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**CITY OF PORTLAND
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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 30, ARTICLE III (HORSE DRAWN CABS)
AND CHAPTER 30, ARTICLE IV (BICYCLE CABS)
RE: TRANSFER OF LICENSING AUTHORITY FROM CITY CLERK
TO DIRECTOR OF WATERFRONT AND TRANSPORTATION FACILITIES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section Chapter 30, Article III (Horse-Drawn Cabs) of the Portland City Code is hereby amended to read as follows:*

ARTICLE III. HORSE-DRAWN CABS

DIVISION 1. GENERALLY

Sec. 30-39. Definitions.

For purposes of this article, the following definitions shall apply, unless the context clearly implies otherwise:

Horse-drawn cab means any horse-drawn vehicle used for the transportation of passengers for hire.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or any portion thereof.

To operate means to drive, or to cause or permit another to drive.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-40. Exemptions.

This article shall not apply to the following:

- (a) Horse-drawn cabs operated by or in conjunction with the sponsor of any street festival, celebration, or other special event authorized by the city council;
- (b) Horse-drawn cabs operated for destination service only, by private prearrangement, in conjunction with special or ceremonial occasions, such as weddings or official visits.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 1, 5-7-84)

Sec. 30-41. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this chapter.

(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 2. LICENSES

Sec. 30-42. Required.

No person shall operate a horse-drawn cab on any street or way or in any public place without a horse-drawn cab license. A separate license shall be required for each such vehicle.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-43. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for horse-drawn cab licenses shall contain the following:

- (a) A complete listing of all operators to be employed by or associated with the applicant, giving their full names, ages, and present addresses, and including a complete statement of their health and physical conditions;
- (b) A complete record of disqualifying criminal convictions, if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant; and

- (c) A detailed description of each horse, vehicle, and other equipment to be used by the applicant, including a photograph of each such horse and the plans and specifications of each such vehicle, a veterinarian's certificate of health for such horse, and the address or location at which each such horse and vehicle is to be kept or stored while not in service.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-44. Licensing authority.

Notwithstanding any provisions of chapter 15 to the contrary, the ~~city clerk~~ director of waterfront and transportation facilities, or his or her designee, (referred to hereafter as the "director") shall be the licensing authority for horse-drawn cab licenses.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-45. Conditions precedent to issuance.

Prior to the issuance of any horse-drawn cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the ~~city clerk~~ director the following:

- (a) A certificate issued by the license inspector that the vehicle to be licensed and all operators thereof comply with the rules made under authority of this article by the ~~city manager~~ director; and
- (b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in an amount of not less than three hundred thousand dollars (\$300,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the ~~clerk~~ director. Such certificate shall state that the issuing agent shall notify the ~~clerk~~ director in writing no less than thirty (30) days prior to the

cancellation thereof.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 2, 5-7-84)

Sec. 30-46. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension, or revocation of licenses, a horse-drawn cab license may be denied, suspended, or revoked on any of the following grounds:

- (a) The applicant or licensee or any operator is less than eighteen (18) years of age or has had a disqualifying criminal conviction at any time within the immediately preceding five (5) years;
- (b) Charging more than the fare established by this article;
- (c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer; or
- (d) Causing or permitting any violation of this article or chapter 25.

(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-47. For sight-seeing only; fixed routes; no stopping.

No licensed horse-drawn cab shall be operated except for sight-seeing trips following a fixed route and beginning and ending at the same location. Such routes and locations shall be as designated and assigned from time to time by the city traffic engineer, who shall also have authority to erect appropriate signs or markers, and to impose such conditions on the use of such routes and locations as he deems proper, including limiting the same of such vehicles in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in obedience to traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-48. Not to obstruct traffic; police orders.

No licensed horse-drawn cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety. Any police officer, or the city traffic engineer, may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-49. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed horse-drawn cabs.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-50. Maximum fare; rate card to be displayed in vehicle.

The fare for any trip in any licensed horse-drawn cab shall not exceed five dollars (\$5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the city-clerk-director and bearing the following statement shall be displayed in the interior of each such vehicle so as to be clearly visible to all passengers at all times while such vehicle is in service:

PASSENGER INFORMATION

The maximum fare for any trip in this vehicle is \$5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call the City—Clerk—Director of Waterfront and Transportation Facilities of the City of Portland (Telephone: -775-5451207-874-6900), or write to: .

Director of Waterfront & Transportation
Facilities, City of Portland
40 Commercial Street
Portland, Maine 04101

Please include your name, address and telephone number

to allow adequate follow-up by the City.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 3, 5-7-84)

Sec. 30-51. Display of plate and badge.

A plate, to be issued by the ~~city clerk~~ director and bearing an identification number, shall be displayed in a conspicuous place on the exterior of each licensed horse-drawn cab at all times while in service. A badge, to be issued by the ~~clerk~~ director and identifying the wearer by number as a licensed operator of such vehicle, shall be worn prominently on his person by each such operator at all times while on duty.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-52. Solicitation of business.

No person shall solicit business in any manner for any licensed horse-drawn cab while on route. Solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct or commotion detrimental to the image or reputation of the trade or the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-53. Passengers to be seated and well-behaved.

No operator of any licensed horse-drawn cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others. No such operator shall refuse to transport any orderly person upon request.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 4, 5-7-84)

Sec. 30-54. Care and treatment of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be well fed, watered, and neatly groomed at all times while in service. No person shall feed, water, or groom any such horse while on route. No person shall physically abuse or mistreat any such horse.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-55. Conduct and appearance of operators; rule-making

authority.

Every operator of any licensed horse-drawn cab shall be courteous, well dressed, and neatly groomed at all times while on duty, and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The ~~city manager~~ director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 5, 5-7-84)

Sec. 30-56. Design and appearance of vehicles; rule-making authority.

Every licensed horse-drawn cab shall be kept clean and neat in appearance at all times while in service. The ~~city manager~~ director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the design and construction of such vehicles.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-57. Unsafe vehicles; inspections; ordering from service.

No licensed horse-drawn cab shall be operated at any time while unsafe, defective, or in disrepair. Any police officer, or the license inspector, may inspect any such vehicle at all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service or to remain out of service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, or the license inspector, and a finding that such repair has been made or that such defect or unsafe condition has been corrected.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-58. Control of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be kept under complete control by the operator of such vehicle at all times while in service and shall not be allowed to kick, run, race, rear up, or otherwise

endanger the safety of passengers or others.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-59. Keeping of horses; storage of vehicles and equipment.

No horse, vehicle, or other equipment used in the operation of any licensed horse-drawn cab shall be kept or stored on any street or way or in any public place while not in service.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-60. Horse droppings.

Every operator of any licensed horse-drawn cab shall promptly remove all droppings left on any street or way or in any public place by any horse in his charge and shall directly dispose of same in a safe, lawful, and inoffensive manner. Suitable containers, shovels, and brooms shall be supplied by him and kept at hand at all times for such purposes.
(Ord. No. 509-84, § 1, 4-2-84)

- Sec. 30-61. Reserved.**
- Sec. 30-62. Reserved.**
- Sec. 30-63. Reserved.**
- Sec. 30-64. Reserved.**
- Sec. 30-65. Reserved.**
- Sec. 30-66. Reserved.**
- Sec. 30-67. Reserved.**
- Sec. 30-68. Reserved.**
- Sec. 30-69. Reserved.**
- Sec. 30-70. Reserved.**
- Sec. 30-71. Reserved.**
- Sec. 30-72. Reserved.**
- Sec. 30-73. Reserved.**
- Sec. 30-74. Reserved.**

2. *That Section Chapter 30, Article IV (Bicycle Cabs) of the Portland City Code is hereby amended to read as follows:*

ARTICLE IV. BICYCLE CABS*

*Editor's note--Ord. No. 133-98, adopted Oct. 19, 1998, repealed art. IV of this chapter, relative to bicycle cabs, which consisted of §§ 30-75--30-92 and derived from Ord. No. 228-95, adopted Apr. 3, 1995.

DIVISION 1. GENERAL PROVISIONS

Secs. 30-75. Definitions.

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

Bicycle cab means any vehicle that is powered by means of a person operating a two- or three-wheeled non-motorized vehicle and that also includes a separate seating area for passengers.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or portion thereof.

To operate means to pedal, push or otherwise cause the bicycle to move.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-76. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this article.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

DIVISION 2. LICENSES

Sec. 30-77. Required.

No person shall operate a bicycle cab on any street or way or in any public place without a bicycle cab license. A separate license shall be required for each vehicle. Any license issued

to an operator who is less than eighteen (18) years old shall be restricted to operation between the hours of 8 a.m. to 6 p.m. (Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-78. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for bicycle cab licenses shall contain the following:

- (a) A complete listing of all operators to be employed by or associated with the applicant, giving each person's full name, age and present address.
- (b) A complete record of disqualifying criminal convictions or civil offenses as defined in Section 30-33(b)(3-6), if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant.
- (c) A detailed description of each bicycle cab and any other equipment to be used by the applicant, including a photograph of each bicycle cab and the specifications of each such vehicle.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-79. Licensing authority.

Notwithstanding any provision of chapter 15 to the contrary, the city clerk director of waterfront and transportation facilities, or his or her designee, (referred to hereafter as the "director") shall be the licensing authority for bicycle cab licenses.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-80. Conditions precedent to issuance.

Prior to the issuance of any bicycle cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the city clerk director the

following:

- (a) A certificate issued by the license operator that the bicycle cab to be licensed and all operators thereof comply with the rules made under authority of this article by the ~~city clerk~~ director; and
- (b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle or other liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the bicycle cab to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in the amount of not less than four hundred thousand dollars (\$400,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the ~~clerk~~ director. Such certificate shall state that the issuing agent shall notify the ~~clerk~~ director in writing no less than thirty (30) days prior to the cancellation thereof. For bicycle cabs that propose to operate in any city park or other public place, the City shall be included in the policy as an additional named insured.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-81. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension or revocation of license, a bicycle cab license may be denied, suspended or revoked on any of the following grounds:

- (a) The applicant or licensee or any operator is less than seventeen (17) years of age or has had a disqualifying criminal conviction or civil offense as provided in Section 30-33(b)(3-6).
- (b) Charging more than the fare established by this article.

(c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer.

(d) Causing or permitting any violation of this article or chapter 25.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-82. Operation limited to roadways; carrying of passengers; prohibited locations.

Licensed bicycle cabs shall be operated within roadways only. Bicycle cabs shall not be operated upon sidewalks or bicycle paths, except those paths specifically designated for that purpose by the Director of Parks and Recreation. Bicycle cabs may carry passengers to locations chosen by the passengers or may follow an agreed-upon route for sightseeing purposes. The city traffic engineer shall have the right to prohibit bicycle cabs from streets or roadways where the operation of such cabs will present a threat to the safety of the bicycle cab operator and passengers or to other users of the street or roadway. The traffic engineer also shall have the authority to erect appropriate signs or markers, and to impose such conditions on the use of routes and locations as he or she deems proper, including limiting the number of such bicycle cabs in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in accordance with traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person. In no event shall a bicycle cab utilize a designated taxicab stand for any purpose whatsoever, unless required for an immediate response to an emergency situation. Bicycle cabs shall not be permitted at the Jetport.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-83. Not to obstruct traffic; police orders.

No licensed bicycle cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety. Any police officer or the city traffic engineer may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-84. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed bicycle cabs.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV;

Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-85. Maximum fare; rate card to be displayed on vehicle.

The fare for any trip in any licensed bicycle cab shall not exceed five dollars (\$5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the ~~city clerk-director~~ and bearing the following statement shall be displayed on each vehicle in such a manner as to be visible to passengers riding in the bicycle cab at all times while such vehicle is in service:

PASSENGER INFORMATION

The maximum fare for any trip in this vehicle is \$5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call the ~~City Clerk-Director of Waterfront and Transportation Facilities~~ of the City of Portland at (207) ~~874-8300~~ 207-874-6900, or write to:

Director of Waterfront & Transportation Facilities, City of Portland

40 Commercial Street
Portland, Maine 04101
Please include your name, address and telephone number
to allow adequate follow-up by the City.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV;
Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-86. Display of plate and badge.

A plate, to be issued by the ~~city clerk~~ director and bearing an identification number shall be displayed in a conspicuous place on each licensed bicycle cab at all times while in service. A badge, to be issued by the ~~clerk~~ director and identifying the wearer by number as a licensed operator of such vehicle, shall be worn prominently on his or her person by each such operator at all times while on duty.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV;
Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-87. Solicitation of business.

No person shall solicit business in any manner for any licensed bicycle cab while on route. Prohibited solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct detrimental to the image or reputation of the trade or the public safety or convenience.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV;
Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-88. Passengers to be seated and well-behaved.

No operator of any licensed bicycle cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others. No such operator shall refuse to transport any orderly person upon request, unless such person requests transportation to a destination that exceeds the distance that the operator determines he or she can

practicably travel.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-89. Care and maintenance of bicycle cab.

Each licensed bicycle cab shall be at all times clean and in good repair.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-90. Conduct and appearance of operators; rule-making authority.

Every operator of any licensed bicycle cab shall be courteous at all times when on duty and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The ~~city clerk~~ director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-91. Unsafe vehicles; inspections; order from service.

No licensed bicycle cab shall be operated at any time while unsafe, defective or in disrepair. Any police officer or the license inspector may inspect any such vehicle at any and all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, the license inspector or the ~~city clerk~~ director, and upon a finding that such repair has been made or that such defect or unsafe condition has been corrected.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-92. Storage of vehicles and equipment.

No bicycle cab or related equipment shall be kept or stored on any street or way or in any public place while not in

service.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV;
Substitute Ord. No. 16-00, 6-19-00)

Editor's note—Ord. No. 133-98, adopted Oct. 19, 1998, repealed Art. IV of
this chapter, relative to bicycle cabs, which consisted of §§30-75-30-92 and
derived from Ord. No. 228-95, adopted Apr. 3, 1995. Art. IV was reinstated on
June 15, 2000.
