

**CITY OF NORMAN, OKLAHOMA**  
**CITY COUNCIL COMMUNITY PLANNING AND  
TRANSPORTATION COMMITTEE AGENDA**

**Municipal Building Conference Room  
201 West Gray**

**Thursday, September 28, 2017**

**4:30 P.M.**

- 1. CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF AUGUST 2017.**
- 2. DISCUSSION REGARDING THE CREATION OF POTENTIAL REGULATIONS FOR TINY HOUSES AND WEDDING VENUES.**
- 3. DISCUSSION REGARDING REGULATIONS FOR PEDICABS.**
- 4. MISCELLANEOUS PUBLIC COMMENTS.**

## ITEM 1 - CART REPORT

## **Community Planning & Transportation Committee Meeting, September 28<sup>th</sup>, 2017**

### **CART Monthly Report for August 2017**

#### **CART – Ridership Report Summary**

- CART transported 92,808 passengers in August – a 2% decrease over August 2016. August's daily average ridership was 6,769, a decrease of 726 or 10%.
- Fiscal year to date ridership (July – August) is 124,308 – a decrease of 4% over the same period last year.
- There were 650 riders who traveled with bicycles (0.7%) and 381 with wheelchairs (0.4%). Route 11-Lindsey East carried the most passengers with bicycles (187) and wheelchairs (153).

#### **CARTaccess – Ridership Report Summary**

- CARTaccess transported 3,011 riders in August – a decrease of 12% or 411. Average daily ridership was 112, a decrease of 12% or 15. Primary zone ridership decreased by 480 or 16% in August; Secondary Zone ridership increased by 69 or 17%.
- For FY18 year to date (July to August), CARTaccess ridership is 5,725 – a decrease of 10%. Primary Zone ridership has decreased by 736 or 13% FYTD; Secondary Zone ridership has increased by 91 or 13%. Secondary Zone ridership comprises 14% of all CARTaccess trips FYTD.

#### **CART Activities**

- CART transported international students on Campus Connection for three days (August 14, 15, and 19), enabling them to buy items for their housing while they are in Norman.
- Had a booth at the National Weather Center on August 18 to share CART information with students.
- CART hosted Tim Tucker, OU PD Officer, during its annual safety meeting on Saturday, August 19. This meeting included information on motorist safety with bicycles, weapons on CART vehicles, and distracted driver training.
- Attended an OU CESL (Center for English as a Second Language) orientation on August 22. Information about CART routes and services were explained to a group of about 30 international students.
- CART began regular service on August 21.

#### **Bus Stop Improvements.**

- CART, with Tyler Media, had a permit application approved for stop 11-Robinson/24<sup>th</sup> NW. Stop 11 is being relocated to the west side of 24<sup>th</sup> NW, just north of Robinson. The current location is a safety hazard for CART vehicles, passengers, and other motorists. The concrete pad has been poured at the new location, with the shelter relocation occurring soon.
- A trashcan is scheduled to be added to stop 7-Main/Berry (NHS) at the request of the council at its Community Planning and Transportation Committee meeting in August.

#### **CART Detours/Construction**

- Route 12-Lindsey West operators and passengers are still navigating the street widening project on West Lindsey Street.
- Route 52-Campus Loop is missing its stop at the Oklahoma Memorial Student Union due to construction of a new engineering building on Felgar Street. Riders are encouraged to use stop 181 at Jenkins Avenue and Felgar Street.

#### **CART Grant Activity**

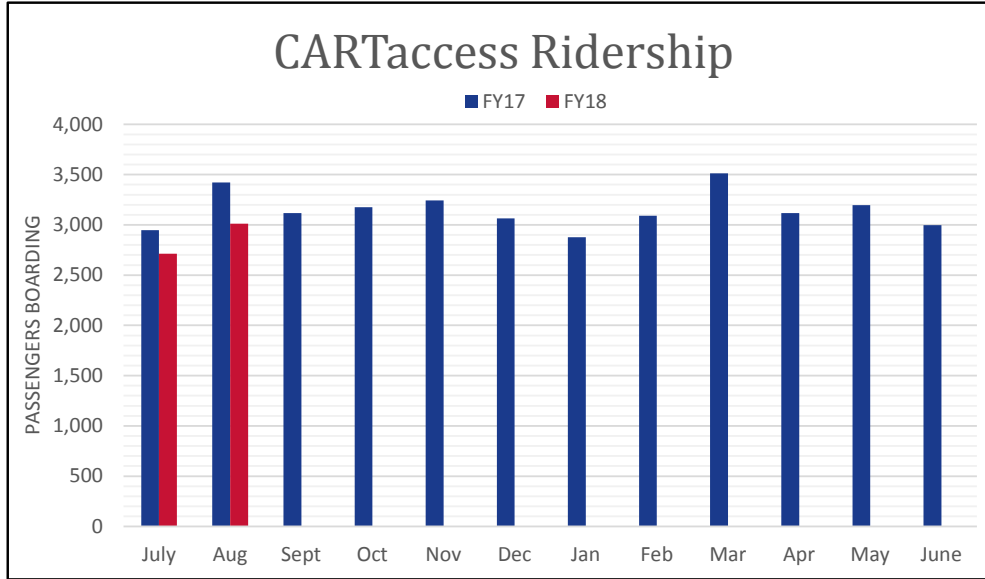
- CART has executed its FY18 grant through FTA and will begin drawing the funds in October.
- CART applied for funding through the Oklahoma Public Transit Revolving Fund.

#### **Attachments**

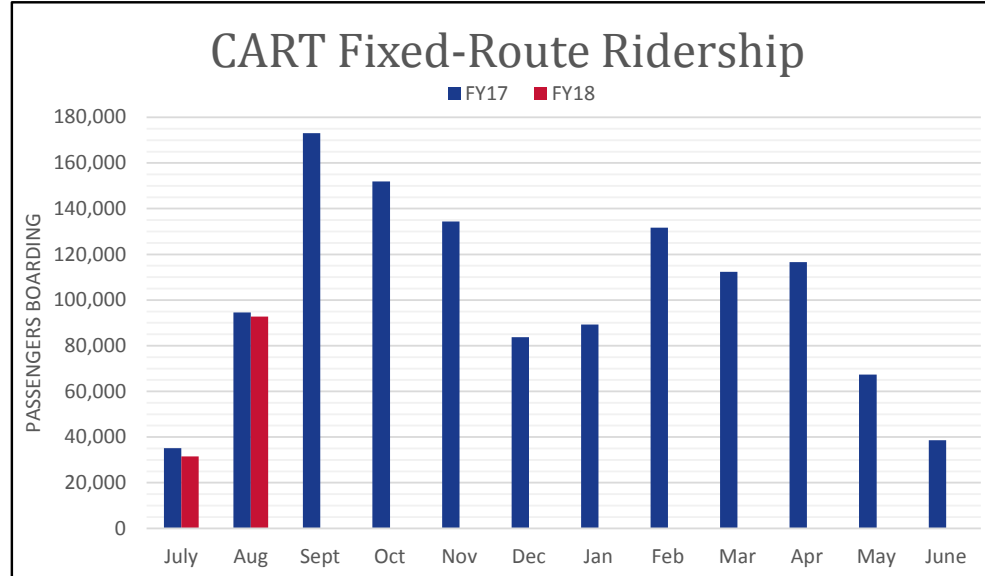
- CART fixed-route and CARTaccess ridership graphs for FY17 and FY18.
- CART Financial Brochure showing ridership and cost of service. Physical copies will be handed out at the meeting.
- CART Bus Stop List that was included with CART's FY18 contract. This is provided at the request of the council at its August CP&T Committee meeting.

# CART Ridership Summary

## City of Norman Community Planning & Transportation Committee



CART Access Ridership by Month			
	FY17	FY18	Change
July	2,948	2,714	-8%
Aug	3,422	3,011	-12%
Sept	3,118		
Oct	3,177		
Nov	3,244		
Dec	3,065		
Jan	2,878		
Feb	3,092		
Mar	3,511		
Apr	3,118		
May	3,196		
June	2,997		
<b>July - Aug</b>	<b>6,370</b>	<b>5,725</b>	<b>-10%</b>
<b>FY17 Total</b>	<b>37,766</b>		



Fixed-Route Ridership by Month			
	FY17	FY18	Change
July	35,072	31,500	-10%
Aug	94,507	92,808	-2%
Sept	173,011		
Oct	151,858		
Nov	134,347		
Dec	83,667		
Jan	89,238		
Feb	131,650		
Mar	112,329		
Apr	116,616		
May	67,325		
June	38,645		
<b>July - Aug</b>	<b>129,579</b>	<b>124,308</b>	<b>-4%</b>
<b>FY17 Total</b>	<b>1,228,265</b>		

FY18: July 1, 2017 - June 30, 2018

FY17: July 1, 2016 - June 30, 2017

### CART Bus Stops, City of Norman

GPS#	N10-Main Street	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N11, N12, N21, N24, N32, N44, N52			
36	Brooks/Monnett	199 E. Brooks	N				N12, N21, N32, N52		X (10/15)	
184	Jenkins/Felgar (Sarkeys Energy Center)	899 Jenkins Ave.	N				N21, N52			
2	Jenkins/Boyd	799 Jenkins Ave.	N							
3	Jenkins/Duffy	703 Jenkins Ave.	N					CART Sign added		
4	Webster/Apache	497 S. Webster Ave.	N		Bench	X		New Bench Request in FY16	X (10/15)	
238	Webster/Eufaula	331 S. Webster Ave.	G					CART Sign added		X (7/15)
14	Webster/Main	199 S. Webster Ave.	N		Bench	X	N24	New Bench Request in FY16	X	
5	Webster/Tonhawa (Norman Public Library)	299 N. Webster Ave.	N						X (5/16)	
6	Main/Lahoma **	699 W. Main St.	N	Shelter		X			X (8/16)	
7	Main/Berry (Norman High School) **	911 W. Main St.	N	Shelter		X	N24		X (8/16)	
239	Berry/Iowa (DMV)	487 N Berry Rd	G					CART Sign added		X (7/15)
8	Berry/Denison	827 N. Berry Rd.	N		Bench	X			X (5/16)	X (4/13)
9	Berry/Dorchester	1117 N. Berry Rd.	N						X (5/16)	
	Robinson/Berry (west of intersection)	1251 W. Robinson St.	N	Shelter		X		Request for New Transfer Stop and Shelter		X (4/14)
10	Robinson/Woods **	1699 W. Robinson St.	N	Shelter		X			X (8/16)	
	Mt. Williams/24th Av NW (WB)	2552 Mt. Williams	G			X		New Stop and Bench Request		X(6/16)
11	24th Av NW/Robinson (550' N. of Robinson)	1300 24th Ave. NW	G	Shelter		X		New proposed location for Stop 11 with Shelter	X (1/17)	X(5/16)
11	Robinson/24th NW **	2601 W. Robinson St.	N	Shelter		X	N20	Existing stop to be moved to new location due to safety concerns		
12	Rambling Oaks/Northwest Blvd. #	1196 Rambling Oaks	N		Bench	X	N20		X (5/16)	
15	Northwest Blvd./Interstate Dr.	3002 Northwest Blvd.	N				N20	CART Sign added		
17	Interstate Dr./Copperfield **	598 N. Interstate Dr.	N	Shelter		X	N20		X (8/16)	
133	River Oaks/Interstate Dr.	3001 River Oaks Dr.	N				N20			
19	River Oaks/Cotswold (Sooner Mall) #	3301 River Oaks Dr.	N		Bench		N20			
20	36th NW/River Oaks (Post Office) **	290 36th Ave. NW	N	Shelter		X			X (8/16)	
64	Main/36th NW **	3398 W. Main St.	N	Shelter		X			X (8/16)	
208	Norman Center Ct./West Branch Library #	298 Norman Center Ct.	N		Bench	X			X (5/16)	
21	Norman Center Ct./Ed Noble **	299 Norman Ctr. Ct.	N	Shelter		X			X (8/16)	

### CART Bus Stops, City of Norman

GPS#	N10-Main Street	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
22	Ed Noble/Parkway Plaza **	698 Ed Noble Parkway	N	Shelter		X				
23	Ed Noble/Lindsey #	998 Ed Noble Parkway	N		Bench	X				
259	28th Ave. SW/Elizabeth Lane	1300 28th Ave. SW	G		Bench	X		Stop for Detour during Lindsey St. Const. - Apr 2016 - July 2017. 10-Main St to go back on route, crossing I-35 at Lindsey Street, when the bridge reopens.		X (6/16)
260	24th SW/Highway 9	1887 24th Ave. SW	G		Bench			Stop for Detour during Lindsey St. Const. - Apr 2016 - July 2017. 10-Main St to go back on route, crossing I-35 at Lindsey Street, when the bridge reopens.		X (5/16)
24	24th SW/Lindsey **	1099 24th Ave. SW	N	Shelter		X	N12	Stop relocated 500 feet north due to safety concerns for CART vehicles and other motorists.	X (8/16)	
237	24th SW/Brooks	879 24th Ave. SW	G					Approved, Unfunded		X (7/15)
25	24th SW/Boyd **	599 24th Ave. SW	N	Shelter		X			X (8/16)	
240	24th SW/Main #	175 24th Ave. SW	N		Bench	X				X (7/15, 5/16)
26	Main/24th NW **	2198 W. Main St.	N	Shelter		X				
27	Main/Sherry #	1702 W. Main St.	N		Bench	X			X (5/16)	
28	Main/Berry (Norman High School) #	998 W. Main St.	N		Bench	X	N24		X	
29	Main/Park #	494 W. Main St.	N		Bench			Public/Private Partnership with Center on Main	X (8/16)	X (7/15)
65	Webster/Main	198 S. Webster Ave.	N			X	N24	New Bench Request in FY16	X	
30	Webster/Eufaula	220 S. Webster Ave.	N					CART Sign added		
31	Webster/Apache (southbound)	498 S. Webster Ave.	N						X (10/15)	
200	Duffy/Asp (Campus Corner)	398 W. Duffy	N						X (8/16)	
181	Jenkins/Felgar	910 Jenkins Ave.	N				N21			
111	Brooks/Jenkins	198 E. Brooks	N				N12, N21, N32, N52		X (10/15)	

# = Bench Stop  
 \*\* = Sheltered Stop

N = City of Norman Address  
 G = Google Map Address

Updated 6/23/17

white	Existing Stop
blue	Items Targeted to be Improved in FY18
beige	Approved, ADA Improvements Unfunded
green	Completed Improvements in FY17
red	Stops to be removed when replacement stop is installed

## CART Bus Stops, City of Norman

GPS#	N11-Lindsey East	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N10, N12, N21, N24, N32, N44, N52			
254	Lindsey/Delaware (THE EDGE CONDOS)	890 E. Lindsey St.	N	Shelter		X				X (6/15)
38	Lindsey/Houston (Springfield Apts.) **	1098 E. Lindsey St.	N	Shelter		X				
159	Lindsey/Biloxi (Riverbend Apts.) **	1596 E. Lindsey St.	N	Shelter		X				
39	Creekside/Lindsey (Twin Creek Apts.) **	1396 Creekside Dr.	N	Shelter					X	
225	Biloxi/Lindsey	1147 Biloxi Dr	G	Shelter		X		CART sign added. Approved, Unfunded; shelter request		X (4/14)
41	Biloxi/Brooks (Colonial Estates Park)	1009 Biloxi Dr.	N			X			X (9/15)	
42	Biloxi/Beaumont (Kennedy School)	729 Biloxi Dr.	N					CART sign added		
43	Beaumont/Vicksburg**	1798 Beaumont Dr.	N	Shelter						
44	Vicksburg/Vicksburg Cir.	303 S. Vicksburg Ave.	N						X (9/15)	
45	Vicksburg/Alameda (Irving Middle School) #	197 S. Vicksburg Ave.	N		Bench	X			X (9/15)	
46	Alameda/Vicksburg **	1997 Alameda	N	Shelter		X				
47	Alameda/Crestland**	1799 Alameda	N	Shelter		X				
48	Alameda/Shiloh #	1599 Alameda St.	N		Bench	X			X (8/16)	
49	Alameda/Triad Village**	1211 Alameda St.	N	Shelter		X	N21			
50	12th SE/Alameda #	196 12th Ave. SE	N		Bench	X				
51	12th SE/Triad Village **	396 12th Ave. SE	N	Shelter		X	N21			
52	12th SE/Brooks (Summer Pointe Apts.) **	896 12th Ave. SE	N	Shelter					X	
34	Brooks/Barkley	899 E. Brooks St.	N		Bench	X		CART sign added	X	
35	Brooks/Oklahoma	603 E. Brooks St.	N					CART sign added	X	

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Updated 6/23/17

### CART Bus Stops, City of Norman

GPS#	N12-Lindsey West	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N10, N11, N21, N24, N32, N44, N52			
36	Brooks/Monnett	199 E. Brooks	N				N10, N21, N32, N52		X (10/15)	
223	Lindsey/Van Vleet (South Oval)	381 W. Lindsey St.	G					CART sign added.		X (4/14)
61	Lindsey/Flood	999 W. Lindsey St.	N						X (5/16)	
62	Lindsey/Berry **	1199 W. Lindsey St.	N	Shelter		X				
63	Lindsey/Wylie #	1499 W. Lindsey St.	N		Bench	X				
58	Lindsey/Crown Point (Mr. Shortstop) #	1999 W. Lindsey St.	N		Bench	X			X	
24	24th SW/Lindsey **	1199 24th Ave. S.W.	N	Shelter		X	N10		X (8/16)	
54	Brooks/24th SW	2198 W. Brooks St.	N						X	
55	Brooks/Whittier Middle School	1998 W. Brooks St.	N							
56	Brooks/McGee	1802 W. Brooks St.	N					CART sign added.		
57	McGee/Lindsey	1142 McGee Dr.	N		Bench	X		New Bench to be added once Lindsey St. Construction is finished.	X	
59	Lindsey/Wylie **	1510 W. Lindsey St.	N	Shelter		X				
66	Lindsey/Berry **	1198 W. Lindsey St.	N	Shelter		X				
60	Lindsey/Lahoma	798 W. Lindsey St.	N						X (2/16)	
224	Lindsey/Van Vleet (South Oval)	390 W. Lindsey St.	G					CART sign added.		X (4/14)
111	Brooks/Jenkins	198 E. Brooks	N				N10, N21, N32, N52		X (10/15)	

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green	Completed Improvements in FY17



## CART Bus Stops, City of Norman

GPS#	N20-West Norman Link	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
19	River Oaks/Cotswold (Sooner Mall) #	3301 River Oaks Dr.	N		Bench		N10			
127	36th NW/Quail Dr. **	499 36th Ave. NW	N	Shelter		X			X (8/16)	
245	36th NW/Havenbrook	1107 36th Ave. NW	G					Needs CART sign		X (7/15)
128	36th NW/Robinson **	1399 36th Ave. NW	N	Shelter		X				
129	36th NW/Bob Busch **	2499 36th Ave. NW	N	Shelter		X				
130	36th NW/Crail **	3097 36th Ave. NW	N	Shelter		X				
247	Healthplex Pkwy/Heart Plaza	3506 Healthplex Parkway	N		Bench	X				X (7/15)
131	Norman Regional HealthPlex #	3296 Healthplex Parkway	N		Bench	X				
261	Norman Regional HealthPlex Main Entrance	3300 Healthplex Parkway	G					CART sign added		X (6/16)
248	Tecumseh Rd./Thedford Dr.	2671 W Tecumseh Rd	G					CART sign added		X (7/15)
249	24th NW/Tecumseh Rd.	3596 24th Ave. NW	G					CART sign added		X (7/15)
183	24th NW/Conference	2190 24th Ave. NW	N						X	
132	24th NW/Mt. Williams	1490 24th Ave. NW	N						X	
11	24th Av NW/Robinson (550' N. of Robinson)	1300 24th Ave. NW	G	Shelter		X	N10	New proposed location for Stop 11 with Shelter	x (1/17)	X(6/16)
11	Robinson/24th NW **	2601 W. Robinson St.	N	Shelter		X	N10	Existing stop to be moved to new location due to safety concerns		
12	Rambling Oaks/Northwest Blvd. #	1196 Rambling Oaks	N		Bench	X	N10		X (5/16)	
15	Northwest Blvd./Interstate Dr.	3002 Northwest Blvd.	N				N10	CART sign added		
17	Interstate Dr./Copperfield **	598 N. Interstate Dr.	N	Shelter		X	N10		X (8/16)	
133	River Oaks/Interstate Dr.	3001 River Oaks Drive	N				N10			

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Updated 6/23/17

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red	Stops to be removed when replacement stop is installed

## CART Bus Stops, City of Norman

GPS#	N21-Alameda/E. Norman	Physical Address		Shelter	Bench	Advertis- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N10, N11, N12, N24, N32, N44, N52			
36	Brooks/Monnett	199 E. Brooks	N				N10, N12, N32, N52		X (10/15)	
184	Jenkins/Felgar (Sarkeys Energy Center)	899 S. Jenkins Ave.	N				N10			
67	Boyd/Barkley	902 E. Boyd St.	N						X (9/15)	
68	12th SE/Boyd **	396 12th Ave. SE	N	Shelter		X			X (1/17)	
69	Triad Village Drive #	397 Triad Village Dr.	N		Bench	X			X (9/15)	
49	Alameda/Triad Village **	1211 Alameda St.	N	Shelter		X	N11			
70	12th NE/Alameda (Health Dept.) **	199 12th Ave. NE	N	Shelter		X				
71	Main/12th NE (Community Services Bldg) **	1143 E. Main St.	N	Shelter		X		Relocated to Main St, west of 12th NE		
72	Main/State (Griffin Hospital) **	1097 E. Main St.	N	Shelter		X			X (8/16)	
227	Main/Cockrel (Center for Children/Families)	797 E. Main St.	N						X (9/15)	
73	Findlay/Gray	125 N. Findlay St.	G					CART sign added	X	
74	Findlay/Oliver (Norman Regional Hospital) **	799 N. Findlay St.	N	Shelter		X				
75	Robinson/Porter **	499 E. Robinson St.	N	Shelter		X				
226	Robinson/Berry (east of intersection)	1151 W. Robinson Ave.		Shelter		X		Request for New Transfer Stop and Shelter.		X (5/15)
226	Berry/Robinson	1457 N. Berry Rd	G					To be removed when new Stop 226 is installed.		X (4/14)
191	Berry/Westheimer (stop sign)	1599 N. Berry Rd.	N					CART sign added	X	
244	Halley/Westheimer	1619 Halley Ave.	G					CART sign added		X (7/15)
192	Halley/Lexington (YMCA)	1847 Halley Ave.	G	Shelter					X (2/15)	
78	Westheimer Terminal **	1798 Westheimer Dr.	N	Shelter		X			X (2/15)	
79	Goddard/Flood	2399 Goddard Ave.	N							
256	Rock Creek/Industrial Blvd.	1178 W. Rock Creek Rd.	G			X		CART sign added		X (7/15)
251	Rock Creek/Research Park	830 W. Rock Creek Rd.	G					CART sign added		X (7/15)
252	Stubbeman/Rock Creek	2336 Stubbeman Ave.	G					CART sign added		X (7/15)
80	Stubbeman/Lexington (NNHS) #	1698 Stubbeman Ave.	N		Bench	X				
253	Stubbeman/Ridge Rd	1500 Stubbeman Ave.	N							X (5/15)
81	Peters/Johnson	1000 N. Peters Ave.	N						X (2/16)	
82	Peters/Hughbert	620 N. Peters Ave.	N						X (2/16)	
83	Peters/Tonhawa	302 N. Peters Ave.	N						X (5/16)	
84	Peters/Comanche (County Courthouse)	198 S. Peters	N							
85	Peters/Symmes (Senior Center)	398 S. Peters Ave.	N						X (5/16)	
262	Jenkins/Duffy	628 S. Jenkins Ave.	N					CART sign added		
181	Jenkins/Felgar	910 S. Jenkins Ave.	N				N10, N52			
111	Brooks/Jenkins	198 E. Brooks	N				N10, N12, N32, N52		X (10/15)	

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## CART Bus Stops, City of Norman

GPS#	N24-Sooner Express	Physical Address	Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
107	Brooks Street Transfer Station **	398 E. Brooks	N Shelter			N10, N11, N12, N21, N32, N44, N52			
14	Webster/Main	199 S. Webster Ave.	N	Bench	X	N10			
7	Main/Berry (Norman High School) **	911 W. Main St.	N Shelter		X	N10			
142	Westport/24th Ave. NW (South of Homeland)	2791 Westport Dr.	G		X		to Embark Transit Center, OKC		
2195	Robinson/Reno						OKC Embark Bus Stop		
3843	Robinson/Main						OKC Embark Bus Stop		
3708	Robinson/NW 4th						OKC Embark Bus Stop		
2486	Lincoln/NE 8th #			Bench			OKC Embark Bus Stop		
249	NE 13th/Lincoln**		Shelter				OKC Embark Bus Stop		
325	NE 13th/Phillips						OKC Embark Bus Stop		
201	NE13th/Kelly (Childrens's Hospital)**		Shelter				OKC Embark Bus Stop		
144	OUHSC Bird Library						OKC Embark Bus Stop		
2686	NE 10th/Stonewalll (Health Department)						OKC Embark Bus Stop		
122	NE 10th/Phillips (Physician's Buidling) #			Bench			OKC Embark Bus Stop		
3103	NE 13th/Phillips						OKC Embark Bus Stop		
1182	Lincoln/NE 19th (Supreme Court)**		Shelter				OKC Embark Bus Stop		
2492	State Office Buildings North**		Shelter				OKC Embark Bus Stop		
137	NE 24th/State Capitol (Will Rogers Building) **		Shelter				OKC Embark Bus Stop		
3682	NE 24th/State Capitol (Sequoyah Building) **		Shelter				OKC Embark Bus Stop		
211	N. Stiles/OK Dept. of Transportation**		Shelter				OKC Embark Bus Stop		
3981	Robinson/NW 7th						OKC Embark Bus Stop		
213	Hudson/5th (Embark Downtown Transit Center)**		Shelter				OKC Embark Bus Stop		
3982	NW 4th/Robinson (Federal Courthouse)						OKC Embark Bus Stop		
242	Robinson/Park (IRS Building)						OKC Embark Bus Stop		
152	Westport/24th NW (South of Homeland)	2791 Westport Dr.	G		X		to Brooks St. Transfer Station, Norman		
28	Main/Berry (Norman High School) #	998 W. Main St.	N	Bench	X	N10			
65	Webster/Main	198 S. Webster Ave.	N		X	N10			

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Updated 6/23/17

white	Existing Stop
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green	Completed Improvements in FY17

## CART Bus Stops, City of Norman

GPS#	N32-Apartment Loop	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
1	Campus Depot **	798 Asp Ave.	N	Shelter			N40, N42/43, N44, N52			
111	Brooks/Jenkins	198 E. Brooks	N				N12, N21, N52		X (10/15)	
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N10, N11, N12, N21, N24, N44, N52			
36	Brooks/Monnett	199 E. Brooks	N				N10, N12, N21		X (10/15)	
95	Jenkins/OU Parking & Transportation Office	1425 Jenkins Ave.	G					Stop 95 moved near the new OU Parking Office. CART sign added.		
190	Timberdell/Asp	299 W. Timberdell Rd.	N					CART sign added		
96	Timberdell/Law Center	499 W. Timberdell Rd.	N				N52		X (8/16)	
97	Timberdell/Chautauqua	699 W. Timberdell Rd.	N				N52	CART sign added		
98	Traditions West Apts. **	2798 Chautaugua Ave.	N	Shelter						
198	Chautauqua/Imhoff	2902 Chautauqua Ave.	N			X			X (8/16)	
86	Ridgecrest/Chautauqua (Post Oak Apts.)**	798 Ridgecrest Ct.	N	Shelter					X	
88	Asp/Imhoff	2799 Asp Ave.	N				N42/43		X (9/16)	
89	Kraettli/Traditions East Apts. (south)	2699 Asp Ave.	N				N42/43		X (9/16)	
90	Kraettli/Traditions East Apts. (north)**	2599 Asp Ave.	N	Shelter			N42/43			
91	OCCE	1699 Asp Ave.	N				N42/43		X (5/16)	
92	Asp/3rd (Walker Tower) **	1499 Asp Ave.	N	Shelter			N42/43		X	

\*\* = Sheltered Stop

G = Google Map Address

# = Bench Stop

N = City of Norman Address

Updated 6/23/17

white	Existing Stop
blue	Items Targeted to be Improved in FY18
beige	Approved, ADA Improvements Unfunded
green	Completed Improvements in FY17

### CART Bus Stops, City of Norman

GPS#	N40-Lloyd Noble Shuttle	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
113	Lloyd Noble Center (LNC) **	198 W. Imhoff	N	Shelter			N42/43			
1	Campus Depot **	798 Asp Ave.	N	Shelter			N32, N42/43, N44, N52			

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Updated 6/23/17

white	Existing Stop
blue	Items Targeted to be Improved in FY18
beige	Approved, ADA Improvements Unfunded
green	Completed Improvements in FY17

## CART Bus Stops, City of Norman

GPS#	N42/43-Research Route	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
1	Campus Depot **	798 Asp Ave.	N	Shelter			N32, N40, N44, N52			
108	Asp/3rd (Walker Tower) #	1498 Asp Ave.	N		Bench		N52	CART sign added	X	
112	OCCE	1698 Asp Ave.	N				N52		X (5/16)	
232	Traditions East/Kraettli Apts. (north)	2620 Asp Ave.	G					CART sign added	X	X (7/15)
233	Traditions East/Kraettli Apts. (south)	2682 Asp Ave.	G					CART sign added	X	X (7/15)
113	Lloyd Noble Center (LNC) **	198 W. Imhoff	N	Shelter			N40	N42/43 only utilizes this stop during alternate service		
114	NWC and SRTC **	252 David L. Boren Blvd.	N	Shelter			N45	National Weather Ctr./Stephenson Research Tech. Ctr.		
185	Two Partners Place	498 David L. Boren Blvd.	N				N45	CART sign added	X	
115	TMD TOC **	2799 Monitor Dr.	N	Shelter				Theta M. Dempsey Transportation Operations Ctr.		
229	Chesapeake/Lawrence	211 E. Chesapeake St.	G					Unimproved stop - no sidewalk	X (10/15)	X (7/15)
160	SLSRC **	2998 Lawrence Ave.	N	Shelter				Stephenson Life Sciences Research Ctr		
88	Asp/Imhoff	2799 Asp Ave.	N				N32		X (9/16)	
89	Kraettli/Traditions East Apts. (south)	2699 Asp Ave.	N				N32		X (9/16)	
90	Kraettli/Traditions East Apts. (north)**	2599 Asp Ave.	N	Shelter			N32			
91	OCCE	1699 Asp Ave.	N				N32		X (5/16)	
92	Asp/3rd (Walker Tower) **	1499 Asp Ave.	N	Shelter			N32		X	

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Updated 6/23/17

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beige	Approved, ADA Improvements Unfunded
green	Completed Improvements in FY17

## CART Bus Stops, City of Norman

GPS#	N44-Social Security	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
1	Campus Depot **	798 Asp Ave.	N	Shelter			N32, N42/43, N40, N52			
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N10, N11, N12, N21, N24, N32, N52			
5	Webster/Tonhawa (Norman Public Library)	299 N. Webster Ave.	N				N10		X (5/16)	
71	Main/12th St. NE (Community Services Bldg.) **	1143 E. Main St.	N	Shelter		X	N21	Relocated to Main St, west of 12th NE		
156	Social Security Administration (Moore)	200 NE 27th St, Moore, OK 73160	G							

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Updated 6/23/17

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green	Completed Improvements in FY17

### CART Bus Stops, City of Norman

GPS#	N45-Campus Corner Shuttle	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
114	NWC and SRTC **	252 David L. Boren Blvd.	N	Shelter			N42/43	National Weater Ctr./Stephenson Research Tech. Ctr.		
270	Four Partners Place		G					Stop added to route due to customer demand.		
185	Two Partners Place	498 David L. Boren Blvd.	N				N42/43	Route changed due to customer demand. Stop added to Four Partners Place building as noted above.		
234	SLSRC and Five Partners Place	2998 Lawrence Ave.	G					Temporary stop across from Stop 160 while route is evaluated. ADA accessible.		X (7/15)
235	Debarr/Boyd (Campus Corner)	211 W Boyd	G					Private, temporary stop in Campus Corner Market parking lot while route is evaluated. ADA accessible.		X (7/15)

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Updated 6/23/17

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beige	Approved, ADA Improvements Unfunded
green	Completed Improvements in FY17



## CART Bus Stops, City of Norman

GPS#	N52-Campus Loop	Physical Address		Shelter	Bench	Adver- tising	Other Routes Served	Notes/Updates	Bus Stopper	Public Works Reviewed
1	Campus Depot **	798 Asp Ave.	N	Shelter			N32, N40, N42/43, N44			
108	Asp/Third (Walker Tower) #	1498 Asp Ave.	N		Bench		N42, N43	CART sign added	X	
112	OCCE	1700 Asp Ave.	N				N42, N43		X (5/16)	
96	Timberdell/Law Center	499 W. Timberdell Rd.	N				N32		X (8/16)	
97	Timberdell/Chautauqua	699 W. Timberdell	N				N32	CART sign added		
99	Delta/Chautauqua	698 Delta Street	N							
100	Elm/Delta	1503 Elm Ave.	N							
101	Elm/Emerald Way	1403 Elm Ave.	N							
102	Elm/Elmwood	1203 Elm Ave.	N					CART sign added		
103	Elm/Lindsey	931 Elm Ave.	N							
104	Elm/Brooks	703 Elm Ave.	N					CART sign added		
105	Elm/Physical Sciences Center & Fine Arts	611 Elm Ave.	N							
165	University/Boyd	581 S. University Blvd.	N							
106	University/Symmes (McFarlin Food Pantry)	403 S. University Blvd.	N							
31	Webster/Apache	498 S. Webster Ave.	N				N10		X (10/15)	
200	Duffy/Asp (Campus Corner)	398 W. Duffy	N				N10		X (8/16)	
33	Asp/Felgar (Student Union)	890 Asp Ave.	G					CART sign added		
181	Jenkins/Felgar	910 Jenkins Ave.	N				N10, N21			
111	Brooks/Jenkins	198 E. Brooks					N10, N12, N21, N32		X (10/15)	
107	Brooks Street Transfer Station **	398 E. Brooks	N	Shelter			N10, N11, N12, N21, N24, N32, N44			
36	Brooks/Monnett	199 E. Brooks	N				N10, N12, N21, N32		X (10/15)	

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## ITEM 2 - TINY HOUSES/WEDDING VENUES



**TO:** Community Planning and Transportation Committee Members  
**FROM:** Susan Connors, AICP, Director, Planning and Community Development  
**DATE:** September 22, 2017  
**RE:** Information on Tiny Houses and Wedding Venues

At the August 24<sup>th</sup> Community Planning and Transportation Committee meeting, staff was directed to bring information to the Committee in September regarding Tiny Houses, Wedding Venues and Pedi-Cabs. This memo includes information regarding the Tiny Houses and Wedding Venues. The information on Pedi-Cabs is included in a separate memo.

### **TINY HOUSES**

There is a great volume of information regarding tiny houses. There are articles as well as Ordinances that address the issue. Staff has attached examples of both to this memo. At this point most city zoning and subdivision ordinances and building codes are unprepared for tiny houses. There are resources that will allow us to create appropriate tools; however, our research found common policy considerations that should be discussed. They are listed below.

1. Do we want to allow the installation of tiny houses for long-term occupancy; and if so, in what parts of the community?
2. Do we want to accommodate only those tiny houses that meet our current building code for the federal manufactured home standards, or do we want to explore what potential options may be available to create exceptions for other tiny houses (i.e. mobile tiny homes) that can be made safe for long-term occupancy in other ways?
3. Do all tiny houses need to be installed on foundations and with connections to our electric, water and sewer systems, or are there some areas (maybe rural areas) where we would allow them under other circumstances?
4. Are there areas of the community where they should be permitted as primary dwelling units?
5. Are there areas of the community where they should not be permitted as primary dwelling units, but would be acceptable as accessory dwelling units?

office memorandum

6. What changes to our building code, zoning ordinance, and subdivision ordinance need to be made to achieve those results?

## **WEDDING VENUES**

The information on wedding venues is varied. Communities regulate wedding venues in many different ways. The summaries of how different communities allow wedding venues are listed below. There are attachments with more details regarding these communities' regulations.

1. In Charlottesville, Virginia, the County Board of Supervisors recently approved an ordinance that set out a series of requirements for farms, wineries, breweries, and distilleries in order to host weddings. It requires new wineries, breweries, and limited distilleries to grow at least five acres of crops used in their beverages on-site, produce and bottle beverages on-site, and have an on-site tasting room with regular hours.
2. In Webster Township, Michigan (less than 10 miles away from Ann Arbor, Michigan-home of the University of Michigan) the city council removed the term "agri-tourism" from its zoning ordinance and restricted permitted uses of agricultural land. Hayrides and corn mazes in town are now prohibited, as well as firework shows, serving alcohol or playing loud music under the new changes to the zoning ordinance.
3. In Chapel Hill, North Carolina, the County Board of Adjustment decided that for a barn venue to have a wedding, a special permit would be issued. Further, the County Planning Department limits the number of special events permits given out to 12 per year per establishment.
4. In Douglas County, Kansas (the county where Lawrence is located), the county commission requires a host to obtain a permit in order to have a rural event. The county also requires event promoters to notify neighbors who live within 1,000 feet of the event site. These permits encompass a wide range of events from pumpkin patches to musical concerts.
5. In the City of Lake Elmo, Minnesota which is part of the Minneapolis/St. Paul metropolitan area. Much of the area within the city limits is still farmland, so that the city has a rural feel to it similar to the eastern half of the City of Norman. They have amended their ordinances to allow wedding venues in their rural and residential estate zoning districts on properties of ten acres or larger, capped at a 150 guest limit. They also include regulation regarding parking, length of the ceremony and hours of operation. Wedding receptions are not allowed.
6. Hood River County, Oregon, east of Portland on the Oregon/Washington border, adopted regulations to allow wedding and related wedding events in certain zoning districts under a conditional use permit which is similar to the City of Norman Special Use Permit. Their conditional use

permit regulates location, frequency, maximum number of guest, hours of operation, parking, lighting and noise.

Staff presents this information for discussion and will be present to address questions.

# **TINY HOUSES**

# ZONING PRACTICE

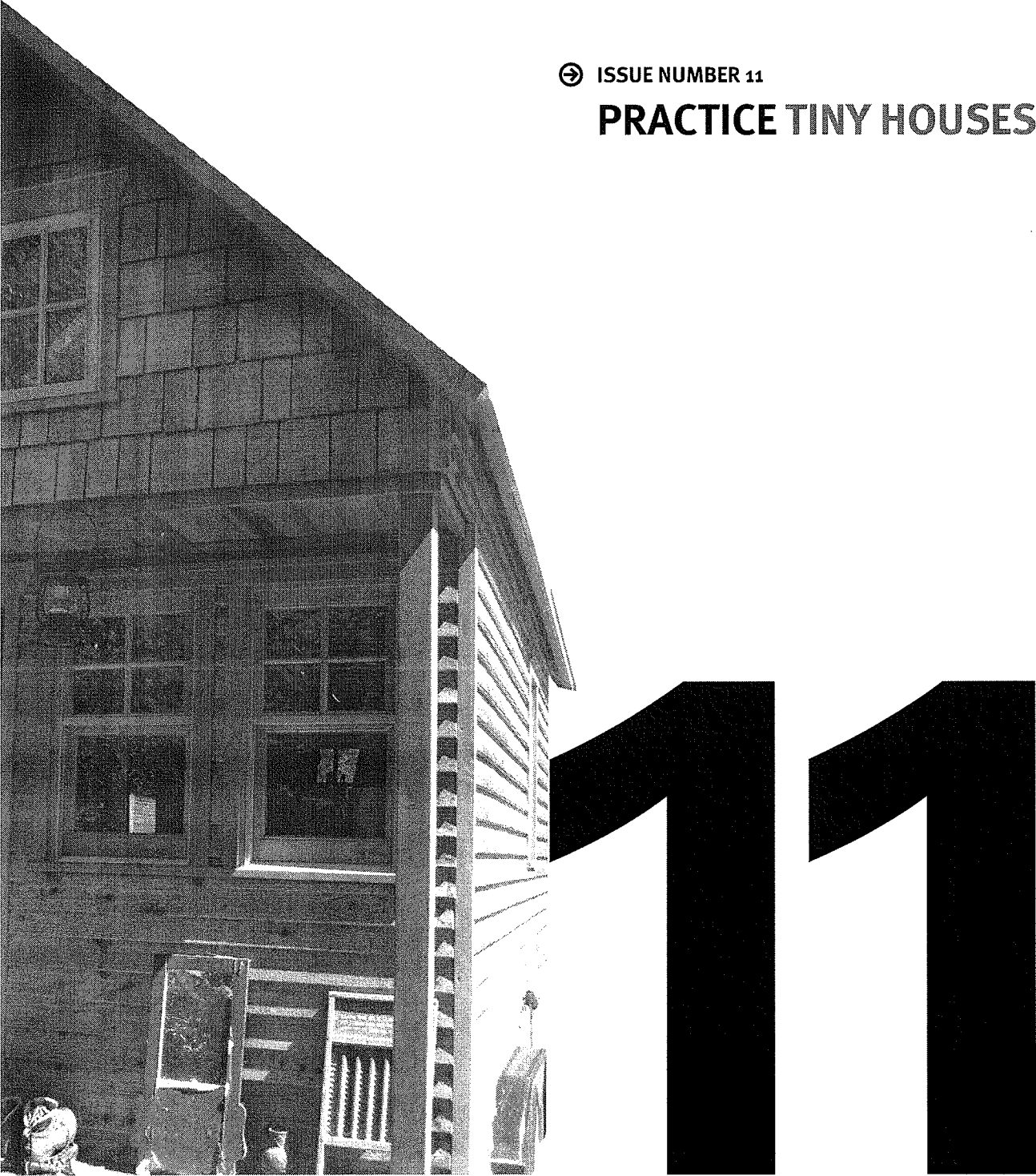
NOVEMBER 2015



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 11

## PRACTICE TINY HOUSES



# Tiny Houses, and the Not-So-Tiny Questions They Raise

By Donald L. Elliott, FAICP, and Peter Sullivan, AICP

Where did they come from—those cute little “cabins-on-wheels” that you see being pulled down the road or sitting on a lot?

With wood siding, a pitched roof, gable windows . . . and even a porch with a railing. All that’s missing is the dog in the yard (presumably a small dog in a small yard).

Tiny houses are the latest vehicle/structures to join the small house movement, and are now trending due to television programs like *Tiny House Nation*. Many individuals and couples seem proud to say they live a small but sophisticated lifestyle in less than 500 square feet. Often their stated motivation is to declutter and live a simpler life—maybe even a life “off the grid.”

Cuteness aside, tiny houses raise some interesting questions for planners. Questions like . . .

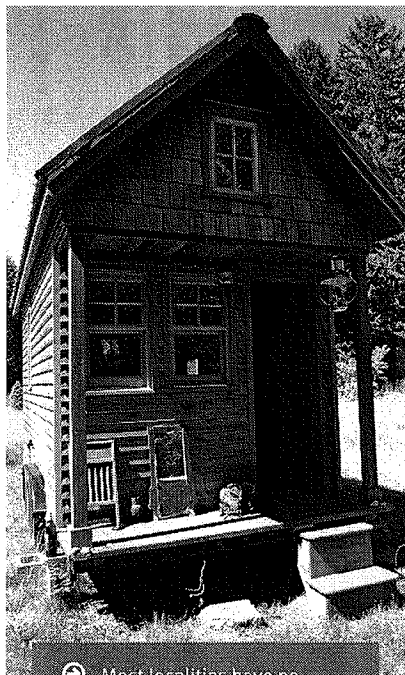
“Is this a house, or a trailer, or . . . just what is it?”

“Would this qualify as an accessory dwelling unit?”

“Does this meet the residential building code?”

“Where should we allow this to be parked . . . or occupied . . . and for how long?”

This article attempts to answer some of those questions for the types of small, trailer-mounted units described above. The sections below review how these units fit into the general U.S. system of land-use control through building codes, zoning ordinances, subdivision regulations, and private



Most localities have no specific provisions in their subdivision or zoning codes to accommodate small trailer-mounted homes outside of recreational vehicle parks.

restrictive covenants. In addition to addressing individual tiny homes, we also address how small communities of tiny homes might be created.

## WHAT ARE THEY?

What are tiny houses? The answer is simpler than you think. They’re recreational vehicles (RVs), and a careful read of the manufacturers’ websites makes that clear. One manufacturer, Tumbleweed Tiny House Company, states that their product is “an RV like you’ve never seen before.”

For planners, this makes things simpler. The question then becomes, “Where do we allow RVs to be occupied?” Traditionally, the answer has been campgrounds (for temporary living) and RV parks (for longer-term living). Most communities typically limit temporary RV occupancy (in a campground or elsewhere) to 30 days, and the logic behind this is that RVs are not permanent dwellings. They have electric systems and water tanks and sewage tanks (or composting toilets) that can only operate for a while before they need to be hooked up to support systems or emptied.

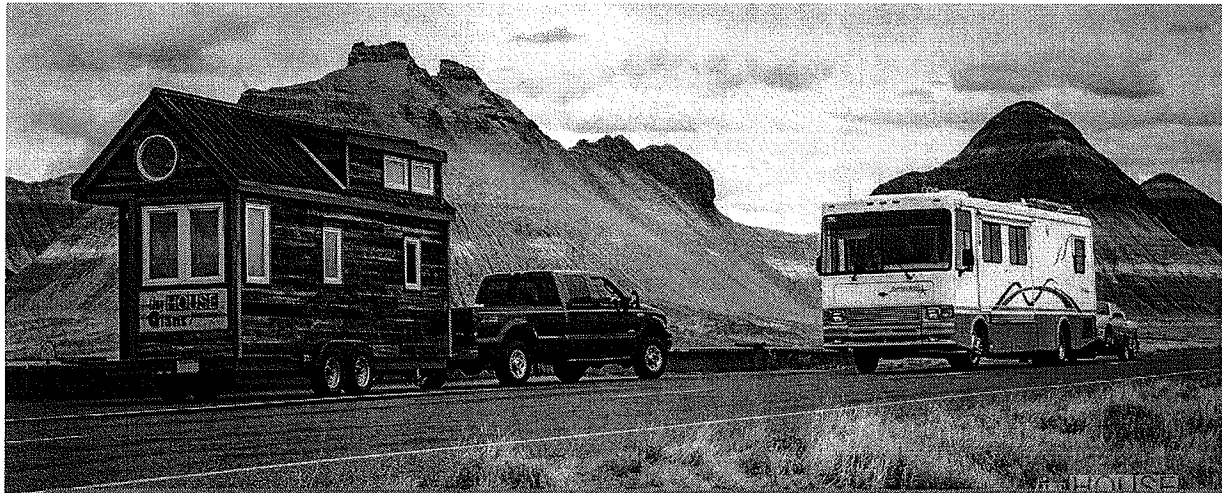
But this answer doesn’t satisfy everyone, especially tiny-house proponents and anyone else interested in living smaller, more simply, and (presumably) more affordably (more on that later).

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Donald L. Elliott, FAICP, is a director in the Denver office of Clarion Associates, a former chapter president of APA Colorado, and a former chair of the APA Planning and Law Division. As a planner and lawyer he has assisted more than 40 North American cities and counties reform and update their zoning, subdivision, housing, and land-use regulations. He has also consulted in Russia, India, Lebanon, and Indonesia, and served as USAID Democracy and Governance Advisor in Uganda for two years. Elliott is a member of the Denver Planning Board.

Peter Sullivan, AICP, is a senior associate in the Chapel Hill, North Carolina, office of Clarion Associates. His specializations include zoning and comprehensive planning. A Pacific Northwest native, his professional background includes policy and environmental planning and development review. Sullivan is a former officer with Toastmasters International and former member of the University of Washington’s Urban Design and Planning Professionals Council. He is currently a correspondent for Planetizen.com and enjoys speaking as academic guest lecturer, webinar host, and conference presenter. Sullivan’s project work has been recognized by the Washington State Governor’s Office, Puget Sound Regional Council, and the Washington Chapter of APA.





"Tiny House Giant Journey in the Petrified Forest and an RV" by Guillaume Duthil, Wikipedia (CC-BY-SA-4.0)

➡ This tiny house is the star of its own YouTube channel, Tiny House Giant Journey

Here's why tiny houses are so tricky. Although tiny houses are not generally designed for permanent occupancy, some of them are being purchased by people who intend to use them that way. Most zoning ordinances don't resolve this tension, because they don't address where or how tiny houses can be used for long-term or permanent occupancy.

#### BUILDING AND OCCUPANCY CODES

With the exception of some very rural communities, most cities and counties require that long-term or permanent residential units meet either the locally or state-adopted residential building code (usually some version of the International Residential Code), or the U.S. Department of Housing and Urban Development (HUD) national standards for manufactured housing safety. Since manufactured homes are obviously not constructed like stick-built housing—and since (unlike stick-built housing) they can be moved across state lines in interstate commerce—back in 1974 HUD adopted national safety standards for this type of housing. As a general rule, residential units for long-term occupancy need to meet one of these two sets of standards.

Unfortunately for many purchasers, some tiny houses do not meet these requirements. While tiny houses might meet the Recreational Vehicle Industry Association (RVIA) safety standard for highway travel and temporary living, these standards are not the same as the HUD manufactured housing standards for permanent living. In fact, the website for CAVCO (a manufacturer of "park model" recreational vehicles—which are similar to and sometimes in-

clude tiny houses)—states that these vehicles "are not intended for, nor should they be used for, anything other than recreational camping or seasonal use. They are not permanent residences and should not be used as such."

For those intending to live in their tiny house full time, the trick is to find a tiny house that not only meets the RVIA standards but also the residential building code or manufactured housing standards.

For those intending to live in their tiny house full time, the trick is to find a tiny house that not only meets the RVIA standards but also the residential building code or manufactured housing standards. Or to look for a community that has adopted a building code allowing long-term occupancy of tiny houses. Some communities have done this, and in many communities the ability to use a tiny house for long-term occupancy turns on whether it will be mounted on a permanent foundation and connected to utilities.

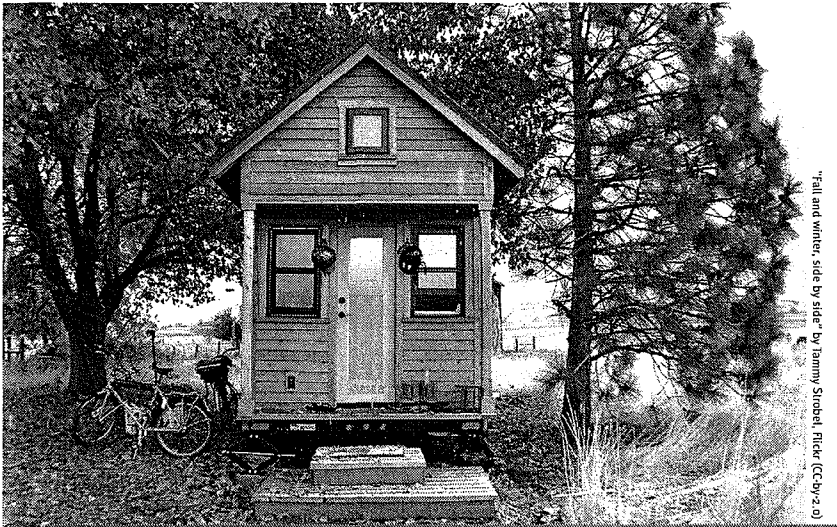
#### FOUNDATIONS MATTER

Let's assume a potential buyer doesn't want to install a tiny house in a campground or RV park, but rather a traditional residential lot. Some communities allow this if the owner removes the wheels (and sometimes the axles); installs the unit on a permanent foundation (or at a minimum uses secure tie-downs); and connects the unit to public water, sewer, and electric systems.

The logic behind these requirements is that they convert a mobile housing unit into a stationary unit, protect against "blowovers" and other wind-related damage (to the occupants and to neighboring property owners), and make the utility systems safe for long-term operation.

As an example, the small community of Spur, Texas, (population 1,245) has marketed itself as the "First Tiny House Friendly City." Spur permits tiny houses to be used as permanent, primary dwellings by creating an exception to the general building code/manufactured home standard compliance requirement. However, even in this deliberately welcoming community, wheels must be removed, a foundation must be constructed, and the unit tied to the foundation with "hurricane straps," and the unit must be hooked up to local sewer, water, and electric systems. In one well-documented case the cost of the foundation and connections came to about \$5,700 (Mccann 2015). In some Spur zoning districts, tiny houses are permitted by right, but in others a variance is required.

Again, there are exceptions. A tiny-house owner might be successful living an off-the-grid lifestyle in areas that are literally far from the grid. In some very rural communities, stick-built



"Fall and winter, side by side" by Tammy Strobel, Flickr (CC-BY-SA-2.0)

➡ Outside of rural areas, most localities would not permit a tiny house to serve as a primary dwelling unit unless it was mounted on a permanent foundation and connected to local utilities.

homes do not need to connect to water and sewer systems (i.e., they permit well and septic systems) or electric systems (i.e., they allow off-the-grid power), and those communities would presumably allow the same exceptions for tiny houses.

**NOW, ABOUT THOSE ZONING RULES**

So, if a buyer doesn't want to live in an RV park, *and* is willing to remove the wheels, install a foundation, and connect to utilities, *and* the local government allows long-term occupancy of tiny houses under those conditions, where can the unit be located? The answer depends on local zoning regulations. Most zoning ordinances do not list tiny houses by name; they simply treat them like other housing uses.

For a tiny house to be used as a primary dwelling unit (i.e., there is no other house or primary use on the property), the question is whether the lot is zoned for single-family homes and whether the tiny house meets any minimum size requirements for houses in that zone. Most zoning codes across the U.S. do not include minimum floor space requirements for single-family homes. But some do, and that can be a barrier to installing tiny houses. Generally this occurs when a residential neighborhood has been developed for—or with—large homes, and some of the lots already have large homes on them. In those circumstances, the local government or neighborhood residents may want to protect against the remaining lots being

occupied by smaller homes that they fear will reduce the neighborhood quality or character. Some communities, for example, have adopted minimum width or length-to-width requirements for single-family homes in an attempt to keep "single-wide" manufactured homes out of neighborhoods where the housing stock is of a different character. Those requirements would likely prohibit the installation of a tiny house, despite their charming appearance.

Whether this is fair to the tiny-house (or manufactured home) buyer, and whether it represents sound land-use policy, are emerging issues for debate. Minimum residential size limits are already in poor repute these days because they tend to drive housing prices up; however, these types of requirements are generally not illegal.

One work-around for the eager tiny-house buyer may be to install a tiny house as an accessory dwelling unit (ADU) (i.e., a second housing unit on a lot that already has a primary housing unit or another primary use of land). While ADUs are a fairly recent development, an increasing number of zoning ordinances now address where and under what conditions an ADU can be installed. Again, since most zoning ordinances do not address tiny houses by name, the question is whether your tiny house meets the requirements applicable to other forms of ADUs. One threshold question is whether the community allows detached ADUs or only allows internal ADUs constructed within the building envelope of an existing home. If the latter is true, a tiny house ADU will not be allowed. If the community allows detached ADUs, they often attach conditions like the following:

- Either the primary housing unit or the ADU must be occupied by the owner of the land.
- The ADU must not exceed a maximum size (generally 400 or 600 or 800 square feet).
- An extra on-site parking space for the ADU occupant may be required.



"Tiny house" by Tomas Quiroga, Flickr (CC-BY-SA-2.0)

➡ Local residential building codes typically require a minimum amount of habitable space per occupant, which may prevent legal habitation of tiny houses by more than one person.

- The ADU may not be allowed to have its entrance door facing the street.
- The part of the lot containing the ADU cannot be carved off and sold as a separate lot.
- If the tiny house can meet these requirements, it may be acceptable as an ADU, even if it would not be approved as a primary home on the same lot. In some cases, however, ordinances that allow detached ADUs limit them to existing structures like carriage houses, garages, or barns, which would prohibit tiny-house ADUs.

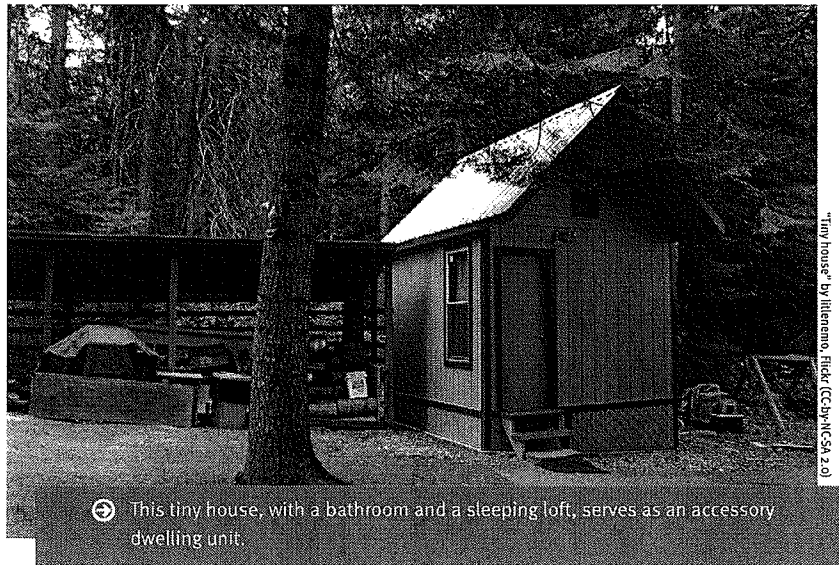
Finally, it is important to realize that most communities apply the same building, foundation, and utility requirements to ADUs that they do to primary structures. So if the question is, “can I park my tiny house in my parents’ backyard and live in it without installing a foundation or hooking up to utilities?” the answer is probably *no*. Long-term occupancy of a recreational vehicle in a residential zone district (say, for more than 30 days) is usually illegal regardless of whether you have the property owner’s consent or you are related to them.

So tiny-house owners need to be thoughtful about where they intend to install the unit, and need to read the zoning ordinance carefully to ensure it is allowed in the area where they want to live. The good news (for planners) is that it is fairly easy to review the existing zoning code and see whether the code permits tiny houses as primary units or ADUs in those locations where the community wants to allow them. Planners might also want to promote more permissive regulations if the community is ready to remove a potential housing barrier.

#### OTHER POTENTIAL BARRIERS

OK. So you have decided that your community wants to allow long-term occupancy of a tiny house, and you have modified the zoning ordinance to clarify where they are allowed. There are still three other potential barriers to think about.

First, unless you want to install the tiny house in a very rural area, the parcel of land where the tiny house will be located generally needs to be a subdivided lot. Subdivision regulations ensure that each parcel of land that will be developed with something other than open space or agriculture has access to a street and has utilities in place (if utilities are required in that location). This could be an issue if the tiny-house owner wants to buy 1,000



ⓘ This tiny house, with a bathroom and a sleeping loft, serves as an accessory dwelling unit.

Tiny-house owners need to be thoughtful about where they intend to install the unit, and need to read the zoning ordinance carefully to ensure it is allowed in the area where they want to live.

square feet of land from a property owner—just enough to accommodate the tiny house and a “livin’ small” lifestyle—but the subdivision regulations require a minimum lot size of 5,000 square feet. Or it could be an issue if the tiny house must be connected to utilities but the land in question does not yet have utilities in place to connect to.

Second, the community should probably advise the tiny-house owner to check that private restrictive covenants attached to the land do not prohibit tiny houses in that area. Again, *tiny house* will probably not be listed by name, but it is not uncommon to find private covenants that contain minimum house size requirements even if the zoning ordinance does not. While it is generally not the city or

county planner’s job to check on the existence of private covenants when issuing a zoning approval or a building/installation permit, and local governments are generally not responsible for enforcing those covenants, advising the tiny-house owner to check on this is just good customer service. In the end, the fact that the city or county issues a permit to install a tiny house with a foundation does not protect the owner against a suit from other property owners pointing out that the tiny house does not meet restrictive covenant minimum-size requirements.

Third, even if neither the zoning ordinance nor private restrictive covenants prohibit the tiny house because of its size, many communities have residential occupancy codes to prevent overcrowding. While occupancy codes vary, it is not uncommon to find a requirement that the unit contain 125 square feet of living area per occupant, or that it not contain more than two occupants per bedroom. That could be a problem if the owner intends to house his or her family of four in a 400-square-foot tiny house, no matter how well they get along. Since occupancy of the unit may change in the future (the owner’s out-of-work cousin may move in), it is hard to ensure against overcrowding when the installation permit is issued, but making the owner aware of these requirements is good customer service.

#### WHAT ABOUT A TINY HOUSE COMMUNITY?

What about a whole group of folks (or a developer) who want to create an entire neighbor-

hood of tiny houses as a source of affordable housing, or just to accommodate a different lifestyle?

That is a bit tougher. While the Internet has many stories of individuals or property owners intending to create tiny house communities, it seems that few if any have been created to date. And some of the existing communities have been created for unique reasons and through “one-off” procedures.

For example, places like Opportunity Village in Eugene, Oregon, or Quixote Village in Olympia, Washington, have been created as alternatives to homeless camps in or near the same location. In both cases, it appears that the local government adopted a contract or resolution approving the use of land for tiny houses without requiring it to comply with some standard utility or construction requirements precisely because it would house very low-income households under better living conditions than the occupants had previously. While inspiring as initiatives to address the challenges of housing affordability and homelessness, both of these examples required individualized negotiations and agreements to vary from normally applicable public health and safety standards—flexibility that might not have been approved for a market-rate housing development.

However, there are at least three different ways in which a tiny-house community for the general public could be created—each modeled on an existing form of land-use approval. The choice of an appropriate tool turns heavily on the question of whether you intend the occupants to be able to sell the house and the piece of land it occupies to someone else in the future.

**A Tailored Zoning and Subdivision of Land**  
If tiny-house owners are going to be able to sell their lots and homes to others, then the community will need to be subdivided into individual lots, and those lots will need to meet the minimum size and dimension requirements of the zone district where they are located. If you want to allow tiny house community developers to create very small lots (say 1,000 to 2,000 square feet), it is likely that your city or county does not have a residential zone district allowing lots of that size. So the local government will have to create a zone district allowing that type of lot. If the roads within the community are going to be narrower or more lightly constructed than those in stick-built



➡ Quixote Village in Olympia, Washington, provides housing for 30 previously homeless adults. Photo from *Tent City Urbanism: From Self-Organized Camps to Tiny House Villages* by Andrew Heben.

subdivisions, then the community will have to adopt subdivision standards (or exceptions to the current standards) allowing those types of construction. In many cases, the local government is only willing to allow “lower-than-normal-standard” infrastructure if the property

A PUD for a tiny-house community should be drafted assuming that conditions will change in the future, and to avoid locking in an overly specific development plan.

owners agree to own and maintain it over time (i.e., the city or county will not accept it as dedicated infrastructure for public maintenance), so the developer will likely have to create a home owners association to do so. These types of specialized standards have been adopted before, however, for unique forms of housing like manufactured home subdivisions or cottage

home subdivisions, and those types of standards are good places to look for guidance.

#### A Planned Unit Development

If the community expects that there will be only one of these communities or it does not want to create a new zone district or subdivision regulations to address tiny houses in general, the tailoring of zoning and subdivision standards described above could be accomplished through a planned unit development (PUD) tailored to a single development and a single developer. While single-project PUDs are relatively easy to adopt, they often reflect a very specific picture of the approved development that is hard to amend over time as conditions change. A PUD for a tiny-house community should be drafted assuming that conditions will change in the future, and to avoid locking in an overly specific development plan. For example, it may not be wise to require a community building of a certain size, or a park or storage area of a specific design in a specific location, because those items may need to be moved or resized in the future.

Similarly, if the home owners association is responsible for roads and utilities, it may be wise to offer some flexibility to relocate or resize those facilities in the future as needs change. The Greater Bemidji Area of Minnesota has thought through these issues and adopted a PUD approach for tiny-home subdivisions (§1101.F).

**A Condominium or Cohousing Development**  
 If the occupants of tiny houses in the community do not need to have the right to sell individual lots to others in the future, then a tiny house community could be structured as a condominium or cohousing development. Under this model, the land remains unsubdivided. Instead, a development plan is approved allowing many tiny houses, and perhaps support facilities like community buildings or shared parking areas, to occupy a single parcel of land. Instead of owning individual lots, residents own shares in the development as a whole. If structured as a condominium, each resident's share includes the exclusive rights to occupy their individual tiny house and a parking space, and also a proportionate share in the land, community buildings, roads, and infrastructure serving the area. As with a nontraditional subdivision described above, the local government may well require that the roads and utilities be owned and maintained by the condominium association. Under this approach, residents who decide to sell their tiny house in the future are actually selling their package of rights in the development (and the maintenance obligations that go along with them)—they are not selling the land. Again, it is usually wise to avoid overregulating or “zoning to a picture” in ways that may require additional governing body approval for minor changes in the future.

#### CONCLUSION

At this point, most city and county zoning and subdivision ordinances are unprepared for tiny houses. Answers to questions about what tiny houses are, where they can be installed, and under what conditions can be found if you search hard enough—but they are not clear or obvious. The good news is that there are several examples of how land-use controls can

be developed or modified to accommodate new and creative forms of housing and land development. RV park, manufactured home park, and subdivision, cohousing, and cottage development standards provide a deep pool of content from which tiny-house regulations can be tailored and developed.

As with most land-use questions, however, the appropriate tools cannot be crafted until some policy questions have been answered. To prepare for the arrival of tiny-house owners and community developers in the future, local governments should be prepared to answer these questions:

- Do we want to allow the installation of tiny houses for long-term occupancy, and if so, in what parts of our community?
- Do we want to accommodate only those tiny houses that meet our current building code or the federal manufactured home standards, or do we want to create exceptions for other tiny houses that can be made safe for long-term occupancy in other ways?
- Do all tiny houses need to be installed on foundations and with connections to our electric, water, and sewer systems, or are there some areas (maybe rural areas) where we would allow them under other circumstances?
- Are there areas of the community where they should be permitted as primary dwelling units?
- Are there areas of the community where they should not be permitted as primary dwelling units, but would be acceptable as accessory dwelling units?
- What changes to our building code, zoning ordinance, and subdivision regulations need to be made to achieve those results?

- With a little forethought, you can be prepared for the day a tiny-house owner shows up with some or all of the questions discussed above—and avoid that “deer-in-the-headlights” look that so annoys the town council.

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## LEGALIZING THE TINY HOUSE

Bringing rogue housing in from the cold.



Author: **Alyse Nelson**

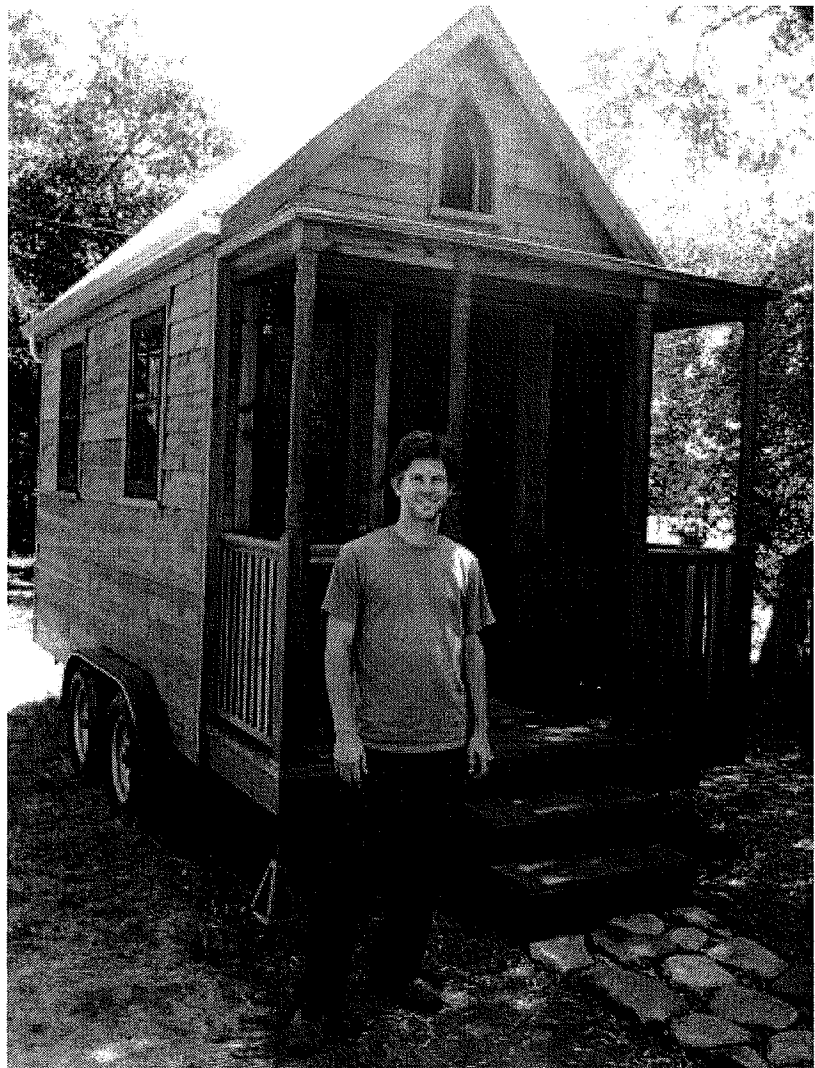
On June 27, 2016 at 6:30 am

Tiny houses may be the darlings of the green-living set—with their own blogs, TV shows and documentaries, and cottage industry of builders, planners, and consultants.

But they're usually illegal.

Across Cascadia, to pass legal muster, residential structures must comply with one of three sets of rules: building codes, manufactured home codes, or recreational vehicle certification. They also must comply with zoning codes, which dictate not how they're built but where they may stand and how they may be used. In most places, tiny houses run afoul of every one of these sets of rules, and often in several ways. The net effect is to make tiny-house dwellers a band of outlaws.

Removing the legal strictures could quickly provide affordable, sustainable housing choices to thousands of people across Cascadia and beyond, at no cost to public treasuries, in neighborhoods already provided with urban infrastructure and well served by transit, schools, community centers, libraries, and parks. And some cities, such as Portland, are already working towards policy solutions that will bring tiny houses in from the cold.



Jay Shafer and his Tiny Home by Todd Lappin used under CC BY-NC 2.0

## Tiny houses on foundations: Size matters

In Oregon and Washington local laws specify that permanent homes must be built to one of two standards: the locally or state-adopted building code, typically adapted from the International Residential Code (IRC), or the US Department of Housing and Urban Development's national standards for manufactured homes. Tiny houses have a terribly hard time fitting these regulations, not so much because of the safety and fire protection provisions, as because of things like minimum size and height rules. The IRC, for example, requires that habitable rooms have at least 70 square feet of floor space, and not be less than 7 feet wide and tall. This rules out many tiny home designs.

Though 70 square feet is still a rigid requirement for habitable rooms, it's actually a step in the right direction. In 2015, the International Code Council reduced this requirement from 120 square feet, making building tiny to code much more feasible. Continuing to adapt existing building codes to tiny abodes, or creating a new certification process specific to tiny homes, would be a big step toward unbanning a housing form that's as old as the shepherd's wagon.



Shepherd Wagon by Irving Rusinow (license)

## Tiny homes on wheels: You can park it, but don't live there

Many tiny home builders construct these houses on wheel beds, making them more mobile. Dee Williams, a tiny house advocate in Portland, Oregon, and co-founder of Portland Alternative Dwellings, parked her tiny house on wheels (THOW) in a friend's backyard in Olympia and enjoyed not only lower living costs, but also closer connection with her neighbors.

But these wheels present another challenge to legalizing tiny houses, placing them in a regulatory gray zone between standard houses and vehicles. The wheels often lead cities to classify them as recreational vehicles (RVs) rather than houses, which moves them from the frying pan of IRC and HUD into the fire of RV certification—a different fire, as it turns out, in each state.

One hurdle this creates for tiny housers is the problem of parking, since it's illegal to live in an RV full-time outside of an official RV park. This is the case in Portland, Seattle, and Vancouver, British Columbia. Cities are not teeming with RV parks, and what parks do exist are often far from amenities like public transportation and commercial services. For example, inside city limits, Seattle has only two mobile-home parks where you can live full-time in an RV or camper.

This paucity of legal parking places leads many THOW dwellers to take their chances and defy regulation. THOWs parked in the backyards of friends or family members, or even on property by themselves, likely stay there without official permission. Many tiny housers accept this precarious living situation, relying on the fact that these codes are not typically proactively enforced. Online tiny house advocacy groups encourage prospective tenants to get to know their neighbors and make sure they're happy, because code enforcers are unlikely to knock on the door unless they receive a complaint. Regardless of these precautions, sooner or later, many tiny houses are forced to move or lose their wheels and find a foundation.

## Tiny houses on wheels: Permitting predicaments

Tiny houses on wheels have developed a big do-it-yourself culture, with tiny house hopefuls wanting to take a major hand in the design and construction of their future dwellings. Unfortunately, it's very difficult to get RV certification without a professional dealer, something inaccessible to most DIYers.

In a step forward, Oregon and Washington (see Washington's official self-certification code [here](#)) have both instituted certification processes for self-built RVs, making permitting for DIY THOWs a possibility. The American Tiny House Association has also created construction guidelines to assist DIYers in building their homes to recreational vehicle codes, but even these don't guarantee certification as an RV.

In Portland, Eli Spevak of Orange Splot is working to use the city's property maintenance code to create a broader legal path for THOWs. The code applies to existing structures, allowing them to be considered habitable even if they don't meet current building codes. Spevak argues that since THOWs meet performance standards outlined in local building, zoning, property maintenance, and landlord-tenant rules, they should be permissible so long as they undergo annual inspection.

In 2015, Fresno, California, became the first large city in the United States to define and allow tiny houses, including those on wheels, in its local codes, making it a model for other communities looking to create paths for tiny houses on wheels. Still, Fresno's rules are quite prescriptive. A tiny house on wheels must:

- be built to RV standards,
- be highway legal,
- be capable of being towed,



be unable to move under its own power,  
look like a conventional house,  
have at least 100, but no more than 440, square feet, including a  
kitchen,  
bathroom, and  
sleeping space, and  
comply with owner-occupancy restrictions.

Though most of these code requirements accommodate THOWs as they are now typically built, they could limit future innovation.

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## Zoning out tiny, by lot, by style, or by occupancy limit

Although the fact that most cities call THOWs campers is probably the single largest barrier to tiny living, local zoning ordinances also clamp down on tiny. Assuming you've built a tiny house to building code and want to set it on a foundation in the backyard of an existing single-family home to save on land costs, your next challenge would be zoning codes. Your best bet would be to find a city that allows Detached Accessory Dwelling Units (DADUs), or laneway houses, as they are called in Canada. DADU regulations allow a second unit on a single lot, something often prohibited.



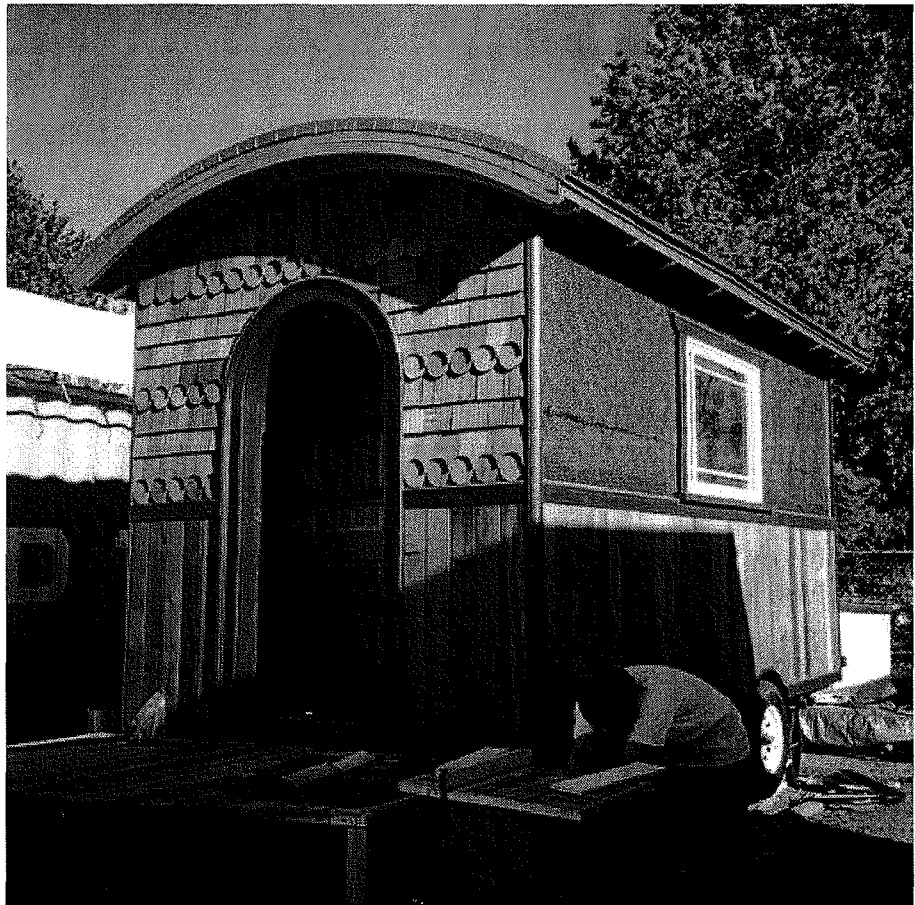
Even then, many tiny houses may not find relief in DADU-friendly neighborhoods. Vancouver, British Columbia, has some of the most forward-thinking and flexible DADU regulations in Cascadia. But there, too, city regulations require laneway homes be at least 280 square feet, which is larger than most tiny houses.

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Other zoning restrictions also hamper tiny houses in single-family neighborhoods. Many communities require DADUs to match the exterior design of the single-family home where they are sited. This means matching things like roof pitch, window style, and exterior material, all requirements that add to the cost of building tiny without improving functionality or safety. Portland made tiny home progress recently by relaxing its design standards for DADUs less than 15 feet tall.

Finally, occupancy limits restrict the number of unrelated individuals who can live in one house, no matter how large it is. In Vancouver, BC, only five unrelated people may legally share a home, six in Portland, and eight in Seattle. While Vancouver allows ADUs their own occupancy limit, Portland and Seattle require that the maximum occupancy be shared between the primary house and DADU.

Tiny home communities, where multiple tiny homes share a lot, bump up against several of these zoning restrictions, as existing categories have yet to accommodate this new way of living. Single-family zones that allow DADUs usually only allow one such additional unit per lot, outlawing community living. Conversely, multi-family-zoned properties typically come with minimum density requirements as they anticipate apartments, not a handful of tiny houses. As a result, these communities rest in their own legal gray zone, waiting for outdated zoning definitions to catch up.



Lina Menard's Tiny House by Jason Wilson used under CC BY-SA 2.0

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Lina Menard, a tiny house dweller in Portland's Simply Home tiny cohousing community, experienced firsthand how occupancy and zoning requirements could

quash her community. After Lina and her neighbors bought property in Portland, they went to the City to figure out how to live legally on their new land. The residential lot has an approximately 1,400 square foot single-family home, a garage, and three tiny houses on wheels in the backyard. The City's zoning department worked with the community to clarify what was happening on the Simply Home Community lot. The community describes its permitting interaction with the City on its FAQ page:

*"Let me get this straight. You have 6 unrelated people who share a big house and some of them park their vehicles on the property?" And when we said, "Well, sort of..." They winked and said, "Right?!" And we said, "Yes, that's exactly what we're doing!" So with a wink and a nod, they helped us figure out that we are basically sharing a house and a yard. Which we are.*

Though Portland's willingness to find a work-around for the Simply Home residents is laudable, it cannot be anticipated in other communities. Further, many potential tiny home dwellers may find a wink and a nod an uncomfortable resolution when they are seeking long-term housing security. Until cities amend their zoning codes to clearly allow tiny homes of all sorts in residential communities, including communal living situations, living tiny will remain an uncertain proposition.

## A future for tiny?

Cascadia is teeming with single-family houses. Portland and Seattle's residential zoning is predominantly single-family, with 42 (see page 46) and 54 percent of each city covered by single-family residential zoning, respectively. Statewide, Oregon and Washington's housing stock is over two-thirds single-family houses. In British Columbia, nearly half of all homes are single-family.

***Cities in Cascadia can embrace tiny living as one small piece of our housing future.***



All three jurisdictions would benefit from more housing variety, including multifamily apartments, townhouses, and mixed-use buildings. They would also gain from integrating more housing into the existing single-family neighborhoods that dominate the region's cities and towns. These small dwellings can increase density in existing neighborhoods without changing the look and feel of the community.

A growing community of tiny house enthusiasts is devoting itself to taking on tiny house challenges. Advocates such as Eli Spevak and Dee Williams are working to find new legal pathways for tiny houses. And organizations such as the American Tiny House Association provide educational resources for tiny house hopefuls.

Whatever the path, cities in Cascadia can embrace tiny living as one small piece of our housing future.

LIKE WHAT YOU'RE READING? SEE EVEN MORE TINY HOMES HERE.

## **New Zoning/Development Code Details**

The City of Fresno enacted a new Development Code in November 2015 which is very favorable to tiny homes and tiny homes on wheels on single family residential lots of 6000 sq ft or more (5000 sq ft if corner lot) as secondary dwelling units.

Specifically, Code Section 15-2754 Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters, sets forth regulations for siting such units and further adds a definition in the code to include "tiny homes on wheels" as an acceptable "backyard cottage."

This new ordinance, which goes in affect January 3, 2016, becomes a template that can be used by other cities and counties for permitting tiny homes and tiny homes on wheels.

We must give a great deal of thanks to Fresno Council Member Esmeralda Soria for carrying forward such progressive legislation in the Development Code update. We at California Tiny Homes are proud that Member Soria represents our business in her Council district. We were pleased that Fresno Mayor Ashley Swearengin is a supporter of the tiny home movement and, with assistance from the City's Development Department, moved forward to make the code changes a reality. The Fresno City Council unanimously accepted these amendments for tiny homes on wheels.

Below is a complete copy of the relevant sections of the City of Fresno Development code:

### **Recently enacted City of Fresno Development Code Requirements for Second Dwelling Units, Backyard Cottages (including Tiny Homes on Wheels), and Accessory Living Quarters (Effective January 3, 2016)**

#### **15-2754 Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters**

**A. Purpose.** The purpose of this section is to:

- 1. Maintain the character of single-family neighborhoods;**
- 2. Ensure that new units are in harmony with developed neighborhoods; and**
- 3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).**

**B. Architectural Compatibility.** If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.

**C. District Standards.** Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district where single-unit dwellings are permitted. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.

**D. Minimum Lot Sizes.**

1. Second Dwelling Unit. 6,200 square feet.

2. Backyard Cottage.

a. *Interior Lot Size*: 6,000 square feet.

b. *Corner Lot Size*: 5,000 square feet.

3. Accessory Living Quarters. 5,000 square feet.

**E. Type of Unit.**

1. Second Dwelling Unit. May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.

2. Backyard Cottage. May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.

a. A Tiny House may be considered a Backyard Cottage if it meets all the requirements of this section.

b. The Director shall review the design of the Tiny House to insure that the structure is compatible with the main home and the neighborhood.

3. Accessory Living Quarters. Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an undercounter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.

**F. Maximum Floor Area.** The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.

1. Second Dwelling Units. 1,250 square feet.

2. Backyard Cottages. 440 square feet.

3. Accessory Living Quarters. 500 square feet or 30 percent of the primary single-family dwelling, whichever is less.

**G. Development Standards.** Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.

**H. Lot Coverage.** Per the underlying zone district.

**I. Setbacks.**

1. Front Yards. Per the underlying zone district.

2. Side Yards/Street Side Yards. Per the underlying district.

3. Rear Yards. Shall be separated from the main home by a minimum of six feet.

a. *Second Dwelling Unit*. Per the underlying zone district.

b. *Backyard Cottage and Accessory Living Quarters*.

i. Alley Present. Three feet.

ii. No Alley Present.

(1) *Abutting an RS*. 10 feet.

c. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.

d. An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.

3. *Backyard Cottage*. No additional parking required.

4. *Accessory Living Quarters*. No additional parking required.

O. *Access*. Vehicular access shall be provided in the following manner:

1. *Driveways*. Shall be provided per the underlying district.

2. *Pedestrian access*. An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.

P. *Mechanical Equipment*. Mechanical equipment shall be located on the ground or, in the case of a tiny house on wheels, incorporated into the structure, but shall in no case be located on the roof.

Q. *Utility Meters/Addresses*.

1. *Second Dwelling Units*. Separate gas and electric meters may be permitted if approved by the Building Official and Pacific Gas & Electric.

2. *Backyard Cottage and Accessory Living Quarters*. Separate utility meters and/or addresses are not permitted.

R. *Home Occupations*. Home occupations are permitted pursuant to Section 15-2735, Home Occupations.

S. *Airports*. All applications shall comply with operative airports plans.

T. *Owner Occupancy Requirements*. The following shall apply prior to the issuance of a building permit.

1. *Second Dwelling Unit and Backyard Cottage*.

a. Either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied.

b. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

c. The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.

d. It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.

## Definition of Tiny House added to City of Fresno Development Code

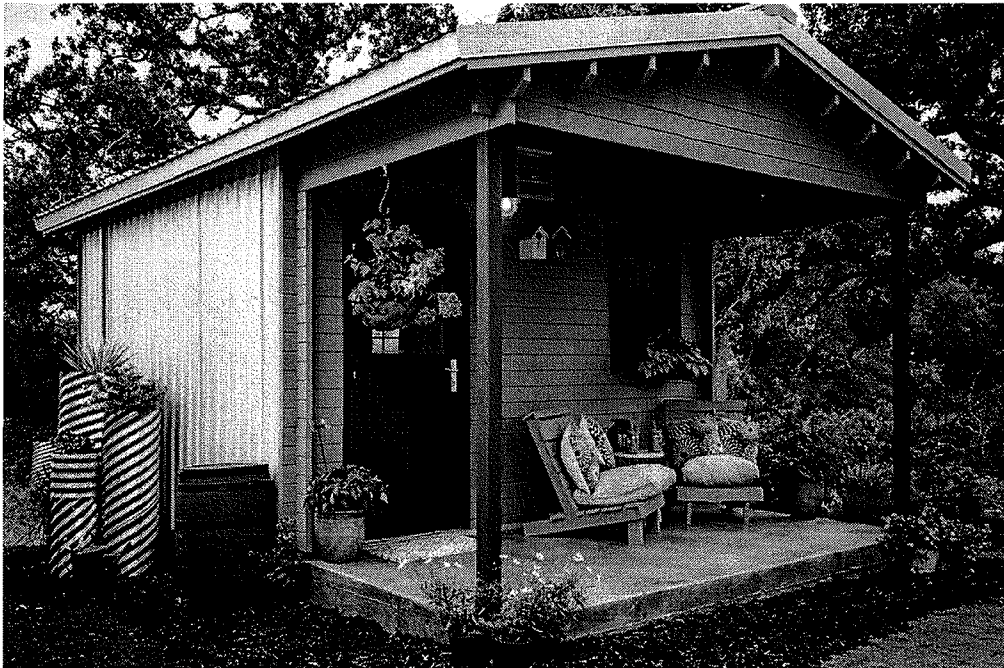
**Tiny House.** A structure intended for separate, independent living quarters for one household that meets these six conditions:

- Is licensed and registered with the California Department of Motor Vehicles and meets ANSI 119.2 or 119.5 requirements;
- Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power. When sited on a parcel per requirements of this Code, the wheels and undercarriage shall be skirted;
- Is no larger than allowed by California State Law for movement on public highways;
- Has at least 100 square feet of first floor interior living space;
- Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and
- Is designed and built to look like a conventional building structure.

# Tiny house zoning regulations: What you need to know

*Find out which states are the most tiny house-friendly*

BY EMILY NONKO | SEP 22, 2016, 11:30AM EDT



A tiny home in a community in Austin, Texas. | Celesta Danger

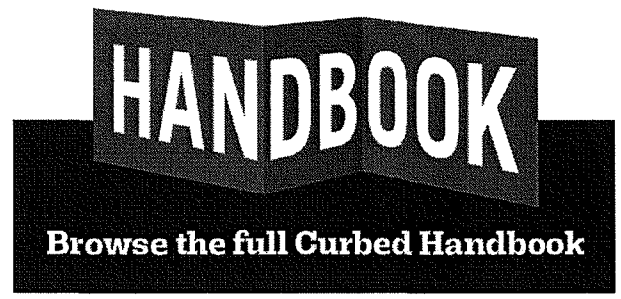
Despite the growing enthusiasm for tiny houses, it still isn't easy to legally build them for full-time use. Zoning laws and building codes, by and large, require a minimum square footage for new-construction homes, and progress to reduce that square footage is slow.

"There are only a handful of cities across the country that directly address tiny houses," says Alexis Stephens, the national coordinator for the Tiny House Association and the



producer of [Tiny House Expedition](#). Stephens is making a [three-part documentary](#) about living legally in a tiny home after she found that "there's a lot of interest [in tiny living], but people are confused by the zoning codes and regulations, and feel intimidated to go to the city government."

Cities and towns that have started to accommodate tiny homes have typically been pushed by grassroots organizers asking government officials for changes to local building and zoning codes. The result is that tiny house ordinances are "so darn specific," as Stephens says, to the town or city they're approved in.



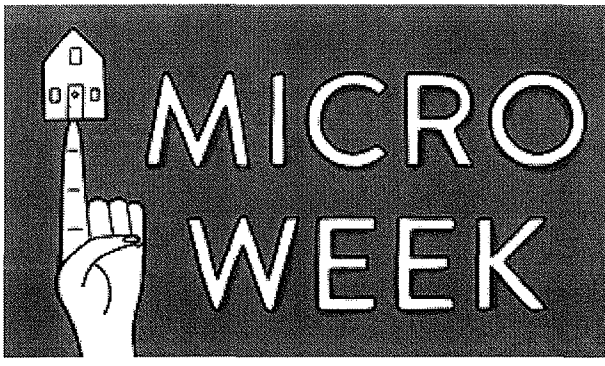
In that vein, here you will find a breakdown of the states across America where it's actually feasible to build the tiny house of your dreams and what you need to know before you do it. If you don't see your state on the list, the American Tiny House Association [rounded up regulations](#) for many states, as well as contact info for state chapter leaders. And there's always the option to [petition your own city](#) for tiny house-friendly zoning changes.

## **Types of tiny homes**

There are two types of tiny homes: a tiny house on wheels, legally considered a recreational vehicle (RV), and a tiny house on a foundation, legally considered an accessory dwelling unit, or ADU. If you're building a tiny house on wheels, you'll need to register it as an RV with your state; in most states, a self-built RV will be inspected before it gets a license plate. Building an accessory dwelling unit, however, is more complicated.

## **So where can I live?**

If you've registered your tiny house on wheels as an RV and plan to travel with it, you aren't dealing with zoning or building code concerns—you just need to find a place to park it. You could stay in a friend's backyard or park on their driveway (with permission, of course), or pay to stay at a camping or RV site. The latter will dictate how long you're allowed to stay there. Most states prohibit RVs as full-time residences in zones other than RV parks—but the rule is really only enforced if your tiny house on wheels is reported or complained about.



Building a tiny house on a foundation is trickier. Zoning and building regulations across the country prohibit you from buying land and building your own tiny house on it. Instead, you'll have to build an accessory dwelling unit, which means a secondary residential dwelling unit located on a single-family lot. (These units

can be referred to as a carriage house, granny flat, mother-in-law suite, auxiliary unit, English basement, or cottage; ADU is the technical term.)

A collection of ADUs built around one larger structure is known as a tiny house community. Both ADUs and tiny house communities are only allowed in certain states, which we're about to get to.

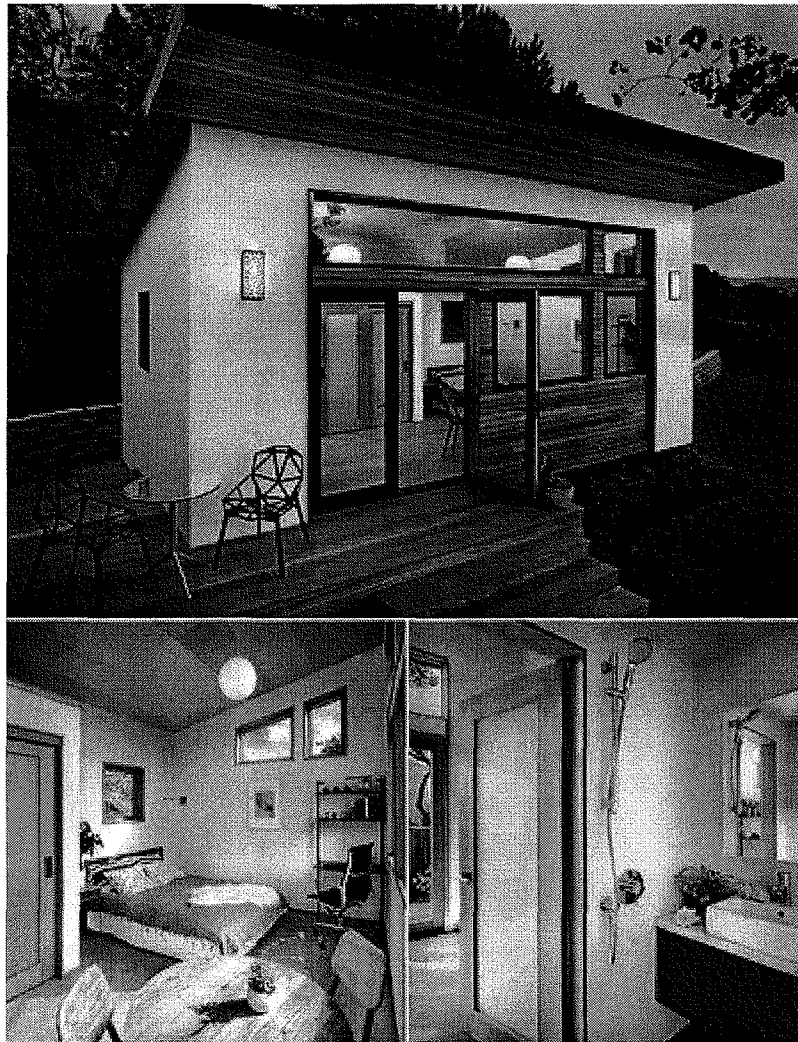
### **Building codes versus zoning**

It's important to understand the difference between building codes and zoning—both of which dictate and limit the construction of tiny homes. "Construction codes tell you how to build your house," explains Andrew Morrison, of [Tiny House Build](#). "Zoning depends on where you'll build your house."

Most of the country's local building codes have been adopted from the [International Residential Code \(IRC\)](#) for one- and two-family dwellings, which contains size specifications like rooms (except bathrooms and kitchens) must be at least 70 square feet, while ceiling height must be at least 7 feet.

Zoning regulations are based off more local factors, and determine the size requirements of your home based on what zone it's located in. You will need to call your local zoning or planning department to find that info. Many cities and counties, however, have a minimum size requirement of 1,000 square feet or more for construction of a new home on its own land, according to [Tiny House Community](#).

### **States with flexible building codes or zoning regulations**



A 264-square-foot tiny house designed by Avava Systems, located in Livemore, California. Photos via Avava Systems.

Even though the IRC and local zoning regulations are in place, a citizen can still apply for a variance through the local planning commission to build outside the existing codes. The states listed below have most progressive building codes, or they are home to the most interesting tiny house projects.

### **California**

California is one of the best states to be a tiny house enthusiast. In the counties of Alameda, Contra Costa, Lake, Mendocino, Napa, Sacramento, and Sonoma, tiny houses on wheels are allowed as "caregiver dwellings" in the backyard of a person who needs assistance. Just this year, Fresno city zoning approved tiny houses on wheels as backyard cottages *without* the requirement for the tiny house dweller to serve as a caregiver. This created a "ripple effect," as Stephens put it, with the planning commission in the town of Ojai currently drafting amendments for the same type of allowance.

Los Angeles has proven to be less progressive. Earlier this year, the city agreed to return tiny houses that were built for homeless people and seized by the police. But the mayor said he didn't support the concept of a tiny house village.

## **Colorado**

There are a few towns in Colorado that have been open to tiny house amendments. In 2013, Walsenburg became the first town in the state to amend zoning regulations for tiny houses between 120 and 600 square feet. In the mountain town of Durango, an ordinance to allow ADUs in the East Animas City neighborhood was approved in 2014.

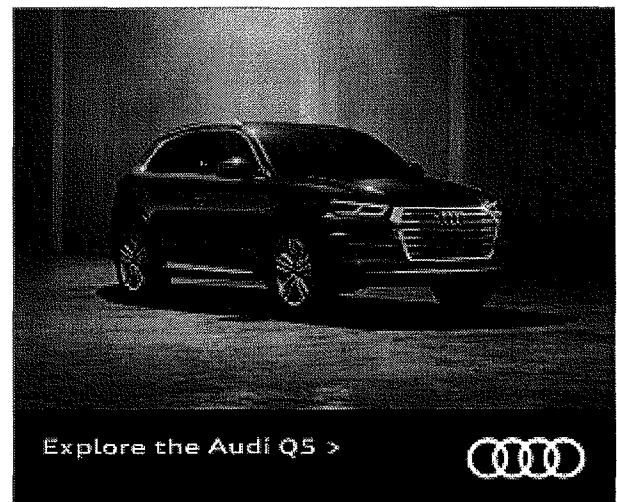
## **Florida**

Some of the most progressive tiny housing zoning ordinances in the country were approved in Rockledge, Florida, two years ago. A citizen-led initiative led the city to consider two appropriate zoning districts for tiny houses: redevelopment mixed use district (RMU) and planned unit development (PUD). The city also added definitions to distinguish tiny houses and tiny houses on wheels.

Today, both tiny houses on wheels and foundation are legal inside the city limits within two zoning districts that include community use. The Rockledge Tiny House Community will be a Pocket Neighborhood with homes ranging 150 to 700 square feet around shared park space.

## **Massachusetts**

This year, a Nantucket resident started pushing for an amendment to the town's zoning bylaws for residents to start building tiny. The state's attorney general office is now expected to approve an amendment that would allow new residential construction under 500 square feet in several districts. (Tiny homes would need to include water, septic and electricity hookups and fitted to fixed foundations due to hurricane concerns.) If approved, Nantucket will officially be the first Massachusetts community to approve zoning that specifically allows for tiny houses.





This 300-square-foot home in Detroit is part of an in-development community by Cass Community Social Services for low-income residents. | Michelle and Chris Gerard

## **Michigan**

A tiny house population designed to house low-income residents is now under construction in Detroit. It is the first project of its type in the city, and required a community organization to work with the city on the appropriate zoning to build homes between 250 and 400 square feet. The first phase of construction is expected to wrap this fall.

## **New York**

Although not a tiny *house*, New York City's first micro apartment building opened to residents this year. In effect, the mayor's office has relaxed zoning restrictions so that developers can now include apartments under 400 square feet in new development. While tiny cabins can be found throughout more rural areas of the state, no towns have officially adopted more lax zoning rules to allow for tiny house construction. Tiny houses that have made news in New York recently—three 160-square-foot modern "Getaway"

cabins that can be rented out—are on wheels, meaning they would be registered as an RV.



A tiny home in the Oregon's Mt. Hood Tiny House Village, an RV campground that has five tiny homes available for nightly rentals. | Courtesy of Mt. Hood Tiny House Village

## **Oregon**

Consider Portland the best major city for tiny houses. The city allows for, and supports, the construction of accessory dwelling units. (Here's a site on how to build an ADU in Portland.) The allowance has allowed for everything from tiny house communities—in which a collection of tiny homes surround a larger structure—to a tiny house hotel.

## **Texas**

Two years ago the town of Spur, Texas declared itself the tiny house capital of America, with the local government voting to do away with nearly all building restrictions. The town has since attracted tiny house buildings, who must submit their tiny house design for approval and agree to connect to the electrical grid, water supply, and sewage system. Houses on wheels must also be placed on concrete foundations due to tornados.

Rules on ADUs were recently relaxed in Austin, and in Fort Worth, the planning commission is flexible with ADUs so far as they meet the city rules. Dallas regulates that ADUs can only be built via a special exemption.

Texas also has what's known as "unrestricted zoning ordinances," which Stephens explains as "more like the 'wild west'... there are no, or very loose, zoning guidelines and you're able to build as you see fit."

As you might guess, this (lack of) zoning exists in mostly remote, rural areas throughout the country. The tiny house community Austin LiveWork is an exception, as it's located 15 minutes outside of the city and is under no zoning governance. Builders are currently planning for tiny resident living over 10 acres of land.

## **The future of tiny houses**

There's plenty of momentum to continue changing zoning regulations at the local level. But there's movement on the national level, too. Tiny house advocates are currently pushing to include a tiny house code in the International Residential Code (IRC) that would become a model code for all tiny houses used as a primary residence within the United States.

"Issues like ceiling heights, emergency escape egress and lofts are almost impossible to pass through the existing IRC code," says Morrison, who is behind Tiny House Build and also spearheading this proposal. Morrison considers tiny houses on wheels and ADUs "great steps forward," but, he says, "We need a national-level code [for tiny house building regulations]." If included, this new code would be integrated into latest IRC codes, set to go into motion in 2018.

## **IN THIS STORYSTREAM**

### **Tiny living 101: Tips for your tiny house or apartment**

Tiny house financing: What you need to know

Tiny house zoning regulations: What you need to know

11 best furniture buys for tiny apartments

ORDINANCE NO. 1680 - 2015

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 7 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO ADD A SECTION 70.90 PROVIDING FOR TINY HOUSES IN POCKET NEIGHBORHOODS AS A USE WITHIN THE REDEVELOPMENT MIXED USE (RMU) AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS**, the Rockledge Planning Commission has reviewed the necessity for an ordinance creating a Land Development Regulation allowing and controlling Tiny House construction and uses within the City of Rockledge; and

**WHEREAS**, the Rockledge Planning Commission has recommended that a Tiny Houses in Pocket Neighborhoods category be added to the City's Land Development Regulations; and

**WHEREAS**, the Rockledge City Council has determined that an addition to the Rockledge Land Development Regulations be created to provide a category allowing and regulating Tiny House uses in Pocket Neighborhoods within the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The Rockledge Land Development Regulations are amended by adding a new Section 70.90 as contained in Exhibit "A" attached hereto.

**SECTION 2.** The provisions of this Ordinance are severable,



and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 3.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED** at a regular meeting of the City Council of the City of Rockledge, Florida, this 23rd day of September 2015.

/s/ Thomas J. Price  
Chairman, City Council of the  
City of Rockledge, Florida

ATTEST:

/s/ Betsi Beatty Moist  
City Clerk

1st Reading: 09/09/15

2nd Reading: 09/23/15

**SECTION 70.90. TINY HOUSES IN POCKET NEIGHBORHOODS**

- A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,100. Tiny Houses are only permitted within the Redevelopment Mixed Use district (RMU) or a Planned Unit Development (PUD) in a Pocket Neighborhood setting.
1. Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.
  2. Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
  3. Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
  4. Structure width. The minimum width of a tiny house must be at least 8.5 feet, with a maximum of 20 feet.
- B. A tiny house on wheels (THOW), *for the purposes of these Guidelines*, is a structure which is intended as a full time residence or year-round rental property and meets these conditions:
1. Built on a trailer that is registered with the builder's local DMV.
  2. Towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move (and was not designed to be moved) under its own power.

3. Is no larger than allowed by applicable state law. (The typical THOW is no more than 8'6" wide, 30' long, and 13'6" high. Larger tiny houses may require a special commercial driver license and/or special permits when being towed.)
  - a. Verify with the DMV that the THOW is with limits of the law.
  - b. Roof height is from bottom of tires to the top of the highest exterior point on the house, including any protrusions. The roof height may be taller when stationary, as long as it is collapsible for towing of the THOW. Chimney piping may need to be removed for travel and then reinstalled to meet clearance requirements for use.
  - c. Built to the standards of a Florida ASCE structural engineer's approved plans
4. Has at least 170 square feet of first floor interior living space.
5. Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).
6. The following documentation will be required to be submitted for building permit for a THOW in a pocket neighborhood:
  - a. Detailed structural plans illustrating the location of studs, joists, rafters, and engineered connectors (hurricane clips, tension ties, etc.). Plans should clearly address how the structure is secured to the trailer, and how the floors, walls, and roof are framed and sheathed. Plans should also include an illustration of a floor, wall and roof section, showing the building members, insulation, vapor barrier, moisture barrier, sheathing, siding and roofing.
  - b. Detailed diagram of the electrical plan.
  - c. Photographs of the framing, roof, insulation, rough plumbing, and rough electrical.

- d. A statement describing your construction methods along with the names and addresses of any subcontractors you may have hired.
- C. A tiny house will be permitted within a planned pocket neighborhood. A pocket neighborhood is defined as meeting the following requirements:
1. A minimum of 4 tiny houses and maximum of 12 tiny houses per pocket neighborhood. Twenty-five percent (25%) of these house sites may be for THOWs.
  2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all houses having access to it.
    - a. Four hundred square feet of common open space is required per unit.
    - b. Fifty percent of units must have their main entry on the common open space.
    - c. All units must be within five feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.
    - d. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development. Passive trails are allowed and may count towards the common open space requirement.
    - e. Community buildings or clubhouses can be counted towards the common open space calculation.
    - f. Tiny Houses must surround the common open space on a minimum of two sides of the green.
    - g. Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.

3. All houses must have both front and rear porches.
  - a. Porches shall be oriented towards common open space or street and designed to provide a sense of privacy between units. Porch shall be a minimum of (80) eighty square feet and a minimum of (8') eight feet deep on the common open space side of the building. The square footage of the porch may be reduced to (60) sixty square feet (six by ten feet deep) on units less than six hundred total gross square feet.
  - b. Secondary entrances facing the parking and sidewalk are required to have a minimum five-by-five-foot porch.
4. Pocket neighborhood communities must be part of a condo or homeowners association to maintain the common areas
5. Lot Requirements.
  - a. Area. The minimum lot area per dwelling unit shall be of (1,200) Twelve Hundred square feet. Maximum lot area per dwelling unit shall be (3,000) Three thousand square feet. Maximum lot coverage 40% for structure, porches and drives 30%
  - b. Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
  - c. Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet
6. Setbacks.
  - a. Front setback: shall be twenty feet to be used for front porch and parking.
  - b. Rear or next to common area the set back shall be five feet for the construction of a rear porch.
  - c. Side Setbacks: The sum of side setbacks shall be not less than ten feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal

to the distance from the property line to the centerline of the open space.

- d. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.
7. Maintenance of open space and utilities. Before approval is granted, the applicant shall submit covenants, deeds and homeowners association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners association may be recorded simultaneously with the filing of the final plat.
  8. Tiny houses on wheels (THOW) in pocket neighborhoods must comply with the following:
    - a. THOWs must be placed in a designated area in the approved site plan of the pocket neighborhood.
    - b. All THOWs must be placed adjacent to common open space area.
    - c. Must meet the tie down and skirting requirements of the Mobile Home requirements of the Land Development Regulations. The Building Official may require additional standards to ensure the porches hide any hitches.

End Exhibit "A"

Tiny house Pocket neighborhood requirements:

Tiny Houses in Pocket Neighborhoods

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# **WEDDING VENUES**

## County supervisors approve new regulations for farm wineries

Aaron Richardson | Wednesday, January 18, 2017 at 9:37 p.m.

The Albemarle County Board of Supervisors on Wednesday approved an ordinance that sets a series of requirements that farm wineries, breweries and distilleries must meet in order to host weddings.

The new regulations govern on-site production, traffic and setbacks, as well as the hours that establishments may have outdoor amplified music at weddings.

The board voted 5-1 after a public hearing to adopt an ordinance requiring new farm wineries and breweries and limited distilleries to grow at least 5 acres of crops used in their beverages on-site, produce and bottle beverages on-site and have an on-site tasting room with regular hours.

Supervisor Brad Sheffield said he voted against the measure because it regulated wineries, breweries, cideries and distilleries too heavily.

"I am going to vote against this because ... to quote the late Justice [Antonin] Scalia, it is a missile to kill a mouse," he said. "I think it is just too much regulation."

The ordinance also requires 125-foot setbacks on the sides and rear of the property for parking, portable toilets and tents, as well as a 75-foot setback at the front of the property for parking.

Supervisors lowered the setback from county staff's recommended 125 feet on all sides after some winery owners said the new setbacks could harm their operations.

"We have owned the property three years, we planted this spring, and now all of a sudden these setbacks are changing," said county resident Candice Hark, who is in the process of planting a vineyard with her husband. "I think we should be mitigating the sound with the sound [regulations], not with the setbacks."

The board asked staff to develop an amendment to the ordinance that would set parameters for how establishments might mitigate the impact of noise and traffic on neighbors and be permitted lower setbacks.

Supervisor Ann H. Mallek said she supported altering the setbacks to give establishments more flexibility in siting buildings.

"Every site is different, and for the enjoyment of the guests, the siting of the buildings is really important," she said. "I am trying in my mind to have a really high performance bar that the majority of our wineries and breweries already adhere to."

Supervisors made a further change to the ordinance in adding a provision allowing the county zoning official to determine whether a use not covered in the ordinance counted as usual and customary to the operation of a small alcohol operation.

The ordinance adjustment was made after the owners of Potter's Craft Cider said they were unsure which events could be permitted by-right and which fell under the ordinance.

Events and activities related to agritourism or directly connected to sales are listed in the ordinance as by-right.

The Albemarle County Planning Commission approved the measure in December after staff pushed the amplified outdoor music curfew from 10 p.m. to 11 p.m. on Fridays and Saturdays.

The Sunday to Thursday 10 p.m. curfew may be extended by special exception. That decision came after commissioners heard concerns from the wine industry that the earlier curfew would harm their ability to host Sunday weddings.

Al Schornberg, owner of Keswick Vineyards, said his business relies in part on Sunday weddings, and a 10 p.m. noise curfew would harm that use. Keswick already employs noise baffles and directional speakers to mitigate the impact of sound on his neighbors, he said.

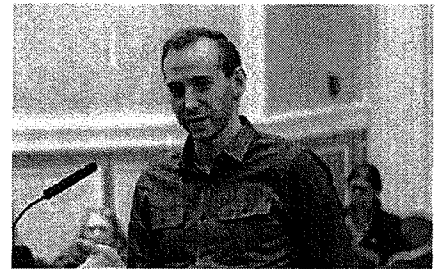
"Currently, 20 to 25 percent of the events that we do are on Sundays, most of them are weddings; weddings generally go to 11 p.m.," he said. "Impose this curfew, then our business is going to go to our competitors."

Jeff Sanders, of the Monticello Wine Trail and Glass House Winery, said he supported the spirit of the ordinance but opposed regulations to noise and setbacks.

"This is an issue statewide; we can set up an example here," he said. "For us, we are in support of all the things that establish eligibility for events."

Existing farm wineries, breweries and distilleries will be exempted from all of the new regulations, except for setbacks for parking toilets and tents.

Among the grandfathered businesses are 32 farm wineries, three cideries, two farm breweries and three limited distilleries.



[Enlarge Image](#)

*Credit: Sean Tubbs, Charlottesville Tomorrow*  
Brian Schornberg, of Keswick Vineyards, speaks to the Albemarle County Board of Supervisors

### LEARN MORE:



Planning Commission supports farm winery ordinance with additions



Draft ordinance sets limits for farm winery events



County planners, supervisors give direction on farm winery rules

[Click for more information](#)

PEOPLE ANN MALLEK BRAD SHEFFIELD AL SCHORNBERG

TOPICS LAND USE ALBEMARLE RURAL AREAS FARMING BUSINESS DAILY PROGRESS PARTNERSHIP FEATURED

TAGS ALBEMARLE ALBEMARLE COUNTY BOARD OF SUPERVISORS ORDINANCE FARM WINERY REGULATION

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The Charlottesville area has been on its way to becoming one of the major destination wedding location sin the US. Beside the boon to the restaurant and catering business it adds significant income to our area through jobs and taxes.This huge influx of outside money can be used for streets, roads schools, public safety, development etc. This means we all benefit from this paid for by people that briefly visit our area. But that is not all. Our local businesses that are not directly involved with the wedding business also benefit in an overwhelming way. The wedding guests shop and eat all over town. Restaurants, specialty stores, jewelry and antique stores -to name a few- do wonderful business because of these events. That means that not only do we as a community prosper as a result but we have better music and musicians, better restaurants as well as better schools and roads. Why would anyone want to interfere with that as they have just done? And why did the board of supervisors approve any of it? -- Jehu Martin

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ANN ARBOR NEWS

## Webster Township bans fireworks, weddings at agri-tourism farms

17

Updated on September 20, 2017 at 1:49 PM  
Posted on September 20, 2017 at 11:43 AM



Webster Township is removed the term "agri-tourism" from its zoning ordinance and restricted permitted uses of agricultural land. (MLive.com File Photo)

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By **Lauren Slagter**, [lslagter@mlive.com](mailto:lslagter@mlive.com)

*This post was updated to include comments from Ryan Nixon, owner of Nixon Farms in Webster Township.*

WEBSTER TOWNSHIP, MI - Agri-tourism enterprises like hayrides and corn mazes in Washtenaw County's Webster Township are prohibited from putting on fireworks shows, serving alcohol or playing loud music under changes to the zoning ordinance the township board approved Tuesday, Sept. 19.

The township board approved five resolutions at Tuesday's meeting that updated Webster Township ordinances on zoning and private roads, said Township Supervisor John Kingsley.

The proposed zoning ordinance updates - especially the changes related to permissible activities on property zoned as agriculture - drew a strong reaction from the community, with some people pushing for farms to be able to host weddings in their barns and others opposing the noise and traffic that comes with those type of events.

Public comment at Tuesday's meeting lasted for an hour, Kingsley said, with most people voicing their opinions on the zoning ordinance changes.

"There was probably more against the adoption of it, but a lot of those people did not understand or read what we were proposing," he said.

Kingsley said the amendments approved Tuesday did not fundamentally change the previous zoning ordinance, rather the changes offer more specifics to clarify the regulations. For example, he said weddings have never been legal on agricultural property in Webster Township, and the zoning ordinance amendments did not change that.

"We wanted to make it clear because apparently some people do not understand the word 'no,' that commercial is not allowed in the ag district," he said.

Noise, traffic, lights, use of alcohol and people potentially driving drunk are the factors in wanting to restrict the type of enterprises allowed on agricultural land, Kingsley said.

Before passing the amendments, the township board made some changes to the drafts presented by the township's planning commission, Kingsley said. The draft of the amendment related to activities on agricultural property allows for:

"Hayrides, pumpkin patches, corn mazes and Christmas tree farms conducted during the relevant planting, growing or harvest season, primarily during daylight hours, but only as an accessory use of the property where the principal use of the property is 'Farm Operation: Crops' or 'Farm Operation: Animals.'

"Such activities set forth in the previous sentence shall not include: (i) offering, selling or serving alcoholic beverages for consumption on the premises; (ii) music, loudspeakers, gunfire, fireworks or other non-agricultural sounds audible outside the boundaries of the property; or (iii) wedding barns, event barns or use of the property or any portion to host weddings, parties, receptions or other special events."

The term "seasonal agri-tourism," which was in the previous version of the ordinance, was removed in the amendment. The definition of that term - and whether it includes event barns used as wedding venues on farms - is at the center of an ongoing lawsuit Nixon Farms filed against Webster Township in February.

Kingsley said the outcome of that lawsuit will determine whether Nixon Farms can continue hosting weddings, regardless of the language in the amended zoning ordinance.

Nixon Farms is zoned as agriculture and hosts weddings, a corn maze, hayrides and fireworks. Ryan Nixon, owner of the farm, said the amendments to the zoning ordinance were unclear, and he worries about the future impact of the changes depending on how they're interpreted.

"I don't know what their intentions are the way they did it. It bothers me and a lot of local farmers around the area," Nixon said. "The amendment could be misread so easily that it could mean a lot of different things. It's not clear."

For example, the Nixon Farms corn maze includes air-powered guns that shoot corn, and Nixon isn't sure whether that would be allowed under the updated zoning ordinance.

He said about 40 percent of his income is from hosting weddings on the farm and 35 percent is from the corn maze. Changes in how he can operate those enterprises would affect his family's livelihood.



Kingsley said farms may still host fireworks, serve alcohol or host the other activities listed in the zoning ordinance amendment - provided they're done lawfully and with proper permits. But he said those activities are not allowed in Webster Township in conjunction with a hay ride, corn maze, Christmas tree farm or pumpkin patch.

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Webster Township has a population of 6,780, according to the 2010 Census, and it's located northeast of the City of Dexter and less than 10 miles from Ann Arbor.

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## Chapel Hill 'party barn' hosts first wedding to neighbors' chagrin



By [Justin Quesinberry \(http://wncn.com/author/justin-quesinberry/\)](http://wncn.com/author/justin-quesinberry/)

Published: May 9, 2017, 5:27 pm | Updated: May 11, 2017, 11:10 am



(Justin Quesinberry/CBS North Carolina)

CHAPEL HILL, N.C. (WNCN) – A controversial farm and wedding venue in Chapel Hill is now up and running, though the tale is far from “happily ever after” for some neighbors.

Kara Brewer owns The Barn of Chapel Hill, which hosted its first wedding reception Sunday evening.

**[RELATED: Neighbors continue fight against Chapel Hill 'party barn' \(http://wp.me/p5MgbW-1yvG\)](http://wp.me/p5MgbW-1yvG)**

“Oh, it was fantastic. We were just very excited that everyone had such a nice time,” she said.

It came after years of planning and facing resistance from neighbors who dubbed it “The Party Barn.”

The ability to host weddings at the barn came down just hours before that first wedding Sunday. It followed months of uncertainty.

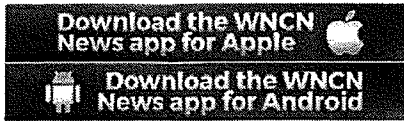
The Orange County Board of Adjustment previously decided The Barn of Chapel Hill is a bonafide farm where there's farming happening, but in order for there to be some special events such as weddings, a special permit would have to be issued. The Orange County Planning Department issued the permit Friday and it limits the number of special events to 12 a year.

“We were planning for around 15 to 20 per year no matter what, so I think 12 is fantastic,” Brewer said.

Neighbor Michael Ekholm said noise from Sunday's reception kept his family up close to midnight.

“We knew that all of the concerns that we had were coming to fruition at that point,” he said.

“You could actually feel it in the floor. You could hear it through the walls. Inside the house you could make out every word of every song that was being played over there.”



(<http://itunes.apple.com/us/app/wncn-nbc-17/id425414520?mt=8>)

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A spokesperson for the Brewers disputes Ekholm, and said the music ended by 10:45 p.m. and shuttles then took guests from the property.

Brewer said she had off-duty officers on site and she only allows amplified sound inside the barn and doors and windows are kept shut.

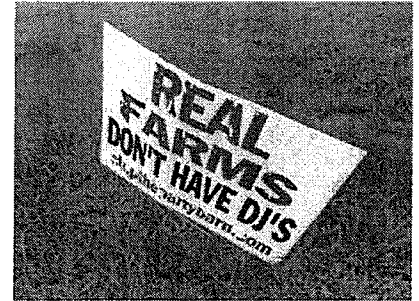
"We do take it very seriously and we are very aware. Like I said, we make sure we're taking sound readings constantly to make sure that when I step 30, 40 feet from the barn, you can't hear anything," she said.

The Orange County Sheriff's Office responded to noise complaints Sunday with a noise meter. The Brewers provided a copy of the incident report to CBS North Carolina which states "there were no readings from the device."

The sheriff's office confirmed deputies could not take action based on the device's findings.

The Ekholm family says the reading was taken after the noise had already quieted down.

Brewer and Ekholm expect the issue to go to court after Brewer appealed the board of adjustment's decision requiring a permit.



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## County leaders give conditional approval for farm concert, voice disapproval of 'presumptuous' early ticket sales



Nick Krug

A special event permit request for a concert Sept. 29 featuring country star Luke Bryan has been made for a property southwest of Lawrence. The event stage is to be just north of North 600 Road about 300 yards east of the driveway. A northeast view shows the property at 1038 North 600 Road on Tuesday, Aug. 8, 2017. [Enlarge photo](#)

August 9, 2017

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A displeased Douglas County Commission gave conditional approval Wednesday to a special event permit allowing a country music star to perform this fall on a farm south of Lawrence.

Although they approved the permit with the provision that promoters agree to all the county's conditions, commissioners voiced their displeasure that organizers of the Luke Bryan Farm Tour were selling tickets for the concert before obtaining a permit for the Sept. 29 event.

"I think to go ahead with selling tickets before you obtain a permit is presumptuous and wrong," Commissioner Nancy Thellman said. "I'm disappointed with the process. I think this applicant is fortunate the neighbors are approving or at least not vocal in their opposition and the local fire department is accommodating despite what looks to me to be broken promises."

Thellman's comment came after Douglas County Zoning and Codes Department director Sean Reid told commissioners that promoters had promised during early planning discussions not to sell tickets before obtaining a permit for the concert, which could draw as many as 20,000 fans to a farm at 1038 North 600 Road. The concert site is about 1.5 miles west of U.S. Highway 59 and 6 miles south of Lawrence.

Thellman first suggested the commission consider delaying action on the permit until the county's requirements were met, but she later agreed to Chairman Mike Gaughan's proposal to approve the permit on a conditional basis. Among the county's conditions are requirements that the promoters install 160 portable restrooms at the site, provide an adequate number of ADA-compliant parking spaces and restrooms, allow on-site code inspections before and after the event, apply dust control chemicals to North 600 and North 650 roads at their expense and have medical units present at the concert.

Commissioners also stipulated that an insurance bond that indemnifies the county from any liability from the event would have to be extended to include Willow Springs Township and its fire department, Lawrence-Douglas County Fire Medical and other public entities helping with the event.

Promoters have agreed to limit the crowd to 20,000 people and provide enough off-road parking to prevent parking on road rights of way. Event organizers have requested 32 sheriff's deputies to supplement the 100 private security guards at the event.

Douglas County Administrator Craig Weinaug said the promoters would pay for the deputies' time plus benefits and the county would charge \$47 an hour for all codes inspections.

"The county will not be subsidizing in any way what is a private, for-profit event," he said.

Also of concern for commissioners was Reid's disclosure that promoters were applying for a liquor license with the state of Kansas. Thellman said although it appeared to be a state decision, there should be a provision to end alcohol sales sometime before the event ended at 11 p.m., she said.

"I would feel somewhat reassured if they weren't selling alcohol right up to closing time and then sending people out on the highway," she said.

Commissioners and Reid agreed the concert highlighted the need to revisit the county's special event permit, which was designed for much smaller functions.

"I don't think we ever thought that process would be used for an event that brings in thousands of people," she said. "That seems a little out of our league."

### **Pumpkin patch permit approved**

Commissioners also approved a agritourism permit for a second seasonal pumpkin patch in the Kansas River Valley. However, they required applicant Richard Strong to resubmit the permit before allowing the site at 1919 North 1500 Road to be used as a year-round small event venue and produce stand.

The approved permit will allow Strong to operate Li'l Charlie's Pumpkin Patch from 9 a.m. to dark from mid-September to Halloween. Strong said the patch, which would be immediately west of the established Schaake Pumpkin Patch, would have such activities as pumpkin picking, farm tours and exhibits, a corn maze, a farm petting zoo, wagon rides, kids' games and pumpkin launching.

Strong said contrary to a planning memo presented to commissioners, the patch would be open seven days week and not just Friday, Saturday and Sunday. He also said he would offer the site year-round as an event venue for birthday parties, family reunions and other gatherings. Additionally, his plan was to sell produce throughout the year at the site, he said.

Commissioners told Strong to resubmit a plan for uses other than the pumpkin patch, because they were not part of the permit application they received.

The approved pumpkin patch permit would be brought back to commissioners for an annual review. Reid said.

### **2018 county budget approved with no comment**

Commissioners approved the county's 2018 budget with no comment from the public. The \$95.5 million budget calls for a 46.008 mill levy to raise \$58.9 million from property taxes. That is an increase of 1.916 mills from the 2017 budget. At that rate, the county's share of

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-107

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING PROVISIONS CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH USES AS AN INTERIM USE IN A AND RT ZONING DISTRICTS**

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title I: General Provisions; Chapter 11: General Code Provisions, is hereby amended by adding the following definitions:

*Wedding Ceremony:* The formal activities and observances during which people are united in marriage. A wedding ceremony typically involves an exchange of vows, presentation of a gift, and a public proclamation of marriage by an authority figure or leader. Music, poetry, or readings from religious texts or literature are also commonly incorporated into the ceremony.

*Wedding Reception:* A wedding reception is a party held after the completion of a marriage ceremony. It is held usually as hospitality for those who have attended the wedding and typically occurs in a different venue than the wedding itself.

**SECTION 2.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.012 Zoning Use Types and Classifications

B. Use Types and Classifications.

12. Accessory Uses

*Commercial Wedding Ceremony Venue.* A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

**SECTION 3.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered

prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
<b>Accessory Uses</b>						
Commercial Wedding Ceremony Venue			-	-	-	155.111.C

**SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:**

**§ 154. 310 Standards for Accessory Uses**

- D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture and RT - Rural Transitional on parcels greater than 10 acres size. The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration.
  - 1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
  - 2. *Maximum Number of Guests.* The maximum numbers of guests is limited to 150 for each event.
  - 3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
  - 4. *Seasonal Operation.* Ceremonies are limited to no more than twice per week and are permitted only during the months of May through October.
  - 5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.
  - 6. *Overnight Accommodations.* No overnight accommodations are allowed.
  - 7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan.
  - 8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
    - a. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.
    - b. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.

- c. Indoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
- 9. *Landscaping/Screening.* Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.
- 10. *Grading.* Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.
- 11. *Traffic.* A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
- 12. *Structures.* All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.
  - a. *Temporary Structures.* Temporary structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than one (1) day prior to an event and must be removed no more than 72 hours following the event.
- 13. *Application.* An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:
  - a. The expected number of attendees per ceremony;
  - b. The number of ceremonies per year;
  - c. The number of employees;
  - d. The hours of operation;
  - e. Sanitary facilities;
  - f. Lighting;
  - g. Sound amplification to be used and a plan to minimize any amplified sounds;
  - h. Temporary structures or tents to be used in association with the planned events;
  - i. Signage;
  - j. Security to be provided;
  - k. Location of all trash receptacles;
  - l. Traffic management plan;
  - m. Other documentation as specified herein;
- 14. *Sanitary Facilities.* Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
- 15. *Lighting.* Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.



16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 6. Adoption Date.** This Ordinance 08-107 was adopted on this 6<sup>th</sup> day of May 2014, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

  
\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

  
\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-107 was published on the \_\_\_\_ day of \_\_\_\_\_, 2014.



## Conditional Use Permit (Home Occupation to Host Weddings and Related Wedding Events)

Pursuant Article 73 of the Hood River County Zoning Ordinance, a home occupation to host weddings and related wedding events may be allowed in certain zones in the County, subject to the standards below. For a complete application, a written narrative with supporting documentation should be provided explaining how your proposal complies with all of the following applicable criteria:

### Section 73.20 – Definitions

- A. Established Bed & Breakfast (B&B): A use established as a B&B by a Conditional Use Permit approved under Article 56 (*Bed & Breakfast Facilities*), or Article 65 (*Non-Conforming Use*) of the Hood River County Zoning Ordinance, or otherwise lawfully established; and in operation for at least a year. B&Bs are allowed to be run by owners or lessees, only if residents, as per Article 56 (B&B) of the County Zoning Ordinance.
- B. Established Farm: A parcel or parcels operating as a farm with a demonstrated capability of meeting the test for a 'principal farm operator dwelling' as per Article 7 (Exclusive Farm Use), Section 7.50(A) of the Hood River County Zoning Ordinance. The farm must be owner-operated.
- C. Established Winery: A winery which meets the standards established in ORS 215.452, or otherwise lawfully established. The winery must be owner-operated.
- D. Weddings: Private wedding events, hosted by the permit holder for a fee.

### Section 73.25 - Conditional Uses

The following conditional uses are required to comply with applicable requirements of the zone in which the home occupation is located, as well as with provisions in Article 60 (*Administrative Procedures*), Article 72 (*Planning Director's Review Procedure*), and this Article:

- A. A home occupation to host weddings proposed in the following zones shall comply with applicable requirements of the zone in which it is located: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); and Urban Growth Area. If the property is located adjacent to a Farm or Forest Zone, prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.
- B. A home occupation to host weddings proposed in the Forest Zone (F-1) and Exclusive Farm Use Zone (EFU) shall comply with the following additional requirements:
  - 1. A home occupation proposed in the Forest Zone (F-1) shall also comply with provisions in Section 5.25 (Conditional Use Criteria) of Article 5 (Forest Zone) of the Hood River County Zoning Ordinance.
  - 2. A home occupation proposed in the Exclusive Farm Use Zone (EFU) shall comply with provisions in Section 7.40 (Uses Subject to a Conditional Use Permit) of Article 7 (Exclusive Farm Use Zone) of the Hood River County Zoning Ordinance, and ORS 215.296.

3. Prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.
4. For farms and wineries, the wedding event site shall be located on property that comprises part of the farm operation or winery. If the approved wedding event site is located on a lot or parcel on which the principal dwelling for the farm or winery is not located, approval for the use of the site shall become null and void if the parcel is sold as a separate and discrete parcel from the farm operation.
5. Approval of a conditional use permit issued under Article 73 does not create an entitlement that would supercede or countermand the right to farm.
6. The use may be affected by ORS Chapter 477 ("*Fire Protection of Forests and Vegetation*"), which allows the State Forester to permit closures which restrict access in case of fire hazard on forestland.

**Section 73.30 - Limitations on Use**

In the event a Conditional Use Permit is granted, the following standards and limitations on use shall apply:

- A. Application for this conditional use permit is limited to the following, as defined in Section 73.20:
  1. Established Bed & Breakfast
  2. Established Farm
  3. Established Winery
- B. Frequency of events: No more than one event per day is allowed.
- C. Maximum number of guests: Shall be based on the capacity of the site, and shall be specified in the application. No more than 300 guests maximum are allowed at any one event.
- D. Duration of event: No event shall take place outside the hours of 7:00 am – 10:00 pm.
- E. Lighting: Exterior lighting shall not project into an adjoining residential area. Use of stadium-style, or other glaring lighting is prohibited. Lighting of accessible paths may be required, if necessary.
- F. Noise: It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area.

Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- The time of day or night the noise occurs;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The nature and zoning of the area within which the noise emanates and where it is received;
- Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this ordinance if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or
2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant's property lines within a residential district or near a residential area.

Article 73's noise standards shall supercede the County's Noise Ordinance, if there is a conflict between the provisions in the two.

- G. **Parking:** It shall be in compliance with Article 51 (*Off-Street Parking & Loading*) of the Hood River County Zoning Ordinance. Parking in compliance with ADA (*Americans with Disability Act*) guidelines shall be required as per the Oregon Structural Specialty Code.
- H. **Fire & Emergency Vehicle Access:** Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.
- I. Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.
- J. Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol is served during an event.
- K. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling's on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.
- L. One temporary sign may be allowed in addition to the allowed Bed and Breakfast sign. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the special event and shall be removed within 24 hours after the event.
- M. Additional standards to the above apply to the Hood River Urban Growth Area and Urban Density Residential Zones (*includes R-1; R-2; and RC zones located outside the UGA, and in urban density residential zones in designated unincorporated communities*). Excluding the Rural Residential Zone.
  1. **Parking:** No on-street parking is allowed, except for some limited parking in the R-1 zone of the Hood River UGA, as described in subsection 'e' below. The applicant shall create a parking plan to accommodate all vehicles based on the maximum number of guests proposed. (In order to calculate parking capacity for the number of guests, provide one space per 3 people; provide one space per regular or contract employee; and retain adequate parking for the primary use.) The following information shall be included in the plan; *incomplete plans will be rejected:*
    - a. The maximum number and type of vehicles anticipated, based on the maximum number of guests allowed (including spaces for the primary use; contract and regular employees; as well as guests of the event).

- b. The specific locations where vehicles can be lawfully parked and which will be available for parking [on-site, or off-site by formal agreement(s) with non-residential parking lot(s)] or any combination of these methods.
- c. The number of vehicles to be accommodated at each location.
- d. If off-site parking is proposed, include the following:
  - i. A signed statement of consent from the owner of that property(ies), including the terms of usage.
  - ii. Confirmation from the property owner(s) that adequate spaces are reserved for parking by the wedding event site.
  - iii. A parking and circulation plan for the use of that parking lot by the wedding event site, which addresses safety and includes the location for shuttle or valet pick-up.
  - iv. The types of services (*valet or shuttle*) that will be provided to transport guests to the wedding event site and back to their cars.
- e. In addition to the above, Lakecliff Bed & Breakfast (B&B) may allow parking during weddings on Westcliff Drive west of Lakecliff B&B's eastern property line and east of the I-84 Interchange, with parking on the south side of the street, subject to review and approval by Oregon Department of Transportation (ODOT), as well as applicable local agencies. Any parking for the use on Westcliff Drive shall be located on the south side of the street, outside of the fog lines, off of the paved surface and parallel to the roadway. No head-in or angled parking will be allowed. In addition, the first car parked on Westcliff Drive shall be located 50 feet east of the Westcliff Drive/Cascade Avenue intersection. There shall be a parking attendant. No parking for the use shall be allowed on Westcliff Drive east of Lakecliff B&B's eastern property line. This provision is expressly conditioned upon the applicant obtaining a Conditional Use Permit for a home occupation to host weddings.

The County and applicable Fire District shall review the plan to determine consistency with these requirements and to determine if sufficient, safe parking is identified. It is the applicant's responsibility to communicate parking instructions consistent with the approved plan to all guests and contract or regular employees prior to the event.

**Section 73.40 - Home Occupation Standards**

In addition to the above requirements, the following Home Occupation Standards shall apply:

- A. As set forth in Section 73.20 (*Definitions*), the Home Occupation shall be: Operated by a resident or employee of a resident of the property on which the business is located.
- B. It shall employ on the site no more than five full-time or part-time persons.
- C. It shall be operated substantially in:
  - 1. The dwelling; or
  - 2. Other buildings or areas designated in the permit which are normally associated with uses permitted in the zone in which the property is located.

## ITEM 3 - PEDICABS

PEDICAB ORDINANCE REVIEW

	A	B	C	D	E	F	G	H
1	CITY, STATE	REGULATED	PERMIT REQUIRED	INSPECTION REQUIRED	PERMIT FEE	DRIVER PERMIT	INSURANCE REQUIRED	BACKGROUND CHECK
2	NORMAN, OK	Yes	Yes	No	\$25 annually	No	Yes	No
3	AUSTIN, TX	Yes	Yes	Yes	\$63.50 quartly	Yes	Yes	Yes
4	LAWRENCE, KS	Yes	Yes	Yes	\$75 owner permit \$150 oversized owner \$50 Operator Permit	No	Yes	Yes
5	OKLAHOMA CITY, OK	Yes	Yes	Yes	\$30 annually	Yes	Yes	Yes
6	WACO, TX	Yes	Yes	Yes	\$25 application fee \$100 permit	\$25	Yes	Yes
7	TULSA, OK	Yes	Yes	Yes	\$30 application fee \$6 permit	Yes	Yes	Yes
8	COLUMBIA, MO	No						
9	STILLWATER, OK	No						

ARTICLE XX. - PUBLIC TRANSPORTATION<sup>[14]</sup>

## Footnotes:

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**Cross reference**— Traffic regulations, Ch. 20; discrimination in public accommodations, § 7-106.

## Sec. 13-2001. - License required.

- (a) *Operator of service.* No person shall operate a taxicab, motorbus or limousine service without having previously obtained a license as provided in this chapter, unless such person holds a permit or license issued by the Oklahoma Corporation Commission for intercity travel, and, in that event, such person shall not fall within this article unless such person also transports intracity; that is, from points within the City of Norman to points also within the City of Norman, and, in that case, this article shall apply as to the intracity operation. No person who has been convicted of a felony within the prior ten-year period to application for a license shall be issued a license to operate a taxicab, motorbus, or limousine service. Applications of persons previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to determine fitness to hold a license to operate a taxicab, motorbus, or limousine service. The Review Board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.
- (b) *Driver.* No person shall drive a taxicab, motorbus or limousine without having previously obtained a license as provided in this chapter, unless such person holds a permit or license issued by the Oklahoma corporation Commission for intercity travel, and, in that event, such person shall not fall within this article if the person transports from points outside the city of Norman to points within the City of Norman. If such person also transports intracity; that is, from points within the City of Norman to points also within the City of Norman, this article shall apply as to the intracity and, if such person transports from points originating inside the City of Norman to points outside the City of Norman, this will fall within this article. No person shall be issued a license to drive a taxicab, motorbus, or limousine if they have:
- (1) More than three (3) moving or hazardous traffic violations within the prior twelve-month period to application for a license;
  - (2) A conviction for driving under the influence of intoxicating substances or a plea to reduced charges of driving under the influence within the prior five-year period to application for a license;
  - (3) A misdemeanor conviction involving a violent crime where physical force is exerted so as to cause damage, abuse or injury to persons or property within the prior five-year period to application for license; or
  - (4) A felony conviction within the prior five-year period to application for a license, unless it is a conviction for the crime of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, or registered sex offenders, as defined by state and federal law. Applications of person previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, or registered sex offenders shall be ineligible to apply for a license under this section.
- (c) *Services to be rendered.* All persons engaged in the taxicab business in the City operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs.



- (1) Licensees shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs.
  - (2) They shall answer all calls received by them for service inside the corporate limits as soon as they can do so; and if the services cannot be rendered within a reasonable time, they shall immediately notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.
  - (3) Any holder who refuses to accept a call based on race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status anywhere in the corporate limits at any time when such holder has available cabs, or who fails or refuses to give overall service, shall be deemed a violator of this section; and the license granted to the holder shall be revoked at the discretion of the City Clerk.
  - (4) Any taxi receiving operating subsidies from the City or other State or Federal funds must have at least one (1) vehicle in their fleet which is accessible to all riders, regardless of any disability, including mobility disabilities. In addition to meeting the accessibility requirements, offices must provide assurances that staff have access to and are trained in the use of a TDD/TTY or in the use of the Oklahoma Relay system. Furthermore, the drivers, owners of the cab companies, and their staff(s) must receive ADA training to provide the best service to their passengers. This training should include appropriate communication skills (such as "People First" language), how to handle and store passengers' mobility equipment, working with service animals and how to use a lift and/or ramp system on vehicles so equipped.
- (d) *License application.* Each application for a license required by the provisions of this article shall contain the following information and shall be updated annually:
- (1) The name and address of the applicant;
  - (2) The financial status of the applicant, including the amount of all unpaid judgments against the applicant, and the nature of the transactions or actions giving rise to the judgments;
  - (3) The experience of the applicant in the transportation of passengers;
  - (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a license;
  - (5) The number of vehicles that the applicant desires to operate;
  - (6) Evidence showing the ownership of all vehicles to be operated;
  - (7) Make, model, year, body type and physical condition of all vehicles to be operated;
  - (8) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant; and
  - (9) A schedule showing the passenger fares to be charged including the distance of the first charge and rate per mile or fraction thereof.

(Ord. No. 0-7475-8; Ord. No. 0-8586-6; Ord. No. 0-8586-71; Ord. No. 0-9697-10; Ord. No. 0-9900-57, § 1; Ord. No. 0-0405-38, § 1; Ord. No. 0-0607-15, § 1)

Sec. 13-2002. - Drivers.

- (a) No person shall drive a taxicab, motorbus, or limousine without having a valid chauffeur's license issued by the State of Oklahoma. Every applicant for a taxicab license must possess a class A, B, or C commercial license or class D license.
- (b) No persons driving a taxicab, motorbus, or limousine shall while on duty:
  - (1) Consume any alcoholic beverage or other intoxicating substance;

- (2) Smoke while transporting a passenger or in the vehicle at any time;
  - (3) Solicit prospective passengers from a location other than the driver's compartment of the taxicab when it is parked immediately adjacent to the curb or the immediate vicinity of the vehicle for hire or in a way that annoys or obstructs the movement of a person;
  - (4) Interfere with the proper and orderly access to or egress from any public gathering;
  - (5) Admit another passenger without the consent of any existing passenger;
  - (6) Deliver any passenger to his designation except by the most direct route; and
  - (7) Charge and collect more fare than set by the license holder in the application for the license, on file in the City Clerk's Office, and posted on the exterior and interior of the vehicle.
- (c) A license identification card shall be required in a form issued by the Chief of Police or his designee. It shall contain the following:
- (1) A picture of the driver affixed in such a manner that another picture cannot be substituted therefor without detection;
  - (2) The driver's name, license number and card number; and
  - (3) The expiration date of the license.
- (d) Revocation and suspension authorized; grounds.
- (1) A driver's license issued under this division may be revoked or suspended by the Chief of Police or his designee for any of the following reasons:
    - a. Conviction, excluding traffic violations, of any federal law, state law, or municipal ordinance;
    - b. Operating a taxicab, limousine, or motorbus while under the influence of any intoxicating substance;
    - c. Leaving the scene of an accident;
    - d. Failure to make full report of an accident to the Police Department within twenty-four (24) hours of the time of occurrence;
    - e. Permitting any other person to use his license;
    - f. Obliterating or erasing any official entry on his license identification card;
    - g. Conviction of a second traffic violation during any license year; and
    - h. Misrepresentation of any material facts by a driver in his application for license.
  - (2) No person whose license has been revoked shall be eligible to receive a new license until one (1) year from the date of such revocation.
  - (3) The provisions of this section are supplementary to penalties otherwise provided.

(Ord. No. 0-7475-8; Ord. No. 0-8586-22; Ord. No. 0-0405-38, § 2)

Sec. 13-2003. - Insurance.

No license shall be issued under this section until the owner or operator has filed with the City Clerk proof that a policy of insurance has been issued to the applicant by an insurance company authorized to do business in the State. That policy must provide liability insurance coverage for each and every vehicle to be operated by the applicant, with a liability coverage of not less than one hundred thousand dollars (\$100,000.00) for the injury or death of any one (1) person, three hundred thousand (\$300,000.00) for the injury or death of any number of persons in one (1) accident, and with coverage of at least fifty thousand dollars (\$50,000.00) for property damage in any one (1) accident. The insurance coverage shall be

effective whether the vehicle was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee. The policy also shall provide that it cannot be canceled until ten (10) days' notice of such cancellation shall have been filed with the City Clerk by the insurance company or the licensee. If the policy is canceled and the applicant fails to provide, within ten (10) days, another policy of insurance complying with the provisions hereof, the license issued for the operation of the vehicle or vehicles covered thereby shall automatically become void and of no effect. No renewal of the policy of insurance shall be required by reason of the substitution of one (1) vehicle for another in service; provided such substitution does not invalidate the policy of insurance; and provided further that a statement in writing is filed with the City Clerk giving the name, serial number, engine number and body type of the vehicle being placed in service, and also of the vehicle being retired. The policy of insurance shall be for a period of not less than one (1) year, and a new policy shall be furnished at the expiration of any existing policy if the operation of the vehicle covered thereby is to be continued. If for any reason the policy of insurance shall terminate, lapse or become void or ineffective, the license on such vehicle insured thereunder shall automatically become void and of no effect unless a new policy is provided or the existing policy is reinstated in full within ten (10) days from the date the policy lapses, terminates or becomes ineffective.

(Ord. No. 0-7475-8; Ord. No. 0-8586-83; Ord. No. 0-9495-18; Ord. No. 0-0405-38, § 3)

Secs. 13-2004, 13-2005. - Reserved.

**Editor's note**— Ord. No. 0-0405-38, §§ 4, 5, adopted Feb. 22, 2005, deleted §§ 13-2004 and 13-2005 in their entirety. Former §§ 13-2004 and 13-2005 pertained to railroads: speed limits and street obstructions, and derived from Ord. No. 0-7475-8.

Sec. 13-2006. - Reports.

- (a) Every owner or operator of a taxicab, motorbus or limousine service shall submit an annual operating report to the City Clerk by February 1 of each year. In addition every holder of a license required by this chapter shall keep accurate records of receipts from operations, expenses, capital expenditures and such other operating information as may be required by the City Clerk. Each holder shall maintain the records containing such information and other data required by this section at a place readily accessible for examination by the Police Department. All such records shall be kept for at least two (2) years following the current calendar year.
- (b) *Manifests.* Every driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of such trip and the amount of fare. All such completed manifests shall be returned to the owner by the driver. The forms for each manifest shall be furnished to the driver by the owner and shall be the form approved by the City Clerk. Every holder of a licensed company shall preserve all drivers' manifests in a safe place for at least two (2) years following the current calendar year, and the manifests shall be available to the Police Department at all times.

(Ord. No. 0-7475-8; Ord. No. 0-0405-38, § 6)

Sec. 13-2007. - Stands.

- (a) Each cabstand, motorbus and limousine stop designated by the City shall be appropriately marked by signs erected by the City.
- (b) No person shall park any vehicle at such stands or stops other than a taxicab, motorbus or limousine which is in charge of its driver who is awaiting a fare.

(Ord. No. 0-7475-8; Ord. No. 0-0405-38, § 7)

Sec. 13-2008. - Rates; posting; overcharging.

- (a) No person shall maintain and operate any taxicab engaged in the business or occupation of conveying passengers for hire within the City without posting on the outside on each side of the vehicle and also within the taxicab, in a conspicuous place and in view of the passengers to be conveyed, the rates to be charged for service. The rates posted on the inside shall be printed on a card, the letters and figures to be not less than one (1) inch bold-faced, sans serif type, giving the rates and distances for which the rates apply. The rates shall be filed with the City Clerk prior to the effective date of the rates or change thereof.
- (b) No person shall receive, charge or collect any fares for transporting passengers within the City greater than the rate posted with the City Clerk.
- (c) It shall be unlawful for any owner or driver to operate any taxicab in the City unless and until such vehicle is equipped with a taximeter, and it shall be the duty of every owner operating a taxicab to maintain such taximeter in good serviceable condition so that it will at all times correctly indicate the correct change for the distance traveled and waiting time. The City Clerk or her designee is hereby authorized at her instance, or upon complaint of any person, to investigate or cause any taximeter to be investigated, and upon discovery of any inaccuracy in such taximeter, to suspend the permit for operation of the taxicab in which it was installed, until proof has been provided that such taximeter has been correctly adjusted with the date of adjustment noted.
- (d) The driver of any taxicab shall, upon demand by the passenger, give to such passenger a receipt for the amount charged on which shall be the name of the owner and date of transaction.
- (e) No person shall maintain and operate any taxicab engaged in the business of occupation of conveying passengers under contract within the City without posting on the outside on each side of the vehicle and also within the taxicab, in a conspicuous place and in view of the passengers to be conveyed, that the taxicab in "Under Contract-Not for Hire." The letters to be not less than one (1) inch bold-faced, sans serif type. The City Clerk shall be advised of the effective date of the not for hire taxicab.

(Ord. No. 0-7980-52; Ord. No. 0-0405-38, § 8; Ord. No. 0-0607-15, § 2)

Sec. 13-2009. - Vehicles.

- (a) Every taxicab operated under the terms of this chapter may be painted in a color scheme as desired by the holder of the license and as described in the application. All taxicabs, whether painted in a particular color scheme or not, shall have the following information painted on them in lettering that shall be at least two (2) inches in height, and shall be of such color as will contrast distinctly with the color of the body of the taxicab:  

The name of the owner or trade name and the word "taxicab," if not appearing in the trade name, and the serial body number corresponding to the metal license identification plate shall be on each side and on the rear exterior of the taxicab and shall cover a space no less than ten (10) inches by twelve (12) inches. In addition, any company whose primary business is not in Norman must include an identifier that adds the primary City of business to the company name, i.e. Yellow Cab OKC.
- (b) Every vehicle operating under this chapter shall be kept in a clean and sanitary condition, including the trunk, and the upholstery and headliner in good repair.
- (c) Vehicles are to meet standards before any license is issued. All vehicles to be licensed and used as taxicabs, limousines, or motorbuses shall be inspected annually by City of Norman Fleet Maintenance Division according to a checklist and at a fee to be set administratively. All such vehicles shall have as standard equipment and in good operating condition:

- (1) Four-wheel brakes;
- (2) Parking brake;
- (3) Front and rear bumpers, all trim and matching hubcaps;
- (4) Heater, defroster, and air conditioner;
- (5) Right and left side and interior rear view mirrors;
- (6) Speedometer, exposed to view, and maintained in accurate operating condition;
- (7) Windshield wipers;
- (8) Tires with a minimum of 2/32-inch tread;
- (9) Factory-recommended shock absorbers;
- (10) Turn signals;
- (11) Taximeter;
- (12) All door and window glass shall be safety glazed glass equal to manufacturer's standard specifications; and
- (13) Placards as required by ordinance.

(Ord. No. 0-0405-38, § 9)

Sec. 13-2010. - Enforcement.

Any person violating any provision of this article shall, upon conviction thereof, be punished in accordance with section 13-112 of the Code of the City of Norman.

(Ord. No. 0-0405-38, § 10)

## Subpart F. - Non-Motorized Services

## § 13-2-310 - DEFINITIONS.

In this subdivision:

- (1) REST means the time an animal is allowed to stand at rest, including the time an animal is harnessed to a carriage but not available for public hire.
- (2) WORK means the time an animal is harnessed to a carriage and available for public hire.

*Source: 1992 Code Section 8-13-271; Ord. 031106-13; Ord. 031211-11; [Ord. No. 20141106-054, Pt. 11, 11-17-14.](#)*

## § 13-2-311 - NON-MOTORIZED SERVICE DESCRIBED.

Non-motorized services provide ground transportation service using non-motorized vehicles. Motor assisted vehicles are not considered non-motorized vehicles. Passengers are transported on designated streets or within a designated area as determined by the department for a fixed, negotiated, or tips-only rate.

*Source: 1992 Code Section 8-13-272; Ord. 031106-13; Ord. 031211-11; Ord. 20120412-021; [Ord. No. 20141106-054, Pt. 11, 11-17-14.](#)*

## § 13-2-312 - NON-MOTORIZED SERVICE REQUIREMENTS.

- (A) Section 13-2-192 ( *No Solicitation for Immediate Hire* ) does not apply to non-motorized ground transportation services.
- (B) A holder of a non-motorized service operating authority shall comply with Article 2 ( *Ground Transportation Services Other Than Taxicabs* ), Division 1 ( *Operating Authority* ), except as otherwise provided in this subdivision.
- (C) In addition to the requirements of Subsection (B), the following are requirements for an operating authority for non-motorized ground transportation service:
  - (1) A non-motorized service may operate only on the streets and designated traffic lanes and during the times proposed in the application for operating authority and approved by the department.
  - (2) The holder may load and unload passengers and park a vehicle only at locations approved by the department in the operating authority.
  - (3) The holder may use only equipment approved by the department in the operating authority to provide the service.
  - (4) The holder shall post in a location approved by the department:
    - (a) the permit assigned by the department and the name of the non-motorized service; and
    - (b) the fare for each ride on the vehicle or in an approved parking area.
- (D) A driver may refuse to convey a person requesting service if:
  - (1) the driver is answering a previous request for service;
  - (2) the person requesting service is disorderly;

- (3) the person requesting service is engaged in unlawful conduct;
  - (4) the driver believes that transporting the person requesting service may result in risk to the safety of the driver, horse or vehicle; or
  - (5) the person requesting service cannot present proof of ability to pay the fare.
- (E) The department may impose additional requirements necessary to ensure safe and reliable service.

*Source: 1992 Code Section 8-13-273; Ord. 031106-13; Ord. 031211-11; [Ord. No. 20141106-054, Pt. 11, 11-17-14.](#)*

§ 13-2-313 - NON-MOTORIZED SERVICE APPLICATION REQUIREMENTS.

- (A) In addition to the application requirements under Section 13-2-161 ( *Operating Authority Application Required* ), an application for a non-motorized service operating authority must:
- (1) identify the streets and designate traffic lanes over which the non-motorized service will travel during specified time periods;
  - (2) specify the off-street locations for parking and passenger loading and unloading; and
  - (3) specify the equipment the applicant proposes to use to provide the service.
- (B) In addition to the application requirements under Section 13-2-161 ( *Operating Authority Application Required* ), an application for a non-motorized service operating authority may not include routes that use hike-and-bike trails or footpaths.
- (C) The department may require additional information in the application process.
- (D) In addition to the requirements of this section, a horse-drawn carriage service shall comply with Section 13-2-315 ( *Additional Requirements for Horse-Drawn Carriage Service* ).

*Source: 1992 Code Section 8-13-274; Ord. 031106-13; Ord. 031211-11; [Ord. No. 20141106-054, Pts. 11, 12, 11-17-14.](#)*

§ 13-2-314 - NON-MOTORIZED SERVICE INSPECTION REQUIREMENTS.

- (A) Section 13-2-142 ( *Inspection Standards* ) does not apply to the inspection of non-motorized service vehicles.
- (B) To pass inspection under Section 13-2-141 ( *Inspection Required* ), a vehicle must comply with the following inspection criteria:
- (1) A vehicle and any equipment used to provide non-motorized service must be in safe, sanitary, and clean condition.
  - (2) The interior of a vehicle used to provide non-motorized service must be clean.
  - (3) All portions of the interior upholstery of a vehicle used to provide non-motorized service must match in color or be of similar shades, without noticeable tears or other damage.
  - (4) Missing, broken, or significantly damaged interior and exterior parts of a vehicle used to provide non-motorized service must be repaired or replaced in a neat and inconspicuous manner.
  - (5) The vehicle must conform with other equipment requirement prescribed by the department under Section 13-2-165(4) ( *Contents of Operating Authority* ).
- (C) In addition to the requirements of this section, a pedicab service shall comply with the requirements of Section 13-2-316 ( *Additional Requirements for Pedicab Service* ).

- (D) After July 1, 2013, a tow-bike used with a trailer-type pedicab must pass an annual safety inspection from a third-party provider approved by the Department.

*Source: 1992 Code Section 8-13-275; Ord. 031106-13; Ord. 031211-11; Ord. 20120412-021; Ord. 20130117-049; [Ord. No. 20141106-054, Pts. 11, 13, 11-17-14.](#)*

§ 13-2-315 - ADDITIONAL REQUIREMENTS FOR HORSE-DRAWN CARRIAGE SERVICE.

- (A) The following are requirements for an operating authority for horse-drawn carriage service:
- (1) The holder shall maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and agrees to permit the department to inspect the facilities at any time.
  - (2) The holder shall keep all carriage routes clear and free of animal void and excrement and maintain all approved carriage parking areas in a clean and sanitary manner. The holder shall equip each carriage with a diaper device, approved by the department, to collect and prevent excrement from falling on the roadway. The holder shall transport all animal excrement collected in the diaper device to the holder's stable for disposal.
- (B) A holder may not use an animal to provide the service unless the holder provides the department with a letter from a veterinarian licensed by the state, issued within the 90-day period immediately preceding the day the animal is to be used to provide the service, that includes:
- (1) an identifying description of the animal; and
  - (2) a statement that the animal has been examined by a veterinarian, is in good health, and is suited to and physically capable of pulling the proposed carriage equipment with passengers.
- (C) For the safety and well-being of the animals used to provide the service, a holder shall:
- (1) have each animal shod with horseshoes of a type approved by the department;
  - (2) offer potable water to each animal during each rest period;
  - (3) provide a clean, soft, and pliable custom fit harness for each animal;
  - (4) groom each animal before it is used to provide service;
  - (5) provide shade for an animal during a rest period or while waiting if the temperature is reported to be above 90 degrees Fahrenheit at any Austin site monitored by the National Weather Service; and
  - (6) require a driver to maintain a distance of not fewer than five feet from another animal and carriage.
- (D) For the safety and well-being of the animals used to provide the service, a holder may not:
- (1) work an animal:
    - (a) longer than one hour without a 10-minute rest period;
    - (b) longer than three consecutive hours without a continuous one-hour rest period;
    - (c) longer than a total of six hours per day; or
    - (d) more than five consecutive days without a 24-hour rest period before the next working day.
  - (2) Work an animal at a gait faster than a walking gait, or whip an animal unless necessary for the safety of the animal or passengers or use any equipment to injure or wound an animal;
  - (3) overwork an animal;



- (4) work an animal with an open sore or wound, or any animal that is lame or has any other ailment without specific written authorization from a veterinarian licensed by the state that the work will not endanger the health or well-being of the animal;
  - (5) operate a carriage having more than a seven-passenger capacity, including the driver's box;
  - (6) carry more passengers than the maximum allowed by the carriage's design capacity;
  - (7) work an animal during the time when the temperature at any Austin site monitored by the National Weather Service is reported to be at or below 30 degrees Fahrenheit, or work an animal over two hours when the temperature is reported to be above 95 degrees Fahrenheit;
  - (8) allow an animal to be subjected to cruel or harassing treatment; or
  - (9) allow a driver or a person to attend more than one horse and carriage while stopped, standing, waiting, or resting.
- (E) In addition to the requirements of Section 13-2-141 ( *Inspection Required* ) and this subdivision, in order to pass inspection the carriage wheels must have steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damage to the street pavement.
- (F) While on duty, a driver shall not:
- (1) permit or allow a person on the back of an animal under the driver's control;
  - (2) leave an animal unattended unless the animal is confined to a stable or other enclosure;
  - (3) work an animal at a gait faster than a walking gait, unless necessary for the safety of the passengers or the animal;
  - (4) allow a person, other than the holder, a licensed driver, or a driver trainee in the driver's box of a carriage;
  - (5) stop, stand, wait, or rest an animal closer than five feet from another animal and carriage; or
  - (6) allow a person to attend more than one horse and carriage while stopped, standing, waiting, or resting.
- (G) A holder shall report any accident involving an animal or carriage to the department.
- (H) A driver trainee must be eligible for licensure by the department. The holder or a licensed driver must accompany a driver trainee at all time during training.

*Source: 1992 Code Section 8-13-276; Ord. 031106-13; Ord. 031211-11; [Ord. No. 20141106-054, Pt. 11, 11-17-14.](#)*

§ 13-2-316 - ADDITIONAL REQUIREMENTS FOR PEDICAB SERVICE.

- (A) The requirements of this section apply to operation of a pedicab and are in addition to the requirements in Sections 13-2-312 ( *Non-Motorized Service Requirements* ), 13-2-313 ( *Non-Motorized Service Application Requirements* ), and 13-2-314 ( *Non-Motorized Service Inspection Requirements* ).
- (B) An application for an operating authority must describe the fare structure or structures, which must be posted in the pedicab in a manner approved by the department. Fare rates may be fixed, negotiated with the passenger, or for tips only, and must be agreed upon prior to service being rendered.
- (C) A pedicab service may operate:
- (1) up to 24 hours a day, seven days per week;
  - (2) in bike lanes, on the Pfluger Bridge, the Lance Armstrong Bikeway, and the 3rd Street Extension;

- (3) on sidewalks adjacent to the bridges crossing Lady Bird Lake; and
  - (4) on public roadways on or within the following boundaries:
    - (a) 35th, 38th, and 38½ Streets on the north;
    - (b) Cherrywood Road, Chestnut Avenue, and Pleasant Valley Road on the east;
    - (c) Oltorf Street (West), Lamar Boulevard, and Barton Skyway on the south; and MoPac Boulevard on the west, except as prohibited in subsections (D), (E), (F), (G), and (H); and
    - (d) other areas approved for operation by the director.
- (D) A pedicab service may not operate on any roadway with a speed limit exceeding 35 miles per hour.
- (E) A pedicab driver must:
- (1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;
  - (2) comply with the requirements of Section 13-2-54 ( *Display and Inspection of Driver Credentials* ) and Section 13-2-55 ( *Rest Periods for Drivers* );
  - (3) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, to enter a private driveway, or if the pedicab is travelling faster than other traffic; and
  - (4) tow no more than one trailer, which may not be attached to a combination bike/passenger unit.
- (F) A pedicab driver may not:
- (1) operate a pedicab on sidewalks or sidewalk areas, except that a pedicab may use the sidewalks adjacent to the bridges over Lady Bird Lake to cross the lake;
  - (2) operate a pedicab on a hike and bike trail; or
  - (3) after July 31, 2016, operate a trailer-type pedicab.
- (G) In addition to the requirements of Section 13-2-314 ( *Non-Motorized Service Inspection Requirements* ), a pedicab must meet the standards specified in this subsection.
- (1) A pedicab is limited to a maximum passenger capacity of 3, excluding the pedicab driver.
  - (2) A pedicab must meet the following dimensional requirements:
    - (a) a frame may not exceed 55 inches in width;
    - (b) a bicycle tire must be at least 1.5 inches in width;
    - (c) a trailer tire must be at least 1.5 inches in width; and
    - (d) all wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.
  - (3) A pedicab must be maintained according to the following standards:
    - (a) all spokes must be tight and none may be missing or broken;
    - (b) floorboards must have non-skid contact surfaces without holes;
    - (c) brakes must be capable of making a braked wheel stop within a distance determined by the department;
    - (d) each pedicab trailer and single unit pedicab must be equipped with a disc brake system, or other reliable braking system, as approved by the department;
    - (e) if a trailer is used, it must be attached to the bicycle in a manner approved by the department;
    - (f) a pedicab must be equipped with a front white lamp visible from a distance of 500 feet;

- (g) a pedicab must be equipped with two red lights mounted on the rear in a manner approved by the department, and visible from a distance of 500 feet;
  - (h) the passenger seat must be bench style and at least 17 inches deep. No passenger seat may face to the rear.
  - (i) the pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;
  - (j) any sharp edges or open tubes must be capped in a manner approved by the department; and
  - (k) any additional requirements established by the department.
- (4) A trailer/pedicab unit must display the following:
- (a) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1 $\frac{3}{4}$  inches in height and at least 1 inch in width, with colors contrasting the color of the pedicab;
  - (b) a permit decal, valid annual city inspection decal, and sign limiting the passenger capacity to 3 passengers; and
  - (c) a slow-moving vehicle emblem that:
    - (i) complies with Section 547.108 of the Texas Transportation Code;
    - (ii) is displayed on the rear of the pedicab and mounted in a manner approved by the department; and
    - (iii) uses a reflective surface visible day or night from a distance of 500 feet.
- (H) The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10 days. A vehicle must be re-inspected following completion of repairs required by the department under this section.
- (I) A pedicab passenger older than 6 years must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

*Source: Ord. 20120412-021; [Ord. No. 20141106-054, Pts. 11, 14, 11-17-14](#); [Ord. No. 20141211-089, Pt. 2, 12-22-14](#).*

**ARTICLE 16 PEDICABS**

6-1601

**DEFINITIONS.**

Unless otherwise defined in this article, all words used in this ordinance shall have the meanings ascribed to them by the Standard Traffic Ordinance for Kansas Cities, incorporated by reference in Section 17-101 of this Code, and amendments thereto. For the purposes of this article, the following terms have the following definitions: (Ord. 8491)

- (A) "For hire" means to provide a service for any sort of payment or gratuity.
- (B) "Operator" means the individual who actually operates a pedicab whether as the owner, an employee of the owner, or as an independent contractor.
- (C) "Owner" means any person who owns, leases, or otherwise has a legal right to possession of a pedicab.
- (D) "Pedicab" means a vehicle upon which a person may ride, whether alone or with a trailer, that:
  - (1) has two or more wheels;
  - (2) is propelled exclusively by human power; and
  - (3) is utilized to carry passengers for hire.
- (E) "Slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717 and amendments thereto.
- (F) "Oversized pedicab" means a pedicab larger than 55 inches in width or ten feet in length but which does not exceed nine feet in width or 18 feet in length. (Ord. 8519)

6-1602

**OPERATION OF PEDICABS.**

(Ord. 8491)

(A) Licenses and permits required.

- (1) It shall be unlawful for any operator of a pedicab to operate a pedicab without possessing a currently effective operator's permit issued pursuant to this article. \$50<sup>00</sup>
- (2) It shall be unlawful for any owner of a pedicab to use or allow the pedicab to be used for the carrying of passengers for hire unless the owner possesses a currently effective owner's license issued pursuant to this article for that pedicab and that license is posted as required by this article. \$75<sup>00</sup>  
\$150<sup>00</sup>
- (3) No person shall operate a pedicab on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license issued by the authority of the State of Kansas or another of the United States.

(B) Operation.

- (1) All rules of operation set forth in this section shall be supplemental to all other laws or regulations that apply to the operation of the specific type of vehicle being operated, including but not limited to those set forth in the Standard Traffic Ordinance for Kansas Cities as incorporated by reference in Section 17-101 of this Code, and amendments thereto, and all other applicable provisions of this Code. In the case of conflict between this article and any other law or regulation, the more restrictive of the conflicting laws or regulations shall control.
- (2) No pedicab shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a pedicab from crossing a federal or state highway.
- (3) No pedicab shall be operated on any public highways, streets, roads or alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour; provided, however, that the provisions of this subsection shall not prohibit a pedicab from crossing any public highways, streets, roads and alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour.
- (4) No pedicab shall be stopped on any public highways, streets, roads or alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour to pick up passengers.
- (5) No pedicab shall be operated in a pedicab-restricted zone.
- (6) It is unlawful for any person propelling a pedicab to ride other than on a permanent and regular seat attached to the pedicab.
- (7) No pedicab that is being ridden by any person may be pushed or towed by a motor vehicle.
- (8) No pedicab may push or tow another vehicle or pedestrian who is not a current passenger of the pedicab.
- (9) It is unlawful for any operator of a pedicab to carry at any one time a number of persons in excess of the number of seats available.
- (10) It is unlawful for any person to operate a pedicab on a sidewalk unless the width of the sidewalk is no less than two times the width of the pedicab and it would otherwise be lawful to operate the pedicab on such sidewalk.
- (11) It is unlawful for any person to operate a pedicab and fail to exercise due care to avoid colliding with any public or private property, pedestrian or other vehicle.
- (12) It is unlawful for any person to operate a pedicab while under the influence of alcohol or drugs if it would be a violation of Kansas law for the person to operate a commercial motor vehicle while holding a commercial drivers license while under the influence of alcohol or drugs to an equivalent extent.

- (13) It is unlawful to operate, stop or park a pedicab in a manner that unreasonably obstructs pedestrian or vehicular traffic.
- (14) It is unlawful to operate a pedicab without all equipment required by this article.
- (15) It is unlawful to operate a pedicab with any equipment prohibited by this article.
- (16) No oversized pedicab shall be operated on any section of a street or highway that is not part of a route of operation that has been submitted to and approved by the City Clerk, or his or her designee pursuant to this article, (Ord. 8519)

(C) Insurance requirements

- (1) Every owner of a pedicab, other than an oversized pedicab, shall obtain commercial vehicle liability insurance coverage from an insurance company lawfully operating in the State of Kansas in the following amount:
  - (a) Primary bodily injury with limits of at least \$250,000 per person, \$500,000 per occurrence and primary property damage with limits of at least \$100,000 per occurrence; or
  - (b) Combined single limits of at least \$500,000 per occurrence.
- (2) Every owner of an oversized pedicab shall obtain commercial vehicle liability insurance coverage from an insurance company lawfully operating in the State of Kansas with combined single limits of at least \$1,000,000 per occurrence. (Ord. 8519)
- (3) It shall be unlawful for any person to operate a pedicab without the insurance coverage required by this section.

6-1603

**PEDICAB EQUIPMENT, WIDTHS AND LENGTHS.**

(Ord. 8491)

- (A) It shall be unlawful to operate a pedicab unless it is equipped with the following equipment.
  - (1) A slow moving vehicle emblem on the rear of the vehicle. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717 and amendments thereto.
  - (2) A functioning seatbelt for each passenger seat, except for oversized pedicabs. (Ord. 8519)
  - (3) A functioning lamp on the front which emits a white light visible from at least 500 feet of the front of the pedicab, mounted not less than 24 inches nor more than 54 inches from the ground.
  - (4) At least two functioning tail lights mounted to the rear of the pedicab. At least one light shall be mounted on each side of the rear of the pedicab's passenger compartment at a height of not less than 15

inches nor more than 54 inches. Each tail light shall emit a red light capable of being seen from a distance of not less than 500 feet.

- (5) Functioning electric turn signal lamps that shall indicate an intention to turn by flashing lights showing to the front and rear of the vehicle. They shall be mounted at the same level, spaced as far apart laterally as possible, and when signaling shall emit an amber light. The lights must be capable of being seen at a distance of at least 500 feet in normal sunlight.
  - (6) Functioning hydraulic, mechanical disc or drum brakes.
  - (7) A clearly visible manufacturer's serial number or identification number that has not been altered or defaced.
  - (8) The trade name of the owner of the pedicab and the pedicab number assigned by the City in plain, legible letters visible to the public that are not less than two inches in height.
- (B) It shall be unlawful to operate the pedicab equipped with any of the following equipment.
- (1) More than one trailer.
  - (2) Any sound amplification device that is plainly audible from a distance of 50 feet or more.
  - (3) Any siren or whistle.
- (C) It is unlawful to operate a pedicab, except for an oversized pedicab, that exceeds the following dimensions.
- (1) 55 inches in width.
  - (2) 10 feet in length.

6-1604

**PEDICAB FARES.**

(Ord. 8491)

- (A) Unlawful practices relating to fares.
- (1) It is unlawful for the operator of a pedicab to charge a passenger a fare that was not agreed upon with the passenger in advance of the service.
  - (2) It is unlawful for the operator of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.
  - (3) It is unlawful to fail to post a fare schedule as provided by this section.
  - (4) It is unlawful to charge a fare in excess of the amount in the fare schedule posted pursuant to this section unless the pedicab operator has been hired to provide a guided tour or other additional services.
- (B) Fare Schedule

Every pedicab shall have a fare schedule affixed to its outside. The fare schedule shall be printed in plain, legible letters and shall list the rates for

carriage in such pedicab. The fare schedule must be printed in letters no less than two inches in height.

6-1605

**PEDICAB-RESTRICTED ZONES.**

(Ord. 8491)

In order to expedite traffic, for safety purposes, to cover emergencies and special conditions or events, or to determine the advisability of permanent regulations for recommendation to the governing body, the Police Chief shall have the authority to designate areas of the City of Lawrence in which the operation of pedicabs is restricted or prohibited. These pedicab-restricted zones shall not remain in force for more than 90 days at a time without approval by the governing body.

6-1606

**OWNER'S LICENSE**

(Ord. 8491)

(A) Any license issued pursuant to this section is issued to a single pedicab and is not transferable.

(B) Application for a pedicab owner's license shall be made to the City Clerk on a form provided by the City Clerk for that purpose. Only the owner or lessee of a pedicab may make application. The application shall include:

- (1) The full legal name, birth date and place of birth of the applicant.
- (2) The applicant's trade name.
- (3) The applicant's current address, business mailing address, and telephone number.
- (4) Whether the pedicab is owned or leased.
- (5) A description of the pedicab design, make, model and manufacturer's serial or identification number, and seating capacity.
- (6) Proof that the pedicab meets the insurance requirements of this article.
- (7) A digital photograph of the pedicab of a format and type and on media approved by the City Clerk.
- (8) Whether the applicant has previously been licensed under this article, and whether any previous licenses have been revoked.
- (9) A copy of applicant's government issued photo identification.
- (10) A copy of the applicant's fare schedule.
- (11) A description of the routes over which the owner intends to operate the pedicab.
- (12) Whether the applicant has ever been convicted of a felony or misdemeanor, and the details of any such conviction.
- (13) Any other information the City Clerk determines would be helpful to determine the applicant's eligibility, provided requesting such information is not unlawful and is consistent with the intent of this article.

(C) License standards



The City Clerk shall review the application, and shall issue a license for the pedicab within ten business days unless:

- (1) The applicant filed an incomplete application or materially misstated any fact during the application process.
- (2) The applicant has been convicted of any crime of dishonesty in the last three years.
- (3) The applicant has not met the insurance requirements of this article.
- (4) The pedicab that the permit is applied for does not meet the standards for lawful operation under this article.
- (5) The routes proposed for oversized pedicab operation listed in the application have not been approved by the City Clerk or his or her designee. (Ord. 8519)

(D) Oversized pedicab route approval. (Ord. 8519)

- (1) Proposed routes for oversized pedicabs may be submitted to the City Clerk or his or her designee for review or approval with an application for an owner's license under this section, or in writing at any other time.
- (2) Proposed routes for oversized pedicabs shall be reviewed within ten business days and approved unless the City Clerk or his or her designee determines that the operation of an oversized pedicab on all or part of the proposed route would be injurious to the public's health, safety, welfare, or interest in the free flow of traffic.
- (3) An applicant aggrieved by a decision denying approval of a proposed route for an oversized pedicab may appeal pursuant to Section 6-1606 of the City Code.

(E) Fees

The fee for a pedicab license, which must be paid before a license will issue, is \$75.00, except that the license fee for an oversized pedicab shall be \$150.00. (Ord. 8519)

(F) License issuance and display

The license issued pursuant to this section shall include an individual and unique license number, and shall be effective for one year unless revoked. Such license shall be displayed on or in the pedicab in an area that is clearly visible to its passengers.

6-1607

**PEDICAB OPERATOR'S PERMIT.**

(Ord. 8491)

- (A) Any permit issued pursuant to this section shall be issued to a specific individual and is not transferable.
- (B) Application for a pedicab operator's permit shall be made to the City Clerk on a form provided by the City Clerk for that purpose. The application shall include:

- (1) The full legal name, birth date and place of birth of the applicant.
- (2) The applicant's current address, business mailing address, and telephone number.
- (3) A written statement of intent to employ the applicant from the owner of a pedicab, if a pedicab is not owned by the applicant.
- (4) Whether the applicant has previously held a permit under this article, and whether any previous licenses have been revoked.
- (5) A copy of applicant's currently valid driver's license.
- (6) Whether the applicant's driver's license has ever been suspended or revoked, and if so the reason for such suspension or revocation.
- (7) Whether the applicant has ever been convicted of a felony or misdemeanor, and the details of any such conviction.
- (8) Whether the applicant suffers from any condition that would impair his or her ability to safely operate a pedicab.
- (9) Any other information the City Clerk determines would be helpful to determine the applicant's eligibility, provided requesting such information is not unlawful and is consistent with the intent of this article.
- (10) Permission from the applicant to photograph the applicant.

(C) Permit Standards

The City Clerk shall review the application, and will issue a permit to the pedicab operator within ten business days unless:

- (1) The applicant filed an incomplete application or materially misstated any fact during the application process.
  - (2) The applicant does not have a current driver's license.
  - (3) The applicant has been convicted of a crime involving dishonesty in the previous three years.
  - (4) The applicant has some condition that renders him or her incapable of safely operating a pedicab.
  - (5) The applicant has had a previous permit issued pursuant to this section revoked within the past three years.
  - (6) The applicant held a previous permit issued pursuant to this section that expired within the past three years and at the time of the expiration there existed a lawful basis to revoke the permit.
- (D) The cost of a pedicab operator's permit, which shall be paid before the permit will issue, is \$50.00.
- (E) Permit issuance and display

- (1) The permit issued pursuant to this section shall be effective for one year unless revoked.
- (2) The permit shall be carried by the pedicab operator at all times the operator is operating a pedicab. The permit shall be displayed to any law enforcement officer who requests to examine it.

6-1608

#### **LICENSE AND PERMIT REVOCATION.**

(Ord. 8491)

##### **(A) Emergency Suspension**

- (1) Any law enforcement officer with jurisdiction over the City of Lawrence, Kansas may suspend a pedicab operator's permit for any of the following reasons:
  - (a) If the officer has probable cause to believe that the pedicab operator is unlawfully driving under the influence of alcohol or drugs.
  - (b) If the officer has probable cause to believe that the operator has operated a pedicab in a way that constitutes an immediate threat to the public health, safety or welfare while operating the pedicab.
- (2) Any law enforcement officer with jurisdiction over the City of Lawrence, Kansas may suspend a pedicab license for any of the following reasons:
  - (a) The pedicab operator or owner is unable to produce proof of the insurance coverage required by this section.
  - (b) The officer has probable cause to believe that the pedicab is in a state of repair that constitutes an immediate threat to the public health, safety or welfare.
- (3) Upon emergency suspension of a permit or license by a law enforcement officer under this section, the officer shall forward the permit or license along with a written statement setting forth the basis for the action to the City Clerk. The City Clerk shall begin the license revocation proceedings set forth in this section within five business days or shall return the permit or license to the holder of the suspended permit or license. Return of the permit shall not prohibit a licensing action based upon the facts and conditions that warranted the emergency suspension. If revocation proceedings are begun within five days of suspension, the license or permit shall remain suspended during the revocation and hearing process.

##### **(B) Revocation**

- (1) The City Clerk may revoke a pedicab license for the following reasons:
  - (a) The operator would no longer be qualified to obtain a pedicab license.

- (b) The pedicab does not have the equipment required by Section 6-1603, and amendments thereto.
- (c) The pedicab owner cannot produce proof of current insurance as required by this article.
- (d) The pedicab owner allowed an unlicensed operator to operate the pedicab.
- (e) The pedicab is in a state of repair that constitutes an immediate threat to the public health, safety or welfare, or is otherwise illegal to operate under this article, and amendments thereto, or any other law.
- (f) The licensee made any material misstatement in the application process.
- (g) The pedicab has been operated unlawfully in pedicab restricted zones on three or more occasions.
- (h) The licensee has had a license of another pedicab he or she owns revoked during the current licensing period.

(2) The City Clerk may revoke a pedicab operator's permit for any of the following reasons:

- (a) The pedicab operator unlawfully operated the pedicab under the influence of alcohol or drugs, or refused to submit to testing of the operator's breath, blood or urine when such testing is requested by a law enforcement officer who has probable cause to believe the operator is unlawfully operating a pedicab under the influence of alcohol or drugs.
- (b) The operator has operated a pedicab in a way that constitutes an immediate threat to the public health, safety or welfare.
- (c) The operator operates a pedicab without proof of the liability insurance required by this article.
- (d) The operator would no longer be eligible to obtain a pedicab license.
- (e) The operator has committed any of the unlawful acts set forth in this article on three or more occasions during any one year period of time.
- (f) The licensee made any material misstatement during the application process.

(3) Notice

Notice of the revocation shall be served by personal service or by sending a written notice of revocation to the applicant's address provided on the

application by certified mail, postage prepaid. The notice shall set forth the basis for revocation and inform the licensee that unless he or she requests a hearing as provided by this article within 14 calendar days of the service of the revocation notice that the licensee's license or permit will be revoked and without further effect at the expiration of the 14 day period. Service by certified mail shall be deemed completed when mailed.

(4) Revocation

Unless a hearing is requested pursuant to this article, the license or permit shall be deemed to be revoked and without further effect 14 days after the service of the notice of revocation.

6-1609

**APPEALS AND HEARING.**

(Ord. 8491)

- (A) A hearing to contest a license or permit revocation or the denial of a license or permit application or the denial of approval of an oversized pedicab operating route, must be requested by the licensee in writing within 14 days of the service of the notice of revocation or denial. The request must be served upon the City Clerk for it to be effective. (Ord. 8519)
- (B) The hearing shall be held by the governing body as soon as is practicable, but if the licensee's license or permit is suspended at the time a hearing is requested, or if an application has been denied, the hearing shall be held no later than 14 days after the service of such request.
- (C) The hearing shall be held by the governing body in a manner that comports with procedural due process.
- (D) The City Clerk's decision to revoke the license or permit to deny the issuance of the same, or to deny the approval of an oversized pedicab operating route shall be upheld if the basis for the decision is established by a preponderance of the evidence. In lieu of revocation the governing body may establish reasonable conditions to allow the licensee or permittee to maintain the license or permit if such conditions adequately protect the public's health, safety and welfare. (Ord. 8519)
- (E) The decision of the governing body shall be final when rendered. If the decision is not rendered at the hearing, a written decision shall be served in the manner provided in this article for service of a notice of revocation, and shall be effective when served.

6-1610

**SEVERABILITY.**

If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8491)

**ARTICLE 17. MOBILE FOOD VENDORS**

6-1701

**PURPOSE.**

The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate various activities, including those of Mobile Food Vendors. (Ord. 8571)

6-1702

**DEFINITIONS.**

# NON-MOTORIZED VEHICLE FOR HIRE LICENSE

## Non-Motorized Vehicle for Hire License

As used in this article, the term "carriage" shall mean any animal-drawn carriage, pedicab, bicycle carriage, and any other form of animal-drawn and/or human powered vehicle used to transport persons for any compensation, including tips only. Neither motor-assisted nor electric-assisted carriages shall be used to transport persons for hire on City streets.

Muni Code: [56-201](#)

### Fees

- Business license/certificate, per year - \$30

### Forms

- [Non-Motor Vehicle for Hire Application](#)
- [Immigration Affidavit](#)

## How to get a new non-motorized vehicle for hire license

### Step 1

**Submit Required Documents - City staff will have 3-5 business days to review documents**

- Carriage application
- Insurance – Muni code [56-216](#)
- Company drug and alcohol policy - Muni code [56-202](#)
- Proposed picture of vehicles

### Step 2

**Once application is approved by City staff, bring payment to our office.**

420 W Main St., 8th floor  
Oklahoma City, OK 73102  
(405) 297-2606

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**Step 2**

**Once application is approved by City staff, bring payment to our office..**

420 W Main St., 8th floor

Oklahoma City, OK 73102

(405) 297-2606

§ 56-2. - Definitions.

The following words, terms and phases, when used in Articles I and II of this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1)

Autobus means a self-propelled motor vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven or more passengers, operating over a fixed route, between fixed termini and/or on trips pursuant to a published bus schedule; which transports passengers in exchange for compensation; and the vehicles are regulated by the Oklahoma Corporation Commission.

(2)

Carriage means any animal-drawn carriage, pedicab, bicycle carriage, and any other form of animal-drawn and/or human powered vehicle used to transport persons for any compensation, including tips only. Neither motor-assisted nor electric-assisted carriages shall be used to transport persons for hire on City streets.

(3)

Certificate of public convenience and necessity/business license means the authority granted by the City to engage in the operation of a business that provides vehicle(s) for hire originating in the City.

(4)

Commercial automobile liability insurance means an automobile liability insurance policy issued to business organizations or individuals for motor vehicles for hire.

(5)

Conviction means any plea of guilty, nolo contendere or finding of guilt for an offense beginning after the completion of any court-imposed probationary term and continuing for any terms specified in Articles I and II of this chapter.

(6)

Cruising means the driving of a vehicle for hire on the streets, alleys or public places of the City in search of or in solicitation of prospective passengers for hire.

(7)

Driver means, for purposes of Articles I and II of this chapter, every person who is permitted to drive or operate a vehicle for hire.

(8)

Licensee means every vehicle for hire company that is licensed under Articles I and II of this chapter by the City.



§ 56-202. - Application for carriage business license.

Carriage business license applicants shall file with the Supervisor of Licenses a verified application which shall set forth:

- (a) the name, address, business name, and any established place of business of the applicant;
- (b) the number of carriages for which a license is desired;
- (c) a description of the proposed color scheme, insignia or any other distinguishing characteristics of the carriage;
- (d) a description of type and extent of service to be rendered;
- (e) the type, make or model of each carriage to be used.
- (f) with said application, applicant shall attach a copy of applicant's drug and alcohol testing policies. Said policies shall include, but not be limited to, the following information:
  1. A statement of the licensee's policy respecting drug and alcohol use by employees and independent contractors;
  2. Which employees and independent contractors are subject to testing;
  3. The circumstances under which testing may be requested or required;
  4. Substances which may be tested;
  5. Testing methods and collection procedures to be used;
  6. Consequences of refusing to undergo testing;
  7. Potential adverse personnel action which may be taken as a result of a positive test result;
  8. The rights of the employee and/or independent contractor to explain, in confidence, the test results;
  9. The rights of the employee and/or independent contractor to obtain all information and records related to that person's testing;
  10. Confidentiality requirements; and
  11. The available appeal procedures, remedies and sanctions.

Upon filing an application, applicants shall also provide proof of the insurance coverage required by this article and a photograph of each carriage to be licensed.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-203. - Issuance of business license; carriage decals required; annual renewal and inspection; appeals.

- (a) Before beginning operations, every carriage company shall obtain a business license from the Supervisor of Licenses and pay the nonrefundable, non-prorated business license fee as established in Chapter 60, the General Schedule of Fees. Business licenses shall be renewed annually by May 30th. Upon renewal, business owners shall update any information in their applications that is no longer accurate.
- (b) The Vehicle for Hire Inspector will inspect each carriage the applicant intends to use in operation of his business. If the carriage passes inspection, a carriage decal will be issued designating a unique carriage number for each carriage to be used. The Vehicle for Hire Inspector shall permanently affix the carriage decal to the right side of the rear of each carriage. The decal shall state capacity of each carriage, which capacity will include the driver and anyone else in the carriage or on the driver's seat. Removal and/or tampering with the carriage decal by any person other than the Oklahoma City Chief of Police or his designee shall be deemed a violation of this article.
- (c) Appeals from any decision to deny issuance of a business license or revoke or suspend a business license, shall be handled in accordance with Sections 26-17 through 26-24 of this Code.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-204. - Operating requirements, suspension or revocation of a carriage business license.

- (a) Every carriage operating under this article may be randomly inspected by the Chief of Police or his designee to insure the continued maintenance of safe operating conditions. Upon inspection, if it is found that a carriage poses a risk to the public, the Chief of Police or his designee may cause the carriage to be removed from operation and shall immediately institute revocation or suspension proceedings in accordance with Subsection (g) herein. Record of any carriage removed from service shall be made by the Chief of Police or his designee and kept on file with the Supervisor of Licenses and shall detail reasons for removal.
- (b) When any carriage has been involved in an accident and taken out of service, such carriage shall not be put back into service until repaired and inspected by the Vehicle for Hire Inspector.
- (c) Every carriage licensed under this article shall be kept clean and the upholstery in good repair.
- (d) All carriages shall be illuminated at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the roadways are not clearly discernible at a distance of 1,000 feet or less.
  - (1) in accordance with State law, animal-drawn carriages operating during the times described in Subsection (d) above, shall be equipped with:
    - (i) at least one lamp emitting a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and
    - (ii) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the carriage, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible for distances of 600 feet to 100 feet to the rear when illuminated by the lower beams of headlamps.
  - (2) in accordance with State law, every pedicab or bicycle carriage, operating during the times described in Subsection (d) above, shall be equipped with:
    - (i) a lighted lamp visible from both sides from a distance of at least 1,000 feet if operated on a street with a speed limit of more than 25 miles per hour;
    - (ii) a red reflector which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle;
    - (iii) a lamp on the front emitting a white light visible from a distance of at least 1,000 feet to the front if operated on a street with a speed limit of more than 25 miles per hour; and
    - (iv) with a lamp on the rear emitting a red light visible from a distance of at least 1,000 feet to the rear if operated on a street with a speed limit of more than 25 miles per hour.
- (e) Upon inspection, the Vehicle for Hire Inspector shall verify passenger capacity of each carriage.
- (f) No animal may be used to draw a carriage licensed under this article unless all of the following requirements are met:
  - (1) the animal may not have any open sore or wound, nor may such animal be lame or have any other ailment.

- (2) the hooves of the animal must be properly trimmed and shod. The animal shall be shod with a type of shoe which aids in traction and the prevention of slipping, including but not limited to a rubber compound type horseshoe or a steel shoe with borium tips.
  - (3) the animal must be groomed before working and may not have fungus, dandruff, or a poor or dirty coat.
  - (4) the animal must be examined, not less than every 12 months, by a veterinarian, who shall certify the fitness of the animal to perform such work. A copy of such certificate shall be filed with the Superintendent of Animal Welfare or his designee.
  - (5) no animal may be utilized to pull a carriage carrying more passengers than such carriage is designed to carry by the manufacturer, nor shall a carriage be pulled by fewer animals than provided for by such design.
  - (6) no stallion may draw a carriage.
  - (7) while on any public way, all animals shall be equipped with a waste-catching device, in good working order, approved by the Superintendent of Animal Welfare or designee. Once removed from the waste-catching device, all waste shall be bagged in plastic and properly disposed. Waste shall not be disposed into storm drains.
- (g) The Supervisor of Licenses and/or the Vehicle for Hire Inspector may initiate revocation or suspension of a business license for any violation of this article, including these operating requirements. In order to initiate revocation or suspension proceedings, the Supervisor of Licenses and/or the Vehicle for Hire Inspector shall give written notice to the licensee that a public hearing will be held thereon by the Traffic Commission. Such notice shall be given at least five days prior to the date of such hearing and shall specify the grounds upon which revocation or suspension proceedings will be conducted. At such public hearing the Traffic Commission shall consider all relevant testimony before making its determinations thereon. A licensee may appeal from an adverse ruling by the Traffic Commission to the License Appeals Board, pursuant to the provisions of Sections 26-17 through 26-24 of the Code.
- (h) Upon suspension or revocation of the carriage company's business license, all drivers' permits under the carriage company's authority shall be suspended or revoked.

(Ord. No. 24120, § 3, 8-17-10; Ord. No. 24319, § 1, 8-30-11; Ord. No. 25002, § 8, 10-21-14)

§ 56-205. - Transfer of license prohibited.

No license may be sold, assigned, or otherwise transferred by the person to whom issued unless first approved by the Traffic Commission.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-206. - Driver's permit required.

It shall be unlawful for any person to operate a carriage on the City streets without having first obtained a driver's permit from the Vehicle for Hire Inspector. To secure such permission, a prospective carriage driver shall file a written application for a driver's permit with the Vehicle for Hire Inspector, which application shall be accompanied by a nonrefundable, non-prorated processing fee in the amount established in Chapter 60, the General Schedule of Fees.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-207. - Filing application to drive a carriage.

- (a) Any person may apply for a driver's permit to operate a carriage by filing an application with the Vehicle for Hire Inspector. The Vehicle for Hire Inspector will review the application and notify the applicant of his intent to either approve or deny the request for a permit. Applications shall contain the following information:
- (1) Name (including all aliases or previously used names) and date of birth of the applicant.
  - (2) Any felony conviction or any misdemeanor conviction within the previous seven years which reasonably indicates a risk to the public such as:
    - (i) any offense involving violence;
    - (ii) any sex offense;
    - (iii) any drug or alcohol-related offense;
    - (iv) cruelty to animals as defined by State law or local ordinance; and/or
    - (v) felony theft or burglary of any type.
  - (3) A letter of endorsement signed by the licensee or authorized agent of licensee, under whose authority the driver will be operating a carriage. The letter shall specify whether the driver will be an employee or independent contractor of the licensee.
  - (4) The number, class and expiration date of State of Oklahoma driver's license. Upon submission of a completed application to the Police Department, the applicant is required to provide a copy of his current three-year driving record, issued by either the Oklahoma Department of Public Safety, or an Oklahoma tag agency or an accredited background company which includes Oklahoma driving records. If the applicant has resided within other states for the previous three years, then the applicant shall provide a copy of his current three-year driving record from those states. The applicant must provide a current record every year upon renewal of the driver's permit. The driving record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector. An exception may be provided for temporary military personnel and/or students who may not have a State of Oklahoma driver's license or driving record.
  - (5) Whether a driver's license issued to the applicant by any state has ever been revoked or suspended, and the reason for such revocation or suspension, and date of such.
  - (6) The applicant for a driver's permit shall deliver to the Vehicle for Hire Inspector a certificate provided by the Vehicle for Hire Inspector and issued by a physician licensed within Oklahoma, stating that the applicant is capable of safely performing the essential functions of the job of driving a carriage on the streets of the City. An updated physician's certificate is required every five years upon renewal of the application. An updated physician's certificate must be dated no more than 30 days prior to the date on which the applicant submits to the Vehicle for Hire Inspector a completed

application for renewal. If at any time a driver's physical or mental health changes, so as to impact his ability to safely operate a carriage, the driver shall immediately notify the Vehicle for Hire Inspector.

- (7) With his application to the Police Department, the applicant is required to provide a copy of his current criminal record from the Oklahoma State Bureau of Investigation or an accredited background agency. The latter must include Oklahoma State Bureau of Investigation background information. The Oklahoma State Bureau of Investigation background information shall include a check of the sex offender registry, violent offender registry, and the criminal background. The applicant must provide a current record every year upon renewal of the driver's permit. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector.
- (b) No driver's permit shall in any manner be assignable or transferable, and each such permit issued shall terminate one year from date of issuance. Upon renewal of a driver's permit, the applicant must complete a new application and is required to meet the same standards set forth in this article for the initial permit.
- (c) The driver's permit shall be on a form prescribed by the Vehicle for Hire Inspector, and shall contain a picture of the driver affixed in such a manner that another picture cannot be substituted therefore without detection. The driver's permit shall also contain the driver's name, permit number and the expiration date of the permit. The driver's permit shall be displayed in a place within the carriage that is visible to all patrons of that carriage.
- (d) Upon receipt of an application for a driver's permit the Vehicle for Hire Inspector shall conduct an investigation of the applicant and, on the basis of such investigation, shall either approve or deny the application. No driver's permit shall be issued to any of the following persons:
  - (1) Any person under the age of 18 years.
  - (2) Any person convicted of any felony or misdemeanor offense as identified in Section 56-207(2) of this article.
  - (3) Any person convicted of hit-and-run driving.
  - (4) Any person convicted of reckless driving within five years prior to the application.
  - (5) Any person not possessing a valid State driver's license, unless specifically exempted herein.
  - (6) Any information which is omitted from the driver's application will be grounds for denial of a permit.
  - (7) Any person who cannot produce a certificate from a physician licensed within Oklahoma stating that the applicant is capable of safely performing the essential functions of the job of driving a carriage.
  - (8) Any person not having the ability to communicate effectively in the English language.
  - (9) Any person lacking an endorsement letter from a licensee.
- (e)



Anyone who is denied a driver's permit shall not reapply for such a permit until after a period of six months.

- (f) The restrictions in this section shall apply both to persons possessing a driver's permit and to persons seeking renewal of such permit.

(Ord. No. 24120, § 3, 8-17-10; Ord. No. 25002, § 8, 10-21-14)

§ 56-208. - Revocation/suspension of a driver's permit; notice and hearing.

- (a) A driver's permit may be revoked or suspended by the Chief of Police or his designee for any of the following reasons:
- (1) revocation or suspension of state driver's license;
  - (2) upon conviction for a violation of any Federal or State law involving sexual offenses;
  - (3) upon conviction of operating or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, drug or other substance or while impaired by intoxicating liquor, drug or other substance to a degree which renders him incapable of safely operating the motor vehicle, or intoxicated while driving a carriage;
  - (4) upon conviction of leaving the scene of an accident;
  - (5) upon conviction of failure to make full report of an accident to the Police Department and Vehicle for Hire Inspector within 24 hours of the time of occurrence;
  - (6) for permitting any other person to use his driver's permit;
  - (7) for obliterating or erasing any official entry on his driver's permit;
  - (8) misrepresentation of any material facts by a driver in his application for driver's permit;
  - (9) for conviction of disturbing the peace or disorderly conduct;
  - (10) upon conviction of cruelty to animals;
  - (11) driving a carriage without insurance as required by Section 56-216 of the Code; or
  - (12) refusal of service in violation of Section 56-212;
  - (13) revocation or suspension of the business license under which authority the driver was granted a permit.
- (b) Whenever the Vehicle for Hire Inspector intends to deny an application or revoke or suspend a permit for driving a carriage, he shall give the applicant or permit holder written notice of intent to deny such application or to revoke or suspend such driver's permit. The notice shall set forth the grounds upon which such denial or revocation or suspension is contemplated and shall inform such applicant or permit holder that he or she has ten days from the date of such notice to file, with the Vehicle for Hire Inspector, a written request for a hearing. The application may be denied or the permit revoked for a one-year period or suspended for a period not to exceed 90 days if a request for a hearing is not received by the Vehicle for Hire Inspector within the ten-day period.
- (c) If the applicant or permit holder files a timely request for hearing, the Chief of Police or his designee shall set a time and place for such hearing and shall consider all relevant evidence and testimony prior to making a decision thereon. The decision of the Chief of Police or his designee to revoke or suspend a permit or deny an application may be appealed to the License Appeal Board pursuant to Sections 26-17 through 26-24.
- (d)

Whenever a driver's permit is revoked or suspended, the Vehicle for Hire Inspector shall take up the driver's permit and shall file the permit with the Police Department, together with a full report of the reasons for the revocation or suspension.

- (e) No person whose permit has been revoked shall be eligible to receive a new permit until the year from the date of the revocation. The Chief of Police or his designee may suspend a driver's permit for any period of time not to exceed 90 days.
- (f) The Chief of Police or his designee may require that the permit holder obtain an updated medical evaluation and/or complete a driver's training program, prior to reapplying for a driver's permit.
- (g) At the discretion of the Vehicle for Hire Inspector, rather than suspension or revocation of a driver's permit for violation contained herein, the permittee may be ordered to complete a driver's training program and/or obtain an updated medical evaluation.

(Ord. No. 24120, § 3, 8-17-10; Ord. No. 25002, § 8, 10-21-14)

§ 56-209. - Use of unlicensed driver unlawful.

It shall be unlawful and a violation of this article for any carriage business license holder to allow any person to operate a carriage who does not hold a carriage driver's permit or whose driver's permit is currently revoked or suspended.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-210. - Smoking prohibited while transporting passenger.

All smoking within a carriage shall be prohibited.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-211. - Receipts on request.

If requested, every driver of a carriage shall give a receipt upon payment of the correct fare.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-212. - Refusal of service.

- (a) It shall be unlawful for any permittee to refuse to transport any person who requests service in an orderly manner and for a lawful purpose, when the carriage is in service and not otherwise engaged. However, a permittee may refuse to transport any person who requests services in a manner that a reasonable person would consider to be a violent or threatening manner. A permittee may refuse service to anyone smoking, who refuses to stop smoking before entering the carriage.
  - (b) No person working pursuant to the authority of a licensee shall refuse a passenger or shall refuse service to a passenger, based on race, color, religion, ancestry, sex, national origin, age, or disability as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act of the passenger.
  - (c) Persons working pursuant to the authority of a licensee shall provide service to passengers using wheelchairs, or other assistance aid devices, who are requesting service, if the person would provide services to others under the same circumstances. Permittees are required to transport passengers using wheelchairs and to stow wheelchairs as safely as possible. Permittees are required to assist passengers who use wheelchairs in entering and exiting the carriage when necessary but are not required to carry or lift such passengers. Permittees are required to assist with simple assembly or disassembly of wheelchairs where necessary to load or unload the chair into and out of the carriage. Permittees are not required to assemble or disassemble wheelchairs where such assembly or disassembly would require the use of tools. In the event a permittee is physically unable to safely load a passenger's wheelchair, the permittee may refuse service to such passenger but the permittee is obligated to assist the passenger in arranging for accessible transportation with the licensee of the permittee, another provider of carriage services, provider of motor vehicle for hire services, or public transportation company/entity. No extra fees or surcharges shall be assessed to any passenger for offering the services enumerated herein to a disabled person.
  - (d) Persons with disabilities may be accompanied by service animals as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act when utilizing carriage services. Although persons may be asked, when not readily apparent, if an animal is required because of a disability and ask what work or task the service animal has been trained to perform, they may not be required to show documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Persons are not required to identify themselves as having service animals when they place calls requesting service and shall not be asked the question by any person working pursuant to the authority of the licensee. A service animal shall be under the control of its handler as required by the Americans with Disabilities Act. No extra fees or surcharges shall be assessed to any passenger accompanied by a service animal.
- (Ord. No. 24120, § 3, 8-17-10; Ord. No. 25002, § 8, 10-21-14; Ord. No. 25,189, § 2, 7-21-15)

§ 56-213. - Additional passengers.

It shall be unlawful for any driver to permit any other person to occupy or ride in any carriage, unless the first person employing the carriage shall consent to the acceptance of additional passengers.

(Ord. No. 24120, § 3, 8-17-10)



§ 56-214. - Seating capacity not to be exceeded.

No permittee shall permit more persons to be carried in a carriage than the rated seating capacity of such carriage as stated in the permit issued for such carriage. Seating capacity shall include the permittee and any other person sitting on the driver's seat. All persons occupying a carriage must be seated inside the carriage in a place designed to hold a passenger and no persons will sit in any other occupant's lap.

(Ord. No. 24120, § 3, 8-17-10; Ord. No. 25002, § 8, 10-21-14)

§ 56-215. - Inspections.

It shall be unlawful for any owner or driver of any carriage operated in the City to interfere with or prohibit any Oklahoma City Police Officer in the City or any person designated by the Superintendent of Animal Welfare from at any time inspecting or thoroughly examining any carriage and/or animal.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-216. - Insurance requirements.

(a) It shall be unlawful to operate a carriage business in the City unless there is on file, with the Supervisor of Licenses, proof of financial responsibility as defined by the laws of the State of Oklahoma certifying that there is in effect a policy of liability insurance insuring the carriage business, its agents and employees, while in the performance of their duties, against loss from any liability imposed by law for damages including damages for care and loss of services because of bodily injury to or death of any person arising out of the ownership, use or operation of such carriage or carriages, subject to minimum limits, exclusive of interest and cost, with respect to each such carriage driver as follows:

(1) *General liability.*

- (a) \$1,000,000.00 each occurrence;
- (b) \$100,000.00 fire damage;
- (c) \$1,000,000.00 personal and ADV injury;
- (d) \$2,000,000.00 general aggregate;
- (e) \$1,000,000.00 products-comp/op agg.

(b) The carriage company must provide proof of insurance to the Supervisor of Licenses each January for the coming year. The carriage company shall immediately notify the Supervisor of Licenses of any additions or deletions from the coverage.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-217. - License to be revoked if insurance lapses.

If at any time the policy of insurance required by Section 56-272 is canceled by the company issuing the same, or the authority of the company to do business in the State is revoked, the Supervisor of Licenses shall require the owner to replace such policy with another policy and in default thereof revocation or suspension proceedings shall be instituted by the Supervisor of Licenses in accordance with Sections 26-17 through 26-24 of the Code.

(Ord. No. 24120, § 3, 8-17-10)

§ 56-218. - Carriage open stand locations.

- (a) The Traffic Commission may recommend to the City Council carriage open stand locations in such place or places upon the streets of the City as it deems necessary for the use of carriages. If the recommendation of the Commission is approved, the City Council shall by ordinance establish carriage open stand locations.
- (b) Open stands shall be used by different drivers on a first come, first serve basis. The driver shall pull on to the open stands from the rear and shall advance forward as the carriages ahead pull off. Drivers shall maintain control of their animals at all times. Drivers shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this section shall be construed as preventing a passenger from boarding the carriage of his choice that is parked at open stands.
- (c) Carriage open stands shall be designated as open stands for taxis between the hours of 12:30 a.m. and 3:00 a.m.

(Ord. No. 24120, § 3, 8-17-10; Ord. No. 24417, § 7, 2-21-12)

§ 56-219. - Penalty for violation of article.

Every person, including an owner; licensee; employee; independent contractor of an owner or licensee; agent of an owner or licensee; and/or driver or permittee of a carriage who violates any of the provisions of this article, or who neglects or fails to comply with the same, shall be deemed guilty of a Class "a" offense. Third or subsequent offenses shall be a Class "b" offense. Each day's violation of this article shall constitute a separate and distinct offense.

(Ord. No. 24120, § 3, 8-17-10; Ord. No. 25002, § 8, 10-21-14)

Chapter 27 - VEHICLES FOR HIRE<sup>[1]</sup>

## Footnotes:

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**Editor's note**— Ord. No. 2012-585, § 1, adopted November 20, 2012, amended chapter 27 in its entirety to read as herein set out. Formerly, chapter 27, articles I—IV, pertained to similar subject matter, and derived from the Code of 1967, §§ 27-11—27-16, 27-35, 27-27—27-40, 27-42—27-47, 27-62—27-74, 27-76—27-79, 27-85, 27-103—27-106, 27-112—27-120; Ord. No. 1991-6, §§ 1(27-11—27-16, 27-35, 27-37, 27-40, 27-42—27-47, 27-62—27-74, 27-76—27-79, 27-85, 27-86, 27-103—27-106, 27-112—27-120), adopted March 5, 1991, and Ord. No. 2000-9, § 2, adopted April 18, 2000.

**Cross reference**— Regulations regarding sound trucks, § 13-241 et seq.; stopping, standing and parking regulations, § 25-176 et seq.

**State Law reference**— Authority of city to license and regulate persons owning, operating or controlling vehicles used for carrying passengers for hire, V.T.C.A., Local Government Code § 215.004.

## ARTICLE I. - RESERVED

Secs. 27-1—27-50. - Reserved.

ARTICLE II. - VEHICLES FOR HIRE<sup>[2]</sup>

## Footnotes:

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**Editor's note**— [Ord. No. 2014-480, §§ 1—9, adopted August 19, 2014](#), amended article II in its entirety to read as herein set out. Formerly, article II pertained to similar subject matter, and derived from Ord. No. 2012-585, § 1, adopted November 20, 2012, and Ord. No. 2014-208, §§ 1—3, adopted April 15, 2014.

## DIVISION 1. - GENERAL PROVISIONS

Sec. 27-51. - Statement of policy.

It is the policy of the city to provide for and to promote adequate and efficient vehicle for hire service in the city. To this end, this article provides for the regulation of vehicles for hire to be carried out in a manner that protects the public health and safety, and respects the concept of free enterprise.

( [Ord. No. 2014-480, § 1, 8-19-14](#) )

Sec. 27-52. - General authority and duty of city secretary.

The city secretary, or designee, shall implement and enforce this article as he or she determines necessary to discharge his or her duty under the policy of this article.

( [Ord. No. 2014-480, § 1, 8-19-14](#) )

Sec. 27-53. - Exclusions.

This article does not apply to:

- (1) The transportation of a person by a vehicle for hire licensed by another governmental entity from a point outside the city to a destination inside the city, if the vehicle for hire leaves the city without receiving a new passenger inside the city limits;
- (2) A vehicle for hire service operated under state or federal authority unless the service is subject to the city's regulatory authority;
- (3) A vehicle used by a hotel, motel or other similar business, commonly referred to as a courtesy vehicle, used to transport its patrons to various locations without charge; or
- (4) A vehicle service that is arranged for certain special events, such as weddings, funerals, proms and other similar special events.

( [Ord. No. 2014-480, § 1, 8-19-14](#) )

Sec. 27-54. - Definitions.

The definition of a term in this section applies to each grammatical variation of the term. In this article, unless the context requires a different definition:

*Alternative vehicles* means vehicles for hire that are horse-drawn carriages, pedicabs, NEVs or LSVs.

*Bicycle* means a vehicle with two wheels in tandem, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

*Business permit* means a permit granted under this article to operate a vehicle for hire service in the City of Waco, Texas for a period of one year, renewable under the provisions of this article.

*City secretary* means the city secretary of the City of Waco or his/her designee.

*Conviction* means a conviction or deferred adjudication in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

*Department* means the department designated by the city secretary to enforce and administer this article.

*Driver* means an individual who drives or operates a vehicle for hire and is granted a driver's permit under this article.

*Driver's permit* means a license issued to an individual by the city secretary authorizing that person to operate a vehicle for hire in the city.

*Electric bicycle* means a bicycle with an integrated electric motor which can be used for propulsion while still retaining the ability to be pedaled by the rider.

*Gross vehicle weight rating* or *GVWR* means the value specified by the manufacturer as the loaded weight of a single vehicle.



*For hire* means the business of carrying passengers where the destination and route traveled may be controlled by a passenger and the fare is calculated based on a fixed rate or it is negotiated prior to service being rendered unless the fare is "tips only" at the customer's discretion.

*Holder* means a person who is granted a business permit under this article.

*Horse* shall mean horse and all equine species.

*Legal resident* means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

*Limousine* means a motor vehicle that is a luxury sedan with a manufacturer's rated seating capacity of not more than 15 passengers that is used for the transportation of persons from a location in the city to another location either inside or outside the city.

*Low speed vehicle* or *LSV* means a motor vehicle that is four-wheeled, whose speed attainable in one mile is not more than 25 miles per hour on a paved level surface and whose GVWR is less than 3,000 pounds.

*Motor vehicle* means a vehicle that is self-propelled, capable of transporting a person or persons or any material and capable of exceeding a speed of 25 miles per hour on a paved surface.

*Neighborhood electric vehicle* or *NEV* means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Safety Standard 500 (49 C.F.R. Section 571.500) for LSVs.

*Pedicab* means a chauffeured bicycle (including an electric bicycle) or tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar or similar device.

*Person* means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

*Taxicab* means a chauffeured motor vehicle with a rated passenger capacity of eight or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, and a call and demand basis, but not including limousines, special service vehicles or courtesy vehicles.

*Taximeter* means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

*Tricycle* means a vehicle with three wheels, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

*Vehicle* means a device in or by which a person or property is or may be transported or drawn on a public highway (including a road, street, bridge or thoroughfare), other than a device used exclusively on stationary rails or tracks. Pedicabs, horse-drawn carriages, NEVs and LSVs are vehicles for purposes of this chapter.

*Vehicle for hire* means a chauffeured vehicle used to transport passengers on city streets for compensation under the authority of this chapter.

*Vehicle for hire service* means a passenger transportation service for hire that offers/provides one or more vehicles for hire in the operation of the service and includes (but is not limited to) a facility from which the service is operated; vehicle for hire used in the operation; and a person who owns, controls, or operates the service.

( [Ord. No. 2014-480, § 1, 8-19-14](#) )

Secs. 27-55—27-75. - Reserved.

DIVISION 2. - BUSINESS PERMIT

Sec. 27-76. - Business permit required.

A person may not operate a business providing a vehicle for hire service in the city without a business permit. The business permit, discussed in this division 2 is separate and distinct from a driver's permit discussed in division 3.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

Sec. 27-77. - Transferability of business permit.

A business permit may not be transferred to another unless the holder files a written application for the transfer in the manner and containing the information prescribed by the city secretary, and the transfer application is approved by the city secretary.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

Sec. 27-78. - Qualifications for a business permit.

- (a) To qualify for a business permit, an applicant must:
- (1) Be at least 18 years of age, if an individual;
  - (2) Be currently authorized to work full-time in the United States;
  - (3) Be able to sufficiently communicate with the general public; and
  - (4) Maintain sufficient insurance as outlined in section 27-139.
- (b) It is the responsibility of the applicant, to the extent possible, to secure and provide to the city secretary the documentation/information required to determine their suitability under this section.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

Sec. 27-79. - Application for business permit.

- (a) To obtain a business permit for a vehicle for hire service, a person shall submit an application to the city secretary and pay the appropriate fee in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed vehicle for hire service. An applicant shall file with the city secretary a written, verified application statement, to be accompanied by a nonrefundable application fee, containing the following:
- (1) The form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of the business;
  - (2) The name, address, and verified signature of the applicant;
  - (3) A description of any past business experience of the applicant, particularly in providing passenger transportation services, and identification and description of any revocation or suspension of any type of permit relating to the transportation services held by the applicant or business before the date of filing the application;
  - (4) The number of vehicles and a description of the vehicles the applicant proposes to use in the operation of the vehicle for hire service, and the location of the facility to be used in the operation;

- (5) Proof of insurance from an insurance company authorized to do business in the State of Texas as required by this article;
  - (6) Documentary evidence of payment of ad valorem taxes on the property to be used in connection with the operation of the proposed vehicle for hire service, if applicable;
  - (7) A phone number from which the proposed vehicle for hire service may be contacted;
  - (8) Such additional information as the applicant desires to include and aid in the determination of whether the requested business permit should be granted; and
  - (9) Such additional information as the city secretary considers necessary to assist or promote the implementation or enforcement of this article or the protection of the public safety.
- (b) An applicant shall notify the city secretary in writing of any change of address or change in ownership or management of a vehicle for hire service not less than ten days prior to the change.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

Sec. 27-80. - Issuance or denial of a business permit.

- (a) The city secretary shall issue a business permit to a qualified applicant within seven days of the receipt of the completed application. The term of the business permit shall follow the city's fiscal year (October 1st through September 30th of the subsequent year). In the first year of this permit, the business permit shall run from August 30, 2014 to September 30, 2015.
- (b) The city secretary may deny the application for a business permit if the applicant:
  - (1) Is not qualified under section 27-78;
  - (2) Makes a false statement of a material fact in his or her application for a business permit;
  - (3) Does not have adequate insurance coverage as required in section 27-139;
  - (4) Is not current on ad valorem taxes, if applicable; or
  - (5) Has not paid the appropriate fee for the business permit.
- (c) If the city secretary determines that a business permit should be denied, the city secretary shall notify the applicant in writing that his or her application is denied and include in the notice the reason for denial and a statement informing the applicant of his or her right of appeal in accordance with section 27-279, of this article.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

Sec. 27-81. - Renewal of business permit.

- (a) Notwithstanding subsection (b) below, a business permit shall be renewed each year subsequent to the initial permit if the holder provides the city secretary with the annual permit fee by September 1st of that year.
- (b) A business permit will not be renewed if:
  - (1) The holder is not in compliance with the permit or applicable provisions of this article, department regulations, or other law; or
  - (2) The holder does not qualify for a business permit under section 27-78.
- (c) A holder may file an appeal of the denial of a renewal in accordance with section 27-279.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

## Sec. 27-82. - Suspension and revocation of business permit.

- (a) If the city secretary determines that a holder has failed to comply with this chapter, the city secretary may suspend the business permit for a definite period of time not to exceed 30 days.
- (b) If at any time the city secretary determines that a holder is not qualified under section 27-78, the city secretary shall suspend the business permit until such time as the city secretary determines that the holder is qualified.
- (c) It shall be unlawful for a holder whose business permit is suspended to operate a vehicle for hire service inside the city during the period of suspension.
- (d) The city secretary shall notify the holder in writing of a suspension under this section and include in the notice the reason for the suspension, the date the suspension is to begin, the duration of suspension and a statement informing the holder of his or her right of appeal. This notice can be accomplished either by in-hand delivery or by mailing said notice to the holder's last reported address. The period of suspension begins on the date specified by the city secretary, or in the case of an appeal, on the date ordered by the city council. The filing of an appeal stays the suspension pending the outcome of the appeal unless the city secretary finds that allowing the holder to operate a vehicle for hire pending appeal would constitute a danger to the public, which finding will be contained in the notice of suspension.
- (e) The city secretary may revoke a business permit if the city secretary determines that the holder:
  - (1) Operated a vehicle for hire service inside the city during a period in which his or her business permit was suspended;
  - (2) Made a false statement of a material fact in his application for a business permit or renewal; or
  - (3) Engaged in conduct that constitutes a ground for suspension under subsection (a), and received either a suspension in excess of three days or a conviction for violation of this chapter more than once within a 12-month period preceding the occurrence of the conduct.
- (f) A person whose business permit is revoked shall not apply for another business permit before the expiration of 12 months from the date the city secretary revokes the permit or, in the case of an appeal, the date the city council affirms the revocation.
- (g) The city secretary shall notify the holder in writing of a revocation and include in the notice the reason for the revocation, the date the city secretary orders the revocation and a statement informing the holder of his or her right of appeal. This notice shall be accomplished as in subsection (d).
- (h) After receipt of notice of revocation, the holder shall, on the date specified in the notice, discontinue operating a vehicle for hire service inside the city and shall surrender his or her business permit to the city secretary. The filing of an appeal stays the revocation pending the outcome of the appeal unless the city secretary finds that allowing the holder to operate a vehicle for hire service pending appeal would constitute a danger to the public, which finding will be contained in the notice of revocation.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

## Sec. 27-83. - Business permit fee.

A holder shall pay the city the required permit fee by September 1st of each year for each vehicle for hire. A permit fee is payable in the manner and at the time prescribed by the city secretary.

( [Ord. No. 2014-480, § 2, 8-19-14](#) )

## Secs. 27-84—27-104. - Reserved.

## DIVISION 3. - DRIVER'S PERMIT

Sec. 27-105. - Driver's permit required.

- (a) A person may not operate a vehicle for hire inside the city without a valid driver's permit issued under this article.
- (b) A holder may not employ or contract with a driver or otherwise allow a person to drive a vehicle for hire owned, controlled, or operated by the holder unless the person has a valid driver's permit issued under this article.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-106. - Qualifications for a driver's permit.

To qualify for a driver's permit, an applicant must:

- (1) Have a valid state driver's license;
- (2) Have a valid contract with or be currently employed by a holder;
- (3) Not have been convicted of more than three moving traffic violations arising out of separate transactions, or involved in more than two motor vehicle accidents in which it could be reasonably determined that the applicant was at fault, within any 12-month period during the preceding 36 months; and
- (4) Not have been convicted of, discharged by probation or deferred adjudication for, or have charges pending for driving while intoxicated (DWI) or driving under the influence (DUI):
  - a. Within the preceding 12 months; or
  - b. More than one time within the preceding ten years;
- (5) Not have been convicted, placed on probation or deferred adjudication or have charges pending for a crime:
  - a. Involving:
    - 1. Criminal homicide as described in V.T.C.A., Penal Code ch. 19;
    - 2. Kidnapping as described in V.T.C.A., Penal Code ch. 20;
    - 3. A sexual offense as described in V.T.C.A, Penal Code ch. 21;
    - 4. An assaultive offense as described in V.T.C.A, Penal Code ch. 22, other than a Class C misdemeanor;
    - 5. Robbery as described in the V.T.C.A., Penal Code ch. 29;
    - 6. Burglary as described in V.T.C.A., Penal Code ch. 30, but only if the offense was committed against a person whom the applicant came in contact while engaged in a passenger transportation service;
    - 7. Theft as described in V.T.C.A., Penal Code ch. 31, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;
    - 8. Fraud as described in V.T.C.A., Penal Code ch. 32; but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;

9. Tampering with a governmental record as described in V.T.C.A., Penal Code ch. 37; but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;
  10. Public indecency (prostitution or obscenity) as described in V.T.C.A., Penal Code ch. 43;
  11. The transfer, carrying, or possession of a weapon in violation of V.T.C.A., Penal Code ch. 46, but only if the violation is punishable as a felony;
  12. A violation of V.T.C.A., Health and Safety Code ch. 483, Dangerous Drugs that is punishable as a felony;
  13. A violation of V.T.C.A., Health and Safety Code ch. 481 of the Controlled Substances Act that is punishable as a felony; or
  14. Criminal attempt to commit any of the offenses listed in subsections (5)a.1.—13.; and
- b. For which:
1. If the applicant was convicted for a misdemeanor offense, less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
  2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two years have elapsed since the date of successful completion of probation or deferred adjudication;
  3. If the applicant was convicted for a felony offense, less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
  4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five years have elapsed since the date of successful completion of probation or deferred adjudication;
  5. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
  6. Less than five years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any 24-month period, the applicant has been placed on probation or deferred adjudication two or more times for any misdemeanor offense or combination of misdemeanor offenses.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-107. - Driver's permit application; fee.

- (a) To obtain a driver's permit, an individual driver must file with the city secretary's office the following items:
- (1) A nonrefundable application fee;
  - (2) A completed written application on a form provided for that purpose; and
  - (3) A certified copy of the individual's complete driving history record for the last three years from the state of issuance that is no more than 30 days old from the date of submittal to the city secretary.

- (b) The city secretary shall require each applicant to state such information as he or she considers necessary to determine whether an applicant is qualified.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-108. - Investigation of application.

- (a) The city secretary shall investigate each applicant concerning applicant's qualification under section 27-106.
- (b) The city secretary may conduct such other investigation as he or she considers necessary to determine whether an applicant for a driver's permit is qualified.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-109. - Issuance or denial of driver's permit.

- (a) Upon receipt of a complete application, the city secretary shall issue a driver's permit to a qualified applicant within ten days of the receipt of the completed application. The term of the driver's permit shall follow the city's fiscal year (October 1st through September 30th of the subsequent year). In the first year of this permit, the drivers permit shall run from August 30, 2014 to September 30, 2015.
- (b) The city secretary shall deny the application for a driver's permit if the applicant:
  - (1) Is not qualified under section 27-106; or
  - (2) Makes a false statement of a material fact in his or her application for a driver's permit.
- (c) If the application is denied, the city secretary shall notify the applicant in writing and include in the notice the reason for denial and a statement informing the applicant of his or her right of appeal in accordance with section 27-279 of this article.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-110. - Renewal of driver's permit; voidance.

- (a) Notwithstanding subsection (b) below, a driver's permit shall be renewed each year subsequent to the initial term if the driver provides the city secretary with the following by September 1st of that year:
  - (1) A nonrefundable permit fee by September 1st of each subsequent year, and
  - (2) A certified copy of the driver's complete driving history record for the last three years from the state of issuance that is no more than 30 days old from the date of submittal to the city secretary.
- (b) A driver's permit will not be renewed if:
  - (1) The driver is not in compliance with the permit or applicable provisions of this Code, department regulations, or other law; or
  - (2) The driver does not qualify for driver's permit under section 27-106 or is otherwise not qualified, willing, or able to continue to drive a vehicle for hire in accordance with the permit and applicable provisions of this Code, department regulations or other law.
- (c) If the individual's state driver's license is expired, suspended or revoked, his or her driver's permit automatically becomes void. A driver shall immediately notify the city secretary and the holder for whom he or she drives within three days of a an expired license, suspension or revocation of his or

her state driver's license and shall immediately surrender his or her driver's permit to the city secretary.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-111. - Duplicate driver's permit.

If a driver's permit is lost or destroyed, the city secretary shall issue the licensee a duplicate driver's permit after payment of the duplicate driver's permit fee.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-112. - Display of driver's permit.

A driver shall always conspicuously display a driver's permit issued under this article on the clothing of the driver's upper body. A driver shall allow the city secretary or a peace officer to examine the driver's permit upon request.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-113. - Suspension and revocation of driver's permit.

- (a) If the city secretary determines that an individual has failed to comply with this chapter, the city secretary may suspend the driver's permit for a definite period of time not to exceed 60 days, except as provided in subsection (b) below.
- (b) If at any time the city secretary determines that an individual is not qualified under section 27-106, or is under indictment or has charges pending for any offense described in section 27-106, the city secretary shall suspend the driver's permit until such time as the city secretary determines that the individual is qualified or that the charges against the individual have been finally adjudicated.
- (c) An individual whose driver's permit is suspended shall not drive a vehicle for hire inside the city during the period of suspension.
- (d) The city secretary may revoke a driver's permit if the city secretary determines that the driver:
  - (1) Operated a vehicle for hire inside the city during a period when the driver's permit was suspended;
  - (2) Made a false statement of a material fact in an application for driver's permit; or
  - (3) Engaged in conduct that constitutes a ground for suspension and received a suspension in excess of three days or a conviction for a violation of this chapter more than once in a 12-month period preceding the occurrence of the conduct; or
  - (4) Failed to comply with a condition of the driver's permit; or
  - (5) Was convicted of a felony offense listed in section 27-106 while holding a driver's permit.
- (e) A person whose driver's permit is revoked shall not:
  - (1) Apply for another driver's permit before the expiration of 12 months from the date the city secretary revokes the driver's permit or, in the case of an appeal, the date the city council or designee affirms the revocation; or
  - (2) Drive a vehicle for hire inside the city.
- (f) The city secretary shall notify the driver and the holder in writing of a suspension or revocation under this section and include in the notice the reason for the suspension or revocation; the date the



suspension or revocation begins; the duration of the suspension, and a statement informing the driver of his or her right of appeal under section 27-279. The period of suspension or revocation begins on the date specified by the city secretary or, in the case of an appeal, on the date the suspension is affirmed by the city council or designee.

- (g) After receipt of notice of suspension, revocation, or denial of permit renewal, the driver shall, on the date specified in the notice, surrender his or her driver's permit to the city secretary and discontinue driving a vehicle for hire inside the city.
- (h) Notwithstanding subsections (c) and (g), if the driver appeals the suspension or revocation under this section, the driver may continue to drive a vehicle for hire pending the appeal unless the driver's permit was suspended pursuant to subsection (b) or revoked pursuant to subsection (d)(5) of this section; or

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-114. - Falsifying a driver's permit.

A person commits an offense if he:

- (1) Forges, alters, or counterfeits a driver's permit, badge, sticker, or emblem required by law; or
- (2) Has in his or her possession a driver's permit that the person knows or has reason to know that is has been forged, altered or counterfeited; or
- (3) Lends his driver's permit to another person or knowingly permits another person to use his or her driver's permit.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Sec. 27-115. - Current mailing address of holder and driver.

A driver issued a permit shall maintain a current mailing address on file with the city secretary. The individual shall notify the city secretary of any change in this mailing address within ten days of the change.

( [Ord. No. 2014-480, § 3, 8-19-14](#) )

Secs. 27-116—27-136. - Reserved.

#### DIVISION 4. - MISCELLANEOUS HOLDER AND DRIVER REGULATIONS

Sec. 27-137. - Holder's and driver's duty to comply.

- (a) *Holder.* In the operation of a vehicle for hire service, a holder shall comply with this article, regulations established under this article, and other laws applicable to the operation of a vehicle for hire service.
- (b) *Driver.* While on duty, a driver shall comply with this article, regulations established under this article, other laws applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of its duty under its business permit and this article.

( [Ord. No. 2014-480, § 4, 8-19-14](#) )

Sec. 27-138. - Holder's duty to enforce compliance by drivers.

- (a) A holder shall establish policy and take action to discourage, prevent, or correct violations of this article by drivers who are employed by or contracting with the holder.
- (b) A holder shall not permit a driver who is employed by or contracting with the holder to drive a vehicle for hire if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this article, the rules and regulations established by the city secretary or other applicable law.

( [Ord. No. 2014-480, § 4, 8-19-14](#) )

Sec. 27-139. - Insurance.

- (a) A holder shall procure and keep in full force and effect liability insurance written by an insurance company that:
  - (1) Is approved by the State of Texas and the insurance underwriter is authorized to do business in the State of Texas;
  - (2) Is acceptable to the city;
  - (3) Is rated A- or better, with a financial size of Class VI or higher, by A. M. Best or has an equivalent rating from another insurance rating service approved by the city, unless the insurance company is reinsured for the full insurance required under this section by another insurance company that meets all of the rating requirements of this paragraph and all other requirements of subsections (1), (2), and (4), of subsection (a), and provides a right of direct action against the reinsurer by any person entitled to claimed insurance benefits against the primary insurance company in the event the primary insurance company does not pay any valid claim;
  - (4) Does not violate operational control prohibition described in subsection (i) of this section; and
  - (5) Includes the operations of the vehicle for hire service and all current drivers.
- (b) The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city and its officers and employees as additional insurers, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a vehicle for hire service by the holder.
- (c) The amount of insurance required by this section must be:
  - (1) The minimum amounts prescribed by the State of Texas if for a vehicle for hire that is a motor vehicle; or
  - (2) A commercial general liability policy in the amount of \$100,000.00 per occurrence, \$250,000.00 general aggregate or its equivalent in umbrella or excess liability coverage if for a vehicle for hire that is not a motor vehicle.
- (d) If a vehicle is removed from service, the holder shall maintain the insurance coverage required by this section for the vehicle until the city secretary and risk manager receives satisfactory proof that all evidence of operation as a vehicle for hire has been removed from the vehicle.
- (e) Insurance required under this section must include:
  - (1) A cancellation provision in which the insurance company is required to notify the city secretary in writing not fewer than ten days before canceling or making a material change to the insurance policy;

- (2) A provision to cover all vehicles used under the holder's operating authority; and
- (3) A provision requiring the holder's insurance company to pay every claim on a first (1st) dollar basis.
- (f) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverage are managed by one agent, and one certificate of insurance is issued to the city.
- (g) A business permit will not be granted or renewed unless the applicant or holder furnishes the city secretary with such proof of insurance as the city secretary considers necessary to determine whether the applicant or holder is adequately insured under this section.
- (h) If the insurance of a holder lapses or is canceled and new insurance is not obtained, the city secretary shall immediately suspend the operating authority until the holder provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a passenger transportation service while operating authority is suspended under this section whether or not the action is appealed.
- (i) No person with any direct or indirect ownership interest in the holder's vehicle for hire service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the vehicle for hire service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company.
- (j) The city's risk management office shall verify that sufficient insurance coverage, as described above, is maintained by the holder while the holder has a business permit.

( [Ord. No. 2014-480, § 4, 8-19-14](#) )

Sec. 27-140. - Appearance of drivers.

Each holder shall have company dress standards for drivers employed by or contracting with the holder. A driver and the driver's clothing must conform to basic standards of hygiene and be neat, clean, and sanitary at all times.

( [Ord. No. 2014-480, § 4, 8-19-14](#) )

Sec. 27-141. - Driver's daily manifest.

- (a) Each holder shall provide its drivers with forms for maintaining a daily manifest. The form must include appropriate spaces for recording the following information, if applicable:
  - (1) Vehicle number, driver's name, date, hours of operation, paid miles, trips, extras, and if the vehicle is a taxicab, the meter number;
  - (2) Time, place, origin, and destination;
  - (3) Number of passengers and amount of fare and other charges; and
- (b) Each driver shall complete a manifest on a separate form for each tour of duty. The driver shall provide the information required by the form and shall record the information with regard to trips at the end of each trip and deliver this information to the holder at the end of each day or tour of duty. The holder shall maintain the manifest forms and allow the city secretary to inspect the forms upon request. The holder shall provide copies of the manifest forms to the city secretary if requested.

( [Ord. No. 2014-480, § 4, 8-19-14](#) )

## Sec. 27-142. - Holder's records and reports.

Each holder shall maintain at a single location business records of its vehicle for hire service, which must include the driver's daily manifest. A holder shall make its records available for inspection by the city secretary at reasonable times upon request.

( [Ord. No. 2014-480, § 4, 8-19-14](#) )

## Sec. 27-143—27-163. - Reserved.

## DIVISION 5. - SERVICE REGULATIONS

## Sec. 27-164. - City-wide vehicle for hire service required.

Except as otherwise provided by the holder's business permit, a holder shall:

- (1) Provide vehicle for hire service to the general public to and from any point inside the city that is accessible by public street, except that this provision does not require a holder to subject a vehicle for hire to mob violence or destruction;
- (2) Respond to each call received for service inside the city as soon as practicable, and if the service cannot be rendered within a reasonable time, the holder shall inform the caller of the reason for the delay and the approximate time required to respond to the call; and
- (3) Maintain a single station/location for the purpose of receiving calls and dispatching motor vehicles.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

## Sec. 27-165. - Refusal to convey passengers by vehicles for hire.

- (a) While driving a vehicle for hire a driver shall not refuse to convey a person who requests service unless:
  - (1) The person is disorderly;
  - (2) The driver is engaged in answering a previous request for service;
  - (3) The driver has reason to believe that the person is engaged in unlawful conduct; or
  - (4) The driver is in fear of his or her personal safety.
- (b) While operating a vehicle for hire, a driver shall not refuse service requested by a radio dispatch when the location for pick up is within a reasonable distance from the location of the vehicle for hire.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

## Sec. 27-166. - Passenger limitations of vehicles for hire.

- (a) While driving a vehicle for hire, a driver on duty may carry only a person who is a paying passenger, unless the passenger is an employee of the vehicle for hire service that employs or contracts with the driver, or is a governmental inspector acting in an official capacity.
- (b) A driver may not carry at the same time more passengers than the designed seating capacity of the vehicle for hire.

- (c) The city secretary may establish rules governing passenger limitations as illustrated by, but not limited to, vehicle-sharing, vehicle-pooling, and numbers of passengers with different destinations.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

Sec. 27-167. - Carry passenger by direct route.

A driver shall carry a passenger to his or her destination by the most direct and expeditious route available unless otherwise directed by the passenger.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

Sec. 27-168. - Solicitation of passengers by vehicles for hire.

A driver may not solicit passengers:

- (1) From a location other than the driver's compartment or the immediate vicinity of the driver's vehicle for hire;
- (2) In a way that annoys or obstructs the movement of a reasonable person; or
- (3) By paying an employee of another business to solicit passengers for or give preferential treatment in directing passengers to the driver's vehicle for hire.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

Sec. 27-169. - Conduct of drivers.

A driver shall:

- (1) Act in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance in compliance with section 27-140 of this article;
- (3) Not consume an alcoholic beverage, drug, or other substance that could adversely affect the driver's ability to operate a vehicle for hire;
- (4) Not monitor the radio frequency of a vehicle for hire company other than the driver's own nor respond to a call for service dispatched to another vehicle of hire;
- (5) Not possess a radio capable of receiving the frequency of a vehicle for hire company, other than the driver's own;
- (6) Not interfere with the city secretary in the performance of the city secretary's duties;
- (7) Comply with lawful orders of the city secretary issued in the performance of his or her duties; and
- (8) Provide the passengers with a quote on the estimated amount of fare before the ride starts, unless the fare is "tips only" at the customer's discretion.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

Sec. 27-170. - Return of passengers property.

- (a) Upon finding property in a vehicle for hire left by a passenger, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not

know the identity or whereabouts of the owner, the driver shall, within a reasonable time, deliver the property to the holder who employs or contracts with the driver.

- (b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, the date the property was left in the vehicle for hire, the circumstances relating to the loss, and the vehicle for hire number. The holder shall keep the report on file for at least one year and shall hold the property for not less than three months.

( [Ord. No. 2014-480, § 5, 8-19-14](#) )

Sec. 27-171—27-191. - Reserved.

#### DIVISION 6. - FARES

Sec. 27-192. - Rates of fares.

- (a) A holder or driver of a vehicle for hire shall provide its rate structure to the city secretary's office and only charge rates of fare using that rate structure.
- (b) A holder may update his or her rate structure once every six months by submitting a new rate structure in writing to the city secretary's office during normal business hours. The new rate structure becomes effective after seven days.
- (c) The city secretary shall maintain the current rates of fares for all holders in the city.

( [Ord. No. 2014-480, § 6, 8-19-14](#) )

Sec. 27-193. - Negotiated fare for alternative vehicles.

- (a) Rates of fare for alternative vehicles may be fixed fares and, if not, must be agreed upon prior to service being rendered unless the fare is "tips only" at the customer's discretion.
- (b) The driver of an alternative vehicle for hire may negotiate with the customer a fare for service in advance of the provision of service.

( [Ord. No. 2014-480, § 6, 8-19-14](#) )

Sec. 27-194. - Computation of fares.

A driver shall only charge a fee as computed by a taximeter or as calculated using the rate structure that is on file with the city secretary's office.

( [Ord. No. 2014-480, § 6, 8-19-14](#) )

Sec. 27-195. - Taximeter specifications.

- (a) A taximeter must accurately register in legible figures total miles, paid miles, number of fare units, number of trips, extras, and total fare for a trip. Figures denoting the fare must be illuminated when the meter is activated.

- (b) A taximeter must be mounted in a conspicuous location in the taxicab in a manner approved by the city secretary. A taximeter must be equipped to indicate whether the taxicab is engaged or vacant.
- (c) A holder shall cause each taximeter in taxicabs operating under its business permit to be maintained in good operating condition and be tested along with the annual inspection at least once each year.
- (d) A person commits an offense if he or she operates a taxicab that is equipped with a taximeter that:
  - (1) Does not have a current decal authorized by the city secretary;
  - (2) Has been tampered with or altered; or
  - (3) Incorrectly registers or computes taxicab fares because of alterations to the taxicab or taximeter.

( [Ord. No. 2014-480, § 6, 8-19-14](#) )

Sec. 27-196. - Fare collection procedures.

- (a) Upon request by a person paying a fare, a driver shall give the person a legible receipt showing:
  - (1) The name of the holder under whose authority the vehicle for hire is operated and contact information;
  - (2) The vehicle for hire decal number;
  - (3) The total amount of fare paid;
  - (4) The date and time of payment; and
  - (5) The driver's name.
- (b) A holder shall provide each driver operating a vehicle for hire under its business permit with printed receipt forms adequate for providing the information required in subsection (a).

( [Ord. No. 2014-480, § 6, 8-19-14](#) )

Secs. 27-197—27-217. - Reserved.

#### DIVISION 7. - VEHICLES AND EQUIPMENT

Sec. 27-218. - False representation.

- (a) A person may not represent that a vehicle is a vehicle for hire if the vehicle is not in fact a vehicle for hire authorized by a business permit granted under this article.
- (b) A person may not drive a vehicle in the city that is not a vehicle for hire if the vehicle is marked, painted, or equipped in a way that is likely to result in mistaking the vehicle as a vehicle for hire.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-219. - Vehicle requirements and inspections.

- (a) The city secretary may by regulation establish requirements for size, condition, and accessories of a vehicle for hire used by a holder, owner, or driver.

- (b) The fleet manager, or designee, shall inspect each vehicle for hire for compliance with this article and notify the city secretary of such findings. In addition to the annual mandatory inspection, the following inspections may occur: pre-service inspection and random inspections.
- (c) A holder, owner, or driver shall make a vehicle for hire available for inspection when ordered by the city secretary. If, upon inspection, the city secretary determines that a vehicle for hire is not in compliance with this article or regulations of the city secretary, the city secretary shall order the vehicle for hire to be brought into compliance within a reasonable period of time and require it to be re-inspected.
- (d) If a holder, owner, or driver fails to make a vehicle for hire available for inspection or if the city secretary determines that a vehicle for hire is not in compliance with this article or regulations of the city secretary, the city secretary may order the vehicle for hire removed from service until it is made available for inspection and brought into compliance.
- (e) If the city secretary determines that inspection of the mechanical condition or safety equipment of a vehicle for hire by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.
- (f) Before any vehicle for hire will be approved for service, the city secretary shall be provided with a copy of the registration for the vehicle with the state, if applicable, or a bill of sale if the vehicle is new and has not yet been registered, showing the name of the individual or holder owning the vehicle. The owner shown on the registration, if applicable, or bill of sale provided to the city secretary shall notify the city secretary of any change in ownership of the vehicle for hire within ten business days.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-220. - Required equipment for motor vehicles.

- (a) Unless otherwise specified in the business permit or by regulation of the city secretary, and in addition to other equipment required by this article, a holder, owner, or driver shall provide and maintain in good operating condition the following equipment for each motor vehicle if applicable:
  - (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity;
  - (2) Heater and air conditioner;
  - (3) ABC fire extinguisher, of at least one quart capacity, conveniently located in the same compartment of the vehicle for hire as the driver so that it is readily accessible for immediate use;
  - (4) A taxicab top light or an interior taxicab light that indicates the taxicab is for-hire or not-for-hire, or other comparable device approved by the city secretary;
  - (5) A two-way communication device, which may include a cellular phone;
  - (6) Map of the city;
  - (7) Vehicle-for-hire decal complying with section 27-223 of this article;
  - (8) A display placard; and
  - (9) A taximeter.
- (b) No equipment listed in subsection (a) may be placed on a vehicle to be operated as a vehicle for hire unless the equipment is owned by the holder.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-221. - Required vehicle identification.



A holder shall cause each vehicle for hire operating under its business permit to be provided with the following uniform vehicle identification permanently affixed to the outside of the vehicle:

- (1) The name of the holder's company printed in letters not less than three inches high with one-half-inch stroke; and
- (2) The vehicle for hire number assigned to each vehicle by the city secretary in numbers and letters not less than three inches high with one-half-inch stroke, so that it is clearly visible from the front, rear, and both sides of the vehicle for hire.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-222. - Display placard.

- (a) Every vehicle for hire must have a display placard approved by the city secretary securely affixed to a conspicuous place in or on the vehicle for hire. A display placard shall be at least four inches by five inches (4" x 5") in area, constructed of a rigid material, and designed to accommodate the following information in accordance with the required dimensions that displays the following information:
  - (1) Name of the company;
  - (2) Fare rates or if there is no fixed rate, then state whether gratuities or donations are accepted; and
  - (3) The statement "For complaints or concerns contact the City of Waco City Secretary's Office at (254) 750 - 5750".
- (b) A holder, owner, or driver of a vehicle for hire commits an offense if he or she operates or allows operation of a vehicle for hire that is equipped:
  - (1) Without the required display placard;
  - (2) With a display placard that does not contain required information; or
  - (3) With a display placard that contains insufficient or incorrect information.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-223. - Vehicle for hire decal.

- (a) The holder, owner, or driver of a vehicle for hire shall obtain a vehicle-for-hire decal, indicating the vehicle for hire's authority to operate from the city secretary each year, or other period to be determined by the city secretary. A decal must be attached to the upper left corner of the front window above the inspection and registration sticker of the vehicle or other location as approved by the fleet manager or designee.
- (b) A person commits an offense if he or she:
  - (1) Operates a vehicle for hire with an expired decal or with no decal affixed to it;
  - (2) Attaches a decal to a vehicle not authorized to operate as a vehicle for hire;
  - (3) Forges, alters, or counterfeits a decal required by this section;
  - (4) Knowingly or with criminal negligence possesses a forged, altered, or counterfeited decal required by this section; or
  - (5) Displays more than one decal issued by the city on a vehicle at the same time.
- (c) A decal assigned to one vehicle is not transferable to another without consent of the city secretary.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-224. - Removal of equipment.

Whenever a vehicle is removed from service or is no longer authorized to operate as a vehicle for hire, the holder, owner, or driver shall remove from the vehicle all signs, markings, and equipment that would distinguish the vehicle as a vehicle for hire, including, but not limited to, radios, top lights, meters, and decals.

( [Ord. No. 2014-480, § 7, 8-19-14](#) )

Sec. 27-225—27-245. - Reserved.

#### DIVISION 8. - ALTERNATIVE VEHICLES

Sec. 27-246. - Permits and decal required for alternative vehicles.

The operation of any alternative vehicle for hire upon the streets, highways, alleys, or parkways thereof of the city for the purpose of transporting persons for hire or as a contractual service is a violation of this article unless operated with business permit, driver's permit and a vehicle for hire decal granted under this chapter.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Sec. 27-247. - Applications for horse-drawn carriage business license.

Applications for horse-drawn carriage business permits shall be submitted to the city secretary on forms provided by that office. The requirements of section 27-79 do not apply for this section. The application shall contain, but not be limited to, the following information:

- (1) The name, home phone number, business phone number, and address of the applicant;
- (2) The number of carriages to be operated pursuant to the license, and the seating capacity, manufacturer, and photograph of each carriage;
- (3) The application shall be verified under oath and include a written agreement by the applicant to operate the business, if permitted, strictly in accordance with the terms of this article;
- (4) The city secretary shall be provided with a certification for each horse to be used in the business from a licensed veterinarian who has an equine practice certifying that the horse is physically fit to engage in the horse-drawn carriage trade and is free of any disease or internal parasites. Recertification shall be required within 30 days prior to re-application;
- (5) The fleet manager, or designee, shall inspect each horse-drawn carriage for compliance with this article and notify the city secretary of such findings.
- (6) Proof of liability insurance in the amount prescribed by section 27-139.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Sec. 27-248. - Operation of horse-drawn carriage service.

Horse-drawn carriage businesses shall be operated only in accordance with the following regulations:

- (1) A copy of the horse-drawn carriage driver's permit and business permit shall be carried by the driver and in a manner so as to be clearly visible to a person while standing adjacent to the carriage or displayed in the coach in a manner so as to be clearly visible to a person while standing adjacent to the carriage. The city secretary, upon granting of the business and driver's permits, shall issue that number of duplicates as requested in the application identifying each carriage set forth in the application;
- (2) Horse-drawn carriages, when in motion, shall be operated only in the right hand traffic lane closest to the curb on any public street and the driver shall obey all applicable state and local traffic laws, ordinances and regulations;
- (3) No horse-drawn carriage shall be operated on a public street unless a valid public liability insurance policy with the city as an additional named insured is on file with the city secretary that complies with section 27-139;
- (4) Occupancy of a horse-drawn carriage shall not exceed a total load weight of more than 1,000 pounds unless a greater weight has been approved by the manufacturer of the carriage;
- (5) No passengers shall be allowed to ride on any part of the carriage while the carriage is in motion except on designated seating upon the carriage;
- (6) The driver shall not solicit patronage in a manner that obstructs the movement of a reasonable person;
- (7) The driver shall not follow any person for the purpose of soliciting patronage;
- (8) The horse may not be allowed to exceed a walk while working or going to or from work in the city.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Sec. 27-249. - Horse-drawn carriage specifications and equipment.

Only carriages constructed and equipped as follows may be permitted:

- (1) Carriages must have no less than one and one-fourth-inch spoked wheels with a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum;
- (2) All carriages must be equipped with brakes, a slow moving vehicle symbol, displayed in a manner and in accordance with the state requirements, brake lights, tail lights, turn signals on the rear of the carriage and a form of two-way communication. All such lights shall be of the color, light intensity and work in the same manner as required for a motor vehicle, registered in this state for use on a public street;
- (3) Each carriage must be equipped with front lights on both sides that will emit light to the front and side. The lights must be visible from a distance of at least 500 feet along with headlights and turn signals that shall be of the color, light intensity and work in the same manner as required for a motor vehicle, registered in the state for use on a public street;
- (4) Each carriage must be equipped with a device to catch horse manure from falling to the pavement either attached to the carriage or the horse;
- (5) Each carriage must be equipped with a chemical to be poured over horse urine by drivers so as to break down and eliminate accumulated agents and odor. Each driver shall use the chemical on the horse urine when it is safe to do so.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

## Sec. 27-250. - Animal care and control guidelines.

- (a) All carriage horses shall be shod by a licensed farrier with an approved shoe. Horses shall be re-shod periodically as needed.
- (b) The animal shall be maintained in a clean condition, free of manure and well groomed.
- (c) No one animal should be worked more than eight hours in any given 24-hour period and no more than 48 hours in any given seven-day period. A logbook shall be maintained for every horse.
- (d) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall:
  - (1) Provide that the saddle, harness, shoes, bridle, and any other equipment for the horse fits properly, is in good working condition, and shall not cause injury or pain to the horse or pose a safety hazard to any person;
  - (2) Not use curb bits, twisted wire, twisted wire snaffles, spurs, bucking straps, flank straps, or similar devices;
  - (3) Not drive, use or work an injured, sick, diseased, or lame horse in the horse-drawn carriage trade;
  - (4) Keep a record of horse shoeing and hoof care.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

## Sec. 27-251. - Operational restrictions for horse-drawn carriages.

An owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade should not drive, use, or work a horse in the city:

- (1) During periods when the temperature exceeds that deemed safe to work the horse;
- (2) During periods of heavy snow;
- (3) During other periods determined by the city by rule as being dangerous or unsuitable; or
- (4) Permit or allow a passenger to ride in or on a horse-drawn carriage in such a position that the driver's vision forward, to the side or behind is blocked.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

## Sec. 27-252. - Pedicab safety equipment and specifications.

- (a) The holder or driver of a pedicab shall, at all times, provide and maintain in good operating condition the following items and equipment for each pedicab vehicle:
  - (1) White headlight(s) visible from a distance of at least 500 feet;
  - (2) Two red taillights visible from a distance of at least 500 feet;
  - (3) A reliable braking system;
  - (4) Sufficient rubber and treading on all wheels;
  - (5) A slow-moving vehicle sign attached to the rear of the vehicle;
  - (6) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency; and
  - (7) A red reflector on the rear of the pedicab.
- (b) In addition to the requirements of this chapter, a pedicab must meet the following specifications:

- (1) The distance between each pedicab wheel must remain constant while turning;
- (2) All wheel spokes must be tight and none may be missing or broken;
- (3) Floorboards must have non-skid contact surfaces without holes;
- (4) Brakes must be capable of making a braked wheel stop within a reasonable distance;
- (5) The interior upholstery of the pedicab must not have any noticeable tears or similar damage;
- (6) Any missing, broken or significantly damaged interior and exterior parts of the pedicab must be repaired or replaced; and
- (7) The pedicab must comply with any additional requirements established by fleet services.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Sec. 27-253. - Operational restrictions for pedicabs.

In addition to complying with all applicable traffic laws, a pedicab driver may not:

- (1) Operate a pedicab on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;
- (2) Operate a pedicab on any sidewalk, median, bike trail or hike trail; or
- (3) Permit or allow a passenger to ride in or on a pedicab in such a position that the driver's vision forward, to the side or behind is blocked.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Sec. 27-254. - NEV and LSV safety equipment and specifications.

- (a) The holder or driver of a NEV and LSV shall, at all times, provide and maintain in good operating condition the following items and equipment for each neighborhood electric vehicle;
  - (1) White headlight(s) visible from a distance of at least 500 feet;
  - (2) Two red taillights visible from a distance of at least 500 feet;
  - (3) Front and rear turn signal lights;
  - (4) Stop lights;
  - (5) A slow-moving vehicle sign attached to the rear of the vehicle;
  - (6) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency;
  - (7) Red reflectors;
  - (8) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
  - (9) A parking brake;
  - (10) Glazed windshield; and
  - (11) Seatbelts at the designated seating positions.
- (b) In addition the requirements of this chapter, a NEV and LSV must meet the following standards:
  - (1) The interior upholstery must not have any noticeable tears or similar damage;

- (2) Any missing, broken or significantly damaged interior and exterior parts must be repaired or replaced;
- (3) The vehicle must have a vehicle identification number (VIN);
- (4) The NEV or LSV must not tow a trailer; and
- (5) The NEV or LSV must comply with any additional requirements established by fleet services.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Sec. 27-255. - Operational restrictions for NEVs and LSVs.

In addition to complying with all applicable traffic laws, a NEV and LSV driver may not:

- (1) Operate on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;
- (2) Operate on a street or highway at a speed that exceeds the lesser of:
  - a. The posted speed limit; or
  - b. 35 miles per hour;
- (3) Operate on any sidewalk, median, bike trail or hike trail; or
- (4) Permit or allow a passenger to ride in or a NEV or LSV vehicle in such a position that the driver's vision forward, to the side or behind is blocked.

( [Ord. No. 2014-480, § 8, 8-19-14](#) )

Secs. 27-256—27-276. - Reserved.

#### DIVISION 9. - ENFORCEMENT

Sec. 27-277. - Authority to inspect.

The city secretary may inspect a vehicle for hire service operating under this article to determine whether the service complies with this article, regulations established under this article, or other applicable law.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )

Sec. 27-278. - Removal of evidence of authorization.

Whenever a holder's business permit or a driver's permit is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a vehicle for hire, the city secretary may remove or require the surrender of all evidence of authorization as a holder, driver, or vehicle for hire, including, but not limited to, removal or surrender of business permit, driver's permit, decals, signs, insignia, radios, top lights, and meters if applicable.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )

## Sec. 27-279. - Enforcement by police department.

Officers of the police department shall assist in the enforcement of this article. A police officer, upon observing a violation of this article or the regulations established by the city secretary, shall take necessary enforcement action to ensure effective compliance with this article by vehicles for hire.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )

## Sec. 27-280. - Correction order.

- (a) If the city secretary determines that a holder violates this Code, a regulation established by the city secretary, or other law, the city secretary may notify the holder in writing of the violation and by written order directing the holder to correct the violation within a reasonable period of time. In setting the time for correction, the city secretary shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the city secretary shall order the holder to immediately cease use of the equipment.
- (b) If the city secretary determines that a violation constitutes an imminent and serious threat to the public health or safety, the city secretary shall order the holder to correct the violation immediately, and, if the holder fails to comply, the city secretary shall promptly take or cause to be taken such action as he or she considers necessary to enforce the order immediately.
- (c) The city secretary shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city council.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )

## Sec. 27-281. - Service of notice.

- (a) A holder shall designate and maintain a representative to receive service of notice required under this article.
- (b) Notice required under this article to be given:
  - (1) A holder must be personally served by the city secretary on the holder or the holder's designated representative; or
  - (2) A driver permitted by the city secretary must be personally served or sent by certified United States mail, five day return receipt requested, to the address, last known to the city secretary, of the person to be notified, or to the designated representative for drivers.
- (c) Notice required under this article to be given to a person other than a driver or a holder may be served in the manner prescribed by subsection (b)(2).
- (d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received and it is presumed that the notice is received within four days after it has been mailed.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )

## Sec. 27-282. - Appeal.

- (a) A holder or driver may appeal the following decisions of the city secretary if he or she requests an appeal in writing and delivers it to the city manager's office not more than 14 days after receiving notice:
- (1) A denial of an application for a business or driver's permit;
  - (2) A suspension or revocation of a business or driver's permit;
  - (3) A denial of renewal of business or driver's permit;
- (b) The city council or designee shall hear all appeals made under this subsection within 30 days of the date the request for an appeal is received in the city manager's office. The city council or designee shall give the appealing party an opportunity to present evidence and make argument in his or her behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the city council or designee shall make its decision within seven business days after the close of the hearing on the basis of a preponderance of the evidence presented at the hearing.
- (c) The city council or designee may affirm, modify, or reverse all or part of the action of the city secretary being appealed. The decision of the city council or designee is final.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )

Sec. 27-283. - Criminal offenses.

- (a) A person commits an offense if he or she violates or attempts to violate a provision of this article applicable to him. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs. An offense committed under this article is punishable by a fine of not more than \$500.00.
- (b) Prosecution for an offense under subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

( [Ord. No. 2014-480, § 9, 8-19-14](#) )