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9/12/2012	2	City Council	Continue Public Hearing	Pass
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8/15/2012	1	City Council	Laid Over to Third Reading/Public Hearing	
8/8/2012	1	City Council	Laid Over to Second Reading	

Creating Chapter 374 of the Saint Paul Legislative Code to establish a license for commercial pedal cars.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

Chapter 374 of the Saint Paul Legislative Code is hereby created, to read as follows:

Chapter 374 Commercial Pedal Cars.

Sec. 374.1 Definitions.

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

(a) Pedal Car: A non-motorized, human-powered vehicle similar to a bicycle, which transports

passengers on seats attached to the bicycle and can be propelled by five or more passengers.

(b) Commercial Pedal Car business. The business of operating a commercial pedal car.

(c) Commercial Pedal Car driver: Any person who is responsible for steering a commercial pedal car.

Sec. 374.2 License Required.

(a) No person may engage in the commercial pedal car business without a license under this chapter.

(b) No pedal car may be operated for hire unless it is licensed as a pedal car vehicle under this chapter.

(c) No person may drive a commercial pedal car without a commercial pedal car driver license under this chapter.

Sec. 374.3 License Fee.

(a) The annual fee for a commercial pedal car business license shall be as set forth in Sec. 310.18 (f).

(b) The annual fee for a commercial pedal car vehicle license shall be as set forth in Sec. 310.18(f).

(c) The annual fee for a commercial pedal car driver license shall be as set forth in Sec. 310.18(f).

Sec. 374.4 When Licenses Expire.

Licenses issued under this chapter shall expire one year from their date of issuance.

Sec. 374.5 License Application.

(a) Applications for commercial pedal car business and vehicle licenses under this chapter shall be made on forms provided by the Department of Safety and Inspections 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 commercial pedal car on behalf of the licensee.

(b) All applications for a commercial pedal car business license must include a route plan and parking plan, which must be pre-approved by the Department of Safety and Inspections. <u>The route plan must be described in writing and on a map accompanying the application. The route plan may be composed of multiple routes or a proposed zone of operations.</u>

(c) All pedal cars must pass an initial inspection pursuant to Section 374.6, before a license is issued for the vehicle.

(d) Application for a commercial pedal car driver license under this chapter shall be made on forms provided by the Department of Safety and Inspections and shall contain such information as the department may require, including the name, telephone number, date of birth, and all residing addresses within the previous three years of the applicant. If applicant has held a drivers' license in a state other than Minnesota within the three years preceding application, applicant must provide an official copy of their driving record in that state. Every commercial pedal car driver shall meet and maintain the following requirements in order to hold a commercial pedal car driver license:

(i) Possess a valid driver's license;
(ii) Be a minimum of 18 years old;
(iii) Shall not have been convicted of a felony within the past five (5) years;
(iv) Shall have no more than 3 moving violations within the past three years; and
(v) Shall not have been convicted of careless driving, reckless driving or any violation of Minn. Stat. § 169A (driving while impaired) within the past three years.

Sec. 374.6 Initial Inspection.

All Commercial pedal cars must pass an initial inspection of condition and compliance with safety and equipment standards under this chapter before a commercial pedal car vehicle license is issued. The Department may, in its discretion, accept any substantially similar condition and safety inspection from another city or similar jurisdiction if completed within 60 days prior to the date of the application.

Sec. 374.7 Insurance Required.

No license shall be issued or renewed without proof of general liability insurance on the form required by the City. The policy of insurance shall be in the minimum amount of one million dollars ($1,000,000). Proof of insurance shall comply with Sec. 310.07(b) of this Code.

Sec. 374.8 Vehicle Safety and Equipment Standards.

No commercial pedal car business or driver shall operate or allow the operation of a commercial pedal car on any street unless the commercial pedal car is licensed under this chapter and meets the following equipment and safety standards:

(1) Tires. Tires shall be of a size appropriate for the commercial pedal car 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 commercial pedal car 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 commercial pedal car that is not equipped with a front and rear braking system capable of being manipulated by the licensed driver from his normal position of operation and is capable of causing a commercial pedal car with a loaded passenger compartment to come to a complete stop in a linear path of motion. 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 commercial pedal car 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 mirror affixed to the pedal car to reflect to the pedal car driver a view of the street from a distance of at least two hundred (200) feet from the rear of the pedal car.

c. A red light and brake light affixed to the rear of the pedal car which must be visible for a distance of at least five hundred (500) feet from the rear of the pedal car and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.

d. All pedal cars must have reflectors on the front of the pedal car frame~~, each wheel,~~ and a red reflector mounted on each side of the rear of the pedal car, at least one (1) inch from the outer edge and centered.

Sec. 374.9 Commercial Pedal Car Inspections.

(a) Annual inspections. The director of the Department of Safety and Inspections shall require an annual commercial pedal car inspection and may designate minimum safety standards for equipment and body defects. A pedal car that does not meet minimum safety standards may be classified as “out of service”. Commercial pedal cars identified as “out of service” may not operate until such defects are cured.

(b) Periodic inspections. The license inspector may examine and inspect each and every licensed commercial pedal car at any reasonable time to <u>ensure</u> compliance with this chapter.

(c) Penalties. Failure to submit a commercial pedal car to an annual or periodic inspection, or classification of a commercial pedal car as “out of service”, may result in the seizure of the commercial pedal car license by the inspector. The inspector shall hold a seized license until the commercial pedal car is inspected and found to be in a safe condition. In the event of such a seizure, the inspector shall immediately notify the licensee in writing, specifying in detail the cause for seizure and stating that the licensee has a right to a hearing on the seizure. Said notice and hearing shall be follow the procedures set forth in section 310.05 of the Legislative Code.

(d) The Department may, in its discretion, accept any substantially similar condition and safety inspection from another city or similar jurisdiction if completed within 60 days prior to submission to

the Department.

Sec. 374.10 Locations and Hours of Operation.

(a) No person shall operate a commercial pedal car for hire on a public street ~~during the hours of 7:00 a.m. to 9:00 a.m. and~~ between 3:30 p.m. to 5:30 p.m. on any weekday, excluding national holidays, in that part of downtown Saint Paul within the boundaries of the downtown development district, as described in the appendix to Sec. 17.07.1 of the City Charter. Notwithstanding this provision, the Saint Paul Police Department may approve in writing a route plan for operation of commercial pedal cars between 3:30 p.m. and 5:30 p.m. in the downtown development district.

(b) No person shall operate a commercial pedal car for hire on a public street between the hours of 10:00 p.m. and 10:00 a.m. on any day of the week.

(c) Upon the approval of a written request made to the Director of Public Works, the prohibitions in subdivisions (a) and (b) may be waived for special events.

Sec. 374.11 Vehicle Operation.

Every commercial pedal car shall be operated in compliance with all applicable federal, state and local traffic laws, and in a manner so as to assure the safety of persons and property.

Sec. 374.12 Operating Restrictions and Conditions.

(a) No commercial pedal car shall be operated upon a public sidewalk.

(b) All commercial pedal car operators must provide one off-street parking space for every four passenger spaces, as determined by the pedal car's maximum seating capacity. Off-street parking may either be dedicated, ~~or~~ shared ~~as described in sections 63.206(d) and 65.732~~, or provided by agreement with another commercial establishment. At the beginning and end of each tour, passengers may only board and disembark the pedal car in the location of the operator's off-street parking.

(c) Commercial pedal cars may not use any public street or other public property as a waiting area unless such area is a legal motor vehicle parking area. No commercial pedal car shall wait in a taxi stand as defined by Sec. 376.11(s).

(d) All Commercial pedal cars must make use of working battery powered lights and all safety equipment required under Section 374.8 while operating.

(e) All Commercial pedal cars must display a valid license decal issued by the director of the Department of Safety and Inspections. The name and phone number of the licensee must be posted on the vehicle.

(f) Commercial pedal car drivers shall have in their possession both a valid driver's license and their commercial pedal car driver license as well as proof of insurance while in control of any commercial pedal car, and shall make these licenses available to law enforcement or an inspector of the Department of Safety and Inspections upon request.

(g) All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or inspector of the Department of Safety and Inspections, and shall not obstruct such officials while in the performance of their duties.

(h) No commercial pedal car driver shall permit the operation of a commercial pedal car in violation of state or local traffic regulations, or without proper regard for the traffic, surface conditions, and width of the street or highway, and the hazards at intersections and any other conditions then existing, nor in such a manner or condition as to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the property of others.

(i) A commercial pedal car driver shall not consume an alcoholic beverage while operating a commercial pedal car.

(j) No commercial pedal car driver shall provide alcoholic beverages to passengers.

(k) No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's capacity as determined by the Department of Safety and Inspections.

(l) No commercial pedal car ~~operator or~~ driver shall allow a passenger or other individual to drive their commercial pedal car unless that individual also holds a commercial pedal car driver license.

(m) Commercial pedal cars may operate on St. Paul Parks and Recreation property only with prior written approval from the Director of Parks and Recreation.
(n) No glass bottles, receptacles, or glassware are allowed on a commercial pedal car.

(o) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.

(p) No alcoholic beverages other than non-distilled malt beverages, cider, beer and wine may be consumed by passengers of a commercial pedal car.

(q) It is the responsibility of the commercial pedal car driver to properly dispose of all trash.

(r) It is the responsibility of the commercial pedal car driver to manage the behavior of the passengers of the commercial pedal car, to the extent that their behavior remains law-abiding during their excursion, both while the pedal car is in motion and at a stop. Any act or conduct that violates any state or federal statutes or regulations, or any city ordinance, constitutes an act or conduct of the licensee for the purpose of adverse action against all or any of the licenses held by such licensee.

~~(s) No pedal car may be operated on a public street between the hours of 10:00 p.m. and 10:00 a.m., or in the designated downtown district during the hours of 7:00 a.m. to 9:00 a.m. and 4:00~~ 3:30 p.m. ~~to~~ 5:30 ~~6:00 p.m., unless the Director of Public Works has granted a waiver for such operation pursuant to 374.10.~~

(s) No pedal car may be operated outside of a route plan approved by the Department of Safety and Inspections, unless required by unforeseen circumstances out of the pedal car driver’s control.

Sec. 374.13 Advertising on Commercial Pedal Cars.

Advertisements shall only be allowed on the manufactured body of the commercial pedal car as permitted by this article. No banners, poles, flags, detached signs, or any other addition or object are permitted, unless an exemption is granted by the Department of Safety and Inspections.

Sec. 374.14 Presumptive Penalty.

SEE ATTACHED PRESUMPTIVE PENALTY MATRIX

Sec. 374.15 Revocation or suspension.

In addition to all other penalties, any violation of the terms of this chapter of the legislative code is grounds for revocation, suspension, nonrenewal, or other adverse action against a license provided for in this chapter.

Section 2

This Ordinance shall take effect and be in force ~~thirty~~ ~~(30)~~ ~~days~~ January 1, 2013, following its passage, approval and publication.

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