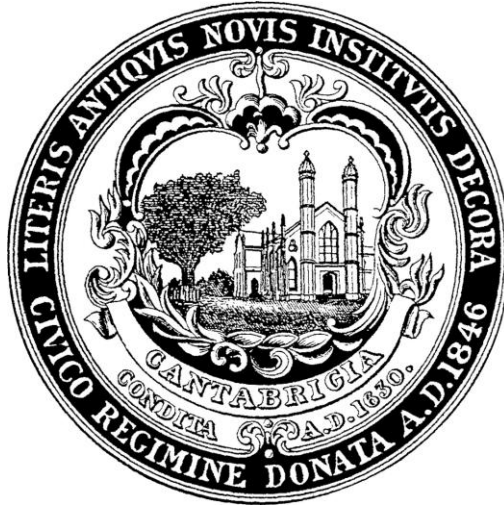


Pedicab Rules and Regulations



City of Cambridge License Commission

**AUTHORITY: City of Cambridge Ordinance, c. 5.20
Massachusetts General Law, c. 40, § 22**

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Adopted Date: November 20, 2012

Amended Date: February 26, 2013

Effective: Amended Date

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ARTICLE I. GENERAL PROVISIONS AND DEFINITIONS.

RULE 1. PURPOSE.

Pedicabs are licensed by the City of Cambridge to ensure public safety. They also ensure the existence of an adequate supply of pedicabs to meet public need and demand.

RULE 2. LIMITS.

If any article, rule or subsection of the Rules and Regulations contained herein is held invalid or unconstitutional, it shall not void the remaining provisions. These rules and regulations are subject to changes, amendments, and deletions at any time following due process.

RULE 3. DEFINITIONS.

The following words and phrases when used in these regulations shall for the purpose of these regulations have the meanings respectively ascribed to them in this article, except in those instances where the context clearly indicates a different meaning:

“Board of License Commissioners” means the Board of License Commissioners of the City of Cambridge or its designee.

"Business Day" shall mean a day during which the License Commission is regularly open for business.

“Executive Director” means the Executive Director of the License Commission of the City of Cambridge or her designee.

“Hackney Carriage Division” means the Hackney Carriage Division of the License Commission of the City of Cambridge.

“License Commission” means the License Commission of the City of Cambridge or its designee.

“Medallion Number” means the identification number issued by the License Commission, tied directly to the Pedicab Vehicle License, for display on the pedicab to indicate that the pedicab is allowed to operate in the City of Cambridge.

"Operator" means the individual who actually operates the pedicab whether as the owner, an employee of the owner or as an independent contractor.

"Owner" means any person who owns, leases, or otherwise has possession of the pedicab.

"Pedicab" or “Pedicab vehicle” means a multi-wheeled bicycle like vehicle that transports or is capable of transporting passengers, propelled exclusively by human power through a belt, chain or gears, and constructed in such a manner as to engage in the business of carrying passengers for hire.

“Pedicab Business Operating Permit” means a Permit issued by the Board of License Commissioners to a pedicab business owner authorizing the operation of a for-hire

pedicab transportation service.

“Pedicab Operator’s License” means a License issued by the License Commission to authorize the holder thereof to operate a pedicab.

“Pedicab Vehicle License” means the License issued by the License Commission, and approved by the Board of License Commissioners, to a permitted pedicab business operator authorizing the use of a particular pedicab vehicle within the City of Cambridge.

“Traffic Director” means the Director of the Department of Traffic, Parking and Transportation of the City of Cambridge.

“Traffic, Parking and Transportation Department” means the Traffic, Parking and Transportation of the City of Cambridge.

ARTICLE II. PEDICAB BUSINESS OPERATING PERMIT REQUIREMENTS AND PEDICAB BUSINESS OPERATION STANDARDS.

RULE 1. PERMIT REQUIREMENT.

A Pedicab Business Operating Permit is required prior to operating a for-hire pedicab transportation service in the City of Cambridge.

RULE 2. REGISTRATION AND FILING REQUIREMENTS.

A pedicab business by a corporation or an individual doing business in a name other than the corporate name or the individual's name, shall have such business name approved by the License Commission. The corporate-individual owner shall file a business certificate with either the Secretary of the Commonwealth in accordance with M.G.L. c. 110 or with the Clerk's Office in the City of Cambridge in accordance with M.G.L. c. 156D. Said owner shall be responsible to the License Commission for compliance with all aspects of these Rules and Regulations including any costs involved.

RULE 3. APPLICATION REQUIREMENT.

Each pedicab business intending to operate within the City of Cambridge for the purpose of operating as a for-hire pedicab transportation service shall complete a Pedicab Business Operating Permit Form and provide the License Commission in writing with the following:

- a. a pedicab business headquarters address;
- b. a mailing address if different from the headquarters address;
- c. a primary contact phone number;
- d. a current, functional email address;
- e. the number of Pedicab Vehicle Licenses being requested;
- f. proposed hours of pedicab vehicle operation;
- g. approval letters from the owner of any private property in which the pedicab business has prearranged its pedicabs to stop, rest or and be stationed at; and
- h. any other information requested by the License Commission to assist in the application procedure.

Any change in information as required by this rule shall be presented to the License Commission in writing within three (3) business days following said changes.

The License Commission shall charge a nonrefundable hearing and application fee to recover the costs of activities associated with the administration of Pedicab Business Operating Permits. Such fee shall be \$175.00, to be submitted with the initial application. If the application is approved by the Board of License Commissioners, the cost of the Pedicab Business Operating Permit shall be \$100.00.

RULE 4. LIABILITY AND WORKERS COMPENSATION INSURANCE REQUIREMENT.

Any business granted a Pedicab Business Operating Permit shall provide to the License Commission proof of current, appropriate workers compensation insurance and liability insurance prior to the commencement of pedicab vehicle operation.

A pedicab business shall hold a liability insurance policy which will insure the pedicab business, its vehicles and all operators of the pedicab vehicles for such business, whether operators are employees of the pedicab business or operate the pedicab vehicles of such business by separate agreement.

The insurance policy must provide, at a minimum, a \$1,000,000 per occurrence protection and a \$2,000,000 aggregate protection, with the City of Cambridge being named as an insured party.

If the policy of insurance as required by this rule were to lapse for any reason, the pedicab company shall be subject to disciplinary procedures as established under Article VI of these Rules and Regulations.

RULE 5. CRITERIA FOR APPLICATION EVALUATION.

The Board of License Commissioners, in determining whether to approve an Application for a Pedicab Business Operating Permit, shall consider the following: public need and demand for the proposed service; the impact of the proposed service on the City's infrastructure and transportation network; the suitability and financial stability of the applicant; the effects on the business and tourism communities; and any other information or circumstances deemed relevant by the Board of License Commissioners.

RULE 6. APPEAL RIGHTS ON APPLICATION DENIAL.

Any pedicab business whose permit application is denied by the Board of License Commissioners may appeal said denial to the Middlesex Superior Court within sixty (60) days of receipt of the decision pursuant to M.G.L. c.249 §4.

RULE 7. RENEWAL PROCEDURE FOR PEDICAB BUSINESS OPERATING PERMIT.

A pedicab business must renew their Pedicab Business Operating Permit on an annual basis at the License Commission. A renewal application and an annual report must be submitted to the License Commission. The annual report shall include the following:

- a. a list of all costs associated with being an operator of a pedicab vehicle;
- b. a current list of all operators employed by the pedicab business;
- c. a list of all costs associated with leasing a pedicab vehicle from the pedicab business;
- d. a current list of all lessors of pedicab vehicles contracting with pedicab business, and a copy of their lease agreement, if desired by the License Commission;
- e. the number of service requests fulfilled;
- f. the number of service requests not fulfilled, and reasons as to why;
- g. the number of consumer complaints received and the manner in which they were resolved; and
- h. any other information so desired by the License Commission in order adequately regulate the pedicab system.

The annual report, and any previous disciplinary matters, will be considered when renewing a permit.

If the renewal application is approved by the License Commission, the cost to renew the Pedicab Business Operating Permit shall be \$100.00.

RULE 8. APPEAL RIGHTS ON PERMIT RENEWAL APPLICATION.

Any pedicab business whose permit renewal application is denied by the Executive Director may appeal said denial to the Board of License Commissioners within seven (7) days of the denial date. Any pedicab business whose permit renewal application is denied by the Board of License Commissioners may appeal said denial to the Middlesex Superior Court within sixty (60) days of receipt of the decision pursuant to M.G.L. c.249 §4.

RULE 9. TRAINING REQUIREMENTS.

A pedicab business is responsible for the training of employees and its contractors in all laws, rules and regulations pertaining to the Cambridge pedicab system, including applicable traffic regulations as well as local, state, and federal laws. A pedicab association is also responsible for training employees so they possess basic knowledge of city streets and landmarks.

RULE 10. FARE APPROVAL AND RECEIPT REQUIREMENT.

A pedicab business must submit a proposed fare schedule to the License Commission for approval. Such a fare schedule should include the basis for calculating the amount of the charge for the pedicab fare. The pedicab business shall also provide the License Commission with a sample receipt that will be issued to passengers upon the completion of each pedicab trip. Such receipt shall contain:

- a. the amount of the charge for using the pedicab vehicle and any fare calculation information;
- b. the pedicab vehicle medallion number;
- c. the pedicab business name, headquarters' address and telephone number; and
- d. information regarding the customer service mechanism as required by Rule 11, Section B of this Article.

RULE 11. GENERAL OPERATION REQUIREMENTS.

A pedicab business, at minimum, must maintain the following operational standards:

- a. operation during business hours approved by the License Commission and advertisement of such to the general public for the purpose of requesting transportation service;
- b. a customer service mechanism for the purpose of dealing with consumer complaints;
- c. Record Keeping Procedures in accordance with Rule 12 of this Article; and
- d. procedures to ensure compliance with Reporting Requirements established in Rule 13 of this Article.

RULE 12. RECORD KEEPING REQUIREMENTS.

A pedicab business shall maintain record keeping procedures that include:

- a. a current list of all pedicab operators employed by the pedicab business;
- b. a current list of all lessors of pedicab vehicles contracting with the pedicab business, and a copy of their lease agreement;

- c. the total number of service requests fulfilled including any fare charged for the corresponding service request; and
- d. any other information as desired by the License Commission in order to adequately regulate the pedicab system.

RULE 13. REPORTING REQUIREMENTS.

Records of the pedicab business shall be kept for a period of not less than one (1) year. Any record requested by either the License Commission or the Hackney Carriage Division shall be furnished within five (5) business days of receipt of the request. The License Commission may also examine the books, accounts, records and any other relevant documents of the pedicab business in order to allow the License Commission to adequately regulate the pedicab industry.

RULE 14. CUSTOMER SERVICE STANDARD.

All agents of the pedicab business must be courteous at all times to the general public.

RULE 15. PEDICAB BUSINESS TO ANSWER QUESTIONS AND CORRESPONDENCE.

A pedicab business and its agents are required to answer fully and civilly to any questions put forth to them by the Cambridge Police or any agent of the License Commission in the performance of duty. No pedicab business or its agent shall hinder, delay, or knowingly make false or misleading statements to any agent in the License Commission regarding any matters relating to regulatory compliance.

ARTICLE III. PEDICAB VEHICLE LICENSE REQUIREMENTS AND VEHICLE INSPECTION STANDARDS.

RULE 1. PEDICAB VEHICLE LICENSE REQUIREMENT.

Prior to the operation of any pedicab vehicle, the Pedicab Business Operating Permit holder must secure a Pedicab Vehicle License from the License Commission. The Board of License Commissioners shall determine the number of Pedicab Vehicle Licenses to be issued in accordance with the criteria established within Article II, Rule 5.

The License Commission may only issue a Pedicab Vehicle License if the pedicab has passed an inspection administered by the Hackney Carriage Division per procedures established within Rule 8 of this Article. Each Pedicab Vehicle License shall be issued in the form of a Medallion Number, which will be attached directly to such license. A Pedicab Vehicle License shall take the form of a Medallion Number Plate attached directly to the pedicab vehicle.

RULE 2. APPLICATION FOR PEDICAB VEHICLE LICENSE.

An application for a Pedicab Vehicle License shall only be submitted by the holder of a Pedicab Business Operating Permit. The application shall contain all information required by the License Commission, including:

- a. the name, mailing address and telephone number for the registered owner of the pedicab;
- b. a description of the pedicab, including make, model/body style and any identification/serial number;
- c. physical address of pedicab storage facility;
- d. proof of insurance, if not already provided to the License Commission; and
- e. a completed and executed Pedicab Inspection form issued by the Hackney Carriage Division.

RULE 3. REQUEST FOR ADDITIONAL PEDICAB VEHICLE LICENSES.

A Pedicab Business Operating Permit holder may petition the License Commission, by letter, for an increase in the number of Pedicab Vehicle Licenses originally granted by the Board of License Commissioners. Upon receipt, the License Commission will schedule a hearing before the Board of License Commissioners to evaluate such request pursuant to the criteria established within Article II, Rule 5 of these Rules and Regulations.

The License Commission shall charge a nonrefundable hearing and application fee to recover the costs of activities associated with the administration of Pedicab Business Operating Permits. Such a fee shall be \$175.00, to be submitted with petition letter.

RULE 4. VALIDITY OF PEDICAB VEHICLE LICENSE.

A Pedicab Vehicle License is valid from one year of the date of issuance. A Pedicab Vehicle License shall be deemed invalid if the license is defaced, altered, forged or counterfeited. Such a license is also subject to vehicle inspection pursuant to Rule 8 of this Article.

RULE 5. TRANSFER OR SALE OF LICENSE PROHIBITED.

No Pedicab Vehicle License shall be sold, assigned or transferred nor shall a majority interest of any entity holding such a license be sold, assigned or transferred. Such action shall automatically terminate the Pedicab Vehicle License and subject the Pedicab Business Operating Permit holder to Disciplinary Procedures pursuant to Article VI of these Rules and Regulations.

RULE 6. UNUSED/SURRENDER OF A PEDICAB VEHICLE LICENSE.

A Pedicab Vehicle License shall not be held for more than sixty (60) days unassigned to a pedicab without prior written approval of the License Commission. The pedicab business who holds the Pedicab Vehicle License shall immediately surrender said license to the License Commission if the pedicab business ceases operation or discontinues operation of the registered pedicab vehicle.

A Pedicab Vehicle License assigned to an inoperative pedicab shall not be transferred to another pedicab without registering such transfer with the License Commission. The Hackney Carriage Division or its agent shall inspect said replacement pedicab in accordance with the procedures established in Rule 8 of this Article.

RULE 7. LOST PEDICAB VEHICLE LICENSE.

The Pedicab Business Operating Permit holder shall immediately give written notice to the License Commission in the case of a lost Pedicab Vehicle License/Medallion Number Plate. Upon such notice, the License Commission may grant written authorization to for the Pedicab Business Operating Permit holder to continue operating a pedicab until a replacement license is issued.

The License Commission shall require a fee in the amount of the cost to the License Commission to replace the actual medallion plate plus an administrative fee in the amount of \$10.00 for the issuance of a replacement license.

RULE 8. INSPECTION/PEDICAB VEHICLE LICENSE RENEWAL PROCEDURES.

All pedicabs shall be thoroughly inspected by the Hackney Carriage Division as to general appearance and mechanical condition before a Pedicab Vehicle License shall be issued.

A Hackney Division Inspector may conduct inspections of pedicabs in the following manner:

- a. Regular Inspections: Every pedicab shall be inspected at initial licensing, and upon the yearly expiration of the Pedicab Vehicle License to ensure continued maintenance of safe operating conditions of the pedicab.
- b. Random Spot Checks: Pedicabs shall be subject to random spot checks at any reasonable time or location for full compliance with all applicable rules, regulations and laws.

Pedicabs must, at all times, be kept in good condition suitable for occupancy and mechanically fit for the safety of the passengers. The interior and exterior shall be kept clean and sanitary at all times. The Hackney Carriage Division will make periodic

inspections in this regard. Failure to attend a scheduled inspection may result disciplinary action pursuant to the procedures established in Article VI of these Rules and Regulations.

The cost of the initial registration of a pedicab vehicle shall be \$85.00. This also includes the cost of an initial inspection. The cost of any reinspection of a pedicab vehicle shall be \$50.00. No pedicab vehicle presented for inspection to the Hackney Division Inspector will be inspected if it is discovered that such pedicab vehicle has any unpaid citations issued by the City of Cambridge.

RULE 9. PEDICAB VEHICLE INSPECTION REQUIREMENTS.

All pedicab vehicles shall be inspected by the Hackney Carriage Division for the following:

- a. a Pedicab Vehicle License Medallion Number Plate affixed to the exterior of the vehicle;
- b. three (3) or more wheels;
- c. a unibody frame for the vehicle;
- d. an operational hydraulic, mechanical disc, or drum brake system;
- e. an operational secondary/emergency brake system;
- f. operational headlights;
- g. operational tail lights;
- h. operational turn lights that can be seen from the rear of the pedicab;
- i. an operation yellow LED flashing light in the rear of the vehicle;
- j. a passenger seatbelt system for no more than three (3) passengers;
- k. audible signaling device;
- l. reflectors on the spokes of the wheels and wheel covers, if used;
- m. a clearly and conspicuously posted fare schedule including company contact information pursuant to Article II, Rule 11, Section B of these rules and regulations;
- n. clear and conspicuous disclosure of accepted payment methods and any minimums allowed by federal and state laws.

All pedicabs shall also be inspected to ensure no electrically-powered or motorized mechanisms are connected to the vehicle for the purpose of powering it.

RULE 10. PEDICAB VEHICLE COLORS.

No Pedicab Business Operating Permit holder may color their licensed pedicabs with colors or designs that closely resemble other licensed pedicab vehicles for hire.

RULE 11. PEDICAB ADVERTISING.

Advertisements may be placed on any panel of the pedicab vehicle. All advertisements must be approved by the Executive Director. Advertisements cannot be illuminated, reflectorized, animated or be created in other means that would cause distraction while the vehicle is in operation. No advertisements for tobacco shall be permitted.

RULE 12. PEDICAB VEHICLE MEDALLION NUMBER IDENTIFICATION STICKER.

A plastic sticker, provided by the License Commission, containing the Pedicab Vehicle Medallion Number, the contact information of the License Commission and any other information seen fit by the License Commission shall be clearly and conspicuously posted in every pedicab vehicle.

RULE 13. UNFIT PEDICAB.

If, during a regular inspection or a random spot check, it is the opinion of any persons authorized to inspect, the pedicab is unsafe to operate, said pedicab vehicle shall be removed from service and its Medallion Number Plate shall be surrendered to the License Commission. Notice of said defect shall be given to the Pedicab Business Operating Permit holder who holds said Pedicab Vehicle License.

The pedicab shall remain out of service until the defect has been corrected and the proper authorities have re-inspected and approved said pedicab to be fit for service. Reinspection fees shall apply.

Any Pedicab Business Operating Permit holder, who holds said Pedicab Vehicle License, may contest the removal of service before the Executive Director within three (3) business days following the surrender of the Medallion Number Plate.

ARTICLE IV. PEDICAB OPERATOR'S LICENSE REQUIREMENTS AND OPERATOR'S STANDARDS.

RULE 1. PEDICAB OPERATOR'S LICENSE REQUIREMENT.

Any operator of a pedicab vehicle must secure a Pedicab Operator's License from the License Commission.

RULE 2. PEDICAB OPERATOR APPLICANT REQUIREMENTS.

Any potential applicant for a pedicab operator's license must be at least eighteen (18) years of age and hold a valid Massachusetts operator's license issued by the Registry of Motor Vehicles for at least one (1) year.

Should an applicant hold a valid operator's license issued by another state for at least one (1) year, said applicant may still apply for a Pedicab Operator's License, but must submit a certified copy of their driving record and criminal background information, each from the proper issuing authority, with a Pedicab Operator's License Application Form. Said applicant shall also be subject to a Criminal Record Check in the Commonwealth of Massachusetts.

RULE 3. PEDICAB OPERATOR'S LICENSE APPLICATION.

Each person intending to operate a pedicab within the City of Cambridge shall complete a Pedicab Operator's License Application Form and provide the License Commission in writing with the following:

- a. full, legal name;
- b. current residential address and primary contact telephone number;
- c. date of birth and place of birth;
- d. social security number;
- e. father's name and mother's name;
- f. letter from the Pedicab Business Operating Permit holder which the applicant will work for if granted a license stating such; and
- g. any other information requested by the License Commission to assist in the application procedure.

Any change in information as required by this rule shall be presented to the License Commission in writing within three (3) business days following said changes.

The License Commission shall charge a nonrefundable application fee to recover the cost of activities associated with the administration of pedicab operators' licenses. Such a fee shall be \$10.00, to be submitted with the initial application.

RULE 4. CRITERIA FOR APPLICATION EVALUATION.

The License Commission, in determining whether to approve an Application for an Operator's License, shall consider the following: results of a Criminal Record Check; driving record history and any other information or circumstances deemed relevant by the Board of License Commissioners. An application for licensure shall be automatically denied if it is discovered that the applicant has any unpaid City of Cambridge traffic violations.

RULE 5. CRIMINAL RECORD CHECK REQUIREMENT AND DISQUALIFICATION.

A pedicab operator applicant must submit to a criminal record check for the purpose of reviewing conviction and pending criminal case information only. An applicant will not be approved to operate a pedicab if she has been convicted of any of the following within the past seven (7) years from the date the criminal record check is authorized:

- a. conviction of a felony;
- b. involvement in illegal lottery;
- c. violation of parole or probation;
- d. sex offense;
- e. assault and battery or disobeying directives of a police officer;
- f. narcotic or alcohol offense;
- g. illegal possession of firearms; and
- h. four (4) or more motor vehicle violations.

RULE 6. RENEWAL PROCEDURE FOR OPERATOR'S LICENSE.

A pedicab operator shall renew her license on an annual basis at the License Commission. A renewal application must be submitted to the License Commission.

The License Commission shall charge a nonrefundable renewal application fee to recover the costs of activities associated with the administration and issuance of pedicab operators licenses. Such a fee shall be \$10.00, to be submitted with the renewal application.

Any previous disciplinary matters will be considered when renewing a license.

RULE 7. APPLICANT'S APPEAL RIGHTS ON APPLICATION DENIAL.

Any applicant whose application is denied by the License Commission may appeal said denial to the Executive Director within seven (7) business dates of the denial date. The Executive Director may in her discretion grant admittance if the applicant presents clear and convincing evidence that her past crimes, accidents and/or violations do not constitute an inference that the applicant as a licensed pedicab operator will be a risk to public safety.

RULE 8. TERMINATION OF LICENSED OPERATOR.

Within five (5) business days, a Pedicab Business Operating Permit holder shall notify the License Commission in writing when a licensed pedicab operator ceases to be employed by the business.

RULE 9. OPERATOR DRESS CODE.

A pedicab operator, while having charge of a pedicab vehicle, shall keep a clean and well-groomed appearance as well as be clean of body. Pedicab operators are not permitted to wear the following during the course of normal business:

- a. Clothing containing a hole or holes in need of repair;
- b. bathing trunks, swim-wear, jogging trunks, body shirts, cut-offs or similar attire;
- c. torn or ripped shorts; and
- d. footwear that could obstruct operation of the pedicab.

All pedicab operators shall wear company-issued attire while having charge of a pedicab vehicle. All pedicab operators shall also wear American National Standards Institute (ANSI) approved attire covering the upper body after dusk.

Pedicab operators are expected to conform to any private stand/private property standards.

RULE 10. USE OF ALCOHOL AND CONTROLLED SUBSTANCES PROHIBITED.

Pedicab operators, while having charge of a pedicab vehicle, shall not consume alcoholic beverages or purchase, sell, use or possess any controlled substances, or give information as to where such substances may be illegally obtained. Controlled substances are defined in M.G.L. c. 94C.

RULE 11. USE OF PRESCRIPTION DRUGS.

No pedicab operator, while having charge of a pedicab vehicle, shall take a prescription drug which impairs the operator's ability to maneuver the pedicab safely. A pedicab operator shall be refused work by Pedicab Business Operating Permit holder if, in the opinion of such permit holder, the operator has reported to work in an intoxicated or unstable state.

RULE 12. OPERATION OF UNSAFE VEHICLE PROHIBITED.

A pedicab operator shall operate their pedicab vehicle with due regard for the safety, comfort and convenience of passengers and the general public.

RULE 13. FOLLOWING STATE LAWS AND CITY ORDINANCES.

A pedicab operator shall operate their pedicab vehicle in accordance with laws, statutes, ordinances and regulations of the Commonwealth of Massachusetts and the City of Cambridge.

RULE 14. ELECTRONIC COMMUNICATION DEVICE AND CELLULAR TELEPHONE USAGE.

A pedicab operator shall not use any communication device, including a cellular telephone—hands free or otherwise—while having charge of a pedicab vehicle, unless such usage is absolutely required in the operator's normal course of business. Such business usage circumstances must be recorded with the License Commission prior to the start of vehicle operation.

RULE 15. OPERATOR'S LICENSE DISPLAYED.

Every pedicab operator, while having charge of a pedicab vehicle, shall have his Operator's License clearly and conspicuously disclosed to the passenger while in the pedicab vehicle. The pedicab operator shall also furnish such license upon request of a passenger, police officer, agent of the License Commission or Traffic, Parking and Transportation Department.

RULE 16. REPORTING OF CRIMES.

Every pedicab operator shall report to the police any crimes or any suspicious actions of passengers or other persons that s/he may observe. When a passenger becomes noisy or

otherwise disorderly while in a pedicab and persists in such conduct after warning, the operator may appeal to any police officer who shall assist in any lawful way, and, if in possession of the necessary evidence, shall prosecute the offending passenger. A pedicab operator may also wish to cease providing service at that time, and charge the passenger the appropriate fare for service rendered up to that point.

RULE 17. SMOKING PROHIBITED IN PEDICABS.

No smoking of cigars, cigarettes, pipes or other controlled substances is permitted in a pedicab by either a passenger or a pedicab operator at any time.

RULE 18. ILLEGAL ACTIVITIES.

No pedicab operator shall participate in, or allow passengers to participate in, any illegal activities.

ARTICLE V. VEHICLE OPERATION STANDARDS.

RULE 1. PEDICAB VEHICLE OPERATION.

A pedicab vehicle may operate single file on any way except when passing. A pedicab vehicle may keep to the right when passing a motor vehicle which is moving in the travel lane or the way. A pedicab vehicle shall not pass to the right of a bus or minibus stopped at a designated bus stop. Pedicab vehicles are authorized to use designated bicycle lanes and cycle tracks, when applicable. Pedicab vehicles are not permitted to operate on the sidewalk, any way under private jurisdiction without appropriate permission or any way under the jurisdiction of the MA Department of Conservation and Recreation ("DCR") or the Massachusetts Department of Transportation ("MassDOT").

RULE 2. PEDICAB PARKING.

A pedicab may only be left parked or standing in metered parking spaces. Pedicab vehicle operators are responsible for the appropriate payment of meter fees. Pedicabs are not authorized to park in any other specifically designated spaces, such as those for taxicabs, busses, handicapped drivers, and the like. Pedicab Vehicles are not allowed to park at bike racks or bike stalls. The Traffic, Parking and Transportation Department, upon the recommendation of the License Commission, may set forth specific additional locations where pedicabs are allowed to park or stand. Pedicab parking or staging may be permitted on private property only with the permission of the property owner.

No pedicab, while in operation for the solicitation or transportation of passengers, shall be left unattended by the pedicab driver for a period of more than fifteen (15) minutes at a time unless parked in one of those specific locations recommended by the License Commission, and approved by the Traffic, Parking and Transportation Department.

RULE 3. PEDICAB STANDING.

For the purpose of immediately loading or unloading passengers, a pedicab may remain standing upon a street if the pedicab is in any legal parking stall, designated loading zone or any other location that does not impede pedestrian, bicycle or vehicular traffic.

RULE 4. INTERFERING WITH PLACES OF PUBLIC ASSEMBLY.

No pedicab operator shall seek a fare by repeatedly and persistently pedaling her pedicab vehicle in a means which interferes with the proper and orderly access to or egress from any theater, hall, hotel, public resort, railroad, bus or train station, or other place of public assembly.

RULE 5. PEDICAB SPECIAL EVENT RESTRICTIONS.

No pedicab vehicle may operate within the perimeter of a permitted special event except where authorization is granted by the License Commission. A Pedicab Business Operating Permit holder may petition the License Commission five (5) days in advance of the event's scheduled date via letter. Such letter should also contain written permission from the event organizer allowing the pedicab business to operate vehicles near the permitted of the event.

RULE 6. TRAFFIC LAWS APPLICABLE TO PEDICAB OWNERS AND OPERATORS.

A pedicab operator shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle by the laws of the Commonwealth of Massachusetts declaring rules of the road applicable to motor vehicles, except those provisions that are not applicable by their very nature. All pedicab businesses and operators are subject to all applicable laws, rules, and regulations of the Traffic, Parking and Transportation Department pertaining to the operation of bicycles, except those provisions that are not applicable by their very nature. A Pedicab Business Operating Permit holder is responsible for all unpaid citations related to pedicab vehicle parking. A pedicab operator is responsible for all unpaid civil citations related to pedicab vehicle operation.

RULE 7. HIRED VEHICLES.

No pedicab operator shall take up or carry any other passenger after the vehicle has been occupied or engaged prior by a person without permission of said person.

RULE 8. FOUND PROPERTY.

A pedicab operator, after delivering a passenger, shall immediately search the pedicab for any property which may have been left therein. Any such property, if not returned to the passenger, shall within twenty-four (24) hours of being found, be delivered to the Cambridge Police Department's Property Room. Pedicab operators shall immediately notify the pedicab business headquarters and the License Commission upon turning property over to the Cambridge Police Department.

ARTICLE VI. DISCIPLINARY AND NON-COMPLIANCE PROCEDURES.

RULE 1. DISCIPLINARY PROCEDURES.

Failure to abide by these Rules and Regulations may result in any of the following:

- a. a formal warning included in the appropriate permit/license record file;
- b. requirement to appear or explain their failure to the full board of License Commissioners;
- c. an administrative fee of \$50.00. Failure to pay fine within sixty (60) days shall keep owner or driver subject to immediate revocation of appropriate permit/license; and
- d. further conditioning of appropriate permit/license, including temporary suspension and permanent revocation.

RULE 2. HEARING OFFICERS AND APPEALS.

A representative for the License Commission, following a recommendation of the Hackney Officer or the Police Officer assigned to the License Commission, may act as a hearing officer for the License Commission in disciplinary matters. The decision of the hearing officer will be final and binding unless an appeal is filed to the Executive Director and/or the full License Commission within seven (7) days of the decision. Decisions of the full License Commission may be appealed to the Middlesex Superior Court within sixty (60) days of receipt of the decision pursuant to M.G.L. c.249 §4. All persons concerned are required to comply with initial investigations. Persons concerned may have an advocate present at any hearing or meeting held by the License Commission or its agents.