

ORDINANCE NO. _____

An ordinance amending Chapter 47A, “Transportation for Hire,” of the Dallas City Code, by amending Sections 47A-1.5, 47A-3.2, and 47A-3.4; amending the definitions to remove horse and horse-drawn carriage; repealing requirements for horses in service; amending the requirements for an application for operating authority; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 47A-1.5, “Definitions,” of Article I, “General Provisions,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code, is amended to read as follows:

“SEC. 47A-1.5. DEFINITIONS.

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

(1) BUS means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers.

(2) CARPOOLING means any voluntary sharing of transportation without compensation.

(3) COMPENSATION means any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire services.

(4) CONTINGENT PRIMARY LIABILITY COVERAGE means a liability insurance policy that will act as a primary liability policy in the event that no other applicable primary liability policy exists or a policy exists but denies coverage.

(5) COURTESY VEHICLE means a vehicle that is not for hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.

(6) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(7) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(8) DISPATCH means any communication system that conveys passenger ride requests to drivers.

(9) DRIVE means to control the physical movements of a transportation-for-hire vehicle.

(10) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation-for-hire vehicle.

(11) DRIVER PERMIT means the permit required by this chapter to drive a transportation-for-hire vehicle.

(12) HAILABLE VEHICLE means a transportation-for-hire vehicle that can be immediately summoned by a passenger without the use of dispatch, and that meets the requirements in Section 47A-2.4.9.

(13) ~~[HORSE means any member of the species Equus Caballus.~~

(14) ~~HORSE DRAWN CARRIAGE means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.~~

~~(15)]~~ METER means a device that measures the time and distance of a trip.

(14[16]) NON-MOTORIZED PASSENGER TRANSPORT VEHICLE means a ~~[horse-drawn carriage or a]~~ pedicab.

(15[17]) OPERATING AUTHORITY means a person who is granted operating authority under this chapter to provide transportation-for-hire services.

(16[18]) OPERATING AUTHORITY PERMIT means the permit required by this chapter to provide transportation-for-hire services.

(17[19]) PEDICAB means a non-motorized vehicle with three or more wheels propelled by human power or human-assisted power with seating for one or more passengers.

(18[20]) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(19[21]) PUBLICLY REMOTELY ACCESSIBLE DATA SITE means a website, digital platform, or mobile application ("app") that provides content in a manner that is accessible to the public through a network.

(20[22]) SHUTTLE VEHICLE means a van-type motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers.

(21[23]) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation. The term does not include a transportation network company as defined in Section 2402.001(5) of the Texas Occupations Code, as amended.

(22[24]) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

(23[25]) VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.

(24[26]) WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended.”

SECTION 2. That Section 47A-3.2, “Requirements for Horses in Service,” of Article III, “Regulations Specific to Non-Motorized Passenger Transport Vehicles,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code, is amended to read as follows:

“SEC. 47A-3.2. **RESERVED.** ~~[REQUIREMENTS FOR HORSES IN SERVICE.~~

(a) ~~Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish the director with:~~

(1) ~~a state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six months by a veterinarian licensed by the State of Texas who specializes in equine medicine;~~

(2) ~~proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and~~

(3) ~~photographs showing identifying markings of the horse.~~

(b) ~~A horse used in a non-motorized passenger transport service must:~~

- ~~(1) be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "easy" type boot may be used to finish the scheduled work day;~~
- ~~(2) not have any open wound, oozing sore, cut below skin level, or bleeding wound;~~
- ~~(3) not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;~~
- ~~(4) be offered not less than five gallons of drinking water at least every two hours;~~
- ~~(5) have at least a 10-minute rest period after every 50 minutes worked;~~
- ~~(6) not work longer than eight hours in a 24-hour period with a minimum of 12 hours rest;~~
- ~~(7) have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;~~
- ~~(8) be properly cleaned with no offensive odors or caked dirt or mud;~~
- ~~(9) wear a special sanitary device for containing animal excrement;~~
- ~~(10) not work when the outside temperature exceeds 99 degrees Fahrenheit, or the thermal heat index exceeds 150, as measured by the National Weather Service at Love Field; and~~
- ~~(11) be examined at least once every six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the director.~~

~~(c) The director, or a designated representative of the department, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the director.~~

~~(d) A person commits an offense if he harasses or startles, or attempts to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.~~

~~(e) An operating authority and driver shall use a trailer to transport a horse to a job location in the city that is more than three miles from the location where the horse is stabled.~~

~~(f) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right of way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the director.]”~~

SECTION 3. That Section 47A-3.4, “Application for Operating Authority,” of Article III, “Regulations Specific to Non-Motorized Passenger Transport Vehicles,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code, is amended to read as follows:

“SEC. 47A-3.4. APPLICATION FOR OPERATING AUTHORITY.

In addition to the information required by Section 47A-2.1.2 of this chapter, to obtain an operating authority permit for transportation-for-hire service offered by non-motorized passenger transport vehicles, the verified application statement filed with the director must include[=

~~(1) the number of horses the applicant proposes to use in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and~~

~~(2)] the proposed routes to be offered.”~~

SECTION 4. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 5. That Chapter 47A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By _____
Assistant City Attorney

Passed _____