

CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Nineteen

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.

19.011 An Ordinance Relative to Bicycle Share Services

ORDINANCE

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]:

Shared Mobility Device (SMD)- a human powered or low speed electric vehicle for public shared use to individuals on a short term basis and may include bicycles, scooters, Segways or similar devices.

Shared Mobility Device (SMD) Program- A service in which SMDs are made available for public, shared-use to individuals on a short term basis for a price or free. Services can be provided either to/from a specified dock or station location or may be dockless or free-floating.

Landscape/Furniture Zone- The area of the public sidewalk along the street that is designated for landscaping or street furniture. In the CB district, this area is in the brick paver portion of the sidewalk.

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, in compliance with subsections herein, in the landscape/furniture zone, on a bicycle rack, or other facility specifically intended for that purpose.
- B. Bicycles are not permitted to be parked at or adjacent 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 shall 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 may be tagged with a notice for removal and impoundment or may be removed by the city or its agent immediately for impoundment. Removed bicycles shall be held by the City for a minimum of 30 days.
- G. A bicycle parked in accordance with this section that has one or more of the following defects may be removed and sent to scrap by the City:
 - 1. no tires or wheels;
 - 2. one or more 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 Shared Mobility Device Programs

A. Permits and Fees

- 1. No private SMD program shall allow their vehicles to park on any City right-of-way or public space without a permit. The permit requirement shall not apply to city-owned or contracted public docks placed within the public way. Parking shall be in compliance with 312.49.
- 2. The Office of Planning and Sustainability shall issue a permit to operate a docked or dockless SMD program within the City if the applicant submits the application materials set forth in subsection B, below.
- 3. The Permit fee to operate a SMD program is based on the size of the fleet. Applicants shall pay \$15/SMD annually for an SMD operator's permit.

B. Application

- 1. Applications and renewals for SMD permits shall be submitted to Northampton Office of Planning and Sustainability and shall include these items:
 - Completed Annual Permit;

- Fee;
- Insurance documentation;
- Images and description of SMDs 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 SMD parking;
- Location of all planned stations. No stations shall be created without approval from Office of Planning and Sustainability; and
- Permissions for overnight parking on private property.

C. Service Area

1. Permits may only be issued for systems that operate outside the Central Business District.
2. Programs are encouraged to serve areas outside the area already served by any city-owned or city-contracted SMD program.

D. SMD Fleet Parking and Stations

1. SMD parking on the public way shall be in accordance with Chapter 312-49.
2. Share operators shall inform customers on how to park their SMD properly.
3. Between the hours of 6 AM and 11:59 PM, SMDs shall be parked either on private property outside pedestrian zones or in the landscape/furniture zone of the sidewalk
4. Between the hours of 12 AM and 6 AM, no SMDs shall be parked in the public way or on public bike racks. SMD operators shall incorporate mechanisms to ensure that overnight parking is on private property or on previously approved SMD stations/racks. Any overnight parking within the right-of-way will subject the SMDs to impoundment in accordance with Chapter 312-49.
5. SMDs shall be upright when parked.
6. Any SMD 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. SMDs may be parked only on hard surfaces (e.g. concrete, asphalt) within the landscape/furniture zone and may not be parked in landscaped areas.

E. Pedal-Assist/Electric Specifications

All fleets of pedal-assist or E-SMDs shall 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 SMD ID number, and a 24-hour customer service number shall appear on each SMD.
2. Additional regulations for logos outside of the SMD program logo, such as a system sponsorships or advertisements, are subject to City of Northampton sign ordinances.

G. Safety and Maintenance

1. All SMDs shall 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 SMDs shall be equipped with working front and rear lights.

3. All SMDs shall be equipped with GPS or other geolocation technology needed for monitoring, enforcement, and for use in crime detection if SMDs 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, SMD users shall yield to pedestrians on sidewalks.
5. The operator shall 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 SMD.
6. All permitted operators shall have a staffed operations center within half hour drive of Northampton and shall 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 SMD, or any SMD 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 or impound SMDs that are found left in violation of these requirements. There will be a fee set annually by the City of up to \$100 per SMD 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 to the greatest extent allowed by law.
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 an SMD. Permitted operators agree to educate users regarding laws applicable to riding and operating such SMD.

H. Equitable SMD Program

Operators that provide general service to the community are required to submit an equity plan for SMD access for low income and under-served populations. Applications shall show:

- Service areas where 10% of stations are within 500' of public housing or DHCD /Federally defined CDBG majority moderate and low income areas or Environmental Justice areas;
- Demonstrated community engagement events/actions;
- Payment options, including solutions for unbanked citizens;
- Customer service plan including staffing, hours, response protocols.;
- Subsidized rates for low income populations, and defined by the current HUD Area Median Incomes;
- 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 SMD operator 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. Applicants shall submit vehicle unit costs and decommissioning estimates with a proposed bond amount.

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 SMDs in service;
- Number of SMDs 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 SMD 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 SMD maintenance activities; and
- Summary of SMD redistribution (rebalancing) activities.

285-12B Amend by adding:

Provisions for bicycles, human powered scooters, SMDs or similar vehicles.

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

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

(2) Bicycles/Scooters/SMDs shall not be allowed to be driven on the sidewalks in the Central Business District, Office Industrial District and General Business District, except that bicycles/scooters/SMDs 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/SMDs shall not be allowed to be driven in Pulaski Park, except on the bike path connector through Pulaski Park.

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