

Sec. 14-298 - Affirmative defense

It is an affirmative defense to charges under this article if the license holder proves by a preponderance of the evidence that the license holder reasonably and in good faith relied on proof of age as described in Minn. Stats. § 340A.503, subd. 6 in making the sale.

(Code 1993, § 5-1.03(D)(9); Ord. No. 99-01, § 1, 1-3-1999)

ARTICLE IX - PEDICABS

Sec. 14-299 - Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Darkness means any time from one-half (½) hour after sunset to one-half (½) before sunrise or any time when visibility is obstructed by elements such as fog, rain or snow.

Pedicab means a nonmotorized three-wheel bicycle that transports or is capable of transporting passengers on attached seats or similar vehicle with an electric motor that meets the requirements for an electric assisted bicycle under Minn. Statute Section 169.011, subd. 27, clause (3), or as subsequently amended. A pedicab shall not exceed one-hundred twenty-two (122) inches in length and sixty-six (66) inches in width.

Pedicab business means the business of operating one (1) or more pedicabs for the recreational or physical transportation of the general public for profit, not-for-profit, or as a free service accepting tips or displaying advertising.

Pedicab driver means any person who operates, drives, or propels a pedicab.

Pedicab driver license means a license granted in accordance with this chapter.

Pedicab trailer means a two (2) wheeled vehicle no wider than fifty-five (55) inches and capable of carrying a maximum of three (3) passengers and securely attached and locked to the pedicab vehicle. Children aged twelve (12) and under are not allowed to ride in a trailer unless accompanied by an adult.

Pre-arranged pedicab services means a pedicab service for events such as weddings, group transportation, tours or similar events which are pre-arranged with the pedicab company.

Street means any street or roadway under the jurisdiction of the city.

Vehicle means every device in, upon, or by which any person is or may be transported or drawn upon a highway or street.

Sec. 14-300 - License required

- (a) No person shall engage in the pedicab business without a license required under this article.
- (b) No person shall operate a pedicab, engaged in a pedicab business, without a pedicab driver license required under this article.
- (c) Except as otherwise provided in this article, licenses issued under this Article shall be subject to the provisions of this chapter.

Sec. 14-301 - License fees

- (a) The annual fee for a pedicab business license shall be as established in the City Fee Schedule, for each pedicab in operation on the streets at any time during the license year.
- (b) The annual fee for a pedicab driver license shall be as established in the City Fee Schedule for each pedicab driver in operation on the streets at any time during the license year.

Sec. 14-302 - When licenses expire

Licenses under this article shall expire on December 31 of each year. The city will issue licenses in accordance with this chapter within 60 days of the date of the application.

Sec. 14-303 - License number

All pedicabs shall display a number of the pedicab. The number shall be displayed on the lower left rear side of the pedicab and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the pedicab. All trailers attached to a pedicab shall display the same number of the pedicab so attached on the trailer.

Sec. 14-304 - License and renewal applications

- (a) Applications for a pedicab business license under this shall be made on forms provided by the city and shall contain such information as the city may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a pedicab on behalf of the licensee.
- (b) Application for a pedicab driver license under this chapter shall be made on forms provided by the city and shall contain such information as the city may require, including the name, address, and telephone number of the applicant. Each pedicab license shall indicate the name of the pedicab company for which the driver works. No pedicab driver shall drive for a different pedicab company without first notifying the city and obtaining a new driver's license indicating the new pedicab company. Every pedicab driver shall meet and maintain the following requirements in order to hold a pedicab driver license:
 - (1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out of state driver licenses must not have a currently

cancelled, revoked or suspended Minnesota driver license. Those with out of state driver licenses, must provide a certified copy of their driving and criminal history from their home state.

- (2) Be a minimum of twenty-one (21) years old.
- (3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.
- (4) Shall not have been convicted of a felony within the past five (5) years;
- (5) The provisions of Minnesota Statutes, chapter 364 shall govern the eligibility of an applicant or license holder to acquire or maintain a pedicab driver license based on a prior or present criminal conviction or convictions.
- (6) Shall not have been convicted of careless driving, reckless driving or any violation of Minn. Stat. § 169A (driving while impaired) within the past three (3) years.

The city may issue a pedicab driver license upon presentation of a valid and current City of Saint Paul or City of Minneapolis pedicab driver license and a valid and current Minnesota driver license.

(c) **Renewal Applications.**

- (1) An application for the renewals of an existing license shall be made during the same period as the application for new licenses. An application for the renewal of an existing license in such form as the issuing authority requires.
- (2) A license issued under this chapter may not be renewed if the licensee has failed to comply with the provisions of this chapter in preceding license years.

Sec. 14-305 - Insurance required

- (a) No license shall be issued or renewed without proof of general liability insurance on the form required by the city. The policy of insurance shall be in the limits of not less than one hundred thousand dollars (\$100,000.00) for injury or death to one (1) person, three hundred thousand dollars (\$300,000.00) for each occurrence, and one hundred thousand dollars (\$100,000.00) for property damage.
- (b) The certificate of insurance must be issued by an insurance company authorized to do business in the State of Minnesota, show the existence in force of a policy or policies of insurance conforming to the requirements of this chapter. Such certificate shall clearly set forth the name of the insurance carrier, the policy number, a description of the coverages, the limits of liability, period of coverage and any other requirements as set forth in each ordinance. There shall be attached to such certificate of insurance an endorsement which shall also be made part of the policy, and shall be in the form in each case made and provided by the city clerk, and currently approved by the city attorney; and which endorsement shall describe and refer specifically to the insurance requirements of this chapter and shall state that the policy of insurance is intended to comply with such insurance requirements. The city clerk shall examine and shall accept or reject any such certificates in its discretion notwithstanding any other

requirement for approval by the city attorney of the insurance policy

Sec. 14-306 - Inspections

The licensing official shall require an annual pedicab inspection and may designate minimum safety standards for equipment and body defects. Pedicabs found to not meet the minimum inspection standards may be identified as “out of service” and shall not operate until such defects have been repaired and approved by the city. Applicants licensed in the City of Minneapolis or St. Paul shall provide proof of a passed annual pedicab inspection with an application for a pedicab license. The city may waive an inspection upon receipt proof of a passed annual pedicab inspection from either the City of St. Paul or the City of Minneapolis. The city shall reserve the right to examine and inspect each and every licensed pedicab at any reasonable time, to include on street inspections. The intent of such an inspection is to ensure compliance with the rules established herein.

Sec. 14-307 - Vehicle operation

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

Sec. 14-308 - Operating restrictions and conditions

- (a) No person shall operate a pedicab for hire on a public street during the hours of 11:00 p.m. to 7:00 a.m. Upon written application by a licensee, the city has the discretion to waive this prohibition for special events.
- (b) No pedicab shall be operated upon a public sidewalk or other city property where the operation of a pedicab is prohibited.
- (c) No pedicab shall use any public street or other public property as a waiting or parking area unless such area is a legal motor vehicle parking area or as permitted, or in an established pedicab stand. Parked pedicabs shall not be attached to any object in accordance with Falcon Heights Code of Ordinances [Sec. 46-27](#).
- (d) No pedicab driver shall consume an alcoholic or intoxicating beverage while on duty or allow any passenger of the pedicab to drink or consume alcoholic or intoxicating beverages or to possess an open container of alcoholic or intoxicating beverages.
- (e) All pedicabs shall be clean and maintained in a good state of repair. All pedicabs shall be maintained by the company so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition. Pedicabs shall be, at all reasonable times, subject to inspection by the licensing official.
- (f) All pedicabs shall display a valid license decal, centered on the rear of the pedicab vehicle or between the turn signals, issued by the city, and the name and phone number of the licensee, and the schedule of the rates or fees charged for passenger services.

- (g) Pedicab drivers shall have in their possession a valid driver's license, proof of insurance and a pedicab driver license while in control of any pedicab, and shall operate the pedicab in compliance with all applicable federal, state, and local traffic laws, Falcon Heights Code Ordinances and in a manner so as to assure the safety of persons and property.
- (h) All pedicab operators shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or city official.
- (i) No pedicab driver shall have in his or her possession a lighted cigarette, cigar, or pipe while driving a pedicab which is occupied by a passenger, and they shall not use electronic delivery devices as defined in [Sec. 14-293](#).
- (j) A pedicab driver license issued under this chapter shall be coterminous with the licensee's driver license. Any time that a licensee's driver's license is suspended, revoked, or cancelled, his or her pedicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The pedicab driver's license shall immediately be surrendered to the city until such time his or her driver's license is reinstated.
- (k) No pedicab driver shall permit more than three (3) passengers per bench seat to be carried in a pedicab except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat, and at no time shall the driver allow any passenger to ride in any area of the pedicab that was not specifically designed as a seat. No more than three (3) passengers shall be allowed in any affixed trailer except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat.
- (l) At no time shall anyone other than a licensed pedicab driver be allowed to operate the pedicab.
- (m) At no time shall a pedicab driver play or allow the playing of any amplified sound equipment in violation of [Sec 14-104](#) and [Sec 22-47\(e\)](#) of the Falcon Heights Code of Ordinances. Additionally, no pedicab driver shall play or allow the playing of any sound after 9:00 p.m.,
- (n) Pedicab drivers must be properly attired with a shirt, pants or shorts and secure footwear.
- (o) Pedicab drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.
- (p) It shall be unlawful for any pedicab owner or driver to allow or cause to be operated a pedicab in any unsafe manner or operating condition.
- (q) In the event that a passenger leaves an article in the pedicab, the driver shall immediately attempt to return it. If the driver is unable to immediately return the article, it shall be turned into the pedicab company office at the end of the driver's

shift or the first available opportunity.

- (r) Any pedicab not in compliance with the minimum requirements of this section will be cited and placed "immediately-out-of-service." Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the licensing official for service.

Sec. 14-309 - Vehicle safety and equipment standards

No pedicab owner or driver shall operate or allow the operation of a pedicab on any street unless the pedicab meets the following equipment and safety standards:

- (a) Tires shall be of a size appropriate for the pedicab with no mismatched tires. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.
- (b) The pedicab shall be equipped with a fully operational horn or bell.
- (c) It shall be unlawful for a licensee to operate, or cause to be operated, a pedicab that is not equipped with a front and rear braking system capable of being manipulated by the licensee from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a complete stop within a distance of fifteen (15) feet from a speed of ten (10) miles per hour in a linear path of motion when each wheel of the pedicab is in contact with the ground on dry, level, clean pavement. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes which are unaffected by rain or wet conditions.
- (d) Every pedicab shall be equipped with the operational equipment set forth in the subsections below:
 - (1) A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times during darkness.
 - (2) A side mounted mirror affixed to the pedicab to reflect to the pedicab driver a view of the street for a distance of at least two hundred (200) feet from the rear of the pedicab.
 - (3) A red tail light and brake light affixed to the rear of the pedicab which must be visible for a distance of at least five hundred (500) feet from the rear of the pedicab and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.
 - (4) All pedicabs shall have reflectors on each pedal, the front of the pedicab frame, mounted on the spokes of each wheel, and a red reflector mounted on each side of the rear of the pedicab, at least one (1) inch from the outer edge and centered.
- (e) No more than one (1) trailer may be attached to any pedicab. All attached trailers must be equipped with turn signals and red tail lights.

Sec. 14-310 - Advertising on pedicabs

Advertisements shall only be allowed on the manufactured body of the pedicab as permitted by this section. No banners, poles, flags, detached signs, or any other addition or object will be permitted. No amplified sound for the purpose of advertising or solicitation for passengers shall be allowed on a pedicab.

Sec. 14-311 - Pedicab company licenses

Every licensed pedicab company shall:

- (a) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.
- (b) Be responsible for the operation of an unlicensed pedicab driver.
- (c) Insure that no pedicab is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.
- (d) Promptly respond to all requests for information from the department of licenses and consumer services.
- (e) Promptly report any and all accidents involving pedicabs operating in Falcon Heights to the licensing official.
- (f) Every licensed pedicab company shall be deemed the agent for service of all notices, orders, and other correspondence from the City of Falcon Heights to pedicab drivers operating under their company license.
- (g) Not operate more than twelve (12) pedicabs at any given time unless granted an exception by the city.

Sec. 14-312 - Revocation or suspension

In addition to all other penalties, any violation of the terms of this article shall be grounds for revocation, suspension, or nonrenewal of the license provided for in this section in accordance with the provisions and requirements of this chapter.

ARTICLE X – CANNABIS AND HEMP BUSINESSES

Sec. 14-313 – Findings

The City Council make the following findings regarding the establishment, operations, and sales of cannabis retailers and lower-potency hemp edible retailers located in the City of Falcon Heights:

- (1) A local regulatory system for cannabis retailers is appropriate and not unduly burdensome to ensure that retailers comply with the cannabis laws and business standards of the city to protect the health, safety, and welfare of our youth and most vulnerable residents; and
- (2) The City of Falcon Heights has a substantial interest in promoting compliance with state and local laws intended to regulate cannabis sales and use, and in promoting