

ORDINANCE NO. 2793

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8, ARTICLE II OF THE CODE OF THE CITY OF MESQUITE BY DELETING DIVISIONS 1 THROUGH 7, ENTITLED "TAXICABS" AND REPLACING WITH NEW DIVISIONS 1 THROUGH 5, ENTITLED "VEHICLES FOR HIRE"; THEREBY ESTABLISHING RULES AND REGULATIONS GOVERNING VEHICLES FOR HIRE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, Mesquite's existing Taxicab Ordinance does not address shuttle service regulations; and

WHEREAS, the City of Mesquite has had several inquiries from prospective shuttle service operators about regulations addressing their industry; and

WHEREAS, to adequately protect the citizens of Mesquite an ordinance is needed to regulate shuttle or special service vehicle operations;

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

SECTION 1. That Article II, entitled "Taxicabs", Divisions 1 through 7, of Chapter 8 of the Code of the City of Mesquite is hereby deleted.

SECTION 2. That a new Article II, entitled "Vehicles For Hire", Divisions 1 through 5, of Chapter 8 of the Code of the City of Mesquite is hereby adopted to read as follows:

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ARTICLE II. VEHICLES FOR HIRE

DIVISION I. GENERALLY

Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Annual permit means permission granted by the city to a person to operate a taxicab or special service vehicle service inside the city for a period of one (1) year, renewable under the provisions of this article.

Department means the department designated by the city manager to enforce and administer this article.

Driver means an individual who drives or operates a taxicab or special service vehicle.

Chief of police means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the chief of police.

Holder means a person who is granted an annual permit under this article. If the context in which the term is used applies to operations under a temporary permit or reciprocal agreement the term "holder" includes a person who is granted a temporary permit or reciprocal agreement.

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

Operate means to drive or to be in control of a taxicab or special service vehicle.

Operating authority means an annual permit, temporary permit, or reciprocal agreement granted under this article.

Operator means the driver of a taxicab or special service vehicle, the owner of a taxicab or special service vehicle, or the holder of a taxicab or special service vehicle operating authority.

Owner means the person to whom state license plates for a vehicle were issued.

Person means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two (2) or more persons having a joint or common economic interest.

Reciprocal agreement means an agreement between the city and one (1) or more political subdivisions to provide reciprocal operation of taxicabs or special service vehicles.

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 irregular routes, irregular schedules, and a call and demand basis, but not including limousines, or special service vehicles.

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.

Taxicab stand means a public place reserved exclusively for use by taxicabs.

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

Temporary permit means permission granted by the city to a person to operate a taxicab or special service vehicle service inside the city for a specified period of time less than one (1) year.

Special service vehicle means any vehicle, other than one rented without a driver, or a taxicab or a limousine, or bus operated by or on behalf of the city or school district, used for the transportation of more than four (4) passengers for hire for airport shuttle service, or other such similar excursions, the charges for which is determined by the length of time for which the vehicle is engaged, the distance traveled, a fixed fee or any combination of such methods of determining such charge.

Special service vehicle driver's license means a license issued to an individual by the chief of police authorizing that person to operate a vehicle for hire in the city.

Vehicle for hire means a taxicab or special service vehicle defined by this article.

Sec. 8-27. Statement of policy.

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

Sec. 8-28. General authority and duty of chief of police.

The chief of police shall implement and enforce this article and may by written order establish such rules or regulations, not inconsistent with this article, as he determines are necessary to discharge his duty under, or to effect the policy of this article.

Sec. 8-29. Establishment of rules and regulations.

(a) Before adopting, amending, or abolishing a rule or regulation, the chief of

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police shall hold a public hearing on the proposal.

(b) The chief of police shall fix the time and place of the hearing and in addition to notice required under Article 6252-17, Vernon's Annotated Civil Statutes, shall notify each holder and such other persons as the chief of police determines are interested in the subject matter of the hearing.

(c) After the public hearing the chief of police shall notify the holders and other interested persons of his action and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than ten (10) days. The order becomes effective immediately upon expiration of the posting period.

Sec. 8-30. Authority to inspect.

The chief of police may inspect a vehicle for hire operating under this article to determine whether the service complies with this article, regulations established under this article, or other applicable law.

Sec. 8-31. Enforcement by police department.

Officers of the police department shall assist in the enforcement of this article. A police officer upon observing a violation of this article or the regulations established by the chief of police, shall take necessary enforcement action to insure effective regulation of vehicles for hire.

Sec. 8-32. Correction order.

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

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

(c) The chief of police shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.

Sec. 8-33. Service of notice.

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

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

- (1) A holder must be served by the chief of police on the holder or the holder's designated representative; or
- (2) A driver licensed by the city under Division 2 of this article, must be personally served or sent by certified United States Mail, five-day return receipt requested, to the address, last known to the chief of police, of the person to be notified, or to the designated representative for drivers.

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

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

(e) This section does not apply to notice served under section 8-29 or section 8-45.

Sec. 8-34. Appeal

(a) A holder may appeal a correction order issued under section 8-32 or any other action of the chief of police if an appeal is requested in writing not more than ten (10) days after notice of the order or action is received.

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

(c) The hearing officer may affirm; modify, or reverse all or a part of the order of the chief of police. The decision of the hearing officer is final.

DIVISION 2. LICENSE FOR DRIVER

Sec. 8-35. Required.

(a) A person may not drive a taxicab or special service vehicle inside the city

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unless he has a valid license issued to him under this division, except when authorized in a reciprocal agreement.

(b) A holder may not employ or contract with a driver or otherwise allow a person to drive for hire a taxicab or special service vehicle owned, controlled, or operated by the holder unless the person has a valid special service vehicle driver's license issued to him under this division, except when authorized in a reciprocal agreement.

Sec. 8-36. Qualifications.

(a) To qualify for a special service vehicle driver's license, an applicant must:

- (1) Be at least eighteen (18) years of age;
- (2) Hold the currently required license issued by the State of Texas;
- (3) Not be afflicted with a physical or mental disease or disability that is likely to prevent him or her from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
- (4) Not have been convicted of more than four (4) moving traffic violations arising out of separate transactions, or involved in more than two (2) automobile accidents in which it could be reasonably determined that he or she was at fault, within any twelve (12) month period during the preceding thirty-six (36) months;
- (5) Not have been convicted for a crime directly relating to the duties and responsibilities of the licensee, and which may involve, but is not limited to, murder, theft, burglary, robbery, prostitution, promotion of prostitution, public lewdness, a sexual offense or a drug-related offense, unless five (5) years has elapsed since the date of a conviction, or the date of release from confinement imposed for the conviction, whichever is the later date;
- (6) Not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:
 - a. Within the preceding twelve (12) months; or
 - b. More than one (1) time within the preceding seven (7) years;
- (7) Not be addicted to the use of alcohol or narcotics;
- (8) Be subject to no outstanding warrants of arrest;
- (9) Be sanitary and well-groomed in dress and person;
- (10) Be recommended by a holder; and

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(11) Have successfully completed within the preceding twelve (12) months a defensive driving course approved by the National Safety Council and be able to present proof of completion.

(b) As additional qualifications, the chief of police shall require each new applicant to:

(1) Pass an examination given by the department that tests the applicant's knowledge of:

- a. Traffic laws;
- b. A driver's duties under this article;
- c. Department regulations; and
- d. The geography of the city.

(2) Successfully complete a training course approved by the chief of police which provides three (3) hours of classroom instruction in each of the following areas:

- a. Vehicle for hire rules and regulations;
- b. Geography of the city; and
- c. Use of a map.

(c) When the chief of police has reason to believe that a special service vehicle driver is in need of training in any area described in subsection (b)(2), the chief of police may require the driver to successfully complete a training course approved by the chief of police.

(d) Whenever a new applicant or a special service vehicle driver attends a training course under subsection (b)(2) or (c) of this section, the holder employing or contracting with the applicant or the driver shall pay to the city the cost of the training course.

Sec. 8-37. Acceptance of special service vehicle driver's licenses from other approved agencies.

(a) The chief of police may accept the special service vehicle driver's license issued to a driver by an approved agency in lieu of such driver qualifying under section 8-36 of this article.

(b) Approved licensing agencies are as follows:

- (1) City of Dallas;
- (2) Dallas/Fort Worth International Airport;
- (3) City of Fort Worth.

Sec. 8-38. Application.

To obtain a special service vehicle driver's license or renewal of a special service vehicle driver's license a person must file a completed written application with the

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department on a form provided for the purpose. The chief of police shall require each application to state such information as necessary to determine whether an applicant is qualified.

Sec. 8-39. Investigation of application.

(a) For the purpose of determining qualification under section 8-36(a)(3), the chief of police may require an applicant to submit to a physical examination at the applicant's expense conducted by a licensed physician and to furnish to the chief of police a statement from the physician which certifies that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under section 8-36(a)(3).

(b) The chief of police may conduct such other investigation as he considers necessary to determine whether an applicant for a special service vehicle driver's license is qualified.

Sec. 8-40. Issuance and denial.

(a) If the chief of police determines that an applicant is qualified, he shall issue a license to the applicant.

(b) The chief of police may deny the application for a special service vehicle driver's license if the applicant:

- (1) Is not qualified under section 8-36;
- (2) Refuses to submit to or does not pass a medical or written examination authorized under section 8-39;
- (3) Makes a false statement of a material fact in his application for a special service vehicle driver's license.

(c) If the chief of police determines that a license should be denied the applicant, the chief of police shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal.

Sec. 8-41. Expiration and voidance upon suspension or revocation of state required license.

Except in the case of probationary and provisional licenses, a special service vehicle driver's license expires on the date that the licensee's required state license expires. If a driver's required state license is suspended or revoked by the state, his special service vehicle driver's license automatically becomes void. A driver shall notify the chief of police and the holder for whom he drives within three (3) days of a suspension or revocation of his required state license and shall immediately surrender his special service vehicle driver's license to the chief of police.

Sec. 8-42. Duplicate license.

If a special service vehicle driver's license is lost or destroyed, the chief of police shall issue the licensee a duplicate license upon payment to the city of a duplicate license fee of ten dollars (\$10.00).

Sec. 8-43. Display of license.

A vehicle for hire driver shall at all times conspicuously display his special service vehicle driver's license on the clothing of his upper body, except that when the driver is inside the vehicle for hire, the special service vehicle driver's license may be displayed in a manner and location approved by the chief of police. A vehicle for hire driver shall allow the chief of police or a peace officer to examine his special service vehicle driver's license upon request.

Sec. 8-44. Suspension by designated representative.

(a) If a representative designated by the chief of police to enforce this article determines that a licensee has failed to comply with this article (except section 8-36) or a regulation established under this article, the representative may suspend the special service vehicle driver's license for a period of time not to exceed three (3) days by serving the licensee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of his right of appeal.

(b) A suspension under this section may be appealed to the city manager or his designated representative acting as the appeal hearing officer if the licensee requests an appeal at the time the representative serves notice of suspension. When appeal is requested, the suspension may not take effect until a hearing is provided by the appeal hearing officer.

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

Sec. 8-45. Suspension and revocation.

(a) If the chief of police determines that a driver has failed to comply with this article (except section 8-36) or a regulation established under this article, the chief of police may suspend the special service vehicle driver's license for a definite period of time not to exceed sixty (60) days.

(b) If at any time the chief of police determines that a driver is not qualified under section 8-36, the chief of police shall suspend the special service vehicle driver's license until such time as the chief of police determines that the licensee is qualified.

(c) A driver whose special service vehicle driver's license is suspended shall not drive a vehicle for hire inside the city during the period of suspension.

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(d) The chief of police shall notify the driver in writing of a suspension under this section and include in the notice the reason for the suspension, the date the chief of police orders the suspension to begin, the duration of suspension or if it is under subsection (b), and a statement informing the licensee of his right of appeal. The period of suspension begins on the date specified by the chief of police or, in the case of an appeal, on the date ordered by the appeal hearing officer.

(e) The chief of police may revoke a special service vehicle driver's license if the chief of police determines that the licensee:

- (1) Operated a vehicle for hire inside the city during a period in which his special service vehicle driver's license was suspended;
- (2) Made a false statement of a material fact in his application for a special service vehicle driver's license; or
- (3) Engaged in conduct that constitutes a ground for suspension under subsection (a), and received either a suspension in excess of three (3) days or a conviction for violation of this article, two (2) times within the twelve (12) month period preceding the occurrence of the conduct, or three (3) times within the twenty-four (24) month period preceding the occurrence of the conduct.

(f) A person whose special service vehicle driver's license is revoked shall not:

- (1) Apply for another special service vehicle driver's license before the expiration of twelve (12) months from the date the city manager revokes the license, or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or
- (2) Drive a vehicle for hire inside the city.

(g) The chief of police shall notify the driver in writing of a revocation and include in the notice the reason for the revocation, the date the chief of police orders the revocation, and a statement informing the driver of his right of appeal.

(h) After receipt of notice of suspension or revocation, the driver shall, on the date specified in the notice, discontinue driving a vehicle for hire inside the city and shall surrender his special service vehicle driver's license to the chief of police. However, if the driver appeals the suspension or revocation under this section, the driver may continue to drive a vehicle for hire pending the appeal and shall comply with the decision of the appeal hearing officer.

Sec. 8-46. Appeal from denial, suspension, or revocation.

(a) A person may appeal a denial of a special service vehicle driver's license application, suspension of a special service vehicle driver's license under section 8-45, or the revocation of a special service vehicle driver's license, if he requests an appeal in writing delivered to the city manager or his designated representative not more than ten (10)

business days after notice of the chief of police's action is received.

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

(c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final.

Sec. 8-47. Falsifying of a license.

A person commits an offense if he:

- (1) Forges, alters, or counterfeits a special service vehicle driver's license, badge, sticker, or emblem required by law; or
- (2) Possesses a forged, altered, or counterfeited special service vehicle driver's license, badge, sticker, or emblem required by law.

Sec. 8-48. Current mailing address of driver.

An individual issued a special service vehicle driver's license shall maintain a current mailing address on file with the chief of police. The driver shall notify the chief of police of any change in this mailing address within five (5) business days of the change.

DIVISION 3. HOLDER AND DRIVER REGULATIONS

Sec. 8-49. Duty to comply.

(a) *Holder.* In the operation of a vehicle for hire service a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this article, regulations established under this article, and other law applicable to the operation of a vehicle for hire service.

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

Sec. 8-50. Holder's duty to enforce compliance by drivers.

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

(b) A holder shall not permit a driver who is employed by or contracting with the holder to drive a vehicle for hire if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this article, the rules and regulations established by the chief of police or other applicable law.

Sec. 8-51. Driver as independent contractor.

(a) A holder may contract with a driver on an independent-contractor basis, but only if the contract:

- (1) Provides that the holder shall indemnify the city and hold the city harmless for a claim or cause of action against the city arising from conduct of the driver;
- (2) Provides that the driver is insured under the holder's fleet insurance policy; and
- (3) Imposes a condition that the driver must comply with this article and provides that failure to comply may be considered by the holder as a material breach of the contract.

(b) The form of the contract between a holder and driver must be approved by the chief of police. The chief of police may disapprove a contract form if he determines that the contract is inconsistent with this article, regulations established under this article, or other applicable law. A holder may not use a contract that has been disapproved by the chief of police.

Sec. 8-52. Insurance.

(a) It shall be unlawful for the holder to operate the service unless said holder's service shall maintain in force during the authorized period of its operating authority the amount and character of insurance coverage for all vehicles for hire used in the service as follows:

- (1) a \$300,000.00 per occurrence combined single limit liability policy with a deductible not to exceed \$1,000.00 which shall pay on behalf of the insured named therein and any other person, as insured, using any such special service vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damage arising out of the operation of the vehicle for hire or the ownership, maintenance or use of such vehicle for hire or motor vehicles operated for or on behalf of the holder;
- (2) be carried with an insurance company authorized to do business in the State of Texas;

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before cancelling or making a material change to the insurance poli

- (4) provides that the city is an additional named insured;
- (5) provides coverage for all vehicles for hire operating under the name of the holder whether vehicles for hire are owned, leased, hired, contracted and liability coverage for the drivers operating vehicles for hire, whether on or off duty;
- (6) contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon;
- (7) 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 motor vehicles operated by the vehicle for hire service may be operated upon city streets; and
- (8) prior to the time the vehicle for hire service may operate any motor vehicles upon the streets of the city, the vehicle for hire service must secure written confirmation from the city that the policy meets the requirements of this section.

(b) A holder may be self-insured in the manner prescribed by the Texas Motor Vehicle Safety-Responsibility Act if the chief of police determines that the holder can furnish protection of the same character and amount as if the insurance were carried by an insurance company. In considering authorization of self-insurance, the chief of police shall consider the financial fitness and the past record of management responsibility of the holder and may establish maximum coverage limits for which the holder may self-insure. If at any time, the chief of police determines that a self-insured holder is unable to provide adequate self-insurance, the chief of police by written notice shall order the holder to acquire insurance from an insurance company, and the holder shall comply with the order not more than thirty (30) days after the notice is served.

Sec. 8-53. Apparel to be worn by drivers.

(a) A holder shall specify and require an item of apparel or an item placed on the apparel to be worn by drivers employed by or contracting with the holder, which item must be of such distinctive and uniform design as to readily identify the holder's vehicle for hire service and must bear the name of the holder's vehicle for hire service. The item specified by each holder must be approved by the chief of police to insure that drivers of one (1) holder may be easily distinguished from drivers of another and to insure the neat appearance of drivers.

(b) While on duty, a driver shall wear the item specified by the holder who employs or contracts with the driver and shall comply with such other identification regulations prescribed by the holder's operating authority.

Sec. 8-54. Driver's daily manifest.

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(a) Each holder shall provide its drivers with forms, approved by the chief of police, for maintaining a daily manifest. The form must include appropriate spaces for recording:

- (1) Taxicab or special service vehicle number, driver's name, date, hours of operation, meter number, total miles, paid miles, units, trips, and extras;
- (2) Time, place, origin, and destination of each trip;
- (3) Number of passengers and amount of fare and other charges; and
- (4) Other information required by the chief of police to aid in the discharge of his duties.

(b) Each driver shall complete a manifest on a separate form for each tour of duty. The driver shall provide the information required by the form and shall record the information with regard to trips at the end of each trip. The driver shall return completed manifest forms to the holder once a week unless the chief of police requires that the manifest forms be turned in more frequently.

Sec. 8-55. Holder's records and reports.

(a) The chief of police may require maintenance of certain records which he determines are necessary for monitoring the activities, operation, service, and safety record of a holder. A holder shall make its records available for inspection by the chief of police at reasonable times upon request.

(b) Each holder shall submit to the chief of police such annual and monthly reports concerning its vehicle for hire service as the chief of police determines necessary to evaluate the holder's operations.

DIVISION 4. TAXICABS

4A. PERMIT

Sec. 8-56. Required.

(a) A person may not operate a taxicab service inside the city without operating authority granted under this article, nor may a person transport for hire a passenger inside the city by taxicab unless the person driving the taxicab or another who employs or contracts with the driver has been granted operating authority under this article.

(b) A person shall not engage or hire a taxicab which he knows does not have operating authority from the city.

Sec. 8-57. Transfer.

(a) An annual permit may not be transferred to another unless the holder files

a written application for the transfer in the manner and containing the information prescribed by the chief of police, and the transfer application is approved by the city council.

- (b) A temporary permit or reciprocal agreement is not transferable.

Sec. 8-58. Annual permit granted by city council; service requirements.

(a) Before an annual permit is granted, the application for the annual permit must be approved by the city council. The granting of an annual permit is in the discretion of the city council, but will not be granted unless:

- (1) The proposed taxicab service is required by the public convenience and necessity; and
- (2) The applicant is fit, willing, and able to operate the taxicab service in accordance with the requirements of this article, rules and regulations of the chief of police, provisions of the annual permit, and other applicable law.

- (b) The holder of a permit must provide taxicab service to the entire city.

Sec. 8-59. Application for an annual permit.

To obtain an annual permit, a person shall make application to the city in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed taxicab service. An applicant shall file with the city secretary and the chief of police a written, verified application statement containing the following:

- (1) The form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name, address, social security number, date of birth, and citizenship of each person with a direct interest in the business;
- (2) Name, address, and verified signature of the applicant;
- (3) Documentary evidence from an insurance company, authorized to do business in the state indicating a willingness to provide liability insurance required by this article or be self-insured in the manner prescribed by the Texas Motor Vehicle Safety-Responsibility Act;
- (4) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and
- (5) Such additional information as the chief of police or city council considers necessary to assist or promote the implementation or enforcement of this article or the protection of the public safety.

- (6) A one hundred-fifty dollar (\$150.00) non-refundable application fee shall be attached to the application for all new applicants and permit renewals requiring city council action. Permit renewals issued by the chief of police shall not be required to pay the non-refundable application fee.

Sec. 8-60. Annual permit; investigation of application and approval.

(a) Upon receipt of an application for an annual permit the chief of police shall conduct an investigation and make findings of fact concerning public convenience and necessity and other relevant factors, including, but not limited to:

- (1) The number of taxicabs presently in operation in the city;
- (2) The public transportation needs of the city and the adequacy of existing transportation services, including existing holders, to meet those needs;
- (3) Whether existing holders can render the proposed additional taxicab service more efficiently or effectively than the applicant;
- (4) The effect of the proposed additional taxicab service on traffic conditions, taxicab drivers' working conditions and wages and existing holders and public mass transportation services; and
- (5) The character, experience, and fiscal responsibilities of the applicant.

(b) The applicant for an annual permit has the burden of proving that the public convenience and necessity require the proposed taxicab service and that the applicant is qualified and financially able to provide the service proposed in the application.

(c) Within a reasonable time following the date of application, the chief of police shall report in writing his findings of fact and recommendation to the city manager for transmittal to the city council. The city council shall then consider whether an annual permit should be granted as prescribed by this article.

Sec. 8-61. Grant of permit.

(a) Upon approval of an application for a permit by the city council, the permit will be granted in the manner prescribed by this article, containing such terms or conditions as are included by the city council. Unless the ordinance which granted the permit expressly indicates otherwise, the provisions of this article that apply to a permit or permit holder are deemed to be a part of each permit as if the provisions were expressly included in the ordinance granting the permit.

(b) Upon approval of an application for an annual or temporary permit by the city council and payment of the required permit fee, the chief of police shall promptly issue the permit and incorporate in the permit the duration of the permit and such other terms or conditions as the city council determines are necessary.

Sec. 8-62. Renewal of annual permit.

(a) An annual permit is renewable unless the chief of police notifies the holder, before the renewal date, of his intention to recommend denial of the permit renewal based on his determination that:

- (1) The holder is not in compliance with the permit and applicable provisions of this article, department regulations, and other law; or
- (2) The holder is not fit, willing, nor able to continue to operate the taxicab service in accordance with the permit and applicable provisions of this article, department regulations, and other law; or
- (3) Public convenience and necessity do not require the continued operation of the taxicab service.

(b) A holder desiring a change in the terms or conditions of the permit must file with the chief of police, not fewer than thirty (30) days before the permit expires, a written request stating reasons for the requested changes.

(c) If the chief of police determines that a denial of a permit renewal or material change in the terms or conditions of the permit is required by the public convenience and necessity, or if a holder requests a material change in the terms or conditions of the permit, the chief of police shall submit for consideration by the city council a written report containing his recommendations for denial or his recommendations on the proposed or requested change together with supporting findings of fact. Upon action being taken by the city council, the chief of police shall issue a denial of permit renewal or renew the permit, as directed by the city council. In the case of renewal he shall incorporate such changes as authorized by the city council.

(d) Permit granted, under the terms of this article, that do not have material changes may be renewed by the chief of police on written application by the taxicab service thirty (30) days prior to the expiration of said permit and payment of the permit fee described herein.

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

Sec. 8-63. Amendment; suspension; revocation.

(a) *Amendment.* A permit is amendable under the conditions and in the manner prescribed by this article and the ordinance granting the permit. An annual permit is amendable at any time by the city council.

(b) *Revocation of permit.* A permit is revocable on the grounds and in the manner prescribed by this article.

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

- (1) The city council may suspend or revoke a permit if it determines that the holder has:
 - a. Failed to comply with a correction order issued to the holder by the chief of police, within the time specified in the order;
 - b. Intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;
 - c. Failed to comply with this article;
 - d. Had a final conviction for violation of another city, state, or federal law, which violation reflects unfavorably on the fitness of the holder to perform a public transportation service;
 - e. Substantially breached the terms of the permit;
 - f. Failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the taxicab service; or
 - g. Failed to pay a permit fee at the time it was due.
- (2) A suspension of a permit does not affect the expiration date of the permit.
- (3) After revocation of a permit, a holder is not eligible for a permit for a period of two (2) years.
- (d) *Reinstatement.* After suspension of a permit, a holder may file with the city council a written request for reinstatement of the permit. The chief of police shall inspect the operation of the suspended holder to determine if the deficiency causing the suspension has been corrected by the holder. After inspection, the chief of police shall submit his recommendation together with supporting facts to the city council. The city council may, as it determines is appropriate, reinstate the permit or deny reinstatement.

Sec. 8-64. Permit fees.

(a) A holder of an annual permit shall pay the city an annual permit fee in the amount and manner prescribed by this article.

(b) A holder of an annual permit shall pay the city a permit fee of five hundred dollars (\$500.00) per year. A permit fee is payable in the manner and at the time prescribed by Section 8-61.

Sec. 8-65. 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

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council to incorporate in a grant of operating authority special provisions relating to the operation of the taxicab service under the grant. To the extent that a special provision conflicts with this article, the special provision controls.

Sec. 8-66. Exclusions.

This article does not apply to:

- (1) The transportation of a person by a taxicab licensed by another government entity from a point outside the city to a destination inside the city, if the taxicab leaves the city without receiving a passenger inside the city;
- (2) A taxicab service operated under state or federal authority unless the service is subject to the city's regulatory authority; or
- (3) A motor vehicle used to transport persons for hire that is regulated by another city ordinance.

4B. SERVICE REGULATIONS

Sec. 8-113. City-wide taxicab service required.

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

- (1) Provide taxicab service to the general public to and from any point inside the city that is accessible by public street (this provision does not require a holder to subject a taxicab to mob violence or destruction);
- (2) Answer each call received for service inside the city as soon as practicable and if the service cannot be rendered within a reasonable time, the holder shall inform the caller of the reason for the delay and the approximate time required to answer the call; and
- (3) Maintain a single station for the purpose of receiving calls and dispatching taxicabs that is operational twenty-four (24) hours each day.

Sec. 8-114. Representation of availability of taxicab.

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

Sec. 8-115. Refusal to convey passengers.

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

- (1) The person is disorderly;
- (2) The driver is engaged in answering a previous request for service;

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- (3) The driver has reason to believe that the person is engaged in unlawful conduct; or
- (4) The driver is in fear of his personal safety.

(b) While operating a taxicab, a driver shall not refuse service requested by a radio or other data dispatch when the location for pick up is within a reasonable distance from the location of the taxicab.

Sec. 8-116. Passenger limitations.

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

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

(c) The chief of police may establish rules governing passenger limitations, as illustrated by, but not limited to, cab-sharing, cab-pooling, and numbers of passengers with different destinations.

Sec. 8-117. Carry passengers by direct route.

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

Sec. 8-118. Solicitation of passengers.

A driver may not solicit passengers:

- (1) From a location other than the driver's compartment or the immediate vicinity of his taxicab;
- (2) In a way that annoys or obstructs the movement of pedestrian or vehicular traffic; or
- (3) By paying an employee of another business to solicit passengers for or give preferential treatment in directing passengers to the driver's taxicab.

Sec. 8-119. Regulations for use of taxicab stands.

(a) While using a taxicab stand, a driver shall not:

- (1) Interfere with the orderly progression of taxicabs from the rear to the front of the taxicab stand;
- (2) Perform or allow to be performed repairs or maintenance on a taxicab

while parked on the taxicab stand;

- (3) Assign or sell his position in a taxicab stand to another; or
- (4) Interfere with a taxicab entering a taxicab stand on which there is a vacant space.

(b) A person shall not park a taxicab on a taxicab stand unless the taxicab is for hire.

Sec. 8-120. Conduct of drivers.

A driver shall:

- (1) Conduct himself in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not respond to a radio or data dispatch call assigned to another driver;
- (4) Not consume alcoholic beverage, drugs, or other substance which could adversely affect his ability to drive a motor vehicle;
- (5) Not monitor the radio or data frequency of a taxicab company other than his own nor respond to a call for service dispatched by another company;
- (6) Not possess a radio or data equipment capable of receiving the frequency of a taxicab company other than his own;
- (7) Not interfere with the chief of police in the performance of his duties; and
- (8) Comply with lawful orders of the chief of police issued in the performance of his duties.

Sec. 8-121. Return of passenger's property.

(a) Upon finding property in a taxicab left by a passenger, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall, within a reasonable time, deliver the property to the holder who employs or contracts with the driver.

(b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if know, the date the property was left in the taxicab, the circumstances relating to the loss, and the taxicab number. The holder shall keep the report on file for at least one (1) year and shall hold the property for not less than three (3) months.

Sec. 8-122. Establishment of taxicab stands.

(a) Subject to the approval of the chief of police, the traffic engineer may establish taxicab stands of such character, number, and location as he determines are required by the public convenience and necessity.

(b) A holder desiring the establishment of a taxicab stand must file a written request with the chief of police and the traffic engineer.

Sec. 8-123. Service regulations for business establishments requesting taxicabs for customers.

An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers shall not:

- (1) Solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver's taxicab; or
- (2) Interfere with the orderly progression of taxicabs from the rear to the front of a taxicab stand.

4C. FARES

Sec. 8-124. Rates of fare.

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

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

(c) The city secretary shall maintain on file a current schedule of the rates of fare charged by each holder.

(d) A driver shall not charge a fare for operating a taxicab in the city that is inconsistent with the rates on file with the city secretary for the holder under whose operating authority the taxicab is operated.

(e) Until rates are established, the rates in effect in the City of Dallas shall control.

Sec. 8-125. Display of rate card.

(a) A holder shall provide the driver for each taxicab operating under its authority a printed card or sticker containing the approved rates of fare of the holder. The form and content of the card or sticker are subject to regulation by the chief of police.

(b) While operating a taxicab for hire, a driver shall prominently display the rate card or sticker inside the taxicab in a manner approved by the chief of police so that it can

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be easily read by passengers sitting in the taxicab.

Sec. 8-126. Computation of fares.

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

Sec. 8-127. Design and testing of taximeters; fees.

(a) A taximeter must accurately register in legible figures total miles, paid miles, number of fare units, number of trips, extras, and total fare for a trip. Figures denoting the fare must be illuminated when the meter is activated.

(b) A taximeter must be equipped to indicate whether the taxicab is engaged or vacant and with a tamper-proof system connecting the taximeter to an amber light atop the taxicab that, when lighted is visible from all directions. The system must be designed so that during the time the taximeter is registering a fare, the amber light is automatically illuminated.

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

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

(e) The design of a taximeter is subject to approval by the chief of police to assure that it complies with this section.

(f) A holder shall cause each taximeter in taxicabs operating under its authority to be maintained in good operating condition and to be tested and sealed at least once each year by the chief of police in accordance with state and city weights and measures laws. The chief of police may establish a schedule of regular testing days and times for purposes of this section. The owner of the taxicab shall be responsible for paying the taximeter testing fee.

(g) The owner of a taxicab shall be responsible for presenting the taxicab to the chief of police for taximeter testing according to the schedule established by the department. The chief of police may order the owner or the holder to make the taxicab available for taximeter testing at any time.

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

(1) Not equipped with a taximeter; or

(2) Equipped with a taximeter that has not been tested and approved by

the chief of police within the past twelve (12) months.

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

- (1) The driver of the taxicab;
- (2) The owner of the taxicab;
- (3) The holder under whose authority the taxicab is being operated.

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

Sec. 8-128. Fare collection procedures.

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

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

- (1) The name of the holder under whose authority the taxicab is operated;
- (2) The taxicab number;
- (3) An itemized list of charges;
- (4) The total amount of fare paid;
- (5) The date of payment; and
- (6) The driver's signature.

(c) A holder shall provide each driver operating a taxicab under its authority with printed receipt forms adequate for providing the information required in subsection (b).

4D. VEHICLES; EQUIPMENT

Sec. 8-129. False representation as taxicab.

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

(b) A person may not drive a vehicle in the city that is not a taxicab if the vehicle

is marked, painted, or equipped in a way that is likely to result in mistaking the vehicle for a taxicab.

Sec. 8-130. Vehicle requirements and inspection.

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

(b) The chief of police shall inspect each taxicab, for compliance with this chapter and regulations of the chief of police, before it is placed in service and at other times determined necessary by the chief of police.

(c) A holder, owner, or driver shall make a taxicab available for inspection when ordered by the chief of police.

(d) If a holder, owner, or driver fails to make a taxicab available for inspection or if the chief of police determines that a taxicab is not in compliance with this article or regulations of the chief of police, the chief of police may order the taxicab removed from service until it is made available for inspection and brought into compliance.

(e) If the chief of police determines that inspection of the mechanical condition or safety equipment of a taxicab by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.

(f) When a taxicab is removed from service and placed back in service after fifteen (15) days by the same owner, the owner shall pay to the city twenty-five dollars (\$25.00) for reinspection.

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

(h) The chief of police may accept the vehicle inspections completed by an approved agency in lieu of a taxicab being inspected under this section. Approved inspecting agencies are as follows:

- (1) City of Dallas;
- (2) Dallas/Fort Worth International Airport; and
- (3) City of Fort Worth.

(i) The City of Mesquite shall charge twenty dollars (\$20.00) per year per cab if inspection is made by the City of Mesquite.

Sec. 8-131. Required equipment.

Unless otherwise specified in the operating authority under which a taxicab is

operated or by regulation of the chief of police, and in addition to other equipment required by this article, a holder, owner, or driver shall provide and maintain the following equipment for each taxicab:

- (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity of the taxicab;
- (2) Heater and air conditioner;
- (3) Fire extinguisher of at least one (1) quart capacity in good condition and conveniently located for immediate use;
- (4) Equipment to indicate when a taxicab is operating for hire and when it is not for hire;
- (5) Top light;
- (6) Two-way radio or data equipment on the holder's dispatch frequency;
- (7) Map of the city.

Sec. 8-132. Vehicle color scheme and distinctive markings.

(a) A holder shall develop the design of a color scheme and distinctive markings for taxicabs operating under its authority, and shall submit the design to the chief of police for approval to insure that the design is readily distinguishable from the design used by other holders.

(b) After a design is approved by the chief of police, the holder shall submit to the chief of police a color photograph of a completely equipped taxicab using the approved design.

(c) The holder shall use only the approved design, as depicted in the submitted photograph, for taxicabs operated under its authority unless written approval of a change is obtained from the chief of police.

Sec. 8-133. Required vehicle identification.

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

- (1) The name of the holder's company printed in letters not less than three (3) inches high with one-half inch stroke; and
- (2) The number assigned to each vehicle by the chief of police in characters not less than three (3) inches high with one-half inch. stroke and located so that it is visible from both sides and rear of the taxicab.

Sec. 8-134. Taxicab decals.

(a) The holder, owner, or driver of a taxicab shall obtain a decal, indicating the taxicab's authority to operate, from the chief of police each month, or other period to be determined by the chief of police. A decal must be attached to the front windshield of the taxicab in a manner and location approved by the chief of police.

(b) A person commits an offense if he:

- (1) Operates a taxicab with an expired decal or with no decal affixed to it;
- (2) Attaches a decal to a vehicle not authorized to operate as a taxicab;
- (3) Forges, alters or counterfeits a taxicab decal required by this section; or
- (4) Possesses a forged, altered, or counterfeited taxicab decal required by this section.

(c) A taxicab decal assigned to one (1) vehicle is not transferable to another vehicle without consent of the chief of police.

Sec. 8-135. Off-duty status of taxicabs.

Each taxicab is presumed to be on duty and ready to serve the general public for hire. If a driver is off duty and does not intend to provide taxicab service, he shall comply with the following requirements:

- (1) The driver shall place a sign, to be provided by the holder, in the taxicab indicating the words "off duty" printed in letters not less than three (3) inches in height with a stroke of not less than three-eighths inch. The letters shall be on a backing of sufficient thickness to not easily bend.
- (2) When a driver is off duty, he shall display the sign in an upright position in the front window on the right side of the taxicab so as to be easily seen and read from outside of the taxicab.

Sec. 8-136. Removal of equipment.

Whenever a vehicle is removed from service as a taxicab, the holder, owner, or driver shall remove from the vehicle all taxicab signs, markings, and equipment that would distinguish the vehicle as a taxicab, including, but not limited to, radios, data terminals, top lights, meters, and decals.

DIVISION 5. SPECIAL SERVICE VEHICLES

5A. PERMIT

Sec. 8-137. Required.

A person may not operate a special service vehicle inside the city without operating authority granted under this article, nor may a person transport a passenger for hire inside the city by special service vehicle unless the person operating the special service vehicle or another who employs or contracts with the driver has been granted operating authority under this article, except when authorized by reciprocal agreement.

Sec. 8-138. Transfer.

A special service vehicle permit may not be transferred to another unless the holder files a written application for the transfer in the matter and containing the information prescribed by the chief of police, and the transfer application is approved by the city council.

Sec. 8-139. Annual permit; investigation of application; permit renewal.

(a) Upon receipt of an application and application fee for an annual permit the chief of police shall conduct an investigation and make findings of fact concerning public convenience and necessity and other relevant factors, including but not limited to:

- (1) The financial responsibility of the applicant;
- (2) The character, experience and responsibility of applicant;
- (3) The number, kind, age, and type of equipment and the color scheme to be used by the applicant;
- (4) The probable effect of increased service on local traffic conditions.
- (5) Whether the applicant is fit, able and willing to perform the service on a regular and continuous basis.

(b) The applicant for a permit has the burden of proving that the public convenience and necessity require the proposed special service vehicle and that the applicant is qualified and financially able to provide the service proposed in the application.

(c) Within a reasonable time following the date of application, the chief of police shall report in writing his findings of fact and recommendation to the city manager for transmittal to the city council. The city council shall then consider whether an annual permit should be granted as prescribed by this article.

(d) If the city council determines that a permit is granted, that permit shall be in force and in effect for a term not longer than twelve (12) months from and after the effective date of council authorization, unless sooner termination by reason of default due to a suspension or revocation as provided for under the requirements of this article.

(e) Permit granted under the terms of this article, that has had no material changes may be renewed by the chief of police on written application by the special service vehicle service not less than thirty (30) days prior to the expiration date of said permit and payment of the permit fee described herein.

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(f) City Council may approve a renewal of a permit when there are changes recommended to the original permit either by the chief of police or ho

Sec. 8-140. Annual permit granted by city council.

(a) Before an annual permit is granted, a person shall make applicati city in the manner prescribed by this Section. The applicant must be the person own, control, or operate the proposed special service vehicle. An applicant shall the city secretary and the chief of police a written, verified application statement c the following:

- (1) The form of business of the applicant; if the business is a co or association, a copy of the documents establishing the bus the name, address, social security number, date of birth, and c of each person with a direct interest in the business;
- (2) Name, address, and verified signature of the applicant;
- (3) Documentary evidence from an insurance company, authori business in the state indicating a willingness to provide insurance required by this article or be self-insured in the prescribed by the Texas Motor Vehicle Safety-Responsibilit
- (4) Such additional information as the applicant desires to inclu in the determination whether the requested operating authc be granted; and
- (5) Such additional information as the chief of police or cit considers necessary to assist or promote the implemen enforcement of this article for the protection of the public's
- (6) A one hundred-fifty dollar (\$150.00) non-refundable applic shall be attached to the application.

(b) Granting of an annual permit to a special service vehicle applicant discretion of the city council, but will not be granted unless:

- (1) The proposed special service vehicle is required by th convenience and necessity;
- (2) The applicant is fit, willing, and able to operate the specia vehicle in accordance with the requirements of this article, regulations of the chief of police, provisions of the annual pe other applicable law; and
- (3) The applicant has paid the annual permit fee.

(c) The holder of the annual permit must provide special service vehicl to the entire city.

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Sec. 8-141. Amendment; suspension, revocation.

(a) *Amendment.* A special service vehicle permit is amendable under the conditions and in the manner prescribed by this article. An annual permit is amendable at any time by the city council.

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

- (1) The city council may suspend or revoke a permit if it determines that the holder has:
 - (a) Failed to comply with a correction order issued to the holder by the chief of police, within the time specified in the order;
 - (b) Intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;
 - (c) Failed to comply with this article;
 - (d) Had a final conviction for violation of another city, state, or federal law, which violation reflects unfavorably on the fitness of the holder to perform a public transportation service;
 - (e) Substantially breached the terms of the permit;
 - (f) Failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the shuttle service; or
 - (g) Failed to pay a permit fee at the time it was due.
- (2) A suspension of a permit does not affect the expiration date of the permit.
- (3) After revocation of a permit, a holder is not eligible for a permit for a period of two (2) years.

(d) *Reinstatement.* After suspension of a permit, a holder may file with the city council a written request for reinstatement of the permit. The chief of police shall inspect the operation of the suspended holder to determine if the deficiency causing the suspension has been corrected by the holder. After inspection, the chief of police shall submit his recommendation together with supporting facts to the city council. The city council may, as it determines is appropriate, reinstate the permit or deny reinstatement.

Sec. 8-142. Permit fee.

The special service vehicle service shall pay to the city five hundred dollars (\$500.00)

per year. The permit fee is payable in the manner and at the time prescribed by Section 8-140.

5B. SERVICE REGULATIONS

Sec. 8-143. Refusal to convey passengers.

While operating a special service vehicle a driver shall not refuse to convey a person who requests service unless:

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

Sec. 8-144. Passenger limitations.

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

(b) A driver may not carry at the same time more passengers than the designed seating capacity of the motor vehicle.

(c) The chief of police may establish rules governing passenger limitations.

Sec. 8-145. Carry passengers by direct route.

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

Sec. 8-146. Routes and pick-up areas to be specified.

(a) A granting of a permit does not guarantee the holder the right or authority to use a public or privately owned facility to drop-off or pick-up passengers. The holder must specify any regularly assigned or designated routes or pick-up or drop-off locations. The city council will not approve a permit if there are regularly assigned or designated pick-up or drop-off locations without a letter from the property owner granting this permission. Regularly assigned or designated routes will be specifically authorized by the city council.

(b) Any special service vehicle that is 25,000 gross body weight or more must comply with Chapter 9, Article 8 of the City of Mesquite Code of Ordinances pertaining to commercial vehicles.

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Sec. 8-147. Conduct of drivers.

A driver shall:

- (1) Conduct himself in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not respond to a radio dispatch call assigned to another driver;
- (4) Not consume alcoholic beverage, drugs, or other substance which could adversely affect his ability to drive a motor vehicle;
- (5) Not monitor the radio frequency of another vehicle for hire company other than his own nor respond to a call for service dispatched by another company;
- (6) Not possess a radio equipped to receive the frequency of a vehicle for hire company other than his own; and
- (7) Not interfere with the chief of police in the performance of his duties.

Sec. 8-148. Return of passenger's property.

(a) Upon finding property in a special service vehicle left by a passenger, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall, within a reasonable time, deliver the property to the holder who employs or contracts with the driver.

(b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, the date the property was left in the special service vehicle, the circumstances relating to the loss, and the special service vehicle number. The holder shall keep the report on file for at least one (1) year and shall hold the property for not less than three (3) months.

5C. FARES

Sec. 8-149. Fares.

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

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

(c) The city secretary shall maintain on file a current schedule of the rates of

fare charged by each holder.

(d) A driver shall not charge a fare for operating a special service vehicle in the city that is inconsistent with the rates on file with the city secretary for the holder under whose operating authority the special service vehicle is operated.

(e) Until rates are established, the rates approved that are in effect in the City of Dallas shall control.

SD. VEHICLE REQUIREMENTS

Sec. 8-150. Vehicle requirements and inspections.

(a) The chief of police may by regulation establish requirements for size, age, condition, and accessories of special service vehicles.

(b) The chief of police may accept the vehicle inspections completed by an approved agency in lieu of special service vehicle being inspected under this section. Approved inspecting agencies are as follows:

- (1) City of Dallas
- (2) Dallas/Fort Worth Airport
- (3) City of Fort Worth

(c) If the permit applicant or permit holder is not permitted under the agencies listed in (b) then the following provisions are applicable.

Sec. 8-151. Chief of police inspects.

(a) The chief of police shall inspect each special service vehicle, for compliance with this article and regulations of the chief of police, before it is placed in service and at other times determined necessary by the chief of police.

(b) A holder, owner, or driver shall make a special service vehicle available for inspection when ordered by the chief of police.

(c) If a holder, owner, or driver fails to make a special service vehicle available for inspection or if the chief of police determines that a special service vehicle is not in compliance with this article or regulations of the chief of police, the chief of police may order the special service vehicle removed from service until it is made available for inspection and brought into compliance.

(d) If the chief of police determines that inspection of the mechanical condition or safety equipment of a special service vehicle by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.

(e) When a special service vehicle is removed from service and placed back in service after fifteen (15) days by the same owner, the owner shall pay to the city twenty-five dollars (\$25.00) for reinspection.

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

(g) The City of Mesquite shall charge twenty dollars (\$20.00) per year per vehicle if inspection is made by the City of Mesquite.

Sec. 8-152. Required equipment.

Unless otherwise specified in the operating authority under which a special service vehicle is operated or by regulation of the chief of police, and in addition to other equipment required by this article, a holder, owner, or driver shall provide and maintain the following equipment for each special service vehicle:

- (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity of the special service vehicle;
- (2) Heater and air conditioner;
- (3) Fire extinguisher of at least one (1) quart capacity in good condition and conveniently located for immediate use;
- (4) Communication equipment by mobile phone, data terminals or two-way radio on the holder's dispatch frequency; and
- (5) Map of the city.

Sec. 8-153. Vehicle color scheme and distinctive markings.

(a) A holder shall develop the design of a color scheme and distinctive markings for special service vehicles operating under its authority, and shall submit the design to the chief of police for approval to insure that the design is readily distinguishable from the design used by other holders.

(b) After a design is approved by the chief of police, the holder shall submit to the chief of police a color photograph of a completely equipped special service vehicle using the approved design.

(c) The holder shall use only the approved design, as depicted in the submitted photograph, for special service vehicles operated under its authority unless written approval of a change is obtained from the chief of police.

Sec. 8-154. Required vehicle identification.

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

- 19182616
- (1) The name of the holder's company printed in letters not less than three (3) inches high with one-half inch stroke; and
 - (2) The number assigned to each vehicle by the chief of police in characters not less than three (3) inches high with one-half inch stroke and located so that it is visible from both sides and rear of the special service vehicle.

Sec. 8-155. Special service vehicle decals.

(a) The holder, owner, or driver of a special service vehicle shall obtain a decal, indicating the special service vehicle's authority to operate, from the chief of police each month, or other period to be determined by the chief of police. A decal must be attached to the front windshield of the special service vehicle in a manner and location approved by the chief of police.

(b) A person commits an offense if he:

- (1) Operates a special service vehicle with an expired decal or with no decal affixed to it;
- (2) Attaches a decal to a vehicle not authorized to operate as a special service vehicle;
- (3) Forges, alters, or counterfeits a special service vehicle decal required by this section; or
- (4) Possesses a forged, altered, or counterfeited special service vehicle decal required by this section.

(c) A special service vehicle decal assigned to one (1) vehicle is not transferable to another without consent of the chief of police.

Sec. 8-156. Removal of equipment.

Whenever a vehicle is removed from service as a special service vehicle, the holder, owner, or driver shall remove from the vehicle all special service vehicle signs, markings, decals, and other equipment that may identify the vehicle as a permitted special service vehicle.

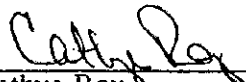
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SECTION 3. That should any paragraph, sentence, subdivision, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any provision hereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 4. That any person, firm, or corporation violating any provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.


SECTION 5. That the present ordinances of the City of Mesquite are not adequate to permit proper development, and in order to protect the public interest, health, comfort, and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of this ordinance, as the law in such cases provides.

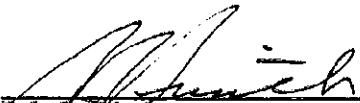
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February, 1992.


Cathye Ray
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney