

## ARTICLE III. TAXICABS

### DIVISION 1. GENERALLY

#### Sec. 126-46. Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Applicant* shall mean any individual, firm or corporation in the process of attaining either a license to operate or a city taxi driver permit.

*Cruise* or *cruising* shall mean 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* shall mean every person in actual charge of the operation of a taxicab whether as owner or agent, servant or employee of the owner.

*License* shall mean 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* shall mean 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* shall mean 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.

*Taxi driver permit* shall mean a permit issued by the city to the driver of a taxicab meeting the qualifications as described within this article.

*Taxicab* shall mean any and every automobile, or motor-propelled vehicle including limousines, designed for carrying no more than eight passengers, and 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:

- (1) Motorbuses 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;
- (2) Ambulances operating under permit from this city or another city;
- (3) 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;

- (4) Courtesy vehicles operated to or from the airport to hotels, motels, parking lots, or car rental agencies;
- (5) Any vehicle being operated pursuant to a franchise or permit legally issued by the Texas Railroad Commission or the Interstate Commerce Commission; or
- (6) Horse-drawn carriages.

*Taxicab service operator* shall mean 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.

*Terminal* shall mean 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 term 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.

(Code 1988, § 29-26; Ord. No. 975, § 1, 11-21-1995)

**State law references:** Regulation of taxicabs, V.T.C.A., Local Government Code § 215.004.

#### **Sec. 126-47. Terminals.**

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

(Code 1988, § 29-28; Ord. No. 975, § 1, 11-21-1995)

#### **Sec. 126-48. 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 or her designee. No taxicab shall be operated on the city streets that does not comply with the following minimum standards:

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

(Code 1988, § 29-29; Ord. No. 975, § 1, 11-21-1995)

#### **Sec. 126-49. 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.

(Code 1988, § 29-30; Ord. No. 975, § 1, 11-21-1995)

#### **Sec. 126-50. 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 or she 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.

(Code 1988, § 29-31; Ord. No. 975, § 1, 11-21-1995)

#### **Sec. 126-51. 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.

(Code 1988, § 29-27; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-52--126-75. Reserved.

## **DIVISION 2. TAXICAB SERVICE LICENSE**

### **Sec. 126-76. 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.

(Code 1988, § 29-35; Ord. No. 975, § 1, 11-21-1995)

### **Sec. 126-77. Same--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 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 \$50.00 per vehicle to defray the expense of carrying out of the provisions of this article.

(Code 1988, § 29-36; Ord. No. 975, § 1, 11-21-1995)

### **Sec. 126-78. 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, ensuring 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. 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 \$20,000.00 due to bodily injury or death to any one person in any one accident, \$40,000.00 due to such damages to two or more people per accident, and \$15,000.00 because of property damage of others in any one accident; and personal injury protection coverage in the amount of \$5,000.00 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.

(Code 1988, § 29-37; Ord. No. 975, § 1, 11-21-1995)

### **Sec. 126-79. 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.

(Code 1988, § 29-38; Ord. No. 975, § 1, 11-21-1995)

**Sec. 126-80. 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 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 2 1/2 inches in height.
- (c) Limousines shall not be required to comply with section 126-48(5) 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 or her designee. The chief of police or his or her 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 or her 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 \$10.00 per vehicle shall be collected by the city secretary to defray the costs of transferring the license.

(Code 1988, § 29-39; Ord. No. 975, § 1, 11-21-1995)

**Sec. 126-81. 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 or her 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 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 or her designee shall hear the appeal not more than 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 126-77(a)(11);
  - (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 126-77(a)(12).

(Code 1988, § 29-40; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-82--126-105. Reserved.

### **DIVISION 3. CITY TAXI DRIVER PERMIT**

#### **Sec. 126-106. 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 state 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 as described herein.

(Code 1988, § 29-45; Ord. No. 975, § 1, 11-21-1995)

### **Sec. 126-107. 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:

- (1) Name, local residence address, date of birth, and telephone number;
- (2) State driver's license number, expiration date and three-year driving record;
- (3) A statement that the applicant has not been finally convicted within the past ten years of a felony or the following offenses involving moral turpitude which adversely affect the applicant's ability to provide safe and reliable passenger transportation:
  - a. Prostitution or related offenses;
  - b. Driving while intoxicated;
  - c. Driving while under the influence of drugs;
  - d. Violations of the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481);
  - e. Rape, murder, attempted murder, aggravated assault;
  - f. Theft over \$200.00; or
  - g. A felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation;
- (4) A minimum of two color photographs of the applicant taken within the three months prior to application;
- (5) That the applicant has read in full and understands the provisions of this article.

(Code 1988, § 29-46; Ord. No. 975, § 1, 11-21-1995)

### **Sec. 126-108. 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.

(Code 1988, § 29-47; Ord. No. 975, § 1, 11-21-1995)

### **Sec. 126-109. 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 or her 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 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 or her designee shall hear the appeal not more than 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 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 126-77(a)(11);
  - (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;
  - (9) The permittee has continued to drive a taxicab after final conviction of an offense as described in section 126-77(a)(12); or
  - (10) The permittee has altered, or caused to be altered, the city taxi driver permit photograph.

(Code 1988, § 29-48; Ord. No. 975, § 1, 11-21-1995)

**Sec. 126-110. 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.

(Code 1988, § 29-49; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-111--126-133. Reserved.

#### **DIVISION 4. FARES**

##### **Sec. 126-134. 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 30 days prior to changes being enacted. Rates may not be increased more often than semiannually except for events beyond the control of the owner of the license to operate.

(Code 1988, § 29-55; Ord. No. 975, § 1, 11-21-1995)

##### **Sec. 126-135. Refusal to give receipt.**

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.

(Code 1988, § 29-56; Ord. No. 975, § 1, 11-21-1995)

Secs. 126-136--126-153. Reserved.