

ORDINANCE OF THE CITY OF ABILENE REGULATING TAXICAB TRANSPORTATION, DEFINING TERMS, REQUIRING FRANCHISES BASED ON PUBLIC CONVENIENCE AND NECESSITY, PROVIDING FRANCHISE TAX, REQUIRING THE KEEPING OF SPECIFIED RECORDS AND REPORTS ON SUCH RECORDS, SPECIFYING RATES TO BE CHARGED BY TAXICABS, PROVIDING A LICENSE FOR OPERATORS, PROVIDING FOR REQUIREMENTS OF TAXI STANDS, SPECIFYING REGULATIONS CONCERNING TAXICABS, TAXICAB OPERATORS, TAXICAB DRIVERS, AND TAXICAB STANDS, REQUIRING INSURANCE AND A PERFORMANCE BOND, PROVIDING FOR INSPECTION OF TAXICABS, REQUIRING SPECIFIED SIGNS ON TAXICABS, REQUIRING PAYMENT OF AD VALOREM TAX, REQUIRING PASSENGERS TO PAY FARES, PROVIDING FOR TAXIMETERS, REGULATING CRUISING AND CALLING, PROVIDING FOR REVOCATION OF LICENSES AND FRANCHISES, PENALTIES, PROVIDING A SAVINGS CLAUSE, AND PROVIDING A REFERRAL CLAUSE.

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

ARTICLE I

SECTION 1. DEFINITIONS:

- (a) The term "city" as used in this ordinance shall mean the City of Abilene, Texas, located in Taylor County, Texas.
- (b) The term "street" or "streets" as used in this ordinance shall mean and include any streets, alley, avenue, boulevard, drive, public way, or highway commonly used for the purpose of public travel within the incorporated limits of the City of Abilene, Texas.
- (c) The term "taxicab" as used in this ordinance shall mean every motor vehicle transporting passengers for hire, other than motor vehicles operating under a permit or certificate of the Railroad Commission of the State of Texas or the Interstate Commerce Commission; provided, however, the term "taxicab" shall not apply to motor busses operated within the City of Abilene under a written franchise from the City of Abilene, Texas, over a fixed or definite route, nor shall this ordinance apply to limousines operated from downtown addressed to the airport.
- (d) The term "franchise" and the term "license to operate" as used in this ordinance shall mean authority granted by the City Commission of Abilene, Texas, upon finding that public convenience and necessity require it, to an operator of a taxicab or taxicabs, and which authorizes such operator of a taxicab or taxicabs to engage in the business of transportation by taxicab.
- (e) The term "license", as used in this ordinance, shall apply to the authorization granted to the franchise holder, permitting him to operate a

particular taxicab, and although a franchise may be held by a taxicab operator for a designated number of licenses to operate a specified number of taxicabs, application must be made by the operator for placing each taxicab within his franchise.

(f) The term "person" as used in this ordinance, shall include both singular and plural, and shall mean and embrace any individual, firm, corporation, association, partnership, or society.

(g) The term "cruising" or "cruising", as used in this ordinance, shall mean the movement of unoccupied taxicabs over the public streets of the City of Abilene, in search of, or solicitation of prospective passengers; except, however, unoccupied taxicabs proceeding to answer a call for taxicab service from an intending passenger, and taxicabs returning to a taxi-terminal or subtaxi-terminal by the most direct route, after having discharged a passenger or passengers, shall not be considered to be cruising.

(h) The term "calling", as used in this ordinance, shall mean any act or gesture on the part of the driver or operator of a taxicab while said taxicab is in motion by which he offers the accommodations of said taxicab to a prospective passenger or passengers, either by signal, word of mouth, sign or otherwise for the purpose of soliciting a passenger or passengers.

(i) The term "owner" and the term "taxicab operator" and the term "operator", whenever used in this ordinance, shall mean any person, firm, corporation, association, partnership or society which has the control, direction, maintenance or the benefit of the collection of revenue derived from the operation of a taxicab or taxicabs on or over the streets of the City of Abilene, whether as owner or otherwise; provided, the term "driver" as hereinafter defined shall not be included within this definition.

(j) The term "driver" or "chauffeur", as used in this ordinance, shall mean every person who actually drives or manipulates a vehicle used as a taxicab, as herein defined, whether as owner or as agent, servant or employee of an "owner", as herein defined.

(k) The term "taximeter", as used in this ordinance, shall mean a machine adapted automatically to calculate, at a predetermined rate or rates, and to register the charge for the use of a taxicab.

(l) The term "waiting time", as used in this ordinance, shall mean such time as may be consumed or lost at the special instance and request of a

passenger, after such passenger has first engaged and entered a taxicab to make a trip and before reaching his final destination; and no charge shall be made against a passenger for any time lost on account of any other delay whatsoever.

(m) The term "taxi-terminal", as used in this ordinance, shall mean and include the taxi depot at which place the taxicabs of an owner or taxicab operator shall be housed or headquartered, and at which place telephone calls and requests for taxicab service shall be made, and from 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-stand" and shall mean and embrace that space and area of land, together with buildings off of the streets of the City of Abilene, and upon private property, which constitute the main office of the owner or taxicab operator.

(n) The term "taxi sub-terminal", as used in this ordinance, shall mean and include any place other than a taxi-terminal at which the drivers or chauffeurs of taxicabs, shall receive calls from a dispatcher as said calls are relayed from a taxi-terminal or taxi-stand, and it shall likewise mean and embrace that space and area used by taxicabs while waiting for passengers.

(o) The term "public convenience and necessity", as used in this ordinance, shall mean: (1) a public convenience which is fitting and suited to public need, and (2) a public necessity which embraces a great and urgent public convenience. This term, as applied to a taxicab service proposed and offered to the public by an applicant, shall mean that applicant is fit, able and willing to perform taxicab transportation service in the City of Abilene in accordance with the requirements of this ordinance, and that public convenience and public necessity require the taxicab service proposed by such applicant.

SECTION 2.

From and after the final passage hereof, it shall be unlawful for any person, firm or corporation to drive or operate or cause to be driven or operated any taxicab upon or over any street or alley in the City of Abilene without first having obtained a franchise for such use of streets and alleys of said city, and existing in full force and effect, which said franchise shall be granted by ordinance of the Board of Commissioners of the City of Abilene under the conditions hereinafter set forth.

SECTION 3.

All franchises granted under the terms hereof shall be for a term

not to exceed five (5) years, and shall be based on public convenience and necessity, as the same is hereinabove defined.

SECTION 4.

No taxicab franchise shall be granted by the City of Abilene until the Board of Commissioners of said City, after a hearing duly had, finds and declares that the public convenience and necessity requires the proposed taxicab service for which application is made; provided, however, that such finding and declaration shall not be necessary for the renewal of franchises for the licensing and operation of the same number of taxicabs licensed for operation and operated by the applicant under the same name continuously for one year or more next preceding the passage of this ordinance, nor for the renewal of franchise covering the same number of licenses annually thereafter. Such finding and declaration of public convenience and necessity shall be based on substantial evidence and shall be final and conclusive on all parties concerned as to the facts so found. No franchise shall be deemed exclusive and the Board of Commissioners hereby reserves the right to grant as many franchises as it reasonably deems necessary to serve the public.

SECTION 5.

Any person, firm or corporation desiring a taxicab franchise shall make application therefor in writing, addressed to the Board of Commissioners on forms provided by the City Secretary. Said application shall give the following information:

- (1) Name and address of applicant.
- (2) Financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments.
- (3) The experience of the applicant in the transportation of passengers.
- (4) The number of vehicles proposed to be operated by the applicant.
- (5) Location of proposed terminals, sub-terminals, and call box stands.
- (6) Color scheme and insignia to be used to designate the vehicle or vehicles of the applicant.

(7) The make, model, motor number, State license number, and taxicab number of each vehicle proposed to be operated by applicant under the franchise applied for.

(8) Such other information as the Board of Commissioners may deem advisable or necessary tending to prove convenience and necessity.

SECTION 6.

(a) After considering said application, the Board of Commissioners shall, if it considers said application favorably, direct the City Attorney to prepare a proposed franchise ordinance. After passage on first reading, notice of said fact shall be given by publication in a newspaper of general circulation in the City of Abilene one time, which said notice shall be published at least one week prior to date of public hearing and final passage of said ordinance. On the date set for hearing and final passage, all interested persons shall be given an opportunity to be heard in support of or in opposition to the application for franchise.

(b) If the Board of Commissioners upon said hearing finds that the public convenience and necessity justifies the operation of the vehicle, or vehicle, for which license is desired, it shall cause said finding to be noted on its minutes, and the City Secretary shall notify that applicant of such finding; within thirty 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 or policies 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.

(c) 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.

(d) Upon complaint made to the Board of Commissioners by any interested 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 it made may hear evidence with reference to such complaint and after such hearing, said Board may revoke or suspend the franchise of such owner or operator for material violation of this ordinance or the terms of his franchise.

SECTION 7.

(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 old line stock insurance company authorized to do business in the State of Texas, which policy shall be approved by the said Board of Commissioners 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 damage 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--\$15,000, for bodily injury to two or more persons or the death of two or more persons in any one accident--\$40,000; for the injury or destruction of property in any one accident--\$5,000. All policies of insurance shall contain a provision for continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon. In lieu of said public liability insurance as provided herein, the owner or operator of a taxicab may make and file with the City Secretary a bond or bonds executed by him and a solvent surety company or association authorized to do business in Texas, containing indemnity provisions such as said public liability insurance; said bond or bonds as to form and sureties to be approved by the Board of Commissioners.

(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 loss 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 now 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 now 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 of the kind required herein, such policy to be approved by said Board of Commissioners; and provided further, in the event any

insurance policy be cancelled 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 8.

Upon the favorable approval of said application by the Board of Commissioners, said Board shall pass on second and final reading a franchise ordinance which shall contain the following provisions:

(1) That the franchise is granted for one year from its effective date, with renewal annually thereafter, unless upon review by the Board of Commissioners it is found that the franchise has become subject to forfeiture or cancellation for violation of this ordinance or the terms of his franchise.

(2) That the holder of every franchise shall pay to the City of Abilene a sum equal to three per cent of the gross receipts of the franchise holder, payable monthly.

(3) That the franchise holder will be required to comply with all the applicable terms and provisions of this Ordinance and all amendments hereafter made during the term of the grant.

(4) That the franchise will be subject to forfeiture and cancellation upon conviction for violations of this Ordinance or upon proper showing that the franchise holder has substantially breached the terms of the franchise.

(5) That the franchise will become subject to forfeiture and cancellation upon the holder thereof becoming delinquent in the payment of ad valorem taxes upon any vehicle, equipment, or other property of the holder used or operated directly or indirectly in connection with the taxicab service.

(6) That the franchise holder will keep and maintain complete records of all physical properties, daily records of revenues (segregated by drivers and vehicles), daily manifests of all drivers, and a complete record of all expenses incurred in connection with the actual operation of the taxicab business and maintenance of equipment and of all revenues derived from such business.

(7) That the franchise holder will own, lease, contract for,

or otherwise legally control every taxicab used in the taxicab service for which the franchise is authorized.

The provisions required above to be written into each franchise ordinance are not limitations, and there may be incorporated in any franchise ordinance such additional provisions as in the discretion of the City Commission properly belong in an ordinance granting a franchise for the operation of a taxicab service in the City of Abilene.

SECTION 9.

The owner or operator of any taxicab to whom is issued a permit as is provided in this ordinance shall make and keep accurate books or records, showing the amount of the gross receipts from the operation of such taxicab, which books and records shall be subject to the examination of authorized representatives of the City of Abilene. There is hereby levied on the owner or operator of each taxicab operating in the City of Abilene a license or permit fee not to exceed three per cent (3%) of the gross receipts per annum, the payment of which shall be 3% payable monthly on or before the 10th day of each succeeding month. If the owner or operator operates more than one taxicab, all may be included in one statement of the gross receipts, a sworn statement of which will be filed with the Chief Accountant with each statement and to which officer said payment of the license or permit fee shall be paid. A failure to pay said license or permit fees within ten days after the same is due or a false statement as to the amount of the gross receipts of said taxicab or taxicabs shall be sufficient grounds for the revocation of the operator's franchise.

SECTION 10. RECORDS AND REPORTS:

All owners and operators of taxicabs in the City of Abilene, Texas are hereby required to keep and maintain at all times:

(1) Complete records of all physical properties used by him in rendering taxicab service in the City of Abilene, Texas, showing date of purchase, purchase price, terms of payment and the extent to which such property has depreciated.

(2) Daily manifests to be filed by each driver, containing description of each trip, showing origin and destination, the number of passengers transported on each of said trips, and the amount of money collected on each trip. The manifest shall also show for each day, the number of trips made, the cab number, the name of the driver, and the date.

(3) A complete and accurate record of all expenses incurred in connection with the actual operation of the taxicab business.

(4) Each taxicab operator who operates in the City shall deliver to the City Commission a quarterly report, including a balance sheet and profit and loss statement, in writing, prepared by said taxicab operator or by someone under his direction, and the same shall be sworn to by said taxicab operator or his duly authorized agent, and said report shall reflect fully the true financial status of his taxicab business during the period covered by such quarterly report. The first such quarterly report shall be due no later than January 15 of each year, and it shall reflect all taxicab operations of said taxicab operator during the calendar months of October, November, and December of the previous year. Additional quarterly reports shall be due not later than: (1) April 15 of each year, covering the previous months of January, February, and March; (2) July 15 of each year, covering the previous months of April, May, and June; (3) October 15 of each year, covering the previous months of July, August, and September. Successive quarterly reports shall be delivered to the City Commission by each taxicab operator, so long as he shall engage in the taxicab business in the City of Abilene.

SECTION 11. TRANSFERS.

No certificate of public convenience and necessity, franchise, license or permits issued under the provisions of this ordinance shall be sold or in any manner transferred without the written approval of the City Commission, expressed by a resolution. In the event that the person seeking to acquire a franchise, license or permit held by another is already a licensed operator of taxicabs in the City of Abilene, then and in that event the applicant asking authority to acquire said franchise, license or permit shall be deemed to have introduced a prima facie case of fitness, willingness and ability.

SECTION 12. RATES AND FEES TO BE CHARGED:

- (a) Until September 1, 1951, rates and fares for taxicabs in the City of Abilene shall be the same as heretofore fixed by the Board of Commissioners.
- (b) Beginning September 1, 1951, all taxicabs operating in the City of Abilene shall be equipped with taximeters and after said date it shall be unlawful for any person, firm or corporation to operate any taxicab on the streets of the City of Abilene without having in operation in said taxicab a standard taximeter which accurately records the distance travelled by the passenger and determines the fare at the predetermined rates herein fixed. Said meters shall

be subject to inspection by the Chief of Police or any law enforcement member of his department at all reasonable times. In the event any motor is found to be inaccurate or defective in operation, the Chief of Police or his agents shall order said taxicab out of operation immediately and it shall be unlawful for any person to operate said taxicab until a proper motor is installed. Beginning September 1, 1951, and until otherwise changed by the Board of Commissioners, the following rates and fares shall be effective in the City of Abilene:

1. The rate of fare for one person shall be thirty cents (.30) for the first mile or fraction thereof traveled by the passenger, and five cents (.05) for each additional one-quarter mile or fraction thereof traveled by him. For each additional passenger transported on the same trip, the charge shall be twenty cents (.20) regardless of the distance traveled.
2. For each one minute of waiting time consumed by the taxicab at the instance of the passenger, the rate shall be five cents (.05).
3. Whenever a taxicab is engaged on an hourly basis, whether for one or more passengers, the fare shall be three dollars (\$3.00) per hour for each and every hour. For each quarter hour or fraction thereof in excess of the completed hour, the rate shall be seventy five cents (.75) for each quarter hour or fraction thereof the taxicab is so engaged.

4. For transporting luggage of passengers:

- (a) For first three pieces of hand luggage--free
- (b) For each additional piece of hand luggage--\$.10
- (c) For each steamer trunk or comparable piece of luggage--\$.20

(To be shown as extras on taximeter).

SECTION 13. INSPECTION:

(a) It shall be the duty of said Chief of Police to inspect the operation of taxicabs, including all taxicab equipment and facilities used and operated within the incorporated limits of the City of Abilene, and to perform such other and further duties as may be required of him by the City Commission in connection with said taxicab operations.

(b) It shall be the duty of the Chief of Police to inspect every licensed taxicab which may be licensed under the provisions of this ordinance, at least once every three months for the purpose of determining whether said vehicle is in a safe and sanitary condition and fit to be operated as a taxicab; and for such inspections the said owner of such vehicle shall submit said vehicle at a

reasonable time and place as may be specified by said Chief of Police. If said Chief of Police finds that said taxicab is in a defective condition and is unsafe and unfit to be used as a taxicab, he shall order said vehicle not to be used as a taxicab until said defect or defects are satisfactorily remedied. (No inspection fee shall be charged.)

(c) Should the Chief of Police find any taxicab to be in a defective condition, and order its use as a taxicab discontinued, the owner of such taxicab shall have the right to appeal from such order to the City Commission of the City of Abilene within ten days from the date of such finding and order, and said appeal shall be perfected by the delivery of a letter to the Mayor and City Commission of the City of Abilene, stating that an appeal from the ruling and order of the Chief of Police is desired to be made to the City Commission as a whole. If an appeal from said decision of the Chief of Police is perfected, as herein provided, the decision of the said Chief of Police shall stand until the appeal is passed upon by the City Commission. Upon receiving such appeal and notice thereof, the City Commission, as soon as possible thereafter, shall hear such appeal, and shall either sustain, modify or reverse the decision of the Chief, and shall forthwith certify its decision to the Chief of Police, and to the owner of such taxicab for observance. If no appeal is taken from said decision of the Chief of Police within the time provided herein, said decision of the Chief of Police shall be final.

(d) It shall be the duty of the Chief of Police to inspect periodically the sanitary conditions of all taxicabs, taxi terminals, and taxi sub-terminals to insure protection of the health of the citizens of Abilene.

SECTION 14. REGULATIONS:

(1) It shall be unlawful for any taxicab operator, licensee, franchise holder or driver or any officer, agent or employee of such person to transport or permit to be transported in a taxicab under his control or supervision any person in any manner whatsoever unless the taximeter in said taxicab is registering the correct fare therefor.

(a) All vehicles used and operated as taxicabs in the City of Abilene shall be operated in accordance with the ordinances of the City of Abilene and all future amendments thereto, if any, relating to the operation of motor vehicles upon the streets of the City of Abilene.

(b) The City of Abilene, in the granting of franchises and licenses hereunder, fully retains and reserves all the rights, privileges and

Immunities that it now has under the law to fully patrol and police the streets, alleys and public ways within the City; and the granting of franchises or licenses hereunder shall in no way interfere with the right of the City of Abilene to fully use said streets, alleys and public ways for any other public utility; nor shall the granting of such franchises or licenses hereunder in any way interfere with the improvement, alteration, or maintenance of any street, alley or public way; and the rights of any franchise holder or licensee to use said streets shall, at all times, be subservient to the right of the governing body of the City of Abilene to fully exercise its rights of control over said streets, alleys and public ways.

(c) It shall be the duty of the Chief of Police to enforce the provisions of this ordinance and all applicable regulations. He shall likewise recommend to the City Commission reasonable rules and regulations which, when approved by the City Commission by appropriate measures, shall become binding upon taxicab operators, franchise holders, and drivers. Without limiting the power of the City Commission, the Chief of Police shall, as a part of his duties, perform the following normal functions of office:

- (1) Make reasonable orders respecting the character, extent, quality and standard of service to be rendered by all taxicab operators, owners, licensees, and drivers operating or driving taxicabs in the City of Abilene.
- (2) Recommend to the City Commission any change in taxicab rates.
- (3) Recommend the number of cabs to be operated by each taxicab operator or franchise holder, and to recommend the number of cabs to be operated by him on various days of the week and hours of the day, applying thereto the principles of public convenience and necessity.
- (4) Inspect any and all equipment used or proposed to be used by a taxicab operator or franchise holder.
- (5) Conduct examinations and make recommendations concerning the licensing of all drivers, chauffeurs, and operators of any and all vehicles operated or maintained under the provisions of this ordinance.
- (6) Make rules and regulations as may be reasonably necessary to facilitate the taxicab service to be rendered to the public and when the same are approved by the City Commission, they shall become binding; provided, that any person who feels aggrieved at any rule or regulation by the Chief of Police shall have the right of appeal to the City Commission as provided in Section 13⁽²⁾

of this ordinance.

(d) All records which this ordinance requires to be kept shall be separate and independent of all other records, operations or enterprises of the franchise holder. All such records and books shall be under the direct supervision and control of the Chief Accountant of the City of Abilene, or his assistants, and the said Chief Accountant is hereby authorized to inspect at all reasonable times all records and books pertaining to the operation of any franchise holder.

(e) It shall be unlawful for any owner or taxicab operator to permit any taxicab licensed in his name to be operated or driven within the corporate limits of the City of Abilene by any person except the owner of said taxicab or the legally authorized agent or employee of the owner or operator; and it shall be unlawful for any person to drive any vehicle as a taxicab upon the streets of the City of Abilene in violation of any provision of this ordinance.

(f) It shall be unlawful for any driver of a taxicab, knowingly, to transport any person to the abode of a prostitute, or to knowingly transport any person, criminal, narcotic peddler, prostitute, or bootlegger, for the purpose of aiding in the commission of a crime or the violation of the law in any manner, or to act in any manner as a pimp for prostitutes, or to act as a contact-man for any unlawful establishment of any character.

(g) It shall be the duty of every taxicab driver to return immediately to the owner, if known, all luggage, merchandise or other property left in his taxicab. If the owner of such property is not known, the driver shall immediately turn over to the Police Department all property whatsoever left in his taxicab, giving a complete report of when and where it was left in his taxicab. All of said property shall be tagged for identification purposes, and if it is not called for by the owner within thirty (30) days, it shall be turned over to the Chief of Police with all available information pertaining thereto. The Chief of Police shall hold such property in his custody until it appears reasonably certain that the owner thereof will not claim same, after which he shall cause same to be sold at public auction as hereinafter provided. A storage lien is hereby fixed against property so held in excess of thirty days, at the rate of \$.50 per day, and after said period, said lien may be summarily foreclosed and sold at public auction. Prior to said sale, notice shall be given in a newspaper published in said city, setting forth the time and place of said sale, together with a brief description of the property to be sold.

SECTION 15. SIGNS:

Every taxicab shall have a dome light located on the top of the cab and just above the windshield, indicating the name and number of the cab in legible and easily discernible letters. An identification card indicating the name and number of the cab shall be displayed in a prominent place on the rear part of the front seat, so that it may be easily read by persons riding in the rear seat. There shall be displayed above the windshield in all cabs, while in operation, the taxi driver's permit issued by the Police Department of the City of Abilene while such driver is on duty and operating a taxicab.

SECTION 16. LIMITATIONS ON FRANCHISES AND LICENSES TO OPERATE:

(a) The City Commission of the City of Abilene expressly reserves the right to modify, amend, alter, change or eliminate any of the provisions of any franchise or any license to operate during the life of the same, for any of the following purposes, to-wit:

(1) To eliminate or delete from the same any conditions as might prove obsolete or impractical.

(2) To impose any additional conditions upon any owner, operator, or licensee as may be just and reasonable, and which are deemed necessary for the purpose of promoting adequate, efficient, safe taxicab service to the public.

(b) Notwithstanding anything provided in any other portion of this ordinance with reference to the termination thereof, every franchise and license to operate granted hereunder shall be subject to the Constitution and all applicable laws of the State of Texas, all City Charter provisions, and all such future laws and amendments as may be enacted by the Legislature, and all amendments to the State Constitution and the Charter of the City of Abilene.

(c) Every franchise holder and every licensee shall promptly pay, when due, all lawful ad valorem taxes, together with all other taxes, levies, and assessments, if any, that may be lawfully imposed upon him. Failure to pay such tax, levy, or assessment, when due, shall be deemed a breach of the privilege granted herein, and the City Commission may declare the rights of the franchise holder or licensee hereunder forfeited for such breach.

(d) Any unwarranted and intentional neglect, failure or refusal of a franchise holder or a licensee to comply with any of the conditions, stipulations, and requirements provided for in his franchise or license, shall thereupon immediately constitute adequate grounds for forfeiture thereof, and the said City, acting

by and through its City Commission, may thereupon declare said franchise or license forfeited, and may exclude said franchisee or licensee from further use of the streets of said City, under said franchise or license; and said franchisee or licensee shall thereupon and immediately be denied all rights in, to and under the same and said franchise or license shall become null and void and of no effect.

SECTION 17. REQUIREMENT OF PAYMENT OF AD VALOREM TAX:

No owner or operator of taxicabs shall engage in the transportation of persons by taxicab at any time within the City of Abilene when the ad valorem taxes assessed against his taxi-stand, taxicabs or taxicab equipment is delinquent and the failure of any owner or operator to comply with the provisions of this section shall be adequate grounds for the City Commission to revoke any right or privilege granted him under this ordinance.

SECTION 18. PASSENGERS TO PAY FARE:

It shall be unlawful for any passenger to refuse to pay the legal fare due from him for the use of any taxicab mentioned in this ordinance, after having hired the same; and any person who hires any taxicab with the intent to defraud the person from whom it is hired, and after using the same, fails or refuses to pay any taxicab fare due by him shall be guilty of a misdemeanor.

SECTION 19. PERSONAL APPEARANCE OF DRIVERS:

It shall be the responsibility of every person operating a taxicab service in the City of Abilene under a franchise to require the drivers of taxicabs of such service to be neat and clean in appearance while on duty. Every franchise holder shall require all drivers of his service to wear a prescribed uniform while on duty, such uniform to include at least a cap and shirt, or cap and jacket, distinctive for each taxicab service, so that every registered taxicab driver, at all times while on duty, may be easily identified as a person properly authorized to operate and drive a taxicab in the City of Abilene. To avoid confusion and prevent duplication of numbers, if any, and uniform colors, every system of uniforms for a taxicab service shall be approved by the Chief of Police before being adopted and used by the franchise holder. It shall be unlawful for any driver or of a taxicab to drive or operate a taxicab in the City of Abilene without being in the uniform prescribed for such driver by the franchise holder and approved by the Chief of Police.

SECTION 20.

It shall be unlawful for any taxicab franchise holder, or his agent

or claims-adjuster, to hinder or interfere with any police officer who is engaged in the investigation of any collision or traffic violation in the City of Abilene. Such owner or agent shall stand by until the officer has completed his investigation before interrogating any of the parties or witnesses to such collision or traffic violation, and his failure to do so shall constitute a misdemeanor.

SECTION 20.

Every person proposing to drive a taxicab under the provisions of this Ordinance shall apply for registration as a taxicab driver to the Chief of Police in writing on forms provided by the City of Abilene. Each application shall be accompanied by a fee of three (\$3.00) dollars, and every applicant shall furnish under oath the following information:

- (1) Name, age, sex, race, marital status, and number of children.
- (2) Residence address in the City of Abilene and telephone number.
- (3) Name and business address of taxicab franchise holder to whom applicant for registration intends to apply for employment as a taxicab driver.
- (4) Number of years and months applicant has actually resided in the City of Abilene next preceding the date of application, and the number of years and months applicant has resided in the State of Texas; also, whether applicant is a citizen of the United States and whether citizenship is by birth or naturalization.
- (5) Height, weight, color of eyes, complexion, color of hair, body and facial marks, and other physical characteristics useful in identifying applicant and distinguishing applicant from other persons.
- (6) Experience applicant has had in driving a motor vehicle and specifically and by separate statement applicant's experience, if any, in driving a taxicab, public transportation bus, or other vehicle or means of transportation for passengers or property.
- (7) Number and date of issuance of State Chauffeur's License issued to applicant.
- (8) Whether applicant has ever been convicted of a felony, or any offense involving moral turpitude, and full information concerning the conviction; and whether applicant has ever been convicted of a misdemeanor or has been named as defendant in a civil proceeding to forfeit or suspend his driver's license.

ARTICLE II

SECTION 21.

License fees required and rules and regulations for the control of the

taxicab industry in the City of Abilene at the time of final passage of this Ordinance shall remain in full force and effect until such time as the appropriate provisions of this Ordinance shall become effective. Any person violating any of the regulations effective at the time this Ordinance is introduced or passed by the Board of Commissioners may be regarded by the Board of Commissioners as having forfeited the right to the benefits of this Ordinance, and specifically may be denied a franchise, if applied for, even though he is able to show public convenience and necessity for the taxicab service proposed.

SECTION 22.

That the following Ordinances be and the same are hereby repealed:

- (1) Ordinance No. 101, passed December 25, 1940 recorded in Volume 4, page 53, Ordinance, City of Abilene.
- (2) Ordinance No. 117, passed April 18, 1941, recorded in Volume 4, page 86, Ordinance Records, City of Abilene.
- (3) Ordinance No. 107, passed January 24, 1941, recorded in Volume 4, page 68, Ordinance Records, City of Abilene.
- (4) Ordinance No. 149, passed July 31, 1942, recorded in Volume 4, page 145, Ordinance Records, City of Abilene.
- (5) Ordinance No. 154, passed February 19, 1943, recorded in Volume 4, page 156, Ordinance Records, City of Abilene.
- (6) Ordinance No. 164 passed on June 22, 1943, recorded in Volume 4, page 167, Ordinance Records, City of Abilene.
- (7) Ordinance No. 261, passed February 13, 1948, recorded in Volume 4, page 332, Ordinance Records, City of Abilene

All other ordinances or parts thereof inconsistent with or in conflict with any of the terms and provisions of this Ordinance are hereby repealed.

SECTION 23.

Any person, either by himself or agent, 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 not less than \$5.00. 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, and not less than \$5.00. It shall not be necessary for the complaint to allege, or for proof to be made, that the act was knowingly done; nor shall it be necessary for the complaint to negate any exception contained in this Ordinance concerning any prohibited act, but any such exception made herein may be urged as a defense by any person charged by such complaint.

SECTION 24.

If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason to be held 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.

PASSED ON FIRST READING THIS THE 27 DAY OF *July*, A. D. 1951.

After said passage, a notice of the time and place when and where said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter News, a daily newspaper of general circulation in the City of Abilene, the publication being on the *1st* day of *August* A. D. 1951 at least one week prior to the time advertised. After such opportunity for the public to be heard, said Ordinance was passed on its second and final reading on the *10th* day of *August*, A. D. 1951.

ATTEST:

Ernest Grissom
Ernest Grissom, Mayor

Osila Jane Martin
City Secretary

APPROVED AS TO FORM BEFORE PASSAGE:

William Johnston
Corporation Counsel