

ORDINANCE NO. 18-575

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Article IV, Section 8-190 of Chapter 8 of the Code of Ordinances of the City of Huntsville, Alabama, is hereby amended to read as follows:

Sec. 8-190. - Insurance.

(a) Before a business license can be issued under this division the certificate holder shall file with the city clerk-treasurer a certificate of insurance that the certificate holder and each vehicle for hire to be operated is insured against public liability in the minimum limits required by the Alabama Public Service Commission but in any event not less than, in the case of special shuttles and pedicabs that are defined as pedal carriages in section 8-244 of this division, \$100,000.00 for personal injury to any one person in any one accident, and \$500,000.00 for personal injury to two or more people in any one accident, and \$50,000.00 for property damage in any one accident, and, in the case of all other vehicles for hire, \$100,000.00 for personal injury to any one person in any one accident, and \$300,000.00 for personal injury to two or more people in any one accident, and \$50,000.00 for property damage in any one accident, which insurance policy and certificate shall provide that the City of Huntsville shall be given at least 30 days' prior notice of cancellation. Such policy shall not be canceled or suspended, either by the insured or the insurer, unless at least 30 days' notice in writing of the intention to cancel or suspend policy has been filed with the city clerk-treasurer, and upon such suspension or cancellation of insurance, the vehicle authorization of the certified vehicles for hire of said insured shall stand automatically suspended until such time as an acceptable policy and certificate of insurance shall be on file with the city clerk-treasurer. The company shall notify its affiliated drivers that its insurance is not in effect and that the vehicle authorizations have been automatically suspended, without action being required by the city. Any vehicle licensed under this division with an original seating capacity of more than eight passengers shall be insured in the minimum limits of as required by the Alabama Public Service Commission, but in no case for less than the limits required in this provision.

(b) Proof of insurance must be physically present in each certified vehicle while it is being operated and present it to an enforcement official upon request.

Section 2. Article IV, Section 8-244 of Chapter 8 of the Code of Ordinances of the City of Huntsville, Alabama, is hereby amended to read as follows:

Sec. 8-244. - Standards for pedicabs.

(a) *Definitions, etc.*

(1) *Definitions.* For purposes of this section the following terms shall the following meanings:

Cycle rickshaw means a pedicab with three (3) wheels operated by one (1) person for the purpose of, or capable of, transporting up to two passengers in seats or on a platform made a part of or otherwise attached to the cycle rickshaw. The term does not include a bicycle built for two (2) where the operators are seated one behind the other, nor shall it include the operation of a bicycle with trainer or beginner wheels affixed thereto, nor does it include a wheelchair or other vehicle with the purpose of operation by or for the transportation of a disabled person.

Destination point means a pre-determined location that is a part of the scheduled itinerary of a pedicab established by the certificate holder.

Driver shall have the meaning ascribed to the term in section 8-151. The term does not include an individual who merely pedals the pedicab, but who does not otherwise control the operation of the pedicab, including its steering or braking.

Entertainment district means an arts and entertainment district or entertainment district established in Chapter 3, Article II of this Code.

Passenger shall have the meaning ascribed to the term in section 8-151, and includes an individual who pedals the pedicab, but who does not otherwise control the operation of the pedicab.

Pedal carriage means a pedicab with four or more wheels operated by one (1) or more persons for the purpose of, or capable of, transporting up to sixteen passengers in seats or on a platform made a part of or otherwise attached to the pedal carriage. The term does not include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other vehicle with the purpose of operation by or for the transportation of a disabled person, nor does it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.

Pedicab shall have the meaning ascribed to the term in section 8-151, and shall include either a pedal carriage or a cycle rickshaw, or both; provided, however, a pedal carriage may have an electric motor assist that supplements, but that does not replace, the use of human power to pedal the carriage.

(2) *Requirements of section.* In addition to all other applicable requirements of this division, a pedicab and its operation shall comply with the requirements of this section, which includes conditions, if any, imposed hereunder. It shall be unlawful for a driver to operate, or for a certificate holder to allow or cause to be operated, a pedicab in violation of the requirements of this section.

(3) *Types of pedicabs allowed to operate as a vehicle for hire.* Only cycle rickshaws and pedal carriages shall be allowed to operate as pedicabs.

(4) In accordance with section 8-188 of this article, the city council may eliminate either a cycle rickshaw or pedal carriage, or both, from the definition of an eligible livery vehicle category.

(b) *Pedicab operating area; additional pedicab operating areas; prohibited routes; conditions.*

(1) *Boundaries defined.* Subject to subsections (3) and (4) below, the pedicab operating area is bounded by the northern margin of Governors Drive on the south, the eastern margin of Memorial Parkway on the west, the southern margin of Pratt Avenue and University Drive on the north, and the western margin of California Street and Andrew Jackson Way on the east. While the afore-stated roadways are used to define the boundaries of the operating area, such roadways are not included within the operating area.

(2) *Additional operating areas.* Subject to subsections (3) and (4) below, upon written request of a certificate holder for a particular date, time, and duration the director of parking and public transit may, at his discretion, approve additional pedicab operating areas for that certificate holder.

(3) *Prohibited routes.* Notwithstanding anything to the contrary in this section, at any time and from time to time, the director of parking and public transit or the chief of police may declare that a pedicab is prohibited from operating on all or any portion of a public right-of-way within the pedicab operating area or additional operating area. Notice of the prohibition shall be provided to the certificate holder as soon as practicable, except in the case of emergencies when no prior notice is required.

(4) *Conditions.* At any time and from time to time, the director of parking and public transit may attach such conditions to the operation of a pedicab as he deems appropriate in order to protect the public health, safety, and general welfare, which includes requiring the use of an escort vehicle or additional equipment on specific routes. Such conditions shall be provided by the director in writing to the certificate holder.

(c) *Receiving and discharging passengers.*

(1) The director of parking and public transit may, at any time and from time to time, establish passenger pick-up and discharge points for pedicabs. In the event such pick-up and discharge points are designated by the director, those points shall be instead of the destination points established by the certificate holder. It shall be unlawful for the driver to pick-up or discharge passengers at other than said director-designated points, if such points are established.

(2) A driver shall not receive or discharge passengers upon the roadway, but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers, except upon one-way streets where passengers may be discharged

at either side of the roadway in the absence of a sidewalk. As an exception, when access to curb space is blocked by parked vehicles, drivers may pull to the extreme right-hand lane, and stop to expeditiously receive or discharge passengers from the right side of the vehicle. Nothing in this section shall be construed to permit the parking of a vehicle at any place where parking is otherwise restricted or prohibited.

(3) Drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(4) While the pedicab is in route between destination points or director-designated points, pedicab drivers shall not allow passengers to discharge from or for additional passengers to board the pedicab.

(5) In no event shall a pedicab driver accept street hails.

(d) *Driver requirements.* In addition to other requirements of this division, pedicab drivers shall:

(1) Have in their possession proof of insurance and a valid state driver's license, which the driver shall present upon the request of the chief of police or director of parking and public transit.

(2) Not allow any other individual to operate or control the pedicab.

(3) Not transport more than the manufactured recommended maximum number of passengers or exceeding the manufacturer's recommended weight limit.

(4) Not permit more passengers to be carried in a pedicab than for which there is proper seating, and at no time shall a driver allow any passenger to ride in any area of the pedicab not specifically designed or designated as a seat.

(5) Not permit any passenger twelve (12) years of age or younger to ride in a pedicab unaccompanied by an adult.

(6) Operate the pedicab only within the pedicab operating area or additional pedicab operating area, as the case may be.

(7) Not operate the pedicab in excess of 15 miles per hour.

(8) Not permit a passenger to stand up in the pedicab while it is in motion.

(9) Not drive the pedicab on the sidewalks or within a designated bike lane. (10) Subject to subsection (h) operate the pedicab in conformance with applicable state laws, including, but not limited to, the rules of the road.

(e) *Hours of operation.* It shall be unlawful for a driver to operate a pedicab on the public streets on weekdays between the hours of 7:00 a.m. to 9:00 a.m. and between the hours 4:00 p.m. to 6:00 p.m.; provided, however, the director of parking and public transit may waive the prohibition for hours of operation when a special event is scheduled to occur in the operating area and the operation of the pedicab would not be likely to unreasonably impede vehicular traffic in the area or otherwise pose an unreasonable safety risk. The director may attach conditions to the waiver, including the area within which the pedicab may operate.

(f) *Pedicab specifications and equipment.* In addition to other requirements of this division, no person shall operate a pedicab unless the vehicle meets the following minimum specifications:

- (1) Unibody frame construction.
- (2) Four wheels in the case of a pedal carriage and three wheels in the case of a cycle rickshaw.
- (3) Rubber on all wheels and the wheels shall be of a size appropriate for the pedicab with no mismatched wheels per the design of the vehicle.
- (4) In the case of a pedal carriage, the width at its widest point shall not exceed 7 feet, the length shall not exceed 20 feet, and the height shall not exceed twelve feet.
- (5) A fully operational horn or bell.
- (6) Headlights that have a projecting beam of at least 200 feet in the case of a cycle rickshaw and 300 feet in the case of a pedal carriage, which shall be clearly visible during darkness and must be illuminated when state law requires a motor vehicle's lights to be illuminated.
- (7) Flashing taillights that are visible from at least 500 feet.
- (8) Mirror(s) affixed to the pedicab to reflect to the driver a view of at least 200 feet from the rear of the pedicab.
- (9) Brake lights and turn signals for left and right turn, which turn signals are affixed to the front and rear of the vehicle.
- (10) In the case of a pedal carriage, working running lights along the outermost parts of the front, sides, and rear of the vehicle so as to make the vehicle clearly visible to motorists at night.
- (11) In the case of a cycle rickshaw, reflectors on the spokes of all wheels, front pedicab frame, and a red reflector mounted on each side of the rear of the pedicab, at least one inch from the outer edge and centered.

(12) Hydraulic, mechanical disk, or drum brakes that are unaffected by wet conditions and that control the front and rear of the pedicab.

(13) A mounted a triangular "slow-moving vehicle" reflector on the rear of the vehicle. The reflector shall have an orange florescent center and red reflective borders. The reflector shall be at least sixteen (16) inches wide at the bottom and at least fourteen (14) inches in height.

(14) Body paint with bright, reflective tape.

(15) Trailers shall not be affixed to a pedicab.

(16) Except for an electric motor assist, pedicabs shall not be motorized. If an electric motor assistance is installed, it must meet all manufacturer standards and be inspected by a certified mechanic on an annual basis.

(17) Pedicabs without an electric motor assist shall have clearly visible on the vehicle its serial number. Pedicabs with an electric motor assist shall have clearly visible on the vehicle its manufacturer's vehicle identification number.

(g) *Identification.* Before the certificate holder shall place any pedicab into service, the holder shall identify such vehicle with the initials of the certificate holder's name followed by a dash and a permit number assigned by the director of parking and public transit, which number shall be of a size and color designated by the director and shall not be used on any other vehicle.

(h) *Conduct.*

(1) No music or amplified sound shall be played, nor yelling or conversation be conducted, nor generator be used on or in connection with a pedicab in such a manner that it would violate the city's noise ordinance.

(2) Glassware of any type, including bottle, cups or plates, is prohibited in a pedicab while it is in operation upon the public streets.

(i) *Alcohol in a pedicab.*

(1) A certificate holder or driver commits an offense if he or she provides an alcoholic beverage to a passenger for a fee or otherwise.

(2) A certificate holder or pedicab driver commits an offense if he or she provides or stocks any alcoholic beverage in the pedicab.

(3) Notwithstanding anything to the contrary in this division, open containers of alcoholic beverages may be possessed and alcoholic beverages may be consumed by passengers in a pedicab while it is being operated on the public streets or is otherwise in a public place only if: (i) the passengers have obtained alcoholic beverages from an

entertainment district permittee during the hours of operation of the district in accordance with and subject to the regulations governing the entertainment district, and (ii) the pick-up and discharge of passengers is only done within an entertainment district. Otherwise, the regulations against possessing an open container and drinking in a public place under section 3-22(b) of this Code shall apply.

(4) It shall be unlawful for the driver of the pedicab to allow his or her passenger to consume, or to possess an open container of, alcoholic beverages in the pedicab contrary to the provisions of the foregoing subsection (g)(3).

(5) The pedicab driver shall not allow consumption of alcoholic beverages by persons under the age of twenty-one. If alcoholic beverages are present on a pedicab, the pedicab driver shall not transport persons under the age of twenty-one on the pedicab.

(6) Nothing in this subsection (g) shall be construed to allow conduct that is otherwise against the alcoholic beverage control laws of the state, including the Alabama Open Container Law, Code of Ala. 1975, § 32-5A-330.

(j) *Federal and state law.* Nothing in this section shall be construed to allow a pedicab to be operated contrary to applicable federal and state laws, including low speed vehicle laws, the rules of the road, and laws that govern vehicle equipment requirements, and where there is a conflict between this section and applicable federal or state laws, the more restrictive law shall apply.

Section 3. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 4. This Ordinance shall become effective upon its adoption and publication.

ADOPTED this the 9th day of August, 2018.

/s/ Mark Russell
President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 9th day of August, 2018.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama