

TITLE 37 CITY TRANSIT

CHAPTERS:

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CHAPTER 37.01 GENERAL PROVISIONS

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37.01.01 SCOPE AND PURPOSE

The purpose of this ordinance is to allow the City to provide a limited framework of regulations to ensure that transit operators accepting fares for services originating and/or terminating within the City or when a paying passenger enters or exits a vehicle are providing an acceptable level of safe and affordable service that will meet transit needs of the community.

(37.01.01 revised with Ordinance 2013-08, effective 7-18-2013)

(37.01.01 revised with Ordinance 2014-04, effective 3-19-2014)

37.01.02 DEFINITIONS

For the purpose of this title, the following definitions shall apply unless a subsection specifically states otherwise or the context clearly indicates or requires a different meaning:

AIR TRANSPORT SERVICE: An air transport service is any transit service providing observation, sightseeing or passenger transportation or delivery services originating or terminating within the city limits of and within the immediate airspace over the City of Sturgis, in a manner not specifically authorized or approved by the Federal Aviation Administration.

DIGITAL NETWORK: any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables a prearranged ride with a transportation network company driver.

DRIVER: One who actually engages in the driving of a vehicle for hire.

ENGAGING IN BUSINESS: Any person shall be deemed to have engaged in the business of operating a vehicle for hire under Chapter 37.02 herein if he keeps or maintains any such vehicle for the purpose of engaging in a vehicle for hire business or if he accepts or permits any employee to accept any money or other thing of value from any such passenger for transportation in such vehicle. Accepting such a passenger under the guise that such transportation is purely gratuitous, and that no payment of compensation or consideration is required shall not be deemed to remove such transaction from the effect of this article. In any case where the driver or any person in charge of any such vehicle does in fact accept

any money or other thing of value, even though the money or thing of value is accepted or purported to be accepted as a gift or present or purported gift or present, such gift or present, or such purported gift or present, shall constitute prima facie evidence of an intent to accept compensation or hire for such transportation.

OPERATING: A person is operating a transit business within the meaning of Chapters 37.01 and 37.02 herein if any fare or transportation service, whether on a public right of way or in airspace over the City, of any kind or nature which originates within the City of Sturgis.

OPERATOR: A person engaged in operating a taxicab or transit business.

PEDICAB: A nonmotorized three-wheel bicycle used to carry passengers for hire or similar vehicle with an electric motor that meets the requirements or characteristics of an electric-assisted bicycle. If this vehicle is powered completely or in part by the physical effort of the driver, it shall also be required to meet the slow-moving vehicle equipment requirements set forth at Chapter 34-15 of the South Dakota Code.

PEDICAB BUSINESS: The business of operating a pedicab for hire for the recreation or physical transportation of the general public.

PEDICAB DRIVER: Any person who operates, drives, or propels a pedicab.

PEDICAB DRIVER LICENSE: A license granted to operate a pedicab within the boundaries of the City of Sturgis.

PERSONAL VEHICLE: a vehicle that is used by a transportation network company driver to provide a prearranged ride and is owned, leased, or otherwise authorized for use by the transportation network company driver. The term does not include any taxicab, limousine, or for-hire vehicle.

PRE-ARRANGED RIDE: the provision of transportation by a driver to a rider, beginning when a driver accepts a rider's request for a ride through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. The term does not include transportation provided through a shared expense carpool or vanpool arrangement or by using a taxicab, limousine, or other for-hire vehicle.

SEATING CAPACITY: The number of persons, not including the driver, who can be conveniently seated in a taxicab without crowding.

TAXICAB: A motor vehicle for carrying passengers, with a seating capacity for 7 persons or less, not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting passengers for hire. The term taxicab shall not include funeral cars or ambulances.

TRANSIT BUSINESS LICENSE: The license under Chapter 37.02 herein shall be issued to an applicant when the application which they have submitted is approved as provided for in this ordinance.

TRANSPORTATION NETWORK COMPANY DRIVER: a person who receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company and who uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

TRANSPORTATION NETWORK COMPANY RIDER: a person who uses a transportation network company's digital network to connect with a transportation network driver who provides a prearranged ride to the person in the driver's personal vehicle between points chosen by the person.

TRANSPORTATION NETWORK COMPANY (abbreviated hereafter as "TNC"): a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides and that does not control, direct, or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

VEHICLE FOR HIRE: means any vehicle licensed or registered under this title, including, but not limited to, bus or motorbus, pedicab, taxicab, limousine or Transportation Network Company drivers.

(37.01.02 revised with Ordinance 2024-02, effective 04/03/2024)

37.01.03 PENALTY

As provided for at SDCL 9-19-3 and SDCL 22-6-2(2), any person found to be guilty of violating any of the provisions of this Ordinance shall be subject to a maximum punishment of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

**CHAPTER 37.02
TRANSIT LICENSE APPLICATION & REGULATION**

SECTIONS:

- 37.02.01: License-Application-False Statements
- 37.02.02: Expiration of License
- 37.02.03: Annual Inspection and Verification Required
- 37.02.04: Transit Business License Required
- 37.02.05: Application
- 37.02.06: Application-Investigation-Issuance
- 37.02.07: Fee
- 37.02.08: License Number to be displayed on Vehicle
- 37.02.09: Rate Schedule
- 37.02.10: Payment of Fare
- 37.02.11: Driver's License required
- 37.02.12: To be Carried on Person and exhibited upon request
- 37.02.13: Smoking prohibited
- 37.02.14: Transporting intoxicating Liquor prohibited
- 37.02.15: Air Transit Prohibited
- 37.02.16: Suspension-Revocation

37.02.01 LICENSE-APPLICATION-FALSE STATEMENTS

Any Transit Operation License issued under the provisions of this chapter shall be revoked by the Finance Office, Police Department or Code Enforcement Office, by giving notice to the License holder upon discovery of any false, material statement or document submitted as part of or in support of the application for the license. After notification, licensee may appeal the revocation under the procedure established in Title 36, Chapter 36.04.

37.02.02 EXPIRATION OF LICENSES

Any Transit Business license issued under the provisions of this Chapter shall expire on January 31 of the licensing year for which the license was issued. A licensing year, for the purposes of this section, begins February 1 and ends January 31 of the next calendar year, unless sooner revoked, canceled or otherwise terminated. After a completed application is submitted to the City Finance Office, the applicant will be notified within ten (10) business days if the license is issued.

37.02.03 ANNUAL INSPECTION AND VERIFICATION REQUIRED

When submitting an application or renewal for a Transit Operation License, or applying to add another vehicle to operate during the license period, the applicant/operator shall document that each vehicle has been inspected and that at the time the application is submitted the operator shall provide a separate verification that each vehicle sought to be licensed meets all state laws for all safety standards for equipment specifications, lighting and brakes.

37.02.04 TRANSIT BUSINESS LICENSE REQUIRED

No person shall engage in the business of operating a transit business without a Transit Business License set forth in this ordinance.

37.02.05 APPLICATION

Every person desiring to obtain a Transit Business license to operate a taxicab or transit business in the city shall make application in writing or by using Citizenserve to the Finance Office in the general form required to obtain all information necessary for consideration for the issuance of a Transit Operation license, which shall include the following additional information:

- A. Business Name, Applicant's Name, Phone number, Street address and Mailing address, email address; and
- B. Previous experience in the business, if the applicant has not been licensed before; and
- C. Number of vehicles to be operated within the City of Sturgis; and
- D. A list of driver's names will be provided to the Finance Office.

The owner will also sign an affidavit which shall include the following information:

- A. That applicant and the operator is a licensed driver, and is in good standing with the law.
- B. That applicant and operator will abide by all State and City laws governing the Transit Business.
- C. That each vehicle sought to be licensed is covered by liability insurance with a minimum of one million-dollar limit of liability and fifty thousand dollars medical cost coverage.
- D. Each vehicle proposed to be licensed has been inspected and that on the date of application that vehicle meets all applicable laws of the state concerning equipment, lights, tires and all other safety-related equipment.

37.02.06 APPLICATION-~~INVESTIGATION~~-ISSUANCE

The application for a taxicab driver's license shall be investigated by the Chief of Police upon request of the finance Office. That investigation report may recommend to approve or deny the application, based on the results of the investigation and applicant's submitted information. Any denial is subject to appeal to the City Council as set forth in Title 36, Code Enforcement.

37.02.07 FEE

For each applicant applying to have one (1) to four (4) vehicles authorized to operate within the City of Sturgis under this ordinance, the fee submitted with the application shall be \$200 for each vehicle. To have five (5) or more vehicles authorized to operate within the City of Sturgis, the fee shall be \$1,000.

37.02.08 LICENSE NUMBER TO BE DISPLAYED ON VEHICLE

Each vehicle operated by a business with an approved application as outlined in 37.02.05 shall maintain a copy of the approved license within the vehicle at all times. In addition, each vehicle shall be clearly identified with signage of not less than two square feet that includes the name of the approved business.

37.02.09 RATE SCHEDULE

Each vehicle of any type licensed and operated under this ordinance shall post the standard transit rates in a legible and readable manner, with letters at least 2 inches tall, in a location clearly visible to all passengers within the vehicle, the standard rates which will be charged to transport passengers for a stated distance or to a stated destination.

37.02.10 PAYMENT OF FARE

Each passenger must pay the fare to the operator based upon the registered rate displayed on the transit vehicle.

37.02.11 DRIVER'S LICENSES REQUIRED

No person shall drive, or be engaged or employed in the business of driving or operating, upon the streets of the city, any transit vehicle without having in their possession a valid South Dakota driver's license, or a driver's license recognized as valid under South Dakota law.

37.02.12 TO BE CARRIED ON PERSON AND EXHIBITED UPON REQUEST

The operator of each vehicle shall come to City Hall to pick up their license and receive the official City Seal on the license. They must provide their valid driver's license at this time. Each operator of a vehicle licensed under this ordinance shall have their valid driver's license in his/her possession along with the city issued taxi/transit operator license which has affixed the City Seal whenever he or she is operating, occupying or in control of a licensed transit vehicle, and shall exhibit the same for inspection whenever the operator is directed to do so by a law enforcement officer.

37.02.13 SMOKING PROHIBITED

All vehicles operated under a Transit Business license within the City of Sturgis shall not permit passengers or operators to smoke, chew or otherwise utilize tobacco or similar unsafe products while operating or occupying the licensed vehicle, as required by South Dakota laws 34-46-13 and 34-46-14.

37.02:14 TRANSPORTING INTOXICATING LIQUOR PROHIBITED

All licenses issued under this chapter shall be subject to revocation at any time by the Common Council, if any taxicab operated or used by the licensee shall be used for the delivery or transportation of intoxicating liquor in a manner that is in violation of state law or state regulations. All transportation of alcoholic beverages require a transportation License issued by the ATF and is required to be displayed in any vehicle visible to the public and law enforcement. Upon the revocation, the license fee paid shall be retained by the City

37.02.15 AIR TRANSIT PROHIBITED

No person or business shall be permitted to operate an air transit or air sightseeing business within the airspace over or within the municipal limits of the City of Sturgis, except as specifically approved by a regulation, rule or decision of the Federal Aviation Administration.

37.02.16 SUSPENSION

Any license issued under this chapter may be revoked, for cause, by the Council, after notice to the holder of the license and an opportunity for hearing before the Council. The Chief of Police shall have the

authority to suspend any license issued under this chapter for good cause pending a hearing before the Council. The power to suspend the license shall be exercised only if it shall appear to the Chief of Police that there is probable cause to believe that the holder of the license has committed a crime involving moral turpitude. The holder of any license suspended by the Chief of Police shall, after such notification, have the right to appeal the suspension under the procedure established in Title 36, Chapter 36.04. As used herein, the term Chief of Police shall include the Chief of Police and any subordinate officer temporarily acting as the officer in charge of the Police Department.

**CHAPTER 37.03
REPEALED**

(Chapter 37.03 repealed in its entirety by Ordinance 2024-01, effective 04/03/2024)

CHAPTER 37.04 PEDICABS

SECTIONS:

- 37.04.01: Definitions
- 37.04.02: License Required
- 37.04.03: License Fee
- 37.04.04: License Term
- 37.04.05: Number of Licenses
- 37.04.06: License Lottery
- 37.04.07: Conditional Temporary Licenses
- 37.04.08: License Application
- 37.04.09: Insurance Required
- 37.04.10: Pedicab Inspections
- 37.04.11: Pedicab Vehicle Operation
- 37.04.12: Operating Restrictions and Conditions
- 37.04.13: Revocation or Suspension
- 37.04.14: Additional Penalty and Enforcement

37.04.01 DEFINITIONS

As used in this chapter, the following terms mean:

- (a) Pedicab: A nonmotorized three-wheel bicycle used to carry passengers for hire or similar vehicle with an electric motor that meets the requirements or characteristics of an electric-assisted bicycle.
- (b) Pedicab Business: The business of operating a pedicab for hire for the recreational or physical transportation of the general public.
- (c) Pedicab Driver: Any person who operates, drives, or propels a pedicab.
- (d) Pedicab Driver License: A license granted to operated a pedicab in the City of Sturgis.

37.04.02 LICENSE REQUIRED

No person may operate a pedicab or engage in any pedicab business without obtaining a pedicab driver license.

37.04.03 LICENSE FEE

The annual licensing fee is \$200.00 per pedicab.

37.04.04 LICENSE TERM

Any Pedicab License issued under this chapter becomes effective on February 1st, or on the date the license granted, and expires on January 31st of the following year unless sooner revoked, canceled, or otherwise terminated.

37.04.05 NUMBER OF LICENSES

The annual number of pedicab licenses is limited to ten (10). In the event the numerical cap is lowered to an amount less than the number of existing licenses, no existing license will be prevented from continuing

operation during the license term. This exception does not prevent a license from being suspended or revoked for cause.

37.04.06 LICENSE LOTTERY

Pedicab License Applications will be accepted according to the following special procedures. These procedures will apply whenever a pedicab license becomes available.

1. When a pedicab license becomes available, whether because of the end of the licensing term, or because of revocation, the City will publish an invitation for applications on the City's website stating the deadline to apply, and the location applications may be submitted. No application will be accepted prior to the publication of the invitation, or after the deadline established in the invitation.
2. Applications submitted to an invitation must be submitted in writing and sealed. An applicant may not supplement their application after the deadline has passed.
3. Only one (1) application is allowable per pedicab. If more than one (1) application is submitted for a pedicab, then this submittal will be deemed a fraudulent application and removed from the lottery. In addition, all other applications from the violating pedicab business or individual will be deemed invalid and removed from the lottery regardless whether they are valid or not. Serial Numbers/Vehicle Identification Numbers (VINs) provided in the applications will be reviewed from all submitted applications following the lottery, and if any other application shares the same serial number/VIN, then any license awarded will be forfeited.
4. Once the application deadline has passed, the finance officer, or designee, will randomly give each sealed application a number. The finance officer, or designee will enter these numbers into a random number generator, such as www.random.org, to randomly draw the numbers. The finance officer, or designee, will randomly draw ten (10) numbers from the pool of sealed applications using the random number generator. The finance officer will open the applications in the order drawn, and review each application for completeness. Complete applications drawn will be granted a license. If an application is incomplete or invalid, this application will be removed from competition and a new application will be selected from the remaining undrawn applications.

37.04.07 CONDITIONAL TEMPORARY LICENSES

The City may issue additional conditional temporary pedicab licenses beyond the ten (10) yearly licenses provided in § 37.03.05. No conditional temporary pedicab license may be issued to operate between July 15 and August 15. Any pedicab applying for a conditional temporary license must submit an application as provided under § 37.03.06. Additionally, any pedicab must abide by all regulations, including but not limited to insurance, inspection, and other requirements as provided in this chapter unless expressly provided. Conditional temporary licenses are only valid for five (5) days. A pedicab may receive multiple conditional temporary licenses in a year. The fee for a conditional pedicab license is \$25.00 per license.

37.04.08 LICENSE APPLICATION

Application for a pedicab license under this chapter will be made on forms provided by the finance officer and will contain such information as deemed necessary. The finance officer may require applications be submitted through Citizenserve. The application may require the following information:

- A. Business Name, Applicant's Name, Phone number, Street address and Mailing address, email address; and
- E. Previous experience in the business, if the applicant has not been licensed before; and
- F. A list of all driver's names which may operate the licensed pedicab, and copies of all driver's licenses.
- G. The Application must contain a photo of the pedicab and a photo of the serial number/VIN located on the pedicab.

The pedicab owner/operator will also sign an affidavit which shall include the following information:

- E. That applicant, operators, and drivers are all licensed drivers, and are in good standing with the law.
- F. That applicant has not submitted more than one (1) pedicab license application for the pedicab associated with this application.
- G. That applicant, operators, and drivers will abide by all State and City laws governing the use of pedicabs, taxis, and bicycles on the public streets.
- H. That applicant, operators, and drivers are all over eighteen (18) years old.
- I. That applicant, operators, and drivers have not been convicted of a felony within the past five (5) years.
- J. That the applicant, operators, and drivers each have no more than three (3) moving violations within the past three (3) years.
- K. That the applicant, operators, and drivers each have not been convicted of careless driving, reckless driving, or driving under the influence within the past three (3) years.
- L. That each pedicab sought to be licensed is covered by liability insurance with a minimum of one million-dollar limit of liability and fifty thousand dollars medical cost coverage.
- M. Each pedicab proposed to be licensed has been inspected and that on the date of application that vehicle meets all applicable laws of the state concerning equipment, lights, tires and all other safety-related equipment.

A supplement affidavit attesting to the above requirements must be submitted if any additional drivers not identified in the application are allowed to operate the pedicab. The failure to supplement the affidavit may result in immediate revocation or suspension of the pedicab license.

37.04.09 INSURANCE REQUIRED

Each pedicab sought to be licensed must be covered by liability insurance with a minimum of one million dollar (\$1,000,000) limit of liability and fifty thousand dollars (\$50,000) medical cost coverage. Proof of insurance coverage must be provided to City before operating.

37.04.10 PEDICAB INSPECTIONS

- (a) Annual Inspections: Any pedicab operating in the City must be inspected annually by the Sturgis Police Department. The Sturgis Police Department may designate minimum safety standards for equipment and defects. Any pedicab inspected which does not meet the minimum safety standards as determined by the Sturgis Police Department will be classified as “out of service,” and may not operate until such defects are cured.
- (b) Periodic Inspections: The Sturgis Police Department, or inspection designee, reserves the right to examine and inspect each and every licensed pedicab, including driver credentials, at any reasonable time. The intent of such inspection is to ensure compliance with the rules established in this chapter.
- (c) Seizure of License: Failure to submit a pedicab to an annual or periodic inspection, or classification of a pedicab as “out of service,” may result in the seizure of a pedicab license by the City. The City may hold a seized license until the pedicab is inspected and found to be in a safe condition. In the event of such a seizure, the inspector will immediately notify the licensee in writing, specifying in detail the cause for seizure and stating that the licensee has a right to a City Manager review of the seizure. If the City Manager affirms the seizure, the aggrieved party may utilize the appeal process as provided in SMC Chapter 36.04.

37.04.11 PEDICAB VEHICLE OPERATION

Every pedicab must be operated in compliance with all applicable federal, state, and local traffic laws, and in a manner so as to assure the safety of person and property. The pedicabs applicant, operators, and drivers are solely responsible for being aware of and obeying all laws, ordinances, and regulations.

37.04.12 OPERATING RESTRICTIONS AND CONDITIONS

All pedicabs must abide by the following operating restrictions and conditions. The failure to strictly follow these restrictions and conditions may result in the immediate revocation or suspension of the pedicab license.

- (a) No pedicab will be operated upon a public sidewalk.
- (b) No pedicab will use any public street or other public property as a waiting area unless such are a legal motor vehicle parking area, or is a designated pedicab waiting area. No pedicab may wait in a designated taxi or rideshare drop-off or pickup location.
- (c) All pedicabs, when operating between dusk and dawn, must make use of working battery powered lights. Each pedicab must be equipped with at least one (1) headlight capable of projecting a beam of white light for a distance of three hundred (300) feet, and two (2) red taillights mounted on the right and left, respectively, on the rear exterior of the vehicle. Taillights must be plainly visible from all distances within five hundred (500) feet to the rear of the pedicab.
- (d) All pedicabs must be equipped with a front and rear braking system which is operated by the pedicab driver from their normal position of operation while driving the pedicab, and be capable of causing a fully loaded passenger compartment to come to a complete stop.
- (e) All pedicabs must be, at all reasonable times, subject to inspection by the Sturgis Police Department. All pedicabs must pass inspection before operation.
- (f) All pedicabs must display a valid license issued by the City on the Pedicab.
- (g) Pedicab drivers must have in their possession both a valid driver’s license and proof of insurance while in control of any pedicab, and must make these documents available to law enforcement or a City inspector.
- (h) All pedicab drivers must obey and comply with any lawful order or discretion of any law enforcement officer, traffic control agent, or City inspector, and must refrain from the use of

any profane language or from interference with such officials while in the performance of their duties.

- (i) No pedicab driver may consume alcoholic beverages, or any other mind-altering substance while on duty or allow any occupant of the pedicab to drink alcoholic beverages or possess an open container of alcoholic beverages.
- (j) No pedicab driver may allow a passenger to stand up while the pedicab is in motion.
- (k) No pedicab driver may permit more passengers to be carried in a pedicab than the pedicab is designed to accommodate, with the exception that children under forty (40) pounds may be seated upon the lap of another passenger.
- (l) No pedicab driver may allow a passenger or other individual to drive their pedicab unless that individual is identified in the application as an authorized driver.
- (m) Pedicabs may operated on city parks and recreation property only with prior written approval from the Public Works Director.
- (n) Pedicabs are prohibited from blocking traffic, waiting for passengers, or picking up/dropping off passengers on Main Street.

37.04.13 REVOCATION OR SUSPENSION

Any violation of any federal or state law, or ordinance, may result in the revocation or suspension of any pedicab license. Additionally, if the applicant holds more than one (1) license, the City may revoke or suspend all licenses held by the applicant. Additionally, any applicant who has their license revoked or suspended may be denied future licenses. The license holder has no property rights or entitlement in a pedicab license.

37.04.14 ADDITIONAL PENALTY AND ENFORCEMENT

In addition to any penalty provided under federal law, state law, or ordinance, any pedicab applicant, operator, or driver who violates any traffic law, city ordinance, inspection requirement, or operation condition while operating a pedicab may result in the seizure of the pedicab license. Additionally, any pedicab driver operating a pedicab without a license may be subject to arrest, and the pedicab towed or seized. All laws, ordinances and regulations may be enforced by any law enforcement officer, designated inspector, and the City Code Enforcement Officers.

(Chapter 37.04 adopted by Ordinance 2024-02, effective 04/03/2024)