

Chapter 3 PEDICABS

Sec. 3-1 Purpose

The transportation of persons by means of pedicabs is a matter closely affecting the public interest. The public interest requires that pedicabs be fit for their intended purpose and that the safety and welfare of passengers be protected in the operation of pedicabs and pedicab companies.

Sec. 3-2 Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Pedicab* means a multi-wheeled passenger vehicle that is moved by human power that is pulled, pushed or otherwise propelled by a person, which is used in the movement of passenger(s) on public right-of-way and shall include, but not be limited to, cycle-rickshaws, cyclos, velotaxis, trishaws, pedal pubs, biketaxis and any other pushcart or rickshaw-type vehicle or non-motorized passenger vehicle.
- (2) *Pedicab Owner* means a person who is the owner of a pedicab or a proprietor of a pedicab business who supplies pedicabs to others to operate as independent contractors or employees.
- (3) *Pedicab Operator* means any person who operates a pedicab.
- (4) *Darkness* means any time from one-half (½) hour after sunset to one-half (½) hour before sunrise or any time when visibility is obstructed by elements such as fog, rain or snow.

Sec. 3-3 Operating Regulations

No person shall drive or operate a pedicab for hire upon the streets, highways or thoroughfares of the City of Grayling, and no person who owns or controls a pedicab shall permit it to be so driven or operated unless the pedicab company holds a valid and unrevoked Pedicab Company license issued under authority of Chapter and operates in compliance with all of the requirements of this Section.

- (1) Pedicabs are not subject to Chapter 4 of the Grayling Code of Ordinance.
State Law References: Michigan Vehicle Code MCL 257.624a(5)(2)
- (2) No alcohol sales are permitted by the pedicab owner or operator.
- (3) No person under the age of 18 shall operate a pedicab.
- (4) No person shall drive or operate a pedicab unless that person has a current valid Michigan driver's license.
 - (a) It shall be unlawful for any pedicab operator whose driver's license is currently suspended, revoked or denied or who has not been issued a valid, current Michigan driver's license to operate a pedicab. The pedicab owner shall be jointly and severally liable with the pedicab operator for any violation of this provision. Each pedicab owner shall obtain a photocopy of each pedicab operator's driver's license prior to allowing the pedicab operator to operate the pedicab.
 - (b) Each pedicab owner shall maintain a continuously updated list of the names and residence addresses, dates of birth and current driver's license numbers of all its pedicab operators. Such list shall be maintained digitally and/or at the business address listed on the license application, and shall be exhibited on demand of any police officer or other properly identified City employee who requests it.
- (5) No person shall operate, or cause to be operated, a pedicab in an unsafe condition.
- (6) All pedicab operators are subject to all applicable traffic safety laws, rules, and regulations of the City of Grayling and the State of Michigan.

- (7) Pedicabs are not permitted to park on public property except as follows:
 - (a) The City Manager may designate a portion of a public street, alley, plaza, park or similar public place as "pedicab stand" for the parking of pedicabs.
 - (b) In a reserved permitted parking space, provided that the fee for occupying said space is paid, if applicable.
 - (c) A single pedicab may park temporarily at the curb only as long as necessary for passengers to board and exit the vehicle.
 - (d) In all cases, pedicabs shall be parked in a location that does not impede pedestrian or vehicular traffic.
 - (e) Pedicab operators shall not stop to load or unload passengers or their belongings in the intersection 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.
- (8) Fares must be agreed upon at the beginning of each trip.
- (9) No person shall use or allow any pedicab to be used, for any illegal purpose. No person shall use or permit or allow any pedicab to be used in, or to aid or abet, any illegal act.
- (10) No person shall operate or knowingly permit any other person to operate any pedicab under the influence of alcohol, any controlled substance, or any combination of substances mentioned herein.
- (11) No person shall operate a pedicab when the number of passengers exceeds the number of available seats. No person shall operate a pedicab unless all passengers are seated in a seat designed for that purpose and using the seatbelt provided for in the seat.
- (12) Each pedicab owner shall adopt and operate a system for the collection, storage and return of personal property left in a pedicab.

Sec. 3-4 Vehicle Regulations

No person shall drive or operate a pedicab for hire upon the streets, highways or thoroughfares of the City of Grayling, and no person who owns or controls a pedicab shall permit it to be so driven or operated unless the pedicab vehicle is in compliance with all of the requirements of this section.

- (1) All pedicab owners must have each pedicab vehicle inspected by a bike mechanic prior to operation. All pedicab vehicles must be constructed for and have the structural integrity to support pedicab operations. Each pedicab vehicle must be equipped with the following:
 - (a) *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.
 - (b) *Operation bell or horn.* The pedicab shall be equipped with a fully operational bell or horn.
 - (c) *Brakes.* It shall be unlawful for a licensee to operate, or cause to be operated, a pedicab that is not equipped with front and rear braking system capable of being manipulated by the licensee or pedicab operator from his normal position of operation and is capable of causing a pedicab with full complement of permitted passengers to come to a complete stop within a distance of fifteen (15) feet from a speed of ten (10) miles per hour 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.
 - (d) *Headlights, tail lights, mirrors, turn signals and other requirements.* Every pedicab shall be equipped with the operational equipment set forth in the subsections below:

- i. 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.
 - ii. A side mounted mirror affixed to the pedicab to reflect to the pedicab operator a view of the street for a distance of at least two hundred (200) feet from the rear of the pedicab.
 - iii. 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.
 - iv. Reflectors placed on each wheel and at each corner of the body of the pedicab.
 - v. Any other equipment required to comply with all applicable federal and state laws.
 - vi. A pedicab must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of the vehicle and all springs, axles, and supporting structures of each pedicab vehicle must be intact.
- (2) Each pedicab owner shall, at all times, keep each pedicab vehicle clean and free of refuse and in safe operating condition. Prior to the operation of any pedicab and at the beginning of each shift or each day of operation, the pedicab owner shall thoroughly inspect the pedicab for safe operating conditions. For any condition found then or at any other time that will prevent the safe operation of the pedicab, the owner shall immediately remove the pedicab from service and correct the condition before the pedicab is returned to service.
 - (3) Each pedicab owner shall at all times maintain a policy of liability insurance in the minimum amount of one million dollars (\$1,000,000.00) for personal injuries, and property damage arising out of the permitted operations. The policy shall directly protect the City of Grayling, its officers and employees and agents as additional named insureds, and shall provide that the insurance be primary insurance and that no other insurance purchased by the City will be called on to contribute to a loss covered by said policy. The policy shall further provide ten (10) days' notice of cancellation or material change to the City's designated agent. Prior approval of the City of Grayling is required. Each owner and operator shall further agree to hold the City harmless for any liability or claim arising out of his or her operation that is not covered by the required insurance. Any deviation from the listed insurance coverage is subject to the approval of the City of Grayling.
 - (4) If a pedicab is involved in a crash, the pedicab operator shall immediately notify the pedicab owner and the police department and remain at the scene until the crash is investigated by the police. The pedicab owner shall submit a full written report on the condition of the pedicab vehicle to the City Clerk's office within 72 hours after the occurrence. Before operating the pedicab vehicle again, the pedicab owner shall have the vehicle re-inspected by a bike mechanic.

Sec. 3-5 Application For Annual Operating Permit

- (1) The annual Peddlers License Application form shall be prescribed by the City.
- (2) Any application that does not include all information requested by the application form or is not supported by the materials required by this Chapter shall be denied.
- (3) The application form shall require the following information:
 - (a) The applicant's full name and residence address.
 - (b) A copy of the applicant's valid Michigan driver's license.
 - (c) Certificate of Liability Insurance with a minimum of 1,000,000 General Liability listing the City of Grayling as additional insured.

- (d) A map of the city showing locations of proposed routes, or methods of operation, and showing locations of any proposed stations, places to store vehicles, stands or pick up points.
- (e) A photograph of the applicant minimum of 2"x2" showing head and shoulders in a clear and distinctive manner, taken within 60 days prior to date of filing application.
- (f) Attach evidence as to the good character and business responsibility which will enable an investigator to properly evaluate such character and business responsibility.
- (g) Attach a statement as to whether or not you have been convicted of any crime and, if so, the nature of the offenses and the punishment or penalty assessed.
- (h) Fingerprint Card.
- (i) Nonrefundable application fee.

Sec. 3-6 Approval/Renewal

- (1) No license or renewal thereof, shall be granted without approval of the routes and the vehicle, by the Police Chief and City Manager.
- (2) All Peddlers Licenses will expire after the length of time for which the right to do business is permitted and must be renewed prior to operating.

Sec. 3-7 Transfer of Ownership

No license or interest therein shall be transferred directly or indirectly without the consent of the City Clerk. Transfers shall be processed as a new application for license.

Sec. 3-8 Grounds For Denial, Suspension or Revocation of License

Any license issued under this Chapter shall be subject to suspension or revocation by the Zoning Administrator for violation of, or for committing, causing or permitting another to commit or cause a violation of any provision of federal or state law or this Code or for any grounds that would warrant the denial of such licenses in the first instance. Pedicab owners shall be jointly and severally responsible with the pedicab operators for any violation or any provision of federal or state law or this Code.

Prior to revocation of any license issued under this Chapter, the licensee shall be entitled to an appeal from decision by the Zoning Board of Appeals.

Sec. 3-9 Preliminary Breath Test

A peace officer who has reasonable cause to believe that a person is or was operating a pedicab upon a public highway or other place open to the public or generally accessible to a pedicab, including an area designated for the parking of vehicles, and that the person by the consumption of alcoholic liquor may have affected his or her ability to operate a pedicab may require the person to submit to a preliminary chemical breath analysis. A pedicab operator who refuses to take or fails to properly take a preliminary chemical breath analysis as required by this Section is a violation of this Code. In this instance, the pedicab operator will cease operations and coordinate with the pedicab company owner to retrieve the vehicle or replace the operator.

Sec. 3-10 Penalty

- (1) A violation of any provision of this Chapter shall, until the fourth such offense, constitute a Municipal Civil Infraction, which upon an admission or finding of responsibility shall result in fines established in Chapter 20-43 Municipal Civil Infractions of the City Code.
- (2) A civil infraction citation or violation for which this Chapter provides joint and several liability between the operator and the owner shall be issued against the licensee only.

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- (3) A fourth offense, in a three year period, shall be a misdemeanor punishable by a fine of up to \$500.00, or imprisonment for up to ninety (90) days, or both such fines, imprisonment, and revocation of license.

This Ordinance takes effect 10 days after publication in the Crawford County Avalanche