

TOWN COUNCIL



STAFF REPORT Department of Administration

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| MEETING DATE: | October 11, 2016 |
| PROJECT: | An Ordinance Amending Chapter 7 of the Town Code, Tour Companies, By Adding and Adopting Article V, Pedicabs, for the Purpose of Regulating the Safe and Efficient Operation of Pedicab Services Within the Town of Bluffton - Second and Final Reading |
| PROJECT MANAGER: | Scott Marshall, Deputy Town Manager |

REQUEST: Town Council approve Second and Final Reading of an Ordinance Amending Chapter 7 of the Town Code, Tour Companies, By Adding and Adopting Article V, Pedicabs, for the Purpose of Regulating the Safe and Efficient Operation of Pedicab Services Within the Town of Bluffton.

BACKGROUND: The Town of Bluffton recently received and approved its first application for a pedicab business. Currently, the Code of Ordinance for the Town of Bluffton ("Town Code") Chapter 7 only provides for the regulation of pedicabs as a tour business but not as a means of for-hire point-to-point conveyance ("Pedicab Services"). Therefore, an amendment to the Town Code is necessary to incorporate language for the permitting and operation of Pedicab Services within the Town.

The Town of Bluffton Town Council approved First Reading of the Ordinance by Pending Ordinance Doctrine on September 13, 2016. The only revision to the Ordinance presented for Second and Final Reading is the addition of the Pending Ordinance Doctrine provision as Section 2 of the enabling Ordinance.

INTRODUCTION: To prepare the proposed ordinance, Staff and the Assistant Town Attorney reviewed pedicab regulations from other municipalities including the City of Charleston, City of Greenville, and the City of Savannah. The ordinance before Town Council combines several aspects of these municipalities' regulations to create provisions for the Town's regulation of Pedicab Services. These regulations will be incorporated into Chapter 7 of the Town Code as Article V – Pedicabs as summarized below:

1. Define applicable terms such as:
 - a. *Old Town* shall be defined as the area bounded on the west by Buck Island Road, on the south by the May River, on the East by Burnt Church Road and on the north by the Bluffton Parkway.
 - b. *Operator* shall mean any person who operates, drives, propels or steers a pedicab.

- c. *Owner* shall be defined as any person, partnership, corporation, association or other organization.
 - d. *Pedicab* shall mean a bicycle with three or more wheels operated by one person for the purpose of, or capable of, transporting passengers in seats or a platform made a part thereof. This definition shall not include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other similar vehicle designed for the purpose of transporting a disabled person, nor shall it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.
2. Provide for the management of the pedicab permitting process through the Bluffton Police Department with final permit approval and issuance by the Chief of Police, or their designee.
 3. Provide that pedicab permits are valid for 12-months from issuance to the owner.
 4. Allow the Chief of Police, or their designee, to suspend or revoke a pedicab permit if the owner or their operators are in violation of the ordinance.
 5. Require all owner(s) obtain a Town of Bluffton Business License.
 6. Require all owners and their operators to possess a valid South Carolina Driver's License.
 7. Require the Police Department to conduct background investigations on all owners and operators.
 8. Require minimum insurance coverage for pedicab owners and their operators in an amount no less than one million dollars (\$1,000,000.00) combined single limit liability (CSL) per occurrence and listing the Town of Bluffton as an additional primary insured.
 9. Provide minimum pedicab equipment requirements such as maintaining pedicab equipment, keeping the pedicab clean and free of debris, and requiring reflectors and lights for nighttime operation.
 10. Allow the Police Department to conduct equipment inspections and require the removal of any pedicab deemed unsafe or in poor mechanical or physical condition from service until repaired and deemed approved for service by the Police Department.
 11. Require pedicabs to clearly display the pedicab owner's name and phone number.
 12. Require pedicab operators to obey all traffic laws.
 13. Provide for the conduct of pedicab operators such as they may not be under the influence of drugs or alcohol, must have the physical strength to maintain control of the pedicab, and must possess a means of wireless communication to allow them to contact police dispatch.

14. Define prohibited conduct such as operating on sidewalks; refusing to provide a schedule of fares upon request; collect fares, make change, or embark or disembark passengers while the pedicab is in motion; or allow passengers to consume alcohol or possess an open container.
15. Provide for an operation area which is limited to Old Town and its immediate vicinity subject to final approval of the Town Manager.
16. Require all Owners and Operators of a pedicab to complete a course on Bluffton history and culture through the Heyward House or other approved organization.
17. Define pedicab hours of operation which are:
 - a. Sunday through Wednesday from 8:00 a.m. to 12:00 a.m. (midnight);
and,
 - b. Thursday through Saturday from 8:00 a.m. to 2:00 a.m.
18. Identify stopping zones as the bike areas along Calhoun Street.
19. Require operators to utilize bike lanes when available.

ATTACHMENTS:

1. Ordinance – Redlined
2. Ordinance – Clean
3. Recommended Motion

ORDINANCE NO. 2016 -

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 7 OF THE TOWN CODE, *TOUR COMPANIES*, BY ADDING AND ADOPTING ARTICLE V, *PEDICABS*, FOR THE PURPOSE OF REGULATING THE SAFE AND EFFICIENT OPERATION OF PEDICAB SERVICES WITHIN THE TOWN OF BLUFFTON

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-30 of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 7, *Tour Companies*, by adding and adopting Article V, *Pedicabs*, to enable the Town of Bluffton to better regulate, supervise and provide consistent treatment throughout the Town for businesses and citizens alike.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 7 of the Code of Ordinances for the Town of Bluffton, South Carolina, by adopting and incorporating the Chapter 7, Article V, *Pedicabs*, as shown on Exhibit "A" attached hereto and fully incorporated herein by reference.

SECTION 2. PENDING ORDINANCE DOCTRINE. This amendment is adopted pursuant to the Pending Ordinance Doctrine.

SECTION ~~3~~2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 34. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this ____ day of _____, 2016.

This Ordinance was read and passed at first reading on _____, 2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on _____,
2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

EXHIBIT A

**Code of Ordinances
Town of Bluffton, South Carolina**

Chapter 7. Tour Companies

Article I. In General

- Sec. 7-1.
Secs. 7-2. Thru 7-20. Reserved.

Article II. Animal –Drawn Vehicles for Hire

- Sec. 7-21. Definitions.
Sec. 7-22. Licensing of Carriage Companies.
Sec. 7-23. Drivers Permit Required.
Sec. 7-24. Insurance.
Sec. 7-25. Design Standards.
Sec. 7-26. Identification of Carriages/Posting of Information.
Sec. 7-27. Posting of Rate Card.
Sec. 7-28. Condition of Carriages.
Sec. 7-29. Safety Equipment.
Sec. 7-30. Sanitation Requirements.
Sec. 7-31. Traffic Related Regulations.
Sec. 7-32. General Operating Regulations.
Sec. 7-33. Carriage Stands.
Sec. 7-34. Loading Zones.
Sec. 7-35. Hours of Operation.
Sec. 7-36. Treatment and Condition of Horses.
Secs. 7-37. thru 7-50. Reserved.

Article III. Motorized Tour Companies

- Sec. 7-51. Definitions.
Sec. 7-52. Licensing of Motorized Tour Companies.
Sec. 7-53. Drivers Permit Required.
Sec. 7-54. Insurance.
Sec. 7-55. Identification of Company/Posting Information.
Sec. 7-56. Posting of Rate Card.
Sec. 7-57. Condition of Motorized Vehicles.
Sec. 7-58. Safety Equipment.
Sec. 7-59. Traffic Related Regulations.

- Sec. 7-60. General Operating Regulations.
- Sec. 7-61. Motorized Tour Vehicle Stands.
- Sec. 7-62. Loading Zones.
- Sec. 7-63. Hours of Operation.
- Secs. 7-64. thru 7-70. Reserved.

Article IV. Non-Motorized Tour Companies

- Sec. 7-71. Definitions.
- Sec. 7-72. Licensing of Motorized Tour Companies.
- Sec. 7-73. Drivers Permit Required.
- Sec. 7-74. Insurance.
- Sec. 7-75. Identification of Company/Posting Information.
- Sec. 7-76. Condition of Motorized Vehicles.
- Sec. 7-77. Traffic Related Regulations.
- Sec. 7-78. General Operating Regulations.
- Sec. 7-79. Motorized Tour Vehicle Stands.
- Sec. 7-80. Loading Zones.
- Sec. 7-81. Hours of Operation.
- Sec. 7-82. Inspection, Compliance, and Enforcement.
- Sec. 7-83. Enforcement.
- Secs. 7-84. thru 7-90. Reserved.

Article V. Pedicabs

- Sec. 7-91. Purpose.
- Sec. 7-92. Definitions.
- Sec. 7-93. Required Permits for Pedicabs.
- Sec. 7-94. Operators.
- Sec. 7-95. Condition of Vehicles.
- Sec. 7-96. Traffic Related Regulations.
- Sec. 7-97. General Operating Requirements.
- Sec. 7-98. Enforcement.
- Secs. 7-99. thru 7-110. Reserved.

ARTICLE I. IN GENERAL

ARTICLE II. ANIMAL-DRAWN VEHICLES FOR HIRE

- Sec. 7-21. Definitions.**

As used in this chapter the following terms mean:

Town: A municipal corporation; the definition to include all areas within the corporate limits of the Town.

Company: The holder of a license to operate a horse-drawn carriage business under the provisions of this chapter whether a person, firm, partnership or corporation.

Driver: Any person who drives or operates a horse-drawn carriage upon the streets of the town for a licensed carriage company.

Driver's Permit: The written authority granted by the town and issued by the police department for an individual to drive or operate a horse-drawn carriage within the town. Criteria can include a valid license, experience, or knowledge.

Horse-drawn Carriage: Any hack or carriage which is operated by being drawn by a horse, mule, or other beast of burden, for the transportation for hire of passengers.

Inspector: The individual employee or department of the town charged with the responsibility for administering and enforcing this chapter.

License: The right and privilege granted by the town for operation of a business incorporating the use of one or more horse-drawn carriages within the corporate limits of the town.

Special Event: A prearranged tour to accommodate a one-time, nonrecurring special occasion such as a wedding party, celebration, convention or nonprofit activity. Large bus tours and boat tours shall not constitute a special event.

Street: Means and includes any street, alley, lane, avenue, court or public place or thoroughfare in the town.

Touring: Operating of a horse-drawn carriage for hire where the primary purpose is to drive by and see historic and architectural sites, cultural attractions, or scenic areas.

Vehicle for Hire: Employment of a horse-drawn carriage for passengers, generally for a fee or a fare, for the purposes of touring, point to point transportation, or special events. The vehicle is not deemed to be "for hire" when such passengers are not on board.

Veterinarian: A veterinarian licensed in South Carolina who specializes in large animals.

Sec. 7-22. Licensing of Carriage Companies

(a) *Business license required.* No person, firm or corporation shall operate a business involving the use of one or more horse-drawn carriages for hire upon the streets of the town unless a license for such business has first been granted by the town.

(b) *Right to inspection by veterinarian.* The Town of Bluffton shall reserve the right to have a licensed veterinarian inspect any animal actively used for the purpose of touring, with or without the permission of the tour company, at the expense of the tour company.

(c) *Required information.* The carriage company shall give to the business license officer of the town, the name, address, and telephone number of the veterinarian who certifies the health of the horses. The carriage company shall also maintain the following information on each horse and make this information available to the business license officer or the Town Manager and/or his designee upon request:

- (1) The current veterinarian examination record;
- (2) Animal Immunization record including rabies and negative Coggins test. The following immunizations are required twice a year: eastern and western equine encephalomyelitis, tetanus, flu, west Nile, and a health certificate stating the horse is in good health and able to haul;
- (3) A picture of the horse and a name or other designation for the horse;
- (4) Description of any identifying characteristics, marks, or brands;
- (5) The load/weight which each horse is capable of pulling as certified by a veterinarian.

(d) *Inspection.* Each new carriage shall be inspected for compliance before being placed into passenger service. The special events coordinator shall approve the inspections. Each carriage shall be inspected annually upon renewal of the owner's town business license. In addition, any horse-drawn carriage involved in an accident shall be inspected by a person approved by the special events coordinator prior to being returned to service transporting passengers for hire.

(e) *Failure to comply.* An applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the attending veterinarian, police, codes enforcement, or the special events coordinator. All the requirements of this chapter both serve as conditions for issuance of a license and apply to the business once operational.

(f) *Suspension of license.* The Town Manager may temporarily suspend the business license of any carriage company for violation of any provisions of this ordinance. The carriage company may appeal any such suspension to town council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager's decision.

(g) *Limitations on business license.* No more than two (2) bona fide carriage companies shall be licensed to operate in the town. In addition, no more than two carriages may be operating at any one time.

(h) Bluffton History Class required. All operators/ drivers of licensed carriage companies must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-23. Drivers Permit Required.

The driver of any horse-drawn carriage shall possess a valid driver's license. In addition, the operators of any tour company must certify that all drivers possess all requirements necessary to operate a horse-drawn carriage in a safe, prudent and satisfactory manner.

Sec. 7-24. Insurance.

(a) Indemnity for benefit of Town. Any Horse-drawn carriage company operating under this article shall hold the Town of Bluffton, its officers, agent, servants and employees harmless against any and all liability, loss, damages and expenses which may accrue to the town by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article shall be considered to make the Town of Bluffton, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any horse-drawn carriage company, its servants agents, drivers or other employees, during the operation by the company of a horse-drawn carriage business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) Insurance for benefit of passengers. Any horse-drawn carriage company desiring a license to do business shall give and maintain a policy of indemnity form an insurance company authorized to do business in the State for each vehicle in use as a horse-drawn carriage. The minimum coverage shall be one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, three hundred thousand dollars (\$300,000.00) for injury to more than one person which is sustained in the same accident, and twenty five thousand dollars (\$25,000.00) for property damage resulting form one accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a horse-drawn carriage company, its servants or agents.

(c) Blanket policy. Any company or person operating a horse-drawn carriage in the town shall give a separate policy of indemnity insurance for each separate horse-drawn carriage for hire, except where such company or person actually owns or holds legal title to more than one horse-drawn carriage, in which each such company or person may give one policy of indemnity insurance covering all the horse-drawn carriages actually owned. This latter provision, however, shall not apply to any group of persons separately owning horse-drawn carriages who may be jointly operating or doing business under a licensed horse-drawn carriage name.

(d) *Comprehensive general liability insurance.* Any carriage company entering into a lease agreement for use of a designated carriage stand shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) for its undertakings associated with designated horse-drawn carriage stands within the town.

(e) *Notice when voided.* Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the town treasurer at least five (5) days before the same shall take effect. (Code 1977, § 6-1563)

Sec. 7-25. Design Standards.

Animal-drawn vehicles shall be authentically styled passenger carriages, similar to surreys or rockaway's. Wagons which patently were designed for cargo instead of passengers will not be approved. Carriages shall not exceed sixteen (16) feet in length or six (6) feet and four (4) inches in width. Carriages will be measured in length from end to end including the wheels but excluding the shaft. Carriages will be measured in width from outermost point to outermost point.

Sec. 7-26. Identification of Carriages/Posting of Information.

(a) Information on the carriage vehicle's official gross weight and dimensions shall be maintained with the vehicle whenever the vehicle is in operation. The vehicle's official rated capacity for number of passengers shall be conspicuously posted on or in the vehicle.

(b) The name of the carriage company shall be clearly displayed on both sides of every carriage in letters not less than two (2) inches in height. A number not less than four (4) inches in height shall be clearly displayed on both sides and on the rear of every carriage. The number shall be assigned by the business license official and it shall be distinct from numbers assigned to all other horse-drawn carriages in the town.

Sec. 7-27. Posting of Rate Card.

All persons owning, driving, operating or controlling horse-drawn carriages, shall post a rate card therein, in a conspicuous place where it may be easily and conveniently read by any passenger. The card shall display, in plain legible type, rates to be charged for transporting passengers.

Sec. 7-28. Condition of Carriages.

(a) Each horse-drawn carriage operated on the streets of the town shall be maintained in a safe mechanical condition, which all safety equipment remaining intact and operative at all times when the carriage is in service.

(b) Carriages in operation thirty (30) minutes after sundown shall have lamps or reflectors in accordance with South Carolina Code 56-5-4650.

(c) Each carriage shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

Sec. 7-29. Safety Equipment.

The following safety equipment shall be maintained on each carriage at all times:

- (1) A first aid kit.
- (2) A two-way radio or mobile telephone for immediate communication with the company's home office.
- (3) A "Slow Moving Vehicle" symbol mounted on the rear of the vehicle.
- (4) Head lights and tail lights on each vehicle which meet or exceed the requirements of the State of South Carolina for vehicles.
- (5) Amber reflectors mounted on each side of the horses bridle and harness and on each side of the horse-drawn carriage.
- (6) Brakes (each carriage shall be equipped with brakes).

Sec. 7-30. Sanitation Requirements.

(a) Spillage or manure not removed by the operator will be removed by the town, the cost of which will be borne by the operator on duty when reported.

(b) Manure and urine must be immediately treated with a chemical deodorizing solution, and manure must be removed immediately from the street by the carriage operator. Horse diapers, which prevent excrement from being deposited on the street surface will be used. All diapers must be maintained and free of defects.

(c) The tour operators are responsible for the disposal of any and all waste product that is created. Disposal in pet waste containers or trash cans located throughout the Town is prohibited.

Sec. 7-31. Traffic Related Regulations.

The operating of animal-drawn vehicle within the town shall be subject to vehicle and traffic provisions of this ordinance and shall operate his or her carriage in accordance with the traffic laws of the state.

(a) No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.

(b) Stopping along a tour route initiated by a carriage tour driver for purposes other than allowing for traffic or gaining control of the horse is prohibited. Additionally, prolonged stopping at traffic signs or signals, other than allowing for traffic or gaining control of the horse, is prohibited

(c) Whenever three (3) or more motor vehicles are backed up behind a horse-drawn carriage the driver shall, at his earliest reasonable opportunity, pull the carriage over to the side of the road to allow those vehicles to pass.

(d) All carriages for hire must keep moving at all times and may not stop except as required by traffic regulations and by subsection (b) above, and where particular exigencies reasonably require it.

(e) All carriage routes must be approved by the Chief of Police and be adhered to at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process.

Sec. 7-32. General Operating Regulations.

(a) No single animal shall pull a load greater than the load weight it is certified to pull by a licensed veterinarian.

(b) No driver shall permit more passengers to be carried in a carriage than the rated seating capacity of the carriage. A child in arms shall not be counted as a passenger.

(c) No driver shall collect fares, make change, or take on or discharge passengers when the carriage is in motion.

(d) It shall be unlawful for a driver of any carriage to leave the vehicle, or the immediate premises there of, while the vehicle is parked or while awaiting passengers at the carriage stand.

(e) It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, or to advise or hawk tickets at any loading zone, upon the streets, or in any public outdoor space of the town. The sale of tour tickets may only occur at the carriage stand by the company which is in rotation, inside, on private property or other locations as designated by town council.

(f) It shall be unlawful to consume or transport alcoholic beverages aboard any carriage.

(g) A driver may refuse service to any potential customer who appears to be impaired or disorderly.

(h) Any driver or operator discovering personal property left on his carriage shall deliver or report such property to the office of the carriage company within twelve (12)

hours after the discovery. The driver's report shall include brief particulars to enable the company to identify the owner of the lost property. The driver will advise any passenger claiming to have lost property while on tours to report such loss to the police. The company shall retain any found property for at least sixty (60) days before disposal.

(i) Carriages shall not be operated in adverse weather conditions as determined by the Town

(j) Drivers must keep the horse reins in their hands at all times while the vehicle is touring, whether stopped or in motion. Drivers shall position themselves at no greater than a right angle to the front of the carriage while on tour.

Sec. 7-33. Carriage Stands.

(a) No parking of carriages shall be permitted in the corporate limits of the town except at designated carriage stands. Carriages may be parked at carriage stands for any length of time during the hours of operation stated in section 7-35.

(b) Designated carriage stands must be on private property.

Sec. 7-34. Loading Zones.

(a) Passengers may be loaded or discharged only in designated loading zones. Carriages may remain in loading zone only while loading or discharging passengers or while waiting to load passengers for a prearranged tour. However; no carriage may remain in a loading zone for more than ten (10) minutes without providing water to the horse.

(b) The following locations are designated as loading zones:

- (1) Carriage stands designated by the Town Manger on private property.
- (2) Location on private property (i.e. outside of the road right-of-way and any public areas) for prearranged tours, special events, and point to point transportation.
- (3) Location on street adjacent to homes, restaurants, hotels, churches, and other establishments for prearranged tours, special events, or point to point transportation for persons departing from or arriving at those establishments provided that there is no off-street parking otherwise available and that the carriage is parked outside of any travel lane.

Sec. 7-35. Hours of Operation.

No horse-drawn carriage shall be operated on town streets between the hours of 10:00 p.m. and 8:30 a.m. on any day

Sec. 7-36. Treatment and Condition of Horses.

(a) A licensed veterinarian shall certify, after due and proper inspection, the good health of each draft animal before it is placed in service. A minimum of two (2) such health inspections and certificates, including a hoof exam, shall be required for each animal each calendar year.

(b) No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.

(c) Horses shall be allowed access to water at least every one hour while in service.

(d) No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.

(e) Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment, shall be permitted to be in service on the streets of the town.

(f) Prompt veterinary care and services shall be provided for sick horses, and when deemed necessary by a licensed veterinarian, the sick horse shall be promptly removed from the facility.

(g) Each draft animal shall have its hooves properly maintained for street use.

(h) Each animal shall be groomed daily in order that there are no signs of fungus, dandruff, or a dirty coat.

(i) Harness shall be properly fitted, maintained, and oiled so that no irritating material will come in contact with the animal.

(j) Horse(s) shall not be worked in extreme conditions of heat and humidity which may be harmful to the horse. Horses will not be operated when the ambient temperature reaches 95 degrees or when the heat index goes above 100 degrees.

ARTICLE III. MOTORIZED TOUR COMPANIES

Sec. 7-51. Definitions.

As used in this chapter the following terms mean:

Motorized Tour Company: A motorized tour company is defined as any business or entity either for profit or non-profit that uses any motor vehicle, motor driven cycle,

tractor or bus as defined by Title 56 – Motor Vehicles to convey passengers from one point to another or around any part of the Town of Bluffton to show passengers various sites. Vehicles could include but are not limited to buses, mopeds, golf carts, segways, etc.

Sec. 7-52. Licensing of Motorized Tour Companies.

(a) *Business license required.* No person, firm or corporation shall operate a business involving a motorized vehicle for hire upon the streets of the town unless a license for such business has first been granted by the town.

(b) *Right to inspection by town officials.* The Town of Bluffton shall reserve the right to inspect any vehicle used for the purpose of touring, with or without the permission of the tour company, at the expense of the tour company. Any vehicle deemed unsafe shall be removed from the road.

(c) *Failure to comply.* An applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the police, codes enforcement, or the special events coordinator. All the requirements of this chapter both serve as conditions for issuance of a license and apply to the business once operational.

(d) *Suspension of license.* The Town Manager may temporarily suspend the business license of any tour company for violation of any provisions of this ordinance. The tour company may appeal any such suspension to town council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager's decision.

(e) *Limitations on business license.* No more than two (2) motorized tour companies shall be licensed to operate in the town. In addition, the town may limit the number of vehicles that motorized tour companies may be operating at any one time.

(f) *Bluffton History Class required.* All operators/ drivers of licensed tour companies must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-53. Drivers Permit Required.

The driver of any tour company shall possess a valid driver's license. In addition, the operators of any tour company must certify that all drivers possess all requirements necessary to operate the selected vehicle in a safe, prudent and satisfactory manner.

Sec. 7-54. Insurance.

(a) *Indemnity for benefit of Town.* Any motorized tour company operating under this article shall hold the Town of Bluffton, its officers, agent, servants and employees harmless against any and all liability, loss, damages and expenses which may

accrue to the town by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article shall be considered to make the Town of Bluffton, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any motorized tour company, its servants agents, drivers or other employees, during the operation by the company of a motorized tour business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) *Insurance for benefit of passengers.* Any motorized tour company desiring a license to do business shall give and maintain a policy of indemnity form an insurance company authorized to do business in the State for each vehicle in use as a motorized tour company. The minimum coverage shall be one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, three hundred thousand dollars (\$300,000.00) for injury to more than one person which is sustained in the same accident, and twenty five thousand dollars (\$25,000.00) for property damage resulting form one accident. The indemnity insurance shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a motorized tour company, its servants or agents.

(c) *Blanket policy.* Any company or person operating a motorized tour in the town shall give a separate policy of indemnity insurance for each separate motorized tour vehicle for hire, except where such company or person actually owns or holds legal title to more motorized tour vehicles, in which each such company or person may give one policy of indemnity insurance covering all the motorized tour vehicles actually owned. This latter provision, however, shall not apply to any group of persons separately owning motorized tour vehicles who may be jointly operating or doing business under a licensed motorized tour company name.

(d) *Comprehensive general liability insurance.* Any motorized tour company entering into a lease agreement for use of a designated motorized tour stand shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) for its undertakings associated with designated motorized tour stands within the town.

(e) *Notice when voided.* Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the town treasurer at least five (5) days before the same shall take effect. (Code 1977, § 6-1563)

Sec. 7-55. Identification of Company/Posting of Information.

(a) The name of the motorized tour company shall be clearly displayed on both sides of every motorized tour vehicle in letters not less than two (2) inches in height. A number not less than four (4) inches in height shall be clearly displayed on both sides and on the rear of every vehicle. The number shall be assigned by the business license official and it shall be distinct from numbers assigned to all other motorized tour vehicles in the town.

Sec. 7-56. Posting of Rate Card.

All persons owning, driving, operating or controlling a motorized tour company vehicle, shall post a rate card therein, in a conspicuous place where it may be easily and conveniently read by any passenger. The card shall display, in plain legible type, rates to be charged for transporting passengers.

Sec. 7-57. Condition of Vehicles.

(a) Each motorized tour vehicle operated on the streets of the town shall be maintained in a safe mechanical condition, which all safety equipment remaining intact and operative at all times when the motorized vehicle is in service.

(b) Motorized tour vehicles in operation thirty (30) minutes after sundown shall have lamps or reflectors in accordance with South Carolina Code 56-5-4650.

(c) Each motorized tour vehicle shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

Sec. 7-58. Safety Equipment.

The following safety equipment shall be maintained on each powered tour vehicle at all times:

- (1) A first aid kit.
- (2) A two-way radio or mobile telephone for immediate communication with the company's home office.
- (3) A "Slow Moving Vehicle" symbol mounted on the rear of the vehicle, if applicable.
- (4) Head lights and tail lights on each vehicle which meet or exceed the requirements of the State of South Carolina for vehicles.
- (5) Brakes.

Sec. 7-59. Traffic Related Regulations.

The operating of a motorized tour vehicle within the town shall be subject to vehicle and traffic provisions of this ordinance and shall operate in accordance with the traffic laws of the state.

(a) Stopping along a tour route initiated by a motorized tour driver for purposes other than allowing for traffic is prohibited. Additionally, prolonged stopping at traffic signs or signals, other than allowing for traffic is prohibited

(b) Whenever three (3) or more motor vehicles are backed up behind a motorized tour vehicle the driver shall, at his earliest reasonable opportunity, pull the motorized vehicle over to the side of the road to allow those vehicles to pass.

(c) All motorized tour vehicles for hire must keep moving at all times and may not stop except as required by traffic regulations and by subsection (b) above, and where particular exigencies reasonably require it.

(d) All motorized tour routes must be approved by the Chief of Police and be adhered to at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process.

Sec. 7-60. General Operating Regulations.

(a) No driver shall permit more passengers to be carried in a motorized tour vehicle than the rated seating capacity of the vehicle. All children must be properly seated with seatbelts or child seats as per State law.

(b) No driver shall collect fares, make change, or take on or discharge passengers when the vehicle is in motion.

(c) It shall be unlawful for a driver of any motorized tour vehicle to leave the vehicle, or the immediate premises thereof, while the vehicle is parked or while awaiting passengers at the motorized tour vehicle stand.

(d) It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, or to advise or hawk tickets at any loading zone, upon the streets, or in any public outdoor space of the town. The sale of tour tickets may only occur at the motorized tour stand by the company which is in rotation, inside, on private property or other locations as designated by town council.

(e) It shall be unlawful to consume or transport alcoholic beverages aboard any motorized tour vehicle.

(f) A driver may refuse service to any potential customer who appears to be impaired or disorderly.

(g) Any driver or operator discovering personal property left in his vehicle shall deliver or report such property to the office of the motorized tour company within twelve (12) hours after the discovery. The driver's report shall include brief particulars to enable the company to identify the owner of the lost property. The driver will advise any passenger claiming to have lost property while on tours to report such loss to the police. The company shall retain any found property for at least sixty (60) days before disposal.

(h) Motorized tours shall not be operated in adverse weather conditions as determined by the Town.

Sec. 7-61. Motorized Tour Vehicle Stands.

(a) No parking of tour vehicles shall be permitted in the corporate limits of the town except at designated motorized tour vehicle stands. Motorized tour vehicles may be parked at motorized tour vehicle stands for any length of time during the hours of operation stated in section 7-63.

(b) Designated motorized tour vehicle stands must be on private property.

Sec. 7-62. Loading Zones.

(a) Passengers may be loaded or discharged only in designated loading zones. Motorized tour vehicles may remain in loading zones only while loading or discharging passengers or while waiting to load passengers for a prearranged tour.

(b) The following locations are designated as loading zones:

(1) Motorized tour vehicle stands designated by the Town Manger on private property.

(2) Location on private property (i.e. outside of the road right-of-way and any public areas) for prearranged tours, special events, and point to point transportation.

(3) Location on street adjacent to homes, restaurants, hotels, churches, and other establishments for prearranged tours, special events, or point to point transportation for persons departing from or arriving at those establishments provided that there is no off-street parking otherwise available and that the motorized tour vehicle is parked outside of any travel lane.

Sec. 7-63. Hours of Operation.

No motorized tour vehicle shall be operated on town streets between the hours of 10:00 p.m. and 8:30 a.m. on any day.

ARTICLE IV. NON-MOTORIZED TOUR COMPANIES

Sec. 7-71. Definitions.

As used in this chapter the following terms mean:

Non-Motorized Tour Company: Non-motorized tour companies are defined as any business or entity that provides rider or operator propelled vehicles for the purpose of transporting persons throughout the Town of Bluffton. Examples can include, but are not limited to, bicycle, pedal cabs, trikes, etc.

Sec. 7-72. Licensing of Non-Motorized Tour Companies.

(a) *Business license required.* No person, firm or corporation shall operate a business involving a non-motorized vehicle for hire upon the streets of the town unless a license for such business has first been granted by the town.

(b) *Right to inspection by town officials.* The Town of Bluffton shall reserve the right to inspect any non-motorized vehicle used for the purpose of touring, with or without the permission of the tour company, at the expense of the tour company. Any vehicle deemed unsafe shall be removed from the road.

(c) *Failure to comply.* An applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the police, codes enforcement, or the special events coordinator. All the requirements of this chapter both serve as conditions for issuance of a license and apply to the business once operational.

(d) *Suspension of license.* The Town Manager may temporarily suspend the business license of any tour company for violation of any provisions of this ordinance. The tour company may appeal any such suspension to town council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager's decision.

(e) *Limitations on business license.* No more than two (2) non-motorized tour companies shall be licensed to operate in the town. In addition, the town may limit the number of vehicles that non-motorized tour companies may be operating at any one time.

(f) *Bluffton History Class required.* All operators/ drivers of licensed tour companies must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-73. Drivers Permit Required.

The driver of any tour company shall possess a valid driver's license. In addition, the operators of any tour company must certify that all drivers and operators possess all requirements necessary to operate the selected vehicle in a safe, prudent and satisfactory manner.

Sec. 7-74. Insurance.

(a) *Indemnity for benefit of Town.* Any non-motorized tour company operating under this article shall hold the Town of Bluffton, its officers, agent, servants and employees harmless against any and all liability, loss, damages and expenses which may accrue to the town by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article

shall be considered to make the Town of Bluffton, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any non-motorized tour company, its servants agents, drivers or other employees, during the operation by the company of a non-motorized tour business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) *Insurance for benefit of passengers.* Any non-motorized tour company desiring a license to do business shall give and maintain a policy of indemnity form an insurance company authorized to do business in the State for each vehicle in use as a non-motorized tour company. The minimum coverage shall be one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, three hundred thousand dollars (\$300,000.00) for injury to more than one person which is sustained in the same accident, and twenty five thousand dollars (\$25,000.00) for property damage resulting form one accident. The indemnity insurance shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a non-motorized tour company, its servants or agents.

(c) *Blanket policy.* Any company or person operating a non-motorized tour in the town shall give a separate policy of indemnity insurance for each separate non-motorized tour vehicle for hire, except where such company or person actually owns or holds legal title to more non-motorized tour vehicles, in which each such company or person may give one policy of indemnity insurance covering all the non-motorized tour vehicles actually owned. This latter provision, however, shall not apply to any group of persons separately owning non-motorized tour vehicles who may be jointly operating or doing business under a licensed non-motorized tour company name.

(d) *Comprehensive general liability insurance.* Any non-motorized tour company entering into a lease agreement for use of a designated non-motorized tour stand shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) for its undertakings associated with designated non-motorized tour stands within the town.

(e) *Notice when voided.* Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the town treasurer at least five (5) days before the same shall take effect. (Code 1977, § 6-1563)

Sec. 7-75. Identification of Company/Posting of Information.

(a) The name of the non-motorized tour company shall be clearly displayed and visible on the vehicle.

Sec. 7-76. Condition of Vehicles.

(a) Each non-motorized tour vehicle operated on the streets of the town shall be maintained in a safe mechanical condition, which all safety equipment remaining intact and operative at all times when the powered vehicle is in service.

(b) Non-motorized tour vehicles in operation thirty (30) minutes after sundown shall have lamps or reflectors in accordance with South Carolina Code 56-5-4650.

(c) Each non-motorized tour vehicle shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

Sec. 7-77. Traffic Related Regulations.

The operating of a non-motorized tour vehicle within the town shall be subject to vehicle and traffic provisions of this ordinance and shall operate in accordance with the traffic laws of the state.

(a) Stopping along a tour route initiated by a non-motorized tour driver for purposes other than allowing for traffic is prohibited. Additionally, prolonged stopping at traffic signs or signals, other than allowing for traffic is prohibited

(b) Whenever three (3) or more motor vehicles are backed up behind a non-motorized tour vehicle the driver shall, at his earliest reasonable opportunity, pull the non-motorized vehicle over to the side of the road to allow those vehicles to pass.

(c) All non-motorized tour vehicles for hire must keep moving at all times and may not stop except as required by traffic regulations and by subsection (b) above and where particular exigencies reasonably require it.

(d) All non-motorized tour routes must be approved by the Chief of Police and be adhered to at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process.

Sec. 7-78. General Operating Regulations.

(a) No driver shall permit more passengers to be carried in a non-motorized tour vehicle than the rated seating capacity of the vehicle. All children must be properly seated with seatbelts or child seats as per State law.

(b) No driver shall collect fares, make change, or take on or discharge passengers when the vehicle is in motion.

(c) It shall be unlawful for a driver of any non-motorized tour vehicle to leave the vehicle, or the immediate premises there of, while the vehicle is parked or while awaiting passengers at the non-motorized tour vehicle stand.

(d) It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, or to advise or hawk tickets at any loading zone, upon the streets, or in any public outdoor space of the town. The sale of tour tickets may only occur at the non-motorized tour stand by the company which is in rotation, inside, on private property or other locations as designated by town council.

(e) It shall be unlawful to consume or transport alcoholic beverages aboard any non-motorized tour vehicle.

(f) A driver may refuse service to any potential customer who appears to be impaired or disorderly.

(g) Any driver or operator discovering personal property left in his vehicle shall deliver or report such property to the office of the non-motorized tour company within twelve (12) hours after the discovery. The driver's report shall include brief particulars to enable the company to identify the owner of the lost property. The driver will advise any passenger claiming to have lost property while on tours to report such loss to the police. The company shall retain any found property for at least sixty (60) days before disposal.

(h) Non-motorized tours shall not be operated in adverse weather conditions as determined by the Town.

Sec. 7-79. Non-Motorized Tour Vehicle Stands.

(a) No parking of non-motorized tour vehicles shall be permitted in the corporate limits of the town except at designated non-motorized tour vehicle stands. Non-motorized tour vehicles may be parked at non-motorized tour vehicle stands for any length of time during the hours of operation stated in section 7-81.

(b) Designated non-motorized tour vehicle stands must be on private property.

Sec. 7-80. Loading Zones.

(a) Passengers may be loaded or discharged only in designated loading zones. Non-motorized tour vehicles may remain in loading zones only while loading or discharging passengers or while waiting to load passengers for a prearranged tour.

(b) The following locations are designated as loading zones:

(1) Non-motorized tour vehicle stands designated by the Town Manger on private property.

- (2) Location on private property (i.e. outside of the road right-of-way and any public areas) for prearranged tours, special events, and point to point transportation.
- (3) Location on street adjacent to homes, restaurants, hotels, churches, and other establishments for prearranged tours, special events, or point to point transportation for persons departing from or arriving at those establishments provided that there is no off-street parking otherwise available and that the powered tour vehicle is parked outside of any travel lane.

Sec. 7-81. Hours of Operation.

No non-motorized tour vehicle shall be operated on town streets between the hours of 10:00 p.m. and 8:30 a.m. on any day.

Sec. 7-82. Inspections, Compliance, and Enforcement.

(a) Any law enforcement officer, codes enforcement official or special events coordinator shall be empowered to inspect the operating facilities of any non-motorized tour company located within the town limits, during normal business hours, with or without prior notice, and to examine operating practices of any non-motorized tour company to ensure continuous compliance with this chapter.

(b) The Chief of Police or special events coordinator shall have the authority to remove from operation upon the streets of the town any non-motorized tour vehicle which does not meet the requirements of this chapter, and may prohibit operation of the vehicle until deficiencies have been corrected. Any person dissatisfied with the decision shall have the right to appeal to the Town Manager. Any such appeal will be submitted in writing to the Town Manager within seven (7) days from the date that the decision was rendered. The decision of the Town Manager is final.

(c) Operators and agents of the non-motorized tour company and passengers shall comply with all town ordinances and State and Federal laws. Failure to comply with this chapter can result in revocation of the business permit and punishment at the discretion of the Municipal Court.

ARTICLE V - PEDICABS

Sec. 7-91. Purpose.

The purpose of this Article is to establish policies, procedures, and regulations over the operation of rickshaws, pedicabs, and like vehicles which have no motor and are not animal-powered, carry one or more passengers for hire, and utilize public rights-of-way and other public property for a portion or all of a trip for hire. The purpose of this article is to regulate the public safety of passengers in such non-motorized public service vehicles, as well as pedestrians and occupants of other vehicles in the public rights-of-way and on public property.

Sec. 7-92. Definitions.

The following words or phrases, as used in this article, shall have the following respective meanings as set out in this section, unless a different meaning clearly appears from the context:

Old Town shall be defined as the area bounded on the west by Buck Island Road, on the south by the May River, on the East by Burnt Church Road and on the north by the Bluffton Parkway.

Operator shall mean any person who operates, drives, propels or steers a pedicab.

Owner shall be defined as any person, partnership, corporation, association or other organization.

Pedicab shall mean a bicycle with three or more wheels operated by one person for the purpose of, or capable of, transporting passengers in seats or a platform made a part thereof. This definition shall not include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other similar vehicle designed for the purpose of transporting a disabled person, nor shall it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.

Rickshaw shall mean a two-wheeled vehicle designed for one or more passengers pulled by one or more persons on foot.

Town Limits means current municipal boundary.

Sec. 7-93. Required Permits for Pedicabs.

A. Operation Without a Permit.

(1) No Owner of a pedicab shall operate or permit the operation of his/her pedicab(s) in the public rights-of-way or on public property within the Town Limits without first having secured a permit from the Town of Bluffton in accordance with this Article.

(2) No Operator may operate a pedicab in the public rights-of-way or on public property within the Town Limits without having first met the necessary qualifications under this Article.

(3) The Chief of Police, or his/her designee, shall have the discretion to issue permits provided for under this Article subject to certain specific conditions which in the opinion of the Chief of Police, or his/her designee, protects public safety, provided such conditions are stated in writing.

B. Permit Application. No Owner may be granted a permit for the operation of a pedicab unless the Owner first submits a written application, together with the

appropriate application fee if any, with the Chief of Police, or his/her designee, establishing the following:

(1) The name and complete street address, city, state, zip code, and telephone number of the applicant, and the trade name under which the operation shall be conducted. A post office box is acceptable as an address so long as a physical address is also provided:

a. If the applicant is a corporation:

1. A statement of that fact and the name of the state in which it is incorporated;

2. The location of its principal office in the State of South Carolina and the names of its directors and officers;

3. A copy of its articles of incorporation or charter; and

4. A copy of its certificate of assumed trade name, if any.

b. If the applicant is a limited liability company, the name, title, and business address of each member.

c. If the applicant is a partnership, the name, title, and business address of each partner.

(2) A list with a complete description of the pedicab to be operated. The applicant shall submit factory authorized material setting forth the characteristics of the pedicab(s) to be approved, including the dimensions, weight, and passenger capacity.

(3) A statement that applicant is familiar with the rules contained in this Article and will comply with them.

(4) Every application must be signed by the applicant or its attorney or agent with the complete address and telephone number of the attorney or agent.

(5) A statement that the Owner of the pedicab(s) shall indemnify, defend and hold harmless the Town of Bluffton, its officials, employees, agents (collectively the "Indemnitees") and each of them from and against all losses, costs, claims, penalties, fines, expenses (including attorney's fees), liabilities (collectively the "liabilities") by reason of any bodily injury to or death of any person or damage to or destruction or loss of any property arising out of, or resulting from, or in connection with an operating permit. The pedicab Owner shall further agree to indemnify, defend and hold harmless the indemnities from and against any liability which may be asserted by an employee or former employee of the pedicab Owner, or any of its subcontractors, for which liability to such employee or former employee would otherwise be limited to payments under workers' compensation or similar laws.

(6) Proof of the minimum insurance required, which shall:

- a. Be obtained from a carrier that is admitted and licensed to transact insurance in the State of South Carolina;
- b. Be written on an occurrence basis;
- c. Cover any and all pedicabs and employees of the business and all Operators of such pedicabs whether such drivers are employees or otherwise have agreements to drive for that business;
- d. Name the Town of Bluffton as an additional primary insured;
- e. Provide minimum coverage in an amount no less than one million dollars (\$1,000,000.00) combined single limit liability (CSL) per occurrence;
- f. Provide that all claims will be paid on a first dollar basis by the insurance provider;
- g. Not contain policy exclusions that would change or limit coverage for passengers entering or exiting the vehicle;
- h. Provide that all vehicles permitted to operate under the operating authority are listed as scheduled vehicles covered under the policy; and
- i. All liability insurance coverage must include a rider that provides that at all levels of coverage, there must be notification to the Town in writing not less than thirty (30) days before canceling or making a material change in the policy.

A copy of the certificate of insurance shall be provided to the Bluffton Police Department with the application. Renewal certificates shall be provided to the department prior to the expiration of any insurance. Companies must notify the Bluffton Police Department of any cancellations of insurance policies.

(7) Satisfactory evidence of any licenses, including but not limited to municipal business licenses, permitting the applicant to perform the requested services within the Town of Bluffton and the State of South Carolina.

(8) List of all personnel, including but not limited to Operators, to be updated upon change.

(9) Consent for the Town of Bluffton Police Department to conduct a background investigation, including driver's license, of individual driver's license, of individual owners and/or operators of pedicab(s).

(10) Such other material as the Chief of Police, or his/her designee, shall require.

C. **Incomplete Applications.** Any permit application that is incomplete or fails to contain the material required by this Article may be rejected as incomplete and returned to the applicant.

D. **Permits Not Transferrable.** Any pedicab permit issued under this Article is not transferable, and is to be used solely by the Owner.

E. **Design Standards.** The Chief of Police, or his/her designee, may deny a pedicab permit application if s/he determines that the Owner's application fails to establish that the general design and color scheme for the pedicab is appropriate for use within the Old Town area, taking into specific consideration the age, condition, manner of propulsion, noise level, color and overall outward appearance of the pedicab.

F. **Duration of Permit.** An Owner's permit to operate a pedicab shall be in effect for twelve (12) months from the date of issue. Permits may be renewed, upon application and payment of the required fee, for each 12-month period thereafter, unless the permit for the preceding period has been revoked or is under suspension.

G. **Suspension or Revocation of Permit.**

(1) Failure to abide by the provisions of this Article or any of the ordinances of the Town or laws of the state in the operation of a pedicab or similar vehicle without a motor shall be grounds for the temporary suspension or revocation of any permit issued under this Article.

(2) If in the opinion of the Chief of Police, or his/her designee, a permit should be suspended or revoked, s/he shall give written notice of the decision to the Owner and of the right of the certificate holder to appeal the decision to the Town Manager or his/her designee. The notice may be delivered personally or sent by regular first class mail to the address listed on the permit application.

Sec. 7-94. Operators.

A. **Operator Qualification(s).**

(1) All Operators of any pedicab shall possess and maintain valid South Carolina driver's licenses with proper classification. The Owner shall provide copies of such driver's licenses to the Bluffton Police Department upon request. In the event of any personnel changes or arrests, the Owner shall notify the Bluffton Police Department in writing within five (5) business days thereof.

(2) All Operators must possess and exercise the physical strength necessary to maintain control of the pedicab.

(3) No Operator may be under the influence of alcohol or other drugs, whether prescribed or otherwise, to such a degree that the Operator's ability to operate the pedicab is impaired.

(4) All Operators must possess a cell phone, radio, or similar wireless communication device which is capable of contacting police dispatch.

B. **Bluffton History Class Required.** All Operators of a permitted pedicab must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-95. Condition of Vehicles.

A. **Company Identification.** Each pedicab shall have displayed prominently on the exterior of the pedicab in a manner satisfactory to the Chief of Police, or his/her designee, a sign identifying the name and phone number of the Owner of the pedicab.

B. **Maintenance Obligation.** Each pedicab operated on public rights-of-way or in public spaces within Town Limits shall be maintained in a safe mechanical condition with all safety equipment remaining intact and operative at all times when the pedicab is in service.

C. **Clean Condition.** The Owner of a pedicab for which a permit has been issued under this Article must keep each of his/her pedicab(s) painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

D. **Nighttime Use.** No pedicab shall operate except in broad daylight hours without being equipped with such lights and reflectors as may reasonably be expected to be seen by pedestrians and drivers of motor vehicles using the public rights-of-way and other public property from a minimum distance of 500 feet. The Chief of Police, or his/her designee, shall have the discretion to reconsider and revise the requirements for any previously approved lights and reflectors in view of actual practice.

E. **Inspections.** Periodic inspections of pedicabs may be done by the Bluffton Police Department to insure compliance with city and state statutes concerning safety equipment, operating conditions, licenses and insurance. The Bluffton Police Department shall have the right at any time, upon presentation of proper identification, to inspect or cause to be inspected any pedicab operating on any street within the Town for the purpose of inspecting the pedicab and its equipment to ensure public safety and adherence to the provisions of this Article. Any pedicab or equipment, which is found to be unsafe or in poor mechanical or physical condition shall be immediately taken out of service until repaired and approved for service by the Bluffton Police Department. It shall be a violation of this section for any person to delay, interfere with or refuse to allow such an inspection.

Sec. 7-96. Traffic Related Regulations.

All pedicabs shall during their operation be subject to the general traffic laws of the state and the town which are applicable to motorized vehicles, unless the applicability is made impossible by the absence of a motor. Citations for violations of those provisions may be written by reference to this section or the section of a state or municipal code

otherwise giving rise to the violation. However, any Operator who receives a permit under this Article for the operation of a pedicab shall be deemed to have waived the requirement under any other section that the vehicle must be a "motor vehicle" as an element of the charge.

Sec. 7-97. General Operating Requirements.

A. Conduct Prohibited.

(1) It shall be unlawful for an Operator to permit more passengers to be carried in a pedicab that the rated seating capacity of the vehicle. Under no circumstances shall an Operator operate a pedicab having more than three (3) passengers therein.

(2) It shall be unlawful to refuse to provide the schedule of fares upon request to any passenger upon entry into or while seated in the pedicab.

(3) It shall be unlawful to operate a pedicab in or upon any street in the Town unless such person has a valid South Carolina driver's license.

(4) It shall be unlawful while the pedicab is in motion, for the Operator to collect fares, make change, or embark or debark passengers.

(5) It shall be unlawful to operate a pedicab in any manner that violates any municipal ordinance or state law, or disrupts the flow of vehicular traffic on the public streets.

(6) It shall be unlawful to operate a pedicab upon a sidewalk.

(7) It shall be unlawful to operate a pedicab while the Operator is wearing headphones.

(8) It shall be unlawful to operate a pedicab more than one (1) pedicab abreast, except when overtaking and passing another pedicab proceeding in the same direction.

(9) It shall be unlawful for an Operator to allow a passenger in the pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverage.

(10) It shall be unlawful for an Operator to refuse to provide a receipt in legible writing containing the name of the Operator, the name of the Owner holding the permit, the total amount paid, and the date of payment.

(11) It shall be unlawful for an Operator to charge a passenger a fare greater than the fare contained on the approved fare schedule.

(12) Pedicabs shall be operated in a manner as to be a part of the normal traffic flow; provided, however, slower moving pedicabs shall safely pull temporarily to the side so as to prevent unnecessary delays to following traffic.

(13) It shall be unlawful to operate a rickshaw within the Town Limits.

B. **Refusing Service.** An Operator may refuse service to any potential customer who appears impaired or disorderly.

C. **Adverse Weather Conditions.** The Chief of Police, or his/her designee, may prohibit the operation of pedicabs due to adverse weather conditions as determined in his/her discretion.

D. **Operation Area / Routes.** All pedicab operation area/routes must be within the Old Town and its immediate vicinity and approved by the Town Manager, or his/her designee, and be adhered to by such Operators at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process. Any law enforcement officer of the Town of Bluffton may suspend temporarily the use of pedicabs in certain locations when those locations are being used for or affected by special events or when public safety requires.

E. **Hours of Operation.** It shall be unlawful to operate a pedicab within the Town Limits except during the following hours:

(1) Sunday through Wednesday from 8:00 a.m. to 12:00 a.m. (midnight); and,

(2) Thursday through Saturday from 8:00 a.m. to 2:00 a.m.

F. **Stopping Zones.** Operators may stop within the approved operation area/route within the designated bike areas located along Calhoun Street.

G. **Utilization of Bike Lanes.** When operating a pedicab on any public right-of-way that includes a designated bike lane, the Operator shall utilize such designated bike lane.

Sec. 7-~~65~~98. Enforcement.

The Town Manger shall designate the appropriate agency within town government to enforce the enforcement of the provisions of this chapter. Violators of this chapter shall carry a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per occurrence. Tour operators may contest their citations in Municipal Court.

Penalties.

Any person, persons, firm, company, representative of any firm or company otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor, each day during which a violation of the provisions of this chapter occurs,

or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. (1976 SC Code §14-25-65)

ORDINANCE NO. 2016 -

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 7 OF THE TOWN CODE, *TOUR COMPANIES*, BY ADDING AND ADOPTING ARTICLE V, *PEDICABS*, FOR THE PURPOSE OF REGULATING THE SAFE AND EFFICIENT OPERATION OF PEDICAB SERVICES WITHIN THE TOWN OF BLUFFTON

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-30 of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 7, *Tour Companies*, by adding and adopting Article V, *Pedicabs*, to enable the Town of Bluffton to better regulate, supervise and provide consistent treatment throughout the Town for businesses and citizens alike.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 7 of the Code of Ordinances for the Town of Bluffton, South Carolina, by adopting and incorporating the Chapter 7, Article V, *Pedicabs*, as shown on Exhibit "A" attached hereto and fully incorporated herein by reference.

SECTION 2. PENDING ORDINANCE DOCTRINE. This amendment is adopted pursuant to the Pending Ordinance Doctrine.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this ____ day of _____, 2016.

This Ordinance was read and passed at first reading on _____, 2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on _____,
2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

EXHIBIT A

**Code of Ordinances
Town of Bluffton, South Carolina**

Chapter 7. Tour Companies

Article I. In General

- Sec. 7-1.
Secs. 7-2. Thru 7-20. Reserved.

Article II. Animal –Drawn Vehicles for Hire

- Sec. 7-21. Definitions.
Sec. 7-22. Licensing of Carriage Companies.
Sec. 7-23. Drivers Permit Required.
Sec. 7-24. Insurance.
Sec. 7-25. Design Standards.
Sec. 7-26. Identification of Carriages/Posting of Information.
Sec. 7-27. Posting of Rate Card.
Sec. 7-28. Condition of Carriages.
Sec. 7-29. Safety Equipment.
Sec. 7-30. Sanitation Requirements.
Sec. 7-31. Traffic Related Regulations.
Sec. 7-32. General Operating Regulations.
Sec. 7-33. Carriage Stands.
Sec. 7-34. Loading Zones.
Sec. 7-35. Hours of Operation.
Sec. 7-36. Treatment and Condition of Horses.
Secs. 7-37. thru 7-50. Reserved.

Article III. Motorized Tour Companies

- Sec. 7-51. Definitions.
Sec. 7-52. Licensing of Motorized Tour Companies.
Sec. 7-53. Drivers Permit Required.
Sec. 7-54. Insurance.
Sec. 7-55. Identification of Company/Posting Information.
Sec. 7-56. Posting of Rate Card.
Sec. 7-57. Condition of Motorized Vehicles.
Sec. 7-58. Safety Equipment.
Sec. 7-59. Traffic Related Regulations.

- Sec. 7-60. General Operating Regulations.
- Sec. 7-61. Motorized Tour Vehicle Stands.
- Sec. 7-62. Loading Zones.
- Sec. 7-63. Hours of Operation.
- Secs. 7-64. thru 7-70. Reserved.

Article IV. Non-Motorized Tour Companies

- Sec. 7-71. Definitions.
- Sec. 7-72. Licensing of Motorized Tour Companies.
- Sec. 7-73. Drivers Permit Required.
- Sec. 7-74. Insurance.
- Sec. 7-75. Identification of Company/Posting Information.
- Sec. 7-76. Condition of Motorized Vehicles.
- Sec. 7-77. Traffic Related Regulations.
- Sec. 7-78. General Operating Regulations.
- Sec. 7-79. Motorized Tour Vehicle Stands.
- Sec. 7-80. Loading Zones.
- Sec. 7-81. Hours of Operation.
- Sec. 7-82. Inspection, Compliance, and Enforcement.
- Sec. 7-83. Enforcement.
- Secs. 7-84. thru 7-90. Reserved.

Article V. Pedicabs

- Sec. 7-91. Purpose.
- Sec. 7-92. Definitions.
- Sec. 7-93. Required Permits for Pedicabs.
- Sec. 7-94. Operators.
- Sec. 7-95. Condition of Vehicles.
- Sec. 7-96. Traffic Related Regulations.
- Sec. 7-97. General Operating Requirements.
- Sec. 7-98. Enforcement.
- Secs. 7-99. thru 7-110. Reserved.

ARTICLE I. IN GENERAL

ARTICLE II. ANIMAL-DRAWN VEHICLES FOR HIRE

- Sec. 7-21. Definitions.**

As used in this chapter the following terms mean:

Town: A municipal corporation; the definition to include all areas within the corporate limits of the Town.

Company: The holder of a license to operate a horse-drawn carriage business under the provisions of this chapter whether a person, firm, partnership or corporation.

Driver: Any person who drives or operates a horse-drawn carriage upon the streets of the town for a licensed carriage company.

Driver's Permit: The written authority granted by the town and issued by the police department for an individual to drive or operate a horse-drawn carriage within the town. Criteria can include a valid license, experience, or knowledge.

Horse-drawn Carriage: Any hack or carriage which is operated by being drawn by a horse, mule, or other beast of burden, for the transportation for hire of passengers.

Inspector: The individual employee or department of the town charged with the responsibility for administering and enforcing this chapter.

License: The right and privilege granted by the town for operation of a business incorporating the use of one or more horse-drawn carriages within the corporate limits of the town.

Special Event: A prearranged tour to accommodate a one-time, nonrecurring special occasion such as a wedding party, celebration, convention or nonprofit activity. Large bus tours and boat tours shall not constitute a special event.

Street: Means and includes any street, alley, lane, avenue, court or public place or thoroughfare in the town.

Touring: Operating of a horse-drawn carriage for hire where the primary purpose is to drive by and see historic and architectural sites, cultural attractions, or scenic areas.

Vehicle for Hire: Employment of a horse-drawn carriage for passengers, generally for a fee or a fare, for the purposes of touring, point to point transportation, or special events. The vehicle is not deemed to be "for hire" when such passengers are not on board.

Veterinarian: A veterinarian licensed in South Carolina who specializes in large animals.

Sec. 7-22. Licensing of Carriage Companies

(a) *Business license required.* No person, firm or corporation shall operate a business involving the use of one or more horse-drawn carriages for hire upon the streets of the town unless a license for such business has first been granted by the town.

(b) *Right to inspection by veterinarian.* The Town of Bluffton shall reserve the right to have a licensed veterinarian inspect any animal actively used for the purpose of touring, with or without the permission of the tour company, at the expense of the tour company.

(c) *Required information.* The carriage company shall give to the business license officer of the town, the name, address, and telephone number of the veterinarian who certifies the health of the horses. The carriage company shall also maintain the following information on each horse and make this information available to the business license officer or the Town Manager and/or his designee upon request:

- (1) The current veterinarian examination record;
- (2) Animal Immunization record including rabies and negative Coggins test. The following immunizations are required twice a year: eastern and western equine encephalomyelitis, tetanus, flu, west Nile, and a health certificate stating the horse is in good health and able to haul;
- (3) A picture of the horse and a name or other designation for the horse;
- (4) Description of any identifying characteristics, marks, or brands;
- (5) The load/weight which each horse is capable of pulling as certified by a veterinarian.

(d) *Inspection.* Each new carriage shall be inspected for compliance before being placed into passenger service. The special events coordinator shall approve the inspections. Each carriage shall be inspected annually upon renewal of the owner's town business license. In addition, any horse-drawn carriage involved in an accident shall be inspected by a person approved by the special events coordinator prior to being returned to service transporting passengers for hire.

(e) *Failure to comply.* An applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the attending veterinarian, police, codes enforcement, or the special events coordinator. All the requirements of this chapter both serve as conditions for issuance of a license and apply to the business once operational.

(f) *Suspension of license.* The Town Manager may temporarily suspend the business license of any carriage company for violation of any provisions of this ordinance. The carriage company may appeal any such suspension to town council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager's decision.

(g) *Limitations on business license.* No more than two (2) bona fide carriage companies shall be licensed to operate in the town. In addition, no more than two carriages may be operating at any one time.

(h) Bluffton History Class required. All operators/ drivers of licensed carriage companies must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-23. Drivers Permit Required.

The driver of any horse-drawn carriage shall possess a valid driver's license. In addition, the operators of any tour company must certify that all drivers possess all requirements necessary to operate a horse-drawn carriage in a safe, prudent and satisfactory manner.

Sec. 7-24. Insurance.

(a) Indemnity for benefit of Town. Any Horse-drawn carriage company operating under this article shall hold the Town of Bluffton, its officers, agent, servants and employees harmless against any and all liability, loss, damages and expenses which may accrue to the town by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article shall be considered to make the Town of Bluffton, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any horse-drawn carriage company, its servants agents, drivers or other employees, during the operation by the company of a horse-drawn carriage business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) Insurance for benefit of passengers. Any horse-drawn carriage company desiring a license to do business shall give and maintain a policy of indemnity form an insurance company authorized to do business in the State for each vehicle in use as a horse-drawn carriage. The minimum coverage shall be one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, three hundred thousand dollars (\$300,000.00) for injury to more than one person which is sustained in the same accident, and twenty five thousand dollars (\$25,000.00) for property damage resulting form one accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a horse-drawn carriage company, its servants or agents.

(c) Blanket policy. Any company or person operating a horse-drawn carriage in the town shall give a separate policy of indemnity insurance for each separate horse-drawn carriage for hire, except where such company or person actually owns or holds legal title to more than one horse-drawn carriage, in which each such company or person may give one policy of indemnity insurance covering all the horse-drawn carriages actually owned. This latter provision, however, shall not apply to any group of persons separately owning horse-drawn carriages who may be jointly operating or doing business under a licensed horse-drawn carriage name.

(d) *Comprehensive general liability insurance.* Any carriage company entering into a lease agreement for use of a designated carriage stand shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) for its undertakings associated with designated horse-drawn carriage stands within the town.

(e) *Notice when voided.* Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the town treasurer at least five (5) days before the same shall take effect. (Code 1977, § 6-1563)

Sec. 7-25. Design Standards.

Animal-drawn vehicles shall be authentically styled passenger carriages, similar to surreys or rockaway's. Wagons which patently were designed for cargo instead of passengers will not be approved. Carriages shall not exceed sixteen (16) feet in length or six (6) feet and four (4) inches in width. Carriages will be measured in length from end to end including the wheels but excluding the shaft. Carriages will be measured in width from outermost point to outermost point.

Sec. 7-26. Identification of Carriages/Posting of Information.

(a) Information on the carriage vehicle's official gross weight and dimensions shall be maintained with the vehicle whenever the vehicle is in operation. The vehicle's official rated capacity for number of passengers shall be conspicuously posted on or in the vehicle.

(b) The name of the carriage company shall be clearly displayed on both sides of every carriage in letters not less than two (2) inches in height. A number not less than four (4) inches in height shall be clearly displayed on both sides and on the rear of every carriage. The number shall be assigned by the business license official and it shall be distinct from numbers assigned to all other horse-drawn carriages in the town.

Sec. 7-27. Posting of Rate Card.

All persons owning, driving, operating or controlling horse-drawn carriages, shall post a rate card therein, in a conspicuous place where it may be easily and conveniently read by any passenger. The card shall display, in plain legible type, rates to be charged for transporting passengers.

Sec. 7-28. Condition of Carriages.

(a) Each horse-drawn carriage operated on the streets of the town shall be maintained in a safe mechanical condition, which all safety equipment remaining intact and operative at all times when the carriage is in service.

(b) Carriages in operation thirty (30) minutes after sundown shall have lamps or reflectors in accordance with South Carolina Code 56-5-4650.

(c) Each carriage shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

Sec. 7-29. Safety Equipment.

The following safety equipment shall be maintained on each carriage at all times:

- (1) A first aid kit.
- (2) A two-way radio or mobile telephone for immediate communication with the company's home office.
- (3) A "Slow Moving Vehicle" symbol mounted on the rear of the vehicle.
- (4) Head lights and tail lights on each vehicle which meet or exceed the requirements of the State of South Carolina for vehicles.
- (5) Amber reflectors mounted on each side of the horses bridle and harness and on each side of the horse-drawn carriage.
- (6) Brakes (each carriage shall be equipped with brakes).

Sec. 7-30. Sanitation Requirements.

(a) Spillage or manure not removed by the operator will be removed by the town, the cost of which will be borne by the operator on duty when reported.

(b) Manure and urine must be immediately treated with a chemical deodorizing solution, and manure must be removed immediately from the street by the carriage operator. Horse diapers, which prevent excrement from being deposited on the street surface will be used. All diapers must be maintained and free of defects.

(c) The tour operators are responsible for the disposal of any and all waste product that is created. Disposal in pet waste containers or trash cans located throughout the Town is prohibited.

Sec. 7-31. Traffic Related Regulations.

The operating of animal-drawn vehicle within the town shall be subject to vehicle and traffic provisions of this ordinance and shall operate his or her carriage in accordance with the traffic laws of the state.

(a) No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.

(b) Stopping along a tour route initiated by a carriage tour driver for purposes other than allowing for traffic or gaining control of the horse is prohibited. Additionally, prolonged stopping at traffic signs or signals, other than allowing for traffic or gaining control of the horse, is prohibited

(c) Whenever three (3) or more motor vehicles are backed up behind a horse-drawn carriage the driver shall, at his earliest reasonable opportunity, pull the carriage over to the side of the road to allow those vehicles to pass.

(d) All carriages for hire must keep moving at all times and may not stop except as required by traffic regulations and by subsection (b) above, and where particular exigencies reasonably require it.

(e) All carriage routes must be approved by the Chief of Police and be adhered to at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process.

Sec. 7-32. General Operating Regulations.

(a) No single animal shall pull a load greater than the load weight it is certified to pull by a licensed veterinarian.

(b) No driver shall permit more passengers to be carried in a carriage than the rated seating capacity of the carriage. A child in arms shall not be counted as a passenger.

(c) No driver shall collect fares, make change, or take on or discharge passengers when the carriage is in motion.

(d) It shall be unlawful for a driver of any carriage to leave the vehicle, or the immediate premises there of, while the vehicle is parked or while awaiting passengers at the carriage stand.

(e) It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, or to advise or hawk tickets at any loading zone, upon the streets, or in any public outdoor space of the town. The sale of tour tickets may only occur at the carriage stand by the company which is in rotation, inside, on private property or other locations as designated by town council.

(f) It shall be unlawful to consume or transport alcoholic beverages aboard any carriage.

(g) A driver may refuse service to any potential customer who appears to be impaired or disorderly.

(h) Any driver or operator discovering personal property left on his carriage shall deliver or report such property to the office of the carriage company within twelve (12)

hours after the discovery. The driver's report shall include brief particulars to enable the company to identify the owner of the lost property. The driver will advise any passenger claiming to have lost property while on tours to report such loss to the police. The company shall retain any found property for at least sixty (60) days before disposal.

(i) Carriages shall not be operated in adverse weather conditions as determined by the Town

(j) Drivers must keep the horse reins in their hands at all times while the vehicle is touring, whether stopped or in motion. Drivers shall position themselves at no greater than a right angle to the front of the carriage while on tour.

Sec. 7-33. Carriage Stands.

(a) No parking of carriages shall be permitted in the corporate limits of the town except at designated carriage stands. Carriages may be parked at carriage stands for any length of time during the hours of operation stated in section 7-35.

(b) Designated carriage stands must be on private property.

Sec. 7-34. Loading Zones.

(a) Passengers may be loaded or discharged only in designated loading zones. Carriages may remain in loading zone only while loading or discharging passengers or while waiting to load passengers for a prearranged tour. However; no carriage may remain in a loading zone for more than ten (10) minutes without providing water to the horse.

(b) The following locations are designated as loading zones:

- (1) Carriage stands designated by the Town Manger on private property.
- (2) Location on private property (i.e. outside of the road right-of-way and any public areas) for prearranged tours, special events, and point to point transportation.
- (3) Location on street adjacent to homes, restaurants, hotels, churches, and other establishments for prearranged tours, special events, or point to point transportation for persons departing from or arriving at those establishments provided that there is no off-street parking otherwise available and that the carriage is parked outside of any travel lane.

Sec. 7-35. Hours of Operation.

No horse-drawn carriage shall be operated on town streets between the hours of 10:00 p.m. and 8:30 a.m. on any day

Sec. 7-36. Treatment and Condition of Horses.

(a) A licensed veterinarian shall certify, after due and proper inspection, the good health of each draft animal before it is placed in service. A minimum of two (2) such health inspections and certificates, including a hoof exam, shall be required for each animal each calendar year.

(b) No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.

(c) Horses shall be allowed access to water at least every one hour while in service.

(d) No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.

(e) Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment, shall be permitted to be in service on the streets of the town.

(f) Prompt veterinary care and services shall be provided for sick horses, and when deemed necessary by a licensed veterinarian, the sick horse shall be promptly removed from the facility.

(g) Each draft animal shall have its hooves properly maintained for street use.

(h) Each animal shall be groomed daily in order that there are no signs of fungus, dandruff, or a dirty coat.

(i) Harness shall be properly fitted, maintained, and oiled so that no irritating material will come in contact with the animal.

(j) Horse(s) shall not be worked in extreme conditions of heat and humidity which may be harmful to the horse. Horses will not be operated when the ambient temperature reaches 95 degrees or when the heat index goes above 100 degrees.

ARTICLE III. MOTORIZED TOUR COMPANIES

Sec. 7-51. Definitions.

As used in this chapter the following terms mean:

Motorized Tour Company: A motorized tour company is defined as any business or entity either for profit or non-profit that uses any motor vehicle, motor driven cycle,

tractor or bus as defined by Title 56 – Motor Vehicles to convey passengers from one point to another or around any part of the Town of Bluffton to show passengers various sites. Vehicles could include but are not limited to buses, mopeds, golf carts, segways, etc.

Sec. 7-52. Licensing of Motorized Tour Companies.

(a) *Business license required.* No person, firm or corporation shall operate a business involving a motorized vehicle for hire upon the streets of the town unless a license for such business has first been granted by the town.

(b) *Right to inspection by town officials.* The Town of Bluffton shall reserve the right to inspect any vehicle used for the purpose of touring, with or without the permission of the tour company, at the expense of the tour company. Any vehicle deemed unsafe shall be removed from the road.

(c) *Failure to comply.* An applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the police, codes enforcement, or the special events coordinator. All the requirements of this chapter both serve as conditions for issuance of a license and apply to the business once operational.

(d) *Suspension of license.* The Town Manager may temporarily suspend the business license of any tour company for violation of any provisions of this ordinance. The tour company may appeal any such suspension to town council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager's decision.

(e) *Limitations on business license.* No more than two (2) motorized tour companies shall be licensed to operate in the town. In addition, the town may limit the number of vehicles that motorized tour companies may be operating at any one time.

(f) *Bluffton History Class required.* All operators/ drivers of licensed tour companies must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-53. Drivers Permit Required.

The driver of any tour company shall possess a valid driver's license. In addition, the operators of any tour company must certify that all drivers possess all requirements necessary to operate the selected vehicle in a safe, prudent and satisfactory manner.

Sec. 7-54. Insurance.

(a) *Indemnity for benefit of Town.* Any motorized tour company operating under this article shall hold the Town of Bluffton, its officers, agent, servants and employees harmless against any and all liability, loss, damages and expenses which may

accrue to the town by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article shall be considered to make the Town of Bluffton, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any motorized tour company, its servants agents, drivers or other employees, during the operation by the company of a motorized tour business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) *Insurance for benefit of passengers.* Any motorized tour company desiring a license to do business shall give and maintain a policy of indemnity form an insurance company authorized to do business in the State for each vehicle in use as a motorized tour company. The minimum coverage shall be one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, three hundred thousand dollars (\$300,000.00) for injury to more than one person which is sustained in the same accident, and twenty five thousand dollars (\$25,000.00) for property damage resulting form one accident. The indemnity insurance shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a motorized tour company, its servants or agents.

(c) *Blanket policy.* Any company or person operating a motorized tour in the town shall give a separate policy of indemnity insurance for each separate motorized tour vehicle for hire, except where such company or person actually owns or holds legal title to more motorized tour vehicles, in which each such company or person may give one policy of indemnity insurance covering all the motorized tour vehicles actually owned. This latter provision, however, shall not apply to any group of persons separately owning motorized tour vehicles who may be jointly operating or doing business under a licensed motorized tour company name.

(d) *Comprehensive general liability insurance.* Any motorized tour company entering into a lease agreement for use of a designated motorized tour stand shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) for its undertakings associated with designated motorized tour stands within the town.

(e) *Notice when voided.* Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the town treasurer at least five (5) days before the same shall take effect. (Code 1977, § 6-1563)

Sec. 7-55. Identification of Company/Posting of Information.

(a) The name of the motorized tour company shall be clearly displayed on both sides of every motorized tour vehicle in letters not less than two (2) inches in height. A number not less than four (4) inches in height shall be clearly displayed on both sides and on the rear of every vehicle. The number shall be assigned by the business license official and it shall be distinct from numbers assigned to all other motorized tour vehicles in the town.

Sec. 7-56. Posting of Rate Card.

All persons owning, driving, operating or controlling a motorized tour company vehicle, shall post a rate card therein, in a conspicuous place where it may be easily and conveniently read by any passenger. The card shall display, in plain legible type, rates to be charged for transporting passengers.

Sec. 7-57. Condition of Vehicles.

(a) Each motorized tour vehicle operated on the streets of the town shall be maintained in a safe mechanical condition, which all safety equipment remaining intact and operative at all times when the motorized vehicle is in service.

(b) Motorized tour vehicles in operation thirty (30) minutes after sundown shall have lamps or reflectors in accordance with South Carolina Code 56-5-4650.

(c) Each motorized tour vehicle shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

Sec. 7-58. Safety Equipment.

The following safety equipment shall be maintained on each powered tour vehicle at all times:

- (1) A first aid kit.
- (2) A two-way radio or mobile telephone for immediate communication with the company's home office.
- (3) A "Slow Moving Vehicle" symbol mounted on the rear of the vehicle, if applicable.
- (4) Head lights and tail lights on each vehicle which meet or exceed the requirements of the State of South Carolina for vehicles.
- (5) Brakes.

Sec. 7-59. Traffic Related Regulations.

The operating of a motorized tour vehicle within the town shall be subject to vehicle and traffic provisions of this ordinance and shall operate in accordance with the traffic laws of the state.

(a) Stopping along a tour route initiated by a motorized tour driver for purposes other than allowing for traffic is prohibited. Additionally, prolonged stopping at traffic signs or signals, other than allowing for traffic is prohibited

(b) Whenever three (3) or more motor vehicles are backed up behind a motorized tour vehicle the driver shall, at his earliest reasonable opportunity, pull the motorized vehicle over to the side of the road to allow those vehicles to pass.

(c) All motorized tour vehicles for hire must keep moving at all times and may not stop except as required by traffic regulations and by subsection (b) above, and where particular exigencies reasonably require it.

(d) All motorized tour routes must be approved by the Chief of Police and be adhered to at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process.

Sec. 7-60. General Operating Regulations.

(a) No driver shall permit more passengers to be carried in a motorized tour vehicle than the rated seating capacity of the vehicle. All children must be properly seated with seatbelts or child seats as per State law.

(b) No driver shall collect fares, make change, or take on or discharge passengers when the vehicle is in motion.

(c) It shall be unlawful for a driver of any motorized tour vehicle to leave the vehicle, or the immediate premises there of, while the vehicle is parked or while awaiting passengers at the motorized tour vehicle stand.

(d) It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, or to advise or hawk tickets at any loading zone, upon the streets, or in any public outdoor space of the town. The sale of tour tickets may only occur at the motorized tour stand by the company which is in rotation, inside, on private property or other locations as designated by town council.

(e) It shall be unlawful to consume or transport alcoholic beverages aboard any motorized tour vehicle.

(f) A driver may refuse service to any potential customer who appears to be impaired or disorderly.

(g) Any driver or operator discovering personal property left in his vehicle shall deliver or report such property to the office of the motorized tour company within twelve (12) hours after the discovery. The driver's report shall include brief particulars to enable the company to identify the owner of the lost property. The driver will advise any passenger claiming to have lost property while on tours to report such loss to the police. The company shall retain any found property for at least sixty (60) days before disposal.

(h) Motorized tours shall not be operated in adverse weather conditions as determined by the Town.

Sec. 7-61. Motorized Tour Vehicle Stands.

(a) No parking of tour vehicles shall be permitted in the corporate limits of the town except at designated motorized tour vehicle stands. Motorized tour vehicles may be parked at motorized tour vehicle stands for any length of time during the hours of operation stated in section 7-63.

(b) Designated motorized tour vehicle stands must be on private property.

Sec. 7-62. Loading Zones.

(a) Passengers may be loaded or discharged only in designated loading zones. Motorized tour vehicles may remain in loading zones only while loading or discharging passengers or while waiting to load passengers for a prearranged tour.

(b) The following locations are designated as loading zones:

(1) Motorized tour vehicle stands designated by the Town Manger on private property.

(2) Location on private property (i.e. outside of the road right-of-way and any public areas) for prearranged tours, special events, and point to point transportation.

(3) Location on street adjacent to homes, restaurants, hotels, churches, and other establishments for prearranged tours, special events, or point to point transportation for persons departing from or arriving at those establishments provided that there is no off-street parking otherwise available and that the motorized tour vehicle is parked outside of any travel lane.

Sec. 7-63. Hours of Operation.

No motorized tour vehicle shall be operated on town streets between the hours of 10:00 p.m. and 8:30 a.m. on any day.

ARTICLE IV. NON-MOTORIZED TOUR COMPANIES

Sec. 7-71. Definitions.

As used in this chapter the following terms mean:

Non-Motorized Tour Company: Non-motorized tour companies are defined as any business or entity that provides rider or operator propelled vehicles for the purpose of transporting persons throughout the Town of Bluffton. Examples can include, but are not limited to, bicycle, pedal cabs, trikes, etc.

Sec. 7-72. Licensing of Non-Motorized Tour Companies.

(a) *Business license required.* No person, firm or corporation shall operate a business involving a non-motorized vehicle for hire upon the streets of the town unless a license for such business has first been granted by the town.

(b) *Right to inspection by town officials.* The Town of Bluffton shall reserve the right to inspect any non-motorized vehicle used for the purpose of touring, with or without the permission of the tour company, at the expense of the tour company. Any vehicle deemed unsafe shall be removed from the road.

(c) *Failure to comply.* An applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the police, codes enforcement, or the special events coordinator. All the requirements of this chapter both serve as conditions for issuance of a license and apply to the business once operational.

(d) *Suspension of license.* The Town Manager may temporarily suspend the business license of any tour company for violation of any provisions of this ordinance. The tour company may appeal any such suspension to town council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager's decision.

(e) *Limitations on business license.* No more than two (2) non-motorized tour companies shall be licensed to operate in the town. In addition, the town may limit the number of vehicles that non-motorized tour companies may be operating at any one time.

(f) *Bluffton History Class required.* All operators/ drivers of licensed tour companies must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-73. Drivers Permit Required.

The driver of any tour company shall possess a valid driver's license. In addition, the operators of any tour company must certify that all drivers and operators possess all requirements necessary to operate the selected vehicle in a safe, prudent and satisfactory manner.

Sec. 7-74. Insurance.

(a) *Indemnity for benefit of Town.* Any non-motorized tour company operating under this article shall hold the Town of Bluffton, its officers, agent, servants and employees harmless against any and all liability, loss, damages and expenses which may accrue to the town by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this article

shall be considered to make the Town of Bluffton, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any non-motorized tour company, its servants agents, drivers or other employees, during the operation by the company of a non-motorized tour business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) *Insurance for benefit of passengers.* Any non-motorized tour company desiring a license to do business shall give and maintain a policy of indemnity form an insurance company authorized to do business in the State for each vehicle in use as a non-motorized tour company. The minimum coverage shall be one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, three hundred thousand dollars (\$300,000.00) for injury to more than one person which is sustained in the same accident, and twenty five thousand dollars (\$25,000.00) for property damage resulting form one accident. The indemnity insurance shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a non-motorized tour company, its servants or agents.

(c) *Blanket policy.* Any company or person operating a non-motorized tour in the town shall give a separate policy of indemnity insurance for each separate non-motorized tour vehicle for hire, except where such company or person actually owns or holds legal title to more non-motorized tour vehicles, in which each such company or person may give one policy of indemnity insurance covering all the non-motorized tour vehicles actually owned. This latter provision, however, shall not apply to any group of persons separately owning non-motorized tour vehicles who may be jointly operating or doing business under a licensed non-motorized tour company name.

(d) *Comprehensive general liability insurance.* Any non-motorized tour company entering into a lease agreement for use of a designated non-motorized tour stand shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) for its undertakings associated with designated non-motorized tour stands within the town.

(e) *Notice when voided.* Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the town treasurer at least five (5) days before the same shall take effect. (Code 1977, § 6-1563)

Sec. 7-75. Identification of Company/Posting of Information.

(a) The name of the non-motorized tour company shall be clearly displayed and visible on the vehicle.

Sec. 7-76. Condition of Vehicles.

(a) Each non-motorized tour vehicle operated on the streets of the town shall be maintained in a safe mechanical condition, which all safety equipment remaining intact and operative at all times when the powered vehicle is in service.

(b) Non-motorized tour vehicles in operation thirty (30) minutes after sundown shall have lamps or reflectors in accordance with South Carolina Code 56-5-4650.

(c) Each non-motorized tour vehicle shall be kept painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

Sec. 7-77. Traffic Related Regulations.

The operating of a non-motorized tour vehicle within the town shall be subject to vehicle and traffic provisions of this ordinance and shall operate in accordance with the traffic laws of the state.

(a) Stopping along a tour route initiated by a non-motorized tour driver for purposes other than allowing for traffic is prohibited. Additionally, prolonged stopping at traffic signs or signals, other than allowing for traffic is prohibited

(b) Whenever three (3) or more motor vehicles are backed up behind a non-motorized tour vehicle the driver shall, at his earliest reasonable opportunity, pull the non-motorized vehicle over to the side of the road to allow those vehicles to pass.

(c) All non-motorized tour vehicles for hire must keep moving at all times and may not stop except as required by traffic regulations and by subsection (b) above and where particular exigencies reasonably require it.

(d) All non-motorized tour routes must be approved by the Chief of Police and be adhered to at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process.

Sec. 7-78. General Operating Regulations.

(a) No driver shall permit more passengers to be carried in a non-motorized tour vehicle than the rated seating capacity of the vehicle. All children must be properly seated with seatbelts or child seats as per State law.

(b) No driver shall collect fares, make change, or take on or discharge passengers when the vehicle is in motion.

(c) It shall be unlawful for a driver of any non-motorized tour vehicle to leave the vehicle, or the immediate premises there of, while the vehicle is parked or while awaiting passengers at the non-motorized tour vehicle stand.

(d) It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, or to advise or hawk tickets at any loading zone, upon the streets, or in any public outdoor space of the town. The sale of tour tickets may only occur at the non-motorized tour stand by the company which is in rotation, inside, on private property or other locations as designated by town council.

(e) It shall be unlawful to consume or transport alcoholic beverages aboard any non-motorized tour vehicle.

(f) A driver may refuse service to any potential customer who appears to be impaired or disorderly.

(g) Any driver or operator discovering personal property left in his vehicle shall deliver or report such property to the office of the non-motorized tour company within twelve (12) hours after the discovery. The driver's report shall include brief particulars to enable the company to identify the owner of the lost property. The driver will advise any passenger claiming to have lost property while on tours to report such loss to the police. The company shall retain any found property for at least sixty (60) days before disposal.

(h) Non-motorized tours shall not be operated in adverse weather conditions as determined by the Town.

Sec. 7-79. Non-Motorized Tour Vehicle Stands.

(a) No parking of non-motorized tour vehicles shall be permitted in the corporate limits of the town except at designated non-motorized tour vehicle stands. Non-motorized tour vehicles may be parked at non-motorized tour vehicle stands for any length of time during the hours of operation stated in section 7-81.

(b) Designated non-motorized tour vehicle stands must be on private property.

Sec. 7-80. Loading Zones.

(a) Passengers may be loaded or discharged only in designated loading zones. Non-motorized tour vehicles may remain in loading zones only while loading or discharging passengers or while waiting to load passengers for a prearranged tour.

(b) The following locations are designated as loading zones:

(1) Non-motorized tour vehicle stands designated by the Town Manger on private property.

- (2) Location on private property (i.e. outside of the road right-of-way and any public areas) for prearranged tours, special events, and point to point transportation.
- (3) Location on street adjacent to homes, restaurants, hotels, churches, and other establishments for prearranged tours, special events, or point to point transportation for persons departing from or arriving at those establishments provided that there is no off-street parking otherwise available and that the powered tour vehicle is parked outside of any travel lane.

Sec. 7-81. Hours of Operation.

No non-motorized tour vehicle shall be operated on town streets between the hours of 10:00 p.m. and 8:30 a.m. on any day.

Sec. 7-82. Inspections, Compliance, and Enforcement.

(a) Any law enforcement officer, codes enforcement official or special events coordinator shall be empowered to inspect the operating facilities of any non-motorized tour company located within the town limits, during normal business hours, with or without prior notice, and to examine operating practices of any non-motorized tour company to ensure continuous compliance with this chapter.

(b) The Chief of Police or special events coordinator shall have the authority to remove from operation upon the streets of the town any non-motorized tour vehicle which does not meet the requirements of this chapter, and may prohibit operation of the vehicle until deficiencies have been corrected. Any person dissatisfied with the decision shall have the right to appeal to the Town Manager. Any such appeal will be submitted in writing to the Town Manager within seven (7) days from the date that the decision was rendered. The decision of the Town Manager is final.

(c) Operators and agents of the non-motorized tour company and passengers shall comply with all town ordinances and State and Federal laws. Failure to comply with this chapter can result in revocation of the business permit and punishment at the discretion of the Municipal Court.

ARTICLE V - PEDICABS

Sec. 7-91. Purpose.

The purpose of this Article is to establish policies, procedures, and regulations over the operation of rickshaws, pedicabs, and like vehicles which have no motor and are not animal-powered, carry one or more passengers for hire, and utilize public rights-of-way and other public property for a portion or all of a trip for hire. The purpose of this article is to regulate the public safety of passengers in such non-motorized public service vehicles, as well as pedestrians and occupants of other vehicles in the public rights-of-way and on public property.

Sec. 7-92. Definitions.

The following words or phrases, as used in this article, shall have the following respective meanings as set out in this section, unless a different meaning clearly appears from the context:

Old Town shall be defined as the area bounded on the west by Buck Island Road, on the south by the May River, on the East by Burnt Church Road and on the north by the Bluffton Parkway.

Operator shall mean any person who operates, drives, propels or steers a pedicab.

Owner shall be defined as any person, partnership, corporation, association or other organization.

Pedicab shall mean a bicycle with three or more wheels operated by one person for the purpose of, or capable of, transporting passengers in seats or a platform made a part thereof. This definition shall not include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other similar vehicle designed for the purpose of transporting a disabled person, nor shall it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.

Rickshaw shall mean a two-wheeled vehicle designed for one or more passengers pulled by one or more persons on foot.

Town Limits means current municipal boundary.

Sec. 7-93. Required Permits for Pedicabs.

A. Operation Without a Permit.

(1) No Owner of a pedicab shall operate or permit the operation of his/her pedicab(s) in the public rights-of-way or on public property within the Town Limits without first having secured a permit from the Town of Bluffton in accordance with this Article.

(2) No Operator may operate a pedicab in the public rights-of-way or on public property within the Town Limits without having first met the necessary qualifications under this Article.

(3) The Chief of Police, or his/her designee, shall have the discretion to issue permits provided for under this Article subject to certain specific conditions which in the opinion of the Chief of Police, or his/her designee, protects public safety, provided such conditions are stated in writing.

B. Permit Application. No Owner may be granted a permit for the operation of a pedicab unless the Owner first submits a written application, together with the

appropriate application fee if any, with the Chief of Police, or his/her designee, establishing the following:

(1) The name and complete street address, city, state, zip code, and telephone number of the applicant, and the trade name under which the operation shall be conducted. A post office box is acceptable as an address so long as a physical address is also provided:

a. If the applicant is a corporation:

1. A statement of that fact and the name of the state in which it is incorporated;

2. The location of its principal office in the State of South Carolina and the names of its directors and officers;

3. A copy of its articles of incorporation or charter; and

4. A copy of its certificate of assumed trade name, if any.

b. If the applicant is a limited liability company, the name, title, and business address of each member.

c. If the applicant is a partnership, the name, title, and business address of each partner.

(2) A list with a complete description of the pedicab to be operated. The applicant shall submit factory authorized material setting forth the characteristics of the pedicab(s) to be approved, including the dimensions, weight, and passenger capacity.

(3) A statement that applicant is familiar with the rules contained in this Article and will comply with them.

(4) Every application must be signed by the applicant or its attorney or agent with the complete address and telephone number of the attorney or agent.

(5) A statement that the Owner of the pedicab(s) shall indemnify, defend and hold harmless the Town of Bluffton, its officials, employees, agents (collectively the "Indemnitees") and each of them from and against all losses, costs, claims, penalties, fines, expenses (including attorney's fees), liabilities (collectively the "liabilities") by reason of any bodily injury to or death of any person or damage to or destruction or loss of any property arising out of, or resulting from, or in connection with an operating permit. The pedicab Owner shall further agree to indemnify, defend and hold harmless the indemnities from and against any liability which may be asserted by an employee or former employee of the pedicab Owner, or any of its subcontractors, for which liability to such employee or former employee would otherwise be limited to payments under workers' compensation or similar laws.

- (6) Proof of the minimum insurance required, which shall:
- a. Be obtained from a carrier that is admitted and licensed to transact insurance in the State of South Carolina;
 - b. Be written on an occurrence basis;
 - c. Cover any and all pedicabs and employees of the business and all Operators of such pedicabs whether such drivers are employees or otherwise have agreements to drive for that business;
 - d. Name the Town of Bluffton as an additional primary insured;
 - e. Provide minimum coverage in an amount no less than one million dollars (\$1,000,000.00) combined single limit liability (CSL) per occurrence;
 - f. Provide that all claims will be paid on a first dollar basis by the insurance provider;
 - g. Not contain policy exclusions that would change or limit coverage for passengers entering or exiting the vehicle;
 - h. Provide that all vehicles permitted to operate under the operating authority are listed as scheduled vehicles covered under the policy; and
 - i. All liability insurance coverage must include a rider that provides that at all levels of coverage, there must be notification to the Town in writing not less than thirty (30) days before canceling or making a material change in the policy.

A copy of the certificate of insurance shall be provided to the Bluffton Police Department with the application. Renewal certificates shall be provided to the department prior to the expiration of any insurance. Companies must notify the Bluffton Police Department of any cancellations of insurance policies.

(7) Satisfactory evidence of any licenses, including but not limited to municipal business licenses, permitting the applicant to perform the requested services within the Town of Bluffton and the State of South Carolina.

(8) List of all personnel, including but not limited to Operators, to be updated upon change.

(9) Consent for the Town of Bluffton Police Department to conduct a background investigation, including driver's license, of individual driver's license, of individual owners and/or operators of pedicab(s).

(10) Such other material as the Chief of Police, or his/her designee, shall require.

C. **Incomplete Applications.** Any permit application that is incomplete or fails to contain the material required by this Article may be rejected as incomplete and returned to the applicant.

D. **Permits Not Transferrable.** Any pedicab permit issued under this Article is not transferable, and is to be used solely by the Owner.

E. **Design Standards.** The Chief of Police, or his/her designee, may deny a pedicab permit application if s/he determines that the Owner's application fails to establish that the general design and color scheme for the pedicab is appropriate for use within the Old Town area, taking into specific consideration the age, condition, manner of propulsion, noise level, color and overall outward appearance of the pedicab.

F. **Duration of Permit.** An Owner's permit to operate a pedicab shall be in effect for twelve (12) months from the date of issue. Permits may be renewed, upon application and payment of the required fee, for each 12-month period thereafter, unless the permit for the preceding period has been revoked or is under suspension.

G. **Suspension or Revocation of Permit.**

(1) Failure to abide by the provisions of this Article or any of the ordinances of the Town or laws of the state in the operation of a pedicab or similar vehicle without a motor shall be grounds for the temporary suspension or revocation of any permit issued under this Article.

(2) If in the opinion of the Chief of Police, or his/her designee, a permit should be suspended or revoked, s/he shall give written notice of the decision to the Owner and of the right of the certificate holder to appeal the decision to the Town Manager or his/her designee. The notice may be delivered personally or sent by regular first class mail to the address listed on the permit application.

Sec. 7-94. Operators.

A. **Operator Qualification(s).**

(1) All Operators of any pedicab shall possess and maintain valid South Carolina driver's licenses with proper classification. The Owner shall provide copies of such driver's licenses to the Bluffton Police Department upon request. In the event of any personnel changes or arrests, the Owner shall notify the Bluffton Police Department in writing within five (5) business days thereof.

(2) All Operators must possess and exercise the physical strength necessary to maintain control of the pedicab.

(3) No Operator may be under the influence of alcohol or other drugs, whether prescribed or otherwise, to such a degree that the Operator's ability to operate the pedicab is impaired.

(4) All Operators must possess a cell phone, radio, or similar wireless communication device which is capable of contacting police dispatch.

B. **Bluffton History Class Required.** All Operators of a permitted pedicab must have completed a course on Bluffton history and culture through the Heyward House or other approved organization.

Sec. 7-95. Condition of Vehicles.

A. **Company Identification.** Each pedicab shall have displayed prominently on the exterior of the pedicab in a manner satisfactory to the Chief of Police, or his/her designee, a sign identifying the name and phone number of the Owner of the pedicab.

B. **Maintenance Obligation.** Each pedicab operated on public rights-of-way or in public spaces within Town Limits shall be maintained in a safe mechanical condition with all safety equipment remaining intact and operative at all times when the pedicab is in service.

C. **Clean Condition.** The Owner of a pedicab for which a permit has been issued under this Article must keep each of his/her pedicab(s) painted and in a clean and sanitary condition, free of litter and debris, and at all times, suitable for public transportation of passengers.

D. **Nighttime Use.** No pedicab shall operate except in broad daylight hours without being equipped with such lights and reflectors as may reasonably be expected to be seen by pedestrians and drivers of motor vehicles using the public rights-of-way and other public property from a minimum distance of 500 feet. The Chief of Police, or his/her designee, shall have the discretion to reconsider and revise the requirements for any previously approved lights and reflectors in view of actual practice.

E. **Inspections.** Periodic inspections of pedicabs may be done by the Bluffton Police Department to insure compliance with city and state statutes concerning safety equipment, operating conditions, licenses and insurance. The Bluffton Police Department shall have the right at any time, upon presentation of proper identification, to inspect or cause to be inspected any pedicab operating on any street within the Town for the purpose of inspecting the pedicab and its equipment to ensure public safety and adherence to the provisions of this Article. Any pedicab or equipment, which is found to be unsafe or in poor mechanical or physical condition shall be immediately taken out of service until repaired and approved for service by the Bluffton Police Department. It shall be a violation of this section for any person to delay, interfere with or refuse to allow such an inspection.

Sec. 7-96. Traffic Related Regulations.

All pedicabs shall during their operation be subject to the general traffic laws of the state and the town which are applicable to motorized vehicles, unless the applicability is made impossible by the absence of a motor. Citations for violations of those provisions may be written by reference to this section or the section of a state or municipal code

otherwise giving rise to the violation. However, any Operator who receives a permit under this Article for the operation of a pedicab shall be deemed to have waived the requirement under any other section that the vehicle must be a "motor vehicle" as an element of the charge.

Sec. 7-97. General Operating Requirements.

A. Conduct Prohibited.

- (1) It shall be unlawful for an Operator to permit more passengers to be carried in a pedicab than the rated seating capacity of the vehicle. Under no circumstances shall an Operator operate a pedicab having more than three (3) passengers therein.
- (2) It shall be unlawful to refuse to provide the schedule of fares upon request to any passenger upon entry into or while seated in the pedicab.
- (3) It shall be unlawful to operate a pedicab in or upon any street in the Town unless such person has a valid South Carolina driver's license.
- (4) It shall be unlawful while the pedicab is in motion, for the Operator to collect fares, make change, or embark or disembark passengers.
- (5) It shall be unlawful to operate a pedicab in any manner that violates any municipal ordinance or state law, or disrupts the flow of vehicular traffic on the public streets.
- (6) It shall be unlawful to operate a pedicab upon a sidewalk.
- (7) It shall be unlawful to operate a pedicab while the Operator is wearing headphones.
- (8) It shall be unlawful to operate a pedicab more than one (1) pedicab abreast, except when overtaking and passing another pedicab proceeding in the same direction.
- (9) It shall be unlawful for an Operator to allow a passenger in the pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverage.
- (10) It shall be unlawful for an Operator to refuse to provide a receipt in legible writing containing the name of the Operator, the name of the Owner holding the permit, the total amount paid, and the date of payment.
- (11) It shall be unlawful for an Operator to charge a passenger a fare greater than the fare contained on the approved fare schedule.

(12) Pedicabs shall be operated in a manner as to be a part of the normal traffic flow; provided, however, slower moving pedicabs shall safely pull temporarily to the side so as to prevent unnecessary delays to following traffic.

(13) It shall be unlawful to operate a rickshaw within the Town Limits.

B. **Refusing Service.** An Operator may refuse service to any potential customer who appears impaired or disorderly.

C. **Adverse Weather Conditions.** The Chief of Police, or his/her designee, may prohibit the operation of pedicabs due to adverse weather conditions as determined in his/her discretion.

D. **Operation Area / Routes.** All pedicab operation area/routes must be within the Old Town and its immediate vicinity and approved by the Town Manager, or his/her designee, and be adhered to by such Operators at all times. Any route or event not part of the regular course of business must be submitted using the Town of Bluffton Special Events permitting process. Any law enforcement officer of the Town of Bluffton may suspend temporarily the use of pedicabs in certain locations when those locations are being used for or affected by special events or when public safety requires.

E. **Hours of Operation.** It shall be unlawful to operate a pedicab within the Town Limits except during the following hours:

(1) Sunday through Wednesday from 8:00 a.m. to 12:00 a.m. (midnight); and,

(2) Thursday through Saturday from 8:00 a.m. to 2:00 a.m.

F. **Stopping Zones.** Operators may stop within the approved operation area/route within the designated bike areas located along Calhoun Street.

G. **Utilization of Bike Lanes.** When operating a pedicab on any public right-of-way that includes a designated bike lane, the Operator shall utilize such designated bike lane.

Sec. 7-98. Enforcement.

The Town Manger shall designate the appropriate agency within town government to enforce the enforcement of the provisions of this chapter. Violators of this chapter shall carry a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per occurrence. Tour operators may contest their citations in Municipal Court.

Penalties.

Any person, persons, firm, company, representative of any firm or company otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor, each day during which a violation of the provisions of this chapter occurs,

or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. (1976 SC Code §14-25-65)

Attachment 3 to Staff Report Regarding:

An Ordinance Amending Chapter 7 of the Town Code, Tour Companies, By Adding and Adopting Article V, Pedicabs, for the Purpose of Regulating the Safe and Efficient Operation of Pedicab Services Within the Town of Bluffton - Second and Final Reading

Recommended Motion to Accompany Staff Report:

“I would like to make a motion to approve Second and Final Reading of an Ordinance Amending Chapter 7 of the Town Code, Tour Companies, By Adding and Adopting Article V, Pedicabs, for the Purpose of Regulating the Safe and Efficient Operation of Pedicab Services Within the Town of Bluffton.”