

7. Set limit for Tier 2 Franchise operators, number of vehicles per operator and passengers. The number of operators is set at 15 with a maximum of 3 vehicles at 9 passengers per vehicle. See Sec. 14-2, 14-4, 14-5 and 14-6. It is acknowledged that the City will allow all the current active businesses to apply for a Tier 2 Franchise which may be over the 15 maximum, however, no new franchises will be allowed until the number of franchises falls under the 15 maximum limit.
8. Set limit for number medallions per Horse Carriage Franchise. A franchise can have up to 5 medallions with a maximum total medallion set at 15 for all franchises. See Sec. 14-63.
9. Set ownership transfer requirement for franchises. Franchises are not transferable and the franchisee shall actively engage in the ownership, management and day-to-day operation of the business operating under the franchise and shall not permit the franchise to be used solely by another person or entity. See Sec. 14-4(i), 14-54(h)(i) and 14-63(d).
10. Set methodology for selecting a franchise. See Sec. 14-55.
11. Create an incentive to use electric carriages. See Sec. 14-54(j).
12. Create a regular use provision. See Sec. 14-4 (g) and 14-54(h).

Attached is the amended ordinance for Chapter 14 Franchises and the associated business impact statement for the City Commission's consideration. Staff are open to any suggestions and/or modifications about this subject.

Please let me know if you have any questions.



Reuben C. Franklin Jr., P.E.
Assistant City Manager

Attachments: Ordinance 2026-11 (Clean)
Ordinance 2026-11 (Redlined)
Business Impact Statement

Exhibit A
Ordinance 2026-11
(Clean)

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR FRANCHISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine seeks to ensure that franchise operations—particularly those involving drivers and the use of animals—are conducted in a manner that protects public safety, promotes humane treatment, and maintains the City's historic and community character; and

WHEREAS, improving regulations governing driver conduct, operational safety, and animal care is necessary to support responsible mobility services and safeguard both residents and visitors; and

WHEREAS, the City's Comprehensive Plan establishes goals related to safe, efficient, and sustainable transportation systems, the protection of public welfare, and the responsible management of mobility services; and

WHEREAS, the City's Long-Range Mobility Plan emphasizes strategies that support safe, predictable, and well-managed mobility options, reduce conflicts among transportation modes, and enhance the experience of both residents and visitors; and

WHEREAS, strengthened franchise regulations directly advance the objectives of the Long-Range Mobility Plan by improving operational accountability, reducing adverse impacts on the transportation network, and supporting a safer and more sustainable multimodal system; and

WHEREAS, the City of St. Augustine is responsible for ensuring the safe, orderly, and efficient use of its public streets, rights-of-way, and transportation network, including the management of franchise operations that utilize these facilities; and

WHEREAS, franchise-based transportation services—particularly those involving drivers and animal-drawn conveyances—can generate operational impacts related to

congestion, roadway wear, pedestrian conflicts, queuing, staging, and competition for limited curb and loading space; and

WHEREAS, limiting the total number of authorized franchises is a reasonable and necessary regulatory tool to prevent oversaturation of the public rights-of-way, maintain safe multimodal mobility conditions, and preserve the City's historic and environmental character; and

WHEREAS, the City has a legitimate governmental interest in protecting public health, safety, and welfare, and courts have consistently recognized that municipalities may limit or cap franchise licenses where necessary to promote safety, manage congestion, or mitigate adverse impacts on the community; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending, reformatting and renumbering, Chapter 14, Sections 14-2 through 14-73. Chapter 14, Sections 14-2 through 14-73 of the Code of the City of St. Augustine are hereby amended, as follows:

Sec. 14-2. Definitions.

For the purpose of this article, the following terms, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of St. Augustine, Florida.

Commission is the City Commission of the City of St. Augustine, Florida.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Franchise agreement shall mean the agreement between the city and a grantee confirming the right to operate sightseeing motor vehicles on the public streets of the city, subject to the terms of this article.

Grantee/Franchisee shall mean the grantee of rights under a franchise agreement entered into between the city and grantee, subject to the terms of this article.

Historic district shall mean that portion of the city that is so designated on the official zoning map of the city as Historic Preservation Districts.

Low speed vehicle shall have the same meaning as defined by Florida law.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate a sightseeing motor vehicle within the jurisdictional limits of the city.

Motor vehicle shall have the same meaning as defined by Florida law.

Sightseeing motor vehicle shall mean every vehicle authorized for a franchise by the city commission used for the purpose of conveying passengers for sightseeing, sightseeing special tours, and sightseeing charters. Such term shall not include motorbuses and coaches legitimately engaged in interstate transportation as a common carrier or intercity tourist transportation provided that the transportation provided commences and terminates outside St. Johns County, Florida.

Sightseeing for purposes of these regulations shall mean any tour or touring activity, such as describing scenic, cultural, or historical landmarks, tasting, sampling, eating, or drinking at establishments, restaurants, ghost, haunted or cemetery tours, and significant events and people associated with the history of the City of St. Augustine, for compensation, whether for a fee or gratuity.

Tier one franchisee shall mean a franchisee, holding a tier one franchise agreement, that operates tractors, trailers, trailer trains or trolley, having a seating capacity of more than eleven (11) passengers, with an overall length not exceeding sixty (60) feet.

Tier two franchisee shall mean a franchisee, holding a tier two franchise agreement, that operates motor vehicles or low speed vehicles having a maximum seating capacity of nine (9) passengers, that is not a tractor, trailer, trailer train or trolley.

Tractor shall mean every motor vehicle designated and used primarily for drawing other vehicles and so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.

Trailer shall mean every vehicle without power coupled to or drawn by a motor vehicle designed for or used for transportation of passengers, with an overall length, including the length of the motor vehicle or tractor pulling the trailer, not exceeding sixty (60) feet.

Trailer train or trolley shall mean every sightseeing motor vehicle, or tractor, to which is attached not more than two (2) trailers, as herein defined, and designed for the purpose of carrying passengers for sightseeing with an overall length not exceeding sixty (60) feet.

Sec. 14-3. Prohibition of operation without franchise agreement.

It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing motor vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These

regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in *Avalon Carriage Service, Inc. v. Gamsey*. It shall be unlawful for any person or entity to operate these conveyances while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing motor vehicle, without first obtaining a franchise agreement from the city, except for pedicabs regulated under Chapter 27. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-24 herein. All operations of franchise holders rendered pursuant hereto shall be subject to the provisions of this chapter as a use of city property in compliance with adopted mobility plan and comprehensive plan regulations.

Sec. 14-4. Franchise agreements.

- (a) The city may, from time to time, enter into one (1) or more franchise agreements with particular grantee(s), granting the right, privilege, and franchise to use all streets, avenues and other public highways, together with other public property designated by the city commission in said city, for and during periods of up to twenty (20) years for tier one franchisees, up to ten (10) years for tier two franchisees.
 - (1) Said franchise agreements shall be for the purpose of a particular grantee's operating and maintaining these conveyances in said city, the enjoyment and exercise of the right so granted to be at all times in conformity with, and subject to, all provisions, terms and conditions of this article.
 - (2) A grantee's right to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the right to grant the use of all streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (b) The enjoyment and exercise by a grantee of any and all rights to use the city's streets, alleys, public ways and places shall, at all times, be subject and subordinate to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (c) The initial franchise agreements shall be issued only upon a finding by the city commission in public hearing, to be held within sixty (60) days of application by a prospective franchisee, that the issuance of the franchise agreement advances the public convenience and necessity based upon factors deemed relevant by the commission, which factors shall include, but not be limited to:
 - (1) Whether the need deemed necessary for visitor transporting exceeds the capacity of existing grantees.
 - (2) Whether the grant of the franchise would increase or decrease confusion to visitors and the likelihood that visitors would be more safely and efficiently conveyed through the historic district.

- (3) Whether the applicant has demonstrated the ability to: (i) comply with the terms and conditions of the ordinance and other city regulations, and (ii) safely transport visitors in the unique conditions of the city's streets and roads.
 - (4) Whether grant of the franchise would unreasonably increase or decrease congestion in the historic district.
 - (5) Whether an applicant wishes to serve an area not currently served by an existing franchise.
 - (6) Whether an applicant has sufficient financial resources and sufficient sightseeing motor vehicles to safely and reliably operate on a regular basis in an uninterrupted manner. A background investigation check shall be conducted to evaluate any bankruptcies, judgements, or liens against the applicant and any owners as part of demonstrating financial stability and resources.
 - (7) The applicant and any owners shall be subject to an initial background check for convicted criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify an applicant or owner from obtaining a franchise agreement. An applicant may appeal such disqualification to the city commission.
- (d) If, upon weighting the factors outlined herein, the commission votes to approve a franchise agreement to a grantee, in no event shall the franchise agreement so granted be upon terms more favorable than those terms of an existing franchise agreement granted to an existing grantee.
 - (e) The maximum number of franchisee agreements shall not exceed the following for each franchise tier:
 - (1) Tier one shall include a maximum of two (2) franchise agreements, with a maximum of sixteen (16) vehicles allowed to operate at any one time.
 - (2) Tier two shall include a maximum of fifteen (15) franchise agreements, with a maximum of three (3) vehicles per agreement to operate at any one time.
 - (f) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one tier one franchise, one tier two franchise or animal-drawn franchise.

Sec. 14-5. Seating capacity and appearance approvals.

- (a) Passenger seating capacity and external dimensions of each sightseeing motor vehicle shall be determined, established and approved by the franchise administrator, and the record of such passenger seating capacity shall be filed with the city manager of the city.
 - (1) The appearance and design of all sightseeing motor vehicles shall be unique and distinct for each grantee. The currently approved appearance and design of existing tier one grantees is solely reserved for those existing tier one grantees and shall not be replicated by any tier two grantee.

- (2) The appearance, external dimensions and design of all sightseeing motor vehicles shall be approved by the city commission prior to the operation of said vehicles upon the streets of the city.
 - (3) Such seating capacity and appearance/design approval may be based on photographs, images and/or schematic diagrams of the vehicle. Such seating capacity and appearance/design approval is hereby granted to the licensed vehicles of the existing tier one grantees.
 - (4) The seating capacity per sightseeing motor vehicle allowance for all grantees will be as follows:
 - a. Tier one seating capacity shall be more than eleven (11) passengers.
 - b. Tier two seating capacity shall be a maximum of nine (9) passengers.
 - (5) Approvals of new vehicles for a tier one grantee, which vehicles are substantially similar to the existing approved vehicles operated by that grantee shall require approval by the franchise administrator and shall not be unreasonably denied. However, the franchise administrator shall have the authority to require new vehicles to conform to appearance standards that are compatible with existing grantee's and the structures within the city's historic districts.
 - (6) It shall be unlawful for a grantee to operate and maintain any sightseeing motor vehicle which has a passenger seating capacity in excess of the passenger seating capacity determined, established and approved by the city.
- (b) It shall be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of the appearance and design. It shall also be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of the passenger seating capacity for the vehicle.
 - (c) No sightseeing motor vehicle may carry any advertising or promotional materials relating to any event or business on the exterior thereof, except that the sightseeing motor vehicle shall carry writings or signs in a manner to be approved by the franchise administrator which identifies each vehicle and the franchise holder.

Sec. 14-6. Fleet size limitations and vehicle medallions.

- (a) No franchise agreement shall authorize a tier one grantee to operate more than sixteen (16) sightseeing motor vehicles upon the public streets of the city at any one (1) time, or a tier two grantee to operate more than three (3) sightseeing motor vehicles upon the public streets of the city at any one (1) time, except pursuant to this section.
- (b) If a grantee desires to operate more than the permitted number of sightseeing motor vehicles upon the public streets of the city at any one (1) time for special events, grantee shall make written application to the franchise administrator requesting the number of additional sightseeing motor vehicles desired, and the reasons therefor.

- (1) Upon receipt of the written application, the franchise administrator shall, have thirty (30) days to review the application to determine if public necessity and convenience require the operation of the requested additional sightseeing motor vehicles upon the public streets of the city at any one (1) time.
 - (2) The franchise administrator shall grant, deny or modify the request contained in grantee's written application.
 - (3) Any grant or modification of the request may include a determination that the authorization for the additional sightseeing motor vehicles shall be for a duration that is different from (but does not exceed) the then-remaining duration of the franchise agreement held by the grantee.
 - (4) Any appeal of such determination shall be filed with the franchise administrator within thirty (30) days and shall be heard by the city commission at the next reasonably available city commission meeting date.
- (c) Upon the effective date of a franchise agreement issued pursuant to this article, the franchise administrator shall coordinate the issuance of sightseeing motor vehicle permit tags and thereafter a sightseeing motor vehicle medallions upon approved inspection by city fleet maintenance staff.
- (1) Medallions shall be valid for one year from the date of approved inspection by city fleet maintenance staff.
 - (2) Additional sightseeing motor vehicle medallions require approval pursuant to this section.
 - (3) The sightseeing motor vehicle medallions shall be in form and substance consistent in appearance with existing medallions.
 - (4) Any additional sightseeing motor vehicle medallions are subject to an approved inspection by city fleet maintenance staff.
- (d) Each sightseeing motor vehicle being operated on the public streets shall conspicuously display a sightseeing motor vehicle medallion on the rear of the vehicle or on the rear of the last trailer of the vehicle.
- (e) It shall be unlawful for a grantee to operate upon the public streets, at any one time, more sightseeing motor vehicles than are authorized by the grantee's franchise agreement and these regulations. It shall also be unlawful to operate any sightseeing motor vehicle without conspicuously displaying a sightseeing motor vehicle medallion as required herein.
- (f) An existing franchisee shall be permitted to operate sightseeing motor vehicles with permit tags until the next annual inspection, where the vehicle is issued a medallion.

Sec. 14-7. Posting of fares; prohibition of street solicitation.

Rates of fare charged to passengers by grantees for sightseeing tours shall be publicly displayed on each sightseeing motor vehicle where same may be plainly seen by the public, or in the alternative may be posted conspicuously on websites, digital applications and links, brochures, ticket booths, or other

points of sale. The rates of fare shall also be clearly displayed at any off-street parking area or depot used by a grantee. Street solicitation by grantees or their agents or employees, is strictly prohibited. For the purposes of this section, the term "street solicitation" means the distribution, on public streets, of pamphlets or other printed materials to solicit business, and the use of hawkers, pullers-in, pamphleteers, or persons holding signs to solicit business.

Sec. 14-8. Designated loading zones.

- (a) It shall be unlawful for any sightseeing motor vehicle to load or unload passengers at any place within the city other than at designated loading zones determined by the city manager.
- (b) Loading zones are to be designated for tier one and tier two grantees which are separate and distinct from designated loading zones for vehicles for hire.
- (c) Tier two grantees shall be prohibited from parking in loading zones designated for use by tier one grantees. Any designated loading zones for tier two grantees shall zones shall be located at least 100 feet away from designated loading zones for tier one loading zones.
- (d) These restrictions shall not restrict or prohibit the loading and unloading of passengers at any off-street depot, so long as such loading or unloading of passengers occurs on property privately owned by the grantee or where a private property owner has agreed to allow a grantee to use the property as a loading zone.
- (e) Loading zones shall be designed in a safe and efficient manner for passengers and adjacent vehicular circulation.

Sec. 14-9. Insurance.

- (a) The city risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any sightseeing motor vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.
- (b) The policy required by this section may be in the form of a separate policy for each vehicle or may be in the form of a fleet policy covering all vehicles operated by such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each vehicle in the following amounts:
 - (1) Tier one: not less than one million dollars (\$1,000,000.00) for one (1) person injured or killed, and one million dollars (\$1,000,000.00) for all property damaged or destroyed in any one (1) accident, and not less than four million dollars (\$4,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a four million dollar combined single limit per occurrence.

- (2) Tier two: not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.
- (c) Such policy or policies shall cover:
 - (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of sightseeing motor vehicles operated by the grantee.
 - (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such sightseeing motor vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.
- (d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager.

Sec. 14-11. Drivers.

- (a) All tier one sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida CDL license. All tier two sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.
- (b) All drivers shall have met all of the requirements of the Code of the city pertaining to Chapter 17, Article V, Certified Guides.
- (c) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from driving a sightseeing motor vehicle. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.

- (d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchise administrator of any change of place of employment to a new operator, or change of the vehicle which they are driving, or any action or event that would disqualify them from operating a sightseeing motor vehicle. The franchisee is ultimately responsible, to the best of their knowledge, for ensuring the franchise administrator has the most recent information for registered drivers.
- (e) Every sightseeing motor vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Sightseeing Motor Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Sightseeing. The identification badge shall also include the franchisee's name, the driver's name, the official city St. Augustine photograph of the driver and the seal of the City of St. Augustine, and the license year for which the badge is valid. The driver shall carry, wear, or have readily available said badge at all times and shall make available for review while engaged in the provision of sightseeing motor vehicles.

Drivers shall adhere to the following code of conduct:

- (1) Be courteous, respectful and professional with all passengers and the public.
 - (2) Avoid abusive language, harassment, bullying or discrimination with all passengers and the public.
- (f) It shall be unlawful for any driver of a sightseeing motor vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such sightseeing motor vehicle, for which they have charge as driver, while such sightseeing motor vehicle is in service; parked or standing in a designated loading/unloading zone. This section shall be construed to govern the drivers named herein only while conducting their business as a sightseeing motor vehicle or at such times where the vehicle is parked in designated loading/unloading zones. In the event of an emergency, assisting passengers, as directed by a first responder, or to use the restroom, a driver may leave or absent themselves for a distance greater than ten (10) feet, for a period of no more than 30 minutes, if another employee of the franchisee is present to stay with the sightseeing motor vehicle to ensure that it is not unduly accessed or put into service by an unauthorized driver or to move the vehicle for emergency purposes or allow other sightseeing motor vehicles to load and unload passengers.

Sec. 14-12. City approval of routes.

- (a) A tier one (1) grantee's proposed regular tour routes shall be submitted to the city for review by the city as part of the application to operate as a franchisee. The requested routes shall be reviewed by the city commission at a public hearing, with approval by resolution prior to grantee using such tour routes.

- (b) Request for limited duration special sightseeing tours, sightseeing charters, or modification of existing routes, shall be made to the franchise administrator on an individual basis and shall be submitted in writing. The franchise administrator shall have 30 days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within the 30-day review period, the request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.
- (c) The city commission shall, by resolution, from time to time, as in its judgement public necessity, safety or convenience may require, create, define and declare any areas within the city as "restricted areas" where franchisees are not allowed.

Sec. 14-13. Franchise fee.

- (a) Each tier one (1) grantee shall, until the first anniversary of the effective date of each grantee's franchise agreement, pay to the city, in the manner provided herein, a franchise fee of two (2) percent of grantee's gross revenues, as defined in this section.
- (b) The franchise fee paid by grantee to the city shall not be less than as stated herein for each tier:
 - (1) Tier one: not less than ten thousand dollars (\$10,000.00) in any given year of the franchise term.
 - (2) Tier two: two-thousand (\$2,000.00) in any given year of the franchise term.
- (c) After the third anniversary of the effective date of a grantee's franchise agreement, and each third year thereafter, the city may increase the percentage of gross revenue to be paid to the city by a grantee by no more than one-half (½) percentage point. However, the maximum percentage shall be capped at five (5) percent.
- (d) The annual franchise fee shall be payable in quarterly installments of two thousand five hundred dollars (\$2,500.00) each for tier one franchisee and five hundred dollars (\$500) each for each tier two franchisee, in advance, on the first day of January, April, July and October of each year commencing October 1st, and continuing thereafter during the term of any grantee's franchise term. The balance of a grantee's annual franchise fee, if any, shall be payable in full on January 15 of each year.
- (e) The term "gross revenues" as used in this section for the determination of the franchise fee shall mean the gross amount of revenue collected by the grantee from sales of passenger tickets, less any sales tax, admission tax and cost to grantee for admission tickets to other attractions, if any.
- (f) In order that the city may determine the proper amount of the franchise fee each year, the city shall furnish to grantee the forms and guidelines for a system of accounting records, which forms grantee shall be required to maintain and make available to the city at all times. Grantee shall file with the

city, on the due date of each installment, a report on the form provided by the city showing yearly gross sales to the date of filing.

Sec. 14-14. City's audit rights.

The city shall, in addition to the accounting system as provided above, have access at all reasonable hours to all of each grantee's accounting, financial, statistical customer, and service records relating to the operation of grantee's sightseeing motor vehicles and to such other records as may be required by the city, together with such other information as the city may request in support of same. The city may conduct an annual audit of any grantee's records for the purpose of determining the accuracy of the gross sales reported by grantee. The nature and extent of the audit shall be determined by the franchise administrator.

Sec. 14-15. Reserved.

Sec. 14-16. Insurance companies.

All insurance policies which are required of the grantee under this article shall be written by a company or companies authorized and qualified to conduct business in the State of Florida, and such companies shall be approved by the risk manager. Such approval shall not be unreasonably denied. Certification of all insurance coverage shall be on file at all times with the risk manager. Any renewal certificates of insurance policies shall be filed with the risk manager at least ten (10) days prior to the expiration date of the original policy or policies.

Sec. 14-17. Grantees subject to city's police power.

A grantee shall, at all times during the life of a franchise agreement granted pursuant to this article, be subject to all lawful exercise of the police power of the city. The city and grantee may agree to such other franchise terms and conditions. The right is hereby reserved to the city to adopt by ordinance additional regulations which shall apply uniformly to all grantees by their respective tier, if applicable.

Sec. 14-18. Termination of franchise rights "for cause"; restriction on transfer.

(a) In the event a grantee, his successors or assigns:

- (1) Violates or fails to promptly perform all of the provisions of section 14-9 of this article; or
- (2) Violates or fails to promptly perform all of the provisions of section 14-13 of this article; or
- (3) Is found to be in violation of this article by the city commission, special magistrate, or court with jurisdiction more than four (4) times in any calendar year.
- (4) Voluntarily or involuntarily becomes bankrupt; or
- (5) Voluntarily or involuntarily has a receiver appointed; or
- (6) Has assets sold at sheriff's sale or any other judicial sale; or
- (7) Involuntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise; or

- (8) Voluntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise without first obtaining the written consent of the city commission; or
 - (9) Knowingly files false financial statements with the city; or
 - (10) Has operator or ownership interest in more than one (1) tier one and one (1) tier two franchise or horse carriage franchise; or
 - (11) Willfully fails to file the required financial information with the city.
- (b) In the event a grantee, its successors or assigns, after notice (if practicable), fails to cure such action/inaction, the rights, permits and privileges granted to grantee, or its successors or assigns by its franchise agreement, shall be immediately forfeited, terminated, and cancelled by the city commission. The foregoing reasons for forfeiture, termination and cancellation are cumulative and not exclusive, and a franchise agreement may be forfeited, terminated and cancelled for any other reason authorized by the law of the State of Florida.
- (c) A franchise is not proprietary to the franchisee. Franchisees may not sell, mortgage, or transfer the franchise. The ownership or shareholder composition of a franchise entity may be sold or transferred, however the franchise entity must remain in the name identified in the franchise agreement.

Sec. 14-19. Performance review and performance renewal.

- (a) From time to time during each grantee's franchise agreement (the duration of which is established pursuant to each grantee's franchise agreement) the franchise administrator shall evaluate each grantee's performance based upon the following categories:
- (1) Compliance with the terms and conditions of this article and grantee's franchise agreement;
 - (2) Responsiveness to customer complaints;
 - (3) Safety;
 - (4) Cleanliness, condition and appearance of sightseeing motor vehicles.
- (b) After each such evaluation the franchise administrator will issue an evaluation report specifically addressing each area of concern to the grantee.
- (c) Each grantee may, within five (5) years of the scheduled termination of that grantee's franchise agreement, apply to the city commission for a renewal of that grantee's franchise agreement. If, at the time of such application, the grantee has reasonably addressed all concerns outlined in the franchise administrator's most recent evaluation report of the grantee, said grantee shall be presumed, absent good cause shown to the contrary, to be entitled to a renewal of its franchise agreement for a term of years to be determined by the city commission, and such renewal shall be granted upon the terms and conditions as are then applicable to all similar tier franchisees under the terms of this ordinance, as amended. Nothing contained herein shall be construed to prohibit any amendment to this ordinance which is applicable to all grantees.

Sec. 14-20. Accessibility.

Each grantee hereunder shall comply with all provisions of any applicable law regarding accessibility, including, but not limited to, any and all applicable provisions of the Americans with Disabilities Act of 1991. Notwithstanding any provisions of any law regarding accessibility, each tier one grantee hereunder shall, within one (1) year of the granting of that grantee's franchise, maintain in its fleet at least one (1) motor vehicle which is wheelchair accessible, which wheelchair accessible motor vehicle shall be available for sightseeing purposes upon grantee receiving at least twenty-four (24) hours notice of the requested use of same.

Sec. 14-21. Prohibited vehicles.

Megacycles, amphibious vehicles, pedal pubs or similar type vehicle, golf carts, and pedicabs, are not qualified for use as franchise sightseeing motor vehicles pursuant to this chapter. Pedicabs are permitted to provide sightseeing services as provided for in Chapter 27.

Sec. 14-22. Observance of certain holidays.

Each grantee having a sightseeing motor vehicle franchise within the city is hereby given leave to cease operations on holidays specified in their respective franchisee agreements.

Sec. 14-23. Minimum equipment, maintenance.

- (a) Each sightseeing motor vehicle shall have the following equipment:
- (1) Brakes.
 - (2) Emergency brake.
 - (3) Exhaust system.
 - (4) Headlights.
 - (5) Horn.
 - (6) Stop lights.
 - (7) Tag lights.
 - (8) Tail lights.
 - (9) Tires.
 - (10) Turn signals.
 - (11) Windshield wipers.
- (b) Each sightseeing motor vehicle should be maintained in a clean, well painted manner so as to provide a generally good appearance.
- (c) The grantee, at least annually, shall subject each sightseeing motor vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. If upon inspection the vehicle is found to comply with the requirements of subsections (a) and (b) above and there is a current franchise agreement on file for the owner of the vehicle, then

a medallion will be issued. The medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle. A vehicle may be inspected and found to comply with the requirements; however, if there is no current franchise agreement on file, a medallion will not be issued until a current franchise agreement is obtained.

- (d) The police chief is given full power to suspend a medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sight-seeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-24. Penalties for violation.

County Court:

- (a) A violation of this code is a civil infraction.
- (b) The civil penalty is \$500.00.
- (c) If the person who has committed the civil infraction does not contest the citation, the penalty shall be reduced by \$50.00, to \$450.00.
- (d) The issuance of a citation shall be by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
- (e) The citation may be contested in county court.

Suspension, Revocation, Administrative Review:

- (f) Any violation of the provisions of this article may be punishable as provided in section 1-8 of this Code, pursuant to code enforcement proceedings, or pursuant to the administrative penalties identified herein. Each day any violation shall continue shall constitute a separate offense.
- (g) The franchise administrator is authorized to enforce this article, and to adopt rules and regulations for the proper administration and enforcement of this chapter. In addition, code enforcement officers and law enforcement officers may enforce violations of this code pursuant to law.
- (h) The franchise administrator shall have the right to audit the records of the franchise operations including, but not limited to, driver background checks, for purposes of verifying compliance with this article.
- (i) In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:
 - (1) The penalty for a first violation under this chapter shall be an official written warning.
 - (2) The penalty for a second violation under this chapter shall pay a \$500 fine and a second written warning.

- (3) Upon three (3) violations under this chapter within a twelve month period, the penalty is a \$500 fine and the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days. Should operations occur during the thirty (30) day suspension period, the vehicle may be impounded and the franchisees franchise agreement terminated.
 - (4) Upon four (4) violations under this chapter within a twelve-month period, the penalty is a \$500 fine and the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period or have the franchise agreement terminated.
 - (5) The franchisee operator, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section, or pursuant to law.
 - (6) Prior to any suspension or revocation of a franchise, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the operator shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their franchise revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a franchise.
- (j) Any law enforcement officer, code enforcement officer, or other authorized City official may order the removal, immobilization, or impoundment of any franchise or non-franchise vehicle operating within the City when one or more of the following conditions exist:
- (1) The vehicle is operating without a valid City-issued franchise required by this Chapter.
 - (2) The vehicle is operating in violation of a suspension or revocation order.
 - (3) The vehicle is creating an obstruction to traffic or pedestrian movement.
 - (4) The vehicle is parked or operating in a location not authorized for staging, loading, or unloading.
 - (5) The vehicle is unattended and unlawfully present on public or City-controlled property.
 - (6) The vehicle is involved in an enforcement action, investigation, or arrest.
 - (7) The vehicle otherwise presents a risk to public health, safety, or welfare.

ARTICLE II. TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING

Sec. 14-50. Short title.

This article shall be known and may be cited as the "City of St. Augustine Transportation by Animal-Drawn Vehicles Ordinance" and may be cited herein as the "ordinance".

Sec. 14-51. Reserved.

Sec. 14-52. Definitions.

(a) *Definitions.* Except where the context clearly indicates otherwise, the following terms and phrases as used in this article shall have the following meanings:

Animal shall mean any horse or mule used for touring purposes and operated under a franchise agreement.

Animal-drawn vehicle shall mean a carriage or vehicle drawn or pulled by an animal used for touring purposes.

Business day shall exclude Saturday, Sunday and any day of the week determined to be a holiday according to the annual city holiday calendar.

Code enforcement shall mean any of the legally available methods of enforcement of municipal ordinances or designee.

Driver/operator shall mean the person or persons driving an animal-drawn vehicle.

Fire department shall mean the fire chief or designee.

Franchise agreement shall mean the agreement between the city and a franchisee authorizing the franchisee to operate animal-drawn vehicles on the public streets of the city, subject to the terms of this article.

Franchisee/Grantee shall mean the grantee of authority to operate animal-drawn vehicles under a franchise agreement entered into between the city and franchisee, subject to the terms of this article.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate an animal-drawn vehicle within the jurisdictional limits of the city.

Out of service shall mean when the animal is unhitched from an animal-drawn vehicle and out of its harness.

Police department shall mean the chief of police or designee.

Rate or Fare shall mean the price paid for an animal-drawn vehicle tour.

Rest shall mean the time when the animal is in service but not actively engaged in the act of pulling an animal-drawn vehicle.

Stable shall mean the barn where the animals are kept.

Stall shall mean individual space within the barn where each animal is kept.

Tour guide shall mean any person who for compensation offers to show and describe the points of interest and historical places in the city.

Tour or touring shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.

Transfer Station shall mean a designated facility or area designed to facilitate the loading, unloading and daily staging of horses that does not permit overnight storage of horses, without prior written authorization from the franchise administrator.

Wet Bulb Globe Temperature (WBGT) – A comprehensive measure of heat stress, factoring in air temperature, humidity, wind speed, sun angle and cloud cover.

Sec. 14-53. Prohibition of operation without franchise agreement

- (a) It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing animal-drawn vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in *Avalon Carriage Service, Inc. v. Gamsey*. It shall be unlawful for any person or entity to operate these conveyances while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing animal-drawn vehicle, without first obtaining a franchise agreement from the city. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-80 herein.

Sec. 14-54. Franchise agreements.

- (a) The franchise administrator may enter into a franchise agreement. Each franchise agreement shall be granted for a period not to exceed five (5) years and shall automatically renew upon the expiration of the initial franchise term on a year-to-year basis so long as the franchisee is in good standing, unless either party gives three (3) months written notice prior to the expiration of the current term that it does not intend to renew the agreement.
- (b) A franchisee's authorization to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the authority to grant the use of the city's streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (c) The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate to the dominant right of the public to use streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (d) During the term of the franchise agreement, the franchisee shall remain authorized to legally conduct business within the State of Florida, pursuant to Florida Statutes;
- (e) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city applicable thereto as from time to time amended;

- (f) The franchisee shall agree that upon the violation of any provisions of this article by the franchisee, its agents, employees or persons acting on its behalf, the franchisee shall be subject to penalties prescribed within this article.
- (g) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one franchise in each category.
- (h) A franchisee shall commence operations within ninety (90) days of franchise issuance and shall continuously provide the authorized services under the franchise. Failure to commence operations, or cessation of substantially all operations for sixty (60) consecutive days without City approval, shall constitute abandonment of the franchise and may result in revocation or forfeiture.
- (i) The franchisee shall be actively engaged in the ownership, management, and day-to-day operation of the business operating under the franchise and shall not permit the franchise to be used solely by another person or entity.
- (j) A franchisee shall be allowed to use one (1) electric "horseless" carriage in addition to issued medallions. Electric "horseless" carriages may also be used in substitution of a horse carriage for each medallion.

Sec. 14-55. Franchise application requirements.

The applicant shall submit an application with the city for a franchise agreement with proof of the following:

- (1) Documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within the city limits;
- (2) Intended hours of operation;
- (3) Location of facilities to be used for the housing of animals;
- (4) Name of Doctor of Veterinary Medicine, duly licensed in the state, for compliance with city's requirement to provide the animal's certificate of health;
- (5) Applicant's qualifications include but are not limited to; previous experience in the operation of animal-drawn vehicles on public streets, together with the applicant's business plan, proposed hours of operation, background check information, and any other relevant experience or qualifications demonstrating the ability to safely and responsibly operate such services. Any adjudicated by a competent authority that results in a finding of animal abuse, neglect, or mistreatment shall be deemed disqualified from obtaining a franchise;
- (6) Number of permits requested (subject to the provisions of this article);
- (7) Number of carriages to be operated (Number of carriages shall equal or exceed number of permits requested.);
- (8) Acknowledgment by the applicant that any franchise shall be nonexclusive; and

- (9) Acknowledgment by the applicant that upon the violation of any provisions of this article by the applicant/franchisee, its agents, employees or persons acting on its behalf, the applicant/franchisee shall be liable for any penalties prescribed within this article.
- (10) Identification of any bankruptcy, conviction of any crime, and proof of a valid Florida driver's license for the members of the proposed management team.
- (11) Any franchisee whose franchise is revoked, terminated, canceled, or not renewed by the City due to a violation of, or failure to comply with, the provisions of this Ordinance, applicable rules, permit conditions, or other lawful requirements imposed pursuant thereto, shall thereafter be deemed ineligible to apply for, receive, or hold any future franchise issued under this ordinance.

Sec. 14-56. Reserved

Sec. 14-57. Posting of fares

- (a) Animal-drawn vehicles shall clearly display, in a legible format approved by the franchise administrator, rates and charges for all passengers. The displays shall clearly indicate the forms of payment accepted by the animal-drawn vehicles. If there are any varying rates charged per route, time or passenger, then the animal-drawn vehicles shall clearly display the varying rates for passengers.
- (b) It shall be unlawful for the grantee or driver of any animal-drawn vehicle to charge or demand any passenger any sum of money in excess of the rates or charges displayed. The rates or charges for payment shall not vary during the time a ride is being provided. The only exception is if passengers request an extended route or time and agree to the rate charged.
- (c) The driver of animal-drawn vehicle shall document the agreed to rate, the date, and time of each ride. The driver shall also record any requested extension and agreed to rate.
- (d) Any gratuity, fee, service charge, or tax rate shall be clearly disclosed and displayed prior to providing any animal-drawn vehicle sightseeing service.

Sec. 14-58. Designated Loading and unloading.

- (a) The franchise administrator may formulate and promulgate reasonable rules and regulations for use of designated loading areas in order to ensure equality of opportunity among operators, prevent discrimination among animal-drawn vehicles and prevent unfair practices among the owners, operators and drivers of such animal-drawn vehicles for hire.

Sec. 14-59. Insurance.

- (a) The city risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any animal-drawn vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and

to conduct business in the State of Florida. Upon request by the city risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.

- (b) The policy required by this section may be in the form of a separate policy for each animal-drawn vehicle or may be in the form of a fleet policy covering all animal-drawn vehicles operated by such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each animal-drawn vehicle in the following amounts:
 - (1) not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.
- (c) Such policy or policies shall cover:
 - (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of animal-drawn vehicles operated by the grantee.
 - (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such animal-drawn vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.
- (d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager.

Sec. 14-60. Reserved.

Sec. 14-61. Drivers.

- (a) All animal-drawn vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.
- (b) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual

crimes, or registration as a sexual offender. Any of these shall disqualify a driver from being a driver or operator. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.

- (c) All drivers offering sightseeing services shall have met all of the requirements of the Code of the city pertaining to Chapter 17, Article V. Certified Guides.
- (d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchise administrator of any change of place of employment to a new operator, or any action or event that would disqualify them from operating an animal-drawn vehicle. The franchisee is ultimately responsible for ensuring the franchise administrator has the most recent information for registered drivers.
- (e) Every animal-drawn vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Animal-Drawn Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Animal. The identification badge shall also include the franchisee's name, the driver's name, the official city of St. Augustine photograph of the driver, the seal of the City of St. Augustine, and the license year for which the badge is valid. Said badge shall be worn in plain view at all times while engaged in the driving an animal-drawn vehicle.

Drivers shall adhere to the following code of conduct:

- (1) Be courteous, respectful and professional with all passengers and the public.
- (2) Avoid abusive language, harassment, bullying or discrimination with all passengers and the public.
- (f) It shall be unlawful for any driver of an animal-drawn vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such animal-drawn vehicle of which they have charge as driver, while such animal-drawn vehicle is in service; parked or standing along the side of the curb of any public street within the city. This section shall be construed to govern the drivers named herein only while conducting their business as an animal-drawn vehicle or at such times where the vehicle is parked in designated areas. An employee of the franchisee may stay with the animal-drawn vehicle to ensure that it is not unduly accessed, disturbed, or put into service by an unauthorized driver in instances where a registered driver is located more than ten (10) feet from the animal-drawn vehicle.

Sec. 14-62. Prescribed routes; restrictions.

- (a) *Routes.* Animal-drawn vehicles shall only operate on routes established by resolution of the city commission after public hearing.
- (b) *Route modifications.* Such routes may be temporarily changed or altered by the franchise administrator if determined to be necessary for public safety reasons, with such changes being appealable to the city commission.
- (c) *Picking up off-route passengers.* An animal-drawn vehicle may leave a prescribed route to pick up *passengers* so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare pick up location. Upon picking up an off-route fare, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (d) *Dropping off passengers.* An animal-drawn vehicle may leave a prescribed route to drop off a *passengers* so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare drop off location. Upon dropping off a route *passengers*, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (e) *Temporary restrictions.* During special events or in the case of accidents or emergency incidents, the city shall be permitted to establish restrictions or relocate routes, pick-up and drop-off locations, or require detour or suspension of the provision of services.
- (f) Request for limited duration special sightseeing tours, sightseeing charters, or modification of existing routes, shall be made to the franchise administrator on an individual basis and shall be submitted in writing. The franchise administrator shall have fourteen (14) calendar days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within 14-day review period, the request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.

Sec. 14-63. Franchise Fee

One thousand dollars (\$1,000.00) times the number of medallions issued under the franchise shall be paid in quarterly installments from the date of execution of the franchise agreement on dates specified in the franchise agreement.

- (a) The franchise administrator shall limit the total number of medallions issued by the city. The total number of medallions issued by the city shall not exceed fifteen (15).
- (b) Except as provided in this subsection, the number of medallions issued to a single franchise shall not exceed five (5).
- (c) All medallions granted to a franchisee shall remain with that franchise, unsevered and unassigned.
- (d) Franchises are nontransferable.

- (e) No franchisee, no subsidiary of a franchise and no person or entity who holds an ownership interest in a franchise may manage, operate or otherwise control, directly or indirectly, any medallion(s) not issued to that franchise.

Sec. 14-64. Reserved.

Sec. 14-65. Reserved.

Sec. 14-66. Reserved.

Sec. 14-67. Compliance with traffic regulations.

Any person, grantee, or driver having been issued a identification badge under this article to engage in the business of operating animal-drawn vehicles shall be subject to all traffic provisions of this Code and other ordinances and regulations now in effect in the city and all traffic ordinances and regulations which may pertain to the operation of animal-drawn vehicles, hereinafter enacted or adopted by the city, and such rules and regulations formulated and promulgated by the franchise administrator under authority of this article.

Sec. 14-68. Reserved.

Sec. 14-69. Reserved.

Sec. 14-70. Reserved.

Sec. 14-71. Reserved.

Sec. 14-72. Reserved.

Sec. 14-73. Minimum Equipment Maintenance.

- (a) The grantee of an animal-drawn vehicle franchise shall subject the vehicle to a complete and thorough inspection in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. The franchise administrator shall exercise sole discretion in scheduling the time for such inspection with the city's fleet maintenance staff but in no event shall the inspection occur less frequently than once every twelve (12) calendar months. Every animal-drawn vehicle in service shall have the following equipment in good repair on the vehicle:
 - (1) Vehicle body condition (free from corrosion or rot)
 - (2) Electrically powered lights or lanterns and reflectors that shall be visible from a distance of five hundred (500) feet in any direction.
 - (3) Grab handles.
 - (4) Traces.
 - (5) Harness.
 - (6) Seats.
 - (7) Rubber surfaced wheels.
 - (8) Top.

- (9) Shafts.
 - (10) Steps.
 - (11) Lights on any vehicle licensed to operate at night.
 - (12) Brakes.
 - (13) Sign located on the rear of the vehicle indicating that the vehicle is "slow moving."
 - (14) Warning Triangles
 - (15) Diapering apparatus that prevents the droppings of the animal from being deposited on the ground or the right-of-way.
 - (16) Two-way communication system such as a radio or cell phone.
- (b) An animal-drawn vehicle will be maintained in a clean well painted manner so as to provide a generally good appearance.
 - (c) The police chief is given full power to suspend a franchise/medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sightseeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-74. Animal-drawn vehicle safety during operation.

- (a) At all times the animal-drawn vehicle must be occupied by an operator in the driver's seat or attend to the animal from the ground.
- (b) At no time shall a horse be separated from its carriage on any City street unless it is an emergency situation.
- (c) Animals shall not engage in work with harnesses or bits which harm or are unsafe to the animal.
- (d) Harnesses, bridles, bits and padding shall be properly fitted and kept clean and in good repair, free of makeshifts like wire, rope and rusty chain.
- (e) Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.
- (f) Breeching shall fit so that it will not rub or hinder the hind leg movement of the animal.
- (g) Water shall be provided to each animal after completing a tour or offered at least once per hour.
- (h) Animals shall be provided electrolyte supplements as needed.
- (i) Animals shall have at least fifteen (15) minutes' rest between back-to-back tours.

- (j) In a twenty-four (24) hour period, animals shall not engage in work more than eight (8) consecutive hours in a twenty-four (24) hour period without a one and one-half (1½) hour break being disconnected from the vehicle.
- (k) Animals shall not work more than six (6) days in any seven (7) day period, except during the period from June 1 through August 30, when animals shall not work more than five (5) days in any seven (7) day period.
- (l) Be responsible for removal from city's streets, alleys, public ways and places of all manure and droppings by 6:00 p.m. of the day of the occurrence and after completion of the last route of the day if the last route ends after 6:00 p.m. or, in the event of a charter on a route other than a prescribed route, immediately following the completion of that charter trip.

Sec. 14-75. Care of animals.

In the event of an allegation of animal abuse, neglect, or mistreatment involving the Franchisee, the City reserves the right, in its sole discretion, to temporarily suspend all or part of the Franchisee's operations pending the outcome of a formal investigation by a competent authority, including but not limited to, the City Manager or designee. Such suspension may be imposed immediately upon written notice to the Franchisee when the City determines that continued operation may pose a risk to animal welfare, public safety, or the public interest.

During any period of suspension, the Franchisee shall comply with all directives of the City and shall remain fully responsible for the proper care, housing, feeding, veterinary treatment, and general welfare of all horses.

If allegations of animal abuse are documented, formally investigated, and adjudicated by a competent authority, and such adjudication results in a finding of animal abuse, neglect, or mistreatment, the Franchise Agreement shall be immediately terminated, without notice or opportunity to cure. Termination shall be effective upon written notice to the Franchisee.

For purposes of this section, "documented abuse" includes findings issued by a court of law, administrative agency, animal control authority, or other governmental or regulatory body with jurisdiction. Termination under this provision shall not limit the City right to pursue any additional remedies available under this Agreement or under applicable law, including review by the City Manager or designee and recommended action to the City Commission.

If the investigation does not result in a finding of documented abuse, the City may, at its discretion, reinstate the Franchisee's operations, with or without conditions deemed necessary to protect animal welfare and the public interest.

No animal shall be used to draw a carriage unless the animal is in good health and the following standards are met:

- (1) The animal is kept in good care, health, and working condition; shall not have open sores or wounds nor shall such animal be lame or have any other ailments unless the driver has in the driver's possession a current written statement by a veterinarian that the animal is fit for such work, notwithstanding such condition.
- (2) The animal shall be properly and appropriately groomed.

- (3) Animals shall not engage in work with equipment causing an impairment of vision, other than normal blinders.
- (4) Animals shall not be driven at a speed faster than a slow trot.
- (5) Animals shall not be subject to any cruel or harassing treatment or equipment.
- (6) Animals daily shall receive an adequate amount of equine feed, free from contamination, sufficient in quantity, adequate in nutritional value and provided frequently enough to meet normal daily requirements for the animal's condition, special needs, environmental factors and size of the animal so as to maintain satisfactory health.
- (7) Any recently acquired horse for use in animal-drawn carriage operations shall be quarantined for a minimum period of twenty-one (21) consecutive days prior to being placed into service or commingled with other horses used in carriage operations.
- (8) The City shall be notified immediately of any suspected or confirmed equine infectious or communicable disease, reportable disease event, quarantine, movement restriction, or other veterinary-determined health condition requiring notification to the Florida Department of Agriculture and Consumer Services (FDACS).

Sec. 14-76 Training program.

- (a) Each horse-drawn carriage company shall at the City's request implement a training program for both its tour guides and horses to ensure proficiency when operating on the public right-of-way.
- (b) Training materials and records shall be made available for inspection by the City.
- (c) Any animal pulling a carriage shall be desensitized or otherwise trained to tolerate urban conditions prior to being placed in service. Records pertaining to desensitization training shall be maintained by carriage companies for inspection by the City.

Sec. 14-77. Sheltering of animals within city limits.

- (a) Stalls shall be kept clean and excreta shall be removed daily.
- (b) Adequate water shall be provided in stalls at all times while any animal is present.
- (c) Fans should be used to increase ventilation when the Wet Bulb Globe Temperature reaches 85 degrees.
- (d) Sharp surfaces and any other hazards shall not be permitted in any stall where they can come in contact with the animals.
- (e) The practice of tethering the animal in a stall is permitted so long as the animal does not have the opportunity to lie down or is not laying down. Tethering down an animal that can lay down or is laying down risks entanglement or injury.
- (f) There shall be no smoking at any time in the stall area.

- (g) Unless otherwise directed by a veterinarian, animals shall be given pasture turn-out time of a minimum of two (2) non-consecutive weeks every four (4) months. The City may require that animals housed on city-owned property be promptly removed in advance of a weather emergency as determined by the franchise administrator;
- (h) All stalls shall be subject to inspection by either code enforcement or the fire department. Fire extinguishers must be kept in obvious places in every stall area as required by law and as recommended by the fire department.

Sec. 14-78. Certificate of health of animals required.

The following are required to ensure the health of animals:

- (a) Bi-annual City veterinary inspections required. As a condition of maintaining a franchise agreement, each franchisee shall ensure that every animal used in the operation of animal-drawn vehicles, and each stable area located within the City limits and used in the business, is inspected by a City-approved and licensed Doctor of Veterinary Medicine twice annually, no later than May 15 and November 15 of each calendar year, at the franchisee's expense.
- (b) Certification of fitness for carriage work. Following each required inspection, the examining veterinarian shall certify to the City that the animal has been examined and is in good health and physically fit to draw an animal-drawn vehicle without endangering the health or welfare of the animal.
- (c) Additional examinations upon reasonable notice by the City, animals shall be made available for additional physical examination by a licensed veterinarian selected by City at Franchise expense. Documentation of such examinations shall be maintained by the franchisee and provided to the City upon request.
- (d) Testing, vaccinations, and preventative care:
 - (1) Coggins test. Each animal shall maintain a current negative Equine Infectious Anemia (Coggins) test conducted annually, with documentation maintained on file and provided to the City upon request.
 - (2) Vaccinations. Animals shall be vaccinated by a licensed veterinarian for diseases and risk factors appropriate to the region, consistent with generally accepted veterinary practices.
 - (3) Parasite control. Animals shall receive parasite control treatment as determined necessary by a licensed veterinarian.
- (e) Records and compliance. All veterinary inspection reports, certifications, testing results, and related health records required under this section shall be maintained by the franchisee and made available for City inspection upon request.
- (f) Enforcement. Failure to comply with the requirements of this section shall constitute a violation of this article and may result in suspension of Franchise, or other penalties as provided by this Code.

Sec. 14-79. Equine Heat.

- (a) Franchisees and drivers shall use caution when working animals in adverse weather conditions including but not limited to high heat and humidity, heavy rain, and other slippery or reduced visibility situations.
- (b) Monitoring Temperature. The official thermometer used for determining the Wet Bulb Globe Temperature (WBGT) shall be permanently affixed and monitored through FSWN CityStAug at 111 Avenida Menendez, St. Augustine Municipal Marina. The backup thermometer used for determining the WBGT shall be located and monitored through FSWN at the St. Johns Fire Station 9 – South Ponte Vedra Beach.
- (c) Heat Guidelines. The following air temperatures shall be applied:
 - (1) When the Wet Bulb Globe Temperature reaches 90, all drivers shall discontinue working their animals and pull them off the street until the wet bulb globe temperature decreases below the above-stated temperature as directed by the franchise administrator or designee.
 - (2) In the event of a weather emergency, the franchise administrator may order all animals to be removed from the city's streets, alleys, public ways and stabled safely in advance of a storm.

Sec. 14-80. Penalties.

In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:

County Court:

- (1) A violation of this code is a civil infraction.
- (2) The civil penalty is \$500.00.
- (3) If the person who has committed the civil infraction does not contest the citation, the penalty shall be reduced by \$50.00, to \$450.00.
- (4) The issuance of a citation shall be by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
- (5) The citation may be contested in county court.

Suspension, Revocation, Administrative Review:

- (6) The penalty for a first violation under this chapter shall be an official written warning. If the penalty involves Care of Animals or Equine Heat then a \$500 fine shall be issued along with the written warning.
- (7) The penalty for a second violation under this chapter shall pay a \$500 fine and a second written warning will be issued.
- (8) Upon three (3) violations under this chapter within a twelve month period, the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) day. Should

operations occur during the suspension period the carriage may be impounded and the franchisees franchise agreement terminated.

- (9) Upon four (4) violations under this chapter within a twelve month period, the penalty is a \$500 fine and the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period or have the franchise agreement terminated.
- (10) Franchisee, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section.
- (11) Prior to any suspension or revocation of a franchise, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the franchisee shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their franchise revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a franchise.
- (12) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to issuance of a violation by law enforcement and a written warning from the franchise administrator.
- (13) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to impoundment and permanent suspension for being able to apply for a franchise agreement. The city may also work with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law.

Sec. 14-81. Administration and appeals.

- (a) All appeals by a franchisee or applicant from an interpretation or determination by the franchise administrator shall be made to the city commission within fifteen (15) calendar days after the date of service of written notice of such interpretation or determination, and shall be heard by the City Commission as soon as practical thereafter.
- (b) All appeals from an adverse decision by the city commission shall be made within thirty (30) calendar days of the date of entry of a written order regarding such decision.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

Exhibit B
Ordinance 2026-11
(Redlined)

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR FRANCHISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine seeks to ensure that franchise operations—particularly those involving drivers and the use of animals—are conducted in a manner that protects public safety, promotes humane treatment, and maintains the City's historic and community character; and

WHEREAS, improving regulations governing driver conduct, operational safety, and animal care is necessary to support responsible mobility services and safeguard both residents and visitors; and

WHEREAS, the City's Comprehensive Plan establishes goals related to safe, efficient, and sustainable transportation systems, the protection of public welfare, and the responsible management of mobility services; and

WHEREAS, the City's Long-Range Mobility Plan emphasizes strategies that support safe, predictable, and well-managed mobility options, reduce conflicts among transportation modes, and enhance the experience of both residents and visitors; and

WHEREAS, strengthened franchise regulations directly advance the objectives of the Long-Range Mobility Plan by improving operational accountability, reducing adverse impacts on the transportation network, and supporting a safer and more sustainable multimodal system; and

WHEREAS, the City of St. Augustine is responsible for ensuring the safe, orderly, and efficient use of its public streets, rights-of-way, and transportation network, including the management of franchise operations that utilize these facilities; and

WHEREAS, franchise-based transportation services—particularly those involving drivers and animal-drawn conveyances—can generate operational impacts related to

congestion, roadway wear, pedestrian conflicts, queuing, staging, and competition for limited curb and loading space; and

WHEREAS, limiting the total number of authorized franchises is a reasonable and necessary regulatory tool to prevent oversaturation of the public rights-of-way, maintain safe multimodal mobility conditions, and preserve the City's historic and environmental character; and

WHEREAS, the City has a legitimate governmental interest in protecting public health, safety, and welfare, and courts have consistently recognized that municipalities may limit or cap franchise licenses where necessary to promote safety, manage congestion, or mitigate adverse impacts on the community; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending, reformatting and renumbering, Chapter 14, Sections 14-2 through 14-73. Chapter 14, Sections 14-2 through 14-73 of the Code of the City of St. Augustine are hereby amended, as follows:

Sec. 14-2. Definitions.

For the purpose of this article, the following terms, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of St. Augustine, Florida.

Commission is the City Commission of the City of St. Augustine, Florida.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Franchise agreement shall mean the agreement between the city and a grantee confirming the right to operate sightseeing motor vehicles on the public streets of the city, subject to the terms of this article.

Grantee/Franchisee shall mean the grantee of rights under a franchise agreement entered into between the city and grantee, subject to the terms of this article.

Historic district shall mean that portion of the city that is so designated on the official zoning map of the city as Historic Preservation Districts ~~1 through 5~~.

Low speed vehicle shall have the same meaning as defined by Florida law.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate a sightseeing motor vehicle within the jurisdictional limits of the city.

Motor vehicle shall ~~mean every vehicle or machine propelled by power other than muscular~~ have the same meaning as defined by Florida law.

Sightseeing motor vehicle shall mean every vehicle authorized for a franchise by the city commission trailer train, trolley, bus, amphibious vehicle, and van used for the purpose of conveying carrying at least nine (9) passengers for sightseeing, sightseeing special tours, and sightseeing charters, ~~with an overall length not exceeding sixty (60) feet~~. Such term shall not include motorbuses and coaches legitimately engaged in interstate transportation as a common carrier or intercity tourist transportation provided that the transportation provided commences and terminates outside St. Johns County, Florida.

Sightseeing for purposes of these regulations shall mean any tour or touring activity, such as describing scenic, cultural, or historical landmarks, tasting, sampling, eating, or drinking at establishments, restaurants, ghost, haunted or cemetery tours, and significant events and people associated with the history of the City of St. Augustine, for compensation, whether for a fee or gratuity.

Tier one franchisee shall mean a franchisee, holding a tier one franchise agreement, that operates tractors, trailers, trailer trains or trolley, having a seating capacity of more than eleven (11) passengers, with an overall length not exceeding sixty (60) feet.

Tier two franchisee shall mean a franchisee, holding a tier two franchise agreement, that operates motor vehicles or low speed vehicles having a maximum seating capacity of eleven nine (911) passengers, that is not a tractor, trailer, trailer train or trolley.

Tractor shall mean every motor vehicle designated and used primarily for drawing other vehicles and so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.

Trailer shall mean every vehicle without power coupled to or drawn by a motor vehicle designed for or used for transportation of passengers, with an overall length, including the length of the motor vehicle or tractor pulling the trailer, not exceeding sixty (60) feet.

Trailer train or trolley shall mean every sightseeing motor vehicle, or tractor, to which is attached not more than two (2) trailers, as herein defined, and designed for the purpose of carrying passengers for sightseeing with an overall length not exceeding sixty (60) feet.

Sec. 14-3. Prohibition of operation without franchise agreement.

It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing motor vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in Avalon Carriage Service, Inc. v. Gamsey. It shall be unlawful for any person or entity to operate ~~these conveyances a sightseeing motor vehicle~~ while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing motor vehicle, without first obtaining a franchise agreement from the city, except for pedicabs regulated under Chapter 27. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-21-24 herein. All operations of franchise holders rendered pursuant hereto shall be subject to the provisions of this chapter as a use of city property in compliance with adopted mobility plan and comprehensive plan regulations.

Sec. 14-4. Franchise agreements.

- (a) The city may, from time to time, enter into one (1) or more franchise agreements with particular grantee(s), granting the right, privilege, and franchise to use all streets, avenues and other public highways, together with other public property designated by the city commission in said city, for and during periods of up to twenty (20) years for tier one franchisees, up to ten (10) years for tier two franchisees.
- (1) Said franchise agreements shall be for the purpose of a particular grantee's operating and maintaining ~~sightseeing motor vehicles~~ these conveyances in said city, the enjoyment and exercise of the right so granted to be at all times in conformity with, and subject to, all provisions, terms and conditions of this article.
- (2) A grantee's right to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the right to grant the use of all streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (b) The enjoyment and exercise by a grantee of any and all rights to use the city's streets, alleys, public ways and places shall, at all times, be subject and subordinate to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (c) The initial Franchise-franchise agreements shall be issued only upon a finding by the city commission in public hearing, to be held within sixty (60) days of application by a prospective franchisee, that the issuance of the franchise agreement advances the public convenience and necessity based upon factors deemed relevant by the commission, which factors shall include, but not be limited to:

- (1) Whether the need deemed necessary for visitor transporting exceeds the capacity of existing grantees.
 - (2) Whether the grant of the franchise would increase or decrease confusion to visitors and the likelihood that visitors would be more safely and efficiently conveyed through the historic district.
 - (3) Whether the applicant has demonstrated the ability to: (i) comply with the terms and conditions of the ordinance and other city regulations, and (ii) safely transport visitors in the unique conditions of the city's streets and roads.
 - (4) Whether grant of the franchise would unreasonably increase or decrease congestion in the historic district.
 - (5) Whether an applicant wishes to serve an area not currently served by an existing franchise.
 - (6) Whether an applicant has sufficient financial resources and sufficient sightseeing motor vehicles to safely and reliably operate on a regular basis in an uninterrupted manner. A background investigation check shall be conducted to evaluate any bankruptcies, judgements, or liens against the applicant and any owners as part of demonstrating financial stability and resources.
 - (7) The applicant and any owners shall be subject to an initial background check for convicted criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify an applicant or owner from obtaining a franchise agreement. An applicant may appeal such disqualification to the city commission.
- (d) If, upon weighting the factors outlined herein, the commission votes to approve a franchise agreement to a grantee, in no event shall the franchise agreement so granted be upon terms more favorable than those terms of an existing franchise agreement granted to an existing grantee.
- (e) The maximum number of franchisee agreements shall not exceed the following for each franchise tier:
- (1) Tier one shall include a maximum of two (2) franchise agreements, with a maximum of sixteen (16) vehicles allowed to operate at any one time.
 - (2) Tier two shall include a maximum of fifteen (15) franchise agreements, with a maximum of three (3) vehicles per agreement to operate at any one time.
- (f) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one tier one franchisee, ~~and~~ one tier two franchisee or animal-drawn franchise.

Sec. 14-5. Seating capacity and appearance approvals.

- (a) Passenger seating capacity and external dimensions of each sightseeing motor vehicle shall be determined, established and approved by **a designated**

~~city official~~the franchise administrator, and the record of such passenger seating capacity shall be filed with the city manager of the city.

(1) The appearance and design of all sightseeing motor vehicles shall be unique and distinct for each grantee. The currently approved appearance and design of existing tier one grantees is solely reserved for those existing tier one grantees and shall not be replicated by any tier two grantee.

(2) The appearance, external dimensions and design of all sightseeing motor vehicles shall be approved by the city commission prior to the operation of said vehicles upon the streets of the city.

(3) Such seating capacity and appearance/design approval may be based on photographs, images and/or schematic diagrams of the vehicle. Such seating capacity and appearance/design approval is hereby granted to the licensed vehicles of the ~~two (2)~~ existing tier one grantees.

(4) The seating capacity per sightseeing motor vehicle allowance for all grantees will be as follows:

a. Tier one seating capacity shall be more than eleven (11) passengers.

b. Tier two seating capacity shall be a maximum of ~~eleven~~ nine (9) passengers.

(5) Approvals of new vehicles for ~~an existing~~ tier one grantee, which vehicles are substantially similar to the existing approved vehicles operated by that grantee shall require approval by the franchise administrator and shall not be unreasonably denied. However, the ~~city commission~~franchise administrator shall have the authority to require new vehicles to conform to appearance standards that are compatible with existing franchise holders~~grantee's~~ and the structures within the city's historic districts.

(6) It shall be unlawful for a grantee to operate and maintain any sightseeing motor vehicle which has a passenger seating capacity in excess of the passenger seating capacity determined, established and approved by the city.

(b) It shall be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of; ~~the appearance and design of which has not been approved by the city commission of the city.~~ It shall also be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of the passenger seating capacity ~~for the vehicle of which has not been approved by the city.~~

(c) No sightseeing motor vehicle may carry any advertising or promotional materials relating to any event or business on the exterior thereof, except that the sightseeing motor vehicle shall carry writings or signs in a manner to be approved by the ~~city manager~~franchise administrator which identifies each vehicle and the franchise holder.

Sec. 14-6. Fleet size limitations and vehicle permit tags medallions.

(a) No franchise agreement shall authorize a tier one grantee to operate more than ~~fifteen (15)~~sixteen (16) sightseeing motor vehicles upon the public streets

of the city at any one (1) time, or a tier two grantee to operate more than three (3) sightseeing motor vehicles upon the public streets of the city at any one (1) time, except pursuant to this section.

- (b) If a grantee desires to operate more than ~~fifteen (15)~~the permitted number of sightseeing motor vehicles upon the public streets of the city at any one (1) time for special events, grantee shall make written application to the ~~city commission~~franchise administrator requesting the number of additional sightseeing motor vehicles desired, and the reasons therefor.

(1) Upon receipt of the written application, the city commission~~franchise administrator~~ shall, ~~within have~~ thirty (30) days, ~~hold a public hearing to review the application~~ to determine if public necessity and convenience require the operation of the requested additional sightseeing motor vehicles upon the public streets of the city at any one (1) time.

(2) At the conclusion of the public hearing, the city commission~~The franchise administrator~~ shall grant, deny or modify the request contained in grantee's written application.

(3) Any grant or modification of the request may include a determination that the permits authorization for the additional sightseeing motor vehicles ~~so authorized~~ shall be for a duration that is different from (but does not exceed) the then-remaining duration of the franchise agreement held by the grantee.

(4) Any appeal of such determination shall be filed with the franchise administrator within thirty (30) days and shall be heard by the city commission at the next reasonably available city commission meeting date to the circuit court.

- (c) Upon the effective date of a franchise agreement issued pursuant to this article, the ~~city finance director~~franchise administrator shall ~~issue to a grantee up to fifteen (15)~~coordinate the issuance of sightseeing motor vehicle permit tags and thereafter a sightseeing motor vehicle ~~permit tag~~medallions upon approved inspection by city fleet maintenance staff.

(1) Medallions shall be valid for one year from the date of approved inspection by city fleet maintenance staff.

(2) Additional ~~for any additional~~ sightseeing motor ~~vehicles~~vehicle medallions ~~require approval requested by grantee and approved by the city commission~~ pursuant to this section.

(3) The sightseeing motor vehicle permit tags~~medallions~~ shall be in form and substance consistent in appearance with existing medallions, ~~approved by the city commission and shall be issued without charge. All original sightseeing motor vehicle permits shall be valid for the entire term of any franchise agreement issued pursuant to this article.~~

(4) Any additional sightseeing motor vehicle permits~~medallions~~ are subject to an approved inspection by city fleet maintenance staff, ~~shall be valid for the time determined and authorized by the city commission.~~

- (d) Each sightseeing motor vehicle being operated on the public streets shall conspicuously display a sightseeing motor vehicle permit tag medallion on the rear of the vehicle or on the rear of the last trailer of the vehicle.
- (e) It shall be unlawful for a grantee to operate upon the public streets, at any one time, more sightseeing motor vehicles than are authorized by the grantee's franchise agreement, ~~this article, and the city commission and these regulations~~. It shall also be unlawful to operate any sightseeing motor vehicle without conspicuously displaying a sightseeing motor vehicle permit tag medallion as required herein.
- (f) An existing franchisee shall be permitted to operate sightseeing motor vehicles with permit tags until the next annual inspection, where the vehicle is issued a medallion.

Sec. 14-7. Posting of fares; prohibition of street solicitation.

- ~~(a) The grantee may charge such maximum rates of fare for passengers using the grantee's services as are reasonable, provided same have the prior approval of the city commission, which shall not be unreasonably withheld.~~
- (b) Rates of fare charged to passengers by grantees for sightseeing tours shall be publicly displayed on each sightseeing motor vehicle where same may be plainly seen by the public, or in the alternative may be posted conspicuously on websites, digital applications and links, brochures, ticket booths, or other points of sale. ~~The rates of fare and~~ shall also be clearly displayed at any off-street parking area or depot used by a grantee. Street solicitation by grantees or their agents or employees, is strictly prohibited. For the purposes of this section, the term "street solicitation" means the distribution, on public streets, of pamphlets or other printed materials to solicit business, and the use of hawkers, pullers-in, pamphleteers, or persons holding signs to solicit business.

Sec. 14-8. ~~Public depot limitations~~ Designated loading zones.

- (a) It shall be unlawful for any sightseeing motor vehicle to load or unload passengers at any place ~~on municipal property~~ within the city other than at a ~~depot~~ designated loading zones determined by the city manager ~~from time to time as a loading and unloading passenger depot~~.
- (b) Loading zones are to be designated for tier one and tier two grantees which are separate and distinct from designated loading zones for vehicles for hire.
- (c) Tier two grantees shall be prohibited from parking in loading zones designated for use by tier one grantees. Any designated loading zones for tier two grantees shall zones shall be located at least 100 feet away from designated loading zones for tier one loading zones.
- (d) ~~This~~ These restrictions shall not restrict or prohibit the loading and unloading of passengers at any off-street depot, so long as such loading or unloading of passengers occurs on ~~privately owned~~ property privately owned by the grantee or where a private property owner has agreed to allow a grantee to use the property as a loading zone.
- (e) Loading zones shall be designed in a safe and efficient manner for passengers and adjacent vehicular circulation.

Sec. 14-9. Insurance.

- (a) The city ~~commission~~risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any sightseeing motor vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city ~~Finance Director~~risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city ~~finance director~~risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.
- (b) The policy required by this section may be in the form of a separate policy for each vehicle or may be in the form of a fleet policy covering all vehicles operated by such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each vehicle in the following amounts of:
- (1) Tier one: not less than one million dollars (\$1,000,000.00) for one (1) person injured or killed, and one million dollars (\$1,000,000.00) for all property damaged or destroyed in any one (1) accident, and not less than four million dollars (\$4,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a four million dollar combined single limit per occurrence.
- (2) Tier two: not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.
- (c) Such policy or policies shall cover:
- (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of sightseeing motor vehicles operated by the grantee.
- (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such sightseeing motor vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city ~~finance director~~risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.

- (d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager ~~as to sufficiency and the city attorney as to form. Such approval of sufficiency and form shall not be unreasonably withheld.~~

Sec. 14-11. Drivers qualifications.

- (a) All tier one sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida CDL license. All tier two sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.
- (b) ~~and All drivers~~ shall have met all of the requirements of the Code of the city pertaining to guides Chapter 17, Article V, Certified Guides.
- (c) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from driving a sightseeing motor vehicle. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.
- (d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchise administrator of any change of place of employment to a new operator, or change of the vehicle which they are driving, or any action or event that would disqualify them from operating a sightseeing motor vehicle. The franchisee is ultimately responsible, to the best of their knowledge, for ensuring the franchise administrator has the most recent information for registered drivers.
- (e) Every sightseeing motor vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Sightseeing Motor Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Sightseeing. The identification badge shall also include the franchisee's name, the driver's name, the official city St. Augustine photograph of the driver and the seal of the City of St. Augustine, and the license year for which the badge is valid. The driver shall carry, wear, or have readily available said badge at all times and shall make available for review while engaged in the provision of sightseeing motor vehicles.

Drivers shall adhere to the following code of conduct:

(1) Be courteous, respectful and professional with all passengers and the public.

(2) Avoid abusive language, harassment, bullying or discrimination with all passengers and the public.

(f) It shall be unlawful for any driver of a sightseeing motor vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such sightseeing motor vehicle, for which they have charge as driver, while such sightseeing motor vehicle is in service; parked or standing in a designated loading/unloading zone. This section shall be construed to govern the drivers named herein only while conducting their business as a sightseeing motor vehicle or at such times where the vehicle is parked in designated loading/unloading zones. In the event of an emergency, assisting passengers, as directed by a first responder, or to use the restroom, a driver may leave or absent themselves for a distance greater than ten (10) feet, for a period of no more than 30 minutes, if another employee of the franchisee is present to stay with the sightseeing motor vehicle to ensure that it is not unduly accessed or put into service by an unauthorized driver or to move the vehicle for emergency purposes or allow other sightseeing motor vehicles to load and unload passengers.

Sec. 14-12. City approval of routes.

(a) A tier one (1) grantee's proposed regular tour routes shall be submitted to the city for review by the city as part of the application to operate as a franchisee. The requested routes shall be reviewed by the city commission at a public hearing, with approval by resolution prior to grantee using such tour routes.

~~(b) Routes Request for limited duration special sightseeing tours, and sightseeing charters, or modification of existing routes, shall be made to the franchise administrator require approval by the city manager. Requests for special tour and charter routes shall be made on an individual basis and shall be submitted in writing on reasonable prior notice. The franchise administrator shall have 30 days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within three (3) business days the 30-day review period of such request, the same request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.~~

(c) The city commission shall, by resolution, from time to time, as in its judgement public necessity, safety or convenience may require, create, define and declare any areas within the city as "restricted areas" where franchisees are not allowed.

Sec. 14-13. Franchise fee.

(a) (a) — Each tier one (1) grantee shall, until the first anniversary of the effective date of each grantee's franchise agreement, pay to the city, in the manner provided herein, a franchise fee of two (2) percent of grantee's gross revenues, as defined in this article section. However,

~~(b)~~ The franchise fee paid by grantee to the city shall not be less than as stated herein for each tier:

(1) Tier one: not less than ten thousand dollars (\$10,000.00) in any given year of the franchise term.

(2) Tier two: two-thousand (\$2,000.00) in any given year of the franchise term.

~~(c)~~ After the third anniversary of the effective date of a grantee's franchise agreement, and each third year thereafter, the city may increase the percentage of gross revenue to be paid to the city by a grantee by no more than one-half (½) percentage point. However, the maximum percentage shall be capped at five (5) percent.

~~(bd)~~ The annual franchise fee shall be payable in quarterly installments of two thousand five hundred dollars (\$2,500.00) each for tier one franchisee and five hundred dollars (\$500) each for each tier two franchisee, in advance, on the first day of January, April, July and October of each year commencing October 1, ~~2001~~st, and continuing thereafter during the term of any grantee's franchise term. The balance of a grantee's annual franchise fee, if any, shall be payable in full on January 15 of each year.

~~(ce)~~ The term "gross revenues" as used in this section for the determination of the franchise fee shall mean the gross amount of revenue collected by the grantee from sales of passenger tickets, less any sales tax, admission tax and cost to grantee for admission tickets to other attractions, if any.

~~(df)~~ In order that the city may determine the proper amount of the franchise fee each year, the city shall furnish to grantee the forms and guidelines for a system of accounting records, which forms grantee shall be required to maintain and make available to the city at all times. Grantee shall file with the city, on the due date of each installment, a report on the form provided by the city showing yearly gross sales to the date of filing.

Sec. 14-14. City's audit rights.

The city shall, in addition to the accounting system as provided above, have access at all reasonable hours to all of each grantee's accounting, financial, statistical customer, and service records relating to the operation of grantee's sightseeing motor vehicles and to such other records as may be required by the city, together with such other information as the city may request in support of same. The city may conduct an annual audit of any grantee's records for the purpose of determining the accuracy of the gross sales reported by grantee. The nature and extent of the audit shall be determined by the city manager franchise administrator.

Sec. 14-15. ~~Performance bond~~Reserved.

~~Each grantee shall furnish, at grantee's expense, a bond to the city in the form of cash or surety bond conditioned to guarantee the payment of all sums which may become due to the city under this article. The original amount of the bond shall be ten thousand dollars (\$10,000.00). Thereafter, sixty (60) days prior to the anniversary date of the effective date of any franchise agreement granted pursuant to this article, the city commission may increase or decrease the amount of the bond based upon the amount of the franchise fee paid to the city by grantee for~~

~~the previous year. Any new bond required because of the change in amount shall be filed with the city finance director by grantee within ten (10) days from notification by the city finance director of said change in amount.~~

Sec. 14-16. Insurance ~~and bonding~~ companies.

All insurance policies ~~and surety bonds~~ which are required of the grantee under this article shall be written by a company or companies authorized and qualified to conduct business in the State of Florida, and such companies shall be approved by the ~~city finance director~~risk manager. Such approval shall not be unreasonably denied. ~~Bonds and current certification~~Certification of all insurance coverage shall be on file at all times with the ~~city finance director~~risk manager. Any renewal certificates of insurance policies shall be filed with the ~~city finance director~~risk manager at least ten (10) days prior to the expiration date of the original policy or policies.

Sec. 14-17. Grantees subject to city's police power.

A grantee shall, at all times during the life of a franchise agreement granted pursuant to this article, be subject to all lawful exercise of the police power of the city. The city and grantee may agree to such other ~~reasonable regulations as the city shall hereafter by ordinance provide~~franchise terms and conditions; ~~and the~~ The right is hereby reserved to the city to adopt by ordinance additional regulations which shall ~~pertain~~apply uniformly to all grantees, ~~provided that such ordinances and/or additional regulations shall be reasonable, and not in conflict with the rights herein granted (or granted in any franchise agreement) to any grantee by their respective tier, if applicable.~~

Sec. 14-18. Termination of franchise rights "for cause"; restriction on transfer.

(a) In the event a grantee, his successors or assigns:

- (1) Violates or fails to promptly perform all of the provisions of section 14-9 of this article; or
- (2) Violates or fails to promptly perform all of the provisions of section 14-13 of this article; or
- (3) Is found to be in violation of this article by the ~~performance committee or a court or other~~ city commission, special magistrate, or court board with jurisdiction more than four (4) times in any calendar year.
- (4) Voluntarily or involuntarily becomes bankrupt; or
- (5) Voluntarily or involuntarily has a receiver appointed; or
- (6) Has assets sold at sheriff's sale or any other judicial sale; or
- (7) Involuntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise; or
- (8) Voluntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise without first obtaining the written consent of the city commission; or
- (9) Knowingly files false financial statements with the city; or

(10) Has operator or ownership interest in more than one (1) tier one and one (1) tier two franchise or horse carriage franchise; or

(11) Willfully fails to file the required financial information with the city;

(b) and In the event a grantee, his-its successors or assigns, after notice (if practicable), fails to cure such action/inaction, the rights, permits and privileges granted to grantee, or his-its successors or assigns by its franchise agreement, shall be immediately forfeited, terminated, and cancelled by the city commission. The foregoing reasons for forfeiture, termination and cancellation are cumulative and not exclusive, and a franchise agreement may be forfeited, terminated and cancelled for any other reason authorized by the law of the State of Florida.

(bc) A franchise is not proprietary to the franchisee. Franchisees may not sell, mortgage, or transfer the franchise. The ownership or shareholder composition of a franchise entity may be sold or transferred, however the franchise entity must remain in the name identified in the franchise agreement. In the event of the proposed sale or transfer of twenty five (25) percent or more of the outstanding stock or assets of a grantee, the grantee shall furnish prior written notice of such sale or transfer to the city of the names and addresses of the persons or entities offering to acquire such stock or assets. A public hearing shall be held within thirty (30) days of receipt of such written notice, at which time the city commission shall hold a public hearing to determine whether or not to approve the sale or transfer. Such approval shall not be unreasonably withheld.

Sec. 14-19. Performance committee-review and performance renewal.

(a) There is hereby established a grantee performance committee whose members shall consist of the city manager and his/her designates ("the committee"). From time to time during each grantee's franchise grant agreement (the duration of which is established pursuant to each grantee's franchise agreement) the committee-franchise administrator shall evaluate each grantee's performance based upon the following categories:

- (1) Compliance with the terms and conditions of this article and grantee's franchise agreement;
- (2) Responsiveness to customer complaints;
- (3) Safety;
- (4) Cleanliness, condition and appearance of sightseeing motor vehicles.

(b) After each such evaluation by the committee the franchise administrator will issue, an evaluation report specifically addressing each area of committee concern shall be provided to the evaluated to the grantee ("evaluation report").

(c) Each grantee may, within five (5) years of the scheduled termination of that grantee's franchise agreement, apply to the city commission for a renewal of that grantee's franchise agreement. If, at the time of such application, the grantee has reasonably addressed all concerns outlined in the committee's franchise administrator's most recent evaluation report of the grantee, said grantee shall be presumed, absent good cause shown to the contrary, to be

entitled to a renewal of its franchise agreement for a term of years to be determined by the city commission, and such renewal shall be granted upon the terms and conditions as are then applicable to all similar tier franchisees under the terms of this ordinance, as amended. Nothing contained herein shall be construed to prohibit any amendment to this ordinance which is applicable to all grantees.

Sec. 14-20. Accessibility.

Each grantee hereunder shall comply with all provisions of any applicable law regarding accessibility, including, but not limited to, any and all applicable provisions of the Americans with Disabilities Act of 1991. Notwithstanding any provisions of any law regarding accessibility, each tier one grantee hereunder shall, within one (1) year of the granting of that grantee's franchise, maintain in its fleet at least one (1) motor vehicle which is wheelchair accessible, which wheelchair accessible motor vehicle shall be available for sightseeing purposes upon grantee receiving at least twenty-four (24) hours notice of the requested use of same.

Sec. 14-21. Prohibited vehicles.

Megacycles, amphibious vehicles, pedal pubs or similar type vehicle, golf carts, and pedicabs, are not qualified for use as franchise sightseeing motor vehicles pursuant to this chapter. Pedicabs are permitted to provide sightseeing services as provided for in Chapter 27.

Sec. 14-22. Observance of certain holidays.

Each grantee having a sightseeing motor vehicle franchise within the city is hereby given leave to cease operations on holidays specified in their respective franchisee agreements.

Sec. 14-23. Minimum equipment, maintenance.

(a) Each sightseeing motor vehicle shall have the following equipment:

- (1) Brakes.
- (2) Emergency brake.
- (3) Exhaust system.
- (4) Headlights.
- (5) Horn.
- (6) Stop lights.
- (7) Tag lights.
- (8) Tail lights.
- (9) Tires.
- (10) Turn signals.
- (11) Windshield wipers.

- (b) Each sightseeing motor vehicle should be maintained in a clean, well painted manner so as to provide a generally good appearance.
- (c) The grantee, at least annually, shall subject each sightseeing motor vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. If upon inspection the vehicle is found to comply with the requirements of subsections (a) and (b) above and there is a current franchise agreement on file for the owner of the vehicle, then a medallion will be issued. The medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle. A vehicle may be inspected and found to comply with the requirements; however, if there is no current franchise agreement on file, a medallion will not be issued until a current franchise agreement is obtained.
- (d) The police chief is given full power to suspend a medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sight-seeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-~~21~~24. Penalties for violation.

County Court:

- (a) A violation of this code is a civil infraction.
- (b) The civil penalty is \$500.00.
- (c) If the person who has committed the civil infraction does not contest the citation, the penalty shall be reduced by \$50.00, to \$450.00.
- (d) The issuance of a citation shall be by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
- (~~a~~)(e) The citation may be contested in county court.

Suspension, Revocation, Administrative Review:

- (f) Any violation of the provisions of this article, ~~other than the provisions of sections 14-9, 14-13, or 14-18 hereof,~~ shall may be punishable as provided in section 1-8 of this Code, pursuant to code enforcement proceedings, or pursuant to the administrative penalties identified herein. Each day any violation shall continue shall constitute a separate offense.
- (g) The franchise administrator is authorized to enforce this article, and to adopt rules and regulations for the proper administration and enforcement of this chapter. In addition, code enforcement officers and law enforcement officers may enforce violations of this code pursuant to law.
- (h) The franchise administrator shall have the right to audit the records of the franchise operations including, but not limited to, driver background checks, for purposes of verifying compliance with this article.

(i) In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:

(1) The penalty for a first violation under this chapter shall be an official written warning.

(2) The penalty for a second violation under this chapter shall pay a \$500 fine and a second written warning. be no more than one hundred and fifty dollars (\$150.00), one hundred dollars (\$100.00) for each day thereafter a continued violation occurs, and a notice of a pending thirty (30) day suspension for a third violation.

(3) Upon three (3) violations under this chapter within a six-twelve month period, the penalty is a \$500 fine and the granteefranchisee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days. Should operations occur during the thirty (30) day suspension period,,the vehicle may be impounded and the franchisees franchise agreement terminated. the grantee may be suspended for a period not to exceed six months

(4) Upon four (4) violations under this chapter within a twelve-month period, the grantee penalty is a \$500 fine and the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period or have the franchise agreement terminated not to exceed six-months Should operations occur during the six-month suspension period, the grantee may be suspended for a period not to exceed one-year.

— Upon five (5) or more violations under this chapter within a twelve-month period, the grantee will have a hearing with the city commission to review the violations and may have its permit revoked. After one year of permit revocation, the franchisee operator may apply for reinstatement after payment of a five thousand dollar (\$5,000) penalty. Should operation occur after the license has been revoked, the grantee may be subject to a permanent ban and an additional five thousand dollar (\$5,000.000) penalty.

(5) The franchisee operator, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section, or pursuant to law.

(6) Prior to any suspension or revocation of a permitfranchise, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the operator shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their permitfranchise revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a permitfranchise.

(j) Any entity, company, or person not approved as a franchise shall be prohibited from offering any sightseeing activities and shall be subject to the following penalties: Any law enforcement officer, code enforcement officer, or other authorized City official may order the removal, immobilization, or impoundment

of any franchise or non-franchise vehicle operating within the City when one or more of the following conditions exist:

(1) The vehicle is operating without a valid City-issued franchise required by this Chapter.

(2) The vehicle is operating in violation of a suspension or revocation order.

(3) The vehicle is creating an obstruction to traffic or pedestrian movement.

(4) The vehicle is parked or operating in a location not authorized for staging, loading, or unloading.

(5) The vehicle is unattended and unlawfully present on public or City-controlled property.

(6) The vehicle is involved in an enforcement action, investigation, or arrest.

(7) The vehicle otherwise presents a risk to public health, safety, or welfare.

~~— The penalty for a first violation under this chapter shall be an official warning.~~

~~— The penalty for a second violation under this chapter shall be an applicable ticket legally allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator. In addition, any permitted vehicle for hire will be issued a thirty (30) day suspension for providing such service.~~

~~— The penalty for a third violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, any permitted vehicle for hire will be issued a six (6) month suspension for providing such service.~~

~~— The penalty for a fourth violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, any permitted vehicle for hire will have said permit permanently revoked.~~

ARTICLE II. TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING

Sec. 14-50. Short title.

This article shall be known and may be cited as the "City of St. Augustine Transportation by Animal-Drawn Vehicles Ordinance" and may be cited herein as the "ordinance".

Sec. 14-51. Reserved.

Sec. 14-52. Definitions.

(a) Definitions. Except where the context clearly indicates otherwise, the following terms and phrases as used in this article shall have the following meanings:

Animal shall mean any horse or mule used for touring purposes and operated under a franchise agreement.

Animal-drawn vehicle shall mean a carriage or vehicle drawn or pulled by an animal used for touring purposes.

Business day shall exclude Saturday, Sunday and any day of the week determined to be a holiday according to the annual city holiday calendar.

Code enforcement shall mean any of the legally available methods of enforcement of municipal ordinances or designee.

Driver/operator shall mean the person or persons driving an animal-drawn vehicle.

Fire department shall mean the fire chief or designee.

Franchise agreement shall mean the agreement between the city and a franchisee authorizing the franchisee to operate animal-drawn vehicles on the public streets of the city, subject to the terms of this article.

Franchisee/Grantee shall mean the grantee of authority to operate animal-drawn vehicles under a franchise agreement entered into between the city and franchisee, subject to the terms of this article.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate an animal-drawn vehicle within the jurisdictional limits of the city.

Out of service shall mean when the animal is unhitched from an animal-drawn vehicle and out of its harness.

Police department shall mean the chief of police or designee.

Rate or Fare shall mean the price paid for an animal-drawn vehicle tour.

Rest shall mean the time when the animal is in service but not actively engaged in the act of pulling an animal-drawn vehicle.

Stable shall mean the barn where the animals are kept.

Stall shall mean individual space within the barn where each animal is kept.

Tour guide shall mean any person who for compensation offers to show and describe the points of interest and historical places in the city.

Tour or touring shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.

Transfer Station shall mean a designated facility or area designed to facilitate the loading, unloading and daily staging of horses that does not permit overnight storage of horses, without prior written authorization from the franchise administrator.

Wet Bulb Globe Temperature (WBGT) – A comprehensive measure of heat stress, factoring in air temperature, humidity, wind speed, sun angle and cloud cover.

Sec. 14-53. Prohibition of operation without franchise agreement

(a) It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing animal-drawn vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in Avalon Carriage Service, Inc. v. Gamsey. It shall be unlawful for any person or entity to operate these conveyances while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing animal-drawn vehicle, without first obtaining a franchise agreement from the city. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-80 herein.

Sec. 14-54. Franchise agreements.

- (a) The franchise administrator may enter into a franchise agreement. Each franchise agreement shall be granted for a period not to exceed five (5) years and shall automatically renew upon the expiration of the initial franchise term on a year-to-year basis so long as the franchisee is in good standing, unless either party gives three (3) months written notice prior to the expiration of the current term that it does not intend to renew the agreement.
- (b) A franchisee's authorization to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the authority to grant the use of the city's streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (c) The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate to the dominant right of the public to use streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (d) During the term of the franchise agreement, the franchisee shall remain authorized to legally conduct business within the State of Florida, pursuant to Florida Statutes;
- (e) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city applicable thereto as from time to time amended;

- (f) The franchisee shall agree that upon the violation of any provisions of this article by the franchisee, its agents, employees or persons acting on its behalf, the franchisee shall be subject to penalties prescribed within this article.
- (g) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one franchise in each categorye.
- (h) A franchisee shall commence operations within ninety (90) days of franchise issuance and shall continuously provide the authorized services under the franchise. Failure to commence operations, or cessation of substantially all operations for sixty (60) consecutive days without City approval, shall constitute abandonment of the franchise and may result in revocation or forfeiture.
- (i) The franchisee shall be actively engaged in the ownership, management, and day-to-day operation of the business operating under the franchise and shall not permit the franchise to be used solely by another person or entity.
- (j) A franchisee shall be allowed to use one (1) electric "horseless" carriage in addition to issued medallions. Electric "horseless" carriages may also be used in substitution of a horse carriage for each medallion.

Sec. 14-55. Franchise application requirements.

The applicant shall submit an application with the city for a franchise agreement with proof of the following:

- (1) Documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within the city limits;
- (2) Intended hours of operation;
- (3) Location of facilities to be used for the housing of animals;
- (4) Name of Doctor of Veterinary Medicine, duly licensed in the state, for compliance with city's requirement to provide the animal's certificate of health;
- (5) Applicant's qualifications include but are not limited to; previous experience in the operation of animal-drawn vehicles on public streets, together with the applicant's business plan, proposed hours of operation, background check information, and any other relevant experience or qualifications demonstrating the ability to safely and responsibly operate such services. Any adjudicated by a competent authority that results in a finding of animal abuse, neglect, or mistreatment shall be deemed disqualified from obtaining a franchise Applicant's previous experience in the operation of animal-drawn vehicles on the public streets;
- (6) Number of permits requested (subject to the provisions of this article);
- (7) Number of carriages to be operated (Number of carriages shall equal or exceed number of permits requested.);

- (8) Acknowledgment by the applicant that any franchise shall be nonexclusive; and
- (9) Acknowledgment by the applicant that upon the violation of any provisions of this article by the applicant/franchisee, its agents, employees or persons acting on its behalf, the applicant/franchisee shall be liable for any penalties prescribed within this article.
- (10) Identification of any bankruptcy, conviction of any crime, and proof of a valid Florida driver's license for the members of the proposed management team.
- (11) Any franchisee whose franchise is revoked, terminated, canceled, or not renewed by the City due to a violation of, or failure to comply with, the provisions of this Ordinance, applicable rules, permit conditions, or other lawful requirements imposed pursuant thereto, shall thereafter be deemed ineligible to apply for, receive, or hold any future franchise issued under this ordinance.

Sec. 14-56. Reserved

Sec. 14-57. Posting of fares

- (a) Animal-drawn vehicles shall clearly display, in a legible format approved by the franchise administrator, rates and charges for all passengers. The displays shall clearly indicate the forms of payment accepted by the animal-drawn vehicles. If there are any varying rates charged per route, time or passenger, then the animal-drawn vehicles shall clearly display the varying rates for passengers.
- (b) It shall be unlawful for the grantee or driver of any animal-drawn vehicle to charge or demand any passenger any sum of money in excess of the rates or charges displayed. The rates or charges for payment shall not vary during the time a ride is being provided. The only exception is if passengers request an extended route or time and agree to the rate charged.
- (c) The driver of animal-drawn vehicle shall document the agreed to rate, the date, and time of each ride. The driver shall also record any requested extension and agreed to rate.
- (d) Any gratuity, fee, service charge, or tax rate shall be clearly disclosed and displayed prior to providing any animal-drawn vehicle sightseeing service.

Sec. 14-58. Designated Loading and unloading.

- (a) The franchise administrator may formulate and promulgate reasonable rules and regulations for use of designated loading areas in order to ensure equality of opportunity among operators, prevent discrimination among animal-drawn vehicles and prevent unfair practices among the owners, operators and drivers of such animal-drawn vehicles for hire.

Sec. 14-59. Insurance.

- (a) The city risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any animal-drawn vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and

filed with the city risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.

(b) The policy required by this section may be in the form of a separate policy for each animal-drawn vehicle or may be in the form of a fleet policy covering all animal-drawn vehicles operated by such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each animal-drawn vehicle in the following amounts-of:

(1) not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.

(c) Such policy or policies shall cover:

(1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of animal-drawn vehicles operated by the grantee.

(2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such animal-drawn vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.

(d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager.

Sec. 14-60. Reserved.

Sec. 14-61. Drivers.

(a) All animal-drawn vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.

- (b) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from being a driver or operator. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.
- (c) All drivers offering sightseeing services shall have met all of the requirements of the Code of the city pertaining to Chapter 17, Article V. Certified Guides.
- (d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchise administrator of any change of place of employment to a new operator, or any action or event that would disqualify them from operating an animal-drawn vehicle. The franchisee is ultimately responsible for ensuring the franchise administrator has the most recent information for registered drivers.
- (e) Every animal-drawn vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Animal-Drawn Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Animal. The identification badge shall also include the franchisee's name, the driver's name, the official city of St. Augustine photograph of the driver, the seal of the City of St. Augustine, and the license year for which the badge is valid. Said badge shall be worn in plain view at all times while engaged in the driving an animal-drawn vehicle.

Drivers shall adhere to the following code of conduct:

- (1) Be courteous, respectful and professional with all passengers and the public.
- (2) Avoid abusive language, harassment, bullying or discrimination with all passengers and the public.
- (f) It shall be unlawful for any driver of an animal-drawn vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such animal-drawn vehicle of which they have charge as driver, while such animal-drawn vehicle is in service; parked or standing along the side of the curb of any public street within the city. This section shall be construed to govern the drivers named herein only while conducting their business as an animal-drawn vehicle or at such times where the vehicle is parked in designated areas. An employee of the franchisee may stay with the animal-drawn vehicle to ensure that it is not unduly accessed, disturbed, or put into service by an unauthorized driver in instances where a registered driver is located more than ten (10) feet from the animal-drawn vehicle.

Sec. 14-62. Prescribed routes; restrictions.

- (a) Routes. Animal-drawn vehicles shall only operate on routes established by resolution of the city commission after public hearing.
- (b) Route modifications. Such routes may be temporarily changed or altered by the franchise administrator if determined to be necessary for public safety reasons, with such changes being appealable to the city commission.
- (c) Picking up off-route passengers. An animal-drawn vehicle may leave a prescribed route to pick up passengers so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare pick up location. Upon picking up an off-route fare, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (d) Dropping off passengers. An animal-drawn vehicle may leave a prescribed route to drop off a passengers so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare drop off location. Upon dropping off a route passengers, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (e) Temporary restrictions. During special events or in the case of accidents or emergency incidents, the city shall be permitted to establish restrictions or relocate routes, pick-up and drop-off locations, or require detour or suspension of the provision of services.
- (f) Request for limited duration special sightseeing tours, sightseeing charters, or modification of existing routes, shall be made to the franchise administrator on an individual basis and shall be submitted in writing. The franchise administrator shall have fourteen (14) calendar days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within 14-day review period, the request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.

Sec. 14-63. Franchise Fee

One thousand dollars (\$1,000.00) times the number of medallions issued under the franchise shall be paid in quarterly installments from the date of execution of the franchise agreement on dates specified in the franchise agreement.

- (a) The franchise administrator shall limit the total number of medallions issued by the city. The total number of medallions issued by the city shall not exceed fifteen (15).
- (b) Except as provided in this subsection, the number of medallions issued to a single franchise shall not exceed five (5). Any franchisee who on the effective date of this ordinance has more than five (5) medallions issued by the city may keep the medallions in service until termination of said franchise agreement. At that time any new franchise agreement is subject to this ordinance. Any franchisee who on the effective date of this ordinance has less than five (5)

medallions issued by the city may keep the medallions in service until termination of said franchise agreement.

- c) All medallions granted to a franchisee shall remain with that franchise, unsevered and unassigned.
- (d) Franchises are nontransferable.
- (e) No franchisee, no subsidiary of a franchise and no person or entity who holds an ownership interest in a franchise may manage, operate or otherwise control, directly or indirectly, any medallion(s) not issued to that franchise.

Sec. 14-64. Reserved.

Sec. 14-65. Reserved.

Sec. 14-66. Reserved.

Sec. 14-67. Compliance with traffic regulations.

Any person, grantee, or driver having been issued a identification badge under this article to engage in the business of operating animal-drawn vehicles shall be subject to all traffic provisions of this Code and other ordinances and regulations now in effect in the city and all traffic ordinances and regulations which may pertain to the operation of animal-drawn vehicles, hereinafter enacted or adopted by the city, and such rules and regulations formulated and promulgated by the franchise administrator under authority of this article.

Sec. 14-68. Reserved.

Sec. 14-69. Reserved.

Sec. 14-70. Reserved.

Sec. 14-71. Reserved.

Sec. 14-72. Reserved.

Sec. 14-73. Minimum Equipment Maintenance.

- (a) The grantee of an animal-drawn vehicle franchise shall subject the vehicle to a complete and thorough inspection in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. The franchise administrator shall exercise sole discretion in scheduling the time for such inspection with the city's fleet maintenance staff but in no event shall the inspection occur less frequently than once every twelve (12) calendar months. Every animal-drawn vehicle in service shall have the following equipment in good repair on the vehicle:
 - (1) ~~Vehicle body condition (free from corrosion or rot)~~ ~~Body condition (free from corrosion or rot).~~
 - (2) Electrically powered lights or lanterns and reflectors that shall be visible from a distance of five hundred (500) feet in any direction.
 - (3) Grab handles.

- (4) Traces.
 - (5) Harness.
 - (6) Seats.
 - (7) Rubber surfaced wheels.
 - (8) Top.
 - (9) Shafts.
 - (10) Steps.
 - (11) Lights on any vehicle licensed to operate at night.
 - (12) Brakes.
 - (13) Sign located on the rear of the vehicle indicating that the vehicle is "slow moving."
 - (14) Warning Triangles
 - (15) Diapering apparatus that prevents the droppings of the animal from being deposited on the ground or the right-of-way.
 - (16) Two-way communication system such as a radio or cell phone.
- (b) An animal-drawn vehicle will be maintained in a clean well painted manner so as to provide a generally good appearance.
- (c) The police chief is given full power to suspend a franchise/medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sightseeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-74. Animal-drawn vehicle safety during operation.

- (a) At all times the animal-drawn vehicle must be occupied by an operator in the driver's seat or attend to the animal from the ground.
- (b) At no time shall a horse be separated from its carriage on any City street unless it is an emergency situation.
- (c) Animals shall not engage in work with harnesses or bits which harm or are unsafe to the animal.
- (d) Harnesses, bridles, bits and padding shall be properly fitted and kept clean and in good repair, free of makeshifts like wire, rope and rusty chain.
- (e) Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.
- (f) Breeching shall fit so that it will not rub or hinder the hind leg movement of the animal.

- (g) Water shall be provided to each animal after completing a tour or offered at least once per hour.
- (h) Animals shall be provided electrolyte supplements as needed.
- (i) Animals shall have at least fifteen (15) minutes' rest between back-to-back tours.
- (j) In a twenty-four (24) hour period, animals shall not engage in work more than eight (8) consecutive hours in a twenty-four (24) hour period without a one and one-half (1½) hour break being disconnected from the vehicle.
- (k) ~~Animals shall not engage in work more than six (6) days in a seven (7) day period~~ Animals shall not work more than six (6) days in any seven (7) day period, except during the period from June 1 through August 30, when animals shall not work more than five (5) days in any seven (7) day period.
- (l) Be responsible for removal from city's streets, alleys, public ways and places of all manure and droppings by 6:00 p.m. of the day of the occurrence and after completion of the last route of the day if the last route ends after 6:00 p.m. or, in the event of a charter on a route other than a prescribed route, immediately following the completion of that charter trip.

Sec. 14-75. Care of animals.

In the event of an allegation of animal abuse, neglect, or mistreatment involving the Franchisee, the City reserves the right, in its sole discretion, to temporarily suspend all or part of the Franchisee's operations pending the outcome of a formal investigation by a competent authority, including but not limited to, the City Manager or designee. Such suspension may be imposed immediately upon written notice to the Franchisee when the City determines that continued operation may pose a risk to animal welfare, public safety, or the public interest.

During any period of suspension, the Franchisee shall comply with all directives of the City and shall remain fully responsible for the proper care, housing, feeding, veterinary treatment, and general welfare of all horses.

If allegations of animal abuse are documented, formally investigated, and adjudicated by a competent authority, and such adjudication results in a finding of animal abuse, neglect, or mistreatment, the Franchise Agreement shall be immediately terminated, without notice or opportunity to cure. Termination shall be effective upon written notice to the Franchisee.

For purposes of this section, "documented abuse" includes findings issued by a court of law, administrative agency, animal control authority, or other governmental or regulatory body with jurisdiction. Termination under this provision shall not limit the City right to pursue any additional remedies available under this Agreement or under applicable law, including review by the City Manager or designee and recommended action to the City Commission.

If the investigation does not result in a finding of documented abuse, the City may, at its discretion, reinstate the Franchisee's operations, with or without conditions deemed necessary to protect animal welfare and the public interest.

No animal shall be used to draw a carriage unless the animal is in good health and the following standards are met:

- (1) The animal is kept in good care, health, and working condition; shall not have open sores or wounds nor shall such animal be lame or have any other ailments unless the driver has in the driver's possession a current written statement by a veterinarian that the animal is fit for such work, notwithstanding such condition.
- (2) The animal shall be properly and appropriately groomed.
- (3) Animals shall not engage in work with equipment causing an impairment of vision, other than normal blinders.
- (4) Animals shall not be driven at a speed faster than a slow trot.
- (5) Animals shall not be subject to any cruel or harassing treatment or equipment.
- (6) Animals daily shall receive an adequate amount of equine feed, free from contamination, sufficient in quantity, adequate in nutritional value and provided frequently enough to meet normal daily requirements for the animal's condition, special needs, environmental factors and size of the animal so as to maintain satisfactory health.
- (7) Any recently acquired horse for use in animal-drawn carriage operations shall be quarantined for a minimum period of twenty-one (21) consecutive days prior to being placed into service or commingled with other horses used in carriage operations.
- (8) The City shall be notified immediately of any suspected or confirmed equine infectious or communicable disease, reportable disease event, quarantine, movement restriction, or other veterinary-determined health condition requiring notification to the Florida Department of Agriculture and Consumer Services (FDACS).

Sec. 14-76 Training program.

- (a) Each horse-drawn carriage company shall at the City's request implement a training program for both its tour guides and horses to ensure proficiency when operating on the public right-of-way.
- (b) Training materials and records shall be made available for inspection by the City.
- (c) Any animal pulling a carriage shall be desensitized or otherwise trained to tolerate urban conditions prior to being placed in service. Records pertaining to desensitization training shall be maintained by carriage companies for inspection by the City.

Sec. 14-77. Sheltering of animals within city limits.

- (a) Stalls shall be kept clean and excreta shall be removed daily.
- (b) Adequate water shall be provided in stalls at all times while any animal is present.

- (c) Fans should be used to increase ventilation when the Wet Bulb Globe Temperature reaches 85 degrees.
 - (d) Sharp surfaces and any other hazards shall not be permitted in any stall where they can come in contact with the animals.
 - (e) The practice of tethering the animal in a stall is permitted so long as the animal does not have the opportunity to lie down or is not laying down. Tethering down an animal that can lay down or is laying down risks entanglement or injury.
 - (f) There shall be no smoking at any time in the stall area.
 - (g) Unless otherwise directed by a veterinarian, animals shall be given pasture turn-out time of a minimum of two (2) non-consecutive weeks every four (4) months. The City may require that animals housed on city-owned property be promptly removed in advance of a weather emergency as determined by the franchise administrator;
 - (h) All stalls shall be subject to inspection by either code enforcement or the fire department. Fire extinguishers must be kept in obvious places in every stall area as required by law and as recommended by the fire department.
- ~~— Stables within city limits shall be safe, well lit, ventilated, and shall provide protection from the weather as described herein;~~
- ~~— Stables and stalls shall be kept clean and in good repair and excreta shall be removed daily;~~
- ~~— Adequate water shall be provided in stables and stalls at all times while any animal is present.~~
- ~~— Adequate food shall be available and kept free of contamination. Out of service animals shall at all times have access to salt in a block or loose form.~~
- ~~— Fans shall be used to increase ventilation when the ambient temperature reaches 85 degrees Fahrenheit;~~
- ~~— Sharp surfaces and any other hazards shall not be permitted in any stable or stall where they can come in contact with the animals;~~
- ~~— Stables and stalls shall be kept free of leaks, including but not limited to, leaks from roofs or from plumbing;~~
- ~~— The practice of tethering the animal in a stall is permitted so long as the animal does not have the opportunity to lie down or is not laying down. Tethering down an animal that can lay down or is laying down risk entanglement or injury;~~
- ~~— Occupied stalls shall have a minimum of three (3) inches of bedding or have a specialized surface so as to keep animals clean, dry and free of concussion, abrasion or pressure points;~~
- ~~— Interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, unreasonable and excessive odors and unreasonable accumulation of refuse and excreta;~~

- ~~— There shall be no smoking at any time in stables; and~~
- ~~— Unless otherwise directed by a veterinarian, animals shall be given a pasture turn-out time of a minimum of two (2) non-consecutive weeks every four (4) months.~~
~~The City may require that animals housed on city-owned property be promptly removed in advance of a weather emergency as determined by the franchise administrator.~~
- ~~— All stables shall be subject to inspection by either code enforcement or the fire department. Fire extinguishers must be kept in obvious places in every stable as required by law and as recommended by the fire department.~~

Sec. 14-78. Certificate of health of animals required.

The following are required to ensure the health of animals:

- (a) Bi-annual City veterinary inspections required. As a condition of maintaining a franchise agreement, each franchisee shall ensure that every animal used in the operation of animal-drawn vehicles, and each stable area located within the City limits and used in the business, is inspected by a City-approved and licensed Doctor of Veterinary Medicine twice annually, no later than May 15 and November 15 of each calendar year, at the franchisee's expense.
- (b) Certification of fitness for carriage work. Following each required inspection, the examining veterinarian shall certify to the City that the animal has been examined and is in good health and physically fit to draw an animal-drawn vehicle without endangering the health or welfare of the animal.
- (c) Additional examinations upon reasonable notice by the City, animals shall be made available for additional physical examination by a licensed veterinarian selected by City at Franchise expense. Documentation of such examinations shall be maintained by the franchisee and provided to the City upon request.
- (d) Testing, vaccinations, and preventative care:
 - (1) Coggins test. Each animal shall maintain a current negative Equine Infectious Anemia (Coggins) test conducted annually, with documentation maintained on file and provided to the City upon request.
 - (2) Vaccinations. Animals shall be vaccinated by a licensed veterinarian for diseases and risk factors appropriate to the region, consistent with generally accepted veterinary practices.
 - (3) Parasite control. Animals shall receive parasite control treatment as determined necessary by a licensed veterinarian.
- (e) Records and compliance. All veterinary inspection reports, certifications, testing results, and related health records required under this section shall be maintained by the franchisee and made available for City inspection upon request.

- (f) Enforcement. Failure to comply with the requirements of this section shall constitute a violation of this article and may result in suspension of Franchise, or other penalties as provided by this Code.

Sec. 14-79. Equine Heat.

- (a) Franchisees and drivers shall use caution when working animals in adverse weather conditions including but not limited to high heat and humidity, heavy rain, and other slippery or reduced visibility situations.

- (b) Monitoring Temperature. The official thermometer used for determining the Wet Bulb Globe Temperature (WBGT) shall be permanently affixed and monitored through FSWN CityStAug at 111 Avenida Menendez, St. Augustine Municipal Marina. The backup thermometer used for determining the WBGT shall be located and monitored through FSWN at the St. Johns Fire Station 9 – South Ponte Vedra Beach. Monitoring temperature. The official thermometer used for determining the temperature and heat index shall be permanently affixed and located at 111 Avenida Menendez, St. Augustine Municipal Marina. The backup thermometer used for determining the temperature shall be located at the St. Augustine Airport (KSGJ).

- (c) Heat Guidelines. The following air temperatures shall be applied:

- (1) 1. When the Wet Bulb Globe Temperature reaches 90, all drivers shall discontinue working their animals and pull them off the street until the wet bulb globe temperature decreases below the above-stated temperature as directed by the franchise administrator or designee.

- (2) In the event of a weather emergency, the franchise administrator may order all animals to be removed from the city's streets, alleys, public ways and stabled safely in advance of a storm. Temperature of 85 degrees Fahrenheit or higher:

Rectal temperature readings shall be taken by the carriage driver upon the completion of every tour route prior to hosing down the horse. This information shall be recorded in writing and maintained on the carriage, which shall be made available to the franchise administrator or designee upon request, to evaluate factors suggestive of undue equine stress or heat exhaustion.

Inspections: Franchise administrator or designee may request to inspect the rectal temperature reading records for any horse in circulation. The franchise administrator or designee may order the return of any horse to the original starting point and require performance of a rectal temperature check in presence for any horse in circulation. Horse drawn carriage owners or operators failing to comply with either such request shall result in immediate removal of the horse from the street and return to its stabling facilities for the remainder of the calendar day.

Elevated horse temperatures: if the temperature of any horse registers in excess of 102 degrees as determined by a rectal temperature check, its carriage owner or operator shall recheck the temperature thirty (30) minutes thereafter. If the horse's temperature remains in excess of 102 degrees, it shall immediately be returned to its stabling facility for the remainder of the

calendar day, and the franchise administrator or designee shall be notified within thirty minutes of the second temperature reading.

2. Temperature of 90 degrees Fahrenheit or higher:

Horse-drawn carriage tour operations shall not be allowed to operate on City streets. Drivers shall discontinue working their animals and pull them off the street until the temperature decreases below the above-stated temperatures as directed by the franchise administrator or designee.

(b) — In the event of a weather emergency, the franchise administrator may order all animals to be removed from the city's streets, alleys, public ways and places and stabled safely in advance of a storm.

Sec. 14-80. Penalties.

In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:

County Court:

(1) A violation of this code is a civil infraction.

(2) The civil penalty is \$500.00.

(3) If the person who has committed the civil infraction does not contest the citation, the penalty shall be reduced by \$50.00, to \$450.00.

(4) The issuance of a citation shall be by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.

(4)(5) The citation may be contested in county court.

Suspension, Revocation, Administrative Review:

(6) The penalty for a first violation under this chapter shall be an official written warning. If the penalty involves Care of Animals or Equine Heat then a \$500 fine shall be issued along with the written warning. ~~The penalty for a first or second violation under this article shall be no more than one hundred dollars (\$100.00) and one hundred dollars (\$100.00) for each day thereafter a continued violation occurs.~~

(7) ~~Upon three (3) violations within a six-month period, the franchise will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days. The penalty for a second violation under this chapter shall pay a \$500 fine and a second written warning will be issued.~~

(8) ~~Upon three (3) violations under this chapter within a twelve month period, the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) day. Should operations occur during the suspension period the carriage may be impounded and the franchisees franchise agreement terminated. Upon four (4) violations within a twelve-month period, the franchise grantee will have a~~

hearing with the city commission to review the violations and may be suspended for a period not to exceed one hundred eighty (180) days.

(9) Upon four (4) violations under this chapter within a twelve month period, the penalty is a \$500 fine and the franchisee will have a hearing with the city commission to review the violations and may be suspended for a period or have the franchise agreement terminated. Upon five (5) or more violations within a twelve month period, a franchisee will have a hearing with the city commission to review the violations and may have its permit revoked. After one year of permit revocation, the franchisee operator may apply for reinstatement after payment of a five thousand dollar (\$5,000) penalty. Should operation occur after the license has been revoked, the grantee may be subject to a permanent ban and an additional five thousand dollar (\$5,000.000) penalty.

(10) Franchisee, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section.

(11) Prior to any suspension or revocation of a permitfranchise, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the franchisee shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their permitfranchise revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a permitfranchise.

(12) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to issuance of a violation by law enforcement and a written warning from the franchise administrator.

(13) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to the maximum violation allowed to be administered by law enforcement impoundment and permanent suspension for being able to apply for a franchise agreement. The city may also work with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law.

Sec. 14-81. Administration and appeals.

(a) All appeals by a franchisee or applicant from an interpretation or determination by the franchise administrator shall be made to the city commission within fifteen (15) calendar days after the date of service of written notice of such interpretation or determination, and shall be heard by the City Commission as soon as practical thereafter.

(b) All appeals from an adverse decision by the city commission shall be made within thirty (30) calendar days of the date of entry of a written order regarding such decision.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

Exhibit C

Business Impact Statement



Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of section 166.041(4), Florida Statutes. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by section 166.041(4), Florida Statute will be provided in the “Business Impact Estimate” section below.

Proposed Ordinance Title/Reference:

Ordinance No.
 ORDINANCE NO. 2026-11
 AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR FRANCHISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243, Florida Statutes;
 - Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - Sections 190.005 and 190.046, relating to statutory Community Development Districts;
 - Section 553.73, relating to the Florida Building Code; or
 - Section 633.202, relating to the Florida Fire Prevention Code.

Note: The City’s provision of information in the Business Impact Estimate section below, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City’s failure to check one or more exemptions above shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Section 166.041(4), Florida Statute, Sec. 166.0411, Fla. Stat., or any other relevant provision of law.

Business Impact Estimate:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance amends Chapter 14 of the City of St. Augustine Code of Ordinances to modernize and strengthen regulatory standards applicable to franchise operations, including those involving drivers and, where applicable, the use of animals in service. The ordinance serves the public health, safety, morals, and general welfare of the City by: reducing conflicts and congestion within the public rights-of-way; promoting safe, predictable, and efficient transportation services; improving the welfare, protection, and humane treatment of working animals; ensuring consistent and accountable business practices; aligning mobility-related commercial activity with the City’s Comprehensive Plan and Long-Range Mobility Plan; and preventing oversaturation of franchise services that could negatively impact residents, visitors, transportation networks, and historic character.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of St. Augustine, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

(a) The proposed ordinance is expected to have modest and manageable direct economic impacts on private, for-profit businesses operating under franchise agreements with the City. Businesses may incur additional expenses related to insurance, training, driver certification, animal-care standards, equipment upgrades, or reporting. Businesses may need to modify staging practices, routes, or scheduling to align with mobility-safety requirements. The impact is expected to be mixed; on one hand this provides opportunities for new business owners and expansion opportunities to others, while capping any overwhelming monopoly by any given operator. Potential benefits include a capped system that can stabilize the market, reducing overcrowding and unsustainable competition, higher standards can improve customer confidence leading to stronger long-term demand and clearer rules reduce compliance ambiguity and the likelihood of violations.
(b) A new fee of \$2,000 per year for Tier Two Franchises is established. The fee provides exclusive use of city right-of-way for loading and unloading zones, access to city properties and for new signage to be erected and maintained.
(c) No changes to regulatory costs are expected. Revenues will increase based on the new fee established.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

All currently authorized franchise operators under Chapter 14, including transportation-related or tour-related franchises and new franchisees that will be under the proposed second tier for motor vehicle franchises. This impacts about 20 to 25 existing licensed businesses.

4. Additional information the governing body determines may be useful (if any):

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim
City Manager

DATE: May 21, 2026

RE: Agenda Item for June 8, 2026 City Commission Meeting
Resolution No. 2026-11 Authorizing the City Manager to Execute an
Agreement to Continue the Transit Corridor Development Program

The intent of this memo is to request the City Commission to authorize the City Manager to execute an Agreement with the state of Florida Department of Transportation (FDOT) for a Public Transportation Grant Agreement for the continuation of the Downtown Circulator Program.

Please let me know if you have any questions.



Marcus Pinson IV
Mobility Manager

cc: Reuben Franklin, Assistant City Manager