

Chapter 27

VEHICLES FOR HIRE*

* **Editors Note:** Ord. No. O-10-004, § 2, adopted May 13, 2010, amended the former Ch. 27, §§ 27-20--27-43, and enacted a new Ch. 27 as set out herein. The former Ch. 27 pertained to similar subject matter and derived from Ord. of 1976, §§ 17, 18; Ord. of Mar. 3, 1981, §§ 1--21.

Charter References: Authority to regulate, Art. II, § 6.

State Law References: Authority to regulate, V.T.C.S. art. 1175(21); authority to levy gross receipts charge, art. 6698.

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ARTICLE I.

TAXICABS, LIMOUSINES, BUSES, AND SHUTTLES

DIVISION 1.

GENERAL PROVISIONS

Sec. 27-1. Definitions.

Annual permit shall mean permission granted by the city to a person to operate a taxicab, limousine, bus, or shuttle service inside the city for a period of one (1) year, renewable under the provisions of this chapter.

Appeal hearing officer shall mean the city manager and/or his designee authorized to enforce and/or administer this chapter.

Bus shall mean a motor vehicle that shall not have a taximeter, that:

- (1) Has a manufacturer's rated seating capacity of more than fifteen (15) passengers (including the driver); and
- (2) Is used for the transportation of persons from a location in the city to another location either inside or outside the city.

Bus service shall mean the business of offering or providing transportation of persons for hire by bus, whether the fare is paid by individuals boarding the bus or by contract with or for a specified group of persons, when:

- (1) A driver or referral to a driver is furnished as part of the service;
- (2) The service is offered either as a charter bus service or a special bus service;
- (3) Offered only upon a prearranged basis, the prearrangement being made at least one (1) hour in advance of the time the transportation is to begin; and
- (4) Operated from locations within the city to locations either inside or outside the city.

City chauffeur's license shall mean a license issued to an individual by the city secretary authorizing that individual to drive or operate a taxicab, limousine, bus, or shuttle vehicle for hire in the city.

Conviction shall mean a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

Curb shall mean the raised edge of the street, driveway or other public or private way upon which a taxicab is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Department shall mean the department designated by the city manager to enforce and administer this chapter.

Director shall mean the director of the department designated by the city manager to enforce and administer this chapter; which includes representatives, agents, or employees designated by the director.

Dispatching facility means a fixed facility:

- (1) At which requests for taxicab, limousine, bus, or shuttle service are received;
- (2) From which drivers are notified, by radio or any other electronic communication system, of requests for taxicab, limousine, bus or shuttle service; and
- (3) To which drivers communicate, by radio or any other electronic communication system, their availability to provide the requested taxicab, limousine, bus or shuttle service.

Driver shall mean an individual who drives or operates a taxicab, limousine, bus or shuttle.

Drop fee shall mean the minimum charge for hiring a taxicab, to which the rate per mile or other authorized charge is then added.

Holder shall mean a person who is granted an annual permit providing operating authority under this chapter.

Legal resident shall mean a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

Limousine shall mean a motor vehicle that shall not have a taximeter, that is a luxury sedan with a manufacturer's rated seating capacity of not more than fifteen (15) passengers that is used for the transportation of persons from a location in the city to another location either inside or outside the city.

Operate shall mean to drive or to be in control of a taxicab, limousine, bus, or shuttle.

Operating authority shall mean written permission granted on an annual basis by the director under this chapter to operate a taxicab, limousine, bus, or shuttle service.

Operator shall mean: (1) the driver of a taxicab, limousine, bus, or shuttle vehicle; (2) the owner of a taxicab, limousine, bus, or shuttle; or (3) the holder of a taxicab, limousine, bus, or shuttle operating authority.

Owner with regard to a motor vehicle shall mean the person to whom state license plates for a vehicle were issued.

Person shall mean an individual; corporation; government or governmental subdivision; agency, trust, partnership, or two (2) or more persons having a joint or common economic interest; or any other legal entity.

Shuttle shall mean a van-type motor vehicle that shall not have a taximeter, that has a manufacturer's rated seating capacity of not less than seven (7) passengers and not more than fifteen (15) passengers and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

Taxicab shall mean a chauffeured motor vehicle, but not including limousines, that is equipped with a taximeter, that has a rated passenger capacity of eight (8) or less, is used for the transportation of passengers for hire over the public streets of the city that typically operates on irregular routes, irregular schedules, and on a call-and-demand basis, and irrespective of whether or not the operations extend beyond the city limits, at rates for distance traveled, or for waiting time, or for both, or at rates per hour, per day, per week, or per month and such vehicle is routed under the direction of the passenger hiring the same.

Taxicab, limousine, bus, or shuttle service shall mean a passenger transportation service operated for hire that uses any one (1) or more of the following vehicle types: taxicabs, limousines, buses, or shuttles in the operation of the service and includes (but is not limited to) a facility from which the service is operated; taxicabs, limousines, buses, or shuttles used in the operation; and a person who owns, controls, or operates the service.

Taximeter shall mean a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-2. Statement of policy.

It is the policy of the city to provide for and to promote adequate and efficient taxicab, limousine, bus, and shuttle services in the city. To this end, this chapter provides for the regulation of taxicab, limousine, bus, and shuttle rates and services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-3. General authority and duty of director.

The city manager and his delegates shall enforce the provisions of this chapter. The director shall implement and enforce this chapter as he determines necessary to discharge his duty under, or to affect the policy of this chapter.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-4. Exclusions.

This chapter does not apply to:

- (1) The transportation of a person by taxicab, limousine, bus, or shuttle licensed by another governmental entity from a point outside the city to a destination inside the city, if the taxicab, limousine, or shuttle leaves the city without receiving a passenger inside the city;
- (2) A taxicab, limousine, bus or shuttle service operated under state or federal authority unless the service is subject to the city's regulatory authority;
- (3) A motor vehicle used to transport persons for hire that is regulated by another city ordinance;
- (4) A vehicle operated by a funeral home in the performance of funeral services;
- (5) A vehicle provided by an employer or employee association for use in transporting employees between employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;
- (6) A vehicle owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;
- (7) A vehicle used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;

(8) A vehicle transporting children to or from school if only a fee calculated to reasonably cover expenses is charged; or

(9) A vehicle owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers.

(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-5--27-9. Reserved.

DIVISION 2.

OPERATING AUTHORITY

Sec. 27-10. Operating authority required.

(a) A person may not: (1) operate a taxicab, limousine, bus, or shuttle service inside the city without operating authority granted under this chapter; or (2) transport a passenger for hire inside the city by taxicab, limousine, or shuttle without operating authority granted under this chapter.

(b) A person shall not engage or hire a taxicab, limousine, bus, or shuttle that he knows does not have operating authority from the city.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-11. Transferability of operating authority.

An annual permit of operating authority may not be transferred to another person.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-12. Annual permit of operating authority required; service requirements.

The director must approve the application before an annual permit can be granted. The granting of an annual permit is in the discretion of the director, but will not be granted unless:

(1) The applicant qualifies for operating authority under section 27-13 of this chapter and is otherwise fit, willing, and able to operate the taxicab, limousine, bus, or shuttle service in accordance with the requirements of this chapter, rules and regulations of the director, provisions of the annual permit, and other applicable law.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-13. Qualification for operating authority.

(a) To qualify for operating authority, an applicant must:

(1) Be at least twenty-one (21) years of age;

- (2) Be currently authorized to work full-time in the United States;
- (3) Be able to communicate in the English language; and
- (4) Not have been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 1. Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 2. Kidnapping as described in Chapter 20 of the Texas Penal Code;
 3. A sexual offense as described in Chapter 21 of the Texas Penal Code;
 4. An assaultive offense as described in Chapter 22 of the Texas Penal Code, other than a Class C misdemeanor;
 5. Robbery as described in Chapter 29 of the Texas Penal Code;
 6. Burglary as described in Chapter 30 of the Texas Penal Code;
 7. Theft as described in Chapter 31 of the Texas Penal Code, but only if the violation is punishable as a felony;
 8. Fraud as described in Chapter 32 of the Texas Penal Code;
 9. Tampering with a governmental record as described in Chapter 37 of the Texas Penal Code;
 10. Public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
 11. The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
 12. A violation of Chapter 483, Dangerous Drugs, of the Texas Health and Safety Code that is punishable as a felony;
 13. A violation of the Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code that is punishable as a felony; or
 14. Criminal attempt to commit any of the offenses listed in section 27-13(a)(4)a.1. thru section 27-13(a)(4)b.13.
 - b. For which:

1. If the applicant was convicted for a misdemeanor offense, less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two (2) years have elapsed since the date of successful completion of probation or deferred adjudication;
3. If the applicant was convicted for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five (5) years have elapsed since the date of successful completion of probation or deferred adjudication;
5. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any twenty-four-month period, the applicant has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
6. Less than five (5) years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any twenty-four-month period, the applicant has been placed on probation or deferred adjudication two (2) or more times for any misdemeanor offense or combination of misdemeanor offenses.

(b) An applicant who has been sentenced for an offense listed in section 27-13(a)(4)a.1., for which the required time period listed above has elapsed, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a public transportation service and only if the offense or offenses the applicant was sentenced for was not a felony offense listed in section 27-13(a)(4)a.1. through (a)(4)b.6. In determining present fitness under this section, the director shall consider the following:

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's present fitness, including letters of recommendation from

prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

- (7) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-14. Application for annual permit of operating authority.

(a) To obtain an annual permit, a person shall make application to the city secretary in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed taxicab, limousine, bus or shuttle service. An applicant shall file with the city secretary a written, verified application statement, to be accompanied by a nonrefundable application fee of one hundred fifty dollars (\$150.00), containing the following:

- (1) The form of business of the applicant and, if the business is a corporation, association, or other legal entity, a copy of the documents establishing the business and the name, address, and legal residence of each person with a direct interest in the business;
- (2) The name, address, and verified signature of the applicant;
- (3) An actual or pro forma statement and balance sheet showing the liabilities, and equity of the business;
- (4) A description of any past business experience of the applicant, particularly in providing passenger transportation services, and an identification and description of any revocation or suspension of a permit held by the applicant or business before the date of filing the application;
- (5) The number of vehicles and a description of the vehicles the applicant proposes to use in the operation of the taxicab, limousine, or shuttle service, and a description of the operations of the proposed taxicab, limousine, or shuttle service and the location of the fixed facilities to be used in the operation;
- (6) A description of the proposed insignia and color scheme for the applicant's taxicabs and a description of the distinctive item(s) of apparel to be worn by the applicant's taxicab drivers;
- (7) Documentary evidence from an insurance company, authorized to do business in the State of Texas, indicating a willingness to provide commercial liability insurance as required by this chapter;
- (8) Documentary evidence of payment of ad valorem taxes on the property to be used in connection with the operation of the proposed taxicab, limousine, bus, or shuttle service;
- (9) Proof of business telephone number and business address, from which the proposed taxicab, limousine, bus, or shuttle service will be operated; if such place of business is located within the

city limits, the city's zoning requirements shall apply;

- (10) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and

(b) A holder shall notify the city secretary in writing of any change of address or change in ownership or management of a taxicab, limousine, bus, or shuttle service not less than ten (10) days prior to the change.

(c) The established place of business required by subsection (a)(9) of this section must be kept open from 9:00 a.m. to 5:00 p.m. weekdays, other than recognized holidays, and must be staffed and equipped to receive telephone calls during all business hours.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-15. Grant of annual permit of operating authority.

Upon approval of an application for an annual permit of operating authority by the director, the city secretary shall promptly issue the permit and incorporate in the permit the duration of the permit and such other terms or conditions as the director determines are necessary.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-16. Limitations of operating authority.

(a) Operating authority when issued must state on its face the type of service for which it is issued. It may also contain other conditions and limitations determined necessary by the director, including, but not limited to:

- (1) Number of vehicles authorized;
- (2) Description of vehicles to be operated;
- (3) The number of passengers that may be transported in each vehicle;
- (4) Customers to be served;
- (5) Place and times of loading or unloading passengers;
- (6) Schedules and route to be followed, if applicable;
- (7) Maximum rates to be charged, including any hourly minimums and other charges;
- (8) Operating procedures; and
- (9) Special conditions or limitations.

(b) A holder commits an offense if he fails to comply with the conditions or limitations placed on

the operating authority under which he is operating a vehicle for hire service.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-17. Renewal or amendment of annual permit of operating authority.

(a) A holder of an annual permit of operating authority shall submit a completed renewal of permit form, provided by the city secretary, and submit an annual permit application fee of one hundred fifty dollars (\$150.00).

(b) A holder desiring a change in the terms or conditions of the permit must file with the city secretary, not fewer than sixty (60) days before the permit expires, a written request stating reasons for the requested changes.

(c) The director may make minor changes in a permit.

(d) If the director determines that a denial of a permit renewal or material change in the terms or conditions of the permit is required, then he may deny renewal of the permit or make changes in the terms or conditions of the permit.

(e) If the permit expires at no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab, limousine, bus, or shuttle service pending a final decision. The holder shall cease operation of the taxicab, limousine, or shuttle service immediately upon denial of the request for renewal by the director.

(f) A holder may file an appeal of the director's decision not to renew a permit in accordance with section 27-40 of this chapter.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-18. Suspension and revocation of operating authority.

(a) *Suspension and revocation of permit.* The following regulations apply to the suspension or revocation of an annual permit:

- (1) The director may suspend or revoke an annual permit if the director determines that the holder:
 - a. Failed to comply with a correction order issued to the holder by the director, within the time specified in the order;
 - b. Intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;
 - c. Failed to comply with this chapter;
 - d. Does not qualify for operating authority under section 27-13 of this chapter;
 - e. Has been convicted of a violation of any city, state, or federal law, which violation

reflects unfavorably on the fitness of the holder to perform a public transportation service;

- f. Is under indictment for or has been convicted of any felony offense while holding taxicab, limousine, bus, or shuttle operating authority;
- g. Substantially breached the terms of the annual permit;
- h. Failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the taxicab, limousine, or shuttle service; or
- i. Failed to pay a permit fee at the time it was due.

(2) A suspension of a permit does not affect the expiration date of the permit.

(3) After revocation of a permit, a holder is not eligible for a permit for a period of two (2) years.

(b) *Reinstatement.* After suspension of a permit, a holder may file an appeal in accordance with section 27-40 of this chapter. The director shall inspect the operation of the suspended holder to determine if the holder has corrected the deficiency causing the suspension. After inspection, the director shall submit his recommendation together with supporting facts to the city manager or his designee. The city manager shall determine if reinstatement is warranted. The decision of the city manager is final.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-19. Permit fees.

A holder of an annual permit of operating authority shall pay the city a permit fee of one hundred twenty dollars (\$120.00) a year for each taxicab, limousine, bus, or shuttle authorized by the permit.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-20. Special provisions of operating authority.

This chapter governs the operation of taxicab, limousine, bus, or shuttle service under each form of operating authority. This chapter, however, is not a limitation on the power of the director to incorporate in a grant of operating authority special provisions relating to the operation of the taxicab, limousine, bus, or shuttle service under the grant. To the extent that a special provision conflicts with this chapter, the special provision controls.

(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-21--27-29. Reserved.

DIVISION 3.

CITY CHAUFFEUR'S LICENSE

Sec. 27-30. City chauffeur's license required.

(a) A person may not drive or operate a taxicab, limousine, bus or shuttle inside the city pursuant to this chapter without a valid city chauffeur's license issued to the person under this article.

(b) A taxicab, limousine, bus, or shuttle service holder or owner shall not employ or contract with a driver or otherwise allow a person to drive for hire a taxicab, limousine, bus or shuttle owned, controlled, or operated by the holder or owner unless the person has a valid city chauffeur's license issued under this article.

(c) To obtain an annual chauffeur's license, a person shall make application to the city secretary in the manner prescribed by this section. The applicant shall file with the city secretary a written, verified application statement, to be accompanied by a fee of ten dollars (\$10.00).

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-31. Qualification for city chauffeur's license.

(a) To qualify for a city chauffeur's license, an applicant shall:

- (1) Be at least twenty-one (21) years of age;
- (2) Be currently authorized to work full-time in the United States;
- (3) Hold a valid driver's license issued by the state;
- (4) Be able to communicate in the English language;
- (5) Not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
- (6) Not have been convicted of more than four (4) moving traffic violations arising out of separate transactions, or been involved in more than two (2) automobile accidents in which it could be reasonably determined that the applicant was at fault, within any twelve-month period during the preceding thirty-six (36) months;
- (7) Not have been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 1. Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 2. Kidnapping as described in Chapter 20 of the Texas Penal Code;
 3. A sexual offense as described in Chapter 21 of the Texas Penal Code;
 4. An assaultive offense as described in Chapter 22 of the Texas Penal Code, other than a Class C misdemeanor;

5. Robbery as described in Chapter 29 of the Texas Penal Code;
6. Burglary as described in Chapter 30 of the Texas Penal Code;
7. Theft as described in Chapter 31 of the Texas Penal Code, but only if the violation is punishable as a felony;
8. Fraud as described in Chapter 32 of the Texas Penal Code;
9. Tampering with a governmental record as described in Chapter 37 of the Texas Penal Code;
10. Public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
11. The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
12. A violation of the Chapter 483, Dangerous Drugs, of the Texas Health and Safety Code that is punishable as a felony;
13. A violation of the Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code that is punishable as a felony; or
14. Criminal attempt to commit any of the offenses listed in section 27-31 of this Chapter;

b. For which:

1. If the applicant was convicted for a misdemeanor offense, less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two (2) years have elapsed since the date of successful completion of probation or deferred adjudication;
3. If the applicant was convicted for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five (5) years have elapsed since the date of successful completion of probation or deferred adjudication;

5. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any twenty-four-month period, the applicant has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
 6. Less than five (5) years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any twenty-four-month period, the applicant has been placed on probation or deferred adjudication two (2) or more times for any misdemeanor offense or combination of misdemeanor offenses;
- (8) Not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:
 - a. Within the preceding twelve (12) months; or
 - b. More than one (1) time within the preceding ten (10) years;
 - (9) Not be addicted to the use of alcohol or narcotics;
 - (10) Be subject to no outstanding warrants of arrest;
 - (11) If applicable, have a valid contract with or be currently employed by a holder.

(b) An applicant who has been sentenced for an offense listed in section 27-31, for which the required time period provided by this chapter has elapsed, may qualify for a taxicab, limousine, or shuttle driver's license only if the director determines that the applicant is presently fit to engage in the occupation of a taxicab, limousine, or shuttle driver. In determining present fitness under this section, the director shall consider the following:

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under subsection (b) of this section.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-32. Investigation of application.

(a) For the purpose of determining qualification under section 27-31 the director shall require an applicant for a city chauffeur's license to submit to a physical examination, at the applicant's expense, conducted by a licensed physician and to furnish to the director a statement from the physician which certifies that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under section 27-31.

(b) The police department shall investigate each applicant and furnish the director a report concerning applicant's qualification under section 27-31.

(c) The director may conduct such other investigations, as he considers necessary to determine whether an applicant for a city chauffeur's license is qualified pursuant to the requirements provided for herein.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-33. Issuance and denial.

(a) If the director determines that an applicant is qualified, the director shall issue a license to the applicant.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:

(1) Any offense listed in section 27-31 or criminal attempt to commit any of those; or

(2) Any offense involving driving while intoxicated.

(c) The director may deny the application for a city chauffeur's license if the applicant:

(1) Is not qualified under section 27-31;

(2) Refuses to submit to or does not pass a medical or written examination authorized under section 27-31; or

(3) Makes a false statement of a material fact in his application for a city chauffeur's license.

(d) If the director determines that a license should be denied the applicant, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal in accordance with section 27-40 of this chapter.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-34. Expiration of city chauffeur's license; voidance upon suspension or revocation of state driver's license.

(a) A city chauffeur's license expires one (1) year from the date of issuance.

(b) If a licensee's state driver's license is suspended or revoked by the state, his city chauffeur's license automatically becomes void. A licensee shall notify the city secretary and the holder for whom he drives within three (3) days of a suspension or revocation of his driver's license by the state and shall immediately surrender his city chauffeur's license to the city secretary.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-35. Identification card requirements for vehicle for hire drivers.

(a) After the director has verified an applicant's fingerprints and authorized the issuance of a city chauffeur's license, the city secretary shall issue two (2) identification cards to the applicant.

(b) One (1) card shall contain the facial view photograph of the applicant. The card shall be displayed in a place conspicuous to passengers inside the taxicab at all times and shall include the following statement:

TO THE PASSENGER OF THIS VEHICLE FOR HIRE:

If the description of the driver of this vehicle does not conform to the photograph hereon, please leave the cab and notify the Brenham Police Department immediately, giving the number of this vehicle and the name of the vehicle for hire company.

(c) The other card shall be conspicuously displayed by the driver on his/her upper body clothing when operating a vehicle for hire.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-36. Duplicate license.

If a city chauffeur's license is lost or destroyed, the city secretary shall issue the licensee a duplicate license upon payment to the city of ten dollars (\$10.00).

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-37. Display of license.

A taxicab, limousine, bus, or shuttle driver shall allow the director, his delegated representative, passenger, or a peace officer to examine the driver's city chauffeur's license upon request.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-38. Suspension by director.

(a) If the director determines that a licensee has failed to comply with this chapter or a regulation established under this chapter, he may suspend the taxicab, limousine, bus, or shuttle driver's license for a period of time not to exceed three (3) days by serving the licensee with a written notice of the suspension. The

written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of his right of appeal.

(b) A suspension under this section may be appealed to the director if the licensee requests an appeal at the time notice of suspension is served. When an appeal is requested, the suspension may not take effect until a hearing is provided.

(c) The director may order an expedited hearing under this section, to be held as soon as possible after the licensee requests an appeal. The director may affirm, reverse, or modify the suspension order. The decision of the director is final.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-39. Suspension and revocation of chauffer's license.

(a) If the director determines that a licensee has failed to comply with this chapter or a regulation established under this chapter, the director may suspend the driver's city chauffeur's license for a definite period of time not to exceed sixty (60) days.

(b) If at any time the director determines that a licensee is not qualified under this chapter or is under indictment or has charges pending for any offense involving driving while intoxicated or any offense involving a crime described in section 27-31(a)(8) or criminal attempt to commit any of those offenses, the director shall suspend the city chauffeur's license until such time as the director determines that the licensee is qualified or that the charges against the licensee have been finally adjudicated.

(c) A licensee whose city chauffeur's license is suspended shall not drive a taxicab, limousine, bus, or shuttle inside the city during the period of said suspension.

(d) The director shall notify the licensee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension; the date the director orders the suspension to begin, the duration of suspension and a statement informing the licensee of a right of appeal. The period of suspension begins on the date specified by the director.

(e) The director may revoke a city chauffeur's license if the director determines that the licensee:

(1) Operated a taxicab, limousine, bus, or shuttle inside the city a period in which the city chauffeur's license was suspended;

(2) Made a false statement of a material fact in an application for a city chauffeur's license;

(3) Engaged in conduct that constitutes a ground for suspension and received either a suspension in excess of three (3) days or a conviction for violation of this chapter, two (2) times within the twelve-month period preceding the occurrence of the conduct or three (3) times within the twenty-four-month period preceding the occurrence of the conduct;

(4) Engaged in conduct that could reasonably be determined to be detrimental to the public safety;

- (5) Used, possessed, or was under the influence of any form of alcoholic beverage or narcotic, or drug while on duty as a driver of a vehicle for hire, whether or not such drug or narcotic is defined as a dangerous drug or as a controlled substance under state or federal law; or
- (6) Was convicted of any felony offense while holding a city chauffeur's license.
- (f) A person whose city chauffeur's license is revoked shall not:
 - (1) Apply for another city chauffeur's license before the expiration of twelve (12) months from the date the director revokes the license or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or
 - (2) Drive a taxicab, limousine, bus, or shuttle inside the city.
- (g) The director shall notify the licensee in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the licensee of his right of appeal.
- (h) After receipt of notice of suspension, revocation, or denial of license renewal, the licensee shall, on the date specified in the notice, surrender his city chauffeur's license to the city secretary and discontinue driving a taxicab, limousine, bus, or shuttle inside the city.
- (i) Notwithstanding subsections (c) and (h), if the licensee appeals the suspension or revocation under this section, the licensee may continue to drive a taxicab, limousine, bus, or shuttle pending the appeal unless:
 - (1) The city chauffeur's license of the licensee is suspended pursuant to subsection (b) or revoked pursuant to subsection (e)(6) of this section; or
 - (2) The director determines that continued operation by the licensee would impose an immediate threat to public safety.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-40. Appeal.

- (a) A person may appeal the following decisions of the director if he requests an appeal in writing and delivers it to the city manager not more than ten (10) business days after receiving notice of the director's action:
 - (1) A denial of an application for a permit;
 - (2) A suspension or revocation of a permit;
 - (3) A denial of renewal of annual permit;
 - (4) Denial of a city chauffeur's license application;

(5) Suspension of a city chauffeur's license; or

(6) Revocation of a city chauffeur's license.

(b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on the basis of a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-41. Falsifying of a license.

A person commits an offense if he:

(1) Forges, alters, or counterfeits a city chauffeur's license, badge, sticker, or emblem required by law; or

(2) Possesses a forged, altered, or counterfeited city chauffeur's license, badge, sticker, or emblem required by law.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-42. Current mailing address of licensee.

An individual issued a city chauffeur's license shall maintain a current mailing address on file with the city secretary. The licensee shall notify the city secretary of any change in mailing address within five (5) business days of the change.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-43. License renewal.

A person desiring to renew their city's chauffeur's license shall pay a renewal fee of ten dollars (\$10.00) to the city.

(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-44--27-49. Reserved.

DIVISION 4.

MISCELLANEOUS HOLDER AND DRIVER REGULATIONS

Sec. 27-50. Holder's and driver's duty to comply.

(a) *Holder.* In the operation of a taxicab, limousine, bus, or shuttle service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, regulations established under this chapter, and other law applicable to the operation of a taxicab, limousine, bus, or shuttle service.

(b) *Driver.* A driver shall comply with this chapter, regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-51. Holder's duty to enforce compliance by drivers.

(a) A holder shall establish a policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by or contracting with the holder.

(b) A holder shall not permit a driver who is employed by or contracting with the holder to drive a taxicab, limousine, bus or shuttle if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director or other applicable law.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-52. Insurance--Taxicabs.

Every holder of a license to operate a taxicab service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of commercial automobile liability and property damage insurance, with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than the minimum coverage required by state law.

The applicant, prior to the issuance or renewal of the permit, shall furnish satisfactory proof of such coverage. Said policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If such notice of cancellation is given by the insurance company, the licensee shall obtain new insurance before meeting the requirements of this section prior to the expiration of the thirty-day period; if the licensee fails to do so his permit shall be immediately revoked.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-53. Insurance--Limousines.

Every holder of a license to operate a limousine service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of commercial automobile liability and property damage insurance with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than five hundred thousand dollars (\$500,000.00) combined single limits. An applicant prior to the issuance or renewal of annual permit shall furnish satisfactory proof of such coverage. The holder shall furnish proof of such coverage by filing with the city secretary a valid certificate of insurance, or in lieu thereof a true multiple original of any such policy. The policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If the insurance company gives such notice of

cancellation, the holder shall obtain new insurance before the expiration of the thirty-day period; if the holder fails to do so his permit shall be immediately revoked.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-54. Insurance--Buses and shuttles.

Every holder of a license to operate a bus or shuttle vehicle service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of commercial automobile liability and property damage insurance with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than five hundred thousand dollars (\$500,000.00) combined single limits. An applicant prior to the issuance or renewal of annual permit shall furnish satisfactory proof of such coverage. The holder shall furnish proof of such coverage by filing with the director a valid certificate of insurance, or in lieu thereof a true multiple original of any such policy. The policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If the insurance company gives such notice of cancellation, the holder shall obtain new insurance before the expiration of the thirty-day period; if the holder fails to do so his permit shall be immediately revoked.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-55. Holder's records and reports.

(a) Each holder shall maintain at a single location business records of its taxicab, limousine, or shuttle service. The director may specify methods used in maintaining the records, and the director may require maintenance of certain records which he determines are necessary for monitoring the activities, operations, service, and safety record of a holder. A holder shall make its records available for inspection by the director at reasonable times upon request.

(b) Each holder shall submit to the city secretary such quarterly reports concerning its taxicab, limousine, bus, or shuttle service as prescribed on a form provided by the city secretary.
(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-56--27-59. Reserved.

DIVISION 5.

SERVICE REGULATIONS

Sec. 27-60. City-wide taxicab service required.

Except as otherwise provided by the holder's operating authority, a holder shall:

- (1) Provide taxicab service to the general public to and from any point inside the city that is accessible by public street except that this provision does not require a holder to subject a taxicab to mob violence or destruction;
- (2) During posted hours of operation, answer each call received for service inside the city as soon as practicable, and if the service cannot be rendered within a reasonable time, the holder shall

inform the caller of the reason for the delay and the approximate time required to answer the call;
and

- (3) If the holder is closed for business, the holder must inform callers through a recorded message of the hours of operation of the holder.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-61. Representation of availability of taxicab.

A driver may not represent that his taxicab is engaged when it is in fact vacant.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-62. Refusal to convey passengers by taxicabs.

(a) While operating a taxicab a driver shall not refuse to convey a person who requests service unless:

- (1) The person is disorderly;
- (2) The driver is engaged in answering a previous request for service;
- (3) The driver has reason to believe that the person is engaged in unlawful conduct; or
- (4) The driver is in fear of his personal safety.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-63. Passenger limitations of taxicabs.

(a) While operating a taxicab a driver on duty may carry only a person who is a paying passenger, unless the passenger is an employee of the taxicab service that employs or contracts with the driver, a governmental inspector acting in an official capacity, or unless it is authorized by the holder's operating authority.

(b) A driver may not carry at the same time more persons than the designed seating capacity of the taxicab.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-64. Carry passengers by direct route.

A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-65. Solicitation of passengers by taxicabs.

A driver may not solicit passengers.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-66. Conduct of drivers.

A driver shall:

- (1) Act in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not possess, consume, or be under the influence of an alcoholic beverage, narcotic drug, or other substance that could adversely affect the driver's ability to drive a motor vehicle;
- (4) Not smoke tobacco products while transporting passengers;
- (5) Not interfere with the director in the performance of the director's duties;
- (6) Pull his vehicle to the curb when loading or unloading passengers;
- (7) Not refuse to discharge a passenger at any place designated by the passenger upon the streets of the city, except when the place so designated is a point not easily accessible because of a no parking zone, or conditions rendering the designated place or access to the designated place unreasonably hazardous; and
- (8) Comply with lawful orders of the director issued in the performance of his duties.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-67. Limitations on hours of work.

(a) No driver permitted under this chapter shall drive more than twelve (12) hours in any one (1) consecutive twenty-four-hour period.

(b) No holder or owner shall allow any driver permitted under this chapter to drive for more than twelve (12) hours in any consecutive twenty-four-hour period.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-68. Return of passenger's property.

(a) Upon finding property in a taxicab, limousine, or shuttle, left by a passenger, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall make a report of the property left in the taxicab to the holder, and within a reasonable time, not to exceed four (4) hours from discovery of the property, deliver the property to the holder's dispatching facility.

(b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, date the

property was left in the taxicab, limousine, or shuttle, the circumstances relating to the loss, and the taxicab, limousine, or shuttle number. The holder shall keep the report on file for at least one (1) year and shall hold the property for not less than three (3) months.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-69. Service regulations for business establishments requesting taxicabs for customers.

An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers shall not solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver's taxicab.

(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-70--27-79. Reserved.

DIVISION 6.

FARES

Sec. 27-80. Rates of fare--Taxicabs.

(a) A holder of a taxicab permit may charge only rates of fare which have been approved by the city council. A holder of a taxicab permit may propose a change in its rates of fare by filing the proposal with the city secretary for consideration by the city council.

(b) The city council shall hold a hearing to consider the proposed change in rates of fare. After the hearing the city council may approve, disapprove, or modify the proposed change.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-81. Maximum taxicab fares.

It shall be unlawful for any taxicab company or driver to charge more than the following fares, as applicable:

- (1) Drop fee of three dollars (\$3.00).
- (2) Fifty cents (\$.50) for each one-quarter (1/4) of a mile thereafter.
- (3) Thirty dollars (\$30.00) per hour metered time.
- (4) There shall be a one dollar (\$1.00) charge for each additional passenger going to the same location.
- (5) No charge will be made for hand luggage, packages or groceries.
- (6) In the event two (2) or more taxicab passengers are going to the same destination, the driver shall collect only one (1) fare as recorded on the taximeter. If the passengers are going to different

destinations, the driver shall clear his taximeter at the first destination and charge the first passenger the amount recorded on the taximeter, and then proceed to the next destination as though it were a completely new trip. Other destinations shall be treated likewise.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-82. Display of rate card by taxicabs.

(a) A holder shall provide the driver for each taxicab operating under its authority, printed cards or stickers containing the approved rates of fare of the holder. There shall be posted in two (2) conspicuous places on the inside of each licensed taxicab, a legible card of a size to be determined by the director, showing the rates allowed to be charged.

(b) While operating a taxicab for hire, a driver shall, in a manner approved by the director, prominently display two (2) rate cards or stickers inside the taxicab and two (2) rate cards or stickers outside the taxicab so that passengers can easily read them.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-83. Computation of fares for taxicabs.

Unless a holder's approved rates of fare or operating authority provide otherwise, a holder shall equip each taxicab with a taximeter, and a driver shall charge only a fee as computed by the taximeter. However, a holder may authorize a driver to make a flat rate charge for a trip to a destination which is not covered in the holder's approved rates of fare, if the taximeter is kept in operation while the taxicab has a passenger within the scope of the area designated in the approved rates of fare.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-84. Design and testing of taximeters; fees.

(a) A taximeter must accurately register in legible figures on the basis of both mileage and time under the rates and charges established herein. Figures denoting the fare must be illuminated when the meter is activated.

(b) A taximeter must be mounted in a conspicuous location in the taxicab in a manner approved by the director so that the face of the taximeter and the fare numerals may be easily seen and read by a passenger sitting in any part of the taxicab. A taximeter must be equipped to indicate whether the taxicab is engaged or vacant.

(c) If the taximeter employs a flag, the flag must project at least four (4) inches above the dashboard when in the non-earning position.

(d) The taximeter or its drive system must be sealed at all points at which components, if manipulated, could affect the function or accuracy of the taximeter.

(e) The design of a taximeter is subject to approval by the director to assure that it complies with this section. No taximeter shall be used on any taxicab the type and design of which has not been approved by the director. Before installing a taximeter, taxicab owners shall submit the type and design of taximeter to the

taxicab inspector. If the taximeter is capable of properly and accurately computing and registering on its face the charge for the distance traveled by and the waiting time of the taxicab, the taxicab inspector shall approve the taximeter.

(f) A holder shall cause each taximeter in taxicabs operating under its authority to be maintained in good operating condition. The director may establish a schedule of regular testing days and times for purposes of this section.

(g) A person commits an offense if he operates a taxicab that is:

(1) Not equipped with a taximeter; or

(2) Equipped with a taximeter that:

a. Does not have a current decal and seal authorized by the director;

b. Has been tampered with or altered; or

c. Incorrectly registers or computes taxicab fares because of alterations to the taxicab odometer, including, but not limited to, changes in the gears, tires, or wheels of the taxicab.

(h) The following persons shall be responsible and subject to the penalty for a violation of subsection (g):

(1) The driver of the taxicab.

(2) The owner of the taxicab.

(3) The holder under whose authority the taxicab is being operated.

(i) Proof of taxicab ownership for purposes of this section may be made by a copy of the registration of the vehicle with the state showing the name of the person to whom the state license plates for the vehicle were issued. The person in whose name the vehicle is registered shall be deemed to be the prima facie owner of the vehicle. If the vehicle is not currently registered, the person in whose name the vehicle was last registered shall be deemed to be the prima facie owner of the vehicle.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-85. Taxicab fare collection procedures.

(a) Before changing the taximeter to indicate that the taxicab is vacant, a driver shall call the attention of the passenger to the amount of fare registered on the taximeter.

(b) Upon request by a person paying a fare, a driver shall give the person a legible receipt showing:

(1) The name of the holder under whose authority the taxicab is operated;

- (2) The taxicab number;
- (3) An itemized list of charges;
- (4) The total amount of fare paid;
- (5) The date of payment; and
- (6) The driver's signature.

(c) A holder shall provide each driver operating a taxicab under its authority with printed receipt forms adequate for providing the information required in subsection (b).
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-86. Rates of fare--Limousine, bus and shuttle vehicles.

(a) A driver or holder may only charge a fare for operating a limousine, bus or shuttle in an amount based on rates that are mutually agreed to by the passenger(s) and the driver or holder prior to the provision of the limousine, bus or shuttle service to the passenger(s).

(b) A holder desiring to change the authorized rates of fare must submit a written request to the director.

(c) The rates listed in the holder's operating authority must be strictly adhered to, and no change in rates may be implemented without written approval of the director.

(d) The director may require a holder to display rates on or within a limousine, bus, or shuttle vehicle in a manner prescribed by the director.

(e) At the request of a passenger, the driver or holder shall give the person paying a fare a ticket or receipt that indicates the name, address, and phone number of the vehicle for hire company and the amount of the fare.

(f) The use of any type of meter or measuring device to calculate rates of fare for limousine, bus, or shuttle vehicle service is prohibited.
(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-87--27-89. Reserved.

DIVISION 7.

VEHICLES AND EQUIPMENT

Sec. 27-90. False representation as taxicab.

(a) A person may not represent that a vehicle is a taxicab if the vehicle is not in fact a taxicab authorized by operating authority granted under this chapter.

(b) A person may not drive a vehicle in the city that is not a taxicab if the vehicle is marked, painted, or equipped in a way that is likely to result in mistaking the vehicle for a taxicab.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-91. Vehicle requirements and inspections.

(a) The director may by regulation establish requirements for size, condition, and accessories of taxicabs used by a taxicab, limousine, or shuttle holder, owner, or driver.

(b) The director shall inspect each taxicab, limousine, bus, or shuttle for compliance with this chapter and regulations before it is placed in service, at regular inspections, and at such times as determined by the director. The director shall complete a city inspection form and shall maintain such form as a public record. If any inspection reveals that the vehicle is unsafe or does not comply with the provisions of this chapter or state law the vehicle owner shall remove the vehicle from service.

(c) A holder, owner, or driver shall make a taxicab, bus, or shuttle available for inspection when ordered by the director. It shall be unlawful for any person to refuse to allow the taxicab inspector to inspect any vehicle used as a taxicab, limousine, bus, or shuttle operating in the city pursuant to this chapter.

(d) If, upon inspection, the director determines that a taxicab, limousine, or shuttle is not in compliance with this chapter or regulations the director shall order the taxicab, limousine, or shuttle to be brought into compliance within a reasonable period of time and require it to be re-inspected. The owner shall pay a ten dollar (\$10.00) fee for each re-inspection of a taxicab, limousine, bus, or shuttle that is required before it is brought into compliance.

(e) If a holder, owner, or driver fails to make a taxicab, limousine, bus, or shuttle available for inspection or if the director determines that a taxicab, limousine, bus, or shuttle is not in compliance with this chapter or regulations, the director may order the taxicab, limousine, or shuttle removed from service until it is made available for inspection and brought into compliance.

(f) If the director determines that inspection of the mechanical condition or safety equipment of a taxicab, limousine, bus, or shuttle by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.

(g) Before any taxicab, limousine, bus, or shuttle will be approved for service, the holder or owner shall provide the director with a copy of the registration for the vehicle with the state, or a bill of sale if the vehicle is new and has not yet been registered, showing the name of the individual or holder owning the vehicle. The owner shown on the registration or bill of sale provided to the director shall notify the director of any change in ownership of the taxicab, limousine, or shuttle within ten (10) business days.

(h) Taxicab, limousine, bus, and shuttle inspections shall include, but not be limited to, the following items: vehicle identification number; taxicab number; foot brakes; emergency brake; head lamps; tail lamps; license plate lights; stool light; dome light; horn; windshield wipers; heating, ventilating, and air conditioning

systems; current state inspection sticker; fire extinguisher; spare tire and trunk; the condition of the tires, passenger compartment, rearview mirrors; all windows; overall cleanliness; safety; condition of paint; color scheme; taximeter readings; rate card; required signage; fumes; state license plates and registration sticker; speedometer readings; mileage; steering; muffler and tail pipe; accuracy of taximeter; condition of the body of the vehicle and fenders.

(i) Each inspection may include a taxicab inspector ride-along inspection ride of up to one (1) hour's duration as deemed necessary by the director.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-92. Required equipment for taxicabs.

(a) Unless otherwise specified in the operating authority under which a taxicab is operated or by regulation of the director, and in addition to other equipment required by this chapter, a holder, owner, or driver shall provide and maintain in good operating condition the following equipment for each taxicab, limousine, or shuttle:

- (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity of the taxicab;
- (2) Heater and air conditioner;
- (3) Chemical-type fire extinguisher, of at least one (1) quart capacity, readily accessible for immediate use;
- (4) Equipment to indicate when a taxicab is operating for hire and when it is not for hire;
- (5) Electrically controlled top light; to be affixed on the outside top and front portion of each taxicab that may be easily seen by people on the streets or sidewalks in the vicinity of a taxicab, indicating occupancy of the cab;
- (6) Map of the city;
- (7) Decal complying with section 27-96 of this chapter;
- (8) Taxicab display receptacle;
- (9) Rates of fare cards or stickers; and
- (10) Taximeter.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-93. Taxicab color scheme and distinctive markings.

A holder shall develop the design of a color scheme and distinctive markings for taxicabs operating under its authority, and shall submit the design to the director for approval to insure that the design is readily

distinguishable from the design used by other holders.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-94. Required taxicab identification.

A holder shall cause each taxicab operating under its authority to be provided with the following uniform vehicle identification:

- (1) Every taxicab shall have on the door of the cab the name of the owner or the assumed name under which the owner operates, together with the company's telephone number and the cab number.
- (2) The number of the cab and the owner or the assumed name under which the owner operates, shall be stenciled or painted upon the rear of any such vehicle. Such lettering, stencil and/or paint must be kept legible at all times.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-95. Taxicab display receptacle.

(a) Every taxicab must have a display receptacle approved by the director securely affixed to a conspicuous place on the dashboard. The display receptacle shall be constructed of a rigid material, and designed to accommodate the following information:

- (1) At least a two-inch by two-inch colored passport-quality photograph of the driver, with the driver's name as it appears on the driver's Texas driver's license and the taxicab driver's license number placed under the photograph in block letters.
- (2) The company name in block letters.
- (3) Taxi rates in block numbers.

(b) A holder, owner, or driver of a taxicab commits an offense if he operates or allows operation of a taxicab that is equipped with:

- (1) No required display receptacle;
- (2) A display receptacle that does not contain the required information; or
- (3) A display receptacle that contains insufficient or incorrect information.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-96. Taxicab decals.

(a) The holder, owner, or driver of a taxicab shall obtain a decal, indicating the taxicab's authority to operate, which shall show there on the date of expiration of the permit to operate a taxicab applicable to such vehicle. A decal must be attached to the front windshield of the taxicab in a manner approved by the director.

- (b) A person commits an offense if he:
- (1) Operates a taxicab with an expired decal or with no decal affixed to it;
 - (2) Attaches a decal to a vehicle not authorized to operate as a taxicab;
 - (3) Forges, alters, or counterfeits a taxicab decal required by this section;
 - (4) Possesses a forged, altered, or counterfeited taxicab decal required by this section; or
 - (5) Displays more than one (1) taxicab decal issued by the city on a vehicle at the same time.

(c) A taxicab decal assigned to one (1) person is not transferable to another without consent of the director.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-97. Removal of equipment from taxicabs.

(a) Whenever a vehicle is removed from service or is no longer authorized to operate as a taxicab, the holder, owner, or driver shall remove from the vehicle all taxicab signs, markings, and equipment that would distinguish the vehicle as a taxicab, including, but not limited to, radios, top lights, meters, and decals.

(b) A holder, owner, or driver of a taxicab shall not sell or transfer to a driver any radio, top light, meter, or other equipment that would distinguish a vehicle as a taxicab.

(Ord. No. O-10-004, § 2, 5-13-10)

Secs. 27-98, 27-99. Reserved.

DIVISION 8.

ENFORCEMENT

Sec. 27-100. Authority to inspect.

The director and his delegates may inspect a taxicab, limousine, bus, or shuttle service operating under this chapter to determine whether the service complies with this chapter, regulations established under this chapter, or other applicable law.

(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-101. Removal of evidence of authorization.

Whenever a holder's operating authority or a taxicab, limousine, bus, or shuttle driver's license is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a taxicab, limousine, bus, or shuttle, the director may remove or require the surrender of all evidence of authorization as a holder, taxicab, limousine, bus, or shuttle driver, or taxicab, limousine, bus, or shuttle, including, but not limited to, removal or

surrender of operating authority, licenses, decals, signs, insignia, radios, top lights, and meters if applicable.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-102. Enforcement by police department.

Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter or the regulations established by the director shall take necessary enforcement action to insure the effective regulation of taxicab, limousine, bus, or shuttle service.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-103. Correction order.

(a) If the director determines that a holder violates this chapter, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.

(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as he considers necessary to enforce the order immediately.

(c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-104. Service of notice.

(a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by a holder.

(b) Notice required under this chapter to be given:

- (1) A holder, or the holder's designated representative, must be personally served by the director; or
- (2) A driver licensed by the city under division 3, must be personally served or sent by certified United States mail, five-day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.

(c) Notice required under this chapter to be given a person other than a driver licensed under division 3 or a holder may be served in the manner prescribed by subsection (b)(2).

(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.

(e) This section does not apply to notice served under section 27-39.
(Ord. No. O-10-004, § 2, 5-13-10)

Sec. 27-105. Appeal.

(a) A holder may appeal a correction order issued under section 27-103 or any other action of the director if an appeal is requested in writing not more than ten (10) days after notice of the order or action is received.

(b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on the basis of a preponderance of evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final.
(Ord. No. O-10-004, § 2, 5-13-10)