

1ST READING 11-11-08
2ND READING 11-18-08
INDEX NO. _____

ORDINANCE NO. 12179

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, ARTICLE VII, RELATIVE TO PEDAL CARRIAGES AND RICKSHAWS, TO PROVIDE FOR THE PURPOSE OF THE ARTICLE, DEFINITIONS, AND JURISDICTION.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 35, Article VII, is amended by adding the following new Sections and Division Heading after the Division 1 heading and before Section 35-243:

Sec. 35-240. Purpose.

It is the purpose of this Article to regulate and control pedal carriages and rickshaws businesses to protect consumers and to ensure the safety of the public, including passengers and drivers operating pedal carriages and rickshaws. It is also the purpose of this Article to minimize the effect of pedal carriages and rickshaws on traffic and congestion by establishing a maximum number of pedal carriages and rickshaws that can be authorized to operate in the City of Chattanooga (the "City"). It is the purpose of this Article to require the inspection of pedal carriages and rickshaws to ensure that pedal carriages and rickshaws are safely operated on the streets of the City, and to provide a process for their removal if they have not been inspected or operated as required.

State law reference T.C.A. § 55-26-102.

Sec. 35-241. Definitions.

Whenever used in this Article:

Family member shall mean a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.

Own, owns or owned shall mean possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.

Pedal carriage (also known as "quadricycle"), means a non-motorized bicycle with four (4) or more **wheels** operated by one (1) or more persons for the purpose of, or capable of, transporting additional passengers in seats or on a platform made a part of or otherwise attached to the pedal carriage. "Pedal carriage" does not include a bicycle with trainer or beginner **wheels** affixed thereto, nor shall it include a wheelchair or other **vehicle** with the purpose of operation by or for the transportation of a disabled person, nor does it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.

Rickshaw (also known as "pedal carriage or pedicab"), means a non-motorized bicycle with three (3) wheels operated by one (1) person for the purpose of, or capable of, transporting additional passengers in seats or on a platform made a part of or otherwise attached to the rickshaw. "Rickshaw" does not include a bicycle built for two (2) where the operators are seated one behind the other, nor shall it include the operation of a bicycle with trainer or beginner wheels affixed thereto, nor does it include a wheelchair or other vehicle with the purpose of operation by or for the transportation of a disabled person.

Pedal carriage or pedicab business shall mean a pedal carriage or pedicab owner who operates or authorizes the operation of one or more pedal carriages or pedal carriage or pedicabs in the city of Chattanooga.

Pedal carriage or pedicab permit shall mean a permit issued by the City to engage in or operate a pedal carriage or pedicab business as defined in this Article.

Pedal carriage or pedicab driver shall mean any natural person who propels and operates a pedal carriage or pedicab in the City.

Pedal carriage or pedicab permit shall mean a license issued by the Transportation Board to a pedal carriage or pedicab driver to operate a pedal carriage or pedicab.

Pedal carriage or pedicab owner or owner shall mean any person who owns one or more pedal carriage or pedicabs in the City.

Public park shall mean areas that are open to the public for recreational purposes.

Transportation Board means the board established in Section 35-17 of this chapter.

Transportation inspector means the inspector(s) appointed in Section 35-20 of this chapter.

Sec. 35-242. Jurisdiction.

(a) The Transportation Board shall have exclusive jurisdiction of the licensing and regulation of pedal carriage or pedicabs. The Transportation Board has the authority, power and duty to enforce the provisions of this Article, provided that nothing in this section shall be construed to prohibit any court, including the Municipal Court of the City, from imposing penalties provided by this Code for any violation of this Article.

(b) The actions of the Transportation Board shall be final, subject to such judicial appeal as may be allowed by law.

DIVISION 2. PEDAL CARRIAGE OR PEDICAB BUSINESS
PERMIT

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately after its passage.

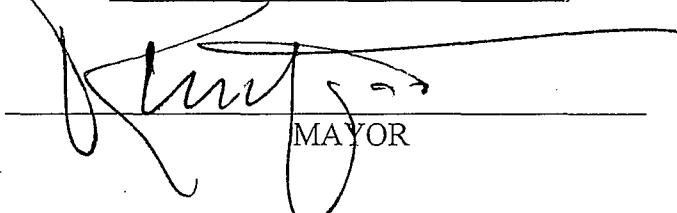
PASSED on Second and Final Reading

November 18, 2008.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 11-24-08, 2008


MAYOR

KOF/add