

ORDINANCE NO. 22-FF

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 23, TAXICABS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. LICENSE TO OPERATE TAXICAB PERMIT, AND ARTICLE III. DRIVER'S PERMIT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That Chapter 23, Taxicabs, of the Code of Ordinances, City of Alvin, Texas is hereby amended with the language as follows:

CHAPTER 23, TAXICABS

ARTICLE I. IN GENERAL

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Sec. 23-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings set forth below:

Licensee: A person, as defined in this section, to whom a taxicab license has been issued by the City.

Manifest: A daily record prepared by a taxicab company showing all trips made by each taxicab and the time and place of origin, destination and number of passengers.

Person: Includes an individual, corporation, partnership, association or any other legal entity howsoever designated.

Street: Any public street, road, boulevard, alley, lane, highway, sidewalk, park, roadway, railroad station or other place under the control of the city or other public authority.

Taxicab: With the exceptions listed herein, every automobile or motor-propelled vehicle used for the transportation of passengers for hire over the public streets of the city, whether such vehicle is identified or not as a taxicab as set forth herein and whether or not the operation extends beyond the city limits. The term "taxicab" shall not apply to limousines, school buses, emergency vehicles or sightseeing autos or buses that operate under a permit, franchise or license issued and regulated by the city, limousines which are chartered, hired or provided in connection with funeral services and automobiles, or motor-propelled vehicles solely used to transport students for hire to and from school and school-related extracurricular activities.

Taxicab license: An authority duly granted by the City and shall be based upon the findings of public convenience and necessity.

Taxicab permit: The taxicab drivers permit issued pursuant to the requirements of article III of this chapter.

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Sec. 23-3. Taxicab license required.

It shall be unlawful for any person to conduct a taxicab business within the city or to operate or drive or permit the operation of any taxicab owned by him unless a license therefor shall first have been obtained from the City for the current year in accordance with this chapter.

Sec. 23-4. To be operated by licensee or his employee.

No taxicab for which a license has been issued under this chapter shall be operated by anyone except the licensee thereof, an employee of the licensee or a taxicab driver who may be operating such vehicle under a written agreement with the licensee for use of a taxicab, which agreement specifically incorporates therein such rules, regulations and conditions as may be required by the City. The operator of a taxicab licensed under this chapter shall be duly permitted pursuant to the terms of article III of this chapter. The licensee shall be responsible for anyone operating under his license whether that person be an employee or another person operating under such written agreement. Any person driving or operating a taxicab upon the streets or other public property of the city shall be presumed to be an employee of the licensee or to have entered into such written agreement with the licensee.

Sec. 23-5. Inspection.

Every taxicab for which a license has been issued under this chapter shall be inspected by the Police Chief of the city or his/her designee at least once a year. The licensee shall at all times be responsible for maintaining each taxicab in good mechanical condition and with full operational equipment.

Sec. 23-6. Identification of vehicles.

No licensee shall drive or cause to be driven or operate or cause to be operated a taxicab in the city unless such taxicab shall have affixed on at least one door on each side thereof the telephone number and the name of the owner and/or operator of the taxicab, or the name under which the owner and/or operator operates, or the name of the corporation owning the taxicab, together with the taxicab number. The number of the taxicab and the telephone number shall also be affixed upon each taxicab.

Sec. 23-7. Maximum working hours for drivers.

No person shall operate or drive any taxicab for more than twelve (12) hours in any 24-hour period.

Sec. 23-8. Drivers to use direct route.

Any taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.

Sec. 23-9. Failure to pay.

It shall be unlawful for any person to refuse to pay the full fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from which it is hired shall be guilty of a misdemeanor.

Sec. 23-10. Child passenger safety seat systems.

Each taxicab shall be equipped with a child passenger safety seat system as defined in Section 545.412 Transportation Code, as the same may be hereafter amended. When not in use, however, the child passenger safety seat system may be stored in the trunk of the taxicab.

Sec. 23-11. Penalty.

Any violation of the terms of this chapter, whether herein denominated as unlawful or not, shall be deemed a misdemeanor and any person convicted of any such violation shall be punished by a fine prescribed by section 1-5.

Secs. 23-12—23-26. Reserved.

ARTICLE II. LICENSE TO OPERATE

Sec. 23-27. Application.

Every person desiring a license, or a renewal of the license, required by this chapter shall file with the City Secretary a written application on forms to be furnished by the city, signed and sworn to by such applicant or a duly authorized officer or agent of the applicant, stating:

- (1) The name and address of the applicant, and if an individual or partnership, the age and occupation of the applicant or applicants, and if a corporation, the name and addresses of the president thereof.
- (2) A description of the equipment and the number of taxicabs to be used under the license, including the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (3) The location from which each such taxicab is to be dispatched or remain while not in active service.
- (4) A schedule showing the make, model, type, license plate number and ownership of the vehicles that will be put into operation.

Each such application shall have attached thereto a certificate of inspection covering the taxicab(s) to be operated under the license duly issued by the Chief of Police of the City and copies of all contracts between the licensee and any person or entity intending to operate a taxicab within the City. At the option of the applicant, separate documents may be attached to the application which

set forth facts the applicant believes tend to prove that public convenience and necessity require the granting of the license.

Sec. 23-28. Insurance required of applicant.

- (a) Before any license shall be issued under this chapter or renewal of such license shall be granted, the applicant shall file with the City Secretary and thereafter keep in full force and effect a policy of public liability and property damage insurance covering all licensed taxicabs of the insured issued by a stock insurance company duly authorized to do business in the State of Texas and performable in Brazoria County, Texas, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle. The policy of insurance shall provide no less than the minimum coverage required by the state, including the minimum coverage required to "show proof of financial responsibility," as that term is defined in the Texas Motor Vehicle Safety Responsibility Act (Transportation Code ch. 601) as now in force or hereafter amended.
- (b) In lieu of the policy of liability insurance prescribed by subsection (a), the applicant may file with the City Secretary a certificate showing the applicant has qualified as a self-insurer, as that term is defined in the Texas Motor Vehicle Safety Responsibility Act (Transportation Code ch. 601) as now in force or hereafter amended.
- (c) The Police Chief or his/her designee shall be the sole judge of the sufficiency of any policy or certificate tendered under this section.

Sec. 23-29. Issuance of taxicab license.

- (a) *Initial application for license to conduct business.* If the application complies with the requirements of this chapter, and the applicant is fit, willing and able to furnish public transportation and to conform to the provisions of this chapter and applicable federal and state laws, then a certificate shall be issued by the Police Chief or his/her designee stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
- (b) *Application for renewal of license.* A renewal of an existing license may be granted by the Police Chief or his/her designee upon provision of an updated application for license in addition to compliance with the provisions of this chapter.

Sec. 23-30. License fee.

- (a) The annual fee for each license issued pursuant to this chapter shall be as set forth in chapter 28 of this Code.
- (b) The license shall be valid for the fiscal year issued and shall terminate September 30th of each year. The fees set forth in Chapter 28 of this Code shall be paid upon the issuance of the initial license and annually thereafter in advance on or before September 30th of the year preceding the year for which the renewal is sought. The license fee shall be pro-rated for the remaining portion of the year of first issuance.

Sec. 23-31. Denial of license.

An application for a license may be denied if the licensee makes a false or fraudulent representation in the application or the licensee or any one of the officers of the licensee (if a corporation or association) or any one of the partners (if a partnership) has been convicted of any

of the offenses set forth in section 23-50 within the seven-year period immediately preceding the date of the filing of the application. Additionally, a license may be revoked or refused for renewal, as applicable, if the licensee is convicted of any offense involving fraud, theft or forgery subsequent to the city's approval of the license. A denial, revocation or refusal to renew a license shall be subject to the hearing provisions set forth in section 23-47 hereof.

Sec. 23-32. Expiration.

All licenses issued under this article shall expire at 12:00 midnight on September 30th following the issuance thereof.

Sec. 23-33. Transfer.

No licensee shall transfer, rent, lease, loan or assign a license issued pursuant to the terms of this article to any other person or allow its use by any other person or entity.

Sec. 23-34. Cancellation.

Any license granted under this article shall be subject to cancellation or revocation and all rights of the licensee may be forfeited at the will of the City for failure of the licensee or its employees or drivers to observe any ordinance of the city, for the violation of any law of the State of Texas reasonably related to the safe operation of taxicabs in the city, or for the failure of the licensee to secure and file the certificate required by section 23-28. Additionally, any license may be cancelled or revoked by the City if the licensee or any one of its officers (if a corporation or association) or any partner (if a partnership) has been convicted of any one of the designated offenses set forth in section 23-50 since the filing of the application.

Secs. 23-35—23-40. Reserved.

ARTICLE III. TAXICAB DRIVER'S PERMIT

Sec. 23-41. Required.

It shall be unlawful for any person to drive a taxicab unless he/she has a taxicab driver's permit issued by the city. It shall likewise be unlawful for any person to permit any taxicab owned by him/her to be driven by any person who does not have such a permit.

Sec. 23-42. Application generally.

Every person who desires a permit to drive a taxicab shall file with the Chief of Police of the city a written application, signed and sworn to by the applicant, giving the following information:

- (1) The applicant's full name, residence, ,
- (2) Whether the applicant is a citizen of the United States, social security number;
- (3) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, the nature of the offense and the date and place of such conviction;
- (4) Whether the applicant now stands charged with the commission of a felony or misdemeanor;
- (5) Whether the applicant has previously been licensed as a taxicab driver;
- (6) Whether the applicant has ever been denied a taxicab permit or had one revoked or suspended;

- (7) Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver's license or a Class "C" driver's license revoked;
- (8) The taxicab firm for which the applicant intends to work;

Sec. 23-43. Applicant to furnish photographs.

Each applicant for a permit under this article must provide with his/her application, two (2) recent true photographs of himself not less than three (3) inches by five (5) inches in size.

Sec. 23-44. Qualifications of applicant.

Each applicant for a permit must:

- (1) Have a valid driver's license for the class of vehicle to be permitted.
- (2) Be eighteen (18) years of age or older.
- (3) Be a person of good moral character.
- (4) Be able to read and write the English language. . (5) Complete a form entitled "Request for Information from Texas Driver Licensing Records" as part of his application and shall pay the required fee therefor and submit such application to the Texas Department of Public Safety with a notation that the information is to be mailed to the Police Chief of the city. A taxicab driver's permit issued in advance of such request shall be subject to revocation in the event of the failure of the applicant to make such request and shall similarly be subject to revocation if the information received from the Texas Department of Public Safety discloses that the applicant's record disqualifies him/her from receiving a taxicab driver's permit.
- (6) Submit an affidavit stating that he/she is a citizen of the United States of America by birth or naturalization, or if an alien, that the applicant is legally residing in the United States of America and that he/she has a legal right to engage in such employment.

Sec. 23-45. State license required.

It shall be unlawful for any person to drive a taxicab within the city unless he/she is duly licensed by the state for the appropriate class of license needed to operate the vehicle they are driving to drive a taxicab, having this license on his/her person at all times while operating a taxicab. No permit to drive a taxicab shall be issued in the absence of such a driver's license.

Sec. 23-46. Fee.

The annual fee for a permit required by this article shall be as set forth in chapter 28 of this Code.

Sec. 23-47. Denial of a permit application.

An application for a permit under this article may be denied if the applicant fails to comply with any requirement of this article. In addition, such application may be denied if the applicant has been convicted of any offenses set forth in section 23-50 hereof within the seven-year period immediately preceding the date of the filing of the application or convicted of three (3) or more moving violations of the laws of this state within the year immediately preceding the date of filing the application for the permit. A denial of a permit shall be subject to an appeal before the City Council.

Sec. 23-48. Issuance.

If the application of any person for a taxicab driver's permit shall be granted, the Police Department shall issue such permit to the applicant upon the payment of the prescribed fee to the City Secretary.

Sec. 23-49. Expiration and renewal.

Each permit issued under this article shall expire on the 30th day of September following its issuance and shall be renewed annually by making application to the City upon forms provided by the City for that purpose thirty (30) days prior to the date of expiration of the permit and by paying the fee prescribed in chapter 28.

Sec. 23-50. Cancellation.

- (a) Any permit granted under this article shall be subject to cancellation by the City upon a finding that the permittee has been convicted of a felony or an offense involving driving while intoxicated or the possession of drug paraphernalia (b) In addition, a permit shall be subject to cancellation by the City upon a finding that the permittee has been convicted of three (3) or more moving violations of the traffic laws of this state or any other state if such violation occurred within the year immediately preceding the notice of the City's intent to revoke or cancel the permit.

Sec. 23-51. Display of permit.

Every driver shall post his/her city taxicab permit above the state motor vehicle inspection sticker in the lower left hand (driver's side) portion of the windshield of the taxicab.

Section 2. That except as amended herein all other provisions of Chapter 23 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary