

ORDINANCE TO AMEND CHAPTER 4 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ALCOHOLIC BEVERAGES, CHAPTER 16 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC, CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS, AND CHAPTER 28 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO TAXICABS AND BUSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

**Section 1.** Section 4-7 of Chapter 4, Alcoholic Beverages, is hereby amended as follows:

Sec. 4-7. – Possession and consumption of malt beverages and unfortified wine.

- (a) Except as provided by this chapter, it shall be unlawful to possess an open container of, or to consume a malt beverage or unfortified wine, on any public street, sidewalk or any property owned, occupied, or controlled by the city.

*Exception:* Subsection (a) does not apply to an occupant of a motor vehicle while on a public street, when served at sidewalk cafes permitted in accordance with Chapter 26, or when consumed on pedal cars permitted in accordance with Chapter 26.

**Section 2.** Section 16-53 of Chapter 16, Motor Vehicles and Traffic, is hereby amended as follows:

Sec. 16-53. – Traffic schedules.

The following traffic schedules, compiled under the direction of the city manager, and inserted in official traffic records and kept on file in the office of the city clerk are adopted and made a part of this chapter:

- No. 1.—Intersection control.
- No. 2.—Speed control.
- No. 3.—Turn control.
- No. 4.—Curb restrictions.
- No. 5.—Pedestrian signal lights.
- No. 6.—Flashing lights.
- No. 7.—One-way streets.
- No. 8.—Truck routes.
- No. 9.—Public off-street parking lots.
- No. 10.—Bicycle-sidewalk lanes.
- No. 11.—Bicycle-street lanes.
- No. 12.—Low speed vehicle (LSV) taxi and alternative passenger vehicle routes.

**Section 3.** Chapter 26, Streets and Sidewalks, is hereby amended by adding a new article as follows:

ARTICLE IV. – ALTERNATIVE PASSENGER VEHICLES

Sec. 26-282. - Purpose and intent.

- (a) The transportation of people within and around the downtown business district and high density urban areas by means of vehicles is a matter which affects the public interest. Due to the high volume of pedestrian, bicycle and vehicular traffic in Greensboro, it is necessary to regulate the operation of select types of passenger vehicles not classified as taxicabs, buses, or low speed vehicle taxicabs on city streets. The public interest requires operators of alternative passenger vehicles be properly qualified persons, that the vehicles, themselves, be fit for their intended purpose, that vehicle use be limited to designated areas, and that the safety and welfare of passengers and the general public be adequately protected.
- (b) The purpose of this chapter, therefore, is to establish an Alternative Passenger Vehicle (APV) ordinance, which:
  - (1) defines which alternative vehicular modes utilized for the commercial purpose of transporting passengers may operate on city streets;
  - (2) defines requirements for permitting of alternative passenger vehicle businesses and drivers of such vehicles;
  - (3) regulates the operations of alternative passenger vehicles on city streets;
  - (4) restricts the streets on which the vehicles may operate within and adjacent to the Central Business District;
  - (5) establishes standards that the vehicles, owners, and operators must meet; and,
  - (6) promotes the safety and welfare of passengers and the general public.

Sec 26-283. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative passenger vehicle means any pedal car providing transportation services within or adjacent to the Central Business district.

Alternative passenger vehicle business means the business of operating one (1) or more alternative passenger vehicle(s) for profit or not-for-profit.

Owner means any person engaged in an alternative passenger vehicle business and holding legal right to possession and management, to one (1) or more vehicles being operated as an alternative passenger vehicle.

Driver or operator means any person who actually drives or operates an alternative passenger vehicle on the streets of the city and who is responsible for the safe operation of the vehicle, including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations.

Alternative passenger vehicle permit means the right and privilege granted by the City of Greensboro for the operation of an alternative passenger vehicle business incorporating the use of one (1) or more alternative passenger vehicles within the corporate limits of the city.

Driver's permit means the written authority granted by the city for a driver to operate an alternative passenger vehicle in the City of Greensboro.

Pedal car means a non-motorized four (4) or more wheeled bicycle-like vehicle that transports passengers on saddle type seats with designated room for storage and is either human powered by five or more passengers not including the operator or by a motor capable of propelling the vehicle in the absence of human power.

Sec 26-284. - Alternative passenger vehicle permit application.

- (a) No permit for the operation of an alternative passenger vehicle business may be issued unless the application is complete.
- (b) If the applicant is a corporation, limited liability company, partnership or such other business entity, the person who will be acting as principal in charge of the business to be licensed shall sign the application and all owners of the business entity shall meet all of the requirements for individual applicants.
- (c) The application shall be submitted to the city manager or his designee.
- (d) The applicant shall truthfully and fully provide the information requested on the application, including but not limited to:
  - (1) The applicant's full name and residence address;
  - (2) The applicant's date of birth;
  - (3) The applicant's driver's license and number;
  - (4) The name of the business entity applying for an alternative passenger vehicle permit;
  - (5) A list of each authorized driver, including name, address date of birth, and driver's license number;
  - (6) Certification that all drivers shall complete a training program as required by Sec. 26-289;
  - (7) A photograph of each alternative passenger vehicle to be operated by the alternative passenger vehicle business;
  - (8) Proof of a comprehensive general liability insurance policy or comparable pedicab liability insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days advance written notice to the city. The policy shall provide coverage in an amount not less than \$1,000,000 per occurrence.
  - (9) Such additional information as may be requested by the city manager or his designee to determine compliance with this section.

Sec 26-285. - Issuance of alternative passenger vehicle permit.

- (a) Within thirty (30) days after the filing of a completed application for an alternative passenger vehicle permit, the applicant shall be notified by the city manager, or his designee, of the decision on the issuance or denial of the permit. The manager, or his designee, shall consider the standards set forth in this article in determining whether to grant a permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application.
- (b) Upon payment of the applicable fee, alternative passenger vehicle permits issued pursuant to this article shall expire on June 30<sup>th</sup> of the subsequent year. Applications approved after the expiration of eleven (11) months of the current fiscal year shall be issued permits for the upcoming fiscal year.

- (c) No permit fee shall be abated, nor shall a refund of any part thereof be made, in any case where the permittee discontinues his business before the end of the period for which the permit was issued.
- (d) Fees.
  - (1) The fee for an alternative passenger vehicle business is fifty dollars (\$50.00) which shall be paid on an annual basis.
  - (2) The fee for an alternative passenger vehicle is fifteen dollars (\$15.00) per vehicle which shall be paid on an annual basis.
- (e) A permit decal will be issued for each approved alternative passenger vehicle. The alternative passenger vehicle permit decal shall be displayed at all times during the operation of the alternative passenger vehicle where it can be inspected at any time by any proper city official.
- (f) Permits and decals are non-transferable.

Sec 26-286. - Alternative passenger vehicle permit denial, suspension and revocation.

- (a) Any alternative passenger vehicle permit may be denied, suspended or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of the business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare, or morals, or for conduct which is contrary to the provisions of this chapter.
- (b) Any alternative passenger vehicle business whose permit is denied, suspended or revoked pursuant to this section shall not be granted a new permit for a period of thirty (30) days for the first offense and twelve (12) months for the second offense.

Sec 26-287. - Driver's permit required.

A pedal car driver shall apply for and secure a driver's permit in accordance with the requirements and procedures, including but not limited to those pertaining to denial, suspension, and revocation of Chapter 28, Article II, Division 4, Taxicab Drivers' Permit. For the purposes of this section, the references to "taxicab" in Sec. 28-66 through Sec. 28-76 shall be deemed to refer to "pedal car". Pedal car drivers are exempt from the taxicab driver's dress code requirements of Sec. 28-67.

Sec 26-288. - Areas of operation.

- (a) Alternative passenger vehicles shall be permitted to operate only on streets or portions of streets designated in traffic schedule 12B in accordance with Sec. 16-53. Requests to operate on streets not designated in traffic schedule 12B must be approved by the city transportation director.
- (b) Operation of alternative passenger vehicles shall be specifically prohibited:
  - (1) On any street, highway, or thoroughfare with a posted speed limit greater than thirty-five miles per hour (35 mph);
  - (2) On any sidewalk, pedestrian walkway, greenway or City park except as otherwise specified;
  - (3) In any spaces upon the streets that have been established as taxicab stands or other prohibited areas;

- (4) On any street closed in connection with an approved special event permit unless approved to operate in conjunction with the event by the city and permit holder; and
- (5) When weather conditions are sufficiently adverse or inclement as to endanger passengers or the public.
- (c) Alternative passenger vehicles are not permitted to stop, stand, or park on public property except as follows:
  - (1) At a traffic light/signal;
  - (2) In a legal parking space, provided that the fee for occupying said space is paid, if applicable;
  - (3) In loading/unloading zones; or
  - (4) On any portion of a public street, alley, plaza, park, or similar public place that may be designated as parking for alternative passenger vehicles.
- (d) Designated areas, routes, parking, and loading/unloading zones may be established, modified, or prohibited by the city manager as deemed necessary for the protection of the public safety, health, and welfare.

Sec 26-289. - Standard operating regulations.

No person shall drive or operate an alternative passenger vehicle upon the streets of the City of Greensboro and no owner shall permit it to be so driven or operated unless the vehicle is operated in compliance with all of the requirements of this section.

- (a) No owner shall operate an alternative passenger vehicle business without an alternative passenger vehicle permit.
- (b) All alternative passenger vehicles shall conspicuously display a valid alternative passenger vehicle permit decal on the windshield or other prominent location on the vehicle body.
- (c) An alternative passenger vehicle business shall prepare a training program for its drivers covering at minimum, the safe operation of alternative passenger vehicles, customer service policies, and the requirements of this article. All drivers must complete the training program before operating an alternative passenger vehicle.
- (d) No driver under the age of 18 shall operate an alternative passenger vehicle.
- (e) No driver shall operate an alternative passenger vehicle unless that person has a current valid North Carolina driver's license.
- (f) No driver shall drive an alternative passenger vehicle without first having obtained a driver's permit from the City's taxicab inspector in accordance with Sec. 26-287.
- (g) An alternative passenger vehicle driver shall at all times, while operating the vehicle, prominently post and display in such vehicle, so as to be visible to the passengers therein, his or her driver's permit to drive or operate an alternative passenger vehicle. Such permit shall contain a photograph of the driver. The driver's permit shall be and remain the property of the city. In the event such permit is lost or stolen, such loss shall be immediately reported to the chief of police or his designee and a new permit obtained.
- (h) No driver shall operate, or cause to be operated, an alternative passenger vehicle in an unsafe condition.
- (i) No driver shall operate an alternative passenger vehicle in excess of fifteen miles per hour (15 mph).

- (j) Alternative passenger vehicles are only permitted to be driven or operated in the city on designated streets or thoroughfares. No alternative passenger vehicle may be driven or parked on a sidewalk.
- (k) A driver shall not stop to load or unload passengers or their belongings in travel lanes, intersections of any street, crosswalks, or in any manner or other location that would be considered unsafe. No driver shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.
- (l) Alternative passenger vehicles shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
- (m) A driver shall have in his or her possession proof of insurance and a valid state driver's license. These documents shall be made available upon request of law enforcement, an authorized city license inspector, or traffic control agent.
- (n) A driver shall operate the alternative passenger vehicle in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property.
- (o) A driver shall not consume any alcoholic beverages while on duty or operate an alternative passenger vehicle while impaired in any manner to any threshold.
- (p) All alternative passenger vehicles shall be maintained by the alternative passenger vehicle business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition.
- (q) An owner, operator, or driver shall inspect on a daily basis all alternative passenger vehicles and all equipment at the time of departure from and return to the alternative passenger vehicle business' place of vehicle storage.
- (r) Alternative passenger vehicles shall be subject to inspection by the City Department of Transportation or the Greensboro Police Department.
- (s) All alternative passenger vehicles shall have the trade name and phone number of the business conspicuously displayed on the vehicle.
- (t) A driver shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or license inspector, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.
- (u) No driver shall allow a passenger or other individuals to drive their alternative passenger vehicle.
- (v) No driver shall operate an alternative passenger vehicle unless all passengers are seated in a seat designated for that purpose.
- (w) No driver shall permit more passengers to be carried in an alternative passenger vehicle than the vehicle's normal seating capacity.
- (x) No driver shall permit any passenger twelve (12) years of age or younger to ride in an alternative passenger vehicle unaccompanied by an adult.
- (y) A driver shall actively and affirmatively manage the behavior of the passengers of the alternative passenger vehicle so that that their behavior remains law-abiding during the excursion, both while the vehicle is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, indecent exposure, disorderly conduct, public urination, and littering.
- (z) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that it would violate Chapter 18, Article IV, Offenses of Unreasonable or Disturbing Sound.

- (aa) An alternative passenger vehicle business shall adopt and operate a system for the collection, storage, and return of personal property left on-board an alternative passenger vehicle.
- (bb) Advertisements shall only be allowed on or affixed to the manufactured body of the alternative passenger vehicle. No banners, poles, flags, detached signs, or any other addition or object may be attached to an alternative passenger vehicle.
- (cc) The driver of a alternative passenger vehicle shall remain on the vehicle or immediately adjacent to the vehicle at all times when such vehicle is upon the public streets; except that, when reasonably necessary, a driver may be absent from the vehicle for not more than ten consecutive minutes when the vehicle is in a legal parking space.
- (dd) The operator or owner of any alternative passenger vehicle shall immediately report to the police any accident arising in connection with the operation of the vehicle, which report shall be in writing and shall contain full information as to the time and place of the accident, the name of the driver of the vehicle, the owner of the vehicle, the name or names of persons injured or killed, the names and addresses of witnesses, the approximate amount of property damage done and a further report of the cause of such accident.

Sec. 26-290. - Additional operating conditions for pedal cars.

- (a) All pedal car passengers consuming alcohol shall be of legal age.
- (b) No glassware of any kind, except that which is secured in a designated storage area, shall be allowed on a pedal car including but not limited to bottles, receptacles or drinking glasses.
- (c) No alcoholic beverages other than beer, wine, hard cider, or malt-based beverages may be consumed by passengers of a pedal car.
- (d) Alcoholic beverages as defined in this section may only be consumed in plastic or foam cups.
- (e) Only alcohol supplied by passengers shall be permitted on a pedal car. A driver may not provide an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.
- (f) A driver shall not permit passengers to exit the pedal car with an open container of alcoholic beverage.
- (g) No pedal car passenger shall exit the pedal car with an open container of alcoholic beverage.
- (h) The pedal car driver shall properly dispose of all trash.
- (i) No pedal car driver shall permit more than two (2) persons in addition to the driver to be in the center aisle while the vehicle is in motion.
- (j) All passengers not in the center aisle must remain seated and strapped into a seat while the pedal car is in motion.
- (k) Operating hours of pedal cars shall be specifically prohibited between the hours of 12 a.m. and 8 a.m. all days of the week and between 4 p.m. and 6 p.m. on weekdays, excluding national holidays. Upon the approval of a written request made to the City Department of Transportation, the prohibition of hours of operation may be waived for special events.
- (l) Pedal cars shall not be operated within designated bicycle lanes, but shall instead move with traffic like motor vehicles.

- (m) The primary location of the pedal car business, passenger meeting area, loading, and vehicle storage shall be located on private property in a designated area zoned for commercial uses and must not impede any drive aisles or required parking spaces.
- (n) Rides must be prearranged and fares agreed prior to the commencement of each tour. Pedal cars are prohibited from picking up additional passengers after a tour has departed from its point of origin.

Sec. 26-291. - Pedal car safety and equipment standards.

- (a) All pedal cars must meet the following equipment and safety standards:
  - (1) A maximum length of twenty (20) feet, a maximum width of eight (8) feet six (6) inches, and a maximum height of twelve (12) feet;
  - (2) Unibody frame construction;
  - (3) Four (4) or more wheels;
  - (4) Rubber on all wheels;
  - (5) Seatbelts for passengers, sufficient to securely tether passengers to their seats;
  - (6) A fully operational horn or bell;
  - (7) A standard, functional speedometer, exposed to view;
  - (8) Easily accessible emergency equipment, including a multi-functional fire extinguisher and a fully stocked first-aid kit;
  - (9) Headlights that have a beam of at least three hundred (300) feet;
  - (10) Flashing taillights that are visible from at least five hundred (500) feet;
  - (11) Mirrors affixed to the pedal car to reflect to the driver a view of at least two hundred (200) feet from the rear of the pedal car;
  - (12) Brake lights affixed to the rear of the pedal car that must be visible at a distance of at least two hundred (200) feet from that rear of the pedal car and must be illuminated at all times during darkness;
  - (13) Turn signals affixed to the front and rear of the vehicle;
  - (14) Working running lights along the outermost parts of the front, sides, and rear of the vehicle so as to make the vehicle clearly visible to motorists at night;
  - (15) Hydraulic, mechanical disk, or drum brakes that are unaffected by wet conditions and that control the front and rear of the pedal car;
  - (16) Body painted with bright, reflective paint;
  - (17) If electric motor assistance is installed, it must meet all manufacturer standards and be inspected by a certified mechanic on an annual basis.
- (b) Trailers are prohibited from being attached to pedal cars.
- (c) Any pedal car not in compliance with the minimum requirements of this section may be cited and placed immediately out of service. Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the City's taxicab inspector for resumption of service.

Sec. 26-292 – 26-299. - Reserved.

**Section 4.** Chapter 28, Taxicabs and Buses, Article II, Taxicabs, is hereby amended by adding a new division as follows:

DIVISION 6. DOWNTOWN LOW SPEED VEHICLE TAXICABS

Sec. 28-104. - Low speed vehicle taxicabs business licenses and vehicle permits.

(a) Business Licenses.

- (1) Unless otherwise stated herein, low speed vehicle (LSV) taxicabs shall comply with articles I and II of this chapter.
- (2) A person shall not operate a LSV taxicab company in the city without having first obtained a business license from the city.
- (3) Each applicant for a business license to operate a LSV taxicab company shall comply with the requirements of this article and pay an annual business license fee.
- (4) A LSV taxicab company business license is a privilege and not a right. A LSV taxicab business license shall be subject to suspension or revocation of its business license for failing to comply with the requirements of this article.

(b) Vehicle Permits.

- (1) Upon the payment of a fifteen dollar (\$15.00) fee per LSV taxicab, a permit decal will be issued for each approved LSV taxicab.
- (2) The permit decal shall be displayed at all times during the operation of the LSV taxicab where it can be inspected at any time by any proper city official.
- (3) Permits and decals are non-transferable.

Sec. 28-105. - Area of operation.

LSV taxicabs shall be permitted to operate only on streets or portions of streets designated in traffic schedule 12A.

Sec. 28-106. - Storage of low speed vehicle taxicabs.

The storage site for LSV taxicabs must comply with all applicable zoning regulations and restrictions.

Sec. 28-107. - Fare charged for services.

Any fare charged by a LSV taxicab shall be on a per person, per ride basis and shall be clearly posted.

Sec. 28-108. - Driver's permit.

No person shall operate a LSV taxicab unless they have obtained a driver's permit issued pursuant to Division 4, Taxicab Driver's Permit, of this chapter.

Sec. 28-109. - Low speed vehicle identification and equipment.

- (a) Each LSV taxicab shall bear on each side in letters of not less than two-inches in height, the name of the company, phone number of the company, a unit number, and may, in addition, include an identifying design which has been approved by the police chief or his designee.

(b) Each LSV taxicab must registered with the North Carolina Department of Motor Vehicles and shall comply with the safety standards in 49 C.F.R. § 571.500 and shall be equipped with:

- (1) Headlamps;
- (2) Turn signal lamps (front and rear);
- (3) Tail lamps;
- (4) Stop lamps;
- (5) Reflex reflectors;
- (6) Mirrors on the driver's side and either exterior on passenger's side or interior;
- (7) A parking brake;
- (8) A windshield;
- (9) A Vehicle Identification Number (VIN);
- (10) Seat belts; and
- (11) An alert sound.

Sec. 28-110. - Conduct of drivers.

A driver of LSV taxicabs shall at all times:

- (1) Act in a reasonable, prudent, safe and courteous manner;
- (2) Not permit a person not possessing a vehicle for hire license to operate the LSV taxicab or exercise control over the LSV taxicab;
- (3) Not permit more passengers to be carried in an LSV taxicab than the number of approved seatbelts installed in the LSV taxicab, and at no time shall the driver allow passengers to ride in any area of the LSV taxicab not specifically designed or designated as a seat;
- (4) Not permit any passenger twelve (12) years of age or younger to ride in the LSV taxicab unaccompanied by an adult;
- (5) Travel only roads with speed limits that do not exceed thirty-five (35) miles per hour as shown on Traffic Schedule 12A;
- (6) Not operate an LSV taxicab in excess of the posted speed limit;
- (7) Not operate an LSV taxicab while under the influence of intoxicating beverages or drugs;
- (8) Observe and obey all state and local traffic laws and regulations;
- (9) Not permit a passenger to stand or ride on any part of the LSV taxicab other than the designated seating area while the LSV taxicab is motion, and to advise the passengers that they must be seated with seat belts fastened except when loading or unloading;
- (10) Wear a seatbelt at all times the LSV taxicab is operation;
- (11) Not permit the consumption of alcohol, or possession of open containers by passengers.

Secs. 28-111—28-120. - Reserved.

**Section 5.** That all sections not amended herein shall remain in full force and effect.

**Section 6.** That this ordinance shall become effective upon adoption.