

AN ORDINANCE      2012 - 05 - 31 - 0387

**AMENDING CHAPTER 33, ARTICLES I AND VI OF THE  
CITY CODE OF SAN ANTONIO, TEXAS RELATING TO  
PEDICABS.**

\*\*\*\*\*

**WHEREAS**, a vibrant and visitor friendly downtown boosts the City of San Antonio by bringing tourists and residents to experience the culture and support the restaurants and businesses downtown; and

**WHEREAS**, this boosts the economy of the City of San Antonio and provides jobs for residents of the City of San Antonio; and

**WHEREAS**, transportation, in the many different forms including Pedicabs, enhances the enjoyment and experiences of those who visit the downtown area by allowing easier access to the different areas of culture in the downtown area; and

**WHEREAS**, after careful consideration, the City Council has determined that it is in the best interest of the citizens of the City of San Antonio to modify the City Code provisions that apply to Pedicabs to improve their use and effectiveness; and

**WHEREAS**, in order to accomplish such revisions, it is necessary to modify Chapter 33, Vehicles for Hire, in Articles I and VI of the City Code; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 33, Article I, Sec. 33-003 of the City Code of San Antonio, Texas is hereby amended to include revisions to the definition of "Pedicab" and the addition of the definitions of "Solicitation" and "Solicit" as follows:

**ARTICLE I. GENERAL PROVISIONS**

**DIVISION 1. GENERAL PROCEDURES**

**Sec 33-003. Definitions.**

*Pedicab* shall mean a device with three (3) wheels propelled by human power exerted through a belt, chain, or gears capable of carrying a driver and one (1) or more passengers on a platform made as part of the device. A pedicab may have an electric assist motor to help the driver move the pedicab.

*Solicitation* shall mean the act of attempting to draw attention to oneself by making noises, sounds, whistles or any unwanted conversation. It shall also include handing out advertisements to passersby without being asked for one.

*Solicit* shall mean the same as solicitation.

**SECTION 2.** Chapter 33, Article VI, Sec. 33-600 through Sec. 33-655 of the City Code of San Antonio, Texas are hereby repealed in its entirety, and will be replaced by Sec. 33-610 through Sec. 33-650 as follows:

**ARTICLE VI. PEDICAB SERVICE**

**DIVISION 1. IN GENERAL**

**Sec. 33-610. Scope of article.**

Holders of permits to operate pedicab services and drivers of pedicabs shall be governed by the provisions of Articles I and VI of this Chapter.

**Sec. 33-611. Fees.**

The following fees are hereby established:

- (1) Pedicab Inspection Fee . . . \$28.00
- (2) Pedicab Re-Inspection Fee . . . \$28.00
- (3) Pedicab Inspection No Show Fee . . . \$28.00
- (4) City chauffeur's license . . . \$15.00
- (5) Renewal of city chauffeur's license . . . \$15.00
- (6) Replacement of lost license . . . \$15.00
- (7) Drivers Transfer Fee. . . \$15.00
- (8) Operating Permit transfers (per Vehicle) . . . \$25.00
- (9) Pedicab Vehicle Permit...\$110.00\* per vehicle
- (10) Late Permit payment...\$10.00 per calendar day
- (11) Permit Application Fee. . . \$150.00 per permit requested on the application

All fees are due upon request of service and non-refundable.

\*Fees for each vehicle authorized by the operating permit may be paid in four (4) equal installments which are due in advance on the first business day of January, April, July, and October of each year.

**Sec. 33-612. Amount of insurance.**

Except as otherwise provided by the holder's operating permit, the public liability and property damage insurance required by this article shall be the minimum of one (1) million dollars (\$1,000,000) per occurrence for each vehicle. These minimums shall be required to cover the following categories:

- (1) For damages arising out of bodily injury to or death of one (1) person in any one (1) accident;
- (2) For damages arising out of bodily injury to or death of two (2) or more persons in any one (1) accident; and
- (3) For damages arising out of injury to or destruction of property in any one (1) accident.

Secs. 33-613--33-619. Reserved.

**DIVISION 2. OPERATING AUTHORITY**

**Sec. 33-620. Number of ground transportation vehicles authorized.**

- (a) The total number of all vehicle permits issued among all operating permit holders shall not exceed fifteen (15) without the approval of City Council.
- (b) A holder, within ninety (90) days after receipt of an operating permit, shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. No operating permit shall be issued authorizing less than Two (2) vehicles. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations of the Director.

**Sec. 33-621. Available Permit Distribution**

- (a) When the City determines that permits shall become available, the City shall advertise the availability of pedicab permits for no less than 30 days. This advertisement method shall be determined by the Director.
- (b) All applications must be submitted by a date set by the Director and must comply with Section 33-007 and 33-008 (as determined by the Director). If the applicant is approved by the Director, each application shall be placed into a permit drawing. Applications shall not be for more permits than are available.

- (c) Permit drawing shall be held with all permit applicants present. Only permit applicants shall be allowed to attend the drawing. However, if an applicant can not be present they must provide a written letter informing the City that they can not attend; they may request for one individual to attend on their behalf. Failure to attend or have someone attend the drawing shall not disqualify the applicant.
- (d) The Director or designee shall pull one drawing entry for each permit available. Each company that is issued a permit during this process shall have 90 days from the time of the drawing to complete all requirements of Chapter 33 and have the Pedicab inspected and permitted. Failure to comply will result in forfeiture of the drawn permit.
- (e) Drawing procedures shall be outlined in pedicab rules and regulations.

Secs. 33-622--33-629. Reserved.

### **DIVISION 3. SERVICE REGULATIONS**

#### **Sec. 33-630. Hours of operation.**

The Director shall establish the hours during which a driver may operate a pedicab as a rule or regulation in accordance with Section 33-004 and 33-005.

#### **Sec. 33-631. Areas of Services.**

- (a) Pedicabs shall not work outside the downtown area as outlined in the Pedicab Rules and Regulations.
- (b) No pedicab shall be operated on the Riverwalk.
- (c) Pedicabs shall not operate on sidewalks, with the exception of the following:
  - 1. The walkway that runs from S. Bowie to the Alamodome
  - 2. The walkways within Hemisfair Park
  - 3. The walkways around the Henry B. Gonzales Convention Center
  - 4. The walkways within Main Plaza
- (d) Pedicabs shall be authorized to cross sidewalks to access legal operating areas.
- (e) Irrespective of (c) above a pedicab may not enter any park or plaza that is closed to the public because of a City issued permit (this includes sidewalks).
- (f) Pedicabs shall not utilize crosswalks.

- (g) The areas of service may be changed or removed by the Director when it would be in the best interest of the public. This change or removal may be made with or without notice.

**Sec. 33-632. Passenger restrictions.**

No pedicab shall transport more than 4 passengers at one time; all passengers shall fit in the seating area.

Seating Area shall mean the area between the side walls and back wall of the pedicab. Passengers may not be seated above the top of the side or back walls. Passengers shall be required to have their feet inside the area of the pedicab.

**Sec. 33-633. Standing or Resting.**

a) No pedicab shall stand or park on any public roadway, sidewalk, or walkway for longer than is necessary to load or unload passengers. All loading and unloading of passengers from a roadway must be from a curb lane. The exception is commercial loading zones.

(b) Pedicabs may utilize any unoccupied commercial loading zone to stand or rest. All Pedicabs must give the right of way to commercial vehicles or other authorized motor vehicles to these commercial loading zones.

**Sec. 33-634. Holder's duty to comply.**

(a) In the operation of a Pedicab service, a holder shall comply with the terms and conditions of the holder's permit agreement. Except to the extent expressly provided otherwise by the permit agreement, the holder shall comply with this chapter, the Director's interpretations of the provisions herein, rules and regulations established by the Director, and other laws applicable to the operation of a vehicle for hire.

(b) Upon written notice by the Director of a violation by a driver or employee, a holder who allows such driver or employee to drive a Pedicab while in violation becomes responsible and liable to the city for all fees, penalties, and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules and regulations established by the Director, and other laws applicable to the operation of a Pedicab.

**Sec. 33-635. Holder's duty to enforce compliance by drivers.**

(a) A holder shall establish a policy and take action to discourage, prevent and correct violations of this chapter by drivers who are employed or contracted by the holder.

(b) A holder shall not permit a driver who is employed or contracted by the holder to operate any Pedicab if the holder knows or has reasonable cause to suspect that the driver

has failed to comply with this chapter, the rules and regulations established by the Director, or other applicable law.

**Sec. 33-636. Holders responsible for fitness of drivers.**

(a) Each holder operating a pedicab service in the city shall employ or contract, as drivers, only persons who are physically and mentally fit and who have sufficient experience and training to operate a Pedicab in a safe and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a driver permit. The employment or contracting of any driver shall be subject to the driver obtaining a temporary or permanent driver permit.

(b) Each holder is charged with knowledge of the contents of the file of all drivers whom he/she employs or contracts. The Director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver, when reviewing such holder's request for a grant or renewal of an operating permit.

**Sec. 33-637. Periodic appearance in person by holders and drivers.**

(a) Upon request and reasonable notice, holders and drivers shall appear, in person, before the Director and/or his/her representative.

Secs. 33-638--33-639. Reserved.

**DIVISION 4. FARES**

**Sec. 33-640. Fares.**

(a) A permit holder shall file with the Director a schedule of fares to be charged for services provided. A holder shall notify the Director of any change(s) to the fare schedule prior to the implementation of these changes.

(b) The schedule of fares shall be posted on each pedicab at a location designated by the Director.

(c) The use of any type of meter or measuring device to calculate rate of fare is prohibited.

Secs. 33-641--33-649. Reserved.

**DIVISION 5. VEHICLES AND EQUIPMENT**

**Sec. 33-650. Inspection Requirements:**

(a) Pedicabs shall be inspected yearly.

(b) Vehicles shall comply with all vehicle requirements outlined in rules and regulations as well as the requirements outlined in the pedicab vehicle inspection guidelines

Secs. 33-651--33-659. Reserved.

**SECTION 3.** The remainder of Chapter 33 of the City Code of San Antonio, Texas shall remain in full force and effect, save and except as amended by this Ordinance.

**SECTION 4.** Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**SECTION 6.** The City Clerk of the City of San Antonio is hereby directed to publish notice of this Ordinance as required by Section 17 of the Charter of the City of San Antonio and the laws of the State of Texas.

**SECTION 7.** This ordinance shall take effect five (5) days following the date of the publication provided for above.

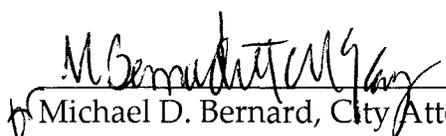
**PASSED and APPROVED** this 31<sup>st</sup> day of May, 2012.

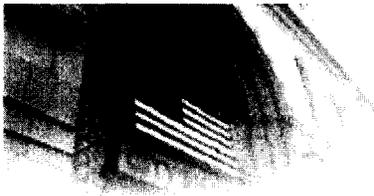
  
M A Y O R  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

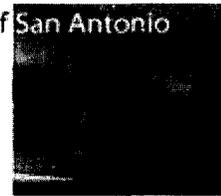
  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 16

<b>Name:</b>	16						
<b>Date:</b>	05/31/2012						
<b>Time:</b>	10:43:12 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 33, Articles I and VI of the City Code by modifying the definition of "Pedicab"; defining "Solicitation"; changing the amount of fees and insurance requirements; changing permit distribution; modifying areas of service, passenger restrictions, and permit holder responsibilities; and granting authority to the Chief of Police or his designated representative to establish hours of operation and modify areas of service. [Erik J. Walsh, Assistant City Manager; William McManus, Police Chief]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x			x	
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				