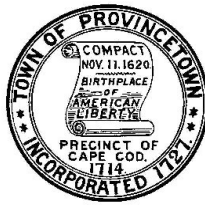


# *Town of Provincetown*

## *Office of the Town Clerk*



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Article Number: ATM 23

Date: April 3, 2013

Headline: General By-law Amendment: Prohibited Use of Bicycles.

To see if the Town will vote to amend the Provincetown General By-laws by inserting a new Section 13-5, including amendments or modifications thereto, to read as follows:

### 13-5 Prohibited Use of Bicycles

#### 13-5-1 Bicycle Removal Program

##### 13-5-1-1 Purpose

The Town of Provincetown regulates bicycle parking for short term storage only. For the purposes of this by-law, the term "Short-term parking" shall be defined as parking a bicycle at a Town bicycle rack for a period of less than seven (7) continuous days.

The principal intent of these regulations is two-fold: first, to ensure that short-term parking for bicyclists is available in the town and second, to ensure that bicycles are parked in a safe and secure manner. One of the important ways of meeting these intentions is to remove abandoned bicycles that are taking up valuable spaces which could be used by other bicyclists. In addition, it should be clear that the bicycle spaces in the town are not intended for long-term storage. Finally, the regulations address the fact that parking a bicycle to some fixtures is not acceptable: trees can be damaged, benches rendered unusable, or hand railings be unavailable to those who need them most. Bicycles in violation of these regulations should be reported to the Provincetown Police Department.

An abandoned bicycle (that meets the established criteria), or one that is in violation of the time (7 days) restrictions will be tagged and removed. A bicycle determined to be inoperative will be removed by the Department of Public Works for Disposal. A bicycle determined to be operative will be held at the Provincetown Police Department of 30 days.

##### 13-5-1-2 Procedure

#### Bicycle Parking On Public Property

- a. Bicycles are permitted to park against a street sign pole, or on a bicycle rack or other facility specifically intended for that purpose.
- b. Under no circumstances shall a bicycle obstruct the pedestrian path of travel or handicap access ramps. A parked bicycle must leave at least 36 inches of an obstruction free path of travel.
- c. Bicycles are not permitted to be parked to: fire hydrants, hand railings, benches, trees, trash receptacles and parking meters. Bicycles in violation of the above regulations shall be tagged and removed immediately if presenting a public safety hazard as noted in this section.
- d. Bicycles shall not be parked longer than seven consecutive days at the same location on any bike rack, public way or sidewalk. If the bike is determined to be working bike, a tag will be affixed, and after a 72 hour time period be removed for storage purposes. The Department of Public Works (DPW) will transport the bike to Police Headquarters, and the sector officer will generate a report, identifying

the bike and removal date. The report will include make, model, color, serial number (if possible) and a brief description of the bikes condition. The serial number will be checked with the Criminal Justice Information System. The Property /Evidence Officer will log the bike into the IMC System and secure the bike for safekeeping in a designated storage area for a period of thirty days. If the bike is not claimed in this period, the Property/ Evidence Officer will release the bike for auction.

e. No motorized vehicles shall be parked on a bicycle rack or other facility specifically designed and intended for bicycle parking. Violators are subject to immediate removal by the Provincetown Police Department. Motorized vehicles parked on sidewalks will be issued a parking citation and towed.

#### Abandoned Or Inoperable Bicycle On Public Property

A bicycle with one or more of the following defects will be considered abandoned and can be removed and destroyed:

(a) No tires or wheels

(b) Have warped wheels or frame

(c) Missing, rusted or broken chain in such a state that renders the bicycle inoperative.

(d) Missing or warped handle bars

or to take any other action relative thereto.

[Requested by Provincetown Bicycle Committee]

Board of Selectmen Recommends: 5-0-0

Finance Committee Has No Recommendation

Michael Peregon moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 23.

Motion Passed.