

1 *Person* means any person, firm, corporation, partnership, entity, or association of persons of any kind.

2 **Sec. 34-145. Powers of the Director.**

3 The Director is authorized to make and enforce such additional rules and regulations, not in conflict
4 with the provisions of this Article, as the Director may deem proper to regulate the operation of pedal
5 carriages for hire under certificates of convenience and necessity issued pursuant to this Article. The
6 Director shall have the authority to temporarily suspend the operation of pedal carriages on City streets
7 when conditions for such operations become unsuitable or unsafe.

8 **Sec. 34-146. Office Required.**

9 Each pedal carriage service operator shall maintain a central place of business, in an area zoned for
10 such, for the purposes of receiving calls and dispatching pedal carriages. Said person shall file and keep
11 current with the Director the address, telephone number, and email address of such place of business.

12 **Sec. 34-147. Certificate of Convenience and Necessity Required.**

13 No person shall operate or permit a pedal carriage service vehicle owned, leased, or controlled by said
14 person to be operated in the City without having first obtained a Certificate of Convenience and necessity.

15 **Sec. 34-148. Certificate of Convenience and Necessity; Allotment, Issuance, and Denial.**

16 (a) Unless otherwise authorized by the Board of Directors, there shall only be three (3) certificates
17 of convenience and necessity granted for the operation of pedal carriage in the City.

18 (b) The Director may issue any or all of the three (3) Certificates of Convenience and necessity
19 authorized by this Article if it is determined that the application is in compliance with the terms and
20 conditions set forth in this Article, as long as once a year the Director submits a resolution for approval
21 by the City's Board of Directors that ratifies the issuance or renewal of the certificate. If the certificate
22 is issued prior to the adoption of such a resolution, the applicant may operate at its own peril if it is
23 otherwise in compliance with all terms and conditions of this Article and with any rules and regulations
24 promulgated by the Director, as long as the applicant agrees immediately to cease operations should the
25 Board of Directors fail to ratify the issuance or the renewal of a Certificate of Convenience and necessity.

26 (c) If the Director denies an application for a Certificate of Convenience and necessity, the applicant
27 may appeal the Director's decision to the Board of Directors by filing an appeal with the City Clerk no
28 later than three (3) business days after receipt of notice from the Director that the application has been
29 denied. The Board shall hold a public hearing regarding whether to grant the certificate, and shall
30 determine whether the applicant has met all of the criteria set forth in this Article. Notice of the public
31 hearing shall be provided to the applicant at least three (3) business days before the hearing, and shall be
32 noted on the agenda for the Board meeting at which it is scheduled. The time and place of the hearing
33 and the manner by which it shall be conducted shall be determined by the Board of Directors. The Board
34 may deny the application for a Certificate of Convenience and necessity if it determines that:

35 (1) The applicant is not in compliance with the terms and conditions of this Article;

- 1 (2) The applicant has failed to comply with the terms and conditions of similar ordinances, rules,
2 or regulations in other cities; or,
- 3 (3) The applicant has failed to fulfill any financial obligations associated with the operation of
4 a pedal carriage, the payment of license or inspection fees, or the payment of legitimate
5 claims against the applicant arising out of the operation of a pedal carriage; or,
- 6 (4) The Board determines that, at the time of the application, an additional Certificate of
7 Convenience and necessity would not be in the best interests of the City.

8 **Sec. 34-149. Procedure to increase the number of certificates of convenience and necessity.**

9 (a) Only the Board of Directors has the authority to increase the number of Certificates of
10 Convenience and necessity authorized by this Article. Upon an application for such an increase, the
11 Board shall first direct the City Manager, after consultation with the Director, to determine if a need
12 exists for additional certificates. If the City Manager concludes that an increase in certificates is
13 appropriate, the Board shall be provided with a report to that effect which sets forth the City Manager's
14 findings. If the Board agrees that additional certificates are appropriate, then it shall schedule a public
15 hearing to discuss the issue. The time, place, and manner of the hearing, and the manner in which the
16 hearing is conducted, shall be determined by the Board of Directors, provided the hearing shall have been
17 advertised at least once in a daily newspaper no less than seven (7) day, nor more than fourteen (14) days
18 prior to the date set for the hearing.

19 (b) If the City Manager concludes that an increase in certificates is not appropriate, the Board shall
20 be provided with a report to that effect which sets forth the basis for the City Manager's conclusions.
21 This report shall be made during a regular meeting of the Board of Directors and notice that the report is
22 being presented shall be advertised at least once in a daily newspaper no less than seven (7) days, nor
23 more than fourteen (14) calendar days prior to the presentation of the report. Copies of the report shall
24 be available to the public no less than two (2) business days prior to the hearing. After receiving the
25 report, the Board shall permit time for interested parties to comment upon the City Manager's
26 conclusions. If the Board, after receiving the report and any comments, decides to consider the issuance
27 of additional certificates, then it shall set an additional public hearing, to be held during a regular meeting
28 of the Board of Directors, to discuss the following issues:

- 29 (1) Whether the demands of the public require the proposed or additional pedal carriage service
30 within the City.
- 31 (2) Whether the existing service is sufficient to properly meet the demands and needs of the public.
- 32 (3) Whether any identified applicant for an additional certificate is financially responsible.
- 33 (4) Whether increased traffic congestion on the streets will result by the increase of additional
34 certificates, or whether the safe use of the streets by the public, both vehicular and pedestrian,
35 will be preserved by the grant of any additional certificate.

1 (5) Whether increased traffic congestion on the streets will result by the increase of additional
2 certificates, or whether the safe use of the streets by the public, both vehicular and pedestrian,
3 will be preserved by the grant of any additional certificate.

4 **Sec. 34-150. Certificate of Convenience and Necessity; Application.**

5 Any person desiring to secure a Certificate of Convenience and necessity shall submit an application
6 addressed to the Director and shall pay a One Hundred Dollar (\$100.00) nonrefundable application fee.
7 This application shall be in writing, verified by the affidavit of the applicant, or if the applicant is a
8 corporation, partnership, entity, or association of persons of any kind, by its duly authorized officer or
9 agent. The application shall provide the following facts and any other information required by regulations
10 promulgated by the Director:

- 11 (1) Trade name and address of the applicant.
- 12 (2) Telephone number, telefacsimile number, and the e-mail address of the applicant.
- 13 (3) The name of the agent for service of process for the applicant.
- 14 (4) If the applicant is a corporation, the name of the corporation and the date and state of
15 incorporation.
- 16 (5) If the applicant is a corporation, the names and addresses of all shareholders, officers, and
17 directors of the corporation.
- 18 (6) The experience and the qualifications of the applicant, or if the applicant is a partnership, the
19 experience the partners therein have had, or if the applicant is a corporation or other
20 association of persons, the experience the officers and directors have had in pedal
21 carriage passenger transportation service.
- 22 (7) The number of pedal carriages the applicant desires to operate.
- 23 (8) The passenger capacity of each pedal carriage the applicant desires to operate.
- 24 (9) A current certificate of liability insurance listing each pedal carriage covered in the amounts
25 designated in Section 34-131 and listing the City as certificate holder.
- 26 (10) A full-color photograph of each pedal carriage.
- 27 (11) The name and telephone number of an emergency contact person.

28 **Sec. 34-151. License Fees.**

29 (a) The annual license fee for a Certificate of Convenience and necessity for each pedal carriage
30 owner shall be Two Hundred Fifty Dollars (\$250.00).

31 (b) The annual license fee for each pedal carriage in use shall be Fifty Dollars (\$50.00).

32 (c) The Certificate of Convenience and necessity shall be issued on the first day of January of each
33 year, and shall expire one (1)-year thereafter.

1 **Sec. 34-152. Number of Pedal Carriages Authorized Upon City Streets.**

2 No more than four (4) pedal carriages per each certificate holder shall be permitted to operate upon
3 the streets of the City. Once this maximum number of pedal carriages has been permitted, no applications
4 for additional Pedal Carriage Licenses will be accepted. Should the number of permitted pedal carriages
5 drop below the maximum number allowed in this Section, the Director will consider applications for
6 additional Pedal Carriage Licenses in the order in which the applications are filed with the Director.

7 **Sec. 34-153. Requirement to Display Certificate of Convenience and Necessity.**

8 The Certificate of Convenience and necessity and attachments shall be displayed in the pedal carriage
9 at all times when the pedal carriage is on a public right-of-way.

10 **Sec. 34-154. Expiration of Certificate of Convenience and Necessity.**

11 A Certificate of Convenience and necessity issued under this Article shall expire on December 31 of
12 each year at midnight and may be renewed from year to year at the existing level of pedal carriages upon
13 the payment of the required fee, as long as the Pedal Carriage Operator is in compliance with this Article
14 and any pedal carriage regulations promulgated by the Director.

15 **Sec. 34-155. Renewal of Certificate of Convenience and Necessity.**

16 (a) Owner applications for the renewal of a Certificate of Convenience and necessity shall be made
17 by January 1st of each year and shall include payment of a Two Hundred Fifty Dollar (\$250.00) Renewal
18 Fee and a Fifty Dollar (\$50.00) Pedal Carriage Permit Renewal Fee for each pedal carriage in use.

19 (b) If the Director denies the request for certificate renewal, the Director shall advise the applicant
20 in writing of the reasons for such denial. The applicant may appeal the Director's decision to the Board
21 of Directors by filing an appeal with the City Clerk no later than three (3) business days after receipt of
22 notice from the Director that the renewal application has been denied. The Board shall hold a public
23 hearing regarding whether to grant the certificate renewal, and shall determine whether the applicant has
24 met all of the criteria set forth in this Article. Notice of the public hearing shall be provided to the
25 applicant at least three (3) business days before the hearing, and shall be noted on the agenda for the
26 Board meeting at which it is scheduled. The time and place of the hearing, and the manner by which it
27 shall be conducted, shall be determined by the Board of Directors. The Board may deny the renewal
28 application for a Certificate of Convenience and necessity if it determines that:

- 29 (1) The applicant is not in compliance with the terms and conditions of this Article; or,
30 (2) The applicant has failed to comply with the terms and conditions of similar ordinances, rules
31 or regulations in other Cities or States; or,
32 (3) The applicant has failed to fulfill any financial obligations associated with the operation of
33 a pedal carriage, the payment of license or Inspection Fees, or the payment of legitimate
34 claims against the applicant arising out of the operation of a pedal carriage; or

1 (4) The Board determines that, at the time of the application, an additional Certificate of
2 Convenience and necessity would not be in the best interests of the City.

3 **Sec. 34-156. Business License Required.**

4 (a) Each Pedal Carriage Service Operator shall possess and maintain a current Business License.

5 (b) Each Pedal Carriage Service Operator shall maintain an emergency telephone number where the
6 Owner or Manager of the pedal carriage service may be contacted in case of an emergency.

7 **Sec. 34-157. Insurance Required; Accident/Incident Report.**

8 (a) Every applicant for a license to operate a pedal carriage, whether the pedal carriage is to be
9 operated by the owner or some other person, in addition to the other requirements of this Article, shall
10 maintain and file with the Director for each pedal carriage to be operated a policy of General Liability
11 Insurance which meets the requirements of this Article and any applicable regulations promulgated by
12 the Director.

13 (b) Insurance required by this Section shall be carried by a firm which has been duly licensed or
14 permitted to conduct an insurance business in this state, and said insurance shall be kept and maintained
15 continually in force and effect so long as the applicant shall be licensed to operate pedal carriage on the
16 streets of the City.

17 (c) Insurance as required herein shall be a policy of liability insurance in the sum of Three Hundred
18 Thousand Dollars (\$300,000.00) for bodily injury per person in any one (1) accident, with an aggregate
19 of Six Hundred Thousand Dollars (\$600,000.00) per incident.

20 (d) The certificate holder, on or before the fifth day of each month, shall file with the Director a
21 report showing the number of accidents or incidents, if any, in the preceding month, in which any pedal
22 carriage owned and/or operated by the certificate holder was involved, the nature of the damage, if any,
23 to person or property resulting therefrom, the name and address of all persons who have outstanding
24 claims because of any pedal carriage accident, and whether any claims were settled during the preceding
25 month.

26 (e) The failure to file the required report within the time provided, or the filing or causing or
27 intentionally permitting the filing of a false report, shall be a violation of this Article and shall also be
28 grounds for suspension and revocation of the certificate holder's Certificate of Convenience and
29 necessity.

30 (f) If any policy of insurance covering any or all of the pedal carriage authorized to be operated
31 under a Certificate of Convenience and necessity expires, and the operator fails to replace it immediately
32 with another policy of insurance fully complying with the provisions of this Article, the Certificate of
33 Convenience and necessity and the licenses issued thereunder shall be *ipso facto* suspended. The
34 Certificate of Convenience and necessity may be reinstated by the Board of Directors upon application,
35 with or without a hearing, upon compliance in full with all the provisions of this Article. If the Board of

1 Directors reinstates the Certificate of Convenience and necessity, the Director, upon notice from the
2 Board, shall reinstate the license(s) thereunder.

3 (g) It shall be unlawful for any person to operate or cause to be operated any pedal carriage upon any
4 public street in the City unless the required policy of insurance for the pedal carriage has been filed with
5 the Director and is in full force and effect.

6 (h) In the event of any final judgment against the owner or operator of any pedal carriage for injury
7 to or death of any person, or damage to property from the negligence of the owner or operator, or for any
8 reason regardless of fault, remains unsatisfied for a period of thirty (30) days, the Board of Directors,
9 upon complaint of the owner of the judgment, or the legitimate complaint of any other person, shall
10 forthwith revoke the Certificate of Convenience and necessity and all pedal carriage licenses of the owner
11 or operator.

12 **Sec. 34-158. Pedal Carriage Inspection and Approval.**

13 (a) *Pedal Carriage Inspection; Approval.* No operator shall permit a pedal carriage to be operated in
14 the City until the pedal carriage has been inspected and approved by the Administrator. The
15 Administrator is authorized to make spot inspections of pedal carriage.

16 (b) *Inspections.*

17 (1) It shall be the duty of the Administrator to cause to be inspected each and every pedal carriage
18 for which a license has been issued pursuant to this Article at least once each year, or at any
19 other time that the Administrator deems advisable. The Inspection Fee shall be included in
20 the Annual Pedal Carriage Fee.

21 (2) Such inspection shall be made to determine that a pedal carriage is in a reasonably good state
22 of repair, functions properly, is clean, and that the pedal carriage is equipped and is being
23 operated in compliance with all requirements of this Article.

24 (3) The inspection shall be made at a time and place designated by the Administrator. The
25 Administrator shall cause the record of such inspection to be reduced to writing and a
26 permanent record made thereof. Such record shall be kept for a period of at least three (3)
27 years.

28 a. If the inspection reveals that any such pedal carriage is not in a reasonably good
29 operating condition, from the standpoint of the safety, health, and comfort of
30 passengers, the pedal carriage shall be ordered out of service until such time as
31 remedial repairs and corrections have been made.

32 b. Such pedal carriage shall be reinspected to determine whether or not proper repairs
33 and corrections have been made. In no case shall the pedal carriage be permitted to
34 resume its operation until such repairs and corrections have been made and an
35 inspection has been conducted.

1 (4) The inspection shall include, but not be limited to, the following required items:

2 a. *Headlights, Tail Lights, Mirrors, Turn Signals, and Other Requirements.* Every pedal
3 carriage shall be equipped with the operational equipment set forth in the subsections
4 below:

5 i. A headlight capable of projecting a beam of white light for a distance at a
6 minimum of 300 feet which shall be clearly visible from one-half (1/2)-hour
7 after sunset and one-half (1/2)-hour before sunrise and at all times when
8 conditions for poor visibility exist, and must be illuminated at all such times.

9 ii. A side-mounted mirror or a wide-angle rear-view mirror affixed to the pedal
10 carriage to reflect to the pedal carriage driver a view of the street for a distance of
11 at least 200 feet from the rear of the pedal carriage.

12 iii. A red light and brake light affixed to the rear of the pedal carriage which
13 must be visible for a distance of at least 200 feet from the rear of the pedal carriage.
14 The red light must be illuminated from one-half (1/2)-hour after sunset and one-half
15 (1/2)-hour before sunrise and at all times when conditions for poor visibility exist.
16 Turn signals must be affixed to the front and rear of the vehicle.

17 b. *Flashing Lights;*

18 c. *Braking System* (front and back);

19 d. *Tires;* and,

20 e. *Sound-Warning Device.* A fully operational horn or bell.

21 (c) If, upon any inspection, a pedal carriage is found to be unsafe, not to work property, or to be unclean
22 or unsightly, the Administrator may direct that the pedal carriage be taken out of service until such condition
23 is corrected. Such pedal carriage shall be reinspected and approved by the Administrator before returning
24 to service.

25 (d) *Identification.*

26 (1) The Administrator shall issue a sticker for each pedal carriage licensed under this Article.

27 The sticker shall be attached to the pedal carriage as designated by the Administrator.

28 (2) The name of the company operating the pedal carriage and the telephone number and e-mail
29 address of that company shall be conspicuously posted on the rear of each pedal carriage in
30 letters not less than two (2) inches high.

31 **Sec. 34-159. Safety and Health.**

32 All restrictions and requirements for motorized vehicles contained in City Ordinances and State
33 Statutes shall apply to pedal carriages except those which, by the nature of pedal carriages, could have no
34 application.

1 **Sec. 34-160. Alcohol.**

2 (a) Pedal Carriage Drivers and owners shall not sell nor in any way provide alcoholic beverages to
3 pedal carriage passengers.

4 (b) Passengers of pedal carriages may only consume alcoholic beverages on a pedal carriage which he
5 or she purchased in an Entertainment District.

6 (c) No glassware of any kind shall be allowed on a pedal carriage including, but not limited to, bottles,
7 receptacles, or drinking glasses.

8 (d) Passengers of pedal carriages shall consume alcoholic beverages in accordance with all local, State
9 and Federal Laws.

10 (e) An operator or driver of a pedal carriage commits an offense if he or she provides an alcoholic
11 beverage to a passenger for a fee or as part of the passenger transport service.

12 **Sec. 34-161. Pedal Carriage Drivers.**

13 (a) *Pedal Carriage Driver Permit Required.* No person shall operate a pedal carriage for hire upon
14 the streets of the City, and no certificate holder who owns or controls a pedal carriage for hire shall permit
15 such pedal carriage to be so driven, unless the driver of the pedal carriage shall have first obtained a
16 current Pedal Carriage Driver Permit which has been approved and issued by the Director.

17 (b) *Pedal Carriage Driver Qualifications.*

18 (1) The applicant shall be at least eighteen (18) years of age.

19 (2) The applicant shall have an appropriate and valid Driver's License as required pursuant
20 to Arkansas State Law.

21 (3) The applicant must have experience in operating a pedal carriage.

22 (c) *Pedal Carriage Driver Permit Application.* Any person desiring a Pedal Carriage Driver Permit
23 shall obtain and complete a Pedal Carriage Driver Permit application. The form of such
24 application shall be developed by the Administrator and shall include, but not be limited to, the
25 name, address, and age of the applicant.

26 (d) *Investigation.* The Pedal Carriage Operator shall ensure that each Pedal Carriage Driver Permit
27 applicant obtain a Criminal Record Check and a Traffic Record Check from each state of the
28 driver applicant's previous and current residence for the thirty-six (36) months preceding the
29 Pedal Carriage Driver Permit application. Each Pedal Carriage Driver Permit applicant shall
30 return the Criminal Record Check(s) and Traffic Record Check(s) to the Administrator. Pedal
31 Carriage Drivers are responsible for reporting to the Administrator any change in qualifications
32 or other licensing or permitting information previously supplied within ten (10) calendar days of
33 the change. Failure to do so may lead to revocation of the Pedal Carriage Driver's Permit.

34 (e) *Operator Reporting.* A Pedal Carriage Operator shall report to the Administrator any matter the
35 operator is aware of that would disqualify a pedal carriage driver under this Article.

1 (f) *Pedal Carriage Driver Permit Fee.* Each applicant for a Pedal Carriage Driver Permit shall pay
2 to the City a nonrefundable fee of Twenty Dollars (\$20.00) at the time the application is filed.

3 (g) *Duplicate Pedal Carriage Driver Permit.* If a Pedal Carriage Driver's Permit has been lost or
4 destroyed, the payment of Ten Dollars (\$10.00) as a replacement fee shall be required, and the
5 Director shall issue a duplicate Pedal Carriage Driver's Permit.

6 (h) *Pedal Carriage Driver Permit Term; Renewal.* A permit issued under this Section shall be valid
7 for a one (1)-year period commencing on the date of issue, and extending through the twelve (12)
8 months past the date of issue. Permits shall be renewed in the following manner:

9 (1) Submittal of a Pedal Carriage Driver Permit Renewal Application to the Director;

10 (2) Submittal of the required Criminal Background Report(s) and the required Traffic Record
11 Report(s);

12 (3) Payment of a Twenty Dollar (\$20.00) Renewal Fee at the time of submittal of the permit
13 renewal application.

14 (i) The permittee shall comply with all applicable ordinances and regulations of the City.

15 **Sec. 34-162. Duties and Conduct of Drivers.**

16 (a) A Pedal Carriage Driver shall obey all Traffic Laws and Regulations of the City and the State.

17 (b) No Pedal Carriage Driver shall consume any alcoholic beverages while on duty or operate a pedal
18 carriage while impaired in any manner to any threshold provided by Arkansas State Law.

19 (c) No Pedal Carriage Driver shall permit passengers in excess of the manufacturer recommended
20 passenger capacity design of the pedal carriage.

21 (d) Pedal Carriage Drivers shall be in the driver's seat and shall have control over the pedal carriage
22 before loading or unloading passengers.

23 (e) No Pedal Carriage Driver shall permit passengers to stand on any part of the pedal carriage while
24 in motion. Drivers shall take all necessary precautions to prohibit such activity.

25 (f) A Pedal Carriage Driver shall not permit a person other than another employee of the Pedal
26 Carriage Service with a valid Pedal Carriage Driver's Permit to operate a pedal carriage under his or her
27 control.

28 (g) Pedal Carriage Driver shall:

29 (1) Transport passengers in a safe and prudent manner;

30 (2) Keep the interior of the pedal carriage clean;

31 (3) Inspect the pedal carriage and its equipment at least once daily to ensure mechanical
32 fitness and good-working order;

33 (4) Report all accidents as required by this Chapter, as well as report each accident to the
34 owner of the pedal carriage;

- 1 (5) Upon request, deliver a written receipt to any passenger who has paid a fare, stating the
- 2 amount paid; and
- 3 (6) Be clean in dress and in person while on duty.

4 **Sec. 34-163. Pedal Carriage Permitted Zones of Operation and Preapproved Fixed Routes; Hours**
5 **of Service.**

6 (a) *Permitted Zone of Operation.* Pedal carriages may only operate and pickup, carry and discharge
7 passengers within designated entertainment districts unless otherwise authorized by the Director. The
8 Director may prohibit the operation of pedal carriages on streets if, in the opinion of the Director,
9 conditions warrant such prohibition.

10 (b) The Director may designate passenger pick-up and discharge points for pedal carriages.

11 (c) Pedal Carriage Drivers shall not stop to load or unload passengers or their belongings in the
12 intersections of any street or crosswalk or in any manner or other location that would be considered unsafe.
13 No pedal carriage shall load or unload passengers in any such manner that would in any way impede or
14 interfere with the orderly flow of traffic on the streets.

15 (d) No pedal carriage shall be parked on any sidewalk or walkway.

16 (e) No pedal carriage shall use any public street or other public property as a waiting area unless such
17 area is a legal motor vehicle parking area or as permitted.

18 (f) Pedal carriages shall not operate during the non-holiday weekday rush hours of 7:00 AM to 9:00
19 PM.

20 **Sec. 34-164. Pedal Carriage Service Area Exception Permit.**

21 (a) If a holder of Pedal Carriage Certificate of Convenience and necessity desires to provide Pedal
22 Carriage Service in areas other than the designated Entertainment Districts or other areas authorized by
23 the Director, the holder shall obtain a Pedal Carriage Service Area Exception Permit from the Director at
24 least twenty-four (24) hours before use of the permit. Such permit shall not be issued without the
25 submission of a written application for the Director's review and approval. The application shall state
26 the need for the permit, identify the pedal carriages to be used, and identify the desired route and time of
27 the pedal carriage service.

28 (b) Upon approval of the application and issuance of the Pedal Carriage Service Area Exception
29 Permit, the Director may condition the permit upon any requirement that the Director deems to be in the
30 interest of public safety, including, but not limited to, requiring the holder to have a vehicle escort
31 following the pedal carriage on major thoroughfares or requiring additional temporary lighting on
32 the pedal carriage.

33 **Sec. 34-165. Operating Restrictions and Conditions.**

34 (a) All pedal carriages shall be clean and maintained in a good state of repair. All pedal carriages
35 shall be maintained by the Pedal Carriage Operator so as to be well painted and have an appearance free

1 of damage or deterioration, and a safe operational condition. Pedal carriages shall be, at all reasonable
2 times, subject to inspection by Director.

3 (b) All pedal carriages shall have the trade name and phone number of the owner conspicuously
4 displayed on the pedal carriage.

5 (c) Pedal Carriage Drivers shall have in their possession Proof of Insurance and a valid State Driver's
6 License while in control of any pedal carriage and shall operate the pedal carriage in compliance with all
7 applicable Federal, State and Local Traffic Laws, ordinances, or other applicable regulations and in a
8 manner so as to assure the safety of persons and property. These documents shall be made available
9 upon request of law enforcement or the Director.

10 (d) All pedal carriage drivers shall obey and comply with any lawful order or direction of any Police
11 other Law Enforcement Officer, and shall refrain from interference with such officials while in the
12 performance of their duties.

13 (1) No Pedal Carriage Driver shall permit more passengers to be carried in a pedal carriage
14 than the pedal carriage's normal seating capacity.

15 (2) No Pedal Carriage Driver shall allow a passenger or other individuals to drive his or her
16 pedal carriage unless in the event of an emergency.

17 (3) Pedal Carriage Drivers and passengers shall at all times keep the peace, refrain from
18 making excessive noise, and comply with the City's Noise Ordinance at Section 18-52
19 of the City Code.

20 (4) Pedal Carriage Drivers shall properly dispose of all trash on the pedal carriages they
21 drive.

22 (5) It shall be unlawful for any Pedal Carriage Driver to allow or cause to be operated a pedal
23 carriage in any unsafe manner or operating condition.

24 (6) Any pedal carriage not in compliance with the minimum requirements of this Section 34-
25 163 may be cited and placed immediately-out-of-service. Any vehicle which has been so
26 removed from service shall not be returned to service until such vehicle has been approved
27 by the Director for resumption of service.

28 **Sec. 34-166. Fares.**

29 (a) A certificate holder shall file with the Director a Schedule of Fares to be charged for Pedal
30 Carriage Services provided. A holder shall notify the Director within forty-eight (48) hours of any
31 changes in the fare schedule filed by the holder.

32 (b) The Schedule of Fares shall be conspicuously posted on each pedal carriage at a location
33 designated by the Director.

34 (c) The use of any type of meter or measuring device to calculate the rate of fare is prohibited.
35

1 **Sec. 34-167. Pedal carriage passenger restrictions.**

2 No pedal carriage shall be operated transporting more than the manufacturer-recommended
3 maximum number of passengers.

4 **Sec. 34-168. Standing.**

5 No pedal carriage shall stand or park on any public roadway for longer than is necessary to load or
6 unload passengers. All loading and unloading of passengers from a roadway shall be from a curb lane.

7 **Sec. 34-169. Discontinuance of Pedal Carriages; Transfer of Certificate of Convenience and**
8 **Necessity.**

9 (a) Any certificate holder who intends to discontinue the use of any or all licensed pedal carriages
10 shall immediately file with the Director a statement, verified by affidavit, of the number of pedal carriages
11 to cease operation and the reasons for such action. The failure to file this statement within one (1)
12 business day from the day the use of a pedal carriage is discontinued shall lead to suspension of any
13 other pedal carriage licenses issued to the certificate holder. The withdrawal of any pedal carriage from
14 operation, for the purpose of conditioning, overhauling, or repairing the pedal carriage, shall not be
15 considered discontinuing operation under this Section. If proper notice is given that use of a particular
16 licensed pedal carriage will be discontinued, and if a substitute pedal carriage complies with the
17 provisions of this Article, then the Director shall transfer the license to the new pedal carriage.

18 (b) No holder of a Certificate of Convenience and necessity may sell, assign, lease, or otherwise
19 transfer the rights and privileges granted thereunder to any other person without first having been granted
20 written permission to do so by the Board of Directors.

21 **Sec. 34-170. Revocation or Suspension of Certificate of Convenience and Necessity, Pedal**
22 **Carriage Licenses or Pedal Carriage Driver Permit.**

23 (a) Any Certificate of Convenience and necessity, Pedal Carriage License, or Pedal Carriage Driver
24 Permit which have been issued to any person may be suspended by the Director upon a reasonable belief
25 that there is good cause for such a suspension, and may be revoked after a public hearing on the issue has
26 been held by the Director. Except for suspension because of issues of public safety, any revocation shall
27 be effective upon the expiration of three (3) business days after the mailing of such notice to the certificate
28 or permit holder. For suspensions based upon public safety violations, the suspension shall be effective
29 immediately upon such a finding by the Director, provided written notice is promptly mailed to the
30 certificate or permit holder. In addition to public safety concerns, and the other reasons set forth in this
31 Article, the Director may suspend or revoke a certificate of convenience and necessity if the certificate
32 holder has failed, or shall fail, to file with the Secretary of State any report required by Arkansas State
33 Law.

34 (b) Any person whose Certificate of Convenience and necessity, Pedal Carriage License, or Permit
35 has been suspended or revoked by the Director may appeal such suspension or revocation to the Board

1 of Directors by giving notice in writing to the Director within ten (10) calendar days of the date of
2 mailing of such notice to the certificate or permit holder as set out above, provided that the certificate or
3 permit holder shall not be permitted to operate during the pendency of an appeal if the suspension or
4 revocation is based upon a public safety violation.

5 (c) Notice of suspension or revocation shall be sent by registered mail, return receipt requested, to
6 the listed office of the certificate or permit holder. A copy of the suspension or revocation shall be
7 provided to the Chief of Police, and shall be publicly posted at the office of the Director. In addition, the
8 Director shall attempt to contact the certificate or permit holder by telephone, telefacsimile, or e-mail on
9 the date the suspension or revocation is issued.

10 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
11 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
12 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
13 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
14 ordinance.

15 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with
16 the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

17 **Section 5. Emergency.** *The City's Transportation Code was intended to be a comprehensive*
18 *codification of ordinances dealing with for-hire transportation within the City of Little Rock, Arkansas, and*
19 *such regulation is essential to protect the public health, safety and welfare, an emergency is declared to*
20 *exist and this ordinance shall be in full force and effect from and after the date of this adoption*

21 **PASSED: May 16, 2023**

22 **ATTEST:**

APPROVED:

23
24 _____
25 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

26 **APPROVED AS TO LEGAL FORM:**

27
28 _____
29 **Thomas M. Carpenter, City Attorney**

30 //

31 //

32 //

33 //

34 //

35 //

36 //