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10-0-1880

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AN ORDINANCE BY
 COUNCILMEMBER
 KWANZA HALL
 AN ORDINANCE AUTHORIZING
 THE OPERATION OF HUMAN -
 DRAWN VEHICLES (PEDICABS)
 WITHIN THE CITY OF ATLANTA;
 TO ESTABLISH REQUIREMENTS
 AND REGULATIONS FOR SUCH
 PROGRAM; AND FOR OTHER
 PURPOSES.

AUTOMATICALLY TERMINATED
 AND
 FILED BY CLERK
 PER CHARTER SECTION 2-407
 DEC 0 2 2013

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/18/10
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First Reading
 Committee _____
 Date _____
 Chair _____
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PSLA Committee
 Date 10/26/10
 Chair _____
 Action
 Fav, Adv, (Hold) (see rev. side)
 Other _____
 Members _____

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Committee _____
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FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 DEC 0 2 2013
 ATLANTA CITY COUNCIL PRESIDENT
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CERTIFIED
 DEC 0 2 2013
Handwritten signature
 MUNICIPAL CLERK

MAYOR'S ACTION

AN ORDINANCE

BY: COUNCIL MEMBER KWANZA HALL

10-01-1880

AN ORDINANCE AUTHORIZING THE OPERATION OF HUMAN-DRAWN VEHICLES (PEDICABS) WITHIN THE CITY OF ATLANTA; TO ESTABLISH REQUIREMENTS AND REGULATIONS FOR SUCH PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, the City Council seeks to allow the operation of human-drawn vehicles (pedicabs) within the City limits of Atlanta;

WHEREAS, the current City of Atlanta Code of Ordinances contains no provisions which concern the regulation of human-drawn vehicle (pedicab) trade on a permanent basis; and

WHEREAS, the City of Atlanta desires to authorize the operation of human-drawn vehicles (pedicabs) and to regulate such operation to ensure that the health, safety and welfare of its citizens is maintained in conjunction with such operation and regulation; and

NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1. That Chapter 162 of the City of Atlanta Code of Ordinances is hereby amended by creating a new article to be known as "Article VI" to be entitled "Human-Drawn Vehicles (Pedicabs)" and to insert new language in such article which shall read as follows:

ARTICLE VI. PEDICABS

DIVISION 1. GENERALLY

Sec. 162-269. 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:

"Bureau" means the bureau of taxicabs and vehicles for hire.

"Business license" means the license required of any business operating within the city by chapter 30, article III.

Company means any person, association, corporation or other organization operating or intending to engage in the business of operating vehicles for hire.

"Company permit" means the permit to operate a pedicab service issued to a company under this article.

"Director" means the director of the bureau of taxicabs and vehicles for hire.

"Operator" means the individual who actually operates the pedicab whether as the owner, an employee of the owner or as an independent contractor.

Operator permit means a valid document issued by the bureau to operate a human-drawn vehicle ("Pedicab").

"Owner" means any person who owns, leases, or otherwise has possession of the pedicab.

"Pedicab" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, having two or more wheels and constructed in such a manner as to engage in the business of carrying passengers for hire.

"Person" means any corporation, association, syndicate, joint stock company, partnership or individual.

Vehicle for hire means any motor vehicle, animal-drawn vehicle or other vehicle or device designed or used for the transportation of passengers for hire, the charges for use of which are determined by agreement.

Sec. 162-270. Unlawful acts.

It shall be unlawful for any person to knowingly operate, offer to operate or permit another person to operate a pedicab service in the city in violation of this article. It shall be unlawful for any person to hold such person out to the public or advertise that such person renders a pedicab service in the city unless the person shall have obtained and holds a permit under this article.

Sec. 162-271. Enforcement; violations.

The department of police, along with the bureau of vehicles for hire, shall enforce this article.

Violations of this article are punishable as provided in section 1-8.

DIVISION 2. PERMIT

Sec. 162-272. Requirements.

The permit for the rendering of pedicab service shall be applied for with the Bureau of Taxicabs and Vehicles for Hire. The Bureau shall prescribe the form of application for issuance of a permit to operate a pedicab service.

Director of the Bureau shall issue the permit to operate a pedicab service if the following conditions are met:

- (1) The applicant is an individual at least 18 years of age or a legal entity registered to do business in Georgia
- (2) Holds a current valid city business license.
- (3) If an individual, the applicant must be a citizen of the United States or an alien admitted for permanent residence or otherwise granted employment authorization by the United States Citizen and Immigration Service.
- (4) If an individual, the applicant has not been convicted of a felony within the 5 years preceding the filing of the application.
- (5) The applicant owns at least one pedicab.
- (6) The applicant has provided a publicly listed telephone number.
- (7) The applicant has provided a description of the type and model of the pedicabs it owns, technical specifications from the manufacturer, and the number of pedicabs it owns. The applicant has provided the identifying numbers for each pedicab.
- (8) The applicant has submitted proof of liability insurance as required by this article.
- (9) All vehicles rendering pedicab service have been inspected by a police officer and found to be pedicabs and found to meet reasonable standards of comfort and safe operation based on the standards by the pedicab industry.

- (10) The applicant has designated and maintains an office in the city and garages the pedicabs in the city and makes them available for inspection at all reasonable times by a police officer.
- (11) The applicant has paid the \$150.00 application fee.

If the applicant has ever held a permit in the past, which permit has been revoked, suspended or not renewed for any reason, the applicant shall be granted a permit if the applicant has not been found guilty of violating the provisions of this article three or more times within the two years preceding the filing of the application, provided that the applicant is in compliance with all other requirements of this section, and that in case of revocation 12 months has passed from the date of revocation.

Sec. 162-273. Certain continuous duties.

In order to maintain a permit to operate a pedicab service issued under the preceding section, the company must:

- (1) Maintain a publicly listed telephone number.
- (2) Maintain the name and home address of each driver affiliated with the company.
- (3) Maintain a log listing the type and model of the pedicabs it owns, and the identifying numbers for each pedicab.
- (4) Maintain a log of all accidents, repairs and maintenance done on each of the pedicabs it owns.
- (5) Have knowledge that all pedicabs operating for the company have the insurance coverage required under this article and have knowledge that such pedicabs are in compliance with the standards concerning inspection.

Sec. 162-274. Report of changes.

The company shall provide notice in writing to the Bureau, including the names of the persons involved, when applicable, within five working days of any of the following:

- (1) Change in the chief executive officer, if a corporation.
- (2) Change in the holder of 50 percent or more of the proprietary interest, if a partnership, corporation, firm or association.

- (3) Change in company phone number.
- (4) Change of company name.
- (5) Change of company location.

Sec. 162-275. Permit Displayed.

A copy of the permit to operate a pedicab service shall be conspicuously displayed in each vehicle for hire. Each vehicle for hire shall carry a vehicle number, displayed conspicuously on the outside of the vehicle. Vehicle numbers shall be provided to the Bureau and used as identification numbers for each individual pedicab.

Within 10 days of adding a new pedicab to its fleet, the permit holder is required to report to the Bureau the addition of the pedicab and the identification number assigned to that pedicab. If the permit holder discontinues the use of a particular pedicab, it has to report that fact and the pedicab identification number of the discontinued pedicab to the Bureau within 10 days.

Sec. 162-276. Renewal Application.

After its initial issuance, a company permit under this division shall be renewed no later than December 31 of the year the company permit was issued, upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.

All company permits issued by the city shall expire on December 31 and will be renewed for a one year period upon the company's providing proof that it continues to possess the requirements necessary to obtain and maintain such company permit.

The fee of \$150.00 shall accompany the renewal application.

Director of the Vehicles for Hire department shall automatically renew the permit to operate a pedicab service for another year if the applicant has not been found guilty of violating any of the provisions of this article during the preceding year.

If the applicant has been found by any court to have violated the provisions of this article three or more times, the Director may in his or her discretion refuse to renew the permit.

Sec. 162-277. Revocation or suspension.

(a) Upon a finding of due cause, as defined in subsection (b) of this section, the Director shall have the authority to revoke or suspend any company permit issued by the city under this division.

(b) Due cause for the revocation or suspension of a company permit shall include but shall not be limited to the following:

- (1) The failure of the company to maintain any and all of the general qualifications applicable to the initial issuance of the company permit.
- (2) Obtaining a company permit by providing false information.
- (3) Conviction by a court of competent jurisdiction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any violation of this article.
- (4) Conviction by a court of competent jurisdiction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any of the following: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants if such violation is related to operation of the company or violation of any section of this Code or other ordinances of the city governing the conduct of holders of company permits.
- (5) If the company has knowledge or in the exercise of reasonable care should have had knowledge of the violation of a driver who is affiliated with the company of any of the following offenses:
 - a. Driving under the influence of intoxicating beverages or drugs.
 - b. Criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, criminal solicitation to commit any of such, criminal attempt to commit any of such or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants, if such violation is related to the operation of a vehicle for hire or violation of any section of this Code or other ordinance of the city governing the conduct of drivers of vehicles for hire