

# CITY COUNCIL REPORT



Meeting Date: April 9, 2013  
 General Plan Element: *Public Services & Facilities*  
 General Plan Goal: *Provide a safe environment for all citizens, visitors and private interests*

## **ACTION**

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Adopt Ordinance 4068 adding Article IX, Sections 17-339 through 17-360 to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code for the regulation of pedicabs.

## **BACKGROUND**

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The City Council voted on January 24, 2013, directing staff do the following:

1. Investigating what other cities in our area are doing to protect public safety by regulating the condition and operation of pedicabs and pedicab trailers and what licensing and insurance requirements they impose on these vehicles, and reporting this information back to the City Council.
2. Suggesting possible ordinances that Scottsdale could adopt to improve the safety of pedicabs and pedicab trailers operating in Scottsdale.

In response, City staff researched the pedicab ordinances of valley cities. Phoenix and Glendale appear to be the only valley cities with ordinances regulating the Pedicab industry. A chart comparing these ordinances with Ordinance 4068 is provided as part of Attachment 2.

City staff also drafted Ordinance 4068 and conducted public outreach on the proposed ordinance.

## **ANALYSIS & ASSESSMENT**

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### **Recent Staff Action**

The proposed pedicab ordinance drafted by City staff principally addresses the following:

1. Designates where a pedicab can operate.:
  - a. Pedicabs will not be able to operate on a street without a designated bike lane when the street has a posted speed limit of thirty-five (35) miles per hour or greater, except for crossing that street.
  - b. Authorizes the Chief of Police to prohibit pedicabs in other areas if needed.

- c. Prohibits pedicabs from being stored at City bike racks for more than two hours.
2. Establishes insurance requirements.
3. Sets pedicab size and condition standards.
4. Sets standards for lights and reflectors.
5. Requires driver's licensing standards.
6. Requires that pedicabs be equipped with brakes.
7. Establishes requirements for charging fares.
8. Makes a first violation of the ordinance, a petty offense.

The proposed ordinance does not require a separate pedicab license or permit to operate within the City. City staff feel that this requirement is unnecessary as the operating regulations and insurance requirements will act effectively to improve the safety of pedicab operators and their passengers. Enacting a permitting requirement would not meaningfully enhance the safety of the pedicab industry without adding an inspection component to that process. A permit or licensing requirement would increase the cost to the City in the implementation of any pedicab ordinance by requiring changes to the Tax and License computer system. The City's Tax and License Unit has estimated that it would cost a minimum of \$27,000 to reprogram City computers to allow for a new pedicab license or permit. An inspection component would require the City to either hire bicycle mechanics or contract with a private entity to perform inspections.

Currently, pedicab operators that choose to collect fares versus working strictly for tips are required to obtain either a tax privilege license or business and occupation license (if based in or if equipment is stored in Scottsdale) depending on the fare method they use. The proposed ordinance would clarify the tax privilege license or business and occupation license requirement for pedicabs and require that prior to charging for fares and regardless of where the pedicab owner was based that the owner obtain either a tax privilege license or business and occupation license. Clarifying these requirements could potentially lead to some (likely minimal) additional tax revenue but certainly will lead to increased pedicab industry compliance with them.

The proposed ordinance does require that pedicab operators possess a valid driver's license or if unable to obtain one due to disability status, proof of having passed the written exam required by Arizona MVD for vehicle operation and a government issued photo identification. With some exceptions, A.R.S. Section 28-812 provides that persons operating a bicycle in the street or public right of way are subject to all the duties and responsibilities of the driver of a vehicle. Therefore, City staff believe that for the safety of pedicab passengers, that pedicab operators demonstrate knowledge and compliance with traffic laws and regulations. The driver's license component of the ordinance helps insure this. This provision has met with mixed support amongst members of the pedicab industry with some members being opposed to this requirement and others being in support. The Transportation Commission does not support this requirement for pedicab operators. It would not be practical to create a separate pedicab operator's license equivalent to a driver's license due to the associated costs such as administering written and practical examinations.

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The proposed ordinance is similar to a draft ordinance presented to the pedicab industry in 2009. That ordinance was generally accepted by the industry at that time while the new ordinance has met with mixed support even though it is not greatly different.

### **Community Involvement**

The following community outreach was conducted.

- Created a website for people to access information and provide feedback: [www.scottsdaleaz.gov/codes/pedicab](http://www.scottsdaleaz.gov/codes/pedicab)
- Weekly enewsletter (5,100 subscribers)
- Sent information to Downtown Business Notifications, periodic enewsletter (378 subscribers)
- Emailed information to pedicab operators and owners & others, as requested (about a dozen)
- Added info/public meeting schedule to city calendar: <http://www.scottsdaleaz.gov/Events>
- Created an email address for feedback specific to the proposed ordinance update: [Pedicabfeedback@ScottsdaleAZ.gov](mailto:Pedicabfeedback@ScottsdaleAZ.gov).
- Hosted an Open House on Feb. 27 to gather public input (approximately 40 people attended)
- Media coverage included newspaper, TV and radio coverage.

As part of the community involvement process, several modifications were made to the proposed ordinance that included the following:

1. Removal of the requirement that operators wear safety vests. This change was in response to some pedicab owners feeling that requiring safety vests would interfere with their ability to brand themselves and diminish the efforts they made over the years to that end.
2. Making the provision regarding brakes clearer.
3. Specifying under what circumstances fares can be charged. This change was made to clear up ambiguity over this issue.
4. Allowing for both flashing or solid lights.
5. Adding a spoke reflector requirement.
6. Adding a restriction relating to the use of sound amplification.

The draft ordinance was also reviewed by the Transportation Commission on March 21, 2013. The Commission voted to recommend removal of the driver's license requirement and that pedicabs be equipped with side reflectors. Staff modified the draft ordinance to include a spoke reflector requirement in response. However, staff disagrees with the Commission regarding the driver's license requirements and did not modify the draft ordinance to remove the driver's license requirement.

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## RESOURCE IMPACTS

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### Available funding

No additional funding is required.

### Staffing, Workload Impact

Existing police department staff will enforce the ordinance if adopted.

### Maintenance Requirements

None.

### Future Budget Implications

None.

## OPTIONS & STAFF RECOMMENDATION

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### Recommended Approach

Adopt Ordinance 4068

## RESPONSIBLE DEPARTMENT(S)

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Police, Planning Neighborhoods & Transportation, City Attorney


## STAFF CONTACTS (S)

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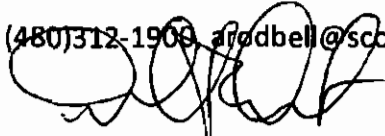
John Cocca, Assistant Chief of Police, [jcocca@scottsdaleaz.gov](mailto:jcocca@scottsdaleaz.gov); Raun Keagy, Neighborhood Services Director, [rkeagy@scottsdaleaz.gov](mailto:rkeagy@scottsdaleaz.gov); Luis Santaella, Sr. Assistant City Attorney, [lsantaella@scottsdaleaz.gov](mailto:lsantaella@scottsdaleaz.gov); Walt Brodzinski, Right-of-Way Supervisor, [wbrodzinski@scottsdaleaz.gov](mailto:wbrodzinski@scottsdaleaz.gov).

## APPROVED BY

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\_\_\_\_\_  
Alan Rodbell, Chief of Police

3/25/13  
\_\_\_\_\_  
Date

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\_\_\_\_\_  
Dan Worth, City Manager

3-26-13  
\_\_\_\_\_  
Date

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**ATTACHMENTS**

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1. Ordinance 4068
2. Other City Pedicab Ordinances
3. Memo from the Transportation Commission

ORDINANCE NO. 4068

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING ARTICLE IX, SECTIONS 17-339 THROUGH 17-360 TO CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, OF THE SCOTTSDALE REVISED CODE FOR THE REGULATION OF PEDICABS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article IX, Sections 17-339 through 17-360 are hereby added to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code as follows:

**Article IX. Pedicabs.**

**Sec. 17-339. Purpose.**

The purposes of this ordinance are to regulate the pedicab industry; to set basic safety standards, operating procedures and insurance requirements; to accommodate another low-emission means of transportation while enhancing the experience of pedicab passengers; and to promote the general health, safety and welfare.

**Sec. 17-340. Definitions.**

In this article, unless the context otherwise requires a different meaning:

*Bicycle* means a device, including a racing wheelchair, that is human powered on which a person may ride, with:

- a. Two tandem wheels, either of which is more than sixteen (16) inches in diameter, or
- b. Three wheels in contact with the ground, any of which is more than sixteen (16) inches in diameter.

*Daytime* means the period between sunrise and sunset.

*Fare* means payment of any sort in exchange for being transported or driven but does not include gratuities.

*For hire* means to provide, or offer to provide, a service in exchange for any form of payment or gratuity.

*Moped* means a bicycle that is equipped with a helper motor if the bicycle has: (i) a maximum piston displacement of fifty cubic centimeters or less, (ii) a brake horsepower of one and one-half or less, and (iii) a maximum speed of twenty-five miles per hour or less on a flat surface with less than a one per cent grade.

*Nighttime* means the period between sunset and sunrise.

*Operator* means the person in physical control of a pedicab.

*Owner* means a person who owns or holds an ownership interest in a pedicab.

*Pedicab* means a bicycle or moped, or a bicycle or moped that is attached to a trailer, sidecar or similar device, that transports passengers for hire.

**Sec. 17-341. Pedicabs lights and reflectors.**

(a) It is unlawful to operate a pedicab without:

1. Using a lamp on the front that illuminates a person or vehicle at least fifty (50) feet to the front during nighttime.
2. Using either a flashing or solid lamp on the front that emits a white light visible from at least five hundred (500) feet to the front during nighttime.
3. Using an Arizona Department of Transportation-approved red reflector on the rear visible from at least fifty (50) to three hundred (300) feet to the rear when the reflector is directly in front of lawful motor vehicle upper beams during nighttime.
4. Using a lamp on the rear that emits a red light visible from at least five hundred (500) feet to the rear during nighttime.
5. Having a reflective strip no smaller than two (2) inches wide and thirty-six (36) inches long affixed horizontally to the rear of the pedicab, no lower than the height of the rear wheel hub, visible from at least fifty (50) feet to the rear when the strip is directly in front of lawful motor vehicle upper beams during nighttime.
6. Having a spoke reflector affixed to each wheel.

**Sec. 17-342. Pedicabs—additional safety features.**

(a) It is unlawful to operate a pedicab without:

1. A braking system capable of stopping the pedicab and any attached trailer safely.
2. A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear.

**Sec. 17-343. Pedicab size.**

(a) It is unlawful to operate a pedicab that is:

1. Wider than fifty-four (54) inches at its widest point.
2. Longer than twelve (12) feet at its longest point.

**Sec. 17-344. Pedicab condition.**

(a) It is unlawful to operate a pedicab that has:

1. Exposed rust.
2. Ripped upholstery or fabric.

3. Exposed wood that is not painted and in good condition.

**Sec. 17-345. Pedicab operation.**

(a) It is unlawful to operate a pedicab:

1. By riding other than on or astride a permanent and regular seat attached to the pedicab.
2. Carrying more passengers than the number of seats available, except that persons under five (5) years of age are excluded from this limitation if each child is sitting in the lap of an adult.
3. With more than one trailer, sidecar or similar device.
4. In a manner that results in damage to public property.
5. In a manner that results in colliding with a pedestrian.
6. Equipped with a siren or whistle.
7. While knowingly permitting another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other rolling device to the pedicab.
8. While carrying anything that prevents the operator from keeping at least one hand on the handlebars.
9. On a street or alley that has been closed by the city to motor vehicles, or adjoining sidewalk.
10. On a street without a designated bike lane when the street has a posted speed limit of thirty-five (35) miles per hour or greater, except for crossing that street.
11. That obstructs pedestrian traffic on a sidewalk by remaining stopped on a sidewalk longer than necessary to pick up or drop off passengers.
12. Without a clearly visible manufacturer's serial or identification number on either the operator's or the passenger's portion of the pedicab.
13. On a street or public area that has been ordered closed to pedicabs by the Chief of Police.
14. With any mobile sound amplification system which can be heard either: fifty (50) or more feet from the pedicab; or annoys or disturbs the quiet, comfort or repose of any person of reasonable sensibilities in the vicinity. The exemptions concerning sound amplification systems contained within Section 19-20 shall apply to this subsection.

**Sec. 17-346. Pedicab parking.**

(a) It is unlawful to park a pedicab or pedicab trailer at any bike rack owned by the city for more than two (2) hours.



- (b) Any pedicab or pedicab trailer parked in violation of this section is subject to impoundment without notice by the city.

**Sec. 17-347. Fares.**

- (a) It is unlawful for the operator of a pedicab to charge a passenger a fare that was not agreed upon with the passenger in advance.
- (b) It is unlawful for the operator of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.
- (c) Prior to a pedicab operator or owner charging passengers a fixed sum or hourly rate, a pedicab owner must obtain a tax privilege license from the city or the state in the event the state assumes the city's tax collecting responsibilities. A copy of the license must be displayed within each pedicab where a fixed sum or hourly rate is being charged.
- (d) Prior to a pedicab operator charging a fare based on the distance travelled, a pedicab owner must obtain a business and occupation license from the city. A copy of the license must be displayed within each pedicab where this type of fare is being charged.
- (e) This section does not relieve a pedicab operator or owner from obtaining any other applicable city, county, state or federal licenses or permits required to engage in business in this city, county or state.

**Sec. 17-348. Driver license and other required documents.**

- (a) It is unlawful for an operator to operate a pedicab without having in possession either
  1. A valid driver license, or
  2. If the operator is a qualified individual with a disability under the Americans with Disabilities Act, proof of having passed the written exam required by the Arizona Department of Transportation Motor Vehicle Division for vehicle operation and a government-issued photo identification document.
- (b) It is unlawful for an operator to fail to display the license or other required documents, including proof of insurance, to a law enforcement officer on demand.
- (c) The driver license may be issued by Arizona or another state, but cannot be cancelled, revoked or suspended.

**Sec. 17-349. Insurance.**

- (a) The owner shall maintain at all times a commercial general liability insurance policy in the amount of at least one million dollars per occurrence and two million dollars annual aggregate.
- (b) The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.
- (c) The policy shall designate by manufacturer's serial or identification number all pedicabs for which coverage is granted.

- (d) The policy shall insure the person named in the policy and any other person using the pedicab with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the pedicab in Arizona.
- (e) The policy shall name the city as an additional insured.

**Sec. 17-350. Street or public area restrictions.**

The Chief of Police or designee may designate or limit public areas or streets available for pedicabs.

**Sec. 17-351. Responsibility of owner.**

It is unlawful for an owner to permit a pedicab to be operated, parked or maintained in violation of Sections 17-341 through 17-349.

**Sec. 17-352. Penalties.**

- (a) A first violation of this article is a petty offense and shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00) per violation.
- (b) A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class two misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than three hundred dollars (\$300.00) per violation.
- (c) The court shall not suspend any part of any fine required by this section.

**Secs. 17-353-17-360. Reserved.**

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 9th day of April, 2013.


ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

\_\_\_\_\_  
W. J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Luis E. Santaella, Senior Assistant City Attorney

# ATTACHMENT #2

## Proposed Pedicab Ordinance No. 4068 Comparison with Other Ordinances

| Provision                                       | Proposed Scottsdale Ordinance                                     | Phoenix Ordinance                     | Glendale Ordinance                                     |
|---|---|---------------------------------------|--|
| Insurance                                       | Yes, \$1,000,000 per occurrence and \$2,000,000 annual aggregate. | Yes, minimum \$1,000,000.             | Yes, \$500,000 per person; \$1,000,000 per occurrence. |
| Safety Vests                                    | No  | No                                    | No   |
| Brakes  | Yes   | Yes                                   | No   |
| Mirrors   | Yes   | Yes                                   | No   |
| Lights  | Yes   | Yes                                   | Yes  |
| City Pedicab Operator or Owner's Permit         | No  | No                                    | Yes for owners. Background checks req.                 |
| Pedicab Tag Required                            | No  | Yes, tag for each individual pedicab. | Owner's License must be displayed on each pedicab.     |
| Inspection Prior to issuance of Tag             | No  | Yes                                   | No   |
| Driver's License                                | Yes or ADA exception.   | Yes or ADA exception.                 | No   |
| Restrictions on where a pedicab can be operated | Yes   | Yes                                   | Yes  |

# Phoenix Pedicab Ordinance

## MORALS AND CONDUCT

Secs. 23-93—23-99. Reserved.

### Article VII. Shielding and Filtering Outdoor Lighting

Sec. 23-100. Outdoor lighting.

### Article VIII. Reserved

### Article IX. Smoking Pollution Control Ordinance

- Sec. 23-101. Title.
- Sec. 23-102. Purpose of article.
- Sec. 23-103. Definitions.
- Sec. 23-104. Regulation of smoking in City-owned public places.
- Sec. 23-105. Regulation of smoking in enclosed public places.
- Sec. 23-106. Regulation of smoking in places of employment.
- Sec. 23-107. Retaliation.
- Sec. 23-108. Smoking—Optional areas.
- Sec. 23-109. Posting.
- Sec. 23-110. Reserved.

### Article X. Alcoholic Beverages—Warning Signs

- Sec. 23-111. Signs—Dangers of consuming alcoholic beverages during pregnancy.
- Secs. 23-112—23-119. Reserved.

### Article XI. Pedicabs

- Sec. 23-120. Definitions.
- Sec. 23-121. Fares.
- Sec. 23-122. Pedicab lighting and reflectors.
- Sec. 23-123. Pedicab brakes.
- Sec. 23-124. Pedicab mirrors.
- Sec. 23-125. Pedicab trailer; limitation on number.
- Sec. 23-126. Pedicab width.
- Sec. 23-127. Pedicab condition.
- Sec. 23-128. Pedicab operation.
- Sec. 23-129. Driver license requirement; possession; display; exception.
- Sec. 23-130. Pedicab insurance.
- Sec. 23-131. Change of information.
- Sec. 23-132. Pedicab tag requirement; unlawful acts.
- Sec. 23-133. Pedicab tag application; inspection; denial; appeal.
- Sec. 23-134. Pedicab inspection; duplicate tag; fees.
- Sec. 23-135. Pedicab inspection tags; revocation.
- Sec. 23-136. Civil violations.
- Sec. 23-137. Criminal violations.
- Secs. 23-138, 23-139. Reserved.

In no event shall a sign as required herein be smaller than eight inches wide and eight inches long, nor shall any lettering thereon be less than one inch in height.

B. A sign or notice required by subsection A of this section shall be placed as follows:

1. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily intended for consumption off the premises, at least one sign shall be so placed as to assure that it is readable from all locations at which said sale or dispensing occurs.
2. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided through over-the-counter service, at least one sign shall be placed to assure that it is readable from all counter locations available to the public.
3. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one sign shall be placed to assure it is readable by the public entering the premises; provided, however, that notices may be placed or displayed at each of the tables in a manner which shall assure that the notices are readily visible and readable as materials provided to the public which list food and beverage prices.

C. In the event a substantial number of the public patronizing a premises offering for sale or dispensing for consideration, alcoholic beverages, including beer and wine, uses a language other than English as a primary language, any sign or notice required by subsection

A of this section shall be worded in both English and the primary language or languages involved.

(Ord. No. G-3418, § 1)

State law reference—Similar provisions, A.R.S. § 4-261.

**Secs. 23-112—23-119. Reserved.**

## ARTICLE XI. PEDICABS

**Sec. 23-120. Definitions.**

In this article, unless the context otherwise requires:

1. *Bicycle* means a device that is propelled by human power and on which a person may ride and that has either:
  - a. Two tandem wheels, either of which is more than sixteen inches in diameter.
  - b. Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.
2. *Daytime* means the period between sunrise and sunset.
3. *For hire* means to provide, or offer to provide, a service in exchange for any form of payment, whether monetary or otherwise, or gratuity.
4. *Knowingly* means, with respect to conduct or a circumstance described in this article, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
5. *Motorized electric or gas powered bicycle or tricycle* means a bicycle or tricycle that is equipped with a helper motor.

- 6. *Nighttime* means the period between sunset and sunrise.
- 7. *Operator* means the person who is in actual physical control of the pedicab.
- 8. *Pedicab* means either a bicycle or a motorized electric or gas powered bicycle or tricycle that transports or is held out to the public as available to transport passengers for hire, including a bicycle or a motorized electric or gas powered bicycle or tricycle that pulls, or to which is attached, a trailer, sidecar, or similar device.
- 9. *Person* means a corporation, firm, partnership, limited liability company, association, organization and any other group acting as a unit, as well as an individual.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-121. Fares.**

A. It is unlawful for the operator of a pedicab to charge a passenger a fare that was not agreed upon with the passenger in advance.

B. It is unlawful for the operator of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.  
(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-122. Pedicab lighting and reflectors.**

It is unlawful for any person to operate, or cause to be operated, a pedicab that is not:

- 1. Using a lamp on the front that emits a white light visible from a distance of at least one hundred feet to the front during daytime.

- 2. Using a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front during nighttime.
- 3. Using a red reflector on the rear of a type approved by the Arizona State Department of Transportation that is visible from all distances from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle during nighttime.
- 4. Using one lamp that emits a red light visible from a distance of five hundred feet to the rear during nighttime.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-123. Pedicab brakes.**

It is unlawful for any person to operate, or cause to be operated, a pedicab that is not equipped with a braking system that is capable of skidding each wheel in contact with the ground on dry, level, clean pavement by the operator from his normal position of operation.  
(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-124. Pedicab mirrors.**

It is unlawful for any person to operate, or cause to be operated, a pedicab that is not equipped with a mirror located in a manner to reflect to the operator a view of the road for a distance of at least two hundred feet to the rear.  
(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-125. Pedicab trailer; limitation on number.**

It is unlawful to operate a pedicab with more than one attached trailer, sidecar or similar device.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-126. Pedicab width.**

It is unlawful to operate a pedicab that is wider than 54 inches at its widest point.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-127. Pedicab condition.**

A. It is unlawful for any person to operate, or cause to be operated, a pedicab that is not in good working order.

B. It is unlawful for any person to operate a pedicab that has:

1. Exposed rust.
2. Ripped upholstery or fabric.
3. Visible chips or scratches on any painted surface.
4. Exposed wood that is not painted and in good condition.
5. Dirt or debris on any surface accessible to patrons.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-128. Pedicab operation.**

A. It is unlawful for any person propelling a pedicab to ride other than on or astride a permanent and regular seat attached to the pedicab.

B. It is unlawful for any person propelling a pedicab to carry at any one time a number of persons in excess of the number of seats avail-

able, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection.

C. It is unlawful for any person to operate a pedicab in a manner that results in damage to public property.

D. It is unlawful for any person operating a pedicab to fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk.

E. It is unlawful for any person to operate a pedicab equipped with a siren or whistle.

F. It is unlawful for any person operating a pedicab to knowingly permit a person riding on a bicycle, coaster, sled, toy vehicle or roller skates to attach the bicycle, coaster, sled, toy vehicle, roller skates or that person to the pedicab.

G. It is unlawful for any person to operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars.

H. It is unlawful for any person to knowingly operate a motorized electric or gas powered bicycle or tricycle on any street or adjoining sidewalk that has been closed by the Police Department to general motor vehicle traffic by barricade or similar barrier while the helper motor is in operation.

I. It is unlawful for any person to operate a pedicab on a street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing that street.

J. It is unlawful for any person, while operating a pedicab, to stop on a street with a posted speed limit of 35 miles per hour or greater in order to pick up or drop off passengers.

K. It is unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian traffic by remaining stopped on a sidewalk, except for the time period necessary to pick up or drop off passengers.

L. It is unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.

M. It is unlawful to knowingly remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab. (Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-129. Driver license requirement; possession; display; exception.**

A. It is unlawful for any person to knowingly operate a pedicab without having in that person's possession, and displaying to any law enforcement officer upon demand, a valid driver license issued by the State of Arizona or any other state, except as provided in Subsection B. A driver license that has been cancelled, revoked or suspended is not a valid driver license for purposes of this subsection.

B. If a person is unable to obtain a driver license from the state of Arizona due to a qualifying disability under Title II of the Americans with Disabilities Act, it is unlawful for that person to knowingly operate a pedicab without having in that person's possession and being able to display to any law enforcement officer of this state upon demand:

1. Proof of having successfully completed the written examination required by the

Arizona Department of Transportation Motor Vehicle Division to obtain any class of driver license.

2. A legible and current government-issued photo identification document in that person's immediate possession at all times when operating a pedicab.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-130. Pedicab insurance.**

A. The operator of a pedicab shall maintain at all times an owner's or operator's policy of liability insurance in the amount of at least one million dollars.

B. The insurance company issuing the policy shall be authorized to issue commercial liability policies in this State by the Arizona State Department of Insurance.

C. The policy shall designate by explicit description or by appropriate reference all pedicabs for which coverage is granted.

D. The policy shall insure the person named in the policy as the insured and any other person, as insured, using the pedicab with the express or implied permission of the named insured against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the pedicab within the City or the State of Arizona.

E. On demand of any law enforcement officer of this state an operator shall display proof of insurance coverage as provided in this section.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-131. Change of information.**

Any change in the information required to be submitted pursuant to this article shall be sub-



mitted to the Police Department, on the form prescribed by the Police Department for this purpose, within ten calendar days of any change. (Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-132. Pedicab tag requirement; unlawful acts.**

A. It is unlawful to operate a pedicab that does not have affixed, in the manner and location prescribed by the Police Department, an inspection tag issued by the Police Department.

B. It is unlawful to knowingly remove, move, alter or deface an inspection tag issued pursuant to this article.

C. It is unlawful to transfer a pedicab tag from the pedicab for which it was issued to another pedicab.

D. It is unlawful to knowingly operate a pedicab with a tag that was not issued for that pedicab.

E. It is unlawful to knowingly operate a pedicab with a tag that is fictitious or fraudulent. (Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-133. Pedicab tag application; inspection; denial; appeal.**

A. A person shall apply for a pedicab inspection tag by making application with the Police Department on the form prescribed by the Police Department for that purpose. The application shall require, as applicable, the following information:

1. Full legal name and date and place of birth.
2. Current residence address, mailing address and telephone number.

3. Whether the pedicab is owned or leased.
4. Pedicab design, make, model and serial or identification number.
5. A digital photograph of the pedicab.
6. Proof that the pedicab meets the insurance requirements of this article.
7. Such other information as the Police Department may require in order to discover the truth of the matters above required to be set forth in the application.

B. An applicant for an inspection tag pursuant to this article shall either be the owner or lessee of a pedicab submitted for inspection and tagging pursuant to this article.

C. An applicant for a duplicate inspection tag pursuant to this article shall make application with the Police Department on the form prescribed by the Police Department for that purpose.

D. The inspection tag shall be issued in the name of the applicant.

E. The Police Department shall inspect the pedicab for compliance with this article. The inspection, or reinspection, shall occur no later than seven calendar days after application and shall be conducted at a location prescribed by the Police Department. The applicant, or the applicant's agent, is required to be present during the inspection or reinspection and to assist the inspector with inspection of the pedicab as necessary.

F. The application shall be granted, and a tag issued and affixed to the pedicab in the manner and location as prescribed by the Police Department, if the pedicab and the applicant are in compliance with all requirements of this article.

G. An inspection tag issued pursuant to this article shall be issued in the name of the applicant for the pedicab inspected only.

H. An inspection tag issued pursuant to this article shall expire on July 31 of each year and shall bear an expiration date and such other information as the Police Department shall require in order to monitor the issuance of the tag.

I. The application shall be denied if the pedicab is not in compliance with this article or if the application contains a material misstatement of fact or falsification, in which case the Police Department shall issue to the applicant by hand-delivery or certified mail to the mailing address of record a notice of denial stating the reasons for the denial. Service by certified mail shall be complete three calendar days after mailing or upon actual receipt, whichever is earlier.

J. An applicant for an inspection tag pursuant to this article that has received a notice of denial may reapply for an inspection tag for that pedicab once under the original application, provided that the date of reapplication is no less than five and no more than thirty calendar days from the date of original application. Any reapplication submitted that is not in compliance with this subsection will be treated as an original application.

K. An applicant for an inspection tag for a pedicab whose application has been denied twice may appeal the denial to the Director of the Police Department or his designee by filing a written request for hearing with the Phoenix Police Department, Office of Administration, Attn: Commander, 620 W. Washington Street, Phoenix, 85003 within ten calendar days of receipt of the notice of denial. The hearing before the Director of the Police Department or his designee shall be heard within thirty calen-

dar days of the filing of the appeal and may be continued upon request of the applicant for good cause shown.

L. An appeal heard by the Director of the Police Department or his designee pursuant to this section shall be conducted informally and the technical rules of evidence shall not apply, provided that the decision shall be based upon substantial and reliable evidence. The decision of the Director of the Police Department or his designee shall be in writing and either hand-delivered or mailed by certified mail to the applicant to his mailing address of record within five calendar days after the conclusion of the hearing. Service by mail shall be complete three calendar days after mailing. If the decision is to sustain the appeal, the inspection tag shall be immediately issued.

M. An applicant aggrieved by a decision of the Director of the Police Department or his designee may request a hearing before the License Appeal Board by filing a request for hearing with the Director of the Police Department or his designee at Phoenix Police Department, Office of Administration, Attn: Commander, 620 W. Washington Street, Phoenix, 85003, within ten calendar days of receipt of the decision, excluding weekends and City holidays. The License Appeal Board shall hear the appeal de novo and shall follow the rules of procedure set forth in Section 19-14. The decision of the License Appeal Board shall be hand-delivered or mailed by certified mail to the applicant within five calendar days after the hearing. Service by mail shall be complete three calendar days after mailing. The decision of the License Appeal Board shall constitute final administrative action. The applicant has the right to seek judicial review of the decision by way of special action or other available remedy in the Superior Court.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008; Ord. No. G-5444, § 3, adopted 10-21-2009, eff. 11-20-2009)

**Sec. 23-134. Pedicab inspection; duplicate tag; fees.**

A. The fee for an original application is \$50.00.

B. There is no fee for a reinspection application, if filed within the time period required by this article.

C. The fee for a duplicate inspection tag is \$10.00.

(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-135. Pedicab inspection tags; revocation.**

A. An inspection tag issued pursuant to this article may be revoked upon any one or more of the following grounds:

1. The application for the inspection tag contained a material misstatement of fact or material misrepresentation.
2. The applicant was guilty of fraud or deceit in obtaining the inspection tag.
3. The pedicab is no longer in compliance with this article.
4. The inspection tag has been removed, moved, altered or defaced.
5. The inspection tag holder failed to update information submitted on the application as required by this article.
6. A fee required by this article has not been paid.

B. The Director of the Police Department or his designee shall revoke an inspection tag by mailing to the applicant by certified mail to the mailing address on the application, or more recently of record, a notice of revocation stating the reasons for the revocation.

C. The holder of the inspection tag may appeal the notice of revocation by filing a request for hearing with the Director of the Police Department or his designee at Phoenix Police Department, Office of Administration, Attn: Commander, 620 W. Washington Street, Phoenix, 85003 within ten calendar days, excluding weekends and City holidays. An appeal heard by the Director of the Police Department or his designee pursuant to this section shall be conducted informally and the technical rules of evidence shall not apply, provided that the decision shall be based upon substantial and reliable evidence. The decision of the Director of the Police Department or his designee shall be in writing and either hand-delivered or mailed by certified mail to the applicant to his mailing address of record within five calendar days after the conclusion of the hearing. Service by mail shall be complete three calendar days after mailing.

D. The holder of an inspection tag aggrieved by a decision of the Director of the Police Department or his designee may request a hearing before the License Appeal Board by filing a request for hearing with the Director of the Police Department or his designee at Phoenix Police Department, Office of Administration, Attn: Commander, 620 W. Washington Street, Phoenix, 85003 within ten calendar days of receipt of the decision sustaining the revocation, excluding weekends and City holidays. The License Appeal Board shall hear the appeal de novo and shall follow the rules of procedure set forth in Section 19-14.

E. At the conclusion of a contested case, the inspection tag shall be immediately surrendered to the Police Department upon demand. (Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008; Ord. No. G-5444, § 3, adopted 10-21-2009, eff. 11-20-2009)

**Sec. 23-136. Civil violations.**

A. Any person who violates any provision of Section 23-121 or Section 23-132 is subject to a civil sanction of not less than two hundred fifty dollars nor more than two thousand five hundred dollars per violation. Any person who violates any provision of Sections 23-122 through 23-131 is subject to a civil sanction of not less than one hundred thirty dollars nor more than two thousand five hundred dollars per violation. The court shall not suspend any part or all of the imposition or execution of any sanction required by this subsection. The remedies of this subsection are cumulative with the criminal remedies of Section 23-137.

B. Civil actions to enforce this section may be adjudicated by a judge or Hearing Officer.

C. Any civil action to enforce a civil sanction imposed pursuant to this article shall be commenced and summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes, City ordinance or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.

D. Any party may appeal the judgment of the City Court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure, Civil. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the Trial Court, or when no bond is fixed and a notice of appeal has been filed.

E. A civil citation brought pursuant to this section shall be served within one year of the offense.  
(Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Sec. 23-137. Criminal violations.**

A person who violates any provision of this article wherein the doing of an act, or the

failure to do an act, is declared to be unlawful, or wherein the doing of any act is required or prohibited, is guilty of a class 1 misdemeanor. (Ord. No. G-5192, § 1, adopted 7-2-2008, eff. 8-1-2008)

**Secs. 23-138, 23-139. Reserved.**

**ARTICLE XII. DOOR-TO-DOOR SOLICITING**

**Sec. 23-140. Definitions.**

In this article, unless the context otherwise requires:

*Business* means any enterprise, regardless of legal form, that is organized or operated for profit or private gain. The fact that an enterprise is operating at a loss does not, by itself, mean that the enterprise is not organized or operated for profit or private gain.

*Commercial* means to sell or promote a product or service of any business.

*Government-issued identification* means a valid, unexpired identification document issued by a government in the United States, or any possession of the United States, to an individual that contains a photograph, date of birth and physical description.

*Physical contact* means direct or indirect contact between a person and any object, including contact that occurs through clothing or by means of any object.

*Premises* means a dwelling unit under the control of any resident.

*Solicit* means to engage in the activity of a solicitor.

*Solicitor* means any person who goes from door to door in a residential neighborhood,

Glendale Pedicab Ordinance

ORDINANCE NO. 2603 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 5, ARTICLES I AND II RELATING TO THE REGULATION OF CARRIAGES FOR HIRE; AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 5, Article I, is hereby amended to read as follows:

**Sec. 5-1. 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:

...

~~Animal drawn carriage: Any carriage, buggy, rickshaw or similar device drawn by one (1) or more persons or animals in which the public, for a fee, is allowed to ride for purposes of transportation, entertainment or amusement.~~

...

Carriage for hire: Any non-motorized device in, upon or by which any person is or may be transported or drawn upon a public roadway for a fee.

...

**Sec. 5-2. Compliance with administrative regulations.**

The chief of police ~~or~~ and the tax and license manager may adopt such rules and regulations as they deem necessary to implement and enforce the provisions of articles I and II of this chapter; provided, that such rules and regulations are consistent with articles I and II. All such administrative rules and regulations are subject to the approval of the city manager. All persons who are required to be licensed under article II or who are required to obtain amusement device tags under article II shall comply with all rules and regulations so adopted.

...

Additions are indicated by underline; deletions by ~~strikeout~~

**Sec. 5-12. ~~Animal-drawn carriages~~ carriage for hire.**

~~(a) Each application for a license to operate an animal drawn carriage shall include a written description and a diagram of all public roadways, rights of way and property within the city on which the animal drawn carriage will be operated. A licensee may at any time submit an application to the tax and license manager, on forms provided by the city, to modify the public roadways, rights of way and property on which such licensee's business operates, but such modified route shall be used only after the city's approval of the same. It shall be unlawful for any person to operate an animal drawn carriage on any public roadway, right of way or property which is not expressly described in such person's application and which has not been approved by the city.~~

(a) Notwithstanding the license requirements set forth elsewhere in this chapter, each application for a license to operate a carriage for hire shall include: (1) the name, address and telephone number of the owner and operator of the carriage for hire; and (2) a written description and diagram of all public roadways, rights-of-way and property within the city on which the carriage for hire will be operated.

~~(b) No person shall be issued a license to operate an animal drawn carriage~~ a carriage for hire until such person has filed with the city's risk management division an approved certificate of insurance properly endorsed certifying that the applicant carries or is a named additional insured on a policy for public liability and property damage insurance, issued by an insurance carrier acceptable to the city, insuring the applicant against claims arising out of the operation of the ~~animal drawn carriage~~ carriage for hire in amounts not less than five hundred thousand dollars (\$500,000) per person and one million dollars (\$1,000,000) per occurrence for personal injuries or death and not less than one hundred thousand dollars (\$100,000) for property damage. Each licensee shall maintain such liability insurance or proof of the licensee's insured status at all times during which he or she operates ~~an animal drawn carriage~~ a carriage for hire within the city. Prior to the expiration date of any insurance policy required by this subsection, the licensee shall file with the city's risk management division a new certificate of insurance certifying that the licensee has renewed his or her liability insurance coverage or that the licensee has obtained comparable insurance coverage with a different insurance carrier acceptable to the city.

~~(c) No animal drawn carriage~~ carriage for hire shall be operated between 1:00 a.m. and 7:30 a.m. No ~~animal drawn carriage~~ carriage for hire shall be operated on any arterial street within the city which has a posted speed limit of more than 35 miles per hour, except for the purpose of crossing such street, ~~on any Monday through Friday, excluding legal holidays, between the hours of 7:30 a.m. and 9:00 a.m., 11:00 a.m. and 1:00 p.m., and 4:00 p.m. and 6:00 p.m.~~ No ~~animal drawn carriage~~ carriage for hire, except as expressly provided in writing by the city, shall stop on any arterial street which has a posted speed limit of more than 35 miles per hour at any time to pick up or drop off passengers. Carriages for hire shall be subject to all applicable laws, rules and regulations pertaining to signals for the stopping and turning of

**Additions are indicated by underline; deletions by ~~strikeout~~**

vehicles under Arizona Revised Statutes § 28-755 and for the operation of bicycles under Arizona Revised Statutes, Title 28, Chapter 3, Article 11.

~~(d) At all times during which a person is operating an animal drawn carriage, a slow-moving vehicle sign shall be attached to and clearly visible from the back of the carriage or buggy. Such signs shall be reflective and conform in all respects to the form required by the city traffic engineer.~~

(d) Every carriage for hire shall have the following safety features: (1) a reflective "slow-moving vehicle" sign attached and clearly visible from the back of the carriage in the configuration as shown and in letters of at least four inches in height; (2) battery or generator operated lights on the front and rear of the carriage and visible from at least 100 feet after sunset; (3) spoke reflectors placed on each wheel; (4) reflectors on both the right and left sides, front and back, showing the width of the carriage for hire; and (5) equipment, parts or components in a safe mechanical and structural condition that do not endanger the operator, passengers or any persons or property in the immediate vicinity of the carriage.

(e) At all times during which an animal drawn carriage animal is operated used to draw a carriage for hire on any public property, the operator shall equip the carriage or dress the animals drawing the carriage in such a manner as to prevent fecal matter from being deposited on such property. If fecal matter is inadvertently deposited on any public property, the operator shall clean up and remove the fecal matter from such property within two (2) hours from the time the fecal matter was deposited on the property.

(f) Pursuant to Sec. 5-2 of this same article, the city may designate or limit public areas or streets available for carriages for hire as well as the number of carriages that may safely operate in such areas, all in accordance with city traffic or safety plans issued in connection with special events. All licensees under this article shall be required to operate in accordance with such plans.

~~(f)(g)~~ Any violation of subsections (b) through ~~(e)(f)~~ shall be a class 1 misdemeanor. Each day that any such violation continues shall constitute a separate offense.

### **Sec. 5-13. Exempt facilities and activities.**

Facilities and activities exempt under chapter 21, section 21-28 that would normally be licensed under this chapter are exempt from the requirements of this chapter except for those set forth in chapter 5, article I, sections 5-8, 5-10 and 5-11; article II, division 3 and article III. Activities under article I, section 5-12 are exempt only as to fees.

SECTION 2. That Glendale City Code, Chapter 5, Article II, is hereby amended to read as follows:

**Sec. 5-26. License required.**

It shall be unlawful for any person to: a) operate any ~~animal-drawn carriage~~ carriage for hire, arcade, carnival, circus, entertainment facility, exhibition, haunted house, kiddie ride, race track, ride, shooting gallery or wagering establishment within the corporate limits of the city without first having obtained a license pursuant to this article; or b) operate a carriage for hire on any public roadway, right-of-way or property which is not expressly described in such person's application and which has not been approved by the city.

...

**Sec. 5-29. Inspection of premises.**

Except for applications for carriages for hire, ~~The~~ application for an amusement license shall contain a statement by the applicant of at least three (3) different times during each business day when the applicant will be available at the premises for which an application is made. Such statement shall be for the purpose of allowing such premises to be inspected and to provide for the applicant to meet with the proper city officials making such inspection. Failure of an applicant to be at such premises at the times stated in the application may be considered by the city in determining whether the applicant has met the qualifications for an amusement license.

...

**Sec. 5-32. Display of licenses and device tags.**

Every amusement license shall be displayed in a conspicuous place on the licensed premises or be readily visible at all times upon the carriage or the person of the operator of a carriage for hire. Every amusement device tag shall at all times be affixed to and displayed in a conspicuous place on the amusement device for which such tag is issued.

...

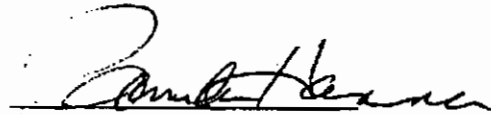
SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.



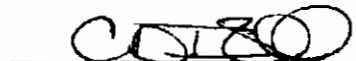
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27<sup>th</sup> day of November, 2007.

  
MAYOR

ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager

Additions are indicated by underline; deletions by ~~strikeout~~

# Memorandum

TO: Honorable Mayor and City Council

FROM: Terry Gruver, Chair  
Transportation Commission

DATE: March 22, 2013

RE: March 21, 2013 Transportation Commission Item:  
Presentation by Staff regarding discussion and input of draft Pedicab Ordinance  
4068 for approval by Council on April 9th

---

Pursuant to deliberations relative to Pedi-Cab Ordinance No. 4068 conducted at the Transportation Commission meeting on March 21st, the Commission requests that City Council consider the following recommendations before taking action on the Pedi-Cab Ordinance at the Council meeting on April 9th:

1. Reference: Sec. 17-341. Pedicab lights and reflectors

Since reflective vests are not required to be worn by pedicab operators and taking into consideration the length of a pedicab vehicle (up to 12-feet in length), it is recommended that language be added to the ordinance that would require additional reflective elements be attached to the sides of all pedicabs. This will provide added visibility and safety in an effort to avoid accident and injury to patrons, operators, pedestrians, and both motorized and non-motorized vehicles.

**MOTION #1:**

*"Commissioner Olmsted moved that language be added to draft Ordinance 4068 that would require reflective elements be added to the sides of pedicabs. Commissioner Bretz seconded. The motion passed unanimously six (6) to zero (0)."*

2. Reference: Sec. 17-348. Driver license and other required documents

The requirement for all pedicab operators to have in their possession a valid driver's license or proof of ADA (Americans with Disabilities Act) exclusion as addressed in the draft Ordinance No. 4068 is opposed by the Transportation Commission. It is felt that all the requirements currently stated in the draft ordinance, along with the insurance

requirements from all pedicab operators, already require a certain level of responsibility.

**MOTION #2:**

*“Chair Gruver moved that consideration be given to remove the driver’s license requirement from draft Ordinance 4068. Commissioner Bretz seconded. The motion carried four (4) to two (2). Commissioners Stickles and Olmsted opposed.”*

**3. For Council Consideration:**

After considering public input received at the meeting and discussion between staff and Commission members, the Transportation Commission took a formal vote to recommend to City Council approval of draft Ordinance 4068 with the two modifications as noted above.

**MOTION #3:**

*“Chair Gruver moved to recommend to City Council approval of draft Ordinance 4068 with the modifications as noted; (1) add language that would require pedicabs to have side reflective elements, and (2) removal of the driver’s license requirement. Commissioner Bretz seconded. The motion passed unanimously six (6) to zero (0).”*

**Cc:** Walt Brodzinski, Right of Way Supervisor  
Madeline Clemann, Transit Supervisor  
Randy Grant, PNT Administrator  
Phillip Kercher, Acting Traffic Engineering Director  
David Meinhart, Transportation Director  
Luis Santaella, Assistant City Attorney  
Kevin Watts, Police Officer-Crime Prevention  
Dan Worth, Acting City Manager

Presentation of:

# Pedicab Ordinance

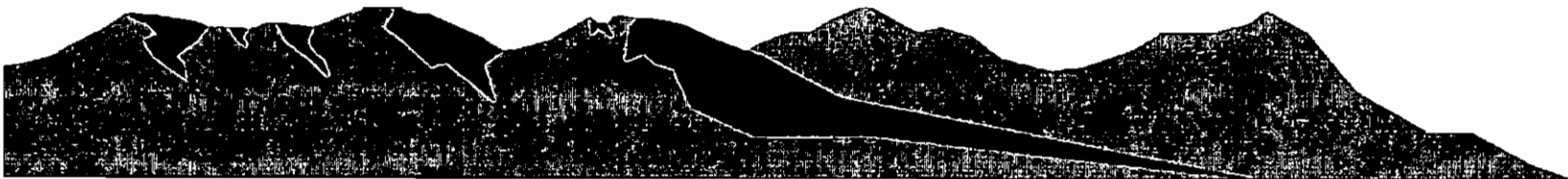
City of Scottsdale  
City Council Meeting  
April 9, 2013



# Pedicab Ordinance

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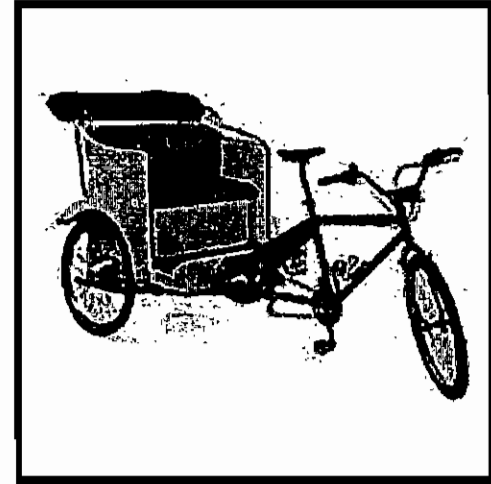
- Definition
- Background
- Current Scottsdale Experience
- Key Ordinance Elements
- Outreach



# Pedicab Ordinance

Definition:  
a Pedicab is:

- Pedal-Powered
- Environmentally friendly
- Transports passengers for a fare or tips
- Alternative to taxis and other modes
- Operates mostly in congested/downtown areas



# Pedicab Ordinance

## Current Scottsdale Experience

- Primarily Downtown
- Weekend evenings all year in Entertainment District
- Spring Training
- Festivals/Events
- Tips only
- No regulation other than current traffic laws in ARS



# Pedicab Ordinance

## Key Elements of Scottsdale Ordinance

- Definition
- Equipment /safety requirements
- Operator requirements
- Where they can operate

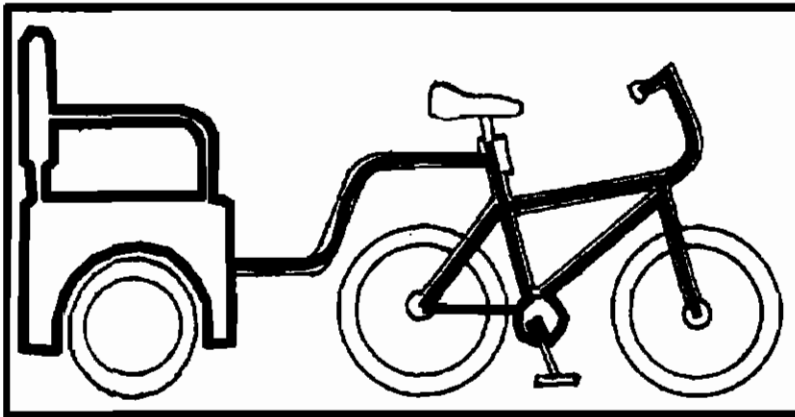




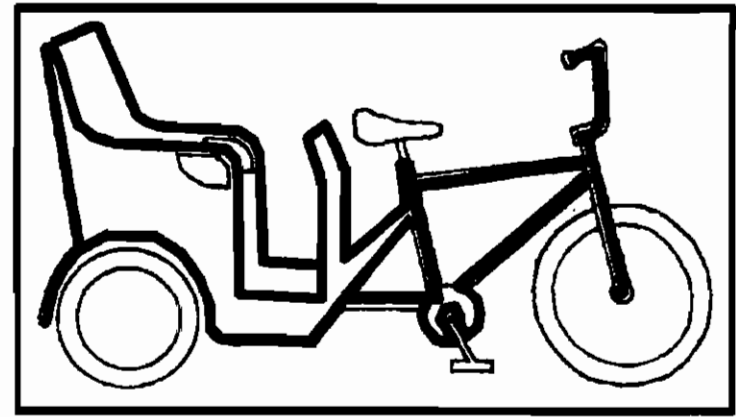
# Pedicab Ordinance

## Definition:

Bike with Trailer:



3-Wheeled:



- Operator & seat for at least two passengers
- Transports passengers for hire (fare or tips)



# Pedicab Ordinance

## Equipment/Safety:

- Size (length/width) 12' long x 54" wide
- Reflectors front/rear & spokes
- Lamps front/rear
- 2" DOT "Conspicuity" reflective strip at rear
- Mirror
- Brakes
- Condition of: upholstery/wood/rust



# Pedicab Ordinance

## Operation:

- Number of passengers – “one per seat”
- No more than one trailer
- Not permitted on streets posted 35 mph or greater unless with designated bike lane
- Parking
- Fares
- Drivers License
- Insurance (1 million / 2 million annual aggregate)
- Penalties



# Pedicab Ordinance

## Outreach Efforts:

**COS Webpage** [www.ScottsdaleAZ.gov/codes/pedicab](http://www.ScottsdaleAZ.gov/codes/pedicab)

- Link to Ordinance
- Link to e-mail
- Phone number

**Open House February 27, 2013** (well attended)

## Media

- AZ Central
- Local TV News



# Pedicab Ordinance

## Outreach results:

- Removed - Reflective Vest Requirement
- Removed - Secondary Braking System Requirement
- Clarified Lamp Usage
- Included Fare Section and Noise Provision
- Significant discussion on AZDL requirement-- including at Transportation Commission



# Pedicab Ordinance

## Next Steps

- If Passed, Effective in 30 Days
- Education Period by PD (serious violations may be cited)



# Pedicab Ordinance

Questions?

