

Council Business Meeting

July 5, 2022

Agenda Item	Second Reading of Ordinance No. 3211 Relating to Pedicab Operations and Alcoholic Beverages; Adding New AMC 10.40.050 and Amending AMC 6.30.100	
From	Katrina L. Brown	City Attorney
Contact	katrina.brown@ashland.or.us	

SUMMARY

This is the time set for Second Reading of proposed Ordinance No. 3211 which would allow the possession and consumption of beer, wine, and cider on permitted commercial pedicabs.

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

City staff was contacted about amending the Ashland Municipal Code to permit the operation of commercial pedicabs which allow the consumption of beer, wine, cider onboard. This business model has been allowed in other United States cities including the City of Medford for several years. According to the City of Medford, there have been no complaints or other issues concerning the operation of this business model in Medford. Ordinance No. 3211 would also update the minimum amount of liability insurance required to operate special vehicles and tour buses in the City of Ashland to bring those amounts current with the levels required for other activities within the City. This insurance requirement has not been updated since 2008. The City Council held First Reading of Ordinance No. 3211 on June 21, 2022, and advanced it to Second Reading without edits.

FISCAL IMPACTS

The fiscal impact to the City of Ashland would be minimal.

STAFF RECOMMENDATION

Staff recommends that the City Council approve Second Reading of Ordinance No. 3211 and advance for enactment.

ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

1. I move to approve Second Reading of Ordinance No. 3211 and advance it for enactment.
2. I move to decline approval of Ordinance No. 3211.

REFERENCES AND ATTACHMENTS

Attachment 1: Proposed Ordinance No. 3211

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ORDINANCE NO. 3211

AN ORDINANCE RELATING TO PEDICAB OPERATIONS AND ALCOHOLIC BEVERAGES; ADDING NEW AMC 10.40.050 AND AMENDING AMC 6.30.100

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. New Ashland Municipal Code 10.40.050 is hereby added as follows:

A. Notwithstanding AMC 10.40.030 and AMC 10.40.040, alcoholic beverages may be consumed on a commercial pedicab, as defined in Subsection 1, subject to all conditions as set forth in Subsection 2:

1. For the purposes of this section, “Pedicab” means any of the following:

a. A bicycle that has three (3) or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire;

b. A bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire; or

c. A four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight (8) or more passengers, cannot travel in excess of fifteen (15) miles per hour, and is being used for transporting passengers for hire.

2. The permit of any pedicab operator which allows consumption of alcohol on a pedicab is subject to revocation if the pedicab operator fails to satisfy the following conditions:

a. Steering and braking shall be under the exclusive control of an employee or owner of the business operating the pedicab (the “operator”), who shall

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1 not consume alcohol while on the job and shall not have an alcohol
2 concentration of 0.04 or greater while operating the pedicab.

3 b. Alcoholic beverages shall not be provided by, served by, sold by, or in
4 control of the operator of the pedicab. Alcoholic beverages may only be
5 supplied by the passengers of the pedicab. All alcoholic beverages supplied
6 by passengers of the pedicab shall be transported to the community cooler of
7 the pedicab only in enclosed, sealed containers, including sealed wine or beer
8 bottles, sealed growlers, and unopened cans.

9 c. Alcoholic beverages may be consumed by a passenger of the pedicab only
10 while he or she is physically on board and within the pedicab.

11 d. All passengers shall be twenty-one (21) years of age or older if alcohol is
12 consumed by any passenger during the operation of the pedicab.

13 e. Passengers of a pedicab may only consume alcohol from an unbreakable
14 cup or can, including drinking vessels made of plastic, metal, or silicone.
15 Glass is prohibited with the exception of growlers and bottles kept in the
16 trunk or cooler of the pedicab. At all times the passengers of the pedicab, not
17 the operator of the pedicab, shall have ownership and control of the alcohol.
18 Passengers' cups may be filled from glass containers only when the pedicab is
19 stationary.

20 f. The operator of the pedicab shall at all times be able to establish financial
21 responsibility and maintain general liability insurance in the amounts as set
22 forth in AMC 6.30.100.

23 g. The only types of alcohol which may be consumed onboard a pedicab are
24 beer, wine, and cider. Hard alcohol or mixed drinks containing hard alcohol
25 are not permissible.

26 h. When passengers depart the pedicab, opened or partly empty growlers
27 and wine bottles must be closed before departing the pedicab. All other
28 alcohol remaining in open containers must be disposed of instead of carried

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1 in public.

2 i. The operator must comply with all applicable rules and regulations of the
3 Oregon Liquor Control Commission, including but not limited to rules and
4 regulations regarding advertisement of the business.

5 j. All routes of travel must be preapproved by the Ashland Police
6 Department.

7 k. If a passenger becomes visibly intoxicated or disorderly, the operator
8 shall eject said passenger from the pedicab.

9 **B. A violation of 10.40.050.A. is a Class I violation.**

10 **SECTION 2.** Ashland Municipal Code 6.30.100 is hereby amended as follows:

11 A. No person shall be issued a permit, or operate any special vehicle or tour bus, unless the
12 special vehicle or tour bus is covered by commercial **or general** liability insurance providing
13 coverage limits of **not less than two million dollars (\$2,000,000) per occurrence, at least**
14 **\$500,000 per occurrence in combined single limit for bodily injury and property damage**
15 **claims, or \$500,000 per occurrence for bodily injury and \$100,000 per occurrence for**
16 **property damage.** Liability coverage shall be provided on an “occurrence” not “claims” basis.
17 A certificate of insurance coverage, evidencing insurance coverage in compliance with this
18 section, shall be filed with the City before a permit is issued and for renewal of the permit. The
19 City of Ashland, its officers, employees, and agents shall be named as additional insured’s **on**
20 **any policy of such insurance.**

21 B. The insurance policy shall contain a provision that states that the policy will not be reduced
22 in coverage or canceled without **thirty (30)** days’ prior written notice to the City.

23 C. Failure to maintain adequate insurance as required under this section shall be cause for
24 immediate suspension or revocation of a special vehicle or tour bus permit.

25 **SECTION 3. Codification.** In preparing this ordinance for publication and distribution, the
26 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
27 such limitations, may:

28 (a) Renumber sections and parts of sections of the ordinance;

29 (b) Rearrange sections;

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- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section, or chapter numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2022.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2022.

Julie Akins, Mayor

Reviewed as to form:

Katrina L. Brown, City Attorney