

CH.-78

Ordinance #24-0538
2024 Ordinance Book, Page 9

**AN ORDINANCE ESTABLISHING STANDARDS FOR THE OPERATION AND
REGULATION OF PEDICABS IN PUBLIC RIGHTS-OF-WAY BY THE ADDITION OF
ARTICLE XV TO CHAPTER 78 OF THE CITY CODE**

Section 1. Be it ordained by the City Council of City of Winston-Salem, North Carolina, that Article XV of Chapter 78 of the City Code is hereby, established as follows:

ARTICLE XV. - PEDICABS

Sec.78-380. – Purpose and Scope

(a) Purpose. The purpose of this article is to: (i) establish a pedicab ordinance which permits pedicabs to be operated on any city street with a speed limit no greater than 35 mph, provided, however, that pedicab may cross over roads that have a posted speed limit of greater than 35 mph; and (ii) to promote the health, safety and welfare of pedicab passengers, pedicab operators and other motorists operating vehicles.

(b) Procedures. Before any person shall operate a pedicab pursuant to this article, the person shall apply ("applicant") for a certificate of public convenience and necessity according to the procedures and rules herein. Unless otherwise provided, the applicant shall be subject to: (i) all provisions in article II of this chapter regarding the granting, denial, expiration, renewal, suspension and revocation of certificates of public convenience and necessity; and (ii) section [78-143](#), [78-172](#), [78-173](#), [78-174](#), [78-175](#), [74-186](#) and [78-208](#). The insurance requirements of this article shall apply rather than the provisions set forth [78-3](#). Where there is a conflict, the provisions of Article XV shall control.

(c) Criminal background check. The provisions in Article VI requiring a driver's permit and the provisions related thereto shall not apply. However, as part of the application and renewal process, the pedicab owner shall provide to the vehicle for hire inspector with each application and renewal thereof a state-wide criminal record check for each driver. Said criminal record check must be updated annually and maintained on file by the pedicab owner. The same prohibited conduct set forth in Article II applies except the review period is five years preceding the application for a certificate of public convenience and necessity or renewal thereof.

Sec 78-381. Definitions.

(a) “Pedicab” A pedal-powered public passenger device used to provide transportation for hire upon which a person may ride, propelled by human power, and is constructed in such a manner as to allow the carrying of one or more passengers.

(b) “Driver's license” A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

(c) “Financial responsibility” Liability insurance coverage on a pedicab in an amount not less than required by North Carolina law for motor vehicles operated on public highway in the State of North Carolina.

(d) “Operator” A person over 18 years of age and holding a current and valid driver's license, who may operate a pedicab in the city pursuant to the requirements of this article.

Sec 78-382. Rules and regulations.

(b) Pedicabs must be equipped with operating headlight and two operating taillights with brake lights (one on each side of the rear of the cart) which are visible from 200 feet, rear vision, and seat belts for all passengers. Additionally, all pedicabs shall be free of dents, creases, blemishes, ripples, rust, holes, and other defects or damage which impairs their safety, serviceability, or appearance.

(c) Pedicab drivers must have a current and valid driver's license in their name and have it on their person while operating the pedicab.

(d) Pedicab drivers will stay to the far right of the traveled portion of the road and yield the right-of-way to vehicles, sightseeing vehicles and pedestrians.

(e) All applicable state and municipal laws shall be adhered to, including applicable prohibitions on the possession and use of alcoholic beverages and illegal drugs or any substance which impairs judgment. All laws regarding open containers shall apply to pedicabs operated on city streets.

(f) The number of occupants in a pedicab shall be limited to the number of persons for whom individual seating and seat beats are installed and provided in the pedicab and the operator and all occupants shall be seated in the pedicab while in operation. No part of the body of the operator or occupant shall extend outside the perimeter of the pedicab while the pedicab is in motion and no passengers shall be carried on the part of the pedicab designed to carry bags.

(g) The operator of the pedicab shall comply with all traffic laws, rules and regulations adopted or enacted by the State of North Carolina and the City of Winston-Salem which governs the operation of motor vehicles. All seat beats shall be buckled in accordance with the State of North Carolina laws and regulations pertaining to motor vehicles.

(h) Pedicab shall not be operated on sidewalks, or within city parks.

(i) Pedicab shall not be operated on private property, without the permission and consent of the property owner. As long as the operator of the pedicab has obtained the permission and consent of the property owner, the pedicab operator may pick up passengers from and discharge passengers onto private property.

(j) No pedicab may be operated on any city street with a speed limit greater than 35 mph, provided, however, that pedicab may cross over roads that have a posted speed limit of greater than 35 mph as per G.S. 160A-300.6.

(k) Children must be properly seated and belted while the pedicab is in motion and may not be transported in a negligent or intentionally reckless manner.

(l) It shall be unlawful for any operator to receive or discharge passengers in the roadway; instead, such operator shall pull up as near as practicable to the sidewalk, or, in the absence of a sidewalk, as near to the side of the road as possible, and there receive or discharge passengers.

(m) Disqualified vehicles: No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle. A pedicab that has been modified so that it no longer meets the definition of bicycle may not be registered as a bicycle under this article, nor shall such vehicles be operated on public roads, streets and highways within the city, unless such vehicles are registered and permitted under the motor vehicle laws of North Carolina.

Sec 78-383. - Inspection and fees.

(a) All pedicabs covered by this article shall be subject to an annual inspection. For the purpose of this article, the inspection by the vehicle for hire inspector or his/her designee, will cover the following safety requirements and every pedicab operating on city streets must have the following safety equipment:

(b) A permit/sticker that has been issued to operator/owner of the pedicab by the taxicab inspector.

(c) All pedicabs must meet the requirements or minimum standards for safety equipment as set forth herein.

(d) To obtain a permit/sticker each owner must present:

i. proof of ownership, and current liability insurance with minimum limits of \$100,000.00 per person, \$300,000.00 per accident for bodily injury, and \$50,000.00 per accident for property damage;

ii. Sign a waiver of liability and indemnification agreement, releasing the city, its employees, and affiliates from any and all liability that may arise as a result of operating a pedicab inside the city and agreeing to indemnify the city for the same;

iii. A current waiver of liability and indemnification agreement must be on file with the city's risk management office and must be renewed annually.

(e) Permits/stickers will be issued annually, and are valid from July 1 to June 30 of each year. The required permit/sticker application must be submitted to the transportation specialist at least 14 days before permit/sticker expiration date. A permit/sticker must be attached to the driver's side of each pedicab at all times. Such stickers will identify the pedicab as registered and are non-transferable to other pedicab or pedicabs owners. The following fees shall apply:

<u>i. Inspection by vehicle for hire inspector (includes permit/sticker)</u>	<u>\$10.00 annually, per pedicab</u>
<u>ii. Re-inspection by vehicle for hire inspector (if a pedicab fails the initial inspection)</u>	<u>\$5.00 per pedicab</u>
<u>iii. Replacement permit/sticker</u>	<u>\$10.00 per pedicab</u>

(f) Lost or stolen permits/stickers are the responsibility of the owner. The vehicle for hire inspector may direct the applicant to reapply, and also re-submit any and all fees necessary, before a replacement permit/sticker is issued.

(g) Any person who operates a pedicab in the city and fails to obtain and properly display a city permit/sticker will be subject to any and all consequences pertinent to a violation of applicable state laws, in addition to those consequences, penalties, and/or fines pertinent to a violation of this article.

(h) Pedicab owners must complete an approved application/registration form, waiver of liability and indemnification agreement and provide proof of current liability insurance required by this article prior to the pedicab being inspected. The completed forms and proof of insurance will be maintained by the vehicle for hire inspector and the risk manager, where required. Owners must maintain proof of insurance throughout the registration period.

(i) The vehicle for hire inspector retains the right to revoke or refuse to issue and/or revoke any permit/sticker for any pedicab, at any time, for any reason that he/she feels is appropriate to ensure the safety and well-being of the citizens of Winston-Salem (i.e., inspection failure, failure to maintain insurance, ordinance violations and driver's license status revoked or suspended).

Sec 78-384. - Appearance of drivers.

Pedicab operators shall be clean in dress and in person, and shall be appropriately attired while on duty, in accordance with the following standards:

(a) Drivers' clothing and shoes shall be clean, neat, and in good repair, free from holes, tears, stains, and soil;

(b) Drivers shall wear closed toe shoes

Sec 78-385. - Signage on pedicab.

(a) All pedicab companies shall adopt a color scheme for painting their pedicabs, distinct from that of any other pedicab company operating in the city. The color of paint selected to paint letters and numbers shall be in sharp contrast to the background.

(c) All pedicabs of a particular company shall be given the same color scheme and markings before being placed into service.

Sec 78-386. - Penalty.

Winston-Salem City Council
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Penalties for violations of this article shall be as prescribed in section 78-2. All provisions therein shall apply.

Sec 78-387. - Severability.

If any section, subsection, sentence or term of this chapter or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of the ordinance codified herein, or its application to any other person or circumstance.

Section 2. This ordinance shall be effective upon adoption.