ORDINANCE NO. 007-17

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 52B ENTITLED "PEDICABS" THEREFROM AND ENACTING AND ADOPTING A NEW CHAPTER 52B ENTITLED "PEDICABS" IN LIEU THEREOF, AND PROVIDING PENALTIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Chapter 52B of the Cedar Rapids Municipal Code is hereby repealed and the following enacted in lieu thereof:

Section 1. Chapter 52B of the Cedar Rapids Municipal Code is hereby deleted and the following new Chapter 52B is enacted in lieu thereof as follows:

"CHAPTER 52B – PEDICABS

52B.01 - ADOPTION AND SCOPE.

This ordinance shall be known as the Cedar Rapids Pedicab Code and shall apply to the operation of pedicab services originating within the city limits of Cedar Rapids.

52B.02 - DEFINITIONS.

Clerk – The Cedar Rapids City Clerk appointed pursuant to City Code Section 5.03 or designee.

Chief - The City of Cedar Rapids Chief of Police or designee.

Holder – A person who is granted a pedicab business license issued by the City Clerk.

Passenger - A fare-paying person traveling in a pedicab.

Pedicab - A wheeled vehicle powered by pedals, that is used to carry passengers for hire and accepts street hails.

Pedicab Business - A business that provides pedicab services originating within the corporate limits of the city of Cedar Rapids.

52B.03 - PEDICAB BUSINESS LICENSE.

(a) License Required. No person shall engage in or otherwise operate a pedicab business within the city of Cedar Rapids without obtaining a pedicab business license from the Cedar Rapids City Clerk.

(b) Application. Any person seeking a pedicab business license shall file a completed application with the Cedar Rapids City Clerk. For the City Clerk to consider the application all questions must be answered fully and the application must be signed by the applicant.
(c) Insurance. The holder shall insure that each pedicab operating under its pedicab business license is insured to cover their legal liability for personal injury or property damage that may result from an accident or other cause. Pedicabs shall have a minimum liability insurance coverage of $1,000,000. Before a policy may be suspended or canceled, the Cedar Rapids City Clerk’s office must receive a minimum of 10 days prior written notice of such proposed suspension or cancellation.

(d) License Issued. If the City Clerk finds that the applicant for a pedicab business license has fully complied with all requirements of this chapter and with all other applicable ordinances and codes, the City Clerk shall issue a pedicab business license. Such license shall be issued annually for one year from the date of issuance.

(e) Fees. A pedicab business shall pay an annual business license fee set by City Council resolution to the Cedar Rapids City Clerk. The license for each pedicab business shall commence on the date of issuance for one year.

(f) No Transfer. A pedicab business license is not assignable or transferrable. The purchaser or successor of any pedicab business or of the majority of the stock of any corporation operating a pedicab business shall obtain a new pedicab business license before operating such business.

(g) Display. The owner of the pedicab business shall produce the license upon request during the term of the license.

(h) Pedicab Identification. The holder shall establish and require each pedicab to display a consistent and distinctive identifying design consisting of the pedicab business name which may include a logo, insignia, or emblem at all times while the pedicab is in operation. The markings shall:

1. Be painted or affixed by decal in letters or figures visible on both sides of the vehicle. Such decals may be designed to be removed from the vehicle when not providing service.

2. Include a unit number which shall be painted or affixed by decal in letters or figures at least two inches in height visible from both sides of the vehicle.

3. Be removed from the exterior of the vehicle within seven days of expiration, cancellation or revocation of the pedicab business license. If a pedicab is no longer operating under a pedicab business license all markings shall be removed from the vehicle immediately.

(i) Posting of rates; fare estimates; rate violation; receipts on request.

1. Rates and charges for pedicab services shall be posted at all times in a manner and place clearly visible to the person requesting the service prior to the service being booked or performed. Such rates and charges shall be posted for the potential customer’s information in whatever medium utilized for contracting for such services, including but not limited to use of a rate card, digital platform or the internet.

2. An estimate of the fare is required to be given in advance of the trip. It shall be unlawful for the holder or driver of any pedicab to fix, charge, collect, and/or offer to fix, charge, or collect a rate more than that specified at the time the service is requested.

3. If requested by a passenger or customer, the holder or driver shall give a receipt upon payment of the correct fare or charge via paper, email or an electronic transmission.
(j) Responsibility.

(1) Pedicabs authorized pursuant to this chapter shall be operated in compliance with this ordinance and the holder’s written policies and regulations acknowledged by the driver.

(2) All pedicab business license holders, pedicab owners and drivers shall comply with all applicable city, county, state and federal laws, rules and regulations.

(3) Any violation of local, state or federal law by any business owner or driver while operating under the authority of a pedicab business license issued pursuant to this chapter may be deemed a violation by the holder if so determined by the Chief following a hearing, if requested by the holder, as provided herein.

52B.04 – CONDITION OF PEDICABS.

In order to receive and maintain a pedicab business license, each pedicab shall meet all of the following requirements:

(a) Pedicabs shall be in a safe mechanical condition free from all known defects and be in compliance with the requirements of Chapter 321 of the Code of Iowa (Motor Vehicles and Law of the Road) and Chapter 53 of the Cedar Rapids Municipal Code

(b) Pedicabs and equipment shall be clean and sanitary any time the vehicle is in service. All vehicle exteriors shall be maintained in good condition with parts intact and properly painted.

(c) Tires shall be of a size appropriate for the pedicab with no mismatched tires. There shall be no cuts or defects to the tire, localized worn spots that expose the ply or visible wear indicators.

(d) Pedicabs shall be equipped with a fully operational horn or bell.

(e) It shall be unlawful for a holder 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 driver from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment 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.

(f) Every pedicab shall be equipped with the operational equipment set forth in the subsections below:

(1) 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.

(2) 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.

(3) 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.
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.

52B.05 - PEDICAB DRIVERS.

The holder must require all drivers:

(a) Be of the age of 16 years or older;
(b) Possess such current license as may be required by the state and local authorities to operate the particular pedicab vehicle type.

52B.06 - INFORMATION.

The owner, driver, or operator of any licensed pedicab shall, upon request, give any person the number of said vehicle, the name of the owner, driver, or operator thereof, and the business phone number.

52B.07 - SOLICITATION.

(a) Solicitation of Passenger by Drivers. No owner, operator, or driver of a pedicab while conducting business and accepting passengers for hire on a public street or any other public place, shall solicit passengers for hire for a pedicab except when sitting in the driver’s seat or standing next to the pedicab. Nothing herein contained shall prohibit a driver from alighting for the purpose of assisting passengers into or out of the vehicle.

(b) Prohibited Soliciting.

(1) No pedicab owner, operator, or driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoying any person, nor by obstructing the movement of any person or following any person for the purpose of soliciting patronage.

(2) It shall be unlawful for any operator of a pedicab to solicit a passenger or passengers for hire when said passenger or passengers have engaged another pedicab, taxicab, or limousine and are awaiting the arrival of such vehicle.

(3) All pedicabs conducting business by transporting or soliciting passengers for hire at public buildings shall stop and stand in the area designated for pedicabs if there is a marked area.

52B.08- DUTY TO CARRY ORDERLY PASSENGERS.

No pedicab driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. The driver shall, however, not be obligated to convey any person who is incapable of entering the pedicab unassisted due to intoxication or convey any person with objectionable personal hygiene.
52B.09 - PROHIBITED ACTS.

(a) No one shall be seated in such a way as to interfere with the driver's operation of the pedicab. The driver or operator of a pedicab shall abide by all city and state laws governing child restraints.

(b) No driver shall take a circuitous route to a destination or any other route than the most direct route, without the express consent of the passenger.

(c) No driver shall charge a fare in excess of the fare agreed to by a passenger prior to the service, or fail to provide a receipt upon request.

(d) No driver shall drop a passenger at a location other than the location requested.

(e) No driver shall be in possession of or consume any alcoholic beverage while on duty or consume any alcoholic beverage within four hours before beginning a work shift.

(f) No passenger shall be in possession or consume any alcoholic beverage while being transported in the pedicab.

(g) No pedicab driver shall operate a pedicab upon the City's off-street trail system.

52B.10 - PEDICAB AREA OF OPERATIONS.

For public safety, pedicabs are prohibited from roadways with a designated or posted speed over 35 miles per hour.

52B.11 - REVOCATION FOR VIOLATIONS AND INJUNCTIVE REMEDY.

Any violation of this Pedicab Code, or other applicable law or statute may be sufficient grounds to suspend or revoke a pedicab business license. A holder shall be entitled to a hearing prior to any suspension or revocation. In addition to the civil or criminal penalties set out in this code, the City of Cedar Rapids may also pursue injunctive or other relief to prevent future violations of the provisions of this chapter.

52B.12 - ADMINISTRATIVE RULES.

The Office of the City Clerk or authorized representative is authorized to establish administrative rules not inconsistent with any ordinance to carry out the provisions of this chapter. A copy of said rules shall be on file at the Office of the City Clerk.

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.
Section 3. This Ordinance shall be in full force and effect on April 3, 2017 from and after its passage and publication as provided by law. However, all businesses holding valid pedicab business licenses and issued pursuant to Chapter 52B of this Code as of the effective date of this Ordinance, and the drivers and vehicles currently licensed for those companies may continue to drive and operate without further qualification through the expiration date of such license. Such businesses currently holding valid licenses are exempt from any pedicab business license application or license fee until application is made for renewal.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 5. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Introduced this 10th day of January, 2017.

Passed this 24th day of January, 2017.

Voting: Council member Shey moved the adoption of the ordinance; seconded by Council member Poe. Adopted, Ayes, Council members Gulick, Olson, Overland, Poe, Russell, Shey and Mayor Pro Tempore Shields.

Justin Shields, Mayor Pro Tempore

Attest:

Amy Stevenson, City Clerk