

AN ORDINANCE **2010-01-14-0016**

**AMENDING CHAPTER 33 OF THE CITY CODE TO MAKE ARTICLE I OF CHAPTER 33 APPLICABLE TO HORSE-DRAWN CARRIAGE OPERATIONS AND TO AUTHORIZE THE CHIEF OF POLICE TO ESTABLISH HORSE-DRAWN CARRIAGE ROUTES; AND PROVIDING FOR CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS.**

\* \* \* \* \*

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

**SECTION 1.** Article I. General Provisions of Chapter 33 of the City Code of San Antonio, Texas made applicable to Article IV. Horse-Drawn Carriages of the City Code of San Antonio, Texas by Section 1 of Ordinance 82938, passed and approved on September 28, 1995, shall no longer apply to Article IV. Horse-Drawn Carriages. Article I. General Provisions of Chapter 33 of the City Code of San Antonio, Texas, as adopted by Ordinance 82938, passed and approved on September 28, 1995, and as amended from time to time since its adoption, shall apply to Article IV. Horse-Drawn Carriages of the City Code of San Antonio, Texas.

**SECTION 2.** Section 33-002 of the City Code of San Antonio, Texas is hereby amended, in its entirety, as follows:

- (a) 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.
- (b) This chapter does not apply to a ground transportation service or to a person operating a ground transportation service that is:
  - (1) Used to transport a person from a point outside the city to destinations inside the city, if the ground transportation service leaves the city without receiving a new passenger inside the city;
  - (2) Operated under state or federal authority unless subject to the city's regulatory authority;
  - (3) Used to transport persons for hire and is regulated by another city ordinance;
  - (4) In the performance of a service involving a point of origin or destination outside the city that was authorized by a certificate of public convenience and necessity issued by the Texas Railroad Commission, except that the

director shall prescribe routes, times, and locations for loading, unloading, and stopping on public streets in the city for a ground transportation service operated under such a certificate.

- (5) Operated for a funeral home in the performance of funeral services;
  - (6) Provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between work stations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;
  - (7) Owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;
  - (8) Used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;
  - (9) Used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;
  - (10) Owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;
  - (11) A courtesy vehicle as defined in section 33-003 if the name of the business or sponsor of such vehicle is permanently affixed to the outside of the vehicle;
  - (12) Those services the provision of which is a continuation of interstate travel; or
  - (13) 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.
- (c) Divisions 4 and 6 of this article do not apply to:
- (1) The driver of a ground transportation service operated under authority granted by the Interstate Commerce Commission, if the driver is operating within the scope of the driver's employment; or
  - (2) Motorcoaches having a gross-weight rating in excess of 23,000 pounds.

**SECTION 3.** Section 33-003 of the City Code of San Antonio, Texas is hereby amended to add the following definitions:

*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.

*Horse* shall mean the animal itself or any other equine.

*Horse-Drawn Carriage* shall mean a chauffeured vehicle that is pulled by one or more horses and is used to transport persons for hire.

*Operation of a Horse-Drawn Carriage* shall mean a Horse-Drawn Carriage is in operation when it is out of its stable and pulling a carriage.

*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 two (2) years.

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

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

*Work* shall mean a horse that is out of its stable and pulling a carriage.

**SECTION 4.** Section 33-411 of the City Code of San Antonio, Texas is hereby amended, in its entirety, as follows:

- (a) The Director shall set the total number of horse-drawn carriage permits that may be issued to holders collectively. The Director shall establish said total number as a rule or regulation in accordance with Sections 33-004 and 33-005.
- (b) A holder shall operate the holder's carriage service with the maximum number of horse-drawn carriages as set forth and approved in the permit agreement.
- (c) The Director 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 Director.

**SECTION 5.** Section 33-431 of the City Code of San Antonio, Texas is hereby amended, in its entirety, as follows:

- (a) The Director shall establish the hours during which a driver may operate a horse-drawn carriage as a rule or regulation in accordance with Sections 33-004 and 33-005.
- (b) Irrespective of subsections (a) above, horse-drawn carriages shall not be operated in the King William District during the following hours:
  - (1) After 10:30 p.m., Monday through Sunday; and
  - (2) Before 12:00 p.m. on Sundays.
- (c) Irrespective of subsections (a) and (b) above, all carriage service 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.

- (d) 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 Director.

**SECTION 6.** Section 33-432 of the City Code of San Antonio, Texas is hereby amended, in its entirety, as follows:

Horse-Drawn Carriage routes shall be established by the Director as a rule or regulation in accordance with Sections 33-004 and 33-005.

**SECTION 7.** Section 33-433 of the City Code of San Antonio, Texas is hereby amended, in its entirety, as follows:

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

**SECTION 8.** The following rules are hereby adopted. Hereafter, said rules may be amended or abolished by the Director without the action of the San Antonio City Council, so long as such is done so in accordance with Sections 33-004 and 33-005 of the City Code of San Antonio, Texas.

Rule 1001. Hours of Operation. A driver may only operate a horse-drawn carriage during the hours of 11:00 a.m. to 4:00 p.m. and 6:00 p.m. to 2:00 a.m.

Rule 1002. Stands. Carriage stands are established at the following locations: (1) Crockett Street (next to the Alamo); (2) Houston Street (next to the Alamo); (3) S. Alamo Street (next to the Fairmont Hotel); (4) S. Alamo Street (next to La Villita); and (5) San Saba Street (next to Market Square).

Rule 1003. Routes. The following routes are established:

- (A) Crockett Street (next to the Alamo) stand:

Route 1 (long route). From the stand, turn left on Alamo Plaza; right on Blum; right on Alamo Plaza; left on Travis; right on Navarro; right on Auditorium Circle; right on Jefferson; left on Travis; right on Avenue E; left on Houston; right on Bonham; and right on Crockett to the stand.

Route 2 (short route). From the stand, turn left on Alamo Plaza; right on Blum; right on Alamo Plaza; left on Crockett; right on Navarro; right on College; left on Presa; right on E. Houston; left on Jefferson; right on Travis; right on Avenue E; left on Houston; right on Bonham; and right on Crockett to the stand.

Route 3 (King William route). From the stand, turn left on Alamo Plaza; right on Blum; right on Alamo Plaza; left on Crockett; left on Presa; right on Arciniega; left on St. Mary's; and right on Madison into King William. Horse-drawn carriages may go anywhere in King William, provided that they do not cross or enter Alamo Street. Carriages must exit King William via Pancoast and turn right on Durango; left on St. Mary's; continue on Navarro; right on Travis; right on Avenue E; left on Houston; right on Bonham; and right on Crockett to the stand.

(B) Houston Street (next to the Alamo) stand:

Route 1 (long route). From the stand, turn right on Bonham; right on Crockett; left on Alamo Plaza; right on Blum; right on Alamo Plaza; left on Travis; right on Navarro; right on Auditorium Circle; right on Jefferson; left on Travis; right on Avenue E; and left on Houston to the stand.

Route 2 (short route). From the stand, turn right on Bonham; right on Crockett; left on Alamo Plaza; right on Blum; right on Alamo Plaza; left on Crockett; right on Navarro; right on College; left on Presa; right on E. Houston; left on Jefferson; right on Travis; right on Avenue E; and left on Houston to the stand.

Route 3 (King William route). From the stand, turn right on Bonham; right on Crockett; left on Alamo Plaza; right on Blum; right on Alamo Plaza; left on Crockett; left on Presa; right on Arciniega; left on St. Mary's; and right on Madison into King William. Horse-drawn carriages may go anywhere in King William, provided that they do not cross or enter Alamo Street. Carriages must exit King William via Pancoast and turn right on Durango; left on St. Mary's; continue on Navarro; right on Travis; right on Avenue E; left on Houston; right on Bonham; and right on Crockett to the stand.

(C) S. Alamo Street (next to the Fairmont Hotel) and S. Alamo Street (next to La Villita) stands:

Route 1 (long route). From the stand, turn right on Arciniega; right on St. Mary's; right on Navarro; right on Travis; right on Avenue E; left on Houston; right on Bonham; right on Alamo Plaza; left on Crockett; left on Presa; left on Market; and right on S. Alamo to the stand.

Route 2 (short route). From the stand, turn right on Arciniega; right on St. Mary's; right on Navarro; right on College; right on Presa; left on Market; and right on S. Alamo.

Route 3 (King William route). From the stand, turn right on Arciniega; left on St. Mary's; and right on Madison into King William. Horse-drawn carriages may go anywhere in King William, provided that they do not cross or enter Alamo Street. Carriages must exit King William via Pancoast and turn right on Durango; left on St. Mary's; continue on Navarro; right on Market; and right on S. Alamo to the stand.

(D) San Saba Street (next to Market Square) stand:

Route 1 (long route). From the stand, turn right on Houston; right on Santa Rosa; left on Nueva; right on Alamo; right on Arciniega; right on St. Mary's; left on Nueva; and right on San Saba to the stand.

Route 2 (short route). From the stand, turn right on Martin; right on Santa Rosa; right on Nueva; and right on San Saba to the stand.

**SECTION 9.** All other provisions of Chapter 33 of the City Code of San Antonio, Texas shall remain in full force and effect.

**SECTION 10.** Should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance be, for any reason, held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 11.** The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 12.** The City Clerk of the City of San Antonio is hereby directed to publish notice of this ordinance as required by Section 17 of the City Charter of the City of San Antonio. The publication shall consist of the full text of this ordinance, or a substantive condensed statement of the nature and purpose of this ordinance, and the penalty for violation of its provisions.

**SECTION 13.** This ordinance shall take effect five days after the date of the publication.

**PASSED AND APPROVED** this 14th day of January, 2010.



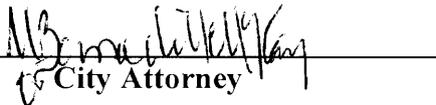
M A Y O R

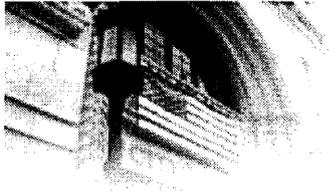
JULIÁN CASTRO

ATTEST:

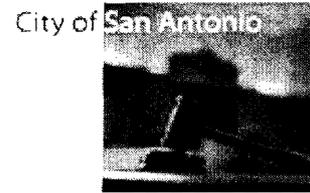
  
City Clerk

APPROVED AS TO FORM:

  
City Attorney



Request for  
**COUNCIL**  
 ACTION



## Agenda Voting Results - 18B

<b>Name:</b>	18B						
<b>Date:</b>	01/14/2010						
<b>Time:</b>	10:24:22 AM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	An Ordinance amending Chapter 33 of the City Code to make Article I of Chapter 33 applicable to horse-drawn carriage operations and to authorize the Chief of Police to establish horse-drawn carriage routes; and providing for criminal and civil penalties for violations.						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1				x		
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				