

BILL NO. 19-010

ORDINANCE NO. 4802

FIRST READING 06.18.2019

SECOND READING 07.02.2019

**AN ORDINANCE REVISING CHAPTER 31 OF THE ORDINANCES
OF THE CITY OF HANNIBAL, BY ADDING
A NEW ARTICLE III "OTHER VEHICLES FOR HIRE"**

WHEREAS, a business has contacted the City and requested permission to operate a Commercial Pedal Car inside the City Limits of the City of Hannibal, and

WHEREAS, the Hannibal Police Department has conducted research and has determined that such businesses are allowed in other Cities, subject to appropriate licensing and safety considerations, and

WHEREAS, the City Council has determined therefore that such operation is appropriate so long as appropriately regulated to protect the safety of the Citizens of Hannibal.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HANNIBAL, MISSOURI THE FOLLOWING AMENDMENTS TO CHAPTER 31 OF THE ORDINANCES OF THE CITY OF HANNIBAL:

SECTION ONE: *CHAPTER 31, VEHICLES FOR HIRE*, is hereby amended by enacting a new *Article III - OTHER VEHICLES FOR HIRE* as follows:

31-150. Definitions. As used in this article, the following terms are defined as follows:

Commercial pedal car: A pedal car is a non-motorized four (4) or more wheeled bicycle-like vehicle that is human powered that transports passengers on bicycle-like seats and is propelled by four or more passengers not including the operator. A pedal car may have a maximum length of twenty (20) feet, a maximum width of eight (8) feet six (6) inches and a maximum height of twelve (12) feet.

Commercial pedal car business: The business of operating one (1) or more commercial pedal car vehicle(s) for profit or not-for-profit.

Commercial pedal car driver: Any person who is responsible for the safe operation of a commercial pedal car, including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations.

Street: Any street or roadway under the jurisdiction of the city.

Vehicle means every device in, upon, or by which any person is or may be transported or drawn upon a highway or street.

Sec. 31-151 - License fee.

The annual fee for a commercial pedal car business license shall be as established in the License Fee Schedule, and based on the number of commercial pedal car(s) in operation on the streets at any time during the license year.

Sec. 31-152 - License application.

(a) Application for a license under this chapter shall be made on forms provided by the police department and shall contain any information the department may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a commercial pedal car on behalf of the licensee.

(b) Every pedal car driver shall meet and maintain the following requirements:

(1) Possess a valid State of Missouri driver's license or a valid driver license from their home state. Those with out-of-state driver licenses must not have a currently cancelled, revoked or suspended State of Missouri driver's license.

(2) Be a minimum of eighteen (18) years old.

(3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.

(4) Shall not have been convicted of careless or reckless driving or any violation of driving while impaired within the past three years.

Sec. 31-153 - Insurance required.

No license shall be issued or renewed without proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.00).

Sec. 31-154 - Commercial pedal car inspections.

(a) Initial inspections. All commercial pedal cars must pass an initial inspection of condition and compliance with safety and equipment standards under this chapter before a commercial pedal car license is issued.

(b) In-operation inspections. If the police find a commercial pedal car in operation exhibiting continuing and present safety concerns, the commercial pedal car may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to the loss of control of passengers or their failure to abide by applicable ordinances, laws or rules, flat tires, inoperable head lights or tail lights, or other mechanical or operational issues making the vehicle presently unsafe to operate.

Sec. 31-155 - Hours of operation.

Hours of operation shall be from 9:00 a.m. to 10:00 pm. Upon the approval of a written request made to the police department at least 5 days prior to the proposed event, the hours of operation may be modified for special events.

Sec. 31-156 - Vehicle operation.

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

Sec. 31-157 - Operating restrictions and conditions.

(a) No commercial pedal car driver shall consume any alcoholic beverages while on duty or operate a commercial pedal car while impaired in any manner to any threshold whether by consumption of alcohol or any other substance or drug.

(b) All commercial pedal cars shall be clean and maintained in a good state of repair. All commercial pedal cars shall be maintained by the commercial pedal car business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition. Commercial pedal cars shall be, at all reasonable times, subject to inspection by the police department.

(c) All commercial pedal cars shall have the trade name and phone number of the licensee conspicuously displayed on the pedal car.

(d) All commercial pedal car passengers consuming alcohol shall be of legal age.

(e) Commercial pedal car drivers shall have in their possession proof of insurance, valid state driver's license and shall operate the pedal car in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of law enforcement, an authorized city license inspector or traffic control agent.

(f) All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or license inspector, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.

(g) No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the driver may be in the center aisle while vehicle is in motion.

(h) No commercial pedal car driver shall allow a passenger or other individuals to drive their commercial pedal car.

(i) No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.

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

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

(l) No commercial pedal car driver 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.

(m) It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car

so that that their behavior remains law-abiding during the excursion, both while the pedal car is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, indecent exposure, disorderly conduct, public urination and littering.

Sec. 31-158 Vehicle safety and equipment standards.

(a) The commercial pedal car meets the following equipment and safety standards:

(1) Tires. Tires shall be of a size appropriate for the commercial pedal car with no mismatched tires per the design of the vehicle. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.

(2) Operational horn. The commercial pedal car shall be equipped with a fully operational horn or bell.

(3) Brakes. It shall be unlawful to operate, or cause to be operated, a commercial pedal car that is not equipped with a front and rear braking system capable of being manipulated by the driver from driver's normal position of operation and capable of causing a commercial pedal car with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the commercial pedal car 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.

(4) Headlight. 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.

(5) Rear View Mirror. A side mounted mirror or a wide-angle rear view mirror affixed to the pedal car to reflect to the pedal car driver a view of the street for a distance of at least two hundred (200) feet from the rear of the pedal car.

(6) Brake Light. A red brake light affixed to the rear of the pedal car which must be visible for a distance of at least two hundred (200) feet from the rear of the pedal car.

(7) Running Light. A red light affixed to the rear of the pedal car which must be visible for a distance of at least two hundred (200) feet from the rear of the pedal car and must be illuminated at all times during darkness.

(8) Turn Signals. Turn signals must be affixed to the front and rear of the vehicle.

Sec. 31-154 - Revocation or suspension. In addition to all other penalties, any violation of the terms of this Article shall be grounds for revocation, suspension, or non-renewal of the license provided for in this Article.

Sec. 31-155 - Alcoholic Beverages Allowed. Provided the passenger has reached the age of 21 years, alcoholic beverages including beer, wine, hard cider, mixed drinks or malt-based beverages may be consumed by passengers of a commercial pedal car subject to the following restrictions.

(a) Alcohol may only be consumed while the passenger is seated on the pedal car. In the event that the passenger exits the vehicle onto the public street or sidewalk with alcohol in their possession, it shall be a violation of Section 3-1 of these ordinances.

(b) No passenger may consume more than three drinks during any individual trip. In the event that a passenger engages in a second trip on the same day, they may not consume additional amounts of alcohol during the second trip. A violation of this provision shall incur a fine of no less than \$100.00 and no more than \$500.00 plus court costs.

(c) The Pedal Car Driver shall be responsible for ensuring that their passengers obey subsections (a) and (b) herein. In the event that a passenger violates either section (a) or (b) herein, the driver may be assessed a fine of no less than \$100.00 and no more than \$500.00 plus court costs. Each violation shall be considered a separate offense and a separate citation may be written for each passenger violating this ordinance.

Sec. 31-155 - Allowed areas of operation.

(a) Commercial Pedal Cars may be operated on streets in the following zones:

(1) North Main Zone. The area bounded on the East by the river, to the North by North Street, (the West by Third Street and to the South by Warren Barrett Drive.

(2) South Main Zone. The area bounded on the East by Main Street, the North by Monroe Street, The West by Third Street, and the South by Fulton Avenue.

(3) Broadway South Zone. The area bounded on the East by Third Street, the North by Broadway, the West by Grand Avenue and the South by Warren Barrett Drive.

(4) Broadway North Zone. The area bounded on the East by Third Street, the North by Hill Street, the West by Grand Avenue and the South by Broadway.

(5) Riverview Park Zone. A route including Mark Twain Avenue to Harrison Hill, and then Riverview Park Road.

(b) Notwithstanding the provisions of subsection (a) herein, the Police Department may restrict a particular pedal car's license to allow them to only operate in a certain zone or zones. Further, the Police Department may upon two days' notice notify a commercial pedal car business that operation in particular zones are prohibited, so long as such notice specifies the length of time such restriction shall remain in place. Further, for public safety reasons, the Police department may restrict operation in a particular zone or zones immediately upon notification to the pedal car driver.

(c) Violation of Section 31-155 shall incur a fine of no less than \$100.00 and no more than \$500.00 plus court costs to the Pedal Car Driver.

(d) If a Commercial Pedal Car Business receives more than two tickets in violation of this section during a period of three months, the business shall incur a fine of no less than \$200.00 on the first offense, and \$300.00 for any occurrence thereafter within a six (6) month period of time.

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its adoption and approval.

Adopted this 2nd day of July, 2019.

Approved this 2nd day of July, 2019.


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MMRC, CMO- City Clerk