

CHAPTER 2012-68

No. 661

**AN ORDINANCE IN AMENDMENT OF CHAPTER 14,
ARTICLE XI OF THE CODE OF ORDINANCES, ENTITLED:
"REGISTRATION AND LICENSING OF BICYCLES," AS
AMENDED**

Approved December 17, 2012

Be it ordained by the City of Providence:

SECTION 1. Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended by adding thereto the following:

Sec. 14-241- Purpose.

The purpose of this chapter is to encourage the development of alternative public transportation that is environmentally friendly, such as Pedicabs as defined herein, and to provide uniform regulation thereof for the health, safety, and welfare of the public.

Sec. 14-242 - Definitions.

Whenever in this article the following terms are used they shall have the meanings as ascribed to them in this section:

"Bicycle" means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears, and which has wheels at least twenty-two (22) inches in diameter and a frame size of at least twenty (20) inches.

"Darkness" means any time from one-half hour after sunset to one-half hour before sunrise and any time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of one thousand (1,000) feet.

"Decal" means the numbered Decal issued by the Board of Licenses of the City of Providence to a Pedicab owner for display on the Pedicab to indicate that the Pedicab is Permitted to operate.

"Operating Permit" means a written Permit in the form of a badge and including a color passport-size photo, issued by the Board of Licenses of the City of Providence authorizing a person to operate a Pedicab as a business. An Operating Permit shall also be known as a Pedicab Operator "Identification Badge."

"Operator" means any individual who operates a Pedicab within the city of Providence.

"Owner" means any person who owns a Pedicab.

"Pedicab" means a bicycle that has three or more wheels, or that is a trailer connected to any Bicycle, that transports, or is capable of transporting passengers on seats attached to the Bicycle or trailer that is operated by an individual, and that is used for transporting passengers for hire.

Sec. 14-243 - Permit requirement to operate Pedicab

It is unlawful for any individual to operate a Pedicab within the city without first having obtained an Operating Permit issued by the Board of Licenses of the City of Providence pursuant to this section.

Sec. 14-244 - Application for operating permit.

- A. Before operating a Pedicab, an individual shall apply for a Pedicab Operating Permit.
- B. The Pedicab Operating Permit application form shall be prescribed by the License Administrator of the City of Providence.
- C. In addition to a completed Operating Permit application, the applicant shall provide:
 - 1. Proof that the applicant is eighteen (18) years or older;
 - 2. Proof of ability to drive lawfully in the United States;
 - 3. Two recent color passport-sized photographs; and
 - 4. Such other material as the city may require.
- D. Pedicab Operators shall be subject to any and all licensing regulations promulgated by the Board of Licenses.

Sec. 14-245- Pedicab operating permit fee.

The City's Board of Licenses may charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab operating permits. The fee schedule shall be filed in the City Clerk's office.

Sec. 14-246 - Duration of validity of operating permit.

Operating permits shall be valid for a period of one year, from April 1 through March 31.
Operating permits shall be valid for a period of one (1) year from the date of issuance thereof.

Sec. 14-247 - Denial of permit for failure to comply with ordinance.

The Board of Licenses may deny issuance of a pedicab operating permit if the applicant fails to comply with the requirements of this chapter.

Sec. 14-248 - Denial of pedicab operating permit, suspension or revocation.

The Board of Licenses may deny issuance of a Pedicab Operating Permit if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a Pedicab Operating Permit. If such misrepresentation becomes known after an Operating Permit has been issued, the Operating Permit may be suspended or revoked.

Sec. 14-249 - Identification badges issued to pedicab operators with a permit.

- A. While the Pedicab is in operation, the Pedicab operator shall wear the Operating Permit as the Pedicab Operator's Identification Badge at all times, in a manner clearly visible to the public.

- B. It is unlawful for a Pedicab Operator to fail to wear the Operating Permit as an Identification Badge in a manner clearly visible to the public, while operating a Pedicab.

Sec. 14-250 - Fare schedule.

- A. Pedicab Operators shall post a fare schedule in a manner clearly visible to the public at all times while operating a Pedicab. Pedicab Operators offering tours must have the fee schedule for such tours clearly visible to the public at all times.
- B. It is unlawful for any Pedicab operator to demand from a passenger a fare or tour fee greater than that contained in the posted schedule.
- C. Subsection B does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passenger and the Pedicab operator prior to the beginning of the tour.
- D. Pedicab operators that waive a fee schedule and operate on gratuities only must post notice to that effect in a manner clearly visible to the public at all times while operating the Pedicab.

Sec. 14-251 – Pedicab decal.

It is unlawful for any Owner to lease, rent, or allow a Pedicab to be operated for hire within the city without first having obtained a Decal issued pursuant to this chapter. The Decal shall be affixed to the rear of the Pedicab and be clearly visible and unobstructed at all times.

Sec. 14-252 - Application for pedicab decal.

- A. Before allowing a Pedicab to be operated for hire, owners shall obtain a Pedicab Decal.
- B. The Pedicab Decal application form shall be prescribed by the License Administrator of the City of Providence.
- C. The applicant shall provide the following information to complete the application:
1. The full name and address of the applicant;
 2. 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, managers, members or other persons controlling the entity shall be given;
 3. A description of the vehicle, including trade name, if any, serial number and body style; and
 4. A map of the City of Providence, or the applicable detailed portion thereof, showing locations of all proposed routes or methods of operation and showing locations of all proposed stations, places to keep vehicles, stands or pick-up points.
 5. Proof of insurance in accordance with the provisions of this chapter in an amount not less than one million dollars (\$1,000,000.00) per occurrence.
 6. Written affirmation that the Pedicab is equipped with a battery-operated headlight capable of projecting a beam of white light for a distance of three hundred (300) feet.
 7. Written affirmation that the Pedicab is equipped with battery-operated taillights mounted on the right and the left respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be plainly visible from all distances within five hundred (500) feet to the rear of the Pedicab.

Sec. 14-253 - Pedicab Decal fee.

The City's License Administrator may charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of Pedicab Decals. The fee schedule shall be filed in the City Clerk's office.

Sec. 14-254 - Duration of validity of Pedicab Decal.

Pedicab Decals shall be valid for a period of one year, from April 1 through March 31. Pedicab Decals shall be valid for a period of one (1) year from the date of issuance thereof.

Sec. 14-255 - Denial of Decal for failure to comply with ordinance.

The city may deny issuance of a Pedicab decal if the city determines that the Pedicab does not meet the requirements of this chapter, other city ordinances or regulations, and state law.

Sec. 14-256 - Other laws applicable to pedicab owners and operators.

Pedicab operators are subject to all applicable laws, rules and regulations of the City of Providence and state of Rhode Island Motor Vehicle Code pertaining to the operation of Bicycles upon streets, except those provisions that by their very nature can have no application.

Sec. 14-257 - Minimum age of Pedicab Operators.

It is unlawful for any individual under the age of eighteen (18) to operate a Pedicab as a business.

Sec. 14-258 - Driver's license requirement to operate a Pedicab.

It is unlawful for any individual without a motor vehicle driver's license valid in the United States to operate a Pedicab within the City of Providence.

Sec. 14-259 - Regulations for Pedicab operations.

- A. It is unlawful for any person to operate, or cause to be operated, a Pedicab during the hours of Darkness, without using a headlight capable of projecting a beam of white light for a distance of three hundred (300) feet.
- B. It is unlawful for any person to operate, or cause to be operated, a Pedicab during the hours of Darkness, without using battery-operated taillights mounted on the right and left respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be visible from all distances within five hundred (500) feet to the rear of the Pedicab.
- C. It is unlawful for any person to operate, or cause to be operated, a Pedicab in an unsafe condition.
- D. No driver shall stop to, or off-load passengers in any location, which would disrupt the flow of traffic.
- E. The operation will not appear to be designed to defraud any person.
- F. There will be notices in each vehicle stating the charges and routes or methods of operation.
- G. No drivers shall park in any restricted zones identified for other vehicles.

Sec. 14-260 - Passenger seating requirements.

It is unlawful for any person to operate a Pedicab while carrying a number of passengers that exceeds the number of available seats.

Sec. 14-261 - Damage to public property.

It is unlawful for any person to operate a Pedicab in a manner that results in damage to public property.

Sec. 14-262 - Insurance requirements.

- A. It is unlawful for any person to operate a Pedicab within the City of Providence, unless at the time of such operation the Pedicab owner has, in effect, a valid policy of commercial general liability coverage with a Pedicab endorsement on the vehicle.
- B. The insurance policy required to be issued shall be executed and delivered by a company with a rating of "A" in Best's Key Rating, the financial responsibility of which company has been approved by the city. The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than one million dollars (\$1,000,000.00) per occurrence for bodily injuries and personal injuries or property damage caused by the operation of the Pedicab, including, but not limited to, Pedicabs operated by the officers, employees, agents, or lessees of the pedicab owner.
- C. A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection at the Owner's principal place of business. A certificate of insurance shall provide that the insurer will notify the License Administrator of any cancellation of the Owner's insurance policy and that the cancellation notice shall be in writing and such notice shall be sent by registered mail at least thirty (30) days before cancellation of the policy. The certificate shall include all of the following:
 - 1. The full name of the insurer;
 - 2. The name and address of the insured;
 - 3. The insurance policy number;
 - 4. The type and limits of coverage;
 - 5. The specific vehicles insured;
 - 6. The effective dates of the insurance policy; and
 - 7. The certificate issue date.

Sec. 14-263 - Suspension or revocation of operating Permit or Decal.

Pedicab Operating Permits and Pedicab Decals may be suspended or revoked by the Board of Licenses at any time based upon any of the following grounds:


- A. The Pedicab Operator has failed to comply with the applicable provisions of this chapter, or the rules and regulations prescribed by the city council;
- B. The Pedicab Operator has been convicted of assaults; battery; resisting arrest; any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the pedicab operator to safely transport passengers, unless five years has elapsed from the date of discharge from a penal institution, or the successful completion of probation for such conviction;

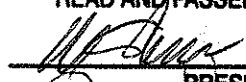

- C. The Pedicab Operator has knowingly made a false statement or material fact, or knowingly failed to state a material fact in the application process for the Pedicab Operating Permit or Decal;
- D. The Pedicab Operator's ability to drive lawfully in Rhode Island has expired or has been suspended or revoked;
- E. When the police chief, and/or his/her designee, in the case of an Operating Permit or Pedicab Decal determines that the Pedicab Operator has engaged in criminal activity or any activity that constitutes a threat to public health, safety or welfare, a Pedicab Operating Permit or Decal may be summarily suspended or revoked.


Sec. 14-264 - Enforcement authority.

The Board of Licenses is authorized to administer and enforce the provisions of this chapter, and may promulgate and enforce rules and regulations with respect thereto. In the interest of public safety, the Commissioner of Public Safety and/or his/her designee may at any time cancel, alter, or limit any and all pedicab licenses based upon a determination that the pedicab operation creates a public safety risk or hazard, and that the changes imposed serve to reduce such risk or hazard and generally serve the public interest.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 19 2012
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
DEC 06 2012
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

I HEREBY APPROVE.
 Mayor
Date: 12/17/12