

ORDINANCE NO. 2017 - 03

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, "BASTROP REGULATIONS", ARTICLE 4.03 "TAXICABS, SHUTTLES AND TOURING VEHICLES," TO ADD DEFINITIONS OF TERMS, ADD EXEMPTIONS FROM COVERAGE, ADD REGULATIONS PERTAINING TO PEDICABS, HORSE-DRAWN CARRIAGES, LOW SPEED VEHICLES ("LSV"), NEIGHBORHOOD ELECTRIC VEHICLES ("NEV"), PROVIDING ADDITIONAL REMEDIES FOR VIOLATIONS; AND AMENDING APPENDIX A4.03.001 – "LICENSE" OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, CONCERNING INSPECTION AND DRIVERS' FEES FOR SAME; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, State and local laws and the City of Bastrop's ("City") Home Rule Charter authorize the City to adopt and enforce laws related to transportation to enhance and protect the health, safety and welfare of the citizens of, and visitors to, the Bastrop community; and

WHEREAS, The City Council finds that the regulation of pedicabs , low speed vehicles, and neighborhood electric vehicles operating in the City, and annual inspection and licensing fees for same, are necessary for the purpose of promoting the safety of individuals utilizing pedicabs; and

WHEREAS, the City of Bastrop finds that it is necessary to provide additional civil remedies for the violation of Article 4.03 to insure that effective tools for the regulation of the vehicles covered by this Article are sufficient to protect public health and safety; and

WHEREAS, the City of Bastrop finds that the amendments to Article 4.03 "Taxicabs, Shuttles and Touring Vehicles" and Appendix A, concerning annual inspection and licensing fees for same are necessary and proper and will enhance and protect the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP:

PART 1. That Article 4.03 "Taxicabs, Shuttles and Touring Vehicles" of the Code of Ordinances of the City of Bastrop is hereby amended to rename the article, add definitions, provide for the regulation of alternative vehicles, additional remedies for violations, and make other necessary revisions for clarification and consistency.

ARTICLE 4.03 - TAXICABS, SHUTTLES, TOURING AND ALTERNATIVE VEHICLES

DIVISION 1. – General Provisions

Sec. 4.03.001 – Definitions

The definition of a term in this section applies to each grammatical variation of the term. In this article, unless the context requires a different definition:

“**Alternative vehicle**” means vehicles for hire that are horse-drawn carriages, pedicabs, NEVs or LSVs.

“**Bicycle**” means a vehicle with two wheels in tandem, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

“**Chargeable accident**” means an accident for which a citation is issued for a moving violation to a driver licensed or permitted under this ordinance.

“**City Secretary**” means the City Secretary of the City of Bastrop or his/her designee.

“**Conviction**” means a conviction or deferred adjudication in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

“**Department**” means the Police Department of the City of Bastrop.

“**Driver**” means an individual who drives or operates a vehicle for hire and is granted a driver's permit under this article.

“**Driver's permit**” means a license issued to an individual by the city secretary authorizing that person to operate a vehicle for hire in the city.

“**Electric bicycle**” means a bicycle with an integrated electric motor which can be used for propulsion while still retaining the ability to be pedaled by the rider.

“**For hire**” means the business of carrying passengers where the destination and route traveled may be controlled by a passenger and the fare is calculated based on a fixed rate or it is negotiated prior to service being rendered unless the fare is "tips only" at the customer's discretion.

“**Gross vehicle weight**” rating or “**GVWR**” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“**Holder**” or “**licensee**” means a person who has a license or permit under this article.

“**Horse**” shall mean horse and all equine species.

“**Legal resident**” means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

“Limousine” means a motor vehicle that is a luxury sedan with a manufacturer's rated seating capacity of not more than 15 passengers that is used for the transportation of persons from a location in the city to another location either inside or outside the city.

“Low speed vehicle” or **“LSV”** means a motor vehicle that is four-wheeled, whose speed attainable in one mile is not more than 25 miles per hour on a paved level surface and whose GVWR is less than 3,000 pounds.

“Motor vehicle” means a vehicle as defined in sec. 541.201(11) of the Texas Transportation Code.

“Neighborhood electric vehicle” or **“NEV”** means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Safety Standard 500 (49 C.F.R. Section 571.500) for LSVs.

“Pedicab” means a chauffeured bicycle (including an electric bicycle) or tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar or similar device.

“Person” means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

“Shuttle” means every vehicle or trailer of any type or size used for the transportation for hire of individuals or water oriented recreational equipment for the purpose of transporting such individuals or water oriented recreational equipment to locations in the city, hotels, public events, or in connection with tubing, kayaking, rafting, or similar water recreation activities upon rivers and streams that flow within or through the city limits. A vehicle shall be deemed to be a "shuttle vehicle": (1) whether or not the vehicle operates on a regular fixed route within the city; (2) whether or not the business operating the vehicle is principally located within the city limits or outside the city limits, so long as the vehicle is operating on the public streets of the city; or (3) regardless of whether there is a separate fee for the transportation service or the transportation is included as a part of any other rental, fee, expense, or use cost paid by the public. Water oriented recreational equipment shall mean tubes, kayaks, rafts, canoes and any other forms of personal watercraft.

“Taxicab” means a chauffeured motor vehicle with a rated passenger capacity of eight or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, and a call and demand basis, but not including limousines, special service vehicles or courtesy vehicles.

“Taximeter” means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

“Tricycle” means a vehicle with three wheels, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

“Vehicle” means a device in or by which a person or property is or may be transported or drawn on a public roadway (including a road, street, bridge or thoroughfare), other than a device used exclusively on stationary rails or tracks. Pedicabs, horse-drawn carriages, NEVs and LSVs are vehicles for purposes of this article.

“Vehicle for hire” means a chauffeured vehicle used to transport passengers on city streets for compensation under the authority of this chapter.

“Vehicle for hire service” means a passenger transportation service for hire that offers/provides one or more vehicles for hire in the operation of the service and includes (but is not limited to) a facility from which the service is operated; vehicle for hire used in the operation; and a person who owns, controls, or operates the service.

Sec. 4.03.002-.010 Reserved for expansion

Division 2. –Requirements for Vehicles and Licensees

Sec. 4.03.011 - License required; exemptions.

- (a) No person shall operate a taxicab, shuttle, touring or alternative vehicle for hire within the city unless such person shall have first obtained from the city secretary prior to such operation a license to operate the vehicle. Licenses shall expire within three hundred sixty-five days after issuance. The following are exempt from licensing under this article:
- (1) Taxicabs, shuttles or touring vehicles that are only temporarily in the city and that have their operating base outside of the city;
 - (2) Touring vehicles that are stopping over in the city for three (3) days or less;
 - (3) Public transit authority vehicles (e.g., Carts);
 - (4) The transportation of a person by a vehicle for hire licensed by another governmental entity from a point outside the city to a destination inside the city, if the vehicle for hire leaves the city without receiving a new passenger inside the city limits;
 - (5) A vehicle for hire service operated under state or federal authority unless the service is subject to the city's regulatory authority;
 - (6) Other than an alternative vehicle, a vehicle used by a hotel, motel or other similar business, commonly referred to as a courtesy vehicle, used to transport its patrons to various locations without charge; or
 - (7) A vehicle service that is arranged for a specific special event such as a wedding, funeral, prom and other similar special events.
- (b) Before the City Secretary issues an annual license to an applicant for a taxi, shuttle, touring or alternative vehicle, the City Secretary, after consulting with the Chief of Police and any other applicable staff and directors, shall first determine whether the applicant is fit, able, and willing to perform the proposed service. If the City Manager finds that the applicant is not fit, able and willing to perform the service the City Manager shall notify the applicant in writing that the application has been rejected. The applicant may, within ten (10) days after written notice of the decision of the City Manager, appeal the City Manager's decision to the City Council.
- (c) A written application for a yearly license for the operation of a taxicab, shuttle, touring or alternative vehicle within the city shall be signed and sworn to by the applicant or by a duly authorized officer, if the applicant is a corporation and shall be filed with the City Secretary's

office on a form provided by the city. Applications for renewal for existing licenses shall be filed annually prior to expiration of the license. Applications for an initial license may be made at any time. The applicant shall provide the following information:

- (1) Name, physical address, and telephone number of the company;
 - (2) If a corporation, name and address of the principal officers and major stockholders of the corporation;
 - (3) If a partnership, name and address of the partners;
 - (4) If a proprietorship, name and address of the owners;
 - (5) Description of the make, vehicle identification, and license number of each vehicle, or in the case of alternative vehicles, a unique identifying number;
 - (6) Names, addresses, ages, driver's license numbers, and proof of insurance for each driver operating a taxicab, shuttle, touring or alternative vehicle for the company. This information shall be updated and immediately provided to the city in the event of any change and must be kept current during the year. The applicants will be required to provide the city with current (i.e., no older than ninety days) driving and criminal history records for each driver of applicant's vehicles that will be operated in the city. No applicant will be permitted to use drivers who have been ticketed for two or more moving violations and/or for one or more chargeable motor vehicle accidents, within the most recent twelve-month period. A driver in violation of this section is prohibited to drive a taxicab, shuttle, touring or alternative vehicle. Failure to provide such information for each driver operating a taxicab, shuttle, touring or alternative vehicle, within the city shall be grounds for revoking the license of the related company;
 - (7) A written sworn statement that no taxicabs, shuttles, touring or alternative vehicles will be operated by any driver that is not identified in the owner's license application; and
 - (8) In the event the operation of a taxicab, shuttle, touring or alternative vehicle during an event will substantially affect the general public, the proposed route to be used by the taxicab, shuttle, touring or alternative vehicle, as well as the hours of operation shall be provided to the Chief of Police and the City Manager. Thereafter, the police chief or the City Manager shall identify the location that is the safest area for the loading and unloading of passengers, if necessary. A "substantial affect" is more than three (3) vehicles in use during an event or more than fifty (50) people being transported by the vehicles.
- (d) *Insurance binder.* Before any license will be issued, or before the annual renewal of a license is granted, applicants shall file with the City Secretary and thereafter keep in full force and effect, a policy of public liability and property damage insurance as prescribed in section 4.03.014. The City Manager may require a license holder to obtain additional insurance depending on the service to be provided, the type of event and the number of people to be transported. In accord with this section, the City Manager or the police chief may require a meeting with the proposed license holder to determine whether there are any "risk factors" anticipated which may increase the insurance.
- (e) In addition to the requirements of state law regarding vehicle safety inspection, and the requirements specified in this article, the city shall have the right to inspect all taxicabs,

shuttles, touring and alternative vehicles operating in the city to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped with a fire extinguisher that is in good operating order;
 - (2) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;
 - (3) The vehicle identification number and license number shall be compared to the numbers listed on the taxicab, shuttle or touring permit or license application to confirm that the numbers are the same; and
 - (4) Except as to alternative vehicles, each vehicle shall have lettering permanently affixed to the front doors in letters at least two and one-half (2½) inches high designating the vehicle as a taxicab, shuttle or touring vehicle and identifying the licensee.
- (f) Each application shall be accompanied by payment of license and driver(s) fees, as provided for in section A4.03.001 of the fee schedule in appendix A to this code. Such fees shall be paid prior to the receipt of a license, or in the case of annual license renewal, then, on or before the anniversary date of the issuance of the license. The license fees provided for herein shall be used to defray the expenses incurred in administering and enforcing this article.
- (g) All taxicab operators licensed under the provisions of this article shall maintain a valid phone number for public use during operational hours. Current addresses and phone numbers for each taxicab, shuttle, touring and alternative vehicle shall at all times be on file with the City Secretary.
- (h) If any of the representations in any application filed under this article are found to be false or fraudulent, such application may be refused or rejected by the city.

Sec. 4.03.012 - Vehicle operation requirements.

- (a) No vehicle for which a permit or license has been issued shall be operated by anyone except the driver(s) listed on the permit application. The permit or license and proof of insurance must be in the driver's possession when operating a vehicle.
- (b) No person may drive or operate any taxicab, shuttle, touring or alternative vehicle unless and until he or she has provided his or her name, address, age, driver's license number and social security number to the City Secretary's office and a current background check is completed by the owner/operator and provided to the city. For good cause, at any time, the police chief shall have the discretion to require that the owner/ operator provide an additional background check of any driver or operator of a vehicle in the city.
- (c) No driver of an alternative vehicle shall operate a vehicle for more than twelve (12) hours in any twenty-four-hour period. A log book shall be kept by the driver.
- (d) No person under the age of 21 shall operate a taxicab, shuttle, touring or alternative vehicle.
- (e) No person shall operate a taxicab, shuttle, touring or alternative vehicle without a driver's license issued by the Texas department of public safety.
- (f) No person may drive any taxicab, shuttle, touring or alternative vehicle in the city if he or she has been convicted of any alcohol or drug related offense in connection with the operation of a vehicle. No license shall be transferable to any other person, firm or corporation, nor shall

such license be used for the operation of any vehicle except the vehicle for which the license is issued.

- (h) All taxicabs, shuttles, and touring vehicles shall operate only on the public streets of the city. This specifically includes those vehicles used for transporting individuals or items associated with water oriented recreational equipment. In the event access to a certain area is restricted and cannot be reached by a public street, the licensee shall contact the Chief of Police, the City Manager or the parks department to determine appropriate access.

Sec. 4.03.013 - Inspection of vehicles.

The Chief of Police, or his designee, may cause inspections to be made at random intervals during each year of every vehicle licensed as a taxicab, shuttle, touring or alternative vehicle in the city. Licensees shall cooperate with such inspection requirements by making their vehicles available for inspection at reasonable times. Such inspections shall insure that all taxicabs, shuttles, touring and alternative vehicles are in good operating condition and are equipped with proper brakes, lighting systems, and safety equipment (including fire extinguishers), and are clean, undamaged and in good appearance. Vehicles failing such random city inspections shall not be allowed to operate on city streets or alleys until brought into a condition satisfactory to the Chief of Police.

Sec. 4.03.014 - Insurance.

- (a) *Minimum requirements.* The applicant and licensee must obtain, and keep in full force and effect, a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state, in the standard form required pursuant to the laws of the state, with the insured provision of such policy including the city as an additional insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the vehicle of such applicant, and providing that the amount of recovery on each such vehicle shall be in limits of not less than the following:
 - (1) For any one person injured or killed in one accident: \$100,000.
 - (2) For any number of persons injured or killed in one accident: \$300,000.
 - (3) For property damage resulting from one accident: \$50,000.
- (b) *Policy cancellation.* Such policy shall provide for notice to the city prior to cancellation, and should such policy be cancelled during the term of the license, such license shall automatically terminate therewith.

Sec. 4.03.015 - Cancellation of license.

Any license granted under this article shall be subject to cancellation and all rights of the licensee may be forfeited at the will of the City Council for failure to observe any ordinance of the city, any rules set forth herein, for the violation of any law of the state or for the failure of the licensee to secure and file the necessary information. Such license may also be cancelled by the City Council if the licensee (or a driver for the licensee) is found guilty of immoral conduct, or intoxicated to any degree, or should become addicted to the use of any drug that affects the mental or physical powers of such licensee or driver, or is guilty of using obscene vulgar or profane

language on the streets of the city or in the presence of a passenger, or if the licensee or driver should engage in any character or conduct deemed improper and detrimental to the best interest of the city by the Council. Before canceling any license, the Council shall hold a public hearing, notice of which shall be given the licensee at least three (3) days in advance of such hearing.

Sec. 4.03.016 – Additional restrictions on operation of taxicabs.

- (a) Any taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.
- (b) There shall be a conspicuous place on the inside of each taxicab a card showing the rates charged for use of the taxicab. It shall be the duty of the driver of the taxicab to post the card. If any owner or driver of any taxicab shall refuse to convey a passenger at the rate specified on the rate card so displayed, or shall demand an amount in excess of the rates so displayed, he shall be guilty of a misdemeanor.
- (c) It shall be the duty of every taxicab operated in the city to render for ad valorem taxes to the city all vehicles or other equipment used in such business. Failure to render for and pay such ad valorem taxes to the city before they become delinquent shall operate as a revocation of any license authorizing the operating of any taxicab over the public streets alleys and ways of the city.
- (d) It shall be unlawful for any person to refuse to pay the full fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

Sec. 4.03.017 – Additional restrictions on shuttle operations.

- (a) In the event a shuttle service will substantially affect the public (more than three (3) shuttles or more than fifty (50) people to be transported at one time), the licensee shall provide to the City Manager and the Chief of Police the routes to be used by the shuttles, including stops to let off or pick up persons, so that the safest area for loading and unloading passengers can be identified.
- (b) Shuttles shall only be operated during the dates and times designated on their license, if applicable.
- (c) All shuttles that carry passengers will be equipped with seating for each passenger carried.
- (d) All persons carried by a shuttle operated on streets within the city limits must be seated.
- (e) Persons may not be transported in the city without designated and enclosed seating specifically designed for the safe transportation of such persons.

Secs. 4.03.018—4.03.030 - Reserved.

Sec. 4.03.031 – Additional requirements for horse-drawn carriages.

In the case of a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion, the City Secretary shall issue a touring vehicle permit only if the manager finds that the following additional requirements have been satisfied:

- (1) The proposed route of the service does not operate on any hike and bike trail or foot path within the city.
- (2) The carriages and equipment proposed to be used in the service are in safe and presentable condition.
- (3) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the City Manager and to park said carriages or vehicles only at such locations approved by the city.
- (4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damage to the street pavement.
- (5) All horseshoes shall be of a type approved by the city and shall have non-skid base surfaces.
- (6) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the city to inspect such facilities at any time.
- (7) The applicant has agreed to keep all carriage routes clear and free from animal void and excrement and to maintain all permitted stands in a clean and sanitary manner.
- (8) The applicant has agreed to post the fares for each ride or trip such that they are visible to the public.
- (9) The applicant has agreed that, in order to protect the health and well-being of each animal employed in this service, applicant specifically covenants and agrees:
 - (A) Each animal shall be inspected and certified as to its good health every three (3) months by a licensed veterinarian. Proof of such certification shall be provided to the City's Animal Control Officer upon request.
 - (B) No animal shall be worked longer than four (4) continuous hours without feeding and rest.
 - (C) Each animal shall be provided water at each carriage stand.
 - (D) Animals shall not be whipped unless necessary for the safety of the animal or carriage passengers.
 - (E) Animals shall not be overworked.
 - (F) Each animal shall be provided with its own custom-fit harness.
 - (G) No animal with an open sore or wound, nor any animal which is lame or has any other ailment, shall be worked without specific written authorization from a veterinarian that such work will not endanger the health or well-being of the animal.
 - (H) Each animal shall be groomed daily.
 - (I) No animal shall be allowed to pull more than seven (7) people, including the driver.
 - (J) No animal shall be worked during times when the combined temperature and humidity index exceeds a numerical value of 150.

Sec. 4.03.032 – Termination of horse- drawn carriage license.

Operation of a horse-drawn carriage under a touring vehicle license shall be conditioned upon continued compliance by the licensee with each of the requirements of division 2 of this article and section 4.03.031. Any violation of said requirements shall subject the licensee to termination of the license upon proper notice and hearing before the City Manager and such other penalties as provided by this Article.

Sec. 4.03.034- .040 reserved.

Sec. 4.03.041- Pedicab additional safety equipment and specifications.

- (a) The holder or driver of a pedicab shall, at all times, provide and maintain in good operating condition the following items and equipment for each pedicab vehicle;
 - (1) White headlight(s) visible from a distance of at least 500 feet;
 - (2) Two red taillights visible from a distance of at least 500 feet;
 - (3) A reliable braking system. Brakes must be capable of making a braked wheel stop within a distance determined by the Chief of Police.
 - (4) Sufficient rubber and treading on all wheels;
 - (5) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency; and
 - (6) A red reflector on the rear of the pedicab.
 - (7) A pedicab is limited to a maximum passenger capacity as recommended by the manufacturer, or if no manufacturer, then by the Chief of Police.
 - (8) A pedicab must meet the following dimensional requirements:
 - (9) A frame may not exceed 55 inches in width;
 - (10) A bicycle tire must be at least 1.5 inches in width;
 - (11) A trailer tire must be at least 1.5 inches in width; and
 - (12) All wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.
 - (13) All spokes must be tight and none may be missing or broken;
 - (14) Floorboards must have non-skid contact surfaces without holes;

(15) If a trailer is used, it must be attached to the bicycle in a manner approved by the Chief of Police.

(16) The passenger seat must be bench style and at least 17 inches deep unless the pedicab is equipped with individual bicycle style seats. No passenger seat may face to the rear.

(17) The pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;

(18) Any sharp edges or open tubes must be capped in a manner approved by the Chief of Police; and

(19) A trailer/pedicab unit must display the following:

(i) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1-3/4 inches in height and at least 1 inch in width, with colors contrasting the color of the pedicab;

(ii) a permit decal, valid annual city inspection decal, and sign limiting the passenger capacity to 3 passengers; and

(iii) a slow-moving vehicle emblem that:

(1) Complies with Section 547.108 of the Texas Transportation Code;

(2) Is displayed on the rear of the pedicab and mounted in a manner approved by the department; and

(3) Uses a reflective surface visible day or night from a distance of 500 feet.

Sec. 4.03.042 The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10 days. A vehicle must be re-inspected following completion of repairs required by the department under this section.

Sec. 4.03.043. – Pedicab additional operational restrictions.

In addition to complying with all applicable traffic laws, a pedicab driver may not:

(1) Operate a pedicab on any street, highway or parkway where the posted speed limit exceeds 35 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour;

(2) Operate a pedicab on any sidewalk, median, bike trail or hike trail, except for access to or exit from the Old Bridge, the Old Austin Highway and along the Colorado River from Fisherman's Park to the concrete steps; or

(3) Permit or allow a passenger to ride in or on a pedicab in such a position that the driver's vision forward, to the side or behind is blocked. A pedicab passenger older than 6 years must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

Sec. 4.03.044. – Pedicab hours of operation and service area.

(A) A pedicab service may not operate between the hours of 2:00 a.m. and 6:00 a.m.

(B) A pedicab may not operate in the following areas:

(1) Any school zone during posted hours;

(2) Chestnut Street may be used only as a crossing street.

(3) Such other area restrictions as the Chief of Police determines are required on a temporary basis to prevent undue congestion and to insure public safety.

(C) A pedicab driver must:

(1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;

(2) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, to enter a private drive, or if the pedicab is travelling faster than other traffic; and

(3) tow no more than one trailer, which may not be attached to a combination bike/passenger unit.

Sec. 4.03.045-.046 Reserved.

Sec. 4.03.047- NEV and LSV additional safety equipment and specifications.

(a) The holder or driver of a NEV and LSV shall, at all times, provide and maintain in good operating condition the following items and equipment for each neighborhood electric vehicle;

(1) White headlight(s) visible from a distance of at least 500 feet;

(2) Two red taillights visible from a distance of at least 500 feet;

(3) Front and rear turn signal lights;

(4) Stop lights;

(5) A slow-moving vehicle sign attached to the rear of the vehicle;

- (6) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency;
- (7) Red reflectors;
- (8) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
- (9) A parking brake;
- (10) Glazed windshield; and
- (11) Seatbelts at the designated seating positions.

(b) In addition the requirements of this section, an NEV and LSV must meet the following standards:

- (1) The interior upholstery must not have any noticeable tears or similar damage;
- (2) Any missing, broken or significantly damaged interior and exterior parts must be repaired or replaced;
- (3) The vehicle must have a vehicle identification number (VIN);
- (4) The NEV or LSV must not tow a trailer; and
- (5) The NEV or LSV must comply with any additional requirements established by fleet services.

Sec. 4.03.048. – NEV and LSV additional operational restrictions.

(a) NEV and LSV service area does not include:

- (1) Any school zone during posted hours;
- (2) All of Chestnut Street.

(3) Such other area restrictions as the Chief of Police determines are required on a temporary basis to prevent undue congestion and to insure public safety.

(b) Additional area restrictions for NEV and LSV:

(1) An NEV or LSV may not operate on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;

(2) Operate on any sidewalk, median, bike trail or hike trail; or

(3) Permit or allow a passenger to ride in or a NEV or LSV vehicle in such a position that the driver's vision forward, to the side or behind is blocked.

Sec. 4.03.049 - .059 Reserved.

Division 3. – Enforcement

Sec. 4.03.060. - Injunctive relief.

The city may seek an order from a court of competent jurisdiction to enjoin a violation of this article. If the city prevails in such an action, it shall be entitled to its reasonable attorney's fees and costs.

Sec. 4.03.061. – Removal of evidence of authorization.

Whenever a holder's business permit or a driver's permit is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a vehicle for hire, the City Secretary may remove or require the surrender of all evidence of authorization as a holder, driver, or vehicle for hire, including, but not limited to, removal or surrender of business permit, driver's permit, decals, signs, insignia, radios, top lights, and meters if applicable.

Sec. 4.03.062. - Enforcement by police department.

Officers of the police department shall assist in the enforcement of this article. A police officer, upon observing a violation of this article shall take necessary enforcement action to ensure effective compliance with this article by vehicles for hire.

Sec. 4.03.063 - Criminal penalty for violations.

(a) Any person, agent, or business who shall knowingly violate a provision of this article shall be deemed guilty of a misdemeanor, in addition to any other penalties provided. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this article is committed or continued, and upon conviction by a court of competent jurisdiction for any such violation such person shall be punished in accordance with this article.

(b) It shall be an offense to allow the occupancy of more persons in a touring vehicle, taxicab, shuttle or alternative vehicle that is operated within the city limits than the number of passengers for which the vehicle is designed or equipped.

(c) The owner of the taxicab, touring, shuttle or alternative vehicle, as well as the driver of the vehicle is responsible for compliance with this article.

(e) A person who is found guilty under either subsection (a) or (b) of this section shall be punished by a fine of not less than \$300 nor more than \$500.

(f) A business whose owner or employees have been found guilty of violating this provision two (2) or more times in a given year will have its license revoked for a minimum of three (3) years.

(g) Authority to enforce this article is vested in the city's police department, and the City Manager.

Sec. 4.03.064. - Correction order.

(a) If the City Secretary determines that a holder has violated or is in violation of this article, or other applicable law, the City Secretary may notify the holder in writing of the violation and by written order directing the holder to correct the violation within a reasonable period of time. In setting the time for correction, the Chief of Police shall determine the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the Chief of Police shall order the holder to immediately cease use of the equipment.

(b) If the Chief of Police determines that a violation constitutes an imminent and serious threat to the public health or safety, the City Secretary shall order the holder to correct the violation immediately, and, if the holder fails to comply, the City Manager shall promptly take or cause to be taken such action as he or she considers necessary to enforce the order immediately, including but not limited to application to a court of competent jurisdiction for injunctive relief.

(c) The City Secretary shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city council.

Sec. 4.03.065. - Service of notice.

(a) A holder or driver licensed under this article must be served by the City Secretary at the holder's or driver's address provided to the City Secretary. Service may be had on the holder's or driver's designated representative, if any, at the address provided by the holder or driver.

(b) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received and it is presumed that the notice is received within four days after it has been mailed.

Sec. 4.03.066. - Appeal.

(a) A holder or driver may appeal the following decisions of the City Secretary if he or she requests an appeal in writing and delivers it to the city manager's office not more than 14 days after receiving notice:

- (1) A denial of an application for a business or driver's permit;
- (2) A suspension or revocation of a business or driver's permit;
- (3) A denial of renewal of business or driver's permit;

(b) The city council or designee shall hear all appeals made under this subsection within 30 days of the date the request for an appeal is received in the city manager's office. The city council or designee shall give the appealing party an opportunity to present evidence and make argument in his or her behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the city council or designee shall make its decision within seven business days after the close of the hearing on the basis of a preponderance of the evidence presented at the hearing.

(c) The city council or designee may affirm, modify, or reverse all or part of the action of the City Secretary being appealed. The decision of the city council or designee is final.

4.03.067. – Cumulative remedies.

The remedies provided to the city under this article are cumulative and the pursuit of one does not foreclose the pursuit of others.

PART 2. That Appendix A4.03.001, entitled “License,” of the Code of Ordinances of the City of Bastrop is hereby amended to add information regarding the annual inspection and license fee to include “Pedicabs”, “Low speed vehicles” and “Neighborhood Electric Vehicles” (alternative vehicles) operating in the City, as follows:

ARTICLE A4.03 TAXICABS, SHUTTLES, TOURING AND ALTERNATIVE VEHICLES

Division 1. Generally

Sec. A4.03.001 - License.

(f) Fee. Annual license and inspection fee for taxicabs, shuttles, touring and alternative vehicles:

Per vehicle: \$25.00.

Additional fee, per driver: \$12.00.

PART 3. The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect these amendments.

PART 4. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

PART 5. This Ordinance shall be effective upon final approval by the City Council upon the date noted herein below.

READ and APPROVED on First Reading on the 24th day of January, 2017.

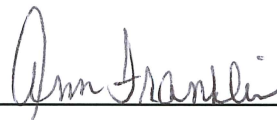
READ and APPROVED on Second Reading on the 14th day of February, 2017.

APPROVED:



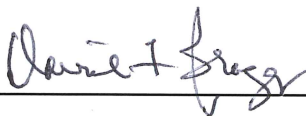
Ken Kesselus, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



David F. Bragg,

City Attorney