

Legislation Text

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Amending Chapter 9-400 of The Philadelphia Code, entitled "Carriers," by adding a new Section 9-410, entitled "Pedicabs," to provide for the licensing and regulation of businesses operating Pedicabs for hire, and setting forth rules of operation; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Chapter 9-400 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-400. CARRIERS.

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§ 9-410 *Pedicabs.*

(1) *Definitions.*

(a) *Pedicab.* A pedalcycle with three or more wheels, propelled solely by human power, constructed and operated to transport passengers for hire.

(b) *Department.* The Department of Streets.

(c) *Vehicle Code.* Title 75 of the Pennsylvania Consolidated Statutes.

(2) *License Required.*

(a) No person shall engage in the business of operating a Pedicab unless that person has first obtained a Pedicab business license from the Department and a license for each Pedicab to be operated.

(b) All applications for such license shall be made on forms supplied by, and submitted to, the Department.

(c) In addition to such information as the Department may require to establish eligibility for a license, the applicant must submit the following to the Department:

(.1) A certificate of insurance indicating compliance with Section 9-410(3)(a);

(.2) A copy of the Pennsylvania Driver's License for each of the applicant's drivers, as required by subsection 9-410(3)(b);

(.3) A non-refundable application fee in the amount of one hundred (100) dollars; and

(.4) The route or routes on which the applicant proposes to operate Pedicabs.

(d) Upon its determination that the applicant has satisfied the conditions for obtaining a license, and approval of one or more proposed routes pursuant to § 9-410(4)(a), the Department shall issue a license following the applicant's payment of a license fee of two hundred (200) dollars for the first Pedicab, and one hundred (100) dollars for each additional Pedicab to be operated by the licensee.

(.1) Licenses will be renewed annually upon payment of a license renewal fee equal to the license fee as established in § 9-410(2)(d), and upon the Department's determination that the licensee has complied with all applicable laws and regulations.

(3) *License Requirements.* Every Pedicab business licensee shall, as a condition of retaining such license, comply with each

of the following:

(a) The licensee shall maintain liability and workers' compensation insurance in an amount determined by the Risk Manager.

(b) All Pedicab drivers employed by the licensee must be at least 18 years of age and possess a valid Pennsylvania Driver's License. A driver shall carry such license at all times when operating a Pedicab.

(c) All Pedicabs shall be identified by the licensee's name (or company name) and license number issued by the Department.

(.1) Each Pedicab operated by a licensee shall be sequentially numbered and that number shall be placed next to the license number issued by the Department.

(.2) The licensee shall provide a license plate with the license number and Pedicab number as provided in § 9-410(3)(c)(.1). Such license plate must be placed on the center rear portion of the Pedicab so as to be visible to the public from a distance of one hundred feet. The annual renewal sticker shall be affixed to the license plate.

(e) All Pedicab drivers must obey all requirements for pedalcycles set forth in the Vehicle Code, 75 Pa. C.S. §§ 3501-3513, except those which by their nature can have no application.

(4) *Pedicab Routes and Hours of Operation.*

(a) Pedicabs shall be operated only on routes approved by the Department, either as a Normal Route or as a Special Route; and only during time periods as approved by the Department.

(.1) *Normal Routes.* Normal routes for Pedicab operation are those routes approved by the Department upon the licensee's application for a license. The Department shall determine normal Pedicab routes upon consultation with applicants and with the Councilmember for the district in which the proposed route is located; the highest priority shall be given to the safety of all users of the transportation system and to maintaining efficient flow of traffic.

(.2) *Special Routes.* A Pedicab licensee may apply for a temporary permit from the Department to use other routes on a trip-by-trip basis to accommodate a special event. An application for such special permit setting forth the date, time and nature of the special event and the exact route requested must be filed with the Department, on a form provided by the Department, at least five (5) business days prior to the date of the special event. The special permit will be issued only if the Department determines that the operation of a Pedicab on the requested route, on the date and at the time requested, will not cause undue interference with traffic. Every special permit shall set forth the date, time and nature of the special event, and shall be kept with the Pedicab and readily available for inspection at all times during the term of the special permit.

(b) The Department may temporarily alter approved normal or special routes or approved hours of operation, as it deems necessary due to construction or other circumstances that may arise.

(5) *Required Equipment of Pedicabs.* Each Pedicab licensed for operation shall be equipped with the following:

(a) seating for no more than four passengers;

(b) passenger seat belts;

(c) lamps, reflectors and brakes as required by 75 Pa. C.S. § 3507;

(d) rear turn signal lights; and

(e) a sign conspicuously posted on the exterior of the Pedicab indicating the amount to be charged for the use of the Pedicab or the basis for calculating such amount.

(6) *Prohibitions.* No Pedicab licensee or driver shall:

(a) operate, or allow to be operated, a Pedicab in an unsafe condition or without the equipment required by this Section;

(b) store, park or leave any Pedicab overnight on any street or sidewalk;

(c) put or continue the Pedicab in motion while any passengers are standing or sitting anywhere other than in the passenger seats with a seatbelt engaged;

(d) collect fares, make change, or take on or discharge passengers while the Pedicab is in motion;

(e) park the Pedicab in a manner which disrupts the flow of automobile traffic on public streets, or so as to impede the flow of pedestrian traffic; or

(f) display any commercial advertising materials on the Pedicab for tobacco products, alcoholic beverages or cabarets (as that term is defined in Code Section 14-102).

(rtlch7) Penalties and Enforcement.

(a) The penalty for a violation of this Section shall be a fine of not less than two hundred (200) dollars nor more than three hundred (300) dollars.

(b) A police officer or any other official authorized to enforce ordinances may issue a notice of violation to any person in violation of this Section, in accordance with Section 1-112 of this Code. Such notice of violation shall bear the date, time, location and nature of the violation, the identity of the driver and when known, the Pedicab license number and vehicle number of the licensee.

(c) In lieu of issuing a notice of violation, the Department may, at its option, enforce this Section through the issuance of a code enforcement complaint in the manner provided by law.

Explanation:

Italics indicate new matter added.