

BILL NO. 4523

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI TO ADD ARTICLE 13, COMMERCIAL TROLLEY BIKES, TO CHAPTER 44, TRAFFIC & VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF WEST PLAINS, MISSOURI.

WHEREAS, the City of West Plains, Missouri amended Chapter 44, Traffic and Vehicles, to add Article 13, Commercial Trolley Bikes, to the Code of Ordinances for the City of West Plains, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: Article 13, Commercial Trolley Bikes, of Chapter 44, Traffic and Vehicles shall be added to the Code of Ordinances for the City of West Plains, Missouri. (EXHIBIT A).

Section 2: This Ordinance shall be in full force and in effect after the date of its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____ 2017.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MAYOR JACK PAHLMANN

ATTEST:

CITY CLERK MALLORY PREWETT

**Article 13 Commercial Trolley Bikes
Sec 44-600**

General

Notwithstanding any other provisions to the contrary in this code, a person who may otherwise legally possess and consume alcoholic beverages and is a passenger in the passenger area of a commercial trolley bikes licensed as required by Section 44-612. No person shall remove an open container of any alcoholic beverage from a commercial trolley bike and transport, carry, possess or have it on a public way or city parking lot. No person shall remove an open container of any alcoholic beverage from a commercial or retail establishment and carry, possess or have it on a public way or city parking lot while on a commercial trolley bike tour.

Article 13. – Trolley Bikes.

Sec.44-601. – Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Trolley Bike means a wheeled device designed to be propelled solely by more than two passengers via pedaling, with brakes and steering operated by a non-pedaling driver. A trolley bike may include an assist motor.

Commercial trolley bike means a trolley bike used or operated in connection with a commercial enterprise.

Commercial trolley bike driver or operator means any person who is responsible for the safe operation of a commercial trolley bike, including but not limited to steering and braking, and maintaining compliance with state and local traffic regulations.

Sec. 44-602. - Operation of a trolley bike on certain roadways.

No person shall operate a trolley bike except on streets where the posted speed limit is 25 miles per hour or less; provided, however, that trolley bikes may cross a street at an intersection when the street has a posted speed limit of more than 25 miles per hour.

Sec. 44-603. - General operating conditions.

Every commercial trolley bike must be operated in accordance with the following requirements:

- (1) Operation must be for the primary purpose of providing guided touring and site-seeing of the city to trolley bike passengers.
- (2) It is prohibited and unlawful for a person to operate a trolley bike to provide taxi service.

Sec. 44-604. – Reserved parties only.

A commercial trolley bike shall operate for previously-reserved parties only, and shall not solicit or accept substitute or additional passengers at any time.

Sec. 44-605. - Vehicle safety and equipment standards.

(a) No person shall operate any trolley bike on any street after sunset to one-half hour before sunrise unless the trolley bike is equipped with a reflective slow moving triangle as required by RSMo 307.127.

(b) No person shall operate a trolley bike on any street unless the trolley bike meets the following equipment and safety standards:

(1) Seating for all passengers in accordance with the rated seating capacity of the trolley bike set forth in the manufacturer's specifications for the trolley bike.

(2) Tires shall be of a size appropriate for the trolley bike with no mismatched tires. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.

(3) A fully operational horn, bell or other audible signaling device.

(4) Front and rear braking system must be capable of being manipulated by the driver from his normal position of operation and capable of causing a pedal car with a loaded passenger compartment to come to a complete stop in a linear path of motion. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions.

(5) A secondary or emergency brake system.

(6) A mirror affixed to the trolley bike and so adjusted as to reveal the street behind and be visible from the driver's seat.

(7) Every trolley bike, when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise, shall be equipped with the following:

a. Battery-operated headlamps capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and when raining, and must be illuminated at all times during darkness.

b. Battery-operated tail lamps, exhibiting a red light and brake light affixed to the rear of the trolley bike which must be visible for a distance of at least five hundred (500) feet from the rear of the trolley bike and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the trolley bike.

c. Reflectors on the front of the trolley bike frame, and a red reflector mounted on each side of the rear of the trolley bike, at least one (1) inch from the outer edge and centered.

d. Reflectors on the spokes of the wheels of the trolley bike.

e. Reflective tape on the sides of the trolley bike frame.

Sec. 44-606. - Limitation on trolley bike size.

No person shall operate, on any street, a trolley bike that:

- (1) Is wider than seven feet at its widest point,
- (2) Is longer than twenty-two feet at its longest point, or
- (3) Carries more than fifteen passengers.

Sec. 44-607. - Advertising on commercial trolley bikes.

Advertisements shall only be allowed on the manufactured body of the commercial trolley bike and must comply with the all Zoning Ordinances, No banners, poles, flags, detached signs, or any other addition or object are permitted unless allowed by the Zoning Ordinance.

Sec. 44-608. – Accident Reports.

A commercial enterprise shall submit to the police chief or designee, upon such form prescribed by the department, a written report of every accident relating to a commercial trolley bike owned or operated by such commercial enterprise within twenty-four (24) hours after the occurrence of such accident. Such form shall be signed by a principal or officer of such commercial enterprise as well as by the commercial trolley bike driver involved in such accident with an affirmation of the truth of the contents of the form.

Sec. 44-609. - Applicability of traffic regulations to trolley bikes.

Every person operating a trolley bike upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this Code or other traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which, by their nature, can have no application.

Sec. 44-610. – Driver must be at least 21 years of age; Class E driver license required to operate trolley bike.

(a) No person under 21 years of age may operate a trolley bike upon the streets of the City.

(b) No person shall operate a trolley bike upon the streets of the city unless such person shall have a valid Class E driver license recognized under the laws of the state. Failure to exhibit a Class E driver license upon the request of a police officer shall be prima facie evidence of a violation of this section.

Sec. 44-611. – Operating restrictions and conditions.

(a) A commercial trolley bike driver shall remain with the trolley bike at all times while the trolley bike is operating a tour, including any planned or unplanned stops during the tour.

(b) Any trolley bike driver is prohibited from:

(1) Operating the trolley bike on public rights-of-way within the city other than those specifically permitted herein.

(2) Operating a trolley bike in any bicycle lane.

(3) Standing or stopping the vehicle other than in an area designated for parking, except in case of emergencies.

(4) Operating the trolley bike so as to impede the flow of pedestrians, except in case of emergencies.

(5) Operating, blocking, or parking on a public sidewalk at any time.

(6) Blocking, standing, or parking within intersections, crosswalks, parking spaces designated for persons with disabilities, bus stop, or taxicab stand for any reason, including but not limited to, loading and unloading passengers.

(7) Operating the trolley bike in a manner that results in damage to public property.

(8) Operating a trolley bike on or in any public park.

(9) Creating, or materially contributing to, a parking problem or traffic congestion as a result of operation of the trolley bike.

(10) Obstructing other vehicular traffic by unnecessarily weaving or changing lanes of travel.

(11) Operating, maneuvering, inclining, spinning, tilting, tipping, sloping, or positioning a trolley bike in any manner that would unnecessarily place a passenger in any position other than seated upright.

(12) Operating the trolley bike when the trolley bike does not fully comply with all requirements of this article.

(13) Consuming any alcoholic beverages.

(14) Operating a trolley bike while such driver's ability to operate the bike is impaired by the consumption of alcohol, the use of any drug or by any other means or while such trolley bike driver is in an intoxicated condition.

(15) Serving alcohol on a trolley bike.

(16) Allowing a passenger or other individuals to drive the trolley bike or permitting a trolley bike to be operated simultaneously by anyone in addition to him or herself.

(17) Operating a trolley bike while the number of passengers aboard it exceeds the number for which it was designed.

(18) Operating a trolley bike unless all passengers are seated or operating a trolley bike when a passenger is seated anywhere other than in the manufacturer's designed passenger seating.

(19) Sleeping, loitering, or allowing others to sleep or loiter within the passenger compartment of the trolley bike while on the public right-of-way.

(20) Engaging in loud or boisterous talking, shouting, or disorderly conduct, or otherwise acting in a manner as to vex or annoy reasonable persons including passengers is prohibited.

(21) Collecting fares, making change, or taking on or discharging passengers while the trolley bike is in motion.

(c) No glass bottles, receptacles, or glassware are allowed on a trolley bike being operated on a street or parked on any street, alley, or other similar public place in the city.

Sec. 44-612. – License required for transport of passengers for hire on trolley bike.

It shall be unlawful for any person to carry passengers for hire in a trolley bike or operate or maintain a business which carries passengers for hire in a trolley bike within the city, unless such person has a valid current business license or is employed as an agent or employee of a licensed commercial trolley bike company.

Sec. 44-613. - Proof of insurance for commercial trolley bike prerequisite to issuance of license.

The City Clerk shall have the authority to issue or renew a license to operate a commercial trolley bike company as provided in this article, but no license shall be issued or renewed until the applicant has produced proof of insurance as required by this article.

Sec. 44-614. - Application for license.

Application for a commercial trolley bike company license under this article shall be made to the director of finance. Such application shall be verified under oath and shall set forth the following:

- (1) A full identification of the applicant and all persons having an interest in the license if granted.
- (2) The residence and business address and the citizenship of all members of any firm or partnership and of all officers, directors and stockholders of any corporation applying.
- (3) Whether or not the applicant or any of the persons to be interested in the license, if granted, has been convicted of the violation of any national, state or municipal law.
- (4) Such further information as the chief of police or City Clerk may require.

Sec. 44-615. - Transfer of license.

No commercial trolley bike company license issued under this article or any interest in such license shall be transferred from one person to another. However, nothing in this section shall prevent the cancellation, release or other termination of a security interest in the tangible or intangible assets of the business entity holding the commercial trolley bike company license if such cancellation, release or other termination of the security interest is executed by and between the holder of the commercial trolley bike company license and the holder of the security interest or approved assignee thereof.

Sec. 44-616. – Denial, suspension, revocation or nonrenewal.

An applicant for a commercial trolley bike license shall be subject to denial and a commercial trolley bike licensee shall be subject to having the license suspended, revoked, or not renewed by the director of finance.

Sec. 44-617. – Commercial trolley bike insurance requirements.

(a) Before any license or permit is issued for the operation of a commercial trolley 363 bike, the commercial trolley bike company shall file with the director of finance a policy of insurance issued by an insurance company duly licensed to transact business in the state, covering each trolley bike to be operated under the 366 direction and control of such company. Such policy shall cover legal liability for 3 bodily injury and property damage with limits of no less than \$500,000 per occurrence.

(b) All such policies shall provide that they may not be canceled unless written notice of proposed cancellation is delivered to the office of the director of finance at least 30 days prior to the date of the proposed cancellation. If the commercial trolley bike company licensee or other responsible party shall fail within the period specified in such notice of cancellation to provide proof of insurance as provided in subsection (a) of this section, then the license or permit affected by such cancellation shall be revoked as of the day such insurance ceases to be in force and effect, and thereafter it shall be unlawful for such owner or other responsible party to operate commercial trolley bikes in the city. If the commercial trolley bike company or responsible third party shall file a policy of insurance as required by this section within 30 days after the date of such revocation, then such revocation shall be lifted.

Sec. 44-618. - License fee for commercial trolley bike.

The commercial trolley bike company's license fee is hereby established the same as a city business license.

Section 4 – Chapter 118, Vehicles for Hire, Article II, Taxicabs, Courtesy Cars and Airport Limousines, Section 118-38, License and permit requirements, is hereby amended as follows:

Sec. 44-619. - License and permit requirements.

It shall be unlawful for any person to engage in the business of operating a commercial trolley bike unless they have has a valid current business license as required by section 44-611 or is employed as an agent or employee of a licensed commercial trolley bike company.

Section 5 – **This ordinance shall be in full force and effect from and after passages.**