

ORDINANCE NO. 14-048

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 35, "VEHICLES FOR HIRE" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED" BY MODIFYING AND ADDING PROVISIONS FOR HORSE DRAWN CARRIAGE OPERATORS WITHIN THE CITY OF GALVESTON'S VEHICLE FOR HIRE LICENSING REGULATIONS; INCREASING INSURANCE REQUIREMENTS; LOWERING MINIMUM AGE LIMIT; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Galveston Police Department and Staff have been tasked with the licensing and regulation of horse drawn carriages along with other vehicles for hire; and

WHEREAS, the Galveston Police Department and Staff have recognized that chauffeurs of horse drawn carriages should be subject to the same background checks and procedures as other chauffeurs for the safety of the public; and

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the public interest to accept the regulations proposed by the Galveston Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 35 "Vehicles for Hire" of "The Code of the City of Galveston 1982, as amended" is hereby amended to include horse drawn carriage licenses and the sections below shall be amended to read and provide as follows:

ARTICLE I. TAXICABS, LIMOUSINES, BUSES, SHUTTLES, ~~AND~~ PEDICABS, AND HORSE DRAWN CARRIAGES

DIVISION 1. GENERAL PROVISIONS

Sec. 35-1. Statement of policy.

It is the policy of the city to provide for and to promote adequate and efficient taxicab, limousine, bus, shuttle, ~~and pedicab~~, and horse drawn carriage services in the city. To this end, this chapter provides for the regulation of taxicab, limousine, bus, shuttle, ~~and pedicab~~, and horse drawn carriage rates and 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.

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Sec. 35-4. - Definitions.

The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:

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City chauffeur's license means a license issued to an individual by the director authorizing that individual to drive or operate a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage vehicle for hire in the city.

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Driver means an individual who drives or operates a taxicab, limousine, bus shuttle, ~~or~~ pedicab, or horse drawn carriage.

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Operate means to drive or to be in control of a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage.

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Operator means the driver of a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage vehicle; the owner of a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage; or the holder of a taxicab, limousine, bus, shuttle, or pedicab operating authority.

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DIVISION 3. CITY CHAUFFEUR'S LICENSE

Sec. 35-31. City chauffeur's license required.

- (a) A person may not drive or operate a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage inside the city pursuant to this chapter without a valid city chauffeur's license issued to the person under this article.
- (b) A taxicab, limousine, bus, shuttle service, ~~or~~ pedicab, or horse drawn carriage holder or owner shall not employ or contract with a driver or otherwise allow a person to drive for hire a taxicab, limousine, bus shuttle, ~~or~~ pedicab, or horse drawn carriage owned, controlled, or operated by the holder or owner unless the person has a valid city chauffeur's license issued under this article.

Sec. 35-32. - Qualification for city chauffeur's license.

- (a) To qualify for a city chauffeur's license, an applicant shall:
 - (1) Be at least ~~twenty-one (21)~~ eighteen (18) years of age;

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- (b) An applicant who has been sentenced for an offense listed in subsection (a)(8) or (9), for which the required time period provided by this chapter has elapsed, may qualify for a taxicab, limousine, shuttle, ~~or~~ pedicab, or horse drawn carriage driver's license only if the director determines that the applicant is presently fit to engage in the occupation of a taxicab, limousine, shuttle, ~~or~~ pedicab, or horse drawn carriage driver.

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Sec. 35-39. - Suspension by designated representative.

- (a) If a representative designated by the director to enforce this chapter determines that a licensee has failed to comply with this chapter (except section 35-32) or a regulation established under this chapter, the representative may suspend the taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage driver's license for a period of time not to exceed three (3) days by personally serving the licensee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of his right of appeal in accordance with subsections (b) and (c) of this section.

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- (e) The director may revoke a city chauffeur's license if the director determines that the licensee:

- (1) Operated a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage inside the city a period in which the city chauffeur's license was suspended;

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- (f) A person whose city chauffeur's license is revoked shall not:

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- (2) Drive a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage inside the city.

- (h) After receipt of notice of suspension, revocation, or denial of license renewal, the licensee shall, on the date specified in the notice, surrender his city chauffeur's license to the director and discontinue driving a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage inside the city.

- (i) Notwithstanding subsections (c) and (h), if the licensee appeals the suspension or revocation under this section, the licensee may continue to drive a taxicab, limousine, bus, shuttle, ~~or~~ pedicab, or horse drawn carriage pending the appeal unless:

- (1) The city chauffeur's license of the licensee is suspended pursuant to subsection (b) or revoked pursuant to subsection (e)(6) of this section; or
- (2) The director determines that continued operation by the licensee would impose an immediate threat to public safety.

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ARTICLE II. HORSE DRAWN CARRIAGES

Sec. 35-140. Insurance requirements.

Each permit issued shall be issued subject to the following insurance requirements. A permit shall not be issued until the following requirements are met. A permit shall be revoked if the following requirements are not continuously met:

- (a) Each permit holder shall furnish the city proof of a public general liability insurance policy issued by an insurance company authorized to do business in Texas. A permit shall not be issued until proof of insurance is provided and accepted by the City.
- (b) General Liability insurance policy limits shall be a minimum of one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per occurrence, three hundred thousand dollars (\$300,000.00), including one hundred thousand dollars (\$100,000.00) for personal injury, and twenty-five thousand dollars (\$25,000.00) property damage.
- (c) The insurance policy shall name the city as an additional insured and shall contain a thirty-day cancellation clause that requires notice of cancellation to the city.

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Sec. 35-145. Driver requirements and conduct.

- ~~(a) All drivers shall be at least eighteen (18) years old.~~
- ~~(b) All drivers shall have a valid motor vehicle license in the driver's possession at all times when operating a carriage.~~
- ~~(c) A driver shall abide by all applicable state motor vehicle laws, including but not limited to, driving while intoxicated.~~
- ~~(d) A driver shall not use abusive language or obscene hand gestures toward other drivers, customers, city employees or representatives, or the public in general.~~
- ~~(e) A driver shall not smoke, eat, or wear head phones while the carriage is in motion.~~
- ~~(f) A driver or other carriage employee shall not drink alcohol while on duty.~~
- (a) All drivers shall comply with Sections 35-31 through 35-43 of Article I of this chapter regarding the requirements and procedures for a City of Galveston chauffeur's license.
- ~~(g)~~ (b) When conditions of poor visibility exist, including but not limited to one-half (½) hour after sunset and one-half (½) hour before sunrise, a driver shall cause the front and tail lights of the carriage to be in operation.
- ~~(h)~~ (c) A driver shall not permit more passengers in a carriage than allowed by the carriage capacity.
- ~~(i)~~ (d) While on duty, drivers and all other employees of a carriage service shall dress neatly.

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SECTION 3. It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

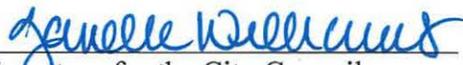


TREVOR FANNING
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 14th day of August, 2014, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 19 day of August, 2014.




Secretary for the City Council
of the City of Galveston