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ORDINANCE NO. 1018

AN ORDINANCE OF THE CITY OF ABILENE REGULATING TAXICAB TRANSPORTATION, DEFINING TERMS, REQUIRING PERMITS FOR OPERATION, REQUIRING USE AND OPERATION TAXIMETERS, SETTING OUT VEHICLE REQUIREMENTS, PROVIDING FOR INSURANCE OR BONDS, REQUIRING KEEPING OF RECORDS, SETTING OUT REGULATIONS, SETTING RATES AND FARES, AND PROVIDING FOR A PENALTY FOR VIOLATION THEREOF.

WHEREAS, regulation of the operation of taxicabs upon the roadways of the City of Abilene is in the best interest of the public and the citizens of the City of Abilene; and, WHEREAS, a revision of the heretofore method of regulation of said taxicab operation is deemed in the best interest of the public and the citizens of the City of Abilene; now therefore,

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

PART 1: That Chapter 29 of the Abilene City Code is amended to read as follows:

ARTICLE I. Definitions

Section 29-1.

- (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 street, 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 vehicles owned or operated by motels, hotels and other businesses for transporting their guests or employees, but shall include the vehicles of other companies or individuals providing such service under a contract with the said motels, hotels or other businesses.

- (d) The term "permit to operate" as used in this ordinance shall mean authority granted by the City Council 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, and which authorizes such operator of a taxicab or taxicabs to engage in the business of transportation by taxicab.
- (e) The term "permit " as used in this ordinance shall apply to the authorization granted to the owner, permitting him to operate a particular taxicab.
- (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 "cruise" 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, corporation, or partnership 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.
- (j) The term "driver" or "chauffeur" as used in this ordinance, shall mean every person who actually drives or operates 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 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.

(p) The term "radio-dispatch" as used in this ordinance, shall mean two-way radio communication between such taxicab and the dispatching office for a minimum of eighteen (18) hours per day. The radio equipment must be of a minimum forty (40) watt output base and twenty (20) watt output mobil units operating on two channels of the land transportation frequency as authorized by FCC to assure privacy of communications between dispatch and taxicab.

ARTICLE II. Permits

Section 29-2.

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 vehicle for the purpose of operating a taxicab business or service for the transportation of passengers for hire upon or over any street or alley in the City of Abilene without first having obtained a permit for such use of streets and alleys of said city, and existing in full force and effect, which said permit shall be granted by ordinance of the City Council of the City of Abilene under the conditions hereinafter set forth.

Section 29-3.

All permits granted under the terms hereof shall be for a term not to exceed one (1) year, and shall be based on public convenience and necessity, as the same is hereinabove defined.

Section 29-4.

Before any permit to operate taxicabs in the city will be granted by the City Council to any person applying under this article, the City Council shall hold a public hearing to consider whether public convenience and necessity require the proposed taxicab service for which application is made.

No permit for additional taxicab service will be granted by the City Council unless required by public convenience and necessity.

Section 29-5. Same -- Notice of hearing; cost of notice.

When an application under this article is filed with the City Secretary the City Council shall fix a time and place for hearing on the application. Notice of such hearing shall be given, in writing, to the applicant and to all persons holding permits for taxicab services in the City. Due notice shall be given to the public by publication in a newspaper published in the City, cost of such public notice to be borne by the applicant in advance of publication to the City Secretary.

Such notice shall set out the name of the applicant and the nature of the application, kind of equipment proposed to be used and all other pertinent data deemed necessary properly to inform the public as well as the date, place and hour of the hearing which shall be not less than thirty (30) nor more than forty-five (45) days after the date of first publication.

Section 29-6. Same -- Complaints and protests may be filed.

Every holder of a permit for the operation of a taxicab service in the City or any other citizen may file such complaints and protests as such person may deem appropriate touching upon questions of public convenience and necessity affected by the applicant's proposed operations.

Section 29-7. Same -- Matters to be considered.

In determining whether public convenience and necessity require the granting of a permit for the proposed taxicab service, the City Council shall take into consideration the following matters:

- (a) Whether the demands of public convenience and necessity require such proposed or such additional taxicab service within the City.
- (b) The financial responsibility of the applicant.
- (c) The number, kind and type of equipment and the color scheme to be used by the applicant.
- (d) The number of taxicabs already in operation in the City.
- (e) Whether existing transportation is adequate to meet the public need.
- (f) The probable effect of increased service on local traffic conditions.
- (g) Whether the safe use of the streets of the city by the public, both vehicular and pedestrian, will be endangered unduly by the granting of the proposed additional taxicab service.
- (h) The character, experience and responsibility of the applicant.
- (i) Whether the applicant is fit, able and willing to perform transportation by taxicab.

Section 29-8. Contents of Permits.

Every permit submitted to the City Council by which the operation of a taxicab service in the City may be granted shall contain the following provisions:

- (a) That the permit is granted for one (1) year from its effective date, with renewal annually thereafter, unless upon review by the City Council it is found

that the permit has become subject to forfeiture or cancellation for good cause. For the purpose of review by the City Council annually, the City Manager shall submit a report as to the performance of each permit holder together with such other pertinent information as desired by Council.

(b) That the holder of every permit shall pay to the City a city permit fee of ten dollars (\$10.00) for each taxicab permit authorized.

(c) That the permit holder will be required to comply with all the applicable terms and provisions of this article and all amendments hereafter made during the terms of the grant.

(d) That the permit will be subject to forfeiture and cancellation upon conviction for any violations of this article and upon proper showing that the permit holder has substantially breached the terms of the permit.

(e) That the permit 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.

(f) That the permit holder will own, lease, contract for or otherwise legally control every taxicab used in the taxicab service for which the permit is authorized.

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

Section 29-9. Transferability and other privileges.

No grant, right, or privilege, whether by permit or otherwise, afforded any person under the terms and provisions of this article shall be transferable to any other person, without written application to the City for such transfer and approval thereof by action of the City Council.

ARTICLE III. TAXIMETERS

Section 29-10. Taximeters -- Required for all taxicabs; exception to airport service vehicles.

(a) It shall be unlawful for any taxicab, within the City, to be operating for public hire unless it is equipped with a taximeter, which taximeter shall be

used as provided in this article.

(b) It shall be unlawful for any person owning, operating, driving or in charge of any taxicab within the City, to operate or drive such taxicab unless a taximeter is used in determining the fare to be charged, and no other or different fare shall be charged than the fare recorded on the reading face of such taximeter for any trip and no other rates or methods of measuring the distance or time charges shall be allowed, except by taximeter as provided by this chapter; except that transportation by taxicab to and from points in the City and the Abilene Municipal Airport shall be as set out in Section 29-26 of Article VIII of this chapter.

Section 29-11. Same -- Specifications.

Every taxicab having affixed thereto a taximeter shall use a taximeter of a size and design approved by the City Manager and such taximeter shall conform to the following specifications:

- (a) The taximeter shall be a mechanical or electronic instrument or device by which the charge for hire of a taxicab is mechanically calculated for distance traveled, for waiting time, if any, and upon which such charge shall be indicated by means of clearly legible figures which are electrically lighted each time the taximeter flag is thrown from non-earning to earning position.
- (b) Every taximeter shall register upon visual counters the following items:
 - (1) Total miles (unless shown by accurate registration on the odometer, tested and in good working order on the taxicab).
 - (c) No taximeter shall be in such condition as to be more than five percent (5%) incorrect to the prejudice of any passenger.

ARTICLE IV. Vehicle Requirements

Section 29-12. Taxicabs to be numbered; display of numbers; number plates.

Every taxicab shall display the permit number of the taxicab on the outside front doors and near the lock of the trunk in letters not less than two and one-half (2½) inches high. The letters shall be in a color contrasting in color of the taxicab such that the said letters shall be clear and legible. The name and chauffeur license of the driver of the taxicab, rate and fare schedule as adopted in Article VIII hereof shall be placed in a location visible to the occupants of the taxicab and shall remain posted there while he is on duty.

Section 29-13. Requirements for electric identification sign on top of taxicabs.

On the top of every taxicab there shall be an electric light sign with the company name or identification sign thereon.

Section 29-14. Inspection of vehicles; removal from service of unsafe, unsanitary, improperly operated, etc., taxicabs.

Every taxicab may be inspected periodically and such intervals shall be established by the City Manager. No taxicab shall be operated which does not comply with all of the following minimum standards:

- (a) Each taxicab shall conform to all minimum safety standards as required by the State of Texas.
- (b) Each taxicab shall be reasonably free of dust, dirt or rubbish, and be otherwise clean and sanitary.
- (c) No part of the body of such taxicab shall be missing or unreasonably bent or unreasonably dented out of shape.
- (d) The exterior and interior paint shall not be unreasonably rusted, flaked or scraped.
- (e) The coverings of floors, seats and back and arm rests shall be repaired of all rips, tears and places where wear through the covering material has occurred.
- (f) Each taxicab shall be operated by drivers who comply with the requirements of this article.
- (g) Each taxicab shall be equipped with two-way radio communication equipment in proper operating condition capable of transmitting and receiving vocal communication between such taxicab and the dispatching office.

Section 29-15.

If the operation of any taxicab is found not to comply with the requirements of this section, the City Manager, any designated City Official, or any police officer may direct that the vehicle be taken out of service until it can be operated in compliance; provided, that the failure to any order of such vehicle to be taken out of service shall not be a defense to the violation of this section by the driver and the permit holder when so charged; and that the operation of such taxicab from the place at which the order was issued to the destination required by passengers in the taxicab at the time such order was issued shall not constitute a separate offense. The City Manager or his authorized agent will notify the permit holder in writing of such failure, identifying the taxicab by number, the name of the driver and the specific complaint.

ARTICLE V. Insurance or Bond

Section 29-16. 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 insurance company authorized to do business in the State of Texas, which policy shall be approved by the City Attorney 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 -- \$10,000, for bodily injury to two or more persons or the death of two or more persons in any one accident -- \$20,000; for the injury or destruction of property in any one accident -- \$10,000. 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 City Attorney.

Section 29-17.

Every bond required by this article shall provide, and every insurance policy required under this article shall contain an endorsement that termination of the obligations of such bond and cancellation of such insurance policy shall not become effective before fifteen (15) days after notice, in writing, to the City of such termination or cancellation. Every bond and every policy of insurance shall run concurrently with the life of the permit held by the person so bonded and insured. All policies of insurance shall contain a provision for continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon.

Section 29-18.

Upon discovery or determination that either the bond required of permit holders under this article, or the public liability and property damage insurance required of such holders,

has become impaired and requires new and additional bond or new and additional insurance, as the case may be, then and in such event the City Manager shall require such additional bonds and insurance in such company as appears to him necessary and sufficient to insure a faithful performance by the permit holder, his agents, servants and employees, as well as payment by such holder, his agents, servants and employees, to persons injured by reason of the neglect of such permit holder, his agents, servants and employees, or by reason of the violation by such permit holder, individually or through his agents, servants or employees, of any of the provisions of this Code or any other ordinances of the City or any of the laws of the state or of the United States.

ARTICLE VI. Records

Section 29-19. Records to be kept by Permit Holder; reports to be made; tax to be paid.

(a) Every holder of a permit to operate a taxicab service in the City under provisions of this article shall establish, keep and maintain a uniform system of records of such business and its operations. Such records shall contain the following:

- (1) A list of all physical properties, real or personal.
- (2) Daily records of revenues segregated by drivers and vehicles.
- (3) Daily manifests of all drivers.
- (4) Such material as will record all expenses incurred in connection with the actual operation of the taxicab business and maintenance of equipment and all revenues derived from such business.
- (5) Any record or records as may be reasonably requested by the City

Manager.

(b) Every permit holder shall maintain the records containing such information and other data required at a place readily accessible for examination at all reasonable times by the City Manager or other authorized representatives of the City having a legitimate official interest in the enforcement and administration of this article.

ARTICLE VII. Regulations

Section 29-20. Unlawful Operation.

It shall be unlawful for any owner or taxicab operator to allow any taxicab under which a permit in his name is 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.

Section 29-21.

It shall be unlawful for any driver of a taxicab, knowingly, to transport any person to the abode of prostitutes, 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.

Section 29-22. Lost and Found.

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 (30) days, at the rate of fifty (50) cents 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 29-23. 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 29-24. Personal Appearance of drivers.

It shall be the responsibility of every person operating a taxicab service in the City of Abilene under a permit to be neat and clean in appearance while on duty.

Section 29-25. Interference with police.

It shall be unlawful for any taxicab permit 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.

ARTICLE VIII. Rates and fares.

Section 29-26. Taximeter fare.

The rate of fare for one person shall be eighty (80) cents for the first one-sixth mile or fraction thereof traveled by the passenger and ten (10) cents for each additional one-sixth mile or fraction thereof traveled by the said passenger. For each additional passenger transported on the same trip, the charge shall be forty (40) cents regardless of the distance traveled.

Section 29-27. Waiting time.

For each one (1) minute of waiting time consumed by the taxicab at the instance of the passenger, the rate shall be five (5) cents.

Section 29-28. Hourly rental.

Whenever a taxicab is engaged on an hourly basis, whether for one or more passengers, the fare shall be three dollars/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 (75) cents for each quarter hour or fraction thereof that the taxicab is so engaged.

Section 29-29. Abilene Municipal Airport.

For transportation to and from the Abilene Municipal Airport, the City shall be divided into zones as shown by that map on file in the office of the City Secretary, which is hereby adopted for all purposes and rates as shall be as set forth on such map between the zones as shown thereon and the Abilene Municipal Airport. The zone lines as shown thereon may only be changed upon application to and formal action by the City Council.

PART 2: 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.

PART 3: That if any provision of 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 of this Ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING the 15 day of December, A.D. 1977.

After passage, a notice of the time and place, where and when 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 (& average quality) in the City of Abilene, said publication being on the 19 day of December, A.D. 1977, the same being more than ten (10) days prior to the time designated for said hearing. After such opportunity for the public to be heard, said Ordinance was passed on second and final reading. Said Ordinance, being a penal Ordinance, becomes effective ten (10) days after its publication in the average newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON SECOND AND FINAL READING the 12 day of January, A.D. 1978.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


ASST. CITY ATTORNEY