

ORDINANCE NO. 975

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING ARTICLES I AND III, CHAPTER 29, "VEHICLES FOR HIRE"; REGULATING HORSE-DRAWN CARRIAGES; REGULATING TAXICABS AND TAXICAB SERVICE; ESTABLISHING CERTAIN OTHER REQUIREMENTS RELATING THERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF BRYAN, TEXAS:

SECTION 1. That Chapter 29, "Vehicles for Hire", of the Code of Ordinances of the City of Bryan is hereby amended by revising Articles I and III to read as follows:

Chapter 29 - VEHICLES FOR HIRE

ARTICLE I. HORSE-DRAWN CARRIAGES

Sec. 29-1. Permit.

It shall be unlawful to operate a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion without first being issued a City Carriage Permit. The City Secretary shall issue a Carriage Permit only if the following requirements have been satisfied:

(a) The proposed route of the service does not operate on any hike-and bike-trail or footpath within the City.

(b) The carriages and equipment proposed to be used in the service are in safe and presentable condition.

(c) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the Chief of Police and to park said carriages or vehicles only at such locations approved by the Chief of Police.

(d) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damages to the street pavement.

(e) A current rabies certificate shall be on file with the City Secretary at all times.

(f) All horseshoes used shall be of a type approved by the Chief of Police.

(g) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the City to inspect such facilities at any time.

(h) The applicant has agreed to keep all carriage routes clear and free of animal void and excrement and to maintain all permitted stands in a clean and sanitary matter. Each animal shall wear a bag capable of holding animal feces or in the alternative, the carriage shall be equipped with a shovel and receptacle and the carriage driver shall promptly remove all feces from the ground.

(i) The applicant has agreed to post the fares for each ride or trip so that it is visible to the public. This section shall not apply to the exclusive, one-time rental of the carriage by a party by separate agreement, entered into more than 24 hours prior to such trip.

(j) Lanterns shall be affixed to either side of the carriage and must be illuminated after dusk.

(k) The applicant has agreed that in order to protect the health and well-being of each animal employed in this service, applicant shall specifically covenant and agree:

- (1) Each animal shall be inspected and certified as to its good health annually by a licensed veterinarian.
- (2) No animal shall be worked longer than four continuous hours without feeding and rest.
- (3) Each animal shall be provided water at each carriage stand.
- (4) Animals shall not be whipped unless necessary for the safety of the animal or carriage passengers.
- (5) Animals shall not be overworked.
- (6) Each animal shall be provided with its own custom fit harness.
- (7) No animal with an open sore or wound, or any animal which is lame or has any other ailment shall be worked without specific written authorization from a veterinarian that such work will not endanger the health or well-being of the animal.
- (8) Each animal shall be groomed daily.
- (9) No animal shall be allowed to pull more than seven people, including the driver.
- (10) No animal shall be worked during time when the combined temperature and humidity index exceeds a numerical value of 150.

Sec. 29-2. Insurance.

Any applicant for carriage permitting under this article shall, before the permit can be issued, deliver to the City Secretary a Certificate of Insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the Carriage Permit a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. The Certificate of Insurance shall contain a provision that coverage under such policy shall not be cancelled or materially changed until at least 30 days prior written notice has been given to the City of Bryan. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:

(1) General liability insurance in the amount of: combined single limit of \$500,000.00 per occurrence, with an aggregate amount of \$1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.

(2) Vehicle insurance in the minimum amount of twenty thousand dollars (\$20,000) due to bodily injury or death to any one person in any one accident, forty thousand dollars (\$40,000) due to such damages to two or more people per accident, and fifteen thousand dollars (\$15,000) because of property damage of others in any one accident; and personal injury protection coverage in the amount of five thousand dollars (\$5,000) or the maximum amount available through State assigned risk pool.

Sec. 29-3. Termination of Permit.

Operation of a Carriage Permit shall be conditioned upon continued compliance by the permittee with each of the requirements of this Article. Any violation shall subject the permittee to termination of the permit upon prior notice and hearing before the Chief of Police. The Chief of Police is hereby authorized and empowered to revoke or suspend any license issued hereunder upon his finding that any carriage permit holder has willfully violated any of the provisions of this Article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the carriage permit holder, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the carriage permit holder shall have the right to appeal to the City Manager from any such action of the Chief of Police by delivering such appeal to the City Secretary, with a copy delivered to the Chief of Police, not more than five (5) days after the action appealed from. In the event the carriage permit holder shall fail to deliver such notice to the City Secretary within the time prescribed, the action of the Chief of Police in revoking or suspending the license shall be final. If the carriage permit holder timely delivers the notice to the City Secretary, the City Manager or his designee shall hear the appeal not more than twenty (20) days after the filing of the notice of appeal with the City Secretary.

Secs. 29-4 -- 29-5. Reserved.

**ARTICLE III. TAXICABS
DIVISION 1. GENERAL**

Sec 29-26. Definitions.

For the purpose of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant means any individual, firm or corporation in the process of attaining either a license to operate or a City Taxi Driver permit.

City means the City of Bryan, Texas.

Cruise or Cruising means the movement of unoccupied taxicabs over the public streets of the City in search of or soliciting prospective passengers for hire; provided, however, unoccupied taxicabs proceeding to answer a telephone call for taxicab service from an intending passenger, and taxicabs returning to the place where such taxicab is housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.

Driver or chauffeur means every person in actual charge of operation of a taxicab whether as owner or agent, servant or employee of the Owner.

License means the authority granted by the city to operate a taxicab or taxicabs and shall authorize such operator of a taxicab or taxicabs to engage in the business of transportation by taxicab.

Manifest means a daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare for passengers.

Overcrowding means that the driver is transporting a greater number of people in the vehicle than has been recommended by the manufacturer of the vehicle or for whom there is no seat belt, inclusive of the driver.

Taxicab Service Operator means any person who has the control, direction, maintenance and the benefit of revenue derived from the operation of taxicabs on or over the streets of the city, whether as owner or otherwise.

Taxi Driver Permit means a permit issued by the City to the driver of a taxicab meeting the qualifications as described within this Article.

Taxicab means any and every automobile, or motor-propelled vehicle including limousines, used for the transportation of passengers for hire over the public streets of the City, irrespective of whether or not the operation extends beyond the city limits at rates for distance traveled or for waiting time, or for both, or for the trip, or at rates per hour, per day, or per month, which such vehicle is routed to destinations under the direction of such passenger or passengers, or such person or persons hiring the same, with the following exceptions:

- (a) Motor buses regularly operated in the city to or from points outside of the incorporated limits of the city or transporting to or from school or college;
- (b) Ambulances operating under permit from this city or another city;
- (c) Vehicles rented or leased for self operation by the person actually driving the same, unless such vehicle is transporting for compensation persons other than the one who actually rented or leased the same;
- (d) Courtesy vehicles operated to or from the airport to hotels, motels, parking lots, or car rental agencies;
- (e) Any vehicle being operated pursuant to a franchise or permit legally issued by the Texas Railroad Commission or the Interstate Commerce Commission; or
- (f) Horse-drawn carriages.

Terminal means the depot at which place the taxicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs to the points of request for taxicab service; this word shall likewise be synonymous with taxi terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city, and upon private property, and shall be and constitute the main office of the owner and taxicab operator.

Sec. 29-27. Penalties.

- (a) It shall be unlawful for any person to violate any provision of this Article.
- (b) A violation of this Article shall be punishable, upon conviction, in accordance with Section 1-14 of this Code.

Sec. 29-28. Terminals.

Every Taxicab Service Operator shall maintain an off-street terminal of sufficient size to accommodate all of the taxicabs utilized in the service.

Sec. 29-29. Standards and Requirements for Vehicles and Equipment.

Each taxicab proposed to be operated by a permit holder on the public streets of the City shall be inspected by the chief of police or his designee. No taxicab shall be operated on the City streets that does not comply with the following minimum standards:

- (a) Each taxicab must have affixed thereto a valid and current state certificate of inspection and state certificate of registration;
- (b) Each vehicle shall be equipped with a fire extinguisher that is in good operating order;
- (c) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;
- (d) The vehicle identification number and the license number of each taxicab must match the numbers listed for that taxicab on the license application;
- (e) Each vehicle shall have the business name and phone number affixed to the door.

Sec. 29-30. Miscellaneous Offenses.

(a) It shall be unlawful for any person engaged in the taxicab business to overcrowd the taxicab.

(b) It shall be unlawful for any taxicab driver to cruise at any time within the City.

(c) It shall be unlawful for any driver of any taxicab or for any other person acting for the driver to seek or solicit patrons or passengers for any such taxicab by word or sign, directly or indirectly, while driving any such taxicab over, through, or on, any public street or public place of the City, or while same is parked on any public street or alley of the city, or to repeatedly or persistently drive any taxicab through, over, or on, any public street or places of the city, except in response to calls of prospective passengers or while actually transporting passengers therein.

(d) When any taxicab is at any rail, air, or bus depot within the city, it shall be unlawful for the driver or person in charge thereof to leave the same and enter the depot or go upon the sidewalk or private property of any railroad company, airfield or bus station for the purpose of soliciting the transportation of any passenger or passengers arriving on the trains, planes or buses at such depot.

(e) It shall be unlawful for any officer or employee of the City to accept, or a taxicab service licensee or employee to offer, either directly or indirectly, any gifts, discounts or gratuities in association within the provision of taxicab services.

(f) It shall be unlawful for a taxicab driver to receive or discharge passengers in the roadway of any street. It is a defense to this section that said driver drove to the right-hand sidewalk, the extreme right-hand side of the road as nearly as practical, or into a driveway or parking lot for such purposes.

(g) It shall be unlawful for a taxicab driver employed to carry passengers to a definite point to fail to take the most direct route that will carry such passengers safely and expeditiously to their destination.

Sec. 29-31. Property left in vehicle; disposition.

All drivers of taxicabs shall promptly deliver to the police services division or to the permit holder all property left in such vehicles by passengers. If a driver delivers such articles to the permit holder, the latter shall deliver them to the police services division. When the articles left in the taxicabs have been delivered to the office of the chief of police, he shall make the entry of the fact in a book provided for that purpose and shall keep all such articles until claimed by the owner, or as the city council may authorize in accordance with state law requirements regarding the disposition of abandoned property.

Secs. 29-32 -- 29-34. Reserved.

DIVISION 2. TAXICAB SERVICE LICENSE

Sec. 29-35. License - Required.

It shall be unlawful for an individual, firm, or corporation to drive or operate or cause to be driven or operated any taxicab, taxicab service, jitney, limousine or other motor vehicle service for the transportation for hire of persons upon or over any street in the City unless there has first been obtained for such service, a license duly issued by the City as hereinafter provided.

Sec. 29-36. License - Application.

(a) Application for Taxicab License Service within the City shall be filed with the City Secretary on a form provided by the City. Applications shall be filed on or before December 1 of each calendar year. The applicant shall provide the following information on such form:

- (1) Name of the owner, or person by whom such permit is desired;
- (2) Name of company;
- (3) Address of company;
- (4) Telephone number of company;

- (5) If corporation, name and address of major officers of corporation and major stockholders;
- (6) If partnership or association, trade, partnership, or association name, name and address of partners;
- (7) If sole proprietorship, name and address of owner;
- (8) Description of make, horsepower, vehicle identification or factory number, the seating capacity, vehicle owner's name and address, and license number of every vehicle to be used as a taxicab;
- (9) Names, addresses, date of birth, and driver's license numbers for each driver operating vehicles for the company. Such information shall be kept current during the year. Failure to provide such information to the City Secretary for each driver operating a taxicab within the city shall be grounds for revoking the Taxicab Service License of the cab company;
- (10) Written proof each vehicle has passed the City inspection as required by this Article;
- (11) A schedule of rates to be charged to passengers; and
- (12) A statement that the applicant has not been finally convicted of any felony or other offense involving moral turpitude within the past ten (10) years which adversely affects the applicant's ability to provide safe and reliable passenger transportation.

(b) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct and shall further state that the City is authorized to check the driving record and criminal history, if any, of the applicant. The police department shall investigate the facts stated in the application.

(c) Each application shall be accompanied by a nonrefundable license fee of fifty dollars (\$50.00) per vehicle to defray the expense of carrying out of the provisions of this Article.

Sec. 29-37. Insurance policy.

(a) Any applicant for vehicle for hire licensing under this article shall, before the license can be issued, deliver to the City Secretary a Certificate of Insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the Taxicab Service license a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, insuring the public against any loss or damage that may result to any

person or property from the operation of such vehicle or vehicles. The Certificates of Insurance shall contain a provision that coverage under such policies shall not be cancelled or materially changed until at least 30 days prior written notice has been given to the City of Bryan. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:

(1) General liability insurance in the amount of: combined single limit of \$500,000.00 per occurrence, with an aggregate amount of \$1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.

(2) Automobile insurance in the minimum amounts of twenty thousand dollars (\$20,000) due to bodily injury or death to any one person in any one accident, forty thousand dollars (\$40,000) due to such damages to two or more people per accident, and fifteen thousand dollars (\$15,000) because of property damage of others in any one accident; and personal injury protection coverage in the amount of five thousand dollars (\$5,000) or the maximum amount available through State assigned risk pool.

(b) In the event that any insurance policy is cancelled upon the request of the surety or insured, and no insurance policy is filed by the license holder before the cancellation date, the Taxicab Service license shall be automatically revoked.

Sec. 29-38. Issuance of license.

The City Secretary shall issue to each applicant a Taxicab Service License for each vehicle upon the filing of written proof of insurance as required herein and upon a determination that all requirements of this Article have been met. The Taxicab Service License shall be issued for the period beginning January 1 and ending December 31. Any new license issued during the year shall begin on the date of issuance and end on December 31 of that year. The Taxicab Service license shall state the year for which it is valid; that said vehicle is a taxicab; the make of the vehicle, the vehicle identification number, and the current license number; and that all city taxes on the vehicle have been paid.

Sec. 29-39. Posting of license; lettering on vehicle; exception; nontransferability of license; fee.

(a) The Taxicab Service license issued by the City Secretary shall be posted by the applicant within the vehicle in a conspicuous place, and it shall be a unlawful to fail to do so.

(b) Such vehicle shall have displayed on both front doors the name under which it is operated, and its designation as a taxicab, in lettering of not less than two and one-half (2 1/2) inches in height.

(c) Limousines shall not be required to comply with Sec. 29-29(e) requiring lettering on the doors of the vehicle.

(d) No Taxicab Service License shall be used for any other vehicle unless previously approved in writing by the Chief of Police or his designee. The Chief of Police or his designee may, at the request of a licensee, transfer a license to a different vehicle owned by the same person provided all evidence of the old license and lettering is removed from the old vehicle and such vehicle is no longer being used as a taxicab. A new license for the substituted vehicle may be issued by the City Secretary upon recommendation by the Chief of Police or his designee after all ordinance requirements have been met. The City Secretary shall make an entry of such transfer of license in the official license records. A nonrefundable transfer fee of ten dollars (\$10.00) per vehicle shall be collected by the City Secretary to defray the costs of transferring the license.

Sec. 29-40. Revocation or Suspension of Taxicab Service Operator's License

(a) The Chief of Police is hereby authorized and empowered to revoke or suspend any license issued hereunder upon his finding that any taxicab service operator has willfully violated any of the provisions of this Article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the taxicab service operator, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the taxicab service operator shall have the right to appeal to the City Manager from any such action of the Chief of Police by delivering such appeal to the City Secretary, with a copy delivered to the Chief of Police, not more than five (5) days after the action appealed from. In the event the taxicab service operator shall fail to deliver such notice to the City Secretary within the time prescribed, the action of the Chief of Police in revoking or suspending the license shall be final. If the taxicab service operator timely delivers the notice to the City Secretary, the City Manager or his designee, shall hear the appeal not more than twenty (20) days after the filing of the notice of appeal with the City Secretary.

(b) A license shall be revoked or suspended by the city manager upon the verification of any of the following:

- (1) The taxicab service operator has been finally convicted of a felony or other offense involving moral turpitude, which adversely affects the operator's ability to provide safe and reliable passenger transportation to the public;
- (2) The license was obtained by an application in which any material fact was intentionally omitted or falsely stated;
- (3) The taxicab service operator has persisted in the operation of motor vehicles that are in violation of any law;

(4) The taxicab service operator has willfully and knowingly violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this Article;

(5) The taxicab service operator has charged, or allowed to be charged, rates in excess of the rate schedule filed with the City Secretary as provided for in section 29-36(a)(11) of this Article;

(6) The taxicab service operator or any agent thereof has been guilty of willfully operating said service in a negligent manner;

(7) The taxicab service operator has allowed its insurance to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;

(8) The taxicab service operator has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use;

(9) The taxicab service operator is delinquent on any taxes owed to the City or fails to show financial ability to maintain services in compliance with the terms hereof; or

(10) The taxicab service operator has allowed any driver or attendant to drive taxicabs after final conviction of an offense as described in section 29-36(a)(12).

Secs. 29-41 -- 29-44. Reserved.

DIVISION 3. CITY TAXI DRIVER PERMIT

Sec. 29-45. City Taxi Driver Permit required.

In accordance with the terms and provisions of this article, every individual desiring to drive a taxicab in the city, before driving a taxicab, shall apply for and obtain a City Taxi Driver Permit. A Taxicab Service licensee may not cause or otherwise allow a person to drive for hire a taxicab owned, controlled or operated by the licensee unless the driver has a valid City Taxi Driver Permit issued to them under this Article. It shall be unlawful for any person to drive or operate any taxicab unless and until he or she has provided their name, address, date of birth, and Texas driver's license number to the City Secretary and been issued a City Taxi Driver Permit. All drivers shall display upon request on their person a City Taxi Driver Permit issued by the City of Bryan as described herein.

Sec. 29-46. City Taxi Driver Permit Application

Every individual proposing to drive a taxicab upon the City streets shall submit an application to the City Secretary on forms provided by the City Secretary. A City Taxi Driver Permit shall be issued to each driver fulfilling the requirements of this Article. Every applicant shall furnish under oath the following information:

- (a) Name, local residence address, date of birth, and telephone number;
- (b) Texas driver's license number, expiration date and three-year driving record;
- (c) A statement that the applicant has not been finally convicted within the past ten (10) years of a felony or the following offenses involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation:
 - (i) Prostitution or related offenses;
 - (ii) Driving while intoxicated;
 - (iii) Driving while under the influence of drugs;
 - (iv) Violations of the Controlled Substance Act;
 - (v) Rape, murder, attempted murder, aggravated assault;
 - (vi) Theft over two hundred dollars (\$200.00); or
 - (vii) A felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation.
- (d) A minimum of two (2) color photographs of the applicant taken within the three months prior to application;
- (e) That the applicant has read in full and understands the provisions of this Article.

Sec. 29-47. Fee generally; issuance; term.

Upon finding that the applicant meets the qualifications stated herein, the City Secretary shall cause to be issued to such applicant a City Taxicab Driver Permit. Each permit issued shall expire on December 31 of the calendar year in which the permit is issued.

Sec. 29-48. Revocation and suspension of City Taxi Driver Permit.

(a) The Chief of Police is hereby authorized and empowered to revoke or suspend any taxicab driver permit issued hereunder upon his finding that any permittee has willfully violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the permittee, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the permittee shall have the right to appeal to the City Manager from any such action of the Chief of Police by delivering such appeal to the City Secretary, with a copy delivered to the Chief of Police, not more than five (5) days after the action appealed from. In the event the permittee shall fail to deliver such notice to the City Secretary within the time prescribed, the action of the Chief of Police in revoking or suspending the permit shall be final. If the permittee timely delivers the notice to the City Secretary, the City Manager or his designee, shall hear the appeal not more than twenty (20) days after the filing of the notice of appeal with the City Secretary.

(b) A permit shall be revoked or suspended by the Chief of Police upon the verification of any of the following:

- (1) The permittee has been finally convicted of a felony or other offense involving moral turpitude within the past ten (10) years which adversely affects the applicant's ability to provide safe and reliable passenger transportation;
- (2) The permit was obtained by an application in which any material fact was intentionally omitted or falsely stated;
- (3) The permittee has persisted in the continued operation of motor vehicles that are in violation of any law;
- (4) The permittee has willfully and knowingly violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this Article;
- (5) The permittee has charged rates in excess of the rate schedule filed with the City Secretary as provided for in Section 29-36(a)(11) of this Article;
- (6) The permittee has been found guilty of willfully operating said taxicab in a negligent manner;
- (7) The permittee has allowed insurance on a taxicab driver by said permittee to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this Article;

(8) The permittee has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use; or

(9) The permittee has continued to drive a taxicab after final conviction of an offense as described in Section 29-36(a)(12).

(10) The permittee has altered, or caused to be altered, the City Taxi Driver Permit photograph.

Sec. 29-49. Permit, picture to be displayed.

The City Taxi Driver Permit shall be prominently displayed at all times in full view of persons in the back seat of the taxicab being driven by the permittee.

Secs. 29-50 -- 29-54. Reserved.

DIVISION 4. FARES

Sec. 29-55. Fares.

(a) All persons owning or operating any vehicle or taxicab under this Article in the city shall post, in a conspicuous place in such taxicab, a printed schedule of prices and shall keep the same so posted during the continuance of the license.

(b) No driver, owner or corporation licensed by the city as a taxicab operator or hereinafter granted a license for such operation shall fix or charge a greater or lesser rate of fare than that submitted with the application for license in the City Secretary's office. Scheduled rates may encompass the following:

- (1) Mileage;
- (2) Waiting Time;
- (3) Charter;
- (4) Extra passengers;
- (5) Excessive baggage; exclusive of medically necessary devices;
- (6) Animals; exclusive of animals specially trained to assist the disabled, when accompanying such persons.

(c) Changes in any rate schedule shall require notification of the city through the City Secretary's office along with justification for increases thirty (30) days prior to changes being enacted. Rates may not be increased more often than semi-annually except for events beyond the control of the owner of the license to operate.

Sec. 29-56. Refusal to give payment.

It shall be unlawful for a taxicab driver upon full payment of the fare, to refuse to give a receipt to the passenger having paid said fare.

Secs. 29-57. -- 29-60. Reserved.

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

SECTION 6. It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

SECTION 7. A person who violates any section of this ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the Bryan City Code.

SECTION 8. That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan once a week for two consecutive weeks in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

SECTION 9. That this ordinance shall take effect from and after its final passage and publication as required by law. The effective date of this Ordinance will be December 2, 1995.

PRESENTED AND GIVEN first reading the 14th day of November, 1995, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 21st day of November, 1995, by a vote of 6 yeases and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

Mary Lynne Galloway
Mary Lynne Galloway, City Secretary

Lonnie Stabler
Lonnie Stabler, Mayor

APPROVED AS TO FORM:

Alexis A. Walter III
Alexis A. Walter III, City Attorney