

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Mayor and Council

AGENDA DATE: September 23, 2008 for Introduction.
Public Hearing on September 30, 2008

CONTACT PERSON/PHONE: Representative Beto O'Rourke, 541-4123.

DISTRICT(S) AFFECTED: All

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SUBJECT: An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.34 (Nonmotorized Vehicles for Hire), of the El Paso City Code, to amend sections thereunder to permit the licensing of bicycles, pedicabs, and similarly-operated vehicles as vehicles for hire; and to add equipment requirements for such vehicles; the penalty being as provided in Section 6.04.040 of the El Paso City Code.

BACKGROUND / DISCUSSION: At the September 9, 2008 City Council meeting, a discussion was had regarding a possible amendment to the City's vehicle for hire ordinance, so as to allow pedicabs to be licensed in El Paso as vehicles for hire. Staff has prepared this ordinance, which amends the existing provisions in Chapter 6.34 of the code regulating nonmotorized vehicle for hire. This ordinance revises the definition of nonmotorized vehicle to include bicycles, pedicabs and other similarly powered vehicles. It also revises the list of required equipment for nonmotorized vehicles to add several new requirements relating to tires, upholstery, and safety equipment such as flags, and to state existing requirements more generally so as to uniformly state the minimum equipment requirements for all possible types of nonmotorized vehicles.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Chapter 6.34 of the Code was created by Ordinance no. 10490 in 1991.

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also) *Information copy to appropriate Deputy City Manager*

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE), CHAPTER 6.34 (NONMOTORIZED VEHICLES FOR HIRE), OF THE EL PASO CITY CODE, TO AMEND SECTIONS THEREUNDER TO PERMIT THE LICENSING OF BICYCLES, PEDICABS AND OTHER SIMILARLY-OPERATED VEHICLES AS VEHICLES FOR HIRE; AND TO ADD EQUIPMENT REQUIREMENTS FOR SUCH VEHICLES; THE PENALTY BEING AS PROVIDED IN SECTION 6.04.040 OF THE EL PASO CITY CODE.

WHEREAS, the City Council finds that there is a need within the City for the licensing of a nonmotorized vehicles for hire which primarily use pedal power, to include bicycles, electric bicycles, and similar vehicles, that are specially constructed so as to carry the operator and one to three passengers and use the same methods of power and operation as a bicycle or electric bicycle.

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

Section 1. That Section 6.34.010 (Definitions) of the El Paso City Code, is amended as follows:

Section 6.34.010 Definitions.

For the purposes of this chapter:

- A. "Bicycle" shall have the same meaning as the definition of the term as provided in Section 541.201, Texas Transportation Code.
- B. "Electric bicycle" shall have the same meaning as the definition of the term provided in Section 541.201, Texas Transportation Code.
- C. "Horse" means a horse which is a gelding or a mare; is a minimum of three years old; weighs at least one thousand, two hundred pounds; is of such stamina and in such physical condition so as to be able to perform the required horse-drawn carriage tasks without any undue stress or effort.
- D. "Horse-drawn carriage" means the combination of a carriage, one or more horses and an operator.
- E. "Holder" means a person or entity who is granted a license under this chapter.
- F. "Motor vehicle" means a motorized vehicle, including one which draws a nonmotorized vehicle for hire.
- G. "Nonmotorized vehicle for hire" means
 - 1. A trailer which can legally carry passengers under Texas law, carriage or other similar type of drawn vehicle; or

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2. A bicycle, electric bicycle, or similar vehicle that is specially constructed so as to carry the operator and one to three passengers and uses the same methods of power and operation as a bicycle or electric bicycle.

H. "Other means of power" means a horse, bicycle, human power or other similar types of power.

I. "Operator" means a driver of a motor vehicle or other means of power.

Section 2. That Section 6.34.150 (Vehicle requirements and inspections) of the El Paso City Code, is amended as follows:

6.34.150 Vehicle requirements, inspections and operations.

A. All nonmotorized vehicles for hire and motor vehicles, while in service, shall be kept in a clean condition, free of foreign matter and of offensive odors. The nonmotorized vehicle and the motor vehicle shall be free from damaged fenders and bodies, torn or damaged upholstery, defective paint and other conditions making them unsightly.

B. All nonmotorized vehicles for hire drawn by a motor vehicle, motor vehicles and horse-drawn carriages shall be equipped with a fire extinguisher with a minimum rating of 2A10BC. Said fire extinguisher shall be mounted or carried in a position which is within reach or is easily accessible to the operator.

C. All nonmotorized vehicles for hire other than licensed trailers shall be equipped with a brake system which is capable of being set so as to restrict the movement of the nonmotorized vehicle for hire while it is parked or loading or unloading passengers.

D. All nonmotorized vehicles for hire that are not pulled by a motor vehicle shall be equipped with a braking system that allows the nonmotorized vehicle to be braked and stopped.

E. The wheels of a nonmotorized vehicle for hire shall be firmly attached to the hub and shall not wobble excessively. All springs, axles and supporting structures shall be intact without any visible breaks or deflection greater than incurred by a normal load. The outer rims of all wheels shall be adequately sheathed in rubber or other synthetic material to prevent damage to the street pavement.

F. All nonmotorized vehicles for hire, not otherwise required to have lamps or reflective devices by Texas law, shall be equipped with the following:

1. A lamp on the front of the nonmotorized vehicle that emits a white light visible from a distance of at least 500 feet in front of the nonmotorized vehicle, except that a horse drawn carriage may have front reflective devices in lieu of the lamp;
2. Two lamps that emit a red light visible from a distance of 500 feet to the rear of the nonmotorized vehicle;
3. Turn signals;
4. Rear and side reflective devices;
5. A horn;
6. A rearview mirror;
7. A safety flag or slow moving vehicle emblem; and

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8. A card or other posting at a location designated by the chief of police containing the name of the company operating the nonmotorized vehicle and the telephone number of the company.

G. All lamps on nonmotorized vehicles shall be in operation during the nighttime hours beginning no later than one-half hour before sunset, or at any time when weather conditions cause visibility to be reduced from normal daytime visibility. The wiring for all lamps shall be mounted and maintained so as to not be damaged by persons entering or exiting from the vehicle.

H. Horse-drawn carriages shall operate on the roadways in the manner required by Section 542.003, Texas Transportation Code.

I. Nonmotorized vehicles defined in Section 6.34.010 G 2 of this code shall operate on the roadways in the manner required by Section 551.103(a) and (b), Texas Transportation Code.

J. Each nonmotorized vehicle and motor vehicle shall be inspected before it is placed into service, and thereafter every six months, in accordance with this chapter and the policies and procedures established by the chief of police. The cost of such inspection shall be in the amount established in the budget resolution or other appropriate resolution of the City Council as for vehicles other than taxi cabs. The inspection cost will be borne by the holder of the license and will be nonrefundable and payable in advance of the inspection. Motor vehicles used under this chapter shall not be subject to inspection for the items listed in Sections 6.16.320 (B)(24) through (B)(30). Upon completion of the inspection, if the vehicle meets all the requirements of this chapter, a certificate of inspection will be issued. Such certificate for a motor vehicle shall be affixed to the windshield of the vehicle in a plainly visible place. Except for items which affect the safe operation of the vehicle requiring inspection under this section will be reinspected within fifteen days without additional charge.

K. No operator of nonmotorized vehicle for hire shall operate said vehicle without the certificate of inspection present in the nonmotorized vehicle, in the motor vehicle or held on the person of the operator.

L. The inspection required for all nonmotorized vehicles shall include the following:

1. Current state inspection sticker, if required by Texas law;
2. Fire extinguisher, if required by this chapter;
3. Brakes, if required by Texas law or as required by this section;
4. License plate light (may be part of tail light or separate), if required by Texas law;
5. Turn signal operation: indicator light;
6. Stop lights and tail lights, if required by Texas law or as required by this chapter;
7. Lamps and reflectors as required by Texas law or this chapter;
8. The fenders and body of the nonmotorized vehicle, and any motor vehicle, are free from damage, defective paint and other conditions making it unsightly; and
9. The wheels are firmly attached to the hub and all springs, axles and supporting structures are sound and intact and meet the requirements of this chapter.

M. If the chief of police determines that a non-motorized vehicle or motor vehicle is not in compliance with this chapter, fails to pass an inspection for conditions affecting the safe operation of the vehicle, or a vehicle does not have equipment required by this section, state or federal law, the chief of police may order the vehicle removed from service until it is brought into compliance. Operating said vehicle in a nonmotorized

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vehicle for hire service after it has been ordered removed from service and before it is brought into compliance and approved for operation, is prohibited and shall be cause for suspension or revocation of the operating license for that vehicle.

Section 3. Except as herein amended, Title 6 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 30th day of September 2008.

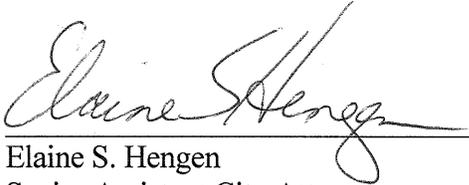
CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

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