

*296*  
*approved*  
*amended*  
*by order*

ORDINANCE NO. 1051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 29, TAXIS AND OTHER VEHICLES FOR HIRE, TO PROVIDE FOR DRIVER'S OR CHAUFFER'S PERMIT; DECLARING AN EMERGENCY; PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION.

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

PART 1: That Section 29-23, "Passengers To Pay Fare" of Chapter 29, Taxis and Other Vehicles For Hire, of the Abilene Municipal Code is hereby repealed because said section is preempted by the Penal Code Section 31.04, "Theft of Service Provision."

PART 2: That Chapter 29, Taxis and Other Vehicles For Hire, of the Abilene Municipal Code is hereby amended by adding a new Section 29-23, "Permits For Taxicab Drivers Or Chauffers," to read as follows:

"Section 29-23. Permits For Taxicab Drivers or Chauffers.  
(a) Required.

Every person proposing to drive a taxicab who is not the owner and operator of the taxicab permitted under this chapter shall apply for registration as a taxicab driver or chauffeur to the Chief of Police and shall obtain a taxicab driver's or chauffeur's permit as provided by the city.

(b) Application.

Every applicant for a taxicab driver's or chauffeur's permit under this section shall furnish under oath the following information:

- (1) The name, age, sex, race, marital status, number of children, date and place of birth.
- (2) The residence address in the city and telephone number.
- (3) The name and business address of the taxicab franchise holder whom the applicant for registration has been employed by as a taxicab driver with a letter from such company stating that the applicant has been hired as taxicab driver.
- (4) The number of years and months the applicant has actually resided in the city preceding the date of application, and the number of years and months the applicant has resided in the state; also whether the applicant is a citizen of the United States and whether citizenship is by birth or naturalization.
- (5) The height, weight, color of eyes, complexion, color of hair, body and facial marks and other physical characteristics useful in identifying the applicant and distinguishing the applicant from other persons.

- (6) All experience the applicant has had in driving a motor vehicle and specifically and by separate statement the applicant's experience, if any, in driving a taxicab, public transportation bus or other vehicle or means of transportation of passengers or property.
- (7) The number and date of issuance of a state chauffeur's license issued to the applicant.
- (8) Whether the applicant has ever been convicted of a felony, or any offense involving moral turpitude, and full information concerning the conviction; and whether the 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.
- (9) The applicant shall provide three pictures of himself to be used on his taxicab driver's license.
- (c) Refusal to issue.

The Chief of Police may refuse to issue a taxicab driver's or chauffeur's permit in the event he finds the applicant has a criminal record or traffic record such that he feels such person is unfit to drive a taxicab. Any applicant dissatisfied with the Chief's determination may appeal to the City Council by filing a notice of appeal in writing with the City Secretary stating the grounds for appeal.

(d) Display.

There shall be displayed above the windshield in all taxicabs while in operation the taxicab driver's or chauffeur's permit issued by the police department while such driver is on duty and operating a taxicab. Such permit shall be displayed to any peace officer upon request.

(e) Revocation.

Any person holding a taxicab driver's or chauffeur's permit found in violation of this chapter can have his license revoked by order of the Chief of Police. Any driver or chauffeur whose license has been revoked may appeal his revocation to the City Council by filing a notice of appeal in writing with the City Secretary stating the grounds for appeal."

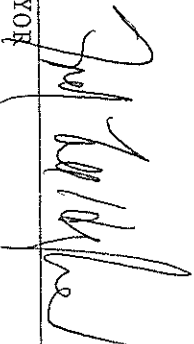
PART 3: That any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred and no/100ths Dollars (\$200.00).

Each day such violation shall continue or be permitted to continue, shall be deemed to be a separate offense.

PART 4: That the City Council hereby finds that an emergency exists requiring suspension of the rule provided in Section 18 of the City Charter requiring ordinances to be read on two (2) separate days, in that the immediate passage of said ordinance is necessary for the preservation of the public peace, safety and welfare, to-wit: that there may not be sufficient qualified taxicab drivers available if this ordinance is not

approved on an emergency basis; and said rule is hereby suspended and this ordinance, being a penal ordinance, shall take effect upon publication, said publication shall take place within twenty (20) days of passage thereof in the official newspaper.

PASSED this 23rd day of March, A.D., 1978.

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED:

  
CITY ATTORNEY