

(Published in the Tulsa Daily Commerce
& Legal News,

April 6, 2011.)

ORDINANCE NO. 22396

AN ORDINANCE AMENDING TITLE 36, TULSA REVISED ORDINANCES, SECTION 101 ENTITLED "DEFINITIONS" TO ADD A DEFINITION OF "RICKSHAW;" AMENDING TITLE 36, TULSA REVISED ORDINANCES, SECTION 106 ENTITLED "CERTIFICATE APPLICATION," PARAGRAPH "D" TO ADD RICKSHAW; AMENDING TITLE 36, TULSA REVISED ORDINANCES, SECTION 132 ENTITLED "DIRECT ROUTE" TO ADD RICKSHAWS; AMENDING TITLE 36, TULSA REVISED ORDINANCES, SECTION 146 ENTITLED "PEDA-CABS" TO AMEND THE TITLE TO "PEDA-CABS AND RICKSHAWS" AND TO ADD RICKSHAW TO THE PROVISIONS OF THE SECTION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 36, Chapter 1, Section 101, Tulsa Revised Ordinances, be and the same is hereby amended by adding the definition of "Rickshaw," to read as follows:

"SECTION 101. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

Ambulance shall mean a vehicle defined in and permitted by the provisions of Title 37-A of the Revised Ordinances of the City of Tulsa.

Bus shall mean a chauffeur-driven vehicle for hire, designed to accommodate more than five (5) passengers excluding the chauffeur, classified by the manufacturer as a bus or van, not equipped with a taximeter and provided that all such vehicles are:

1. To be for hire only for travel along a fixed route which is approved by the Director in advance;
2. Of a type and configuration not generally licensed as a taxicab or limousine;
3. Not to cruise in search of patronage and not to park in any public street, or in any public or private place of assemblage soliciting patronage. This shall not be

interpreted to preclude the parking of vehicles at any location while awaiting passengers; and

4. To operate at a rate fixed in advance and charged for regular travel over the approved route.

Certificate shall mean a certificate authorizing the operation of a taxicab or paratransit service within the city limits of Tulsa.

Chauffeur shall mean a licensed individual who drives or operates a taxicab or paratransit vehicle, regardless of whether or not the individual drives or operates such vehicle as an employee, lessee, independent contractor or his lessee, or in any other capacity.

Church Bus shall mean a vehicle used primarily for the transportation of the members, guests or staff of a church.

City shall mean the City of Tulsa, Oklahoma, a municipal corporation.

Council shall mean the Council of the City of Tulsa, Oklahoma.

Courtesy Vehicle shall mean a vehicle used by hotel and motel facilities, apartment complexes, businesses, merchants, companies, private organizations or groups exclusively for the convenience of their guests, occupants, customers, employees or members and is not for hire.

Director shall mean the person designated by the Mayor to enforce the provisions of this chapter or that person's designee.

For Hire shall mean a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by the chauffeur or an employee or the holder operating any taxicab or paratransit vehicle in exchange for the temporary use by or for the transportation of a person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

He/Him/His/It/Its shall include the masculine, feminine and neuter gender.

Hearse shall mean a vehicle customarily and primarily used to transport the deceased for burial.

Holder shall mean a person who is granted a certificate.

Horse-Drawn Carriage shall mean a chauffeur-driven carriage, coach, wagon, or buggy for hire, having one or more horses or other equines under harness and

rein, which can carry one or more passengers, usually operated and promoted for selected sightseeing routes.

Limousine shall mean:

1. A specialized passenger motor vehicle in which a minimum of five (5) passengers can ride in the rear passenger compartment. The driver's seat is separated from the passenger's compartment by a partition that can ensure privacy for the rear passengers; or

2. A luxury sedan; luxury, as defined by the manufacturer of the vehicle. A paratransit company may operate a luxury sedan as a Limousine, provided they also have an equivalent number of specialized passenger motor vehicles. The certificate holder must license one (1) specialized passenger motor vehicle for every four (4) luxury sedans.

3. The vehicle shall not be equipped with a taximeter and shall be for hire only by prearrangement at a rate charged per hour or fixed in advance, as long as the fixed rate is for a minimum period of one (1) hour, provided that all such vehicles are:

a. For hire for continuous periods of one (1) hour or more, whether actually used for one hour or not;

b. Of a type and configuration not generally licensed as a taxicab or bus in the City;

c. Not to cruise in search of patronage and not to park in any public street, or in any public or private place of assemblage soliciting patronage not prearranged. This shall be interpreted to preclude the parking of vehicles at any location while awaiting passengers.

Mayor shall mean the Mayor of the City of Tulsa, or designee.

Metropolitan Tulsa Transit Authority shall mean the public trust organized for the purpose of operating transportation within the City of Tulsa under the trade name of Tulsa Transit.

Mortuary Limousine shall mean a vehicle customarily and primarily used to transport a funeral party.

Paratransit Vehicles shall mean limousines, physically limited transport vehicles, wheelchair transport vehicles, buses, peda-cabs, sightseeing vehicles, rickshaws and horse-drawn carriages for hire.

Peda-Cab shall mean a chauffeur-driven, non-motorized conveyance for hire, propelled by human power, having two or more wheels, with power transmitted from the pedals to the wheels by means of a belt, chain, gears or any combination thereof, designed and constructed to carry one or more passengers in addition to the chauffeur.

Person shall mean any individual, firm, corporation, company, association, partnership or any combination thereof, or two or more persons having a joint or common economic interest. The word person shall include both the singular and plural.

Physically Limited Transport shall mean a chauffeur-driven vehicle for hire which is designed or suited for the transportation of the ambulatory elderly or physically limited, where no medical assistance is required en route to the passenger's destination and where stretcher transportation is not required. Stretcher transportation is deemed necessary when the passenger is not capable of sitting and is not ambulatory. Physically Limited Transport is to be used only by those who are physically unable to utilize a standard taxicab service.

Prearranged shall mean an agreement to provide transportation by registration in advance of boarding from a specific location in a limousine at an agreed-upon rate for a minimum of a one-hour period without regard to whether the trip requires less than one hour or not. The key factor in determining the cost of a prearranged limousine service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed-upon fixed rate that exceeds the normal hourly rate for one hour, and not the distance traveled.

Rickshaw shall mean a chauffeur-driven, non-motorized conveyance for hire, propelled by human power, having two or more wheels, designed and constructed to carry one or more passengers in addition to the chauffeur.

School Bus shall mean a vehicle used primarily for the transportation of a school's students and staff.

Sightseeing Vehicle shall mean a chauffeur-driven vehicle for hire, for carrying passengers on a sightseeing tour over a fixed route within the City, for a charge or fare per passenger, per tour trip or per hour, fixed by an agreement in advance or by the purchase of a ticket.

Street shall mean any street, alley, avenue, boulevard, drive, place, court, terrace, viaduct, public way or highway commonly used for the purpose of public travel.

Taxicab shall mean and include any motor vehicle for hire, designed to carry seven (7) persons or less excluding the chauffeur, accepting passengers indiscriminately on call or demand, for transportation between such points along streets or highways as may be directed by the passenger or passengers being transported.

Taxicab or Paratransit Service shall mean a transportation service operated for hire that uses vehicles or other types of conveyances in its operation.

Taxicab or Paratransit Stands shall mean parking places reserved for the exclusive use of either taxicabs or paratransit vehicles, whichever designated. The City of Tulsa shall designate such stands, except for those at the Tulsa International Airport, which

shall be designated by the Tulsa Airport Authority and approved by the City Council. The locations of all such stands shall be filed with the Director.

Taximeter shall mean any approved, internally mounted instrument, appliance, mechanism or device which records mechanically, electrically, electronically, or any combination thereof, and which calculates and displays the fare based upon any of the rate-setting criteria set forth in this chapter.

Traffic Violation shall mean a violation of any offense described or listed in Title 37, Chapter 6, of the Tulsa Revised Ordinances, regardless of where the violation occurred.

Waiting Time shall mean such time consumed or lost at the request or direction of a passenger or his agent after the acknowledgment of the arrival of the taxicab or paratransit vehicle and before reaching the destination. Waiting time also includes time lost as a result of congested traffic and controlled intersections.

Wheelchair shall mean a chair mounted on wheels, allowing an individual mobility in a sitting position, not altered or manufactured to allow the individual's position to be changed to a horizontal state.

Wheelchair Transport shall mean a chauffeur-driven vehicle for hire which is designed or suited for the transportation of wheelchair-confined persons while such persons are sitting in their wheelchairs."

Section 2. That Title 36, Chapter 1, Section 106, Paragraph D, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 106. CERTIFICATE APPLICATION

D. Each application shall designate the type of service or services for which the applicant is applying, either taxicab or paratransit. If the application is for paratransit service, it shall further designate the type of such service, such as wheelchair transport, physically limited transport, horse-drawn carriages, peda-cabs, rickshaws, or other service."

Section 3. That Title 36, Chapter 1, Section 132, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 132. DIRECT ROUTE

A chauffeur shall transport a passenger to his destination by the most direct and/or expeditious route available unless otherwise directed by the passenger. This provision shall not apply to peda-cabs, rickshaws, sightseeing vehicles or horse-drawn carriages."

Section 4. That Title 36, Chapter 1, Section 146, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 146. PEDA-CABS AND RICKSHAWS

In addition to all the other applicable requirements of this chapter, a holder or chauffeur operating a peda-cab or rickshaw must comply with the following special requirements.

A. The holder shall have fixed routes approved by the Director of Public Works and shall not operate during peak traffic periods as specified by the Director of Public Works.

B. Fares shall be a fixed rate.

C. A chauffeur shall pick up and discharge passengers only at specified locations on a prescribed route approved by the Director of Public Works.

D. Each peda-cab or rickshaw operated after dusk shall be equipped with two (2) front and two (2) side lights capable of emitting a white or amber light a distance of at least seventy-five (75) feet from the vehicle, and two (2) rear lights capable of emitting a red light at least five hundred (500) feet from the vehicle.

E. Each peda-cab or rickshaw shall have mounted a triangular "slow-moving vehicle" reflector on the rear of the vehicle.

F. Each peda-cab or rickshaw shall be equipped with a suitable and efficient braking mechanism.

G. Before the holder shall place any peda-cab or rickshaw into service, the holder shall identify such vehicle with the initials of the holder's name followed by a dash and a number assigned by the Director, which number shall be of a size and color designated by the Director and shall not be used on any other vehicle."

Section 5. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 6. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 7. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its adoption, approval, and publication.

ADOPTED by the Council: _____

MAR 24 2011

Date

Man B...
Chairman of the Council
MAR 24 2011

ADOPTED as an emergency measure: _____

Man B...
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

Dewey Bartlett, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: MAR 28 2011
Date
at 2:00 pm
Time



Dewey Bartlett
Mayor

(Seal)
ATTEST:
Kim Bennett

DEPUTY City Clerk

APPROVED:
[Signature]
City Attorney