#### DIVISION 3. PEDICAB OPERATING REQUIREMENTS

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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 May 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 and payment of the applicable inspection fee provided in subsection (a) of this section.

(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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

Sec. 46-169. Reserved.

**Editor's note—** Ord. No. 2014-914, § 7, adopted October 8, 2014, repealed § 46-169 in its entirety. Formerly said section pertained to licensee appearance and derived from Ord. No. 2014-754, § 2(Exh. A), adopted August 6, 2014. The users' attention is directed to § 46-9.4 for similar provisions.

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

Sec. 46-174. Pedicab width.

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

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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) 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) 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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

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.

(Ord. No. 2014-754, § 2(Exh. A), 8-6-2014)

Secs. 46-177—46-190. Reserved.