

Introduced by Treece

First Reading 10-15-18

Second Reading 11-5-18

Ordinance No. 023698

Council Bill No. B 272-18 A

AN ORDINANCE

amending Chapters 13, 14, 16, 17 and 28 of the City Code as it relates to pedal trolleys; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 13 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 13-27. License fee schedule.

(a) Businesses and occupations shall pay annual license fees according to the following fee schedule, except that any business or occupation shall pay at least one dollar and twenty-five cents (\$1.25) for every regular employee or associate in such business during the preceding year, with a maximum fee of seven hundred fifty dollars (\$750.00), and the license fee shall be the higher of that computed by the fee schedule or that based on the number of employees:

...

(2) *Business and occupations.* The following businesses and occupations shall pay annual license fees as indicated above:

Abstractors.

Accountants.

...

Commercial contract cleaners.

Commercial pedal trolley.

Commission merchants or agents.

...

SECTION 2. Chapter 14 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined

Sec. 14-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed:

...

Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedal trolley. A wheeled device designed to be propelled by a passenger or passengers via pedaling, with brakes and steering operated by a non-pedaling driver. A pedal trolley may include an assist motor.

Pedestrian. The term pedestrian shall include a person on foot, a person walking a bicycle and a person operating a manual or electric wheelchair.

...

Sec. 14-6. Passengers to remain inside vehicles.

No person shall allow any part of ~~his~~ such person's body to protrude beyond the limits of the vehicle or pedal trolley in which such person ~~he~~ is riding, except to give such signals as are required by law, and no person shall hang onto any vehicle whatsoever or ride upon the outside of any vehicle. It shall be unlawful for a passenger to exit or enter a pedal trolley while the pedal trolley is in motion.

...

Sec. 14-188. Failure to exhibit proof of insurance.

(a) It is unlawful for any person operating a motor vehicle or pedal trolley in the city to fail to exhibit valid proof of motor vehicle liability insurance on the demand of any peace officer who lawfully stops such operator or investigates an accident involving the vehicle or pedal trolley while the officer is engaged in the performance of the officer's duties. The operator of a motor vehicle shall exhibit valid proof of motor vehicle or pedal trolley liability insurance by presenting to the officer one of the following documents showing that the motor vehicle is covered by motor vehicle liability insurance:

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Sec. 14-491. Definition.

As used in this article, the word "cycle" shall mean any device upon which a person may ride; propelled by human power, having two (2) or more wheels, excluding wheelchairs and pedal trolleys.

...

ARTICLE XII. PEDAL TROLLEY

Sec. 14-650. Operation of a pedal trolley on certain roadways.

No person shall operate a pedal trolley except on streets where the posted speed limit is twenty-five (25) miles per hour or less; provided, however, that pedal trolleys may cross a street at an intersection when the cross street has a posted speed limit of more than twenty-five (25) miles per hour. Pedal trolley operation is limited to the streets and alleys within the area described as: being bounded on the north by Park Avenue; on the south by Elm Street; on the west by Providence Road; and on the East by College Avenue. Notwithstanding the foregoing, no person shall operate a pedal trolley on Providence Road and College Avenue.

Sec. 14-651. Pedal trolley safety and equipment standards.

No person shall operate a pedal trolley on any street unless the pedal trolley meets the following minimum equipment and safety standards:

- (1) Seating for all passengers in accordance with the rated seating capacity of the pedal trolley set forth in the manufacturer's specifications for the pedal trolley.
- (2) Tires shall be of a size appropriate for the pedal trolley with no mismatched tires. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.
- (3) A fully operational horn, bell or other audible signaling device.
- (4) Front and rear braking system must be capable of being manipulated by the driver from driver's normal position of operation and capable of causing a pedal trolley with a loaded passenger compartment to come to a complete stop in a linear path of motion. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions.
- (5) A secondary or emergency brake system.

- (6) Mirrors affixed to the pedal trolley and so adjusted as to reveal the street behind and be visible from the operator's seat.
- (7) Every pedal trolley, when in use on a street or highway during the period from one-half hour before sunset to one-half hour after sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of five hundred (500) feet ahead shall be equipped with, and have in operation, headlights, taillights, turn signals and brake lights as provided by state law for motor vehicles or as approved by the director of the department of public safety for the state of Missouri pursuant to director's authority under section 307.030 RSMo.
- (8) Operational brake lights, turn signals and tail lamps as required by state law that are applicable to motor vehicles.
- (9) Reflectors on the front of the pedal trolley frame, and a red reflector mounted on each side of the rear of the pedal trolley, at least one (1) inch from the outer edge and centered.
- (10) Reflectors on the spokes of the wheels of the pedal trolley.
- (11) Reflective tape on the sides of the pedal trolley frame.
- (12) A reflective slow moving triangle as required by section 307.127 RSMo.

Sec. 14-652. Limitation on pedal trolley size.

No person shall operate, on any street, a pedal trolley that:

- (1) Is wider than seven (7) feet at its widest point;
- (2) Is longer than twenty-two (22) feet at its longest point; or
- (3) Carries fifteen (15) or more passengers, not including the operator.

Sec. 14-653. Applicability of traffic regulations to pedal trolleys.

Every person operating the steering or braking of a pedal trolley upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this code or other traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which, by their nature, can have no application. A person operating the steering or braking of a pedal trolley upon a roadway shall observe all traffic laws and local ordinances regarding the rules of the road.

Sec. 14-654. Left turns prohibited from Broadway

Unless directed to do so by a lawful order or direction of a police officer or fire official, no person operating or driving a pedal trolley shall turn left onto any street or parking lot from Broadway.

SECTION 3. Chapter 16 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined

Sec. 16-185. Possession of open container of alcoholic beverage or consumption of alcoholic beverage in certain public places.

(a) It shall be unlawful for any person to possess any alcoholic beverage on any street, sidewalk or city parking facility unless such alcoholic beverage is in the original container and the seal is unbroken.

...

(d) This section shall not apply to possession or consumption of any alcoholic beverage by a passenger in a licensed motor vehicle or pedal trolley.

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SECTION 4. Chapter 17 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined

Sec. 17-99. Electrically-assisted pedal powered cycle on designated trails.

(a) For purposes of this section, the following definitions apply:

"Cycle" shall mean any device upon which a person may ride; propelled by human power, having two (2) or more wheels, excluding wheelchairs.

"Electrically-assisted pedal powered cycle" is defined as a device weighing less than one hundred twenty-five (125) pounds, having two (2) or more wheels that are a minimum of sixteen (16) inches in diameter with fully operable pedals upon which a person may pedal the cycle, propelled by human power with the assistance of an electric motor of less than seven hundred fifty (750) watts or one horsepower (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor, is less than twenty (20) miles per hour.

"Pedal trolley" shall mean a wheeled device designed to be propelled solely by a passenger or passengers via pedaling with brakes and steering operated by a non-pedaling driver. A pedal trolley may include an assist motor.

(d) It shall be unlawful to operate a pedal trolley in a city park or on a city trail.

SECTION 5. A new Article VI of Chapter 28 of the Code of Ordinances of the City of Columbia, Missouri, is hereby enacted as follows:

ARTICLE VI. COMMERCIAL PEDAL TROLLEYS

Sec. 28-150. Definitions.

For the purpose of this article, the following definitions and rules of construction shall apply:

Commercial pedal trolley. A pedal trolley used or operated in connection with a commercial enterprise.

Commercial pedal trolley driver or operator. Any person who is responsible for the safe operation of a commercial pedal trolley, including but not limited to steering and braking, and maintaining compliance with state and local traffic regulations.

Director. The City of Columbia director of finance or the director's designee.

Pedal Trolley. A wheeled device designed to be propelled solely by a passenger or passengers via pedaling, with brakes and steering operated by a non-pedaling driver. A pedal trolley may include an assist motor.

Sec. 28-151. General operating conditions.

Every commercial pedal trolley must be operated in accordance with the following requirements:

- (1) Operation must be for the primary purpose of providing guided touring and site-seeing of the city to pedal trolley passengers;
- (2) Operation of the pedal trolley shall only be permitted on a designated route approved by the City's director of public works. The director of public works may alter the route as needed for construction, traffic control, or to provide for the health, safety and welfare of the city;
- (3) It is prohibited and unlawful for a person to operate a pedal trolley to provide taxi service;

- (4) A commercial pedal trolley shall operate for previously-reserved parties only, and shall not solicit or accept substitute or additional passengers at any time;
- (5) Operation of the commercial pedal trolley must be in compliance with federal, state, and local laws, rules and regulations. The owner of the commercial pedal trolley shall annually certify, on a form provided by the city, that the pedal trolley is in compliance with all federal, state and local laws, rules, and regulations; and
- (6) No person having a license under the provisions of this article shall operate a commercial pedal trolley between the hours of 10:30 p.m. and 10:00 a.m.

Sec. 28-152. Operating restrictions and conditions.

(a) No person shall operate a commercial pedal trolley upon the streets of the city unless such person shall have a valid Class E driver's license recognized under the laws of the state.

(b) A commercial pedal trolley driver shall remain with the pedal trolley at all times while the pedal trolley is operating a tour, including any planned or unplanned stops during the tour.

- (c) A commercial pedal trolley driver is prohibited from:
- (1) Operating the pedal trolley on public rights-of-way within the city other than those routes approved by the City's director of public works or the director's designee;
 - (2) Standing or stopping the pedal trolley other than in an area designated for parking, except in case of emergencies or in compliance with traffic laws;
 - (3) Operating the pedal trolley so as to impede the flow of pedestrians, except in case of emergencies;
 - (4) Operating, blocking, or parking on a public sidewalk at any time;
 - (5) Blocking, standing, or parking within intersections, crosswalks, parking spaces designated for persons with disabilities, bus stops, or taxicab stands for any reason, including but not limited to, loading and unloading passengers;
 - (6) Operating the pedal trolley in a manner that results in damage to public property;
 - (7) Operating a pedal trolley on or in any public park or trail;

- (8) Creating, or materially contributing to, a parking problem or traffic congestion as a result of operation of the pedal trolley;
- (9) Obstructing other vehicular traffic by unnecessarily weaving or changing lanes of travel;
- (10) Operating, maneuvering, inclining, spinning, tilting, tipping, sloping, or positioning a pedal trolley in any manner that would unnecessarily place a passenger in any position other than seated upright;
- (11) Operating the pedal trolley when the pedal trolley does not fully comply with all requirements of this article;
- (12) Consuming any alcoholic beverages while operating the pedal trolley;
- (13) Operating a pedal trolley while such driver's ability to operate the pedal trolley is impaired by the consumption of alcohol, the use of any drug or by any other means, or while such pedal trolley driver is in an intoxicated condition;
- (14) Serving alcohol on a pedal trolley;
- (15) Allowing a passenger or other individuals to drive the pedal trolley or permitting a pedal trolley to be operated simultaneously by anyone in addition to the pedal trolley driver;
- (16) Operating a pedal trolley while the number of passengers aboard it exceeds the number for which it was designed;
- (17) Operating a pedal trolley unless all passengers are seated, or operating a pedal trolley when a passenger is seated anywhere other than in the manufacturer's designed passenger seating;
- (18) Sleeping or allowing others to sleep within the passenger compartment of the pedal trolley while on the public right-of-way;
- (19) Engaging in loud or boisterous talking, shouting, or playing loud music, or otherwise acting in a manner as to unreasonably disturb other persons including passengers; and
- (20) Collecting fares, making change, or taking on or discharging passengers while the pedal trolley is in motion.

(d) No glass bottles, receptacles, or glassware are allowed on a pedal trolley being operated on a street or parked on any street, alley, or parking garage or other similar public place in the city.

(e) The commercial pedal trolley driver or operator shall provide a refuse container on the pedal trolley for the proper disposal of refuse and garbage. The commercial pedal trolley driver or operator shall be responsible for the maintenance of the container and the proper disposal of refuse and garbage.

(f) The commercial pedal trolley driver or operator shall receive and discharge passengers only at such location(s) as approved in writing by the director of public works or on private property with the owner's consent.

(g) Only employees of the commercial pedal trolley operator shall steer and brake the pedal trolley.

Sec 28-153. Requirements related to the consumption of beer and wine on a commercial pedal trolley.

The commercial pedal trolley operator or driver may allow passengers to bring their own beer and wine onto the pedal trolley subject to the following requirements:

- (1) The commercial pedal trolley operator is twenty-one (21) years of age or older;
- (2) The commercial pedal trolley operator does not supply or serve alcoholic beverages to the passengers;
- (3) The commercial pedal trolley operator checks the passengers' identifications and affixes arm bands to passengers who are twenty-one (21) years of age or older; and
- (4) The commercial pedal trolley operator shall only permit passengers who are twenty-one (21) years of age or older to bring closed containers of beer and wine in its original packaging onto the pedal trolley.

Sec. 28-154. License required for transport of passengers for hire on pedal trolley.

It shall be unlawful for any person to carry passengers for hire on a pedal trolley or operate or maintain a business which carries passengers for hire on a pedal trolley within the city, unless such person has a valid business license or is employed as an agent or employee of a licensed commercial pedal trolley company.

Sec. 28-155. Proof of insurance for commercial pedal trolley prerequisite to issuance of license.

The director shall have the authority to issue or renew a license to operate a commercial pedal trolley company as provided in this article, but no license shall be issued or renewed until the applicant has produced proof of insurance as required by this article.

Sec. 28-156. Commercial pedal trolley insurance requirements.

(a) Before any license or permit is issued for the operation of a commercial pedal trolley, the commercial pedal trolley company shall file with the director a policy of insurance issued by an insurance company duly licensed to transact business in the state, covering each pedal trolley to be operated under the direction and control of such company. Such policy shall cover legal liability for bodily injury and property damage. The insurance coverage shall meet or exceed the sovereign immunity limits adjusted annually by the state of Missouri pursuant to section 537.610 RSMo. on a per occurrence basis.

(b) All such policies shall provide that the policy may not be canceled unless written notice of proposed cancellation is delivered to the office of the director at least thirty (30) days prior to the date of the proposed cancellation. If the commercial pedal trolley company licensee or other responsible party fails, within the period specified in such notice of cancellation, to provide proof of insurance as provided in subsection (a) of this section, then the license or permit affected by such cancellation shall be revoked as of the day such insurance ceases to be in force and effect, and thereafter it shall be unlawful for such owner or other responsible party to operate a commercial pedal trolley in the city. If the commercial pedal trolley company or responsible third party shall file a policy of insurance as required by this section within thirty (30) days after the date of such revocation, then such revocation shall be lifted.

(c) It shall be unlawful to operate a commercial pedal trolley and fail to exhibit valid proof of motor vehicle liability insurance on the demand of any peace officer or the director or the director's designee.

Sec. 28-157. Commercial pedal trolley permits, fees.


(a) It shall be unlawful for any person, corporation or partnership to operate or conduct a commercial pedal trolley business or service or similar business within the city limits without first obtaining a permit for the trolley.

(b) It shall be unlawful for any person, corporation or partnership to operate a commercial pedal trolley within the city limits of Columbia unless the pedal trolley has a permit issued to it and the pedal trolley permit fee has been paid. The permit fee shall be two hundred fifty dollars (\$250.00) per annum for each pedal trolley.

SECTION 6. This ordinance shall be in full force and effect from and after its passage until December 31, 2019.

PASSED this 5th day of November, 2018.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor