

Draft Order Sponsored by Councillor Winslow

Be it ordained by the Malden City Council that Section 11.12 of Chapter 11 of the Malden Municipal Code (Revised Ordinances of 2020) related to Bicycle Trails is hereby amended by striking such section in its entirety and replacing it with the following language:

11.12 BICYCLE AND PEDESTRIAN TRAILS (AKA MULTI-USE TRAILS)

11.12.010 REGULATION OF MULTI-USE TRAILS

1. Definitions as used in this section:
 - 1.1. “multi-use trail” shall mean a paved trail or pathway eight-feet wide or greater specifically created or designed for bicycle and pedestrian travel to the exclusion of autos and motorcycles including the entire length and width of any such trail or pathway as well as landscaped or areas within or adjacent to such trails or pathways.
 - 1.2. “Electric Bicycle” shall mean Class 1 and Class 2 electric bicycles as defined by Massachusetts General Law Chapter 90 Section 1 with tire widths of five inches or less.
 - 1.3. “Electric Scooter” shall mean a device that carries a passenger that: has two to four wheels with diameters of 12 inches or less, is no wider than two feet nor longer than six feet, weighs less than 35 pounds, has a maximum speed of 15 miles per hour and an electric motor with 300 watts or less of power.
 - 1.4. **“Moped”: shall have the same definition as a “motorized bicycle” under Massachusetts General Law Chapter 90, Section 1.**
 - 1.5. **“Motorized Scooter” shall have the same definition as a “motorized scooter” under Massachusetts General Law Chapter 90, Section 1, with the exception of an “electric scooter” as defined in this section.**
 - 1.6. **“Motorized Uniwheel”: shall mean any motorized device with a single wheel.**
2. Except as provided in this section, use of multi-use trails shall be limited to pedestrians, including joggers and runners, and devices designed for propulsion solely by muscular power, including bicycle riding, roller skating, in-line skating, snowshoeing and cross country skiing.
3. No person shall use or operate a motorized vehicle, **moped, motorized scooter or motorized uniwheel** or **any other** vehicle or device capable of motorized operation on a multi-use trail except:
 - 3.1. an authorized maintenance vehicle;
 - 3.2. an emergency vehicle, including police, fire and emergency medical services;
 - 3.3. an electric-powered device no wider than 36 inches designed specifically to provide low-speed indoor and outdoor mobility to a disabled individual;
 - 3.4. an Electric Bicycle; or
 - 3.5. an Electric Scooter.
4. Unless permitted by the Chief of Police, no person shall use multi-use trails for horseback riding.

5. Between dusk and dawn, trail users traveling on bicycles, Electric Bicycles and Electric Scooters shall have both front and rear illumination. No one shall sit, congregate or sleep on or along a multi-use trail between the hours of 9 PM and 7 AM.
6. Use of multi-use trails shall be subject to compliance with Mass. Gen. Laws ch 85 § 11B and all city ordinances; provided that, subject to compliance with all other ordinances relative to animal control, a user may be accompanied by no more than two dogs.
7. Multi-use trails shall not be used for organized events unless permitted by the Police Chief.
8. No user of a motorized vehicle or device or a vehicle capable of motorized operation shall operate such device at a speed exceeding 15 miles per hour on a multi-use trail, including users of Electric Bicycles and Electric Scooters. All users of motorized vehicles or devices or a vehicles capable of motorized operation, including Electric Bicycles and Electric Scooters, shall yield to non-motorized trail users in all instances. Users operating devices designed for propulsion solely by human-power shall yield to pedestrians, joggers and runners.
9. The Stadium and Recreation Commission may promulgate additional regulations to assure the safety of multi-use trail users and shall post regulations at such intervals as may be required to reasonably notify users of rules and restrictions on use.
10. No person shall solicit, sell, rent, advertise or offer to sell, rent hawk, peddle, display or distribute any goods, wares, tangible or intangible property, merchandise, liquids or edibles, or services for hire, or render any service for hire, upon multi-use trails, unless licensed by the city upon such terms and conditions as said licensing authority deems appropriate.
11. Violations of this ordinance shall be punished in the manner provided in Mass. Gen. Laws ch 40 § 21D in accordance with the following schedule of fines:

1st offense	\$100.00
2nd/subsequent offense	\$250.00

12. In addition to any other penalty provided by law, unauthorized vehicles, whether or not registered under Mass. Gen. Laws ch 90 or Mass. Gen. Laws ch 90B may in the discretion of a police officer be towed and stored at the owner's expense.