

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 006-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 86, VEHICLES FOR HIRE THEREOF BY ADDING A NEW ARTICLE III REGARDING NON-MOTORIZED PASSENGER TRANSPORT SERVICE REGULATIONS AND STANDARDS; PROVIDING FOR CERTAIN ADMINISTRATIVE PROCEDURES; PROVIDING GUIDELINES FOR A NON-MOTORIZED PASSENGER TRANSPORT SERVICE; PROVIDING FOR FEES FOR REGISTERING A NON-MOTORIZED PASSENGER TRANSPORT SERVICE; PROVIDING QUALIFICATIONS, STANDARDS, AND REGULATIONS FOR A NON-MOTORIZED TRANSPORT DRIVER'S PERMIT; PROVIDING FOR INSURANCE REQUIREMENTS; PROVIDING FOR OTHER MATTERS RELATED TO THE USE AND OPERATION OF A NON-MOTORIZED PASSENGER TRANSPORT SERVICE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

**Section 1.** Amendment. The Code of Ordinances ("Code") of the Town of Addison, Texas ("City") is hereby amended by amending Chapter 86 - Vehicles for Hire thereof in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed:

A. Chapter 86 – Vehicles for Hire is hereby amended by adding thereto a new Article III regarding the operation of a non-motorized passenger transport service within the City as set forth in Exhibit A attached hereto and incorporated herein.

**Section 2.** Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances or of the Code except in those instances where the provisions of those ordinances or of the Code are in direct conflict with the provisions of this Ordinance.

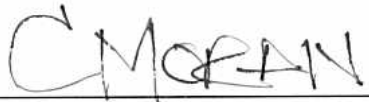
**Section 3.** Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4.** Effective Date. This Ordinance shall take effect immediately from and after its passage.

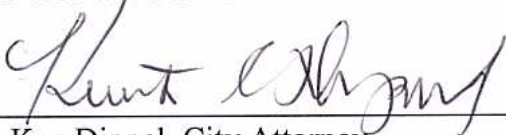
**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 25th day of April, 2006.

  
\_\_\_\_\_  
Joe Chow, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Carmen Moran, City Secretary

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Ken Dippel, City Attorney

**Published:**  
**04/29/06**

**EXHIBIT A  
TO ORDINANCE NO. 006-021**

**ARTICLE III. NON-MOTORIZED TRANSPORTATION.**

**Section 86-80. Non-Motorized Transportation Regulations.**

(a) *Non-Motorized Transportation Regulations.* It is the goal of the City to provide for the safe and efficient transportation for all motorized vehicles, non-motorized vehicles, and pedestrians upon the roads and streets with the City.

(b) *Definitions.* For purposes of this Article, the following words, except where the context clearly indicates otherwise, shall be defined as follows:

1. *City* means the Town of Addison, Texas.
2. *Chief of Police* means the Chief of the Addison Police Department or his or her designated representative.
3. *Conviction* means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.
4. *Driver* means an individual who operates a non-motorized passenger transportation vehicle.
5. *Holder* means a person who is granted operating authority under this Section to provide non-motorized passenger transport service in the City.
6. *Horse* means any member of the species *Equus Caballus*.
7. *Horse-drawn carriage* means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.
8. *Lawful order* means a verbal or written directive issued by the Chief of Police in the performance of official duties in the enforcement of this Article and any rules and regulations promulgated under this Article.
9. *Non-motorized passenger transport vehicle* means a horse-drawn carriage.
10. *Non-motorized passenger transport service* means a business of offering or providing transportation of a person or persons for hire by a non-motorized passenger transport vehicle when:
  - a. a driver is furnished as part of the service;

- b. the service is offered only in accordance with a preapproved route that must be current and kept on file with the Chief of Police; and
  - c. is not being operated in compliance with a valid parade permit issued by the City.
- 11. *Non-motorized passenger transport vehicle driver's permit* means a permit issued to an individual by the Chief of Police authorizing that individual to operate a non-motorized passenger transport vehicle for hire in the city.
- 12. *Operate* means to drive or to be in control of a non-motorized passenger transport vehicle.
- 13. *Operating authority* means written permission granted by the Chief of Police under this Article to operate a non-motorized passenger transport service.
- 14. *Operator* means the driver or owner of a non-motorized passenger transport vehicle or the holder of non-motorized passenger transport service operating authority.
- 15. *Permittee* means an individual who has been issued a non-motorized passenger transport vehicle driver's permit under this Article.
- 16. *Person* means an individual, corporation, government or governmental subdivision, or other business entity of any kind whatsoever, or an agency, trust, partnership, or two or more persons having a joint or common economic interest.
- 17. *Preapproved route* means a non-motorized passenger transport service operating on a predetermined schedule with fixed pickup and destination points located on a route approved by and on file with the Chief of Police.

**Section 86-81. *Operating Authority.***

- (a) *Operating Authority Required.*
  - 1. A person commits an offense if the person operates a non-motorized passenger transport service within the City without valid operating authority granted under this Section.
  - 2. A person commits an offense if the person advertises or causes to be advertised the operation of a non-motorized passenger transport service that does not have valid operating authority granted under this Article when the advertisement is reasonably calculated to be seen by persons seeking non-motorized passenger transport service in the City.

3. A person commits an offense if he transports, or offers to transport, a passenger for hire by a non-motorized passenger transport vehicle within the City unless the person driving the vehicle or another who employs the driver holds valid operating authority issued under this Article.
4. A person commits an offense if the person hires or employs a non-motorized passenger transport service to pick up passengers in the City that the person knows does not have valid operating authority under this Article.
5. It is a defense to prosecution under this subsection (a) that the person was the publisher of the advertising material and had no knowledge that the non-motorized passenger transport service did not have valid operating authority under this Section.
6. Separate operating authority is required for each type of non-motorized passenger transport service or horse-drawn carriage, to be operated.

(b) *Qualification for Operating Authority.* To qualify for non-motorized passenger transport service operating authority, an applicant must:

1. be at least 19 years of age (if an individual);
2. be currently authorized to work full-time in the United States (if an individual);
3. be able to communicate in the English language (if an individual); and
4. not have been convicted of a crime that is punishable as a felony under applicable law.

(c) *Application for Operating Authority.* To obtain non-motorized passenger transport service operating authority, an applicant must submit an application on a form approved by the Chief of Police. The applicant must be the person who will own, control, or operate the proposed non-motorized passenger transport service. The application must be verified and contain at least the following:

1. a statement of the type of non-motorized passenger transport service or horse-drawn carriage, for which application is made;
2. the form of business of the applicant, and a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business;
3. the name, address, and verified signature of the applicant;
4. the description of any past business experience of the applicant, particularly in providing passenger transport services; identification and description of any

revocation or suspension of operating authority held by the applicant or business before the date of filing the application;

5. the number and description of vehicles the applicant proposes to use in the operation of the service, including year, make, model, manufacturer's rated seating capacity, and state license registration number for each vehicle;
6. The number of horses the applicant proposes to use in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse;
7. a description of the proposed service, including routes, and schedules, where applicable;
8. documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter;
9. such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and
10. such additional information as the Chief of Police considers necessary to assist or promote the implementation or enforcement of this Section of the protection of the public safety.

(d) *Issuance and Denial of Operating Authority.*

1. In deciding whether to issue or deny an application for operating authority, the Chief of Police shall consider, without limitation, the following:
  - a. whether the public convenience and necessity require the proposed service;
  - b. whether the applicant has complied with all requirements of this chapter for providing the service applied for; and
  - c. the current safety record of the applicant, and the previous safety record, if the applicant has operated a passenger transportation service in the past.
2. The Chief of Police shall issue operating authority to the applicant, if the Chief of Police determines that:
  - a. the applicant has complied with all requirements for issuance of operating authority;
  - b. the public convenience and necessity require the operation of the proposed service;

- c. the applicant has not been convicted within a two-year period for violation of this chapter;
- d. the applicant has not made a false statement as to a material matter in an application for operating authority;
- e. the applicant has not been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform a passenger transportation service; or
- f. the applicant's operating authority has not been revoked within two years prior to the date of application.

3. If the Chief of Police determines that the requirements of subsection 2 have not been met, the Chief of Police shall deny operating authority.

4. If the Chief of Police determines that an applicant should be denied operating authority, the Chief of Police shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(e) *Expiration and Renewal of Operating Authority.*

1. Operating authority expires September 30 of each year. A holder shall apply for a renewal at least thirty (30) days before the expiration of the operating authority. The Chief of Police shall renew operating authority if the Chief of Police determines that:

- a. the holder has performed satisfactorily under the term of the operating authority;
- b. the service provided continues to be necessary and desirable; and
- c. the holder has fully complied with all requirements of this Section.

2. If, after investigation of a renewal application, the Chief of Police determines that a statement in any of subsections 1.a., b., or c. is not true, the Chief of Police will reconsider the application as a new application and not a renewal.

(f) *Revocation of Operating Authority.* The Chief of Police shall revoke operating authority if the Chief of Police determines that the holder has:

- 1. made a false statement as to a material matter in the application or appeal hearing concerning the operating authority;

2. failed to comply with applicable provisions of this Section;
3. operated a service not authorized by the operating authority;
4. been finally convicted for violation of another city, state, or federal law, that indicates a lack of fitness of the holder to perform a passenger transportation service;
5. is under indictment for or has been convicted of any felony offense while holding the operating authority;
6. does not qualify for operating authority under this Section; or
7. failed to pay a fee for the operating authority at the time it was due.

(g) *Appeals.* Any person whose application for operating authority or renewal of operating authority is denied by the Chief of Police, or a holder whose operating authority has been revoked or suspended by the Chief of Police, may file an appeal with the City Manager's office, such appeal to be conducted in the same manner as set forth in Section 86-82(k).

(h) *Nontransferability.* A holder's operating authority, permit, emblem, or decal is not transferable and cannot be assigned, conveyed, sublicenses, or otherwise transferred in any manner whatsoever to another. The transfer, assignment, conveyance, sublicense, or other transfer in violation of this provision shall result in the immediate non-appealable revocation of the operating authority.

(i) *Fees.*

1. The annual fee for operating authority for a non-motorized passenger transport service that operates a horse-drawn carriage is:
  - a. five hundred dollars (\$500.00); and
  - b. twenty dollars (\$20.00) for each vehicle authorized to operate under the operating authority.
2. The annual fee for operating authority must be paid before operating authority will be issued. If operating authority is issued for a length of time less than one year, the fee shall be prorated on the basis of whole months.
3. If operating authority is amended to increase the number of vehicles used under the operating authority, the Chief of Police shall compute and collect an adjusted amount in accordance with Subsection 1.b. of this Section.
4. No refund of a fee required by this Section may be made.



**Section 86-82. *Driver's Permit.***

(a) *Non-Motorized Passenger Transport Vehicle Driver's Permit Required.*

1. A person commits an offense if the person operates a vehicle engaged in non-motorized passenger transport service in the City without a valid non-motorized passenger transport vehicle driver's permit issued to the person under this Section.
2. A holder commits an offense if the holder employs or otherwise allows a person to operate for hire a non-motorized passenger transport vehicle owned, controlled, or operated by the holder unless the person has a valid non-motorized passenger transport vehicle driver's permit issued under this Section.

(b) *Qualifications for a Non-Motorized Passenger Transport Vehicle Driver's Permit.*

1. To qualify for a non-motorized passenger transport vehicle driver's permit, an applicant must:
  - a. be at least 19 years of age;
  - b. be currently authorized to work full-time in the United States;
  - c. hold a valid driver's license issued by the State of Texas;
  - d. be able to communicate in the English language;
  - e. not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a vehicle or that is likely to otherwise endanger the public health or safety; and
  - f. not have been convicted of a crime, that is punishable as a felony under applicable law.
2. It is the responsibility of the applicant, the extent possible, to secure and provide to the Chief of Police the evidence required to determine the applicant's qualification under this Subsection.

(c) *Issuance and Denial of Non-Motorized Passenger Transport Vehicle Driver's Permit.*

1. If the Chief of Police determines that an applicant is qualified, the Chief of Police shall issue a non-motorized passenger transport vehicle driver's permit to the applicant.

2. If the Chief of Police determines that a permit should be denied the applicant, the Chief of Police shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(d) *Expiration of Non-Motorized Passenger Transport Vehicle Driver's Permit; Voidance Upon Suspension or Revocation of State Driver's License.*

1. Except in the case of a probationary or provisional permit, a non-motorized passenger transport vehicle driver's permit expires two years from the date of issuance.
2. If a permittee's state driver's license is suspended or revoked by the state by which it is issued, the non-motorized passenger transport vehicle driver's permit automatically becomes void. A permittee shall notify the holder for whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the non-motorized passenger transport vehicle driver's permit to the Chief of Police.

(e) *Probationary Permit.*

1. The Chief of Police may issue a probationary non-motorized passenger transport vehicle driver's permit to an applicant who is not qualified for a non-motorized passenger transport vehicle driver's permit under this Article if the applicant:
  - a. could qualify under this Article for a non-motorized passenger transport vehicle driver's permit within one year from the date of application;
  - b. holds a valid state driver's license or occupational driver's license; and
  - c. is determined by the Chief of Police, using the criteria listed in this Article, to be presently fit to engage in the occupation of a non-motorized passenger transport vehicle driver.
2. A probationary permit may be issued for a period not to exceed one year.
3. The Chief of Police may prescribe appropriate terms and conditions for a probationary permit as determined necessary.

(f) *Duplicate Permit.*

1. If a non-motorized passenger transport vehicle driver's permit is lost or destroyed, the Chief of Police shall issue the permittee a duplicate permit upon payment to the City of a duplicate permit fee of \$11.00.

(g) *Display of Permit.*

1. A driver shall at all times conspicuously display a non-motorized passenger transport vehicle driver's permit on the clothing of the driver's upper body. A driver shall allow the Chief of Police or a peace officer to examine the permit upon request.

(h) *Suspension of Non-Motorized Passenger Transport Vehicle Driver's Permit.*

1. If the Chief of Police determines that a permittee has failed to comply with this Section or a regulation established under this Section, the Chief of Police may suspend the non-motorized passenger transport vehicle driver's permit for a definite period of time not to exceed 60 days.
2. If at any time the Chief of Police determines that a permittee is not qualified under this Section or is under indictment or has charges pending for any offense involving driving while intoxicated, the Chief of Police may suspend the non-motorized passenger transport vehicle driver's permit until such time as the Chief of Police determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated without a determination of guilt or a plea of no contest.
3. A permittee whose non-motorized passenger transport vehicle driver's permit is suspended shall not drive a non-motorized passenger transport vehicle inside the City during the period of suspension.
4. The Chief of Police shall notify the permittee and the holder in writing of a suspension under this Section and include in the notice the reason for the suspension, the date the Chief of Police orders the suspension to begin, the duration of suspension or the rights, if any, of appeal. The period of suspension begins on the date specified by the Chief of Police or, in the case of an appeal, on the date ordered by the appeal hearing officer.

(i) *Revocation of Non-Motorized Passenger Transport Vehicle Driver's Permit.*

1. The Chief of Police may revoke a non-motorized passenger transport vehicle driver's permit if the Chief of Police determines that the permittee:
  - a. operated a non-motorized passenger transport vehicle for hire inside the City during a period in which the permittee's non-motorized passenger transport vehicle driver's permit was suspended;
  - b. made a false statement of a material fact in an application for a non-motorized passenger transport vehicle driver's permit;
  - c. engaged in conduct that constitutes a ground for suspension under this Section, and received either a suspension in excess of three days or a

conviction for violation of this Section one time with the 12-month period preceding the occurrence of the conduct;

- d. engaged in conduct that could reasonably be determined to be detrimental to the public safety;
  - e. failed to comply with a condition of a probationary permit; or
  - f. is under indictment for or has been convicted of any felony offense while holding a non-motorized passenger transport vehicle.
2. A person whose non-motorized passenger transport vehicle driver's permit is revoked shall not:
- a. apply for another non-motorized passenger transport vehicle driver's permit before the expiration of 12 months from the date the Chief of Police revoked the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or
  - b. drive a non-motorized passenger transport vehicle for hire inside the City.
3. The Chief of Police shall notify the permittee and the holder in writing of a revocation and include in the notice the reason for the revocation, the date the Chief of Police orders the revocation, and a statement informing the permittee of the right of appeal.
- (j) *Operation of Non-Motorized Passenger Transport Vehicle After Suspension.*
- 1. After receipt of notice of suspension, revocation, or denial of permit renewal, the permittee shall, on the date specified in the notice, discontinue the operation of a non-motorized passenger transport vehicle for hire inside the City and surrender the non-motorized passenger transport vehicle driver's permit to the Chief of Police.
  - 2. Notwithstanding subsections (h)) and(i) of this Section, if a permittee appeals the suspension or revocation, the permittee may continue to drive a non-motorized passenger transport vehicle for hire pending the appeal unless:
    - a. the non-motorized passenger transport vehicle driver's permit of the permittee is suspended pursuant to this Section; or
    - b. the Chief of Police determines that continued operation by the permittee would impose an immediate threat to public safety.
- (k) *Appeal from Denial, Suspension, or Revocation.*

1. A person may appeal a denial of a non-motorized passenger transport vehicle driver's permit application, suspension of a non-motorized passenger transport vehicle driver's permit, or revocation of a non-motorized passenger transport vehicle driver's permit, if the person requests an appeal in writing, delivered to the City Manager not more than ten 10 days after the date of the notice of the Chief of Police's action.
  2. The City Manager or the Manager's designated representative shall act as the appeal hearing officer in an appeal hearing under this Section, The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this Section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.
  3. The hearing officer may affirm, modify, or reverse all or part of the action of the Chief of Police being appealed. The decision of the hearing officer is final as to available administrative remedies.
- (l) *Nontransferability.*
1. A non-motorized passenger transport vehicle driver's permit, badge, sticker, or emblem assigned to one person is not transferable and cannot be assigned, conveyed, sublicenses, or otherwise transferred in any manner whatsoever to another. The transfer, assignment, conveyance, sublicense, or other transfer in violation of this provision shall result in the immediate non-appealable revocation of the permit.

**Section 86-83. *Holder's and Driver's Duty to Comply.***

- (a) *Holder.* In the operation of a non-motorized passenger transport service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this Article, rules and regulations established under this Article, and other law applicable to the operation of a non-motorized passenger transport service.
- (b) *Driver.* While on duty, a driver shall comply with this Section, regulations established under this Section, other law applicable to the operation of a motor vehicle in this state, and orders issued by operating authority and this Section.
- (c) *Holder's Duty to Enforce Compliance by Driver.*
  1. A holder shall establish policy and take action to discourage, prevent, or correct violations of this Section by drivers who are employed by the holder.

2. A holder shall not permit a driver who is employed by the holder to drive a non-motorized passenger transport vehicle if the holder knows or has reasonable cause to suspect that the driver has applicable law.

**Section 86-84. *Insurance; Suspension of Operating Authority.***

(a) A holder shall procure and keep in full force and effect commercial general liability insurance written by an insurance company approved by the State of Texas and acceptable to the City and issued in the standard form approved by the state board of insurance. All provisions of the policy must be acceptable to the City. The insured provisions of the policy must name the City and its officers and employees as additional insureds and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a non-motorized passenger transport service by the holder.

(b) The commercial general liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of \$5,000 per person. Aggregate limits of liability are prohibited.

(c) If a vehicle is removed from service, the holder shall maintain the insurance coverage required by this Section for the vehicle until the Chief of Police receives satisfactory proof that all evidence of operation as a non-motorized passenger transport vehicle has been removed from the vehicle.

(d) Insurance required under this Section must include:

1. a cancellation provision in which the insurance company is required to notify the Chief of Police in writing not fewer than thirty (30) days before cancelling, failing to renew, or making a material change to the insurance policy; and
2. a provision to cover all vehicles, whether owned or not owned by the holder, operated under the holder's operating authority.

(e) No insurance required by this Section may be obtained from an assigned risk pool.

(f) Operating authority will not be granted or renewed unless the applicant or holder furnishes the Chief of Police with such proof of insurance as the Chief of Police considers necessary to determine whether the applicant or holder is adequately insured under this Section.

(g) If the insurance of a holder lapses or is cancelled and new insurance is not obtained, the Chief of Police shall suspend the operating authority until the holder provides evidence that insurance coverage required by this Section has been obtained. A person shall not

operate a passenger transportation service while operating authority is suspended under this Section whether or not the action is appealed.

**Section 86-85. *Information to be Supplied Upon Request of the Chief of Police.*** Upon request of the Chief of Police, a holder shall submit to the Chief of Police the following information about a non-motorized passenger transport service:

- (a) a current consolidated list of all vehicles and, if applicable, horses used;
- (b) names of current officers, owners, and managers of the holder; and
- (c) a list of current drivers employed by the holder, with their non-motorized passenger transport vehicle driver's permit indicated.

**Section 86-86. *Solicitation.***

- (a) A person commits an offense if the person, by word or gesture, solicits a passenger for hire.
- (b) It is a defense to prosecution under subsection (a) that the person was soliciting:
  - 1. from a location and in a manner authorized by written contract executed by an authorized property manager of the location and the holder of the non-motorized passenger transport service; or
  - 2. at a time and from a location complying with a schedule of loading and drop-off points on file with and approved by the Chief of Police.

**Section 86-87. *Conduct of Drivers.*** A driver shall at all times:

- (a) act in a reasonable, prudent, and courteous manner;
- (b) maintain a sanitary and well-groomed appearance;
- (c) not consume an alcoholic beverage, drug, other substance that could adversely affect the driver's ability to operate a non-motorized passenger transport vehicle;
- (d) not permit a person other than another employee of the non-motorized passenger transport service to operate a vehicle under the driver's control;
- (e) if driving a horse-drawn carriage:
  - 1. not permit a person on the back of a horse when under the driver's control;
  - 2. not leave a horse untethered and unattended except when confined to a stable or other enclosure;

3. not permit a horse to drop excrement from its diaper; and
  4. keep all carriage stands and all other places within the City clean and free of animal excrement;
- (f) not interfere with the Chief of Police in the performance of the Chief of Police's duties; and
- (g) comply with lawful orders of the Chief of Police or any law enforcement officer issued in the performance of their respective duties.

**Section 86-88. *Alcohol in a Non-Motorized Passenger Transport Vehicle.***

- (a) A holder or driver commits an offense if the holder or driver provides an alcoholic beverage to a passenger for a fee or as part of the non-motorized passenger transport service.
- (b) A holder or driver commits an offense if the holder or driver purchases or stocks a vehicle with an alcoholic beverage. A nonalcoholic beverage or mixer may be purchased and provided by the holder or driver.
- (c) An alcoholic beverage may be in the vehicle only if the passenger brings the alcoholic beverage into the vehicle and meets minimum age requirements of the state.

**Section 86-89. *Notification of Change of Address or Ownership.*** A holder commits an offense if the holder:

- (a) fails to notify the Chief of Police within ten (10) days of a change in the address or telephone number of the non-motorized passenger transport service; or
- (b) changes the form of the business or officers of the corporation of the service, from that originally submitted, without a request to amend the operating authority.

**Section 86-90. *Return of Passengers' Property.*** A driver of a non-motorized passenger transport vehicle shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the driver shall notify the holder of the service, who shall notify the Chief of Police within 24 hours of a description of the property and the location where the property is being stored.

**Section 86-91. *Requirements for Horses in Service.***

- (a) Before any horse may be used in a non-motorized passenger transport service, the holder must furnish the Chief of Police with:
1. a state certification of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within



the preceding six months by a veterinarian licensed by the State of Texas who specializes in equine medicine;

2. proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and
3. photographs showing identifying markings of the horse.

(b) A horse used in a non-motorized passenger transport service must:

1. be appropriately shod to work paved streets; if a horse loses a shoe while working, an "easy" type boot may be used to finish the scheduled work day;
2. not have open wound, oozing sore, cut below skin level, or bleeding wound;
3. not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;
4. be offered not less five gallons of drinking water at least every two hours;
5. have at least a 10-minute rest period after every 50 minutes worked;
6. not work longer than eight hours in a 24-hour period with a minimum of 12 hours rest;
7. have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;
8. be properly cleaned with no offensive odors or caked dirt or mud;
9. wear a special sanitary device for containing animal excrement;
10. not work when the outside temperature exceeds 99 degrees Fahrenheit, or the thermal heat index exceeds 120, as measured by the National Weather Service at the Addison Airport; and
11. be examined at least once every six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspections, which must be submitted to the Chief of Police.

(c) The Chief of Police, or a designated representative of the Chief of Police, or a peace officer, may require the holder or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspections issued for the horse by a veterinarian licensed

by the State of Texas and specializing in equine medicine, which certificate must be submitted to the Chief of Police.

(d) A person commits an offense if the person harasses or startles, or attempts to harass or startle, a horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.

(e) A holder and driver shall use a trailer to transport a horse to a job location in the City that is more than three miles from the location where the horse is stabled.

(f) For purposes of this Section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non-motorized passenger transport service that is authorized by and file with the director.

### **Section 86-92. *Vehicle Inspection and Maintenance.***

(a) The applicant for operating authority under this chapter shall have each vehicle to be used in the non-motorized passenger transport service inspected in a manner approved by the Chief of Police before the operating authority is issued and at such other times as may be ordered by the Chief of Police. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.

(b) If a vehicle is involved in an accident or collision during the term of the operating authority, the driver shall immediately notify the holder and the police department. The holder shall submit a full written report of the accident or collision to the Chief of Police within 48 hours after its occurrence. Before operating the vehicle again under the operating authority, the holder shall have the vehicle reinspected for safety and shall send to the Chief of Police a sworn affidavit that the vehicle has been restored to its previous condition.

(c) The Chief of Police shall designate the time and place for annual inspection of vehicles operated under holder's operating authority. If the Chief of Police designates someone other than a City employee to perform the inspection, the applicant or holder shall bear the reasonable cost of inspection.

(d) A holder may contract for maintenance, but shall be responsible for maintaining all vehicles operated under the operating authority in safe operating condition.

### **Section 86-93.. *Required Equipment.***

(a) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment on each non-motorized passenger transport vehicle:

1. head lights;
2. tail lights;

3. flashing lights;
4. a braking system approved by the Chief of Police;
5. rubber on all wheels;
6. a "slow moving vehicle" sign attached to the rear of the vehicle;
7. evidence of insurance required by this Section;
8. a copy of this Section;
9. the company name and a unit number conspicuously located in the rear of the vehicle in letters not less than two inches high;
10. a decal or temporary permit placed in a manner and location approved by the Chief of Police;
11. any other equipment required to comply with all applicable federal and state laws; and
12. any other special equipment that the Chief of Police determines to be necessary for the service to be operated.

(b) A holder or driver shall, at all times, keep each non-motorized passenger transport vehicle clean and free of refuse and in safe operating condition.

(c) A vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of a vehicle and all springs, axles, and supporting structures of each vehicle must be intact.

**Section 86-94. Enforcement by Police Department.** Officers of the police department shall assist in the enforcement of this Section. A police officer, upon observing a violation of this Section or of any regulation established by the Chief of Police, shall take necessary enforcement action to insure effective regulation of non-motorized passenger transport service.

**Section 86-95. Correction Order.**

(a) If the Chief of Police determines that a holder has violated this Section, the terms of its operating authority, a regulation established by the Chief of Police, or any law, rule, regulation, or standard whatsoever, the Chief of Police may notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction, the Chief of Police shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the Chief of Police shall order the holder to immediately cease use of such equipment.

(b) If the Chief of Police determines that a violation constitutes an imminent and serious threat to the public health or safety, the Chief of Police shall order the holder to correct the violation immediately, and, if the holder fails to comply, the Chief of Police shall promptly take or cause to be taken such action as the Chief of Police considers necessary to enforce the order immediately.

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

**Section 86-96. *Service of Notice.***

(a) A holder shall designate and maintain a representative to receive service of notice required under this Section to be given to a holder and to a driver employed or retained by a holder.

(b) Notice required under this Section to be given: must be personally served or sent by certified United States Mail, five day return receipt requested, to the address, last known to the Chief of Police, of the person to be notified, or to the designated representative thereof.

(c) Service executed in accordance with this Section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the earlier of the date received or three days after the notice is deposited in the United States mail, return receipt requested.

**Section 86-97. *Appeal.***

(a) A holder may appeal a correction order issued under Section 86-95 if an appeal is requested in writing not more than ten (10) days after notice of the order or action is received.

(b) The City Manager or the Manager's designated representative shall act as the appeal hearing officer in such an appeal hearing. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to such an appeal hearing, and the hearing officer shall make a ruling in the basis of a preponderance of evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final.

**Section 86-98. *Criminal Offenses.***

(a) A person commits an offense if the person violates or attempts to violate a provision of this Article applicable to the person. A culpable mental state is not required for the

commission of an offense under this Article unless the provision defining the conduct expressly requires a mental state. A separate offense is committed each day during which an offense occurs.

(b) Prosecution for an offense under subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.