

ORDINANCE NO. 6-1985

AN ORDINANCE REPEALING EXISTING ORDINANCES CONCERNING TAXICABS AND LIMOUSINES AND CREATING A NEW CHAPTER 31, "TAXICABS", OF THE ABILENE CITY CODE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That all existing codes and ordinances regulating taxicabs are hereby repealed. Said codes and ordinances include but are not necessarily limited to the following: The entire Chapter 29 of the 1965 Abilene City Code; Ordinance #1018 (1-12-78); Ordinance #1051 (3/23/78); Ordinance #40-1979; and Ordinance #61-1981.

PART 2: That Chapter 31, "Taxicabs", of the current Abilene Municipal Code be amended by repealing the existing Chapter 31 in its entirety and substituting therefore a new Chapter 31 as set out in the attached Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 10 day of January, A.D.,
1985.

PASSED ON SECOND AND FINAL READING this 24 day of January,
A.D., 1985.

ATTEST:

Patricia Patton
City Secretary

David Stubbeman
Mayor

Approved:

Karen Anderson
City Attorney 00010

EXHIBIT "A"

CHAPTER 31
TAXICABS

- Art. I. In General, § 31-1 - 31-13
- Art. II. License, § 31-14 - 31-34
- Art. III. Vehicle Permit, § 31-35 - 31-56
- Art. IV. Driver Permit, § 31-57 - 31-77
- Art. V. Maximum Rates and Fares, § 31-78 - 31-83

ARTICLE I. IN GENERAL

Sec. 31-1. Definitions.

The following words and phrases as used in this article, unless a different meaning is plainly required by the context, shall have the following meanings:

The terms "taxicab" and "limousine", which are distinguished below, shall collectively encompass all vehicles which transport passengers for hire, except only for those classes of vehicles which are specifically excluded by Sec. 31-2.

"Taxicab" service shall be distinguished from "limousine" service in the following manner:

- (1) "Taxicab" service is rendered in prompt response to receipt of the request for service from the customer. Such requests are typically received in one of the following ways:
 - (a) Via telephone, in which case a dispatcher forwards the customer's request to a taxicab driver. Via two-way radio as soon as a taxicab vehicle is available to respond.
 - (b) Via direct contact, in which case the customer communicates directly with the driver of a taxicab waiting at a motel, hotel, airport, or bus terminal or similar location.
 - (c) Via direct contact in which case a customer hails or flags down a passing taxicab.
- (2) "Limousine" service is chartered or reserved by the customer well in advance of the time the service is rendered.

Sec. 31-2. Exceptions.

The provisions of this chapter shall not apply to the following:

- (a) Ambulance services (which are regulated by Chapter 5 of this code).
- (b) Automobile or truck leasing operations in which the leased or rented vehicle is driven by the customer or the customer's agent.
- (c) Vehicles operating under a permit or certificate of the Railroad Commission of the State of Texas or the Interstate Commerce Commission.
- (d) Vehicles operated by Abilene Transit System or other motor buses operated within the City under a written franchise from the City over a fixed or defined route.
- (e) Vehicles owned or operated by motels, hotels, and other businesses for transporting their guests or employees. This chapter shall apply, however, to other companies or individuals providing such service under a contract with said motels, hotels, or other businesses.

- (f) Transportation of people where the taxicab or limousine is licensed by another governmental entity from a point outside Abilene to a destination inside Abilene if the taxicab or limousine leaves Abilene without receiving a passenger inside Abilene.

Secs. 31-3--31-13. Reserved.

ARTICLE II. LICENSES

Sec. 31-14. Required.

No person shall operate or dispatch or cause to be operated or dispatched a taxicab or limousine without being properly licensed by the City under procedures set forth in this article.

Sec. 31-15. Classifications of license; fees.

Licenses shall be issued in three classifications:

- (a) Operating License. This classification of license shall authorize the operation of one or more vehicles, which are owned or controlled by the licensee, provided that each such vehicle has a vehicle permit as set forth in Article III below, and each driver thereof has a driver's permit as set forth in Article IV below.
- (b) Dispatching License. This classification of license shall authorize the operation of a dispatch service, which receives requests for taxicab service via telephone or other means and then forwards the request to a taxicab via two-way radio.
- (c) Combined Operating/Dispatching License. This classification of license shall authorize both of the activities described in (a) and (b) above.

The fee for any such license shall be fifty dollars (\$50.00). No portion of the fee shall be refunded in the event the license is terminated.

Sec. 31-16. Applications.

Every application for a license required by this article shall be in writing, signed and sworn by the applicant, and shall be filed with the Director of Traffic & Transportation. The application shall be on a form provided by the Director of Traffic & Transportation and shall contain the following:

1. All classifications of License:

- (a) If the applicant is a corporation or proposes or intends to do business as a corporation, such application shall contain:
 - (1) The corporate name.
 - (2) Place and date of incorporation.
- (b) If the applicant is a partnership or association or proposes or intends to do business as a partnership or association, such application shall contain:
 - (1) Name of partnership or association.
 - (2) Names and addresses of all partners or associates, whether limited or general.
- (c) If the applicant is a private person or sole proprietor and proposes or intends to do business as a private person or sole proprietor, such application shall contain:
 - (1) Applicant's name and address.
 - (2) Any trade or other fictitious name under which applicant does or proposes to do business.

- (d) Any other information that the Director of Traffic & Transportation or the City Council considers necessary for implementation or enforcement of these regulations.
- 2. Additional requirements for Operating or Combined Operating/Dispatching License:
 - (a) The number of vehicles the applicant proposes to operate, together with a description of each such vehicle, when available, including the make, model, model year, and state license plate number.
 - (b) Copies of all insurance policies required hereunder or a certificate of insurance evidencing that such policies are in force or a binding agreement to obtain such coverage prior to commencement of service.
- 3. Additional requirements for Dispatching or Combined Operating/Dispatching License:
 - (a) The location and telephone numbers of all offices from which dispatching operations will be conducted.
 - (b) A description of the system by which calls for service will be transmitted to individual taxicabs or limousines including all two-way radio frequencies to be used along with corresponding FCC license numbers.

Sec. 31-17. Insurance - Minimum coverage.

Applicants for Operating or Combined Operating/Dispatching licenses shall furnish evidence of vehicle liability insurance currently in effect as part of their application. Evidence shall be in the form of a properly executed Certificate of Insurance (or a certified copy of the Insurance Policy) and shall be written through an insurance company approved by the City Attorney. Said insurance shall clearly evidence coverage for each and every vehicle to be licensed or permitted and shall provide coverage for personal injury and property damage and types and amounts of coverage with minimum limits set by the City Council. Said policy shall include a requirement that thirty (30) days advance written notice of cancellation or material change be provided to the Director of Traffic & Transportation of the City of Abilene. Minimum amounts not withstanding, the City reserves the right to increase the minimum required insurance to be effective ninety (90) days after notice is sent to the holder of a license.

Sec. 31-18. Insurance - Policy to comply with State standards.

Should the State Board of Insurance adopt changes to policies of insurance required by these regulations, the holder of a license shall be required, on issuance of the next policy, to comply with the newly adopted insurance standards.

Sec. 31-19. Transfer.

Licenses shall be issued to a person, partnership or corporation and shall not be assignable.

Sec. 31-20. Term; expiration; renewal.

The term of all licenses shall be indefinite.

Sec. 31-21. Revocation of license.

Every license issued under this article shall be subject to revocation or suspension by the Director of Traffic & Transportation for any of the following reasons:

- (a) The operator has been convicted of a felony or any criminal offense involving moral turpitude.
- (b) The license was obtained by an application of which any material fact was omitted or state falsely.

- (c) The operator has persisted in permitting his vehicles, drivers, and/or dispatching operation to be operated in violation of any law.
- (d) Failed to pay city, school, or water district ad valorem taxes on any property the applicant uses in connection with taxicab or limousine service.
- (e) The operator has failed to comply with any of the provisions hereof.

Sec. 31-22. Revocation proceeding.

If the Director of Traffic & Transportation determines that grounds exist for revocation of a license, the licensee shall be notified of such revocation in writing by certified mail, stating the reasons for revocation, the effective date of revocation, and that the licensee has the right to appeal. Licensee may appeal the revocation to the City Council by filing written notice of appeal within ten (10) days of receipt of the revocation with the City Secretary. Otherwise, the decision of the Director of Traffic & Transportation is final and non-appealable.

Sec. 31-23--31-34. Reserved.

ARTICLE III. VEHICLE PERMITS

Sec. 31-35. Required.

No taxicab or limousine shall be operated within the city until a vehicle permit has been issued by the Director of Traffic & Transportation for such vehicle. Vehicle permits shall be issued only to applicants who possess a valid Operating or Combined Operating/Dispatching license.

Sec. 31-36. Classification of vehicle permits.

Vehicle permits shall be issued in two classifications:

- (a) Limousine only permit. This classification shall permit the vehicle to be used for limousine service only.
- (b) Taxicab permit. This classification shall permit the vehicle to be used either for limousine service or taxicab service.

Sec. 31-37. Fees.

The annual fee for either classification of vehicle permit shall be ten dollars (\$10.00) per year. Fees for permits issued for less than a full year shall be prorated (except that the minimum fee shall be five dollars (\$5.00)). The fee is not refundable in the event the permit is cancelled or revoked prior to expiration. Permit documents which are lost or destroyed may be replaced upon payment of a five dollar (\$5.00) fee.

Sec. 31-38. Application.

Every application for a vehicle permit under this article shall be in writing, signed and sworn by the applicant, and shall be filed with the Director of Traffic & Transportation. The application shall be on the form provided by the Director of Traffic & Transportation and shall contain the following:

- (a) For either classification of vehicle permit:
 - (1) Name, address, and telephone number of applicant.
 - (2) If a corporation, corporate name, place of incorporation, address and telephone number.
 - (3) If a partnership, name of the partnership, and the names, addresses, and telephone numbers of all partners.
 - (4) Number of the applicant's Operating or Combined Operating/Dispatching license.

- (5) Make, model, body style, model year, and color of vehicle.
 - (6) Number and expiration date of Texas license plate number and Texas vehicle inspection sticker.
 - (7) Vehicle identification number.
 - (8) Owner of vehicle if different than applicant.
- (b) For taxicab permit:
- (1) Manufacturer and serial number of taximeter.
 - (2) Description of electric identification sign.

Sec. 31-39. Vehicle requirements.

Vehicles must meet the following minimum requirements:

- (a) For either class of vehicle permit:
- (1) Conform to all minimum safety standards as required by the State of Texas.
 - (2) Display the City of Abilene permit inside the vehicle at a place visible to the occupants.
- (b) For taxicab permits only:
- (1) Display the permit number on the outside of the vehicle at the rear and on both front doors in letters not less than two and one-half inches high. Letters shall be in a color which contrasts with the color of the vehicle such as to be clear and legible.
 - (2) Have an electrically illuminated sign on the top of the vehicle to identify the operator of the vehicle.
 - (3) Have a taximeter of size and design approved by the city. The taximeter shall be accurate to the extent that measured mileage or measured waiting time is not more than five percent incorrect to the prejudice of the passenger.

Sec. 31-40. Inspection of vehicle.

No permit shall be issued or reinstated until the vehicle has been inspected by an approved inspection firm. Said firm shall complete an inspection checklist form provided by the City and certify that the vehicle has fully complied with all requirements thereon. Vehicles shall be reinspected and recertified every six months.

Sec. 31-41. Transfer; transfer fee.

Vehicle permits may be transferred from one vehicle to another only upon application to the Director of Traffic & Transportation. A non-proratable fee of five dollars (\$5.00) shall be charged.

Sec. 31-42. Term; expiration; renewal.

The term of all vehicle permits shall be not more than one year with expiration on January 31. Renewals shall be applied for in the same manner as specified for the original permit. Renewal permits may be issued during the month of January for expiration on January 31 of the following year.

Sec. 31-43. Revocation of vehicle permit.

Every vehicle permit issued under this article shall be revoked by the Director of Traffic & Transportation if the Operating License or Combined Operating/Dispatching license under which the permit was granted has been terminated.

Every vehicle permit issued under this article shall also be subject to revocation for any of the following reasons:

- (a) The permit was obtained by an application of which any material fact was omitted or stated falsely.
- (b) The permit holder has failed to comply with the provisions of this chapter or has persisted in permitting his vehicle to be operated in violation of any law.

Sec. 31-44. Suspension of vehicle permit.

Every vehicle permit issued under this article shall be suspended by the Director of Traffic & Transportation if the vehicle has ceased to comply with the requirements set forth in Sec. 31-38 or 31-39.

Sec. 31-45. Revocation or suspension proceedings.

If the Director of Traffic & Transportation determines that grounds exists for revocation or suspension of a permit, the permit holder shall be notified of such revocation or suspension in writing by certified mail, stating the reasons for such revocation, the effective date of revocation, and that the holder of the permit has the right to appeal the revocation or suspension to the City Council by filing within ten (10) days a written notice of appeal with the City Secretary. Otherwise, the revocation or suspension is final and non-appealable. In addition, the Chief of Police may confiscate the permit document.

Sec. 31-46. Reinstatement of suspended permit; fee.

Vehicle permits suspended because of failure to comply with the requirements of Sec. 31-38 may be reinstated as soon as the vehicle is brought back into compliance with Sec. 31-38. Application for such reinstatement shall be made in writing to the Director of Traffic & Transportation on the form provided by the Director of Traffic & Transportation. The non-proratable fee for such reinstatement shall be five dollars (\$5.00).

Sec. 31-47--31-56. Reserved.

ARTICLE IV. DRIVER'S PERMITS

Sec. 31-57. Required.

No person shall drive a taxicab or limousine within the city unless such person has a valid driver's permit as provided for under this article.

Sec. 31-58. Driver's license requirements.

Applicants must possess a valid Texas driver's license of the appropriate classification.

Sec. 31-59. Application.

Every application for a driver's permit shall be in writing, signed and sworn by the applicant, and shall be filed with the Director of Traffic & Transportation. The application shall be on the form provided by the Director of Traffic & Transportation and shall contain the following information:

- (a) The name, residence address, and telephone number of the applicant.
- (b) Previous addresses for the past three years.
- (c) Height, weight, eye color, hair color, race, sex, and other physical characteristics useful in identifying the applicant and in distinguishing the applicant from other persons.
- (d) Number, classification, and expiration date of Texas driver's license.
- (e) All traffic violations during the last five years.
- (f) Details concerning all previous felony convictions, if any.
- (g) Two non-returnable color photographs of applicant. Pictures shall be approximately 2"x3" and shall show a front, head/shoulders view of sufficient clarity for positive identification.

Sec. 31-60. Grounds for refusal to issue.

The Chief of Police shall recommend approval or disapproval of the application. Recommendation for disapproval shall be made if the applicant's past criminal or traffic record indicates unfitness for driving a taxicab or limousine.

Sec. 31-61. Term; expiration; renewal.

The term of all permits shall be for not more than one year with expiration on January 31. Renewals shall be applied for in the same manner as specified for the original permit. Renewal permits may be issued during the month of January for expiration on January 31 of the following year. Permit documents which are lost or destroyed may be replaced upon payment of a five dollar (\$5.00) fee.

Sec. 31-62. Fee.

The annual fee for driver's permits shall be ten dollars (\$10.00). Fees for permits issued after January 31 shall be prorated except that the minimum fee shall be not less than five dollars (\$5.00). No portion of the fee shall be refunded in the event the permit is terminated prior to expiration.

Sec. 31-63. Display of driver's permit.

No person shall drive a taxicab or limousine within the city unless a copy of the driver's permit issued by the City is displayed at a conspicuous place inside the vehicle in view of the passengers. The identification photo affixed to the permit by the City shall not be removed or substituted.

Sec. 31-64. Revocation of driver's permit.

Every driver's permit issued under this article shall be subject to revocation by the Chief of Police for any of the following reasons:

- (a) The permit was obtained by an application of which any material fact was omitted or stated falsely.
- (b) The permit holder has been convicted of a felony or any crime or offense involving moral turpitude.
- (c) The permit holder's traffic record has, in the opinion of the Chief of Police, become unfit for driving a taxicab or limousine.
- (d) Alters, forges, counterfeits, or possess an altered, forged or counterfeited driver's license, badge, sticker, emblem or permit required by law.
- (e) The permit holder has failed to comply with the provisions of this chapter or has persisted in permitting his vehicle to be operated in violation of the law.

Sec. 31-65. Suspension of driver's permit.

Every driver's permit issued under this article shall be subject to suspension by the Chief of Police in the event the permit holder is charged with any felony or crime involving moral turpitude. Said suspension may take effect at the time charges are filed under the Texas Penal Code and may remain in effect until final disposition of the charges.

Every driver's permit issued under this article shall be subject to suspension by the Director of Traffic & Transportation in the event the driver fails to comply with the above regulations.

Sec. 31-66. Notification of suspension or revocation; appeal.

The driver shall be notified of any such suspension or revocation either by certified mail or by personally delivered written notice. Such notice must include the reason for suspension or revocation and a statement that the driver has the right to appeal to the City Council by filing a written notice

of appeal with the City Secretary within ten (10) days of receipt of the notice of suspension or revocation. Otherwise, the suspension or revocation is final and non-appealable.

Sec. 31-67--31-77. Reserved.

ARTICLE V. MAXIMUM RATES AND FARES

Sec. 31-78. In general.

All rates and fares set forth in this article shall be maximum rates which shall not be exceeded. Nothing in this article shall be construed to prevent the charging of an amount less than the maximum.

Sec. 31-79. Taximeter fares.

Except as set forth in Sec. 31-83 below, the rate of fare for trips made by taxicab shall be determined by an approved taximeter. Said taximeter shall automatically compute and display the fare for the first passenger based upon distance of travel and length of waiting time:

- (a) The rate of fare for the first passenger shall not exceed one dollar and fifty cents (\$1.50) for the first one-tenth (1/10th) mile or fraction thereof, and eleven and one-half cents (\$0.115) for each additional one-tenth (1/10th) mile or fraction thereof, travelled by the said passenger.
- (b) For each additional passenger transported in the same trip, the charge shall not exceed one dollar (\$1.00) regardless of the distance travelled.
- (c) There shall be no charge for the first five (5) minutes of waiting time; for each additional minute of waiting time consumed by the taxicab at the request of the passenger, the rate shall not exceed twenty-five cents (\$.25) per minute.

Sec. 31-80. Charge for excess baggage.

Suitcases or other similar items of baggage shall be transported at no charge up to a maximum of two (2) such items per passenger. Additional suitcases or similar items of baggage shall be charged at the rate not to exceed fifty cents (\$.50) per item.

Sec. 31-81. Charge for driver carrying grocery bags.

Grocery bags carried to and from the vehicle by the passenger shall be carried at no charge. Grocery bags carried by the driver shall be charged at the rate not to exceed twenty-five cents (\$.25) per bag.

Sec. 31-82. Surcharge on taximeter fare.

For any trip commensed between 9:00 p.m. and 6:00 a.m., a surcharge of not more than one dollar (\$1.00) may be added to the taximeter rate set forth in Sec. 31-79, but shall be allowed for one passenger only regardless of the number of passengers jointly transported in the same trip.

Sec. 31-83. Special flat-rate fares.

The fare for trips between the following points shall be a flat-rate charge which, for the first passenger, shall not exceed the amounts shown. For each additional passenger, the maximum charge shall not exceed one dollar (\$1.00).

<u>TRIP</u>	<u>FLAT-RATE FARE</u>
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Dyess AFB to or from the Greyhound or Trailways Bus Station in downtown Abilene	
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\$11.00

Dyess AFB to or from the	
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00018

\$14.00

All other trips shall be charged the taximeter rate specified in Sec. 31-79.

Sec. 31-84. Posting of maximum fares.

The Director of Traffic & Transportation shall make available official copies of the maximum fare schedules. Copies of these documents shall be posted in view of the passenger at any time the taxicab is in service.

Sec. 31-85. Limousine fare.

Fares for limousine service, as defined in Sec. 31-1, are not regulated by this chapter.

MINIMUM INSURANCE REQUIREMENTS
FOR TAXICABS/LIMOUSINES
(AS DEFINED BY CHAPTER 31, ABILENE MUNICIPAL CODE)

<u>TAXICAB</u>	<u>TYPE</u>	<u>AMOUNT</u>
	Limits of Liability Bodily Injury:	
	\$100,000 - Per Person	
	\$300,000 - Per Occurrence	
	and	
	Property Damage:	
	\$100,000 - Per Occurrence	
	or	
	\$300,000 - Combined Single Limit Per Occurrence For Bodily Injury And Property Damage	

Comprehensive Auto
(or Business Auto) Liability
Insurance - Covering
A) All Owned/Leased Vehicles
B) All Hired Vehicles

<u>LIMOUSINE</u>	<u>TYPE</u>	<u>AMOUNT</u>
	Limits of Liability Bodily Injury:	
	\$250,000 - Per Person	
	\$500,000 - Per Occurrence	
	and	
	\$100,000 - Per Occurrence	
	or	
	\$500,000 - Combined Single Limit Per Occurrence For Bodily Injury And Property Damage	

Comprehensive Auto
(or Business Auto) Liability
Insurance - Covering
A) All Owned/Leased Vehicles
B) All Hired Vehicles

The above minimum requirements were established by
resolution of Abilene City Council on 1-24-85.