

ORDINANCE 19-03

AN ORDINANCE TO AMEND SECTIONS 9-333 AND 9-335 OF CHAPTER 9, ARTICLE VIII, OF THE WILLIAMSBURG CODE IN ORDER TO CREATE A VOLUNTARY TESTING PROGRAM FOR TOUR GUIDES OFFERING TOURS ON CITY RIGHTS-OF-WAYS

WHEREAS, the City requires applicants for tour guide licensing to take a test pertaining to the history, architecture and public safety requirements of the City of Williamsburg and the Historic Area. The purpose of this testing is to ensure that tour guides in the City have a basic functional knowledge of the City and its history and can answer participant's questions accurately; and

WHEREAS, the City deems this a very significant goal as the City's economy relies on the tourism industry and quality of service is a factor driving tourist and repeat visitors to the City; and

WHEREAS, a number of lawsuits have been brought by tour guides who object to such testing requirements imposed by other cities in the U.S., with mixed results. One such lawsuit has potential implications for the Fourth Circuit, and a U.S. District Court has held such requirement to be a violation of the First Amendment of the U.S. Constitution. While such case does not directly apply to the City at this time, the Council deems it advisable to amend the tour guide ordinance while appeals are pending; and

WHEREAS, the City desires to retain testing, but to make such testing voluntary until such time as there is a decision by the Fourth Circuit Court of Appeals is issued; and

WHEREAS, in order to encourage tour guides to continue to participate in the testing, the council also desires to provide incentives to encourage such participation.

NOW THEREFORE, it is hereby ORDAINED, that Sections 9-333 and 9-335 of Article VIII of Chapter 9 of the Williamsburg Code are amended as follows:

CHAPTER 9. LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE VIII. - TOUR GUIDES

Section 9-333. Requisites for Obtaining License.

An applicant for a tour guide license must:

- (1) (a) Be a natural person at least 18 years of age and hold a high school diploma or the equivalent thereof; or

(b) Applicants under the age of 18 may apply to the city manager to obtain a license, so long as the applicant meets tour guide licensing requirements in paragraphs (2)(a) through (c) and (3) below, along with the following additional requirements:

1. Applicant is at least 16 years of age;
2. Applicant is a full-time high school student or a high school graduate or the equivalent thereof;
3. Applicant is employed by a tour guide company licensed to do business in the city and submits the required documentation as provided in (2)(d) below;
4. Applicant has completed not less than 20 hours of field training on tours accompanied by a licensed tour guide, which requirement shall be certified by the tour guide company; and
5. Applicant has submitted a plan of on-the-job supervision and support proposed or already implemented by the employing tour company and acceptable to the city manager, which plan shall provide specific measures to be taken to ensure the safety of the applicant and customers while applicant is engaged in his employment duties.

The applicant must also meet the following conditions:

(2) (a) Complete and submit the application as provided in section 9-338 and pay the required application fee; and

(b) Have no convictions within the last 60 months of any felony or other law as defined in section 9-338(8) and (9); and

(c) If the applicant will act as a tour guide as an employee, show proof of employment by or an outstanding offer of employment from such employer; provide the employer's name, address and telephone number and provide proof that such employer holds a valid business license for such activity, if a business license is required under applicable laws and ordinances; or

(d) If the applicant will operate as a sole proprietor, show that applicant holds a valid business license or has applied for a business license if a business license is required under applicable laws and ordinances.

(e) Applicants who desire to be credentialed as a certified tour guide may take the exam provided for in Section 9-335.

(3) The applicant must also pay a \$100.00 non-refundable licensing fee to the city finance department.


Sec. 9-335. - Examination for certified tour guides.

Tour guide examinations shall be given at least quarterly. A syllabus for study will be provided to an applicant upon payment of the required application fee. The city manager or his designee shall prepare and administer to applicants for city tour guide certification an examination of the applicant's knowledge of the city and its history and of pertinent public safety procedures and information. In order to pass the examination, the applicant must correctly answer at least 80 percent of all questions regarding the city and its history and 80 percent of all public safety questions. Applicants who fail the test will be allowed to retake the test at the next testing opportunity. Tour guides who successfully complete the examination shall be designed as certified tour guides and shall be listed on a dedicated page on the City's website and may display the same on advertising materials.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: January 10, 2019

Attest: 
Debi Burcham, Clerk of Council


Paul T. Freiling, Mayor