

2011-Or-___

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Schiff

**Amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances
relating to Licenses and Business Regulations: Pedicabs.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 305.10 of the above-entitled ordinance be amended to read as follows:

305.10. Definitions. As used in this chapter, the following terms shall mean:

~~(a) Pedicab: A nonmotorized three-wheel bicycle used to carry passengers for hire that transports or is capable of transporting passengers on attached seats. A pedicab is not power assisted. A pedicab shall not exceed one-hundred twenty (120) inches in length and fifty-five (55) inches in width.~~

~~(b) Pedicab business: The business of operating a one (1) or more pedicabs for hire for the recreational or physical transportation of the general public for profit, not-for-profit, or as a free service.~~

~~Darkness: Any time from one-half hour after sunset to one-half before sunrise or any time when visibility is obstructed by elements such as fog, rain or snow.~~

~~Pedicab driver: Any person who operates, drives, or propels a pedicab.~~

~~Pedicab driver license: A license granted in accordance with this chapter.~~

~~Prearranged pedicab services: Pedicab service for events such as weddings, group transportation, downtown tours or similar events which are pre-arranged with the pedicab company.~~

~~Street: Any street or roadway under the jurisdiction of the city.~~

~~Pedicab trailer: A two (2) wheeled vehicle no wider than fifty-five (55) inches and capable of carrying a maximum of three (3) passengers and securely attached and locked to the pedicab vehicle. Children aged twelve (12) and under are not allowed to ride in a trailer unless accompanied by an adult.~~

Vehicle means every device in, upon, or by which any person is or may be transported or drawn upon a highway or street.

Section 2. That Section 305.20 of the above-entitled ordinance be amended to read as follows:

305.20. License required. (a) No person shall engage in the pedicab business without a license required under this chapter.

(b) No person shall operate a pedicab without a pedicab driver license required under this chapter.

Section 3. That Section 305.30 of the above-entitled ordinance be amended to read as follows:

305.30. License fee. (a) The annual fee for a pedicab business license shall be as established in the Appendix J, License Fee Schedule, for each pedicab in operation on the streets at any time during the license year.

(b) The annual fee for a pedicab driver license shall be as established in the License Fee Schedule for each pedicab driver in operation on the streets at any time during the license year.

Section 4. That Chapter 305 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 305.45 to read as follows:

305.45 License number. All pedicabs shall be assigned a number or number series by the department of licenses and consumer services. The number assigned shall be displayed on the lower left rear side of the pedicab and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the pedicab. All trailers attached to a pedicab shall display the same number of the pedicab so attached on the trailer.

Section 5. That Section 305.50 of the above-entitled ordinance be amended to read as follows:

305.50. License application. (a) Application for a pedicab license under this chapter shall be made on forms provided by the department of licenses and consumer services and shall contain such information as the department may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a pedicab on behalf of the licensee.

(b) Application for a pedicab driver license under this chapter shall be made on forms provided by the department of licenses and consumer services and shall contain such information as the department may require, including the name, address, and telephone number of the applicant. Each pedicab license shall indicate the name of the pedicab company for which the driver works. No pedicab driver shall drive for a different pedicab company without first notifying the licensing department and obtaining a new driver's license indicating the new pedicab company. Every pedicab driver shall meet and maintain the following requirements in order to hold a pedicab driver license:

- (1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out of state driver licenses must not have a currently cancelled, revoked or suspended Minnesota driver license. Those with out of state driver licenses, must provide a certified copy of their driving and criminal history from their home state.
- (2) Be a minimum of eighteen (18) years old.
- (3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.
- (4) Shall not have been convicted of careless or reckless driving within the last three (3) years.
- (5) Shall not have been convicted of a felony within the last five (5) years. The issuing authority for the license may grant an exception to the above provisions upon evidence that the offense is not related to the occupation of a pedicab driver.

Section 6. That Section 305.70 of the above-entitled ordinance be amended to read as follows:

305.70. ~~Hours of operation~~ Annual pedicab inspection. ~~No person shall operate a pedicab for hire on a public street during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on any weekday, excluding national holidays, in that part of downtown Minneapolis within the boundary of the point commencing at the western bank of the Mississippi River where it intersects with the centerline of Third Avenue North; thence westerly to the centerline of Glenwood Avenue; thence westerly to the approximate centerline of Interstate 94 as it travels south and east where it intersects with Interstate 35W; thence northeasterly along the approximate centerline of Interstate 35W to the western bank of the Mississippi River; and thence northwesterly along said river bank to the point of beginning. The director of licenses and consumer services shall require an annual pedicab inspection and may designate minimum safety standards for equipment and body defects. Pedicabs found to not meet minimum~~

inspection standards may be identified as “out of service” and shall not operate until such defects have been repaired and approved by the director or their designee

Section 7. That Section 305.90 of the above-entitled ordinance be amended to read as follows:

305.90. Operating restrictions and conditions. (a) No pedicab shall be operated upon a public sidewalk or other city property where the operation of a pedicab is prohibited.

(b) No pedicab shall use any public street or other public property as a waiting or parking area unless such area is a legal motor vehicle parking area or as permitted pursuant to Section 482.30, or in an established pedicab stand. Parked pedicabs shall not be attached to any object in accordance with Minneapolis Code of Ordinances Section 490.150.

~~(c) All pedicabs, when operating between dusk and dawn, shall make use of working battery powered lights. Each pedicab shall be equipped with one (1) headlight capable of projecting a beam of white light for a distance of three hundred (300) feet, and two (2) red taillights mounted on the right and left, respectively, on the rear exterior of the vehicle. Taillights shall be plainly visible from all distances within five hundred (500) feet to the rear of the pedicab. No pedicab driver shall consume an alcoholic beverage while on duty or allow any passenger of the pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.~~

(d) All pedicabs shall be, clean and maintained in a good state of repair. All pedicabs shall be maintained by the company so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition. Pedicabs shall be, at all reasonable times, subject to inspection by the department of licenses and consumer services.

(e) All pedicabs shall display a valid license decal, centered on the rear of the pedicab vehicle or between the turn signals, issued by the director of licenses and consumer services, and the name and phone number of the licensee, and the schedule of the rates or fees charged for passenger services.

(f) ~~Pedicab operators~~ drivers shall have in their possession a valid driver's license, proof of insurance and a pedicab driver license while in control of any pedicab, and shall operate the pedicab in compliance with all applicable federal, state, and local traffic laws, Minneapolis City Ordinance and in a manner so as to assure the safety of persons and property.

(g) All pedicab operators shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or regulatory services inspector, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.

(h) No pedicab driver shall have in his or her possession a lighted cigarette, cigar, or pipe while driving a pedicab which is occupied by a passenger.

(i) A pedicab driver license issued under this chapter shall be coterminous with the licensee's driver license. Any time that a licensee's driver's license is suspended, revoked, or cancelled, his or her pedicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The pedicab driver's license shall immediately be surrendered to the department of licenses and consumer services until such time his or her drivers license is reinstated.

(j) No pedicab driver shall permit more passengers to be carried in a pedicab than there are proper seating for except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat, and at no time shall the driver allow any passenger to ride in any area of the pedicab that was not specifically designed as a seat.

(k) At no time shall anyone other than a licensed pedicab driver be allowed to operate the pedicab.

(l) At no time shall a pedicab driver play or allow the playing of any amplified sound equipment in violation of Chapter 389 of the Minneapolis Code of Ordinances.

(m) Pedicab drivers must be properly attired with a shirt, pants or shorts and secure footwear.

(n) Pedicab drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

~~(p)~~ (o) It shall be unlawful for any pedicab owner or driver to allow or cause to be operated a pedicab in any unsafe manner or operating condition.

(p) In the event that a passenger leaves an article in the pedicab, the driver shall immediately attempt to return it. If the driver is unable to immediately return the article, it shall be turned into the pedicab company office at the end of the driver's shift or the first available opportunity.

(q) Any pedicab not in compliance with the minimum requirements of Section 305.95 will be cited and placed "immediately-out-of-service". Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the department of licenses and consumer services for service.

Section 8. That Chapter 305 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 305.95 to read as follows:

305.95. Vehicle safety and equipment standards. No pedicab owner or driver shall operate or allow the operation of a pedicab on any street unless the pedicab meets the following equipment and safety standards:

- (1) Tires. Tires shall be of a size appropriate for the pedicab with no mismatched tires. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.
- (2) Operational horn. The pedicab shall be equipped with a fully operational horn or bell.
- (3) Brakes. It shall be unlawful for a licensee to operate, or cause to be operated, a pedicab that is not equipped with a front and rear braking system capable of being manipulated by the licensee from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the pedicab is in contact with the ground on dry, level, clean pavement. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions.
- (4) Headlights, tail lights, mirrors, turn signals, and other requirements. Every pedicab shall be equipped with the operational equipment set forth in the subsections below:

 - a. A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times during darkness.
 - b. A side mounted mirror affixed to the pedicab to reflect to the pedicab driver a view of the street for a distance of at least two hundred (200) feet from the rear of the pedicab.
 - c. A red tail light and brake light affixed to the rear of the pedicab which must be visible for a distance of at least five hundred (500) feet from the rear of the pedicab and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.
 - d. All pedicabs shall have reflectors on each pedal, the front of the pedicab frame, mounted on the spokes of each wheel, and a red reflector mounted on each side of the rear of the pedicab, at least one (1) inch from the outer edge and centered.

(5) No more than one (1) trailer may be attached to any pedicab. All attached trailers must be equipped with turn signals and red tail lights. Trailers may only be used for prearranged services as defined in the Section 305.10.

Section 9. That Section 305.100 of the above-entitled ordinance be amended to read as follows:

305.100. Revocation or suspension. ~~In addition to all other penalties, any violation of the terms of this article shall be grounds for revocation, suspension, or nonrenewal of the license provided for in this chapter.~~ **Advertising on pedicabs.** Advertisements shall only be allowed on the manufactured body of the pedicab as permitted by this article. No banners, poles, flags, detached signs, or any other addition or object will be permitted. No amplified sound for the purpose of advertising or solicitation for passengers shall be allowed on a pedicab.

Section 10. That Chapter 305 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 305.110 to read as follows:

305.110. Pedicab Company Licenses. Every licensed pedicab company shall:

- (1) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.
- (2) Be responsible for the operation of an unlicensed pedicab driver.
- (3) Insure that no pedicab is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.
- (4) Promptly respond to all requests for information from the department of licenses and consumer services.
- (5) Promptly report any and all accidents involving pedicabs operating in Minneapolis to the department of licenses and consumer services.
- (6) Every licensed pedicab company shall be deemed the agent for service of all notices, orders, and other correspondence from the City of Minneapolis to pedicab drivers operating under their company license.

Section 11. That Chapter 305 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 305.120 to read as follows:

305.120. Revocation or suspension. In addition to all other penalties, any violation of the terms of this article shall be grounds for revocation, suspension, or nonrenewal of the license provided for in this chapter.