

AN ORDINANCE TO CREATE A NEW CHAPTER 163 OF THE
CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK,
ENTITLED "PEDALBUSES".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, NY, as follows:

Section 1. A new Chapter 163 of the Code of the City of Saratoga Springs, NY, entitled "Pedalbuses" is hereby enacted to read

CHAPTER 163
"PEDALBUSES"

163-1 Purposes.

The purposes of this ordinance are to regulate the pedalbus industry; to set basic safety standards, operating procedures and insurance requirements; to accommodate another low-emission means of transportation while enhancing the passenger experience; and to promote the general health, safety and welfare.

163-2 Definitions.

In this chapter, unless the context otherwise requires a different meaning:

Helper motor means a device with: (i) a maximum piston displacement of fifty (50) cubic centimeters or less, (ii) a brake horsepower of one and one-half (1½) or less, and (iii) a maximum speed of twenty-five (25) miles per hour or less on a flat surface with less than a one per cent grade.

Nighttime means the period between sunset and sunrise.

Operator means the person in physical control of a pedalbus.

Owner means a person who owns or holds an ownership interest in a pedalbus.

Pedalbus means a device that transports passengers, is powered by one or more individuals (with or without a helper motor), and that is not a pedicab as defined in chapter 200 of the Code of the City of Saratoga Springs.

Reservation means a prearranged agreement for service for a specific date, time period, number of passengers, contact information, and/or any other information relevant to the operation of the pedalbuses, made in writing or over the company's website.

Towing Vehicle* means a vehicle that has the capacity to safely and efficiently tow the pedalbus*163-3 Pedalbus safety equipment.**

(a) It is unlawful to operate a pedalbus without:

- (1) Using two lamps on the front that emit a constant white light to illuminate a person or vehicle at least fifty (50) feet to the front during nighttime.
- (2) Using two lamps on the front that emit a constant white light visible from at least five hundred (500) feet to the front during nighttime.
- (3) Having two lamps on the front that emit a constant amber light visible from at least fifty (50) feet to the front during nighttime.
- (4) Using a New York State Department of Transportation-approved red reflector on the rear visible from at least fifty (50) to three hundred (300) feet to the rear when the reflector is directly in front of lawful motor vehicle upper beams during nighttime.
- (5) Using a lamp on the rear that emits a constant red light visible from at least ~~five~~ one thousand (1000) feet to the rear during nighttime.
- (6) Having a slow-moving vehicle emblem on the rear: a truncated equilateral triangle at least fourteen (14) inches high with a red reflective border at least one and three-quarters (1¾) inches in width and a fluorescent orange center.

- (7) Front and rear working directional signals.
- (8) A braking system capable of stopping the pedalbus safely.
- (9) A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear.
- (10) A horn audible from at least fifty (50) feet away.

163-4 Pedalbus size.

- (a) It is unlawful to operate a pedalbus that:
 - (1) Is wider than ninety six (96) ~~seventy-two (72)~~ inches [~~six (6)~~ eight (8) feet] at its widest point.
 - (2) Is longer than two hundred sixty four (264) inches [twenty two (22) feet] at its longest point.
 - (3) Carries more than sixteen (16) passengers and one driver.

163-5 Pedalbus condition.

- (a) Each pedalbus owned and/or operated under a license shall be subject to inspection at license application, license renewal, and at any other times reasonably requested by the City's Code Enforcement Officers.
- (b) It is unlawful to operate a pedalbus that has:
 - (1) Exposed rust;
 - (2) Ripped upholstery or fabric;
 - (3) Exposed wood that is not in good condition;
 - (4) Seats that are not sturdy or properly secured to the pedal bus;
 - (5) One or more pedal wheels whose mechanisms are not working properly; and/or
 - (6) The lack thereof of any safety equipment mandated by this chapter.

163-6 Pedalbus operation.

- (a) Owner/operators must have the physical ability to move the pedalbus as needed if not propelled by pedal power. The pedalbus must be moved by a vehicle that has the capacity to tow the pedalbus in a safe and reasonable manner and be insured for commercial automobile insurance.
- (b) Owner/operators must at all times comply with the NYS Vehicle and Traffic Law when operating the pedalbus.
- (c) No animal, reptile, amphibian or birds shall be allowed as passengers while the pedalbus is in operation.
- (d) Owner/operators shall be legally liable for the safety of all participants, occupants, customers while the pedalbus is in operation.
- (e) It is unlawful for an operator to operate a pedalbus:
 - (1) By riding other than on or astride a permanent regular seat attached to the pedalbus.
 - (2) No person shall be allowed to stand on any part of the pedalbus while the pedalbus is in motion.
 - (3) Carrying more passengers than the number of seats available.
 - (4) In a manner that results in damage to public property.
 - (5) In a manner that results in colliding with a pedestrian.
 - (6) Obstructing pedestrian traffic on a sidewalk.
 - (7) Equipped with a siren, whistle or air horn.
 - (8) With any sound amplification system (other than a horn) which disturbs the comfort of any person of reasonable sensibilities in the vicinity of the operation of the pedalbus.
 - (9) Without a clearly visible manufacturer's serial or identification number on the pedalbus.
 - (10) Carrying anything that prevents the operator from keeping at least one hand on the steering wheel.
 - (11) Knowingly permitting another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other rolling device to the pedalbus.

- (12) With any trailer or other rolling device attached to the pedalbus.
- (13) Knowingly permitting passengers to smoke or possess or consume alcohol or any illegal substances while riding the pedalbus. Each pedalbus shall prominently display signage that indicates smoking, alcohol and/or illegal drugs are expressly prohibited.
- (14) While possessing or consuming alcohol, or while under the influence of alcoholic beverages or controlled substances.
- (15) Between 10pm and 7am.
- (16) On a street or alley that has been closed by the City to motor vehicles.
- (17) On a street with a posted speed limit greater than thirty (30) miles per hour, except for crossing that street.
- (18) On a street or public area that has been ordered closed to pedalbuses by the Department of Public Safety.
- (19) Containing signage that is prohibited by the Zoning Ordinance
- (22) Left unattended unless locked and with brakes activated.

163-7 Pedalbus parking.

A pedalbus may be parked only in compliance with New York State and City parking regulations applicable to vehicles. Parking a pedalbus in a city-designated bus stop, bus stand, taxicab stand or other public carrier stand is prohibited.

Pedalbuses shall pick up and discharge passengers only in parking lots or similar off-street areas shown on a map approved by the City Council, as may be amended by the Council from time to time and placed on file in the Department of Accounts, office of the City Clerk. The City's Traffic Safety Division shall have authority to determine if an area is unsafe for picking up and discharging passengers.

The intentional pickup or discharge of passengers anywhere other than the designated parking lots or similar off-street area, or intentional use of an area designated as unsafe shall be cause for the revocation or suspension of an owner's or driver's pedalbus license under this article.

163-8 Reserved parties only.

- (a) A pedalbus may operate for previously-reserved parties only, and may not solicit or accept substitute or additional passengers at any time.
- (b) Upon request, the operator of a pedalbus shall show the reservation to a law enforcement officer.
- (c) The owner must obtain all applicable tax and business licenses to operate a pedalbus. A copy of the license(s) must be displayed on the pedalbus, visible to passengers and the public.

163-9 Driver license and other required documents.

- (a) It is unlawful for an operator to operate a pedalbus without having in possession a valid New York State Class E driver's license and be at least twenty-one (21) years old.
- (b) It is unlawful for an operator to fail to display the license or other required documents, including the reservation and proof of insurance, to a law enforcement officer or code enforcement officer upon request.
- (c) The driver's license of the operator may not be cancelled, revoked or suspended by the NYS Department of Motor Vehicles.

163-10 Insurance.

- (a) The owner shall maintain at all times a commercial general liability insurance policy in the amount of at least one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) annual aggregate including personal injury; commercial automobile insurance

with a combined single limit of one million dollars (\$1,000,000) and NYS Statutory Workers Compensation and Employers Liability Insurance.

- (b) The insurance company issuing the policy shall be authorized to issue commercial liability policies in New York State by the New York State Department of Insurance.
- (c) The policy shall designate by manufacturer's serial or identification number of all pedalbuses and the commercial vehicle used to tow the pedalbus in an emergency situation for which coverage is granted.
- (d) The policy shall insure the person named in the policy and any other person operating the pedalbus with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the pedalbus in New York.
- (e) The policies shall name the City as an additional insured on a primary and non-contributory basis and as a certificate holder.

163-11 Street or public area restrictions.

The Commissioner of Public Safety or his/her designee shall be responsible for designating the routes for pedalbuses.

163-12 Application for License

The following is required for an application for a Pedalbus Owner's License:

- A. An application for an owner's license under this chapter shall be filed in the office of the City Clerk. The application shall be signed and sworn to by the applicant and shall contain the following information:
 - (1) The name, address, and telephone number of the company, and, if the company is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.
 - (2) A publicly listed telephone number maintained by the company.
 - (3) The name, home address, telephone number and date of birth of the applicant and each driver who will drive the pedalbus and/or towing vehicle for the applicant, and a copy of each driver's valid New York State Class E motor vehicle driver's license.
 - (4) Insurance.
 - (a) The owner shall maintain at all times a commercial general liability insurance policy in the amount of at least one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) annual aggregate including personal injury; commercial automobile insurance with a combined single limit of one million dollars (\$1,000,000) and NYS Statutory Workers Compensation and Employers Liability Insurance. The insurance company issuing the policy shall be authorized to issue commercial liability policies in New York State by the New York State Department of Insurance. The policy shall designate by manufacturer's serial or identification number of all pedalbuses and the commercial vehicle used to tow the pedalbus in an emergency situation for which coverage is granted. The policy shall insure the person named in the policy and any other person operating the pedalbus and/or towing vehicle with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the pedalbus in New York. The policy shall name the City as an additional insured on a primary and non-contributory basis and as a certificate holder.
 - (b) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

- (5) Four color photographs (one of each side, front, and back) of each pedalbus to be used by the applicant, and a description of each such pedalbus, including length, width, colors and passenger capacity. Detailed schematics must be provided for each vehicle.
 - (6) Four color photographs (one of each side, front, and back) of each towing vehicle to be used by the applicant and the NYS DMV registration for each towing vehicle.
 - (7) The full name, current home address, current phone number, and copy of each towing vehicle operator's valid NYS driver's license.
 - (8) An affidavit from the applicant stating that each pedalbus and towing vehicle for which a license is requested complies with all requirements of the New York Vehicle and Traffic Law.
 - (9) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
- B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

The following is required for an application for a Pedalbus Driver's License:

- A. An application for a driver's license shall be filed in the office of the City Clerk. The application shall be signed and sworn to by the applicant and shall contain the following information:
 - (1) Proof that the applicant is at least 21 years old.
 - (2) Proof that the applicant is the holder of a valid NYS Class E motor vehicle driver's license.
 - (3) A copy of the applicant's driving record obtained from the NYS Department of Motor Vehicles.
 - (4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a pedalbus.
 - (5) A statement that the applicant is able to communicate effectively in English.
 - (6) A statement that the applicant does not unlawfully use any drug or controlled substance.
 - (7) A set of the applicant's fingerprints, to be taken by the Saratoga Springs Police Department.
- B. The Saratoga Springs Police Department shall be responsible for the investigation the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.
- C. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. E. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance, in any degree as established in the Penal Law.

163-13 Issuance of License

Upon consideration of the factors listed in 163-12 above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also refuse to issue a license to an applicant based upon a determination that the application is incomplete, or that it contains false information, or that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application by certified mail. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she should be issued a license.

163-14 Responsibility of owner.

It is unlawful for an owner to permit a pedalbus to be operated, parked or maintained in violation of any of the provisions of this chapter.

163-15 Penalties.

(a) A first violation of this article may be punished by a fine of up to one hundred fifty dollars (\$150.00) per violation.

(b) A second or subsequent violation of this article within one (1) year of conviction of a first violation may be punished, in addition to any other penalties authorized by law, by a fine of up to three hundred dollars (\$300.00) per violation and suspension of the applicant's license or licenses issued under this chapter.

163-16 Suspension or Revocation.

Owner's License

- A. Revocation or Suspension - An owner's license may be revoked or suspended upon due notice, by the Commissioner of Accounts for the following reasons:
 - (1) The licensee becomes ineligible for a pedalbus owner's license under the criteria embodied in Article 23-A of the Correction Law of the State of New York.
 - (2) The licensee permits the operation of a pedalbus by an operator not licensed under the provisions of this Article.
 - (3) Violation of any provision of this Chapter or any rule or regulation established by the Commissioner of Accounts pursuant to this Chapter.
 - (4) The licensee engages in any other conduct which evidences his or her inability to safely engage in the business of operating a pedalbus or which evidences a disregard for public safety.
 - (5) Failure to maintain appropriate insurance for all his/her licensed pedalbuses as required by New York State law.
 - (6) Failure to maintain appropriate insurance and registration for all his/her towing vehicles as required by New York State law
- B. Procedure - The following procedure(s) will be followed when revoking or suspending a pedalbus owner's license:
 - (1) A pedalbus owner against whom suspension or revocation is proposed shall be sent written notice by certified mail to the address listed on his or her application. Said notice shall state the reason for the proposed suspension or revocation and shall state the date by which the pedalbus owner may request a hearing, except that said date shall not be more than fifteen (15) days after the date of the written notice. Request for a hearing shall be in writing to the Commissioner of Accounts. The hearing shall be held no later than thirty (30) days following receipt of the written request, unless the licensee requests an adjournment of the hearing date. Failure to request a hearing by the date specified shall result in a waiver of such hearing, and the suspension or revocation shall then take effect.
 - (2) Pre-hearing Suspension - The license of a pedalbus owner against whom suspension or revocation is proposed may be suspended immediately as part of the issuance of the written notice, pending the hearing and determination.
- C. Any such suspension or revocation shall be noted on the license, together with a statement of the reasons thereof and the pedalbus owner shall be deprived of his or her pedalbus license by the Commissioner of Accounts. Notice of such suspension or revocation shall be sent to the licensee at the address listed on the application, by certified mail. A second suspension for the same reason he or she presents reasons satisfactory to the Commissioner of Accounts, in writing.

Driver's License.

- A. Revocation or Suspension - A pedalbus driver's license may be revoked or suspended , upon due notice by the Commissioner of Accounts, for the following reasons:
 - (1) The licensee becomes ineligible for a pedalbus license under the criteria embodied in Article 23-A of the Correction Law of the State of New York.
 - (2) Violation of any provision of this chapter or any rule or regulation established by the Commissioner of Accounts pursuant to this chapter.

- (3) A pedalbus driver's license shall be suspended or revoked automatically during any period in which the pedalbus driver's New York State driver's license is suspended, revoked, expired, or has any conditions attached to it by the NYS Department of Motor Vehicles that prohibit the licensee from driving or operating a pedalbus
 - (4) A pedalbus driver's license may be suspended upon the pedalbus driver's arrest or conviction of a violation of any provision of § 1192 of the Vehicle and Traffic Law.
 - (5) Any other conduct which evidences the inability of the driver to safely operate a pedalbus or which evidences a disregard for public safety.
- B. Procedure - The following procedure(s) will be followed when revoking or suspending a pedalbus driver's license:
- (1) A pedalbus driver against whom revocation or suspension is proposed shall be sent written notice by certified mail, thereof at the address listed on his or her application. Said notice shall state the reason for the proposed suspension or revocation and shall state the date by which the pedalbus driver may request a hearing, except that said date shall not be more than fifteen (15) days after the date of the written notice. Request for a hearing shall be in writing to the Commissioner of Accounts. The hearing shall be held no later than thirty (30) days following receipt of the written request, unless the licensee requests an adjournment of the hearing date. Failure to request a hearing by the date specified shall result in a waiver of such hearing, and the suspension or revocation shall then take effect.
 - (2) Pre-hearing Suspension - The license of a pedalbus driver against whom suspension or revocation is proposed may be suspended immediately as part of the issuance of the written notice, pending the hearing and determination.
- C. Any such suspension shall be noted on the license, together with a statement of the reasons thereof, and the pedalbus driver shall be deprived of his or her pedalbus license by the Commissioner of Accounts. Notification of such suspension or revocation shall be sent to the licensee at the address indicated on the application, by certified mail. A second suspension for the same reason shall automatically revoke the license. No pedalbus driver whose pedalbus license has been revoked shall be eligible to reapply for a license under this chapter for a period of twelve (12) months following the effective date of the suspension or revocation, unless he or she presents reasons satisfactory to the Commissioner of Accounts, in writing.

163-17 Issuance of License

Upon the completion of all reviews by the Office of Risk and Safety, and the Department of Public Safety and upon determining that the provisions of this article have been complied with, the Commissioner of Accounts shall have authority to issue a pedalbus license. The Commissioner shall also have authority to impose reasonable conditions in the public interest upon any pedalbus license issued. Any conditions imposed shall be plainly noted on or attached to the issued pedalbus license. Each pedalbus owner's license shall indicate the name of the pedalbus company, the address of the pedal bus company, the name of the applicant, the fee paid, the date of issuance, date of expiration, the signature of the Commissioner of Accounts, the date of inspection by Code Enforcement, the number of pedalbuses licensed and their seating capacities. Each pedalbus driver's license shall indicate the driver's name, date of issuance, date of expiration, driver's photograph, and the pedalbus company's license number for whom they work.

ADOPTED:

CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NEW YORK

By _____
John P. Franck

City Clerk