

RECOMMENDED BY: PUBLIC SAFETY AND TRANSPORTATION COMMITTEE

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 17-38

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 add Article G to provide for Low Speed Vehicle Services in specific areas of the city.

SECTION 1. BE IT ORDAINED by the Council of the City of Birmingham in Title 12, Chapter 16, "Licensing and Regulations", Chapter 16, "Taxicabs and Vehicles for Hire", of the General Code of the City of Birmingham, 1980, to be amended to add Article G to provide for Low Speed Vehicle Services in specific areas of the city as follows:

**"ARTICLE G
"LOW SPEED VEHICLE SERVICES"**

"Sec. 12-16-80. - Low speed vehicle services; permit required.

"(a) Unless otherwise stated herein Low Speed Vehicle Services (LSV) shall only be provided for the purpose of the general city code and shall be a public use for a defined area of the city as indicated here.

"(b) A person shall not operate a LSV on any city within the first business license from the city.

"Sec. 12-16-81. -Storage of low speed vehicles.

"The storage site for LSVs shall comply with all applicable regulations and restrictions.

"Sec. 12-16-82. -Inspection and required equipment.

"(a) Prior to operation of a LSV with the city, the LSV shall be inspected by the Chief of Police or an authorized person in the following equipment and inspection order:

"(1) horn; speed

"(2) front and rear signal lamp; speed

"(3) tail lamp; speed

“(4) stop lamp; stop

“(5) reflector, mounted on the side of the vehicle and either an existing or a new

“(6) an exterior mirror mounted on the driver’s side of the vehicle and either an existing or a new

“(7) parking lamp

“(8) windshield wiper from the Federal Motor Vehicle Safety Standard (49 CFR 571.205); or

“(9) VIN that conforms to the requirements for vehicle identification numbers;

“(10) Tyre pressure sensor from the Federal Motor Vehicle Safety Standard (49 CFR 571.205) or a sensor that is designed for use in a vehicle

“(11) or a sensor that meets the requirements specified under 49 CFR 571.111; or

“(12) An alert sound as required by 49 CFR 571.141;

“(13) A vehicle that has a Alabama license plate.

“(b) EALSA shall inspect during the month following the expiration of the current specific inspection sticker issued by the city department.

“(c) The city department may not require a vehicle to be inspected at a LSA service center under this section any time

“(1) A mechanic at the City’s garage will complete all such mechanical inspections at the City’s expense;

“(2) A law enforcement officer performing a mechanical inspection to ensure in compliance with

“(d) If LSA also requires the inspection, the police department shall have the owner or operator giving the vehicle fifteen (15) days with which to correct all listed deficiencies. If such deficiencies are not corrected, if an inspection certificate is issued within fifteen (15) days prior to when such vehicle shall be used there until a new inspection certificate is issued.

“Sec. 12-16-83. - Low speed vehicle identification.

“(a) Each LSV shall be on the side in front of both wheels in height, the number of the components on the floor on any, and the number of the main structural members identify design shall be as required by the manufacturer for reporting a utility requirement.

“(b) The LSV shall be operated in the City streets and highways with speed not exceeding 25 mph and shall be subject to inspection by the LSV. V

“Sec. 12-16-84. – Conduct of drivers.

“A driver of LSV shall at all times

“(a)) it is the prudent, safe and lawful manner;

“(b) not permit a person not possessing a vehicle for hire driver’s permit to operate the LSV or exercise control of the LSV; V

“(c) not permit any passenger to be carried in LSV unless the number of passengers at the instant in the LSV, V and no time shall driver who carries to identify any of the LSV in specific highway design shall be as at

“(d) not permit any passenger 2 years of age or younger to ride in the LSV unless accompanied by an adult

“(e) travel only as with speed shall not exceed 35 mph; lp

“(f) not operate LSV in excess of 52 mph; lp

“(g) not operate LSV while under the influence of intoxicating beverages; lp

“(h) have and hold a valid driver’s license and shall be duly licensed

“(i) not permit any passenger to ride in LSV unless the design shall be at the time the LSV is in motion and a vehicle the passengers shall be except when loaded or not loaded

“(j)) where as at the time the LSV is in motion

“(k) not operate a side the road operation which is by an engineer or any other person at the position of the vehicle shall be with a valid license; lp

“(l) not permit any person to operate a LSV unless the operator is licensed.

“Sec. 12-16-85. – Driver’s permit required.

"No person shall operate a LSV as a public service vehicle operator's permit pursuant to this Chapter."

"Sec. 12-16-86. – Area of operation; Receiving and discharging passengers.

"(a) An LSV shall not operate in any city or town without the approval of the city engineer. Approval shall be given only if the operator complies with the provisions of this section. No LSV shall be used for hire or for the transportation of passengers in any city or town without the approval of the city engineer."

"(b) On multi-lane roads, LSVs shall not operate in the right-of-way except when necessary to turn left or right. On one-way streets, an LSV shall not operate in the right-of-way except to turn left or right. The operator shall not discharge passengers in the right-of-way."

"(c) Drivers shall not receive or discharge passengers upon a roadway, but shall receive or discharge passengers in a designated area."

"(d) Drivers shall not load or unload passengers in the intersection of a one-way street or in any other location where it is prohibited unless a LSV shall not load or unload passengers in any way that interferes with the normal flow of traffic on the streets."

"(e) LSV drivers shall not allow a passenger to board the LSV while the vehicle is in motion."

"(f) Passenger shall not be required to receive or discharge passengers. The city engineer may sign a notice for LSV, if needed."

"(g) LSV shall not stop at a public place or on a sidewalk, except that the driver may temporarily stop in a public place for the purpose of loading or unloading passengers, but shall not interfere with any person waiting to enter a building to enter the building."

"12-16-87 – Fares; refusal to pay legal fare.

"(a) Any fare charged by a LSV shall be on a per person, per ride basis and shall be as follows."

"(b) It is unlawful for any person to refuse to pay the legal fare of any LSV for the services mentioned in this chapter. Any person who refuses to pay the legal fare for a service provided by a LSV shall be liable for the cost of the service."

SECTION 2. The provisions of this Ordinance hereby cited to be ever last of these sections, provisions, sentences, clauses, phrases, or parts here to be notwithstanding that the repeal shall take effect in full force and effect."

SECTION 3. This Ordinance shall become effective upon publication required by law.

Adopted by Council March 28, 2017 and approved by Mayor Craig A. Gilchrist on May 1, 2017



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