

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on August 15<sup>th</sup>, 2017 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 62, Vehicles for Hire, adding Article III, Bicycle Cabs, as outlined below:

**CHAPTER 62**

**VEHICLES FOR HIRE**

**ARTICLE III. BICYCLE CABS\***

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 62-126. Definitions.**

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

*Bicycle cab* means any vehicle that is powered by means of a person operating a two- or three-wheeled non-motorized vehicle and that also includes a separate seating area for passengers.

*Business License Administrator/Code Enforcement Official* also includes their designee.

*Police Chief* also includes their designee.

*Street, way, or public place* means any street, way, trail, path, park, square, or other public property, or portion thereof.

*To operate* means to pedal, push or otherwise cause the bicycle to move.

**Sec. 62-127. General licensing provisions to apply.**

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 18 shall apply to this article.

DIVISION 2. LICENSES

**Sec. 62-128. Required.**

No person shall operate a bicycle cab on any street or way or in any public place without a bicycle cab license. A separate license shall be required for each vehicle.

**Sec. 62-129. Applications.**

In addition to the general provisions of chapter 18 relating to the contents of applications, applications for bicycle cab licenses shall contain a detailed description of each bicycle cab and any other equipment to be used by the applicant, including a photograph of each bicycle cab and the specifications of each such vehicle.

**Sec. 62-130. Licensing authority.**

Notwithstanding any provision of chapter 18 to the contrary, the Business License Administrator/Code Enforcement official shall be the licensing authority for bicycle cab licenses. The initial license must be approved by the Town Council.

**Sec. 62-131. Conditions precedent to issuance.**

Prior to the issuance of any bicycle cab license, and in addition to any other requirements of this article or chapter 18, the applicant shall file with the Business License Administrator/Code Enforcement Official the following:

- (a) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle or other liability insurance policies in this state for injuries to persons and property resulting from the use and

operation of the bicycle cab to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in the amount of not less than four hundred thousand dollars (\$400,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the Business License Administrator/Code Enforcement Official. Such certificate shall state that the issuing agent shall notify the Business License Administrator/Code Enforcement Official in writing no less than thirty (30) days prior to the cancellation thereof. The Town shall be included in the policy as an additional named insured.

**Sec. 62-132. Denial, suspension, or revocation.**

In addition to the general provisions of chapter 18 relating to the grounds for denial, suspension or revocation of license, a bicycle cab license may be denied, suspended or revoked on any of the following grounds:

- (a) The applicant or licensee or any operator is less than eighteen (18) years of age.
- (b) Disobeying any order or direction of the Business License Administrator/Code Enforcement Official, or any police officer.
- (c) Causing or permitting any violation of this article or chapter 18.
- (d) For a period of four (4) years from the date of discharge of the sentence for the most recent conviction for reckless driving, driving to endanger or operating a motor vehicle under the influence of intoxicating liquor or drugs more than one (1) time in the preceding ten (10) year period, regardless of the class of the offense and regardless of any lesser disqualification which might otherwise apply hereunder.
- (e) For a period of five (5) years from the date of the discharge of the sentence for the most recent conviction for reckless driving, driving to endanger or operating a motor vehicle under the influence of

intoxicating liquor or drugs, which act was committed while operating any vehicle licensed under this chapter, or which act resulted in bodily injury.

### DIVISION 3. OPERATING REQUIREMENTS

**Sec. 62-133. Operation limited to roadways; carrying of passengers; prohibited locations.**

Licensed bicycle cabs shall be operated within roadways only. The police chief shall have the right to prohibit bicycle cabs from streets or roadways where the operation of such cabs will present a threat to the safety of the bicycle cab operator and passengers or to other users of the street or roadway. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in accordance with traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person.

**Sec. 62-134. Not to obstruct traffic; police orders.**

No licensed bicycle cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety.

**Sec. 62-135. Traffic regulations to apply.**

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 54, shall apply to the operation of licensed bicycle cabs.

**Sec. 62-136. Rates to be legibly posted.**

The rates of fares must be legibly posted and in view of the passengers at all times.

**Sec. 62-137. Display of Business License.**

The Business License, issued by the Town of Old Orchard Beach, must be displayed in a conspicuous place on each licensed bicycle cab, visible to

passengers at all times while on duty.

**Sec. 62-138. Passengers to be seated and well-behaved.**

No operator of any licensed bicycle cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Seating capacity shall be determined by the Police Chief or their designee. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others.

**Sec. 62-139. Care and maintenance of bicycle cab.**

Each licensed bicycle cab shall be at all times clean and in good repair.

Sec. 62-140(a). Conditions when operating between dusk and dawn.

A bicycle cab, when in use between dusk and dawn, must have:

1. Making use of working battery-powered lights;
2. Must be equipped with one operational headlight;
3. Must be equipped with two operational red taillights mounted on the right and left area of the bicycle cab's rear.

**Sec. 62-140. Rule-making authority.**

The Business License Administrator/Code Enforcement Official shall have authority to make reasonable rules and regulations, consistent with the public safety.

**Sec. 62-141. Unsafe vehicles; inspections; order from service.**

No licensed bicycle cab shall be operated at any time while unsafe, defective or in disrepair. Any police officer may inspect any such vehicle at any and all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, and upon a finding that such repair has been made or that such defect or unsafe condition has been corrected.

**Sec. 62-142. Storage of vehicles and equipment.**

No bicycle cab or related equipment shall be kept or stored on any street or way or in any public place while not in service.

Per Order of the Municipal Officers this 1<sup>st</sup> day of August, 2017.

A True Copy

Attest:

s/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk