

ORDINANCE NO. 4885

An Ordinance to amend Secs. 10-588 and 10-589 removing pedal cabs from Public Vehicles for Hire and to create Sec. 2-2(b)(24) and Article XVIII in Chapter 10 of the Code of Ordinances of the City of La Crosse regulating pedicabs and pedal cars.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 10-588 is hereby amended to read as follows:

Sec. 10-588. – Definitions.

~~Pedal cab means a multiwheeled, hooded or unhooded, vehicle that is propelled by human power and is used to convey passengers and is available for hire in the public way.~~

SECTION II: Section 10-589 is hereby amended to read as follows:

Sec. 10-589. – Condition of vehicles for public conveyance.

~~(c) Each pedal cab shall be kept and maintained in a safe and reliable condition and be equipped with the following devices in sound working order:~~

- ~~(1) Head light, tail light and reflectors.~~
- ~~(2) Strong wheels with rims being sound and secure and no excessive wear on tires.~~
- ~~(3) Front and rear brakes.~~
- ~~(4) Horn or bell for auto signaling.~~

~~(d) Pedal cabs shall be inspected daily for wear and tear and any adjustments/repairs to pedal cabs must be made before transporting passengers.~~

SECTION III: Paragraphs e, f, g, h of Sec. 10-589 are hereby renumbered c, d, e, f.

SECTION IV: All other provisions contained within Article XIII shall remain unchanged.

SECTION V: Sec. 2-2(b)(24) is hereby created to read as follows:

Sec. 2-2. – Insurance.

(24) *Pedicabs and Pedal Cars (Tour Bikes) (§10-858).*

- a. It shall be unlawful to operate a pedicab or pedal car business, or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant files with the City Clerk a valid commercial policy or certificate of public liability and property damage insurance issued by a insurance company authorized to do business in the State of Wisconsin. Coverage shall be provided for general liability in the minimum amount of \$2,000,000.00 for bodily injury and property damage per occurrence covering all vehicle operations. This coverage may be provided in any combination of primary and umbrella/excess insurance coverage Said policy shall also provide that the indemnitor be directly liable for and shall pay all damages for injuries to persons or property that may be recovered against the owner or operator of each such vehicle by reason of the negligent use or operation thereof. Said policy shall name the City of La Crosse, its elected and appointed officials, officers, employees and authorized agents as additional insured.
- b. Such insurance policy shall describe the vehicle on which the same shall be issued by the factory number, make, and model; and no vehicle shall be used under the issued license unless such insurance policy covers it.

- c. Said insurance policy shall further provide that the same may not be cancelled before the expiration of its term except upon 30 days' written notice to the City Clerk. The cancellation or other termination of any such insurance policy shall automatically revoke and terminate all licenses issued for the vehicles covered by such insurance policy, unless another policy shall be provided and be in effect at the time of such policy cancellation or termination.

SECTION VI: Article XVIII of Chapter 10 is hereby created to read as follows:

ARTICLE XVIII. – PEDICABS AND PEDAL CARS (TOUR BIKES)

DIVISION 1. – GENERALLY

Sec. 10-867. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central Business District means the area lying between La Crosse Street on the North and Cass Street on the South, the Mississippi River on the West and 7th Street on the East.

Driver means any person who is at least 18 years of age and who is responsible for the safe operation of a pedicab or pedal car including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations and who holds a valid operator's license to drive said vehicle as authorized by this article.

Operator's license means a license issued by the City of La Crosse in accordance with the provisions of this article to operate a pedicab or pedal car.

Pedicab means a multi-wheeled, non-motorized bicycle-like vehicle with an attached passenger compartment that is propelled by a driver pedaling to convey passengers for hire in the public way.

Pedal car means a commercial quadricycle that is operated by the vehicle owner or an employee of the owner and is designed to carry multiple passengers that pedal to propel the vehicle. Pedal cars may be motor assisted.

Public passenger vehicle means any vehicle that is used for the conveyance of passengers for hire.

Public way means any public street, road, boulevard, alley, lane, highway or sidewalk; and including those portions of any public place under the control of the public or county which have been designated for use by motor vehicles.

Sec. 10-868. – Operating Restrictions and Conditions.

- (a) Every pedicab and pedal car shall be operated in compliance with all applicable federal, state and local traffic laws, and in a manner so as to assure the safety of persons and property.
- (b) No pedicab or pedal car shall be operated or parked on a public sidewalk or shared-use path.
- (c) No pedicab or 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.

- (d) A driver shall not stop to load or unload passengers or their belongings in the intersections of any street, in a crosswalk or in any manner or other location that would be considered unsafe. No pedicab or pedal car shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.
- (e) It shall be unlawful for any driver to allow or cause to be operated a pedicab or pedal car in any unsafe manner or operating condition.
- (f) No pedicab or pedal car driver shall consume any alcoholic beverages while on duty or operate said vehicle while impaired in any manner to any threshold provided by Wisconsin law.
- (g) All pedicab or pedal car vehicles shall be clean and maintained in a good state of repair. All vehicles shall be well painted, have an appearance free of damage or deterioration and be in a safe operational condition. The passenger compartments shall be free of trash and refuse and free of odor. Seats shall be kept clean and free of stains and tears and holes shall be repaired. Vehicles shall be inspected daily for wear and tear and any adjustments/repairs to said vehicle must be made before transporting passengers.
- (h) Any police officer of this City, County or State, may, at all reasonable times, inspect any pedicab or pedal car licensed under this article and may prohibit the use of any vehicle which is unsafe, not in proper repair or not in compliance with this or other relevant ordinances or State law.
- (i) All pedicab or pedal car drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent or license inspector and shall refrain from the use of any profane language or interference with such officials while in the performance of their duties.
- (j) No driver shall permit more passengers to be carried in a pedicab passenger compartment or on a pedal car other than the normal seating capacity. No more than two persons in addition to the driver may be in the center aisle of a pedal car while the vehicle is in motion.
- (k) No driver shall allow a passenger or other individuals to drive their pedicab or pedal car unless that individual also holds a valid operator's license.
- (l) Pedicabs and pedal cars may operate on City of La Crosse park property only with prior written approval from the Board of Park Commissioners.
- (m) No glassware of any kind shall be allowed on a pedicab or pedal car, including but not limited to bottles, receptacles or drinking glasses.
- (n) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound carries to nearby residences or properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.
- (o) No alcoholic beverages may be allowed onboard or consumed by passengers while onboard a pedicab or pedal car.
- (p) The pedicab or pedal car business shall provide a trash receptacle at the assembly site for customer use. It is the responsibility of all drivers to properly dispose of all trash using the licensee's trash receptacle.
- (q) A pedicab or pedal car driver must be properly attired with a shirt, pants, skirt or shorts and secure footwear.
- (r) No driver shall have in his or her possession a lighted cigarette, cigar or pipe while driving a pedicab or pedal car which is occupied by a passenger.

- (s) No pedicab or pedal car driver shall text or use a cell phone or any similar type of personal electronic device while driving a pedicab or pedal car.
- (t) No operator shall be allowed to drive a pedicab or pedal car for more than a period of ten (10) hours in any twenty-four (24) hour day.
- (u) It is the responsibility of a pedicab or pedal car driver to actively and affirmatively manage the behavior of the passengers of the vehicle so that their behavior remains law abiding during the excursion, both while the vehicle is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, violations of state law and local ordinances regarding indecent exposure, disorderly conduct, public urination and littering.
- (v) Any driver not in compliance with the minimum requirements of this article may be cited and placed immediately out of service. Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the City for resumption of service.

Sec. 10-869. – Operating Hours.

- (a) Hours of operation shall be from 10:00 a.m. to 10:00 p.m.
- (b) No person shall operate a pedal car on any public street during the hours of 3:00 p.m. and 6:00 p.m. on any weekday, excluding national holidays, in the Central Business District unless part of a permitted parade procession.

Sec. 10-870. – Assembly Sites and Routes.

Pedal car businesses shall operate tours only from approved commercial locations on private property. These sites shall be used by the licensed business as the locations for patrons to gather and assemble prior to embarking on a pedicab or pedal car tour and to disembark at the conclusion of the tour.

Pedal car businesses shall operate only on approved routes specified in their application. New or temporary routes must be approved by the Common Council.

Sec. 10-871. – Advertising on vehicles.

Advertisements shall only be allowed on the manufactured body of the vehicles as permitted by this article. No banners, poles, flags, detached signs or any other addition or object will be permitted.

Sec. 10-872. – Vehicle Safety and Equipment Standards.

No owner or driver shall operate or allow the operation of any pedicab or pedal car on any public way unless the vehicle meets the following equipment and safety standards.

- (a) Tires. Tires shall be of a size appropriate for the pedicab or pedal car with no mismatched tires per the design of the vehicle.
- (b) Operational horn. The vehicle shall be equipped with a fully operational horn or bell.
- (c) Brakes. It shall be unlawful to operate, or cause to be operated, a pedicab or pedal car that is not equipped with a front and rear braking system capable of being manipulated by the driver from the driver's normal position of operation and capable of causing the vehicle with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the vehicle is in contact with the ground on dry, level clean pavement. The braking system controlling the rear

wheels shall be hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions.

- (d) Headlights, tail lights, mirrors, turn signals and other requirements. Every pedicab or pedal car shall be equipped with the operational equipment set forth in the subsections below:
 - (1) A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times during darkness.
 - (2) A side mounted mirror or a wide-angle rear view mirror affixed to the vehicle to reflect to the driver a view of the street for a distance of at least two (200) feet from the rear of the vehicle.
 - (3) A red tail light and brake light affixed to the rear of the vehicle which must be visible for a distance of at least five (500) feet from the rear of the vehicle and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.
 - (4) Pedicabs shall have reflectors on each pedal, the front of the pedicab frame and mounted on the spokes of each wheel. Pedal cars shall have reflectors on the frame. All vehicles shall have a red reflector mounted on each side to the rear of each vehicle, at least one (1) inch from the outer edge and centered. A slow moving triangle must also be displayed on the rear of the vehicle.
- (e) To ensure the safe condition of all vehicles, the City shall require an inspection at initial licensing and annually upon renewal by a reputable bicycle technician (other than the vehicle owner) of each licensed pedicab or pedal car. The City may designate minimum safety standards for equipment and body defects. Vehicles found not to meet minimum inspection standards shall be removed from service until such time as any defect is repaired and passes inspection.
- (f) The licensee shall maintain maintenance records for all vehicles under the licensee's operation or control, including, but not limited to, records of all tests of brakes, tires, steering mechanisms, mechanical parts and lighting equipment and shall make said records available to the City upon request.
- (g) Licensee shall promptly notify the City Clerk within five business days of any accident involving a pedicab or pedal car. If such vehicle sustains body or mechanical damage, said vehicle shall be removed from service and is subject to a new inspection in order to deem the vehicle safe for transporting passengers.

Sec. 10-873. – Insurance coverage required.

It shall be unlawful to operate a pedicab or pedal car for conveyance of passengers for hire, or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant files with the City evidence that insurance has been obtained in accordance with section 2-2.

Sec. 10-874. – Bicycle Registration.

Pedicab and pedal cars are bicycle-like vehicles. Bicycles operated in the City must be licensed with the City of La Crosse Police Department.

Sec. 10-875. – Rates.

No license granted under this article shall have any force or effect unless the licensee files with the City Clerk, at the time of application, a schedule of rates to be charged during the license year.

- (a) A vehicle may be rented on an hourly, daily or weekly rate or on a per ride basis pursuant to a written contract, which shall contain the time of commencement and termination of rental, a schedule of rates and an estimate of total charge.
- (b) The Common Council may approve or disapprove the proposed rates or may substitute in its discretion a rate or rates, which shall be reasonable under the circumstances. A copy of the rates shall be on file with the City Clerk at all times and no changes may be made without prior Common Council approval.
- (c) Each vehicle operated under a license required by this article shall have displayed in a prominent place, visible to passengers, the approved schedule of rates, including charges for additional stops, waiting periods, and other potential charges. It shall be unlawful for any owner or operator to charge or permit to be charged any other or different rates of fares than those listed on such schedule.

Sec. 10-876. – Vehicle markings.

All pedicab and pedal cars shall display and shall be appropriately marked as required herein. Vehicles not in compliance with these requirements shall not be used for conveying passengers.

- (a) Each vehicle shall have the name or trade name and phone number of licensee conspicuously and permanently marked on the right and left exterior sides of the vehicle. Such letters and numbers shall be a minimum of 2 inches in height and of contrasting color from the background paint.
- (b) Each vehicle shall have displayed inside of the vehicle so as to be plainly visible at all times, the name or trade name and phone number of licensee and current rate of fares.
- (c) Each vehicle to be operated under this article shall bear a valid license identification decal designed and furnished by the City Clerk. The license decal shall be displayed upon the vehicle at all times on the left side rear bumper of the vehicle so as to be plainly visible at all times. If a license decal is lost or destroyed, the licensee shall secure a duplicate thereof by applying to the City Clerk and paying a duplicate decal fee in the amount established by resolution.

Sec. 10-877. – Operator's license.

- (a) No person shall operate any pedicab or pedal car requiring a license under this article without having first obtained an operator's license. Application for such operator's license shall be made to the City Clerk. The application shall contain the following information from the applicant:
 - (1) Full name, address and phone number;
 - (2) Age, date of birth and place of birth;
 - (3) Height, weight and color of eyes and hair;
 - (4) Company employed by;
 - (5) Driver's license number; and
 - (6) Statement as to whether applicant has been convicted of any crime or ordinance violation, the nature of the offense and the place of conviction.
- (b) Any such persons must be at least 18 years of age, have a valid driver's license issued by the state in which they reside, and be eligible to drive in Wisconsin.
- (c) Any such person shall be clean in dress and person and be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, tuberculosis or any other infirmity of body or mind which might render such person unfit for the safe operation of the vehicle.
- (d) Such license shall be valid until January 1 of the second year subsequent to the issuance thereof.

- (e) At the time of such application for said license, the applicant shall pay a nonrefundable license fee in the amount established by resolution. If an operator's license is lost, the licensee shall secure a duplicate thereof by applying to the City Clerk and paying a duplicate license fee in the amount established by resolution.
- (f) An operator shall be deemed to be operating a vehicle within the terms of this article whenever the operator is in charge of a vehicle and holding the operator in readiness to convey passengers. Such operator shall have and keep their operator's license displayed within clear view of all passengers.
- (g) No operator's license shall be issued unless the Chief of Police has certified that the Chief has examined the applicant as to qualifications as a driver a public passenger vehicle for hire in the City and finds that the applicant meets the necessary qualifications for such.
- (h) The Chief of Police may revoke any operator's license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the driver's character, reputation or moral standing.
- (i) Upon denial or revocation, notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary and Administration Committee. The Judiciary and Administration Committee shall make findings and a recommendation to the Common Council.
- (j) The provisions of subsection (i) of this section shall not apply to summary suspensions. A licensee may appeal a summary suspension to the Judiciary and Administration Committee, and the decision of the Judiciary and Administration Committee shall be final.

Sec. 10-878. – Miscellaneous requirements.

- (a) Failure to provide the service proposed to be performed, or failure to comply with any of the provisions of this article, shall subject the licensee to the penalties provided by section 10-1.
- (b) No person engaged in the business of carrying passengers for hire or reward shall unreasonably or unlawfully refuse to carry passengers to or from any part of the City with reasonable promptness and at the rates fixed in the license to operate.
- (c) Upon demand, the operator shall provide the person paying for the hiring of the public vehicle a receipt at the time of payment in legible type or writing containing the business name, operator's name and number, any items for which the charge is made, the total amount paid and the date of payment.

Secs. 10-879—10-903. - Reserved.

DIVISION 2. – VEHICLE LICENSE

Sec. 10-904. – License required.

- (a) No person shall operate a pedicab or pedal car for the conveyance of passengers for hire or reward without having first obtained a license for such vehicle therefor from the City.
- (b) No person licensed under this article shall allow any person to operate any vehicle licensed in the name of said person unless said driver has first obtained an operator's license as hereinafter provided in section 10-877.

Sec. 10-905. – Application.

- (a) Any person wishing to obtain a license to engage in the business of conveying passengers for hire or reward in the City shall present to the City Clerk a written application accompanied by the license fee

established in section 10-906, proof of liability insurance coverage as required in section 10-873 and proof of bicycle registration as required in section 10-874.

- (b) The application shall contain the following information:
- (1) Name, address and phone number of business;
 - (2) Full name, address, phone number and date of birth of owner(s);
 - (3) Statement as to whether applicant/owner(s) has been convicted of any crime or ordinance violation, the nature of the offense and the place of conviction;
 - (4) The schedule of rates;
 - (5) The number of vehicles to be licensed, a description of each vehicle by serial number and number of persons the vehicle is designed to carry;
 - (6) The location of proposed depots or terminals for pedal cab tours and written permission from the property owner where such depots or terminals will be located.
 - (7) Name of the insurance carrier, policy number and amount of insurance carried.

Sec. 10-906. – License Fee.

- (a) Every person required to be licensed by section 10-904 shall pay an annual license fee in the amount established by resolution per vehicle so operated. The fee to be paid for a duplicate license shall be as established by resolution.

Sec. 10-907. – License Year.

- (a) The license for any pedicab or pedal car shall annually expire on December 31 unless sooner revoked or suspended.

Sec. 10-908. – Granting and issuing license and renewal.

- (a) Upon the filing of such application with the City Clerk and determination by the Chief of Police that said applicant qualifies for a license under this section, the Common Council shall either grant or deny such license, whichever shall in its judgment appear in the interests of the public. If the Common Council approves the granting of the license, the applicant shall, upon complying with all of the provisions of this article, be entitled to and shall receive from the City Clerk a written license authorizing such person to carry on the business of conveying passengers for hire in pedicabs or pedal cars. The City Clerk may license additional vehicles of the licensee hereunder upon compliance with sections 10-873, 10-874, 10-905, 10-906.
- (b) No vehicle license shall be transferable from the vehicle described in the original application to another vehicle.
- (c) The license holder shall, on an annual basis, file a renewal application prior to the expiration of the license, in the same manner as the initial application.

Sec. 10-909. – Revision of license.

The Common Council may, after due hearing thereon and pursuant to notice to all interested parties, while any license required by this article is in full force and effect, change such license or licenses by inserting therein additional terms or conditions or schedules of changes in the rates as may, to the Common Council, appear to be for the public good.

Sec. 10-910. – Denial, suspension or revocation of license.

- (a) The Common Council may deny, revoke or suspend any license for reasons which it deems to be for the best interest of the City or if the licensee lacks the necessary qualifications for the license. In addition, it may suspend or revoke any license because of the conduct of any licensee, their

employee or agent, or any driver who threatens the public safety or welfare, provokes or tends to provoke violence, defrauds or attempts to defraud, attempts to default or overcharge any person or passenger, fails to furnish adequate and timely service or determines that the licensee has violated a State statute or City ordinance.

- (b) The Chief of Police may revoke any license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the applicant's necessary qualifications.
- (c) Notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary and Administration Committee. The Judiciary and Administration Committee shall make findings and a recommendation to the Common Council. The provisions of Wis. Stat. ch. 68 shall not apply to such an appeal nor shall any other provision of State law or City ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.
- (d) The provisions of subsection (c) of this section shall not apply to summary suspensions for failure to provide proof of insurance, mechanical defect in a vehicle that renders it unsafe or failure to submit a vehicle to an inspection. A licensee may appeal a summary suspension to the Judiciary and Administration Committee, and the decision of the Judiciary and Administration Committee shall be final.

Secs. 10-911—10-935. - Reserved.

SECTION VII: The fee included within Appendix C Fee Schedule relating to Article XVIII of the Code of Ordinances relating to pedicabs and pedal cars is hereby amended to read as follows:

10-876	Pedicab or Pedal Car Decal duplicate fee	\$ 5.00
10-877	Pedicab or Pedal Car Operator's license fee	\$30.00
10-877	Pedicab or Pedal Car Operator's duplicate license fee	\$ 5.00
10-906	Pedicab or Pedal Car License fee – per vehicle	\$50.00
10-906	Pedicab or Pedal Car Duplicate License fee	\$ 5.00

SECTION VIII: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
 Timothy Kabat, Mayor

_____/s/_____
 Teri Lehrke, City Clerk

Passed: 9/10/15
 Approved: 9/14/15
 Summary Published: 9/19/15