


COUNCIL COMMUNICATION

	Number:	24-287	Meeting:	July 15, 2024
	Agenda Item:	69	Roll Call:	24-1016
	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 electric assisted Pedicabs.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On July 11, 2016, the City Council approved Roll Calls 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” and does not provide an option for electric motor assisted operation of a pedicab.
- Advances in technology applied to electric bicycles have progressed over the past eight (8) years such that electric-assisted bicycles are now more readily available and more widely used and are 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 low-speed electric bicycles, as defined in Section 321.1 (36A) of the Iowa Code, are appropriate for Pedicab use. This class 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.
 - 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 Class 2 and Class 3 low-speed electric bicycles which allows a motor to exclusively propel a bicycle under 20 MPH (Class 2) or requires the electric power assistance to cease when a speed of 28 MPH is reached (Class 3). 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 wheels that transports or is capable of transporting passengers on an attached single bench passenger seat, powered by pedals. A Pedicab may be propelled solely by human power or by human power assisted by a motor of no greater than 750 watts operating as a Class 1 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 2 or 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 (2) 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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