

ORDINANCE NO. 091-016

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, PROVIDING DEFINITIONS FOR TAXICAB, LIMOUSINE, AND SHUTTLE SERVICES; PROVIDING EXCLUSIONS; PROVIDING FOR PERMITS AND FEES; REQUIRING DALLAS FRANCHISE PERMIT; REQUIRING INSURANCE; REQUIRING ANNUAL ADDISON PERMITS; PROVIDING FOR SUSPENSION, REVOCATION NONISSUANCE OR NONRENEWAL OF ANNUAL PERMIT; PROVIDING FOR NOTICE AND APPEAL; PROVIDING FOR NONTRANSFERABILITY OF PERMIT; PROVIDING FOR RATES OF FARE; PROVIDING FOR NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP; PROHIBITING PARKING ON STREETS AND CRUISING; PROVIDING ENFORCEMENT AND IMPOSING PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Article IX of Chapter 9 to read as follows:

ARTICLE IX. VEHICLES FOR HIRE

DIVISION 1. GENERALLY

Secs. 9-251 - 9-260. Reserved.

DIVISION 2. TAXICABS, LIMOUSINES AND SHUTTLES

Sec. 9-261. Definitions.

As used in this division the following words and terms shall have the meanings respectively ascribed:

(a) "Annual Permit" means permission granted by the City to a Person to Operate a Taxicab, Limousine or Shuttle Service inside the City for a period of one year, renewable under the provisions of this ordinance.

(b) "Chief of Police" means the person designated to be the Chief of the Addison Police Department pursuant to Sec. 2-98 of the Code of Ordinances, Town of Addison, or that person's designee.

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

(d) "City Manager" means that person appointed pursuant to Addison Charter Section 3.01 or his designee.

(e) "Holder" means a Person having Operating Authority to operate a Taxicab, Limousine or Shuttle Service.

(f) "Limousine" means a chauffeured luxury sedan with manufacturer's rated seating capacity of not more than fifteen (15) passengers and that may be used for transportation of Persons on a regular or irregular route and schedule and on a call and demand basis, but not including Taxicabs, car pools, buses, ambulances or Shuttles.

(g) "Limousine Service" means a passenger transportation service Operated for hire by Limousine when a driver is furnished as part of the service and includes, but is not limited to, a facility from which the service is operated, Limousines used in the Operation, and a Person who owns, controls or Operates the service.

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

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

(j) "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.

(k) "Shuttle" means a chauffeured van-type motor vehicle with a manufacturer's rated seating capacity of not less than seven (7) passengers and not more than fifteen (15) passengers and that may be used for transportation of Persons on a regular or irregular route and schedule and on a call and demand basis, but not including Taxicabs, car pools, buses, ambulances or Limousines.

(l) "Shuttle Service" means a passenger transportation Service Operated for hire by Shuttle when a driver is furnished as part of the service and includes but is not limited to, a facility from which the service is Operated, Shuttles used in the Operation, and a Person who owns, controls, or Operates the service.

(m) "Taxicab" means a chauffeured motor vehicle with a rated passenger capacity of eight (8) or less, used to transport Persons for hire that typically operates on regular routes irregular schedules and a call and demand basis, but not including Limousines, car pools, buses, ambulances, or Shuttles.

(n) "Taxicab Service" means a passenger transportation service operated for hire by Taxicab when a driver is furnished as part 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.

Sec. 9-262. Exclusions.

(a) This Division does not apply to:

1. A vehicle which is lawfully transporting a passenger from a point outside the City limits to a destination within the City;
2. A vehicle which, 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;
3. Any transportation or bus system operating on prearranged routes and schedules or timetables;
4. Any regional transportation authority created under Texas statute, its agents or assigns under contract, which provides transportation services to mobility-impaired or otherwise handicapped Persons;
5. A vehicle which is 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;

6. A vehicle which is 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;

7. A vehicle which is used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;

8. A vehicle which is 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;

9. A vehicle which is operated for a funeral home in the performance of funeral services.

10. A Limousine which is lawfully transporting a passenger from a point outside the City limits, which is dropping off or is waiting for such passenger at a location within the City, and which will transport such passenger to a final destination within or outside the City.

Sec. 9-263. Permit Required; Application.

It shall be unlawful and an offense to engage in the business of Operating a Taxicab Service, Limousine Service, or Shuttle Service in the Town without having secured Operating Authority therefor from the Town of Addison. Applications for annual 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 vehicles 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. 9-264. Fees.

(a) 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 Five Hundred and no/100 Dollars (\$500.00). 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.

(b) Street Use Fee. A Holder shall pay the City a nonrefundable annual street use permit fee of twenty dollars (\$20.00) a year for each Taxicab, Limousine and Shuttle, authorized by the permit, however, such fee shall not exceed three thousand dollars (\$3,000.00) per year. 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. 9-265 Conditions and Terms.

A permit is issued under this ordinance:

(a) Is an Annual Permit which expires on December 31, of the year in which application was made regardless of the date of application;

(b) Is effective for a single place of business only;

(c) Vests no property right in the permittee except to Operate a Taxicab Service, Shuttle Service, or Limousine Service within the City in accordance with the terms and conditions of this ordinance; and

(d) Is nontransferable and nonassignable except that in the event of a vehicle being discontinued in service for any reason, the owner of said vehicle may, within thirty (30) days thereafter, apply to the Police Department for a transfer of said permit to another vehicle.

Sec. 9-266. Taxicab, Limousine or Shuttle Franchise Permit and/or License With City of Dallas Required.

No permit shall be issued to an applicant to Operate a Taxicab, Limousine, or Shuttle within the Town unless said applicant holds a current franchise with the City of Dallas, and every driver Operating in the City employed by such applicant holds a current, valid permit or license issued by the City of Dallas. It shall be unlawful and an offense to Operate a Taxicab, Limousine or Shuttle 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. In order to obtain, to maintain and to renew the operator's permit to operate in Addison, the Holder or driver while Operating a Taxicab Service, Limousine Service or Shuttle Service within the Town shall comply with the following provisions of Chapter 45 of the Dallas Revised Code of Civil and Criminal Ordinances: Sections 45-4.1, 45-4.2, 45-4.3, 45-4.5, 45-5.2, 45-5.4, 45-5.5, 45-5.6, 45-5.7, 45-5.8, 45-5.9, 45-7.3, 45-7.4, and 45-7.5.

Sec. 9-267. 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. 9-268. Insurance Required.

(a) It shall be unlawful and an offense, and it is hereby made a requirement, for the Holder to operate a Taxi cab, Limousine or Shuttle 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, Limousine Service or Shuttle Service as follows: for each vehicle 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.

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

(c) 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.

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

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

(f) 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 vehicles Operated by the Holder may be Operated upon City streets.

(g) Prior to the time the Holder may Operate any Taxicab, Limousine or Shuttle 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. 9-269. Authority to Inspect.

Officers of the Addison Police Department may inspect a Taxicab Service, Limousine Service or Shuttle Service Operating under this ordinance to determine whether the Service complies with this ordinance or other applicable law and may demand to see the permit or license of such Taxicab, Limousine or Shuttle Service to determine if such permit or license is in effect, current and valid.

Sec. 9-270. Annual Addison Permit Required; Certificate to be Displayed

No Taxicab, Limousine or Shuttle shall be Operated unless it meets all of the requirements of the Town's Annual Permit and the laws of the State of Texas. It shall be unlawful and an offense for a Person to Operate a Taxicab, Limousine or Shuttle without having displayed thereon and attached thereto on the driver's side of the front windshield a certificate issued by the Town and assigned to that vehicle for the current permit period. Such certificate shall be designed and coded by Town for each year.

Sec. 9-271. 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. 9-272. Temporary Permit; Application; Purposes.

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

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

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

(2) to assess the feasibility of new technology or services;

(c) A temporary permit is not renewable.

Sec. 9-273. Suspension 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:

(1) failed to comply with any order to comply with this ordinance issued to the Holder by the Chief of Police, within the time specified in the order;

(2) intentionally or knowingly impeded the Chief of Police or a law enforcement agency in the performance of their duty or execution of their authority;

(3) failed to comply with this article;

(4) substantially breached within the corporate limits of the Town the terms of the Dallas Revised Code of Civil and Criminal Ordinances which are set out in section 9-266 hereof;

(5) failed to pay City ad valorem taxes on any property of the Holder used directly or indirectly in connection with the Taxicab Service, Limousine Service or Shuttle Service; or

(6) failed to pay any fee due under the permit or this ordinance at the time it was due.

(b) 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.

(c) 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.

(d) 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:

(1) 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.



(2) The Chief of Police shall notify the City Manager who shall notify the City Council of such a suspension.

(3) 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.

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

(e) 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. 9-274. Revocation, Nonissuance or Renewal of Annual Permit.

The following regulations apply to the temporary or Annual Operating permits. The City Council may revoke, refuse to issue or renew a permit if it determines that the Holder has:

(a) failed to comply with any order to comply with this ordinance issued to the Holder by the Chief of Police, within the time specified in the order;

(b) intentionally or knowingly impeded the Chief of Police or a law enforcement agency in the performance of their duty or execution of their authority;

(c) failed to comply with this ordinance;

(d) substantially breached within the corporate limits of the Town the terms of the Dallas Revised Code of Civil and Criminal Ordinances which are set out in section 9-266 hereof;

(e) failed to pay City ad valorem taxes on any property of the Holder used directly or indirectly in connection with the Taxicab Service, Limousine Service or Shuttle Service; or

(f) failed to pay any fee due under the permit or this ordinance at the time it was due.

Sec. 9-275. 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.

(a) 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:

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

(2) list the reasons why the general welfare of the City requires the nonrenewal, revocation or cancellation of such Operating Authority.

(b) The Holder in question shall be allowed:

(1) to be present at such hearing;

(2) to be represented by counsel;

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

(c) 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 the decision of the City Council shall be final.

Sec. 9-276. 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. 9.268, 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. 9.268 herein in full.

Sec. 9-277. Special Provisions of Operating Authority.

This ordinance governs the Operation of Taxicabs Services, Limousines Services, and Shuttle Service under each form of Operating Authority. This ordinance, 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 Services, Limousine Services, and Shuttle Service. To the extent that a special provision conflicts with this ordinance, the special provision controls.

Sec. 9-278. Permit Granted by City Council; Requirements.

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

(a) The proposed Taxicab Services, Limousine Services, or Shuttle service is required by the public convenience and necessity; and

(b) The applicant is fit, willing and able to operate the Taxicab Services, Limousine Services, or Shuttle Service in accordance with requirements of this ordinance, 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 Services, Limousine Services, or Shuttle Service meet the insurance requirements herein provided; and

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

Sec. 9-279. Dallas Permit to be Displayed.

(a) The Taxicab, Limousine or Shuttle 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 vehicle being driven by the permittee.

(b) A Taxicab, Limousine or Shuttle driver shall allow the Chief of Police or any peace officer to examine his permit upon request.

Sec. 9-280. Permits Nontransferable without Consent of Town.

No Holder of an Annual 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. 9-281. 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. 9-282. Rates of Fare.

(a) The Holder is required to file with the City Secretary and the Chief of Police of the Town of Addison the rates of fare to be charged by such Holder in the Town.

(b) It shall be unlawful and an offense for a driver to charge a fare for operating a Taxicab, Limousine or Shuttle in the Town that is inconsistent with the rates on file with the City Secretary and the Chief of Police for the Holder under whose Operating Authority the vehicle is Operated.

Sec. 9-283. Notification of Change of Address or Ownership.

A Holder commits an offense if he:

(a) fails to notify the City within 10 days of a change in the address or telephone number of the Taxicab Service, Limousine, Service, or Shuttle Service; or

(b) changes the form of the business or officers of the corporation of the Taxicab Service, Limousine Service or Shuttle Service, from that originally submitted, without a request to amend the Operating Authority.

Sec. 9-284. Parking on Streets Prohibited.

Except while loading or unloading passengers into and from such Taxicab or Limousine or in an area designated and approved by the City Council as a "Taxi/Limo Stand", it shall be unlawful for the Holder of any permit issued under the terms of this ordinance or the agent, servant, or employee of such permittee to park or leave standing any Taxicab, Limousine or Shuttle on the streets of the City.

Sec. 9-285. Cruising Prohibited.

It shall be unlawful for any driver of any Taxicab, Limousine or Shuttle to drive or cruise about on the streets of

the City seeking passengers who have not theretofore ordered or called for a Taxicab, Limousine or Shuttle.

Sec. 9-286. Enforcement.

(a) 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 Five Hundred and no/100 Dollars (\$500.00).

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

(c) 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 ordinance.

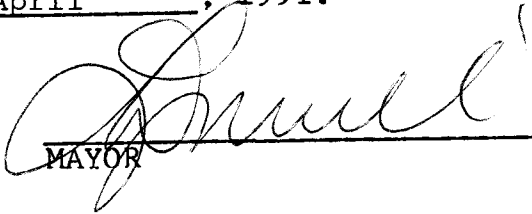
SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

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.

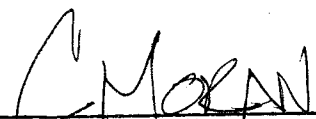
SECTION 4. That Chapter 9, Motor Vehicles and Traffic, of the Code of Ordinances, Town of Addison, Texas, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. This ordinance shall take effect and be in force from and after its adoption as provided by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this 23rd day of April, 1991.

  
MAYOR

ATTEST:

  
CITY SECRETARY

C15-TAXI6

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