

AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF ABILENE; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE:

ARTICLE I

SECTION 1. It shall be unlawful for any person, firm, or corporation to drive or operate or to cause to be driven or operated any taxicab upon or over any street in the City of Abilene unless there has been obtained for such taxicab, and existing in full force and effect, a license duly issued therefor by the Tax Assessor and Collector of the City of Abilene as hereinafter provided in this ordinance.

SECTION 2. By the term "taxicab", as used herein, is meant: Every automobile or motor-propelled vehicle used for transportation of passengers for hire over the public streets of the City of Abilene irrespective of whether the operations of such automobile or vehicle extend beyond the limits of said City, at rates for distance traveled, or for waiting time, or for both, or at rates per hour, per week or per month; provided, however, the term "taxicab" shall not apply to motor buses operated within the City of Abilene under a franchise from said City over a fixed or definite route, nor shall said term apply to motor buses regularly operated in the City of Abilene to or from points outside of the incorporated limits of said City.

SECTION 3. (a) No license to operate a taxicab shall be issued by the Tax Assessor and Collector of the City of Abilene until the Board of Commissioners of said City, after a hearing duly had, shall declare and cause to be issued by the City Secretary a certificate that the public convenience and necessity requires the proposed taxicab service for which application for a license is made; provide that such declaration of public convenience and necessity shall not be necessary for the licensing of the same number of taxicabs, ~~the~~ licensed for operation, and operated by the applicant under the same name continuously, for one year or more next preceding



the passing of this ordinance; or for the renewal of the same number of licenses annually thereafter.

(b) In determining whether public convenience and necessity requires the licensing of such taxicabs for which application may be made, the Board of Commissioners shall take into consideration:

1. Whether the demands of public convenience and necessity require such proposed or such additional taxicab service within the City of Abilene;

2. The financial responsibility of the applicant;

3. The number, kind, type of equipment, the color scheme and the terminal facilities to be used by such applicant;

4. The increased traffic congestion on the streets of the City of Abilene which may result, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be unduly endangered by the granting of such additional licenses;

5. And such other relevant facts as said Board may deem advisable or necessary which may throw light on the public necessity and convenience.

(c) Any applicant for taxicab license under the provisions of this ordinance shall make proper application therefor on forms to be furnished by the City Secretary, and immediately upon the filing of such application, said City Secretary shall cause a notice to be posted in a conspicuous place in the City Hall of Abilene. Said notice shall set out the name of the applicant, the kind of equipment, and any other pertinent data from the application which said Secretary may deem proper; and the time when said application shall be heard shall not be less than five nor more than fifteen days from the time of the posting of said notice. All holders of existing taxicab licenses or any other citizen may be heard in favor of or against the granting of said licenses.

(d) If the Board of Commissioners upon said hearing finds that the public convenience and necessity justifies the operation of the vehicle, or vehicles, for which license is desired, it shall cause said finding to be noted on its minutes, and the City Secretary shall notify the applicant of such finding; within <sup>thirty</sup> ~~five~~ days thereafter



the applicant shall furnish to the said City Secretary any and all relevant information which may be required, and the said applicant shall deposit with said City Secretary the policy<sup>or policies</sup> of insurance, hereinafter provided; and if the said City Secretary further finds that the applicant has complied with this ordinance, he shall issue his written certificate of public convenience and necessity to the Tax Assessor and Collector as directed by the Board of Commissioners.

(e) If the Board of Commissioners finds that the public convenience and necessity do not justify the operation of the vehicle, or vehicles, for which the license is desired, the application shall be refused.

(f) Upon complaint made to the Board of Commissioners by any person, or said Board upon its own motion, after five days notice of the ground of said complaint to the owner or operator of any taxicab against whom complaint is made may hear evidence with reference to such complaint, and after such hearing, said Board may revoke or suspend the license of such owner or operator for good cause (shown).

SECTION 4. (a) Before any license shall be issued to any owner or operator of a taxicab or before any renewal of said license shall be granted, the owner or operator shall be required to file with the City Secretary, and thereafter keep in full force and effect, a policy, or policies, of public liability insurance issued by an <sup>old line stock</sup> insurance company authorized to do business in the State of Texas, which policy shall be approved by the <sup>and Board of Commissioners</sup> Mayor, and said policy shall be performable in Taylor County, Texas, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle, or vehicles, of such owner or operator, provided that the maximum amount of recovery in such policy of insurance specified shall not be less than the following sums for damages caused by the operation of any such vehicle, to wit: for bodily injury to any one person or the death of any one person in any one accident -- <sup>25,000.00</sup> \$2,500.00; for the bodily injury to two or more persons or the death of two or more persons <sup>10,000.00</sup> in any one accident -- \$5,000.00; for the injury or destruction of property in any one accident -- \$1,000.00. All policies of insurance shall contain a



provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon.

(b) In the event that the Board of Commissioners shall determine, after a hearing duly had, after three days notice given to a licensee that any assurance given by him has been impaired so as to afford less protection to the public than when originally filed; or the insurer has become insolvent or ceased to do business in the State of Texas, the said Board may require new or additional policies of public liability so as to bring the protection of said assurance to its original amount, and the licensee shall within five days after receiving written notice of such requirement, provide the required new or additional insurance; failing which, the license of said licensee shall automatically terminate; or the licensee may with the consent of said Board of Commissioners substitute any insurance policy with other insurance <sup>of</sup> ~~then~~ the kind required herein, such policy to be approved by <sup>and Board of Commissioners</sup> Mayor; and provided further, in the event any insurance policy be canceled upon the request of the insurer and no new insurance policy is filed by said licensee before the cancellation of said original assurance, the license to operate taxicabs granted to the licensee shall be automatically revoked; and provided further, that neither the City of Abilene nor any officer thereof shall be held liable for the pecuniary responsibility of solvency of any insurer, or in any manner become liable for any sum on account of any such claim, or act, or omission relating to any such motor vehicle.

SECTION 5. After the City Secretary has issued his certificate of convenience and necessity to the Tax Assessor and Collector as is provided herein, and before any license or renewal of license to operate a taxicab shall be issued, said Tax Assessor and Collector shall require that all the ad valorem taxes assessed by the City of Abilene against the vehicle or vehicles and other equipment to be used in the business of the applicant which are due, have been fully paid; and if the same are not paid, the said Tax Assessor and Collector shall refuse to issue said license; and if said taxes are paid, the said Tax Assessor and Collector shall issue to the applicant a license for every vehicle as shown by the certificate



of convenience and necessity to operate such vehicle or vehicles over the streets of Abilene as a taxicab upon the payment by said applicant of the license and inspection fees provided for in this ordinance. Said license shall state the year for which said license is issued, the name of the owner or operator of said vehicle, shall designate the same as a taxicab, and shall fully describe such vehicle, giving the engine number thereof, and said license shall be signed by the Tax Assessor and Collector and countersigned by the Mayor of the City of Abilene. The said Tax Assessor and Collector shall issue to the said applicant two metal tags for each vehicle included in the license upon which shall be stamped the word "Taxicab" and shall also have stamped upon it the words, "City of Abilene, Texas," the number of said license, and the year for which the same is issued. Said metal tags shall be attached to the outside of the hood of said vehicle so licensed, one tag on each side of said hood, so that the entire face of each tag can be easily seen from the outside of said vehicle, and the failure to have either or both of said tags so attached to said vehicle shall be a violation of this ordinance.

SECTION 6. It shall be the duty of every owner of every taxicab operated within the City of Abilene to ~~to~~ render for ad valorem taxes to said City all vehicles or other equipment used in said business, and a failure to render or to pay such ad valorem taxes to said City before said taxes become delinquent shall operate as a revocation of any license or permit authorizing the operation over the public streets of said City of any such taxicab.

SECTION 7. No taxicab for which a license shall have been issued shall be operated by anyone except the licensee thereof or an employee of the licensee.

SECTION 8. (a) It shall be the duty of every licensee hereunder to have each licensed taxicab inspected by the Chief of Police of said City, or some person duly authorized by him, once a month for the purpose of determining whether such vehicle is in a safe condition to be operated as a taxicab for hire and to pay an inspection fee of 50¢ for the inspection of each vehicle, and if said taxicab is found to be in safe condition, the Chief of Police, or such Inspector,



may paste a paper seal of a type and design adopted by the Chief of Police on some portion of said vehicle, stating the date said vehicle was inspected and that the same was approved by said inspector. No taxicab shall be operated in the City of Abilene without the inspection approval seal of the Chief of Police being attached thereto, whenever such seal has been adopted and used by said Chief of Police.

(b) If said Chief of Police, or the inspector appointed by him, finds that said taxicab is in a defective condition and is unsafe to be used as a taxicab, the Chief of Police shall order said vehicle not to be used as a taxicab until such defect is remedied. If the owner of said vehicle has remedied such defect or defects, he shall again offer said vehicle for inspection, and if the Chief of Police, or his inspector, shall find the vehicle to be safe for public use, he shall approve the same; or if not, the seal shall not be used until such vehicle passes inspection of the Chief of Police or his inspector. No taxicab found to be unsafe by the Chief of Police or his inspector shall be operated over the streets of the City of Abilene. Nothing herein shall prevent the Chief of Police from inspecting or causing to be inspected any taxicab at any time he sees fit, and upon finding such vehicle to be in a defective condition, the use of the same shall be discontinued until it is approved by the Chief of Police or his inspector, but no additional fee for such inspection shall be charged.

SECTION 9. In order to defray a part of the expense necessary to provide surveillance, supervision and inspection of taxicabs required under the terms and provisions of this Ordinance and other ordinances of the City of Abilene regulatory thereof, there is hereby levied a license and inspection fee of Six (\$6) Dollars per annum for each taxicab so operated, which fee shall be collected by the Tax Assessor and Collector from every person, firm, or corporation operating taxicabs on the streets of the City of Abilene. Said fee shall be payable on an annual basis and shall be due and payable for any year not later than the 10th day of January of said year, such fee to cover the calendar year. If a license to operate any taxicab is



granted during a current year, the fee shall be made pro rata for the balance of the calendar year on a basis of the number of months and fractions thereof remaining in said calendar year, such pro rata rates to be figured from the first day of each month. In the event a taxicab on which the fee has been paid for the current year is sold, wrecked, or destroyed, the operator thereof shall have the right to replace said taxicab with another vehicle, and upon written application to the Tax Assessor and Collector the license and inspection fee therefor paid on said taxicab shall be made applicable to the vehicle designated to replace such taxicab, and the licensee shall surrender the license certificate and metal tags of said vehicle before receiving a new license certificate and metal tags. There shall not in any event be any refund of license and inspection fee paid under this Ordinance. The fee shall be paid to the Tax Assessor and Collector of the City of Abilene, who shall issue a receipt therefor on a form to be prepared by him for that purpose.

## ARTICLE II

### TAXICAB DRIVERS

SECTION 10. All drivers of taxicabs shall be duly licensed chauffeurs under the laws of the State of Texas, displaying on their cap or hat the metal license seal or badge issued under the laws of this State.

SECTION 11. (a) Every person driving a taxicab must be licensed as such by an annual license issued by the Chief of Police; and each applicant for a driver's license shall:

1. Be 21 years of age or over.
2. Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a taxicab; and as evidence of such physical condition said applicant shall present the certificate of a reputable physician practicing in the City of Abilene.
3. Be able to speak, read, and write the English language.
4. Be clean of dress and person and not be addicted to the use of intoxicating liquors or narcotics.



5. Shall produce evidence satisfactory to the Chief of Police that the applicant is of good moral character and by tests, or otherwise, satisfy said officer that he is competent to drive a taxicab

6. The applicant shall make application to the Chief of Police for such driver's license on forms provided by said officer, giving said officer such information as to the name, residence, and previous history of the applicant as may be indicated by said forms.

7. Show by said application that he has registered his fingerprints for the purpose of identification with said Chief of Police.

8. Pay \$1.00 to the City of Abilene upon making any such application; and, before any such license is finally issued, pay an additional \$2.00 to make an operator's license fee of \$3.00 (but if such license is not issued said applicant shall not be entitled to a refund of the \$1.00 paid on filing his application).

(b) If the Chief of Police is satisfied from his investigation that the applicant is qualified to drive a taxicab, he shall issue a license to the applicant for the ~~current~~ year, on forms provided by the Chief of Police; otherwise said officer shall refuse it; it may be renewed from year to year without further application, on payment of the annual fees; and any license may be suspended or revoked by the Chief of Police at any time, if in the opinion of said officer, the driver has become incompetent or is guilty of misconduct, which requires such suspension or revocation, in the interest of public safety. The driver may appeal within ten days from the action of the Chief of Police in refusing, suspending, or revoking a license, to the Board of Commissioners, who shall finally decide the matter in controversy.

(c) Each applicant for such license must file with his application two recent photographs of himself, of a size designated by the Chief of Police, and which may be easily attached to his license, when issued; the other shall be filed with the application. The photograph shall be so attached to the license so that it cannot be removed and another photograph substituted without probability of detection. Each licensed driver shall, upon demand of a license inspector, policeman, or a passenger, exhibit his license and photograph for inspection.

SECTION 12. (a) All drivers of taxicabs shall promptly deliver to the police department of the City, or to authorized agencies of their companies, all property left in such vehicles by passengers, and whenever violates the provisions of this section shall be guilty of a misdemeanor.

(b) When articles left in taxicabs have been delivered to the office of the Chief of Police, he shall make an entry of the fact in a book provided for that purpose and shall keep all such articles until claimed by the owner, as the Board of Commissioners may authorize.

SECTION 13. (a) No driver shall cruise in search of passengers at any time, and whenever a taxicab is unoccupied the driver shall



proceed at once by the most direct route to the garage or terminal where the vehicle is housed.

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

SECTION 14. (a) No person driving, owning, operating or controlling any taxicab within the limits of the City shall charge a fare of less than fifteen (15¢) cents for any trip within the City.

(b) If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the same at the time of such payment, a receipt therefor in legible type or writing, containing the name of the owner, the City license number, or the driver's City license number, the State license number of the vehicle, and any items for which a charge is made, the total amount paid, and the day of payment.

(c) Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless such fare be prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the City, unless such taxicab is previously engaged or unable to do so. No driver of a taxicab shall carry any other person than the passenger first employing the taxicab without the consent of such passenger.

(d) Any driver employed to carry a passenger or passengers to a definite point shall take the most direct route possible that will carry such passenger or passengers safely and expeditiously to the selected destination.

(e) There shall be posted in a conspicuous place in a frame with a transparent cover on the inside of each licensed taxicab,



in addition to the license required by this Ordinance, a card showing the rates charged by said taxicab; said card shall be posted in a place easily observed and read by any passenger riding in said taxicab. If any owner, driver, licensee or operator of any taxicab shall refuse to convey a passenger at the rate specified on the rate card displayed in said taxicab, or shall demand or receive an amount in excess of the rates displayed on said card, he shall be deemed guilty of a misdemeanor.

(f) It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this Ordinance after having hired the same, and any person who shall hire any vehicle herein defined with the intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

SECTION 15. It shall be unlawful for any person or persons in any passenger depot or upon any passenger depot platform, or upon any sidewalk or street in front of any depot of any railroad company within the City of Abilene, or on any train, to solicit or cry out for passengers for any hotel or other place, or to solicit or call to or request any person or persons to become passengers for or to any hotel, railroad depot or any other place within or without said City.

SECTION 16. No operator, driver or chauffeur of any taxicab shall operate any such motor vehicle for more than twelve (12) hours in any twenty-four (24) hour period.

SECTION 17. It shall be unlawful for any person, as defined in this Ordinance, who is engaged in the business of delivering parcels or packages, to carry or offer to carry passengers, whether such passenger is carried or an offer is made to carry such passenger for compensation, or free of charge; provided that the provisions of this section shall not apply to individuals or business firms conducting a free delivery service as an adjunct, or supplementary, to the main business of such individual or firm.

SECTION 18. <sup>17</sup> ~~The first driver's or operator's license fee to be paid under this Ordinance covering the period from the effective date hereof through December 31, 1941, shall be for the full amount~~



of the annual fee of \$3.00 hereinabove fixed; thereafter said driver's license fee shall be payable annually not later than the 10th day of January and shall be for the calendar year in which such fee is paid.

### ARTICLE III

#### GENERAL PROVISIONS

~~SECTION 19.~~<sup>17</sup> No license issued under the terms of this Ordinance shall be transferred to any other person, nor shall such license be used for the operation of any other vehicle except for the vehicle for which said license is issued.

~~SECTION 20.~~<sup>18</sup> Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed \$200.00; and each day of the operation of a taxicab by the owner or operator thereof, without the license required under the provisions of Article I hereof, or the driver without the license required under Article II, shall be a separate offense. Any person who shall aid, abet or assist in the violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed \$200.00.

~~SECTION 21.~~<sup>19</sup> If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Board of Commissioners in adopting, and of the Mayor in approving, this Ordinance, that no portion hereof, or provision or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any section, sub-section, sentence, clause, phrase, portion, provision or regulation of this Ordinance.

~~SECTION 22.~~<sup>20</sup> Any ordinance or any part thereof inconsistent with any of the terms and provisions of this Ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of any such inconsistency, and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance, but it is hereby ordained



the ordinance entitled  
~~And it is hereby ordained~~ that/"An ordinance regulating taxicabs,  
automobiles for hire, and other motor drawn vehicles operated for  
hire in the City of Abilene providing a penalty and declaring an  
emergency" passed by the Board of Commissioners of said City on  
the 4th day of March, 1932, be and the same is hereby repealed.  
SECTION 23.<sup>2/</sup> The fact that traffic on the streets of the City of  
Abilene has greatly increased with the growth of the City's  
population, and the fact that existing ordinances of said City  
do not afford an adequate and comprehensive regulation and control  
of the operation of taxicabs on the public streets of said City,  
create an emergency and an imperative public necessity for the  
immediate preservation of the public welfare and safety, which  
requires the suspension of the rule requiring ordinances to be  
read on two separate days before the final passage thereof; where-  
fore, such rules are hereby suspended and this Ordinance shall be  
effective from and after its final passage, and it is so ordained.  
Passed its first reading this the 27<sup>th</sup> day of December, 1940,  
all Commissioners voting "aye".  
Passed its second and final reading on this the 27<sup>th</sup> day of  
December, 1940, all Commissioners voting "aye".

A T T E S T:

W. H. P.  
MAYOR

Ella Ann Thairlin  
CITY SECRETARY  
By Miriam Buckley Deputy.

Approved as to form before passage.

E. D. Buckner  
CORPORATION COUNSEL