

ORDINANCE NO. 12-19: (Amended)

AN ORDINANCE REGULATING PEDAL CARRIAGES

WHEREAS, the City of West Lafayette has a duty to conserve and promote the health, safety, peace, and good order of the community; and

WHEREAS, pedal carriages, as that term is defined below, are operated in certain cities across the country; and

WHEREAS, in anticipation of pedal carriages operating in the City of West Lafayette, the regulations contained herein are necessary to conserve and promote the health, safety, peace, and good order of the community;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

SECTION ONE: A new article, titled Article VIII- Pedal Carriages, is added to Chapter 38 of the West Lafayette City Code, which will contain new sections 38-361 through 38-369.

SECTION TWO: Sec. 38-361. – Definitions – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

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

Administrative Officer means the Mayor or the Mayor's designee.

Pedal Carriage means a bicycle-like vehicle, either motorized, motor-assisted, or propelled solely by human muscular power, which is designed to:

- (1) Travel on three (3) or more wheels in contact with the ground;
- (2) Be operated by one (1) person for the purpose of transporting, for hire or as a contractual service, one or more persons riding on seats or a platform, some of whom may assist in propelling the vehicle; and
- (3) Be used for entertainment.

SECTION THREE: Sec. 38-362. – Registration required; fee – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

It shall be unlawful for a person to operate, or cause to be operated, a pedal carriage on a street or highway in the City, unless the pedal carriage is first registered with the Administrative Officer as provided in this article. The annual fee for registration of a pedal carriage shall be in an amount established by the City.

SECTION FOUR: Sec. 38-363. – Registration information – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

(a) A registration under this article shall be made on forms provided by the Administrative Officer and verified under oath by a person who owns or has a financial interest in the entity that owns the pedal carriage.

(b) The registrant shall provide the following information:

- (1) The number of pedal carriages proposed to be operated;**
- (2) The proposed hours of operation, routes, and pick-up/drop-off locations;**
- (3) A description of each pedal carriage, including the vehicle type, seating capacity, manufacturer, serial number, and a color photograph;**
- (4) Whether the registrant, or any registrant within a partnership, has been convicted of a felony;**
- (5) Whether any registrant from a corporation or other business entity, including any of the officers, directors, or managers, have been convicted of a felony;**
- (6) The name, age, address, and the state motor vehicle operator's license number of each person who will act as an operator of a registered pedal carriage, and whether such person has ever been convicted of a felony; and**
- (7) Any other information deemed necessary by the Administrative Officer.**

SECTION FIVE: Sec. 38-364. – Public Liability – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

(a) Before the issuance of a certificate of registration or renewal of a registration under this article, the registrant shall post or maintain with the Administrative Officer either an indemnity bond or a policy of public liability insurance, approved as to form by the Corporation Counsel, and conditioned substantially that the registrant will indemnify and save harmless the City, its officers, agents and employees, from any and all loss, costs, damages or expenses, by reason of legal liability that may result from or arise out of the operation of a pedal carriage for which a certificate of registration is issued, and that the registrant will pay any and all loss or damage that may be sustained by a person that results from or arises out of the illegal or negligent operation or maintenance of a pedal carriage. The bond or policy of insurance shall be maintained in its original amount by the registrant at the registrant's expense at all times during the period for which the registration is in effect. In the event two (2) or more certificates of registration are issued to one (1) registrant, one (1) such bond or policy of insurance may be furnished to cover two (2) or more pedal carriages, and each bond or policy shall be of a type where coverage shall be restored automatically after the occurrence of any accident or event from which liability may thereafter accrue.

(b) The limit of liability upon any bond or policy posted under this section in no event shall be less than one million dollars (\$1,000,000.00) for death or injury of one (1) person, two million dollars (\$2,000,000.00) for total liability for death or personal injury arising out of any one (1) event or casualty, and fifty thousand dollars (\$50,000.00) for property damage.

(c) Any bond posted under this section shall be accompanied by good and sufficient sureties approved by the administrative officer.

(d) The registrant shall maintain worker compensation/employers liability coverage with minimum limits of \$100,000 per accident/\$500,000 per policy/\$100,000 per employee.

(e) The registrant shall notify the Administrative Officer of any claim that arises.

(f) The failure to maintain the bond or policy required under this section throughout the entire term of a registration shall constitute a violation of this article.

SECTION SIX: Sec. 38.365. – Qualifications of operators – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

(a) **Before the issuance of a certificate of registration or renewal of a registration under this article, the Administrative Officer shall investigate each person identified as an operator of a pedal carriage insofar as each such person shall demonstrate to the Administrative Officer that he or she holds a valid motor vehicle operator's license and is familiar with local laws and ordinances. The Administrative Officer may require such person to demonstrate the ability to operate a pedal carriage, and, by test or otherwise, his or her familiarity with the requirements of this article.**

(b) **During the term of the registration, the registrant shall give the Administrative Officer written notice of any additional person who may act as an operator but who was not listed on the registration form. The notice shall include the same information for the operator as the information required at the time of registration, and such person shall be qualified under this section before operating a pedal carriage in the City.**

(c) **An operator of a pedal carriage shall hold a valid motor vehicle operator's license, a valid server's license, and any permits required by the Alcohol Beverage Commission.**

SECTION SEVEN: Sec. 38.366. – Registration certificate – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

(a) **Upon receipt of a completed registration form, the filing of a bond or insurance under section 38-363, and the qualification of the registrant's operators under section 38-364, the Administrative Officer shall issue either a certificate of registration for each registered pedal carriage or a written denial of the registration. Registration approval shall be at the discretion of the Administrative Officer based on City needs and requirements as determined by the Administrative Officer.**

(b) **An initial registration issued under this article shall be valid for a period of one (1) year.**

SECTION EIGHT: Sec. 38-367. – Equipment requirements – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

(a) **A pedal carriage shall be maintained in a reasonably clean condition, and free of the following: litter and debris; dirt, grease, rust and corrosion in visible metal areas; graffiti; and, chipped, faded, cracked and peeling paint.**

(b) **A pedal carriage shall be maintained in a reasonably safe condition both inside the passenger seating area, as well as externally, so as not to injure or damage the person, clothing or possessions of the passenger. A pedal carriage shall be free of cracked, dented or broken components.**

(c) **Both the right and left sides of a pedal carriage shall bear a sign, plainly written in letters not more than three (3) inches in height, containing the full name and telephone number of the registrant. Also, a copy of the certificate of registration shall be displayed in the pedal carriage.**

(d) **A pedal carriage shall be equipped with hydraulic or mechanical disc brakes, a cover to protect passengers from the elements, a battery-operated or generator-operated headlight and taillight, both front and rear turn signals, spoke reflectors placed on each wheel containing spokes, tape-type reflectors showing the front and back width of the pedal carriage, and any other equipment as deemed necessary by the Administrative Officer.**

(e) **It shall be unlawful for a registrant under this article to cause, suffer, or allow the operation, on a street or highway in the city, of a pedal carriage which does not conform to the requirements of this section.**

(f) Pedal carriages are subject to inspection by the Administrative Officer. If the pedal carriage is found to be out of compliance the carriage must be taken out of service, and it is subject to a re-inspection and a re-inspection fee of \$100.00.

SECTION NINE: Sec. 38.368. – Manner of operations – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

(a) A pedal carriage shall not be operated on a sidewalk.

(b) A pedal carriage operator shall pick up and discharge passengers only in areas designated by the Administrative Officer.

(c) Passengers may only ride a pedal carriage if the passengers had arranged as part of a group for the pedal carriage to pick them up at a pre-arranged location. An operator of a pedal carriage may not allow a passenger to ride the pedal carriage without a pre-arranged group reservation.

(d) Occupancy of a pedal carriage shall not exceed the rated seating capacity of the vehicle.

(e) A pedal carriage operator shall not allow a passenger to ride on any part of the pedal carriage other than by sitting on the seats or platforms designed for such purpose.

(f) Smoking is prohibited on pedal carriages.

(g) Each operator shall carry an identification card or be wearing some type of visible identification at all times when operating a pedal carriage.

(h) A pedal carriage shall not be operated with an attached trailer or be used to tow another vehicle of any type.

(i) The operation of pedal carriages upon any public street, and at any time, may be prohibited by the Administrative Officer or a law enforcement officer when such operation would be inconsistent with other special events or public safety requirements, by giving forty-eight (48) hours advance written notice of such prohibition.

(j) A pedal carriage operator shall obey all applicable state and local traffic and parking laws, ordinances, and regulations. A pedal carriage operator shall pull over to allow traffic to pass whenever the traffic could not otherwise pass without crossing the center line.

(k) Passengers and the operator shall be in full compliance with all alcoholic beverage laws and regulations in the State of Indiana.

(l) Neither the owner nor operator of a pedal carriage may provide alcoholic beverages to passengers. Passengers may provide their own alcoholic beverages, excluding spirits.

(m) Alcohol may only be consumed from non-glassware.

(n) Passengers may bring food on the pedal carriage at the discretion of the pedal carriage operator.

(o) Pedal carriage owners, operators and passengers shall be in full compliance with City Code 24-46 – 24-49 and 24-73 – 24-82 on Peddlers, Transient Merchants, and Itinerant Merchants. Pedal carriage operators shall not be required to pay any licensure fees required by City Code 24-46 – 24-49 and 24-73 – 24.

(p) It shall be unlawful for a pedal carriage operator to violate this section or to allow a violation of this section.

SECTION TEN: Sec. 38.369. – Enforcement – is added to the West Lafayette City Code as a new section, effective upon adoption of this ordinance, to read as follows:

A pedal carriage owner and operator are jointly and severally liable for any violation of this article in an amount established by the City.

SECTION ELEVEN: Sec. 2-288 – Fines – is amended in the West Lafayette City Code, effective upon publication of this ordinance, to add the following **bolded** item to the table of fines:

Section	Description	Fine
38-368	Violation of the pedal carriage article	\$250.00

SECTION TWELVE: Sec. 12-1 – Table of fees – is amended in the West Lafayette City Code, effective upon adoption of this ordinance, to add the following **bolded** item to the table:

Section	Description	Fee
38-361	Annual pedal carriage registration fee	\$100.00
38-367	Re-inspection fee	\$100.00

INTRODUCED ON FIRST READING ON THE 6 DAY OF May, 2019.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND
 SECONDED BY COUNCILOR DeBoer.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 3 DAY OF June, 2019, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich	✓			
Jones	✓			
Keen			✓	
Leverenz	✓			
Sanders			✓	
Thomas	✓			
Wang	✓			


 Peter Bunder, Presiding Officer

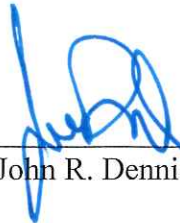
Attest:


 Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA
ON THE 4 DAY OF June, 2019.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 5 DAY OF
June, 2019.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk