off-highway vehicles operated exclusively for agricultural, forestry, lumbering or construction purposes shall not be subject to this chapter and it shall be an affirmative defense that such vehicle was being operated for such purposes at the time of an alleged violation of this chapter.

Section 3:00 Exemptions The following vehicles shall be exempt from the provisions of this ordinance: a) vehicles licensed by the Commonwealth of Massachusetts as motor vehicles; b) vehicles manufactured and designed for the transport of handicapped persons as those persons have been defined by State and Federal law; and c) landscaping equipment.

Section 4:00 Unregistered Vehicles

No person shall place, store or keep more than one (1) unregistered motorized conveyance that, in order to be operated, is required to be registered under the laws or regulations of the Commonwealth of Massachusetts upon public or private land zoned for residential purposes of six (6) or fewer residential units. This section shall not apply to vehicles stored within a fully-enclosed building or to vehicles stored, parked, or displayed on property duly licensed in accordance with M.G.L. c. 140, 57 through 69.

Section 5:00 Motorized Bicycles (Mopeds) -- Prohibitions

- (a) *Learner's Permit/Driver's License Required.* All persons operating a motorized bicycle (moped) must possess a valid learner's permit or driver's license to operate a motorized bicycle or moped.
- (b) *Mandatory Equipment.* All motorized bicycles (mopeds) must have automatic transmissions and cylinder capacities of no more than fifty (50) cubic centimeters.
- (c) *Compliance with Safety Standards.* Motorized bicycles (mopeds) must meet all federal motor vehicle safety standards.
- (d) *Speed limits.* No operator of a motorized bicycle (moped) may operate at a speed of greater than 25 miles per hour unless a lesser speed is established by the City of Lynn Traffic Commission.
- (e) *Prohibited Roadways.* No person shall operate a motorized bicycle (moped) on state highway or limited access roadways with signs prohibiting bicycles or scooters within the City of Lynn.
- (f) *Off-Street Recreational Path Prohibited.* No person shall operate a motorized bicycle (moped) on off-street recreational paths.
- (g) *Passengers Prohibited.* No person shall operate a motorized bicycle to carry passengers while operating on a permit.
- (h) *Signaling Required.* Operators of motorized bicycles (mopeds) must use proper electronic and hand signals before stopping or turning.
- (i) *Helmets required.* All operators must wear United States Department of Transportation approved helmets when operating a motorized scooter, mini-motorbike or pocket bike in the City of Lynn.
- (j) *Registration Required.* All motorized bicycles (mopeds) in the City of Lynn must be registered by the Commonwealth of Massachusetts.

Section 6:00 Motorized Scooter, Mini-Motorbike or Pocket Bike -- Prohibitions

- (a) *Prohibition from Sidewalks.* No person may use, ride, or otherwise operate a motorized scooter, mini-motorbike or pocket bike on a sidewalk of the City of Lynn.
- (b) *Prohibition from Streets.* No person may use, ride, or otherwise operate a motorized scooter, mini-motorbike or pocket bike on a public way, private way, street, park, playground or on the grounds of any public school in the City of Lynn unless that person is sixteen (16) years of age or older and is carrying a valid driver's/operator's license.
- (c) *Mandatory equipment.* All motorized scooter, mini-motorbike or pocket bike must be equipped with operational "stop" and "turn" signals.

- (d) *Speed limits.* No person shall operate a motorized scooter, mini-motorbike or pocket bike may not operate at speeds greater than twenty (20) miles per hour unless a lesser speed is established by the City of Lynn Traffic Commission.
- (e) *Prohibited Roadways.* No person shall operate a motorized scooter, mini-motorbike or pocket bike on state highway or limited access roadways with signs prohibiting bicycles or scooters within the City of Lynn.
- (f) *Restricted Hours of Operation.* No person shall operate a motorized scooter, mini-motorbike or pocket bike upon any way in the City of Lynn after sunset or before sunrise.
- (g) *Passengers Prohibited.* No person shall carry a passenger while operating a motorized scooter, mini-motorbike or pocket bike in the City of Lynn.
- (h) *Travel on Right Side of Road.* Persons operating a motorized scooter, mini-motorbike or pocket bike must keep to the right side of the roadway at all times, including when passing a motor vehicle which is moving in the travel lane of the way.
- (i) *Signaling Required.* Operators must use proper electronic and hand signals before stopping or turning.
- (j) *Helmets required.* All operators must wear United States Department of Transportation approved helmets when operating a motorized scooter, mini-motorbike or pocket bike in the City of Lynn.

Section 7:00 Motorized Skateboard/Power Boards -- Prohibitions

- (a) *Prohibition from Sidewalks.* No person may use, ride, or otherwise operate a motorized skateboard or power board on a sidewalk of the City of Lynn.
- (b) *Prohibition from Streets, Parks, Playgrounds and School Grounds.* No person may use, ride, or otherwise operate a motorized skateboard or power board on a public way, private way, street, park, playground or on the grounds of any public school in the City of Lynn.

Section 8:00 Recreational Vehicles -- Prohibitions

- (a) *Recreational vehicle registration.* Pursuant to M.G.L. c. 90B, s. 22, no recreational vehicle, as defined by M.G.L. c. 90B, 20, may be operated unless it is registered with the Boat, Recreation Vehicle & Snowmobile Registration Bureau and a valid registration number is displayed on the vehicle.
- (b) *Property of Another.* No person shall operate, maintain or possess a recreational vehicle upon the property of another without written permission of the land owner on their person.

Section 9:00 Hazardous Operation Applicable to All Vehicles -- Prohibitions

- (a) *Hazardous Operation.* No person shall engage in hazardous operation upon any public space in the City upon any motorized conveyance, including recreational vehicles. The following acts shall constitute Hazardous Operation:
 - (i) An operator of any motorized conveyance; including a recreational vehicle, shall not cause such vehicle to ride with its front wheel or wheels raise from the surface of the road or ground while operated in any public space.
 - (ii) An operator of any motorized conveyance, including a recreational vehicle, shall not cause such vehicle to ride with its rear wheels raised from the surface of the road or ground while operated in any public space.

- (iii) An operator of any motorized conveyance, including a recreational vehicle, shall not cause any side wheels of such vehicle to raise from the surface of the road or ground while operated in any public space.
- (iv) An operator of any motorized conveyance, including a recreational vehicle, shall not ride such vehicles with his or her feet or knees planted on the seat while operating in any public space.
- (v) An operator of any motorized conveyance, including a recreational vehicle, shall not operate such vehicle in a manner commonly associated with trick or stunt riding.
- (vi) An operator of any motorized conveyance, including a recreational vehicle, shall not operate such vehicle with a passenger if designed for a single rider.
- (vii) No passenger shall ride upon any motorized conveyance, including a recreational vehicle, that is designed for a single rider.
- (viii) An operator of any motorized conveyance, including a recreational vehicle, shall not operate such vehicle with a passenger sitting or riding upon the handle bars or forward of the operator.

Section 10:00 Fines

Any person violating the provisions of this ordinance shall be punished by a fine as established by State law. In the event that State law contains no conflicting statutory fine, a person violating this Ordinance shall be subject to a fine of two hundred and fifty (\$250.00) dollars for the first offense, and for all subsequent offense, by a fine of three hundred (\$300.00) dollars.

Section 11:00 Seizure of Motorized Conveyance

(a) *Seizures Authorized By Law.* The City of Lynn Police Department shall have the authority to seize any motorized scooter, mini-motorcycle, pocket bike, motorized skateboard, power board, motorized bicycles (mopeds) or recreation vehicles when operated on any public way, private way, sidewalk, public park, public playground or school ground or stored in violation the provisions of this Ordinance.

(b) *Receipt to Be provided to Owner of Seized Motorized Conveyances.* When the determination is made to seize any motorized scooter, mini-motorcycle, pocket bike, motorized skateboard, power board, motorized bicycles (mopeds) or recreation vehicles the police shall obtain the identity of the owner or person operating the equipment and give the person a receipt listing and describing items seized.

(c) *When Seized Motorized Vehicles May be Lawfully Released.* Items seized or impounded shall be kept in custody until fines are paid or judicial process involving the case has been completed. In instances where the offender is under the age of eighteen, the items seized may only be released to the offender's parent or legal guardian.

(d) *Destruction of Motorized Conveyances.* For repeat offenses of this Ordinance or egregious violations causing danger to the public, police may seek permission in the court for disposition or destruction of the equipment.

(e) *Criminal Complaint.* For subsequent violations reports concerning the same address or same individual or egregious violations causing danger to the public, the police prosecutor shall be empowered to seek a criminal complaint based on documents filed.

Section 12:00 Severability.

If any provision(s) or portion(s) of this article or the application of any provision(s) or portion(s) thereof to any person or circumstance is/are held to be invalid, such invalidity shall not affect the validity of the remainder of said provision or other provisions of this Ordinance.

Section 13:00 Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 14:00 Effective Date.

This chapter shall take effect as provided in the Lynn City Charter.