

ORDINANCE NO. 40, 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, TO ENACT CHAPTER 119 IN CITY CODE TITLE XI BUSINESS REGULATIONS CONCERNING LICENSING AND REGULATION OF COMMERCIAL PEDAL CAR AND TO AMEND CITY CODE SECTIONS RELATING TO ALCOHOL CONSUMPTION ON MULTIPASSENGER BICYCLES AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS DOES ORDAIN AS FOLLOWS:

SECTION 1: Enacting East Grand Forks City Code Chapter 119.

East Grand Forks City Code Title XI, Chapter 119 is enacted to read as follows:

CHAPTER 119 LICENSING AND REGULATION OF COMMERCIAL PEDAL BIKES

119.01-Definitions. As used in this Article, the following terms mean:

- (1) *Permitted commercial pedal car beverages* means beer, wine, seltzer, water, soda, juice, or non-alcoholic beverages contained in a can or plastic container not exceeding 16 ounces.
- (2) *Commercial pedal car* means a multi-passenger bicycle, as defined in Minn.Stat 169A.35 Sub 6 (a)2.
- (3) *Commercial pedal car business* means the operating of one (1) or more commercial pedal cars, whether for profit or not-for-profit.
- (4) *Commercial pedal car business operator* means a person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization operating a commercial pedal car business pursuant to a commercial pedal car business license.
- (5) *Commercial pedal car driver* means a person who has been issued a commercial pedal car driver license under this Article, is employed by a commercial pedal car business and is responsible for the safe operation of a commercial pedal car, including but not limited to the steering and braking and maintaining compliance with all federal, state and local traffic rules and regulations.
- (6) *Street* shall have the same meaning as given under East Grand Forks City Code § 70.02

119.02-License Required; Non-Exclusivity; Regulatory Power of the City Council; Non-transferability.

- (1) No person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization may operate or engage in a commercial pedal car business

within the City of East Grand Forks without a commercial pedal car business license and full compliance with this Article.

- (2) Only commercial pedal cars issued a license under City Code § 119.03 may be operated within the City of East Grand Forks.
- (3) Only a commercial pedal car driver may drive and operate a commercial pedal car within the City of East Grand Forks.
- (4) No license granted under this Article by the City shall be exclusive.
- (5) All licenses granted under this Article shall be subject to the rules and regulations authorized to be promulgated by the City Council pursuant to this Article and any other ordinance applicable thereto.
- (6) No license granted under this Article shall be assigned or transferred without first making an application to and receiving the approval of the City Council.
- (7) The cessation of operations or other termination of the business of a commercial pedal car business operator shall result in the immediate termination of the license issued under this Article to said commercial pedal car business operator.
- (8) Except as may be permitted under this Article, no multipassenger bicycle, as defined in Minn.Stat. 169.011 subd. 4 (See Also Minn.Stat 169A.35 Sub 6 (a)2) may be operated within the City of East Grand Forks.

119.03 - Commercial Pedal Car License and Commercial Pedal Car Vehicle Operator License and Commercial Pedal Car Business License.

- (1) *License - Commercial pedal car driver.* No person shall drive or operate a commercial pedal car within the City of East Grand Forks without first making application to City Administration, paying all fees provided for in this Article and being issued a commercial pedal driver license in accordance with this Article.
 - (A) Each submitted written application for a commercial pedal car driver license shall be on a form prescribed by City Administration and shall contain all the following:
 - (1) Name, address, date of birth of the applicant.
 - (2) All residing addresses of the applicant during the five (5) year period immediately preceding the date of the application are received by the City Administration.
 - (3) The name of the driver's license issuing state and driver's license number of the applicant.
 - (4) A copy of the person's certificate of alcohol server training issued under East Grand Forks City Code § 117.80 et al. A commercial pedal car driver

license shall not be issued to any person who does not have a valid and existing certificate of alcohol server training issued under City Code § 117.80 et al. The revocation, termination, cancellation, suspension, or expiration of a person's certificate of alcohol training shall cause the person's commercial pedal car driver license to be automatically and immediately revoked and terminated.

- (5) The applicant's consent for the City to conduct a criminal background and driving record check.
 - (6) Payment of the non-refundable commercial pedal car driver's license fee. In the event the application is denied, this payment is non-refundable.
- (B) A commercial pedal car driver's license may only be issued to an individual who is at least twenty-one (21) years of age.
 - (C) A commercial pedal car driver's license may only be issued to a person who possesses a valid driver's license, which is not suspended, revoked, cancelled, or expired. The suspension, revocation, cancellation, or expiration of a state driver's license shall cause the person's commercial pedal car driver license under this Article to be immediately and automatically revoked and terminated.
 - (D) A commercial pedal car driver license may not be issued to a person who has had more than two (2) motor vehicle moving violations during the twelve (12) month period of time immediately preceding the date the application is received by City Administration or more than three (3) motor vehicle moving violations during the thirty-six (36) month period of time immediately preceding the date the application is received by City Administration.
 - (E) A commercial pedal car driver license may not be issued to a person who has been convicted, plead guilty or nolo contendere to careless or reckless driving or for any offense of driving under the influence of alcohol or drugs during three (3) calendar years immediately preceding the date the application is received by City Administration.
- (2) *License - Commercial pedal car.* No person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization shall operate a commercial pedal car within the City of East Grand Forks without first making application to City Administration, paying all fees provided for in this Article and have a commercial pedal car license issued for the commercial pedal car.
- (A) Each submitted written application for a commercial pedal car license shall be on a form prescribed by City Administration and shall contain all the following:
 - (1) Owners and Signatures.

- (i) For a commercial pedal car owned by a person and operated as a sole proprietorship, the name and address of the owner and each owner shall sign the application.
 - (ii) For a commercial pedal car owned and operated by a partnership (whether a general partnership, limited partnership, or limited liability partnership), the name and address of the partnership and signed by the managing partner.
 - (iii) For a commercial pedal car owned and operated by a limited liability company (LLC), the name and address of the LLC and if the LLC is a manager-managed limited company, signed by the manager and if the LLC is a member-managed, signed by the managing member.
 - (iv) For a commercial pedal car owned and operated by a corporation, company, association, or other entity or organization, the name and address of the corporation company, association, or other entity or organization and by the president or chief executive officer.
- (2) Written certification from a city approved bicycle repair shop certifying the safety and roadworthiness of the commercial pedal car.
 - (3) In addition to the certification described in City Code § 119.03(2)(A)(2), all commercial pedal cars must pass an initial inspection of its condition and compliance with equipment and safety standards under this Article before a commercial pedal car license is issued. The City Administrator or the designee of the City Administrator shall determine the party to conduct the inspection.
 - (4) Payment of the non-refundable commercial pedal car license fee. In the event the application is denied, this payment is non-refundable.
- (3) *License - Commercial pedal car business.* No person, firm, corporation, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity shall conduct a commercial pedal car business within the City of East Grand Forks without first make application to City Administration, paying all fees provided for in this Article and have a commercial pedal car business license issued for the commercial pedal car business.
- (A) Each submitted application shall be on a form prescribed by City Administration and shall contain all the following:
 - (1) Name and form of business.
 - (i) For a sole-proprietorship, the name and address of the sole-proprietorship, and the name and address of the owner. The owner shall sign the application.

- (ii) For a partnership (whether a general partnership, limited partnership, or limited liability partnership), the name and address of the partnership, the names and addresses of all of the partners. The general partner or managing partner shall sign the application.
 - (iii) For a limited liability company (LLC), the name and address of the LLC, and the names and addresses of all the members of the LLC. For an LLC that is a manager-managed limited company, the applicant shall also provide the names and addresses of all the managers and be signed by one of the managers. For an LLC that is a member-managed limited liability company, the managing member shall sign the application.
 - (iv) For a corporation, company, association, or other entity or organization, the name and address of the corporation, company, association, or other entity or organization, and the names and addresses of the shareholders, owners, members, and principal officers. The president or chief executive officer shall sign the application.
- (2) The name, phone number, street address (and mailing address if different) of the commercial pedal car business operator's agent for service of legal process.
 - (3) The identity and license number of each commercial pedal car the commercial pedal car business operator intends to operate within the term of the license. Any increase in the number of commercial pedal cars to be used for the commercial pedal car business shall require an amended application and payment of the fee for filing an amended application shall be submitted for such increase in the number of commercial pedal cars.
 - (4) A written plan to maintain each commercial pedal car in a safe and operable condition and to meet the minimum equipment and safety standards and requirements under City Code § 119.08.
 - (5) A document executed by the person required to sign the application under City Code § 119.03(3)(A) certifying that each commercial pedal car to be operated in the commercial pedal car business complies the requirements of this Article.
 - (6) Proof of current coverage or insurance as required under this Article.
 - (7) A declaration that the person required to sign the application under City Code § 119.03(3)(A) has read the provisions of this Article and has required each of its officers and employees to read the provisions of this Article.
 - (8) A statement of indemnification of the city and its officials, officers, agents, volunteers, and employees by the commercial pedal car business.

- (9) Any changes in the application, following approval of the license, must be approved by the City Administrator or the designee of the City Administrator.

119.04 - License Number.

- (1) Each commercial pedal car driver license shall be assigned a number or number series by City Administration and the person shall receive a written license from the City Administrator or the designee of the City Administrator.
- (2) Each commercial pedal car license shall be assigned a number or number series by City Administration and shall be issued a license decal. The license decal and license number assigned shall be displayed on the commercial pedal car at least two (2) inches to the right of the rear left hand turn signal but no further than the center of the commercial pedal car and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the commercial pedal car.
- (3) Each commercial pedal car business license shall be assigned a number or number series by the City Administrator and the person shall receive a written license from the City Administrator.

119.05 - Term.

- (1) Except as otherwise provided herein, each license issued pursuant to this Article shall expire annually on the 31st day of December.
- (2) Licenses may be renewed annually in compliance with the renewal procedures established by City Administration or designee of the City Administrator, provided, however, all the terms and provisions under this Article for the issuance of an initial license shall apply for a license renewal.

119.06 - Fees.

Before being issued any license or the renewal of any license under this Article, all fees as established by resolution of the East Grand Forks City Council shall be paid. All fees paid for the issuance or renewal of any license are non-refundable.

119.07 - Insurance requirements.

- (1) No commercial pedal car business license shall be issued or renewed a license without proof of commercial general liability insurance for the commercial pedal car business as the insured that is issued by a company authorized to do insurance business in the State of Minnesota in the minimum amount of two million dollars (\$2,000,000.00). Proof of insurance shall provide insurance coverage for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of the commercial pedal car arising out of the ownership, operation, use, or maintenance of a commercial pedal car.

- (2) The City of East Grand Forks, and its officers, officials, employees, boards, commissions, volunteers, and agents shall be named as additional insureds on the insurance policy described in City Code § 119.07(1).
- (3) In addition to the requirement set forth in City Code § 119.07(1), at the request of the City Administrator or the designee of the City Administrator, the commercial pedal car business operator shall provide proof of valid insurance within ten (10) business days of receiving such request.
- (4) In addition to the general liability insurance required under City Code § 119.07(1), no commercial pedal car business shall be operated in the City, nor shall any license be issued therefor, until and unless the commercial pedal car operator also deposits with City Administration a certificate of insurance or such other proof of insurance issued by a company authorized to do insurance business in the State of Minnesota covering each commercial pedal car and each passenger of commercial pedal car with no less than the minimum insurance limits required for motor vehicles pursuant to Minnesota Statutes.
- (5) Any license issued under this Article for a commercial pedal car business shall automatically and immediately be revoked and terminated upon the lapse or termination of any the insurance coverage required herein.

119.08. - Equipment and Safety Standards and Requirements for Commercial Pedal Cars.

- (1) The City Administrator or the designee of the City Administrator may designate minimum equipment and safety standards and requirements for commercial pedal cars.
- (2) In addition to any equipment and safety standards that may be promulgated under City Code § 119.08(1), each commercial pedal car shall have the following fully operational equipment:
 - (A) *Steering Wheel.* A commercial pedal car shall be equipped with a steering wheel that gives the commercial pedal car driver exclusive control of the direction of the commercial pedal car.
 - (B) *Tires.* The tires shall be of a size appropriate for the commercial pedal car with no mismatched tires per the design of the commercial pedal car. There shall be no cuts to the tires, localized worn spots that expose the ply, or visible tread wear indicators.
 - (C) *Operational horn or bell.* The commercial pedal car shall be equipped with a fully operational horn or bell.
 - (D) *Brakes.* It shall be unlawful to operate, or cause to be operated, a commercial pedal car that is not equipped with front and rear braking systems capable of being manipulated by the driver from the driver's normal position of operation and capable of causing a commercial pedal car with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the commercial pedal car is in contact with the ground on dry, level, clean pavement. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes, unaffected by rain or wet conditions.

- (E) *Taillamps.* Two taillamps meeting the requirements of Minn.Stat. § 169.50. The taillamps shall be illuminated at all times the commercial pedal car is being operated.
- (F) *Stop lamps.* Two stop lamps the meeting the requirements of Minn.Stat. § 169.57.).
- (G) *Headlamps.* Two headlamps meeting the requirements of Minn.Stat. § 169.49 The headlamps shall be illuminated at all times the commercial pedal car is being operated.
- (H) *Turn Signals.* Turn signals affixed to the front and rear of the commercial pedal car.
- (I) *Mirrors.* A side mounted mirror or a wide-angle rearview mirror affixed to the pedal car to reflect to the commercial pedal car driver a view of the street for a distance of at least two hundred (200) feet from the rear of the commercial pedal car.
- (J) *Reflectors.* Each commercial pedal car shall have reflectors on the frame and a red reflector mounted on each side of the rear of the commercial pedal car, at least one (1) inch from the outer edge and centered. In addition, the international slow-moving triangle must be displayed on the rear of the commercial pedal car.
- (K) *Restraints.* Hip restraints as defined by the American National Standards Institute (ANSI)/National Golf Carts Manufacturers Association (NGCMA) shall be installed for every seat on the vehicle. The Commercial pedal car driver shall not operate the commercial pedal car unless each passenger thereon is wearing hip restraints. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise, including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a commercial pedal car.

119.09. - Operating Standards and Requirements for Commercial Pedal Car.

- (1) *Area of Operation. (See Appendix A)*
 - (A) Subject to City Code § 119.09(1)(B), commercial pedal cars may only be operated on streets located within the downtown area of the City of East Grand Forks depicted on Appendix A: Approved Pedal Pub Route; attached to this ordinance.
 - (B) Prior to the operation of a commercial pedal pub car within the approved area described City Code § 119.09(1)(A) above, the commercial pedal car business operator shall submit a plan to the City Administrator or the City Administrator’s designee, for the operation of commercial pedal cars that addresses the means and methods of operation the commercial pedal cars will take to avoid impeding the safe and unimpeded travel of police, fire, ambulance and other first responders

when responding to an emergency situation. This plan must be reviewed and approved by the City Administrator or the City Administrator's designee, after consultation with other City personnel, including the Chief of Police, Fire Chief, City Engineer, and City Planner.

- (2) *Hours of Operation.* The hours of operation for commercial pedal cars shall be from 10:00 a.m. to 10:00 p.m. from May through September. The prohibitions of hours of operation may be waived for special events upon proper application to the City Administrator.
- (3) *Sidewalks/Greenway.* No commercial pedal car shall be operated or parked on a sidewalk, a bike path, or on the greenway.
- (4) *Speed.* No commercial pedal car shall travel at a speed greater than twenty-five (25) miles per hour.
- (5) *Impeding traffic exemption.* Commercial pedal cars shall be exempt from City requirements relating to impeding traffic, provided, however, when safe and appropriate to do so, the commercial pedal car driver shall exit the lane of traffic to allow traffic to pass safely.
- (6) *Sale of alcoholic beverages.* No sale of alcoholic beverages at retail requiring a license under City Code § 119.02 shall be permitted on a commercial pedal car.
- (7) *Permitted commercial pedal car beverages* Only permitted commercial pedal car beverages may be consumed by passengers on a commercial pedal car. No alcoholic beverages above six percent (6%) alcohol content may be consumed by passengers of a commercial pedal car.
- (8) *Food sales.* No sale, serving, other disposition, preparation or storage of food shall be permitted on a commercial pedal car.
- (9) *Traffic laws.* Every commercial pedal car shall be operated in compliance with all applicable federal, state, and local traffic laws, ordinances, rules, and regulations, and in a manner so as to assure the safety of persons and property.
- (10) *Use of public property.* No commercial pedal car shall use public transportation loading areas as a waiting area or an area to load or unload passengers or their belongings onto or off a commercial pedal car. However, the commercial pedal car is authorized to use the public parking lot for loading or unloading but only while on tour and the commercial pedal car shall not be parked in the city parking lot for more than 2 continuous hours. No overnight parking is allowed in the City parking lot or on city owned property.
- (11) *Loading of Passengers – Streets/Crosswalks.* All commercial pedal car operators shall operate tours only from commercial locations on private property approved by the City Administrator, or the City Administrator's designee. The site shall be used as the location for patrons to gather and assemble prior to embarking on the commercial pedal car tour and to disembark at the conclusion of the tour. Approved sites shall provide patrons access to restroom facilities and a minimum of three (3) off-street customer parking spaces per commercial pedal car operated from the site. No commercial pedal car shall stop to load

or unload passengers or their belongings in the intersections of any street, crosswalk, or in any manner or other location that would be considered unsafe. Loading and unloading passengers or their belongings onto and off a commercial pedal car shall be done in any manner that will not, in any way, impede or interfere with the orderly flow of traffic on the streets.

- (12) *Parking.* A commercial pedal car shall not be parked in any place not specifically designated for parking. Notwithstanding any other parking time limitations, a commercial pedal car may occupy up to two designated parking spaces for no more than two (2) hours continuously, provided, however, if the continuous parking time limit for the designated parking area is less than two (2) hours, then the short parking time limit shall apply.
- (13) *Unsafe Operation.* It shall be unlawful for any commercial pedal car driver to allow or cause to be operated a pedal car in any unsafe manner or operating condition.
- (14) *Consumption of alcohol by commercial pedal car driver.* No commercial pedal car driver shall consume any alcoholic beverages or intoxicating substances while on duty or operate a commercial pedal car while impaired in any manner.
- (15) *Clean and maintain commercial pedal cars.* All commercial pedal cars shall be clean and maintained in a good state of repair. All commercial pedal cars shall be maintained by the commercial pedal car business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition.
- (16) *License Decals Displayed.* All commercial pedal cars shall display the license decal issued in the manner required under City Code § 119.04(2).
- (17) *Name and telephone number of commercial pedal car business operator.* All commercial pedal cars shall have the name and phone number of the commercial pedal car business operator conspicuously displayed on each commercial pedal car.
- (18) *Passengers legal age.* All passengers on a commercial pedal car consuming alcohol shall be of legal age.
- (19) *Commercial pedal car driver license and operation of commercial pedal car.* Each commercial pedal car driver shall have in his or her possession while operating or otherwise in control of any commercial pedal car his or her valid state issued driver's license and commercial pedal car driver's license. These documents shall be made available upon request of any police officer, or the City Administrator or any designee of the City Administrator. Each commercial pedal car driver shall operate the commercial pedal car in compliance with all applicable federal, state, local traffic laws, ordinances, rules, and regulations, and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of any police officer or the City Administrator or any designee of the City Administrator.
- (20) *Insurance.* Proof of insurance of the commercial pedal car business operator required under City Code § 119.07, shall be kept and maintained within each commercial pedal car.

- (21) *Compliance with orders.* All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, the City Administrator, or other City agent or representative, as designated by the City Administrator, and shall refrain from interference with such officials while in the performance of their duties.
- (22) *Maximum number of passengers.* No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the commercial pedal car driver may be in the center aisle while the commercial pedal car is in motion.
- (23) *Others driving commercial pedal cars.* No commercial pedal car driver shall allow a passenger or other person to drive the commercial pedal car unless that person also holds a commercial pedal car driver license under this Article and such passenger or person is an authorized employee of the same commercial pedal car business.
- (24) *Glassware.* No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.
- (25) *Loud Noise.* No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that violates the city code or would constitute a public nuisance.
- (26) *Advertisement.* Advertisements shall only be allowed on the manufactured body of the commercial pedal car. No banners, poles, flags, detached signs, or any other addition or object shall be permitted.
- (27) *Garbage.* All commercial pedal cars shall have a trash can on the commercial pedal car and the commercial pedal car driver shall be responsible for all garbage being placed in the trash can and to properly dispose of all trash from the operation of the commercial pedal car.
- (28) *Attire of commercial pedal car driver.* A commercial pedal car driver must be properly attired with a shirt, name tag, pants, skirt or shorts and secure footwear. The shirt and name tag worn by a commercial pedal pub driver must have the name of the commercial pedal car business operator in a conspicuous location.
- (29) *Passenger conduct.* It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car so that their behavior remains law-abiding during the excursion, both while the commercial pedal car is in motion and at a stop. Behavior which shall be prohibited and prevented includes, but is not limited to, indecent exposure, disorderly conduct, public urination, and littering. Further, it is the responsibility of the commercial pedal car driver to not allow an obviously intoxicated person to be a passenger on a commercial pedal car, and if a person becomes obviously intoxicated during an excursion, to take all action necessary to safely have the person removed as a passenger on the commercial pedal car.
- (30) Every commercial pedal car business operator shall:

- (A) Take affirmative measures to ensure that all its owners and drivers comply with the terms of this Article.
- (B) Be responsible for the operation of the commercial pedal car at all times.
- (C) Ensure that no commercial pedal car is operated in an unsafe mechanical condition or continues to operate after it has been ordered out of service.
- (D) Promptly respond to all requests for information from law enforcement, the City Administrator or their respective designees.
- (E) Promptly report all accidents involving their commercial pedal car(s) operating in East Grand Forks to the City Administrator or their designee, or law enforcement.
- (F) Be the agent of service of all notices, orders, and other correspondences from the City of East Grand Forks to the commercial pedal car business and commercial pedal car drivers operating under their commercial pedal car business license.

119.10 – Commercial Pedal Car Inspections. In addition to the inspection under City Code § 119.03(2)(A)(3), all commercial pedal cars shall be subject to the following inspections:

(1) *Annual inspection.*

- (A) An annual inspection of each commercial pedal car shall be required before a license renewal may be issued. The City Administrator or designee of the City Administrator shall determine the party to conduct such an annual inspection. The annual inspection shall review for compliance with the equipment and safety standards and requirements under City Code § 119.08 and other applicable ordinances, laws, rules, and regulations. A separate fee as established by the City Council of East Grand Forks may be required for an annual inspection.
- (B) Commercial pedal cars that do not meet the equipment and safety standards and requirements under City Code § 119.08 or other applicable ordinances, laws, rules, or regulations may be denied renewal licenses and the commercial pedal car business operator may not operate such commercial pedal car until the defects have been cured and repaired and the commercial pedal car has passed the annual inspection.
- (C) The failure of a commercial pedal car business operator to have any of its commercial pedal cars meet equipment and safety standards and requirements under City Code § 119.08 or other applicable ordinances, laws, rules, or regulations shall be grounds for denial of the commercial pedal car business license renewal and also grounds for the revocation, termination or suspension of the commercial pedal car business license.

(2) *Periodic Inspections.*

- (A) The City Administrator or designee of the City Administrator shall have the right to examine and inspect any commercial pedal car at any reasonable time to determine whether the commercial pedal car is in compliance with the equipment and standards and requirements under City Code § 119.08 and other applicable ordinances, laws, rules, and regulations. The City Administrator or designee of the City Administrator shall determine the party to conduct such periodic inspections. A separate fee as established by the City Council of East Grand Forks may be required for a periodic inspection.
- (B) Any commercial pedal car that is found during a periodic inspection to either (1) not to meet the equipment and safety standards and requirements under City Code § 119.08 or other applicable ordinances, laws, rules or regulations, or (2) exhibits continuing and present safety concerns so as to render the commercial pedal car unsafe to operate, shall be ordered and identified as “out of service,” and shall not operate until such defects have been cured or repaired and approved by the City Administrator or the designee of the City Administrator.
- (C) The ordering of a commercial pedal car out of service under City Code § 119.10(2)(B) shall be grounds for denial of the commercial pedal car business license renewal, and grounds for the revocation, termination, or suspension of the commercial pedal car business license.

(3) *In-operation inspections.*

- (A) If the City Administrator or designee of the City Administrator, or any police officer, finds a commercial pedal car exhibiting continuing and present safety concerns, the commercial pedal car may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns, include but are not limited to, failure to abide by this Article, failure to abide by other applicable laws, ordinances, rules or regulations, flat tires, inoperable equipment (inclusive of headlamps or taillamps), or other mechanical or operational issues making the commercial pedal car presently unsafe to operate.
- (B) The ordering of a commercial pedal car out of service under City Code § 119.10(3)(A) shall be grounds for denial of the commercial pedal car business license renewal, and grounds for the revocation, termination, or suspension of the commercial pedal car business license.

119.11. – License Denial and Revocation.

(1) *License Denial.*

- (A) City Administration shall issue a license or renewal of a license under this Article only if all requirements of the applicable license have been met by and the issuance of such permit is in the best interest of the City.

- (B) The City Administrator or their designee may deny any license or renewal of a license under this Article in the exercise of the City Administrator’s full discretion in the interest of public safety or if the application is not in the best interests of the City. In rendering the decision on issuance of a license under this Article, the City Administrator or their designee shall take into account any objections from the City Administrator, the Police Chief, the Fire Chief, the City Engineer, the City Planner, or their respective designees.
- (C) If the City Administrator or their designee denies a license or the renewal of a license, the applicant may appeal said denial to the City Council, and the decision of the City Council shall be final.

(2) *License Revocation.*

- (A) In addition to all other penalties, any violation of the terms of this Article shall be grounds for revocation, termination, suspension, or non-renewal of any license issued pursuant to this Article.
- (B) Any licensee whose license has been revoked, terminated, suspended, or non-renewed under the provisions of this Article may appeal said revocation, termination, suspension or non-renewal to the City Council of East Grand Forks and the decision by the City Council shall be final.

119.12. – Penalty.

A person who operates commercial pedal car without a license issued or operates a commercial pedal car in violation of this Article is guilty of a misdemeanor. Every person violating an ordinance which is punishable as a misdemeanor shall be punished by a fine not to exceed \$1,000.00, or by imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court; the court shall have the power to suspend said sentence and revoke the suspension thereof.

Section 2: Amending Clause to Amend East Grand Forks City Code § 70.02 Vehicle definition

East Grand Forks City Code § 70.02 is amended to read as follows (all changes are in bold, with t additions underlined, with deletions stricken through):

Vehicle Every Vehicle, motor vehicles motorcycle, motorized bicycle, snowmobile, trailer or semitrailer, **or a commercial pedal car, as defined under City Code § 119.01(2).**

Section 3: Amending Clause to Amend East Grand Forks City Code § 117.12.

East Grand Forks City Code § 117.12 is amended to read as follows (all changes are in bold, with additions underlined, with deletions stricken through):

117.12 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS.

(A) It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage, as that term is defined in this chapter, on any:

- (1) City park;
- (2) Street;
- (3) Public property; or

(4) Private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council.

(B) Provided, that this section shall not apply to a **commercial pedal car passenger**, or the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of the vehicle if it is equipped with a trunk or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk.

(C) For the purpose of this section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

(D) **A commercial pedal car driver, as defined under City Code § 119.01(5), may not:**

- (1) Drink or consume alcoholic beverages, as defined Minnesota Stat. 340A.1012 Subd 2, while operating the commercial pedal car on any public street, road, path, or highway or while in an area used principally for parking; or**
- (2) Have in his or her possession or on his or her person while operating a commercial pedal car on a public street, road, path, or highway or while in an area used principally for parking, any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed.**

Section 4: Amending Clause to Amend East Grand Forks City Code § 96.17.

East Grand Forks City Code § 96.17 is enacted to read as follows:

96.17. – MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS

It is unlawful for any person to drive or operate a motorized vehicle including a commercial pedal car as defined under city code 119.01(2) on any sidewalk, bike path or trail or public property for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

Section 5. City Code Title I, Chapter 10 entitled "General Provisions" applicable to entire city code including penalty for violation and Section 10.99 entitled "General Penalty" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 6. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 40, 4th Series.

Voting Aye: Olstad, Larson, Peterson, Vetter, Pokrzywinski, and Riopelle.

Voting Nay: None.

Absent: Helms.

ATTEST:

PASSED: October 17, 2023

City Administrator

President of Council

I hereby approve the foregoing Ordinance this 17th day of October, 2023.

Mayor