
Sec. 14-357. Operating restrictions and conditions.

- (a) The consumption of alcoholic beverages of beer or unfortified wine is permitted meeting the following regulations:
 - (1) No commercial pedal vehicle driver shall consume any alcoholic beverages while on duty or operate a commercial pedal vehicle while impaired in any manner to any threshold.
 - (2) All commercial pedal vehicle passengers consuming alcohol shall be of legal age.
 - (3) No alcoholic beverages other than beer and unfortified wine, may be consumed by passengers of a commercial pedal car.
 - (4) Limit the number of servings of beer and/or unfortified wine permitted to three per person.
 - (5) Shall not permit customers to exit the vehicle with an open container of beer or unfortified wine.
- (b) *Appearance guidelines.*
 - (1) All commercial pedal vehicles shall be clean and maintained in a good state of repair, well painted and have an appearance free of damage or deterioration, and a safe operational condition.
 - (2) All commercial pedal vehicles shall have the trade name and phone number of the licensee conspicuously displayed on the pedal vehicle.
- (c) *Insurance requirements.*
 - (1) Applicants shall acquire and provide a copy of liability insurance naming the Town of Carolina Beach as an additional insured entity for not less than \$1,000,000.00.
 - (2) Commercial pedal vehicle drivers shall have in their possession proof of insurance, valid state driver's license and shall operate the pedal vehicle 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.
- (d) *Operational safety requirements.*
 - (1) All commercial pedal vehicle 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 the use of any profane language or from interference with such officials while in the performance of their duties.
 - (2) No commercial pedal vehicle driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two persons in addition to the driver may be in the center aisle while vehicle is in motion.
 - (3) No commercial pedal car driver shall allow a passenger or other individuals to drive their commercial pedal car.
 - (4) No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.
 - (5) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the sound.
 - (6) It is the responsibility of the commercial pedal vehicle driver to properly dispose of all trash.

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- (7) It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car so that their behavior remains law-abiding during the excursion, both while the pedal car 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.
 - (8) Drivers of pedal vehicles shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
 - (9) Hours of operation shall not exceed 12:00 a.m.
 - (10) The operator of the pedal vehicle shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Carolina Beach which governs the operation of motor vehicles.

The following operational safety requirements shall be required unless modified by Town Council under the permit application approval process.

- (11) The primary location of the business, passenger meeting area, loading and vehicle storage shall be located on private property in a designated approved area not impeding any drive aisles or required parking spaces.
- (12) No commercial pedal vehicle operation shall load or unload passengers in the right-of-way, except in a designated on-street parking space that will not in any way impede or interfere with the orderly flow of traffic on the streets.
- (13) Commercial pedal vehicles shall not drive on the following areas except to cross at controlled intersections.
 - a. Dow Rd.
 - b. N. and S. Lake Park Blvd.
 - c. R-2 and R-3 zoned areas with the exception of Harper Ave and Cape Fear Blvd.

(e) *Vehicle and equipment standards.*

- (1) Tires. Tires shall be of a size appropriate for the commercial pedal vehicle 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.
- (2) Operational horn. The commercial pedal vehicle shall be equipped with a fully operational horn or bell.
- (3) Brakes. It shall be unlawful to operate, or cause to be operated, a commercial pedal vehicle 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 pedal car with a loaded passenger compartment to come to a complete stop.
- (4) Shall be equipped with headlights, tail lights, and turn signal lamps.
- (5) Shall be equipped with at least one fixed operational mirror allowing the operator to see behind the cart.

(f) *Inspections.*

- (1) In-operation inspections. If a police officer finds a commercial pedal vehicle in operation exhibiting continuing and present safety concerns, the commercial pedal car 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.

(Ord. No. 18-1076, 3-13-2018)

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