

# CHAPTER 867

## Pedicab Public Transportation

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### CROSS REFERENCES

Taxicabs - see Chapter 866

Bicycles - see Chapter 420

#### **867.01 PURPOSE.**

The purpose of this chapter is to encourage the development of alternative public transportation, such as pedicabs, and to provide uniform regulation thereof for the health, safety and welfare of the public.

#### **867.02 DEFINITIONS.**

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

“**City**” means the City of Traverse City.

“**City Manager**” means the City Manager or his designee.

“**Pedicab**” mean a chauffeured, non-motorized vehicle which is propelled by pedals, operating for hire.

#### **867.03 LICENSE REQUIRED.**

No person, firm or corporation shall operate a pedicab for public transportation without first obtaining a license therefor as provided in this chapter.

#### **867.04 PROCEDURE FOR APPLICATION.**

Any person, firm or corporation desiring to operate a pedicab for public transportation business shall file an application for a license with the City Clerk. The City Clerk shall provide forms for applications.

#### **867.05 INVESTIGATION BY CITY OFFICIALS.**

Upon receipt of an application for a license or an application for renewal, the City Clerk shall request an investigation by City officials to determine conditions related to the health, safety and welfare of the City.

**867.06 APPROVAL BY THE POLICE CHIEF.**

No license or renewal thereof shall be granted without approval of the routes and the vehicle by the Police Chief as to the following:

- (a) The route shall not encompass any area prohibited by Executive Order of the City Manager.
- (b) Each vehicle shall be equipped with headlights, taillights, reflectors and a slow moving vehicle sign.

**867.07 CITY COMMISSION APPROVAL.**

Upon completion of investigation, the City Clerk shall either issue the license or to deny the license. If the license is denied, the reasons for denial shall be given to the applicant in writing.

(Ord. 941, Passed 5/21/12)

**867.08 INFORMATION ON APPLICATION FOR LICENSE.**

Each application shall contain the following information:

- (a) The name of the person, corporation or other entity applying.
- (b) The name and address of each of the principal officers of the corporation, if the applicant is a corporation. If the applicant is not a corporation, the names and addresses of the partners, trustees, owners or other persons controlling the entity shall be given.
- (c) A description of the methods, procedures and equipment proposed to be used.
- (d) A map of the City showing locations of proposed routes or methods of operation and showing locations of any proposed stations, places to keep vehicles, stands or pick up points.
- (e) Identification and photograph of the pedicab or pedicabs.
- (f) Names, addresses and ages of all drivers.

**867.09 FEE.**

A non-refundable application fee shall be established by resolution of the City Commission. Licensing fees and related fees will be established by resolution of the City Commission.

**867.10 STANDARDS TO BE MET.**

A license shall be issued to an applicant that meets the following standards, and no licensee shall remain in business unless it continues to meet these standards:

- (a) No hazards to traffic or public safety will be created by the proposed operation. The addition of more traffic to a busy street or highway will not by itself be deemed to create a traffic hazard.
- (b) The operation will not appear to be designed to defraud any person.

- (c) There will be notices in each vehicle and in each waiting room or station owned or operated by the business, stating the charges and routes or methods of operation.
- (d) There are no conditions for denial.

**867.11 CONDITIONS FOR DENIAL.**

An application shall not be approved, renewed or may be revoked if any of the following conditions exist:

- (a) The applicant is in violation of any City ordinance or State law.
- (b) The applicant is in default to the City, including being delinquent in the payment of any taxes, fees or other City charges.
- (c) The applicant has been convicted of a violation of any Federal, State or City law concerning public transportation.
- (d) The applicant has made a false statement in the application procedure or has submitted an incomplete application or has not fulfilled a promise made with or in the application.
- (e) A standard listed in this Chapter cannot or is not being met.

**867.12 TRANSFERS.**

No license or interest therein shall be transferred directly or indirectly without the consent of the City Clerk. Transfers shall be construed and processed as a new application for license.

(Ord. 941, Passed 5/21/12)

**867.13 RENEWALS.**

All pedicab licenses shall expire on December 31 of each year. The license holder, at the expiration of any license year, shall be entitled to a renewal of the license for the ensuing year by the City Clerk upon compliance with this Chapter. The license holder shall submit an application for renewal, and such information as shall be required by the City.

**867.14 DISPLAY OF LICENSE.**

The operator of each pedicab shall immediately possess and display, upon request, the license or a legible copy thereof to any law enforcement officer, City official or citizen. Failure to possess or immediately display such license shall be grounds for suspension. A person who does not possess a license and who is unable to immediately display such license shall not be allowed to operate a pedicab.

**867.15 INSURANCE.**

Before issuing the license, the licensee shall submit proof and shall maintain comprehensive general liability insurance listing the City as an additional insured. The amount of such insurance shall be determined by the City Clerk.

**867.16 OTHER LICENSES AND PERMITS.**

A license obtained under this chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute of administrative rule.

**867.17            REVOCATION.**

The City Clerk or Police Chief may immediately suspend the license for cause or noncompliance with this chapter. Suspensions may be appealed to the City Manager. The City Manager may revoke any license for cause or noncompliance with this chapter following a hearing before the City Manager.

**867.18            APPEARANCE TICKETS.**

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended. MCL 764.9c(2); MSA 28.868(3)(2). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

**867.19            CIVIL INFRACTION.**

A person who violates this chapter is responsible for a civil infraction.