

ORDINANCE NO. 02019.21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, TO REPEAL CHAPTER 7, TEMPE CITY CODE, RELATING TO BICYCLES AND LIGHT MOTORIZED VEHICLES.

WHEREAS, under the Arizona Constitution, a city with a population of more than 3,500 people is entitled to establish a charter for its government and that a charter city is granted autonomy over matters of local interests;

WHEREAS, the voters of the City of Tempe established the Tempe City Charter in 1964 that vests policymaking in the Tempe City Council; and,

WHEREAS, certain clarifications are needed to allow and facilitate enforcement regarding motor vehicles and multimodal traffic and related activities and safety;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Chapter 7, Bicycles and Light Motorized Vehicles, of the Tempe City Code is hereby repealed as follows:

~~ARTICLE I. DEFINITIONS, PENALTIES, APPLICATION~~

~~Sec. 7-1. Definitions.~~

~~The following definitions shall apply in the interpretation and enforcement of this chapter:~~

~~*Bicycle:* A device propelled by human power which any person may ride, having two (2) tandem wheels or having three (3) wheels in contact with the ground.~~

~~*Bicycle lane:* Any portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs or other traffic control devices.~~

~~*Dealer:* A retail distributor of new or secondhand bicycles.~~

~~*Electric bicycle:* A two or three wheeled vehicle with fully operable pedals and an electric motor of no more than 750 watts (1 h.p.), the maximum speed of which on a paved level surface, when powered solely by such a motor, is 20 mph.~~

~~*Electric personal assistance mobility device :* A self-balancing, two (2) non-tandem, wheeled device with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less and that is designed to transport only one (1) person.~~

~~*Light motorized vehicle :* All gas or electric powered, two or three wheeled vehicles with a gross weight of less than one hundred twenty (120) pounds and a maximum speed of thirty-five (35) miles per hour that are not an electric bicycle or an electric personal assistance mobility device.~~

~~Sec. 7-2. Responsibility of parent.~~

~~The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any provisions of this chapter.~~

~~(Ord. No. 87.24, 1-14-88)~~

~~State Law reference—Similar provisions, A.R.S. § 28-811(A).~~

~~Cross reference—Motor vehicles and traffic, Ch. 19.~~

~~State Law reference—Authority of City to license and regulate operation of bicycles, A.R.S. § 28-627(A)(8).~~

~~Sec. 7-3. Application of provisions.~~

~~The regulations of this chapter in their application to bicycles shall apply when a bicycle is operated upon any highway, roadway, bicycle path or side walk subject to those exceptions stated in this article.~~

~~State Law reference—Similar provisions, A.R.S. § 28-811(B).~~

~~Sec. 7-4. Civil sanctions.~~

~~Any person violating any of the provisions of this chapter shall be liable for the imposition of a civil sanction not to exceed two hundred fifty dollars (\$250.00), unless another penalty is specified. There is no penalty or civil sanction for violation of Section 7-11.~~

~~Sees. 7-5—7-10. Reserved.~~

~~ARTICLE II. REGISTRATION~~

~~Sec. 7-11. Registration requirements.~~

- ~~(a) Every owner of a bicycle who resides within the City may register the bicycle with the Tempe Police Department.~~
- ~~(b) This article shall apply to every bicycle owner who has resided in the City for thirty (30) days or longer regardless of whether they are a part-time or full-time resident.~~
- ~~(c) This article shall in no way interfere with the secondhand dealer's responsibility pursuant to Chapter 16, Tempe City Code.~~

~~Sec. 7-12. Bicycle registration—Required information.~~

~~The bicycle registration will contain the following information:~~

- ~~(a) Name, address, phone number, and email address of owner;~~
- ~~(b) Make, model, serial number, color and general description of bicycle;~~

~~(c) — Date of registration.~~

~~Sec. 7 13. — Repealed.~~

~~Sec. 7 14. — Fees.~~

~~There is no fee to register a bicycle.~~

~~Sec. 7 15. — Duration.~~

~~(a) — The registration provided for in this article shall be valid for the life of the bicycle. All bicycle registrations shall be appurtenant to the specific bicycle for which issued, and no other, and shall not be transferred to or used on any other bicycle.~~

~~(b) — Every person who resides within the City and who purchases or obtains a bicycle from a private owner may advise the Tempe Police Department of such purchase or transfer within thirty (30) days of the sale or transfer.~~

~~Sec. 7 16. — Applications for registration.~~

~~Bicycles may be registered in person at the Tempe Police Department or via the Tempe Police Department website.~~

~~Sec. 7 17. — Repealed.~~

~~Sec. 7 18. — Repealed.~~

~~Sec. 7 19. — Removal, etc., of frame numbers.~~

~~No person shall knowingly remove, destroy, mutilate or alter the serial number of any bicycle frame or other identifying number of any bicycle. No person shall operate or possess a bicycle on public or private property within the City which has a serial number, or other identifying number that has been removed, destroyed, mutilated or altered.~~

~~Sec. 7 20. — Repealed.~~

~~Secs. 7 21 — 7 30. — Reserved.~~

~~ARTICLE III. — BICYCLE DEALERS~~

~~Sec. 7 31. — Repealed.~~

~~Secs. 7 32 — 7 40. — Reserved.~~

~~ARTICLE IV. — ABANDONED BICYCLES~~

~~Sec. 7 41. — Duty of police to take possession.~~

~~It shall be the duty of the Police Department to take possession of all bicycles that have been abandoned on any street, alley or on any other public place in the City.~~

~~Sec. 7 42. — Notice to owner.~~

~~Upon taking possession of any abandoned bicycle, it shall be the duty of the Police Department to ascertain, if possible, the owner thereof and to notify such owner that such bicycle is in the possession of the Police Department. This notice may be given to the owner in person, by phone or by ordinary mail.~~

~~Sec. 7-43. Sales.~~

- ~~(a) In the event that the owner of an abandoned bicycle cannot be found or does not claim such bicycle, the Chief of Police shall proceed to sell such bicycle at public auction; and such sale shall be held in the manner set forth in this chapter. However, the finder of such bicycle shall be notified prior to the auction and allowed to make claim to said bicycle.~~
- ~~(b) From time to time the Chief of Police may decide to exempt certain bicycles from the above sale procedure and give such exempted bicycles to nonprofit organizations for disbursement. The nonprofit organizations shall request the bicycles in writing directed to the Chief of Police. The organization shall provide a specific statement as to the proposed use of the bicycles in its request.~~

~~Sec. 7-44. Notice of sale.~~

~~After no less than thirty (30) days from the date of the taking of possession of an abandoned bicycle or a bicycle where the owner is unknown, the Police Department shall publish in the official newspaper of the City or post on the Police Department website a notice of sale of such bicycle. Such notice shall be published or posted at least thirty (30) days before the date of the sale. Such notice shall contain a brief description of the bicycle, its number, if known; and shall also state the hour, date and place of sale and the place where the bicycle may be seen.~~

~~Sec. 7-45. Auction, disposition of funds.~~

~~The sale shall be a public auction to the highest bidder for cash. All money received from such sale over and above the cost of advertising and sale shall be paid over to the Internal Services Director and retained in a separate fund for at least six (6) months. Upon the expiration of such time, unless sooner claimed as provided in this article, such money shall be paid over into the general fund.~~

~~Sec. 7-46. Claimants.~~

~~Should any person, within six (6) months after the date of the sale of a bicycle, make claim to such bicycle, such sum of money as may be in the hands of the City Internal Services Director, less the sales and advertising costs which has been derived from the sale, shall be paid over to such claimant upon proof of his right to receive the same. In no event shall any claim be considered unless it is presented to the Internal Services Director, in writing, under oath, and before the expiration of six (6) months from the date of the sale.~~

~~Sec. 7-47. Repealed.~~

~~Secs. 7-48 — 7-50. Reserved.~~

~~ARTICLE V. OPERATION~~

~~Sec. 7-51. Parking of bicycles or light motorized vehicles.~~

~~No person shall park a bicycle, light motorized vehicle, electric personal assistance mobility device, or electric bicycle upon a bikeway, sidewalk, or trail, except in such manner as to afford the least obstruction to pedestrians and bicycles.~~

~~Sec. 7-52. Riding on sidewalks or bicycle lanes.~~

- ~~(a) The City Traffic Engineer is authorized to erect or place signs on any sidewalk or roadway, prohibiting the riding of bicycles, electric bicycles or light motorized vehicles thereon by any person; and when such signs are in place no person shall disobey same.~~
- ~~(b) Whenever any person is riding a bicycle, electric bicycle or light motorized vehicle upon a sidewalk, such person shall yield the right of way to any pedestrian or electric personal assistance mobility device and should give audible signal before overtaking and passing such pedestrian or electric personal assistance mobility device.~~
- ~~(c) No person shall ride or operate a bicycle, electric bicycle or light motorized vehicle in any direction except that permitted by vehicular traffic on the same side of the roadway where the sidewalk or bicycle lane exists; provided, that bicycles, electric bicycles or light motorized vehicles may proceed either way where signs or pavement markings on the sidewalk, bikeway or bicycle lane appear designating two-way traffic.~~
- ~~(d) Any person riding a bicycle, electric bicycle or light motorized vehicle on a bikeway, sidewalk or bicycle path that is about to enter or cross a roadway shall yield the right of way to all traffic on such roadway.~~
- ~~(e) In accordance with state law (A.R.S. § 28-908), A person operating an electric personal assistance mobility device has all of the rights and duties that are applicable to pedestrians except provisions that, by their nature, can have no application. Electric personal assistance mobility devices may be operated on sidewalks, shared paths, multi-use paths, and in bicycle lanes. No person shall ride or operate an electric personal assistance mobility device in bicycle lanes in any direction except that permitted by vehicular traffic on the same side of the roadway.~~
- ~~(f) It shall be unlawful to use an electric personal mobility assistance device to carry more persons at one time than the number for which it is designed and equipped.~~
- ~~(g) An electric personal mobility assistance device that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and a red reflector or red lamp in the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear.~~

~~Sec. 7-53. Driving vehicles across sidewalks.~~

~~No person shall drive a vehicle upon or across a sidewalk except to enter or leave the roadway and only after giving the right of way to all bicycles, electric bicycles, light motorized vehicles, electric personal assistance mobility devices, or pedestrians lawfully upon the sidewalk.~~

~~Sec. 7-54. Bikeways—Establishment and signs.~~

~~The City Traffic Engineer is authorized to erect or place signs upon any street in the City indicating the existence of a bikeway and otherwise regulating the operation and use of vehicles~~

~~and bicycles with respect thereto, so long as the same are consistent with this chapter. When such signs are in place, no person shall disobey the same.~~

~~Sec. 7-55. Light motorized vehicles and electric bicycles.~~

~~Upon a roadway where motor vehicles are permitted, a person may drive a light motorized vehicle or electric bicycle in any lane designated for use of bicycles.~~

~~Secs. 7-56 — 7-60. Reserved.~~

~~ARTICLE VI. LIGHT MOTORIZED VEHICLES^[2]~~

~~Sec. 7-61. Regulating light motorized vehicles: purpose and intent.~~

~~The State of Arizona has granted municipalities express authority to regulate or prohibit the operation of light motorized vehicles. It is the purpose and intent of this article to provide for the regulation of light motorized vehicles and to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of light motorized vehicles. It is in the public interest to regulate the use of light motorized vehicles by prohibiting their use on public sidewalks when the helper motor is engaged.~~

~~Sec. 7-62. Applicability of traffic laws.~~

- ~~(a) In the City of Tempe, a person riding a light motorized vehicle is granted all of the rights and is subject to all of the duties applicable to a bicycle rider under state and local law. The light motorized vehicle must operate in compliance with any speed restrictions.~~
- ~~(b) Light motorized vehicles that are operated at speeds in excess of twenty (20) miles per hour are regulated by state law. When riding in bicycle lanes or in traffic lanes, light motorized vehicles must comply with State traffic requirements and speed restrictions.~~

~~Sec. 7-63. Light motorized vehicles must yield right-of-way.~~

~~A person driving a light motorized vehicle on a crosswalk, multi-use path or shared path must yield the right of way to any pedestrian or horse and shall slow to five (5) miles per hour and communicate with the pedestrian or rider before overtaking or passing any horse.~~

~~Sec. 7-64. Prohibited operation.~~

- ~~(a) It shall be unlawful for a person under sixteen (16) years of age to operate a light motorized vehicle.~~
- ~~(b) It shall be unlawful to operate a light motorized vehicle on any public sidewalk when the helper motor is engaged. If a bicycle lane is available, a light motorized vehicle with an engaged helper motor must use the bicycle lane or the roadway.~~
- ~~(c) It shall be unlawful to use a light motorized vehicle to carry more persons at one time than the number for which it is designed and equipped.~~
- ~~(d) It shall be unlawful to ride a light motorized vehicle where signs are posted prohibiting bicycling.~~

- ~~(e) When traveling in a bicycle lane or street, a light motorized vehicle may not be operated at speeds in excess of twenty-eight (28) miles per hour, or the posted speed limit, whichever is lower.~~
- ~~(f) When traveling on a shared path or multi-use path, light motorized vehicles may not be operated at speeds in excess of twenty (20) miles per hour.~~
- ~~(g) It shall be unlawful to operate a gas-powered light motorized vehicle on any trails.~~

~~Sec. 7-65. Helmet use requirement.~~

~~No person under eighteen (18) years of age shall operate a light motorized vehicle or be a passenger on a light motorized vehicle, ride in a restraining seat attached to a motorized bicycle or tricycle or ride in a trailer towed by a light motorized vehicle, unless the person is wearing a properly fitted and fastened bicycle helmet which meets the current standards of the American National Standards Institute for Protective Head Gear.~~

~~Sec. 7-66. Nighttime use requirements.~~

~~A light motorized vehicle that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and a red reflector or red lamp in the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear.~~

~~Sec. 7-67. Violation declared a civil traffic violation.~~

- ~~(a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of one hundred dollars (\$100.00).~~
- ~~(b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Procedure in civil traffic violation cases and applicable state and local laws.~~

~~Secs. 7-68 – 7-70. Reserved.~~

~~ARTICLE VII. ELECTRIC BICYCLES~~

~~Sec. 7-71. Regulating electric bicycles: purpose and intent.~~

~~Pursuant to A.R.S. § 28-2516(b), the State of Arizona has granted municipalities express authority to regulate or prohibit the operation of bicycles that are equipped with electric motors. It is the purpose and intent of this article to provide for the regulation of electric bicycles and to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of electric bicycles. It is in the public interest to regulate the use of electric bicycles by prohibiting their use on public sidewalks when the electric motor is engaged.~~

~~Sec. 7-72. Applicability of traffic laws.~~

~~In the City of Tempe, a person riding an electric bicycle is granted all of the rights and is subject to all of the duties applicable to a bicycle rider under state and local law. An electric bicycle must abide by all speed restrictions, including speed limitations on shared paths or multi-use paths.~~

~~Sec. 7-73. Electric bicycles must yield right of way.~~

~~A person riding an electric bicycle on a crosswalk, multi-use path, trail, or shared path must yield the right of way to any pedestrian or horse and shall slow to five (5) miles per hour and communicate with the pedestrian or rider before overtaking or passing any horse.~~

~~Sec. 7-74. General rules for electric bicycles.~~

- ~~(a) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part 1512).~~
- ~~(b) It shall be unlawful to use an electric bicycle to carry more persons at one time than the number for which it is designed or equipped.~~
- ~~(c) It shall be unlawful to ride an electric bicycle where signs are posted prohibiting bicycling.~~
- ~~(d) It shall be unlawful to operate an electric bicycle on any public sidewalk or trail when the electric motor is engaged.~~
- ~~(e) When traveling in a bicycle lane or street, an electric bicycle may not be operated at speeds in excess of twenty-eight (28) miles per hour, or the posted speed limit, whichever is lower.~~
- ~~(f) An electric bicycle may be used in all places where bicycles are permitted to travel, including shared paths and multi-use paths.~~
- ~~(g) An electric bicycle must abide by all speed restrictions on shared paths or multi-use paths. When traveling on a shared path or multi-use path, an electric bicycle may not be operated at speeds in excess of twenty (20) miles per hour.~~
- ~~(h) It shall be unlawful for a person under sixteen (16) years of age to operate an electric bicycle. A person under the age of sixteen (16) may ride as a passenger on an electric bicycle that is designed to accommodate passengers.~~
- ~~(i) All electric bicycles must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.~~

~~Sec. 7-75. Helmet use requirement.~~

~~No person under eighteen (18) years of age shall operate an electric bicycle or be a passenger on an electric bicycle unless the person is wearing a properly fitted and fastened bicycle helmet which meets the current standards of the American National Standards Institute for Protective Head Gear.~~

~~Sec. 7-76. Nighttime use requirements.~~

~~An electric bicycle that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and a red reflector in the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear.~~

~~Sec. 7-77. Violation declared a civil traffic violation.~~

~~(a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of one hundred dollars (\$100.00).~~

~~(b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Procedure in civil traffic violation cases and applicable state and local laws.~~

~~Sees. 7-78 — 7-85. Reserved.~~

~~ARTICLE VIII. Reserved.~~

~~Sees. 7-86 — 7-100. Reserved.~~

~~ARTICLE IX. PEDICABS⁽³⁾~~

~~Footnotes:~~

~~—(3)—~~

~~Editor's note — Ord. No. O2017.05, § 6, adopted January 26, 2017, renumbered the former Art. VII, §§ 7-66 — 7-78 which pertained to pedicabs, to Art. IX, §§ 7-101 — 7-113 to read as herein set out.~~

~~Sec. 7-101. Purpose.~~

~~The City finds that pedicabs have become an increasingly popular form of non-motorized transportation for hire. The purposes of this article are to regulate the pedicab industry; to set basic safety standards, operating procedures and insurance requirements; and to accommodate a low emission means of transportation while enhancing the experience of the pedicab passenger. It is necessary to enact regulations governing pedicabs, operators and owners to protect the general health, safety and welfare of the public and the passengers using pedicabs for hire.~~

~~Sec. 7-102. Definitions.~~

~~In this article, unless the context otherwise clearly requires a different meaning:~~

~~*Bicycle* means a device propelled by human power on which any person may ride, having two (2) tandem wheels or having three (3) wheels in contact with the ground.~~

~~*Daytime* means the period between sunrise and sunset.~~

~~*Fare* means a form of payment, monetary or otherwise, in exchange for being transported or driven but does not include gratuities.~~

~~*For hire* means to provide, or offer to provide, a service in exchange for any form of payment, monetary or otherwise, or gratuity.~~

~~*Helper motor* means a device with a maximum speed of fifteen (15) miles per hour or less on a flat surface with less than a one (1) percent grade.~~

~~*Knowingly* means, with respect to conduct or a circumstance described in this article, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.~~

~~*Nighttime* means the period between sunset and sunrise.~~

~~*Pedicab* means a bicycle, tricycle or four-wheel cycle that transports, is capable of transporting, or is held out to the public as available to transport passengers on seats that is operated by an individual, and that is used for transporting passengers for hire.~~

~~*Pedicab operator* means any individual person who is in actual physical control of a pedicab within the City.~~

~~*Pedicab owner* means a person who owns or holds any legal ownership interest in a pedicab.~~

~~**State Law reference**—similar provision, A.R.S. § 28-101.6.~~

~~Sec. 7-103. Pedicab lights and reflectors.~~

~~It is unlawful to operate a pedicab without:~~

- ~~(1) Using a lamp on the front that illuminates a person or vehicle at least fifty (50) feet to the front during the nighttime;~~
- ~~(2) Using a lamp on the front that emits a solid or flashing stream of white light visible from at least five hundred (500) feet to the front during the nighttime;~~
- ~~(3) Using an Arizona Department of Transportation approved red reflector on the rear visible from at least fifty (50) to three hundred (300) feet to the rear when the reflector is directly in front of lawful motor vehicle upper beams during nighttime;~~
- ~~(4) Using a lamp on the rear that emits a solid or flashing red light visible from at least five hundred (500) feet to the rear during nighttime, and~~
- ~~(5) Having a spoke reflector affixed to each wheel.~~

~~Sec. 7-104. Pedicab additional safety features.~~

~~It is unlawful to operate a pedicab without:~~

- ~~(1) A braking system that enables the operator to make the braked wheels skid on dry level clean pavement;~~
- ~~(2) A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear, and~~
- ~~(3) A horn or bell audible from at least fifty (50) feet away in any direction.~~

~~Sec. 7-105. Pedicab size.~~

~~It is unlawful to operate a pedicab that is wider than fifty-four (54) inches at its widest point or longer than one hundred thirty (130) inches at its longest point.~~

~~Sec. 7-106. Pedicab condition.~~

~~(a) Pedicabs shall be maintained in good working order to include drive trains, hitches, wheels, tires, hubs, braking systems, headsets, lights and any other mechanical devices.~~

~~(b) It is unlawful to operate a pedicab that has:~~

- ~~(1) Chipped or cracked paint with exposed rust, or~~
- ~~(2) Ripped upholstery or fabric, or~~
- ~~(3) Exposed wood that is not painted and in good condition, or~~
- ~~(4) Dirt or debris on any surface accessible to patrons, or~~
- ~~(5) Missing spokes.~~

~~Sec. 7-107. Pedicab operation.~~

~~(a) It is unlawful to operate a pedicab:~~

- ~~(1) By riding other than on or astride a permanent and regular seat attached to the pedicab,
or~~
- ~~(2) Carrying more passengers than the number of seats available, except that persons under five (5) years of age are excluded from this limitation if each child is sitting on the lap of an adult, or~~
- ~~(3) In a manner that results in damage to public property, or~~
- ~~(4) In a manner that results in colliding with a pedestrian, or~~
- ~~(5) Equipped with a siren or whistle, or~~
- ~~(6) While knowingly permitting another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter, or other rolling device to the pedicab, or~~
- ~~(7) While carrying anything that prevents the operator from keeping at least one (1) hand on the handlebars at all times, or~~
- ~~(8) On a street without a designated bike lane when the street has a posted speed limit of thirty five (35) miles per hour or greater, except for crossing that street, or~~
- ~~(9) On a street with a posted speed limit of thirty five (35) miles per hour or greater for the purpose of stopping to pick up or drop off passengers, or~~
- ~~(10) That obstructs pedestrian traffic on a sidewalk by remaining stopped on a sidewalk longer than necessary to pick up or drop off passengers, or~~
- ~~(11) That stops or stands on a thoroughfare longer than necessary to pick up or drop off passengers, or~~
- ~~(12) Without a clearly visible manufacturer's serial or identification number on either the operator's or the passenger's portion of the pedicab, or~~
- ~~(13) Operate any sound amplification system that can be heard from fifty (50) feet or more from the pedicab.~~

~~(b) It is unlawful for an operator to knowingly remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.~~

- ~~(e) All pedicabs must follow applicable state laws and City ordinances regarding the operation of the pedicab consistent with bicycles and mopeds on public thoroughfares.~~
- ~~(d) All pedicab operators must follow the lawful instructions and commands of police officers or traffic control personnel.~~

~~Sec. 7-108. Fares.~~

~~It is unlawful for the operator of a pedicab to:~~

- ~~(1) Charge a passenger a fare that was not agreed upon with the passenger in advance, or~~
- ~~(2) Demand a fare from a passenger after agreeing to provide the service for a gratuity only.~~

~~Sec. 7-109. Driver license and other required documents.~~

- ~~(a) It is unlawful for an operator to operate a pedicab without having in possession either:~~
 - ~~(1) A valid government issued driver license; or~~
 - ~~(2) If the operator is a qualified individual with a disability under the Americans with Disabilities Act, proof of having passed the written exam required by the Arizona Department of Transportation Motor Vehicle Division for vehicle operation and a government issued photo identification document.~~
 - ~~(3) Proof of insurance coverage pursuant to Section 7-75.~~
- ~~(b) It is unlawful for an operator to fail to display the license or other required documents, including proof of insurance, to a law enforcement officer on demand.~~
- ~~(c) The driver license may be issued by Arizona or another state, but cannot be cancelled, revoked, or suspended.~~

~~Sec. 7-110. Insurance requirements.~~

- ~~(a) The operator of a pedicab shall maintain at all times an owner's or operator's policy of liability insurance in the amount of at least one million dollars (\$1,000,000.00).~~
- ~~(b) The insurance company issuing the policy shall be authorized to issue commercial liability policies in this State by the Arizona Department of Insurance.~~
- ~~(c) The policy shall designate by explicit description or by appropriate reference all pedicabs for which coverage is granted.~~
- ~~(d) The policy shall insure the person named in the policy as the insured and any other person, as insured, using the pedicab with the express or implied permission of the named insured against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the pedicab within the City or State of Arizona.~~
- ~~(e) The policy shall name the City of Tempe as an additionally insured party.~~

~~Sec. 7-111. Street or public area restrictions.~~

~~The Chief of Police or designee may designate or limit public areas or streets available for pedicabs.~~

~~Sec. 7-112. Responsibility of owner.~~

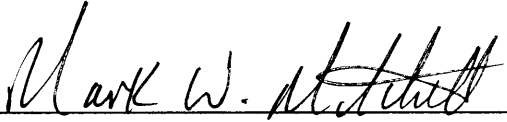
~~It is unlawful for an owner to knowingly permit a pedicab to be operated or maintained in violation of Sections 7-68 through 7-75.~~

~~Sec. 7-113. Penalties.~~

- ~~(a) A first violation is a petty offense and shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00) per violation.~~
- ~~(b) A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class two misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than three hundred dollars (\$300.00) per violation.~~

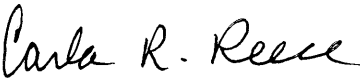
Section 2. Pursuant to Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 15th day of August, 2019.




Mark W. Mitchell, Mayor

ATTEST:



Carla R. Reece, City Clerk

APPROVED AS TO FORM:



Judith R. Baumann, City Attorney