

DIVISION 1. GENERALLY

Sec. 46-141. Definitions.

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

Bicycle means a belt-, chain-, or gear-driven device propelled by human power and on which a person may ride and that has two tandem wheels, either of which is more than 14 inches in diameter.

Daytime means the period between sunrise and sunset.

Electric assist motor means and refers to an electric motor powered exclusively by battery power that provides supplemental propulsion solely through a pedal-activated system and ceases to provide propulsion assistance immediately when pedaling stops and is incapable of operating independently of human power exerted through pedals, a belt, or a chain and gears.

License means a pedicab driver's license issued pursuant to division 2 of article I of this chapter.

Licensee means any person in physical control of a pedicab who is the holder of a current and valid pedicab driver's license.

Nighttime means the period between sunset and sunrise.

~~*Pedicab* means a bicycle or tricycle used to transport passengers for hire, including a bicycle to which is attached a trailer, sidecar, or similar device.~~ *Pedicab* means a human-powered vehicle used to transport passengers for hire, that is equipped with three or more wheels, designed to be operated by human power exerted through pedals, a belt, or a chain and gears, and is designed and constructed to carry one or more passengers on seats attached to the vehicle.

Pedicab service means the business of transporting passengers for hire by means of a pedicab. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, jitneys, sightseeing and charter vehicles, chauffeured limousines, school vehicles, and low-speed shuttles permitted and licensed by the city; and
- (3) Vehicles operating under a contract with the city.

Permit means a permit to operate a pedicab service pursuant to this article.

Permittee means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization and any other entity holding a permit issued pursuant to this article.

Transaxle system means a drivetrain unit that combines a transmission, differential, and drive axles into one integrated assembly that both changes gears and sends power to the drive wheels of a vehicle.

Tricycle means a belt-, chain-, or gear-driven device that is propelled by human power and on which a person may ride and that has three wheels in contact with the ground, any of which is more than 14 inches in diameter.

Sec. 46-142. Reserved.

Sec. 46-143. Article cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve the operation of a pedicab upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of pedicabs.

Secs. 46-144—46-150. Reserved.

DIVISION 2. PERMITS

Sec. 46-151. Permit required.

- (a) It shall be unlawful for any person to operate a pedicab service without first obtaining a permit pursuant to the terms of this division.
- (b) Each applicant for a permit required by this division must:
 - (1) Have no conviction of an offense listed in subsection (c) of section 1-10 of this Code;
 - (2) Identify each pedicab the applicant desires to receive a certification decal for, including trade name, if any, serial or identification number and body style of the pedicab;
 - (3) Provide proof of insurance pursuant to the requirements of this article;
 - (4) If a natural person:
 - a. Be 18 years of age or older; and
 - b. Hold a current and valid driver's license issued by a state of the United States, the District of Columbia, or a territory of the United States.

- (5) ~~Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's pedicab service will be operated and that the use of the location is in compliance with any applicable deed restrictions enforceable by the city~~ Provide evidence that the applicant maintains a bona fide, fixed place of business within the metropolitan area from which the applicants pedicab service is actively operated, managed and dispatched. The location must be lawfully permitted for ongoing commercial operations, may not be used solely for storage or mail receipt, and must comply with all applicable deed restrictions; and
- (6) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-152. License required.

It shall be unlawful for any person to operate a pedicab without a license issued pursuant to this chapter.

Sec. 46-153. Fees.

- (a) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.
- (b) In addition to the application processing fee provided in subsection (a) of this section, an annual permit fee in the amount stated for this provision in the city fee schedule shall be paid in advance to the department of administration and regulatory affairs for each pedicab before it is placed into service and annually thereafter on or before February 1 of each year.

Sec. 46-154. Application.

- (a) Each person desiring to obtain a permit shall apply on forms provided by the director and shall include all information required by this article.
- (b) Each permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer if a corporation) shall appear at a location specified by the director for identification and fingerprinting to determine the existence of any conviction of any applicable offense(s) set forth in subsection (c) of section 1-10 of this Code. If any conviction exists, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

Sec. 46-155. Review.

- (a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit. The director shall initially review each application for issuance or amendment of a permit to

determine whether the application is complete and all required information has been provided. If not, the director shall return the application with a statement of deficiencies.

- (b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the application. In the event of denial, the director shall give the applicant written notice of the basis for the denial. The applicant shall be entitled to appeal a decision based, in whole or in part, upon section 1-10 of this Code. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.
- (c) If the application is denied on the basis of the applicant's failure to satisfy any other requisites stated in this division, the applicant may request a hearing by submitting a written notice of appeal to the director within 15 business days following the date notice of the director's decision is deposited in the United States Mail. A hearing official shall conduct an informal hearing and shall render a decision within 30 business days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the permit.
- (d) If the reason for the denial of an application is curable, the director shall allow the applicant, upon a written request, to submit an amendment within the time allowed in subsections (b) and (c) for an appeal, in lieu of filing an appeal. If the director denies the application again, the applicant shall still be entitled to file an appeal within 15 business days following the date notice of the director's decision regarding the amended application is deposited in the United States Mail.
- (e) The director shall not issue a permit until the applicant has identified each pedicab, if not provided with the application, and has also obtained a satisfactory inspection and certification decal, provided proof of insurance, and provided proof of ownership or lease of each pedicab.
- (f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

Sec. 46-156. Transfer; nonexclusive; fee.

- (a) A permit is personal to the permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer or director on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this

Code. The fee for filing an application amendment is stated for this provision in the city fee schedule.

- (b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of pedicabs that may be approved, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

Sec. 46-157. Permit term.

- (a) A permit shall be valid for five years from the date of issuance.
- (b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of pedicabs; provided however, the addition, deletion, or substitution of any pedicabs pursuant to a current and valid permit shall require an inspection as provided for in section 46-161 of this Code, including the payment of the inspection fee.

DIVISION 3. PEDICAB OPERATING REQUIREMENTS

Sec. 46-161. Pedicab inspection; fee.

- (a) It shall be unlawful for any person to operate or cause to be operated any pedicab unless the pedicab has been inspected as required in this section and has a current and valid certification decal affixed in a manner and location prescribed by the director. There shall be a non-refundable inspection fee stated for this provision in the city fee schedule for each pedicab. All pedicabs shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.
- (b) The director shall inspect each pedicab before it is initially placed into service and thereafter before February 1 of each year at such location as the director may specify. The director shall approve the pedicab if he determines that:
 - (1) The pedicab is of the approved color scheme and is marked as provided in this article;
 - (2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and
 - (3) The pedicab complies with all other requirements of this article.

- (c) Upon satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the pedicab. In any prosecution under this section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.
- (d) The director shall provide replacement certification decals only upon reinspection of the pedicab.
- (e) It shall be unlawful to:
 - (1) Remove, move, alter, or deface a certification decal;
 - (2) Transfer a certification decal from the pedicab for which it was issued to another pedicab;
 - (3) Operate a pedicab with a certification decal that was not issued for that pedicab; or
 - (4) Operate a pedicab with a fictitious or fraudulent certification decal.
- (f) The director may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the licensee in order to determine compliance with the provisions of this article and the regulations adopted by the director.

Sec. 46-162. Authorized operators.

No pedicab shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the pedicab under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for any person operating under his permit whether the person is an employee or is a person operating under a written agreement. Any person operating a pedicab on the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person operating a pedicab on the streets or other public property of the city shall be required to secure a license pursuant to this chapter.

Sec. 46-163. Rate structure and fares.

A permittee shall file all rate structure and fare information with the director. It shall be unlawful for a permittee or licensee to charge a passenger a fare that was not agreed upon with the passenger in advance or to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

Sec. 46-164. Receipt for payment of fare.

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger. The permittee of the pedicab shall make available to each licensee a receipt book or other electronic instrument capable of creating a payment record for this purpose.

Sec. 46-165. Posting of pedicab driver's license, fares, and other information.

- (a) Each permitted pedicab shall be equipped with a holder mounted in a conspicuous location on the pedicab to ensure that its contents are visible by the passengers. It shall be the duty of the permittee and licensee to post in this holder a photograph of the licensee, the licensee's name, and a copy of the licensee's pedicab license. Each permitted pedicab shall also display the name, trademark, logo, or other identifying information of the permittee and the specific fares charged for services rendered. The size and content of the permittee's information and the posted fares shall be affixed to the pedicab in a manner approved by the director.
- (b) It shall be the duty of each permittee and licensee to post a card with the telephone numbers of the director and the permittee for complaint purposes regarding pedicab services or charges. The card shall be mounted adjacent to licensee's pedicab license information and shall inform any passenger that wishes to file a complaint to obtain the pedicab certification decal number as posted on the pedicab, and the date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers.

Sec. 46-166. Carrying additional passengers.

Any passenger who engages the services of a pedicab shall have the exclusive right to the passenger compartment of the pedicab. It shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the pedicab.

Sec. 46-167. Operation of pedicabs on roadways.

- (a) All pedicabs operating on a roadway shall comply with all traffic laws of the state and applicable provisions of this Code.
- (b) All pedicabs operating on a roadway and moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:
 - (1) The pedicab is passing another vehicle moving in the same direction;
 - (2) The pedicab is preparing to turn left at an intersection or onto a private road or driveway;

- (3) A condition on or off the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the pedicab from safely riding next to the right curb or edge of the roadway; or
- (4) The person is operating a pedicab in an outside lane that is:
 - a. Less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
 - b. Too narrow for a bicycle and a motor vehicle to safely travel side by side.
- (c) A licensee operating a pedicab on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.
- (d) Licensees operating pedicabs on a roadway may ride two abreast. Licensees riding two abreast on a laned roadway shall ride in a single lane. Licensees riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Licensees may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles, tricycles, or other similar forms of non-motorized transportation.
- (e) Each licensee shall pull his or her pedicab to the curb when loading or unloading passengers.

Sec. 46-168. Pedicab condition.

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not in good working order, including, but not limited to, the operation of a pedicab that has:

- (1) Exposed rust;
- (2) Ripped upholstery or fabric;
- (3) Visible chips or scratches on any painted surface;
- (4) Exposed wood that is not painted and in good condition;
- (5) Exposed sharp edges; or
- (6) Dirt or debris on any surface accessible to patrons.

Sec. 46-169. Reserved.

Sec. 46-170. Pedicab lighting and reflectors.

It shall be unlawful for any permittee or licensee to operate, or cause to be operated, a pedicab that does not have the following:

- (1) A lamp on the front that emits a white light visible from a distance of at least 100 feet to the front during daytime;
- (2) A lamp on the front that emits a white light visible from a distance of at least 500 feet to the front during nighttime;
- (3) A red reflector on the rear of a type approved by the Texas Department of Transportation that is visible from 50 feet to 300 feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle during nighttime; and
- (4) ~~One lamp that emits a red light visible from a distance of 500 feet to the rear during nighttime.~~ A pedicab may be equipped with LED ground effect lighting only if the lighting emits a non-flashing amber light.

Sec. 46-171. Pedicab brakes.

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a braking system capable of being manipulated by the licensee from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the pedicab is in contact with the ground on dry, level, clean pavement.

Sec. 46-172. Pedicab seat belts.

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a lap seat belt for each passenger, or a continuous lap seat belt that extends across the full width of the pedicab passenger seat and is designed to accommodate and secure all passengers in the pedicab.

Sec. 46-173. Pedicab trailer; limitation on number.

It shall be unlawful to operate a pedicab with more than one attached trailer, sidecar, or similar device.

Sec. 46-174. Pedicab width.

It shall be unlawful to operate a pedicab that is wider than 54 inches at its widest point.

Sec. 46-175. Pedicab operation; conduct.

- (a) It shall be unlawful for a licensee operating a pedicab, or a permittee operating a pedicab service, to cause, suffer, or permit a licensee to:
 - (1) Operate the pedicab other than on or astride a permanent and regular seat attached to the pedicab;

- (2) Carry at any one time a number of persons in excess of the number of seats available, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection;
 - (3) Operate a pedicab in a manner that results in damage to public or private property;
 - (4) Fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk;
 - (5) Operate a pedicab that is not equipped with an audible signaling device approved by the director and a radio, mobile telephone, or other means of two-way communication that may be used to request assistance in the event of an emergency;
 - (6) Permit a person riding on a bicycle, coaster, sled, toy vehicle or roller skates to attach to the pedicab;
 - (7) Operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars;
 - (8) Operate a pedicab on any street or adjoining sidewalk that has been closed to vehicular traffic by barricade or similar barrier;
 - (9) Operate a pedicab without a reflective vest.
 - ~~(9)10~~ Permit or allow passengers to ride in or on a pedicab in such a position that the licensee's vision forward or to the side is blocked;
 - ~~(10)11~~ Stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles.
- (b) It shall be unlawful for any person to operate a pedicab on a street where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that street.
 - (c) It shall be unlawful for any person, while operating a pedicab, to pick up or drop off passengers on a street where the posted speed limit exceeds 35 miles per hour.
 - (d) It shall be unlawful for any person to operate a pedicab upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to roadways through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.
 - (e) It shall be unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian or vehicular traffic by remaining stopped by a sidewalk, except for the time period necessary to load or unload passengers.

- (f) It shall be unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.
- (g) It shall be unlawful to remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.
- (h) It shall be unlawful to operate or permit the operation of a pedicab that is equipped with a transaxle system, internal combustion engine, or any motorized mechanism that is capable of propelling the pedicab without the exertion of human power through pedals, a belt, or a chain and gears.

Sec. 46-176. Pedicab insurance.

- (a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file with the director a commercial general liability insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) of this section.
- (b) The insurance required in subsection (a) shall be in the form of commercial general liability policy. The required policy shall name the city as an additional insured and be issued by either a company listed as an authorized general liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. The insurance shall be a policy of commercial general liability insurance, including broad form coverage, products and completed operations, and personal injury and advertising injury in an amount not less than \$1,000,000.00 12-month aggregate, and \$1,000,000.00 per occurrence.
- (c) Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and all pedicabs within such coverage may not be operated. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of insurance required in subsection (b) shall be carried by licensees at all times while operating a pedicab and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-177. Electric assist pedicab; requirements.

It shall be unlawful for any person to operate or cause to be operated a pedicab equipped with an electric assist motor that:

- (1) Enables the pedicab to achieve an assisted top speed of more than 15 miles per hour;
- (2) Enables the pedicab to be operated by the electric assist motor without simultaneous input of human power or human exertion; and
- (3) Is not stored in a protective, non-combustible container securely affixed to the pedicab.