



City of Miami
Legislation
Ordinance

City Hall
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File Number: 09-00890

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 57 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED: "VEHICLES FOR HIRE," BY CREATING A NEW ARTICLE III, ENTITLED "PEDICABS FOR HIRE", TO REGULATE PEDICABS ON THE PUBLIC STREETS AND SIDEWALKS IN THE CITY OF MIAMI; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic; and

WHEREAS, nonmotorized vehicles and more specifically, pedicabs, operating on public streets promote the public interest by contributing to an active and attractive environment; and

WHEREAS, pedicabs benefit the environment by using no fossil fuels and decreasing traffic on public streets; and

WHEREAS, reasonable regulation of nonmotorized vehicles for hire and more specifically, pedicabs, operating on streets and sidewalks is necessary to protect the public health, safety, and welfare; and

WHEREAS, although Miami-Dade County has adopted preemptive regulations governing the operation of motorized vehicles for hire, it has not adopted regulations covering the operation of nonmotorized vehicles for hire;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. Chapter 57 of the Code of the City of Miami, Florida, entitled "Vehicles for Hire", is amended in the following particulars: {1}

"CHAPTER 57

VEHICLES FOR HIRE

* * * *

ARTICLE III. PEDICABS FOR HIRE

Sec. 57-32. Definitions.

Darkness is defined as any time from one-half hour before sunset to one-half hour after sunrise and

anytime when the visibility is not sufficient to render clearly discernible any person or vehicle on the public street at a distance of one thousand (1,000) feet.

Decal is defined as the numbered, limited Business Tax Receipt issued by the City pursuant to Chapter 31 of the City Code to a Pedicab Owner that indicates that operation of the Pedicab is permitted within the corporate city limits of the City of Miami. The Decal shall be clearly displayed on the Pedicab at all times.

Decal Fee is defined as the Business Tax Receipt fee which is commensurate with the personnel expense, records compilation, investigation, organization, verification and storage relative to the allowance and regulation of Pedicabs within the City. The Pedicab Decal Fee is set forth in Chapter 31 of the City Code and will be paid on an annual basis. The fee is a prerequisite to issuance of a Decal to any eligible Pedicab.

Director is defined as the Director of Finance of the City of Miami, unless the Director of Public Works is specified.

Driver's License is defined as a license issued pursuant to the laws of the State of Florida to a Chauffeur or driver which entitles a person to operate a Nonmotorized Vehicle for Hire within the jurisdictional corporate city limits of the City of Miami.

Nonmotorized Vehicle for Hire as defined in Section 57-26, is an animal-powered vehicle carrying passengers for hire in the City. The reference to "vehicle" in this Article shall mean a Pedicab.

Pedicab is defined as a device that has three (3) or more wheels, that transports, or is capable of transporting passengers on seats attached to the device, that is propelled solely by human power, and that is used for transporting passengers "for hire," including for tips or any other forms of compensation or barter, regardless of whether a passenger is being transported.

Pedicab Driver is defined as any person who operates, drives, or propels a Pedicab within the city limits of the City of Miami. Every Pedicab Driver is required to have on their person a current Driver's License issued by the State of Florida Department of Highway Safety and Motor Vehicles. The Driver's License must be valid and in good standing anytime a Pedicab Driver operates a Pedicab in the City.

Pedicab Owner is defined as the person engaged in business as the owner, who may also be the Pedicab Driver, requiring a Decal under this Article.

Street is defined as any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the City and established for the use of vehicles.

57-33. Prohibited Streets.

Use of Pedicabs will not be authorized on residential neighborhood streets. Use of Pedicabs will not be authorized on state Streets or county Streets unless specifically approved by the respective agencies whose jurisdiction the Streets fall. Proposed routes must be approved in writing by the Public Works Director or designee.

57-34. Annual Pedicab Decal; Pedicab Decal Fee; Required Insurance.

- (a) It shall be a violation for any person to operate a Pedicab upon the Streets of the City unless the Pedicab Owner has first obtained a Decal as defined herein. This Decal is issued upon a showing of compliance with this Ordinance and Chapter 31 of the City Code.
- (b) Such Decal shall, at all times during the annual, one (1) year period for which it is valid, be securely attached to a clearly visible place on the left rear portion of the Pedicab for which it was issued. Each Decal shall be valid when issued by the Finance Department and remain valid, regardless of issue date, until September 30th of the fiscal year in which it was issued. In addition to the Decal Fee, an applicant wishing to operate a Pedicab without advertising shall submit an annual regulatory business fee of two hundred fifty dollars (\$250.00) per Pedicab to defray the City's time, costs, process and expense necessary in administering the Pedicab program under this Article. An applicant wishing to operate a Pedicab with advertising shall submit an annual regulatory business fee in the amount of five hundred dollars (\$500.00) per Pedicab for the cost of administering the program, as well as the privilege of utilizing the Streets for private advertising purposes. The fees imposed by this Chapter are in addition to any additional Business Tax Receipt(s) or Decal Fees that may be required by the Finance Department for conducting any advertising activities. Fees shall not be prorated.
- (c) Prior to obtaining a Decal the Pedicab Owner shall submit a completed package with all applicable signatures to the Finance Department. In addition to the above, the following information must be included with the submittal: Pedicab vehicular information, Pedicab reference form provided by the Finance Department, copy of a current and valid Florida Driver's License for the applicant, list of all Pedicab Drivers, copy of current and valid Florida Driver's License for each Pedicab Driver, Decal Fee, and a drawing detailing routes and other pertinent technical information required by the Public Works Department.
- (d) The Pedicab Owner shall maintain a liability and property damage insurance policy insuring each Pedicab in an amount of two million dollars (\$2,000,000.00) combined single limit for each accident, bodily injury, death, or property damage written by a company authorized to transact business in the State of Florida and rated B+ VI or higher by A.M. Best. Such policy indicating the liability amounts and the policy period must be provided to the City Risk Management Division/Risk Manager for approval prior to issuance or renewal of any Decal. Each separate part of the Pedicab shall have the 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 period of not less than twelve (12) months. Proof of this insurance (e.g. a declarations page or certificate of insurance) must be maintained within the Pedicab at all times it is operated within the City.

57-35. Rates to be Displayed.

Each Pedicab operated within the City shall prominently display, in an eight inch (8") by ten inch (10") frame covered with clear plastic, a card or sign, printed in plain, legible letters and numbers which shall state whether gratuities or donations are accepted and contain the schedule of rates for the transportation services offered by the Pedicab Driver; the Decal number of such Pedicab; and the name and work address of both the Pedicab Owner and the Pedicab Driver of such Pedicab. No Pedicab Driver may charge a fee that is not so posted. A map showing the approved route shall also be displayed.

57-36. Vehicle Safety and Equipment Standards.

- (a) Pedicabs shall not be operated within the City except in compliance with all laws of the State of Florida, Miami-Dade County, and the City of Miami.

- (b) Pedicabs shall be subject to Chapter 316, Florida Statutes, as amended.
- (c) Any law enforcement officer of the City shall have the right to inspect or cause to be inspected any Pedicab operating on any Street in the City as often as may be necessary for the purposes of ascertaining and causing to be corrected any unsafe or unsanitary considerations or any violations of this Article.
- (d) No Pedicab Driver may operate a Pedicab on any Street unless the Pedicab meets the following equipment and safety standards:
- (1) Pedicabs. Pedicabs shall not exceed one hundred twenty inches (120") in total length, and fifty two inches (52") in total width.
 - (2) Tires. Tires shall be of a size appropriate for the Pedicab with no mismatched tires. There shall be no cuts to the tire or localized worn spots that expose the ply. No tire is permitted to be used when the tire has tread wear indicators that are visible.
 - (3) Operational Horn. The Pedicab shall be equipped with a fully operational horn or bell.
 - (4) Brakes. Each Pedicab shall be equipped with an operational brake or brakes which enable the Pedicab Driver to stop the Pedicab within fifteen feet (15') from a speed of ten (10) 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".
 - (5) Headlights, Tail Lights, Mirrors, Turn Signals, and Other Requirements. Every Pedicab shall be equipped with the following operational equipment set forth in the subsections below:
 - (i) A headlight capable of projecting a beam of white light for a distance at a minimum of five hundred feet (500'), which shall be clearly visible during Darkness and which must be illuminated at all times during operation;
 - (ii) A red tail light affixed to the rear of the passenger compartment, which shall be clearly visible during Darkness from a distance of at least six hundred feet (600') to the rear of the Pedicab which must be illuminated at all times during operation;
 - (iii) A side mounted mirror affixed to the Pedicab to reflect to the Pedicab Driver a view of the Street for a distance of at least two hundred feet (200') from the rear of the Pedicab;
 - (iv) A slow moving vehicle triangle on the rear of the Pedicab or reflective tape which outlines the rear of the Pedicab from edge to edge;
 - (v) Turn signal lamps which indicators must be visible for a distance of at least five hundred feet (500') from the rear of the Pedicab indicating right and left turns which must be utilized when turning;
 - (vi) Turn signal lamps which indicators must be visible for a distance of at least five hundred feet (500') from the rear of the Pedicab indicating right and left turns which must be utilized when turning;
- (e) The company or trade name, individual or fictitious name of the Pedicab Owner shall be conspicuously displayed on the exterior of each Pedicab. This will not be considered advertising.
- (f) No more than one (1) trailer or sidecar may be attached to any Pedicab. Any such trailer or sidecar must be attached in a manner that meets the requirements of 316.530(2), Florida Statutes, as amended.
- (g) Ample storage areas for the Pedicabs shall be provided at point of departure or arrival for any given route. Rental of metered parking spaces will require a separate permit from the Miami Parking Authority.

57-37. Advertising on Pedicabs

- (a) Advertisements shall only be allowed on the manufactured body (e.g. transom) of the Pedicab as

permitted by this Article and cannot exceed ten (10) square feet of total area. Advertisements must be painted on or otherwise adhere as a coating to the body of the Pedicab. No banners, poles, flags, detached signs, panels, posters, boards, or any other addition of personality or object whatsoever will be permitted on a Pedicab.

- (b) The Advertisements shall be presented, upon request, for inspection or viewing by the City at any time prior to the time the Decal is applied for or during the Decal period. Advertisements shall not be allowed to be added after the Decal period, although it may be replaced with allowable advertisements subject to the same constraints and time limits as the advertising approved at the time the Decal was issued. The regulatory annual business fee of two hundred fifty dollars (\$250.00) shall have been paid prior to the placement or replacement of any advertising, as applicable. A regulatory business fee as provided in this Chapter must be applied for, approved and paid, prior to engaging in any advertising on the Pedicab.
- (c) No advertisement on a Pedicab is allowed for alcoholic beverages, tobacco products, or adult entertainment as defined by the City Zoning Ordinance. The name, phone number, web address, and physical address of the Pedicab Owner and Pedicab Driver will not be considered advertisement that requires the additional City regulatory review and fee under this section.
- (d) No advertisement (other than the company name as provided by this Article) will be allowed on the trailer or sidecar.

57-38. Number of Pedicabs Permitted; Restrictions on Monopolies.

- (a) No more than one hundred (100) Decals will be issued and no more than one hundred (100) Pedicabs, shall be permitted to operate within the City, on a city wide basis (excepting prohibited streets) at any time.
- (b) Decals will be issued by the Director of Finance to eligible persons who meet all the requirements of this Article and other applicable laws on a first come first serve basis.
- (c) No one person as that word is defined in Sec. 57-26 of this Article may be the recipient of more than ten (10) pedicab decals at any one (1) time.
- (d) No subsidiary, parent, or affiliated company (for purposes of this Article meaning any company that has interlocking directors or officers, or any of the same person or directors or officers, or any person who owns five percent (5%) or more of the stock of the company) of any person who has current Decals may operate a Pedicab business in the City under this Article.

57-39. Driver's Permit and Related Requirements.

- (a) It shall be a violation for any person to operate a Pedicab in or upon any Street in the City unless such person has a valid Florida Driver's License in compliance with F.S. Chapter 322, as amended, and is at least eighteen (18) years of age.
- (b) A copy of the Driver's License of the Pedicab Driver shall be affixed to the Pedicab in a location which is clearly visible from the passenger compartment of the Pedicab.
- (c) Each Pedicab Driver shall maintain, at all times, a current mailing address on file with the Finance Department
- (d) The mere existence of a Driver's License is not an allowance to operate a Pedicab under this Article. The Decal must be active, current, in good standing and correct.

57-40. Prohibited Conduct.

The following acts by any Pedicab Driver are prohibited:

- (a) Carrying more than four (4) passengers, or while carrying a number of passengers that exceeds

the number of passenger seats which such Pedicab was designed to accommodate, or while any passenger is standing or while any passenger is sitting anywhere other than the passenger seat. Children under the age of five (5) may be seated securely in the lap of another passenger and will not count as an additional passenger.

- (b) While the Pedicab is in motion, the Pedicab Driver shall not collect fares, make change, or embark or disembark passengers.
- (c) Any act that violates any City ordinance, County ordinance, or state law or disrupts the flow of vehicular traffic on public Streets.
- (d) Leaving the Pedicab unattended.
- (e) Operating, maneuvering, inclining, spinning, tilting, tipping, sloping or otherwise positioning a Pedicab in any manner that would unnecessarily place a passenger in other than an upright, seated position.
- (f) Operating a Pedicab upon a sidewalk portion of a public right of way, except at the direction of a law enforcement officer or when there are no visible pedestrians on that entire block.
- (g) Operating a Pedicab upon any Street listed on the prohibited Streets list established under this Article.
- (h) Operating a Pedicab on any Street with a posted speed limit of more than thirty (30) miles per hour.
- (i) Operating a Pedicab with sound produced by radio, tape, CD, DVD, record player, or any other mechanical sound device or instrument from the Pedicab so that the sound is plainly audible at a distance of twenty five feet (25') or more from the Pedicab. The Pedicab cannot have a loudspeaker or amplifier.
- (j) Operating or riding more than two (2) abreast, except when overtaking and passing a bicycle or vehicle proceeding in the same direction.
- (k) Using indecent or profane language while operating a Pedicab.
- (l) Allowing any passenger or occupant of the Pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.

57-41. Passenger Receipt upon Demand.

If requested by a passenger, the Pedicab Driver shall deliver to the person paying for the hiring of the same, at the time of such payment, a receipt therefore in legible writing containing the name of the Pedicab Driver, the Decal number, the total amount paid, and the date of payment.

57-42. Appeals of Director Decisions.

All decisions of the Director relative to this Article are final and binding decisions. Decisions of the Director may be appealed to the City Manager. The appeal must be filed in writing within thirty (30) days of the Director's decision.

57-43. Enforcement.

- (a) Pedicab Drivers are subject to Chapters 316-322 of the Florida Statutes, as amended, and shall be issued traffic infractions for any violations.
- (b) The Decal shall be revoked for any violation of this Article pursuant to the provisions of Chapter 31 of the City Code.

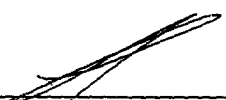
57-45. Impoundment Fees.

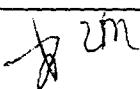
Any Pedicab operated in violation of this Article may be seized and impounded by the City. The Pedicab will be returned to the Pedicab Owner after direct personnel expense incurred by the City related to the Pedicab impoundment, and any towing and storage fees have been satisfied. These items shall all constitute impoundment fees under this section. The Pedicab shall be removed and will be returned only upon written confirmation by the impounding city agency or instrumentality that the Pedicab is in compliance with this Article and payment of all applicable fees.

Section 2. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 3. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor. {2}

APPROVED AS TO FORM AND CORRECTNESS:



JULIE O. BRU
CITY ATTORNEY 

Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/ or figures shall be added. The remaining provisions are now in effect and remain unchanged.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

