

AN ORDINANCE 2013-08-01-0501

AMENDING CHAPTER 33 OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO MODIFY FEES AND ADJUST FEES TO PROVIDE FOR MORE UNIFORMITY; TO ESTABLISH A DRIVERS TRAINING PROGRAM; TO REVISE THE PROVISIONS FOR REVOCATION AND SUSPENSION OF A DRIVER PERMIT; TO ADD TO AND MODIFY THE DEFINITIONS; TO MODIFY THE PROCEDURES FOR OPERATIONS AND PERMITS FOR HORSE-DRAWN CARRIAGES; TO MODIFY VEHICLE REQUIREMENTS, INCLUDING AGE; TO MODIFY THE RATES OF FARE AND ADD A \$200 CLEANING FEE FOR TAXICABS; AND ADOPTING PENALTIES FOR VIOLATIONS.

* * * * *

WHEREAS, vehicle for hire services, in the many different forms, including horse-drawn carriages, limousine services, tour services, charter services, pedicab services, and taxicab services, allow people to visit the City of San Antonio for business and for pleasure and enhances the enjoyment and experiences of those who visit by allowing access to the different areas of the City; and

WHEREAS, vehicle for hire services, in the many different forms, are likewise convenient and necessary for many residents of the City of San Antonio for business and pleasure and for essential personal and family needs, including food and medical care; and

WHEREAS, the owners, operators and drivers participated in a comprehensive review of the existing ordinance through meetings and presentations to determine changes which would ensure that the services are more effectively provided, the fees are more uniform and that the owners, operators and drivers will be fairly compensated for the important services they provide; 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 certain of the City Code of San Antonio, Texas (City Code) provisions that apply to Chapter 33 of the City Code to improve their effectiveness; and

WHEREAS, in order to accomplish such revisions, it is necessary to modify Chapter 33 of the City Code; **NOW THEREFORE:**

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

SECTION 1. Chapter 33 of the City Code is hereby amended in its entirety, as set forth in Attachment A, which is incorporated herein for all purposes.

SECTION 2. 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 3. The publishers of the City Code are authorized to amend said City Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing City Code.

SECTION 4. 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.

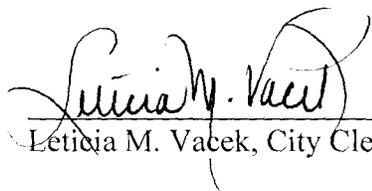
SECTION 5. This ordinance shall take effect on August 15, 2013.

PASSED AND APPROVED this 1st day of August, 2013.



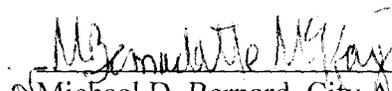
M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

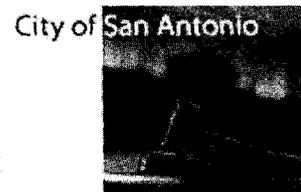
APPROVED AS TO FORM:



Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - 15

Name:	15						
Date:	08/01/2013						
Time:	11:52:01 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Article I (General Procedures), Article IV (Horse Drawn Carriages), Article V (Limousine Services), Article VI (Pedicab Service), Article VII (Tour and Charter Service) and Article VIII (Taxicabs) of Chapter 33 of the San Antonio City Code to meet the needs for each industry and to maintain public safety. [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				x
Ron Nirenberg	District 8		x			x	
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

CHAPTER 33 - VEHICLES FOR HIRE

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. GENERAL PROCEDURES

Sec. 33-001. Statement of policy.

It is the policy of the City of San Antonio to promote efficient, safe, reliable, and quality ground transportation services in the city. To this end, this chapter provides for the regulation of such services to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Sec. 33-002. Scope; effect; exclusions.

This chapter governs the operation of vehicles for hire and ground transportation services in the City of San Antonio under each form of operating authority. The chapter, however, is not a limitation on the power of the city council to incorporate in a grant of operating authority special provisions relating to the operation of the particular ground transportation service to the grant. To the extent that a special provision conflicts with this chapter, the special provision controls. The following exclusions apply:

(a) This chapter does not apply to a person operating a ground transportation service that is:

(1) Operated under state or federal authority unless subject to the city's regulatory authority;

(2) Used to transport persons for hire and is regulated by another City of San Antonio ordinance;

(3) In the performance of a service involving a point of origin or destination outside the city that was authorized by a certificate of public convenience and necessity issued by the Texas Railroad Commission, except that the director shall prescribe routes, times, and locations for loading, unloading and stopping on public streets in the city for a ground transportation service operated under such a certificate.

(4) Operated for a funeral home in the performance of funeral services;

(5) Provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between work stations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

(6) Owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;

(7) Used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;

(8) Used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;

(9) Owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;

(10) A courtesy vehicle, as defined in Sec. 33-003 of this chapter, if the name of the business or sponsor of such vehicle is permanently affixed to the outside of the vehicle;

(11) Those services the provision of which is a continuation of interstate travel; and

(12) Those services provided by VIA Metropolitan Transit wherein persons are transported along regularly scheduled routes throughout the city for loading and unloading, at frequent intermittent stops, alongside the curb or curb lines of a street; wherein the disabled and the elderly are provided with special services; and wherein persons are offered express service from designated park and ride locations throughout the city.

(b) Divisions 4 and 6 of this article do not apply to:

(1) The driver of a ground transportation service operated under authority granted by the Interstate Commerce Commission, if the driver is operating within the scope of the driver's employment; and

(2) Motor coaches having a gross-weight rating in excess of 23,000 pounds.

Sec. 33-003. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them by this section, unless the context shall indicate another or different meaning or intent.

Airport Service shall mean vehicles that may serve the airport without city-wide service restrictions. A city-wide permit is a prerequisite for the issuance of an airport permit.

Application shall mean the written request for a permit agreement or drivers permit.

Appointment basis only shall mean a ground transportation service pre-arranged by the passenger prior to the arrival of a vehicle for hire at the point of origin.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Association shall mean an incorporated or unincorporated society or group of persons united for some purpose related to the operation of ground transportation vehicles. This term includes a cooperative association.

~~*Bus* shall mean a motor vehicle that has a manufacturer's rated seating capacity of fifteen (15) passengers.~~

Business office shall mean a location used for the purpose of conducting operations, other than a dwelling. A business office must have a valid mailing address, other than a post office box.

Charter service shall mean a ground transportation service operated for hire that uses vans, SUV's, mini-buses, buses or motor coaches to transport persons belonging to a specified group and that is:

(a) Offered only upon a pre-arranged basis, the pre-arrangement being made at least one hour in advance of the time the transportation is to begin and on a pre-sold basis; and

(b) Is used to transport a specified group of persons from the same or various points of origin to a same point of destination.

City shall mean the City of San Antonio.

City manager shall mean the person, or the city manager's authorized or designated representative.

City-wide service shall mean vehicles that service the entire city except the San Antonio International Airport. City-wide vehicles may drop-off passengers at the airport and they may pick-up passengers at the airport on an appointment basis only.

Classic vehicle shall mean a motor vehicle used in the operation of a limousine service, which is 25 years of age or older and is of special interest to or in demand by auto collectors due to the vehicle's rarity, limited production, public recognition or increasing value.

Code shall mean the City Code of San Antonio, Texas.

Compensation shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Courtesy vehicle shall mean a vehicle which provides a passenger ground transportation service exclusively for the clients of a sponsor of such vehicle and such sponsor is not a business, association, organization or any other entity engaged in providing a vehicle for hire service of any kind, and which accepts no fares or compensation paid by a passenger to the driver of such a vehicle or to the sponsor.

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. Conviction shall also mean a plea of guilty or a finding of guilt in said courts.

Data device shall mean any device that is approved by the department for dispatching purposes. This device must be assigned to either a licensed vehicle or licensed driver.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

Director or department director shall mean the department head assigned the responsibility for supervising the city's ground transportation services or the authorized or designated representative of such department head.

Dispatch shall mean to operate a scheduling service in which requests for vehicles for hire are received by phone, in person, by the internet, or by any other voice, data or electronic communication, and vehicles for hire are scheduled or routed by relaying information from the service to the vehicle for hire by radio or data device including but not limited to a device capable of any voice, data or electronic communication.

Driver shall mean any individual employed by a holder or operating under an independent contractor or subcontractor agreement ~~subcontracting with a holder, who operates a vehicle for hire under the holder's permit. to drive and be in actual charge of the operation of a vehicle for hire, who has been issued the classified~~ The driver shall have a State of Texas drivers license required for the class of vehicle being operated, as defined in Secs. 521.081 and 521.082 of the Transportation Code, and a valid and current drivers permit issued under this chapter.

Drivers permit shall mean a photo I.D. card issued to an individual by the director which verifies that the individual has met all city requirements and is qualified to operate a vehicle for hire in the city.

Dwelling shall mean any "dwelling, one-family," "dwelling, one-family attached," "dwelling, single family-detached," "dwelling, two-family (duplex)," "dwelling, two-family attached," "dwelling, three-family (triplex)," "dwelling, four-family (quadraplex)," "dwelling, multifamily," "dwelling, single-family" or "dwelling unit," as such terms are defined in Chapter 35 of this code.

Facility shall mean a location for the conduct of business which includes but is not limited to a business office and a garage for the maintenance of vehicles for hire.

Ground transportation service shall mean a service which utilizes vehicles for hire in the transportation of passengers from within the city and which includes, but is not limited to, horse-drawn carriage service, limousine service, pedicab service, tour service, charter service and taxicab service.

Holder shall mean a person, company, corporation, cooperative or association, or the individual members of such cooperative or association that applies for and is granted an operating permit pursuant to a permit agreement with the city. A holder is responsible to assure that any driver who operates under the holder's permit fully complies with Chapter 33, the failure of which shall subject a holder to potential revocation or suspension of the holder's permit(s) under Article I, Division 3, Revocation / Suspension of Permits.

Hybrid taxicab shall mean a taxicab with more than one power source, such as an electric motor and internal combustion engine or an electric motor with battery and fuel cells for energy storage.

Inspection re-scheduling fee shall mean a fee that is charged to a permit holder for a vehicle that was scheduled for an inspection and that vehicle failed to show for the scheduled inspection. This fee may be waived if the permit holder provides an acceptable reason, at least 24 hours in advance of the inspection, the permit holder can provide proof of an extreme situation that caused a vehicle to fail to show or if the inspection time is filled by another vehicle.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

Limousine service shall mean a passenger ground transportation service operated for hire that uses stretch limousines, luxury vehicles, SUVs, mini-buses, limo-buses, limo-vans, or classic vehicles to transport passengers for a fare based on a one hour or more hiring period and:

- (a) On an pre-arranged basis only; and
- (b) On irregular routes and schedules.

The term, "limousine service," may also refer to any or all of the following:

- (1) A facility from which the service is operated;
- (2) Vehicles for hire used in the operation of the service; or
- (3) A person who owns or operates said service.

A limousine service vehicle shall not be equipped with a taximeter.

Limo-bus shall mean a motor vehicle that:

- (a) Has been so designated by the director; and
- (b) Has a manufacturer's or modifier's rated seating capacity at least nine and not more than 45 passengers.

Limo-van shall mean a motor vehicle that:

- (a) Has been so designated by the director; and
- (b) Has a manufacturer's or modifier's rated seating capacity of at least eight and not more than 15 passengers.

Luxury vehicle shall mean a motor vehicle that:

- (a) Is a luxury sedan as defined by the original manufacturer, that is designated by the director as a luxury vehicle;
- (b) Has a manufacturer's rated seating capacity of not more than six passengers; and
- (c) Has an original wheelbase of 109 inches or more.

Manifest shall mean the daily record prepared by a driver upon which appears his name and vehicle number; date and hours of operation; time, place, origin and destination of each trip; number of passengers and amount of fare and other charges; and all other information as required by this chapter.

Mini-bus shall mean a motor vehicle that has a manufacturer's rated seating capacity of at least nine and not more than 45 passengers.

Motor coach shall mean a motor vehicle that:

- (a) Has a manufacturer's seating capacity of more than 40 passengers;
- (b) Has luggage storage compartments located below the passenger area; and

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(c) Is normally associated with interstate bus service.

Open-air bus shall mean a bus in which all levels have open sides or an open top.

Operate or operating shall mean to drive or to be in control of a vehicle for hire. It shall also include the act of driving, managing or directing the utilization of one or more vehicles for hire.

Operating permit shall mean a city issued certificate which authorizes the holder to operate the number of vehicles for hire specified therein.

Operator shall mean the driver of a vehicle for hire, the owner of a vehicle for hire, or the holder of a vehicle for hire service.

Owner shall mean the person to whom state license plates for a vehicle were issued.

Passenger shall mean an individual, ~~other than~~ including the a-driver, being transported by a vehicle for hire.

Pedicab shall mean a device with three or more wheels propelled exclusively by human power exerted through a belt, chain, or gears capable of carrying a driver and one or more passengers on a platform made as part of the device.

Pedicab service shall mean a ground transportation service operated for hire that uses a pedicab in the operation of the service and includes, but is not limited to a facility from which the service is operated, a pedicab used in the operation of the service and a person who owns or operates said service.

Permit agreement shall mean the written agreement between the city and a person for an operating permit which authorizes the operation of a ground transportation service after the issuance of such operating permit.

Permit holder shall mean the individual who:

- (a) Owns the company if a sole proprietorship;
- (b) Who has been designated as having the controlling interest over a company by the majority of owners of said company, and who is identified as an owner on the letter of incorporation; or
- (c) Has been elected as the president of a co-operative.

Person shall mean an individual, partnership, corporation, company association, co-op or other legal entity.

Pre-arranged basis shall mean operating with a reservation for service made at least one hour in advance of the time the transportation is to begin.

Pre-sold basis shall mean full or partial payment is made or guaranteed by cash, check, or charge account, at the time of reservation.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Rated passenger capacity shall mean that designated in number by the manufacturer, or if none, that designated in number by the director.

Reservation schedule shall mean a record prepared at the time of reservation upon which appears the specified group name; the date and time the reservation for service was made; the type of payment made (cash, check, charge); the amount charged; the number of persons in the specified group; the place of origin; the time of pick-up; the destination; and the time of drop-off.

Specified group shall mean more than one individual having some unifying relationship purposely assembled for traveling together. However, they are not required to be transported together.

Sponsored limousine service shall mean a passenger ground transportation service that uses stretch limousines, luxury vehicles, classic vehicles, limo-buses or limo-vans that are used to transport passengers for a fare based on a one hour pre-arranged, appointment basis or pre-paid basis only:

- (a) That is operated only during special events;
- (b) That has a current and valid permit issued by another city or state; and
- (c) That is sponsored by a holder with a current and valid limousine service operating permit under this chapter. The limousine service that sponsors another company shall be responsible for any fines and fees that are levied against the sponsored company.

Stand shall mean a public place alongside the curb or curb line or a street which has been designated by the director as reserved exclusively for use by a particular type of ground transportation service.

State shall mean the State of Texas.

Street shall mean any street, alley, avenue, boulevard, drive, public way or highway commonly used for the purpose of public travel within the city.

Stretch limousine shall mean a motor vehicle that:

- (a) Is a luxury ~~sedan~~ *vehicle* with a wheelbase which has been extended beyond the original manufacturer's specification;
- (b) ~~Has a manufacturer's or modifier's rated seating capacity of not more than fifteen (15) passengers~~ Is in compliance with the rated seating capacity as required by the U.S. Department of Transportation (DOT) approved manufacturer's or modifier's data plate or weather proof label on the door jamb;
- (c) Possesses a DOT approved manufacturer's or modifier's data plate or weatherproof label on the door jamb; and
- (d) Is used for the transportation of persons from a location in the city to another location either inside or outside the city.

Sports utility vehicle (SUV) shall mean a motor vehicle that:

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(a) Is designated by the manufacturer as a SUV and is designated by the director as a SUV authorized for use in the limousine, tour or charter services; and

(b) Has a manufacturer's seating capacity of not more than eight passengers.

Taxicab shall mean a chauffeured motor vehicle having a rated passenger capacity not more than seven passengers that is used to transport persons for hire on an on demand basis over routes determined by the destination of the passenger. A taxicab shall be equipped with a taximeter.

Taxicab service shall mean a passenger ground transportation service operated for hire that uses taxicabs in the operation of the service and includes, but is not limited to, a facility from which the service is operated, taxicabs used in the operation of the service and a person who owns or operates said service.

Taximeter shall mean a device that mechanically or electronically computes, records and indicates a fare based upon the time or distance a vehicle for hire is engaged and/or the distance travelled by said vehicle. The taximeter shall calculate distance by the transmission of the vehicle or by electrical impulses from the vehicle. Taximeters shall be approved and sealed by the city.

Tour service shall mean a passenger ground transportation service operated for hire that uses vans, mini-buses, SUVs, buses or motor coaches in the operation of the service and includes, but is not limited to, a facility from which the service is operated, vehicles used in the operation of the service, and a person who owns or operates said service, and that:

(a) Is used to provide regularly scheduled and routed sight-seeing tours to persons for a per-passenger or per-hour charge agreed upon in advance; and

(b) Returns passengers to their point of origin upon completion of a tour.

Transportation Advisory Board shall mean the advisory board created and designated as such by the city council.

Van shall mean a motor vehicle that: ~~has a manufacturer's seating capacity of seven (7) or more passengers.~~

(a) Is designated by the manufacturer as a van and is designated by the director as a van; and

(b) Has a manufacturer's seating capacity of at least eight and not more than 15 passengers.

Vehicle for hire shall mean every chauffeured vehicle, other than mass transit vehicles or vehicles involved in an organized car pool not available to the general public, which is operated for any fare or compensation and used for the transportation of passengers over city streets. Such vehicles shall include but are not limited to taxicabs, buses, vans, mini-buses, motorcoaches, stretch limousines, classic vehicles, luxury vehicles and pedicabs.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Vehicle number shall mean the identification number assigned to a vehicle for hire by the director.

Vehicle permit shall mean the city decal affixed to a vehicle for hire which evidences the holder's authority to operate said vehicle pursuant to the holder's operating permit.

Sec. 33-004. Authority and duty of director.

The director shall implement and enforce this chapter, interpret the provisions herein, and may by written order establish such rules or regulations, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under, or to affect the policy of, this chapter and of the city. The director may at all reasonable times inspect a vehicle or facility operating under this chapter to determine whether the vehicle or facility complies with the provisions of this chapter and all other applicable rules, regulations and laws.

Sec. 33-005. Establishment of rules and regulations.

(a) Before adopting, amending, or abolishing a rule or regulation, the director together with the Transportation Advisory Board shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under Sec. 551.041, of the Texas Government Code, shall notify each holder and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify the holders and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the City Hall for a period of not fewer than ten days. The order becomes effective immediately upon expiration of the posting period.

(d) All rules and regulations established by the director shall be enforced as provided for in Sec. 33-073 of this chapter.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-006. Operating permit required.

(a) A person shall not knowingly operate, allow to be operated, or cause to be operated, a ground transportation service as defined in Sec. 33-003 of this chapter, or any other service providing or related to ground transportation service, without a current and valid operating permit issued under this chapter, nor shall a person transport a passenger for hire from within the city unless the person driving the vehicle for hire or another who employs or contracts with said driver has a current and valid operating permit under this chapter.

(b) No person shall knowingly represent a vehicle as a vehicle for hire nor use or offer the use of such vehicle in a ground transportation service unless the vehicle being so represented, used, or offered for use has a current and valid operating permit under this chapter.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(c) A holder of an operating permit issued under this chapter shall not operate a ground transportation service, other than for the type of service for which an operating permit has been granted.

(d) Before an operating permit is granted, a written application for such on a form provided for that purpose must be submitted to and approved by the director in accordance with the provisions of this chapter.

(e) No person for compensation or at any charge to a passenger shall by any means (including but not limited to any data or electronic communication, any telephone and cellular service, any software, any application, any internet service, and any physical presence) operate, arrange, dispatch to or solicit a vehicle for hire unless permitted under this chapter. A person is responsible for violations of this chapter by his own conduct, by the conduct of another person if acting with intent to violate this chapter he solicits, encourages, directs, aids, or attempts to aid another person to violate this chapter, or by both.

(f) A person commits an offense if he violates this section. A separate offense is committed each day during which an offense occurs. An offense committed under this section is punishable by a fine of not more than \$500. Prosecution for an offense under this section does not prevent the use of the enforcement remedies provided in Sec. 33-074 of this chapter.

Sec. 33-007. Application for operating permit.

To obtain an operating permit, a person shall submit an application to the director in the manner prescribed by this section. The applicant must be the person who will own or operate the proposed ground transportation service or the chief officer. An applicant shall file with the director a written, sworn application containing the following:

(a) The form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name, address and citizenship of each person with a direct interest in the business. Notice of any change in an applicant's form of business shall be provided to the department director, within ten business days of the change;

(b) The name, street address, phone number and verified signature of the applicant and of the applicant's proposed business; an applicant shall notify the director, in writing, of any change in the foregoing within ten business days of the change;

(c) A representation of whether the applicant is a citizen of the United States of America by birth or naturalization, or, if alien, evidence of the applicant's legal residence in the United States and of the applicant's legal right to engage in employment therein;

(d) An actual or pro forma income statement and balance sheet showing the assets, liabilities and equity of the business;

(e) A description of any past business experience of the applicant, particularly in providing ground transportation services including:

(1) An estimated annual income and expenses for the preceding calendar or fiscal year;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (2) A credit record issued no later than 90 days prior to the date of application;
and
 - (3) Letters from two credit references, including at least one bank or financial institution where the applicant has maintained an active account for at least one year or the longest time for which the applicant has maintained an active account in a financial institution if less than one year.
- (f) An identification and description of any revocation or suspension of an operating permit held by the applicant or the applicant's business which occurred prior to the date of filing the application.
- (g) The number of vehicles to be used by the applicant in the operation of the proposed ground transportation service well as documentation evidencing each vehicle's ownership, identification number and registration. Notice of any change in the foregoing shall be provided to the director, in writing and with supporting documentation as required by the director, within five business days of the change;
- (h) A description of each of the vehicles the applicant proposes to use in providing ground transportation services including, but not limited to, each vehicle's year, make, model, type, and seating capacity;
- (i) A description of the operations of the proposed ground transportation service and the location of the fixed facilities to be used in the operation;
- (j) A management plan including:
- (1) A maintenance plan which the applicant shall utilize for the upkeep and replacement of vehicles to be permitted. Such plan may include a maintenance contract with an outside contractor;
 - (2) A procedure outlining the handling of complaints; and
 - (3) A drivers training program submitted to the director for approval. The drivers training program must contain:
 - a. Customer service;
 - b. Company orientation;
 - c. Chapter 33 overview (including rules and regulations);
 - d. Airport operations;
 - e. Local sights and location orientation; and
 - f. Dispatching, to include (if required) meter and radio training
- (k) A description of the proposed insignia and color scheme for the applicant's vehicles and a description of the distinctive item of apparel to be worn by the applicant's drivers;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (l) Documentation from an insurance company authorized by this chapter evidencing a willingness to provide, prior to commencement of the proposed service, the insurance required by this chapter;
- (m) Documentation evidencing timely payment of all city, state, and federal taxes, fees and assessments which have been levied on the business and property to be used in connection with the proposed service;
- (n) Written documentation authorizing the release to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city; and
- (o) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted.

Sec. 33-008. Prerequisites to issuance.

- (a) The authority to grant or deny an application for an operating or vehicle permit is vested with the director, and the directors designee, acting in accordance with the provisions of this chapter.
- (b) An applicant for an operating permit has the burden of providing to the satisfaction of the director:
 - (1) That the applicant is of good character and is qualified and financially able to provide the service proposed in the application;
 - (2) That the proposed ground transportation service complies with the quality and safety standards of this chapter, and of the rules and regulations established by the director;
 - (3) That the applicant is fit, willing and able to operate the ground transportation service in accordance with the requirements of this chapter, rules and regulations established by the director, provisions of the operating permit, and all other applicable rules, regulations and laws.
 - (4) Where an applicant has been involved in past criminal activity, that the applicant has otherwise maintained a record of steady employment and good conduct; has supported any dependents; and has paid all outstanding court costs, supervision fees, fines and restitution that may have been ordered in all criminal cases in which the applicant has been convicted; and
 - (5) Where an applicant is or has been a permit holder in any industry that is regulated by Chapter 33, that the applicant has met the requirements of Sec. 33-010 of this chapter.

Sec. 33-009. Grant of operating permit; service requirements.

- (a) Upon approval of an application for an operating permit by the director, and the execution of a permit agreement pursuant thereto, the director shall promptly issue the operating permit. Within 90 days after receipt of such permit, the holder shall operate a city-wide ground transportation service in accordance with the provisions of this chapter, the operating permit, the

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

permit agreement, and the rules and regulations established by the director, for a period of 24 months beginning on the date stated in the permit agreement.

(b) Each holder and dispatch service shall maintain a business office within the limits of Bexar County, Texas staffed by company agents and employees for the purpose of meeting clients, taking deposits, inspection of vehicles and maintaining records required by this chapter. This location must be staffed five days per week for a total of 40 hours per week and office hours must be posted in a place convenient to the public.

Sec. 33-010. Denial of operating permit.

(a) If the director, based on an investigation of the application under Secs. 33-007 and 33-008 of this chapter, determines that good cause exists for denial of the application, the director shall notify the applicant in accordance with Sec. 33-072 of this chapter, of the decision and of the basis therefore. Upon the applicant receiving notice of the director's decision, the applicant may appeal such decision in accordance with Sec. 33-033 of this chapter.

(b) In the case where an applicant has a background of past criminal activity, application denial based solely thereon is warranted if and only if the past criminal activity is directly related to the duties and responsibilities of a holder as more fully described in this chapter. Accordingly, the following shall be considered in making a determination of job-relatedness:

- (1) The nature and seriousness of the crime;
- (2) The relationship of the crime to the reasons for requiring the city's approval prior to engagement in a ground transportation service;
- (3) The extent to which the applicant's engagement in a ground transportation service might offer an opportunity for further criminal activity of the same type as that which the applicant had previously been involved; and
- (4) The relationship of the crime to the ability, capacity or fitness required of the applicant to perform the duties and discharge the responsibilities of the ground transportation service, including:
 - a. The extent and nature of the applicant's past criminal history;
 - b. The age of the applicant at the time of the commission of the crime;
 - c. The amount of time that has elapsed since the applicant's last criminal activity;
 - d. The conduct and work activity of the applicant prior to and following the criminal activity;
 - e. Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
 - f. Other evidence of the applicant's present fitness, including letters of recommendation from: prosecutorial, law enforcement and correctional officers who prosecuted, arrested or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) An application for an operating permit shall be denied where the applicant:

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(1) Is under indictment for or has been convicted of criminal homicide including murder, capital murder and manslaughter, but excluding criminally negligent homicide;

(2) Is under indictment, is currently on community supervision including but not limited to probation and deferred adjudication, or has been convicted of any of the following:

- a. Multiple offenses involving violence to any person except conduct classified as no greater than a class C misdemeanor offense under state law;
- b. Any offense involving prostitution or the promotion of prostitution;
- c. Any offense involving sexual assault, sexual abuse or indecency;
- d. Any offense involving the sale or manufacturing of drugs; or
- e. Any offense involving driving while intoxicated within five years of the application date or more than one offense involving driving while intoxicated, or a combination of driving while intoxicated and other drug or alcohol related offenses.

(3) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for an operating permit; or

(4) Has not met the requirements for obtaining an operating permit as set forth in this chapter, rules or regulations established by the director.

(d) An application for an operating permit may also be denied where the applicant is under indictment, is currently on community supervision, including but not limited to probation and deferred adjudication, or has been convicted of any of the following:

- (1) Any offense involving fraud or theft;
- (2) Any offense involving the unauthorized use of a motor vehicle;
- (3) Any violation of state or federal laws regulating firearms;
- (4) Any offense involving violence to any person except conduct classified as no greater than a class C misdemeanor offense under state law;
- ~~(5) Any offense involving prostitution or the promotion of prostitution;~~
- ~~(6) Any offense involving sexual assault, sexual abuse or indecency;~~
- ~~(75) Any offense involving the use sale or possession of drugs; or~~
- ~~(8) Any offense involving driving while intoxicated; or~~(96) Any other job-related offense.

(e) An application for an operating permit may be denied where the applicant has a current vehicle fleet that is regulated by any Sec. of Chapter 33 and in which they have had any of the following fleet issues with in the previous 12 months;

- (1) Has failed to have 100 percent of their fleet pass the annual inspection;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (2) Has failed to comply with all corrective notices;
- (3) Has failed to maintain insurance or bond that complies with Chapter 33;
- (4) Has had one or more permits revoked; or
- (5) Has demonstrated a history of non-compliance with any of the provisions of Chapter 33, the rules or regulations established by the director, the permit agreement, or the operating permit.

(f) Upon denial of an application for an operating permit, an applicant shall not be eligible for re-application for a period of 12 months from the date of denial.

Sec. 33-011. Amendments to permit agreement/operating permit.

Minor amendments to the permit agreement and operating permit may be made by the director. Amendments that materially change the scope of the permit agreement or operating permit must be applied for in the same manner as the original.

Sec. 33-012. Payment of taxes.

(a) It shall be the duty of each holder or applicant of a vehicle for hire to render to the city payment for ad valorem taxation on all vehicles or other equipment used in connection with such business. Prior to the issuance of an operating permit, the city's Finance Department shall examine the tax records of the holder or applicant to determine if any taxes are owed to the city.

(b) It shall be the duty of the holder or applicant to provide the director with a tax clearance form, or other forms that are approved by the director for all county, state, and federal taxes.

(c) If the applicant owes taxes to the city, county, state, or federal government then the director shall deny the application. If an applicant or holder does not provide a tax clearance form then the director shall deny the application or revoke the holder's permits.

Sec. 33-013. License/permit bond.

Prior to commencement of operations pursuant to this chapter, the holder shall file with the director, as security for compliance under the operating permit, a good and sufficient license/permit bond for each ground transportation service. The form and substance of such license/permit bond shall be subject to approval by the City Attorney's Office and shall be in the amount hereafter specified in Sec. 33-015 of this chapter (amount of bond). The right to operate under an operating permit shall be conditional upon the existence and maintenance in full force and effect of the license/permit bond herein described.

Sec. 33-014. Conditions of bond.

The license/permit bond required by this division shall be conditioned as follows:

- (a) That the holder of the operating permit shall pay to the city all amounts due under the terms of this chapter and all fees, costs, damages, and expenses which the city may incur or suffer as a result of the holder's acts or inactions in violation of the requirements of this chapter, any rules or regulations established by the director, any provisions of the

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

operating permit, any provisions of the permit agreement, and all other applicable rules, regulations and laws;

(b) That the holder of the operating permit shall pay all fines, assessments and judgments levied against the holder by any court, by the city Treasurer or by direction of city council, and by such other officials authorized to levy such fines, taxes, charges, assessments or judgments; and

(c) That the holder of the operating permit shall perform every duty of a person owning operating a ground transportation service as required by this chapter, rules or regulations established by the director, and provisions of the permit agreement and operating permit.

Sec. 33-015. Amount of bond.

Except as otherwise provided by the holder's operating permit, every license/permit bond required by this division shall be in an amount fixed by the following schedule:

(a) If the holder is authorized to operate five vehicles for hire or less, then the bond shall be in the sum of \$1,500;

(b) If the holder is authorized to operate at least 6 but not more than 10 vehicles for hire, then the bond shall be in the sum of \$3,000;

(c) If the holder is authorized to operate at least 11 but not more than 15 vehicles for hire, then the bond shall be in the sum of \$4,500;

(d) If the holder is authorized to operate at least 16 but not more than 25 vehicles for hire, then the bond shall be in the sum of \$6,000;

(e) If the holder is authorized to operate at least 26 but not more than 50 vehicles for hire, then the bond shall be in the sum of \$7,500;

(f) If the holder is authorized to operate at least 51 but not more than 100 vehicles for hire, then the bond shall be in the sum of \$11,200; and

(g) If the holder is authorized to operate more than one hundred 100 vehicles for hire, then the bond shall be in the sum of \$15,000.

Sec. 33-016. Additional bonds and insurance may be required.

Upon discovery or determination that either the license/permit bond or the public liability and property damage insurance required of the holder under this chapter has become impaired, the director shall require new or additional bonds and insurance as appear to the director as necessary and sufficient to insure faithful performance and payment by such holder, his servants or agents, to persons injured by reason of the neglect of such holder, his servants or agents, or by reason of the violation by such holder, individually or through his servants or agents, of any of the provisions of this chapter, rules and regulations established by the director, provisions of the permit agreement and operating permit, or other applicable rules, regulations and laws.

Sec. 33-017. Provisions to be contained in bonds and insurance policies.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(a) Every license/permit bond and insurance policy required under this chapter shall contain an endorsement that termination of the obligations of such bond or expiration, material change in, or cancellation of such insurance policy shall not become effective before 30 days after written notice is received by the city of such termination, expiration, change or cancellation. Every insurance policy required by this chapter shall name the city as an additional insured.

(b) Every license/permit bond and every policy of insurance required under this division shall run concurrently (either in its original term or with renewals) with the life of the operating permit held by the person so bonded and insured.

Sec. 33-018. Insurance requirements generally.

(a) Prior to commencement of operations pursuant to this chapter the holder shall produce and furnish to the director, and thereafter keep in full force and effect, a policy of public liability and property damage insurance. Such policy of insurance shall be in the amount hereafter specified in this chapter and shall be subject to approval by the city risk manager. Every such policy shall insure all the vehicles used by the holder in the vehicle for hire service authorized in the operating permit. Such policy shall inure to the benefit of any person who shall be injured or who shall sustain property damage as a result of the negligence of the holder or his servants or agents. The insurer shall be obligated to pay all final judgments which may be rendered on behalf of the public for injury or damage resulting to persons or property from the negligent operation of the holder's ground transportation service.

(b) Every policy of insurance shall be issued by an insurance company with a minimum A.M. Best rating of B+ and authorized to do business in Texas.

(c) Failure to procure and keep in full force and effect an insurance policy from a company that has an A.M. Best rating of B+ or above and that meets the minimum amount of insurance requirements under this chapter shall result in the suspension of the holder's operating permits.

Secs. 33-019 - 33-024, reserved.

Sec. 33-025. Renewal of operating permit.

(a) To obtain renewal of an operating permit, a holder shall file with the director at least 45 days prior to the expiration date of the permit agreement, a written, sworn application for operating permit renewal, any tax clearance forms, and any or other forms that are required by this chapter or by the director from the city, county, state, and federal government. The operating permit shall then be renewed unless the director determines, before the renewal date, that good cause exists to deny the renewal based on documentation:

(1) That the holder is in noncompliance or has demonstrated a history of noncompliance with the provisions of this chapter, the rules and regulations established by the director, the permit agreement, or the operating permit;

(2) That the holder is neither fit, willing, nor able to continue to operate the ground transportation service in accordance with the provisions of this chapter, the rules and regulations established by the director, the permit agreement, or the operating permit;

(3) That the holder, since the date of his— the execution of the original permit agreement:

a. Has been convicted of any felony:

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- b. Has had his felony probation, parole or mandatory supervision revoked;
- c. Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for permit renewal; or
- d. Has not met the requirements for permit renewal as set forth in this chapter;

(4) That the holder, since the date of execution of his original permit agreement, but within five years immediately preceding the filing of his application for permit renewal, has been convicted or spent time in jail or prison for a conviction of any of the offenses listed in Sec. 33-010 of this chapter;

(5) That public convenience and necessity do not require the continued operation of the ground transportation service;

(6) That a material change to the terms and conditions of the current permit agreement is requested or required;

(7) That good cause exists to deny renewal; or

(8) That the holder owes taxes to the city, county, state, or federal government.

(b) If the director decides to deny the application for renewal of an operating permit, the director shall notify the holder of such decision, giving specific reasons for the basis of the denial, in accordance with Sec. 33-072 of this chapter. Upon the holder receiving notice of the director's decision, the holder may appeal such decision in accordance with Sec. 33-033 of this chapter.

(c) If the operating permit expires at no fault of the holder before a ruling either on the approval or denial of the renewal, then the holder may continue to operate the ground transportation service pending a final decision.

Secs. 33-026 - 33.027 reserved.

Sec. 33-028. Operation contingent upon payment of fees.

Notwithstanding any other provisions of this chapter or any operating authority granted hereunder, the number of vehicles for hire which a holder shall be authorized to operate shall not exceed the number of vehicles for hire for which such holder shall have paid all charges as required by this chapter.

Sec. 33-029. Drug free workplace.

(a) Upon application for or request for renewal of an operating permit, each holder or applicant shall deliver to the director a statement certifying that the holder or applicant has established for its employees and drivers a drug free workplace policy. If this statement is not delivered to the director, the director or his designated agent may deny the application or renewal and may deny approval of the driver for whom the holder failed to deliver the statement.

(b) Each holder shall enforce the drug free workplace policy it has established and provide proof that drivers are being tested to the director within ten days of:

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(1) Receipt of a written request for such proof from the director whenever the director has good cause to believe that production of such proof is in the best interest of the public; or

(2) The first date on which any new driver operates a vehicle under the holder's operating permit.

(c) The purpose of this provision is to protect public safety by deterring the unsafe use of drugs and alcohol by drivers of vehicles for hire, by requiring each permit holder to establish certain standards for drug testing of employees and drivers, known as a drug free workplace. Uniform standards and requirements regarding testing of employees, licenses and job applicants must be put into place to protect the rights of individuals. The minimum standards set forth in this provision helps ensure public safety is promoted without unduly infringing on the privacy and dignity of employees and drivers.

At a minimum, the holder must adopt in writing a detailed policy setting forth the specifics of such a program which includes the utilization of the test for alcohol and other substances listed under subsection (e) of this section, and that includes at least the following information:

(1) A statement of the holder's policy regarding drug and alcohol use by employees and drivers. The policy shall include a zero-tolerance statement for which termination or cancelation of a drivers contract will result if a positive test result is obtained following an accident involving a permitted vehicle. Declining a test shall be considered the same as a positive test result.

(2) The job classifications for which employees, drivers and job applicants are subject to testing;

(3) The circumstances under which testing may be required;

(4) The substances as to which testing may be required;

(5) The testing methods and collection procedures to be used;

(6) The consequences of a refusal to participate in the testing;

(7) The adverse action that may be taken based on the testing procedure or results;

(8) The right of an individual to explain in confidence positive test results;

(9) The right of the individual to obtain all information related to the testing of that individual;

(10) Confidentiality requirements for the testing;

(11) The available appeal procedures, remedies and sanctions; and

(12) The substance abuse programs for education and treatment available to the individual.

(d) The holder shall post notice of the policy in prominent employee and driver access areas and give a written copy of the policy to each driver, applicant and affected employee. Notice shall be posted and the policy distributed any time the policy is changed.

(e) At a minimum, a holder shall insure that the following substances are tested for:

Alcohol;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Amphetamines;
Cannabinoids;
Cocaine;
Phencyclidine;
Methaqualone;
Opiates;
Barbiturates;
Benzodiazepines;
Synthetic Narcotics; and

Methadone.

All laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration and reporting of results shall be in accordance with the National Institute on Drug Abuse standards.

(f) At a minimum, every holder shall insure that the following types of testing are included:

(1) Post accident testing: all drivers shall be tested immediately after any automobile accident resulting in outside medical attention being required for any party involved, a fatality, or property or vehicle damage, or if the driver received a citation.

(2) Testing for cause: if reasonable suspicion exists to believe the employee or driver is under the influence of drugs or alcohol and could adversely affect performance of duties and responsibilities.

(3) Applicant testing: any person applying to drive under the holder's operating permit to shall submit to testing no more than seven days prior to the day on which said driver first operates a vehicle in connection with the holder's operating permit.

(4) Random testing: because there is a likelihood that a driver may harm the public if impaired by alcohol or drug use, all drivers shall be subject to random testing. Other employees or drivers may be subject to random testing if injury to the public may occur if the employee or driver is impaired by drug or alcohol use.

(5) Testing after prior use--employees or drivers who have received a confirmed positive test result within the past year may be required to submit to testing at reasonable intervals for a period of one year after the test.

(6) Drivers that do not comply with or refuse a test shall constitute a positive test results.

(7) The director may request for a test for any of the above reasons at the permit holders expense. All results for all testing shall be sent the director within 24 hours of testing. If a driver has a positive test, the results should also include documentation of actions taken by the company.

Sec. 33-030. Americans with Disabilities Act.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Each holder shall comply with all applicable requirements of the Americans with Disabilities Act of 1990.

Secs. 33-031 - 33-032, reserved.

DIVISION 3. REVOCATION/SUSPENSION OF PERMITS

Sec. 33-033. Right to appeal director's decisions; hearing officer established; procedure for appeals established; actions.

(a) A holder or driver may appeal to a hearing officer a decision by the director to revoke, suspend, or deny an operating permit, vehicle permit, or driver permit. The city manager shall appoint a hearing officer for such appeals. Such hearing officer is hereby authorized to affirm, modify, or reverse the director's decisions which shall not become final unless affirmed by the hearing officer.

(b) Upon the holder or driver receiving notice of the director's decision, said holder or driver shall have ten business days from the date of receipt thereof during which to appeal such decision to the hearing officer. The appeal shall be in writing, accompanied by an appeal fee of \$100.00, and directed to the director. If no appeal is made to the hearing officer within ten business days after receipt of the director's decision, the director's decision shall become final.

(c) Upon revocation, suspension, or denial of a vehicle permit or driver permit by the director, the holder or driver shall immediately cease operation of such service or vehicle, whether or not an appeal is filed. This section shall not apply in the case of a vehicle which may be operated for ten days following the director's action under Sec. 33-070(d) of this chapter.

(d) Upon revocation, suspension or denial of an operating permit by the director, the holder shall cease operations, except that a holder who appeals the suspension or revocation of an operating permit and is in compliance with the bond and insurance requirements of this chapter may continue to operate the service until the final decision on the appeal. Operating permit suspensions and denials shall be appealed to a hearing officer. Operating permit revocations shall be appealed to city council.

(e) Upon the scheduling of the hearing officer's review of the director's decision, the holder or driver shall be given an opportunity to appear before said officer and present to him any information, including witnesses, which may be of assistance in arriving at a decision on the matter.

(f) Upon action being taken by the hearing officer, the director shall promptly and without delay act in accordance therewith and pursuant to the directions thereof.

(g) If any such permits expire at no fault of the holder or driver before a ruling on the revocation or suspension of such permits, the holder or driver may continue to operate the ground transportation service or the vehicle pending a final decision on the matter. The holder or driver, however, shall immediately cease operation of such service or vehicle upon revocation or suspension of any such permits by the hearing officer. A suspension of any such permits shall not affect the expiration date.

Sec. 33-034. Revocation and suspension of operating permit.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(a) The director may revoke an operating permit, or suspend such operating permit for a period not to exceed 60 days, where the director has determined it is in the best interest of the public or where the holder:

- (1) Since the date of issuance of his operating permit, has been convicted or placed on community supervision, including but not limited to probation and deferred adjudication, for violations of any city, state, or federal law where said violation relates directly to the duties and responsibilities of the holder including but not limited to the violations listed in Sec. 33-010 of this chapter;
- (2) Since the date of issuance of the Operating Permit, has been indicted for criminal homicide, including murder and manslaughter but excluding criminal negligent homicide, or for any of the offenses listed in Sec. 33-010 of this chapter;
- (3) Has under his employment or contract a driver whose drivers permit has been suspended or revoked under the provisions of this chapter, or where a holder has failed to take reasonable action against one of the holder's drivers;
- (4) Has failed to comply with a correction order issued to him by the director within the time specified in the order;
- (5) Has failed to comply with this chapter or any rules, regulations, orders or directives;
- (6) Has substantially breached the terms of the permit agreement;
- (7) Has failed to pay a permit fee at the time it was due;
- (8) Has failed to pay a monetary penalty at the time it was due;
- (9) Has failed to comply with the license/permit bond requirements of this chapter;
- (10) Has failed to comply with the insurance requirements of this chapter;
- (11) Has transferred an operating permit without the city's approval;
- (12) Has allowed the operation of a ground transportation service without the city's approval;
- (13) Has failed to place in operation pursuant to the provisions of this chapter the number of vehicles authorized in the permit agreement within 90 days of the date of the issuance of the operating permit;

(b) The decision of whether to suspend or revoke an operating permit, while vested in the director, shall be based on the following considerations:

- (1) The relationship of the violation to a holder's ability, capacity or fitness to provide a safe and reliable service;
- (2) The relationship of the violation to the city's interest in protecting the public safety and welfare;
- (3) A holder's willingness or ability to promptly come into compliance with any provision that is the basis for the suspension or revocation of the operating permit; and
- (4) The number or frequency of similar violations attributed to the holder or the holder's company.

Sec. 33-035. Revocation and suspension of vehicle permit.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(a) The director shall revoke or suspend a vehicle operating permit for a period not to exceed 60 days, when the director has determined:

- (1) That the holder has failed to make a vehicle for hire available for inspection when so ordered by the city in accordance with Sec. 33-062 of this chapter;
- (2) That the vehicle for hire poses a serious threat to the safety of the public;
- (3) That the holder has failed to comply with a correction order issued in connection with a vehicle for hire within the time specified in such order; or
- (4) That a vehicle for hire is operated by a driver not authorized by the director to operate such vehicle.

(b) Upon revocation of a vehicle permit by the director, the director shall amend the permit agreement of the holder to reduce the number of vehicles authorized by the number of vehicles for which vehicle permits were revoked.

(c) The decision of whether to suspend or revoke a vehicle operating permit, while vested in the director, shall be based on the following consideration:

- (1) The relationship of the violation to a holder's ability, capacity, or fitness to provide a safe and reliable service;
- (2) The relationship of the violation to the city's interest in protecting the public safety and welfare;
- (3) A holder's willingness or ability to promptly come into compliance with any provision that is the basis for the suspension or revocation of the operating permit; and
- (4) The number or frequency of similar violations attributed to the holder or his company.

Sec. 33-036. Operating permit re-application.

Upon revocation of an operating permit, a holder shall not be eligible for re-application for a period of 48 months from the date of revocation.

Sec. 33-037. Penalties.

(a) A person commits an offense if he knowingly operates, allows to be operated, or causes to be operated, a ground transportation service as defined in Sec. 33-003 of this chapter, or any other service providing vehicles for hire, or if he transports a passenger for hire from within the city after the operating permit of such person has been revoked by the director.

(b) A person commits an offense if he knowingly represents a vehicle as a vehicle for hire or uses or offers the use of such vehicle in a ground transportation service after the vehicle permit for such vehicle has been revoked by the director.

(c) Violations under subsections (a) and (b) of this section are punishable by a fine of not more than \$500.00. Each day on which a violation occurs is a separate offense. Prosecution for an offense under this section shall not prevent the use of any other enforcement remedies available under this chapter.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(d) It is a defense to a violation under this section that the permit has been reinstated by the director or that the ten day period provided for in Sec. 33-033 of this chapter has not expired.

Sec. 33-038, reserved.

DIVISION 4. DRIVERS PERMIT

Sec. 33-039. Drivers permit.

In accordance with the terms and provisions of this chapter, every person before driving or ~~accepting employment to drive a vehicle for hire from within the city~~, shall ~~apply for and obtain a~~ drivers permit. A drivers permit shall be valid for 24 months from the date of issuance.

Sec. 33-040. Drivers permit authorized companies

~~Employing drivers without Driver Permit prohibited.~~

(a) A holder may not employ, contract with, or otherwise allow a person to drive a vehicle for hire owned or operated by the holder unless such person has a valid drivers permit and has an authorized company listed on the drivers permit.

(b) A driver shall not driver for or contract with a company that is not listed as an authorized company on his or her drivers permit.

Sec. 33-041. Investigation of applicant; records to be considered; qualifications; issuance and denial.

(a) Upon receipt of an application for a drivers permit, the director shall conduct an investigation concerning the character, experience and qualifications of the applicant to determine whether or not the applicant is fit, willing and able to operate a vehicle for hire from within the city in a manner consistent with the general welfare of the public and in accordance with the requirements of this chapter, rules and regulations established by the director, and all other applicable rules, regulations and laws.

(b) An applicant, at the time of application and at their-~~his~~ own expense, shall:

(1) Be 18 years of age or older;

(2) Be a citizen of the United States of America by birth or naturalization, or if an alien, submit evidence of legal residence in the United States and legal right to engage in employment herein;

(3) Possess ~~the classified~~ a valid Texas drivers license required for the class of vehicle to be operated by the applicant as required by Secs. 521.081 and 521.082 of the Transportation Code, or posses an active Department of Defense ID card and a current and valid drivers license from another state.

(4) Be able to read and speak the English language;

(5) Be hygienically clean and well groomed in dress and person;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (6) Provide the director with the applicant's residence street address and a valid phone number; an applicant shall notify the director, in writing, of any change thereto within five business days of the change;
- (7) Execute an authorization in writing for the release to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city;
- (8) Provide an enrollee/transfer slip (provided by the city) that has been signed by the authorized representative of the hiring / contracting company(s);
~~Be approved for employment by a Holder; an applicant shall provide the Director with the name and business address of said prospective employer and shall, upon transfer employed from one Holder to another, notify said Director of such in writing with (2) business days of the transfer and further, pay the fee required by this Chapter.~~
and further, pay the (\$10.00) fee required by this chapter;
- (9) Execute an agreement and waiver in writing by which the applicant authorizes the director to permit a holder to in good faith examine the applicant's license file for the purpose of determining whether, in the judgment of the prospective employer, the applicant should be employed to drive a vehicle for hire under this chapter; and

(10) Pay any fees required by this chapter.

~~(10) Submit to a medical examination by a licensed physician on forms provided;~~

~~(11) Provide the Director with a certificate executed by a practicing Physician in the City stating specifically the condition of the applicant's hearing and eyesight;~~

~~(12) Have successfully completed, within thirty (30) days of employment or the previous twelve (12) months, a training course approved by the City and consisting of classroom instruction in the area of Defensive Driving; this segment of instruction must be further approved by the Texas Department of Public Safety or the National Safety Council and proof of completion thereof will be required of the applicant;~~

~~(13) Be able to pass a written examination administered by the Director on both the traffic laws and the areas listed in (12) above of this same subsection;~~

~~(14) Take part in any other training which may be required by the Director of all applicants where the Director has determined that such additional training is in the best interests of the Public. This provision in no way limits the Director's ability to require driver training at times other than prior to receipt of a Driver Permit.~~

(c) An applicant shall not be issued a drivers permit until the applicant has:

- (1) Completed a drivers training program that has been approved under Chapter 33-007 of this chapter;
- (2) Been cleared on a city issued form by a medical physician licensed in Texas and registered in Bexar County, Texas to perform the duties required to operate a vehicle for hire. The examination shall include a physical and eye exam;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (3) Provided the results of a passing drug test as required under Sec. 33-029 of this chapter;
 - (4) Provided proof of the successful completion of a training course approved by the city and consisting of classroom instruction on the subject of defensive driving. This segment of instruction must be further approved by the Texas Department of Public Safety or the National Safety Council. The date of this course must be within 12 months prior to the date of the application;
 - (5) Passed a written examination administered by the director on local points of interest, their locations, defensive driving and rules and regulations established by the director; and
 - (6) Successfully completed any other training outlined in the rules and regulations established by the director, which may be required by the director of all applicants, when the director has determined that such additional training is in the best interests of the public. This provision in no way limits the director's ability to require driver training at times other than prior to receipt of a drivers permit.
- (d) If an applicant has prior military service, an applicant may submit a copy of the applicants DD-214 as proof.
- ~~(e)~~-(e) An application for a drivers permit shall be denied where the applicant:
- (1) Is under indictment for or has been convicted of criminal homicide including murder, capital murder and manslaughter, but excluding criminally negligent homicide;
 - (2) Has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, of four or more moving violations of the traffic laws of this or any other city or state within the 12 month period immediately preceding the date of application;
 - (3) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for a drivers permit; or
 - (4) Has not met the requirement for obtaining a drivers permit as set forth in this division.
- ~~(d)~~(f) An application for a drivers permit may also be denied where the applicant is under Indictment, is currently on community supervision, including but not limited to probation and deferred adjudication, or has been convicted of any of the offenses listed in Sec. 33-010 of this chapter.
- ~~(e)~~(g) If the director disapproves an application for a drivers permit, then the director shall notify the applicant, in accordance with Sec. 33-072 of this chapter, of the decision and of the basis for the decision.
- ~~(g)~~(h) Upon the applicant receiving notice of the decision of the director, the applicant may appeal such decision as provided by and in accordance with Sec. 33-033 of this chapter.
- ~~(h)~~(i) In the case where an applicant has a background of past criminal activity, drivers permit denial based solely thereon is warranted if and only if the past criminal activity is directly related to the duties and responsibilities of a driver as more fully described in this chapter. Accordingly, the factors set forth in Sec. 33-010 of this chapter shall be considered in making a

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

determination of job-relatedness. In this regard, however, it shall be the applicant's responsibility to secure and provide proof that applicant has otherwise maintained a record of steady employment and good conduct, that applicant has supported applicant's dependents, and that applicant has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in any criminal cases.

(j) Should the hearing officer affirm the decision of the director to deny the application for a drivers permit, an applicant shall not be eligible for re-application for a period 12 months from the date of the denial, or in the case of an appeal, from the date the appeal is affirmed.

Sec. 33-042. Revocation and suspension of drivers permit.

(a) A drivers permit may be revoked for any of the following:

- (1) Suspension or revocation of the state drivers license;
- (2) Two or more suspensions pursuant to the provisions of this chapter within any twelve month period;
- (3) Three ~~Four~~ (4) or more convictions or adjudications ~~violations~~ of the same provision of this chapter or rules and regulations established by the director, within any twelve month period;
- (4) Four or more convictions or placements on community supervision, including but not limited to probation and deferred adjudication, of any moving violation of the traffic laws of this or any other city or state within any twelve month period;
- (5) Has been convicted or placed on community supervision, including but not limited to probation and deferred adjudication, for any felony since the date of issuance of the drivers permit;
- (6) Revocation of felony community supervision, probation, parole or other supervision since the date of issuance of the drivers permit;
- (7) Falsification or material alteration or omission of pertinent information in any governmental record, including an application for a driver permit or for renewal thereof;
- (8) Failure to pay a monetary penalty required to be paid for a violation of this chapter within 30 days of the date said penalty becomes due;
- (9) A positive drug test as outlined in Sec. 33-029 of this chapter, on or off duty, or a positive drug or alcohol test while on duty; or
- (10) Failure to keep and maintain current documentation as outlined in this chapter.

(b) A drivers permit may be revoked or suspended for a period not to exceed 60 days, when the director has determined it is in the best interest of the public to do so, or where the driver:

- (1) Since the date of issuance of the drivers permit, has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, for violation of any city, state or federal law where said violation relates directly to the duties and responsibilities of the driver including, but not limited to, the violations listed in Sec. 33-010 of this chapter;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

- (2) Since the date of issuance of the drivers permit has been indicted for homicide, including murder, capital murder and manslaughter, but excluding criminally negligent homicide, or for any of the offenses listed in Sec. 33-010 of this chapter; or
 - (3) Has failed to comply with this chapter.
- (c) A suspension of a drivers permit does not affect the expiration date of that drivers permit.
- (d) If the director determines that good cause exists pursuant to this chapter, to revoke or suspend a drivers permit, then the director shall notify the driver of his decision, in accordance with Sec. 33-072 of this chapter.
- (e) Upon receiving notice of the decision of the director, the driver may appeal such decision as provided by and in accordance with Sec. 33-033 of this chapter.

Sec. 33-043. Reinstatement of drivers permit.

Upon revocation of a drivers permit, a driver shall not be eligible to re-apply for a period of 12 months from the date of revocation, or in the case of an appeal, from the date the appeal is affirmed.

Sec. 33-044. Display of permit.

A driver shall at all times keep his/her drivers permit in the driver's possession and shall allow the director, a peace officer, and any other person authorized to enforce the provisions of this chapter, to examine said permit upon request.

Sec. 33-045. License file to be kept.

A drivers permit file shall be kept and maintained, in a location determined by the director, of all persons to whom such permit have been issued.

Sec. 33-046. Drivers permit renewal.

A drivers permit shall expire on the expiration date listed on the drivers permit; however, the director may authorize an extension of not more than 30 calendar days.

(a) An applicant for a drivers permit renewal shall not be eligible to be issued a permit until the applicant:

- (1) Has submitted current evidence of legal residence in the United States and legal right to engage in employment therein;
- (2) Possesses a valid Texas drivers license required for the class of vehicle to be operated by the applicant as required by Secs. 521.081 and 521.082 of the Transportation Code, or possesses an active Department of Defense ID card and a current and valid drivers license from another state.
- (3) Provides the director with the applicant's residence street address and a valid phone number. An applicant shall notify the director, in writing, of any change thereto within five business days of the change;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

- (4) Executes an authorization in writing for the release to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city;
- (5) Executes an agreement and waiver in writing by which the applicant authorizes the director to permit a holder to in good faith to examine the applicant's license file for the purpose of determining whether, in the judgment of the prospective employer, the applicant should be employed to drive a vehicle for hire under this chapter
- (6) Has been cleared on a city issued form by physician licensed in Texas and registered in Bexar County, Texas to perform the duties required to operate a vehicle for hire. The examination shall include a physical and eye exam.
- (7) Has provided the results of a passing drug test as outlined in Sec. 33-029 of this chapter.
- (8) Has provided proof of the successful completion of a training course approved by the city and consisting of classroom instruction on the subject of defensive driving. This segment of instruction must be further approved by the Texas Department of Public Safety or the National Safety Council. The date of this course must be within 12 months from the date the renewal application is filed;
- (9) Has passed a written examination administered by the director on local points of interest, their locations, defensive driving and the rules and regulations established by the director;
- (10) Has successfully completed any other training outlined in the rules and regulations established by the director, which may be required by the director of all applicants, when the director has determined that such additional training is in the best interests of the public. This provision in no way limits the director's ability to require driver training at times other than prior to receipt of a drivers permit; and
- (11) Has paid all fees required by this chapter.

~~Except for the provisions of section 33-042 and the case where the original Driver Permit has been revoked for good cause or has expired for failure to renew, a Driver Permit shall be valid for twenty-four (24) months from the date of issuance thereof after which such permit may be renewed only upon re-application, accompanied by the renewal fee required pursuant to section 33-527 of this Chapter, and the meeting of all the application requirements as set forth in this Chapter. If the re-application is in proper form and no reason for refusing same is apparent, the Director may, upon request of the Driver, issue a temporary permit entitling the Driver to continue operating a Vehicle for Hire pending a decision on his re-application or any appeal thereof. The temporary Permit, however, shall be valid only for a period not to exceed sixty (60) thirty (30) days or the date of decision on the re-application or any appeal thereof, whichever comes first.~~**Sec. 33-047. Voidance of drivers permit.**

- (a) If the license required by the state for the class of vehicle operated by a driver is suspended or revoked, then the drivers permit issued under this chapter automatically becomes void.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(b) A driver shall, within three days of any expiration, suspension or revocation of the driver's his-state license, so notify the director and the holder for whom he/she drives and surrender his drivers permit to the director.

Sec. 33-048. Driver lists to be furnished and maintained.

Within 10 calendar days of the director's approval of an application for an operating permit, the holder thereof shall furnish to the director a list of all drivers under his employment or with whom he contracts, along with each driver's residence street address and phone number. The holder shall keep the list current at all times and shall inform the director monthly, but in no event later than the third business day of each month, of any new driver, any driver whose employment or contract has been terminated and any change in a driver's residence street address or phone number. The holder's communication of information to the director as required herein shall always be in writing.

Sec. 33-049. Reserved. Transfer of drivers permit

A driver may transfer from one permitted company to another; however, a driver shall not drive for a new company prior to the listing of this new company on the drivers permit.

(a) A driver shall not be eligible to transfer between companies until the driver has:

- (1) Provided an enrollee/transfer slip (developed by the city) that has been signed by the authorized representative of the hiring / contracting company(s);
- (2) Provided the results of a passing drug test as outlined in Sec. 33-029 of this chapter; and
- (3) Paid all fees required by this chapter.

DIVISION 5. HOLDER AND DRIVER REGULATIONS

Sec. 33-050. Effect of amendments.

In the event that the city determines that it is in the best interests of the public to do so, and the city amends this chapter; any permit agreement, drivers permit, and vehicle permit granted pursuant to this chapter will become subject to the amended chapter upon the effective date of the amendment.

Sec. 33-051. Holder's duty to comply.

(a) In the operation of a ground transportation 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.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(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 vehicle for hire 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 vehicle for hire.

Sec. 33-052. 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 by the holder.

(b) A holder shall not permit a driver to operate a vehicle for hire 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. 33-053. Notification of change of address or ownership.

A holder commits a violation if the holder:

(a) Fails to notify the director within five business days of a change in the address or telephone number of the holder; or

(b) Changes the form of the business or officers of the corporation of the ground transportation service from that originally submitted, without a request to amend the operating permit that is approved by the director.

Sec. 33-054. Holders responsible for fitness of drivers.

(a) Every holder operating a ground transportation 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 vehicle 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 drivers permit and who are familiar with those streets and addresses within the city over which they may operate. The employment or contracting of any driver shall be subject to the driver's obtaining a temporary or permanent drivers permit.

(b) Every holder is charged with knowledge of the contents of the card file of all drivers whom he employs and with whom he contracts. The director shall consider a holder's continued employment or contracting of any driver whose card 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. 33-055. Information and data to be kept and maintained two years; records to be made available for inspection.

Each holder shall maintain at the business office information and data on his ground transportation service business and operations, including the following specific requirements:

(a) Accurate records, reports, receipts, driver manifests and other operating information and data as may be required by the director shall be kept and maintained in the business office for at least two years after the date the information was first recorded, and all such documents shall be made available at the business office for examination at all reasonable times by the director;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(b) For good cause and upon request by the director, every holder shall submit to the director, in accordance with the uniform system prescribed, such information and data (including, but not limited to, reports, receipts, expenses, and statistics for each month and/or year of operation) as determined necessary by the director to evaluate the holder's operations; submission of the information and data shall be no later than the tenth day of the month following the request by the director;

(c) Every holder shall submit to the director reports on all accidents arising from or in connection with the operation of vehicles for hire owned or operated by him; reports shall be submitted within 48 hours from the time of such occurrence on a form or report approved by the director; and

(d) Every holder shall keep complete records on employees and drivers, bonds, and insurance policies.

Sec. 33-056. Appearance of drivers; drivers uniforms.

(a) It shall be the responsibility of every holder to require that drivers employed by the holder be hygienically clean, well groomed, neat, and suitably dressed.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "well-groomed" shall mean that male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.

(3) The term "neat and suitably dressed" shall mean all drivers are prohibited from wearing tee shirts as an outer garment, sweat shirts, sweat pants, halter or tube tops, body shirts (see through mesh) or similar attire. Shirts with tails must be tucked into pants, and socks or stockings shall be worn with shoes. Male drivers shall wear long pants and shirts with collars and sleeves. Female drivers shall wear dresses, slacks or skirts with blouses. Knee length shorts may be worn with the approval of the director.

(b) A holder shall specify and require each driver to wear an identification tag bearing the driver's name, the name of the holder's business and be of such distinctive and uniform design as to readily identify the holder's ground transportation service.

(c) While on duty, a driver shall wear the item specified by the holder employing the driver and shall comply with such other identification regulations as may be established by the director.

Sec. 33-057. Periodic appearance in person by holders and drivers.

Upon request and reasonable notice, holders and drivers shall appear, in person, before the director.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Sec. 33-058. Disposition of property left in vehicles for hire.

A driver shall return to the property owner without delay, any luggage, merchandise or other property left in a vehicle for hire. If the owner is not known, the driver shall immediately deliver to the holder employing him any property left in the vehicle with a complete written report as to when it was left in the vehicle and the circumstance relating thereto. The holder shall tag the property so delivered and attach to it a copy of the driver's written report and, if its owner is not or cannot be located, shall turn the property over to the police department no later than 30 days after its discovery in the vehicle.

Secs. 33-059 - 33-061, reserved.

DIVISION 6. VEHICLES AND EQUIPMENT

Sec. 33-062. General safety requirements and inspections.

(a) The city may by ordinance, rule or regulation establish requirements for size, condition and accessories of a vehicle for hire used by a holder.

(b) The director shall inspect each vehicle for hire yearly, in accordance with established inspection guidelines and standards of the city, before such vehicle is placed in service, and upon passage of any such inspection, the director shall affix to the vehicle for hire a vehicle permit. No person shall operate a vehicle for hire which does not have a vehicle permit attached thereto. The director may inspect a vehicle for hire at any other time which the director determines to be reasonable and necessary for enforcement of compliance with the provisions of this chapter and all other applicable rules, regulations and laws.

(c) No person shall operate a vehicle for hire which has attached thereto an expired vehicle permit.

(d) It shall be a violation for a person to forge, alter, deface or counterfeit a vehicle permit; it shall also be a violation for a person to have in his possession any vehicle permit which has been forged, altered, defaced or counterfeited.

(e) A holder shall make a vehicle for hire available for inspection when ordered by the city. If a holder fails to make a vehicle for hire available for inspection when so ordered, said vehicle shall be immediately suspended from service for up to 30 days. After 30 days, if a holder has failed to make a vehicle for hire available for inspection as ordered by the city, the director shall initiate the revocation of the vehicle permit of said vehicle as authorized by Sec. 33-035 under this chapter.

(f) If a holder makes a vehicle for hire available for inspection when so ordered, and if the director determines that said vehicle is in violation of any of the provisions of this chapter or other applicable rules, regulations and laws, then the director shall issue a correction order or vehicle inspection report to said holder as provided by Sec. 33-070 of this chapter.

(g) The holder shall have ten days from the date of the director's decision to immediately remove a vehicle from service or from the date of receipt of a correction order to request a hearing before the director, in writing and addressed to the director, and to present to the director any additional information, including inspection reports from mechanics retained by the

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

holder, which may aid the director in his determination whether to affirm or reverse the director's initial determination.

Sec. 33-063. Required equipment.

A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment and requirements for each vehicle for hire:

- (a) Except on open-air buses and pedicabs, an air conditioner;
- (b) Except on open-air buses and pedicabs, a heater;
- (c) A chemical-type fire extinguisher of at least 2.5 pounds located in the area of the vehicle specified in the inspection guidelines established by the director;
- (d) Evidence of insurance required by this chapter;
- (e) A vehicle or temporary permit placed inside the vehicle's windshield as designated by the director or, where the vehicle has no windshield, at the location designated by the director;
- (f) Any other equipment required to comply with all applicable federal and state vehicle and motor vehicle safety standards; and
- (g) Any other special equipment that the director determines to be necessary for the service to be operated as outlined in the inspection guidelines established by the director.

Secs. 33-064 - 33-066, reserved.

Sec. 33-067. Substituted or replaced vehicles for hire.

Any vehicle for hire within the total number of vehicles authorized by the permit agreement and operated by a holder may be substituted or replaced upon completion of the following requirements:

- (a) Written notification to the director of the proposed replacement;
- (b) Documentation evidencing the make, model, type, seating capacity, ownership, identification number and registration of the replacement vehicle as well as of the vehicle for which replacement is being proposed;
- (c) Documentation from the holder's insurance company evidencing a willingness to provide the insurances required by this chapter on the replacement vehicle;
- (d) Documentation evidencing timely payment of all city taxes, fees and assessments which have been levied on the replacement vehicle;
- (e) Inspection by the city of the replacement vehicle prior to placement of said vehicle into service;
- (f) Return to the director of the vehicle permit originally issued to the vehicle for which replacement is being proposed; and

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(g) Complete removal of all vehicles for hire identifying markings and equipment from the vehicle for which replacement is being proposed.

Secs. 33-068 - 33-069, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

DIVISION 7. ENFORCEMENT

Sec. 33-070. Correction order.

(a) If the director determines that a holder, or any person providing a service subject to this chapter, violates this chapter or the director's interpretations of the provisions therein, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder or violator in writing of the violation and by written order direct the holder or violator to correct the violation within a reasonable period of time. In setting the time for correction, the director 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 director shall order the holder or violator to immediately cease use of the equipment.

(b) If the director determines that a violation constitutes an imminent or serious threat to the public health or safety, the director shall immediately order the vehicle removed from service and shall immediately remove the vehicle permit affixed to said vehicle. The director shall notify the holder of such action in accordance with the provisions of Sec. 33-072 of this chapter. No person shall operate a vehicle which has been ordered removed from service by the director until the violation which caused the removal has been corrected in accordance with the director's instructions.

~~order the holder or violator to correct the violation immediately, and, if the holder or violator fails to comply, the director shall promptly take or cause to be taken such action as the Director considers necessary to enforce the order immediately, including the immediate removal of a vehicle.~~

(c) The director 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. Failure to complete all corrections within 30 days will result in immediate removal of the vehicle from service and suspension of the operating permit until the corrections are completed. Correction notices that are not corrected within 90 calendar days shall have the vehicle permit revoked.

(d) Except when ordered to immediately remove a vehicle from service under subsections (a) and (b) of this section, the holder or violator shall have ten days from the date of the director's decision to remove a vehicle from service. A holder or violator has ten days from the date of receipt of a correction order to request a hearing before the director, in writing and addressed to the director, and to present to the director any additional information, including inspection reports from mechanics retained by the holder, which may aid the director in his determination whether to affirm or reverse the director's initial determination.

(e) If the director determines that a holder, or any person providing a vehicle for hire subject to this chapter, may be violating this chapter or the director's interpretations of the provisions therein, terms of a holder's operating authority, operations requiring a permit or license, a regulation established by the director, or other law, the director may request that person deliver copies of records, including electronic files and transmissions, sufficient to show each communication relating to a vehicle for hire, the date and time of such request, the date and time that such service was provided, and all charges related to such service. The failure to deliver copies of such records within 15 days after the director's request shall constitute a

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

rebuttable presumption of probable cause under Sec. 33-074 of this chapter, which authorizes the police department to impound vehicles operating without the required vehicle permits.

Sec. 33-071. Permanent removal of vehicles and equipment.

The director may permanently remove a vehicle or any other equipment from service if in the opinion of the director the vehicle or equipment cannot be corrected to the extent necessary to meet the safety, service, and quality standards established for vehicles for hire.

Sec. 33-072. Service of notice.

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

(b) Notice required under this chapter:

(1) A holder or the holder's designated representative must be personally served or served by certified mail, return receipt requested, directed to the address last known to the director, of the holder to be notified, or to the holder's designated representative;

(2) A driver must be personally served or served by certified mail, return receipt requested, directed to the address last known to the director, of the driver to be notified, or to the designated representative for the driver.

(c) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. In the case of certified mail, notice occurs on the date indicated as the delivery date on the return receipt or on the fifth day after the date of postmark, whichever is sooner.

Sec. 33-073. Enforcement by police department.

(a) It shall be the duty of the police department or of such other city employees as may be designated by the city manager, to enforce the provisions of this chapter.

(b) All violations of the provisions of this chapter and of the rules and regulations established by the director, are hereby declared to be civil offenses subject to administrative adjudication. This subsection does not apply to a violation of Sec. 33-006(a) and (b) or to Sec. 33-926 of this chapter, which are hereby declared to be criminal offenses.

(c) The total fines, costs, and fees per violation shall not be less than \$10 and shall not exceed \$500. However, for the first violation of Secs. 33-725 or 33-726 of this chapter, the total fines, costs, and fees shall not be less than \$200; for the second violation of said sections, the total fines, costs, and fees shall not be less than \$350; for the third violation of said sections, the total fines, costs, and fees shall not be less than \$500 and shall preclude the convicted person from obtaining a historic district destination point permit, as referred to in Sec. 33-725 under this chapter, for a period of one year from the date of conviction. Fines assessed shall be based on the relationship of the violation to the public safety, the number of violations committed by the person or company summoned, and any other considerations that may be relevant to the adjudication of the matter.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(d) Violators shall be issued a summons. The summons must provide information as to the time and place of an administrative adjudication hearing. The City Attorney's Office may participate at such hearings.

(e) Hearing officers shall be appointed by the city manager. Said officers may question witnesses and review documents presented by the parties before issuing an order. The order shall be in writing and shall state whether the person charged is liable for the violation, and the amount of any fines assessed against the person or company charged. The fines shall be assessed in accordance with subsection (c) of this section. The order shall be filed with the Municipal Court Clerk with a copy provided to the director. The failure of any person charged with a violation to appear at the hearing shall be an admission of liability for the charged violation.

(f) Fines, costs, or fees assessed by the hearing officer may be levied against the license/permit bond of the holder, if the person summoned or the holder for whom such person works, fails to pay such fines, costs, or fees within 30 days after the order is filed.

(g) The Municipal Court Clerk shall establish a written body of administrative procedures for these cases.

(h) A person determined by the hearing officer to be in violation may appeal the decision to Municipal Court by filing an appeal petition with the San Antonio Municipal Court Clerk not later than 30 days after the order is filed and by paying a \$25 appeal filing fee. The appeal hearing must be scheduled to occur within ten days of the filing of the appeal petition. The appeal hearing before a municipal court judge shall be an administrative review for the purpose of confirming or overruling the order issued by the administrative hearing officer, based upon the evidence presented to the administrative hearing officer. The record of witness testimony may be preserved for appellate review by the use of an audio tape recording or a video tape recording.

(i) Neither a notice of intent to appeal nor the filing of an appeal petition shall stay the enforcement and collection of the judgment order unless the service of the notice of appeal is preceded by the posting of a cash bond in the same amount of the adjudged penalty. However, the bond may not in any case be for a sum less than \$50.

Sec. 33-074. Impoundment of vehicles.

(a) The police department shall seize and impound any vehicle when probable cause exists to believe that such vehicle is being operated for ground transportation service without the required vehicle permit, in violation of this chapter. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility. Probable cause shall mean the existence of a reasonable ground to believe that facts exist to justify the impoundment of the vehicle.

(b) If a vehicle has been moved and placed in a secured facility without the consent of the owner, the owner is entitled to a hearing to determine whether or not probable cause existed for the removal and placement of the vehicle. A hearing under this subsection shall be before a municipal court judge

(c) A person entitled to a hearing hereunder shall deliver a written request for the hearing to the San Antonio Municipal Court Clerk before the sixth day after the date the vehicle was placed in a secured facility. In computing time under this subsection Saturdays, Sundays, and legal

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

holidays are excluded. A person who fails to deliver the request within the specified time period waives the right to the hearing.

(d) A written request under this section must contain the following information:

- (1) The name, address, and telephone number of the owner of the vehicle;
- (2) The date and the location from which the vehicle was removed;
- (3) The name, address, and telephone number of the police official who authorized the removal; and
- (4) The name, address, and telephone number of the secured facility where the vehicle was placed.

(e) A hearing under this section shall be held before the fourth working day after the date the request for the hearing was received by the Municipal Court Clerk. The court shall notify the vehicle's owner and the police official who authorized the removal of the vehicle of the date, time and place of the hearing. The sole issue in a hearing under this section is whether probable cause existed for the removal and placement of the vehicle. The court shall make written findings of fact and conclusions of law regarding the issues in the hearing.

(f) If the court determines that probable cause existed for the removal and placement of the vehicle, the owner of the vehicle shall pay the costs of removing and storing the vehicle. If the court determines that probable cause did not exist for the removal and placement of the vehicle, the city shall pay the costs of removing and storing the vehicle. If the vehicle's owner paid removal or storage costs before the hearing, the city shall fully reimburse the owner.

(g) The court may charge a filing fee of \$10 for a hearing under this section and may award court costs to the prevailing party.

Sec. 33-075. General penalties.

Any violation of this chapter for which a penalty is not specifically stated is punishable by a fine of no more than \$500. A separate offense is committed each day during which an offense occurs.

Secs. 33-076 - 33-099, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

ARTICLE IV. HORSE-DRAWN CARRIAGES

DIVISION 1. IN GENERAL

Sec. 33-400. Scope of instant article.

Holders of annual permits to operate carriage services and drivers of horse-drawn carriages shall be governed by the provisions of Articles I and IV of this chapter.

~~the instant article in addition to all provisions found heretofore in Article I of this chapter.~~
(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Sec. 33-401. Fees established.

The following fees are hereby established:

- (1) Inspection of vehicle . . . \$28
- (2) Re-inspection of vehicle . . . ~~25.00~~ \$28
- (3) ~~City chauffeur's license~~ Drivers or stand worker permits . . . ~~40.00~~ \$15
- (4) Renewal of ~~chauffeur's license~~ drivers or stand worker permit . . . ~~40.00~~ \$15
- (5) Replacement of lost drivers or stand workers permit ... \$15
- (6) Drivers or stand worker permit transfer ... \$15
- (7) Special event permit ... \$25
- (8) Horse carriage permit fee... \$600 per carriage per year
- (9) Late permit payment ... \$30
- (10) Permit application ... \$100 per permit
- (11) Replacement medallion...shall be equal to the cost of making a new medallion
- ~~(5) Horse license . . . 5.00~~
- ~~(6) Renewal of horse license . . . 5.00~~
- ~~(7) "Carriage Route/Time Exception" permit . . . \$25.00~~ (8) Replacement of lost license
... \$15.00
- ~~(9) Permit transfers . . . 25.00~~
- ~~(10) Driver transfers from one holder to another . . . 5.00~~
- ~~(11) Vehicle substitution or replacement . . . 25.00~~
- ~~(12) Late Permit payment...\$28.00~~

(Ord. No. 101404, § 4, 9-15-05)

Secs. 33-402 - 33-410, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

DIVISION 2. OPERATING AUTHORITY

Sec. 33-411. Number of horse-drawn carriages.

- (a) The director shall set the total number of horse-drawn carriage permits that may be issued to holders collectively. The director shall establish said total number as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.
- (b) A holder shall operate the holder's carriage service with the maximum number of horse-drawn carriages as set forth and approved in the permit agreement.
- (c) The director ~~Transportation Services Manager~~ shall issue medallions that identify tags for each horse-drawn carriage authorized in the annual permit. When in operation, a holder shall require that each horse-drawn carriage used in the operation of a his carriage service shall ~~have displayed its medallion identification tag in a location specified by the director.~~ ~~Director Transportation Services Manager.~~
- (d) A carriage companies that the director determines is operating more carriages than authorized in the permit agreement, shall have all permits suspended for seven calendar days.
- (e) Medallions shall mean an identification plate created by the director to identify the quantity of carriages in operations. Replacement of the lost, damaged, or stolen medallions shall be at the owner's expense.

(Ord. No. 2010-01-14-0016, § 1, 1-14-10)

Sec. 33-412. Permit fee.

An annual permit fee of \$600 shall be paid to the city for each horse-drawn carriage authorized by the permit agreement. The annual permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the month of January, April, July, and October.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month a payment is due.

Permits that do not have the fees paid within 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid within 60 calendar days from the due date, all permits shall be revoked.

~~Within five (5) working days of the city council's approval of an application for annual permit, the holder thereof shall pay the city a permit fee of six hundred dollars (\$600.00) per year for each horse-drawn carriage authorized by the permit. The permit fee is payable in either one (1) lump sum for the total amount due or twelve (12) equal monthly installments which are due on the first business day of each month.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90; Ord. No. 99741, § 9, 9-16-04)~~

Sec. 33-413. Company ownership

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (a) For the purpose of Article IV, a permit holder shall be the individual who has been designated as having the controlling interest over a company by the majority of owners of said company, and that individual must be indentified as an owner on the letter of incorporation.
- (b) Permits shall not be transferred for any reasons.
- (c) A power of attorney shall not be accepted as a replacement for the permit holder's signature.
- (d) The permit holder shall sign all documents for the company, including but not limited to renewal of permit agreements, insurance forms, and any other documents that the director requires.
- (e) If a permit holder is unable to maintain one or more permits for any reason these permits shall be recalled by the city.
- (f) Company managers may be appointed by the permit holder to handle the day to day operations, to include but not limited to, hire slips and special event permits. However, the city retains the right to communicate exclusively with the permit holder.

Sec. 33-414. Available permit distribution

- (a) Permits become available for distribution in the following ways:
 - (1) If under Sec. 33-413 of this chapter a permit holder has permits revoked by the city, the number of permits recalled shall be reviewed by the director to determine if the revoked permit(s) should be re-issued to the industry or the total number of horse-drawn carriages shall be reduced (Sec.33-411of this chapter)
 - (2) If under Sec. 33-411 of this chapter the director determines that the total number of horse-drawn carriages should be increased.
- (b) When the city determines that permits shall become available, the city shall advertise the availability of carriage permits for no less than 30 days. The advertisement method shall be determined by the director.
- (c) All permit applications must be submitted by a date set by the director and must comply with Secs. 33-007 and 33-008 of this chapter, as determined by the director. If the application is approved by the director, each application shall be placed into a permit drawing. Applications shall not be for more permits than are available.
- (d) Permit drawings shall be held with all permit applicants present. Only permit applicants shall be allowed to attend the drawing. However, if an applicant cannot be present, the applicant must provide a written letter informing the city of the inability to attend. The applicant may request for one individual to attend on their behalf. Drawing procedures shall be as outlined in horse-drawn carriage rules and regulations established by the director.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (e) Applicants shall receive one entry for each permit applied for. The director or the director's designee shall pull one drawing entry for each permit available. Each company that has an entry pulled shall have 90 days from the time of the drawing to complete all requirements of Chapter 33 and have the carriages inspected, permitted, and operating. Failure to comply shall result in the revocation of the awarded permit.
- (f) Companies that had a permit revoked under Sec. 33-500 of this chapter shall not be eligible to apply for the permits.

Secs. 33-415 - 33-430, reserved.

DIVISION 3. DRIVER REGULATIONS

Sec. 33-421. Conduct of drivers.

While on duty, a driver shall:

- ~~(1) Not permit or allow any person on the back of a horse under said driver's control;~~
- ~~(2) Not leave a horse unattended except when confined to a stable or other enclosure;~~
- ~~(3) Not permit a horse drawn carriage to be parked without first effectively setting the brake equipment thereon;~~
- ~~(4) Not permit or allow excrement to drop from a horse's diaper;~~
- ~~(5) Not pace a horse faster than a walk;~~
- ~~(6) Empty a horse's diaper of all excrement when half full and at beginning of each trip for hire;~~
- ~~(7) Keep all routes and carriage stands clean and free of animal excrement; and~~
- ~~(8) Upon request at any reasonable time and without prior notice, make a horse available for inspection by the city manager, any officer of the police department and/or any veterinarian employed with or contracted by the city.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

~~Secs. 33-422 - 33-430. Reserved.~~

DIVISION 4 3. SERVICE REGULATIONS

Sec. 33-431. Hours of operation.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (a) The director shall establish the hours during which a driver may operate a horse-drawn carriage as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.
- (b) ~~Irrespective of subsections (a) above,~~ Horse-drawn carriages shall not be operated in the King William District during the following hours:
 - (1) After 10:30 p.m. Monday through Sunday; and
 - (2) Before 12:00 p.m. on Sundays.
- (c) ~~Irrespective of subsections (a) and (b) above, all carriage service~~ Horse-drawn carriage operations shall be suspended whenever the ambient weather temperature is at or above or exceeds 95 95°F. as reported by the national weather service; Interpretation and enforcement of this provision shall be solely by officers hereunder individuals designated by the director given the power to enforce this chapter and/or by veterinarians employed with or contracted by the city.
- (d) Carriages operations shall be suspended at 12:00 pm until 8:30 pm on Air Quality Health Alert Days.
- (e) No holder or driver shall permit or allow any horse being used for hire over which he has control to be outside the stable grounds except during the above specified hours, hours specified in the rules and regulations established by the director, and/or pursuant to express written authority of the director.

~~(Ord. No. 2010-01-14-0016, § 1, 1-14-10; Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

Sec. 33-432. Routes and Carriage stands.

- (a) Horse-drawn carriage ~~routes~~ stands shall be established by the director as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.
- (b) Carriage stand shall mean a designated space that is created to allow for horse-drawn carriages to wait for customers. Carriage stand locations shall be determined by the director and shall be designated by two signs that are placed at each end of the stand.
- (c) Horse-drawn carriages may utilize any unoccupied commercial loading zone to load, unload, stand or rest. All carriages must give the right of way to commercial vehicles and other authorized motor vehicles.
- (d) Carriages must have a seating rating capacity of 14 or less, this includes the drivers seating area. If the carriage does not have a rating capacity or there is a concern about the rated seating capacity than the capacity shall be determined by the Director.
- (e) Carriages shall not have more than 4 bench seats on the carriage; this includes the driver's bench. Exception is carriages currently permitted, however these carriages must comply with 33-432 (d)

~~(Ord. No. 2010-01-14-0016, § 1, 1-14-10; Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90; Ord. No. 99741, § 10, 9-16-04)Sec. 33-433, Carriage stands and Horse feeding and watering locations reserved~~

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~Passenger pick-up carriage stands and stationary horse feeding and watering locations shall be only at areas designated by the Director to be for these purposes. The Director shall establish said stands and locations as a rule or regulation in accordance with Sections 33-004 and 33-005. Holders and/or drivers shall not allow or permit carriage stands at other locations except for discharge of passengers. Rules for the use of carriage stands will be established by the Director and shall be complied with.~~

~~(Ord. No. 2010-01-14-0016, § 1, 1-14-10; Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

Sec. 33-434. Maintenance of routes, carriage stands, routes, streets, and horse feeding and watering locations.

- (a) A holder shall, at the holder's own expense, keep routes, carriage stands and streets ~~stationary horse feeding and watering locations~~ clean, sanitary and free of animal excrement. ~~To ensure compliance, attached to the carriage's shafts shall be a diaper device, enclosed on three (3) sides, of dimensions approved by the city manager.~~
- (b) Disposal of manure shall be by transport to stables and shall be the responsibility of the holder.
- (c) It shall be the holder's responsibility to ensure that the stand, routes, and streets are free from animal excrement. If it is determined by the director that a stand, route, or street is not being kept clean of animal excrement, the director may suspend the permits for a period of no more than seven days. If a waste issue is not resolved after notification to the permit holders, the director may revoke permits.
- (d) Diaper devices shall be utilized by all carriages. These devices must be in good repair and attached properly to the carriage or animal to adequately capture solid animal excrement.

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

Sec. 33-435. Refusal to convey.

While operating a horse-drawn carriage, a driver's refusal to convey a person requesting service shall be a violation of this chapter. It shall be an affirmative defense to prosecution under this section that:

- (a) The driver was engaged in answering a previous call for service;
- (b) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct;
- (c) The driver was in reasonable fear of his personal safety, or
- (d) The driver would be violating another section of Chapter 33 or the rules and regulations established by the director.

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

Sec. 33-436. Additional passengers.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(a) A company's independent contractor, driver, stand worker or employee shall at no time hold a group back from loading on a carriage for the purpose of loading a specific carriage.

(b) The group that first employs the services of a carriage company must agree to additional passengers being placed on the carriage.

~~It shall be an affirmative defense to prosecution under this section that consent of the person(s) first employing the horse drawn carriage was secured prior to the additional passenger(s) being picked up or permitted to ride therein.(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)Secs. 33-437 - 33-440, reserved.~~

DIVISION 5 4. FARES

Sec. 33-441. Schedule of fares.

~~A holder shall file with the city clerk a schedule of fares. Such schedule may be adjusted provided changes are filed with the city clerk ten (10) days prior to going into effect. The director shall establish the rates of fares for the horse-drawn carriages industry and outline the details of the fares in the rule or regulations in accordance with Secs. 33-004 and 33-005 of this chapter.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

Sec. 33-442. Display of fares.

(a) Each carriage shall have a current schedule of fares placed on the carriage that is visible to the passengers upon entry into or while seated in said carriage. ~~A holder shall provide all drivers under his employment or with whom he contracts a printed card or sticker containing that schedule of fares on file with the city clerk.~~

(b) Each permit holder shall ensure that a driver, independent contractor, or stand workers charge the rate as set in the rules and regulations established by the director. ~~While on duty, a driver shall prominently display the holder's fare card or sticker inside the horse drawn carriage in a manner approved by the city manager so as to be visible to passengers upon entry into or while seated in said carriage.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

~~Secs. 33-443 - 33-460, reserved.~~

DIVISION 6 5. VEHICLES AND EQUIPMENT

Sec. 33-451. Required markings for horse drawn carriages

~~(a) All lettering and numbering on horse drawn carriages shall be no less than two (2) inches in height and at least five sixteenths (5/16) wide. Lettering must be of a color that is in contrast to the color of the carriage.~~

~~(b) All lettering and numbering shall be visible at all time.~~

~~(C) Each carriage shall have:~~

~~(1) Rated passenger capacity on each side of the carriage~~

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~(2) Carriage number on each side and rear of the carriage~~

~~(3) Company name on each side and rear of the carriage~~

Sec. 33-452. Carriage

~~(a) A company shall be authorized to have one (1) carriage that has the seating capacity of 15 or more, all other carriages permitted shall have the seating capacity of less than 15.~~

~~(b) If the carriage does not have a manufactures rating capacity then the rating capacity shall be determined by the Director.~~

~~Secs. 33-451. Lettering and numbering on horse-drawn carriages.~~ Horse-drawn carriage lettering and numbering as required pursuant to section 33-122 of this chapter shall be at least two and one-half (2 1/2) inches in height and the lines constituting the letters and numbers shall be at least five-sixteenths (5/16) of an inch broad (Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90) **~~Sec. 33-452. Business name, vehicle number and rated passenger capacity.~~**

~~It shall be each holder's responsibility to ensure that every horse-drawn carriage used in the operation of the holder's carriage service have identified on its outside body the vehicle number ad rated passenger capacity and the name and telephone of the holder's business as follows:~~

~~(1) The vehicle number and rated passenger capacity and the name and telephone of the holder's business centered on both sides of the outside body; and~~

~~(b) The vehicle number centered on the rear body; except should there be an advertisement in that location, then to the immediate left of center of the rear body.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

DIVISION 7 5. HORSES

Sec. 33-461. Horse license required.

(a) Except in connection with special events authorized by the City Manager city officials including, but not limited to, parades and livestock expositions, no person shall permit, allow, use or offer the use of a horse in a carriage service or in any service whereby animals are used to transport persons on a public street unless such horse has first been licensed pursuant to the provisions of this article.

(b) Horses used in the operation of a horse-drawn carriage shall be licensed by the Animal Care Services Department of San Antonio (animal care services), and shall be made available for inspection by the city at all reasonable times with or without prior notice.

~~(b) Application for a horse license shall be made to the Director of the metropolitan health district. Such application shall contain the name and address of the owner of the carriage service in which such horse is to be used, the age, sex, color and any other identifying characteristics, marks and/or brands of the horse, the location of the stable where the horse is to be kept, and any other information which the director of the metropolitan health district may require.~~

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~(c) An application for a horse license shall be accompanied by the horse license fee (annual) in the amount of forty five dollars (\$45.00), or the horse license fee (renewal) in the amount of forty five dollars (\$45.00).~~

~~(d) A horse license shall be valid for twelve (12) months after the date of issuance thereof after which, unless the original license has been revoked for good cause or has expired for failure to renew, said license may be renewed upon submission of an application containing the information set out in subsection (b) above, accompanied by a horse license renewal fee as required pursuant to section 33-063 of this chapter.~~

~~(c) (e) A horse license shall not be transferable. Upon the transfer of ownership of any horse to a new owner, the new owner shall, prior to working the horse, have the horse licensed by animal care services within fifteen (15) days of such transfer, obtain a license for such horse, if used for a carriage service.~~

~~(d) (f) Each horse license shall, pursuant to the provisions of this article, be assigned an official identification number by animal care services the director of the metropolitan health district and each horse licensed herein shall be identified by a microchip or any other means of identification as determined by animal care services. The cost of the microchip or any other identifier shall be at the expense of the permit holder. Microchips utilized shall be approved by animal care services and must be International Organization of Standards (ISO) compliant. the Animal Care at the expense of the permit holder. Microchips u marking a number as assigned by animal care services the director of the metropolitan health district on the horse's hoof. It shall be the responsibility of the holder to maintain the horse identification number, markings clearly visible at all times in a color contrasting with that of the horse's hoof.~~

~~(e) The holder shall at all times maintain the horse license at the stable where the horse is kept and shall keep a copy of the horses license on the carriage that is being pulled by said horse. The horse license may be inspected by the director and any representative from animal care services. at any reasonable time and without prior notice, make same available for inspection by the city manager, any officer of the police department and/or any veterinarian employed or contracted by the city.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90; Ord. No. 94854, § 29, 9-20-01; Ord. No. 98187, § 21, 9-18-03)~~

Sec. 33-462. Care of horses.

(a) The director and the director of animal care services ~~city manager~~ shall promulgate such rules and regulations as are necessary to carry out the provisions of this article and to promote the health, safety and well-being of the licensed horses.

(b) A veterinarian employed or contracted by the city shall be available on a regular schedule and at such other times as may be necessary to provide inspections and ascertain compliance with the terms and conditions of this article.

(c) Holders and drivers shall ensure that they have access to a sufficient amount of fresh drinking water for the horse that they are working. Holders and drivers shall insure that each horse is offered water in an appropriate container after every trip. ~~that appropriate and~~

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~sufficient food and fresh, potable drinking water are available for each horse and that, while working, each horse is permitted to eat at reasonable intervals and have access to drinking water as necessary. Holders and drivers shall further ensure that horses be given a minimum ten (10) minute rest period between fares.~~

- (d) Holders and drivers shall not allow a horse to be worked on a public highway, path or street during conditions which are determined by the director and the director's designee, ~~officers with power to enforce this chapter and/or a veterinarian employed with or contracted by the city,~~ to pose a threat to the health, safety or well-being of the horse, passengers, or general public. If conditions develop while a horse is being worked, however, said horse shall be returned, without delay, to the stable by the most direct route and, if the threat posed is an immediate one, then the return of the horse to the stable shall be by horse trailer.
- (e) Holders and drivers shall ensure that horses do not work more than eight hours in a twenty-four hour period without allowing a horse at least a sixteen continuous hour rest period. ~~ten hours in any continuous twenty-four hour period.~~ Holders shall keep a current log provided by animal care services in each stable showing each horse's use.

(1) A shift shall be considered:

Monday – Friday: Morning shift: 9:00 am to 4:00 pm
 Evening shift: 6:00 pm to 2:00 am

Saturday – Sunday: Morning shift: 10:00 am to 6:00 pm
 Evening shift: 6:00 pm to 2:00 am

Holiday: Morning shift: 10:00 am to 6:00 pm
 Evening shift: 6:00 pm to 2:00 am

- (2) Horses shall be considered as working a shift if the horse is pulling a carriage that is being presented to the public as a carriage for hire. If a horse must return to the stables due to inclement weather or equipment replacement it may return to operation to complete the same shift. Holders shall keep a log in each stables show each horses use. This log shall be provided by Animal Care Services and must be updated each shift.

- (f) Holders and drivers shall be responsible for any violation under this article, ~~amendments hereto,~~ and the rules and regulations established by the director, where it is shown that ~~each or either~~ such person had knowledge of the violation, or should have had knowledge of the violation, and made no attempt to prevent it from occurring.
- (g) A holder shall keep on the premises of the stable where the horses are kept a consecutive daily record of the movements of each licensed horse, including driver's name and identification number, horse's identification number, vehicle identification tag number, and a daily manifest on each horse. Such records shall be made available, at any reasonable time, for inspection by the director and the director of animal care services, and their designees. ~~city manager~~
- (h) A horse required to be licensed pursuant to this article which is lame or suffers from a physical condition or illness making it unsuitable for work may be ordered removed from

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

work by the director and the director of animal care services, and their designees, city manager, ~~any officer with power to enforce this chapter and/or~~ any veterinarian employed ~~with or~~ contracted by city if said individual determines ~~in his judgment,~~ that removal of the horse is necessary for health and safety reasons or as an immediate protection to the horse ~~and/or~~ the general public. A horse for which such an order has been issued shall not be returned to work until such time as the horse is re-examined and a veterinarian licensed by the State of Texas certifies in writing that the horse is fit to return to work. ~~employed with or contracted by the city to be fit to return to work.~~

- (i) A holder shall, at his own expense, have each horse examined by a veterinarian licensed by the State of Texas before the horse is put in service and every six ~~three (3)~~ months thereafter. Holders shall be responsible for maintaining the following on each horse-drawn carriage in operation:
- (1) Current license of the horse being used; ~~examination record of the horse in use;~~
 - (2) Current picture of the horse;
 - (3) Current health certificate of the horse ~~in use;~~
 - ~~(3)~~ (4) The horses body condition score ~~Weight of the horse,~~ certified every six ~~three (3)~~ months by a veterinarian licensed by the State of Texas; and
 - ~~(4)~~ (5) Description and location of any other identifying characteristics, marks and/or brands of the horse.
 - ~~(5) Description of any mechanical lameness which would not cause pain or suffering to the horse during use; and~~
 - ~~(6) Annual immunization record for rabies, venezuelan equine encephalomyelitis, eastern and western equine encephalomyelitis, tetanus, influenza, and annual negative Coggins test.~~
- (j) The holder shall, in the operation of a carriage service, use only horses which are geldings and mares; are a minimum of three years old; weigh at least 1,200 pounds; and are of such stamina and in such physical condition, as determined by a veterinarian employed ~~with or~~ contracted by the city or by the director, the director of animal care services, or their designees, so as to be able to perform the required horse-drawn carriage tasks without any undue stress and/or effort.
- ~~Horses shall be weighed, at the holder's sole expense, using state certified scales.~~
- (k) A holder shall treat a horse for internal parasites every four months under the direction of a veterinarian licensed by the State of Texas. A holder shall treat a horse for external parasites whenever they are found to be present.
- (l) A holder shall have the hooves of horses trimmed and their shoes reset every six to eight weeks, using caulks or borium to prevent slippage; shoes shall be shod in a manner approved by the director of animal care services ~~city manager~~ and shall have non-skid base surfaces.
- (m) Holders and drivers shall ensure that horses are kept clean, especially those areas in contact with the harness or other tack.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(n) Holders and drivers shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition.

(o) The following shall deem a horse unfit for use:

(1) Lameness of any kind;

(2) Open sores or wounds caused or likely to be irritated by the bearing surfaces of harness, bridle or girths;

(3) Signs of emaciation, dehydration or exhaustion; and

(4) Loose shoes or no shoes; or

(5) Is exhibiting uncontrollable behavior.

(p) Nothing in the chapter shall preclude the director, the director of animal care services, or their designees from enforcing all local, state, and/or federal animal cruelty laws.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)
Secs. 33-463 - 33-470, reserved.

DIVISION 6. STABLES

Sec. 33-471. Location.

Stables for housing of horses and carriages shall be at locations approved by the director of Code Compliance and/or Public Works of the metropolitan health district, shall be situated in areas properly zoned for such use, and shall be no less than 100 feet from any dwelling. Such facilities shall conform to all health and sanitation regulations and shall be open for inspection by the director and the director of animal care services and their designees city manager and/or the director of the metropolitan health district at all reasonable times, with or without prior notice.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Sec. 33-472. Requirements.

(a) All stables shall have standing stalls of minimum dimensions of 12 feet by 12 feet by 12 feet. The stalls shall be enclosed on all four sides and shall have a solid north wall and a solid roof.

(b) Horses shall be adequately quartered. Stables and stalls shall be clean and dry. Sufficient bedding of straw, shavings, or other suitable material shall be furnished and changed as often as necessary to maintain the stables and stalls in a clean and dry condition. Bedding for concrete floors shall consist of at least six inches of materials. Bedding for clay, dirt or rubber base floor shall consist of at least three inches of materials.

(c) While in stalls, and/or during each 16 hours break horses shall have access to forage and feed in the amount to keep appropriate body condition score. horses shall have access to hay at all times. The forage and feed hay shall be kept clean, fresh and must be of good quality.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(d) While in stalls, horses shall have continuous access to drinking water. Water shall be kept clean and fresh.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Secs. 33-473 - 33-480, reserved

Sec. 33-481. Horse-drawn carriage wheels.

Horse-drawn carriage wheels 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.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Secs. 33-482 - 33-490, reserved.

DIVISION 10-8. LIGHTING REQUIREMENTS

Sec. 33-491. Generally.

Horse-drawn carriages and equipment shall comply with the provisions of article 6701d, section 122(e), Vernon's Ann. Civ. St., and shall meet the lighting requirements set forth in the remaining sections of this division and all other applicable rules, regulations and laws.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Sec. 33-492. Carriage rear.

(a) Either one (1) or two (2) lamps displaying red lights and two (2) red reflectors shall be mounted on and visible from the rear of the horse-drawn carriage. The lamps shall be at least four (4) inches in diameter and if only one lamp is used, it shall be mounted as far to the left (looking forward) as possible. The reflectors shall be at least three (3) inches in diameter or seven (7) square inches in area.

(b) The lamps shall be mounted above the reflectors and no higher than five (5) feet from the ground. The reflectors shall be mounted as far as is practical below the lamps on the rear of the horse-drawn carriage, but no lower than two (2) feet from the ground.

(c) A bulb used in the rear lamp(s) must be approved by the Director, designated by the trade lamp number 1156 should be used in the rear lamp(s). Said bulb shall be rated at twelve (12) volts and shall draw two (2) amps when lit.

(d) The following or their equivalent shall be used for the red rear light(s): K-D red rear lights #756-2601, #200-2621 or Grote #50272, #50412, #50862 or #50872.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Sec. 33-493. Carriage front:

(a) One (1) lamp displaying a white light shall be mounted on and visible from the front of the horse drawn carriage. This lamp shall be at least four (4) inches in diameter and shall use a thirty-two (32) candlepower #1156 bulb. It shall be placed as far to the left (looking forward) as possible and shall not be obscured from view by the driver, the passengers or the horse pulling the carriage. It shall be mounted no less than two (2) feet nor more than five (5) feet from the ground as measured from the center of the lens.

(b) The following or their equivalent shall be used for the front white light: KD white backup lights #850-2301, #855-2301 or Grote #62011 or #62021.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Sec. 33-494. Lamps specifically:

(a) All lamps on horse drawn carriages shall be in operation during the nighttime hours beginning no later than one-half (1/2) hour before sunrise 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 carriage.

(b) Electrical supply to the lamps heretofore required shall be at all times maintained so as to provide sufficient power to the lamps to make them visible at night, for a distance of not less than one thousand (1,000) feet.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Sec. 33-495. Side reflectors:

(a) Each horse-drawn carriage shall have six (6) additional reflectors. Two (2) reflectors shall be mounted on each side of the carriage as far apart to the front and rear, and one (1) reflector shall be mounted on each side of the horse pulling the carriage, either attached to the harness of the horse or on the draw bars of the carriage as far as possible towards the front of the horse.

(b) All of the above reflectors shall be white, yellow or amber in color, and at least three (3) inches in diameter or seven (7) square inches in size. White reflectors may be mounted on the horse or side of the horse drawn carriage but shall not face the rear of the vehicle. Reflectors shall be visible for any distance up to six hundred (600) feet when illuminated by the lawful lower beams of headlamps. All reflectors shall be mounted no less than two (2) feet nor more than five (5) feet from the ground as measured from the center of the lens.

(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)

Sec. 33-496. Slow moving vehicle emblem:

Every horse-drawn carriage shall display a "slow-moving vehicle" emblem on the center rear body of the carriage. the emblem shall be a thirteen and three-fourths (13 3/4) inch fluorescent

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~orange triangle with a one and five eighths (1 5/8) inch red reflective border, giving a total width of sixteen (16) inches by fourteen (14) inches in height. The emblem shall meet the current standards adopted by the "American Society of Agricultural Engineers," shall be visible in daylight or at night when illuminated by the lower beams of headlamps for a distance of not less than five hundred (500) feet, and shall be mounted base down on the rear of the carriage not less than three (3) feet nor more than five (5) feet from the ground as measured from the base of the emblem. No decorative trim or any part of the carriage shall cover or obscure any part of the emblem at any time.~~

~~(Ord. No. 70819, § 1, 12-21-89; Ord. No. 70903, § 1, 1-11-90)~~

~~Sec. 33-496. Decorations and Decorative lighting.~~

~~(a) All decorations used on a carriage shall be securely fastened, maintained, and in good repair. Decorations shall not obscure the view of any safety lights, reflectors, permits, or carriage markings.~~

~~(b) Decorative lights shall be securely fastened, maintained in good repair, and all lights must be operational. Lights shall not obscure the view of any safety lights, reflectors, permits, or carriage markings.~~

~~Secs. 33-497 & 33-499. Reserved.~~

DIVISION 7. STAND WORKERS

Sec. 33.491. Independent contractor, stand workers and employees

(a) Independent contractors, stand workers and employees that perform duties relating to the public operation of a carriage company shall be required to obtain a stand worker license.

(b) Stand workers shall meet the requirements of chapter 33, Article I, Division 4, with the following exceptions:

- (1) Stand workers must have a valid Texas drivers license, a valid Texas ID card, or a valid military ID card.
- (2) Stand workers are not required to have a medical release form.
- (3) Stand worker are not required to have a eye exam.
- (4) Stand workers are not required have completed a defensive driving course.

(c) Stand workers shall comply with all rules and regulations established by the director.

(d) Permit holder's are permitted to have only one stand worker at each stand.

Secs.33-492 – 33-499, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

ARTICLE V. LIMOUSINE SERVICES

Sec. 33-500. Scope of instant article.

Holders of operating permits for a limousine service, sponsored limousine services operated pursuant to supplemental operating permits, ~~to~~ and the drivers of ~~stretch limousines, classic vehicles and luxury vehicles~~ operating the vehicles of the sponsored limousine services shall be governed by the provisions of Articles I and V of this chapter.

Secs. 33-501 - 33-518, reserved.

Sec. 33-519. Amount of insurance.

Except as otherwise provided by the holder's operating permit or supplemental operating permits, the public liability and property damage insurance required by this article shall be the minimum of \$500,000 combined single limit (CSL) for each vehicle with a rated passenger capacity of 15 passengers or less, and a minimum of \$1,000,000 CSL for each vehicle with a rated passenger capacity of more than 15. These minimums shall be required to cover the following categories:

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

Secs. 33-520 - 33-522, reserved.

Sec. 33-523. Number of ground transportation vehicles authorized.

(a) A holder within 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. 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 established by the director.

(b) A holder may apply for and receive additional vehicle permits if such application satisfies the requirements of Secs. 33-008 and 33-007 of this chapter. The application, however, shall be denied if such holder:

- (1) Has not held permits for at least one year;
- ~~(1) Has been a permit holder for less than one year.~~

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(2) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has failed to pay a fine owed within the time required by this chapter or by the director;

(3) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has failed to maintain the license/permit bond or insurances required by this chapter;

(4) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has had a vehicle permit revoked or suspended; or

(5) The applicant has failed to assign any previously issued vehicle permits to a vehicle.

(c) A holder who is approved for additional vehicle permits must execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(d) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

Sec. 33-524. Supplemental operating permit.

If a ~~vehicle for hire service~~ limousine service experiences peak demand periods requiring more vehicles than are designated in its permit agreement or operating permit, the holder may request supplemental vehicles by submitting a written application for a supplemental operating permit, which shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a supplemental operating permit:

(a) May not be used for more than five days;

(b) Must comply with the vehicle requirements of this chapter;

(c) Must comply with the insurance requirements of this chapter;

(d) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.

(e) If leased or rented through a nationally recognized leasing or rental company, the vehicle shall be exempt from inspection requirements;

(f) The applicant must pay the supplemental operating permit fee in advance of the use of said supplemental permit;

(g) A limousine service that utilizes a supplemental vehicle that is not in compliance with Sec. Sec 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(h) A limousine service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

(i) For the purposes of the supplemental operating permits, the provisions of Sec. 33-564 of this chapter shall not apply.

Sec. 33-525. Special event supplemental operating permit.

If for a special event a ~~vehicle for hire service~~ limousine service requires more vehicles than are designated in its permit agreement or operating permit, the holder may request a permit for supplemental vehicles by submitting a written application for a special event supplemental operating permit, which shall describe the special event, state the reason why supplemental vehicles are needed and identify the vehicles to be used. If the holder sponsors another limousine service, the written application must identify the sponsored limousine service by company name and location, or other identifying information. The application for a special event supplemental operating permit must be submitted at least 30 days in advance of the start of the special event, and the director shall determine the date of the special event. Supplemental vehicles authorized by a special event supplemental operating permit:

(a) Must comply with the vehicle requirements of this chapter;

(b) Must comply with the insurance requirements of this chapter;

(c) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service. Vehicles must comply with all the requirements of the Texas Department of Transportation;

(d) The applicant must pay the special event supplemental operating permit fee in advance of the use of said supplemental permit;

(e) All permits must be returned to the director upon completion of the event;

(f) A holder or company that fails to comply with the provisions of this section may be denied special event supplemental operating permits in the future.

(g) A limousine service that utilizes a supplemental vehicle that is not in compliance with Sec. Sec 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

(h) A limousine service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

(i) For the purposes of the special event supplemental operating permits, the provisions of Sec. 33-564 of this chapter shall not apply.

Sec. ~~33-527~~33-526. Fees.

The following fees are hereby established:

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(1) Inspection of vehicle

Passenger capacity:

~~15~~ 10 or less . . . \$42

~~More than 15~~ 11 or More . . . \$84

(2) Drivers permit . . . ~~40.00~~ \$15

(3) Renewal of driver permit . . . ~~40.00~~ \$15

(4) Replacement of lost driver permit . . . \$15

~~(5) Operating permit transfers (per vehicle) . . . 25.00~~(56) Driver transfers from one holder to another...~~40.00~~ \$15

(67) Supplemental operating permit, five days (including airport operating permit) ... \$50

(78) Special event supplemental operating permit (per event, per vehicle)...\$200

(8) Application... ~~\$100.00~~\$110

(9) Airport operating permit...\$150

(10) * City-wide limousine operating ~~Vehicle~~ permit (per vehicle/per year)... \$440

(44)12) Late permit . . . ~~25.00~~ \$30

(42)13) Re-inspection ...~~\$25.00~~\$28

(14) Inspection re-scheduling ...\$28

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

*City-wide limousine operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The limousine operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following months: January, April, July and October.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month a payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

Secs. 33-527 - 33-560, reserved.

Sec. 33-561. Rates of fare.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (a) A holder shall charge a minimum fare of \$67.50 per hour for all permitted vehicles. This amount shall be exclusive of any gratuity. The holder shall file with the director a schedule of fares to be charged for services provided.
- (b) A holder shall notify the director within 48 hours of any changes in the fare schedule filed by the holder.
- (c) The use of any type of meter or measuring device to calculate rate of fare is prohibited.
- (d) The director may approve exemptions to Sec. 33-561(a) of this chapter, by written contracts.

Secs. 33-562 - 33-563, reserved.

Sec. 33-564. Vehicle requirements.

~~Each holder of a limousine operating permit must own, operate, and maintain at least one stretch limousine as defined in section 33-003 of this chapter.~~

Each holder of a limousine operating permit must own all of vehicles permitted. No vehicle shall be allowed to enter into service that has less than 50 percent of the years of service remaining and each holder must operate and maintain a minimum of:

- (a) Two stretch limousines as defined in Sec. 33-003 of this chapter; or
- (b) One stretch limousine and two luxury vehicles or SUVs as defined in Sec. 33-003 of this chapter.

Sec. 33-565. Vehicle age requirements.

~~No stretch limousine shall be older than twelve (12) years of age. No luxury vehicle shall be older than five (5) years of age. Classic vehicles must be twenty-five (25) years of age or older. Age of the vehicle shall be calculated from the first day of October of the model year or from the purchase date if placed into service as a new vehicle. Every holder, owner and driver shall remove from city-wide and airport service every luxury vehicle, SUV and Van which is eight years of age. Stretch limousines and limo vans shall be removed from service at 15 years of age. All vehicles shall be removed from service as stated in Rule 945 established by the director under this chapter.~~

Secs. 33-566 - 33-699, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

ARTICLE VI. PEDICAB SERVICES

DIVISION 1. IN GENERAL

Sec. 33-610. Scope of instant 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. . . \$28
- (2) Pedicab re-inspection. . . \$28
- (3) Pedicab inspection no show. . . \$28
- (4) ~~City chauffeur's~~ Drivers license . . . \$15
- (5) ~~Renewal of city chauffeur's~~ Replacement of lost license . . . \$15
- (6) Drivers transfer. . . \$15
- (7) Operating permit transfers (per vehicle) . . . \$25
- (8) Pedicab ~~Vehicle-~~ operating permit...\$110* per vehicle
- (9) Late permit payment...~~\$10.00 per calendar day~~ \$30
- (10) Permit application. . . \$150per permit requested on the application

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

*Pedicab operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The pedicab operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following month: January, April, July and October.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~*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 \$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 person in any one accident;
- (2) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (3) For damages arising out of injury to or destruction of property in any one 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 15 without the approval of city council.
- (b) A holder, within 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 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 Secs.33-007 and 33-008 of this chapter (as determined by the director). If the application 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 drawings 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. The applicant may

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

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 Secs. 33-004 and 33-005 of this chapter.

Sec. 33-631. Areas of service.

- (a) Pedicabs shall not work outside the downtown area as outlined in the Pedicab Rules and Regulations established by the director.
- (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; and
 - 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, including sidewalks, because of a city issued permit.
- (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.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

No pedicab shall transport more than four 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.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(b) Each holder is charged with knowledge of the contents of the file of all drivers the holder 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 the director's 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 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 established by the director as well as the requirements outlined in the pedicab vehicle inspection guidelines.

Secs. 33-651 - 33-659, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

ARTICLE VII. TOUR SERVICE AND CHARTER SERVICE

Sec. 33-700. Scope of instant article.

Holders of operating permits for tour services and charter services and drivers and tour operators of said vehicles, shall be governed by the provisions Articles I and VII of this chapter.

Secs. 33-701 - 33-718, reserved.

Sec. 33-719. 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 \$500,000 combined single limit (CSL) for each vehicle with a rated passenger capacity of 15 passengers or less, and a minimum of \$1,000,000 CSL for each vehicle with a rated passenger capacity of more than 15. These minimums shall be required to cover the following categories:

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

Secs. 33-720 - 33-722, reserved.

Sec. 33-723. Number of ground transportation vehicles authorized.

(a) A holder within 90 days after receipt of an operating permit, shall own, operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. 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 established by the director.

(b) A holder may apply for and receive additional vehicle permits if such application satisfies the requirements of Secs. 33-008 and 33-007 of this chapter. The application, however, shall be denied if such holder:

- (1) Has been a permit holder for less than one year;
- (2) At any time during a twelve month period immediately preceding receipt of the application for additional permits, has failed to pay a fine owed within the time required by this chapter or by the director;

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(3) At any time during a twelve month period immediately preceding receipt of the application for additional permits, has failed to maintain the license/permit bond or insurances required by this chapter;

(4) At any time during a twelve month period immediately preceding receipt of the application for additional permits, has had a vehicle permit revoked or suspended; or

(5) Has failed to assign any previously issued vehicle permits to a vehicle.

(c) A holder who is approved for additional vehicle permits must execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(d) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

Sec. 33-724. Supplemental operating permit.

If a vehicle for hire service experiences peak demand periods requiring more vehicles than are designated in its permit agreement or operating permit, the holder may request supplemental vehicles by submitting a written application for a supplemental operating permit, which shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a supplemental operating permit:

(a) May not be used for more than five days.

(b) Must comply with the vehicle requirements of this chapter.

(c) Must comply with the insurance requirements of this chapter.

(d) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.

(e) If leased or rented through a nationally recognized leasing or rental company, the vehicle shall be exempt from inspection requirements.

(f) The applicant must pay the supplemental operating permit fee in advance of the use of said supplemental permit.

(g) A tour or charter service that utilizes a supplemental vehicle that is not in compliance with Sec. Sec 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

(h) A tour or charter service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(i) For the purposes of the supplemental operating permits, Sec. 33-723 of this chapter shall not apply.

Sec. 33-725. Historic district restrictions.

(a) This section applies to any tour or charter service, whether operated from within or without the city and whether required to be permitted pursuant to the provisions of this chapter. This section does not apply where a tour or charter service is providing service to patrons residing, either permanently or temporarily, in the King William Historic District or the Monte Vista Historic District which does not include a tour of either historic district. This section does not apply where a tour or charter service is transporting primary and secondary school students to the Steves Homestead in the King William Historic District on a school-related trip. This section does not apply where a charter service is transporting persons to or from property owned or leased by a non-profit organization.

(b) For purposes of this article only, the King William Historic District is that area bordered by S. St. Mary's, between Eagleland and Durango, Durango, between S. St. Mary's and Pancoast, Pancoast, between Durango and Washington, Washington, between Pancoast and E. Arsenal, E. Arsenal, between Washington and S. Main, S. Main, between Arsenal and Alamo, Alamo, between S. Main and S. Alamo, S. Alamo, between Alamo and E. Guenther, E. Guenther, between S. Alamo and Crofton, Crofton, between E. Guenther and Constance, Constance, between Crofton and E. Guenther, E. Guenther, between Constance and Eagleland, and Eagleland, between E. Guenther and S. St. Mary's. For purposes of this section only, the following streets are designated as commercial streets in the King William Historic District: S. Main, Durango, S. St. Mary's, Alamo, S. Alamo, and E. Guenther, between S. Main and S. Alamo.

(c) For purposes of this article only, the Monte Vista Historic District is that area bordered by McCullough, between E. Huisache and E. Ashby, E. Ashby, between McCullough and San Pedro, San Pedro, between E. Ashby and E. Hildebrand, E. Hildebrand, between San Pedro and Shook, Shook, between E. Hildebrand and Ledge, Ledge, between Shook and Kings Court, Kings Court, between Trinity University and E. Mulberry, E. Mulberry, between Kings Court and Stadium, Stadium, between E. Mulberry and E. Huisache, E. Huisache, between Stadium and McCullough. The Monte Vista Historic District also includes the following roadways: E. Rosewood, east of Shook, E. Hollywood, east of Shook, Oakmont, east of Shook, and Bushnell, east of Shook. For purposes of this section only, the following streets are designated as commercial streets in the Monte Vista Historic District: San Pedro, E. Hildebrand, McCullough, Stadium, and N. Main, between E. Ashby and E. Mistletoe.

(d) Except as otherwise provided in this section, no tour or charter service may operate a bus or motor coach on any street in the King William Historic District or the Monte Vista Historic District that is not a commercial street.

(e) Nothing in this section shall be construed to prohibit a vehicle for hire operated by a tour or charter service to operate along Wickes, between S. Alamo and Forcke, for the purpose of entering the property on which the Alamo Street Theater is located where said vehicle enters Wickes from S. Alamo.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(f) No tour or charter service operating a vehicle for hire along E. Guenther, between S. Main and S. Alamo, shall park or allow passengers to board or disembark on the north side of the roadway nor remain parked on the south side of the roadway for more than fifteen minutes and only then for the purpose of allowing passengers to board and disembark.

(g) After having first obtained a destination point permit, a tour or charter service may operate a bus or motor coach along the destination routes designated in this section for the purpose of transporting passengers to and from the destination points within the King William Historic District or the Monte Vista Historic District designated in this section, but only where said passengers will disembark at said destination points. No such vehicle for hire operated for this purpose may remain parked on any non-commercial street within the King William Historic District or the Monte Vista Historic District for any period of time after said passengers have disembarked. Said vehicles may return to the destination point along the destination routes for the purpose of boarding said passengers at the completion of their tour, but may not remain on any non-commercial street for any period of time after the passengers have boarded.

(h) The following are designated destination points within the King William Historic District:

(1) The Steves Homestead Museum located at 509 King William, the destination route for which shall begin at the intersection of S. Alamo and E. Johnson and proceed west along E. Johnson to the intersection of E. Johnson and King William and then proceed south along King William to said destination point and then from the destination point south along King William to the intersection of King William and E. Guenther and then proceed west along E. Guenther to the intersection of E. Guenther and S. Main, or, alternatively, begin at the intersection of E. Guenther and S. Main and be the opposite route of the route described; and

(2) The San Antonio Art League located at 130 King William, the destination route for which shall begin at the intersection of King William and S. St. Mary's and proceed south along King William to said destination point and then from said destination point south along King William to the intersection of King William and Turner and then proceed east along Turner to the intersection of Turner and S. Alamo, or, alternatively, begin at the intersection of Turner and S. Alamo and be the opposite route of the route described.

(i) No destination points are designated within the Monte Vista Historic District.

(j) No tour or charter service may operate a vehicle for hire of any type on any non-commercial street in the aforementioned historic districts except between the hours of 10:00 a.m. and 6:00 p.m. Monday through Friday, and 12:00 p.m. and 6:00 p.m. Saturday and Sunday.

(k) No tour or charter service may utilize or cause to be utilized from or in a vehicle for hire of any type operated by said tour or charter service an electronic sound amplification system that is audible outside of any vehicle operated by said service in the King William Historic District or the Monte Vista Historic District.

Sec. 33-726. Destination point permits.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

- (a) A destination point permit shall not be issued without the submission of a written application before use of the permit.
- (b) The director may establish rules and requirements for obtaining permits. In addition, the director may establish rules further restricting the use of permits.
- (c) Permits shall be displayed, at all times, in the windshield of any vehicle operating under the authority of the permit while in the King William Historic District or the Monte Vista Historic District.

Sec. 33-727. Fees.

The following fees are hereby established:

- (1) Inspection of vehicle

Passenger capacity:

15 or less . . . \$42

More than 15 . . . \$84

- (2) Driver permit . . . ~~40.00~~ \$15

- (3) Renewal of driver permit . . . ~~40.00~~ \$15

- (4) Replacement of lost driver permit . . . \$15

- ~~(5) Operating permit transfers (per vehicle) . . . 25.00~~

- (6) Driver transfers from one holder to another . . . ~~40.00~~ \$15

- (7) Supplemental permits, five days (including airport operating permit) . . . \$50

- (8) Application . . . ~~400.00~~ \$110

- (9) Airport operating permit (per year/per vehicle) . . . \$150

- (10) Historic district designation point permits:

per five consecutive days/per service . . . \$20

per year/per service . . . \$100

- (11) * Vehicle permit (per vehicle/per year)

Passenger capacity:

15 or less . . . \$440

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

More than 15 . . . \$550

(12) Late permit payment . . . 25.00 \$30

(13) Re-inspection . . . 25.00 \$28

(14) Inspection re-scheduling ...\$28

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

*Tour and charter operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following months: January, April, July and October.

Tour operating permit and charter operating permits are separate. Vehicles that require both permits must request a tour permit and a charter permit.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month a payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

~~* 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.~~

Secs. 33-728 - 33-760, reserved.

Sec. 33-761. Rates of fare.

(a) A holder shall file with the director a schedule of fares to be charged for services provided.

(b) A holder shall notify the director within 48 hours of any changes in the fare schedule filed by the holder.

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

(d) Fares for charter service shall be based on the size and type of the vehicle used and the amount of time for which the vehicle is reserved.

Secs. 33-762 - 33-764, reserved.

Sec. 33-765. Vehicle age requirements.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Each holder, owner and driver shall remove from city-wide and airport service any SUV and van which is eight years of age. All vehicles shall be removed from service as outlined in Rule 945 under this chapter.

Secs. 33-766 - 33-769, reserved.

Sec. 33-770. Reservation schedule required.

No charter vehicle may be operated for the purpose of providing charter service without a reservation schedule on board the vehicle reflecting the service being provided at the time.

Secs. 33-771 - 33-899, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

ARTICLE VIII. TAXICABS

Sec. 33-900. Scope of instant article.

Holders of permits to operate taxicab services and drivers of taxicabs shall be governed by the provisions of Articles I and VIII of this chapter.

Secs. 33-901 - 33-908, reserved.

Sec. 33-909. Business office.

A holder of an operating permit to operate taxicab services shall maintain a business office in a location other than a dwelling.

Secs. 33-910 - 33-923, reserved.

Sec. 33-924. Qualification as self-insurer.

In lieu of furnishing an insurance policy required under Sec. 33-018 of this chapter, a taxicab service may qualify for and obtain, pursuant to Sec. 601.124 of the Transportation Code, a certificate of self-insurance for the types of insurance and amounts of coverage required by this chapter. Should a holder opt for such self-insurance, however, proof thereof must be provided to the director prior to commencement of any operations under this chapter. The holder must also meet the city's approved self-insurance requirements.

Sec. 33-925. Amount of insurance.

Except as otherwise provided by the holder's operating authority, the public liability and property damage insurance required by this chapter shall be the minimum amount. The state minimum amount shall be required for the following categories:

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

Sec. 33-926. Dispatch service license required.

No person, holder or dispatch service may knowingly dispatch taxicabs or provide radio service without first obtaining a dispatch service license from the director. A person commits an offense if he violates this section. A separate offense is committed each day during which an offense occurs. An offense committed under this section is punishable by a fine of not more than \$500. Prosecution for an offense under this section does not prevent the use of the enforcement remedies provided in Sec. 33-074 of this chapter.

Sec. 33-927. Number of vehicles for hire authorized.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

The director may make studies and surveys concerning public convenience and necessity and may, from time to time, prescribe the number of vehicles for hire authorized for and operated by a holder in order to adequately provide ground transportation services in the city.

Sec. 33-928. Classifications and requirements of vehicles.

Holders shall operate taxicabs in the city in accordance with the terms and conditions of the type of operating permit issued. The types of operating permits authorized by this chapter shall be classified as city-wide and airport, as defined in Sec. 33-003 of this chapter.

(a) Each holder, owner and driver shall remove from city-wide and airport service any taxicab which is eight years of age, as outlined in Rule 421 established by the director under this chapter. ~~eight (8) years of age or older or which has been in service for five (5) years or more, whichever occurs first, except that any vehicle purchased by the holder as a new production vehicle which has less than twenty thousand (20,000) miles of use at the time of purchase may remain in service for a period of six (6) years. The age of the vehicle shall be calculated from the first day of October of the model year.~~ vehicle's model year.

~~(3) For purposes of this article, age of the vehicle shall be calculated from the date of purchase if the vehicle is placed in service as a new production vehicle.~~ (4) For purposes of this article, new production vehicle means any vehicle purchased within one (1) year of the first day of October of the model year.

~~(b) Airport may serve the airport without service restrictions. A city-wide permit is a prerequisite.~~ (b) Wheelchair accessible vehicle requirements:

(1) Wheelchair accessible vehicles shall service the entire city.

(2) Wheelchair Accessible Vehicles shall be prohibited from purchasing airport permits, except as provided below:

a. Companies or cooperatives that have wheelchair accessible vehicles with airport permits as of August 1, 2012, shall be authorized to continue to renew airport permits for their wheelchair accessible vehicles, provided that the company or cooperative continuously operate the vehicle and timely renews the airport permit.

b. If a company or cooperative fails to continuously operate a vehicles or fails to timely renew an airport permit then that wheelchair accessible vehicle shall be forfeited forever.

(3) Wheelchair accessible vehicles may pick-up and drop-off at the airport as requested.

(4) ~~Irrespective of Sec. 33-928 (a)~~ Wheelchair accessible vehicles shall be authorized a maximum of eight model years of service, and shall be removed from service in accordance with Rule 421 established by the director under this chapter.

Sec. 33-929. Number of taxicabs; authority to operate additional taxicabs.

(a) A holder, within 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. A holder who has been issued seven taxicab permits shall

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

operate and maintain in service a minimum of three taxicabs. A holder who has been issued more than seven taxicab permits shall operate and maintain in service the total number of vehicles authorized by the permit agreement.

(b) 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 established by the director.

(c) All applicants for permits or additional permits shall be eligible to receive only such additional taxicab permits as are necessary to meet the service needs of the city's population growth. The number of additional taxicab permits for each calendar year shall be determined by a ratio of one taxicab per 1,700 population within the legal boundaries of the city. The population figure for the city will be based upon the annual population estimate as determined by the planning department as of December 31 of the year preceding the allocation period.

(d) Once the director has determined whether any additional permits are available for the city for a given year, applications may be obtained by current holders and new applicants by satisfying the requirements of Secs. 33-007 and 33-008 of this chapter. The applicants will be notified of the total number of operating permits to be allocated following the receipt of the population data by the director. Applications for additional permits shall be considered by the Taxicab Permit Allocation Committee (TPAC). The TPAC shall consist of three members selected by the director. The TPAC shall also conduct interviews of the applicants. After evaluation of the applications by TPAC on a scale of 0 to 100, the TPAC shall then allocate the available permits to those applicants who scored 80 or greater. The allocation shall be made in a manner that is fair and equitable, that protects the public health and safety, that promotes the public convenience and necessity, and that respects the concept of free enterprise.

(e) In addition to the requirements of subsections (c) and (d) above, other factors which may be relied on in determining eligibility for additional or new permits include, but are not limited to, whether:

(1) One hundred percent of the holder's authorized taxicabs passed the most recent scheduled semi-annual inspection;

(2) During the first quarter (January through March) of the preceding year, a vehicle was in operation for each of the holder's authorized taxicab permits for at least 30 days, and each vehicle had an overall utilization rate of 75 percent; and

(3) Within 30 days of receiving notice from the director of intention to increase the number of taxicab permits, the holder submits a report verifying an overall utilization rate of 75 percent for each of the holder's authorized taxicabs for the first quarter of the preceding year prepared by an independent certified public accountant licensed by the state, such rate being calculated by the following formula:

Permit days utilized = sum of the number of days each authorized permit was in operation.

Permit utilization rate = permit days utilized / (# of authorized permits × # of days in the period) × 100.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

In determining the utilization rate, bona fide owner-operated vehicles will be considered to be in service 100 percent. Company owned daily lease vehicles are considered only when in service.

(4) Holder has complied with this chapter and the rules and regulations established by the director.

(f) The holder's application for additional vehicle permits may be denied if any of the requirements of the section above are not met or if at any time during the twelve month period immediately preceding the application for additional permits the holder:

- (1) Has been a permit holder for less than one year;
- (2) Failed to pay a fine or fee owed within the time required by this chapter or the director;
- (3) Failed to maintain the license/permit bond or insurance required by this chapter;
- (4) Had a vehicle permit revoked or suspended; or
- (5) Has failed to assign any previously issued vehicle permits to a vehicle.

If a holder is denied a permit under this section or is disqualified from receiving additional permits, the number of additional permits to be allocated to each qualified holder will be recalculated.

(g) A holder who is approved for additional vehicle permits shall execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(h) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

(l) Any applicant who scored 80 or greater may appeal to a hearing officer the allocation of additional permits, but not the scores granted, by the TPAC. Said appeal must be filed no later than the tenth business day following the applicant's receipt of notification of the TPAC's allocation of additional permits. The appeal must be in writing, filed with the director, and accompanied by an appeal fee of \$100. If no appeal is filed, the allocation of the TPAC shall become final. The city manager shall appoint a hearing officer for such appeals. Said hearing officer is hereby authorized to affirm or modify the allocation of additional permits by the TPAC. The decision of the hearing officer shall be final. Should an appeal be filed, the additional permits allocated shall not be distributed until such time as the hearing officer issues a decision.

Sec. 33-930. ~~Limited permits~~ Permit Usage

(a) A holder shall operate and maintain a city approved fleet of vehicles consistent with the number of vehicles authorized in the permit agreement. No company shall operate and maintain less than seven vehicles.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(b) A holder shall replace a vehicle within 90 days from the date that the vehicle taken out of service. Permits that are not filed after 90 days shall have the permits revoked.

(c) The number of vehicles authorized by the permit agreement shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain.

~~The director may approve operating permits which are limited in duration of time and/or limited to a specific geographical area of the city. Applicants for limited permits must submit all relevant information as set forth in section 33-914(a) and (b) and shall state specifically the appropriate time and/or the geographical limitations requested. In addition to the requirements set forth in this section, services operating pursuant to a limited permit shall:~~

~~(1) Commence operations at the specified date approved by the department director and cease operations at the ending date approved by the director.~~

~~(2) Pick up passengers only in the specified geographical area of the city approved by the director and shall not pick up passengers under any circumstances outside the specified geographical area;~~

~~(3) Be allowed to transport passengers from a specified geographical area to points within or outside the area;~~

~~(4) Prominently display on the vehicle the geographical area of the city in which the driver is authorized to pick up passengers; and~~

~~(5) Be subject to each and every provision relating to the operation of a vehicle for hire as if granted a regular permit for the operation of a ground transportation service.~~

(Ord. No. 82938, § 1, 9-28-95)

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Sec. 33-931. Approval of wheelchair accessible vehicle permits for operation of taxicabs.

(a) The director may approve wheelchair accessible permits for the purpose of providing a service to the wheelchair community and these vehicles must give priority to individuals that need a wheelchair accessible vehicle. Such wheelchair accessible vehicles -must:

(1) Comply with all standards and requirements set forth in Secs. 33-062 through and including 33-069 of this chapter;

(2) Be equipped with mechanisms or devices to accommodate the boarding and deboarding of persons in wheelchairs and similar mobility devices and with mechanisms or devices to secure said wheelchairs and similar mobility devices during transit;

(3) Meet all state and federal standards applicable to vehicles that are used by passengers with disabilities; and

(4) Be operated in a city-wide area, as defined in Sec.33-928(a) of this chapter.

(b) A company or cooperative may hold three wheelchair accessible permits, plus one additional wheelchair accessible permit for each ten non-accessible, non-limited permits held by said company or cooperative, not to exceed a total of 25 wheelchair accessible permits per company or cooperative. The number of wheelchair accessible permits issued by the director shall be used to calculate the number of additional permits issued pursuant to Sec. 33-929 of this chapter.

(c) Companies or co-operatives that can not provide evidence that they are using a wheelchair accessible permit in accordance with its purpose may be subject to the revocation of that permit and no longer be authorized that permit under this section.

(d) Holders, drivers and owners of wheelchair accessible permits shall file a monthly report with the director detailing the usage of the vehicle. The director shall determine the content of the report.

(e) The provisions of this section do not prohibit a holder of an operating permit from operating a wheelchair accessible taxicab pursuant to a non-accessible permit.

(f) Every driver operating a wheelchair accessible taxicab as defined herein shall, whether pursuant to a wheelchair accessible permit or not, first complete an instructional course approved by the director addressing the boarding, deboarding, and securing of persons in wheelchairs and other mobility devices.

(g) Holders of wheelchair accessible permits must ensure that the taxicabs operating pursuant to said permits give priority to customers requiring wheelchair accessible taxicabs.

(h) All other provisions of this chapter applicable to taxicabs apply to the operation of wheelchair accessible taxicabs pursuant to this section where such provisions are not in conflict with this section.

Sec. 33-932, reserved.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

~~(a) The Hybrid Taxicab Replacement Program is hereby instituted. Pursuant to said program, an operating permit holder may annually replace combustion engine taxicabs with hybrid taxicabs and receive one additional permit for each replaced vehicle. Said additional permits may only be used to deploy a hybrid vehicle. Annually, an operating permit holder may receive no more than two additional permits, unless one percent of the permit holder's authorized vehicles exceed two, in which case, the permit holder is entitled to receive additional permits in a amount representing one percent of the permit holder's authorized vehicles. A permit holder availing himself of the benefits of this program must keep in service for no less than five years a hybrid taxicab that represents the replaced combustion engine taxicab; should the permit holder fail to do this, he must surrender the additional permit issued in connection with the replacement. A permit holder availing himself of the benefits of this program must deploy a hybrid taxicab for the life of the additional permit issued in connection with a replacement; should the permit holder fail to do this, he must surrender the additional permit.~~

Sec. 33-933. Fees.

The following fees are hereby established:

- (1) Inspection of vehicle ... \$42
- Passenger capacity:
 - 15 or less ... \$42.00
 - More than 15 ... 84.00
- (2) Driver permit . . . ~~44.00~~ \$15
- (3) Renewal of driver permit . . . ~~40.00~~ \$15
- (4) Replacement of lost driver permit . . . ~~\$17.00~~ 15
- ~~(5) Operating permit transfers (per vehicle) . . . 28.00~~ (5) Driver transfers from one holder to another . . . ~~40.00~~ \$15
- ~~(7) Limited taxi permit (time only/per month) . . . 25.00~~
- ~~(8) (6) Taxicab application . . . \$110 per permit~~
- ~~(9) (7) *Citywide taxicab operating permit (per year/per vehicle) . . . \$440~~
- ~~(10) (8) Airport operating permit (per year/per vehicle) . . . \$150~~
- ~~(11) *Additional citywide taxicab (per year/per vehicle) . . . 400.00~~
- ~~(12) (9) Dispatch license (per year) . . . \$100~~
- ~~(13) (10) Additional dispatch channel (per year) . . . \$25~~
- ~~(14) (11) Late permit payment . . . 28.00~~ \$30
- ~~(15) (12) Re-inspection . . . \$28~~
- (13) Inspection re-scheduling ... \$28

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

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15

ATTACHMENT A

Taxicab operating permit fees shall be paid to the city for each taxicab authorized by the permit agreement. The taxicab operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following months: January, April, July and October.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

~~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.~~

Secs. 33-934 - 33-970, reserved.

Sec. 33-971. Operating requirements.

(a) Every taxicab shall be operated as a unit of an effective operating group of sufficient number and equipped with such approved communication facilities for rendering satisfactory call service, unless expressly exempted by the director. This requires that owners of small fleets or single taxicabs shall operate as members of a city approved operating association or as independent contractors as provided for in this chapter.

(b) A holder as defined in this chapter, other than an association or cooperative approved by the director, shall own and maintain sole registered ownership of at least 50 percent of all vehicles authorized under such holder's permit agreement.

(c) Each member of an approved association or cooperative shall own and maintain sole registered ownership of one association or cooperative vehicle only.

Sec. 33-972. Driver as an independent contractor.

(a) A holder may contract with a driver on an independent contractor basis if and only if:

(1) Either the holder himself or the driver with whom he contracts is the owner of the vehicle for hire to be operated by such driver in the holder's ground transportation service;

(2) The contract provides that the holder indemnifies the city and holds the city harmless for all claims and/or causes of action against the city arising from the acts or inactions of the driver;

(3) The contract provides that the driver being contracted with is insured under the holder's insurance policy as required by this chapter;

(4) The contract imposes a condition that the driver must comply with the requirements of this chapter, rules and regulations established by the director, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws, and that failure to so comply may be considered by the holder as a material breach of the contract; and

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(5) The holder provides to the director within two business days, an itemized disclosure of all lease fees charged to each driver. The contract shall state that an independent contractor will not be charged more than a 5 percent processing fee for credit and debt cards.

(b) A holder who continues to contract with a driver who repeatedly violates Chapter 33 may face revocation or suspension of the holder's permit(s) under Article I, Division 3, revocation /suspension of permits.

(b)—(c) The form of the contract between a holder and driver must be approved by the director. The director may disapprove a contract form if he determines that the contract is inconsistent with this chapter, regulations established under this chapter, or other applicable law. A holder may not use a contract that has been disapproved by the director.

Sec. 33-973. Driver conduct

A driver shall not offer, confer or agree to confer on another person money, compensation or any benefit in order to receive a paying fare:

(a) A drivers permit shall be suspended for 60 days for the violation of this provision.

(b) A drivers permit shall be revoked for a second violation of this provision within 24 months from the date of the first violation.

Secs. 33-974 - 33-980, reserved.

Sec. 33-981. Rate of fares.

(a) Taxicab fare rates shall be:

Drop charge . . . \$ 2.50

Per mile . . . \$2.35

Per hour wait time . . . \$24

Per hour traffic delay . . . \$24

(b) Taxicab operators may charge a rate 20 percent below the maximum allowable set rate. Taxicab operators shall not advertise this discount in any fashion to include printed, electronic, and internet based advertising. ~~and must file and receive approval from the Director taxicab rate below the set rate at least 10 business days prior to the effective date of the lower rate.~~ Taxicab operators must post rate signs on each vehicle as directed in the provision and rules and regulations established by the director.

(c) The minimum rate charge on any trip originating at the San Antonio International Airport or any pre-arranged (time-call) trip shall be \$10.50 or the meters fare, which ever is greater.

(d) The minimum rate charge on any trip originating in the "downtown rate zone" shall be \$5. "Downtown rate zone" is the geographical area bounded by Interstate 37, traveling south from IH 35 to E. Houston St.; E. Houston St., traveling east to N. Cherry St.; N. Cherry Street,

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Average Gas Price	Per-Mile Surcharge
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traveling south to Caesar Chavez Durango Blvd.; Caesar Chavez Durango Blvd., traveling west to Alamo St.; Alamo St., traveling south to Frio St.; Frio St., traveling north to W. Houston; W. Houston, traveling east to IH 35; IH 35, traveling north to IH 37.

(e) Taxicab night rate: Meters shall be set to increase the drop charge by \$1 per trip (for a total drop charge of \$3.50) between the hours of 7:00 p.m. and 7:00 a.m.

~~operators may charge an additional fee of \$1.00 per trip for any trip originating between the hours of 9:00 p.m. and 5:00 a.m.~~

(f) A driver or holder shall not charge a fare for operating a taxicab that is higher than permitted in Sec. 33-981 of this chapter. A driver or holder shall not charge any additional fees to include but not limited to: credit card processing fees, debt card processing fees, any third party card processing fees, and any other fees that are inconsistent with Sec. 33-981 of this chapter. ~~vehicle for hire that is inconsistent with the rates authorized in the operating authority.~~

(g) A driver may charge up to a \$200 cleaning fee, when at no fault of the driver a passenger leaves the taxicab in a state that requires immediate cleaning or the taxicab could not transport additional passengers. Prior to charging this fee the driver shall report the situation to their dispatch company and record the date, time, detailed information of the cleaning needed, and the amount the driver is charging. ~~holder desiring to change the authorized rates of fare must submit a written request in accordance with this chapter.~~

~~(h) The rates listed in the holder's operating authority must be strictly adhered to, and no change in rates may be implemented without written approval of the director.~~

~~(i)~~ (h) The director may require a holder to display rates on or within a vehicle for hire in a manner prescribed by the director.

~~(j)~~ (i) A per-mile fuel surcharge shall be added to the fares established by this section where the average price of regular unleaded gasoline is \$2.20 or greater. The per-mile surcharge shall be as follows:

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

Under \$2.20	\$0.00
\$ 2.20 - \$2.49	\$0.05
\$ 2.50 - \$2.79	\$0.10
\$ 2.80 - 2.99	\$0.15
\$ 3.00 - \$3.20	\$0.20
\$ 3.21 - \$3.49	\$0.25
\$ 3.50 - \$3.79	\$0.30
\$ 3.80 - \$3.99	\$0.35
\$ 4.00 - \$4.19	\$0.40
\$ 4.20 - \$4.49	\$0.45
\$ 4.50 - \$4.79	\$0.50
\$ 4.80 - \$4.99	\$0.55
\$ 5.00 - \$5.19	\$0.60
\$ 5.20 - \$5.49	\$0.65
\$ 5.50 - \$5.79	\$0.70
\$ 5.80 - \$5.99	\$0.75
\$ 6.00 - \$6.19	\$0.80
\$ 6.20 - \$6.49	\$0.85
\$ 6.50 - \$6.79	\$0.90
\$ 6.80 - \$6.99	\$0.95
\$ 7.00 and above	\$1.00

Fuel surcharges shall become effective on ~~January 1, February 15, April 1, May 15, July 1, August 15, and October 1 and November 15~~ of each year, and shall remain in effect until the following effective date. The average price of regular unleaded gasoline shall be based on the retail price listed for regular unleaded gasoline by the oil price information service for the San Antonio area. The average price shall be calculated for the most recent six-week period ending no less than 14 days prior to the surcharge effective date.

(j) A special fuel surcharge adjustment shall be done when the average price of fuel increases or decreases more than \$.50 from the last effective date. Special fuel surcharge adjustments shall be done within 45 days from the date that the calculated average fuel price is received by the director.

CITY COUNCIL MEETING AUGUST 1, 2013: Item 15
ATTACHMENT A

(k) Taxicab operators may charge an airport departure fee to the customer at the rate that is equal to the amount charged to the operator pursuant to Sec. 3-86 of the City Code of San Antonio, Texas.

(l) Between January 1 and ~~March~~ April 1 of every even numbered year, the Transportation Advisory Board shall review the taxicab fare rates and make a recommendation to city council, no later than ~~March~~ 1st July 1, whether to adjust the rates in effect at the time of the recommendation. Nothing in this section shall preclude the city from undertaking a study of taxicab rate of fares at its own discretion at any time, for referral to city council.

Secs. 33-982 - 33-999, reserved.

 **SAN ANTONIO**
POLICE PROTECTING THE ALAMO CITY

**Proposed Changes to Chapter
33
(Vehicle for Hire)**

Agenda Item #15
August 1, 2013

1

 **SAN ANTONIO**
POLICE PROTECTING THE ALAMO CITY

Ground Transportation Office

- Mission
- Staff
- Transportation Advisory Board
- City Code, Chapter 33

2

 **SAN ANTONIO**
POLICE PROTECTING THE ALAMO CITY

Plan for Chapter 33 Changes

- No comprehensive revisions to Chapter 33 in nearly 20 years
- Exceptions
 - Taxicab rate increase – 2011
 - Pedicab revisions – 2012
 - Wheelchair accessible vehicle (WAV) revisions – 2012
 - Smartphone Applications - 2013

3

 **SAN ANTONIO**
POLICE PROTECTING THE ALAMO CITY

Plan for Chapter 33 Changes

- Apr—Staff-Stakeholder Meetings
 - 14 over 5 days
 - 168 participants from all industries
- May 1—TAB reviewed; recommended approval
- May 22—Public Safety Committee recommended approval

4

SAN ANTONIO
POLICE PROTECTING THE ALAMO CITY

Plan for Chapter 33 Changes

- June 20—Council Consideration; item returned to staff for further study
- July 16 — SAPD Staff, ACS Staff, and the City contracted equine expert (Dr. Espy) met to review changes and develop revisions
- July 22—TAB reviewed; recommended approval

5

SAN ANTONIO
POLICE PROTECTING THE ALAMO CITY

Proposed Change Highlights

- License fees
 - Uniform \$15 driver license fee
- Vehicle age requirements
 - Increase from 5 to 8 years all vehicles

6

SAN ANTONIO
POLICE PROTECTING THE ALAMO CITY

Proposed Change Highlights

- **Fuel surcharge**
 - Every 6 months instead of every 45 days

- **Company requirements**
 - Driver training program

7

SAN ANTONIO
POLICE PROTECTING THE ALAMO CITY

Proposed Change Highlights

- **Horse Carriages**
 - Lottery drawing for permits

 - Carriage sizes will be limited to 14 passengers to include the driver

 - Stable logs will be required to record how many hours each horse works

8

 **SAN ANTONIO**
POLICE PROTECTING THE ALAMO CITY

Proposed Change Highlights

- **Horse Care**
 - Horses will be limited 8 hrs of work with at least 16 hrs off
 - Suspend work at or above 95 degrees
 - suspend work between Noon and 8:30 pm on Air Quality Health Alert Days
 - Horse must be offered water after every trip

9

 **SAN ANTONIO**
POLICE PROTECTING THE ALAMO CITY

Proposed Change Highlights

- **Taxicabs**
 - Limit credit card pass-through costs (5%)
 - Amend rate study provisions (as needed or every two years)
 - Staff will conduct a rate study in the 4th qtr FY 2013

10

SAN ANTONIO POLICE PROTECTING THE ALAMO CITY

Recommendations

➤ Recommendation

- Staff recommends that City Council approve proposed Chapter 33 changes.

11

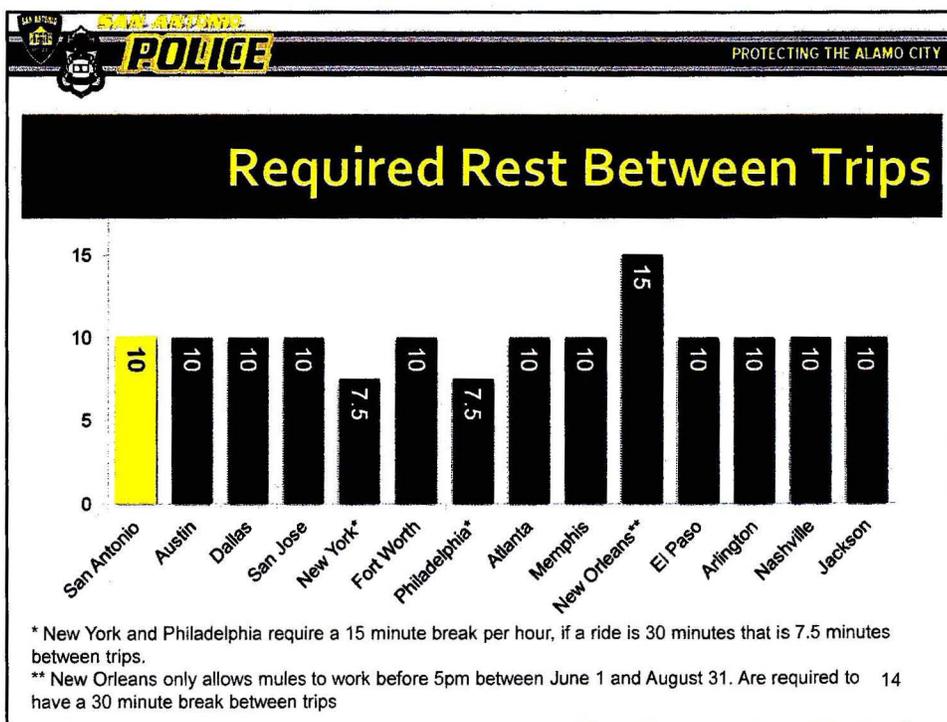
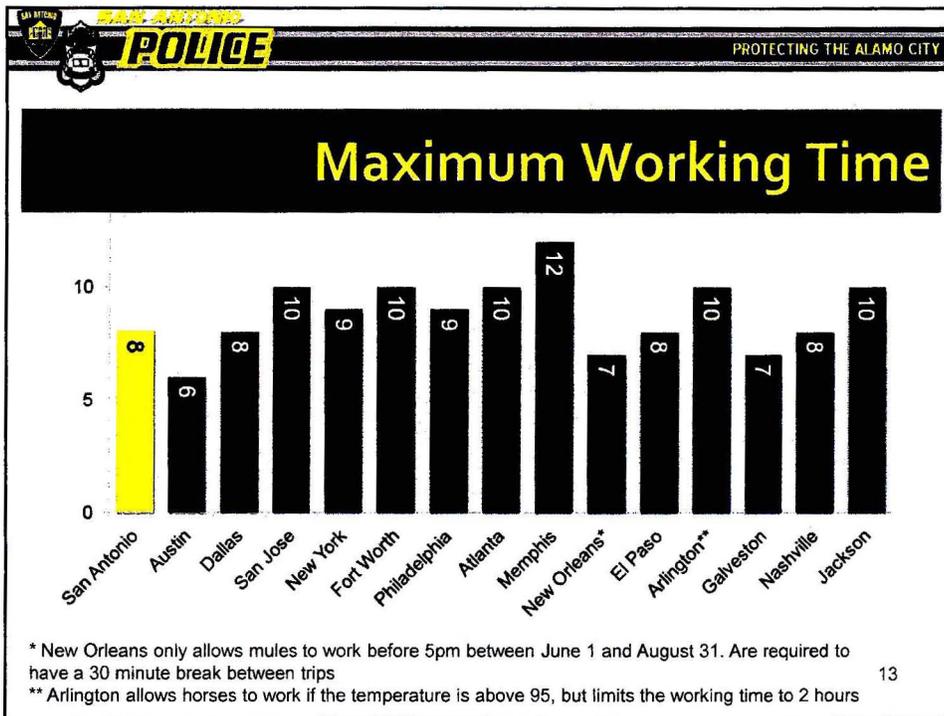
SAN ANTONIO POLICE PROTECTING THE ALAMO CITY

Maximum Working Temperature

City	Maximum Working Temperature
San Antonio	95
Austin	95
Dallas	99
San Jose	95
New York	89
Fort Worth	95
Philadelphia	91
Atlanta	95
Memphis	100
New Orleans*	100
El Paso	100
Arlington**	95
Galveston	98
Nashville	100
Jackson	100
Miami	90

* New Orleans does not have a maximum working temperature
 ** Arlington allows horses to work if the temperature is above 95, but limits the working time to 2 hours

12





SAN ANTONIO
POLICE

PROTECTING THE ALAMO CITY

**Proposed Changes to Chapter
33
(Vehicle for Hire)**

Agenda Item #15
Aug 1, 2013

15