

- (C) The approved Temporary Special Event Permit issued shall be available on site for inspection for the duration of the event. (Ord. 8089)

ARTICLE 16 PEDICABS

6-1601

DEFINITIONS.

Unless otherwise defined in this article, all words used in this ordinance shall have the meanings ascribed to them by the Standard Traffic Ordinance for Kansas Cities, incorporated by reference in Section 17-101 of this Code, and amendments thereto. For the purposes of this article, the following terms have the following definitions: (Ord. 8491)

- (A) "For hire" means to provide a service for any sort of payment or gratuity.
- (B) "Operator" means the individual who actually operates a pedicab whether as the owner, an employee of the owner, or as an independent contractor.
- (C) "Owner" means any person who owns, leases, or otherwise has a legal right to possession of a pedicab.
- (D) "Pedicab" means a vehicle upon which a person may ride, whether alone or with a trailer, that:
- (1) has two or more wheels;
 - (2) is propelled exclusively by human power; and
 - (3) is utilized to carry passengers for hire.
- (E) "Slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717 and amendments thereto.
- (F) "Oversized pedicab" means a pedicab larger than 55 inches in width or ten feet in length but which does not exceed nine feet in width or 18 feet in length. (Ord. 8519)

6-1602

OPERATION OF PEDICABS.

(Ord. 8491)

- (A) Licenses and permits required.
- (1) It shall be unlawful for any operator of a pedicab to operate a pedicab without possessing a currently effective operator's permit issued pursuant to this article.
 - (2) It shall be unlawful for any owner of a pedicab to use or allow the pedicab to be used for the carrying of passengers for hire unless the owner possesses a currently effective owner's license issued pursuant to this article for that pedicab and that license is posted as required by this article.

- (3) No person shall operate a pedicab on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license issued by the authority of the State of Kansas or another of the United States.

(B) Operation.

- (1) All rules of operation set forth in this section shall be supplemental to all other laws or regulations that apply to the operation of the specific type of vehicle being operated, including but not limited to those set forth in the Standard Traffic Ordinance for Kansas Cities as incorporated by reference in Section 17-101 of this Code, and amendments thereto, and all other applicable provisions of this Code. In the case of conflict between this article and any other law or regulation, the more restrictive of the conflicting laws or regulations shall control.
- (2) No pedicab shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a pedicab from crossing a federal or state highway.
- (3) No pedicab shall be operated on any public highways, streets, roads or alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour; provided, however, that the provisions of this subsection shall not prohibit a pedicab from crossing any public highways, streets, roads and alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour.
- (4) No pedicab shall be stopped on any public highways, streets, roads or alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour to pick up passengers.
- (5) No pedicab shall be operated in a pedicab-restricted zone.
- (6) It is unlawful for any person propelling a pedicab to ride other than on a permanent and regular seat attached to the pedicab.
- (7) No pedicab that is being ridden by any person may be pushed or towed by a motor vehicle.
- (8) No pedicab may push or tow another vehicle or pedestrian who is not a current passenger of the pedicab.
- (9) It is unlawful for any operator of a pedicab to carry at any one time a number of persons in excess of the number of seats available.
- (10) It is unlawful for any person to operate a pedicab on a sidewalk unless the width of the sidewalk is no less than two times the width of the pedicab and it would otherwise be lawful to operate the pedicab on such sidewalk.
- (11) It is unlawful for any person to operate a pedicab and fail to exercise due care to avoid colliding with any public or private property, pedestrian or other vehicle.

- (12) It is unlawful for any person to operate a pedicab while under the influence of alcohol or drugs if it would be a violation of Kansas law for the person to operate a commercial motor vehicle while holding a commercial drivers license while under the influence of alcohol or drugs to an equivalent extent.
- (13) It is unlawful to operate, stop or park a pedicab in a manner that unreasonably obstructs pedestrian or vehicular traffic.
- (14) It is unlawful to operate a pedicab without all equipment required by this article.
- (15) It is unlawful to operate a pedicab with any equipment prohibited by this article.
- (16) No oversized pedicab shall be operated on any section of a street or highway that is not part of a route of operation that has been submitted to and approved by the City Clerk, or his or her designee pursuant to this article, (Ord. 8519)

(C) Insurance requirements

- (1) Every owner of a pedicab, other than an oversized pedicab, shall obtain commercial vehicle liability insurance coverage from an insurance company lawfully operating in the State of Kansas in the following amount:
 - (a) Primary bodily injury with limits of at least \$250,000 per person, \$500,000 per occurrence and primary property damage with limits of at least \$100,000 per occurrence; or
 - (b) Combined single limits of at least \$500,000 per occurrence.
- (2) Every owner of an oversized pedicab shall obtain commercial vehicle liability insurance coverage from an insurance company lawfully operating in the State of Kansas with combined single limits of at least \$1,000,000 per occurrence. (Ord. 8519)
- (3) It shall be unlawful for any person to operate a pedicab without the insurance coverage required by this section.

6-1603

PEDICAB EQUIPMENT, WIDTHS AND LENGTHS.

(Ord. 8491)

- (A) It shall be unlawful to operate a pedicab unless it is equipped with the following equipment.
 - (1) A slow moving vehicle emblem on the rear of the vehicle. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717 and amendments thereto.
 - (2) A functioning seatbelt for each passenger seat, except for oversized pedicabs. (Ord. 8519)

- (3) A functioning lamp on the front which emits a white light visible from at least 500 feet of the front of the pedicab, mounted not less than 24 inches nor more than 54 inches from the ground.
 - (4) At least two functioning tail lights mounted to the rear of the pedicab. At least one light shall be mounted on each side of the rear of the pedicab's passenger compartment at a height of not less than 15 inches nor more than 54 inches. Each tail light shall emit a red light capable of being seen from a distance of not less than 500 feet.
 - (5) Functioning electric turn signal lamps that shall indicate an intention to turn by flashing lights showing to the front and rear of the vehicle. They shall be mounted at the same level, spaced as far apart laterally as possible, and when signaling shall emit an amber light. The lights must be capable of being seen at a distance of at least 500 feet in normal sunlight.
 - (6) Functioning hydraulic, mechanical disc or drum brakes.
 - (7) A clearly visible manufacturer's serial number or identification number that has not been altered or defaced.
 - (8) The trade name of the owner of the pedicab and the pedicab number assigned by the City in plain, legible letters visible to the public that are not less than two inches in height.
- (B) It shall be unlawful to operate the pedicab equipped with any of the following equipment.
- (1) More than one trailer.
 - (2) Any sound amplification device that is plainly audible from a distance of 50 feet or more.
 - (3) Any siren or whistle.
- (C) It is unlawful to operate a pedicab, except for an oversized pedicab, that exceeds the following dimensions.
- (1) 55 inches in width.
 - (2) 10 feet in length.

6-1604

PEDICAB FARES.

(Ord. 8491)

(A) Unlawful practices relating to fares.

- (1) 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 of the service.
- (2) 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.
- (3) It is unlawful to fail to post a fare schedule as provided by this section.
- (4) It is unlawful to charge a fare in excess of the amount in the fare

schedule posted pursuant to this section unless the pedicab operator has been hired to provide a guided tour or other additional services.

(B) Fare Schedule

Every pedicab shall have a fare schedule affixed to its outside. The fare schedule shall be printed in plain, legible letters and shall list the rates for carriage in such pedicab. The fare schedule must be printed in letters no less than two inches in height.

6-1605

PEDICAB-RESTRICTED ZONES.

(Ord. 8491)

In order to expedite traffic, for safety purposes, to cover emergencies and special conditions or events, or to determine the advisability of permanent regulations for recommendation to the governing body, the Police Chief shall have the authority to designate areas of the City of Lawrence in which the operation of pedicabs is restricted or prohibited. These pedicab-restricted zones shall not remain in force for more than 90 days at a time without approval by the governing body.

6-1606

OWNER'S LICENSE

(Ord. 8491)

(A) Any license issued pursuant to this section is issued to a single pedicab and is not transferable.

(B) Application for a pedicab owner's license shall be made to the City Clerk on a form provided by the City Clerk for that purpose. Only the owner or lessee of a pedicab may make application. The application shall include:

- (1) The full legal name, birth date and place of birth of the applicant.
- (2) The applicant's trade name.
- (3) The applicant's current address, business mailing address, and telephone number.
- (4) Whether the pedicab is owned or leased.
- (5) A description of the pedicab design, make, model and manufacturer's serial or identification number, and seating capacity.
- (6) Proof that the pedicab meets the insurance requirements of this article.
- (7) A digital photograph of the pedicab of a format and type and on media approved by the City Clerk.
- (8) Whether the applicant has previously been licensed under this article, and whether any previous licenses have been revoked.
- (9) A copy of applicant's government issued photo identification.
- (10) A copy of the applicant's fare schedule.
- (11) A description of the routes over which the owner intends to operate the pedicab.

(12) Whether the applicant has ever been convicted of a felony or misdemeanor, and the details of any such conviction.

(13) Any other information the City Clerk determines would be helpful to determine the applicant's eligibility, provided requesting such information is not unlawful and is consistent with the intent of this article.

(C) License standards

The City Clerk shall review the application, and shall issue a license for the pedicab within ten business days unless:

- (1) The applicant filed an incomplete application or materially misstated any fact during the application process.
- (2) The applicant has been convicted of any crime of dishonesty in the last three years.
- (3) The applicant has not met the insurance requirements of this article.
- (4) The pedicab that the permit is applied for does not meet the standards for lawful operation under this article.
- (5) The routes proposed for oversized pedicab operation listed in the application have not been approved by the City Clerk or his or her designee. (Ord. 8519)

(D) Oversized pedicab route approval. (Ord. 8519)

- (1) Proposed routes for oversized pedicabs may be submitted to the City Clerk or his or her designee for review or approval with an application for an owner's license under this section, or in writing at any other time.
- (2) Proposed routes for oversized pedicabs shall be reviewed within ten business days and approved unless the City Clerk or his or her designee determines that the operation of an oversized pedicab on all or part of the proposed route would be injurious to the public's health, safety, welfare, or interest in the free flow of traffic.
- (3) An applicant aggrieved by a decision denying approval of a proposed route for an oversized pedicab may appeal pursuant to Section 6-1606 of the City Code.

(E) Fees

The fee for a pedicab license, which must be paid before a license will issue, is \$75.00, except that the license fee for an oversized pedicab shall be \$150.00. (Ord. 8519)

(F) License issuance and display

The license issued pursuant to this section shall include an individual and unique license number, and shall be effective for one year unless revoked. Such license shall be displayed on or in the pedicab in an area that is clearly visible to its passengers.

PEDICAB OPERATOR'S PERMIT.

(Ord. 8491)

- (A) Any permit issued pursuant to this section shall be issued to a specific individual and is not transferable.
- (B) Application for a pedicab operator's permit shall be made to the City Clerk on a form provided by the City Clerk for that purpose. The application shall include:
 - (1) The full legal name, birth date and place of birth of the applicant.
 - (2) The applicant's current address, business mailing address, and telephone number.
 - (3) A written statement of intent to employ the applicant from the owner of a pedicab, if a pedicab is not owned by the applicant.
 - (4) Whether the applicant has previously held a permit under this article, and whether any previous licenses have been revoked.
 - (5) A copy of applicant's currently valid driver's license.
 - (6) Whether the applicant's driver's license has ever been suspended or revoked, and if so the reason for such suspension or revocation.
 - (7) Whether the applicant has ever been convicted of a felony or misdemeanor, and the details of any such conviction.
 - (8) Whether the applicant suffers from any condition that would impair his or her ability to safely operate a pedicab.
 - (9) Any other information the City Clerk determines would be helpful to determine the applicant's eligibility, provided requesting such information is not unlawful and is consistent with the intent of this article.
 - (10) Permission from the applicant to photograph the applicant.

(C) Permit Standards

The City Clerk shall review the application, and will issue a permit to the pedicab operator within ten business days unless:

- (1) The applicant filed an incomplete application or materially misstated any fact during the application process.
- (2) The applicant does not have a current driver's license.
- (3) The applicant has been convicted of a crime involving dishonesty in the previous three years.
- (4) The applicant has some condition that renders him or her incapable of safely operating a pedicab.
- (5) The applicant has had a previous permit issued pursuant to this section revoked within the past three years.

- (6) The applicant held a previous permit issued pursuant to this section that expired within the past three years and at the time of the expiration there existed a lawful basis to revoke the permit.
- (D) The cost of a pedicab operator's permit, which shall be paid before the permit will issue, is \$50.00.
- (E) Permit issuance and display
 - (1) The permit issued pursuant to this section shall be effective for one year unless revoked.
 - (2) The permit shall be carried by the pedicab operator at all times the operator is operating a pedicab. The permit shall be displayed to any law enforcement officer who requests to examine it.

6-1608

LICENSE AND PERMIT REVOCATION.

(Ord. 8491)

(A) Emergency Suspension

- (1) Any law enforcement officer with jurisdiction over the City of Lawrence, Kansas may suspend a pedicab operator's permit for any of the following reasons:
 - (a) If the officer has probable cause to believe that the pedicab operator is unlawfully driving under the influence of alcohol or drugs.
 - (b) If the officer has probable cause to believe that the operator has operated a pedicab in a way that constitutes an immediate threat to the public health, safety or welfare while operating the pedicab.
- (2) Any law enforcement officer with jurisdiction over the City of Lawrence, Kansas may suspend a pedicab license for any of the following reasons:
 - (a) The pedicab operator or owner is unable to produce proof of the insurance coverage required by this section.
 - (b) The officer has probable cause to believe that the pedicab is in a state of repair that constitutes an immediate threat to the public health, safety or welfare.
- (3) Upon emergency suspension of a permit or license by a law enforcement officer under this section, the officer shall forward the permit or license along with a written statement setting forth the basis for the action to the City Clerk. The City Clerk shall begin the license revocation proceedings set forth in this section within five business days or shall return the permit or license to the holder of the suspended permit or license. Return of the permit shall not prohibit a licensing action based upon the facts and conditions that warranted the emergency suspension. If revocation proceedings are begun within five days of suspension, the license or permit shall remain suspended during the revocation and hearing process.

(B) Revocation

(1) The City Clerk may revoke a pedicab license for the following reasons:

- (a) The operator would no longer be qualified to obtain a pedicab license.
- (b) The pedicab does not have the equipment required by Section 6-1603, and amendments thereto.
- (c) The pedicab owner cannot produce proof of current insurance as required by this article.
- (d) The pedicab owner allowed an unlicensed operator to operate the pedicab.
- (e) The pedicab is in a state of repair that constitutes an immediate threat to the public health, safety or welfare, or is otherwise illegal to operate under this article, and amendments thereto, or any other law.
- (f) The licensee made any material misstatement in the application process.
- (g) The pedicab has been operated unlawfully in pedicab restricted zones on three or more occasions.
- (h) The licensee has had a license of another pedicab he or she owns revoked during the current licensing period.

(2) The City Clerk may revoke a pedicab operator's permit for any of the following reasons:

- (a) The pedicab operator unlawfully operated the pedicab under the influence of alcohol or drugs, or refused to submit to testing of the operator's breath, blood or urine when such testing is requested by a law enforcement officer who has probable cause to believe the operator is unlawfully operating a pedicab under the influence of alcohol or drugs.
- (b) The operator has operated a pedicab in a way that constitutes an immediate threat to the public health, safety or welfare.
- (c) The operator operates a pedicab without proof of the liability insurance required by this article.
- (d) The operator would no longer be eligible to obtain a pedicab license.
- (e) The operator has committed any of the unlawful acts set forth in this article on three or more occasions during any one year period of time.

- (f) The licensee made any material misstatement during the application process.

(3) Notice

Notice of the revocation shall be served by personal service or by sending a written notice of revocation to the applicant's address provided on the application by certified mail, postage prepaid. The notice shall set forth the basis for revocation and inform the licensee that unless he or she requests a hearing as provided by this article within 14 calendar days of the service of the revocation notice that the licensee's license or permit will be revoked and without further effect at the expiration of the 14 day period. Service by certified mail shall be deemed completed when mailed.

(4) Revocation

Unless a hearing is requested pursuant to this article, the license or permit shall be deemed to be revoked and without further effect 14 days after the service of the notice of revocation.

6-1609

APPEALS AND HEARING.

(Ord. 8491)

- (A) A hearing to contest a license or permit revocation or the denial of a license or permit application or the denial of approval of an oversized pedicab operating route, must be requested by the licensee in writing within 14 days of the service of the notice of revocation or denial. The request must be served upon the City Clerk for it to be effective. (Ord. 8519)
- (B) The hearing shall be held by the governing body as soon as is practicable, but if the licensee's license or permit is suspended at the time a hearing is requested, or if an application has been denied, the hearing shall be held no later than 14 days after the service of such request.
- (C) The hearing shall be held by the governing body in a manner that comports with procedural due process.
- (D) The City Clerk's decision to revoke the license or permit to deny the issuance of the same, or to deny the approval of an oversized pedicab operating route shall be upheld if the basis for the decision is established by a preponderance of the evidence. In lieu of revocation the governing body may establish reasonable conditions to allow the licensee or permittee to maintain the license or permit if such conditions adequately protect the public's health, safety and welfare. (Ord. 8519)
- (E) The decision of the governing body shall be final when rendered. If the decision is not rendered at the hearing, a written decision shall be served in the manner provided in this article for service of a notice of revocation, and shall be effective when served.

6-1610

SEVERABILITY.

If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8491)