

STATE OF GEORGIA
COUNTY OF FULTON

First Reading: February 13, 2012
Second Reading: February 27, 2012

**ORDINANCE TO AMEND THE CITY OF ROSWELL CODE OF ORDINANCES TO
ALLOW THE OPERATION OF PEDICABS WITHIN
THE CITY LIMITS OF ROSWELL**

WHEREAS, the City of Roswell now desires to amend its Code of Ordinances to provide for the operation of pedicabs within the city limits in designated areas; and

WHEREAS, the Mayor and City Council have determined that regulation of pedicabs is needed to protect the health, safety and welfare of the residents of Roswell;

NOW, THEREFORE, pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

The City of Roswell Code of Ordinances is hereby amended by adding the following article to Chapter 22, Traffic and Motor Vehicles:

Article 22.8 Pedicabs

Section 22.8.1 Definitions. For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Authorized route – the city streets upon which a pedicab is allowed to operate, as established by resolution of Mayor and Council and maintained by the director of Community Development or his or her designee.

City – the City of Roswell, Georgia.

Driver – any person who drives or operates a pedicab on city streets for a pedicab company.

Driver's license – that license issued by the State of Georgia pursuant to O.C.G.A. § 40-5-20 permitting an individual to operate a motor vehicle in the State of Georgia.

Operator – the holder of a permit to operate a pedicab business pursuant to this article, whether a person, partnership, corporation or other legal entity.

Pedicab – any non-motorized or motor-assisted vehicle with 3 or more wheels operated by one person for transporting passengers in seats or on a platform made a part of the vehicle.

Section 22.8.2 Pedicabs restricted to authorized route. Pedicabs may only be operated or driven along a route, or in an area, authorized by Mayor and Council by resolution. A map of such authorized route or area shall be maintained by the Director of Community Development or

his or her designee and shall be made available to all applicants for a pedicab operator's permit. Mayor and Council may change the authorized route by resolution at any time.

Section 22.8.3 Pedicab permit required annually. No person, partnership, corporation or other legal entity shall engage in the business of operating a pedicab within the city without first obtaining an annual pedicab operator's permit. The fee for such permit shall be established by Mayor and Council by resolution. A pedicab permit may be issued to an operator that does not maintain a fixed place of business within the city. Pedicab permits shall be issued by the Director of Community Development or by his or her designee.

Section 22.8.4 Requirements To Obtain Pedicab Operator's Permit. In order to receive a pedicab operator's permit, an applicant must:

- (1) Be at least 18 years of age;
- (2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment by the United States Immigration and Naturalization Service;
- (3) Provide proof of insurance as required by this article;
- (4) Provide the name of a person associated with the applicant's business to receive correspondence or complaints regarding the pedicab operation, and a permanent address and phone number for the pedicab business; and
- (5) Pay the fee required for a pedicab operator's permit.

Section 22.8.5 Required Insurance. No pedicab operator shall operate or authorize any other person to operate a pedicab in the city unless it is covered by a liability insurance policy issued by an insurance company authorized to do business in Georgia, which provides the following minimum coverage:

- \$25,000.00 - for injury to or death of one (1) person in one (1) accident;
- \$50,000.00 - for injury to or death of two (2) or more persons in any one (1) accident; and
- \$25,000.00 - for injury to or destruction of property of others in any one (1) accident.

Each pedicab operated within the city shall be required to carry and maintain in effect this minimum insurance coverage. Proof of such insurance coverage, including the name of the issuing company, the amounts of coverage provided, and the policy number shall be provided to the city before a permit shall issue. Such insurance shall provide specific coverage for the pedicab used in the business of transporting passengers. Failure to maintain such coverage shall constitute cause for revocation of a city permit.

Section 22.8.6 Requirements for pedicab. Each pedicab must:

- (1) be no more than 120 inches in length or 55 inches in width;
- (2) be equipped with reflectors and electrically powered lights, including turn signals;
- (3) use electrically powered lights when operating during the hours of darkness and when raining;
- (4) have lights and reflectors mounted so that they are visible from a distance of 500 feet in any direction;
- (5) have the name of the pedicab operator displayed on each side of the pedicab;
- (6) be equipped with a brake that will enable the driver to make the braked wheels skid on dry, level pavement; and

- (7) be maintained in a safe mechanical condition and a clean and sanitary condition.

Section 22.8.7 Prohibitions. A pedicab operator or driver may not operate or drive a pedicab:

- (1) on any street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing that street;
- (2) for the purpose of advertising, as with a “billboard bike,” or with advertising for any person or entity who is not the pedicab operator;
- (3) to obstruct the flow of pedestrian traffic by remaining stopped on a sidewalk, except for the time necessary to pick up or drop off passengers;
- (4) without having rates displayed in clear view of all passengers, nor may a driver collect fares, make change, or allow passengers to board or exit the pedicab while it is in motion;
- (5) carry more passengers than the rated seating capacity of the pedicab. For the purpose of this subsection, a child under age five shall not count as a passenger; or
- (6) solely for transportation of cargo.

Section 22.8.8 Requirements for pedicab driver. Each driver of a pedicab operated within the city must be at least 16 years of age and possess a valid driver’s license issued by the State of Georgia.

Section 22.8.9 Pedicabs must obey rules of road for bicycles. Pedicabs shall be subject to traffic laws governing bicycles as provided by O.C.G.A. § 40-6-291. Violations of traffic laws shall be punishable as allowed by state law or city ordinance.

Section 22.8.10 Violation of ordinance may result in revocation of pedicab permit. The Director of Community Development, or his or her designee, may revoke a pedicab permit for any violation of any city ordinance or state law. In order to revoke a pedicab permit, the city must send written notice of the revocation to the person and address listed in the permit application by certified mail, return receipt requested, or by statutory overnight delivery. Such notice shall specify the violation by date and ordinance or state law section. Revocation shall become effective no sooner than fifteen (15) days after the date such notice is sent to the pedicab operator or his or her designee. Before the effective date of the revocation, a pedicab operator may file an appeal in writing with the Director of Community Development. Such appeal will be heard by Mayor and Council at a regularly scheduled council meeting not later than forty five (45) days after such appeal is filed. The standard of review for Mayor and Council will be the “any evidence” standard.

2.

Severability. Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

3.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

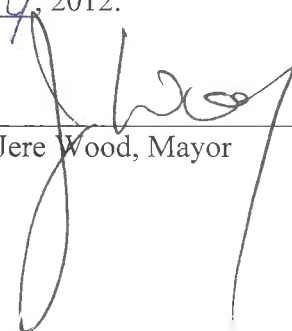
4.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this ordinance may be renumbered to accomplish such intention.

5.

This Ordinance shall take effect and be in force from and after the date of its adoption the public welfare demanding it.

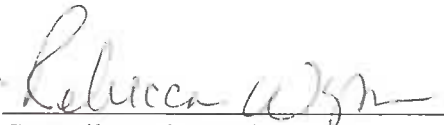
The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the 27th day of February, 2012.

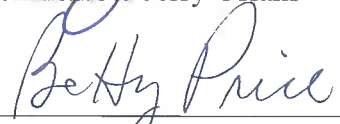

Jere Wood, Mayor


Attest:


Marlee Press, City Clerk
(Seal)


Councilmember Jerry Orleans


Councilmember Rebecca Wynn


Councilmember Betty Price


Councilmember Richard Dippolito


Councilmember Kent Igleheart


Councilmember Nancy Diamond



Pedicab Allowable Area

