CHARLOTTE

Charlotte City Council
Community Safety Committee
Meeting Summary for January 16, 2013

COMMITTEE AGENDA TOPICS

I. Subject: **Capital Investment Plan**
Action: None

II. Subject: **Pedicab Regulation**
Action: Motion passed unanimously to forward the ordinance to City Council for approval.

COMMITTEE INFORMATION

Present: Patrick Cannon, Beth Pickering, Michael Barnes, Andy Dulin, and Claire Fallon
Time: 12:10 pm – 1:35 pm

ATTACHMENTS

1. Agenda Package

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves. He then turned it over to Assistant City Manager Eric Campbell.

I. Capital Investment Plan

Mr. Campbell said that this item is from the referral of the Capital Investment Plan (CIP) projects to different committees. Today we will look at the Joint Communication Center (JCC). Next month we will review the division offices and land acquisitions. He then turned it over to Deputy Police Chief Katrina Graue and Deputy Fire Chief Rich Granger.

Deputy Chief Graue and Deputy Chief Granger began reviewing the Joint Communication

Center presentation (copy attached). They discussed the background of the JCC, the current design and how calls are transferred, which they believe is an inefficient design.

Barnes: Talk about the inefficiencies of the current design. How many minutes are lost in the transfer if I call and say I need a medic?

Granger: That's tough to answer. Medic does emergency medical dispatch and they will triage the call to determine what level of call is needed and sometimes that occurs before we ever get the call transferred back over to us. We don't know what that timeframe is. It could be 10 seconds or longer. We feel we can shave at least 45 seconds off the time on the short end.

Rodney Monroe: We estimate that it can be anywhere between one minute and one minute and thirty seconds for that process to work itself back to Fire in order for Fire to dispatch a medical service truck.

Barnes: So, I call and say I fell and hit my head and I'm having a heart attack. That's the medical situation. Do they keep me on the line and say CFD is sending a truck?

Granger: Two things happen. When they enter the information, they only need the address and problem, the moment they hit the enter button and it's in CAD, it automatically transfers to our CAD, beeps and pops open red on our screen and our dispatcher immediately dispatches that.

Barnes: I frequently see fire trucks getting to scenes before ambulances. I also see ambulances parked at fire stations. Should there be an ambulance at every fire station? If we approve the money for the JCC, we will eliminate the extra 60 seconds but is there anything else we should or could do to further reduce the amount of time?

Graue: We are working on those things. There is an opportunity for us to transfer the call directly to Fire simultaneously. We could enter the information that goes to Medic or Fire.

Granger: We can only do so much on the front side. We can only drive so fast in traffic safely. The community can only afford so many resources because we are a cost. This is something we know we can improve on the efficiency side and once we eliminate the call taking time then it comes down to the resources in the community to get from point A to point B as fast as possible.

Jon Hannan: We have two separate issues. We are trying to perfect this as much as we can. When we went to the automated dispatch and computer generated voice we have now, we knocked off the last 12 seconds. When CAD to CAD messages come up to our screen, our average response time to actually be with you is 4:57. We are very fast. The ultimate thing would be the universal call taker, person answers and takes everything but because of the fluke in the law where the state requires counties to provide ambulance service that puts the middles of this stance outside city government. If we can bring Medic into this tighter, the goal is to eliminate all transfers.

Barnes: So, there is some inefficiency introduced into the system by the state itself requiring ambulance service to be maintained by the counties and that they have since taken the ambulance

away from the fire stations. Why?

Hannan: They tried it at Stations 21 and 27, but they just changed their deployment model and they feel like the way they do it now is the best way. It's up to them.

Granger: They use the fluid system; constantly moving their resources. We use the static system; our stations are in the neighborhoods we serve and the fire truck is there around the clock. They try to move it around and manage it.

Barnes: Do you think what they are doing is efficient?

Hannan: We are firefighters. Their benchmark they have to meet for the County is 10 minutes and 59 seconds. Brain death occurs in 5 minutes.

Barnes: Can you render aide once you get there?

Hannan: Absolutely, and the Medical Director has given us much more ability to convert heart attacks. We had a 62% save rate on shockable rhythms. We are talking about people who are walking and talking and know their own name after their heart stopped. That only works if you are there within that 5 minute window. That's why we pick apart every second we can.

Deputy Chiefs Graue and Granger then reviewed and discussed slides titled PSAP 3-Year Totals, Unified Design, Additional Tenants and the Benefits. The other point we would like to make here is the state no longer funds the secondary PSAPs. So, it's important for us to be together. We are one PSAP if we are together and that funding comes to help benefit and reimburse the City for those services.

Barnes: Will the County help?

Monroe: To a certain degree they do contribute when you talk about the PSAP funding. They aren't getting funded right now. With them coming into a joint center the state would recognize a single PSAP agency and funding for equipment and technology would come into the City to pay for that which creates an opportunity for savings on the County side. That would be a matter of negotiating how those savings could be applied to the JCC.

Dulin: Some of those tenants are out at the training center now, right?

Granger: The Emergency Operation Center (EOC) is at the training academy, correct.

Dulin: We have plenty of needs at the training academy for more space.

Hannan: Yes. If the EOC activates, that displaces CMPD training rooms which creates an operational problem for them. A city this size, with two nuclear plants this close, needs the EOC to be addressed.

Dulin: Is this redundant to what work is being done across the street at Chief Monroe's office?

Monroe: No, that command center is strictly for police operations. We need a standalone just for law enforcement.

Hannan: EOC is not a command center. EOC is where the City, the County, state, federal government, Duke Energy, Piedmont Natural Gas, and CATS work together if there is some kind of evacuation situation.

Dulin: Is the equipment we would move over there already paid for? Is some of that out of DNC money? Is there going to be an ask down the road? In 2003 we had an ice storm and communication was down, are those communications that would be new already paid for?

Monroe: The dollar amount now includes the funding for that. The technology that will go into driving this center is much different than the technology that is in those smaller centers right now.

Pickering: If you are centralizing assets and personnel, would any positions need to be eliminated?

Granger: We don't know that yet.

Monroe: We are currently operating 4 total separate communication centers. What we are embarking upon has only been done in a few cities and that is because very rarely do you have the Fire Chief and Police Chief share this type of responsibility. You lose some control, but we feel this is in the best interest for the City.

Cannon: Under the last slide, how much has that $72 million changed because of inflation? Is there a new number north of $72 million?

Granger: It's difficult to estimate and we don't know the cost until you bid it out. The general rule is 6-8% increase in construction cost for material every 12 months.

Cannon: We need to get this right because I think it will be an economic generator for what happens in and around that area.

Hannan: This is 230 government employees on a 24 hour operation. This will bring a lot to the community.

Cannon: It's a no brainer for me about where we need to be in the CIP relative to this item on our agenda. We just need to make sure we have the appropriate funds in place.

Pickering: When we had this budgeted in the CIP budget, this was at $64 million and now we are talking about $72 million. Help me understand that.

Granger: There is a slight increase in there, but we were able to leverage some money. We were funded $6 million in a previous CIP to purchase the land for the center. We were able to leverage 911 money to be able to purchase this property and it left that $6 million to do other

things with. That $64 million was in addition to the money already funded for this. That gets us to the $72 million.

Hannan: The land is owned now.

Graue: That money also allowed us to hire Little who did the space need study that helped us know how big the building would be and the estimated costs.

Monroe: So, the number in the CIP was correct. This cost shown includes the land which was already purchased.

Fallon: Do we have any stimulus money left?

Monroe: No, and it was strictly designed for personnel and we couldn't use it for any building.

Fallon: Does every fire truck carry the jaws-of-life?

Granger: No. The 15 ladders and 2 heavy rescues do. We have 2 engine companies we are putting additional jaws-of-life on to try them in some of our outer lying areas to minimize those response times.

Dulin: Community safety is a number one priority. I really want to support anything you guys need. This is for the good of the citizens and the community. I will work through this request as best as I can from my seat and accommodate the two forces as best as I can.

Pickering: Can we get information on the other cities that has implemented this concept and their results they have seen?

Monroe: We can do that. Most are your major cities like Washington, DC and Chicago, IL.

Granger: Chief Graue and I travelled to Washington, DC and saw its program.

Campbell: Our current 311 Director, Janice Quintana, comes from Washington, DC's Joint Communication Center. We have someone on staff with expertise.

Pickering: I will be asking this question on every project as we move forward with looking at CIP stuff, but what would be the down side of not moving forward with this project right now?

Granger: We are at capacity and have outgrown our communication centers. We will not be able to grow anymore in our current facility. We have to replace what we have now at some point so it makes sense if we are going to replace it, we replace it with the correct thing. Another down side is we won't be able to improve on the efficiencies we know we can improve on.

Barnes: In response to Mr. Dulin's comment a minute ago, I submit to you that this project will be in our next CIP and you will not be able to support this only, it will be in the whole package. I say that to you to say that what happened last summer will happen again if people are thinking

they can vote for this only or other items only.

Dulin: I fully understand the layout. That is why I gave myself an out if needed.

Cannon: The Mayor has asked that we put together something a little more definitive in terms of a response back when it's time to report out as a Committee. That said, for some of the benefits that have been laid out, we will need to work on what is listed as a bullet in the way of a benefit, but then another 2 or 3 sub-bullets to capture what we need to convey. Flushed out a little more. Also offer up the information of what Councilwoman Pickering has put out there regarding the ramifications if we don't move forward.

Pickering: For the record, all the Committee members here today voted for this in a budget that did pass briefly. Sometimes that is missed.

II. Pedicab Ordinance

Cannon: Moving on to pedicab regulations. Staff is presenting a revised draft ordinance based on the direction at the last Committee meeting. We can choose to go forward and make a recommendation to the full Council or if there are other things here that need to be tweaked, we can look at that too. I'd like to get it out today if possible.

Campbell: Thomas Powers, Assistant City Manager, will walk you through the memo that discusses the requested changes and revision from the last Committee meeting.

Mr. Powers walked through and discussed the "Council's Referral of Pedicab Ordinance Changes" memo (copy attached).

Cannon: Under Section I(a) of the memo, there was some interest in advertising by the industry and I know in years past taxicab operators have wanted to do that as well. We shy away from that for a host of reasons. I want to highlight that if we let pedicabs do it, then taxicabs will make the ask again.

Campbell: We have remained consistent with pedicabs and have prohibited advertising. Only a restaurant or venue that has an operating certificate itself could then put their sticker on there.

Cannon: So a Ruth's Chris restaurant, for example, can get a permit and go through the process and would thus have that luxury.

Powers: In that instance, a company would go through the normal process to get a certificate, and their company logo would be that establishment on the pedicab. That would not be advertising in this sense.

Dulin: I really don't care if they advertise, but the City of Charlotte needed revenue and we are starting to advertise on our buses and trains. These folks could see this as another form of revenue.

Cannon: But it goes back to taxicabs.
Dulin: I see that as different folks.

Cannon: I understand that; just like we separated limos and taxis.

Barnes: If we were to approve general advertising to pedicabs the taxis would come our way. I would encourage that we adopt I(a) as proposed and prohibit advertising on pedicabs unless the pedicab is owned by a particular establishment. Otherwise, we lose the clean look of this city. We have a lack of clutter in Uptown and we should stay consistent with that.

Cannon: If there is an interest between a company and another entity they could form a LLC and operate that way.

Fallon: It is down at the driver's level and it is very distracting.

Dulin: We've worked hard on this and I want this to be finished today so I don't mind moving this forward, but let's talk about our one year look back and talk about advertising then. It would be fair to the pedicab operators to know that we haven't taken that thing off the table for ever.

Cannon: We should leave it open as it is and bring it back whenever. It can be 6 months or a year. Under I(e) – Uniform Requirement, does it have to be a solid color?

Powers: No, it's up to the company.

Barnes: Under Section II(c) of the memo, I think the fine for class C violation should be $20. I think $12.50 is insufficient. *(Committee agrees)*

Dulin: I have to leave and I will be voting yes for this ordinance.

Fallon: How often can they be fined? In other words, can they get a fine and then three hours later get a fine for the same thing.

Powers: It depends. If they are caught having a cigarette by one inspector and are fined, and then three hours later another inspector catches them with a cigarette, then yes, they can be issued two separate fines for smoking a cigarette.

Campbell: Regarding section II(d) Pedicab Appeals Board, I have talked with the Passenger Vehicle for Hire Board Chair and he is amenable to this process.

Council member Barnes made a motion and was seconded by Council member Fallon to forward the ordinance to the full Council. *Motion passed unanimously.*

Meeting adjourned at 1:32 p.m.

Community Safety Committee

Wednesday, January 16, 2013; 12:00 – 1:30 pm

Room CH-14

Committee Members:	Patrick Cannon, Chair Beth Pickering, Vice Chair Michael Barnes Andy Dulin Claire Fallon
Staff Resource:	Eric D. Campbell

AGENDA

I. <u>Capital Investment Plan</u>

Staff Resources: Deputy Chief Granger & Deputy Chief Graue

Staff will provide information on public safety facilities that were included in the Capital Investment Plan (CIP).

<u>Attachment:</u> 1. CIP Committee Referral Memo.pdf
2. Joint Communications Center.pdf

II. <u>Pedicab Regulation</u>

Staff Resources: Thomas Powers

Staff will present a revised draft ordinance based on the direction at the December 19 Committee meeting. The Committee may choose to forward the draft ordinance to the full Council for approval.

<u>Attachment:</u> 3. Draft Pedicab Ordinance.pdf

<u>Next Meeting</u>: Wednesday, February 20 at Noon in Room 280

Distribution:	Mayor/City Council	Julie Burch, Interim City Manager	Leadership Team
	Bob Hagemann	Stephanie Kelly	Rodney Monroe
	Jon Hannan	Rich Granger	Katrina Graue

CHARLOTTE
COMMUNITY
SAFETY
Joint Communications Center
Community Safety Committee
January 16, 2013
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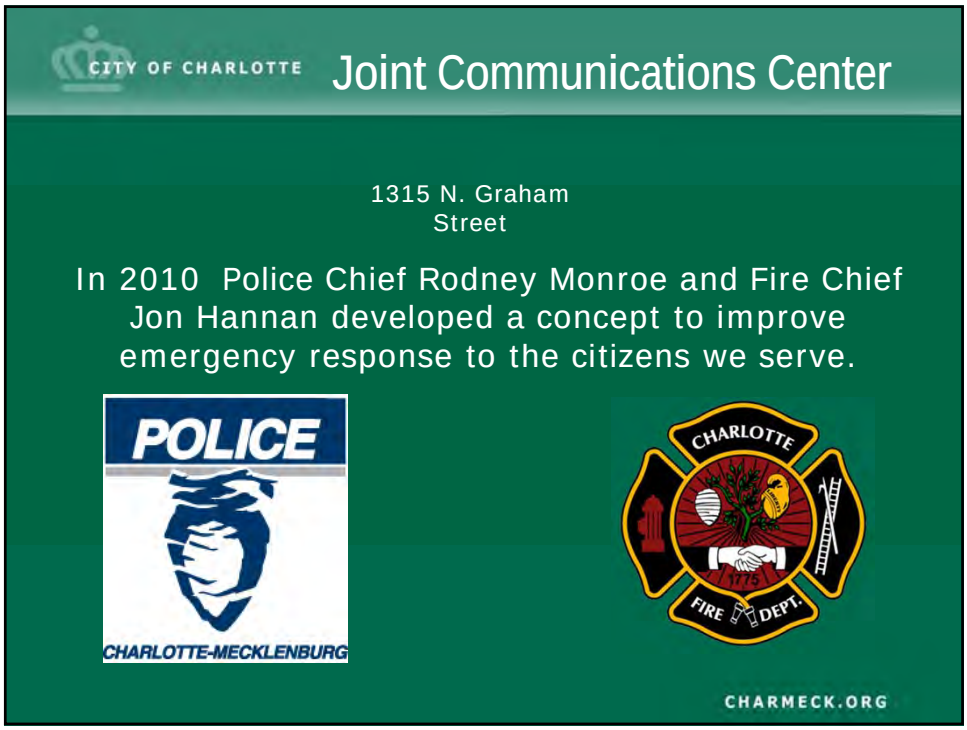
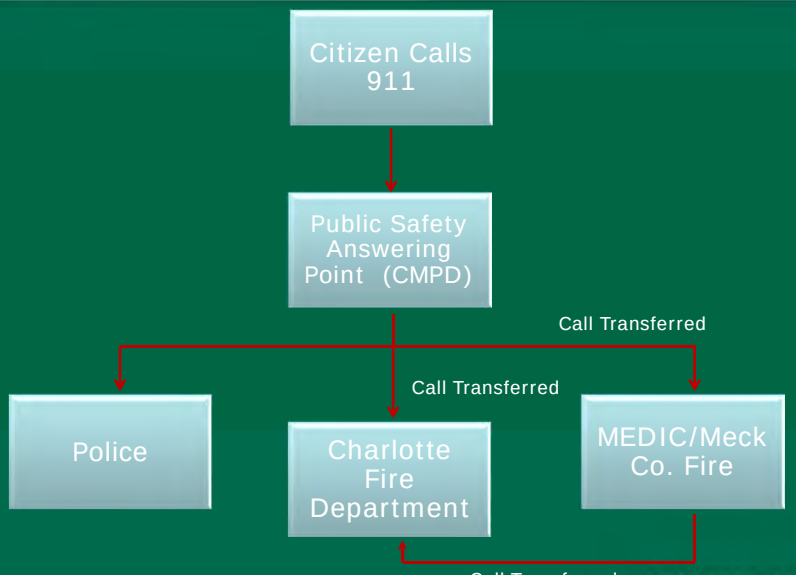

CITY OF CHARLOTTE
Joint Communications Center
1315 N. Graham
Street
In 2010 Police Chief Rodney Monroe and Fire Chief Jon Hannan developed a concept to improve emergency response to the citizens we serve.
POLICE
CHARLOTTE-MECKLENBURG
CHARLOTTE
FIRE DEPT.
CHARMECK.ORG

CITY OF CHARLOTTE

Current Design



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CITY OF CHARLOTTE

PSAP 3-Year Totals

	2010	2011	2012	3-Year Totals
Total Inbound Calls	984,211	956,136	1,036,670	2,977,017
Transferred to CFD	19,637	18,780	17,581	55,998
Transferred to Medic	81,543	86,426	90,733	258,702

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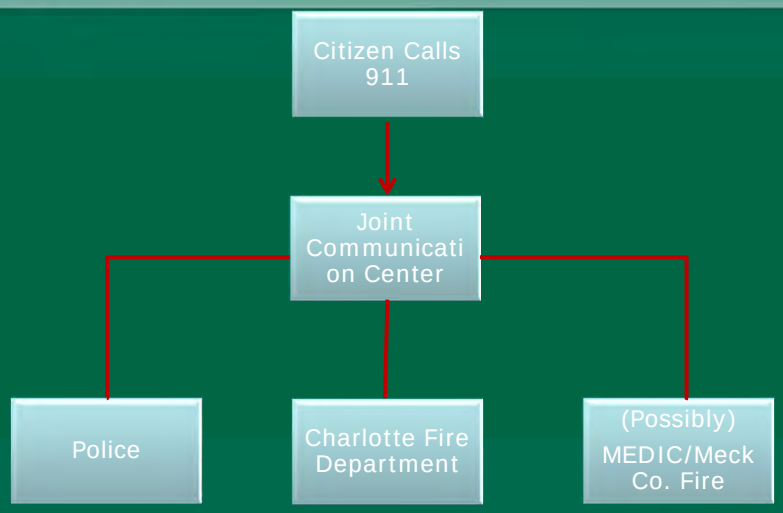
CITY OF CHARLOTTE

Unified Design



Call Transfers Eliminated!!

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CITY OF CHARLOTTE

Additional Tenants

- Emergency Operations Center
- 311 Call Center
- City Data Center
- Charlotte DOT Traffic Camera Division
- Mecklenburg Co. Sheriff's Communications

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CITY OF CHARLOTTE

Benefits

- Improve response times to citizens of the community
- Elimination of 911 call transfers
- Leverage resources
- Centralize E911 assets and personnel *i.e. dispatchers, CAD, radio system and workspace*
- Share and standardize 911 communication equipment across agencies
- The Emergency Operations Center will serve as a central hub for disaster management
- Promote neighborhood revitalization and economic development by conveying the perception of enhanced safety

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1315 N. Graham Street

- Located behind new Fire Headquarters
- Land purchased in February 2011 utilizing 911 fund balance
- Little Architect hired to conduct a space needs study and preliminary schematic design
- ~ 73,000 ft^2
- Will house 450 employees
- Current estimated cost is $72 M

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CITY OF CHARLOTTE

Questions

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CHARLOTTE

Memorandum

TO: Community Safety Committee

FROM: Eric D. Campbell, Assistant City Manager
Tracey Evans, Assistant City Attorney – Police
Thomas Powers, Assistant City Attorney

DATE: January 11, 2013

RE: Council's Referral of Pedicab Ordinance Changes

During the December 19, 2012 Community Safety Committee meeting, staff provided information about the proposed draft of the Pedicab Ordinance and summarized items that were included, not included, or needed further input regarding the draft. This memo seeks to inform the Committee of changes to the proposed draft that were requested by the Committee and changes by staff from previous draft.

I. Items Requested by the Committee

a. *Prohibition on Advertisement* – Staff included a prohibition on advertising on pedicabs under section 22-413. However, a company, including restaurants or hotels, may place its logo on the pedicab if that company operates a pedicab service.

b. *Parking on sidewalks* – Staff included a prohibition on parking on sidewalks by pedicabs unless designated by CDOT as a pedicab stand. This prohibition is listed under section 22-421(a)(7).

c. *Rate* – Staff included language that any fare must be agreed to by a passenger before a pedicab may travel to a set designation. If a passenger wants to alter or modify the original designation, then the passenger must agree to the new fare before the driver may proceed to the new designation. This language is set forth under section 22-422.

d. *Credit Cards* – Staff included a requirement that all pedicabs be equipped with a credit card device that accepts electronic payments. This language is set forth under section 22-414.

e. *Uniform requirement* – Staff included language that a pedicab company must submit information regarding the color of the pedicab and driver's uniforms when submitting an application for a company operating certification. This language is set forth under section 22-386(a)(7).

II. Updates from Staff

a. *Definitions* – Staff deleted the definitions of bicycle, tricycle, and vehicle decal because these were irrelevant to the ordinance.

b. *22-421* – Staff included new subsections (21), (22), and (23) under subsection (a) and modified revised subsection (b) in its entirety.

c. *Fines & Penalties* – Staff included a schedule of the fines and penalties for violations for the ordinance. The initial fine amounts are $50.00 for class A violations, $25.00 for class B violations, and $12.50 for class C violations. These fine amounts are ¼ of the amount initially levied by the PVH Ordinance.

d. *Pedicab Appeals Board* – This new board is a subset of the Passenger Vehicle for Hire Board. City Council would not need to appoint new members for the Pedicabs Appeals Board. The Chairperson would select three members of the PVH Board to hear appeals under the Pedicab Ordinance. After rendering a decision, the appellant would appeal directly to the Mecklenburg County Superior Court.

Staff is available to answer any questions concerning this memorandum that you may have. Please do not hesitate to contact us, our contact information is:

Eric D. Campbell: 704-336-2241 or ecampbell@charlottenc.gov
Tracey Evans: 704-353-1063 or tevans@cmpd.org
Thomas Powers: 704-336-5866 or tpowers@ci.charlotte.nc.us

cc: Robert E. Hagemann, Esq./ City Attorney
Major Jeffrey Estes/CMPD
Captain Michelle Hummel/CMPD
Captain Andrew Kornberg/CMPD
Kirkham Young/ Passenger Vehicle for Hire Manager

ARTICLE III. – PEDICABS

DIVISION I. – GENERALLY

Sec. 22-375. - Purpose.
The purpose of this article is to regulate pedicabs in order to preserve the health and welfare of the citizens of the city and the protection of their property.

Sec. 22-376 - Definitions.
When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

Company operating certificate means the license, issued by the city manager or his designee, authorizing a company to operate a pedicab company.

Company operating certificate holder means the passenger vehicle for hire company owner(s) and/or the supporting service provider issued a company operating certificate for the operation of a passenger vehicle for hire company.

Daytime means the period between sunrise and sunset.

Driver means any person who physically operates a passenger vehicle for hire.

Driver's permit means the license issued by the passenger vehicle for hire manager to a person to enable that person to operate a passenger vehicle for hire office.

For hire means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by the driver or an employee or the company operating certificate holder operating any passenger vehicle for hire in exchange for the temporary use by or for the transportation of a person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

Habitual criminal activity means a minimum of at least three convictions of class 2 misdemeanors or higher.

Habitual violator of traffic laws means an individual who has accrued at least eight points on his or her driver's license within a three-year period, or six convictions of any type of traffic or moving offense within a ten-year period.

Habitual user of alcoholic beverages or drugs means a person who has, at a minimum, two or more alcohol or drug related misdemeanors or alcohol or drug-related violations of state law or city ordinances within a three-year period.

Manager, *PVH manager*, and *passenger vehicle for hire manager* mean the city employee, agent or contractor responsible for the enforcement and inspection of passenger vehicles for hire in the city and for the administration of the passenger vehicle for hire office and this article. For purposes of this article, reference to the manager, PVH manager, or the passenger vehicle for hire manager shall include any city employees, agents or contractors designated by the passenger vehicle for hire manager to assist in the enforcement and administration of this article, as provided in subsection 22-28(a).

Nighttime means the period between sunset and sunrise.

Passenger vehicle for hire company means any company issued a company operating certificate by the Passenger Vehicle for Hire Office that engages in the business of operating passenger vehicles for hire as an owner or franchisor.

Pedicab means any vehicle with three or more wheels propelled or pedaled by human power which is used for, or is capable of, transporting passengers if the driver receives direct or indirect compensation for providing such transportation and includes any vehicle to which a decal has been issued pursuant to this article. For the purposes of this article, pedicabs shall be deemed vehicles, and every operator of a pedicab upon a street shall be subject to this article.

Pedicab service means the business of transporting passengers for hire by means of a pedicab.

Street means any road, alley, avenue, highway, terminal roadway or any other public vehicular area within the corporate limits as they may exist or may be extended.

Supporting service provider means the person who or company that satisfies, or guarantees to satisfy, the requirements of subsections 22-380(6).

Sec. 22-377 – Types of Service

(a) *Pedicabs*. A pedicab may provide the following types of service
  (1) *Exclusive ride.* A service involving the transportation of a party by a pedicab from a single origin to a single destination for compensation;
  (2) *Group ride.* A service involving the transportation of several passengers by a pedicab from a single origin to a single destination for compensation;
  (3) *Shared ride.* A service involving the transportation of several passengers by a pedicab from one or more origins to one or more destinations for compensation, as described in subsection 22-31(g).

Sec. 22-378. – Application & Fees.

(a) Each person desiring to obtain a company operating certificate or driver's permit shall apply on forms provided by the passenger vehicle for hire manager and shall include all information required by this article.
(b) There shall be a fee payable upon the filing of an application for a company operating certificate.
(c) There shall be a fee payable upon the filing of an application for a driver's permit.
(d) There shall be a non-refundable annual inspection fee for each pedicab.

DIVISION II. – COMPANY OPERATING CERTIFICATE

Sec. 22-385. – Company Operating Certificate

(a) The city council authorizes the city manager, or his designee, to issue a company operating certificate to any applicant, subject to such conditions as the city council may deem advisable or necessary in the public interest, and upon payment of a regulatory fee provided by section 22-378. A separate company operating certificate shall be required for each class of passenger vehicle for hire company.

(b) A company operating certificate shall be valid for a period of one year and may be renewed annually upon the approval of the city manager, or his designee, and the payment of the regulatory fees provided by section 22-378. No passenger vehicle for hire company shall operate in a manner except as authorized by the company operating certificate

(c) No company operating certificate shall be issued to or renewed by any person who shall not have fully complied with all of the requirements of this article before the commencement of the operation of the proposed service.

(d) In addition, no company operating certificate shall be issued to or renewed by any company that has not maintained and operated the following minimum number of vehicles for each type of use.

(1) One pedicab.

(e) Pursuant to section 22-29 of this article and upon the recommendation of passenger vehicle for hire board and approval by the city council, the city may impose limitations on the number of company operating certificates or driver's permits.

(f) A company operating certificate shall, at all time, during the period for which it is valid, be securely attached to a conspicuous place on the outer left rear portion of the pedicab for which it was issued. No pedicab shall be operated without a company operating certificate affixed thereto and issued pursuant to this subsection.

(g) The privilege of engaging in the business of operating a passenger vehicle for hire in the city, authorized in the company operating certificate, is personal to the company operating certificate holder and limited to the specific type of vehicle(s) permitted therein. The rights, requirements and responsibilities which attach to the company operating certificate remain with the holder at all times that the passenger vehicle for hire is operating in the city under the authority of the company operating certificate. Any agreement or arrangement between a company operating certificate holder and a third-party related to the rights, requirements, and responsibilities granted by the City is null and void and not enforceable by or against the City.

(h) The company operating certificate holder shall, if there is any change in the business address or telephone number, notify the passenger vehicle for hire manager in writing of such change within 48 hours prior to the effective date of the change.

(i) The company operating certificate holder shall maintain business and operations records in compliance with this article and any regulations of the passenger vehicle for hire manager.

(j) Before allowing a driver to operate under a company operating certificate, the company operating certificate holder shall review the qualifications of the driver to operate a passenger vehicle for hire. No company operating certificate holder shall permit or allow any driver to operate a passenger vehicle for hire under the company operating certificate if, after reasonable inquiry by the certificate holder, it appears the driver to operate a passenger vehicle for hire fails to comply with any sections of this article.

(k) The failure of a passenger vehicle for hire company to comply with this section shall subject the company's company operating certificate to revocation or suspension as provided in subsection 22-389. Nothing in this section shall be construed as establishing a standard for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers, and a violation of this section shall not be considered as evidence of negligence.

Sec. 22-386. - Application requirements.

(a) All applications for a company operating certificate are to be submitted by the company owner, called the applicant, on forms provided by the Passenger Vehicle for Hire office, which shall contain the following:

(1) The name and address of each applicant and, if an applicant is a corporation, attaching a certified copy of the articles of incorporation, or if the applicant is an association, attaching a certified copy of the bylaws of the association. Each applicant must disclose all legal names that the applicant has ever used or any and all names they have ever gone by.

(2) A financial statement must be provided to the passenger vehicle for hire manager. The financial statement shall be in the name of the passenger vehicle for hire company requesting the company operating certificate, and any bank accounts identified on the financial statement shall have been opened for at least 30 days prior to the certificate application date.

(3) The number of passenger vehicles for hire, if any, presently operated by the service provider on the date of such application.

(4) The color scheme for which the company operating certificate is desired, if the certificate is for a pedicab.

(5) The make, type and passenger capacity of the passenger vehicle for hire for which application for a company operating certificate is made.

(6) All court records of the applicant. If an applicant is a corporation or association, all court records of the officers, directors and supervising employees, including general manager, if any, shall be provided.

(7) The applicant's submittal of the following conditional information:

a. Existence of and access to a lawfully zoned deposit or terminal on private property;

b. Ability to provide adequate supervision of drivers operating under the company operating certificates;

c. Evidence that the telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and will not be the same telephone number as another passenger vehicle for hire company.

d. Assurance that each passenger vehicle for hire operating under this certificate shall be kept clean, in good mechanical condition and in good physical condition at all times;

e. Evidence that the applicant satisfies, at the time of the application, the minimum number of passenger vehicles for hire required by subsection 22-385(d);

f. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-387; and

g. Evidence that all advertised services will, in fact, be provided by the applicant, and will not be provided by another passenger vehicle for hire company, even if it is owned by the same company operating certificate holder, unless the passenger knowingly agrees to use another passenger vehicle for hire company.

(b) The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial, suspension, or revocation of a company operating certificate.

(c) In providing information required by subsections (a)(1), (a)(5) and (a)(6), for purposes of a renewal application, an applicant may simply refer to previous applications and reference previously submitted documents or information, provided there has been no material change with respect to the documents or information.

(d) No application for a company operating certificate shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

(e) It shall be the duty of each company operating certificate holder to submit to the passenger vehicle for hire manager any change in information required to be submitted pursuant to this article.

Sec. 22-387. - Insurance requirements.

(a) Each pedicab company shall maintain a liability and property damage insurance policy insuring all of its pedicabs in the amount of, at least, five hundred thousand dollars ($500,000.00) combined single limit for each accident, or bodily injury, death, and/or property damage written by a company authorized to transact business in the State of North Carolina and be rated B+ VI or higher by A.M. Best. Such policy indicating the liability amounts and the policy period must be provided to passenger vehicle for hire office prior to issuance or renewal of any company operating permit. Each separate part of the pedicab shall have a serial number affixed thereto and shall be listed on the insurance certificate. All such policies shall be kept in full force and effect at all times while any pedicab is operated within the city, and must cover a minimum period of 12 months. Proof of such insurance must be maintained within the vehicle at all times when operated within the city.

(b) Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the passenger vehicle for hire manager and an endorsement requiring 10 days' written notice of non-payment to the passenger vehicle for hire manager. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and all pedicabs within such coverage may not be operated. If a proper replacement policy is not provided to the passenger vehicle for hire manager on or before the date of termination or cancellation of the policy, the company operating certificate shall automatically terminate. Proof of insurance required in subsection (a) shall be carried by drivers at all times while operating a pedicab and shall be accepted only in the authorized form approved by the passenger vehicle for hire manager. A copy of the authorized form shall be placed on file for inspection in the offices of the passenger vehicle for hire manager.

Sec. 22-388. - Issuance or denial.

(a) The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as provided in this division, for a company operating certificate subject to the conditions this article may require and provided:

(1) Compliance with all provisions of section 22-385.

(2) Any outstanding or unpaid citations have been paid prior to submission of the application.

(3) No application for a company operating certificate shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. Convictions, commissions, guilty pleas, or pleas of no contest to any of the following shall require the passenger vehicle for hire manager to deny the application on the grounds that approval of the applicant's application is not in the public interest:

a. Sex offenses;

b. Felonious drug offenses;

c. Prostitution;

d. Felonies involving violence or attempted violence;

e. Gambling; and/or

f. Habitual criminal activity.

(b) The issuance of the company operating certificate would not be against the public interest based on the applicant's court record, which includes arrests for criminal offenses that are pending in the General Court of Justice of the state or the courts of another state, or the federal courts. The passenger vehicle for hire manager, in his or her discretion, may deny issuance to any applicant who does meet this requirement.

(c) A company operating permit shall be valid for one year from the date of issuance.

Sec. 22-389. - Grounds for suspension or revocation

(a) The passenger vehicle for hire manager may suspend or revoke a company operating certificate upon the occurrence of any one of the following:

(1) The company operating certificate holder fails to operate his passenger vehicles for hire in compliance with all sections of this article.

(2) The passenger vehicle for hire manager finds that the company operating certificate holder submitted, or caused to be submitted, false or misleading information on his application for an operating certificate.

(3) The company operating certificate holder ceases to operate any passenger vehicle for hire during a period of 180 consecutive days.

(5) The company operating certificate holder commits any act with the intent to defraud his passengers.

(6) The company operating certificate holder ceases to operate the minimum number of passenger vehicles for hire, as required by subsection 22-385(d) of this article.

(7) The passenger vehicle for hire manager determines that, in the interest of the public safety and welfare, a company operating certificate should be suspended or revoked.

(8) The company operating certificate holder committed, been convicted of or pled guilty or no contest with one of the offenses in section 22-388(a)(4).

(9) The company operating certificate holder fails to pay any outstanding or unpaid citation

(10) For the actions of any driver under section 22-397 and 22-398.

(b) A company operating certificate may be suspended or revoked by the passenger vehicle for hire manager without a hearing. However, the passenger vehicle for hire manager shall send notice to the holder of the company operating certificate stating the reasons for the suspension and revocation and the right to appeal the suspension or revocation.

(c) Company operating certificates may be suspended under this section for a period not to exceed six months.

(d) A company operating certificate holder who has had a company operating certificate revoked under this section may not apply for a company operating certificate for a period of six months from the date of the revocation.

Sec. 22-390 - Appeal

Any applicant denied a company operating certificate or has its company operating certificate revoked or suspended under this division may appeal pursuant to section 22-435. No application for a company operating certificate that is denied or revoked pursuant to this subsection and for which the denial or revocation is affirmed shall be accepted from the applicant within three years from the decision of the Pedicab Appeals Board.

DIVISION III – DRIVER'S PERMIT

Sec. 22-395. – Driver's Permit required.

(a) It shall be unlawful for any person to operate a pedicab service without first obtaining a valid driver's permit pursuant to the terms of this division.

(b) Each applicant for a permit required by this division must:

(1) Be at least 18 years of age;

(2) Possess eyesight correctable to 20/20 and not suffer from epilepsy, vertigo, heart disease or any other physical or mental condition which renders him unfit for safe operation of a passenger vehicle for hire;

(3) Be able to read, write and speak the English language and conduct financial transactions;

(4) Be neat and clean in dress and person;

(5) Not be addicted to the use of alcoholic beverages or controlled substances;

(7) Possess a valid North Carolina or South Carolina driver's license issued to him (or issued within seven days of the date he submits his application) that authorizes the applicant to lawfully operate the passenger vehicle for hire;

(8) Must show permission from the company operating certificate holder to operate a passenger vehicle for hire under the company operating certificate;

(9) Produce, at the applicant's expense, the applicant's court records, including any criminal record of the applicant in the applicant's country of origin. If the applicant has no criminal record, the applicant shall provide an affidavit indicating the lack of such record;

(10) Produce evidence that the applicant has successfully passed a drug test within 14 days of submitting an initial application for a driver's permit or within 14 days of submitting an application to renew a driver's permit. The drug test must test for categories or types of drugs specified by the city. The drug test must be conducted by a facility that is approved by the passenger vehicle for hire manager or the city. Results from any non-approved facility may be considered, but may be rejected at the discretion of the passenger vehicle for hire manager or his designee. If the applicant has failed the required drug test, they are not eligible to apply for a passenger vehicle for hire driver's permit, for a one-year period following their failing the drug test;

(11) Produce reliable documentation evidencing the applicant's eligibility to be a passenger vehicle for hire driver. Reliable documentation shall include, when necessary, a valid resident alien registration card, U.S. passport, certificate of naturalization or any other documents allowed under part 274(a)(2) of the Immigration and Naturalization Service Rules of the Immigration Reform and Control Act of 1986;

(12) Have no more than eight accrued points for motor vehicle violations pursuant to G.S. 20-16 during the previous three years or any comparable provision of the law of another state; and

(13) Be knowledgeable of city streets and local landmarks within the city.

(c) Each applicant must also inform the passenger vehicle for hire manager, in writing, if he has been charged with any criminal offense or infraction and produce evidence of the disposition thereof upon seeking issuance or renewal of a driver's permit. Failure to do so will result in the suspension or refusal to issue or renew a driver's permit.

(d) No application for a driver's permit shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

(e) No application for a driver's permit shall be accepted from an applicant who does not meet all of the requirements stated in subsection (b) of this section.

(f) It shall be the duty of each driver’s permit holder to submit to the passenger vehicle for hire manager any change in information required to be submitted pursuant to this article.

Sec. 22-396. - Appearance.

(a) It shall be the duty of every holder of a driver's permit to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with the requirements of this section at all times while operating a passenger vehicle for hire.

(b) Each passenger vehicle for hire driver shall wear in plain view a tag containing his name and the name of his company.

(c) Each driver shall wear clean clothing consisting of closed toe shoes and socks, a collared shirt, pants or short pants, knee length skirt or dress and, when necessary, an outer winter garment while operating a passenger vehicle for hire. If a hat is worn, it shall be free of any writing or logo except the passenger vehicle for hire company's name and logo.

(d) Clothing that is not considered appropriate and is not permitted for holders of a driver's permit includes: underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, athletic shorts or trunks (jogging or bathing), or sandals.

Sec. 22-397 - Issuance or denial.

(a) The passenger vehicle for hire manager may refuse to grant or renew a passenger vehicle for hire driver's permit for any applicant:

(1) Whose state motor vehicle driver's license upon the date of an application to the manager has been revoked or suspended; or

(2) Who has committed, been convicted of or pled guilty or no contest to any of the following:

a. A felony;

b. Any crime or infraction involving the operation of a motor vehicle resulting in an incapacitating class A injury to any person, as determined on the state traffic accident report, or the death of a person;

c. A violation of any city, county, state or federal law relating to the use, possession or sale of alcoholic beverages or substances regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;

d. A violation of any city, county, state or federal law relating to prostitution or gambling;

e. A violation of the Federal Immigration Act; or

f. Habitual criminal activity.

(3) Who, within a period of ten years immediately prior to the date of his application, has been an habitual violator of traffic laws or an habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act or any comparable provisions of the law of another state.

(4) Who does not fulfill the qualifications set forth in section 22-395.

(5) Who fails to pay any outstanding or unpaid citations within 30 days from the date of assessment by the passenger vehicle for hire manager

(b) Notwithstanding subsection (a), an application for a driver's permit shall not be approved if the applicant's court record or evidence regarding the applicant supports a conclusion that it is not in the public interest for the application to be granted. Convictions, commissions, pleas of guilty or no contest to any of the following shall create a rebuttable presumption that the approval of the applicant's application is not in the public interest:

(1) Murder, including first degree and second degree;
(2) Voluntary manslaughter;
(3) Involuntary manslaughter;
(4) Felony death by vehicle;
(5) Felonious assaults and/or batteries;
(6) Robbery;
(7) Rape and other sex offenses;
(8) Felonious drug offenses; and/or
(9) Any felony where the convicted felon applicant has not had his or her citizenship rights restored as provided by state law, regardless of when the conviction occurred

(c) The passenger vehicle for hire manager shall not issue a driver's permit to any applicant who within the past five years has any driving while impaired ("DWI") conviction or two or more arrests for DWI, within the state, or any comparable provision of the law of any other state, territory or possession of the United States of America.

(d) A driver's permit shall be valid for two years from the date of issuance. A driver's permit is personal to the driver's permit holder to whom it is issued and may not be transferred or otherwise assigned.

Sec. 22-398. - Grounds for suspension or revocation

(a) The passenger vehicle for hire manager may suspend or revoke a driver's permit upon the occurrence of any one of the following:

(1) Found by the passenger vehicle for hire manager to have committed, been convicted of or pled guilty or no contest to any of the following:

a. A violation of any federal, state or local law relating to the use, possession, manufacturer or sale of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;
b. A violation of any federal, state or local law relating to prostitution or gambling;
c. An accumulation, under G.S. 20-16, within a three-year period of 12 or more points, or eight or more points within the three-year period following the reinstatement of a state driver's license that has been suspended or revoked, or any comparable provisions of the law in another state or has been convicted of any other violation resulting in the suspension or revocation of the state driver's license;
d. Any felony;
e. Any violation of a federal, state or local law designed for the protection of life;
f. Any criminal assault involving the operation of a passenger vehicle for hire;

g. Any sex offense or offense involving moral turpitude;
h. Any of the offenses contained in subsection 22-397(b); and/or
i. Failure to report any criminal charges within twenty-four hours.

(2) Found by the passenger vehicle for hire manager to be a habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;

(3) Found by the passenger vehicle for hire manager to have made or caused to be made a false statement in his application for issuance or renewal of a driver's permit;

(4) Does not continue to meet the qualifications for a driver's permit as set forth in section 22-395.

(5) Found by the passenger vehicle for hire manager to have had his driver's permit suspended three times in any five-year period;

(6) Found by the passenger vehicle for hire manager to have aided or abetted in the commission of any of the acts contained in subsections (1)a., b., d., e., f., g. or h. of this section; or

(7) Found by the passenger vehicle for hire manager to have failed to pay any outstanding or unpaid citations within 30 days from the date of assessment.

Sec. 22-399 - Appeal

(a) Any applicant denied a driver’s permit or has his driver’s permit suspended or revoked under this division may appeal pursuant to section 22-435.

(b) Once a permit has been denied, suspended, or revoked under this section and the decision is affirmed by the Pedicab Appeals Board, it shall be presumed that it is not in the public interest to grant a driver's permit to the applicant. No application for a driver's permit that is denied pursuant to this section and the denial of which is affirmed by the Pedicab Appeals Board shall be accepted from the applicant within three years from the decision of the Pedicab Appeals Board.

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DIVISION IV - PEDICAB EQUIPMENT REQUIREMENTS

Sec. 22-405. - Pedicab condition.

(a) It shall be unlawful for a driver to operate, or cause to be operated, a pedicab that is not in good working order, including, but not limited to, the operation of a pedicab that has:

(1) Exposed rust;
(2) Ripped upholstery or fabric;
(3) Visible chips or scratches on any painted surface;
(4) Exposed wood that is not painted and in good condition;
(5) Exposed sharp edges;
(6) Dirt or debris on any surface accessible to patrons; or
(7) No manufacturer's serial or identification number on a pedicab.

Sec. 22-406. - Pedicab lighting and reflectors.

(a) It shall be unlawful for any driver to operate, or cause to be operated, a pedicab that does not have the following:

(1) *Headlights.* Every pedicab shall be equipped with a headlight capable of projecting a beam of white light for a distance at a minimum of 500 feet, which shall be clearly visible between the hours of sunset and sunrise, and which must be illuminated at all times during operation.

(2) *Tail Lights.* Every pedicab shall be equipped with a red tail-light affixed to the rear of the passenger compartment, which shall be clearly visible between the hours of sunset and sunrise from a distance of 500 feet to the rear of the pedicab and which must be illuminated at all times during operation.

(3) *Reflectors*. Every pedicab shall be equipped with a slow moving vehicle triangle on the rear of the vehicle or reflective tape which outlines the rear of the pedicab from edge to edge.

Sec. 22-407. - Pedicab brakes.

(a) It shall be unlawful for a driver to operate, or cause to be operated, a pedicab that is not equipped with a braking system capable of being manipulated by the driver from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a stop on dry, level, clean pavement.

(b) Each pedicab shall be equipped with an operational brake or brakes which will enable its driver to stop the vehicle within 15 feet from a speed of ten miles per hour on dry, level, clean pavement. The brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method."

Sec. 22-408. - Pedicab trailer; limitation on number.

It shall be unlawful to operate a pedicab with more than one attached trailer, sidecar, or similar device.

Sec. 22-409 - Pedicab width.

No pedicab shall be wider than 54 inches at its widest point.

Sec. 22-410 – Pedicab horn

A pedicab shall be equipped for sound produced by an electronic or mechanical device or instrument from the pedicab so that the sound is plainly audible at a distance of 25 feet or less from such pedicab.

Sec. 22-411 – Pedicab mirrors.

Every pedicab shall be equipped with a side mounted mirror affixed to the pedicab to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the pedicab.

Sec. 22-412 - Pedicab tires.

Tires shall be of the size appropriate for the pedicab and with no mismatched tires. There shall be no cuts into the tire or localized worn spots that expose the ply. No tire may be used when the tire has tread wear indicators that are visible.

Sec. 22-413 – Advertisements on pedicabs
No pedicab shall be equipped with any advertisement on the passenger vehicle for hire. A pedicab company may advertise its logo or insignia on the pedicab.

Sec. 22-414 – Credit card payment devices
All pedicabs shall be equipped with a credit card payment device to transact and process payments of customers. Any transactional or processing fees shall be disclosed to the passenger upon request.

Sec. 22-415. - Pedicab inspection

(a) It shall be unlawful for any person to operate or cause to be operated any pedicab unless the pedicab has been inspected as required in this section and has a current and valid company operating certificate affixed in a manner and location prescribed by this article.

(b) Each pedicab shall be inspected before it is initially placed into service and annually thereafter at such location as the passenger vehicle for hire manager may specify. The passenger vehicle for hire manager shall approve the pedicab if he determines that:
   (1) The pedicab is of the approved color scheme and is marked as provided in this article;
   (2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and,
   (3) The pedicab complies with all other requirements of this article.

(c) Upon satisfactory completion of the inspection, the passenger vehicle for hire manager shall issue a company operating certificate for the pedicab. In any prosecution under this section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid company operating certificate affixed.

(c) The passenger vehicle for hire manager may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the company operating certificate holder or driver's permit holder in order to determine compliance with the provisions of this article and the regulations adopted by the passenger vehicle for hire manager.

DIVISION V. - PEDICAB OPERATING REQUIREMENTS

Sec. 22-420. - Pedicabs operating on roadways.

(a) All pedicabs operating on a roadway shall comply with all traffic laws of the state and applicable provisions of this Code.

(b) All pedicabs operating on a roadway and moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:
   (1) The pedicab is passing another vehicle moving in the same direction;
   (2) The pedicab is preparing to turn left at an intersection or onto a private road or driveway or thru movement where there are right turn only lanes;

(3) A condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the pedicab from safely riding next to the right curb or edge of the roadway; or

(4) The person is operating a pedicab in an outside lane that is:

a. Less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

b. Too narrow for a bicycle and a motor vehicle to safely travel side by side.

(5) There is a bicycle lane for use.

(c) A driver operating a pedicab on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the right curb or edge of the roadway.

(d) Drivers operating pedicabs on a roadway may ride two abreast on a laned roadway and shall ride in a single lane. Drivers riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Drivers may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles, tricycles, or other similar forms of non-motorized transportation.

(e) Each driver shall pull the pedicab to the curb when loading or unloading passengers.

Sec. 22-421. – Operation of pedicab.

(a) It shall be unlawful for any driver to:

(1) operate a pedicab: (a) while carrying a number of passengers that exceeds the number of passenger seats which such vehicle was designed to accommodate, or (b) while any passenger is standing or while any passenger is sitting anywhere other than in the passenger seat thereof; provided, except however, that children aged 5 years old or younger, may be seated in the lap of another passenger and will not count as an additional passenger.

(2) collect fares, make change, or embark or debark passengers while the pedicab is in motion.

(3) operate, park, stand, or stop the pedicab in a manner which violates any city ordinance or state law.

(4) operate, maneuver, incline, spin, tilt, tip, slope, or position a human-powered pedicab in any manner that would unnecessarily place a passenger in other than an upright, seated position.

(5) operate a pedicab upon the sidewalk portion of a public right-of-way, except at the direction of a police officer or as necessary to access locations immediately adjacent to roadways through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.

(6) operate a pedicab with sound produced by an electronic or mechanical device or instrument from the pedicab so that the sound is plainly audible at a distance of 25 feet or more from such pedicab.

(7) park on sidewalks unless designated by Charlotte Department Of Transportation as pedicab stands.

(8) use indecent or profane language while operating a pedicab.

(9) operate a pedicab unless it is equipped with a braking system in sufficient working order to control and stop the movement of the pedicab.

(10) operate a pedicab while carrying a package, bundle, or article if the package, bundle, or article prevents the driver from keeping at least one hand on the handbars.

(11) operate a pedicab to knowingly permit a person riding a bicycle, coaster, sled, toy vehicle or roller skates to attach the bicycle, coaster, sled, toy vehicle, roller skates or that person to the pedicab.

(12) pick up or drop off any passenger or travel upon any street where the posted speed limit is greater than 35 miles per hour.

(13) operate the pedicab other than on or astride a permanent and regular seat attached to the pedicab.

(14) operate a pedicab that is not equipped and a radio, mobile telephone, or other means of two-way communication that may be used to request assistance in the event of an emergency.

(15) operate a pedicab in a manner that results in damage to public or private property.

(16) fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk.

(17) operate a pedicab on any street or upon an adjoining sidewalk that has been closed to vehicular traffic by barricade or similar barrier; vision forward or to the side is blocked.

(18) refuse to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

(19) stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles, including City metered spaces.

(20) operate a pedicab while having consumed any alcohol within the past twelve hours.

(21) transport or cause to be transported any passenger to any place other than as directed by the passenger.

(22) fail to comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

(23) use a lit cigarette, cigar, pipe, tobacco of any kind or incense while any passenger is being transported in a passenger vehicle for hire

(b) It shall be unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian or vehicular traffic by remaining stopped by a sidewalk, except for the time period necessary to load or unload passengers. The Charlotte Department of Transportation shall have the authority to designate areas where passengers may be loaded or unloaded for pedicab service and, if designated, shall be used by driver.

(c) It shall be unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.

(d) All pedicabs shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

Sec. 22-422. – Fares.

(a) It is unlawful for a driver to charge a fare, that was not agreed upon in advance, to any passenger receiving pedicab service; provided, however, that if any passenger requests additional pedicab service after arriving at the prescribed destination then the driver and passenger must agree to the new destination and fare before continuing the pedicab service.

(b) It is unlawful for the operator of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

Sec. 22-423. - Receipt for payment of fare.

No driver, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger. The driver of the pedicab shall have a receipt book or other electronic instrument capable of creating a payment record for this purpose.

Sec. 22-424. - Accident reports.

(a) When a pedicab is involved in an accident or collision that results in any injury or damage to any person or property, including, but not limited to, damage to the pedicab, or injury of the driver, the driver shall report the accident or collision to the company operating certificate holder without delay. The company operating certificate holder shall keep on the company operating certificate holder's premises records of all accidents and collisions upon forms to be promulgated by the passenger vehicle for hire manager, which shall include the following information:

(1) The company operating certificate holder’s and the driver’s names;

(2) The driver's license number; and

(3) The time and location of the accident or collision.

(b) Upon one hour's prior request by the passenger vehicle for hire manager during normal business hours, the company operating certificate holder shall make the records available for inspection and copying.

DIVISION VI. – FINES AND PENALTIES

Sec. 22-430. - Penalties.

(a) It shall be unlawful for any person to violate any of the sections of this article.

(b) Upon violation of any section of this article, the passenger vehicle for hire manager, or his designee, may suspend or revoke the company operating certificate and/or the driver's permit held by such person.

(c) The initial violation of any section of this article shall subject the offender to a civil penalty of up to the following:

(1) Class A offense $50.00

(2) Class B offense $25.00

(3) Class C offense $12.50

Class A, class B and class C offenses shall be those offenses listed in subsection (d). Upon the failure of an offender to pay the civil penalty or appeal the violation, such penalty may be recovered by the city in a civil action in the nature of a debt. The enforcement of this article by civil citation shall follow the procedures set out in section 2-24 of the City Code.

(d) Progressive penalties may be applied for repeated violations of this article. When it is determined by the passenger vehicle for hire manager, or his designee, that the same company operating certificate holder or driver has committed a second or a series of violations of this article within any 12-month period, progressive penalties may be imposed. If progressive penalties are imposed, progressive penalties shall be assessed by the passenger vehicle for hire manager and may be recovered by the city in a civil action in the nature of a debt. The progressive penalties shall be assessed in accordance with the following schedules:

PASSENGER VEHICLE FOR HIRE PENALTY SCHEDULES

(1) *Class A offenses.*

a. Penalties for class A offenses committed by company owners shall be as follows:

1. Second violation of this article is $100.00
2. Third violation of this article is $200.00
3. Fourth or subsequent violation of this article is $300.00

b. Penalties for class A offenses committed by drivers shall be as follows:

1. Second violation of this article is $100.00
2. Third violation of this article is $200.00
3. Fourth or subsequent violation of this article is $300.00

c. A person may be charged with a class A offense by operating a passenger vehicle for hire within the city without:

1. First having obtained a company operating certificate authorizing such operation as required by section 22-385.
2. Operating a company providing passenger vehicle for hire services without having a valid company operating certificate issued by the passenger vehicle for hire manager required by section 22-385.
3. Having first obtained a passenger vehicle for hire driver's permit as required by section 22-395(a).
4. A valid driver's license for the type of vehicle being operated or while his driver's license is suspended or revoked as prohibited by subsection 22-395(b)(7).
5. A functional credit card payment device required by subsection 22-414.
6. Fulfilling the insurance requirements under subsection 22-387.

(2) *Class B offenses.*

a. Penalties for class B offenses shall be as follows:

1. Second violation of this article is $50.00
2. Third violation of this article is $100.00
3. Fourth or subsequent violation of this article is $200.00

b. A person may be charged with a class B offense by:

1. Operating a passenger vehicle for hire for a company operating certificate holder other than the company operating certificate holder shown on the driver's permit in violation of subsection 22-395(b)(8).
2. Operating a passenger vehicle for hire within the city with an expired passenger vehicle for hire driver's permit in violation of subsection 22-395(a).
3. Deceiving or attempting to deceive a passenger who may ride or desire to ride in a passenger vehicle for hire in any manner, especially as to destination or the rate of fare to be charged in violation of subsection 22-422.
4. Transporting or causing to be transported any passenger to any place other than as directed by the passenger in violation of subsection 22-421(a)(21).
5. Failing to comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken in violation of subsection 22-421(a)(22).
6. Failing to be dressed in a way so as to convey a neat and clean appearance in violation of section 22-396.
7. Refusing to give a passenger a receipt showing the passenger vehicle for hire vehicle operating permit number, the driver's permit number and the date and the amount of fare paid in violation of subsection 22-423.
8. Failing to report an accident involving the operation of a passenger vehicle for hire in violation of section 22-424.

(3) *Class C offenses.*

a. Penalties for class C offenses shall be as follows:
   1. Second violation of this article is $25.00
   2. Third violation of this article is $50.00
   3. Fourth or subsequent violation of this article is $100.00

b. A person may be charged with a class C offense by:
   1. Having in his possession a lit cigarette, cigar, pipe, tobacco of any kind or incense while any passenger is being transported in a passenger vehicle for hire in violation of subsection 22-421(a)(23).
   2. Allowing the seating capacity of a passenger vehicle for hire to be exceeded in violation of subsection 22-421(a)(1).
   3. Refusing or neglecting to transport any person upon request in violation of subsection 22-421(a)(18).
   4. Failing to submit any change of information in violation of subsection 22-286(e) and 22-395(f).
   5. Failing to meet any of the equipment requirements in violation of subsection 22-405, 22-406, 22-407, 22-408, 22-409, 22-410, 22-411, 22-412, and 22-413.
   6. Failing to operate a passenger vehicle for hire in accordance with the laws of this state and this Code and other city ordinances in violation of subsection 22-420.

7. Operating a passenger vehicle in violation of subsection 22-421(a)(4), 22-421(a)(7), 22-421(a)(12), and 22-421(b).
8. Operating a passenger vehicle for hire in violation of any of the remaining sections of this article.

(e) If a person fails to pay or appeal a penalty within 60 days after the city's mailing of the notice of violation, the passenger vehicle for hire manager shall suspend or revoke the person's company operating certificate and/or driver's permit in addition to any other action taken pursuant to this article.

(f) A civil penalty shall be assessed against a company owner who fails to file an application to renew their company operating certificate prior to the expiration of their company operating certificate. This penalty shall be in the amount of $100.00 per day for each day beginning on the first day following the expiration of the company operating certificate when that the company owner has not applied to renew their company operating certificate.

(g) Civil penalties may be levied against the passenger vehicle for hire company according to the total amount of civil penalties incurred during a calendar year by the passenger vehicle for hire drivers employed or contracted by or affiliated with the passenger vehicle for hire company. The amount of civil penalties shall be determined by the number of passenger vehicles for hire operated by the company and the total amount of civil penalties incurred annually by the drivers for the company, as follows:

Number of Registered Vehicles	Penalties
1—15	Annually, each $500.00 in driver penalties shall result in a civil penalty of $500.00
16—30	Annually, each $750.00 in driver penalties shall result in a civil penalty of $750.00
31—50	Annually, each $1,000.00 in driver penalties shall result in a civil penalty of $1,000.00
51—75	Annually, each $1,250.00 in driver penalties shall result in a civil penalty of $1,250.00
Over 75	Annually, each $1,500.00 in driver penalties shall result in a civil penalty of $1,500.00

The passenger vehicle for hire manager shall notify the passenger vehicle for hire company of any citations issued to a driver employed, contracted by or affiliated with the passenger vehicle for hire company. The notice shall be sent to the company shown on the driver's permit.

(h) In addition to the authority under this article to deny, suspend or revoke a certificate or permit, the city may seek enforcement of this article by instituting a civil action for injunctive relief, an abatement order or any other appropriate relief in the superior court of the county.

(i) No company operating certificate and/or driver's permit shall be renewed if any civil penalty assessed under this article is unpaid or outstanding.

(j) Any and all penalties assessed against any driver shall remain the obligation of the driver regardless of any change in his company affiliation.

(k) This article may be enforced by one, all or a combination of the remedies authorized and prescribed by this article, section 2-21 of this Code and state law.

Sec. 22-431 - Appeal

(a) Any holder of a company operating permit or driver's permit may appeal the levying of any fine or penalty pursuant to section 22-435.

DIVISION VII. – PEDICAB APPEALS BOARD

Sec. 22-435. - Hearings.

(a) The passenger vehicle for hire manager shall, within 24 hours of receipt, forward any appeal provided in subsection 22-390, 22-399, and 22-431 to the chair of the passenger vehicle for hire board. Appeals shall be on a form and in a manner approved by the passenger vehicle for hire office.

(b) The Pedicab Appeals Board shall be comprised of three members currently on the passenger vehicle for hire board. The chair of the passenger vehicle for hire board shall designate which members of the passenger vehicle for hire board to hear any appeals under this article and shall designate any chair of the Pedcab Appeals Board.

(c) The appeal should be heard by the Pedicab Appeals Board its next regularly scheduled meeting. The Pedicab Appeals Board shall hold hearings on an as-needed basis. The PVH manager, at the direction of the chair of the passenger vehicle for hire board, shall give notice to all parties of the time and place for the hearing.

(d) If the party seeking the appeal desires a hearing on a date other than the date set by the PVH manager pursuant to this section, the party seeking the appeal may file a written request for a change of the hearing date, setting forth the reasons for such request. The chair of the passenger vehicle for hire board is empowered to approve or disapprove the request, provided the request is received by the chair of the passenger vehicle for hire board at least seven business days prior to the date set for the hearing. For good cause, the chair of the passenger vehicle for hire board may reschedule a hearing for another date. The Pedicab Appeals Board shall render a decision on an appeal within five business after the date of the hearing.

(e) Any appealing party may appear at the hearing in person and shall have the right to representation by a person of his choice. The North Carolina Rules of Evidence, G.S. 8C, shall not strictly apply to the hearing, but the hearing shall afford all parties an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Hearsay evidence shall be considered only to the extent that the hearsay evidence would be permitted under the North Carolina Rules of Evidence G.S. 8C. Only sworn testimony shall be accepted and the chair of the passenger vehicle for hire board, as well as any board member designated by the chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. 11-11. The hearing shall be recorded, and the Pedicab Appeals Board's decision shall be in writing with copies provided to all parties.

(f) Hearings before the Pedicab Appeals Board shall be de novo. Final decisions of the Pedicab Appeals Board shall be subject to judicial review in a proceeding in the nature of certiorari instituted in the superior court of the county within 30 days after the Pedicab Appeals Board renders its decision. Final decisions of the Pedicab Appeals Board shall not be stayed during the time allowed for the initiation of judicial review, and the initiation of judicial review shall not automatically stay the Pedicab Appeals Board's decisions.

(e) Following a hearing, the Pedicab Appeals Board shall have the power to:

(1) Affirm the decision of the passenger vehicle for hire manager;

(2) Reverse the decision of the passenger vehicle for hire manager;

(3) Suspend or revoke a company operating certificate or driver's permit;

(4) Authorize the issuance or renewal of a company operating certificate or driver's permit; or

(5) Impose such other lesser penalties as it deems just and appropriate.

(f) A decision by the Pedicab Appeals Board not to renew, or to suspend or revoke a company operating certificate or driver's permit shall become effective immediately upon receipt of the Pedicab Appeals Board's decision by the holder of the company operating certificate or driver's permit, who shall immediately, upon receipt of the Pedicab Appeals Board's decision, surrender his company operating certificate, vehicle decal, and/or driver's permit to the passenger vehicle for hire manager. The period of suspension shall begin upon receipt of the surrendered company operating certificate or driver's permit to the passenger vehicle for hire manager.