

TOWN OF TISBURY  
MOPED REGULATIONS

Adopted on July 2, 1979; as revised on May 20 2003, July 11 2017.

1. No person, business or corporation (agency) shall engage in the business of renting, leasing, or keeping for rent or lease any motor vehicles, motor scooters or mopeds (motorized bicycles), without first being licensed by the Board of Selectmen.
  - (a) No new license shall be issued unless the Board of Selectmen is satisfied after an investigation of all facts that the applicant has a place of business suitable for such a purpose.
  - (b) Application for a license shall be filed with the Board of Selectmen by March 1<sup>st</sup> each year and shall contain any and all such information as they in their sole discretion require.
  - (c) The Board of Selectmen may adopt and prescribe such rules and regulations as it deems to be in the best interest of public need, safety and good order in licensing any business which rents leases or keeps for rent or lease any motorcycles, motor scooters or mopeds (motorized bicycles).
2. A non-refundable application fee of \$100.00 shall accompany each application. The application when filed will contain the following information:
  - (a) A duly signed occupancy permit signed by the Building Inspector (for new applications only).
  - (b) A site plan of operation (for new applicants only).
  - (c) Pertinent information regarding each vehicle shall accompany each application, including the following:
    - Color
    - Make and Model
    - Identification Number, Company and Manufacturer's Serial Number
    - Massachusetts Decal Registration number, and
    - Tisbury Number or Decal from 1-25 on the rear fender of each vehicle.
  - (d) All information listed under (c) to be updated as vehicles are added, dropped or replaced.
3. If an application is approved by the Board of Selectmen, the applicant upon payment of \$750.00 shall be granted a license which shall be renewable annually on April 1<sup>st</sup> of each consecutive year. The annual fee for renewal thereof shall be established by the Board of Selectmen. The Board of Selectmen shall issue a license to each approved applicant. Said license shall be posted in a conspicuous manner at the place of business.
4. Licenses shall not be transferable and licenses not used during one year's time shall be null and void.
5. Each agency shall have conspicuously posted a copy of Massachusetts General Law, Chapter 90, Section 1B:

"A motorized bicycle shall not be operated upon any way, as defined in Section 1 within the Commonwealth by any person under sixteen years of age, not at a speed in excess of twenty-five miles per hour. A motorized bicycle shall not be operated on any way by any person not possessing a valid driver's license or a learner's permit. Every person operating a motorized bicycle upon a way shall have the right to use all public ways in the Commonwealth except limited access or express State highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the Commonwealth and the regulations contained in this Section, except that:

  - (1) the motorized bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way; and
  - (2) the motorized bicycle operator shall signal by either hand his intention to stop or turn. Motorized bicycles may be operated on bicycle lanes adjacent to the various ways, but shall be excluded from off-street recreational bicycle paths."
6. Each Agency shall have conspicuously posted a copy of Section 47, Tisbury Bylaws, Adopted April 8, 1980:

"All motorcycles, mini-bikes, and mopeds are prohibited from operating on, over, and across all flats, beaches, dunes, and marshes within the Town of Tisbury. Whoever violates this provision of this bylaw shall be subject to a fine in an amount not to exceed two hundred dollars (\$200,00). (Excerpt)
7. Each agency will comply with Massachusetts General Laws, Chapter 90, and any amendments thereto, any other statute, General Law, or any Town Bylaws pertaining to the licensing of motorcycles, motor scooters, or mopeds (motorized bicycles).
8. Each agency will have a register to keep record of renters.
9. Each agency will have an unobstructed training track 50' long x 25' wide with a physical barrier between the test track and any adjacent right-of-way, or sidewalk, which shall be subject to review and approval of Building Inspector
  - a) No agency shall rent two seat mopeds or motor scooters to an adult accompanied by a child:
    1. Who is not at least four feet eight inches (4'8") in height. A height chart must be available.
  - b) The agency shall refuse to rent to any individual(s) that exceed the maximum

manufacturers suggested operational weight. Each agency shall have posted the maximum operational weight for any model available for rent and shall provide a method to verify that all provisions of this sections are met.

10. Each agency will ensure that a helmet accompanies each vehicle rented
11. Each agency will post a sign indicating that helmets are available and must be worn at all times.
12. Each agency will be responsible to see that the operator has adequate footwear which covers the entire foot, (excluded: thongs, sandals, slippers, or other footwear which is considered insubstantial).
13. Complaints about violations of these regulations will be received from any person by the Office of the Board of Selectmen in writing. Said complaints will be referred for investigation to the Police Department.
  - (a) Should the Tisbury Police Department or the Board of Selectmen determine that a hearing on an alleged violation is 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 agency as shown by the records of the Board of Selectmen kept pursuant to these regulations. The notice shall provide at least seven days' advance notice of the hearing date and time and shall contain a brief description of the nature of the complaint. Mailing notice of hearing on complaints or any other notices to the current mailing address on file with the Town, using Certified Mail, return receipt requested, such mailing being made ten (10) days prior to any hearing, meeting or event requiring 7 days' notice, shall be prima facie evidence of due notice.
  - (b) At said hearing, the Selectmen shall receive any oral statements and information relevant to the complaint. The agency shall be entitled to present any information in its defense or in mitigation of the events it deems appropriate. The agency 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 determined by the Board of Selectmen as is necessary to afford a full, fair, and complete hearing of the issues.
14. If the Selectmen find as a matter of fact that a violation of these regulations has occurred and it is the first violation of the preceding twelve months (12) months, the Selectmen may impose a suspension of the agency license for any period of time up to one (1) week and in addition to or in substitution therefor, may impose a fifty dollar (\$50.00 ) fine. For any second finding of any violation by the agency of any regulation within the preceding twelve (12) months, the Selectmen may impose a suspension of the agency license for any period of time up to two (2) weeks and in addition to or in substitution therefor, may impose a One Hundred Dollar (\$100.00) fine. For any third finding of any violation by the agency of any regulation within the preceding twelve (12) months, the Selectmen may impose a suspension of the agency license for any period of time up to four (4) weeks and in addition to or in substitution therefor, may impose a Two Hundred Dollar (\$200.00) fine. For any fourth finding of any violation by the agency of any regulation within the preceding twelve (12) months, the Selectmen may revoke the agency license for the balance of the licensing period.
15. Effective July 1, 2003, each licensed agency shall be limited to rent no more than 25 units (mopeds).
16. Effective July 1, 2003 each agency shall be required to show the safety video prepared by the MV Association of Moped Dealers, or one approved by the Chief of Police to potential clients.
17. Effective July 1, 2003, all on-the-road moped rental units at each agency shall be consecutively numbered from 1-25 and the number(s) shall be affixed to the rear fender and be clearly visible.
18. The Board of Selectmen and their designees, which include the Building Inspector and Police Chief, shall administer and enforce the provisions of the Moped Bylaw and the Moped Regulations herein. The Building Inspector and Police Chief shall inspect the agency for compliance with all provisions prior to annual renewal by the Board of Selectmen. Further, the Police Department through the Police Chief shall conduct periodic inspections and monitoring of the agency equipment, practices and procedures to ensure all safety requirements are being followed by said agency. The results of such inspections and monitoring will be reported directly to the Town Administrator's office.

Tisbury Board of Selectmen

July 11, 2017

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Larry Gomez, Chairman

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Tristan R. Israel

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Melinda Loberg

Attest: Town Clerk

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Hilary Conklin