

CHAPTER 93B. COMMERCIAL PEDAL CAR TRANSPORTATION BUSINESS FRANCHISES

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93B.01. License and Franchise Required. Subdivision 1. No person shall engage in a Commercial Pedal Car Transportation Business unless (a) the operation of the Commercial Pedal Car Transportation Business occurs pursuant to and in compliance with the terms and conditions of a franchise ordinance adopted by the Common Council and (b) the Commercial Pedal Car and Commercial Pedal Car Driver are licensed by the City.

Subd. 2. For purposes of this Chapter, a person engages in a Pedal Car Transportation Business whenever a person performs all of the following:

- A. operates a Commercial Pedal Car upon or over a public street, alley or public right-of-way;
- B. solicits, suggests or otherwise advertises in any way the availability of the business for the transportation of the public; and
- C. charges a fee for the transportation of passengers.

93B.02. Definitions. “Commercial Pedal Car” means a non-motorized four or more wheeled bicycle-like vehicle that is human powered, that transports passengers on a bicycle-like seats and is propelled by five or more passengers not including the operator. A pedal car may have a maximum length of 20 feet, a maximum width of 8 feet 6 inches, and a maximum height of 12 feet. A pedal car may not be power-assisted.

“Commercial Pedal Car Business” means the business of operating one or more Commercial Pedal Car vehicles for profit or not-for-profit.

“Commercial Pedal Car Driver” means 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.

“Commercial Pedal Car Driver’s License” means a license granted in accordance with this chapter.

“Street” means 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.

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93B.03. License. Subdivision 1. Application for a Commercial Pedal Car Business license shall be made on application forms provided by the City Clerk's Office and shall contain such information as required including the name, address and telephone number of the applicant; whether the business is an individual, partnership or corporation; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and a description and the number of commercial pedal cars to be used. Application for a Commercial Pedal Car Driver's License shall be made on application forms provided by the City Clerk's Office and shall contain such information as required including the name, address and telephone number of the applicant. To qualify for a Commercial Pedal Car Driver's License the applicant must possess a valid Minnesota driver's license or a valid driver's license from another state and be at least 18 years of age.

Subd. 2. All licenses will expire on March 31 of the following year.

Subd. 3. The annual license fee is \$50 per vehicle. The annual Commercial Pedal Car Driver's License fee is \$20.

Subd. 4. During the time of licensure, the Licensee must notify the City Clerk whenever any of the information provided on the application form is no longer accurate.

93B.04. Insurance. Before any Commercial Pedal Car Business licensee allows a vehicle to be operated on a street, it must secure and maintain during the franchise's term a commercial liability insurance policy covering each vehicle operated. The policy must have coverage limits not less than \$1,000,000 for each occurrence and \$2,000,000 aggregate for both bodily injury and property damage liability to cover claims for injury or damage resulting or arising from the actions of the licensee, its officers, employees or agents during the term of the franchise. Licensee shall also secure and maintain worker's compensation insurance to the extent required by state law. Copies of these policies or certificates of insurance must be filed with the city clerk. The licensee's insurer must be authorized to do business in Minnesota.

93B.05. Operating Conditions and Restrictions. Subdivision 1. Every Commercial Pedal Car Business shall be operated in compliance with all applicable federal, state and local traffic and licensure laws, and in a manner so as to assure the safety of persons and property.

Subd. 2. No Commercial Pedal Car shall be operated upon a public sidewalk or upon any street that the common council, by resolution, has determined to be inappropriate

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for the operation of a Commercial Pedal Car. No Commercial Pedal Car shall be stopped to load or unload in any manner or at any location that would be unsafe or that would impede or interfere with the orderly flow of vehicular or pedestrian traffic.

Subd. 3. No Commercial Pedal Car shall be operated upon the Peace Plaza as that term is defined by section 45D.01, subd. 1.

Subd. 4. No Commercial Pedal Car shall use any public street or other public property as a waiting area unless such area is a legal motor vehicle parking area.

Subd. 5. All Commercial Pedal Cars shall be equipped with brakes, turn signals, horn or bell, rear view mirror, brake light, and lights or reflectors that meet the requirements of Minn. Stat. 169.55, subd. 1.

Subd. 6. A Commercial Pedal Car Business shall comply with the following regulations:

- A. The hours of operation shall be from 10:00 a.m., until 10:00 p.m., unless otherwise permitted by the Council.
- B. If alcoholic beverages are present on the Pedal Car, all riders must be at least 21 years of age.
- C. All Pedal Car passengers must have arm bands and identification in their possession. The Pedal Car Driver must check each passenger's identification.
- D. All passengers must sign a code of conduct for the ride and the stop.
- E. All passengers must sign an insurance waiver.
- F. All passengers must sign a helmet waiver.
- G. Each Pedal Car will have a cooler for alcoholic beverages. Each Pedal Car Driver will observe the loading of the cooler.
- H. If a passenger is asked to get off a Pedal Car, the Pedal Car Driver will call for a cab for the passenger or will call law enforcement.
- I. The Pedal Car Driver will control the music volume of each Pedal Car.

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- J. A Pedal Car Driver cannot stop upon private property unless the owner of the property has given written permission for the stop.

93B.06. Vehicles and Operators. Subdivision 1. All Commercial Pedal Cars shall display a valid license decal issued by the City Clerk's Office, which states the name and address of the commercial pedal car business licensee, and the trade name and phone number shall be conspicuously displayed on the pedal car.

Subd. 2. Commercial Pedal Car Drivers shall have in their possession a valid driver's license, their pedal car license and proof of insurance while in control of any Commercial Pedal Car.

Subd. 3. All Commercial Pedal Cars shall be, at all reasonable times, subject to inspection by the Police Department.

Subd. 4. All Commercial Pedal Car Drivers shall comply with all applicable Minnesota statutes, obey and comply with any lawful order or direction of any law enforcement officer, shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties, and shall not consume any alcoholic beverages while on duty or operate a Commercial Pedal Car while impaired in any manner to any threshold provided by Minn. Stat. §169A.20.

Subd. 5. The Commercial Pedal Car Driver shall be responsible to actively and affirmatively manage the behavior of the passengers so that their behavior remains law-abiding, and the Commercial Pedal Car Driver expel and passenger whose action violate the law or create an unsafe condition. No Commercial Pedal Car Driver shall permit more passengers to be carried in a Commercial Pedal Car than is the normal seating capacity and no more than one person in addition to the driver may be in the center aisle while the vehicle is in motion. The Commercial Pedal Car Driver shall not allow any passengers to drive or operate the Commercial Pedal Car.

Subd. 6. No music or amplified sound shall be played, nor yelling or conversation by conducted, in such manner that would violate the provisions of RCO §85.10.

Subd. 7. Notwithstanding any ordinance to the contrary, participants on a commercial pedal car ride who are 21 years of age or older may bring and consume permitted alcoholic beverages. Permitted alcoholic beverages include any beer, wine, hard cider, or malt liquor as defined by Minn. Stat. §340A.101, subd. 16. Alcoholic beverages

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may not be provided by the Commercial Pedal Car Business or Driver.

Subd. 8. No glassware of any kind shall be allowed on a Commercial Pedal Car including but not limited to bottles, jars, drinking glasses or other receptacles.

93B.07. Inspection and Sanitation of Vehicles. Subdivision 1. Before the initial use and operation of any vehicle under the authority of a franchise, the vehicle must be thoroughly examined and inspected by an authorized bicycle mechanic, and found to comply with all standards of safety prescribed by the laws of the state or city. An inspection form showing that the vehicle has met the standards of safety prescribed by law must be presented to the city clerk at the time of license application. In response, the city clerk must issue a license decal for the vehicle if the franchisee has complied with this chapter.

Subd. 2. From time to time, and at least annually, an authorized bicycle mechanic must inspect every vehicle operated under the authority of a franchise. The operation of any vehicle that fails to meet the standards of safety established by law must be discontinued until such time as the deficiency is eliminated.

Subd. 3. The interior and exterior of every vehicle operated under the authority of a franchise must be kept in a clean and sanitary condition. The Commercial Pedal Car Driver shall be responsible for lawfully disposing of all trash.

93B.08. License Suspension and Revocation. Subdivision 1. Any license issued by the City pursuant to the provisions of this chapter may be suspended, revoked or placed on probation upon a finding that the Licensee, during the term of the permit or in connection with the application or renewal of such permit:

- A. Failed to comply with any applicable statute or ordinance relating to a Commercial Pedal Car Transportation Business;
- B. Employed a Commercial Pedal Car Driver who did not comply with any applicable statute or ordinance relating to the operation of the pedal car;
- C. Violated any provision of this chapter;
- D. Failed to comply with any condition set forth in the license, set forth in a council action regarding the license, or set forth as part of the placement of the license on probation; or

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- E. Allowed the licensed business to be operated or maintained in a way that unreasonably annoyed, endangered or injured the safety, health, morals, comfort or repose of any considerable number of members of the public.

Subd. 2. Whenever it appears to the Council that adequate grounds may exist for the suspension, revocation or imposition or probation of a permit, the Council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.

Subd. 3. No such suspension, revocation or probation shall be effective until the Licensee has been afforded an opportunity for a hearing after reasonable notice. The notice shall state the time, place and issues to be addressed. All parties will be afforded an opportunity at the hearing to present evidence and argument concerning the issues.

Subd. 4. Upon a finding that the Licensee has violated any such statute or ordinance, the council may:

- A. Suspend the license for up to 60 days;
- B. Revoke the license; or
- C. Place the license on probation for a stated time period. The Council may impose conditions upon the license during the time of probation.

93B.09. Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

93B.20. Franchise Granted. A Commercial Pedal Car Transportation Business Franchise is granted to PedalPub, LLC, to provide public transportation services within the City for a period ending December 31, 2017, subject to the terms and conditions of this Code, including the provisions of Chapter 93B of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder. (4110, 5/6/13)

(4109, 5/6/13; 4110, 5/6/13)