



Public Hearing

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, June 26, 2018 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear the following proposed regulation changes:

10.00 RENTAL OR LEASE OF MOTORIZED BICYCLES AND SCOOTERS

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motorized two wheeled vehicles, motorized bicycles, motor scooters or mopeds without first being licensed by the Licensing Board in accordance with the following regulations:

- a. Application for a license under this by-law shall be filed with the Licensing Board and contain the following information:
 1. Proof of worker's compensation insurance and general liability insurance;
 2. Proposed individual vehicle information including total numbers, makes, and models for all vehicles.
 3. Proof of vehicle inspection and registration for each vehicle.
- b. Licenses shall expire on December 31st of each year, and are required to be renewed before expiration for the following year before any rental activity may commence.
- c. Each licensee shall maintain a complete register of daily rentals (including renters, accidents and Provincetown Police and EMT involvement) available to the Licensing Board and/or Board of Selectmen at all times-upon Board or Police Department request.
- d. Each licensee shall comply with Chapter 90 of the General Laws and any amendments thereto, any other statute, or any Town by-law and/or regulation.
- e. Motorized bikes may only be rented to operators with a valid driver's license or learner's permit.
- f. Every person engaged in the rental or offering for hire of motorized bicycles and/or motorized scooters shall provide to the person renting or hiring such vehicle a copy of Provincetown Traffic Regulations relating to the Use and Operation of Motorized Bicycles and shall require, as a condition of rental, that the person renting such vehicle sign an acknowledgement form stating that the person has read and acknowledges the Regulation.
- g. Each licensee shall be responsible for instructing every operator in the proper method of operation of the vehicle including providing a supervised test drive.
- h. Each licensee shall require that an operator have adequate footwear covering the entire foot (excluding thongs, sandals, slippers or other footwear which is unsubstantial). Each licensee shall also require than an operator use a helmet. Said helmet shall fit the person's head, and shall be secured to the person's head by straps while operating.

- i. Show Cause Hearing:
 - 1. Complaints about violations of these regulations will be received from any person by the Licensing Department in writing. Said complaints will be referred for investigation to the Police Department. Should said police Department or the Licensing Board determine that a hearing on an alleged violation is necessary, or that any further action might be deemed necessary, notification will be mailed by Certified Mail, return receipt requested, or hand delivered with receipt signature requested, to the most recent address of the licensee as shown by the records of the Licensing Board kept pursuant to this by-law. The notice shall provide at least seven days advance notice of the hearing date and time. The notice shall contain a brief description of the nature of the complaint. Mailing notice of hearing or complaints or other notices to the current mailing address on file with the Town using Certified Mail, return receipt requested, such mailing being made 10 days prior to any hearing, shall be prima facie evidence of due notice.
 - 2. At said hearing, the Licensing Board shall receive any oral statements and information relevant to the complaints. The licensee shall be entitled to present any information in its defense or in mitigation of the events it deems appropriate. The licensee shall have the right to be represented by counsel. The conduct of the hearing shall not be governed by formal rules of evidence or procedure and shall be governed by and the procedures followed shall be determined by the Licensing Board as is necessary to afford a full, fair, and complete hearing of the issues.
- j. Penalty. If the Licensing Board finds, as a matter of fact, that a violation of this by-law has occurred and it is the first violation of the preceding twelve (12) months, the Licensing Board may impose a suspension of the license for any period of time up to one (1) week and in addition to or in substitution therefore, may impose a One Hundred dollar (\$100.00) fine. For any second finding of any violation of the by-law within the preceding twelve (12) months by the licensee, the Licensing Board may impose a suspension of the license for any period of time up to two (2) weeks and in addition to or in substitution therefore, may impose a Two Hundred Dollar (\$200.00) fine. For any third finding of any violation of the by-law within the preceding twelve (12) months by the licensee, the Licensing Board may impose a suspension of the license for any period of time up to four (4) weeks and in addition to or in substitution therefore, may impose a Three Hundred Dollar (\$300.00) fine. For any fourth finding of any violation of the by-law within the preceding twelve (12) months by the licensee, the Licensing Board may impose a revocation of the license for the balance of the licensing period. Any suspension of the license shall be for a specific time period, said period to be within twelve (12) months of the date of the violation
- k. Licenses are not transferrable.

MISCELLANEOUS LICENSES

11.01 Peddlers

11.02 Outdoor Artist or Sidewalk Artist

11.03 Retail Sales Licenses

11.04 Other Licenses Issued by the Licensing

**APPENDIX A
License Fees**

| <i>OTHER LICENSES</i> | |
|-------------------------------------|-------------|
| <u>Rental of Motorized Bicycles</u> | <u>\$50</u> |

*Frank Thompson
Chair, Licensing Board*

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