

# DRAFT

## Chapter 5.63 PEDICABS

### Article I. Definitions

#### **5.63.005: Definitions And Interpretation Of Language**

#### **5.63.010: Applicant**

#### **5.63.015: Driver**

#### **5.63.020: Pedicab**

#### **5.63.025: Pedicab Business**

#### **5.63.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:**

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article.

#### **5.63.010: APPLICANT:**

"Applicant" means the person signing an application either for a pedicab license or for a driver's license under this chapter.

#### **5.63.015: DRIVER:**

"Driver" means any person operating or in actual physical control of a pedicab, or any person sitting in the driver's seat of such pedicab with the intention of causing it to be moved.

#### **5.63.020: PEDICAB**

"Pedicab means" A bicycle-type vehicle for the purpose of carrying passengers for hire that is propelled by human power or electric assisted, is not intended to exceed twenty-five (25) miles per hour and cannot exceed a combined voltage and amperage of 72v and a C-rate of 30 amps.

### **5.63.025: PEDICAB BUSINESS**

“Pedicab Business” means a business operating one or more pedicabs for the physical transportation of the general public for profit, not-for-profit, or as a free service

## **Article II. Authority To Operate**

### **5.63.030: Compliance Responsibility**

#### **5.63.035: Fees**

### **5.63.030: COMPLIANCE RESPONSIBILITY:**

- A. All persons shall comply with and operate under the requirements of applicable law, including, without limitation, federal, state, county and city laws and ordinances, including, but not limited to, this chapter, title 8 of this code, and all department rules and regulations.
- B. A pedicab business shall not be relieved of any responsibility for compliance with the provisions of this chapter, regardless of form the pedicab business uses to compensate its drivers - whether by paying salary, wages, or any other form of compensation.

#### **5.63.035: FEES:**

No business license shall be issued or continued in operation unless the license holder has paid an annual business regulatory fee, as set forth in section 5.03.070 of this title or its successor section, for the corresponding pedicab business.

## **Article III. Driver Licensing**

### **5.63.040: Licenses Required For Pedicab Operators**

#### **5.63.045: Pedicab Driver License Application:**

#### **5.63.050: Application; Verification:**

#### **5.63.055: Application; Fee Required:**

#### **5.63.060: Investigation of Applicant:**

#### **5.63.065: Driver’s Qualifications:**

#### **5.63.070: Hearing Upon Rejection:**

#### **5.63.075: Term of Pedicab Driver License:**

#### **5.63.080: License; Display:**

### **5.63.040: LICENSES REQUIRED FOR PEDICAB OPERATORS:**

It is unlawful for any person to operate or for a pedicab business to permit any person to operate a pedicab for hire upon the streets of the city without such operator:

- A. being at least eighteen (18) years of age;

- B. having first obtained and having then in force a current Utah motor vehicle operator's license valid in the state of Utah; and
- C. having first obtained and having then in force a current pedicab driver license from the City expressly permitting that person to operate a pedicab.

**5.63.045: PEDICAB DRIVER LICENSE APPLICATION:**

- A. A prospective applicant for a pedicab driver license shall provide to the Salt Lake City business licensing supervisor a completed written application using the form provided therefore by the business licensing department. The application form shall include, but is not necessarily limited to, the following information regarding the applicant:
  - 1. The correct legal name of the applicant;
  - 2. Any other names or aliases used by the applicant;
  - 3. Age, birth date, and place of birth;
  - 4. Height;
  - 5. Weight;
  - 6. Color of hair;
  - 7. Color of eyes;
  - 8. Present business address and telephone number;
  - 9. Present residence and telephone number;
  - 10. Utah driver's license number;
  - 11. Social security number;
  - 12. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;
  - 13. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant while previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In

the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;

14. A statement detailing all criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) years prior to the date of the application. This disclosure shall include all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony, a class A misdemeanor, or an alcohol-related offense shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a pedicab operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the pedicab operator's license;

15. A written certification from the pedicab business employing the applicant driver stating that the applicant driver has received training from the said pedicab business as to the requirements governing the operation of pedicabs as set forth in this chapter.

#### **5.63.050: APPLICATION; VERIFICATION:**

The application for a pedicab driver license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

#### **5.63.055: APPLICATION; FEE REQUIRED:**

At the time the pedicab driver license application is filed, the applicant shall pay to the business license office the fee shown on the Salt Lake City consolidated fee schedule.

#### **5.63.060: INVESTIGATION OF APPLICANT:**

- A. The police department shall conduct an investigation of each applicant for each pedicab driver license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the police department shall recommend approval or disapproval of the proposed application to the business license administrator on the operator application form.
- B. It shall be the duty of the police department to report in writing to the business license administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the

business license administrator to refuse to issue a pedicab driver license, or to suspend or revoke the same if it has been issued.

C. The police department's recommendation required by subsection A of this section shall be based upon:

1. Findings of the criteria specified in section 5.63.090 of this chapter, or its successor;
2. The police department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any.

**5.63.065: DRIVER'S QUALIFICATIONS:**

A. Except as hereinafter set forth, no permit or renewal of a pedicab driver license shall be issued to any of the following persons:

1. Any person under the age of eighteen (18) years;
2. Any person who is currently required to register with the Sex and Kidnap Offender Registry pursuant to title 77, chapter 41 of the Utah Code Annotated, or its successor;
3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;
5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;
6. Any person who has been convicted of two (2) or more felonies;

B. Notwithstanding the provisions of subsections A(3) or A(6) of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, hearing examiner may issue the license. Part of the letters or testimony used to

establish the preponderance shall come from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request.

**5.63.070: HEARING UPON REJECTION:**

If the application for a pedicab driver license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in chapter 5.02 of this title, or its successor.

**5.63.075: TERM OF PEDICAB DRIVER LICENSE:**

All pedicab driver licenses issued pursuant to this Chapter are valid for one (1) year, unless suspended or revoked, and shall be both unassignable and nontransferable. A pedicab driver license may be renewed by submitting the application and renewal fees to the city prior to the expiration of the current license.

**5.63.080: LICENSE; DISPLAY:**

Every driver operating a pedicab under this chapter shall keep his or her current, valid, pedicab id card; driver license and Utah motor vehicle operator's license on his or her person while such driver is operating a pedicab, and shall exhibit the license upon demand of any police officer, license inspector, or any authorized agent of the license office of the city.

**Article IV. Pedicab Equipment**

**5.63.085: Pedicab Equipment; Required**

**5.63.090: Insurance; Required**

**5.63.085: PEDICAB EQUIPMENT REQUIRED**

- A. Specifications: Every pedicab operating under this chapter shall be maintained in a safe and efficient operating condition in accordance with the following requirements:
1. Each pedicab shall be equipped with one electrified white light visible for five hundred feet (500') to the front of the pedicab, and two (2) electrified red lights visible for five hundred feet (500') to the rear of the pedicab.
  2. Each pedicab shall be equipped with electrified directional signals.
  3. Each pedicab shall be equipped with:
    - i. Reflective material of sufficient size and reflectivity to be visible from both sides for five hundred feet (500') when directly in front of lawful lower beams of head lamps on a motor vehicle; or

ii. In lieu of reflective material, a lighted lamp visible from both sides from a distance of at least five hundred feet (500').

4. Each pedicab shall be equipped with:

i. Hydraulic or factory equipped mechanical brakes appropriate for the design of the particular pedicab; and

ii. Functioning brake lights that are connected to the brakes described in subsection (A)(4)(i).

5. Each pedicab shall be equipped with a slow moving vehicle emblem (red triangle) attached to the rear of the pedicab.

6. Each pedicab shall be maintained in a clean and sanitary condition, which includes no exposed rust, ripped upholstery or fabric, and exposed wood that is not painted.

7. Each pedicab shall be equipped with working seatbelts for each passenger.

#### **5.63.090: INSURANCE; REQUIRED**

A pedicab business shall provide, concurrent with the execution of this Agreement, a comprehensive general liability insurance policy covering its operation of said pedicab for public transportation with minimum limits of \$1,000,000 per occurrence with a \$2,000,000 general aggregate. A current certificate of insurance, approved by the City Attorney, must be kept on file with the City Recorder verifying such continuing coverage. The insurance policy shall name the City as an additional insured and shall contain a special endorsement to the effect that the City will be notified at least thirty (30) days prior to cancellation or reduction in the limits. The City requires continuous coverage. Cancellation of insurance constitutes grounds for the suspension or revocation of the business license to which the insurance corresponds. .

### **Article V. Conduct Of Drivers And Operation Of Pedicabs**

**5.63.095: Traffic Laws**

**5.63.097: Sidewalk Restrictions**

**5.63.100: Lights**

**5.63.105: Speed**

**5.63.110: Presence And Control**

**5.63.112: Solicitation Of Passengers By Unusual Noise Prohibited**

**5.63.115: Number Of Passengers**

**5.63.120: Passengers Restricted To Passenger Area**

**5.63.125: Routes**

**5.63.130: Rates**

**5.63.095: TRAFFIC LAWS:**

A driver operating a pedicab shall be subject to all laws that apply to the operation of a bicycle. Drivers are also prohibited from operating a pedicab while consuming any alcoholic beverage or while under the influence of alcohol or any drug to a degree that renders the driver incapable of safely driving a vehicle within the city as set forth in section 12.24.100 as amended or any successor section.

**5.63.097 - SIDEWALK RESTRICTIONS:**

A. Pedicabs shall not:

1. Be driven or operated on any sidewalk;
2. Occupy any portion of a sidewalk in a manner that obstructs or interferes with the public's ability to travel over or otherwise use such sidewalk.

B. Notwithstanding the prohibitions set forth in subsection A(1), a pedicab driver may maneuver a pedicab onto a sidewalk adjacent to the roadway for the sole purpose of loading or unloading passengers. During the loading or unloading of passengers, the pedicab shall not obstruct or interfere the public's ability to travel over or otherwise use the sidewalk.

**5.63.100: LIGHTS:**

The driver of each pedicab in operation from one-half ( $\frac{1}{2}$ ) hour after sunset until one-half ( $\frac{1}{2}$ ) hour before sunrise, and at any other time when persons and vehicles on the roadway are not clearly discernible at a distance of one thousand feet (1,000'), shall turn on the front and tail lights of the pedicab and take any action necessary to make them operational, such as by replacing a light bulb.

**5.63.105: SPEED:**

The driver must obey all posted signs and speed limits and shall not at any time permit the pedicab to exceed a speed of twenty-five (25) miles per hour.

**5.63.110: PRESENCE AND CONTROL:**

No driver shall leave the pedicab unattended in a public place.

**5.63.112: SOLICITATION OF PASSENGERS BY UNUSUAL NOISE PROHIBITED:**

It is unlawful to solicit passengers, or otherwise seek to attract attention to a pedicab for commercial purposes, through the use of a horn, bell, whistle, or other loud noise.



**5.63.115: NUMBER OF PASSENGERS:**

No driver shall permit more than four (4) passengers to ride in the pedicab at any one time. If the pedicab is designed to carry fewer than four passengers, then the pedicab shall not carry more passengers than it is designed to carry.

**5.63.120: PASSENGERS RESTRICTED TO PASSENGER AREA:**

No driver shall permit a passenger to ride on any part of the pedicab other than the area of the pedicab that is specifically designed to hold passengers. The driver shall require all passengers to remain seated and to utilize the seatbelts while the pedicab is in motion.

**5.63.125: ROUTES:**

A. Pedicabs are barred from traveling on the following major arterial streets:

1. State Street;
2. 700 East at any point south of 400 South;
3. 400 South at any point east of 900 West;
3. 500 South at any point between I-15 and 700
4. 500 South at any point east of 1000 East
5. 600 South at any point between I-15 and 700 East;
6. West Temple at any point between 400 South and 900 South; and
7. 300 West

The Transportation Engineer may update this list of arterial streets as he or she deems necessary. Upon updating the list of arterial streets the Transportation Engineer shall provide the updated list of arterial streets to all licensed pedicab businesses. The transportation Engineer shall also make the updated list of arterial streets available to any member of the public upon request.

B. Notwithstanding the prohibitions set forth in subsection A, a pedicab may travel a distance of not more than one block face on a major arterial for the sole purpose of dropping a passenger off at a specific destination located on such block face.

**5.63.130: RATES:**

A. All drivers must make available to any person upon request, the rates for all tours and trips offered by the service. Once a vehicle has been hired for a designated

route or termini, the driver may not accept additional passengers without the original contracting passengers' consent.

- B. It is unlawful for the driver of a pedicab to charge a passenger a fare that was not agreed upon in advance.
- C. It is unlawful for the driver of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

## **Article VI. Violations**

### **5.63.135: Revocation Or Suspension**

### **5.63.140: Misdemeanor**

#### **5.63.135: REVOCATION OR SUSPENSION:**

If any person to whom a business license or a pedicab driver license has been issued pursuant to this chapter commits a violation of this chapter, such license may be revoked or suspended according to the procedure provided for revocation or suspension of a business license issued by the city.

#### **5.63.140: MISDEMEANOR:**

Violation of any provision of this chapter shall be a class B misdemeanor.

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