

**ADOPTED**  
METROPOLITAN COUNCIL

AUG 25 2021

  
COUNCIL ADMINISTRATOR TREASURER

By Racca  
Introduction 8/11/21  
P.H. 8/25/21

21-01144

ORDINANCE 18251

AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
BATON ROUGE AND PARISH OF EAST BATON ROUGE,  
TITLE 10 (TRANSPORTATION), SO AS TO ADD  
CHAPTER 7 (COMMERCIAL PEDAL CARRIAGE).

BE IT ORDAINED by the Metropolitan Council of the Parish of  
East Baton Rouge and the City of Baton Rouge that:

Section 1. Title 10 (Transportation) of the Code of  
Ordinances of the City of Baton Rouge and Parish of East Baton  
Rouge is hereby amended to add Chapter 7 (Commercial Pedal  
Carriage) as follows:

**"Chapter 7. - Commercial pedal carriage.**

**Sec. 10:500. - Definitions.**

The following words and phrases, when used in this chapter,  
shall have the meanings respectively ascribed to them:

*Applicant.* Any person which has bona fide legal title or  
control, direction, operation, maintenance, or supervision over  
any commercial pedal carriage operated upon the streets of the  
City-Parish.

*Commercial pedal carriage.* A commercial pedal carriage is a  
four (4) or more wheeled bicycle-like vehicle that is human  
powered or equipped with pedal e-assist that transports  
passengers on bicycle-like seats and is propelled by one (1) or  
more passengers not including the operator. A commercial pedal  
carriage has a speed of no more than 10mph in, upon, or by which  
any person is or may be transported or drawn upon a street  
having a 35 mph maximum speed limit. The maximum number of  
passenger up to 16, not including the operator, must be based  
upon the manufacturer's specifications.

*Commercial pedal carriage business.* The business of operating  
one (1) or more commercial pedal carriage vehicle(s) for profit  
or not-for-profit.

*Commercial pedal carriage operator.* Any person employed by or  
any owner of the commercial pedal carriage business who is  
responsible for the safe operation of a commercial pedal  
carriage, including but not limited to the steering and braking  
and maintaining compliance with all state and local traffic  
regulations.

*Street.* Any street or roadway under the jurisdiction of the  
City-Parish.

**Sec. 10:501. - Certificate of public convenience and necessity; inspections.**

The following rules and regulations shall govern the business of rendering public transportation service within the meaning of this chapter:

- (a) Certificate of public convenience and necessity required.

No commercial pedal carriage shall hereafter be used or operated by any person on the streets of the City-Parish, without having first obtained from the taxicab control board, a certificate declaring that the public convenience and necessity requires such operation, and without having complied with all the requirements of this chapter, all regulations promulgated by the taxicab control board and all other laws of the City-Parish and state governing such operation and service. No rights whatsoever shall vest in the applicant if such a finding is made.

- (b) Application.

All applications for certificates of public convenience and necessity for the operation of a pedal carriage on the streets of the City-Parish shall be made to the taxicab control board, and shall set forth:

- (1) Name and address of applicant;
  - a. Sole-proprietor-Name and address of the owner.
  - b. Partnership-Names and addresses of all partners.
  - c. Corporation or association-Names and addresses of all the officers, directors, and members.
- (2) Business name (D/B/A), business address and telephone number if different from above;
- (3) A background check of each person;
- (4) Proof of U.S. citizenship or legal residency for each person;
- (5) Prior experience of applicant in transport of passengers;
- (6) Number of commercial pedal carriage certificates requested, and copy of proof of ownership or other evidence of lawful control for each commercial pedal carriage to be operated under the certificate;
- (7) Procedures for training operators;
- (8) Rules and regulations governing operator appearance and conduct;

- (9) Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued.
- (10) All applications must contain a statement of the facts showing a demand for the services proposed to be rendered, the experience of the applicant, or if such applicant is a firm, corporation or association, the experience of each operator, in rendering such services and the period of time that he has rendered it in the City-Parish.
- (11) A copy of the pedal carriage's manufacturer's specifications.
- (12) Any other information which may be required by the taxicab control board.
- (13) The application shall be made upon printed forms to be prepared under the direction of and to be available at the office of the finance department.

(c) Investigation and inquiry.

Upon receipt of such applications for certificates of public convenience and necessity, the taxicab control board shall make or cause to be made, such investigations as may be considered necessary, including any hearing that the taxicab control board may deem advisable, for the purpose of determining whether or not the public convenience and necessity require the operation of a commercial pedal carriage upon the City-Parish streets and whether or not the applicant is fit and proper to conduct such business. In determining whether or not a certificate should be issued, the taxicab control board shall give weight and due regard, among other things, to:

- (1) Probable permanence and quality of the service offered by the applicant.
- (2) The experience that the applicant has had in rendering such service in the City-Parish, the past experience of the applicant in prompt adjustment of claims and in payment of judgments, if any, to claimants as a result of injuries received from the negligent operation of public vehicles.
- (3) The stability of the business organization of the applicant, and the ability of the central office to provide satisfactory and responsible service on a business-like basis, and to meet other organizational requirements of the taxicab control board.
- (4) The character and condition of the commercial pedal carriage to be used. This information is to be supplied to the taxicab control board after examination of the commercial pedal carriages named in the application in the manner hereinafter set

forth. The evidence in any investigation, inquiry or hearing may be taken by the taxicab control board or by any agent or employee to whom such authority may be delegated by the taxicab control board and for this purpose the taxicab control board may subpoena such witnesses, papers, books or documents as may be pertinent to such investigation, and every finding, opinion and order made by the taxicab control board, pursuant to such investigation, inquiry or hearing, when approved or confirmed by the taxicab control board, shall be the finding, opinion or order of the taxicab control board.

- (5) Whether any of the owners, partners, officers, directors, or members have been convicted of, forfeited bond, pleaded guilty or nolo contendere to, or been released from incarceration for a felony or any crime involving a controlled substance or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.

(d) Inspection.

All commercial pedal carriages licensed under this chapter must be inspected for mechanical efficiency annually during the month of August. The inspections for mechanical efficiency shall be made by the central garage division of the department of public works and shall cover commercial pedal carriage safety and equipment standards as set forth under section 10:517.

If, upon any inspection, a commercial pedal carriage is found to be unsafe, unclean or unsightly, the inspector may direct that the commercial pedal carriage be taken out of service until such condition is corrected. Such commercial pedal carriage shall be re-inspected and approved by the inspector before returning to service.

Inspection forms shall be completed by the central garage division after each inspection, with a copy to be given to the certificate holder, and a copy forwarded to the Finance Director. An appropriate inspection sticker shall be placed on the bumper of each commercial pedal carriage to indicate that the hereinabove described inspections have been conducted.

No commercial pedal carriage shall operate within the City-Parish without having been inspected and certified; and any such operation is hereby declared to be a violation of this chapter, subjecting the certificate holder to suspension or revocation of the certificate.

Before any applicant shall be granted a certificate of public convenience and necessity hereunder, all of the commercial pedal carriages named in the application shall be inspected as herein provided. The result of such inspection shall be reported to the taxicab control board of the condition of any or all of such commercial pedal carriages.

(e) Inspection; fees.

Each commercial pedal carriage owner shall, at the time he pays the franchise tax imposed by the provisions of this Code, pay the additional fee as set forth by a fee schedule, approved by the taxicab control board, for each commercial pedal carriage to be operated during the tax year, this sum to be for the cost of the inspections to be made by the department of public works once yearly hereunder. In the event that re-inspection should, for any reason, be required, an additional fee as set forth by a fee schedule, approved by the taxicab control board, shall be paid at the time of such inspection.

(f) Issuance of certificates of public convenience and necessity.

If the taxicab control board finds that the public convenience and necessity requires the operation of a commercial pedal carriage service or additional commercial pedal carriage services for which the certificate is applied, and the applicant is fit and proper to conduct such business, and that the other requirements of law have been complied with, it shall notify the applicant of its finding and the certificate shall be issued for such operation of such commercial pedal carriages in such service, specifically describing each of the commercial pedal carriages in the same manner as is required herein to be set forth in an application. The certificate shall be effective only as to the exact number of commercial pedal carriages named in the application. Such certificate shall not be transferable.

If any application is made for a certificate covering more than one (1) commercial pedal carriage, the taxicab control board may grant or refuse a certificate for such operation of any, or all, of the commercial pedal carriages for which application is made, as may be consistent with its findings.

Such certificate, when issued, shall constitute authority for the operation of the commercial pedal carriage or commercial pedal carriages therein described in the service authorized, on the streets of the City-Parish, subject to all traffic laws and regulation; however, operations shall begin within sixty (60) days after the issuance of the certificate of public convenience and necessity. Certificates shall remain in full force and effect until and unless canceled, suspended or withdrawn and revoked by the taxicab control board, the taxicab control board retaining the right always to review the certificates so issued, or to alter, change or revoke same for good cause.

(g) Refusal of certificates of public convenience and necessity.

If the taxicab control board finds that the public convenience and necessity do not require the operation of any such commercial pedal carriages, the applicant is not fit and proper to conduct such business, or if any portion of the application is incomplete or contains incorrect or untruthful information

it shall forthwith refuse such application and no certificate shall issue.

(h) Revocation.

At any time after five (5) days written notice sent by certified mail to the last-known address of the certificate holder, or to the address appearing on the application of the certificate holder, which notice shall fix a specified date for hearing, not less than five (5) days from the date of the notice, and after a hearing before the taxicab control board the taxicab control board may suspend, revoke, alter or amend any certificate issued hereunder for good cause. Notice as herein provided shall not be required where the certificate holder has failed to pay the franchise tax due under the provisions of this Code.

(i) General.

Change of ownership of any commercial pedal carriage for the operation of which certificate has been issued hereunder shall automatically revoke such certificate, and the same shall be surrendered to the taxicab control board.

No persons shall use the term "commercial pedal carriage", "pedal carriage", "pedal car" or "pedal cab" and/or in any way advertise or hold themselves out as a "commercial pedal carriage", "pedal carriage", "pedal car" or "pedal cab" company or operator, or represent themselves to be such by means of advertisement, signs, trade names or otherwise unless they have complied with the requirements, conditions and regulations prescribed by this chapter.

(j) License taxes and fees.

All persons authorized to operate hereunder shall promptly pay all state and City-Parish license taxes and fees as they shall come due by January 15 of each year, including, but not limited to, registration fees. The failure to pay such taxes or fees as they become due shall be good cause for revocation or suspension of the license.

**Sec. 10:502. - Insurance required.**

No license shall be issued or renewed without proof of general liability insurance in the minimum amount of two million US dollars (\$2,000,000.00), a full copy of the insurance policy, corresponding declaration page and certificate of insurance.

**Sec. 10:503. - Registration fee.**

A fee, as set forth by a fee schedule approved by the taxicab control board, per commercial pedal carriage, shall be paid to the finance department by each applicant at the time an application is submitted.

**Sec. 10:504. - Request for additional certificates.**

An application for additional commercial pedal carriage must be filed with the taxicab control board. The established registration fee as set forth in section 10:503 will apply and shall be submitted with the application.

**Sec. 10:505. - Annual renewal.**

(a) All certificates of public convenience and necessity issued under the provisions of this chapter shall expire on December 31 of the year following the date on which the certificate was issued. All certificates shall be renewed by January 15 of each year.

(b) All applicants for renewal must be current with all assessments and taxes due.

(c) If a certificate holder fails to renew on or before January 15, the renewal applicant shall be treated as a new applicant.

**Sec. 10:506. - Operating area.**

Commercial pedal carriages shall operate upon the streets within routes or zones, and within hours of operation, established by the taxicab control board. Any deviation from these approved routes, zones, or hours of operation must be approved by the taxicab control board. Any approved deviation must be reported to the taxicab control board prior to beginning of operations.

**Sec. 10:507. - Approved tour assembly sites required.**

All commercial pedal carriage businesses shall operate tours only from locations approved by the taxicab control board. These sites shall be used by the licensed business as the locations for patrons to gather and assemble prior to embarking on a commercial pedal carriage tour and to disembark at the conclusion of the tour.

**Sec. 10:508. - Passengers - Receiving and discharging by operators.**

(a) Operators shall not receive or discharge passengers upon the roadway, but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either side of the roadway in the absence of a sidewalk. As an exception, when access to curb space is blocked by parked commercial pedal carriages, operators may pull to the extreme right-hand lane, and stop to expeditiously receive or discharge passengers from the right side of the commercial pedal carriage. Nothing in this section shall be construed to permit the parking of a commercial pedal carriage at any place where parking is otherwise restricted or prohibited.

(b) Operators shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedal carriage shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(c) Pedal carriage operators shall not allow additional passengers to board the pedal carriage after the commercial pedal carriage has left its fixed starting point.

**Sec. 10:509. - Alcohol in a commercial pedal carriage.**

(a) A certificate holder or operator commits an offense if he or she provides an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.

(b) A certificate holder or commercial pedal carriage operator commits an offense if he or she provides or stocks any alcoholic beverage in the commercial pedal carriage.

(c) Alcoholic beverages may be consumed by a commercial pedal carriage passenger under the following conditions:

(1) No alcoholic beverage may be transported or in the possession of a commercial pedal carriage passenger for the purpose of consumption while on a commercial pedal carriage on a street, alley sidewalk, parking lot, parking garage or other area generally open to the public in an aluminum or metal container unless such container is commercially sealed.

(2) No glassware of any kind shall be allowed on a commercial pedal carriage including but not limited to bottles, receptacles or drinking glasses.

(3) Alcoholic beverages may be consumed only when the passenger is in or on a commercial pedal carriage.

(4) The commercial pedal carriage operator may not allow consumption of alcoholic beverages by persons under the age of twenty-one. If alcoholic beverages present on a commercial pedal carriage, the commercial pedal carriage operator shall not transport persons under the age of twenty-one on the commercial pedal carriage.

**Sec. 10:510. - Hours of operation.**

Hours of operation allowed shall be from 10:00 a.m. to 12:00 a.m. The prohibitions of hours of operation may be waived for special events.

No music or amplified sound shall be played, nor yelling or conversation be conducted, on a commercial pedal carriage in such a manner that it would violate City-Parish ordinances Sec. 12:100 - 12:104.

**Sec. 10:511. - Commercial pedal carriage operation.**



Every commercial pedal carriage shall be operated in compliance with all applicable federal, state and local traffic laws, and in a manner so as to assure the safety of persons and property.

Operating restrictions and conditions are as follows:

(a) No commercial pedal carriage shall be operated or parked on a public sidewalk.

(b) No commercial pedal carriage shall use any public street or other public property as a waiting area unless such area is a legal motor vehicle parking area or as permitted.

(c) No commercial pedal carriage operator shall consume any alcoholic beverages while on duty or operate a commercial pedal carriage while impaired in any manner.

(d) All commercial pedal carriages shall be clean and maintained in a good state of repair. All commercial pedal carriages shall be maintained by the commercial pedal carriage business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition. Commercial pedal carriages shall be, at all reasonable times, subject to inspection by the licensing official or the police department.

(e) All commercial pedal carriages shall have the trade name and phone number of the certificate holder conspicuously displayed on the commercial pedal carriages.

(f) All commercial pedal carriage passenger customers consuming alcohol shall be of legal age as established pursuant to Louisiana.

(g) Commercial pedal carriage operator shall operate the commercial pedal carriage in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property. The operator's permit issued by the City-Parish shall be made available upon request of law enforcement, the license official, or traffic control agent.

(h) All commercial pedal carriage operators shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or license inspector, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.

(i) No commercial pedal carriage operator shall permit more passengers to be carried in a commercial pedal carriage than the commercial pedal carriage's normal seating capacity.

(j) No commercial pedal carriage operator shall allow a passenger or other individuals to drive their commercial pedal carriage nor sit in the operator's seat.

(k) No alcoholic beverages other than beer, wine, hard cider, or malt-based beverages below six (6) percent alcohol may be consumed by passenger customers of a commercial pedal carriage.

(l) It is the responsibility of the commercial pedal carriage operator to properly dispose of all trash.

(m) A commercial pedal carriage operator must be properly attired with a shirt, pants, skirt or shorts and secure footwear.

(n) A commercial pedal carriage operator shall not 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. No commercial pedal carriage operator shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets except on a designated approved route.

(o) It shall be unlawful for any commercial pedal carriage operator to allow or cause to be operated a commercial pedal carriage in any unsafe manner or operating condition.

(p) It is the responsibility of the commercial pedal carriage operator to actively and affirmatively manage the behavior of the passengers of the commercial pedal carriage so that their behavior remains law-abiding during the excursion, both while the commercial pedal carriage is in motion and at a stop.

**Sec. 10:512. - Operator requirements.**

(a) Operator to have operator's permit issued by the City-Parish; be fingerprinted.

Every operator of a commercial pedal carriage shall obtain an operator's permit to be issued by the City-Parish and shall have been fingerprinted by Baton Rouge Police Department or Louisiana State Police.

(b) Operator's permit.

It shall be unlawful for any person to operate any commercial pedal carriage regulated by this chapter without possessing a current operator's permit or a duplicate thereof, should the same be lost or destroyed.

Each applicant shall submit the following with their operator's application for permit:

(1) A valid driver's license issued by the State of Louisiana;

(2) A letter from the employer certificate holder for whom the applicant expects to work;

(3) An official driver record obtained no longer than sixty (60) days previous to the date of application; and,

(4) Initial permit fee as set forth by a fee schedule, approved by the taxicab control board.

**Sec. 10:513. - Operator's permit; prohibitions.**

Any applicant for an operator's permit shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

(a) For an initial permit, has no more than three moving violations within the last three years and has no more than two moving violations in the last year.

(b) For a renewal permit, has no more than four moving violations within the last three years and no more than two moving violations in the last year.

(c) Has been convicted in the last five years for any of the following offenses involving bodily injury or death or convicted in the last three years for any of the following offenses not involving injury or death:

(1) Hit and run;

(2) Driving under the influence of an alcoholic beverage or drug;

(3) Reckless or careless driving.

(d) Has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Louisiana, any other state or of the United States:

(1) Homicide,

(2) Rape,

(3) Aggravated assault,

(4) Kidnapping,

(5) Robbery,

(6) Burglary,

(7) Child sexual abuse,

(8) Any sex-related offense,

(9) Leaving the scene of an accident,

(10) Criminal solicitation, or criminal attempt to commit any of above,

(11) Perjury or false swearing in making any statement under oath in connection with the application for an operator's permit; or,

(12) The felony possession, sale or distribution of narcotic drugs or controlled substances.

**Sec. 10:514. - Operator's permit; term.**

An operator's permit shall be valid for a period of one year from the date of issuance.

**Sec. 10:515. - Possession of valid permit.**

The operator's permit shall be carried by the operator at all times when the operator is operating the commercial pedal carriage. For the purpose of this article, every permit which is under suspension or which has been revoked as provided in this chapter shall be considered invalid unless and until the same is reinstated.

**Sec. 10:516. - Operator's permit; renewal.**

Every operator's permit in good standing shall be renewable on or three months before its expiration date upon application and payment of the fee as set forth by a fee schedule, approved by the taxicab control board, payable to the department of finance. The renewal of the operator's permit within ten business days following the date of expiration of the permit shall be considered timely renewal of the permit.

**Sec. 10:517. - Commercial pedal carriage safety and equipment standards.**

(a) No commercial pedal carriage owner or commercial pedal carriage operator shall operate or allow the operation of a commercial pedal carriage on any street unless the commercial pedal carriage meets the following equipment and safety standards:

(1) Tires. Tires shall be of a size appropriate for the commercial pedal carriage with no mismatched tires per the design of the commercial pedal carriage. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.

(2) Brakes. It shall be unlawful to operate, or cause to be operated, a commercial pedal carriage that is not equipped with a front and rear braking system capable of being manipulated by the operator from operator's normal position of operation and capable of causing a commercial pedal carriage with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the commercial pedal carriage 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, which are unaffected by rain or wet conditions.

(3) Headlights, taillights, mirrors, turn signals, and other requirements. Every commercial pedal carriage shall be equipped with the operational equipment set forth in the subsections below:

(a) A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be always illuminated during darkness.

(b) A side mounted mirror or a wide-angle rear-view mirror affixed to the commercial pedal carriage to reflect to the commercial pedal carriage operator a view of the street for a distance of at least two hundred (200) feet from the rear of the commercial pedal carriage.

(c) A red light and brake light affixed to the rear of the commercial pedal carriage which must be visible for a distance of at least two hundred (200) feet from the rear of the commercial pedal carriage and must be always illuminated during darkness. Turn signals must be affixed to the front and rear of the commercial pedal carriage.

(4) Display the name and telephone number of the commercial pedal carriage with two inch letters on the rear of the commercial pedal carriage. These signs must be displayed at all times that the commercial pedal carriage is operating for business.

(5) Backup battery. A fully charged backup battery must be readily available and a commercial pedal carriage cannot operate without proper lights.

(6) Signaling device. A fully operational horn or bell.

(7) Submission of pedal carriage's manufacturer's specifications.

**Sec. 10:518. - Commercial pedal carriage company certificates.**

Every commercial pedal carriage company shall:

(a) Take affirmative measures to ensure that all of its owners and operators comply with the terms of this chapter.

(b) Ensure that no commercial pedal carriage is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.

(c) Promptly respond to all requests for information from the taxicab control board.

(d) Promptly report any and all accidents involving commercial pedal carriage operating to the taxicab control board.

(e) Every commercial pedal carriage company shall be deemed the agent of service of all notices, orders, and other correspondences from the City-Parish to commercial pedal carriage operator operating under the certificate holder.

**Section 10:519. - Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction, be fined not more than five hundred dollars (\$500.00), or be imprisoned not more than thirty (30) days, or both, at the discretion of the court, for such offense.

**Section 10:520. - Payment of fines.**

Payment of all fines or penalties under any of the provisions or rules and regulations contained in this chapter shall be made to the finance department for the City-Parish. All funds received by the finance department shall be deposited in the general fund.

**Sec. 10:521. - Revocation or suspension.**

In addition to all other penalties, any violation of the terms of this chapter shall be grounds for revocation, suspension, or non-renewal of the certificate or operator's permit, whichever applicable."

Section 2. This ordinance shall be effective 30 days after adoption by the Metropolitan Council.

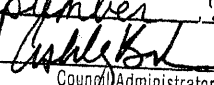
Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict are hereby repealed.

in accordance with Section 2.15 of Chapter 2  
of the Plan Of Government, I certify this to be the  
original ordinance adopted by the Metropolitan  
Council at a Regular meeting on  
August 25, 2021  
Council Administrator.

APPROVED:  


DISAPPROVED:

Mayor - President  
Received from the Mayor - President on the 9th  
day of September, 2021  
  
Council Administrator.