

NON - MOTORIZED BUSINESS LICENSE APPLICATION

DOING BUSINESS AS _____

NAME OF APPLICANT _____ DATE OF BIRTH _____

ADDRESS OF APPLICANT _____

CITY _____ STATE _____ ZIP _____ PHONE NO. _____

LOCATION OF DEPOT OR TERMINAL _____

CITY _____ STATE _____ ZIP _____ PHONE NO. _____

NUMBER OF VEHICLES OWNED BY APPLICANT _____

LIST PRIOR EXPERIENCE OF APPLICANT _____

**** ATTACH A LIST OF VEHICLES BY DESCRIPTION**

**** ATTACH CERTIFICATE OF LIABILITY INSURANCE**

THE UNDERSIGNED APPLICANT IS FAMILIAR WITH THE CODE OF ORDINANCES GOVERNING THE OPERATIONS OF NON- MOTORIZED VEHICLES IN THE CITY OF DUBUQUE AND AGREES TO COMPLY WITH ALL ITS PROVISIONS.

SIGNATURE _____ DATE _____

FEE: ANNUAL BUSINESS LICENSE \$ 15.00 _____

CHARGE FOR EACH VEHICLE \$ 30.00 _____

OFFICE USE ONLY

FEE PAID _____ DATE REC'D _____

LICENSE # _____ POLICE CHECK _____

REMARKS _____

ORDINANCE NO. 8 -13

AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 4 BUSINESS AND LICENSE REGULATIONS, CHAPTER 7 VEHICLES FOR HIRE AND PUBLIC TRANSPORTATION, ARTICLE A NONMOTORIZED VEHICLES, BY ESTABLISHING THE PROCEDURES FOR THE ISSUANCE OF LICENSES FOR ALL NONMOTORIZED TRANSPORTATION BUSINESSES, OPERATOR PERMITS FOR OPERATORS OF SUCH NONMOTORIZED VEHICLES, AND THE APPEAL PROCEDURE FOR A DENIAL OF AN APPLICATION FOR A LICENSE OR PERMIT

Section 1. Title 4, Chapter 7, Article A of the City of Dubuque Code of Ordinances is amended to read as follows:

**ARTICLE A
NONMOTORIZED VEHICLES**

4-7A-1: DEFINITIONS:

The following words and phrases, when used in this article, shall have the following meanings:

HORSEDRAWN CARRIAGE: A chauffeured nonmotorized vehicle pulled by horses and engaged in the business of carrying passengers.

NONMOTORIZED VEHICLE: Any conveyance designed to carry an operator and passengers which is propelled by a means other than a motor.

OPERATOR: Any person who operates a nonmotorized vehicle for the transport of passengers and who receives compensation for such service in wages or commissions or who is otherwise paid, directly or indirectly.

PEDICAB: A chauffeured nonmotorized vehicle, propelled by pedals, for the business of carrying passengers.

4-7A-2: POSTING OF RATES:

No person may operate a nonmotorized vehicle without posting in clear view within the passenger compartment a printed rate card large enough to be read by the passengers in the vehicle, showing the rates.

4-7A-3: OPERATION REQUIREMENTS:

- A. Age Of Operator: The operator of a nonmotorized vehicle must be a person who is at least eighteen (18) years of age and who holds a valid motor vehicle operator's license.
- B. Year Round Operation: The months of operation of a nonmotorized vehicle may be year round beginning April 1.
- C. Routes: Nonmotorized vehicles may be operated only on routes within the Main Street district cultural corridor as established by the city manager. The city manager may change such routes at any time in the event of a sudden hazard, construction, special event, or as the city manager otherwise determines necessary.
- D. Parking: The operator of a nonmotorized vehicle may stop, stand, or park at any nonrestricted meters in the Main Street district cultural corridor.
- E. Stopping For Picking Up Or Dropping Off: When collecting fees or picking up or dropping off passengers, the operator may stop, stand, or park the nonmotorized vehicle only in approved locations or parallel to the curb, taking care not to block traffic lanes, crosswalks, or intersections, or to otherwise impede the flow of vehicular or pedestrian traffic.
- F. Use Of Streets: Nonmotorized vehicles may be operated only on city streets and may not be operated on sidewalks.
- G. Conducting Business On Private Property: The operator of a nonmotorized vehicle may not conduct business on private property without the prior consent of the property owner.
- H. Use Of Passenger Compartment: Passengers are limited to the passenger compartment of the nonmotorized vehicle and may not board or exit the vehicle while it is in motion or in a traffic lane or intersection.
- I. Alcoholic Beverages Prohibited: No open alcoholic beverage container or consumption of alcoholic beverages is allowed in a vehicle or in the possession of the operator or passengers.
- J. Posting Notices Of Charges And Routes: The operator of a business providing nonmotorized vehicle transportation must post notices in each nonmotorized vehicle and in each waiting room or at each station owned or used by the operator stating the charges and routes or methods of operation.
- K. Vehicle Equipment: Nonmotorized vehicles must be equipped with headlights, taillights, reflectors, and a slow moving vehicle sign.

L. Safe Condition Of Vehicle: The owner or operator of a nonmotorized vehicle must keep it in safe operating condition at all times. The chief of police is hereby authorized, either on complaint of any person or otherwise, to inspect a nonmotorized vehicle and upon discovery of any unsafe condition, to notify the person operating the vehicle to cease operation. Thereupon said nonmotorized vehicle must be kept off the street until such unsafe condition has been corrected.

4-7A-4: BUSINESS LICENSE REQUIREMENTS; FEES; INSURANCE:

A. Business License Required: No person may operate a pedicab, horsedrawn carriage, or other nonmotorized passenger transportation business for the purpose of public transportation, whether or not passengers are charged for the service, without first obtaining an annual license therefor as provided in this article.

B. Application For Business License:

1. An application for a nonmotorized transportation business license must be filed with the city clerk on a form provided by the city clerk.

2. The chief of police will investigate each application for a nonmotorized transportation business license and a report of such investigation will be attached to the application for consideration by the city clerk.

C. Consideration Of Application: The city clerk will, in consultation with the chief of police and upon consideration of the application and the information required herein, approve or reject the application.

D. Insurance: Prior to the issuance of a license, the applicant must submit to the city clerk proof of, and must maintain at all times during operation of the business, such insurance as the city manager shall determine appropriate.

E. Fees: At the time of issuance of a nonmotorized vehicle license, the applicant must pay to the city manager a nonmotorized vehicle license fee established by the city manager.

F. Denial, Suspension, Or Revocation Of License:

1. A license may be denied, suspended, or revoked by the city clerk for good cause, including but not limited to, any of the following: misrepresentation on the application for a nonmotorized transportation license, a violation of any of the provisions of this article, any other ordinances of the city, or laws of the United States or the state of Iowa which demonstrate the lack of fitness of the licensee to offer public transportation.

2. Prior to the denial, suspension, or revocation, the licensee must be given not less than ten (10) days' written notice by the city clerk.

3. In the event of the denial, suspension, or revocation of a nonmotorized vehicle license, no other nonmotorized vehicle license may be issued to the applicant for a period of two (2) years.

G. Display: The nonmotorized transportation license must be fastened upon the vehicle and may not be removed until the expiration of the license.

H. Transfer Restricted: No nonmotorized transportation license may be sold, assigned, mortgaged, or otherwise transferred.

4-7A-5: OPERATOR'S PERMIT REQUIREMENTS:

A. Operator's Permit Required: No person may operate a nonmotorized vehicle for hire upon the streets of the city and no person who owns or controls such vehicle may permit it to be so driven, and no such vehicle may be so driven at any time for hire, unless the driver of such vehicle has first been issued an operator's permit under the provisions of this article.

B. Application For Operator's Permit:

1. An application for an operator's permit must be filed with the city clerk on a form provided by the city clerk.

2. The city clerk will cause the chief of police to investigate each applicant for a permit and a report of such investigation will be submitted to the city clerk. Such report will state whether or not the applicant has a valid motor vehicle operator's license.

C. Consideration Of Application: The city clerk will, upon consideration of the application and the reports required by this article, approve or reject the application.

D. Issuance Of Permit; Duration; Annual Fee:

1. Upon approval of an application for a permit, the city clerk will issue a permit to the applicant upon the payment of an annual fee as determined by the city manager. Such permit will be in effect for the remainder of the calendar year. The permit may be renewed every calendar year thereafter upon the payment of an annual fee unless the permit for the preceding year has been denied, suspended, or revoked.

2. The operator must wear the license upon his or her clothing at all times during the operation of the vehicle.

E. Compliance With City, State, And Federal Laws: An operator permitted under this article must comply with all applicable city, state, and federal laws in the operation of the nonmotorized vehicle.

F. Denial, Suspension, Or Revocation of Permit:

1. The city clerk may suspend, revoke, or deny issuance of an operator's permit for good cause, including but not limited to, any of the following:

- a. Failure or refusal to comply with the provisions of this article;
- b. Violation of any ordinances of the city, or laws of the United States, the state of Iowa or any other state that demonstrates the lack of fitness of the holder to offer public transportation; or
- c. Misrepresentation on the application for an operator's permit;

2. Prior to the denial, suspension, or revocation, an operator must be given not less than ten (10) days' written notice by the city clerk.

3. In the event of the denial, revocation, or suspension of an operator's permit, no other operator's permit may be issued to the person for a period of one (1) year thereafter.

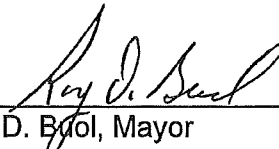
G. Appeal: Within ten (10) days after the denial, suspension or revocation of an operator's permit, a nonmotorized vehicle operator may file with the city clerk a written notice of appeal to the city manager from such denial, suspension, or revocation. The city manager must provide the nonmotorized vehicle operator with notice and an opportunity to be heard on the issue of whether the operator's permit was properly denied, suspended, or revoked.

H. Personal Nature; Transferability: The nonmotorized vehicle operator's permit is personal to the operator and may not be sold, assigned, mortgaged, or otherwise transferred.

I. Property Of City Clerk Upon Loss: If any operator's permit issued under this article is lost or mislaid, the operator must report such fact to the city clerk immediately. A duplicate permit will be issued upon payment of the fee as established by the city manager.

Section 2. This Ordinance takes effect on publication.

Passed, approved, and adopted the 18th day of February, 2013.



Roy D. Boal, Mayor