


COUNCIL COMMUNICATION

	Number:	24-267	Meeting:	June 17, 2024
	Agenda Item:	57	Roll Call:	24-0918
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Amending Chapter 114 of the Municipal Code regarding the licensing and operation of Pedicabs.

SYNOPSIS:

Recommend approval of the staff recommendation and the ordinance changes to allow the use of Class 1 or Class 2 low-speed electric bicycles for Pedicabs.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On July 11, 2016, the City Council approved Roll Call Nos. 16-1147 and 16-1148, which amended the Municipal Code to include provisions regarding the licensing of Pedicabs.
- Section 114.699(c) states “No person shall operate a pedicab which is not solely operated by human power.”
- Advances in technology applied to electric bicycles have progressed over the past eight (8) years such that electric-powered bicycles are now more readily available and more widely used and are commonly being used by pedicab operators.
- City staff has reviewed the applicable Iowa Code sections related to electric bicycles to determine if modification of the Municipal Code can be accomplished to allow certain electric bicycles and is proposing that Class 1 and Class 2 low-speed electric bicycles, as defined in Section 321.1 (36A) of the Iowa Code, are appropriate for Pedicab use. These classes of low-speed electric bicycles have the following characteristics:
 - Class 1: Low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases when the bicycle speed reaches 20 miles per hour or more.
 - Class 2: Low-speed electric bicycle equipped with a motor that may be used to exclusively propel the bicycle and that is not capable of providing assistance when the bicycle speed reaches 20 miles per hour or more.

- A low-speed electric bicycle is defined in United States Code as a two (2)- or three (3)-wheeled bicycle with both fully operable pedals and an electric motor of less than 750 watts. This definition was adopted at the federal level in 2002.
- Furthermore, the proposed code revisions would prohibit the use of a Class 3 low-speed electric bicycle which requires the electric power assistance to cease when a speed of 28 MPH is reached. Additionally, the code revisions will remove obsolete language and will also include that all city ordinances related to operating a business within the City of Des Moines shall apply to Pedicabs.
- The proposed changes to the Municipal Code are shown below:

Sec. 114-695. Definitions.

(a) *Pedicab* means a device having up to four (4) wheels that transports or is capable of transporting passengers on attached seats, powered by pedals. A Pedicab may be propelled by human power or by a Class 1 or a Class 2 low-speed electric bicycle, as defined in Section 321.1 (36A) of the Iowa Code.

Sec. 114-697. License required.

Every pedicab shall have affixed to the back of the pedicab a current City of Des Moines pedicab license, which is clearly visible to others using the roadway. All city ordinances related to operating a business within the City of Des Moines shall apply.

Sec. 114-698. License application.

(c) The pedicab license shall be valid and effective from January 1 to December 31 of the year approved. ~~However, pedicab licenses approved in 2016 will be valid from the approval date to December 31, 2017.~~

Sec. 114-699. Prohibitions.

(c) ~~No person shall operate a pedicab which is not solely operated by human power.~~ No person shall operate a Class 3 low-speed electric bicycle as a pedicab.

PREVIOUS COUNCIL ACTION(S):

Date: July 11, 2016

Roll Call Numbers: [16-1147](#) and [16-1148](#)

Action: [Amending](#) Chapter 114 of the Municipal Code regarding licensing of Pedicabs. ([Council Communication No. 16-375](#)) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above, (waiver requested by Council Member Hensley), requires six (6) votes. Moved by Hensley that the rule requiring that an ordinance must be

considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,487](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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