

ORDINANCE NO. 086-062

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, BY AMENDING SECTIONS 9-54 THROUGH 9-57 AND ADDING SECTIONS 9-58.1 THROUGH 9-64 TO ARTICLE I, IN GENERAL, TO PROVIDE FOR OPERATION OF TAXICABS IN ADDISON; PROVIDING DEFINITIONS; PROVIDING EXCLUSIONS; REQUIRING PERMITS AND APPLICATION; PROVIDING FOR NOTICE TO ADDISON OF FRANCHISE OR PERMIT REVOCATION, SUSPENSION OR MODIFICATION BY DALLAS; REQUIRING FRANCHISE OR LICENSE WITH CITY OF DALLAS; REQUIRING INSURANCE; PROVIDING AUTHORITY TO INSPECT; REQUIRING ANNUAL TAXI PERMIT; PROVIDING ADMINISTRATION; PROVIDING FOR A PERMIT FEE; PROVIDING FOR A TEMPORARY PERMIT; PROVIDING FOR SUSPENSION, NONISSUANCE OR NONRENEWAL OF ANNUAL PERMIT; PROVIDING FOR REVOCATION, NONISSUANCE OR NONRENEWAL OF ANNUAL PERMIT; PROVIDING FOR NOTICE AND HEARING ON REVOCATION OR NONRENEWAL; PROVIDING FOR AUTOMATIC SUSPENSION OF PERMIT FOR FAILURE TO PAY FEES OR FOR REVOCATION OR CANCELLATION OF INSURANCE; PROVIDING FOR SPECIAL PROVISIONS; PROVIDING REQUIREMENTS; PROVIDING FOR DISPLAY OF DALLAS PERMIT; PROVIDING FOR NONTRANSFERABILITY; PROVIDING FOR DRIVERS LISTS; PROVIDING FOR ENFORCEMENT AND PENALTIES;

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PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS:

SECTION 1. That the Comprehensive Code of Ordinances of the
Town of Addison, Texas, is hereby amended to read as follow:

ARTICLE I. IN GENERAL

Sec. 9-54. Definitions:

(1) "Taxicab" means a chauffeured motor vehicle with a rated passenger capacity of eight or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules and a call and demand basis, but not including limousines, car pools, buses or ambulances.

(2) "Operating authority" means a current and valid franchise, annual permit or temporary permit.

(3) "Person" means an individual, corporation, government or governmental subdivision or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(4) "Holder" means a person having operating authority to operate a taxicab service.

(5) "Taxicab service" means a passenger transportation service operated for hire that uses taxicabs in the operation of the service and includes (but is not limited to) a facility from which the service is operated, taxicabs used in the operation, and a person who owns, controls, or operates the service.

(6) "Operate a taxicab" means to drive a vehicle as a taxicab on any street of the City in order to pick up a passenger within the city limits.

(7) "City or Town" means the Town of Addison, Texas.

(8) "Chief of Police" means the person designated to be the Chief of the Addison Police Department pursuant to Charter Section 4.01(b) of the Code of Ordinances, Town of Addison, or that person's designee.

Sec. 9-55. Exclusions.

This Article does not apply to a taxicab which:

(1) is lawfully transporting a passenger from a point outside the city limits to a destination within the City; or

(2) after having discharged a passenger within the City, is returning empty by the most direct route to its regular place of business outside the city limits.

These exclusions apply provided that no such taxicab shall solicit or pick up a passenger from any point within the City for transportation to any destination whatsoever.

Sec. 9-56. Permit Required; Application.

It shall be unlawful and an offense to engage in the business of operating a taxicab in the Town without having secured operating authority therefor from the Town of Addison. Applications for annual taxicab permits shall be made in writing to the Chief of Police on a form provided by the Town, and shall state thereon the name of the applicant, the applicant's place of business, the number of taxicabs to be operated, such other requirements as are necessary to meet federal and state laws and all other information as may be reasonably required by the Chief of Police. If the applicant is a corporation, the name and address of the president, secretary and registered agent thereof and their addresses shall be given.

Sec. 9-57. Application Fee.

The applicant for an annual permit to be issued by the Town of Addison in accordance with this Article shall submit with the application a non-refundable application fee of One Thousand and no/100 Dollars (\$1,000.00). Such fee shall be paid only upon the initial application for an annual permit or upon re-application after revocation of such permit. No application fee shall be paid upon annual renewals of such permit.

Sec. 9-58.1. Taxicab Franchise Permit and/or License with City of Dallas Required.

No permit shall be issued to an applicant to operate a taxicab within the Town unless said applicant holds a current taxicab franchise with the City of Dallas, and every driver operating in the City employed by such applicant

holds a current, valid taxicab permit or license issued by the City of Dallas. It shall be unlawful and an offense to operate a taxicab within the city limits of the Town of Addison without having secured a franchise, permit and/or license from the City of Dallas prior to such operation. Each and every provision of Chapter 45, as amended, of the Dallas Revised Code of Civil and Criminal Ordinances shall be complied with in order to obtain and to renew the operator's permit to operate in Addison except for the following sections: 45-2.3(b) and (c).

Sec. 9-58.2. Notice to Addison Required of Franchise, Permit or License Revocation, Suspension or Modification by Dallas.

The holder shall notify the Town within forty-eight (48) hours after the revocation, suspension or modification by the City of Dallas of any franchise, permit, license or any other operating authority of the holder or of any driver employed by such holder.

Sec. 9.59. Insurance Required.

(1) It shall be unlawful and an offense, and it is hereby made a requirement, for the holder to operate a taxicab service unless said holder shall maintain in force during the authorized period of its operating authority the amount and character of insurance coverage for all motor vehicles used in the taxicab service as follows: for each taxicab operated in the Town, at least One Hundred Thousand Dollars (\$100,000.00) bodily injury per person, Three Hundred Thousand Dollars (\$300,000.00) injury per occurrence and One Hundred Thousand Dollars (\$100,000.00) property damage.

(2) The insurance must be carried with an insurance company authorized to do business in the State of Texas.

(3) The insurance policy must include a cancellation rider which names Addison as an additional insured under its public liability insurance for the term or successive term of such coverage. In addition, the insurance shall include a cancellation rider under which the insurance company is required to notify the City Manager in writing not less than thirty (30) days prior to such cancellation or before a material change in the policy is made. A change in the liability amounts and coverage is declared to be a material change.

(4) The insurance must provide coverage for all taxicabs operating under the name of the holder whether said taxicabs are owned, leased, hired or contracted, and provide liability coverage for the drivers operating said taxicabs, whether on or off duty.

(5) The insurance policy must contain a provision for a continuing liability thereon for the full amount thereof, notwithstanding any recovery thereon.

(6) The insurance policy required by this article shall be filed with the Chief of Police five (5) working days prior to the time any of the taxicabs operated by the holder may be operated upon City streets.

(7) Prior to the time the holder may operate any taxicab or taxicabs upon the streets of the City, the holder must secure written confirmation from the City that the policy meets the requirements of this section.

Sec. 9-60. Authority to Inspect.

Officers of the Addison Police Department may inspect a taxicab service operating under this Article to determine whether the service complies with this Article or other applicable law and may demand to see the permit or license of such taxicab service to determine if such permit or license is in effect, current and valid.

Sec. 9-61.1. Annual Taxi Permit Required.

No taxicab shall be operated unless it meets all the requirements of the Town's annual taxi permit and the laws of the State of Texas.

Sec. 9-61.2. Administration.

The Chief of Police shall have overall responsibility of administration, enforcement and implementation of this ordinance and for coordination of all departments of the City involved in the application of this ordinance.

Sec. 9-61.3 Permit Fee.

A holder shall pay the City a non-refundable annual operating permit fee of \$150 a year for each taxicab authorized by the permit or an amount stated in the permit. The fee for a temporary permit is that which is stated in the permit. A permit fee is payable in the manner and at the time prescribed by the permit.

Sec. 9.61-4. Temporary Permit; Application; Purposes.

(1) To obtain a permit, a person shall file an application with the Chief of Police. A temporary permit may not exceed 180 days.

(2) The City Council may issue a temporary permit for the purposes of:

(a) providing supplemental services during periods of extraordinary demand; or

(b) to assess the feasibility of new technology or services.

(3) A temporary permit is not renewable.

Sec. 9-61.5. Suspension, Nonissuance or Nonrenewal of Annual Permit.

The following regulations apply to the temporary or annual operating permits.

(a) The Chief of Police may refuse to issue, renew or suspend a permit if he determines that the holder has:

i. failed to comply with any order to comply with this article issued to the holder by the Chief of Police, within the time specified in the order;

ii. intentionally or knowingly impeded the Chief of Police or a law enforcement agency in the performance of their duty or execution of their authority.

iii. failed to comply with this article;

iv. substantially breached the terms of the Dallas franchise or permit;

v. failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the taxicab service; or

vi. failed to pay any fee due under the permit or this article at the time it was due.

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

(c) The Chief of Police shall serve notice of the suspension on the holder by delivery of the notice to the holder's principal place of business.

(d) The notice of suspension shall set forth the grounds for the suspension, the duration, and a statement informing the holder of its rights of appeal.

(e) A holder may appeal the suspension to the City Council in writing within ten (10) days of the date of suspension as stated in the notice of suspension. The filing of the appeal stays the suspension until the Council has acted on the appeal except as follows:

i. If the Chief of Police determines that continued operation by the holder pending the decision of the City Council on the appeal would constitute an immediate threat to the public safety or welfare, the notice of suspension shall so state and the filing of the appeal shall not stay the suspension.

ii. The Chief of Police shall notify the City Manager who shall notify the City Council of such a suspension.

iii. The Chief of Police shall, upon request, hold a hearing on or before the next working day. The holder may testify, present evidence, present witnesses or bring forth any other matter he deems necessary at the hearing.

iv. The sole purpose of such a hearing shall be to determine if the suspension should be stayed pending the appeal.

(f) The Chief of Police may reinstate a suspended permit upon his determination that the deficiency causing the suspension has been corrected by the holder; and he shall so notify the City Manager.

Sec. 9-61.6. Revocation, Nonissuance or Renewal of Annual Permit.

A permit may be revoked or not issued or renewed by the City Council for violation of the terms of the permit, for

violation of this Article or for violation of any provision of the Dallas Taxicab Ordinance as specified in Section 9-58.1.

Sec. 9-61.7. Notice and Hearing on Revocation or Nonrenewal.

The holder of operating authority is entitled to notice and hearing prior to the revocation or nonrenewal of such operating authority.

(1) The hearing on revocation or nonrenewal shall not be held until at least 10 days' notice of the hearing has been given to the holder of the operating authority in question by delivery to the holder's principal place of business. Such notice shall:

(a) specify the time and place of the hearing;
and

(b) list the reasons why the general welfare of the City requires the nonrenewal, revocation or cancellation of such operating authority.

(2) The holder in question shall be allowed:

(a) to be present at such hearing;

(b) to be represented by counsel;

(c) to have full opportunity to disprove any charges and allegations set out against him in the notice.

(3) Such hearing may be conducted by the City Council or any agent, employee or representative designated by it. If conducted by an agent, employee or representative, then upon approval and adoption of the City Council of findings of fact made by the person conducting such hearing, such findings of fact so approved and adopted shall be and become the findings of the City Council. If the findings of fact made after such hearing show that the holder is not a fit and proper person to conduct such business, or is unable to pay in full reasonable claims for damages which might be asserted or for any reason the general welfare of the citizens of the City or the best interest of the City will be served best by such action, then the City Council shall refuse to renew, revoke or cancel the operating authority in question, and there shall be no appeal of any nature from such action.

Sec. 9-61.8. Automatic Suspension for Failure to Pay Fees or for Revocation or Cancellation of Insurance.

Upon failure of any holder to pay any required fees or for revocation or cancellation of the insurance coverage required herein at Sec. 9.59, the operating authority of such holder shall automatically be suspended, and such suspension shall continue and be in full force and effect until all fees then due are paid, or until the Chief of Police is satisfied that the holder has complied with Sec. 9.59 herein in full.

Sec. 9-61.9. Special Provisions of Operating Authority.

This article governs the operation of taxicabs and taxicab service under each form of operating authority. This article, however, is not a limitation on the power of the City Council to incorporate in a grant of operating authority special provisions relating to the operation of the taxicab service. To the extent that a special provision conflicts with this article, the special provision controls.

Sec. 9-61.10. Permit Granted by City Council: Requirements.

(1) An application for a permit must be approved by the City Council in accordance with the provisions of this article. The permit will not be granted unless:

(a) the proposed taxicab service is required by the public convenience and necessity; and

(b) the applicant is fit, willing and able to operate the taxicab service in accordance with requirements of this article, rules and regulations of the City, provisions of the annual operating permit and other applicable law; and

(c) the applicant and the other owners or parties with financial interest in the taxicab service meet the insurance requirements herein provided; and

(d) the applicant is a legal resident of the United States.

Sec. 9-61.11. Dallas Permit to be Displayed.

(1) The taxicab driver's permit issued by the City of Dallas shall be prominently displayed at all times in full view of persons in the back seat of the taxicab being driven by the permittee.

(2) A taxicab driver shall allow the Chief of Police or any peace officer to examine his permit upon request.

Sec. 9-62. Permits Nontransferable without Consent of Town.

No holder of an annual taxicab permit with the Town shall be permitted to assign any right or privilege granted by such annual permit without the express written consent of the Town.

Sec. 9-63. Drivers Lists to be Filed.

On the request of the City Manager or Chief of Police, holders shall file with the Chief of Police a current list of names of drivers and their drivers license numbers for the purpose of investigation of such drivers' criminal histories and driving records.

Sec. 9-64. Enforcement.

(1) Criminal Offenses. Any activity proscribed in this section preceded by the phrase "it shall be unlawful and an offense" is a Class "C" misdemeanor punishable by a fine not to exceed Two Hundred and no/100 Dollars (\$200.00).

(2) Revocation. Any violation of any provision of this article by a permit holder or driver may subject the holder and/or driver to revocation of the permit consistent with the applicable provisions herein.

(3) Injunctive relief. In addition to or in lieu of any applicable fine, cancellation or revocation of the license or permit, the Town of Addison is expressly authorized to bring injunctive or mandatory actions to compel obedience of the provisions contained in this article.

SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or

be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. This ordinance shall take effect on the thirtieth-~~(30th)~~ sixtieth (60th) day from and after its passage and publication of the caption as the law in such cases provides. (Ordinance #086-072).

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 12th day of August, 1986.


MAYOR

ATTEST:


CITY SECRETARY