

AN ORDINANCE **70819**

AMENDING CHAPTER 33 ("VEHICLES FOR HIRE") OF THE CITY CODE OF THE CITY OF SAN ANTONIO SO AS TO PROVIDE COMPREHENSIVE REGULATION OF ALL GROUND TRANSPORTATION SERVICES OPERATING FROM WITHIN THE CITY INCLUDING, BUT NOT LIMITED TO, TAXICABS, SHUTTLES, HORSE-DRAWN CARRIAGES, LIMOUSINES, LIVERY VEHICLES, TOUR VEHICLES, AND CHARTER VEHICLES.

* * * * *

WHEREAS, pursuant to state and local statutory authority, the City of San Antonio has the power to license and regulate the operation of vehicles for hire which use the public streets as well as fix and regulate the rates to be charged therefor ; and

WHEREAS, pursuant to this power, the City Council adopted Chapter 33 ("Vehicles for Hire") of the City Code of the City of San Antonio which heretofore has regulated taxicabs, horse-drawn carriages, shuttles and livery vehicles; and

WHEREAS, it is now the desire of the City Council to amend Chapter 33 ("Vehicles for Hire") of the City Code of the City of San Antonio so as to provide comprehensive regulation of all ground transportation services operating from within the City including, but not limited to, taxicabs, shuttles, horse-drawn carriages, limousines, livery vehicles, tour vehicles, limousines and charter vehicles; and

WHEREAS, implementation dates of January 1, 1990, October 1, 1990 and January 1, 1991 are proposed for various sections of the subject ordinance; and

WHEREAS, it is projected that the regulation of new services will cost approximately \$65,000 with the precise amount to be determined upon transfer of transportation services from the Public Utilities Department to the San Antonio Police Department subsequent to passage of this ordinance; and

WHEREAS, the City-appointed Transportation Advisory Board has held two public hearings to receive comments on the proposed ordinance, many of which have been incorporated; **NOW THEREFORE:**

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

SECTION 1. Save and except the application of "prearrangement" and "appointment basis only" requirements to the operation of shuttle services, Chapter 33 ("Vehicles for Hire") of the City Code of the City of San Antonio is hereby amended to read as set forth in Attachment I affixed hereto and incorporated herein for all purposes. On the effective date of this ordinance, all current Chapter 33 provisions shall be repealed and superseded by those set forth in said Attachment I subject to the

limitation heretofore made, and any provision not conforming to this directive shall be unenforceable until such time as revision by ordinance is adopted.

SECTION 2. But for the exceptions set out in Sections 3 and 4 below, the provisions of Article I ("Vehicles for Hire Generally"), Article II ("Taxicabs"), Article III ("Shuttles"), Article IV ("Horse-Drawn Carriages") and Article VI ("Livery Services") shall be in full force and effect beginning January 1, 1990. The provisions of Article V ("Limousines"), Article VII ("Tour Vehicles") and Article VIII ("Charter Vehicles") shall be in full force and effect January 1, 1991.

SECTION 3. Current holders of permits to operate taxicab, shuttle, horse-drawn carriage, and livery services shall be exempt from the minimum vehicle fleet requirements set forth in Section 33-211 ("Number of taxicabs"), Section 33-311 ("Number of shuttles"), Section 33-411 ("Number of horse-drawn carriages") and Section 33-611 ("Number of livery vehicles").

SECTION 4. Section 33-244 ("Maximum age of taxicabs"), Section 33-343 ("Maximum age of shuttles"), Section 33-641 ("Maximum age of livery vehicles") and Section 33-843 ("Maximum age of charter vehicles") shall be in full force and effect beginning October 1, 1990.

SECTION 5. Section 33-035 ("Renewal of permit") shall be in full force and effect beginning October 1, 1990.

SECTION 6. It shall be the intent of the City that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and that if any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. The City Clerk is hereby directed to publish this ordinance as required by law.

PASSED AND APPROVED this 21st day of December, 1989.

Lila Cockrell

M A Y O R

ATTEST:

Rosma J. Rodriguez
City Clerk

APPROVED AS TO FORM:

Tom Amulay
City Attorney

89-54

2:30 PM - P. A. + ORD. AMENDING CHAP. 33 (VEHICLES FOR HIRE)

ITEM NO. 6

ARTS & CULTURAL AFFAIRS
AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY ATTORNEY
ELSA AYVA MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
TRIAL SECTION
CITY MANAGER
KAREN DAVIS, ASST. TO THE MANAGER
CODE COMPLIANCE
SPECIAL PROJECTS
CITY PUBLIC SERVICE
CITY PUBLIC SERVICE-MAPS & RECORDS
CITY WATER BOARD
COMMERCIAL RECORDER
COMMUNITY DEVELOPMENT (BASEMENT)
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
DOME DEVELOPMENT OFFICE
DOWNTOWN INITIATIVES
ECONOMIC & EMPLOYMENT DEVELOPMENT (DEED)
ENVIRONMENTAL MANAGEMENT
FINANCE DIRECTOR
ASSESSOR
CONTROLLER
GRANTS
RISK MANAGEMENT
TREASURY
FIRE DEPARTMENT
HUMAN RESOURCES & SERVICES
INFORMATION RESOURCES
INTERNATIONAL RELATIONS
LIBRARY
MARKET SQUARE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION (PUBLICATION)
MUNICIPAL COURTS
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PUBLIC UTILITIES
PUBLIC WORKS
CAPITAL PROJECTS MANAGEMENT
CENTRAL MAPPING
ENGINEERING
REAL ESTATE (BILL TOUDOUZE)
TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
WATER RESOURCES MANAGEMENT

MEETING OF THE CITY COUNCIL DATE: DEC 21 1989

MOTION BY: Thompson SECONDED BY: Webb

70819

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		absent	
WALTER MARTINEZ PLACE 5		✓	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
NELSON WOLFF PLACE 8		✓	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		absent	
LILA COCKRELL PLACE 11 (MAYOR)		✓	

DON'T SEND THE AMENDMENTS ARE ENACTED 1/4/90!

AMENDING CHAP. 33 OF CITY CODE!

PUBLISH! 89-54

SAVE & EXCEPT THE PRO-ARRANGEMENT ON DEMAND

FILE "CHAPTER 33"

1st AMENDMENT

ARTS & CULTURAL AFFAIRS
AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY ATTORNEY
LUIS GARCIA, MUNICIPAL COURT
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REAL ESTATE (WOOD)
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TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
WATER RESOURCES MANAGEMENT

ITEM NO. 6
 MEETING OF THE CITY COUNCIL DATE: 12/27/89

MOTION BY: WFB SECONDED BY: Hasslocher

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		<i>absent</i>	
JOE WEBB PLACE 2		<input checked="" type="checkbox"/>	
HELEN DUTMER PLACE 3		<input checked="" type="checkbox"/>	
FRANK D. WING PLACE 4		<i>absent</i>	
WALTER MARTINEZ PLACE 5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BOB THOMPSON PLACE 6		<input checked="" type="checkbox"/>	
YOLANDA VERA PLACE 7		<input checked="" type="checkbox"/>	
NELSON WOLFF PLACE 8		<i>absent</i>	
WEIR LABATT PLACE 9		<input checked="" type="checkbox"/>	
JAMES C. HASSLOCHER PLACE 10		<i>absent</i>	
LILA COCKRELL PLACE 11 (MAYOR)		<input checked="" type="checkbox"/>	

*Exclusion - Save & keep
 ADERS "ON DEMAND" FOR SHUTTLE
 IN HE4 OF "PRE-ARRANGEMENT"*

*I refer to City Attorney in
 2 weeks being back to City
 Council*

ARTS & CULTURAL AFFAIRS
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WATER RESOURCES MANAGEMENT

2nd Amendment

ITEM NO. 6

MEETING OF THE CITY COUNCIL DATE: 12-21-89

MOTION BY: Webb SECONDED BY: Labatt

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLL CALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1			X
JOE WEBB PLACE 2			X
HELEN DUTMER PLACE 3			X
FRANK D. WING PLACE 4		<u>Absent</u>	
WALTER MARTINEZ PLACE 5			X
BOB THOMPSON PLACE 6		<u>✓</u>	
YOLANDA VERA PLACE 7			X
NELSON WOLFF PLACE 8			X
WEIR LABATT PLACE 9		<u>✓</u>	
JAMES C. HASSLOCHER PLACE 10		<u>Absent</u>	
LILA COCKRELL PLACE 11 (MAYOR)			X

Exclude VIA - by adding to Page 3 of bid: Add to (c)... "services provided by VIA Metropolitan Transit since VIA is subject to state & federal regulations & to page 4 add to definition of person as "except a governmental entity or a political subdivision of the State of Texas."

*In table for
61 days*

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WATER RESOURCES MANAGEMENT

Handwritten signature/initials

ITEM NO. 6

MEETING OF THE CITY COUNCIL DATE: 12-21-89

MOTION BY: Hasslocher SECONDED BY: Dutmer

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1			X
JOE WEBB PLACE 2			X
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4			<i>absent</i>
WALTER MARTINEZ PLACE 5			X
BOB THOMPSON PLACE 6			X
YOLANDA VERA PLACE 7			X
NELSON WOLFF PLACE 8			X
WEIR LABATT PLACE 9			X
JAMES C. HASSLOCHER PLACE 10		✓	
LILA COCKRELL PLACE 11 (MAYOR)			X

CHAPTER 33
VEHICLES FOR HIRE

ATTACHMENT I

ARTICLE I. "VEHICLES FOR HIRE" GENERALLY

DIVISION 1. IN GENERAL

Sec. 33-001. Statement of policy.

It is the policy of the city to promote adequate and efficient ground transportation services in the city. To this end, this chapter provides for the regulation of said 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.

This chapter governs the operation of vehicles for hire and ground transportation services 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 ground transportation service particular to the grant. To the extent that a special provision conflicts with this chapter, the special provision controls.

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.

Annual permit shall mean the written permission granted by the city to a person to operate a ground transportation service from within the city for a period of one (1) year.

Application shall mean the written request required for an annual permit and/or city chauffeur's license.

Appointment basis only shall mean prearranged by the passenger prior to the arrival of a vehicle for hire at the point of origin.

Attraction shall mean any business, public facility, or other location from which or to which there is a demand for public transportation.

Carriage service shall mean a passenger ground transportation service operated for hire that uses

horse-drawn carriages in the operation of the service and includes, but is not limited to, a facility from which the service is operated, horse-drawn carriages used in the operation of the service and a person who owns and/or operates said service.

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

Charter vehicle shall mean a chauffeured motor vehicle having a rated passenger capacity of more than eight (8) that is operated for hire and used to transport a specified group of persons from a same point of origin to a same point of destination.

City shall mean the City of San Antonio.

City manager shall mean the person, his authorized representative or his designated representative.

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

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.

Director of the metropolitan health district shall mean the person, his authorized representative or his designated representative.

Driver shall mean any individual, employed by or under contract with a holder to drive and be in actual charge of the operation of a vehicle for hire, who has been issued the classified state driver's license required for the class of vehicle being so operated, as defined in article 6687b, section 4A, Vernon's Ann. Civ. St., and who has registered with the city as an operator of a vehicle for hire by having received therefrom a city chauffeur's license as required by this chapter.

Dwelling shall mean any "dwelling one-family", "dwelling one-family attached", "dwelling two-family (duplex)", "dwelling two-family attached", "dwelling three-family (triplex)", "dwelling four-family

(quadrplex)", "dwelling multifamily", "dwelling small lot home" or "dwelling unit" as such terms are defined in section 35-1041 of this code.

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, carriage service, charter service, limousine service, livery service, shuttle service, taxicab service and tour service. Excluded herefrom, however, are the following:

- (a) those services the provision of which is a continuation of interstate travel;
- (b) prearranged carpool services whereby a person operates a vehicle to transport himself and at least one (1) other person between their homes and places of employment or places of common destination and for which the only fee charged is one calculated to reasonably cover expenses;
- (c) those services provided to students to and from school for which the only fee charged is one calculated to reasonably cover expenses;
- (d) those services authorized by a certificate of public convenience and necessity issued by the Texas Railroad Commission and/or the Interstate Commerce Commission; and
- (e) 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 curblines 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.

Holder shall mean a person owning and/or operating a ground transportation service who is granted an annual permit under this chapter.

Horse shall mean the animal itself or any other equine.

Horse-drawn carriage shall mean a chauffeured vehicle that is pulled by a horse and is used to transport persons for hire.

Limousine shall mean a chauffeured "luxury" motor vehicle including, but not limited to, a Cadillac, Lincoln, Rolls Royce or Mercedes Benz, that is used to transport passengers for a fare based on a two (2) hour or more hiring period and that is operated unequipped with a taximeter, on an appointment basis only and on irregular routes and schedules. Excluded herefrom, however, is any "luxury" chauffeured motor vehicle used exclusively in connection with funeral services.

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

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

Livery vehicle shall mean a chauffeured "luxury" motor vehicle including, but not limited to, a Cadillac, Lincoln, Rolls Royce or Mercedes Benz, that is used to transport passengers and that is operated unequipped with a taximeter, on an appointment basis only and on irregular routes and schedules. Excluded herefrom, however, are "luxury" chauffeured motor vehicles used exclusively in connection with funeral services and limousines as defined in this section.

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.

Operating authority shall mean an annual permit under this chapter.

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

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

Rated passenger capacity shall mean designated in number by the city manager.

"Shared-ride" shall mean the non-exclusive use of a vehicle for hire by passengers travelling in the same general direction but between different points of origin and/or destination.

Shuttle shall mean a chauffeured motor vehicle having a rated passenger capacity of more than seven (7) that is operated for hire on a "shared-ride", appointment basis only and on irregular routes and schedules.

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

Stable shall mean any place, establishment or facility where one (1) or more horses are housed and/or maintained.

Stand shall mean a public place alongside the curb or curb lines of a street which has been designated by the city manager as reserved exclusively for use by a particular type of ground transportation service in accordance with the provisions of this chapter.

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.

Taxicab shall mean a chauffeured motor vehicle having a rated passenger capacity of eight (8) or less that is used to transport persons for hire on a call and demand basis over routes determined by the destination of the passenger.

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 and/or operates said service.

Taxicab stand shall mean a public place alongside

the curb or curb lines of a street which has been designated by the city manager as reserved exclusively for the use of taxicabs in accordance with the provisions of this chapter.

Taximeter shall mean a device that mechanically or electronically computes, records and/or indicates a fare based upon the time a vehicle for hire is engaged and the distance travelled by said vehicle.

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

Tour vehicle shall mean a chauffeured motor vehicle having a rated passenger capacity of more than eight (8) that 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 that returns passengers to their point of origin upon completion of a tour.

Transportation advisory board shall mean that board created by the city council pursuant to Ordinance No. 58134, passed January 12, 1984.

Vehicle for hire shall mean any motor vehicle, animal-drawn vehicle or other vehicle that is used in the operation of a ground transportation service.

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

Veterinarian shall mean any person licensed to practice veterinary medicine in the state.

Work: a horse shall be considered to be at work when out of its stable and presented to the public as being available for pulling carriages.

Sec. 33-004. Administration and enforcement of chapter.

(a) Except as specifically reserved for the city council in this chapter, the city charter or other ordinances, the responsibility for the administration and enforcement of this chapter shall be a function of the city manager.

(b) All standards or policies of the city manager as may be

provided for in this chapter shall be filed with the city clerk, with copies thereof furnished to each holder.

Sec. 33-005. General authority and duty of city manager.

The city manager shall implement the provisions of this chapter and may by written order establish such rules and regulations, not inconsistent with this chapter, as he may determine are necessary to discharge his duty under or to effect the policy of this chapter.

Sec. 33-006. Establishment of rules and regulations.

(a) Before adopting, amending or abolishing a rule or regulation under this chapter, the city manager shall hold a public hearing on the proposal.

(b) The city manager shall determine the time and place of the hearing and, in addition to the notice required under article 6252-17, Vernon's Ann. Civ. St., shall notify each holder and such other persons as the city manager determines are interested in the subject matter of the hearing.

(c) After the public hearing, the city manager shall notify the holders and other interested persons of his action 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 (10) days. The order shall become effective immediately upon expiration of the posting period.

Sec. 33-007. Authority to inspect.

The city manager may at all reasonable times inspect a ground transportation service operating under this chapter to determine whether the service complies with the provisions of this chapter and all other applicable rules, regulations and laws.

Sec. 33-008. Records of breaches of conditions of operating authority.

(a) The city manager shall establish, maintain and keep a system of records showing, or tending to show, whether the holder of a permit under this chapter has been guilty of a breach of any condition of the operating authority. The city council may from time to time request reports from the city manager on the records of such holders.

(b) The system of records required in subsection (a) above shall include not only copies of all charges, convictions,

reprimands and warnings filed against holders, but also written reports of those officers and/or employees of the city who have had occasion to observe the performance, under the terms of this chapter, of holders and/or their employees. It shall be the duty of every officer and/or employee of the city to report promptly any and all facts relating to the performance of a holder and/or his employee which show, or tend to show, that the holder is or has been guilty of a breach of any condition of his operating authority or has failed to comply in any material manner with the terms and stipulations of such authority. Every such report to the city manager shall be dated and signed by the person reporting, and shall give details as to dates, names and other material and/or pertinent facts and data.

Sec. 33-009. Enforcement of chapter by police and aviation departments.

Officers of the police, aviation and other departments as designated by the city manager shall assist in the enforcement of this chapter. Said departments' officers, upon observing a violation of this chapter or other applicable rules, regulations and/or laws, shall take necessary enforcement action to ensure the effective regulation of ground transportation services.

Sec. 33-010. Violations.

(a) It shall be unlawful for any person, either by himself or through an agent, to knowingly perform any act prohibited by the terms of this chapter or in any way violate the provisions thereof. A separate violation is committed each day in which a violation occurs. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00).

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

Secs. 33-011--33-020. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-021. Operating authority required.

(a) A person shall not operate, allow to be operated, or cause to be operated, a ground transportation service as defined in section 33-003 of this article, or any other service providing ground transportation for hire, without operating or

separate authority having first been granted by the city council, 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 been granted such operating or separate authority.

(b) A person shall not operate, allow to be operated, or cause to be operated, a ground transportation service from within the city for any purpose except as provided pursuant to this chapter. If, however, a person does operate, allow to be operated, or cause to be operated, a ground transportation service for a purpose other than one provided pursuant to this chapter, then it shall be an affirmative defense to prosecution under this subsection that said other purpose was a purpose permitted by grant of separate authority by the city council.

(c) No holder of an annual permit under this chapter shall operate any other type of ground transportation service for hire, except pursuant to separate authority granted by the city council.

Sec. 33-022. Grant of authority by the city council; service requirements.

(a) Before an annual permit is granted, a written application for such on a form provided for that purpose must be submitted to and approved by the city council. The granting of the annual permit shall then be at the city council's exclusive discretion. The city council, however, will not approve an annual permit unless:

- (1) The proposed ground transportation service is required by public convenience and necessity; and
- (2) 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 city manager, rules and regulations established by the city's director of aviation, provisions of the annual permit, and all other applicable rules, regulations and laws.

(b) Upon the granting of an annual permit, the holder thereof must provide ground transportation service to the entire city unless specified differently in this chapter and/or the annual permit.

Sec. 33-023. Application.

To obtain an annual permit, a person shall make application to the city council in the manner prescribed by this section. The applicant must be the person who will own and/or operate the

proposed ground transportation service. An applicant shall file with the city clerk a written, sworn application containing the following:

- (1) 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 city clerk, in writing and with supporting documentation as required by the city manager, within five (5) business days of the change;
- (2) The name, street address, phone number and verified signature of the applicant and of the applicant's proposed business; an applicant shall notify the city clerk, in writing, of any change in the foregoing within five (5) business days of the change;
- (3) 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;
- (4) An actual or pro forma income statement and balance sheet showing the assets, liabilities and equity of the business;
- (5) A description of any past business experience of the applicant, particularly in providing ground transportation services;
- (6) An identification and description of any revocation or suspension of an annual permit held by the applicant or the applicant's business which occurred prior to the date of filing the application;
- (7) The number of vehicles to be used by the applicant in the operation of the proposed ground transportation service as well as documentation evidencing each vehicle's ownership, identification number and registration; notice of any change in the foregoing shall be provided to the city clerk, in writing and with supporting documentation as required by the city manager, within five (5) business days of the change;
- (8) 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 make, model, type, and seating capacity;

- (9) A description of the operations of the proposed ground transportation service and the location of the fixed facilities to be used in the operation;
- (10) 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;
- (11) Documentation from an insurance company authorized to do business in the state evidencing a willingness to provide, prior to commencement of the annual permit, the insurances required by this chapter;
- (12) Documentation evidencing timely payment of all city taxes, fees and assessments which have been levied on the business and/or property to be used in connection with the proposed ground transportation service;
- (13) Written authorization for the provision 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
- (14) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted.

Sec. 33-024. Payment of taxes.

(a) It shall be the duty of every owner and/or operator of a ground transportation service to render to the city for ad valorem taxation all vehicles or other equipment used in connection with such business.

(b) An applicant shall not be issued operating authority if any delinquent taxes are due to the city upon any vehicle for hire for which such operating authority is sought or upon any other equipment to be used in the business of the applicant, or if the owner thereof has failed to render same for ad valorem taxation.

(c) Prior to issuance of an annual permit, the city treasurer shall examine the tax records of the city and ascertain whether or not the ad valorem taxes assessed by the city against the vehicle(s) and other equipment to be used in the business of the applicant have been fully paid. If such ad valorem taxes have not been paid, the city shall refuse to issue the applicant such permit until all of said ad valorem taxes have been paid.

Sec. 33-025. Prerequisites to issuance.

(a) The authority to grant or deny an application for an annual permit is vested exclusively with the city council. Accordingly, upon receipt of the application by the city clerk, the city manager shall conduct, for benefit of the city council, an investigation concerning public convenience and necessity and other relevant factors including, but not limited to:

- (1) The number and type of vehicles for hire presently in operation in the city;
- (2) The public transportation needs of the city and the adequacy of existing ground transportation services to meet those needs;
- (3) Whether existing holders can render the proposed additional ground transportation service more efficiently or effectively than the applicant;
- (4) The effect of the proposed additional ground transportation service on traffic conditions, drivers' working conditions and wages, and existing ground transportation services;
- (5) The character, experience, qualifications and fiscal responsibility of the applicant; and
- (6) The applicant's past criminal history, if any.

(b) In any event, an applicant for an annual permit has the burden of proving:

- (1) That the public convenience and necessity require the proposed ground transportation service;
- (2) That the applicant is of good character and is qualified and financially able to provide the service proposed in the application; and
- (3) In the case where an applicant has been involved in past criminal activity, that he has otherwise maintained a record of steady employment and good conduct; that he has supported his dependents; and that he has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in all criminal cases in which he has been convicted.

(c) Within a reasonable time following completion of the city manager's investigation of the application as required in subsection (a) above, the city manager shall prepare a written

recommendation, with basis therefor stated, for the city council. A copy of the city manager's recommendation, together with the application, shall then be reviewed by the transportation advisory board for their separate recommendation to the city council, after which the city council shall hold a public hearing to determine whether the granting or denial of the application is warranted.

(d) The city manager shall recommend approval of an application meeting the requirements for obtaining an annual permit as set forth in this section.

(e) If the city manager, however, based on his investigation, determines that good cause exists for recommending denial of the application to the city council, then the city manager shall notify the applicant, via certified mail, return receipt requested, of his intended recommendation and of his basis therefor.

(f) Upon the applicant receiving notice of the city manager's intended recommendation to the city council, the applicant shall have ten (10) days from the date of receipt thereof during which to request an opportunity to appear before the transportation advisory board, prior to the board's submission of their separate recommendation to the city council, and present to them any additional information, including witnesses, which may aid the board in their determination of whether or not to make a recommendation to the city council consistent with that of the city manager. The request shall be in writing and directed to the transportation advisory board, in care of the city clerk.

(g) 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 purposes of requiring the city's approval prior to engagement in the ground transportation service;
- (3) The extent to which the individual's engagement in the ground transportation service might offer an opportunity for further criminal activity of the same type as that which the individual previously had been involved; and
- (4) The relationship of the crime to the ability, capacity or fitness required of the individual to perform the

duties and discharge the responsibilities of the ground transportation service, including:

- a. The extent and nature of the individual's past criminal history;
- b. The age of the individual at the time of the commission of the crime;
- c. The amount of time that has elapsed since the individual's last criminal activity;
- d. The conduct and work activity of the individual prior to and following the criminal activity;
- e. Evidence of the individual's rehabilitation or rehabilitative effort while incarcerated or following release; and
- f. Other evidence of the individual's present fitness, including letters of recommendation from: prosecutorial, law enforcement and correctional officers who prosecuted, arrested or had custodial responsibility for the individual; the sheriff and chief of police in the community where the individual resides; and any other persons in contact with the individual.

(h) Upon the scheduling of the city council's public hearing for determination of whether the granting or denial of the application is warranted, the applicant shall be given an opportunity to appear before said city council and present to them any information, including witnesses, which the applicant feels may be of assistance in arriving at a decision on the matter.

(i) An application for an annual permit shall be denied where the applicant:

- (1) Is under indictment for or has been convicted of the offense of criminal homicide including murder, capital murder, voluntary manslaughter, or involuntary manslaughter, but excluding criminally negligent homicide;
- (2) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for an annual permit; or
- (3) Has not met the requirements for obtaining an annual permit as set forth in this division.

(j) An application for an annual permit may also be denied where the applicant is under indictment 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 the state law;
- (5) Any offense involving prostitution or the promotion of prostitution;
- (6) Any offense involving rape, sexual abuse or indecency;
- (7) Any offense involving the use, sale or possession of drugs;
- (8) Any offense involving driving while intoxicated; or
- (9) Any other job-related offense.

Sec. 33-026. Grant or denial of operating authority.

(a) Upon approval of an application for an annual permit by the city council, the city manager shall promptly issue the annual permit and incorporate therein such terms and/or conditions as the city council determines are necessary. The holder shall then be authorized to operate his ground transportation service upon the terms and conditions contained in this chapter, as may be amended in the annual permit, for a period of twelve (12) months beginning on the date stated therein.

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

Sec. 33-027. Permit fee.

Within ten (10) working days of the city council's approval of an application for an annual permit, the holder thereof shall pay to the city the permit fee(s) required pursuant to sections 33-212, 33-312, 33-412, 33-511, 33-612, 33-711 and/ or 33-811 of this chapter. An annual permit shall be considered delinquent when not paid by the tenth business day of the month following the month it became due.

Sec. 33-028. Performance bond.

Prior to commencement of operations pursuant to this chapter, the holder shall file with the city clerk, as security for performance under the annual permit, a good and sufficient performance bond, written by an insurance company authorized to do business in the state and having an agent or attorney for service in the city upon whom service of process may be had. Such bond shall be in the amount hereafter specified in section 33-030 of this same division and in such form as may be approved by the city attorney. The right to operate under an annual permit shall be conditioned upon the existence and maintenance in full force and effect of the performance bond herein described.

Sec. 33-029. Conditions of bond.

The performance bond required by this division shall be conditioned as follows:

- (1) That the holder of the annual permit shall pay to the city all amounts due under the terms of this chapter and all costs, damages, and expenses which the city may incur and/or suffer as a result of the holder's acts or inactions in violation of the requirements of this chapter, rules and regulations established by the city manager, rules and regulations established by the city's director of aviation, provisions of the annual permit, and all other applicable rules, regulations and laws;
- (2) That the holder of the annual permit shall pay all fines, assessments and judgments levied against the holder by any court, by the city treasurer or by direction of the city council, and by such other officials authorized to levy such fines, taxes, charges, assessments or judgments; and
- (3) That the holder of the annual permit shall perform every duty of a person owning and/or operating a ground transportation service as required by this chapter and as may be supplemented by rules and regulations established by the city manager and/or rules and regulations established by the city's director of aviation.

Sec. 33-030. Amount of bond.

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

- (1) If the holder is authorized to operate five (5) vehicles for hire or less, then the bond shall be in the sum of one thousand dollars (\$1,000.00);
- (2) If the holder is authorized to operate more than five (5) but not more than ten (10) vehicles for hire, then the bond shall be in the sum of two thousand dollars (\$2,000.00);
- (3) If the holder is authorized to operate more than ten (10) but not more than fifteen (15) vehicles for hire, then the bond shall be in the sum of three thousand dollars (\$3,000.00);
- (4) If the holder is authorized to operate more than fifteen (15) but not more than twenty-five (25) vehicles for hire, then the bond shall be in the sum of four thousand dollars (\$4,000.00);
- (5) If the holder is authorized to operate more than twenty-five (25) but not more than fifty (50) vehicles for hire, then the bond shall be in the sum of five thousand dollars (\$5,000.00);
- (6) If the holder is authorized to operate more than fifty (50) but not more than one hundred (100) vehicles for hire, then the bond shall be in the sum of seven thousand five hundred dollars (\$7,500.00); and
- (7) If the holder is authorized to operate more than one hundred (100) vehicles for hire, then the bond shall be in the sum of ten thousand dollars (\$10,000.00).

Sec. 33-031. Insurance requirements generally; qualification of holder as self-insurer in lieu of insurance.

(a) Prior to commencement of operations pursuant to this chapter, the holder shall procure and furnish to the city clerk, 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 section 33-032 of this same division and in such form as may be approved by the city attorney. Every such policy shall name the city as an additional insured and shall insure all the vehicles used by the holder in the ground transportation service authorized in the annual permit. Such policy shall insure 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 in 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 authorized to do business in the state and having an agent or attorney for service in the city.

(c) In lieu of furnishing the above-described policy of public liability and property damage insurance, a holder may qualify for and obtain, pursuant to article 6701h, section 34, Vernon's Ann. Civ. St., a certificate of self-insurance for the types of insurance and amounts of coverage required by this division. Should a holder opt for such self-insurance, however, proof thereof must be provided to the city clerk prior to commencement of any operations under this chapter.

(d) Failure to procure and keep in full force and effect the insurances required pursuant to this chapter shall be basis for automatic suspension of the holder's annual permit until such time as the requisite insurance is procured and/or reinstated and proof thereof is furnished to the city clerk.

Sec. 33-032. Amount of insurance.

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

Sec. 33-033. Additional bonds and insurance may be required.

Upon discovery or determination that either the performance bond or the public liability and property damage insurance required of the holder under this division has become impaired, the city manager shall require new and/or additional bonds and insurances as appear to him 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 city manager, rules and regulations established by the city's director of aviation or other

applicable rules, regulations and laws.

Sec. 33-034. Provisions to be contained in bonds and insurance policies.

(a) Every performance bond and insurance policy required under this division shall contain both a waiver of subrogation and an endorsement that termination of the obligations of such bond and/or expiration, material change in, or cancellation of such insurance policy shall not become effective before thirty (30) days after written notice is received by the city of such termination, expiration, change or cancellation.

(b) Every performance bond and every policy of insurance required under this division shall run concurrently with the life of the annual permit held by the person so bonded and insured.

(c) All policies of insurance shall contain a provision for continuing liability up to the full amount of the policy, notwithstanding any recovery thereunder.

Sec. 33-035. Renewal of permit.

(a) To obtain renewal of an annual permit, a holder shall file with the city clerk, at least forty-five (45) days prior to the expiration date of the annual permit, a written, sworn application for permit renewal. The annual permit will then be renewed automatically unless the city manager determines, before the renewal date, that good cause exists for recommending to the city council that the application for permit renewal be denied based on documentation:

- (1) That the holder is in noncompliance and/or has demonstrated a history of noncompliance with the terms or conditions of the permit, applicable provisions of this chapter, rules and regulations established by the city manager, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws;
- (2) That the holder is neither fit, willing nor able to continue to operate the ground transportation service in accordance with the permit and applicable provisions of this chapter, rules and regulations established by the city manager, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws;
- (3) That the holder, since the date of his original annual permit:

- a. Has been convicted of any felony;
 - 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 division;
- (4) That the holder, since the date of issuance of his original annual permit, but within the five (5) 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 section 33-025(j) of this same division; or
- (5) That public convenience and necessity do not require the continued operation of the ground transportation service.

(b) If the city manager determines that good cause exists for recommending denial of the permit renewal or for recommending a material change to the terms or conditions of the current annual permit, or if a holder requests a material change in the terms or conditions of said permit, then the city manager shall notify the holder, via certified mail, return receipt requested, of his intended recommendation to the city council and of his basis therefor. A copy of the city manager's recommendation shall then be reviewed by the transportation advisory board for their separate recommendation to the city council, after which the city council shall hold a public hearing to determine whether denial of the permit renewal and/or change to the terms or conditions thereof is warranted.

(c) Upon the holder receiving notice of the city manager's intended recommendation to the city council, the holder shall have ten (10) days from the date of receipt thereof during which to request an opportunity to appear before the transportation advisory board, prior to the board's submission of their separate recommendation to the city council, and present to them any additional information, including witnesses, which may aid the board in their determination of whether or not to make a recommendation to the city council consistent with that of the city manager. The request shall be in writing and directed to the transportation advisory board, in care of the city clerk.

(d) Upon the scheduling of the city council's public hearing for determination of whether to renew or deny renewal of the annual permit and/or incorporate proposed or requested

changes to an annual permit, the holder shall be given an opportunity to appear before said city council and present to them any information, including witnesses, which the holder feels may be of assistance in arriving at a decision on the matter.

(e) Upon action being taken by the city council, the city manager shall, as directed by the city council, either issue a denial of permit renewal or renew the annual permit. In the case of denial, a holder shall not be eligible for re-application for a period of twelve (12) months from the date of the denial of permit renewal. In the case of renewal, the city manager shall incorporate such changes as the city council authorized.

(f) If the annual permit expires at no fault of the holder before a ruling either on the approval or denial of the renewal or on the proposed or requested change, then the holder may continue to operate the ground transportation service pending a final decision. The holder, however, shall immediately cease operation of the ground transportation service upon denial of the request for renewal by the city council.

Sec. 33-036. Transfer of permit prohibited.

(a) Except for the provisions of subsection (d) below, if the annual permit is held by an individual or by a corporation having only one (1) shareholder, then said permit cannot be sold, transferred, or assigned to any other person. Any such sale, transfer or assignment shall be deemed a voluntary surrender of the annual permit to the city and shall thereupon be terminated and void as to that holder.

(b) Except for the provisions of subsection (d) below, if the annual permit is held by a partnership or by a corporation having more than one (1) shareholder, and one or more of the partners or shareholders dies or chooses to divest himself of his entire interest in the ground transportation business, then the remaining partners or shareholders may acquire the interest of such partner or shareholder without effecting a surrender or termination of the annual permit. No new partners or shareholders shall be permitted to acquire any interest in the ground transportation business upon the death of or sale by any existing partner or shareholder, and any attempt to transfer said interest to a new partner or shareholder shall be deemed a voluntary surrender of the annual permit to the city and shall thereupon be terminated and void as to the partnership or corporation that is the holder.

(c) Except for the provisions of subsection (d) below, an annual permit issued to an individual or to a corporation having only one (1) shareholder shall terminate with the death of the individual or sole shareholder. Annual permits cannot be

inherited or devised in a will. The holder, however, may designate an administrator to operate under an annual permit after his death until such time as the annual permit expires, but in any event, no longer than six (6) months from the date of death of the holder. The designation of an administrator must be made, in writing, to the city manager.

(d) Irrespective of subsections (a) (b) and (c) above, upon either the death of a holder or the sale of a holder's ground transportation business, heirs and devisees of the holder or purchasers of the holder's business may apply for and be granted the holder's annual permit provided:

- (1) The holder had/has held his annual permit for at least three (3) years;
- (2) The proposed transferee of the annual permit has met all of the application requirements set forth in section 33-023 of this same division; and
- (3) The proposed transferee's application is reviewed by the transportation advisory board after which operating authority is granted by the city council.

Sec. 33-037. Amendment of permit.

An annual permit is amendable at any time by the city council.

Sec. 33-038. Number of vehicles for hire authorized.

The city manager 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. 33-039. 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. 33-040. Application for permission to operate additional vehicles for hire; public convenience and necessity to be shown.

Any holder may apply to the city council for permission to

operate additional vehicles for hire, in excess of the number authorized in the annual permit, by showing that the public convenience and necessity require such additional ground transportation service in the city. Upon approval of the application for additional vehicles for hire by the city council, the holder shall tender the requisite permit fee for each additional vehicle and shall otherwise comply with the provisions of this chapter and all other applicable rules, regulations and laws.

Sec. 33-041. Substituted or replaced vehicles for hire.

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

- (1) Written notification to the city manager of the proposed substitution or replacement;
- (2) Documentation evidencing the make, model, type, seating capacity, ownership, identification number and registration of the substitute or replacement vehicle as well as of the vehicle for which substitution or replacement is being proposed;
- (3) Documentation from the holder's insurance company evidencing a willingness to provide the insurances required by this chapter on the substitute or replacement vehicle;
- (4) Documentation evidencing timely payment of all city taxes, fees and assessments which have been levied on the substitute or replacement vehicle;
- (5) Payment of the vehicle substitution or replacement fee as required pursuant to section 33-063 of this chapter;
- (6) Inspection by the city of the substitute or replacement vehicle prior to placement of said vehicle into service;
- (7) Return to the city manager of the identification decal originally issued to the vehicle for which substitution or replacement is being proposed;
- (8) Numbering, in accordance with section 33-122 of this chapter, of the substitute or replacement vehicle with that vehicle number originally assigned to the vehicle for which substitution or replacement is being proposed; and
- (9) Complete removal of all ground transportation

identifying markings and equipment from the vehicle for which substitution or replacement is being proposed.

Secs. 33-042--33-050. Reserved.

DIVISION 3. CITY CHAUFFEUR'S LICENSE

Sec. 33-051. City chauffeur's license required.

In accordance with the terms and provisions of this division, every person, before driving or accepting employment to drive a vehicle for hire from within the city, shall apply for and obtain a city chauffeur's license.

Sec. 33-052. Employing drivers without license prohibited.

A holder may not employ, contract with, or otherwise allow a person to drive a vehicle for hire owned and/or operated by the holder unless such person has a valid city chauffeur's license issued to him under this chapter.

Sec. 33-053. Application; fee.

A city chauffeur's license shall be provided to any person fulfilling the requirements of this division so long as payment to the city of the fee required pursuant to section 33-063 of this chapter is timely made.

Sec. 33-054. Authorization to grant application.

Each application for a city chauffeur's license shall be reviewed by the department director and said director shall act on the application as soon as practicable but no later than within forty-five (45) days from the date of receipt thereof.

Sec. 33-055. Investigation of applicant; records to be considered; qualifications; issuance and denial.

(a) Upon receipt of an application for a city chauffeur's license, the department 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 city manager, rules and regulations established by the city's director of aviation and

all other applicable rules, regulations and laws.

(b) The applicant, at the time of application and at his own expense, shall:

- (1) Be eighteen (18) years of age or older;
- (2) Be a citizen of the United States of America by birth or naturalization, or, if alien, submit evidence of legal residence in the United States and legal right to engage in employment therein;
- (3) Possess the classified state driver's license required for the class of vehicle to be operated by the applicant as defined in article 6687b, section 4A, Vernon's Ann. Civ. St.;
- (4) Be able to read and speak the English language;
- (5) Be sanitary and well groomed in dress and person;
- (6) Provide the department director with a street address and phone number; an applicant shall notify said director, in writing, of any change thereto within five (5) business days of the change;
- (7) Execute an authorization in writing for the provision 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) Be approved for employment by a holder; an applicant shall provide the department director with the name and business address of said prospective employer and shall, upon transfer of employment from one holder to another, notify said director of such in writing within five (5) business days of the transfer and further, pay the fee required pursuant to section 33-063 of this chapter;
- (9) Execute an agreement and waiver in writing by which the applicant authorizes the department 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 from within the city;
- (10) Submit to a medical examination by a licensed physician on forms provided;
- (11) Provide the department director with a certificate

executed by a practicing physician in the city stating that the applicant is not afflicted with any physical, mental or active venereal disease or disability which would prevent him from exercising ordinary and reasonable control over a motor vehicle or which would otherwise endanger the public health or safety; such certificate shall also state specifically the condition of the applicant's hearing and eyesight including, without limitation, color perception;

(12) Have successfully completed, within the previous twelve (12) months, a training course approved by the city manager and consisting of classroom instruction in the areas of:

- a. rules and regulations applicable to the operation of a ground transportation service from within the city;
- b. 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;
- c. city geography including, but not limited to, city landmarks, streets and addresses;
- d. map usage; and
- e. public relations and communications skills; and

(13) Be able to pass a written examination administered by the city manager on both the traffic laws and the areas listed in (11) above of this same subsection.

(c) An application for a city chauffeur's license shall be denied where the applicant:

- (1) Is under indictment for or has been convicted of the offense of criminal homicide including murder, capital murder, voluntary manslaughter, or involuntary manslaughter, but excluding criminally negligent homicide;
- (2) Has been convicted of four (4) or more moving violations of the traffic laws of this or any other city or state within the twelve (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 city chauffeur's license; or

(4) Has not met the requirements for obtaining a city chauffeur's license as set forth in this division.

(d) An application for a city chauffeur's license may also be denied where the applicant is under indictment for or has been convicted of any of the offenses listed in section 33-025(j) of this chapter.

(e) The department director shall approve an application meeting the requirements for obtaining a city chauffeur's license as set out in this division and shall disapprove any application not meeting said requirements.

(f) If the department director disapproves an application for a city chauffeur's license, then said director shall notify the applicant, via certified mail, return receipt requested, of his decision and of his basis therefor.

(g) Upon the applicant receiving notice of the decision of the department director, the applicant shall have ten (10) days from the date of receipt thereof during which to appeal said decision to the city manager and request an opportunity to appear before the transportation advisory board and present to them any additional information, including witnesses, which may aid the board in their determination of whether or not to make a recommendation to the city manager consistent with the decision of the department director. The appeal and request shall be in writing and directed jointly to the city manager and to the transportation advisory board, in care of the city clerk.

(h) In the case where an applicant has a background of past criminal activity, license 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 section 33-025(g) of this chapter shall be considered in making a determination of job-relatedness; to this regard, however, it shall be the applicant's responsibility to secure and provide proof that he has otherwise maintained a record of steady employment and good conduct, that he has supported his dependents, and that he has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in all criminal cases in which he has been convicted.

(i) Should the city manager, after considering both the decision of the department director and the subsequent recommendation of the transportation advisory board, fail to affirm the director's denial of the application and instead choose to approve such application, then said department director shall, without delay, issue the city chauffeur's license in accordance with any terms and/or conditions deemed necessary by the city manager.

(j) Should the city manager affirm the decision of the department director to deny the application for a city chauffeur's license, however, then an applicant shall not be eligible for re-application for a period of twelve (12) months from the date of denial, or, in the case of an appeal, from the date the city manager affirms the denial.

Sec. 33-056. Display of license.

While on duty as a driver, every driver shall keep his city chauffeur's license displayed in its frame in a location designated by the city manager.

Sec. 33-057. License file to be kept; contents.

(a) A chauffeur's license file shall be kept and maintained, in a location determined by the city manager, on all persons to whom a license as a driver has been issued.

(b) The file shall contain all information furnished by the applicant under this division and all other facts and data supplied by investigation, including without limitation, fingerprints, personal history, police or criminal record, character, experience, qualifications and such other matters as considered by the city manager to be consistent with and pertinent to showing whether the registered driver is a fit and proper person to drive and operate a vehicle for hire from within the city in a manner consistent with the welfare of the citizenry of the city.

Sec. 33-058. Inspection of license files.

The license file of any driver may be inspected by such driver at all reasonable times; any holder, upon showing either that the driver is employed by the holder or that the driver has applied to the holder for employment, may also inspect the file at all reasonable times.

Sec. 33-059. Renewal.

Except for the provisions of section 33-060 and the case where the original city chauffeur's license has been revoked for good cause or has expired for failure to renew, a city chauffeur's license shall be valid for twenty-four (24) months from the date of issuance thereof after which the license may be renewed only upon re-application, accompanied by the renewal fee required pursuant to section 33-063 of this chapter, and the meeting of all the application requirements as set forth in this division. If the re-application is in proper form and no reason for refusing same is apparent, the department director may, upon

request of the driver, issue a temporary license entitling the driver to continue operating a vehicle for hire pending a decision on his re-application or any appeal thereof. The temporary license, however, shall be valid only for a period not to exceed sixty (60) days or the date of decision on the re-application or any appeal thereof, whichever comes first.

Sec. 33-060. Expiration and voidance of license.

(a) A driver's city chauffeur's license shall expire twenty-four (24) months from the date of issuance thereof or on the expiration date of the license required by the state for the class of vehicle operated by said driver, whichever date comes first.

(b) If the license required by the state for the class of vehicle operated by a driver is suspended or revoked, then the driver's city chauffeur's license automatically becomes void.

(c) A driver shall, within three (3) days of any expiration, suspension or revocation of his state license, so notify the city manager and the holder for whom he drives and surrender his city chauffeur's license to said city manager.

Sec. 33-061. Driver lists to be furnished and maintained.

Within ten (10) working days of the city council's approval of an application for an annual permit, the holder thereof shall furnish to the city manager a list of all drivers under his employment or with whom he contracts, along with each driver's street address and phone number. The holder shall then keep the list current at all times and shall inform the city manager monthly, but in no event later than the tenth day of each month, of any new driver, any driver whose employment or contract has been terminated and any change in a driver's street address and/or phone number. The holder's provision of information to the city manager as required herein shall always be in writing.

Sec. 33-062. Falsifying of a license.

It shall be unlawful for a person to forge, alter, deface or counterfeit a city chauffeur's license; it shall also be unlawful for a person to have in his possession any city chauffeur's license which has been forged, altered, defaced or counterfeited.

Sec. 33-063. Fees.

The following fees are hereby established:

(1)	Inspection of vehicle.	\$ 25.00
(2)	Reinspection of vehicle.	10.00
(3)	City chauffeur's license	10.00
(4)	Renewal of city chauffeur's license.	10.00
(5)	Horse license.	5.00
(6)	Renewal of horse license	5.00
(7)	"Carriage Route/Time Exception" permit	10.00
(8)	Replacement of lost license.	5.00
(9)	Permit transfers	25.00
(10)	Driver transfers from one holder to another.	5.00
(11)	Vehicle substitution or replacement.	25.00

Secs. 33-064--33-070. Reserved.

DIVISION 4. HOLDER AND DRIVER REGULATIONS

Sec. 33-071. Duty to comply.

(a) Holder. In the operation of a ground transportation service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, rules and regulations established by the city manager, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws.

(b) Driver. While on duty, a driver shall comply with this chapter, rules and regulations established by the city manager, rules and regulations established by the city's director of aviation, other applicable rules, regulations and laws, and all orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of his duties as set forth in his operating authority and this chapter.

(c) City and airport rules and regulations. A complete copy of the rules and regulations established by the city manager and the city's director of aviation will be issued to every vehicle in service.

Sec. 33-072. Holder's duty to enforce compliance by drivers.

(a) A holder shall establish policy and take action to discourage, prevent or correct violations of this chapter by drivers under his employment or with whom he contracts.

(b) A holder who knows or has reasonable cause to suspect that a driver under his employment or with whom he contracts has failed to comply with this chapter or with other applicable rules, regulations and laws shall not permit said driver to operate a vehicle for hire until such time as the violation is corrected.

Sec. 33-073. 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 so as to enable their operation of a vehicle for hire in a safe and proper manner. It shall be the full responsibility of the holder to select for employment or contract only those drivers who are qualified under this chapter to obtain a city chauffeur's license and who are familiar with those streets and addresses within the city over which they may be operating. The employment or contracting of any driver shall be subject to the driver obtaining a temporary or permanent city chauffeur's license.

(b) Every holder is charged with knowledge of the contents of the license file of all drivers whom he employs or with whom he contracts. A holder's continued employment or contracting of any driver whose license file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver will be taken into consideration by the city council when requested to grant or renew any annual permit.

Sec. 33-074. Information and data to be kept and maintained two years; records to be made available for inspection.

Each holder shall maintain at a single location information and data on his ground transportation business and operations. The following specific requirements are hereby prescribed:

- (1) Accurate records, reports, receipts, driver manifests and other operating information and data as may be required by the city manager shall be kept and maintained in a safe place for at least two (2) years after date, and all such documents shall be made available at a place readily accessible for examination at all reasonable times by the city manager;

- (2) For good cause and upon request by the city manager, every holder shall submit to the city manager, in accordance with a 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 city manager to evaluate the holder's operations; submission of the information and data shall be not later than the twentieth day of the month next following the request by the city manager;
- (3) Every holder shall submit to the city manager reports on all accidents arising from or in connection with the operation of vehicles for hire owned and/or operated by him which result in death or injury to any person or in damage exceeding the sum of two hundred dollars (\$200.00) to any vehicle or other property. Reports shall be submitted within twenty-four (24) hours from the time of such occurrence on a form or report prescribed by the city manager. All such reports so filed shall be deemed, considered and retained as confidential information and property of the city; and
- (4) Every holder shall keep complete records of all automotive and other equipment; employees, including drivers; and records of bonds and insurance policies as prescribed or approved by the city manager.

Sec. 33-075. 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, or, in the alternative, the driver with whom the holder contracts will be operating a vehicle for hire owned by another driver also under contract with the holder.
- (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; and
- (4) The contract imposes a condition that the driver must comply with the requirements of this chapter, rules

and regulations established by the city manager, 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.

(b) The form of the contract between a holder and driver must be approved by the city manager. The city manager may disapprove a contract form if he determines that approval thereof would cause the contract to be inconsistent with the requirements of this chapter, rules and regulations established by the city manager, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws.

(c) A holder may not use a contract whose form has been disapproved by the city manager.

(d) All other contracts are not allowed and a holder shall not use them.

Sec. 33-076. Rest periods for drivers.

No driver shall be on duty as a driver or shall operate vehicle for hire for more than twelve (12) consecutive hours in any twenty-four-hour period without a continuous eight-hour off duty rest period.

Sec. 33-077. Appearance of drivers; drivers' uniforms.

(a) It shall be the responsibility of every holder to require the drivers under his employment to be neat and clean in appearance while on duty and to so ensure this.

(b) A holder shall specify and require that a particular item of apparel be worn by drivers under his employment or with whom he contracts. The item must be of such distinctive and uniform design so as to readily identify the holder's ground transportation service and must bear thereon the name of said ground transportation service. The item specified by each holder must be approved by the city manager to ensure that the drivers of one holder may be easily distinguished from drivers of another and to ensure the neat appearance of drivers.

(c) While on duty, a driver shall wear the item specified by the holder employing or contracting with him and shall comply with such other identification regulations as prescribed by the holder's operating authority.

(d) While on duty, all drivers are prohibited from wearing tee shirts as an outer garment, sweat shirts, sweat pants,

halter or tube tops. 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.

Sec. 33-078. Conduct of drivers.

While on duty, a driver shall:

- (1) Conduct himself in a reasonable, prudent and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not annoy, follow or obstruct the movement of any person for the purpose of soliciting patronage;
- (4) Not consume or have in his possession, either on his person or in the vehicle over which he has control, nor be under the influence of, alcoholic beverages, drugs or other substances which could adversely affect his ability to operate a vehicle for hire;
- (5) Not permit any person, other than himself, to operate the vehicle for hire over which he has control unless said person has been given authority to do so by this chapter and by the holder, the holder's annual permit and/or other applicable rules, regulations and laws;
- (6) Not deposit any trash, debris or other waste material except in an authorized trash receptacle;
- (7) Not, with the exception of emergency repairs, perform mechanical work on his vehicle for hire;
- (8) Not monitor the radio frequency of any ground transportation company other than his own;
- (9) Not possess any device equipped to receive the frequency of any ground transportation company other than his own;
- (10) Not respond to a call for service that has been assigned to another driver or that has been dispatched by a ground transportation company other than his own;
- (11) Comply with all lawful orders of the city manager issued in the performance of his duties; and
- (12) Comply with all provisions of this chapter and all other applicable rules, regulations and laws.

Sec. 33-079. Driver's daily manifest.

(a) Each holder shall provide his drivers with forms approved by the city manager for maintaining a daily manifest. The forms must include appropriate spaces for recording:

- (1) Vehicle number, driver's name, date and hours of operation;
- (2) Time, place, origin and destination of each trip;
- (3) Meter numbers, if applicable;
- (4) Each day's "total miles" and "total paid miles" travelled;
- (5) Number of passengers and amount of fare and other charges; and
- (6) Other information as required by the city manager to aid in the discharge of his duties.

(b) Each driver shall complete a separate manifest form for each tour of duty and record thereon, in full, all information as required by the form. Information shall be recorded immediately upon receipt thereof. Drivers shall then return completed manifest forms to the holder according to a frequency schedule approved by the city manager.

(c) Any officer with power to enforce this chapter may, when necessary for proof of a violation hereunder, demand that a driver's daily manifest be surrendered to him; accordingly, failure of a holder and/or driver to so comply shall be deemed a separate and additional violation of this chapter.

Sec. 33-080. Periodic appearance in person by holders and drivers.

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

Secs. 33-081--33-090. Reserved.

DIVISION 5. SERVICE REGULATIONS

Sec. 33-091. Single station for receiving calls and dispatching vehicles.

Except as otherwise provided for by a holder's operating authority, each holder shall maintain a single station that is

registered with the city, licensed by the Federal Communications Commission (FCC), and operational for the purpose of receiving calls and dispatching vehicles for hire.

Sec. 33-092. Drivers prohibited from solicitating for other businesses or engaging in selling intoxicating liquors.

(a) No driver of a vehicle for hire shall solicit business for any hotel, lodging house, tourist court or rooming place, nor shall any driver attempt to divert patronage from one such business to another.

(b) No driver shall engage in selling intoxicating liquors, nor shall any driver solicit business for any person selling such intoxicating liquors.

Sec. 33-093. Vehicles for hire not to be used for non-business purposes; exception.

(a) It shall be unlawful for the holder or driver of a vehicle for hire to use such vehicle for any purpose other than the transporting of passengers for hire or the running of errands or delivery of packages as customary in the ground transportation business. In the event the holder or driver of a vehicle for hire needs, during off-duty hours, the use of such vehicle in his personal affairs, a sign conspicuous to ordinary public view with the words "out of service" shall be displayed in an upright position in the right front window of the vehicle so as to be visible from outside of the vehicle. Said sign shall be of sufficient thickness so as not to bend easily and the lettering thereon shall be at least two and one-half (2 1/2) inches in height with the lines constituting the letters at least five-sixteenths (5/16) of an inch broad.

(b) It shall be unlawful for any person to use a vehicle for ground transportation purposes while the "out of service" sign is so displayed, and it shall also be unlawful to use such vehicle for any purpose other than a ground transportation purpose as set forth above unless the "out of service" sign is displayed as required.

Sec. 33-094. Unlawful to transport persons to abode of prostitute, etc.

It shall be unlawful for any driver of a vehicle for hire to knowingly transport or agree to transport any passenger to the abode of a prostitute or to knowingly transport or agree to transport any criminal, prostitute, narcotic peddler or bootlegger in the commission of a crime or infraction of the law, or to act in any manner as a panderer or pimp for

prostitutes or contact for unlawful establishments. Violations of this section shall be brought in writing by the city manager to the attention of the holder for whom the driver is employed.

Sec. 33-095. Where passengers to be received and discharged.

Drivers shall not receive or discharge passengers in the roadway of any street, but shall drive to the right-hand sidewalk as nearly as possible, or right-hand side of the roadway in the absence of a sidewalk; except however, upon one-way streets where drivers may discharge passengers at either the right-hand or left-hand sidewalk, or at either side of the roadway in the absence of a sidewalk.

Sec. 33-096. Establishment of vehicle for hire stands.

(a) The city manager may establish vehicle for hire stands of such character, number and location as he determines are required by the public convenience and necessity.

(b) A holder desiring the establishment of a vehicle for hire stand must file a written request therefor with the city manager.

(c) An "out of service" vehicle for hire shall not be parked or allowed to stand in any area designated a vehicle for hire stand until such time as the vehicle is returned to service.

Sec. 33-097. Only passengers for hire or employees of ground transportation services permitted to ride in vehicles for hire.

While on duty, no driver or holder shall permit any person other than a passenger for hire or an employee of the ground transportation service by whom the driver is employed to occupy or ride in a vehicle for hire while on the streets of the city.

Sec. 33-098. Passenger capacity.

No driver shall permit more persons to be carried as passengers than the rated passenger capacity of the vehicle. It shall be an affirmative defense to prosecution under this section that except for the carrying of a person under two (2) years of age, the rated passenger capacity would not have been exceeded.

Sec. 33-099. Disposition of property left in vehicles for hire.

It shall be the duty of every driver to return to the 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 his vehicle with a complete written report as to when it was left in the vehicle and the circumstances relating thereto. The holder shall then be responsible for tagging the property so delivered and attaching to it a copy of the driver's written report and, if its owner is not or cannot be located, of turning the property over to the police department no later than thirty (30) days after its discovery in the vehicle.

Secs. 33-100--33-110. Reserved.

DIVISION 6. FARES

Sec. 33-111. Fare receipts.

If requested by any passenger, the driver of a vehicle for hire shall deliver to the person paying for the hiring of same, at the time of such payment, a mechanically or specially prepared receipt wherein is contained in legible type or writing such information as the company name of the ground transportation service, the vehicle number, the total amount paid, the items for which payment has been made, and the date of payment.

Secs. 33-112--33-120. Reserved.

DIVISION 7. VEHICLES AND EQUIPMENT

Sec. 33-121. General safety requirements and inspections.

(a) The city shall by regulation establish requirements for size, age, condition and accessories of vehicles for hire used by a holder.

(b) The city shall inspect each vehicle for hire before placement of the vehicle in service and, upon passage of inspection, shall affix to the vehicle for hire a city-issued identification decal without which the vehicle shall not be operated. The city may then inspect a vehicle for hire at any such time as determined by the city manager to be reasonable and necessary for compliance with the provisions of this chapter and all other applicable rules, regulations and laws.

(c) No vehicle for hire shall be operated with an expired identification decal.

(d) It shall be unlawful for a person to forge, alter, deface or counterfeit a city-issued identification decal; it shall also be unlawful for a person to have in his possession any identification decal 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.

(f) If a holder fails to make a vehicle for hire available for inspection when so ordered by the city, or if the city determines that a vehicle for hire is not in compliance with the provisions of this chapter and all other applicable rules, regulations and laws, then the city may mandate the vehicle removed from service until same is made available for inspection and/or brought into compliance with this chapter and other applicable rules, regulations and laws.

(g) If the city determines that inspection of the mechanical condition or safety equipment of a vehicle for hire by an expert mechanic or technician is necessary, the holder shall bear the cost of the inspection.

(h) No person shall represent a vehicle as a vehicle for hire nor use or offer the use of such in a ground transportation service unless the vehicle being so represented, used, or offered for use has been licensed as a vehicle for hire pursuant to the provisions of this chapter.

Sec. 33-122. Business name and vehicle number.

It shall be each holder's responsibility to ensure that every vehicle for hire used in the operation of the holder's ground transportation service have identified on its outside body, in a manner approved by the city manager and/or as otherwise provided for in this chapter, the vehicle number and the name and telephone number of the holder's business. Lettering and numbering shall be in a color contrasting with the background of the vehicle and of such size and location as designated by the city manager or as otherwise provided for in this chapter.

Sec. 33-123. Lettering and signs on vehicles for hire.

It shall be each holder's responsibility to ensure that all lettering and designs on the vehicles for hire used in the operation of the holder's ground transportation service be kept legible and visible at all times and be in compliance with all rules and regulations established under this chapter.

Sec. 33-124. Standard colors.

Every holder shall adopt standard colors or combinations of colors for the vehicles for hire of such service and shall not operate any such vehicle until it has been painted in the color or combinations of colors adopted by the holder. The colors or combination of colors, after being approved by the city, shall not be changed without permission.

Sec. 33-125. No color scheme to conflict with or imitate any other color scheme already operating.

Except as approved by the city manager, no vehicle for hire operated under the terms of this chapter shall bear thereon the color scheme, identifying design, monogram or insignia of another holder already operating under this chapter if such bearing is misleading or tends to deceive or defraud the public.

Sec. 33-126. Advertising on vehicles for hire permitted.

Subject to identification requirements and other provisions of this chapter and code, holders may permit advertising matter to be affixed to or installed in any vehicle for hire provided that such advertisement does not obstruct the view of the vehicle's vehicle number.

Sec. 33-127. Designation of vehicle for hire as "smoking" or "non-smoking" permitted.

Vehicles for hire may have identified on its outside body, in a manner approved by the city manager, a designation of "smoking" or "non-smoking".

Sec. 33-128. Periodic inspections; removal from service when unsafe, unsanitary, improperly operated, etc.

(a) Any vehicle for hire may be inspected periodically at such intervals as shall be established by the city manager.

(b) No vehicle for hire shall be operated which does not comply with all of the following standards:

- (1) Each vehicle for hire and all speedometers and equipment thereon shall be kept in good operating condition and shall conform to all state minimum safety standards;
- (2) Each vehicle for hire shall be equipped with an operable air conditioning and heating system; a 2 1/2 pound fire extinguisher with pressure gauge indicator

having an ABC classification and a UL rating of not less than 1A10BC; and a current Ferguson's Quick Finder Map Book or its equivalent;

- (3) Each vehicle for hire shall be equipped with a metal or plastic frame for the proper display of a driver's city chauffeur's license. The frame shall have a clear plastic face and outside dimensions of 4" x 6" and shall be attached to the dashboard of the vehicle so as to be visible to passengers at all times;
- (4) No part of any vehicle for hire, or accessory thereto (including wheel covers), shall be inoperable, broken, missing, bent or dented out of shape, or visibly cracked or damaged;
- (5) The coverings of floors, seats and back and arm rests in a vehicle for hire shall be repaired of all rips, tears and wear through the coverings material;
- (6) The interior, exterior and trunk of each vehicle for hire shall be clean and sanitary;
- (7) The interior and exterior paint of each vehicle for hire shall not be rusted, flaked or scraped; and
- (8) Each vehicle for hire shall be operated by drivers who comply with the requirements of this article.

Sec. 33-129. Correction notices and citations.

(a) Any vehicle for hire which is not in compliance with the provisions of this chapter may be removed from a public street by any officer with power to enforce this chapter if said officer determines, in his judgment, that removal of the vehicle is necessary for health and safety reasons or as an immediate protection to its passengers and/or to the general public. Thereafter, the vehicle for hire shall not be operated on a public street until a reinspection is had of the vehicle and the vehicle is certified in writing to be in compliance with all provisions of this chapter.

(b) Before a vehicle for hire is removed from service, however, an officer with power to enforce this chapter shall issue a correction notice and/or citation to the holder and/or driver. The correction notice shall state not only the specific reason for the action taken but also the directive that the vehicle shall not be allowed to operate until a reinspection is had of the vehicle and the vehicle is certified to be in compliance with all provisions of this chapter.

Sec. 33-130. Operation in violation of this chapter and/or

other applicable rules, regulations and laws.

A driver shall not operate a vehicle for hire and a holder shall not allow a vehicle for hire to be operated when operation would be in violation of the provisions of this chapter and/or all other applicable rules, regulations and laws.

Secs. 33-131--33-140. Reserved.

DIVISION 8. REVOCATION/SUSPENSION OF PERMITS/LICENSES.

Sec. 33-141. Revocation and suspension of annual permit.

(a) A holder's annual permit shall be revoked for any of the following:

- (1) Failure to commence operations pursuant to the provisions of this chapter within ninety (90) days of the date of issuance of his annual permit;
- (2) Two (2) or more suspensions pursuant to the provisions of this chapter within any twelve-month period;
- (3) Four (4) or more convictions pursuant to the provisions of this chapter within any twelve-month period;
- (4) Conviction of any felony since the date of issuance of the holder's annual permit;
- (5) Revocation of felony probation, parole or mandatory supervision since the date of issuance of the holder's annual permit; or
- (6) Falsification or material alteration or omission of pertinent information in any governmental record, including an application for an annual permit or for renewal thereof.

(b) A holder's annual permit may be revoked, or suspended for a period not to exceed sixty (60) days, where the city manager has determined it is in the best interest of the city for health or safety reasons to do so, and/or where the holder:

- (1) Since the date of issuance of his annual permit, has been convicted for violation 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 section 33-025(j) of this chapter;
- (2) Since the date of issuance of his annual permit, has

been indicted for criminal homicide, including murder, capital murder, voluntary manslaughter, or involuntary manslaughter but excluding criminal negligent homicide, or for any of the offenses listed in section 33-025(j) of this chapter;

- (3) Has employed, contracted, or has under his employment or contract, for each ten (10) or fewer driver under his employment or contract, two (2) or more drivers whose city chauffeur's license has been suspended or revoked under the provisions of this chapter within any twelve-month period;
- (4) Has employed, contracted, or has under his employment or contract drivers who have cumulatively received, within any thirty (30) day period, three (3) or more convictions pursuant to the provisions of this chapter for each ten (10) or fewer vehicles owned and/or operated by the holder in his ground transportation service;
- (5) Has intentionally or knowingly impeded the city manager or other law enforcement agency in the performance of its duty or execution of its authority;
- (6) Has failed to comply with a correction order issued to him by the city manager within the time specified in the order;
- (7) Has failed to comply with this chapter;
- (8) Has substantially breached the terms of the annual permit;
- (9) Has failed to pay a permit fee or permit fee installment at the time it was due;
- (10) Has failed to render for and timely pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the ground transportation service; or
- (11) Has failed to keep in full force and effect a policy of insurance as required by this chapter.

(c) A suspension of an annual permit does not affect the expiration date of the permit.

Sec. 33-142. Annual permit revocation and suspension process.

(a) If the city manager determines that good cause exists, pursuant to this chapter, for recommending revocation or suspension of an annual permit, then the city manager shall

notify the holder, via certified mail, return receipt requested, of his intended recommendation to the city council and of his basis therefor. A copy of the city manager's recommendation shall then be reviewed by the transportation advisory board for their separate recommendation to the city council, after which the city council shall hold a public hearing to determine whether revocation or suspension of the annual permit is warranted.

(b) Upon the holder receiving notice of the city manager's intended recommendation to the city council, said holder shall have ten (10) days from the date of receipt thereof during which to request an opportunity to appear before the transportation advisory board, prior to the board's submission of their separate recommendation to the city council, and present to them any additional information, including witnesses, which may aid the board in their determination of whether or not to make a recommendation to the city council consistent with that of the city manager. The request shall be in writing and directed to the transportation advisory board, in care of the city clerk.

(c) Upon the scheduling of the city council's public hearing for determination of whether to revoke or suspend the annual permit, the holder shall be given an opportunity to appear before said city council and present to them any information, including witnesses, which may be of assistance in arriving at a decision on the matter.

(d) The authority to revoke or suspend an annual permit is vested exclusively with the city council. Hence, upon action being taken by the city council, the city manager shall promptly and without delay act in accordance therewith and pursuant to the directions thereof.

(e) If the annual permit expires at no fault of the holder before a ruling on the revocation or suspension, then said holder may continue to operate the ground transportation service pending a final decision of the matter. The holder, however, shall immediately cease operation of the ground transportation service upon suspension or revocation of his annual permit by the city council.

Sec. 33-143. Reinstatement of annual permit.

Upon revocation of an annual permit, a holder shall not be eligible for re-application for a period of twenty-four (24) months from the date of revocation.

Sec. 33-144. Revocation and suspension of city chauffeur's license.

(a) A driver's city chauffeur's license shall be revoked

for any of the following:

- (1) Suspension or revocation of the driver's state chauffeur's license, or, in the case of a horse-drawn carriage operator, suspension or revocation of the operator's state driver's license;
- (2) Two (2) or more suspensions pursuant to the provisions of this chapter within any twelve-month period;
- (3) Four (4) or more convictions pursuant to the provisions of this chapter within any twelve-month period;
- (4) Four (4) or more convictions of any moving violation of the traffic laws of this or any other city or state within any twelve-month period;
- (5) Conviction of any felony since the date of issuance of the driver's city chauffeur's license;
- (6) Revocation of felony probation, parole or mandatory supervision since the date of issuance of the driver's city chauffeur's license; or
- (7) Falsification or material alteration or omission of pertinent information in any governmental record, including an application for a city chauffeur's license or for renewal thereof.

(b) A driver's city chauffeur's license may be revoked, or suspended for a period not to exceed sixty (60) days, where the city manager has determined it is in the best interest of the city for health and safety reasons to do so, and/or where the driver:

- (1) Since the date of issuance of his city chauffeur's license, has been convicted 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 section 33-025(j) of this chapter;
- (2) Since the date of issuance of his city chauffeur's license, has been indicted for criminal homicide, including murder, capital murder, voluntary manslaughter, or involuntary manslaughter but excluding criminal negligent homicide, or for any of the offenses listed in section 33-025(j) of this chapter; or
- (3) Has failed to comply with this chapter.
- (c) A suspension of a city chauffeur's license does not

affect the expiration of the license.

Sec. 33-145. City chauffeur's license revocation and suspension process.

(a) If the department director determines that good cause exists, pursuant to this chapter, for revocation or suspension of a city chauffeur's license, then said director shall notify the driver, via certified mail, return receipt requested, of his decision to so revoke or suspend and of his basis therefor.

(b) Upon the driver receiving notice of the decision of the department director, said driver shall have ten (10) days from the date of receipt thereof during which to appeal the director's decision to the city manager and request an opportunity to appear before the transportation advisory board, prior to the board's submission of a recommendation on the matter to the city manager, for presentation to them any additional information, including witnesses, which may aid the board in their determination of whether or not to make said recommendation consistent with the decision of the department director. The request shall be in writing and directed jointly to the city manager and to the transportation advisory board, in care of the city clerk.

(c) In disposing of the driver's appeal, the city manager shall consider both the decision of the department director and the subsequent recommendation of the transportation advisory board. Upon action being taken by the city manager, however, the department director shall promptly and without delay act in accordance therewith and pursuant to the directions thereof.

(d) If the city chauffeur's license expires at no fault of the driver before a ruling on the revocation or suspension, then said driver may continue to operate as a driver of a vehicle for hire pending a final decision of the matter. The driver, however, shall immediately cease operation as a driver upon suspension or revocation of his city chauffeur's by the city manager.

Sec. 33-146. Reinstatement of city chauffeur's license.

Upon revocation of a city chauffeur's license, a driver shall not be eligible for re-application for a period of twelve (12) months from the date of revocation, or, in the case of an appeal, from the date the city manager affirms the revocation.

Secs. 33-147--33-199. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. IN GENERAL

Sec. 33-200. Scope of instant article.

Holders of annual permits to operate taxicab services and drivers of taxicabs shall be governed by the provisions of the instant article in addition to all provisions found heretofore in Article I of this chapter.

Secs. 33-201--33-210. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-211. Number of taxicabs.

A holder shall operate his taxicab service with a minimum of fifteen (15) taxicabs and a maximum as set forth and approved in the annual permit.

Sec. 33-212. Permit fee.

Within five (5) working days of the city council's approval of an application for an annual permit, the holder thereof shall pay the city a permit fee of three hundred dollars (\$300.00) per year for each taxicab 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.

Secs. 33-213--33-220. Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-221. City-wide twenty-four hour taxicab service required.

Except as otherwise provided by the holder's operating authority, a holder shall:

- (1) Provide taxicab service to the general public from any point within the city that is accessible by public street;
- (2) Answer each call received for service from within the city as soon as practicable; if the service cannot be

rendered within a reasonable time, however, the holder shall inform the caller of the reason for the delay and the approximate time required to answer the call; and

- (3) Maintain the station required pursuant to section 33-091 operational twenty-four (24) hours a day, seven (7) days a week.

Sec. 33-222. Refusal to convey.

While operating a taxicab, 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:

- (1) The driver was engaged in answering a previous call for service;
- (2) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct; or
- (3) The driver was in reasonable fear of his personal safety.

Sec. 33-223. Carrying passengers by most direct route.

A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.

Sec. 33-224. Solicitations by drivers limited.

(a) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof.

(b) No driver shall solicit passengers at the terminal of any other ground transportation service nor at any point along such other service's established route.

(c) When at any rail, air or bus depot within the city, a driver shall not leave the vehicle over which he has control to enter the depot or go upon its sidewalk or private property for the purpose of soliciting the transportation of any person arriving thereat. It shall be an affirmative defense to prosecution under this subsection:

- (1) That the driver left said vehicle because of necessity or emergency beyond his control; or

- (2) That the driver left said vehicle because such was necessary for entry into or departure from the rail, air or bus depot.

Sec. 33-225. Additional passengers.

On any one trip, no driver shall pick up or permit to ride in a taxicab over which he has control any passenger(s) other than the one(s) first employing the vehicle. It shall be an affirmative defense to prosecution under this section that consent of the person(s) first employing the taxicab was secured prior to the additional passenger(s) being picked up or permitted to ride therein.

Secs. 33-226--33-230. Reserved.

DIVISION 4. FARES

Sec. 33-231. Fare rates.

(a) A holder or driver shall charge only those fare rates which have been approved by the city council for operation of a taxicab from within the city.

(b) A holder may propose a change in fare rates by filing a written request therefor with the city clerk for consideration by the city council after which the city council shall hold a hearing to consider the proposal. The city council may then approve, disapprove or modify the proposed change.

(c) The city clerk shall maintain on file a current schedule of fare rates as charged by each holder.

Sec. 33-232. Display of rate card or sticker.

(a) A holder shall provide all drivers under his employment or with whom he contracts a printed card or sticker containing the city-approved fare rates.

(b) While on duty, a driver shall prominently display the holder's rate card or sticker inside the taxicab in a manner approved by the city manager so as to be visible to passengers upon entry into or while seated in said vehicle.

Sec. 33-233. Computation of fares.

A holder shall equip each taxicab with a taximeter and a driver shall charge only that fee computed by the taximeter.

Sec. 33-234. Taximeters generally.

(a) It shall be unlawful for any taxicab within the city to be operated for public hire unless it is equipped with a taximeter to be used in determining the fare to be charged and no fare shall be charged for any trip other than the fare recorded on the taximeter. No other rates or methods of measuring the distance or time charges shall be allowed. It, however, shall be an affirmative defense to prosecution under this subsection that the fare was computed in accordance with that which is otherwise provided for in this chapter.

(b) Every taximeter shall be of a size and design approved by the city manager and no holder shall allow any taximeter to be used, maintained or installed unless its size and design has first been so approved by said city manager.

(c) On top of every taxicab shall be a tell-tale light connected directly to the taximeter's "on/off" switch such that when the taximeter is in an occupied or earning position, the tell-tale light will illuminate automatically.

(d) No taxicab shall be equipped with any switch, toggle or otherwise, capable of interrupting or ceasing operation of the taximeter throughout a trip's duration.

Sec. 33-235. Measurement of distance; inspection of taximeter; working condition.

(a) Measurement of distance travelled by a taxicab shall be made by the vehicle's taximeter, provided that the taximeter is in good working condition at the time the fare is charged and provided that the taximeter has been inspected and tested for accuracy by the city manager.

(b) Until such time as a vehicle's taximeter is tested and inspected by the city manager and a certificate of accuracy has been issued verifying the accuracy and good working condition thereof, use of the taximeter is prohibited.

(c) The actual cost of taximeter tests and examinations shall be borne by the owner of the taxicab.

Sec. 33-236. Fare collection procedures.

It shall be the duty of the driver to call to the attention of the passenger the amount registered on the taximeter. In no event shall the taximeter be changed to the vacant position until after the fare is paid by the passenger.

Secs. 33-237--33-240. Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-241. Lettering and numbering on taxicabs.

Taxicab 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.

Sec. 33-242. Business name and vehicle number.

It shall be each holder's responsibility to ensure that every taxicab used in the operation of the holder's taxicab service have identified on its outside body the vehicle number and the name and telephone of the holder's business as follows:

- (1) The vehicle number and the name and telephone of the holder's business centered on both sides of the outside body; and
- (2) The vehicle number top-centered on the back window in white lettering.

Sec. 33-243. Electric identification sign on top of taxicabs.

(a) On top of every taxicab shall be an electric light sign advertising the holder's business. Said light sign shall be connected such that when the taximeter flag is in a vacant or nonearning position, the sign will illuminate automatically.

(b) It shall be unlawful for a holder or driver to represent a taxicab to be engaged when it is in fact vacant or vacant when it in fact engaged.

Sec. 33-244. Maximum age of taxicabs.

A holder shall not allow any vehicle over which he has control to be placed into service as a taxicab if it is more than thirty-six (36) months old, or, in any event, to be used as a taxicab for more than sixty (60) months. Age shall be calculated from the first day of January of the model year of the vehicle.

Sec. 33-245. Two-way communication equipment required.

A holder shall equip each taxicab used in the operation of his taxicab service with properly operating two-way communication equipment capable of transmitting and receiving communications. Such equipment shall be installed as permanent fixtures of the taxicab.

Secs. 33-246--33-299. Reserved.

ARTICLE III. SHUTTLES

DIVISION 1. IN GENERAL

Sec. 33-300. Scope of instant article.

Holders of annual permits to operate shuttle services and drivers of shuttles shall be governed by the provisions of the instant article in addition to all provisions found heretofore in Article I of this chapter.

Sec. 33-301--33-310. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-311. Number of shuttles.

A holder shall operate his shuttle service with a minimum of fifteen (15) shuttles and a maximum as set forth and approved in the annual permit.

Sec. 33-312. Permit fee.

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 five hundred dollars (\$500.00) per year for each shuttle 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.

Secs. 33-313--33-320. Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-321. Refusal to convey.

While operating a shuttle, 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:

- (1) The driver was engaged in answering a previous call for service;
- (2) No prearrangement for the service had been made;
- (3) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct; or
- (4) The driver was in reasonable fear of his personal safety.

Sec. 33-322. Solicitations by drivers prohibited.

Drivers shall not solicit or cause the solicitation of passengers with offers of "transportation", "shuttle", "limo", "livery" or any other such word or gesture so as to convey the idea that a vehicle is immediately available for hire without prior arrangement.

Sec. 33-323. Routes.

While operating a shuttle, drivers shall transport persons for hire only between two attractions, or, in the case of interstate travel, only between two attractions or between an attraction and a defined area.

Secs. 33-324--33-330. Reserved.

DIVISION 4. FARES

Sec. 33-331. 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.

Sec. 33-332. Display of fares.

(a) 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) While on duty, a driver shall prominently display the holder's fare card or sticker inside the shuttle in a manner

approved by the city manager so as to be visible to passengers upon entry into or while seated in said vehicle.

Secs. 33-333--33-340. Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-341. Lettering and numbering on shuttles.

Shuttle lettering and numbering as required pursuant to section 33-122 of this chapter shall be at least two and one-half ($2 \frac{1}{2}$) inches in height and the lines constituting the letters and numbers shall be at least five-sixteenths ($5/16$) of an inch broad.

Sec. 33-342. Business name and vehicle number.

It shall be each holder's responsibility to ensure that every shuttle used in the operation of the holder's shuttle service have identified on its outside body the vehicle number and the name and telephone of the holder's business as follows:

- (1) The vehicle number and the name and telephone of the holder's business centered on both sides of the outside body; and
- (2) 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.

Sec. 33-343. Maximum age of shuttles.

A holder shall not allow any vehicle over which he has control, except one with a rated passenger capacity of more than fifteen (15), to be placed into service as a shuttle if it is more than thirty-six (36) months old, or, in any event, to be used as a shuttle for more than sixty (60) months. Age shall be calculated from the first day of January of the model year of the vehicle.

Secs. 33-344--33-399. Reserved.

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 the instant article in addition to all provisions found heretofore in Article I of this chapter.

Secs. 33-401--33-410. Reserved.

DIVISION 2. OPERATING AUTHORITY

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

(a) A holder shall operate his carriage service with a minimum of five (5) horse-drawn carriages and a maximum as set forth and approved in the annual permit.

(b) The city manager shall issue identification 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 his carriage service have displayed its identification tag in a location specified by the city manager.

(c) For contract business requiring more horse-drawn carriages than are authorized in the annual permit, the holder may be allowed, by means of a special permit, to add up to five (5) supplemental horse-drawn carriages, provided:

- (1) The holder requests permission from the city manager in writing at least forty-eight (48) hours in advance stating the reason for the need, the identification of each of the additional horse-drawn carriages to be used, the number of additional carriages to be used, and the routes to be utilized;
- (2) The holder is issued identification tags for the supplemental horse-drawn carriages;
- (3) The supplemental horse-drawn carriages are not operated for more than twenty-four (24) hours;
- (4) The supplemental horse-drawn carriages are operated only during the hours authorized in the special permit;
- (5) The supplemental horse-drawn carriages are not stationary at carriage stands; and
- (6) The holder commits to returning to the city manager, by a date and time specified, the identification tags

issued to him hereunder.

Sec. 33-412. Permit fee.

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 five hundred dollars (\$500.00) 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.

Secs. 33-413--33-420. 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 the 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.

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

DIVISION 4. SERVICE REGULATIONS

Sec. 33-431. Hours of operation.

(a) A driver may operate a horse-drawn carriage every day from October 1 through April 30 only during the hours of 11:00 a.m. to 3:00 p.m. and 6:00 p.m. to 12:00 a.m.

(b) A driver may operate a horse-drawn carriage every day from May 1 through September 30 only during the hours of 9:00 a.m. to 12:00 p.m. and 7:00 p.m. to 12:00 a.m.

(c) Irrespective of subsections (a) and (b) 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.

(d) Irrespective of subsections (a), (b) and (c) above, all carriage service operations shall be suspended whenever the ambient weather temperature is at or exceeds 95°F as reported by the national weather service; interpretation and/or enforcement of this provision shall be solely by officers hereunder given the power to enforce this chapter and/or by veterinarians employed with or contracted by the city.

(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 and/or except pursuant to separate authority granted by the city manager.

Sec. 33-432. Routes.

(a) Horse-drawn carriages shall be operated only along the following routes:

- (1) From the carriage stand on southbound Alamo (between Nueva and Arciniega), south on Alamo, west on Durango, south on St. Mary's, southwest on King William, and then anywhere within the King William District provided that horse-drawn carriages never cross or enter Alamo Street. Horse-drawn carriages shall then leave the King William District via a route north on Pancoast, east on Durango, north on St. Mary's, east on Arciniega, north on Presa, east on Nueva, and south on Alamo;
- (2) From the carriage stand on northbound San Saba (between Dolorosa and Nueva), north on San Saba, east on Houston, south on Santa Rosa, east on Nueva and south on Alamo to the carriage stand on southbound

Alamo (between Nueva and Arciniega). Horse-drawn carriages shall then return via a route west on Arciniega, north on Presa; west on Nueva, and north on San Saba;

- (3) From the carriage stand on eastbound Houston (at Avenue E), east on Houston, south on Bonham, east on Crockett, north on Bowie (which turns into Fourth), northwest on Fourth, southwest on Avenue E, east on Houston, south on Bonham, west on Crockett, north on Alamo Plaza East and east on Houston; and
- (4) During the hours from 6:00 p.m. to 12:00 a.m. only, from the carriage stand on eastbound Houston (at Avenue E), east on Houston, south on Bonham, west on Crockett, north on Alamo Plaza East, across Houston onto Avenue E, northeast on Avenue E, west on Travis, south on Main, east on Dolorosa (which turns into Market), north on Soledad, east on Travis and southwest on Avenue E to the carriage stand on eastbound Houston (at Avenue E).

(b) It shall be an affirmative defense to prosecution under subsection (a) of this section that operation of a horse-drawn carriage along a route other than one designated above was pursuant to prior approval granted jointly by the police department, the department director and the director of public works. Such approval, however, must be evidenced by a "CARRIAGE ROUTE/TIME EXCEPTION" permit, which may be issued provided:

- (1) The holder seeks permission from the city manager in writing at least forty-eight (48) hours in advance stating the reason for requesting the exception, the route being proposed, the date and time for which the exception is sought, and the number of carriages to be involved; and
- (2) Payment of the fee required pursuant to section 33-063 of this chapter is timely made prior to the event.

(c) Irrespective of subsection (b) above, horse-drawn carriages may be operated only within the area bounded as follows:

West: I.H. 10
North: I.H. 35, U.S. Highway 281
East: Cherry Street
South: South Alamo from I.H. 10 to Durango then east to South Cherry

Within this area, horse-drawn carriages shall be operated only over those routes designated and/or approved pursuant to subsections (a) and (b) above.

(d) Additional restrictions may be imposed by the city council as necessary to promote the public safety. Furthermore, temporary restrictions may be imposed by the director of public works and/or the police department during periods of heavy traffic congestion resulting from construction, holiday activities, or special events.

Sec. 33-433. Carriage stands and horse feeding and watering locations.

Passenger pick-up carriage stands and stationary horse feeding and watering locations shall be only at areas designated by the director of public works to be for these purposes. 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 of public works and shall be complied with.

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

(a) A holder shall, at his own expense, keep routes, carriage stands and 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.

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:

- (1) The driver was engaged in answering a previous call for service;
- (2) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct; or
- (3) The driver was in reasonable fear of his personal safety.

Sec. 33-436. Additional passengers.

On any one trip, no driver shall pick up or permit to ride in a horse-drawn carriage over which he has control any passenger(s) other than the one(s) first employing 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.

Secs. 33-437--33-440. Reserved.

DIVISION 5. 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.

Sec. 33-442. Display of fares.

(a) 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) 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.

Secs. 33-443--33-450. Reserved.

DIVISION 6. VEHICLES AND EQUIPMENT

Sec. 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.

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 and 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
- (2) 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.

Secs. 33-453--33-460. Reserved.

DIVISION 7. HORSES

Sec. 33-461. Horse license required.

(a) Except in connection with special events authorized by the city manager 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) 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.

(c) An application for a horse license shall be accompanied by the horse license fee required pursuant to section 33-063 of this chapter.

(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.

(e) A horse license shall not be transferable. Upon the transfer of ownership of any horse to a new owner, the new owner shall, within fifteen (15) days of such transfer, obtain a license for such horse, if used for a carriage service.

(f) Each horse license shall, pursuant to the provisions of this article, be assigned an official identification number by

the director of the metropolitan health district and each horse licensed herein shall be identified by marking a number as assigned by the director of the metropolitan health district on the horse's hoof. It shall be the responsibility of the holder to maintain horse identification markings clearly visible at all times in a color contrasting with that of the horse's hoof.

(g) The holder shall at all times maintain the horse license at the stable where the horse is kept and shall, 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.

Sec. 33-462. Care of horses.

(a) The 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 appropriate and 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 officers with power to enforce this chapter and/or veterinarians 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 are not at work for more than ten (10) hours in any continuous twenty-four (24) hour period.

(f) Holders and drivers shall be responsible for any violation under this article, amendments hereto, and rules and regulations promulgated hereunder, where it is shown that each or either 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 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 work by the 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 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 reexamined and certified in writing by a veterinarian 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 before the horse is put in service and every three (3) months thereafter. Holders shall be responsible for maintaining the following on each horse-drawn carriage in operation:

- (1) Current examination record of the horse in use;
 - (2) Current picture of the horse;
 - (3) Weight of the horse, certified every three (3) months by a veterinarian of this state;
 - (4) 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 (3) years old; weigh at least twelve hundred (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, 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 (4) months under the direction of a veterinarian. 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 (6) to eight (8) weeks, using caulks or borium to prevent slippage; shoes shall be shod in a manner approved by the 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.
- (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.

Secs. 33-463--33-470. Reserved.

DIVISION 8. STABLES

Sec. 33-471. Location.

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

Sec. 33-472. Requirements.

(a) All stables shall have standing stalls of minimum dimensions of twelve (12) feet by twelve (12) feet by twelve (12) feet. The stalls shall be enclosed on all four (4) 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 (6) inches of materials. Bedding for clay, dirt or rubber base floor shall consist of at least three (3) inches of materials.

(c) While in stalls, horses shall have access to hay at all times. The hay shall be kept clean, fresh and must be of good quality.

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

Secs. 33-473--33-480. Reserved.

DIVISION 9. EQUIPMENT

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.

Secs. 33-482--33-490. Reserved.

DIVISION 10. 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.

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 of at least thirty-two (32) candlepower 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.

Sec. 33-493. Carriage front.

(a) One 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.

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, 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.

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.

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 ($13 \frac{3}{4}$) inch fluorescent orange triangle with a one and five-eighths ($1 \frac{5}{8}$) 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 Agriculture 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.

Secs. 33-497--33-499. Reserved.

ARTICLE V. LIMOUSINES

DIVISION 1. IN GENERAL

Sec. 33-500. Scope of instant article.

Holders of annual permits to operate limousine services and drivers of limousines shall be governed by the provisions of the instant article in addition to all provisions found heretofore in Article I of this chapter.

Secs. 33-501--33-510. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-511. Permit fee.

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 five hundred dollars (\$500.00) per year for each limousine 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.

Secs. 33-512--33-520. Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-521. Refusal to convey.

While operating a limousine, 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:

- (1) The driver was engaged in answering a previous call for service;
- (2) No prearrangement for the service had been made;
- (3) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct;
or
- (4) The driver was in reasonable fear of his personal safety.

Sec. 33-522. Solicitations by drivers prohibited.

Drivers shall not solicit or cause the solicitation of passengers with offers of "transportation", "shuttle", "limo", "livery" or any other such word or gesture so as to convey the

idea that a vehicle is immediately available for hire without prior arrangement.

Sec. 33-523. Additional passengers.

On any one trip, no driver shall pick up or permit to ride in a limousine over which he has control any passenger(s) other than the one(s) first employing the vehicle. It shall be an affirmative defense to prosecution under this section that consent of the person(s) first employing the limousine was secured prior to the additional passenger(s) being picked up or permitted to ride therein.

Secs. 33-524--33-530. Reserved.

DIVISION 4. FARES

Sec. 33-531. 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.

Sec. 33-532. Display of fares.

(a) 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) While on duty, a driver shall prominently display the holder's fare card or sticker inside the limousine in a manner approved by the city manager so as to be visible to passengers upon entry into or while seated in said vehicle.

Secs. 33-533--33-599. Reserved.

ARTICLE VI. LIVERY VEHICLES

DIVISION 1. IN GENERAL

Sec. 33-600. Scope of instant article.

Holders of annual permits to operate livery services and drivers of livery vehicles shall be governed by the provisions of the instant article in addition to all provisions found

heretofore in Article I of this chapter.

Secs. 33-601--33-610. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-611. Number of livery vehicles.

A holder shall operate his livery service with a minimum of fifteen (15) livery vehicles and a maximum as set forth and approved in the annual permit.

Sec. 33-612. Permit fee.

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 five hundred dollars (\$500.00) per year for each livery vehicle 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.

Secs. 33-613--33-620. Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-621. Refusal to convey.

While operating a livery vehicle, 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:

- (1) The driver was engaged in answering a previous call for service;
- (2) No prearrangement for the service had been made;
- (3) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct;
or
- (4) The driver was in reasonable fear of his personal safety.

Sec. 33-622. Solicitations by drivers prohibited.

Drivers shall not solicit or cause the solicitation of

passengers with offers of "transportation", "shuttle", "limo", "livery" or any other such word or gesture so as to convey the idea that a vehicle is immediately available for hire without prior arrangement.

Sec. 33-623. Additional passengers.

On any one trip, no driver shall pick up or permit to ride in a livery vehicle over which he has control any passenger(s) other than the one(s) first employing the vehicle. It shall be an affirmative defense to prosecution under this section that consent of the person(s) first employing the livery vehicle was secured prior to the additional passenger(s) being picked up or permitted to ride therein.

Secs. 33-624--33-630. Reserved.

DIVISION 4. FARES

Sec. 33-631. 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.

Sec. 33-632. Display of fares.

(a) 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) While on duty, a driver shall prominently display the holder's fare card or sticker inside the livery vehicle in a manner approved by the city manager so as to be visible to passengers upon entry into or while seated in said vehicle.

Sec. 33-633--33-640. Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-641. Maximum age of livery vehicles.

A holder shall not allow any vehicle over which he has control to be placed into service as a livery vehicle if it is more than thirty-six (36) months old, or, in any event, to be used as a livery vehicle for more than sixty (60) months. Age shall be calculated from the first day of January of the model year of the vehicle.

Secs. 33-642--33-699. Reserved.

ARTICLE VII. TOUR VEHICLES

DIVISION 1. IN GENERAL

Sec. 33-700. Scope of instant article.

Holders of annual permits to operate tour services and drivers of tour vehicles shall be governed by the provisions of the instant article in addition to all provisions found heretofore in Article I of this chapter.

Secs. 33-701--33-710. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-711. Permit fee.

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 five hundred dollars (\$500.00) per year for each tour vehicle 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.

Secs. 33-712--33-720. Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-721. Hours of operation in King William District.

In the King William District, tour vehicles may be operated only during the following hours:

- (1) From 9:00 a.m. to 6:00 p.m., Monday through Saturday;
and
- (2) From 12:00 p.m. to 6:00 p.m. on Sundays.

Sec. 33-722. Routes.

A holder shall file with the city manager the routes over which the tour vehicles under his control will be operating. Such routes may be adjusted provided changes are filed with the city manager ten (10) days prior to going into effect.

Sec. 33-723. Refusal to convey.

While operating a tour vehicle, 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:

- (1) The driver was engaged in answering a previous call for service;
- (2) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct; or
- (3) The driver was in reasonable fear of his personal safety.

Secs. 33-724--33-730. Reserved.

DIVISION 4. FARES

Sec. 33-731. 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.

Sec. 33-732. Display of fares.

(a) 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) While on duty, a driver shall prominently display the holder's fare card or sticker inside the tour vehicle in a manner approved by the city manager so as to be visible to passengers upon entry into or while seated in said vehicle.

Secs. 33-733--33-740. Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-741. Lettering and numbering on tour vehicles.

Tour vehicle 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.

Sec. 33-742. Business name and vehicle number.

It shall be each holder's responsibility to ensure that every tour vehicle used in the operation of the holder's tour service have identified on its outside body the vehicle number and the name and telephone of the holder's business as follows:

- (1) The vehicle number and the name and telephone of the holder's business centered on both sides of the outside body; and
- (2) 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.

Secs. 33-743--33-799. Reserved.

ARTICLE VIII. CHARTER VEHICLES

DIVISION 1. IN GENERAL

Sec. 33-800. Scope of instant article.

Holders of annual permits to operate charter services and drivers of charter vehicles shall be governed by the provisions of the instant article in addition to all provisions found heretofore in Article I of this chapter.

Secs. 33-801--33-810. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-811. Permit fee.

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 five hundred dollars (\$500.00) per year for each charter vehicle 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.

Secs. 33-812--33-820. Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-821. Refusal to convey.

While operating a charter vehicle, 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:

- (1) The driver was engaged in answering a previous call for service;
- (2) The person requesting service was not among those of the specific group for whom the vehicle had been chartered;
- (3) The driver had good reason to believe that the person requesting service was engaged in unlawful conduct; or
- (4) The driver was in reasonable fear of his personal safety.

Secs. 33-822--33-830. Reserved.

DIVISION 4. FARES

Sec. 33-831. 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.

Secs. 33-832--33-840. Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-841. Lettering and numbering on charter vehicles.

Charter vehicle 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.

Sec. 33-842. Business name and vehicle number.

It shall be each holder's responsibility to ensure that every charter vehicle used in the operation of the holder's charter service have identified on its outside body the vehicle number and the name and telephone of the holder's business as follows:

- (1) The vehicle number and the name and telephone of the holder's business centered on both sides of the outside body; and
- (2) 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.

Sec. 33-843. Maximum age of charter vehicles.

A holder shall not allow any vehicle over which he has control, except one with a rated passenger capacity of more than fifteen (15), to be placed into service as a charter vehicle if it is more than thirty-six (36) months old, or, in any event, to be used as a charter vehicle for more than sixty (60) months. Age shall be calculated from the first day of January of the model year of the vehicle.

Secs. 33-844--33-899. Reserved.

CITY OF SAN ANTONIO PUBLIC HEARING

Interdepartment Correspondence Sheet

AGENDA ITEM NO. 6

TO: City Council through City Manager
FROM: Office of the Supervisor of Public Utilities
COPIES TO: Files
SUBJECT: COMPREHENSIVE GROUND TRANSPORTATION ORDINANCE

Date Dec. 13, 1989

SUMMARY AND RECOMMENDATION

City Council adoption of a comprehensive ground transportation ordinance amending Chapter 33 of the City Code is recommended.

POLICY ANALYSIS

As directed by City Council, a comprehensive ground transportation ordinance has been developed for the purpose of consolidating the ordinances regulating the various transportation services and addressing previously unregulated ground transportation services. The ordinance will regulate all vehicles for hire operating in the City of San Antonio to include: taxicabs, shuttles, horse drawn carriages, livery services, limousines, charter, and tour vehicles. The Transportation Advisory Board held two public hearings to receive comments on the proposed ordinance. The Transportation Advisory Board considered the proposed ordinance and addressed all areas of concern after receiving comments from the public hearings, the Transportation Office staff, and the Transportation Advisory Board subcommittee members. Attachments (1) and (2) are summaries of the proposed ordinance with emphasis on major changes regarding regulation of each service.

An implementation date of January 1, 1990 is requested with the following exceptions:

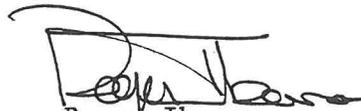
- Maximum age of vehicles - compliance date of October 1990.
- Renewal of permit - effective October 1990.
- Regulation of tour vehicles/limousine/charter vehicles - effective January 1991.
- Changes affecting airport rules and regulations - Aviation Department will undergo a transition from pre-arranged shuttle service to on-demand shuttle service.

City Council through City Manager
Page 2
December 13, 1989

Attached is a list as requested by Council, of the policy issues in the draft ordinance to be resolved at the public hearing on December 21, 1989.

FISCAL IMPACT

The regulation of additional transportation services will necessitate the additional expenditure of approximately \$29,196. annually. In addition, a one-time expenditure of \$35,930. will provide necessary furniture, fixtures and an additional vehicle for the inspection process.

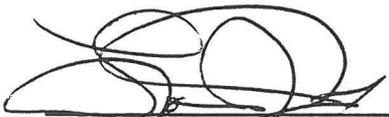


Roger Ibarra
Supervisor of Public Utilities

RI:AMD:bc

Attachments

For Your Approval:



Louis J. Fox
City Manager

COMPREHENSIVE GROUND
TRANSPORTATION ORDINANCE

POLICY ISSUES TO BE RESOLVED

CURRENT

1. Age of Vehicles
No age limit on vehicles.
2. Fleet Size
No minimum taxicab
fleet size.
3. Appeals to Council
license denial to
City Council.
4. Shuttle Service
Pre-arrangement
required.
5. VIA
No regulation
6. Fees
Taxicab - \$300. annually per vehicle
Shuttle - \$500. annually per vehicle
Livery - \$500. annually per vehicle
Carriage Service - \$500. annually per vehicle
Limousine - 0
Tour Vehicle - 0
Charter Vehicle 0

PROPOSED

1. Sec. 33- 244. Maximum age of
taxicabs shall be (8) model years.
2. Sec. 33-211. Number of taxicabs -
taxicab service shall be operated
with a minimum of fifteen (15) taxicabs.
3. Sec. 33-145. Appeal of chauffeur's
license suspension/revocation to TAB
and City Manager for final decision.
4. Sec. 33-322. Pre-arrangement required.
Council requested alternative:
On demand service allowed. Transition
at Airport from pre-arrangement to on
demand.
5. Regulate Grayline Tour
and Charter Service.
6. Taxicab - \$300. annually per vehicle
Shuttle - \$500. annually per vehicle
Carriages - \$500. annually per vehicle
Limousine - \$500. annually per vehicle
Tour Vehicle - \$500. annually per vehicle
Charter - \$500. annually per vehicle
Livery - \$500. annually per vehicle