

ORDINANCE NUMBER 2724(CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
AMENDING ARTICLES III AND VI OF THE SANTA MONICA MUNICIPAL CODE
REGARDING LICENSING AND REGULATION OF PEDICABS

WHEREAS, the City of Santa Monica ("City" or "Santa Monica") is a small, extremely dense, older coastal city consisting of just 8 square miles of land bordered on one side by the Pacific Ocean and on three sides by the City of Los Angeles; and

WHEREAS, the City's premier location and vigorous local economy continues to attract large number of tourists from throughout the world; and

WHEREAS, the City's bustling streets are heavily utilized by motor vehicle and bicycle traffic; and

WHEREAS, the City's beach bike path is narrow and congested at all times of the year; and

WHEREAS, the beach bike path's narrow design is particularly unsuitable for pedicab operations as a single pedicab could substantially take up the entire path and impede oncoming traffic; and

WHEREAS, pedicabs have grown in popularity as a form of non-motorized transportation for hire, particularly amongst the tourist population; and

WHEREAS, pedicabs are a zero emissions transportation option; and

WHEREAS, pedicabs are a new mode of transportation in Santa Monica and once introduced will have an impact on traffic circulation, particularly in the heavily congested areas of the downtown; and

WHEREAS, experience in other jurisdictions have shown that unregulated pedicab operations could create safety hazards and cause unnecessary consumer confusion regarding fares; and

WHEREAS, some of the safety hazards reported by other jurisdictions, including substandard equipment, have resulted in serious injury to pedicab passengers; and

WHEREAS, California Vehicle Code Section 21100(n) authorizes local agencies to license and regulate the operation of pedicabs; and

WHEREAS, California Vehicle Code Section 21206 authorizes local agencies to regulate operations of bicycles and pedicabs on pedestrian or bicycle facilities, including facilities like the beach bike path; and

WHEREAS, licensing and regulation of pedicab operations is necessary to ensure safe, quality pedicab services, mitigate negative impacts on traffic circulation, and promote the general welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 3.12.550 of the Santa Monica Municipal Code is hereby amended as follows:

3.12.550 Bike-path and beach promenade.

(a) It shall be unlawful to ride a bicycle or to coast in any vehicle upon the Beach Promenade; bicycle riding shall be permitted along the beach bike-path, within the City limits and in those areas where the Promenade constitutes a portion of the bikeway and are otherwise permitted by sign. All persons riding bicycles on the bike-path shall comply with all lawful signs and directional markings, including, but not limited to, painted directional arrows, bike-path route boundaries, and signs designating permissible travel lanes.

(b) It shall be unlawful to operate a pedicab upon the beach bike-path.

SECTION 2. Section 6.48.30 of the Santa Monica Municipal Code is hereby amended as follows:

6.48.030 Business license required.

No person shall conduct any vehicle for hire business or pedicab business without having first obtained a business license in compliance with this Chapter.

SECTION 3. Chapter 6.50 is hereby added to Article VI of the Santa Monica Municipal Code as follows:

Chapter 6.50

PEDICABS

6.50.010 Definitions.

The following words or phrases as used in this Chapter shall have the following meanings.

(a) **Pedicab.** "Pedicab" has the same meaning as that term is defined by the California Vehicle Code.

(b) **Pedicab Driver Permit.** "Pedicab driver permit" means a non-transferable authorization for a person to provide pedicab transportation services in the City;

(c) **Pedicab Operator.** "Pedicab operator" means a person that has been issued a pedicab operator permit and a business license to operate a pedicab business in the City.

(d) **Pedicab Operator Permit.** "Pedicab operator permit" means a non-transferable authorization for operation of a pedicab business pursuant to the provisions of this Chapter.

(e) **Pedicab Decal.** "Pedicab decal" means a non-transferable authorization, affixed to the pedicab by the City, for a pedicab to be operated in the City.

(f) **Seatbelt.** "Seatbelt" means a safety strap or harness designed to hold a person securely in a seat

6.50.020 Exemption.

The provisions of this Chapter shall not apply to any pedicab validly permitted and operating in another jurisdiction that drops-off passengers within the City or passes through the City without picking-up any passenger.

6.50.030 Rules and regulations.

The City Manager, or his or her designee, is authorized to adopt rules and regulations consistent with this Code and necessary to implement this Chapter. Such rules and regulations may include, but are not limited to, provisions governing: pedicab service and safety; pedicab vehicle equipment standards; conditions and qualifications of applicants for operator permits, driver permits, and pedicab decals; and the responsibilities of pedicab operators and drivers.

Such rules and regulations shall be filed in the office of the City Clerk where they shall be made available for inspection by the public.

Violations of rules and regulations issued pursuant to this Section shall constitute violations of this Chapter, and shall subject the violator to the penalties set forth in this Chapter.

6.50.040 Pedicab operator permit required.

(a) No person shall operate, or cause to be operated, a pedicab business within the City without having first obtained a pedicab operator permit and a business license from the City.

(b) To obtain a pedicab operator permit, each applicant shall file with the City a complete and verified application, including a description of the applicant's routes of pedicab operations, proof of adequate insurance, and other information prescribed by the rules and regulations adopted in accordance with this Chapter.

6.50.050 Pedicab driver permit required.

(a) No person shall drive or operate a pedicab within the City without having first obtained a valid pedicab driver permit.

(b) To obtain a pedicab driver permit, each person shall file with the City, a complete and verified application containing information prescribed by the rules and regulations adopted in accordance with this Chapter.

6.50.060 Pedicab identification decal required.

(a) No person shall lease, rent, or allow a pedicab to be operated within the City without having first obtained a pedicab decal. The decal shall be affixed to the pedicab in a manner clearly visible to the public.

(b) A pedicab decal application shall be denied if the pedicab is unsafe for operation or fails to comply with applicable safety and equipment rules and regulations adopted in accordance with this Chapter.

(c) No person shall operate a pedicab that does not have a valid pedicab decal affixed to it.

6.50.070 Fees and permits.

(a) A schedule of fees to recover the costs associated with the administration and enforcement of this Chapter may be adopted by resolution of the City Council. No applicant may be issued a pedicab permit or decal until that applicant has paid all applicable fees.

(b) Permits and decals that are expired, revoked, defaced, altered, forged, or counterfeited are invalid.

(c) Permits and decals are the property of the City and are non-transferable.

6.50.080 Denial, suspension or revocation of pedicab operator permit, pedicab driver permit, or pedicab decal.

Pedicab operator permits, pedicab driver Permits, and pedicab decals may be denied, suspended or revoked by the City Manager, or his/her designee, based upon any one of the following grounds:

(1) The pedicab operator or driver has failed to comply with applicable laws or rules and regulations relating to pedicab operations.

(2) The pedicab operator or driver has been convicted of assault, battery, resisting arrest, any felony involving force and violence, any misdemeanor or felony reckless driving or driving under the influence offense, or any crime reasonably related to the qualifications, functions or duties of the passenger transport business, or the ability of the operator or driver to safely transport passengers.

(3) The operator or driver has been convicted of a crime that requires registration pursuant to California Penal Code Section 290.

(4) The pedicab operator or driver has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the application process for the pedicab operator permit, pedicab driver permit or pedicab decal.

6.50.090 Pedicab Parking.

The City may designate pedicab parking stands to provide safe drop-off and pick-up areas for pedicabs.

6.50.100 Fare schedule.

(a) Prior to commencing any pedicab operations, the pedicab operator shall file its fare schedule with the City.

(b) The pedicab operator shall post the fare schedule filed with the City on every pedicab in its fleet and that meets the size, format, and location requirements as set forth by the rules and regulations adopted in accordance with this Chapter.

(c) No pedicab operator or driver shall charge a passenger a fare greater than the fare submitted to the City and posted on the pedicab.

6.50.110 Pedicab operations.

(a) A Pedicab Operator shall:

(1) keep pedicabs within its fleet in clean and sanitary conditions, and be free from mechanical or safety defects; and

(2) make pedicabs within its fleet available for inspections at reasonable times by the City.

(b) It is unlawful for any person to:

(1) operate a pedicab, if said person is under eighteen years of age.

(2) operate a pedicab without a valid California Driver's license.

(3) operate a pedicab in any manner that impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law or under the direction of law enforcement personnel.

(4) Operate a pedicab over any route not designated in the pedicab operator permit.

(5) Operate a pedicab in a manner that results in damage to property.

(6) Operate a pedicab while carrying a number of passengers that exceeds the number of available seats.

(7) Operate a pedicab without having all passengers be restrained by seatbelts.

(8) Operate a pedicab without having a City-approved insurance policy in full force and effect at all times during the operation of the pedicab.

(9) Advertise or otherwise hold itself out as providing pedicab services within the City, unless such person is operating pursuant to City issued pedicab permits.

(10) Refuse to comply with a lawful order from a City official charged with enforcement of this Chapter.

6.50.120 Enforcement.

(a) Any person violating any provision of this Chapter shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars (\$250) per violation; or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars (\$1,000) per violation, or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Where the violation is of a continuing nature, each day that the violation continues constitutes a separate and distinct violation.

(b) Any person violating any provision of this Chapter shall be subject to administrative fines and penalties pursuant to Chapter 1.09 of this Code.

(c) The remedies specified in this Section are cumulative and their specification shall not preclude the use of any other remedy provided by law.

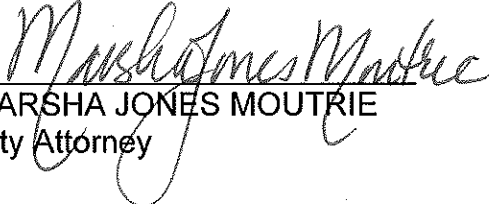
SECTION 4. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not


declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:


MARSHA JONES MOUTRIE
City Attorney

Approved and adopted this 23rd day of April, 2013.


Pam O'Connor, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Sarah P. Gorman, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2424 (CCS) had its introduction on April 9, 2013, and was adopted at the Santa Monica City Council meeting held on April 23, 2013, by the following vote:

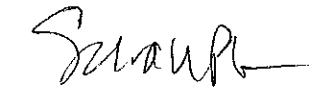
Ayes: Councilmembers: Davis, Holbrook, McKeown, Vazquez, Winterer
Mayor Pro Tem O'Day, Mayor O'Connor

Noes: Councilmembers: None

Absent: Councilmembers: None

A summary of Ordinance No. 2424 (CCS) was duly published pursuant to California Government Code Section 40806.

ATTEST:



Sarah P. Gorman, City Clerk