

CHAPTER 33 - VEHICLES FOR HIRE

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 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 identified 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) Sec. 33-413 of this chapter a permit holder has permits revoked by the city, the number of permits recalled shall be reviewed by the director to determine if the revoked permit(s) should be re-issued to the industry or the total number of carriages shall be reduced (Sec.33-411of this chapter)
 - (2) If under Sec. 33-411 of this chapter the director determines that the total number of 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.

(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 than the capacity shall be determined by the Director.

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

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. Care of 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.

(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 a 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
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 equines 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 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 a 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.

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.

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(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 exceptions:

(1) 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.

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

Secs.33-492 – 33-499, reserved.