

**WESTBROOK CITY COUNCIL
COMMITTEE OF THE WHOLE AGENDA
MONDAY JULY 15, 2019 AT 6:30PM
WESTBROOK HIGH SCHOOL ROOM 114**

Westbrook City Council's Committee of the Whole, chaired by Councilor Brendan Rielly, will meet on Monday July 15, 2019 immediately prior to a Special City Council Meeting. The agenda item(s) are as follows:

1. **Pedal-Powered Tour Vehicles**
Presented by Elliot Storey

I am here to talk to you today about the Portland Party Bike. The Portland Party Bike is a 16-seat quadricycle designed to make urban tourism more enjoyable. The bike has twelve seats that face each other, six to a side. Ten of these seats have pedals and the saddles are the type you would find on a cruiser-style bike, but with a seat back for extra safety and support. These riders can grasp a safety bar in front of them that goes around a small table area, like a bar, complete with a cup holder. In between these two rows of seats, there is room for our host to interact with guests – distributing drinks and snacks, playing games, or DJ-ing. Across the back is a bench seat with room for three more guests who get to face forward while not helping to propel the bike. The final seat is in the front for the driver. This seat is equipped with a steering wheel, lights, a horn, turn signals, a brake pedal, and a transmission stick shift for reverse operation.

The first time I came across one of these bikes, I thought a party bus might be a good idea and then something different came up in my search. It was 2011. The one I was looking at was called “Pedal Pub” and it was operating in the Twin Cities in Minnesota, starting in 2009. This type of quadricycle was invented in the Netherlands around 1999 and had quickly gained popularity as a device for urban tourism. I contacted Pedal Pub, but I didn’t make it happen as a licensee. At that time there weren’t many, if any, other cities that had these bikes. Now they are in 40 cities across the US with 200 bikes – that’s just under the “Pedal Pub” family. Our bike is a more modern, safer, and more sleek design and there are many like this one across the US as well. The closest one to Maine in fact is very similar and operates in New Haven and Milford, CT. The premise of a tour is to pedal between locally-owned establishments and let the patrons off for a break and to browse what that location has to offer. An obvious choice for many riders is simply a ub crawl, and Maine will be no different, but there will also be food tours, shopping tours, cultural tours, historic tours, even spin classes!

The ultimate plan for the bike is to have an electric motor to help navigate up hills, take owner when patrons get tired, and especially to load and unload the bike from its trailer. The problem is that once you put a motor on anything, it is subject to motor vehicle standards. The bike with its motor actually does meet federal Low Speed Vehicles safety guidelines, but the state failed to register it due to a technicality on its Manufacturer’s Certificate of Origin. In response, we have removed the motor. According to the state police, there is now no confusing it for a motor vehicle, so it is a quadricycle. I am asking the council to create an amendment to the city’s business licensing statutes so that Westbrook and the state in kind can enjoy the benefits – the creation of jobs, increased revenue for locally-owned establishments, and filling a missing niche for Maine’s tourists and citizens – having fun! I want to thank you all very much for your time. Please feel free to reach out to me directly at any time with any questions.

Amending XXXX of the Westbrook Code of Ordinances relating to Licenses and Business Regulations, by adding a new Chapter XX relating to Pedal-Powered Tour Vehicle (PPTV).

The City Council of The City of Westbrook do ordain as follows:

Section 1. That the Westbrook Code of Ordinances be amended by adding thereto a new Chapter XX to read as follows:

CHAPTER XX. Pedal-Powered Tour Vehicles (PPTV)

306.10. Definitions. As used in this chapter, the following terms shall mean:

PPTV: A PPTV is a non-motorized four (4) or more wheeled bicycle-like vehicle that is human powered that transports passengers on bicycle-like seats and is propelled by five or more passengers not including the operator. A PPTV may have a maximum length of twenty (20) feet, a maximum width of eight (8) feet six (6) inches and a maximum height of twelve (12) feet.

Commercial PPTV Business: The business of operating one (1) or more PPTV(s) for profit or not-for-profit.

Commercial PPTV driver: Any person who is responsible for the safe operation of a PPTV, including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations.

Commercial PPTV driver license: A license granted in accordance with this chapter.

Street: Any street or roadway under the jurisdiction of the city.

Vehicle means every device in, upon, or by which any person is or may be transported or drawn upon a highway or street.

306.20. License required. (a) No person shall engage in the activity of operating of a commercial PPTV business without a license as required under this chapter.

(b) No person shall operate a commercial PPTV without a commercial PPTV driver license as required under this chapter.

306.30. License fee.

(a) The annual fee for a commercial PPTV business license shall be as established in the License Fee Schedule, and based on the number of commercial PPTV(s) in operation on the streets at any time during the license year.

(b) The annual fee for a commercial PPTV driver license shall be as established in the License Fee Schedule.

306.40. When licenses expire. Licenses issued under this chapter shall expire on May first of each year.

306.60. License application.

(a) Application for a license under this chapter shall be made on forms provided by the department of **licenses and consumer services** and shall contain any information the department may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a commercial PPTV on behalf of the licensee.

(b) Application for a PPTV driver license under this chapter shall be made on forms provided by the department of **licenses and consumer services** and shall contain such information as the department may require, including the name, telephone number, date of birth, current address and all residing addresses within the previous five (5) years of the applicant. Each PPTV driver license shall indicate the name of the PPTV business for which the driver works. No PPTV driver shall drive for a different PPTV business without first notifying the **licensing department** and obtaining a new driver's license indicating the new PPTV company. Every PPTV driver shall meet and maintain the following requirements in order to hold a PPTV driver license:

(1) Possess a valid Maine driver license or a valid driver license from their home state. Those with out-of-state driver licenses must not have a currently cancelled, revoked or suspended Maine driver license. Those with out-of-state driver licenses must provide a certified copy of their driving and criminal history from their home state.

(2) Be a minimum of sixteen (16) years old.

(3) Shall not have had more than three (3) moving violations in the last three

(3) years and no more than two (2) moving violations in the last year.

(4) Shall not have been convicted of careless or reckless driving or any violation of **driving while impaired** within the past year.

306.70. Insurance required. No license shall be issued or renewed without proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.00).

306.80. Tour assembly sites required. All commercial PPTV businesses shall operate tours only from commercial locations on private property or approved public sites or ways. These sites shall be used by the licensed business as the locations for patrons to gather and assemble prior to embarking on a commercial PPTV tour and to disembark at the conclusion of the tour.

306.90. Commercial PPTV inspections.

(a) Initial inspections. All commercial PPTVs must pass an initial inspection of condition and compliance with safety and equipment standards under this chapter before a commercial PPTV license is issued.

(b) Annual inspections. The **director of licenses** shall require an annual commercial PPTV inspection and may designate minimum safety standards for equipment and body defects. A separate fee as established in **the License Fee Schedule** may be required for an annual inspection. Commercial PPTV found to not meet minimum inspection standards may be identified as "out of service" and shall not operate until such defects have been repaired and approved by the **director or the director's designee**.

(c) Periodic inspections. The **director of licenses** shall have the right to examine and inspect any licensed commercial PPTV at any reasonable time in order to ensure compliance with all applicable ordinances, laws and rules.

(d) In-operation inspections. If an inspector finds a commercial PPTV in operation exhibiting continuing and present safety concerns, the commercial PPTV may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to the loss of control of passengers or their failure to abide by applicable ordinances, laws or rules, flat tires, inoperable head lights or tail lights, or other mechanical or operational issues making the vehicle presently unsafe to operate.

306.100. Hours of operation. Hours of operation shall be from 9:00 a.m. to 11:00 pm. Upon the approval of a written request made to the **department of licenses and consumer services**, the prohibitions of hours of operation may be waived for special events.

306.110. Vehicle operation. Every commercial PPTV shall be operated in compliance with all applicable federal, state and local traffic laws, and in a manner so as to assure the safety of persons and property.

306.120. Operating restrictions and conditions.

(a) No commercial PPTV shall be operated or parked on a public sidewalk.

(b) No commercial PPTV driver shall consume any alcoholic beverages while on duty or operate a commercial PPTV while impaired.

(c) All commercial PPTVs shall be clean and maintained in a good state of repair. All commercial PPTVs shall be maintained by the commercial PPTV business so as to be well-painted and have an appearance free of damage or deterioration, and a safe operational condition. Commercial PPTVs shall be, at all reasonable times, subject to inspection by the department of **licenses and consumer services or the police department.**

(d) All commercial PPTVs shall have the trade name and phone number or website of the licensee conspicuously displayed on the PPTV.

(e) All commercial PPTV passengers consuming alcohol shall be of legal age.

(f) Commercial PPTV drivers shall have in their possession proof of insurance, valid state driver's license, and a commercial PPTV drivers license while in control of any commercial PPTV and shall operate the PPTV in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of law enforcement, an authorized city **license inspector** or traffic control agent.

(g) All commercial PPTV drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or **license inspector**, and shall refrain from interference with such officials while in the performance of their duties.

(h) No commercial PPTV driver shall permit more passengers to be carried in a commercial PPTV than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the driver may be in the center aisle while vehicle is in motion.

(i) No commercial PPTV driver shall allow a passenger or other individuals to drive their commercial PPTV unless that individual also holds a commercial PPTV driver's license.

(j) Commercial PPTV may operate on Westbrook Parks and Recreation property and approved bike paths.

(k) No glassware of any kind shall be allowed on a commercial PPTV including but not limited to bottles, receptacles, or drinking glasses.

(l) No alcoholic beverages other than beer, wine, hard cider, or malt-based beverages below fifteen (15) percent alcohol may be consumed by passengers of a commercial PPTV.

(m) It is the responsibility of the commercial PPTV driver to properly dispose of all trash.

(n) A commercial PPTV driver must be properly attired with a shirt, pants, skirt or shorts and secure footwear.

(o) A commercial PPTV driver shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalk or in any manner or other location that would be considered unsafe. No commercial PPTV driver shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(p) It is the responsibility of the commercial PPTV driver to actively and affirmatively manage the behavior of the passengers of the commercial PPTV so that their behavior remains law-abiding during the excursion, both while the PPTV is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, indecent exposure, disorderly conduct, public urination, and littering.

(q) Any PPTV which has been so removed from service shall not be returned to service until such vehicle has been approved by the **department of licenses and consumer services** for resumption of service.

306.130. Vehicle safety and equipment (Annual Inspection) standards. (a) No commercial PPTV owner or driver shall operate or allow the operation of a commercial PPTV on any street unless the commercial PPTV meets the following equipment and safety standards:

(b) Tires. Tires shall be of a size appropriate for the commercial PPTV with no mismatched tires per the design of the vehicle. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.

(c) Operational horn. The commercial PPTV shall be equipped with a fully operational horn or bell.

(d) Brakes. It shall be unlawful to operate, or cause to be operated, a commercial PPTV that is not equipped with a front and rear braking system capable of being manipulated by the driver from driver's normal position of operation and capable of causing a commercial PPTV with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the commercial PPTV is in contact with the ground on dry, level, clean pavement.

(e) Headlights, taillights, mirrors, turn signals, and other requirements. Every commercial PPTV shall be equipped with the operational equipment set forth in the subsections below:

(1) A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times during darkness.

(2) A side mounted mirror or a wide-angle rear view mirror affixed to the PPTV to reflect to the PPTV driver a view of the street for a distance of at least two hundred (200) feet from the rear of the PPTV.

(3) A red light and brake light affixed to the rear of the PPTV which must be visible for a distance of at least two hundred (200) feet from the rear of the PPTV and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.

306.160. Revocation or suspension. In addition to all other penalties, any violation of the terms of this chapter shall be grounds for revocation, suspension, or non-renewal of the license provided for in this chapter



Simulated_0_WhatsApp_Media_WhatsApp Video_VID

From: [Steve Goldberg](#)
To: [Angela Holmes](#)
Subject: RE: Party Bikes
Date: Friday, July 12, 2019 1:49:23 PM

Hi Angela,

I have reviewed the draft ordinances and consulted applicable laws and ordinances. Here are the Police Department's concerns and what I believe should be added and emphasized:

- Consumption of alcoholic beverages is illegal, per title 17, section 2003-A (this is the Drinking in Public statute), as the PPTV would be operated on a public way. If the owner wanted to have alcohol drunk on the bike, BABLO would have to approve and license/permit it (this is a whole separate matter that BABLO I don't believe has been consulted on yet). Correct me if I'm wrong, but it appears that this device would be pedaled by all occupants, not just the driver. If I am correct, the PD would be strongly opposed to any alcohol being consumed, as the people would be consuming alcohol and pedaling the PPTV on busy public ways. That is a major safety concern. Anyone operating a PPTV would need to be sober and not consuming alcohol.
- Inspection – similar to taxis, a PPTV should be inspected before it is licensed/permitted, and inspected every year. The challenge with this is who would inspect it? We would need to identify a suitable inspector. The applicant would be responsible for any inspection costs.
- A PPTV would need to have more robust lighting/signals than a regular bicycle. It should have at least two flashing red taillights, and I recommend two headlights. I believe it should have turn signals too, but I don't know how this could be done, since there is no power on the PPTV to power a turn signal.
- Passengers – there should be a seatbelt for all passengers. All passengers must remain seated at all times when it is in motion.
- Sidewalks – PPTV's should be prohibited from operating on any sidewalks.
 - I also believe they should be prohibited from operating on William Clarke Drive and the Westbrook Arterial. Those roads are designed as bypasses, and a PPTV would cause traffic issues and lead to significant safety issues.
- Rules of the road – a PPTV is subject to all the rules of the road, both in 29-A and City Ordinances.
- Distracted Driving – the use of any handheld electronic device by a PPTV operator should be prohibited.
- Disqualifications for being a PPTV operator:
 - I believe that an operator should be over the age of 18. A PPTV is very similar to an automobile in terms of responsibility, rules of the road and safety concerns. Therefore, they should be subject to the same intermediate license requirements found in 29-A, section 1311. Someone under 18 cannot carry passengers who aren't family members.
 - Should mirror the taxi disqualifications, which are:
 - Must be 18 years old
 - Repeat minor traffic offenses: meaning more than 2 moving violations within 12 months, or more than 5 moving violations within 36 months.

- Had their license suspended within the past year (there are some exceptions to this, which are in the taxi ordinance)
- 1 misdemeanor theft or driving related offense – ineligible for 5 years
- 2 misdemeanor theft or driving related offenses – ineligible for 10 years
- Any felony conviction – permanently ineligible.

Please let me know if you need anything else from me. I will share this with Lt. Thompson so he has it for Monday night.

Thanks,
Steve

From: Angela Holmes
Sent: Friday, July 12, 2019 12:38 PM
To: Steve Goldberg <sgoldberg@westbrook.me.us>
Subject: Party Bikes

Angela Holmes, CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

NOTICE: In accordance with 1 M.R.S. § 402(3) of Maine's Freedom of Access Act, any record (including this email) in the possession or custody of a public official which has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business may constitute a public record. There are very few exceptions. For more information, please visit www.maine.gov/foaa.