

AN ORDINANCE 2016-03-03-0164

AMENDING ARTICLE I (GENERAL PROVISIONS), ARTICLE IV (HORSE-DRAWN CARRIAGES), ARTICLE V (LIMOUSINE SERVICES), ARTICLE VI (PEDICAB SERVICES), ARTICLE VII (TOUR AND CHARTER SERVICE) AND ARTICLE VIII (TAXICABS), AND ADDING ARTICLE III (GROUP CYCLE SERVICES) TO CHAPTER 33 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY PROVIDING FOR REVISED DEFINITIONS, MODIFYING PROCEDURES AND REGULATIONS RELATING TO OPERATING PERMITS, DRIVERS PERMITS AND VEHICLES, MODIFYING CERTAIN FEES AND ADOPTING RULES AND REGULATIONS FOR THE OPERATION OF GROUP CYCLES, WITH PENALTIES FOR VIOLATIONS

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WHEREAS, vehicle for hire services allow people to visit the City of San Antonio for business and for pleasure, and enhance the enjoyment and experiences of those who visit by allowing access to the different areas of the City; and

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

WHEREAS, after careful consideration, the City Council has determined that it is in the best interest of the citizens of the City of San Antonio to modify certain provisions that apply to Chapter 33 of the City Code of San Antonio, Texas (City Code), and to provide for the operation of Group Cycle Services, while retaining the existing penalties for violations; and

WHEREAS, in order to accomplish such revisions, it is necessary to modify Chapter 33 of the City Code, Vehicles for Hire, in Articles I, IV, V, VI, VII, and VIII and to add Article III; **NOW THEREFORE:**

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

SECTION 1. The City Code, Chapter 33, Articles I, IV, V, VI, VII, and VIII are hereby amended as stated in accordance with Attachment A, with strikethroughs indicating deletions and underlines indicating additions, and Article III is hereby added, as provided for in Attachment B, both of which attachments are incorporated herein in their entirety.

SECTION 2. The remainder of Chapter 33 of the City code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. Should any portion of this ordinance for any reason be held illegal, inoperative, invalid, unconstitutional or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted or ordained without the portion held to be illegal, inoperative, invalid, unconstitutional or ineffective.

SECTION 4. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to format and number paragraphs to conform to the existing Code.

SECTION 5. The City Clerk of the City of San Antonio is hereby directed to publish notice of this Ordinance as required by Section 17 of the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 6. This ordinance shall take effect March 13, 2016.

PASSED and APPROVED this 3rd day of March, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

CHAPTER 33 - VEHICLES FOR HIRE

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. GENERAL PROCEDURES

Sec. 33-003. Definitions.

Charter service shall mean a ground transportation service that uses vehicles with a capacity of 16 or more passengers to transport passengers belonging to a specified group and that is:

- (a) Offered only upon a pre-arranged basis, the pre-arrangement being made at least one hour in advance of the time the transportation is to begin and on a pre-sold basis; and
- (b) Is used to transport a specified group of passengers from the same or various points of origin to a same point of destination.

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

Ground transportation service shall mean a service which utilizes or connects individuals with vehicles for hire in the transportation of passengers from within the city and which includes, but is not limited to, equine-drawn carriage service, group cycle service, limousine service, pedicab service, tour service, charter service, taxicab service and transportation network companies.

Group cycle shall mean a device with four or more wheels propelled by human power exerted through a belt, chain, or gears capable of carrying a driver and six or more seated passengers on a platform made as part of the device. Group cycles may utilize assist motors as long as they:

- (a) Are not intended to be the primary power for the cycle;
- (b) Are not continuously operating and are shut off when the cycle is at a speed of five miles per hour or greater speed; and
- (c) Have been approved by the director.

Group cycle service shall mean a ground transportation service operating for hire that uses a group cycle in the operation of the service and includes, but is not limited to, a facility from which the service is operated, a group cycle used in the operation of the service, and a person who owns or operates said service. Such service shall only be operated on a pre-arranged basis.

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Limousine service shall mean a ground transportation service that uses vehicles with a capacity of 4 to 15 passengers to transport passengers for a fare based on a one hour or more hiring period and:

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

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

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

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

Luxury vehicle shall mean a motor vehicle that:

- (a) Has been designated by the director as a luxury vehicle;
- (b) Has a manufacturer's rated seating capacity of not more than eight (8) passengers; and
- (c) Has an original wheelbase of 109 inches or more.

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

- (a) Are not intended to be the primary power for the cycle;
- (b) Are not continuously operating and shut off when the cycle is at a speed of 5 miles per hour or greater speed; and
- (C) Have been approved by the director.

Stretch limousine shall mean a motor vehicle that:

- (a) Is a luxury vehicle with a wheelbase which has been extended 100 inches or more beyond the original manufacturer's specification;
- (b) Is in compliance with the rated seating capacity as required by the U.S. Department of Transportation (DOT) approved manufacturer's or modifier's data plate or weather proof label on the door jamb;
- (c) Possesses a DOT approved manufacturer's or modifier's data plate or weatherproof label on the door jamb; and
- (d) Is used for the transportation of persons from a location in the city to another location either inside or outside the city.

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

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(a) Is designated by the manufacturer as a SUV and is designated by the director as a SUV authorized for use in the limousine service; and

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

Tour service shall mean a passenger ground transportation service that uses vehicles with a manufacturer's rating capacity of nine (9) or more passengers in the operation of the service and includes, but is not limited to, a facility from which the service is operated, vehicles used in the operation of the service, and a person who owns or operates said service, and that:

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

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

DIVISION 2. OPERATING AUTHORITY

Sec. 33-007. Application for operating permit.

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

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

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

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

(d) A description of any past business experience of the applicant, particularly in providing ground transportation services.

(e) An identification and description of any revocation or suspension of an operating permit held by the applicant or the applicant's business which occurred prior to the date of filing the application.

(f) The number of vehicles to be used by the applicant in the operation of the proposed ground transportation service. Notice of any change in the foregoing shall be provided to the director, in writing and with supporting documentation as required by the director, within five business days of the change;

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- (g) A description of each of the vehicles the applicant proposes to use in providing ground transportation services including, but not limited to, each vehicle's year, make, model, type, and seating capacity;
- (h) A description of the operations of the proposed ground transportation service and the location of the fixed facilities to be used in the operation;
- (i) A management plan including:
 - (1) A maintenance plan which the applicant shall utilize for the upkeep and replacement of vehicles to be permitted. Such plan may include a maintenance contract with an outside contractor;
 - (2) A procedure outlining the handling of complaints; and
 - (3) A drivers training program submitted to the director for approval. The drivers training program must contain:
 - a. Customer service;
 - b. Company orientation;
 - c. Chapter 33 overview (including rules and regulations);
 - d. Airport Operations, including the provisions of Chapter 3, Article II, of this Code, and the rules and regulations established thereunder;
 - e. Local sights and location orientation; and
 - f. Dispatching, to include (if required) meter and radio training.
- (j) A description of the proposed insignia and color scheme for the applicant's vehicles and a description of apparel to be worn by the applicant's drivers;
- (k) Documentation from an insurance company authorized by this chapter evidencing a willingness to provide, prior to commencement of the proposed service, the insurance required by this chapter;
- (l) Documentation evidencing timely payment of all City and County taxes, fees and assessments which have been levied on the business and property to be used in connection with the proposed service;
- (m) Written documentation authorizing the release to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city; and
- (n) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted.

Sec. 33-008. Prerequisites to issuance.

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(a) The authority to grant or deny an application for an operating or vehicle permit is vested with the director, and the director's designee, acting in accordance with the provisions of this chapter.

(b) An applicant for an operating permit has the burden of providing to the satisfaction of the director:

(1) That the applicant is of good character and is qualified to provide the service proposed in the application;

(2) That the proposed ground transportation service complies with the quality and safety standards of this chapter, and of the rules and regulations established by the director;

(3) That the applicant is fit, willing and able to operate the ground transportation service in accordance with the requirements of this chapter, rules and regulations established by the director, provisions of the operating permit, and all other applicable rules, regulations and laws.

(4) Where an applicant has been involved in past criminal activity, that the applicant has otherwise maintained a record of steady employment and good conduct; has supported any dependents; and has paid all outstanding court costs, supervision fees, fines and restitution that may have been ordered in all criminal cases in which the applicant has been convicted; and

(5) Where an applicant is or has been a permit holder in any industry that is regulated by Chapter 33, that the applicant has met the requirements of Sec. 33-010 of this chapter.

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

(a) Upon approval of an application for an operating permit by the director, and the execution of a permit agreement pursuant thereto, the director shall promptly issue the operating permit. Within 90 days after receipt of such permit, the holder shall operate a city-wide ground transportation service in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director, for a period of 24 months beginning on the date stated in the permit agreement.

(b) Each holder and dispatch service shall maintain a business office within the limits of Bexar County, Texas.

Sec. 33.012 reserved.

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Sec. 33-025. Renewal of operating permit.

(a) The operating permit shall be renewed unless the director determines, before the renewal date, that good cause exists to deny the renewal based on documentation:

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

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

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

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 chapter;

(4) That the holder, since the date of execution of his original permit agreement has been convicted or spent time in jail or prison for a conviction of any of the offenses listed in section 33-010 of this chapter;

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

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

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

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

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

Secs. 33-026 - 33.027 reserved.

Sec. 33-029. Drug free workplace.

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

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the application or renewal and may deny approval of the driver for whom the holder failed to deliver the statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Confidentiality requirements for the testing;

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

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

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

(e) At a minimum, a holder shall insure that the testing complies with either the Texas Department of Transportation 5-panel urine drug test standards or tests for the following substances:

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

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

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

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

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

(3) Applicant testing: any person applying to drive under the holder's operating permit to shall submit to testing no more than seven days prior to the day on which said driver first operates a vehicle in connection with the holder's operating permit. Pedicab and group cycle drivers shall be exempt from applicant drug testing.

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

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

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

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

DIVISION 4. DRIVERS PERMIT

Sec. 33-039. Drivers permit.

In accordance with the terms and provisions of this chapter, every person before driving a vehicle for hire within the city, shall obtain a drivers permit. A drivers permit shall be valid for 48 months from the date of issuance.

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

(a) A holder may not allow a person who does not have a current and valid drivers permit to operate a vehicle for hire. If a holder wants to hire a person without a drivers permit, or provide for the renewal of a drivers permit, the holder is responsible for assisting such person in obtaining a drivers permit. The holder shall conduct an investigation at no expense to the City concerning the character, experience and qualifications of the applicant to determine whether or not that applicant is fit, willing, and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of this chapter, rules and regulation established by the director, and all other applicable laws, rules and regulation.

(b) The holder shall confirm, obtain, and maintain evidence for submission to the city upon request pursuant to Sec. 33-055, that the applicant meets all the requirements in this section. The holder shall attest through an enrollee/transfer slip, on a form provided by the city, that the applicant is in compliance with the following:

- (1) Is 18 years of age or older;
- (2) Is a citizen of the United States of America by birth or naturalization, or if an alien, submit evidence of legal residence in the United States and legal right to engage in employment herein;
- (3) Possesses a valid Texas drivers license required for the class of vehicle to be operated by the applicant as required by Secs. 521.081 and 521.082 of the Transportation Code, or posses an active Department of Defense ID card and a current and valid drivers license from another state.
- (4) Is able to read and speak the English language;
- (5) Has been added to or remains on the permit holders insurance policy;
- (6) Has completed a drivers training program that has been approved under Sec. 33-007 of this chapter;

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- (7) Has a negative drug test as required under Sec. 33-029 of this Chapter:
 - (8) Has successfully completed any other training outlined in the rules and regulations established by the director; and
 - (9) Has provided a copy of the applicants DD-214, if the applicant has prior military service;
- (c) An applicant at the time of application and at the applicant's expense shall:
- (1) Provide the director with the applicant's residence, street, address, and a valid phone number; an applicant shall notify the director of any changed thereto within five business days of the change;
 - (2) Execute an authorization in writing for the release by the city to an organization or entity of any and all information which the city may have concerning the applicant, including but not limited to criminal history information, and a release of the city for all liability which may result from the furnishing of such to an organization;
 - (3) Execute an authorization in writing for the release to the city by any organization or entity of any and all information, without limitation, which the organization or entity may have concerning the applicant, and a release of the organization or entity and the city from all liability which may result from the furnishing of such by the organization or entity;
 - (4) Pay any fees required by this chapter
- (d) An applicant may be issued a drivers permit where the applicant:
- (1) Has complied with Sec. 33-041(a), (b), and (c); and
 - (2) Has paid for and complied with the requirements for a fingerprint criminal history background check, approved by the director.
- (e) An application for a drivers permit shall be denied where the applicant:
- (1) Is under indictment for or has been convicted of criminal homicide including murder, capital murder and manslaughter, but excluding criminally negligent homicide;
 - (2) Has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, of four or more moving violations of the traffic laws of this or any other city or state within the 12 month period immediately preceding the date of application;
 - (3) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for a drivers permit; or
 - (4) Has not met the requirement for obtaining a drivers permit as set forth in this division.

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(f) An application for a drivers permit may also be denied where the applicant is under Indictment, is currently on community supervision, including but not limited to probation and deferred adjudication, or has been convicted of any of the offenses listed in Sec. 33-010 of this chapter.

(g) If the director disapproves an application for a drivers permit, then the director shall notify the applicant, in accordance with Sec. 33-072 of this chapter, of the decision and of the basis for the decision.

(h) Upon the applicant receiving notice of the decision of the director, the applicant may appeal such decision as provided by and in accordance with Sec. 33-033 of this chapter.

(i) In the case where an applicant has a background of past criminal activity, drivers permit denial based solely thereon is warranted if and only if the past criminal activity is directly related to the duties and responsibilities of a driver as more fully described in this chapter. Accordingly, the factors set forth in Sec. 33-010 of this chapter shall be considered in making a determination of job-relatedness. In this regard, however, it shall be the applicant's responsibility to secure and provide proof that applicant has otherwise maintained a record of steady employment and good conduct, that applicant has supported applicant's dependents, and that applicant has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in any criminal cases.

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

Sec. 33-046 . Voidance of drivers permit.

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

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

Sec. 33-047 . Driver lists to be furnished and maintained.

Within 10 calendar days of the director's request, a permit holder shall furnish a current list of permitted drivers and the drivers current phone number(s).

DIVISION 5. HOLDER AND DRIVER REGULATIONS

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

(a) In the operation of a ground transportation service, a holder shall comply with the terms and conditions of the holder's permit agreement and shall comply with all aspects of Chapter 33, and the rules and regulations. Except to the extent expressly provided otherwise by the permit agreement, the holder shall comply with this chapter, the director's interpretations of the provisions herein, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.

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(b) Upon written notice by the director of a violation by a driver or employee, a holder who allows such driver or employee to drive a vehicle for hire while in violation becomes responsible and liable to the city for all fees, penalties, and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.

(c) A holder shall establish a policy and take action to discourage, prevent and correct violations of this chapter by drivers who are employed or contracted by the holder.

(d) A holder shall not permit a driver who is employed or contracted by the holder to operate any vehicle for hire if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.

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

(a) Every holder operating a ground transportation service in the city shall employ or contract as drivers only persons who are physically and mentally fit and who have sufficient experience and training to operate a vehicle in a safe and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a drivers permit and who are familiar with those streets and addresses within the city over which they may operate. The employment or contracting of any driver shall be subject to the driver's obtaining a temporary or permanent drivers permit.

(b) Every holder is charged with knowledge of the contents of the drivers file of all drivers whom he employs and with whom he contracts. The director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver, when reviewing such holder's request for a grant or renewal of an operating permit.

Sec. 33-055. Information and data to be kept, maintained, and made available for inspection.

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

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

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

(c) Every holder shall submit to the director reports on all accidents arising from or in connection with the operation of vehicles for hire owned or operated by him; reports shall

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be submitted within 48 hours from the time of such occurrence on a form or report approved by the director; and

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

DIVISION 6. VEHICLES AND EQUIPMENT

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

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

(b) Holders for limousine, tour and charter services, and taxicabs, shall have each vehicle inspected prior to operation and yearly thereafter by an A.S.E. certified mechanic in accordance with established inspection guidelines and standards of the city, and attest to same to the city before the city affixes a vehicle permit to allow such vehicle to be placed in service as a vehicle for hire.

(c) The director shall inspect pedicabs, group cycles and equine drawn carriages yearly, in accordance with established inspection guidelines and standards of the city, before such vehicle is placed in service, and upon passage of any such inspection, the director shall affix to the vehicle for hire a vehicle permit. The director may inspect a vehicle for hire at any other time which the director determines to be reasonable and necessary for enforcement of compliance with the provisions of this chapter and all other applicable rules, regulations and laws.

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

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

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

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

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

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

Sec. 33-063. Required equipment.

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

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

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

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ARTICLE IV. EQUINE -DRAWN CARRIAGES

DIVISION 1. IN GENERAL

Sec. 33-400. Scope of instant article.

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

Sec. 33-402. Fees established.

The following fees are hereby established:

- (1) Inspection of vehicle . . . \$28
- (2) Re-inspection of vehicle . . . \$28
- (3) Drivers or stand worker permits . . . \$30
- (4) Renewal of drivers or stand worker permit . . . \$30
- (5) Replacement of lost drivers or stand workers permit ... \$15
- (6) Drivers or stand worker permit transfer ... \$15
- (7) Special event permit ... \$25
- (8) Carriage permit fee... \$600 per carriage per year
- (9) Late permit payment ... \$30
- (10) Permit application ... \$100 per permit
- (11) Replacement medallion...shall be equal to the cost of making a new medallion

Secs. 33-403 - 33-410, reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-411. Number of carriages.

- (a) The director shall set the total number of carriage permits that may be issued to holders collectively. The director shall establish said total number as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.
- (b) A holder shall operate the holder's carriage service with the maximum number of carriages as set forth and approved in the permit agreement.
- (c) The director shall issue medallions that identify each carriage authorized in the annual permit. When in operation, a holder shall require that each carriage used in the

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operation of a carriage service shall display its medallion in a location specified by the director.

(d) A carriage companies that the director determines is operating more carriages than authorized in the permit agreement, shall have all permits suspended for seven calendar days.

(e) Medallions shall mean an identification plate created by the director to identify the quantity of carriages in operations. Replacement of the lost, damaged, or stolen medallions shall be at the owner's expense.

Sec. 33-412. Permit fee.

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

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

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

Sec. 33-413. Company ownership

(a) For the purpose of Article IV, a permit holder shall be the individual who has been designated as having the controlling interest over a company by the majority of owners of said company, and that individual must be indentified as an owner on the letter of incorporation.

(b) Permits shall not be transferred for any reasons.

(c) A power of attorney shall not be accepted as a replacement for the permit holder's signature.

(d) The permit holder shall sign all documents for the company, including but not limited to renewal of permit agreements, insurance forms, and any other documents that the director requires.

(e) If a permit holder is unable to maintain one or more permits for any reason these permits shall be recalled by the city.

(f) Company managers may be appointed by the permit holder to handle the day to day operations, to include but not limited to, hire slips and special event permits. However, the city retains the right to communicate exclusively with the permit holder.

Sec. 33-414. Available permit distribution

(a) Permits become available for distribution in the following ways:

(1) If under Sec. 33-413 of this chapter a permit holder has permits revoked by the city, the number of permits recalled shall be reviewed by the director to determine if the

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revoked permit(s) should be re-issued to the industry or the total number of carriages shall be reduced (Sec. 33-411 of this chapter).

(2) If under Sec. 33-411 of this chapter the director determines that the total number of carriages should be increased.

(b) When the city determines that permits shall become available, the city shall advertise the availability of carriage permits for no less than 30 days. The advertisement method shall be determined by the director.

(c) All permit applications must be submitted by a date set by the director and must comply with Secs. 33-007 and 33-008 of this chapter, as determined by the director. If the application is approved by the director, each application shall be placed into a permit drawing. Applications shall not be for more permits than are available.

(d) Permit drawings shall be held with all permit applicants present. Only permit applicants shall be allowed to attend the drawing. However, if an applicant cannot be present, the applicant must provide a written letter informing the city of the inability to attend. The applicant may request for one individual to attend on their behalf. Drawing procedures shall be as outlined in carriage rules and regulations established by the director.

(e) Applicants shall receive one entry for each permit applied for. The director or the director's designee shall pull one drawing entry for each permit available. Each company that has an entry pulled shall have 90 days from the time of the drawing to complete all requirements of Chapter 33 and have the carriages inspected, permitted, and operating. Failure to comply shall result in the revocation of the awarded permit.

(f) Companies that had a permit revoked under Sec. 33-500 of this chapter shall not be eligible to apply for the permits.

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

DIVISION 3. SERVICE REGULATIONS

Sec. 33-431. Hours of operation.

(a) The director shall establish the hours during which a driver may operate a carriage as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.

(b) 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) Carriage operations shall be suspended whenever the temperature is at or above 95°F. Interpretation and enforcement of this provision shall be by individuals designated by the director to enforce this chapter and by veterinarians employed with or contracted by the city.

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(d) Carriages operations shall be suspended at 12:00 pm until 8:30 pm on Air Quality Health Alert Days.

(e) No holder or driver shall permit or allow any equine being used for hire over which he has control to be outside the stable grounds except during the above specified hours, hours specified in the rules and regulations established by the director, or pursuant to express written authority of the director.

Sec. 33-432. Carriage stands.

(a) Carriage stands shall be established by the director as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.

(b) Carriage stand shall mean a designated space that is created to allow for carriages to wait for customers. Carriage stand locations shall be determined by the director and shall be designated by two signs that are placed at each end of the stand.

(c) Carriages may utilize any unoccupied commercial loading zone to load, unload, stand or rest. All carriages must give the right of way to commercial vehicles and other authorized motor vehicles.

(d) Carriages must have a seating rating capacity of 14 or less, this includes the drivers seating area. If the carriage does not have a rating capacity or there is a concern about the rated seating capacity then the capacity shall be determined by the director.

(e) Carriages shall not have more than 4 bench seats on the carriage; this includes the driver's bench. Exception is carriages currently permitted, however these carriages must comply with 33-432 (d)

Sec. 33-433 reserved

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

(a) A holder shall, at the holder's own expense, keep routes, carriage stands and streets clean, sanitary and free of animal excrement.

(b) Disposal of manure shall be by transport to stables and shall be the responsibility of the holder.

(c) It shall be the holder's responsibility to ensure that the stand, routes, and streets are free from animal excrement. If it is determined by the director that a stand, route, or street is not being kept clean of animal excrement, the director may suspend the permits for a period of no more than seven days. If a waste issue is not resolved after notification to the permit holders, the director may revoke permits.

(d) Diaper devices shall be utilized by all carriages. These devices must be in good repair and attached properly to the carriage or animal to adequately capture solid animal excrement.

Sec. 33-435. Refusal to convey.

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

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

Sec. 33-436. Additional passengers.

- (a) A company's independent contractor, driver, stand worker or employee shall at no time hold a group back from loading on a carriage for the purpose of loading a specific carriage.
- (b) The group that first employs the services of a carriage company must agree to additional passengers being placed on the carriage.

Secs. 33-437 - 33-440, reserved.

DIVISION 4. FARES

Sec. 33-441. Schedule of fares.

The director shall establish the rates of fares for carriages and outline the details of the fares in the rule or regulations in accordance with Secs. 33-004 and 33-005 of this chapter.

Sec. 33-442. Display of fares.

- (a) Each carriage shall have a current schedule of fares placed on the carriage that is visible to the passengers upon entry into or while seated in said carriage.
- (b) Each permit holder shall ensure that a driver, independent contractor, or stand workers charge the rate as set in the rules and regulations established by the director.

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

DIVISION 5. Equine

Sec. 33-461. Equine license required.

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

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

(c) An Equine license shall not be transferable. Upon the transfer of ownership of any equine, the new owner shall, prior to working the equine, have the equine licensed by animal care services.

(d) Each equine license shall be assigned an official identification number by animal care services and each equine licensed herein shall be identified by a microchip or any other means of identification as determined by animal care services. The cost of the microchip or any other identifier shall be at the expense of the permit holder. Microchips utilized shall be approved by animal care services and must be International Organization of Standards (ISO) compliant.

(e) The holder shall at all times maintain the equine license at the stable where the equine is kept and shall keep a copy of the equine license on the carriage that is being pulled by said equine. The equine license may be inspected by the director and any representative from animal care services.

Sec. 33-462. Care of Equine.

(a) The director and the director of animal care services 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 equines.

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

(c) Holders and drivers shall ensure that they have access to a sufficient amount of fresh drinking water for the equine that they are working. Holders and drivers shall insure that each equine is offered water in an appropriate container after every trip. Holders and drivers shall further ensure that equines be given a minimum ten (10) minute rest period between fares.

(d) Holders and drivers shall not allow an equine to be worked on a public highway, path or street during conditions which are determined by the director and the director's designee, or a veterinarian employed or contracted by the city, to pose a threat to the health, safety or well-being of the equine, passengers, or general public. If conditions develop while a equine is being worked, however, said equine 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 equine to the stable shall be by equine trailer.

(e) Holders and drivers shall ensure that equine do not work more than eight hours in a twenty-four hour period without allowing a equine at least a sixteen continuous hour rest period. Holders shall keep a current log provided by animal care services in each stable showing each equine's use.

(1) A shift shall be considered:

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

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

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

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

(f) Holders and drivers shall be responsible for any violation under this article and the rules and regulations established by the director, where it is shown such person had knowledge of the violation, or should have had knowledge of the violation, and made no attempt to prevent it from occurring.

(g) A holder shall keep on the premises of the stable where the equines are kept a consecutive daily record of the movements of each licensed equine, including driver's name and identification number, equine's identification number, vehicle identification tag number, and a daily manifest on each equine. Such records shall be made available, at any reasonable time, for inspection by the director and the director of animal care services, and their designees

(h) An equine 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 director and the director of animal care services, and their designees, and any veterinarian employed or contracted by city if said individual determines that removal of the equine is necessary for health and safety reasons or as an immediate protection to the equine or the general public. An equine for which such an order has been issued shall not be returned to work until such time as the equine is re-examined and a veterinarian licensed by the State of Texas certifies in writing that the equine is fit to return to work.

(i) A holder shall, at his own expense, have each equine examined by a veterinarian licensed by the State of Texas before the equine is put in service and every six months thereafter. Holders shall be responsible for maintaining the following on each carriage in operation:

(1) Current license of the equine being used;

(2) Current picture of the equine ;

(3) Current health certificate of the equine ;

(4) The equine's body condition score, certified every six months by a veterinarian licensed by the State of Texas; and

(5) Description and location of any other identifying characteristics, marks and brands of the equine .

(j) The holder shall, in the operation of a carriage service, use only equines which are geldings and mares; are a minimum of three years old; weigh at least 1,200 pounds; and are of such

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stamina and in such physical condition, as determined by a veterinarian employed or contracted by the city or by the director, the director of animal care services, or their designees, so as to be able to perform the required equine-drawn carriage tasks without any undue stress and effort.

(k) A holder shall treat an equine for internal parasites every four months under the direction of a veterinarian licensed by the State of Texas. A holder shall treat an equine for external parasites whenever they are found to be present.

(l) A holder shall have the hooves of equines trimmed and their shoes reset every six to eight weeks, using caulks or borium to prevent slippage; shoes shall be shod in a manner approved by the director of animal care services and shall have non-skid base surfaces.

(m) Holders and drivers shall ensure that equines 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 an equine 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;

(4) Loose shoes or no shoes; or

(5) Is exhibiting uncontrollable behavior.

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

Secs. 33-463 - 33-470, reserved.

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DIVISION 6. STABLES

Sec. 33-471. Location.

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

Sec. 33-472. Requirements.

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

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

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

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

Secs. 33-473 - 33-480, reserved

Sec. 33-481. Carriage wheels.

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 7. STAND WORKERS

Sec. 33.491. Independent contractor, stand workers and employees

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

(b) Stand workers shall meet the requirements of chapter 33, Article I, Division 4 and Article IV Sec. 33-401, with the following exception: stand workers must have a valid Texas drivers license, a valid Texas ID card, or a valid military ID card.

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

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(d) Permit holders are permitted to have only one stand worker at each stand.

Secs.33-492 – 33-499, reserved.

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ARTICLE V. LIMOUSINE SERVICES

Sec. 33-500. Scope of instant article.

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

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

Sec. 33-519. Amount of insurance.

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

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

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

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

(a) A holder within 90 days after receipt of an operating permit shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

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

- (1) Has not held permits for at least one year;
- (2) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has failed to pay a fine owed within the time required by this chapter or by the director;
- (3) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has failed to maintain the license/permit bond or insurances required by this chapter;

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

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

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

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

Sec. 33-524. Supplemental operating permit.

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

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

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

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

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

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

(f) Vehicles that are permitted by other Texas cities may be utilized and are exempt from inspection requirements.

(g) Vehicles that are utilizing a supplemental permit are exempt from ownership requirements, but must comply with all other requirements of this chapter.

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

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

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

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

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Sec. 33-525. Supplemental drivers permit.

If a limousine service experiences peak demand periods requiring more drivers than are currently permitted, the holder may request supplemental drivers by submitting a written application for a supplemental drivers permit, which shall state the reason why a supplemental driver is needed. Supplemental drivers:

- (a) Shall possess a valid Texas drivers license as outlined in Sec 33-041 (3);
- (b) Shall possess a valid driver's permit from another Texas city;
- (c) May not be used for more than 10 consecutive days;
- (d) Every individual driver may not be used for more than a total of 30 days in a calendar year;
- (e) A supplemental drivers permit shall automatically expire if the driver operates in violation of Secs. 33-52 and 33-52, and the driver shall be in violation of Sec. 33-006 (a) of this chapter.

Sec. 33-526. Fees.

The following fees are hereby established:

- (1) Inspection of vehicle

Passenger capacity:

10 or less . . . \$42

11 or More . . . \$84

- (2) Drivers permit . . . \$30
- (3) Renewal of driver permit . . . \$30
- (4) Replacement of lost driver permit . . . \$15
- (5) Driver transfers from one holder to another... \$15
- (6) Supplemental operating permit, ten days (including airport operating permit) ... \$100
- (7) Application... \$110
- (8) * City-wide limousine operating permit (per vehicle/per year)... \$440
- (9) Late permit . . . \$30
- (10) Re-inspection ...\$28
- (11) Inspection re-scheduling ...\$28

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

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

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

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

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

Sec. 33-561. Rates of fare.

(a) A holder shall charge a minimum fare of \$67.50 per hour for all permitted vehicles. This amount shall be exclusive of any gratuity. The holder shall file with the director a schedule of fares to be charged for services provided.

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

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

(d) The director may approve exemptions to Sec. 33-561(a) of this chapter, by written contracts.

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

Sec. 33-564. Vehicle requirements.

Each holder of a limousine operating permit must own all of the vehicles permitted. No vehicle shall be allowed to enter into service that is more than four model years old. Stretch limousine may not be more than seven model years old, and no vehicle may be entered into service that has more than 100,000 miles on the odometer. Each holder must operate and maintain a minimum of:

(a) Two stretch limousines as defined in Sec. 33-003 of this chapter; or

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

Vehicle used for Limousine Services shall not have any age limits, however vehicles may be removed from service by the director if the vehicles do not comply with any part of this chapter, rules and regulations, or vehicle inspection guidelines.

Secs. 33-565 - 33-609, reserved.

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ARTICLE VI. PEDICAB SERVICES

DIVISION 1. IN GENERAL

Sec. 33-610. Scope of instant article.

Holders of permits to operate pedicab services and drivers of pedicabs shall be governed by the provisions of Articles I and VI of this chapter.

Sec. 33-611. Fees.

The following fees are hereby established:

- (1) Pedicab inspection. . . \$28
- (2) Pedicab re-inspection. . . \$28
- (3) Pedicab inspection no show. . . \$28
- (4) Drivers license . . . \$30
- (5) Replacement of lost license . . . \$30
- (6) Drivers transfer. . . \$15
- (7) Operating permit transfers (per vehicle) . . . \$25
- (8) Pedicab operating permit...\$110* per vehicle
- (9) Late permit payment...\$30
- (10) Permit application. . . \$150 per permit requested on the application

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

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

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

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

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Sec. 33-612. Amount of insurance.

Except as otherwise provided by the holder's operating permit, the public liability and property damage insurance required by this article shall be the minimum of \$1,000,000 per occurrence for each vehicle. These minimums shall be required to cover the following categories:

- (1) For damages arising out of bodily injury to or death of one person in any one accident;
 - (2) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
 - (3) For damages arising out of injury to or destruction of property in any one accident.
- Secs. 33-612 - 33-619, reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-620. Number of ground transportation vehicles authorized.

- (a) The total number of all vehicle permits issued among all operating permit holders shall not exceed 15 without the approval of city council.
- (b) A holder, within 90 days after receipt of an operating permit, shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. No operating permit shall be issued authorizing less than two vehicles. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations of the director.

Sec. 33-621. Available permit distribution

- (a) When the city determines that permits shall become available, the city shall advertise the availability of pedicab permits for no less than 30 days. This advertisement method shall be determined by the director.
- (b) All applications must be submitted by a date set by the director and must comply with Secs. 33-007 and 33-008 of this chapter (as determined by the director). If the application is approved by the director, each application shall be placed into a permit drawing. Applications shall not be for more permits than are available.
- (c) Permit drawings shall be held with all permit applicants present. Only permit applicants shall be allowed to attend the drawing. However, if an applicant can not be present they must provide a written letter informing the city that they can not attend. The applicant may request for one individual to attend on their behalf. Failure to attend or have someone attend the drawing shall not disqualify the applicant.
- (d) The director or designee shall pull one drawing entry for each permit available. Each company that is issued a permit during this process shall have 90 days from the time of the drawing to complete all requirements of Chapter 33 and have the Pedicab inspected and permitted. Failure to comply will result in forfeiture of the drawn permit.

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(e) Drawing procedures shall be outlined in pedicab rules and regulations.

Secs. 33-622--33-629, reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-630. Hours of operation.

The director shall establish the hours during which a driver may operate a pedicab as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.

Sec. 33-631. Areas of service.

(a) No pedicab shall be operated on the Riverwalk.

(b) Pedicabs shall not operate on sidewalks, with the exception of the following:

1. The walkway that runs from Montana St. (Convention Center) to the Alamodome;
2. The walkways with Hemisfair Park;
3. The walkways around the Henry B. Gonzales Convention Center; and
4. The walkways within Main Plaza.

(c) Pedicabs shall be authorized to cross sidewalks to access legal operating areas.

(d) Irrespective of (b) above, a pedicab may not enter any park or plaza that is closed to the public, including sidewalks, because of a city issued permit.

(e) Pedicabs shall not utilize crosswalks.

(f) The areas of service may be changed or removed by the director when it would be in the best interest of the public. This change or removal may be made with or without notice.

Sec. 33-632. Passenger restrictions.

No pedicab shall transport more than four passengers at one time; all passengers shall fit in the seating area.

Seating area shall mean the area between the side walls and back wall of the pedicab. Passengers may not be seated above the top of the side or back walls. Passengers shall be required to have their feet inside the area of the pedicab.

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Sec. 33-633. Standing or resting.

(a) No pedicab shall stand or park on any public roadway, sidewalk, or walkway for longer than is necessary to load or unload passengers. All loading and unloading of passengers from a roadway must be from a curb lane. The exception is commercial loading zones.

(b) Pedicabs may utilize any unoccupied commercial loading zone to stand or rest. All pedicabs must give the right of way to commercial vehicles or other authorized motor vehicles to these commercial loading zones.

Sec. 33-634. Holder's duty to comply.

(a) In the operation of a pedicab service, a holder shall comply with the terms and conditions of the holder's permit agreement. Except to the extent expressly provided otherwise by the permit agreement, the holder shall comply with this chapter, the director's interpretations of the provisions herein, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.

(b) Upon written notice by the director of a violation by a driver or employee, a holder who allows such driver or employee to drive a pedicab while in violation becomes responsible and liable to the city for all fees, penalties and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules and regulations established by the director, and other laws applicable to the operation of a pedicab.

Sec. 33-635. Holders responsible for fitness of drivers.

(a) Each holder operating a pedicab service in the city shall employ or contract as drivers only persons who are physically and mentally fit and who have sufficient experience and training to operate a pedicab in a safe and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a driver permit. The employment or contracting of any driver shall be subject to the driver obtaining a temporary or permanent driver permit.

(b) Each holder is charged with knowledge of the contents of the file of all drivers the holder employs or contracts. The director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver, when reviewing such holder's request for a grant or renewal of an operating permit.

Sec. 33-636. Periodic appearance in person by holders and drivers.

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

Secs. 33-637 - 33-639, reserved.

DIVISION 4. FARES

Sec. 33-640. Fares.

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(a) A permit holder shall file with the director a schedule of fares to be charged for services provided. A holder shall notify the director of any change to the fare schedule prior to the implementation of these changes.

(b) The schedule of fares shall be posted on each pedicab at a location designated by the director.

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

Secs. 33-641 - 33-649, reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-650. Inspection Requirements:

(a) Pedicabs shall be inspected yearly.

(b) Vehicles shall comply with all vehicle requirements outlined in rules and regulations established by the director as well as the requirements outlined in the pedicab vehicle inspection guidelines.

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

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ARTICLE VII. TOUR SERVICE AND CHARTER SERVICE

Sec. 33-700. Scope of instant article.

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

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

Sec. 33-719. Amount of insurance.

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

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

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

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

(a) A holder within 90 days after receipt of an operating permit, shall own, operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

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

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

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

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

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

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

Sec. 33-724. Supplemental operating permit.

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

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

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

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

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

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

(f) Vehicles that are permitted by other Texas cities may be utilized and are exempt from inspection requirements.

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

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

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

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

Sec. 33-725. Supplemental drivers permit.

If a service experiences peak demand periods requiring more drivers than are currently permitted, the holder may request supplemental drivers by submitting a written application for a supplemental drivers permit, which shall state the reason why a supplemental driver is needed. Supplemental drivers:

- (a) Shall possess a valid Texas drivers license as outlined in Sec 33-041 (3);
- (b) Shall possess a valid drivers permit from another Texas city;
- (c) May not be used for more than 10 consecutive days;
- (d) Every individual driver may not be used for more than a total of 30 days in a calendar year;
- (e) A supplemental driver that is not in compliance with Secs. 33-724 and 33-725 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

Sec. 33-726. Historic district restrictions.

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

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

(c) For purposes of this article only, the Monte Vista Historic District is that area bordered by McCullough, between E. Huisache and E. Ashby, E. Ashby, between McCullough and San Pedro, San Pedro, between E. Ashby and E. Hildebrand, E. Hildebrand, between San Pedro and Shook, Shook, between E. Hildebrand and Ledge, Ledge, between Shook and Kings Court, Kings Court, between Trinity University and E. Mulberry, E. Mulberry, between Kings Court and Stadium, Stadium, between E. Mulberry and E. Huisache, E. Huisache, between Stadium and

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McCullough. The Monte Vista Historic District also includes the following roadways: E. Rosewood, east of Shook, E. Hollywood, east of Shook, Oakmont, east of Shook, and Bushnell, east of Shook. For purposes of this section only, the following streets are designated as commercial streets in the Monte Vista Historic District: San Pedro, E. Hildebrand, McCullough, Stadium, and N. Main, between E. Ashby and E. Mistletoe.

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

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

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

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

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

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

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

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

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

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

Sec. 33-727. Destination point permits.

(a) A destination point permit shall not be issued without the submission of a written application before use of the permit.

(b) The director may establish rules and requirements for obtaining permits. In addition, the director may establish rules further restricting the use of permits.

(c) Permits shall be displayed, at all times, in the windshield of any vehicle operating under the authority of the permit while in the King William Historic District or the Monte Vista Historic District.

Sec. 33-728. Fees.

The following fees are hereby established:

(1) Inspection of vehicle

Passenger capacity:

15 or less . . . \$42

More than 15 . . . \$84

(2) Driver permit . . . \$30

(3) Renewal of driver permit . . . \$30

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

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

(7) Supplemental permits, ten days (including airport operating permit) . . \$100

(8) Application . . . \$110

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

(10) Historic district designation point permits:

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

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per year/per service . . . \$100

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

Passenger capacity:

15 or less . . . \$440

More than 15 . . . \$550

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

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

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

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

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

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

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

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

Secs. 33-729 - 33-760, reserved.

Sec. 33-761. Rates of fare.

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

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

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

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

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

Sec. 33-765. Vehicle age requirements.

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Vehicle used for tour service and charter service shall not have any age limits; however, vehicles may be removed from service by the director if the vehicles do not comply with any part of this chapter, rules and regulations, or vehicle inspection guidelines.

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

Sec. 33-770. Reservation schedule required.

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

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

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ARTICLE VIII. TAXICABS

Sec. 33-900. Scope of instant article.

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

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

Sec. 33-909. Business office.

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

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

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

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

Sec. 33-925. Amount of insurance.

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

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

Sec. 33-926. Dispatch service license required.

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

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

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

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

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

(a) Each holder, owner and driver shall remove from city-wide and airport service any taxicab which is twelve years of age, as outlined in Rule 421 established by the director under this chapter. The age of the vehicle shall be calculated from the vehicle's model year.

(b) Wheelchair accessible vehicle requirements:

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

(2) Wheelchair accessible vehicles shall comply with the rules and regulations as established by the director.

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

(4) Wheelchair accessible vehicles shall not have any age limits; however, vehicles may be removed from service by the director if the vehicle(s) do not comply with any part of this chapter, the rules and regulations, or vehicle inspection guidelines.

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

(a) A holder shall maintain in service a minimum of three taxicabs.

(b) The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

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

(d) Once the director has determined whether any additional permits are available for the city for a given year, applications may be obtained by current holders and new applicants by satisfying the requirements of Secs. 33-007 and 33-008 of this chapter. The applicants will be notified of the total number of operating permits to be allocated following the receipt of the

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population data by the director. Applications for additional permits shall be considered by the Taxicab Permit Allocation Committee (TPAC). The TPAC shall consist of three members selected by the director. The TPAC shall also conduct interviews of the applicants. After evaluation of the applications by TPAC on a scale of 0 to 100, the TPAC shall then allocate the available permits to those applicants who scored 80 or greater. The allocation shall be made in a manner that is fair and equitable, that protects the public health and safety, that promotes the public convenience and necessity, and that respects the concept of free enterprise.

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

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

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

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

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

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

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

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

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

(1) Has been a permit holder for less than one year;

(2) Failed to pay a fine or fee owed within the time required by this chapter or the director;

(3) Failed to maintain the license/permit bond or insurance required by this chapter;

(4) Had a vehicle permit revoked or suspended; or

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

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

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

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

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

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Sec. 33-930. Permit Usage

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

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

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

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

The director may approve wheelchair accessible permits for the purpose of providing a service to the disability community and these vehicles must give priority to individuals that need a wheelchair accessible vehicle, as outlined in the Taxicabs Rules and Regulations. All other provisions of this chapter applicable to taxicabs apply to the operation of wheelchair accessible taxicabs pursuant to this section where such provisions are not in conflict with this section.

Sec. 33-932, reserved.

Sec. 33-933. Fees.

The following fees are hereby established:

- (1) Inspection of vehicle ... \$42
- (2) Driver permit . . . \$30
- (3) Renewal of driver permit . . . \$30
- (4) Replacement of lost driver permit . . . \$15
- (5) Driver transfers from one holder to another . . . \$15
- (6) Taxicab application . . . \$110 per permit
- (7) *Citywide taxicab operating permit (per year/per vehicle) . . . \$440
- (8) Airport operating permit (per year/per vehicle) . . . \$150
- (9) Dispatch license (per year) . . . \$100
- (10) Additional dispatch channel (per year) . . . \$25
- (11) Late permit payment . . . \$30
- (12) Re-inspection . . . \$28
- (13) Inspection re-scheduling ...\$28

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

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

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

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

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

Sec. 33-971. Operating requirements.

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

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

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

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

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

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

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

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

(4) The contract imposes a condition that the driver must comply with the requirements of this chapter, rules and regulations established by the director, rules and regulations established by the city's director of aviation and all other applicable rules, regulations

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and laws, and that failure to so comply may be considered by the holder as a material breach of the contract; and

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

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

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

Sec. 33-973. Driver conduct

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

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

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

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

Sec. 33-981. Rate of fares.

(a) Taxicab fare rates shall be:

Drop charge . . . \$ 2.50

Per mile . . . \$2.35

Per hour wait time . . . \$24

Per hour traffic delay . . . \$24

(b) Taxicab operators may charge a rate 20 percent below the maximum allowable set rate. Taxicab operators shall not advertise this discount in any fashion to include printed, electronic, and internet based advertising. Taxicab operators must post rate signs on each vehicle as directed in the provision and rules and regulations established by the director.

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

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

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traveling south to Caesar Chavez Blvd.; Caesar Chavez Blvd., traveling west to Alamo St.; Alamo St., traveling south to Frio St.; Frio St., traveling north to W. Houston; W. Houston, traveling east to IH 35; IH 35, traveling north to IH 37.

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

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

(g) A driver may charge up to a \$200 cleaning fee, when at no fault of the driver a passenger leaves the taxicab in a state that requires immediate cleaning or the taxicab could not transport additional passengers. Prior to charging this fee the driver shall report the situation to their dispatch company and record the date, time, detailed information of the cleaning needed, and the amount the driver is charging.

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

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

(j) A fuel surcharge adjustment shall be done when the average price of fuel increases or decreases more than \$.50 from the last effective date. Fuel surcharge adjustments shall be done within 45 days from the date that the calculated average fuel price is received by the director; however, no more than 2 fuel surcharge adjustments may be done in a calendar year.

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

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

Secs. 33-982 - 33-999, reserved.

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ARTICLE III. GROUP CYCLE SERVICES

DIVISION 1. IN GENERAL

Sec. 33-310. Scope of instant article.

Holders of permits to operate group cycle service(s) and drivers of group cycles shall be governed by the provisions of Articles I and III of this chapter.

Sec. 33-311. Fees.

The following fees are hereby established:

- (1) Group cycle inspection. . . \$28
- (2) Group cycle re-inspection. . . \$28
- (3) Group cycle inspection no show. . . \$28
- (4) Drivers permit . . . \$15
- (5) Replacement of lost drivers permit . . . \$15
- (6) Drivers permit transfer. . . \$15
- (7) Operating permit transfers (per vehicle) . . . \$25
- (8) Group cycle operating permit...\$110* per vehicle
- (9) Late permit payment...\$30
- (10) Permit application, per permit requested on the application. . . \$150

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

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

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

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

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Sec. 33-312. Amount of insurance.

Except as otherwise provided by the holder's operating permit, the public liability and property damage insurance required by this article shall be the minimum of \$1,000,000 per occurrence for each vehicle. These minimums shall be required to cover the following categories:

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

Secs. 33-313 – 33-319, Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-320. Number of ground transportation vehicles authorized.

- (a) The total number of all vehicle permits issued among all operating permit holders shall be determined by the director, which may be modified by the director as the director determines to be appropriate.
- (b) A holder, within 90 days after receipt of an operating permit, shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations of the director.
- (c) A holder may not hold more permits than are issued by the director.

Sec. 33-321. Available permit distribution

- (a) When the city determines that permits shall become available, the city shall advertise the availability of group cycle permits for no less than 30 days. The advertisement method shall be determined by the director.
- (b) All applications must be submitted by a date set by the director and must comply with Secs. 33-007 and 33-008 of this chapter (as determined by the director). If the application is approved by the director, each application shall be placed into a permit drawing. Applications shall not be for more permits than are available.
- (c) Permit drawings shall be held with all permit applicants present. Only permit applicants shall be allowed to attend the drawing. However, if an applicant can not be present they must provide a written letter informing the city that they can not attend. The applicant may request for one individual to attend on their behalf. Failure to attend or have someone attend the drawing shall not disqualify the applicant.

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- (d) Drawing procedures shall be outlined in group cycle rules and regulations.
- (e) If there are not applications for all the available permits the director shall have the discretion as to when to advertise a drawing for permits, based upon any request for a permit or a lapse of time.

Secs. 33-322 – 33-329, Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-330. Hours of operation.

The director shall establish the hours during which a driver may operate a group cycle as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.

Sec. 33-331. Areas of service.

- (a) Group cycles shall not be operated on the Riverwalk.
- (b) Group cycles shall not be operated on sidewalks.
- (c) Group cycles shall be authorized to cross sidewalks to access legal operating areas.
- (d) Group cycles shall operate only on routes provided to the director as outlined in group cycle rules and regulations.
- (e) Group cycles shall operate only on streets and must obey all vehicle traffic laws.
- (f) The areas of service may be changed or removed by the director when the director determines it would be in the best interest of the public. This change or removal may be made with or without notice.

Sec. 33-332. Passenger restrictions.

No group cycle shall transport more passengers than the vehicle has seats.

Sec. 33-333. Standing or resting.

- (a) No group cycle shall stand or park on any public roadway, sidewalk, or walkway. The exception is commercial loading zones, curb cutouts, and vehicle parking spaces.
- (b) Group cycles may utilize any unoccupied commercial loading zone to stand or rest. All Group cycles must give the right of way to commercial vehicles or other authorized motor vehicles to these commercial loading zones.

Sec. 33-334. Holder's duty to comply.

- (a) In the operation of a group cycle service, a holder shall comply with the terms and conditions of the holder's permit agreement. Except to the extent expressly provided otherwise by the permit agreement,

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the holder shall comply with this chapter, the director's interpretations of the provisions herein, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.

(b) Upon written notice by the director of a violation by a driver or employee, a holder who allows such driver or employee to operate a group cycle while in violation becomes responsible and liable to the city for all fees, penalties and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules and regulations established by the director, and other laws applicable to the operation of a group cycle.

Sec. 33-335. Holder's duty to enforce compliance by drivers.

(a) A holder shall establish a policy and take action to discourage, prevent and correct violations of this chapter by drivers who are employed or contracted by the holder.

(b) A holder shall not permit a driver who is employed or contracted by the holder to operate any group cycle if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.

Sec. 33-336. Holders responsible for fitness of drivers.

(a) Each holder operating a group cycle service in the city shall employ or contract as drivers only persons who are physically and mentally fit and who have sufficient experience and training to operate a group cycle in a safe and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a driver permit. The employment or contracting of any driver shall be subject to the driver obtaining a temporary or permanent driver permit.

(b) Each holder is charged with knowledge of the contents of the file of all drivers the holder employs or contracts. The director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver, when reviewing such holder's request for a grant or renewal of an operating permit.

Sec. 33-337. Periodic appearance in person by holders and drivers.

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

Secs. 33-338 – 33-339, Reserved.

DIVISION 4. FARES

Sec. 33-340. Fares.

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

Secs. 33-341 – 33-349, Reserved.

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DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-350. Inspection Requirements:

- (a) Group cycles shall be inspected yearly.
- (b) Group cycles shall comply with all vehicle requirements outlined in rules and regulations established by the director as well as the requirements outlined in the group cycle vehicle inspection guidelines.

Secs. 33-351 – 33-399, Reserved.