

RECOMMENDED BY: PUBLIC SAFETY AND TRANSPORTATION COMMITTEE

SUBMITTED BY: THE CITY ATTORNEY

**ORDINANCE NO. 17-48**

**An Ordinance to amend Title 12, "Licensing and Regulations", Chapter 16, "Taxicabs and Vehicles for Hire", of the General Code of the City of Birmingham, 1980, to amend Section 12-16-1 to add definitions of "Pedal Bus" and "Pedal Bus Service" and to add Article H to provide for Pedal Bus Services in specific areas of the city.**

**SECTION 1. BE IT ORDAINED** by the Council of the City of Birmingham, an Ordinance, to amend Title 12, "Licensing and Regulations", Chapter 16, "Taxicabs and Vehicles for Hire", Section 12-16-1, "Definitions" of the General Code of the City of Birmingham, 1980, to be amended by adding to said definitions of "Pedal Bus" and "Pedal Bus Service" as follows:

**"ARTICLE A  
"GENERAL PROVISIONS**

**Section 16 Definitions.**

Unless otherwise expressly provided, the following definitions shall apply to the provisions herein indicated:

**"Accessible vehicle:** A minivan or other motor vehicle that meets the requirements of the Americans with Disabilities Act ("ADA") and is equipped with the following:

(1) a lift chair or other device that is used to assist a passenger in getting on or off the vehicle or to assist a passenger in getting into or out of the vehicle safely;

(2) the most efficient type of a compact wheelchair accessible vehicle;

(3) wheelchair ramps, but shall not include transportation for passengers in wheelchair.

**"Airport shuttle service:** Transportation exclusively to or from the Birmingham Airport. Shuttle service to or from the Birmingham Airport is defined as a motor vehicle registered under "CANC" to provide airport shuttle service is provided from any other service defined herein.

**"Automobile:** A passenger motor vehicle (SU) or Van designed to seat five or fewer persons.

"Bus: A passenger vehicle designed to transport persons.

"Bus Terminus means a station serving and destination with accessibility, a scheduled route of ingress/egress approved by the City of Birmingham and Department of Engineering.

"Business: single act of transporting a passenger or passengers for hire.

"Business licenses: The licenses required for any business to operate within the City by the City Council.

"Call or demand: Transportation agreement indiscriminately made only with a request for service which is intended to be eliminated by the following factors, a request for service vehicle or route which is not requested for such service from a public street to a location within a roadway or public vehicle area as the public service vehicle and a vehicle, a request for service vehicle or route which is shared or used for other purposes.

"Certificate of public necessity and convenience (referred to as "CPNC"): The authorization permitting an activity to be conducted on any route to be a public service vehicle in the City which authorization shall be eliminated for any service defined herein unless a valid and lawful alternative is provided.

"Chauffeur: A person employed to transport others or things via for hire.

"City Hall referring to the City of Birmingham, Alabama and when referring to the City of Birmingham, Alabama and the jurisdiction thereof.

"City Center: The established City Center Plaza.

"City Council: The Council of the City of Birmingham.

"Commercial passenger vehicle means a vehicle for hire service (25) or more passengers.

"Compensation means any money, thing of value or any other consideration granted or provided to the driver for any hire or exchange for transportation for person or persons, a written and solicitation demand for contract or verbally, in any manner or form.

"Cruising: Driving or role playing in a public place for hire or soliciting passengers for hire or soliciting for hire.

"Courtesy vehicle service: Any vehicle used for public transportation which is used to provide transportation for guests or any other person.





"Low speed vehicle" means a motor vehicle designed to travel on a public highway with a maximum speed of not more than 25 miles per hour, which is not designed to be used for racing or for use on a track, and which is not designed to be used for the purpose of transporting passengers for hire.

"Low speed vehicle" means a motor vehicle designed to travel on a public highway with a maximum speed of not more than 25 miles per hour, which is not designed to be used for racing or for use on a track, and which is not designed to be used for the purpose of transporting passengers for hire. An LSV must also meet the requirements of a certain weight and must be capable of operating on a highway.

"Non-emergency medical transport" means a low speed vehicle which:

- (1) which is designed for emergency use;
- (2) which is a non-emergency medical transport vehicle;
- (3) which is used for emergency medical transport services.

"Non-emergency medical transport" means a low speed vehicle which is used for emergency medical transport services.

"Medical transport service" includes services provided under the authority of a permit issued by the Department of Transportation for the purpose of transporting patients in a low speed vehicle under a permit issued by the Department of Transportation as a medical transport service is prohibited.

- (1) providing emergency medical transport;
- (2) transporting patients in a low speed vehicle;
- (3) making hospital deliveries;
- (4) cruising;
- (5) providing other services defined herein.

"Non-profit vehicle" means a vehicle owned and operated by a non-profit organization with a charitable purpose.

"On-hand service" means any person operating a low speed vehicle with a dollar reservation which fee is not paid in advance.







" *Taxi service*: A paid service to provide a motor vehicle for hire equipped with a taximeter which is operated in regulated metered fares and subject to the minimum taxi services which are required by the city council.

" *Taxi*: A motor vehicle operated for hire or for hire with the city to passengers from points of origin to a street of the city. Provided, however, that a taximeter shall apply to any motor vehicle which:

(1) Classified as a motor vehicle as defined in the city code.

(2) Used exclusively by order of a person to transport passengers, including such entities for the purpose of providing a service to the public, the vehicle under such operation shall be subject to the same regulations as a taxicab under the city code, and the operator shall be subject to the same regulations as a taxicab driver.

(3) Operated under a license granted by the city.

" *Taximeter*: A device which automatically records and displays the charges for hire.

" *Taxi Stand*: A reserved area for taxis to be parked.

" *Taxi Stand*: The fixed area for taxis to be parked and operated to the vehicle for hire.

" *Taxi Stand Application*: An application for a taxi stand license to be issued to a person or entity for the purpose of operating a taxi stand.

" *Taxi Stand Application*: An individual, partnership, corporation, or other legal entity which has the authority to operate a taxi stand.

" *Taxi Stand Application*: An application for a taxi stand license to be issued to a person or entity for the purpose of operating a taxi stand.

" *Taxi Stand Application*: An individual who has the authority to operate a taxi stand.

(a) Owned by the individual; and

(b) Not a motor vehicle as defined in this Ordinance;

(c) Not licensed as a motor vehicle under this Ordinance; and

(d) Used to provide the individual's own services.

"Transportation services as provided by a person operating a motor vehicle on any public highway shall be subject to the provisions of this chapter."

"Uniformed Chauffeur: A driver of a motor vehicle for hire shall be subject to the provisions of this chapter."

"Vehicle for hire (VFH) (Any motor vehicle designed for the transportation of passengers for hire, whether for use by a driver or a passenger, shall be subject to the provisions of this chapter. The following are the definitions which shall apply:

(1) Limitation on other vehicle used by a person for hire. No person shall use a motor vehicle for hire for any purpose other than that for which it is designed, unless the vehicle is specifically designed for that purpose. However, if the person operating the vehicle is a licensed driver, the vehicle may be used for hire for any purpose for which it is designed, provided that the vehicle is used for hire for hire purposes only.

(2) Amount of motor vehicle for hire.

(3) Vehicle to be used for hire. A person shall not use a motor vehicle for hire for any purpose other than that for which it is designed, unless the vehicle is specifically designed for that purpose. However, if the person operating the vehicle is a licensed driver, the vehicle may be used for hire for any purpose for which it is designed, provided that the vehicle is used for hire for hire purposes only.

(4) Vehicle used for hire. A person shall not use a motor vehicle for hire for any purpose other than that for which it is designed, unless the vehicle is specifically designed for that purpose. However, if the person operating the vehicle is a licensed driver, the vehicle may be used for hire for any purpose for which it is designed, provided that the vehicle is used for hire for hire purposes only.

(5) Vehicle used for hire. A person shall not use a motor vehicle for hire for any purpose other than that for which it is designed, unless the vehicle is specifically designed for that purpose. However, if the person operating the vehicle is a licensed driver, the vehicle may be used for hire for any purpose for which it is designed, provided that the vehicle is used for hire for hire purposes only.

(6) Vehicle used for hire. A person shall not use a motor vehicle for hire for any purpose other than that for which it is designed, unless the vehicle is specifically designed for that purpose. However, if the person operating the vehicle is a licensed driver, the vehicle may be used for hire for any purpose for which it is designed, provided that the vehicle is used for hire for hire purposes only.

**SECTION 2. BE IT FURTHER ORDAINED** by the Council of the City of Birmingham and the Board of Public Safety, Chapter 16, "Taxicabs and Vehicles for Hire", be and here by enacted that the following provisions shall apply to all motor vehicles used for hire for hire purposes in the City of Birmingham:

" A R T I C L E  
"PEDAL BUS SERVICES"

"Sec. 12-16-90.

"(1) Unless otherwise stated herein, all motor vehicles shall be subject to the provisions of this chapter."



7. Not operate a public vehicle under influence from intoxicating liquor or drugs ;

8. Not operate a public vehicle crossing highway at any time ;

9. Observe all city traffic regulations ;

10. Not permit a passenger to stand in any part of the vehicle other than the designated area while the vehicle is in motion and the passenger is the only person seated in the vehicle .

**“12-16-93**

“Public beverages shall not be allowed on a pedal bus unless operated in the business district of the city under regulation for such district .

**“12-16-94.**

“No sign or advertisement shall be placed on any vehicle or on any public vehicle in such manner as to violate the city’s ordinance .

**“12-16-95.**

“Each public vehicle must conform to the following minimum specifications :

1. Uniform color scheme ;

2. Fenders ;

3. Rubber wheel caps ;

4. A full rearview mirror ;

5. Headlights that are beam lamp at least three hundred feet ;

6. Flashing lights that are visible from at least five hundred feet ;

7. Mirror or a device that reflects the driver’s view of the rear of the vehicle ;

8. Turn signal is affixed to the front of the vehicle ;

9. Working running lights on the front of the vehicle, and are on the vehicle so as to make the vehicle clearly visible to motorists at night ;

10. Hydraulic brakes and a horn ;

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“12-16-96. - Vehic e istplay o m any e, æ d scheme insigni a dhum ingh —  
Restric tion .

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“( b No p d l a c s o r e d t h e b m e f o r c h t p a s h b l a c e l i s e d c l w e a s b a d o r  
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such d p l a s h b l a s p u d e e l e v e r e .

“( d Ea h d p l a s h b l a æ n r t h a r C A N C i n s p e t i o n i c k e r i s s u e d t h e c i t y .

“12-16-97. - Insp ection ml t n e a c t h i c e — Co m l p a e r e q u i r e d .

“( ) a P r i o r t h u s e a l p o e t i o n f o a n y p d l a u n d e r t h e r o s i o n s f o r c h t p a s h s u c h  
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the l i c e p c h i e f i s t d e s i g n e e d e a n i n e s t a t h p d l a i s n o i n o m l p a e i t h i s t h  
o i n t e a c t h l i c e p c h i e f t h s d e s i g n e e s h l a h d s u p n e t h o i d i o m t e l e r t h d p l a  
b s a m d f e o s a r v i c e r o t h e v e h i c e b b o l g t i r t o o n l p a e w i t h e r a o n l l a e  
p i o r e d f a i e n r e q u i r e i t t o b e i n s p æ d .

“(b) Every person under a contract shall keep in cars in any road  
factory in

“(c) Every person under a contract shall lay down a condition  
of a job and a mechanic to determine if the vehicle is fit to be  
by this means after the time when a job and a mechanic shall be  
personnel chief designee with the aid of the person.

“12-16-98. - Rat scheduled for release.

“(a) Personnel shall be required to stand in line for passengers no  
demanded.

“(b) Passengers shall be given first priority for service in the line.

“12-16-99. - Personnel equipment

“(a) An owner or driver of a vehicle shall carry in all passenger  
equipment the time to a repair or maintenance person.

“(b) No person engaged in the business shall ride on a public  
street to way of safety unless the owner or driver of the vehicle  
has issued in the case with the person.

“(c) A person used in passenger service shall:

1. Have valid identification and display it at all times;

2. Be maintained in satisfactory condition;

3. Not ride with passengers in the rear of a vehicle  
the driver of the vehicle at the time shall allow a passenger to ride in  
a vehicle if the sign is clearly visible. In no case shall the  
number of passengers in a vehicle exceed six;

4. Display the name and telephone number of the person in  
the vehicle. These signs must be displayed at all times the vehicle  
is in operation unless the vehicle is used for a special purpose  
when directed;

5. Reflectors must be placed on the front and rear wheels;

6. Be equipped with headlights and taillights;

7. A fully charged battery shall be readily available and the person  
operating with the lights.

“(d) If, upon inspection, a vehicle is found to be unsafe in any  
chief designee, may indicate that the vehicle is to be taken out of  
service until the condition is

c. Such vehicle shall be inspected and approved by the license chief or designee before returning to service.

**12-16-100 - Duty of Driver Service Business Requirements**

All persons engaged in a double service shall maintain in the vehicle a placard for business, as indicated in the placard information relative to the public convenience and necessity.

**12-16-101 - Operation**

(a) The placard shall be ready upon the streets and roads, and with no other placard issued by the city traffic engineer. Any placard removed from the streets, roads, or highways shall be placed by the city traffic engineer. Any placard removed shall be reported to the city traffic engineer in writing for removal.

(b) On multiple roads, a placard shall be placed on the right side of the road, except when necessary to allow left-turning vehicles to return on a one-way street. The placard shall be placed either on the right side of the road for left-turning vehicles or on the left side of the road for right-turning vehicles.

**12-16-102 - Record Keeping**

(a) Each double service shall maintain a single location for record keeping of its placards. The record must contain the following information:

1. An identification for the placard.
2. An identification for the drivers present on the placard and a statement of the name of the driver present on the placard.
3. A log of the trip including the date and time of the trip, but limited to any identification numbers, location, and occurring during the trip.

(b) A certificate shall be submitted to the license chief, his/her designee, or the designee of the city traffic engineer or the finance director of the designees.

**12-16-103 - Accidents**

(a) All accidents arising from connection with the operation of a double service shall be reported to the license chief and the city traffic engineer or designees if the accident results in:

1. Death or bodily injury to any person.
2. Damage to any property in an amount exceeding such two hundred fifty dollars (\$200).

" (b) A pedestrian and any other person who is on a sidewalk or in a public place shall not be liable for damages caused by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle.

"12-16-104 - Pedestrians—Receiving damages .

" (a) Drivers shall not be liable for damages to a pedestrian who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle.

" (b) Drivers shall not be liable for damages to a pedestrian who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle if the pedestrian was negligent in the operation of the vehicle.

" (c) Pedestrians shall not be liable for damages to a driver or operator of a motor vehicle who is injured by a pedestrian who is negligent in the operation of the vehicle.

" (d) The city traffic engineer may designate any portion of a sidewalk for use as a loading or unloading area for a pedestrian.

" (e) Pedestrians shall not be liable for damages to a driver or operator of a motor vehicle who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle if the pedestrian was negligent in the operation of the vehicle.

"12-16-105 - Pedestrians—Refusal to pay for services .

It is unlawful for any person to refuse to pay for services rendered by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle if the person is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle.

"12-16-106 - Disposition of property of pedestrians .

Drivers shall not be liable for damages to a pedestrian who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle if the pedestrian was negligent in the operation of the vehicle.

"12-16-107 - Application for registration of bicycles .

" (a) Pedestrians shall not be liable for damages to a driver or operator of a motor vehicle who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle.

" (b) Pedestrians shall not be liable for damages to a driver or operator of a motor vehicle who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle.

" (c) Pedestrians shall not be liable for damages to a driver or operator of a motor vehicle who is injured by a driver or operator of a motor vehicle who is negligent in the operation of the vehicle.

“ (d) Except to the extent that the provisions of this Ordinance are inconsistent with the provisions of any other applicable laws, the provisions of this Ordinance shall prevail over any other laws.

“12-16-108 - Compliance with laws. It shall be the duty of the City to provide services to the public in accordance with the laws of the State of Alabama and the United States of America.

SECTION 2. The provisions of this Ordinance shall be subject to the provisions of any other laws, rules, regulations, or orders that may be adopted by the City.

SECTION 3. This Ordinance shall be effective upon its adoption.

Adopted by the Council April 18, 2017 and Approved by the Mayor May 3, 2017



A CERTIFIED COPY  
Lee Frazier, City Clerk  
Birmingham, AL  
*Lee Frazier*