

DATE ISSUED: April 24, 2003

REPORT NO. 03-076

ATTENTION: Honorable Mayor and City Council
Docket of April 29, 2003

SUBJECT: Amendments to Pedicab Regulation Ordinance

REFERENCE: Manager's Report 02-142 dated July 11, 2002
Manager's Report 01-011 dated January 18, 2001
Manager's Report 99-53 dated March 19, 1999
Manager's Report 99-24 dated February 10, 1999
Manager's Report 98-225 dated November 13, 1998

SUMMARY

Issue – Should the City's Pedicab Regulation Ordinance be amended to address ministerial and safety issues which have arisen since the ordinance became effective?

Manager's Recommendation – Direct the City Attorney to amend the Pedicab Regulation Ordinance (O-2000-19) to:

- 1) Clarify and enumerate the grounds for denial, suspension, or revocation of a pedicab operating permit;
- 2) Require that pedicab fare schedules be posted in a location clearly visible to the passenger(s);
- 3) Prohibit the use of tandem or dual trailers; and
- 4) Restrict the maximum number of passengers.

Other Recommendations – The Public Safety & Neighborhood Services Committee voted 5-0 on January 24, 2001, and the Land Use & Housing

Committee voted 5-0 on July 17, 2002, to amend the Pedicab Regulation Ordinance as specified above.

Fiscal Impact – None with this action.

BACKGROUND

In February and March 1999, the Public Safety and Neighborhood Services Committee discussed and approved an ordinance regulating the human-powered vehicle industry (hereafter referred to generically as Apedicabs@). On November 1, 1999, the City Council adopted this ordinance, effective January 1, 2000. Since the implementation of the pedicab regulation program, City staff, the Police Department, and the pedicab owners/operators have identified several areas of concern that were not anticipated when the ordinance was initially drafted and approved. The ordinance needs to be amended to address these ministerial and safety issues.

DISCUSSION

Staff is recommending that the pedicab ordinance be amended to address four ministerial and/or safety issues which have come to the attention of the Police Department and the pedicab industry since the regulations became effective in January 2000. These amendments are:

- 1) *Clarifying and enumerating the grounds for denial, suspension, or revocation of a pedicab operating permit* - Section 83.0128 of the ordinance, as written, provides for the revocation or suspension of permits; however it does not specify the *grounds* for revocation or suspension, nor does it include denial of a permit. Staff is proposing that the ordinance be amended to authorize these actions if the permittee (or applicant) has been convicted of certain specific crimes which would have a direct impact on their ability to operate a pedicab. These crimes include, but are not limited to, assault, battery, other crimes of force or violence, and traffic offenses such as driving under the influence. Persons who have completed probation or who have been discharged from a penal institution for five years would not be impacted. Any person who is required to register as a sex offender would not be issued a permit under any circumstances.

Staff is also recommending that the ordinance be amended to allow for a summary revocation of a permit for any activity that constitutes a threat to the public health, safety, or welfare. This would include operating a pedicab while under the influence of drugs or alcohol.

- 2) *Requiring that pedicab fare schedules be posted in a location clearly visible to the passenger(s)* - The Police Department has received complaints from and intervened in disputes between pedicab operators and their clients based on

misunderstandings of the fare to be charged. Staff is recommending that the ordinance be amended to require that a fare schedule or structure be posted in a place clearly visible to passengers. Staff is *not* recommending that any particular type of universal fare structure be imposed on the industry, simply that whatever fare structure an operator uses be posted to prevent misunderstandings.

- 3) *Prohibiting the use of tandem or dual trailers* - It has been reported that on occasion, pedicabs have been operating on City streets while towing two (or more) trailers with passengers. Staff believes that this type of vehicle is inherently unsafe, and recommends that the ordinance be amended to prohibit towing more than one trailer behind either a pedicab or a bicycle.
- 4) *Restricting the maximum number of passengers* - The Police Department has reported that they have observed pedicabs in which all bench seats are filled and adult passengers are sitting on other passengers' laps. Staff is recommending that the ordinance be amended to require that each passenger over the age of 10 have her/his own seat in the vehicle, and that it be unlawful for a pedicab to operate when there are more passengers than there are available seats. Children under the age of 10 can either sit in an adult's lap or on a seat, at the adult guardian's discretion.

Respectfully submitted,

Approved by,

D. Cruz Gonzalez, Director
Transportation Department

George I. Loveland
Senior Deputy City Manager

LOVELAND/HOLDEN