

ORDINANCE NO. O-2014-100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 17, "STREETS AND TRAFFIC", ARTICLE VIII, "TAXIS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO AMEND REGULATIONS RELATING TO TAXIS, TO ADOPT NEW REGULATIONS RELATING TO LIMOUSINES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be

expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, State law, at Texas Local Government Code Section 215.004(a), mandates that municipalities license, control and otherwise regulate taxicab transportation services by ordinance; and

WHEREAS, the City of Tyler taxi regulations are located in City Code Chapter 17, Article VIII.; and

WHEREAS, State law, at Texas Local Government Code Section 215.004(b)(3) and (4), states that the ordinance may include the establishment of safety or any other requirements to ensure safe and reliable passenger transportation service; and

WHEREAS; it is important to update and revise existing provisions of the Taxi regulations; and

WHEREAS, it is important to adopt provisions regulating limousines in order to protect the public health and safety;

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

PART 1: That Tyler City Code Chapter 17, "Streets and Traffic", Article VIII., "Taxis", is hereby amended by adopting a new Article VIII. related to taxis and limousines by adopting a new Division A. relating to taxis, a new Division B. relating to limousines, and amending and adopting the following City Code Sections to read as follows:

ARTICLE VIII. TRANSPORTATION FOR HIRE

DIVISION A: TAXIS

Sec. 17-130. Definitions

For purposes of this Article, the following definitions shall apply:

Driver: Every person who operates a vehicle for hire upon the streets of the City.

Limousine: A plain painted, unmarked luxury passenger motor vehicle not more than seven (7) years old and valued at more than \$15,000 per the National Automobile Dealer's Association Guide (NADA), such as a limousine, executive sedan, executive sport utility vehicle, or town car, driven by a uniformed chauffeur for general passenger use with a rated seating capacity not exceeding twelve (12) passengers including the driver, which is subject to call only for pre-arranged ground transportation service from its own garage or central place of business and operates and carries passengers for hire only on a prearranged appointment basis whereby such prearrangement is made not less than one (1) hour in advance of the time transportation is to begin. A limousine shall not have a stop light or taximeter, or in any way represent itself as a taxi or be marked or operated in such a way as may cause it to be confused with a taxi.

Manifest: Daily records prepared by a taxi or limousine driver of each trip made showing place of origin, the amount of fare and the number of passengers.

Operator: The person seeking or holding a permit under this article for operating a taxi or limousine service.

Person: Any individual, firm, partnership, association, corporation, company or group of individuals acting together.

Taxi: Any automobile or motor propelled vehicle, whether the vehicle is identified or not as a taxicab as set forth herein, designed for carrying no more than eight passengers and used for the transportation of passengers for hire over the public streets of the city, whether or not the operation extends beyond the city limits. Provided, the term taxicab shall not apply to limousines, school vehicles, emergency vehicles, jitneys, sightseeing or charter vehicles, low-speed shuttles, or transportation network vehicles that operate under a permit issued by the city or any other governmental regulator authority, and, provided further, the term shall not apply to limousines that are chartered, hired or provided in connection with funeral services or any vehicles operating under a contract with the city.

Taxi service: The business of transporting by taxi or offering to transport by taxi passengers for hire and not over a fixed route:

1. Between any two (2) locations within the City; or
2. From any location within the City to any destination point; or
3. Between any locations at Pounds Regional Airport and the City.

Limousine service: The business of transporting or offering to transport by limousine passengers for hire:

1. Between any two (2) locations within the City; or
2. From any location within the City to any destination point; or
3. Between any locations at Pounds Regional Airport and the City.

Taximeter: An instrument which calculates and registers the charge for hire of a taxi, at a predetermined rate or rates, is based on distance traveled, waiting time, if any, and extra passengers, if any, and upon which such charge shall be indicated by means of clearly legible figures.

Waiting time: The time when a taxi is not in motion from time of acceptance to the time of discharge of a passenger, but not including any time the taxi is not in motion due to any cause other than the request, act or fault of passenger. The first three (3) minutes elapsing prior to the arrival of a passenger at the beginning of a trip shall not be considered as waiting time, and in no event shall any time be considered as waiting time for any period prior to the time of arrival designated by the prospective passenger when requesting a taxi. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. 0-99-27, 3/24/99) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-131. Taxi Permit Required; exclusions

- a. A person may not operate a taxi service within the City without a permit. It is unlawful to fail to comply with any conditions placed on the permit or with this article.
- b. A person may not advertise nor cause to be advertised the operation of service that does not have a valid taxi permit when the advertisement is published to be seen by persons seeking such service in the City.
- c. However, no taxi permit shall be required where the person:
 1. is operating a taxi which is transporting a passenger picked up from a location beyond the City limits and transported to a location beyond the City limits and only incidentally passing through the City;
 2. is operating a vehicle owned and operated by the Federal or State government or by a Texas political subdivision;
 3. is performing a service authorized by state or federal law to the extent of that authority only;
 4. is operating a vehicle owned by a nonprofit organization, carrying only passengers associated with that organization and not receiving compensation from any other organization for carrying the passengers (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98); or
 5. is operating a Limousine.
- d. Any driver and/or operator who is found in violation by operating a taxi service without appropriate city issued permits may be issued a citation by the Tyler Police Department, or any Texas licensed peace officer. (Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-132. Application for Taxi Operator's Permit.

- a. The applicant must be the person who will own, control or operate the taxi service. Applications for permits shall be made upon City forms which require:
1. The operator's name, address and verified signature.
 2. Trade or other fictitious name, if any, under which the operator does or proposes to do business.
 3. Description of any past business experience of the operator, particularly in providing passenger transportation services. If the applicant has ever had a transportation service permit revoked, the applicant shall provide a complete statement of the circumstances surrounding the revocation.
 4. The location and description of the place(s) from which the operator intends to operate.
 5. Number and description of vehicles the operator proposes to use, including year, make, model, manufacturer's rated seating capacity, state license plate number and the Vehicle Identification Number (VIN) number for each vehicle and description of taximeter installed, if available at the time of application. If the operator does not own any vehicles at the time of application, the number and description of the vehicles proposed to be used shall be listed, and, prior to putting the vehicles into service, shall be registered with the City in accordance with this article. As vehicles are added or removed, that information must be provided to the City, prior to the new vehicles going into service and within five (5) days of being removed. If taxi service experiences peak demand periods requiring more vehicles than are designated in the permit, the service may add supplemental vehicles if they are not used for more than thirty (30) consecutive days and have adequate insurance. Such vehicles shall comply all other vehicle requirements herein.
 6. Prior to the issuance of a permit by the City, the operator shall provide a list of all drivers employed by the operator. When additional drivers are employed, their names shall be provided, in writing, to the City. Prior to or at the time of renewal of the operator's permit, the operator shall submit to City a current roster of drivers.
 7. Documentary evidence from an insurance company authorized to do business in Texas indicating a willingness to provide liability insurance required by this article.
 8. A complete and up-to-date financial statement of the operator, partnership, every partner or associate, and if such operator is a corporation, a complete and up-to-date balance sheet of such corporation. The financial statement required under this section shall be deemed confidential based on the Texas Public Information law. The City may not make any copies of this financial statement, but it may be inspected by any member of the City Council, the City Manager or any City staff member involved in the application process. At the time the application process is completed and a permit is issued or denied, the City shall return the financial statement to the applicant without making a copy of same.
 9. Documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed taxi service if located in the City.

10. A check in the total amount of the annual fees for the entire term as set out herein. The amount shall not be prorated for fractional parts of a calendar year.
11. Description of the service to be offered and rates to be charged.
12. The agreement of the operator that, in the event such permit is granted, sixty (60) days written notice of discontinuance of any taxi service shall be given to the City.
13. If the operator is, or proposes or intends to do business as a corporation:
 - (a) Corporate name;
 - (b) Place and date of incorporation;
 - (c) Names of the incorporators;
 - (d) Names, addresses and corporate titles of all corporate officers;
 - (e) Name and address of the corporate registered agent;
14. If the operator is, or proposes or intends to do business as a partnership or association:
 - (a) Name of partnership or association;
 - (b) Names and addresses of all partners or associates, limited or general.
15. Such additional information as the City considers necessary to assist or promote the enforcement of this article or to protect public safety. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-133. Taxi Liability and casualty insurance.

- a. No permit may be issued, nor is a permit valid after issuance, nor may any taxi service be operated in the City unless there is at all times in force and effect insurance meeting the requirements of Texas law for automobile liability insurance. The insurance shall provide for payment of damages for injury to or death of individuals in accidents resulting from any cause for which the operator and/or vehicle driver would be liable on account of liability imposed by law, regardless of whether the vehicle was being driven by the operator or a driver.
- b. Every insurance policy or contract of insurance required under this section shall contain a provision that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured.
- c. Every insurance policy or contract of insurance required under this section shall contain a provision for the insurer to give not less than thirty (30) days written notice to the City and to the named insured before any cancellation or termination thereof, and the cancellation or termination of any such policy or contract of insurance [shall automatically revoke and terminate the permit unless another insurance policy] complying with this section shall be provided and be in effect at the time of such cancellation or termination.
- d. A certificate of insurance showing compliance with this section shall be filed with the City Clerk, and no permit granted valid unless and until such certificate has been so tendered. Such certificates shall be replaced when they expired.

- e. Any operator shall indemnify and hold harmless the City from and against all liability arising out of the operator's permitted activities hereunder.
- f. All policies or contracts of insurance shall be approved by the City and shall be issued by an insurance company licensed to do business in the State. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-134. Duration of Taxi Operator's Permit; renewal.

- a. A permit may be issued for any period not to exceed five (5) years ending on September thirtieth. An operator may apply for a renewal of up to three (3) years at least sixty (60) days before the expiration of the permit. To obtain renewal, it must be established that:
 - 1. The operator has performed satisfactorily under the terms of the permit; and
 - 2. The operator continues to comply with all City requirements.
- b. If, after investigation, it is determined that the operator has not satisfactorily met City requirements, the application for renewal shall be denied.
- c. A permit is not transferable. Any change in ownership must be reviewed and is subject to the City's approval.
- d. The annual fee for the operator's permit is two hundred fifty dollars (\$250.00). All fees for the complete term of the permit are due upon original application and each renewal thereafter. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-135. Public hearing.

Within forty-five (45) days after receipt of a complete application for taxi operator's permit, the City Council shall hold a public hearing concerning the application. Notice of such hearing shall be given in writing to the operator applicant and to all persons holding like permits. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-136. Standards for issuance of taxi operator's permits.

- a. In the hearing, the burden of proof shall be upon the operator to establish by clear, cogent and convincing evidence that the public convenience and necessity require the operation for which the application has been made, that the operator is a fit and proper person to operate such service, and has or intends to comply with all applicable City ordinances and state laws.
- b. The City Council shall deny a permit unless it finds:
 - 1. That the public convenience and necessity require the proposed service for which the application has been submitted and that such service would not adversely affect total taxi service to the people of the City nor adversely affect the overall costs or quality thereof. In

determining whether the public convenience and necessity require the proposed service, the City Council shall consider whether the public is at that time being adequately serviced, quality of such existing service, the increased traffic congestion upon the streets, the demand for increased parking space upon the streets which will result, whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, whether the proposed operating procedures and type of service to be offered will interfere with existing and such other facts as the City Council shall consider relevant.

2. That the operator is qualified and financially able to provide the proposed service.

3. That the operator has or will procure the required insurance.

c. Every taxi service permit shall be deemed to include the following requirements, whether or not expressed in the permit:

1. That, upon request by any person, the operator will provide taxi service from any point within the City to any other point within the City or to Tyler Pounds Regional Airport, or from the Tyler Pounds Regional Airport to any point within the City.

2. That each vehicle operating as a taxi will be equipped with a taximeter.

3. That the operator will offer taxi service on a twenty-four-hour basis, seven (7) days per week. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-137. Revocation of Taxi Operator's Permit.

a. A taxi operator's permit may be revoked upon any of the following:

1. Making a false statement or omission as to a material matter in the application for a permit;

2. Failure to comply with City requirements;

3. Failure to comply with permit requirements;

4. Final conviction for violation of another City, State or Federal law that indicates a lack of fitness of the permittee to perform a taxi service;

5. Failure to pay any City taxes or other fees due in connection with property used in the taxi service.

6. Failure to comply with Federal and State law on the accommodation of persons with disabilities.

b. Upon learning of an apparent violation of the regulations, the City shall notify the operator in writing and provide a reasonable length of time to correct the violation. The length of time allowed may vary from seventy-two (72) hours to ten (10) days. If the violation is not satisfactorily corrected, the City may revoke the permit. Any such action may be appealed in accordance with City Code Chapter 1, Article IV. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-138. Taxi Driver Permit Requirements.

- a. No person may drive a taxi without having a valid Class C license and a current City-issued driver's permit. A taxi operator may not employ any person as a driver unless the person has a valid Class C license.
- b. Original applications or renewals for a City driver's permit shall contain:
1. Applicant's full name, current address, places of residence for five (5) years previous to moving to present address and length of time of residence in the City.
 2. Applicant's age, height, and eye and hair color.
 3. Whether applicant has ever been convicted of a felony or misdemeanor that relates directly to applicant's ability to perform duties as a driver and, if so, the date, time, place and nature or type of offenses.
 4. Applicant's current Texas Class C driver's license number and their Moving Violation Record (MVR) obtained from the Department of Public Safety.
 5. The name of the operator for which the applicant intends to work.
 6. Such other information as the City deems necessary to a fair determination of fitness as a driver.
- Such application must be signed and sworn to before a notary public.
- c. The fee for a driver's permit shall be twenty-five dollars (\$25.00) and shall be paid at the time of the filing of the application. The fee shall be nonrefundable, even if the application is denied. All drivers' permits shall be valid for three (3) years from date of issuance. A fee of ten dollars (\$10.00) will be charged to replace a permit if the driver loses it.
- d. No application or renewal shall be approved unless the applicant:
1. Possesses a valid Texas Class C driver's license.
 2. Is of the age of eighteen (18) years or older, is a United States citizen or is a legal resident alien with appropriate work permit.
 3. Does not suffer from any condition which might render applicant unfit to drive a vehicle safely.
 4. Is not currently using illegal drugs or alcohol.
 5. Has not been convicted of the offense of driving while intoxicated in any state in the previous three (3) years.
 6. Has passed a drug test administered by an independent testing laboratory licensed to administer drug tests. Drug test will be paid for by the applicant or applicant's employer.
 7. Satisfies all of the requirements described in this section.
- e. The City shall inform the operator of its decision in writing within fifteen (15) business days after the request is submitted.
- f. After applicant is approved, the City shall provide the applicant with a picture identification indicating the bearer is permitted to drive any taxi on the roadways located within the City.

- g. The City shall review all permit holders annually to determine the permit holder's fitness as a taxi driver and shall either approve or revoke each permit. Such annual review shall include whether an applicant:
1. Possesses a valid Texas Class C driver's license and a satisfactory Moving Violation Record (MVR), which applicant's MVR shall be provided to the City prior to each annual review and will be paid for by the applicant or the applicant's employer;
 2. Has passed a drug test administered by an independent testing laboratory licensed to administer drug tests, which drug test will be provided to the City prior to each annual review and paid for by the applicant or applicant's employer; and
 3. Has been convicted of a felony or misdemeanor that relates directly to applicant's ability to perform duties as a driver, and the standard of such review of criminal convictions shall be as set forth in Title 2 Chapter 53 of the Texas Occupation Code, or successor statute.
- h. The City shall inform the operator of its decision to approve or revoke a permit in writing within fifteen (15) business days after the annual review is completed. After approval from an annual review, the City shall provide the permit holder with a current picture identification indicating the bearer is permitted to drive any taxi on the roadways located within the City. (Ord. No. O-96-28, 4-24-96; Ord. No. O-96-101, 12-18-96; Ord. 0-98-43, 5/27/98; Ord. 0-2007-78, 7/11/07) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-139. Taxi_Vehicle Requirements (rate schedules, taximeters).

- a. Every taxi driver shall cause to be posted in a conspicuous place in the vehicle where it may be seen by the passenger a current rate schedule or schedule of allowable charges which are authorized by the City. Such rates, as posted, shall be printed on a material that can be placed on the rear passenger door and mounted so as to be visible to an observer viewing rates prior to entering taxi. Similar fare rates must be clearly visible to paying passenger in taxi.
- b. Every driver shall at all times carry in the vehicle a current manifest.
- c. Every driver shall post in a conspicuous place their own driver's permit.
- d. Every taxi operating within the City shall be equipped with a taximeter in constant operation conforming to the following:
1. The taximeter is an instrument or device by which the charge is mechanically calculated for distance traveled, for waiting time, if any, upon which such charge(s) shall be indicated by clearly legible figures which are electrically lighted each time the taximeter flag is thrown from nonearning to earning position.
 2. Every taximeter must register upon visual counters the following:
 - (a) Total miles, as shown by accurate registration on the speedometer, tested and in good working order on the taxi;

- (b) Paid miles;
 - (c) Number of units; and
 - (d) Number of trips.
 - 3. The taximeter shall be used to determine the fare, unless the passenger specifically requests a flat rate fare and the taxi service is authorized to charge a flat rate under the terms of its permit.
 - 4. It is the duty of the driver to call the attention of passengers to the amount registered on the taximeter, and the taximeter shall not be changed to the "vacant" position until after the fare is paid.
 - 5. All taximeters must be inspected annually by certified state motor vehicle inspector provided by the operator to ensure they are working properly. Such inspection shall be conducted in an area designated by the City prior to September thirtieth of each year. The City may require additional inspections at any time.
 - 6. After a taximeter has been duly tested, inspected, and approved as required, it is unlawful to change the size of the wheels or tires of any taxi, or the gears or electronic sending devices operating the taximeter, or transfer a taximeter from one taxi to another unless the taximeter is again tested.
- e. If requested by a passenger, the driver shall deliver at the time of payment, a receipt therefor in legible type or writing, either a mechanically printed receipt or a specially prepared receipt, containing the name of the holder, the taxi number, the taximeter number and any items for which a charge is made, the total paid and the date of payment.
- f. Each taxi will be sufficiently marked to identify it as a taxi.
- 1. As a minimum, the operating company name and the word "taxi" or "cab" in no less than four-inch (4") capital letters shall be placed on the front passenger/driver side doors and rear trunk lid of each taxi and may be incorporated as part of the operator's company name.
 - 2. The word "taxi" in no less than four-inch (4") capital letters and placed on a clear plastic sheet designed to be laminated to glass shall be placed on the front windshield and rear window of each taxi. The location on the windshield shall be at the top center of the windshield behind the rear view mirror. The location on the rear window shall be the top center of the rear window.
- g. Vehicles will be inspected periodically by the City to ensure that have a current valid State inspection sticker.
- h. The operator shall adopt a color scheme for all vehicles in the fleet. This color scheme must be unique and cannot duplicate another operator's color scheme. The color scheme will be reviewed and approved by the City at the time of permit application and any change in the predominant color must be approved by City.
- i. Each taxi shall possess a fire extinguisher of the proper size and make appropriate for a motor vehicle for hire as defined by State law. The fire extinguisher shall be mounted at a place convenient and accessible to the driver.

- j. Each taxi shall be numbered with a unique vehicle identification number. These numbers shall be a minimum of three inches (3") in height and placed on the top front of the driver/passenger side doors and on that portion of the rear trunk lid visible when viewing the number from behind the vehicle. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-140. Taxi Rates; Financial Records.

- a. The maximum metered fares to be charged by any taxi service operator or driver shall be as follows:

- 1. First Flag (initial fare). \$2.50
- 2. Each mile \$1.75
- 3. Per extra passenger \$1.00
- 4. Waiting time (per hour) \$25.00
- 5. Fuel surcharge (per trip):

Average Gasoline Price Per Gallon	Surcharge
Less than \$2.259	\$0.00
\$2.259 – \$2.469	\$0.50
\$2.509 – 2.999	\$0.50

Surcharge is additional \$0.50 for every \$0.50 per gallon increase over \$2.999. Average Gasoline Price is determined by Energy Information Administration, U.S. Department of Energy Retail Gasoline Prices Texas, Regular, Conventional.

- b. Every operator of a taxi service shall file with the City a copy of the rate structure including meter fares and flat rate fares. Such rates and charges shall not exceed the maximum rates established in this section. No change in rate structure may be implemented until approved by the City.
- c. When two (2) or more passengers occupy a taxi at the same time, but leave it at different destinations, the first passenger to leave shall pay the regular fare and the taximeter flag shall be thrown in the stop position indicating another trip. The next passenger to leave shall pay the regular fare from the point at which the flag was thrown to the destination. The fare shall be similarly determined for any additional destinations. However, nothing herein shall prevent passengers from dividing the cost of the trip in any manner which they may voluntarily agree upon. When a taxi is not originally engaged for a joint trip, no additional passengers may be carried without the consent of the passenger who first engaged the taxi. However, the consent requirement does apply to rideshare programs funded by federal grants.
- d. The number of passengers carried in a taxi may not exceed the manufacturer's rated seating capacity. Not more than two (2) passengers, excluding the driver, shall be carried in the front seat of the vehicle.
- e. An operator shall keep such financial records as would a reasonable and prudent business person or as may be requested by the City Council. All records and entries shall be maintained in accordance with generally accepted accounting procedures,

and shall be kept for at least one year and open for inspection to the City Manager or designee. Such records shall include a manifest for each vehicle showing daily revenues and ridership. Any notes or reports made from the inspection of the above records shall be deemed confidential as allowed by Texas law. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98) (Ord. 0-2001-24; 6/20/01) (Ord. No. 0-2004-66, 8-25-04) (Ord. No. 0-2006-29; 3/8/06) (Ord. No. 0-2014-100; 11/12/14)

DIVISION B: LIMOUSINES

Sec. 17-141. Reserved

Sec. 17-142 Limousine Permit Required

- a. A person may not operate a Limousine service within the City without a permit. It is unlawful to fail to comply with any conditions placed on the permit or with this article.
- b. A person may not advertise nor cause to be advertised the operation of a limousine service that does not have a valid permit when the advertisement is published to be seen by persons seeking such service in the City.
- c. However, no Limousine permit shall be required where the person:
 1. is operating a Limousine which is transporting a passenger picked up from a location beyond the City limits and transported to a location beyond the City limits and only incidentally passing through the City;
 2. is operating a vehicle owned and operated by the Federal or State government or by a Texas political subdivision;
 3. is performing a service authorized by state or federal law to the extent of that authority only;
 4. is operating a vehicle owned by a nonprofit organization, carrying only passengers associated with that organization and not receiving compensation from any other organization for carrying the passengers. (Ord. No. O-96-28, 4-24-96, eff. 7-1-96)(Ord. 0-98-43, 5/27/98)
- d. Any driver and/or operator who is found in violation by operating a limousine service without appropriate city issued permits may be issued a citation by the Tyler Police Department or any Texas licensed peace officer. (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-143. Application for Limousine Operator's Permit.

- a. The Limousine applicant must be the person who will own, control or operate the Limousine service. Applications for Limousine permits shall be made upon City forms which require:
 1. The operator's name, address and verified signature.
 2. Trade or other fictitious name, if any, under which the operator does or proposes to do business.



3. If the applicant has ever had a transportation service permit revoked, the applicant shall provide a complete statement of the circumstances surrounding the revocation.
4. The location and description of the place(s) from which the Limousine operator intends to operate.
5. Number and description of vehicles the Limousine operator proposes to use, including year, make, model, manufacturer's rated seating capacity, state license plate number, and the Vehicle Identification Number (VIN), if available at the time of application. If the operator does not own any vehicles at the time of application, the number and description of the vehicles proposed to be used shall be listed, and, prior to putting the vehicles into service, shall be registered with the City in accordance with this article. As vehicles are added or removed, that information must be provided to the City, prior to the new vehicles going into service and within five (5) days of being removed.
6. Prior to the issuance of a Limousine permit by the City, the operator shall provide a list of all drivers employed by the operator. When additional drivers are employed, their names shall be provided, in writing, to the City. Prior to September 30th of each year, the operator shall submit to City a current roster of drivers.
7. Documentary evidence from an insurance company authorized to do business in Texas indicating a willingness to provide liability insurance required by this article.
8. A complete and up-to-date financial statement of the operator (including all partners if the operator is a partnership), and if such operator is a corporation, a complete and up-to-date balance sheet of such corporation. The financial statement and balance sheet required under this section shall be deemed confidential based on the Texas Public Information law. The City may not make any copies of this financial statement and balance sheet, but they may be inspected by any member of the City Council, the City Manager or any City staff member involved in the application process. At the time the application process is completed and a permit is issued or denied, the City shall return the financial statement and balance sheet to the applicant without making a copy of same.
9. Proof applicant is current on all taxes owed to City.
10. A check in the total amount of the annual fees for the entire term as set out herein. The amount shall not be prorated for fractional parts of a calendar year.
11. The agreement of the operator that, in the event such permit is granted, sixty (60) days written notice of discontinuance of any limousine service shall be given to the City.
12. If the operator is, or proposes or intends to do business as a corporation:
 - (a) Corporate name;
 - (b) Place and date of incorporation;
 - (c) Names of the incorporators;
 - (d) Names, addresses and corporate titles of all corporate officers;
 - (e) Name and address of the corporate registered agent;
13. If the operator is, or proposes or intends to do business as a partnership or association:
 - (a) Name of partnership or association;
 - (b) Names and addresses of all partners or associates, limited or general.

14. Such additional information as the City considers necessary to assist or promote the enforcement of this article or to protect public safety. (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-144. Standards for Issuance of Limousine Permits.

The City may issue a limousine permit to an applicant if:

- a. The operator submits the Application for permit and all accompanying information and documents as required by this Article;
- b. The operator is qualified and financially able to provide the proposed service;
- c. The operator has procured the insurance required by Section 17-145;
- d. The Limousine drivers of the operator meet the requirements set forth in Section 17-148; and
- e. The vehicles used or sought to be used by the operator meet the requirements set forth in the definition of a Limousine under this Article. (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-145. Liability and Casualty Insurance.

- a. No permit may be issued, nor is a permit valid after issuance, nor may any Limousine service be operated in the City unless there is at all times in force and effect insurance meeting the requirements of Texas law for automobile liability insurance. The insurance shall provide for payment of damages for injury to or death of individuals in accidents resulting from any cause for which the operator and/or vehicle driver would be liable on account of liability imposed by law, regardless of whether the vehicle was being driven by the operator or a driver.
- b. Every insurance policy or contract of insurance required under this section shall contain a provision that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured.
- c. Every insurance policy or contract of insurance required under this section shall contain a provision for the insurer to give not less than thirty (30) days written notice to the City and to the named insured before any cancellation or termination thereof, and the cancellation or termination of any such policy or contract of insurance shall automatically revoke and terminate the permit unless another insurance policy complying with this section shall be provided and be in effect at the time of such cancellation or termination.
- d. A certificate of insurance showing compliance with this section shall be filed with the City Clerk, and no permit granted valid unless and until such certificate has been so tendered. Such certificates shall be replaced when they expire.
- e. Any operator shall indemnify and hold harmless the City from and against all liability arising out of the operator's permitted activities hereunder.
- f. All policies or contracts of insurance is subject to approval by the City and shall be issued by an insurance company licensed to do business in the State. (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-146. Duration of Limousine Operator's Permit; Renewal.

- a. A Limousine permit may be issued for any period not to exceed five (5) years ending on September thirtieth. An operator may apply for a renewal of up to three (3) years at least sixty (60) days before the expiration of the permit. To obtain renewal, it must be established that:
 1. The operator has performed satisfactorily under the terms of the permit; and
 2. The operator continues to comply with all City requirements.
- b. If, after investigation, it is determined that the operator has not satisfactorily met City requirements, the application for renewal shall be denied.
- c. A permit is not transferable. Any change in ownership is subject to approval by the City.
- d. The annual fee for the operator's permit is two hundred fifty dollars (\$250.00). All fees for the complete term of the permit are due upon original application and each renewal thereafter. (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-147. Revocation of Limousine Operator's Permit.

- a. A Limousine operator's permit may be revoked upon any of the following:
 1. Making a false statement or omission as to a material matter in the application for a permit;
 2. Failure to comply with City requirements;
 3. Failure to comply with Limousine permit requirements;
 4. Final conviction for violation of another City, State or Federal law that indicates a lack of fitness of the permittee to perform a Limousine service;
 5. Failure to pay any City taxes or other fees due in connection with property used in the Limousine service.
 6. Failure to comply with Federal and State law on the accommodation of persons with disabilities.
- b. Upon learning of an apparent violation of the regulations, the City shall notify the operator in writing and provide a reasonable length of time to correct the violation. The length of time allowed may vary from seventy-two (72) hours to ten (10) days. If the violation is not satisfactorily corrected, the City may revoke the permit. Any such action is subject to appeal in accordance with City Code Chapter 1, Article IV. (Ord. No. 0-2014-100; 11/12/14)

Sec. 17-148. Limousine Driver Permit Requirements.

- a. No person may drive a limousine without having a valid Class C license and a current City-issued driver's permit. A limousine operator may not employ any person as a driver unless the person has a valid Class C license.
- b. Original applications or renewals for a City driver's permit shall contain:
 1. Applicant's full name, current address, places of residence for five (5) years previous to moving to present address and length of time of residence in the City.

2. Applicant's age, height, and eye and hair color.
3. Whether applicant has ever been convicted of a felony or misdemeanor that relates directly to applicant's ability to perform duties as a driver and, if so, the date, time, place and nature or type of offenses.
4. Applicant's current Texas Class C driver's license number and their Moving Violation Record (MVR) obtained from the Department of Public Safety.
5. The name of the operator for which the applicant intends to work.
6. Such other information as the City deems necessary to a fair determination of fitness as a driver.

Such application must be signed and sworn to before a notary public.

- c. The fee for a driver's permit shall be twenty-five dollars (\$25.00) and shall be paid at the time of the filing of the application. The fee shall be nonrefundable, even if the application is denied. All driver permits shall be valid for three (3) years from date of issuance. A fee of ten dollars (\$10.00) will be charged to replace a permit if the driver loses it.
- d. No application or renewal shall be approved unless the applicant:
 1. Possesses a valid Texas Class C driver's license.
 2. Is of the age of eighteen (18) years or older, is a United States citizen or is a legal resident alien with appropriate work permit.
 3. Does not suffer from any condition which might render applicant unfit to drive a vehicle safely.
 4. Is not currently using illegal drugs or alcohol.
 5. Has not been convicted of the offense of driving while intoxicated in any state in the previous three (3) years.
 6. Has passed a drug test administered by an independent testing laboratory licensed to administer drug tests. Drug test will be paid for by the applicant or applicant's employer.
 7. Satisfies all of the requirements described in this section.
- e. The City shall inform the operator of its decision in writing within fifteen (15) business days after the request is submitted.
- f. After applicant is approved, the City shall provide the applicant with a picture identification indicating the bearer is permitted to drive any limousine on the roadways located within the City.
- g. The City shall review all permit holders annually to determine the permit holder's fitness as a limousine driver and shall either approve or revoke each permit. Such annual review shall include whether an applicant:
 1. Possesses a valid Texas Class C driver's license and a satisfactory Moving Violation Record (MVR), which applicant's MVR shall be provided to the City prior to each annual review and will be paid for by the applicant or the applicant's employer;
 2. Has passed a drug test administered by an independent testing laboratory licensed to administer drug tests, which drug test will be

- provided to the City prior to each annual review and paid for by the applicant or applicant's employer; and
3. Has been convicted of a felony or misdemeanor that relates directly to applicant's ability to perform duties as a driver, and the standard of such review of criminal convictions shall be as set forth in Title 2 Chapter 53 of the Texas Occupation Code, or successor statute.
- h. The City shall inform the operator of its decision to approve or revoke a permit in writing within fifteen (15) business days after the annual review is completed. After approval from an annual review, the City shall provide the permit holder with a current picture identification indicating the bearer is permitted to drive any limousine on the roadways located within the City. (Ord. No. 0-2014-100; 11/12/14)

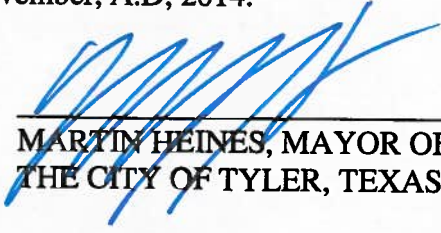
Sec. 17-149 Rates; financial records.

- a. The Limousine operator or driver shall notify prospective passengers at the time an appointment for pickup is scheduled what the rates charged by the Limousine operator will be for that particular scheduled ground transportation service. Actual rates charged to passengers may not deviate from the rate quoted in advance of pickup.
- b. The Limousine operator shall keep and maintain a manifest, which shall be daily records prepared by a Limousine driver of each trip made showing place of origin, place of destination, the amount of fare and the number of passengers. The Limousine manifest shall be made available for review and inspection by the City upon written request. (Ord. No. 0-2014-100; 11/12/14)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.


PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be November 14, 2014.

PASSED AND APPROVED this 12th day of November, A.D, 2014.




MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

