

Legislation Text

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Amending Chapter 9-400 of The Philadelphia Code, entitled “Carriers,” by adding a new Section 9-408, entitled “Multi-Seat Pedalcycles,” to provide for the licensing and regulation of businesses operating Multi-Seat Pedalcycles for hire, 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.

* * *

§ 9-408. [Reserved.] *Multi-Seat Pedalcycles.*

(1) *Definitions.*

(a) *Multi-Seat Pedalcycle.* A vehicle propelled solely by human-powered pedals, equipped with four or more seats and sets of pedals, on which one person (the “driver”) controls the steering and braking systems.

(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 Multi-Seat Pedalcycle for hire unless that person has first obtained a license from the Department for each such vehicle to be operated.

(b) All applications for such license shall be made on forms supplied by the Department and shall contain the following information:

(.1) Name, address of the owner and, if the owner is a corporation or a partnership, the name and address of a principal partner or corporate officer;

(.2) The business telephone number of the owner;

(.3) Business privilege license number;

(.4) Billing address.

(c) The applicant must also submit the following to the Department before the license will be issued:

(.1) A certificate of insurance indicating compliance with Section 9-408(3)(a); and

(.2) A copy of the Multi-Seat Pedalcycle driver license for each of the applicant’s drivers, as required by subsection 9-408(3)(c);

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

(.4) The proposed route or routes on which the applicant proposes to operate Multi-Seat Pedalcycles, including the exact route requested and the dates, times and nature of the use proposed.

(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 § 9-408(4)(a), the Department shall issue a license following the applicant's payment of an license fee of three hundred (300) dollars for the first Multi-Seat Pedalcycle, one hundred fifty (150) dollars for each additional such license, for up to nine (9) additional vehicles, and one hundred twenty-five (125) dollars for each additional license obtained thereafter by the same applicant for each additional Multi-Seat Pedalcycle.

(.1) Licenses will be renewed annually upon payment of a license renewal fee equal to the license fee as established in § 9-408(2)(d), and upon the Department's determination that the licensee has complied with all applicable laws and regulations.

(3) *License Requirements.* Every person licensed to engage in the business of operating a Multi-Seat Pedalcycle 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) The licensee shall comply with all pedalcycle requirements set forth in the Vehicle Code, 75 Pa. C.S. §§ 3501-3513.

(c) All Multi-Seat Pedalcycle drivers employed by the licensee must possess a valid Pennsylvania Driver's License. A driver shall carry such license at all times when operating a Multi-Seat Pedalcycle.

(d) All Multi-Seat Pedalcycles shall be identified by the licensee's name (or company name) and license number issued by the Department.

(.1) Each Multi-Seat Pedalcycle 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 Multi-Seat Pedalcycle number as provided in subsection 9-408(3)(d)(.1). Such license plate must be placed on the center rear portion of the Multi-Seat Pedalcycle so as to be visible to the public from a distance of twenty-five feet. The annual renewal sticker shall be affixed to the license plate.

(e) All Multi-Seat Pedalcycle drivers must obey all pedalcycle provisions set forth in the Vehicle Code.

(4) *Multi-Seat Pedalcycle Routes.*

(a) Multi-Seat Pedalcycles shall be operated only on routes approved by the Department, either as a Normal Route or as a Special Route.

(.1) *Normal Routes.* Normal routes for Multi-Seat Pedalcycle operation are those routes approved by the Department upon the licensee's application for a license. The Department shall approve the applicant's proposed normal route if the Department finds that the route is safe and that it does not unreasonably hinder traffic flow. If the Department disapproves the applicant's proposed route, the Department shall notify the applicant in writing of the reasons for disapproval and request the applicant to submit an alternate route for approval. The Department may also, in such written notification, suggest alternate routes that would be approved.

(.2) *Special Routes.* A Multi-Seat Pedalcycle 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 pedalcycle 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 Multi-Seat Pedalcycle and readily available for inspection at all times during the term of the special permit.

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

(5) *Penalties and Enforcement.*

(a) A police officer or any other official authorized to enforce ordinances may issue a notice of violation, in the amount

of one hundred fifty (150) dollars, 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 Multi-Seat Pedalcycle license number and vehicle number of the licensee.

(b) 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:

[Brackets] indicate matter deleted.

Italics indicate new matter added.