

ORDINANCE NO. 15,487

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Article XIV of Chapter 114. Traffic and Vehicles, and by adding and enacting new Division II, Pedicabs of Article XIV of Chapter 114. Traffic and Vehicles, relating to bicycles and pedicabs.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Article XIV of Chapter 114. Traffic and Vehicles, and by adding and enacting new Division II, Pedicabs of Article XIV of Chapter 114. Traffic and Vehicles, relating to bicycles and pedicabs, as follows:

ARTICLE XIV. BICYCLES AND PEDICABS

DIVISION I. BICYCLES

.....

DIVISION II. PEDICABS

Sec. 114-695. Definitions.

(a) *Pedicab* means a device having up to four wheels that transports or is capable of transporting passengers on attached seats.

(b) *Pedicab business* means the business of operating one (1) or more pedicabs for the recreational or physical transportation of the general public for profit, not-for-profit, or as a free service accepting tips or displaying advertising.

Sec. 114-696. Compliance with Division I. Bicycles.

Every operator of a pedicab shall comply with all provisions of Division I. Bicycles, except Section 114-684, Improper Riding.

Sec. 114-697. License Required.

Every pedicab shall have affixed to the back of the pedicab a current City of Des Moines pedicab license, which is clearly visible to others using the roadway.

Sec. 114-698. License Application.

(a) Applications for a pedicab license must be submitted to the City of Des Moines Traffic Engineer and approved prior to operating a pedicab.

(b) Requirements for approval:

(1) Provide to the Traffic Engineer a certificate of a general liability insurance policy covering the operation of the pedicab(s) including coverage for bodily injury, death and property damage with limits of liability not less than \$1,000,000.00 per occurrence and aggregate combined single limit. Insurance must be effective for same period as the license remains valid and effective.

(2) The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide thirty (30) days advance written notice of cancellation, forty-five (45) days advance written notice of non-renewal, and ten (10) days advance written notice of cancellation due to nonpayment of premium, and that these written notices shall be provided by e-mail, facsimile, delivery, or regular mail to the Traffic Engineer.

(3) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the pedicab license.

(c) The pedicab license shall be valid and effective from January 1 to December 31 of the year approved. However, pedicab licenses approved in 2016 will be valid from the approval date to December 31, 2017.

Sec. 114-699. Prohibitions.

(a) No person under the age of sixteen (16) shall operate a pedicab.

(b) No person shall operate a pedicab without a pedicab license.

(c) No person shall operate a pedicab which is not solely operated by human power.

(d) No person shall operate a pedicab on a street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing the street.

(e) No person, while operating a pedicab, shall stop on a street with a posted speed limit of 35 miles per hour or greater in order to pick up or drop off passengers.

Sec. 114-700. Penalty.

Any person who fails to perform an act required by this division or who commits an act prohibited by this division shall be guilty of a simple misdemeanor punishable by a penalty as provided by section 1-15 of this Code.

Sec. 114-701—114-1100. Reserved.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 16-1148), passed by the City Council of said City at a meeting held July 11, 2016 signed by the Mayor on July 11, 2016 and published and provided by law in the Business Record on July 29, 2016. Authorized by Publication Order No. 9703.

Diane Rauh, City Clerk