

## ARTICLE I. - IN GENERAL

Secs. 126-1—126-18. - Reserved.

## ARTICLE II. - HORSE-DRAWN CARRIAGES

Sec. 126-19. - Permit.

It shall be unlawful to operate a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion without first being issued a city carriage permit. The city secretary shall issue a carriage permit only if the following requirements have been satisfied:

- (1) The proposed route of the service does not operate on any hike-and-bike trail or footpath 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 chief of police and to park said carriages or vehicles only at such locations approved by the chief of police.
- (4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damages to the street pavement.
- (5) A current rabies certificate shall be on file with the city secretary at all times.
- (6) All horseshoes used shall be of a type approved by the chief of police.
- (7) 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.
- (8) The applicant has agreed to keep all carriage routes clear and free of animal void and excrement and to maintain all permitted stands in a clean and sanitary matter. Each animal shall wear a bag capable of holding animal feces or in the alternative, the carriage shall be equipped with a shovel and receptacle and the carriage driver shall promptly remove all feces from the ground.
- (9) The applicant has agreed to post the fares for each ride or trip so that they are visible to the public. This section shall not apply to the exclusive, one-time rental of the carriage by a party by separate agreement, entered into more than 24 hours prior to such trip.
- (10) Lanterns shall be affixed to either side of the carriage and must be illuminated after dusk.
- (11) The applicant has agreed that in order to protect the health and well-being of each animal employed in this service, the applicant shall specifically covenant and agree:
  - a. Each animal shall be inspected and certified as to its good health annually by a licensed veterinarian.
  - b. No animal shall be worked longer than four 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, or 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 people, including the driver.
- j. No animal shall be worked during time when the combined temperature and humidity index exceeds a numerical value of 150.

(12) The applicant has paid a nonrefundable license fee of \$50.00 per carriage to defray the expense of carrying out the provisions of this article.

(Code 1988, § 29-1; Ord. No. 975, § 1, 11-21-1995; Ord. No. 1110, § 1, 4-14-1998)

Sec. 126-20. - Insurance.

Any applicant for carriage permitting under this article shall, before the permit can be issued, deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the carriage permit a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. The certificate of insurance shall contain a provision that coverage under such policy shall not be cancelled or materially changed until at least 30 days prior written notice has been given to the city. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:

- (1) General liability insurance in the amount of combined single limit of \$500,000.00 per occurrence, with an aggregate amount of \$1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.
- (2) Vehicle insurance in the minimum amount of \$20,000.00 due to bodily injury or death to any one person in any one accident, \$40,000.00 due to such damages to two or more people per accident, and \$15,000.00 because of property damage of others in any one accident; and personal injury protection coverage in the amount of \$5,000.00 or the maximum amount available through state assigned risk pool.

(Code 1988, § 29-2; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-21. - Termination of permit.

Operation of a carriage permit shall be conditioned upon continued compliance by the permittee with each of the requirements of this article. Any violation shall subject the permittee to termination of the permit upon prior notice and hearing before the chief of police. The chief of police is hereby authorized and empowered to revoke or suspend any license issued hereunder upon his or her finding that any carriage permit holder has willfully violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the carriage permit holder, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the carriage permit holder shall have the right to appeal to the city manager from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the

chief of police, not more than five days after the action appealed from. In the event the carriage permit holder shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the license shall be final. If the carriage permit holder timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than 20 days after the filing of the notice of appeal with the city secretary.

(Code 1988, § 29-3; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-22—126-45. - Reserved.

### ARTICLE III. - TAXICABS

#### DIVISION 1. - GENERALLY

Sec. 126-46. - Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant shall mean any individual, firm or corporation in the process of attaining either a license to operate or a city taxi driver permit.

Cruise or cruising shall mean the movement of unoccupied taxicabs over the public streets of the city in search of or soliciting prospective passengers for hire; provided, however, unoccupied taxicabs proceeding to answer a telephone call for taxicab service from an intending passenger, and taxicabs returning to the place where such taxicab is housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.

Driver or chauffeur shall mean every person in actual charge of the operation of a taxicab whether as owner or agent, servant or employee of the owner.

License shall mean the authority granted by the city to operate a taxicab or taxicabs and shall authorize such operator of a taxicab or taxicabs to engage in the business of transportation by taxicab.

Manifest shall mean a daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare for passengers.

Overcrowding shall mean that the driver is transporting a greater number of people in the vehicle than has been recommended by the manufacturer of the vehicle or for whom there is no seat belt, inclusive of the driver.

Taxi driver permit shall mean a permit issued by the city to the driver of a taxicab meeting the qualifications as described within this article.

Taxicab shall mean any and every automobile, or motor-propelled vehicle including limousines, designed for carrying no more than eight passengers, and used for the transportation of passengers for hire over the public streets of the city, irrespective of whether or not the operation extends beyond the city limits at rates for distance traveled or for waiting time, or for both, or for the trip, or at rates per hour, per day, or per month, which such vehicle is routed to destinations under the direction of such passenger or passengers, or such person or persons hiring the same, with the following exceptions:

- (1) Motorbuses regularly operated in the city to or from points outside of the incorporated limits of the city or transporting to or from school or college;
- (2) Ambulances operating under permit from this city or another city;

- (3) Vehicles rented or leased for self operation by the person actually driving the same, unless such vehicle is transporting for compensation persons other than the one who actually rented or leased the same;
- (4) Courtesy vehicles operated to or from the airport to hotels, motels, parking lots, or car rental agencies;
- (5) Any vehicle being operated pursuant to a franchise or permit legally issued by the Texas Railroad Commission or the Interstate Commerce Commission; or
- (6) Horse-drawn carriages.

Taxicab service operator shall mean any person who has the control, direction, maintenance and the benefit of revenue derived from the operation of taxicabs on or over the streets of the city, whether as owner or otherwise.

Terminal shall mean the depot at which place the taxicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs to the points of request for taxicab service; this term shall likewise be synonymous with taxi terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city, and upon private property, and shall be and constitute the main office of the owner and taxicab operator.

(Code 1988, § 29-26; Ord. No. 975, § 1, 11-21-1995)

**State Law reference**— Regulation of taxicabs, V.T.C.A., Local Government Code § 215.004.

Sec. 126-47. - Terminals.

Every taxicab service operator shall maintain an off-street terminal of sufficient size to accommodate all of the taxicabs utilized in the service.

(Code 1988, § 29-28; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-48. - Standards and requirements for vehicles and equipment.

Each taxicab proposed to be operated by a permit holder on the public streets of the city shall be inspected by the chief of police or his or her designee. No taxicab shall be operated on the city streets that does not comply with the following minimum standards:

- (1) Each taxicab must have affixed thereto a valid and current state certificate of inspection and state certificate of registration;
- (2) Each vehicle shall be equipped with a fire extinguisher that is in good operating order;
- (3) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;
- (4) The vehicle identification number and the license number of each taxicab must match the numbers listed for that taxicab on the license application;
- (5) Each vehicle shall have the business name and phone number affixed to the door.

(Code 1988, § 29-29; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-49. - Miscellaneous offenses.

- (a) It shall be unlawful for any person engaged in the taxicab business to overcrowd the taxicab.

- (b) It shall be unlawful for any taxicab driver to cruise at any time within the city.
- (c) It shall be unlawful for any driver of any taxicab or for any other person acting for the driver to seek or solicit patrons or passengers for any such taxicab by word or sign, directly or indirectly, while driving any such taxicab over, through, or on, any public street or public place of the city, or while same is parked on any public street or alley of the city, or to repeatedly or persistently drive any taxicab through, over, or on, any public street or places of the city, except in response to calls of prospective passengers or while actually transporting passengers therein.
- (d) When any taxicab is at any rail, air, or bus depot within the city, it shall be unlawful for the driver or person in charge thereof to leave the same and enter the depot or go upon the sidewalk or private property of any railroad company, airfield or bus station for the purpose of soliciting the transportation of any passenger or passengers arriving on the trains, planes or buses at such depot.
- (e) It shall be unlawful for any officer or employee of the city to accept, or a taxicab service licensee or employee to offer, either directly or indirectly, any gifts, discounts or gratuities in association within the provision of taxicab services.
- (f) It shall be unlawful for a taxicab driver to receive or discharge passengers in the roadway of any street. It is a defense to this section that said driver drove to the right-hand sidewalk, the extreme right-hand side of the road as nearly as practical, or into a driveway or parking lot for such purposes.
- (g) It shall be unlawful for a taxicab driver employed to carry passengers to a definite point to fail to take the most direct route that will carry such passengers safely and expeditiously to their destination.

(Code 1988, § 29-30; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-50. - Property left in vehicle; disposition.

All drivers of taxicabs shall promptly deliver to the police services division or to the permit holder all property left in such vehicles by passengers. If a driver delivers such articles to the permit holder, the latter shall deliver them to the police services division. When the articles left in the taxicabs have been delivered to the office of the chief of police, he or she shall make the entry of the fact in a book provided for that purpose and shall keep all such articles until claimed by the owner, or as the city council may authorize in accordance with state law requirements regarding the disposition of abandoned property.

(Code 1988, § 29-31; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-51. - Penalties.

- (a) It shall be unlawful for any person to violate any provision of this article.
- (b) A violation of this article shall be punishable, upon conviction, in accordance with section 1-14.

(Code 1988, § 29-27; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-52—126-75. - Reserved.

## DIVISION 2. - TAXICAB SERVICE LICENSE

Sec. 126-76. - License—Required.

It shall be unlawful for an individual, firm, or corporation to drive or operate or cause to be driven or operated any taxicab, taxicab service, jitney, limousine or other motor vehicle service for the

transportation for hire of persons upon or over any street in the city unless there has first been obtained for such service, a license duly issued by the city as hereinafter provided.

(Code 1988, § 29-35; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-77. - Same—Application.

- (a) Application for taxicab license service within the city shall be filed with the city secretary on a form provided by the city. Applications shall be filed on or before December 1 of each calendar year. The applicant shall provide the following information on such form:
- (1) Name of the owner, or person by whom such permit is desired;
  - (2) Name of company;
  - (3) Address of company;
  - (4) Telephone number of company;
  - (5) If corporation, name and address of major officers of corporation and major stockholders;
  - (6) If partnership or association, trade, partnership, or association name, name and address of partners;
  - (7) If sole proprietorship, name and address of owner;
  - (8) Description of make, horsepower, vehicle identification or factory number, the seating capacity, vehicle owner's name and address, and license number of every vehicle to be used as a taxicab;
  - (9) Names, addresses, date of birth, and driver's license numbers for each driver operating vehicles for the company. Such information shall be kept current during the year. Failure to provide such information to the city secretary for each driver operating a taxicab within the city shall be grounds for revoking the taxicab service license of the cab company;
  - (10) Written proof each vehicle has passed the city inspection as required by this article;
  - (11) A schedule of rates to be charged to passengers; and
  - (12) A statement that the applicant has not been finally convicted of any felony or other offense involving moral turpitude within the past ten years which adversely affects the applicant's ability to provide safe and reliable passenger transportation.
- (b) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct and shall further state that the city is authorized to check the driving record and criminal history, if any, of the applicant. The police department shall investigate the facts stated in the application.
- (c) Each application shall be accompanied by a nonrefundable license fee of \$50.00 per vehicle to defray the expense of carrying out of the provisions of this article.

(Code 1988, § 29-36; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-78. - Insurance policy.

- (a) Any applicant for vehicle for hire licensing under this article shall, before the license can be issued, deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the taxicab service license a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. The

certificates of insurance shall contain a provision that coverage under such policies shall not be cancelled or materially changed until at least 30 days prior written notice has been given to the city. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:

- (1) General liability insurance in the amount of combined single limit of \$500,000.00 per occurrence, with an aggregate amount of \$1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.
  - (2) Automobile insurance in the minimum amounts of \$20,000.00 due to bodily injury or death to any one person in any one accident, \$40,000.00 due to such damages to two or more people per accident, and \$15,000.00 because of property damage of others in any one accident; and personal injury protection coverage in the amount of \$5,000.00 or the maximum amount available through state assigned risk pool.
- (b) In the event that any insurance policy is cancelled upon the request of the surety or insured, and no insurance policy is filed by the license holder before the cancellation date, the taxicab service license shall be automatically revoked.

(Code 1988, § 29-37; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-79. - Issuance of license.

The city secretary shall issue to each applicant a taxicab service license for each vehicle upon the filing of written proof of insurance as required herein and upon a determination that all requirements of this article have been met. The taxicab service license shall be issued for the period beginning January 1 and ending December 31. Any new license issued during the year shall begin on the date of issuance and end on December 31 of that year. The taxicab service license shall state the year for which it is valid; that said vehicle is a taxicab; the make of the vehicle, the vehicle identification number, and the current license number; and that all city taxes on the vehicle have been paid.

(Code 1988, § 29-38; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-80. - Posting of license; lettering on vehicle; exception; nontransferability of license; fee.

- (a) The taxicab service license issued by the city secretary shall be posted by the applicant within the vehicle in a conspicuous place, and it shall be unlawful to fail to do so.
- (b) Such vehicle shall have displayed on both front doors the name under which it is operated, and its designation as a taxicab, in lettering of not less than 2½ inches in height.
- (c) Limousines shall not be required to comply with section 126-48(5) requiring lettering on the doors of the vehicle.
- (d) No taxicab service license shall be used for any other vehicle unless previously approved in writing by the chief of police or his or her designee. The chief of police or his or her designee may, at the request of a licensee, transfer a license to a different vehicle owned by the same person provided all evidence of the old license and lettering is removed from the old vehicle and such vehicle is no longer being used as a taxicab. A new license for the substituted vehicle may be issued by the city secretary upon recommendation by the chief of police or his or her designee after all ordinance requirements have been met. The city secretary shall make an entry of such transfer of license in the official license records. A nonrefundable transfer fee of \$10.00 per vehicle shall be collected by the city secretary to defray the costs of transferring the license.

(Code 1988, § 29-39; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-81. - Revocation or suspension of taxicab service operator's license.

- (a) The chief of police is hereby authorized and empowered to revoke or suspend any license issued hereunder upon his or her finding that any taxicab service operator has willfully violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the taxicab service operator, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the taxicab service operator shall have the right to appeal to the city manager from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five days after the action appealed from. In the event the taxicab service operator shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the license shall be final. If the taxicab service operator timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than 20 days after the filing of the notice of appeal with the city secretary.
- (b) A license shall be revoked or suspended by the city manager upon the verification of any of the following:
  - (1) The taxicab service operator has been finally convicted of a felony or other offense involving moral turpitude, which adversely affects the operator's ability to provide safe and reliable passenger transportation to the public;
  - (2) The license was obtained by an application in which any material fact was intentionally omitted or falsely stated;
  - (3) The taxicab service operator has persisted in the operation of motor vehicles that are in violation of any law;
  - (4) The taxicab service operator has willfully and knowingly violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this article;
  - (5) The taxicab service operator has charged, or allowed to be charged, rates in excess of the rate schedule filed with the city secretary as provided for in section 126-77(a)(11);
  - (6) The taxicab service operator or any agent thereof has been guilty of willfully operating said service in a negligent manner;
  - (7) The taxicab service operator has allowed its insurance to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;
  - (8) The taxicab service operator has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use;
  - (9) The taxicab service operator is delinquent on any taxes owed to the city or fails to show financial ability to maintain services in compliance with the terms hereof; or
  - (10) The taxicab service operator has allowed any driver or attendant to drive taxicabs after final conviction of an offense as described in section 126-77(a)(12).

(Code 1988, § 29-40; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-82—126-105. - Reserved.

DIVISION 3. - CITY TAXI DRIVER PERMIT

Sec. 126-106. - City taxi driver permit required.

In accordance with the terms and provisions of this article, every individual desiring to drive a taxicab in the city, before driving a taxicab, shall apply for and obtain a city taxi driver permit. A taxicab service licensee may not cause or otherwise allow a person to drive for hire a taxicab owned, controlled or operated by the licensee unless the driver has a valid city taxi driver permit issued to them under this article. It shall be unlawful for any person to drive or operate any taxicab unless and until he or she has provided their name, address, date of birth, and state driver's license number to the city secretary and been issued a city taxi driver permit. All drivers shall display upon request on their person a city taxi driver permit issued by the city as described herein.

(Code 1988, § 29-45; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-107. - City taxi driver permit application.

Every individual proposing to drive a taxicab upon the city streets shall submit an application to the city secretary on forms provided by the city secretary. A city taxi driver permit shall be issued to each driver fulfilling the requirements of this article. Every applicant shall furnish under oath the following information:

- (1) Name, local residence address, date of birth, and telephone number;
- (2) State driver's license number, expiration date and three-year driving record;
- (3) A statement that the applicant has not been finally convicted within the past ten years of a felony or the following offenses involving moral turpitude which adversely affect the applicant's ability to provide safe and reliable passenger transportation:
  - a. Prostitution or related offenses;
  - b. Driving while intoxicated;
  - c. Driving while under the influence of drugs;
  - d. Violations of the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481);
  - e. Rape, murder, attempted murder, aggravated assault;
  - f. Theft over \$200.00; or
  - g. A felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation;
- (4) A minimum of two color photographs of the applicant taken within the three months prior to application;
- (5) That the applicant has read in full and understands the provisions of this article.

(Code 1988, § 29-46; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-108. - Fee generally; issuance; term.

Upon finding that the applicant meets the qualifications stated herein, the city secretary shall cause to be issued to such applicant a city taxicab driver permit. Each permit issued shall expire on December 31 of the calendar year in which the permit is issued.

(Code 1988, § 29-47; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-109. - Revocation and suspension of city taxi driver permit.

- (a) The chief of police is hereby authorized and empowered to revoke or suspend any taxicab driver permit issued hereunder upon his or her finding that any permittee has willfully violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the permittee, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the permittee shall have the right to appeal to the city manager from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five days after the action appealed from. In the event the permittee shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the permit shall be final. If the permittee timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than 20 days after the filing of the notice of appeal with the city secretary.
- (b) A permit shall be revoked or suspended by the chief of police upon the verification of any of the following:
  - (1) The permittee has been finally convicted of a felony or other offense involving moral turpitude within the past ten years which adversely affects the applicant's ability to provide safe and reliable passenger transportation;
  - (2) The permit was obtained by an application in which any material fact was intentionally omitted or falsely stated;
  - (3) The permittee has persisted in the continued operation of motor vehicles that are in violation of any law;
  - (4) The permittee has willfully and knowingly violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this article;
  - (5) The permittee has charged rates in excess of the rate schedule filed with the city secretary as provided for in section 126-77(a)(11);
  - (6) The permittee has been found guilty of willfully operating said taxicab in a negligent manner;
  - (7) The permittee has allowed insurance on a taxicab driver by said permittee to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;
  - (8) The permittee has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use;
  - (9) The permittee has continued to drive a taxicab after final conviction of an offense as described in section 126-77(a)(12); or
  - (10) The permittee has altered, or caused to be altered, the city taxi driver permit photograph.

(Code 1988, § 29-48; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-110. - Permit, picture to be displayed.

The city taxi driver permit shall be prominently displayed at all times in full view of persons in the back seat of the taxicab being driven by the permittee.

(Code 1988, § 29-49; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-111—126-133. - Reserved.

DIVISION 4. - FARES

Sec. 126-134. - Fares.

- (a) All persons owning or operating any vehicle or taxicab under this article in the city shall post, in a conspicuous place in such taxicab, a printed schedule of prices and shall keep the same so posted during the continuance of the license.
- (b) No driver, owner or corporation licensed by the city as a taxicab operator or hereinafter granted a license for such operation shall fix or charge a greater or lesser rate of fare than that submitted with the application for license in the city secretary's office. Scheduled rates may encompass the following:
  - (1) Mileage;
  - (2) Waiting time;
  - (3) Charter;
  - (4) Extra passengers;
  - (5) Excessive baggage; exclusive of medically necessary devices;
  - (6) Animals; exclusive of animals specially trained to assist the disabled, when accompanying such persons.
- (c) Changes in any rate schedule shall require notification of the city through the city secretary's office along with justification for increases 30 days prior to changes being enacted. Rates may not be increased more often than semiannually except for events beyond the control of the owner of the license to operate.

(Code 1988, § 29-55; Ord. No. 975, § 1, 11-21-1995)

Sec. 126-135. - Refusal to give receipt.

It shall be unlawful for a taxicab driver upon full payment of the fare, to refuse to give a receipt to the passenger having paid said fare.

(Code 1988, § 29-56; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-136—126-153. - Reserved.

**ARTICLE IV. - TOW TRUCK AND VEHICLE STORAGE BUSINESS REGULATIONS<sup>121</sup>**

Footnotes:

--- (2) ---

**Editor's note**—Ord. No. 2028, § 2, adopted Feb. 3, 2014, repealed the former Art. IV, §§ 126-154—126-165, and enacted a new article as set out herein. The former Art. IV pertained to similar subject matter. See Code Comparative Table for a complete history of derivation.

Sec. 126-154. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consent tow shall mean any tow of a vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a vehicle initiated by a peace officer investigating a traffic accident or a traffic incident that involves the vehicle.

Crimes of moral turpitude includes, but is not limited to, murder, voluntary manslaughter, rape, statutory rape, domestic violence, prostitution, fraud and crimes where fraud is an element, all theft offenses, driving while intoxicated, driving while under the influence of drugs, violations of the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code Ch. 481), a felony or other offense which adversely affects the applicants ability to provide safe and reliable service.

Incident management tow shall mean any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene. (Occupations Code, Title 14, Chapter 2308, Section 2308.002 (5-a), as amended.)

Nonconsent tow shall mean any tow of a motor vehicle that is not a consent tow, including;

- (a) An incident management tow; and
- (b) A private property tow.

(Occupations Code, Title 14, Chapter 2308, Section 2308.002 (6), as amended.)

Parking facility shall mean any public or private property used, in whole or in part, for restricted and/or paid parking of vehicles. The term includes a restricted space on a portion of an otherwise unrestricted parking facility, a commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owner's association, or government-owned property leased to a private person.

Parking facility owner shall mean an owner or operator of a parking facility, including any lessee, employee, or agent of an owner or operator.

Person shall mean an individual, a corporation, organization, business trust, estate, trust, partnership, joint venture, association, or other legal entity.

Private property tow shall mean a tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle. (Occupations Code, Title 14, Chapter 2308, Section 2308.002 (8-a), as amended.)

Stand by time shall mean the time period between the time of arrival at the scene of a tow truck dispatched on a nonconsent rotation tow until the time the police officer at the scene permits the tow truck to commence tow activities.

Tow away shall mean a tow that is conducted from a parking facility and without the consent of the owner or operator of that vehicle, but with the parking facility's authorization.

Tow business shall mean the business of towing or removing vehicles [for] compensation, or the expectation of compensation, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade, or purchase vehicles.

Tow company shall mean an individual, corporation, partnership, or other legal entity engaged in the tow business and includes the owner, operator, employee or agent of the tow company, but does not include a political subdivision of the state. For the purposes of this article, each such legal entity is considered a separate tow company.

Tow rotation list shall mean a list prepared and maintained by the city police department of tow companies which have requested and qualified to appear thereon.

Tow truck shall mean a vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another vehicle.

Tow truck license shall mean the certification of registration issued to a tow company by the Texas Department of Licensing and Regulation listing all tow trucks licensed to operate for that tow company within the state.

Unauthorized vehicle shall mean any vehicle parked, stored, or located in or on a parking facility without the consent of the parking facility owner.

Vehicle shall mean a device in, on, or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively on a stationary rail or track.

Vehicle storage facility (VSF) shall mean a garage, parking lot, or any facility owned or operated by a person other than a governmental entity for storing or parking ten or more vehicles. Ten or more vehicles shall mean the capacity to park or store ten or more vehicles per year.

Vehicle storage facility license shall mean the license issued by the Texas Department of Licensing and Regulation authorizing a business to store vehicles.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-155. - Authority to enforce the provisions of this chapter.

The chief of police, or his designee, is hereby authorized to establish rules and regulations to enforce the provisions of this chapter.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-156. - Permit required to engage in nonconsent tows; required facilities and equipment, application; issuance.

- (a) No towing company shall engage in nonconsent tows upon any street without obtaining a permit from the city as authorized by this article.
- (b) To be eligible for a permit to engage in nonconsent tows, the following items must be complied with:
  - (1) Payment of a permit fee of \$200.00 per company to be used for nonconsent tows.
  - (2) Approval of Driver/VSF Employee Application and Payment of a license fee of \$15.00 per tow truck operator and VSF employee. This fee is also required for operator/employees who change companies and need to be re-licensed or for a replacement license issued by the city in accordance with Subchapter E, Chapter 2308, V.T.C.A., Occupations Code § 2308.201d. Employee permits will be accepted any time of the year. It is the responsibility of the tow company to notify of employees terminated within 48 hours so that their permit may be withdrawn. Failure to notify of terminations could result in suspension.
  - (3) Maintenance or ownership of an exclusively and independently operated vehicle storage facility located within eight miles of the city limits in compliance with provisions of city ordinances. Maintenance of all licenses and permits required by the state commission of licensing and regulations regarding operation of a towing business and vehicle storage facility. Proof of licensing and permitting of all employees of the towing business shall be provided with the application required under this article for permitting of city rotation tow trucks. All operators of tow trucks on city rotation must have incident management licenses issued by the state commission of licensing and regulations. In addition, all personnel working at a vehicle storage facility must be licensed by the state commission of licensing and regulations as required.

- (4) Maintenance of a minimum of one certified tow truck per permitted company for nonconsent tows. The chief of police or his designee will approve a rotation list for the benefit of the police department and the city.
  - (5) Maintenance of tow trucks in compliance with the minimum requirements of the state commission of licensing and regulations, with a lifting capacity of at least 8,000 pounds and a weight of at least one ton, with power assisted booster brakes.
  - (6) Maintenance of insurance coverage, including, but not limited to, garage keeper's legal liability insurance as required by the Texas Department of Licensing and Regulation. Proof of coverage for each licensed driver by the company.
  - (7) Towing companies shall also maintain on-hook cargo insurance for each tow truck in the amount required by the Texas Department of Licensing and Regulation. Each policy shall contain an endorsement providing for ten days notice to the city in the event of change thereof or cancellation.
  - (8) Completion of an application as delineated by the chief of police or his designee.
  - (9) Execution of the following hold harmless agreement as required in the tow truck application on behalf of the city: "The towing company covenants and agrees to, and by these presents does hereby fully indemnify, hold harmless, and defend the City of Bryan, its officers, agents, and employees from and against any and all claims, suits, or causes of action of any nature whatsoever, whether real or asserted, brought for or on account of any injuries or damages to persons or property, including death, arising out of or incident to the operation of its towing service and all other of its operations arising under or otherwise incident to the towing or storage of motor vehicles."
- (c) Permits shall be for a period of one year, effective February 1. The deadline for the yearly application process shall be December 1 of the year immediately preceding the year of the effective date of the permit. When the yearly application process closes, new applications will not be accepted until the following December. For the year 2014 only, the deadline for the application process shall be March 1, 2014, and the effective date of the permit shall be March 15, 2014.
  - (d) Permits are issued by the chief of police, or his/her designee, after receiving the permit fee and after a showing of compliance by the applicant with all the prerequisites under the law.
  - (e) No more than one permit shall be issued to any towing company or association consisting of multiple towing companies. (Only one towing company per vehicle storage facility shall be allowed.) In determining whether a towing company is considered to be included within an association of multiple towing companies, among the factors which may be considered are: telephone numbers used by the business, office location, storage lot location, articles of incorporation, partnership agreements, tax records and other records suggesting common ownership interests. These factors are by way of example and should not be construed to limit the city's inquiry. This section does not impede the city's right not to issue a permit to any towing company.
  - (f) Any towing company issued a permit under this chapter shall permit inspection of its vehicle storage facility at any time deemed necessary by the chief of police. Failure to permit inspection within two hours of a request by the chief of police or his designee shall be deemed grounds for permit revocation.
  - (g) All drivers of tow truck vehicles shall possess a current driver's license and applicable TDLR Licenses and shall not have been convicted of a felony offense or a crime of moral turpitude within the past five years to obtain a permit to perform private property nonconsent tows within the City of Bryan, and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten years to be eligible to perform incident management tows on the city's rotation tow list. Tow truck drivers driver's license history will be considered in issuing a permit. All VSF Employees that release vehicles shall possess a current TDLR VSF License and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten years.

(Ord. No. 2028, § 2, 2-3-2014; Ord. No. 2034, § 2, 3-25-2014)

Sec. 126-157. - Vehicle storage facility.

City permitted towing companies shall each provide a single, suitable place for storage of vehicles towed at the request of the police department [or other authorized city department] and such place shall:

- (1) Be located within eight miles of the City of Bryan;
- (2) Be properly zoned;
- (3) Have a gate which is kept locked and secured when unattended;
- (4) Maintain all fencing and structures in good condition and in compliance with applicable state laws and city ordinance;
- (5) The facility must comply with all regulations, ordinances, and applicable state laws regarding the operation of a towing services company;
- (6) The facility must comply with all regulations, ordinances, and applicable state laws regarding business construction within the City of Bryan.
- (7) The participating vehicle storage facilities permit holder is responsible for the actions of their tow truck drivers and employees or anyone acting on behalf of the company.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-158. - Vehicle nonconsent tow permit application.

Application for a vehicle nonconsent tow permit shall be made to City of Bryan chief of police or his/her designee on forms furnished for that purpose and will not be considered until completed with all required documentation and fees. Renewal applications shall require the same documentation.

- (1) The application must be signed by the person who owns, controls or operates the proposed vehicle tow service. Applicants shall submit proof of company ownership of the tow truck(s) or evidence of a lease under which the tow truck is to be operated. Applicants shall provide the city a copy of:
  - a. Assumed name certificate where applicable;
  - b. Partnership agreement disclosing the names of all general or limited partners if a partnership; or
  - c. A copy of the articles of incorporation and a certificate from the corporate secretary setting forth names of all officers, directors and persons owning ten percent or more of the outstanding stock of the corporation;
  - d. A valid vehicle storage facility license registered in applicant's name.
- (2) The application must be completed in its entirety and include the following:
  - a. The name, address and telephone number of the applicant, the trade name under which the applicant does business, the street address and telephone number of the vehicle tow service establishment. Applicants must possess their own vehicle storage facility (VSF) within Brazos County;
  - b. The number and types of vehicles to be operated, including the year, make, model, vehicle identification number and state license plate number and the type of winch to be operated on each wrecker rated under 26,000 pounds. For a heavy-duty permit, tow truck must meet definition of heavy-duty;

- c. Proof of an insurance policy or policies which will be in full force and effect for the duration of the permit and will meet the policy requirements outlined by the state in the Vehicle Storage Facility Act, this chapter and applicable state law; proof of coverage of each driver listed in the application.
  - d. A statement attesting that each wrecker used by the vehicle tow service has been rendered for ad valorem taxation in the city and that the applicant is current on payment of those taxes;
  - e. A statement attesting that the person who owns, controls or operates the proposed vehicle tow service has not been convicted of a felony offense or crime of moral turpitude within the past five years if applying for a nonconsent only permit; ten years if applying to be on rotation.
  - f. A list of each employee who is licensed by the Texas Department of Licensing and Regulation. A permit application for each employee required to be licensed by the Texas Department of Licensing and Regulation should be included.
  - g. Any other information deemed necessary by the department consistent with and for the proper administration and enforcement of the provisions of this article;
  - h. An indemnification and hold harmless agreement provided by the city;
- (3) To be eligible to receive a nonconsent permit, a tow company shall certify in writing that the VSF meets or exceeds the criteria set forth on an ADA accessibility form, a copy of which will be provided by the city at the time the company applies for a permit.

(Ord. No. 2028, § 2, 2-3-2014; Ord. No. 2034, § 3, 3-25-2014)

Sec. 126-159. - Tow truck operators to comply with traffic regulations.

Unless directed otherwise by a police officer a tow truck operator shall adhere to all traffic regulations.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-160. - Police inspection.

Any tow truck performing nonconsent tows within the city limits of the city may be inspected by an official of the city police department at any time the tow truck is being operated on the public streets as a tow truck. Such inspections may be conducted to ensure required licenses and compliance with this article and state law. Further, upon the request of the chief of police or his or her designee, a tow company performing nonconsent tows within the city shall produce records from VSFs used for nonconsent tows to ensure compliance with the maximum rates established under this article and other requirements of this article and state law.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-161. - Tow rotation list.

- (a) Qualifications. The city police department shall establish and maintain a tow rotation list. Each tow company is qualified to be on such list if it applies for and is granted a permit as authorized by this article, maintains a 24-hour tow service; has one telephone number which is answered 24 hours a day, seven days a week; and uses a VSF that meets or exceeds the Americans With Disabilities Act ("ADA") accessibility criteria established by the United States Department of Justice. Only those tow

trucks that are included on the tow company's tow truck license are authorized to respond to a rotation call. A tow company may not substitute a tow truck from a different tow company to respond.

- (b) License. Each tow company requesting placement on the tow rotation list must possess a tow truck license that lists each tow truck operated by that tow company.
- (c) Forfeiture of calls. Failure of any tow truck to respond to the location dispatched by the city within 30 minutes of being called will result in the forfeiture of that call and shall be considered a violation of this article. The first failure shall result in a warning. Upon the third failure in the same calendar year, the wrecker business and its owner and wrecker shall be suspended from the tow rotation list.
- (d) Pass. A pass shall be defined as when the public safety dispatch operator telephones a towing company on the rotation list to perform a nonconsent tow and is unable to contact the towing company or the towing company refuses or declines to accept the telephone call. The towing company shall be entitled to one pass during a calendar month. In the event the towing company passes two or more times during a calendar month, the first occurrence the wrecker company will be suspended for 30 days. The second occurrence the wrecker company will be suspended for the balance of the year. It is not a ground for suspension or removal if the tow company responds promptly to dispatch that it is unable to take the call. The tow company will then return to the end of the rotation list.
- (e) Temporary removal from list. Should a tow company wish to be removed from the tow rotation list for a specific period of time, the tow company shall notify the city police department dispatch. It shall be the tow company's responsibility to notify dispatch when the tow company wishes to return to the tow rotation list.
- (f) Unneeded calls. If a tow company is called to respond to a scene by a police officer and subsequently is not needed, that tow company will be placed as "next in line" on the tow rotation list.
- (g) The towing company shall not subcontract its rights or obligations with respect to the rotation list, in whole or in part, to any other person or entity.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-162. - Maximum fees to be charged for nonconsent tows.

The maximum fees charged by tow companies performing nonconsent tows shall be set by resolution and shall reflect fair value of towing services. Itemized receipts shall be provided to owners or operators at the time payment of tow related fees are made. Violations of this provision may result in suspension of permit, and criminal penalties against the offender. Towing fees may be reviewed by the city council once annually upon request of a tow company. A towing fee study shall be performed in conjunction with this review.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-163. - Driving tow trucks to scene of collision prohibited.

No tow company shall drive, or cause to be driven, a tow truck to or near the scene of a collision on a street within the city unless such tow company has been called to the scene by the city police department or by a vehicle owner/operator involved in the collision.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-164. - Soliciting towing business on city street prohibited.

No tow company shall solicit in any manner, directly or indirectly, a person owning/operating any vehicle which is wrecked or involved in a traffic accident on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, repairing, selling, or purchasing such vehicle.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-165. - Impound tows.

Any police officer investigating an accident or offense within the city may order the impoundment of any vehicle involved therein when criminal prosecution may be involved as a result of such event and it is necessary to seize a vehicle, or process a vehicle for evidence, or secure a vehicle to preserve evidence. Charges resulting from impounding vehicles are the responsibility of the City of Bryan and therefore the designated city contracted wrecker company shall be utilized.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-165.1. - Duties of tow companies performing incident management tows.

- (a) It shall be the obligation of all tow companies under this section to operate the tow business in a safe manner, to include but not be limited to the following:
  - (1) Taking direction from investigating officer. Upon arrival at the scene of a collision within the city, tow truck operators shall take directions on when to engage or tow from the police officer investigating the collision.
  - (2) Removing debris of collision. Tow truck operators that engage and tow any vehicle from the scene of a collision within the city shall remove all debris of the collision from the public street. This duty specifically includes the removal of vehicle parts, glass, and other debris. Such debris shall be disposed of in a lawful manner which will keep it out of the gutters, storm sewers, streams, public rights-of-way, or property not belonging to the tow company.
  - (3) Disengaging. A tow truck that removes a vehicle from the original location shall not disengage from the vehicle until the vehicle has been deposited with the appropriate VSF except when the vehicle is released to the owner or operator or when the owner or operator specifies the location of disengagement. This restriction is enacted to prohibit tow trucks from engaging an unauthorized vehicle in a parking facility and moving it to a close location, then returning for another unauthorized vehicle, ultimately towing all the relocated vehicles to a VSF.
  - (4) Authorized winching fee. A winching fee may be collected when winching is required to accomplish the tow and is authorized by the officer at the scene.
- (b) Tow companies are expected to deliver a vehicle directly to the location within the limits of Brazos County as designated by the owner of the vehicle or the police department provided such vehicle can be legally delivered to such location.
- (c) Any towing company that receives a total of three suspensions in a 12-month period shall have its tow rotation privileges terminated immediately. That towing company shall not be eligible to reapply for the tow rotation list for a 24-month period commencing on the date of termination.
- (d) Any towing company that believes that they cannot fulfill all of the terms to be on the tow rotation list under this chapter may apply to the chief of police for removal. Under this chapter, the removal from the tow rotation list decision rests with the chief of police.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-165.2. - Standards of conduct for towing companies and tow truck drivers performing nonconsent tows.

A towing company or tow truck driver under this article shall adhere to the following standards of conduct:

- (1) Abide by all reasonable instructions of police officers and EMS personnel and other city officials at the scene of an accident.
- (2) Not engage in price gouging. Price gouging shall consist of charging a fee that is in excess of the prices listed by resolution and ordinance with the police department.
- (3) Respond to accidents within 30 minutes, if the call is accepted.
- (4) Promptly notify the police department if the permit holder cannot respond within 30 minutes.
- (5) Allow tow trucks, vehicle storage facilities and business premises to be inspected as required by provisions of this article.
- (6) Display the city permit sticker on each tow truck.
- (7) Display the city permit for driver, worn in view of the public.
- (8) Towing companies shall have sufficient personnel and equipment to provide services at all times to meet the needs of the police department.
- (9) Use due care in the maintenance of the security of vehicles that are stored.
- (10) Use due care to maintain the tow trucks in optimum operating condition.
- (11) Use due care not to unreasonably interfere with the personnel at the scene of an auto accident and the orderly arrival at the scene of the tow truck called by the police department from the rotation list.
- (12) Use due care to clean the site at the scene of the accident.
- (13) Abide by all the terms as denoted in this article.
- (14) Abide by all state laws and regulations, county and city ordinances and local rules and regulations.
- (15) Upon receiving a complaint from any source claiming damage or loss to a vehicle or its contents towed by a tow truck operator, or vehicle storage facility, the owner shall submit a written report to the chief of police or his designee within 24 hours after receipt of such complaint. Such reports shall contain all facts pertinent to the claim or complaint presented.
- (16) Drops. A tow truck that has "connected" a vehicle for towing shall release the vehicle to its owner or operator upon payment of the "drop fee" and will not tow the vehicle, except when the vehicle is being taken into custody by a police officer. A vehicle is "connected" when the vehicle is fully prepared for transport by attachment to a tow truck, lifted in tow position, with tow lights and safety chains attached and, if required, placed on a dolly in a raised position and the only thing remaining is for the tow operator to drive away. A vehicle is not "connected" if the tow truck has merely backed up to the vehicle.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-165.3. - Grounds for suspension or removal from the tow rotation list.

- (a) Any applicant who makes application under this chapter and is permitted by the city and is called by the police department under the terms of this chapter shall be required to respond to any authorized call. Service on the tow rotation list is at will, and the chief of police or his/her designee may suspend

or remove the towing company from service at his/her discretion, including for, but not limited to, any of the following reasons:

- (1) Pass by refusing or declining to accept the telephone call. The towing company shall be entitled to one pass during a calendar month. In the event the towing company passes two or more times during a calendar month, the first occurrence the wrecker company will be suspended from the rotation list for 30 days. The second occurrence the wrecker company will be suspended from the rotation list for the balance of the year. It is not a ground for suspension or removal if the tow company responds promptly to dispatch that it is unable to take the call. The tow company will then return to the end of the rotation list.
- (2) Forfeiture of calls by failing to respond to the location dispatched by the city within 30 minutes of being called. The first failure shall result in a warning. Upon the third failure in the same calendar year, the wrecker business and its owner and wrecker shall be suspended from the tow rotation list.
- (3) Causing undue damage to vehicles picked up or any other act of incompetency of operation.
- (4) Intoxication or incompetency of a tow truck operator.
- (5) Failure to maintain required insurance;
- (6) Failure to allow the chief of police or his designee to periodically make safety inspections of the tow truck or tow trucks, the tow truck service facilities, and/or the vehicle storage facility, as required herein.
- (7) The making of any false statement as to a material matter in an application for a permit, or permit renewal, or in a hearing concerning the permit or services required by this chapter.
- (8) Failure to protect vehicles in its care as a result of a tow truck pull and fails to prevent parts, accessories and personal belongings from being removed from the vehicle except as may be necessary to protect such items from theft.
- (9) The chief of police may suspend or revoke an existing permit or disqualify a person from receiving a permit because of a person's arrest or conviction of a crime, felony probation revocation, revocation of parole, revocation of mandatory supervision or driver's license history. The permittee shall be required to notify in writing the chief of police any arrest within five business days of that arrest or release from custody. Failure by the permittee to notify the chief of police may result in suspension or revocation of the permit.
- (10) Allowing an unlicensed/permitted driver/employee to operate a tow truck or release a vehicle at the vehicle storage facility.
- (11) Administrative penalty imposed by the TDLR. A tow company's application may be denied if an administrative penalty has been imposed by the TDLR during the prior year of application. A tow company's application may be suspended for an administrative penalty imposed by the TDLR during the current year. Should it become necessary to request the TDLR inspect a VSF due to complaint and the TDLR inspector submit a case to the TDLR Prosecutor's office, the VSF will be suspended pending action by the TDLR.
- (12) Violation of any of the laws of the state, federal or city government; commission of an offense as defined by this article; or violation of any of the terms of this article by a towing company, its agents or employees.
- (13) Collecting or charging any fees in excess of those set out in this chapter.
- (14) Service of the towing company is not in the city's best interests.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-165.4. - Penalties for violations.

Violation of any term of this article by any person, firm or corporation is declared to be a misdemeanor and upon adjudication of guilt, a fine not to exceed \$500.00 shall be assessed against such violator. Each continuing day of violation shall be deemed a separate offense for which a separate fine may be assessed. In addition to the criminal penalties imposed for violations of state law or this article, any tow company on the rotation list that violates this article or state law may be subject to sanctions by the chief of police, depending upon the nature of infraction, number of infractions, and other circumstances. The sanctions shall range from written notification of violations with warning to, and including, suspension or removal from the tow rotation list.

(Ord. No. 2028, § 2, 2-3-2014)

Sec. 126-175.5. - Report of towing of unauthorized vehicle to police dispatcher.

- (a) The VSF that receives a vehicle from a tow truck that removed the vehicle from private or public property within the city and on a nonconsent basis, shall notify the police department public safety dispatch office within one hour of receiving the vehicle. The information to be provided in such notification shall include the:
- (1) General description (brand, model, color) of the vehicle towed, including the state and the license plate, if any;
  - (2) Tow company name that towed the vehicle;
  - (3) Location/address from which the vehicle was towed and reason;
  - (4) Date and time the vehicle was removed from the location;
  - (5) Date and time the vehicle was accepted at the VSF; and
  - (6) Street address and phone number of the VSF where the vehicle is located.
- (b) Such reports shall be made by telephone or in person. A VSF must release vehicles during the time the VSF accepts vehicles. If the VSF accepts vehicles on a 24 hour a day basis, it shall release vehicles on the same basis, with one hour notice.

(Ord. No. 2028, § 2, 2-3-2014)

## **ARTICLE V. - PEDICABS**

### **DIVISION 1. - GENERAL**

Sec. 126-166. - Definitions.

In this article:

Pedicab means a chauffeured tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar, or similar device.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-167. - Permit and license required.

It is unlawful to drive or operate a pedicab within the city unless the pedicab has a valid service license issued under this article and the pedicab driver has a valid permit issued under this article.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-168. - Pedicab designated areas.

Pedicabs may only operate in areas as specified in their city issued license.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-169. - Display of rates.

Each pedicab operated within the city must prominently display, in a frame covered with clear plastic or Plexiglass covering, a card or sign, printed in plain, legible letters and numbers, which must state whether gratuities or donations are accepted, and contain the schedule of rates for the transportation services furnished by the driver, and the name and work address of both the owner and the driver of the pedicab. No driver of any pedicab may charge a fee which is not so posted. A copy of the current rates must be on file with the city secretary's office.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-170. - Passenger restrictions.

Pedicabs may not be operated transporting more than the manufacturer-recommended maximum number of passengers.

(Ord. No. 1844, § 1, 11-10-2009)

## DIVISION 2. - PEDICAB SERVICE LICENSE

Sec. 126-171. - Service license requirements for pedicabs.

- (a) License applications must be made on the form provided by the city and accompanied with the \$50.00 per vehicle application fee. Applications must be filed on or before December 1 of each calendar year.
- (b) Before a license is issued or renewed, the applicant must provide:
  - Written proof that each pedicab has passed city inspection within the past 30 days;
  - A schedule of rates to be charged to passengers; and
  - Proof of commercial general liability policy meeting at least the minimum amounts specified in the Texas Motor Vehicle Safety Responsibility Act and issued by a company with an A.M. Best rating of "A-VI" or better. A copy of the required policy or a certificate of insurance must include an endorsement that the city will be notified at least 30 days in advance if the policy is canceled or expires before the expiration of the license.
- (c) Each pedicab licensed by city must post the city issued license and rate card in a conspicuous location where the passengers may see the contents.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-172. - Equipment requirements of pedicabs.

- (a) Licenses will not be issued or renewed for any pedicabs that are not equipped with the following:
- (1) A headlight capable of emitting a light at a distance of 500 feet or greater, as delegated by the Texas Transportation Code Sec. 551.104;
  - (2) Two properly functioning and operating taillights;
  - (3) Turn properly functioning and operating signals;
  - (4) Rear and side reflective devices;
  - (5) A properly functioning and operating braking system;
  - (6) A properly functioning and operating horn;
  - (7) A rearview mirror;
  - (8) Sufficient rubber and treading on all wheels;
  - (9) A slow moving vehicle emblem;
  - (10) Seatbelts installed by the pedicab manufacturer;
  - (11) A written document issued by the chief of police indicating that the pedicab has passed city inspection; and,
  - (12) A sign on the body of the pedicab stating that name under which the pedicab is operated. The name must be in letters not less than two and one-half inches in height and five-sixteenths of one inch in width, and must be a solid color that contrasts with the background.
- (b) It is unlawful for any person to drive or operate a pedicab in the city that does not meet the requirements of this section.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-173. - Modification of license conditions.

The city secretary must be informed of any modifications or changes to the pedicab, permit or license holder for each pedicab or any other operational changes prior to implementation of the change. Failure to do so may result in the revocation of the pedicab license.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-174. - Transferability of license.

The city secretary, or his or her designee may, at the request of a licensee, transfer a license to a different pedicab owned by the same person, provided all evidence of the old license and lettering is removed from the old pedicab, making the pedicab decommissioned and no longer operable as a pedicab within the city. A new license for the substituted pedicab may be issued by the city secretary upon recommendation by the chief of police or his or her designee, after all ordinance requirements have been met. The city secretary will make an entry of the transfer of license in the official license records. A nonrefundable transfer fee of \$10.00 per pedicab will be collected by the city secretary to defray the administrative costs of transferring the license.

(Ord. No. 1844, § 1, 11-10-2009)

DIVISION 3. - PEDICAB DRIVER PERMIT

Sec. 126-175. - Permit requirements for pedicab drivers.

- (a) Permit applications must be made on the forms provided by the city and accompanied with the \$50.00 application fee. Each permit issued expires on December 31 of the calendar year in which the permit was issued.
- (b) Before a permit is issued or renewed, the applicant must:
  - (1) Be 18 years of age or older;
  - (2) Provide proof of valid Class A, B, or C Texas driver's license;
  - (3) Provide two color photographs taken within 90 days immediately preceding the application; and
  - (4) Have no criminal history that is disallowed under V.T.C.A., Occupations Code, ch. 53, as amended. Upon initial license application and all annual renewals, the city will research each applicant's criminal history with the FBI and the Texas Department of Public Safety.
- (c) Each driver permitted by the city must post the city issued permit in a conspicuous location where the passengers may see the contents.

(Ord. No. 1844, § 1, 11-10-2009)

DIVISION 4. - DENIAL OR REVOCATION OF PERMIT OR LICENSE

Sec. 126-176. - Denial of permit or license.

- (a) The city may refuse to issue a permit or license for any of the following reasons:
  - (1) The applicant provided false information on the application;
  - (2) The applicant does not have the minimum insurance required in this article; or
  - (3) The applicant has been convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, driving while intoxicated, driving while under the influence of drugs, violation of the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code, ch. 481, as amended), theft over \$200.00, or a felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation.
- (b) The city will issue a notice of denial by written notice deposited in U.S. mail, postage prepaid, addressed to the applicant at the address listed in the application. The notice of denial is effective on the third business day following the date it was deposited in U.S. mail.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-177. - Revocation of permit or license.

- (a) The city may revoke a permit or license for any of the following reasons:
  - (1) The permittee or licensee provided false information on the application;
  - (2) The permittee or licensee failed to maintain the minimum insurance required under this article;
  - (3) The permittee, or licensee has been convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, driving while intoxicated, driving while under the

influence of drugs, violation of the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code, ch. 481, as amended), theft over \$200.00, or a felony or other offense involving moral turpitude which adversely affects the permittee's or licensee's ability to provide safe and reliable passenger transportation;

- (4) The permittee or licensee has allowed the pedicab to become damaged, deteriorated or unclean to the extent it is unsatisfactory for public use; or
  - (5) The permittee or licensee has violated any of the prohibitions listed in this article.
- (b) Revocations or suspensions take effect upon delivery of written notice in person to the permittee or licensee or on the third business day following the date it is deposited in U.S. mail, postage prepaid, addressed to the permittee or licensee at the address listed in the application.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-178. - Appeal of denial or revocation of permit or license.

An applicant, permittee or licensee has the right to appeal a denial or revocation to the city manager by submitting a written appeal to the city secretary, with a copy to the police chief, not more than five days after the effective date of the denial or revocation. The city manager or his or her designee will hear the appeal and issue a written finding not more than 20 days after the notice was delivered to the city secretary.

(Ord. No. 1844, § 1, 11-10-2009)

#### DIVISION 5. - OPERATION OF PEDICABS

Sec. 126-179. - Operation of pedicabs.

- (a) When traveling on roadways with multiple lanes, a pedicab driver must travel in the right lane unless the destination requires otherwise.
- (b) Pedicabs may not operate on sidewalks or other pedestrian designated areas.
- (c) Pedicabs may not travel on roadways with a speed limit greater than 30 miles per hour.
- (d) Pedicabs may not stand or park on public roadways for longer than it is necessary to load or unload passengers. All loading of passengers from a roadway must be from a curb lane.
- (e) A pedicab operator may not disrupt pedestrian traffic, and must obey all traffic laws enforced within the State of Texas and the City of Bryan, Texas.

(Ord. No. 1844, § 1, 11-10-2009)

Sec. 126-180. - Property left in pedicab; disposition.

Any property left in a pedicab by a passenger will be promptly delivered to the police services division. The police services division will record the receipt of the items and keep all such items until claimed by the owner, or as the city council may authorize in accordance with state law requirements regarding the disposition of abandoned property.

(Ord. No. 1844, § 1, 11-10-2009)