

ORDINANCE NO. 101

Be it ordained by the City Council of the City of Mesquite, Texas, that for the calendar year of 1954, the City of Mesquite, Texas, contracts with the County of Dallas for this City to furnish fire protection and to answer all fire calls in the area adjoining the corporate limits of this City, as shown on the official fire protection zone map of Dallas County, upon the terms and conditions and for the consideration set forth in the order of the Commissioners' Court of Dallas County, passed the 1st day of February, 1954, a copy of which is attached hereto and made a part hereof.

Be it further ordained that the City Secretary file with the County Fire Marshall of Dallas County, a certified copy of this Ordinance signed by the Mayor of this City.

Passed and approved this the 2 day of March, A.D. 1954.

J. O. Williams
Mayor

ATTEST:

Wm. Thomas G. McHardy
City Secretary

ORDINANCE NO. 102

(Mesquite Taxicab Ordinance)

AN ORDINANCE FOR THE LICENSING AND REGULATING OF AUTOMOBILES FOR HIRE; PROVIDING FOR A PERMIT OR CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE; PRESCRIBING RATES TO BE CHARGED; REQUIRING TAXICAB CHAUFFEUR'S LICENSES FOR DRIVERS OF SUCH AUTOMOBILES; REQUIRING THE FURNISHING OF INSURANCE OR BONDS BY THE OPERATORS OF SUCH CARS; REQUIRING THE FILING OF AN AFFIDAVIT SHOWING THE NAMES AND ADDRESSES OF ALL OWNERS AND PERSONS INTERESTED IN SUCH BUSINESS; REQUIRING SUCH OPERATORS TO HAVE RESIDED IN THE CITY OF MESQUITE FOR AT LEAST SIX MONTHS BEFORE ENGAGING IN SUCH BUSINESS; PROHIBITING THE TRANSPORTATION OF PERSONS FOR THE PURPOSE OF LEWDNESS, ETC.; PROVIDING FOR INSPECTION OF AUTOMOBILES; PROVIDING FOR THE REVOCATION OF LICENSE UNDER CERTAIN CONDITIONS; PROVIDING THAT IF ANY PART OF THIS ORDINANCE IS HELD TO BE NULL AND VOID THEN SUCH HOLDINGS SHALL NOT AFFECT THE OTHER SECTIONS OF THIS ORDINANCE; PROVIDING THAT IF ANY SECTION OF THIS ORDINANCE IS IN CONFLICT WITH

THE STATE LAW, THEN THE SAID STATE LAW SHALL GOVERN;
~~PRESCRIBING THE PENALTY AND DECLARING AN EMERGENCY.~~

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

SECTION 1. That from and after the passage of this Ordinance it shall be unlawful for any person or persons to operate or drive a service car on any of the streets of the City of Mesquite without the operator or driver thereof having a license to so operate as is hereinafter provided.

SECTION 2.

a. At the time of issuance of a permit, the permittee shall pay to the City Secretary the sum of Fifty (\$50.00) Dollars for each taxicab to be operated in the City of Mesquite for a twelve month period ending December 31st; provided that, if such permit is granted for less than the full year, the permittee shall pay to the City an amount prorated according to the number of months for which the permit is issued. Each permittee shall file with the City Secretary a statement in writing under oath signed by him showing the make, model, motor number and state license number of each taxicab. If at any time the holder of a taxicab permit shall desire to use any additional vehicles under the permit he may do so only after he has made application to the City Council for a permit to operate such additional vehicles and has had his application for such permit granted, and he shall furnish to the City Secretary the same information regarding such additional vehicles as is required in this section regarding those covered by the original permit, and shall pay to the City Secretary the fee as herein provided.

b. Each operator of a taxicab business holding a permit shall make and file an affidavit on the tenth day of each month stating under oath the gross receipts received during the preceding month from the operation of each such taxicab. At the expiration of the 31st day of December next following the date of issuance of each permit, all such affidavits will be reviewed and an adjustment will be made by and between the City and the operator of such taxicab so that such operator shall pay to the City a total sum, including the permit fee required by Section 2, equal to two (2%) percent of the gross receipts from the operation of his taxicabs in the City of Mesquite for the period for which said permit was granted.

SECTION 3. That every person who may hereafter require a license to operate an automobile for hire shall file with the City Secretary a written application signed by such applicant and stating:

(a) His name and place of residence, sex, age, customary occupation of the applicant, the character and value of his assets and what portion, if any, of such assets are exempt from forced sale, the liabilities of such applicant and how, if at all, such liabilities are secured and whether any other persons, firms or corporations own any interest in the business and what person, persons, firms or corporations owns any title or interest

in any automobile for which such license is required.

(b) The kind of written insurance which said applicant desires to furnish the City.

(c) If the applicant be a corporation, the name and place of residence of the officers of such corporation; the amount of its capital stock and the amount thereof fully paid-up; the character and value of its assets, its liabilities and the security therefor and such corporation shall file with its said application a duly certified copy of its charter and by-laws, and if it be a foreign corporation, duly certified copy of its permit to do business in Texas.

SECTION 4.

(a) Before the City Secretary shall issue a license under the provisions of this Ordinance, a certificate or permit declaring that the public convenience and necessity require the issuance of such license, shall first be obtained from the City Council of the City of Mesquite, Texas.

(b) Whenever such application is made to the City Secretary under the provisions of this Ordinance, it shall be the duty of said Secretary to immediately submit such application to the City Council and such application shall be considered an application for a certificate of public convenience and necessity, as well as an application for a license to operate such automobile or automobiles, and the City Council shall make or cause to be made investigations, including any hearings deemed desirable as to any applications for such certificates and shall determine whether or not the public convenience and necessity require the operation of such automobile or automobiles and whether or not the applicant is fit to conduct such business and may investigate the fitness of the officers and stockholders of any corporation making such application, and in determining whether or not a certificate should be issued, the City Council shall give weight and due regard to, among other things, (1) probable permanence and quality of the service offered by the applicant; (2) the financial ability and responsibility of the applicant and its organization and personnel; (3) the character of automobiles; (4) the character and location of depots and terminus proposed to be used; and (5) the experience of the applicant in transportation of passengers.

(c) If the City Council finds that the public convenience and necessity require the operation of a greater or lesser number of vehicles than that for which the certificate has been applied for, and that the applicant or owner is fit to conduct the business, and that the other requirements herein have been complied with, it shall notify the applicant of its findings. If it finds that public convenience and necessity do not require the operation of any such automobile or automobiles or that the applicant is not fit to conduct such business it shall forthwith refuse such application and no certificate of license shall issue to such applicant.

If it shall be determined that the public convenience and necessity require the operation of such automobile or automobiles, that applicant is fit to conduct such business and the applicant shall within sixty (60) days thereafter furnish to the City Council, or such person as it may designate, information as to the particular automobile or automobiles for which certificate is granted, such information shall include the make, the State License Number, the length of time the vehicle has been in use, the motor power thereof, the names and addresses of the person or persons from whom the automobile or automobiles were purchased and any other information required by the City Council. If the City Council finds that the applicant is the owner of such automobiles or automobiles and the same be fit and safe for the transportation of passengers and conform to the requirements of this Ordinance and other ordinances of the City of Mesquite, applicable thereto, and to such other requirements that the City Council may make under the authority of this Ordinance, it shall issue or cause to be issued to the applicant the certificate herein provided for.

(d) Such certificate shall not be transferrable without the consent and approval of the City Council, had, after application, notice and hearing, as provided on original application; but the persons to whom the certificate is issued may by appropriate endorsement made thereon, under the direction of the City Council, substitute another vehicle or vehicles in the place of that for which the certificate was granted.

(e) Upon presentation of said certificate within 30 days of its date to the City Secretary, the City of Mesquite, shall issue a license or licenses for the operation of such automobile or automobiles as provided in this Ordinance after the payment of all fees and compliance with other provisions of said Ordinance.

SECTION 5. Before a license shall be issued, the applicant shall pay the license fee required by law and furnish to the City, for each such automobile to be licensed, evidence of the issuance of an insurance policy, or a good and sufficient surety bond as such may be approved by the City Attorney as to form, and approved by the City Council as to sufficiency, and in the amount hereinafter required, and conditioned that the insurance company, or bond, shall well and truly pay to the Mayor of said City, and to his successors in office, for the benefit of any person or persons injured by reason of the negligent operation of such vehicle, any amount or amounts which may be awarded by the final judgment of any court of competent jurisdiction against the owner or operator. All insurance shall be in accordance with statutory limits and acceptable to the City of Mesquite.

The insurance policy or surety bond, with the rider attached, shall be filed in the office of the City Secretary of the City of Mesquite, Texas.

Such insurance policy shall be executed by a solvent insurance company and an action shall survive in case of the death of the person injured for the benefit of the legal

beneficiaries of such person, and that such insurance policy or surety bond shall not be exhausted by the first recovery, but shall be subject to successive recoveries and shall be subject to any alterations for the route or termini of such vehicle as herein provided, during the time which same shall continue in effect. Said insurance policy, or surety bond, shall further provide and operate to the benefit of any person suffering damage to his property through the negligent operation of said vehicle in an amount acceptable to the City of Mesquite.

No insurance company or sureties on a surety bond shall cancel any policy or surety bond as herein provided, unless such insurance company or sureties has satisfactorily settled all claims arising under said policy or bond.

The City shall not be deemed to have assumed any pecuniary responsibility for the solvency of any insurance company or surety bond, or in any manner to have become liable for any sum on account of any such claim, or on account of any act or omission of any officer or officers of the City in connection with any matter relating to such vehicle or vehicles, nor shall the lawful liability of the owner or operator be in any manner either limited or enlarged, by anything in connection with this Ordinance or such permit or insurance policy or bond, but persons having any cause of action secured thereby, shall be authorized to sue upon such insurance policy or bond without impleading the City of Mesquite, Texas.

SECTION 6. All taxicabs operating within the City Limits of the City of Mesquite shall hereafter be equipped with meters which shall register the following:

(a) The mileage traveled from the time a passenger (or passengers) enters a taxicab until said passenger (or passengers) may reach the destination of said passenger (or passengers) or the service of the taxicab is otherwise terminated.

(b) The amount of money which is to be charged for the transporting service plus any waiting time, said amount not to exceed the amounts permitted under the schedule hereinafter set out.

It shall be unlawful hereafter to operate any taxicab within the City Limits of the City of Mesquite without a meter, in working order, which performs the functions hereinabove listed.

The rates charged by taxicabs operating within the City of Mesquite shall not exceed the rates set out in the following schedule:

<u>NUMBER OF PASSENGERS</u>	<u>RATE FOR FIRST ONE-HALF MILE</u>	<u>RATE FOR EACH ADD. ONE-HALF MILE</u>	<u>WAITING TIME CHG.</u>
1-4, both incl.	\$ 0.35	\$ 0.10	\$2.50 per hr.

SECTION 7. That no person shall drive an automobile for hire upon the streets of the City of Mesquite unless such person operating such automobile for hire shall first obtain a taxicab chauffeur's license to be issued by the City of Mesquite. It shall be the duty of each driver of an automobile for hire to apply to the City Council for a taxicab chauffeur's license giving name, age, present address, address and place of employment during the past two years, with the reasons for leaving, whether or not applicant has been convicted of a felony, or if he has a police record. Such applicant shall likewise attach to his application for a taxicab chauffeur's license affidavits from two reputable citizens attesting to the character of the applicant.

(a) That no taxicab chauffeur's license shall be issued to any driver of any automobile for hire until the Police Department shall have taken finger prints and been furnished a photograph of such applicant and such information as the Police Chief may desire.

(b) That after the application for a taxicab chauffeur's license has been granted in accordance with this ordinance, it shall be the duty of the City Secretary to issue a taxicab chauffeur's license to such applicant, which said license shall run for a period of two years from date of issuance. The license, when issued, shall not be transferable; however, it shall be lawful for the holders of such license to use the same license provided he changes employment from one operator or owner of automobiles for hire to another.

(c) That it shall be the duty of the driver of said automobile for hire to have his license, together with his photograph, the size to be prescribed by the Chief of Police, affixed and displayed in the driving compartment of the automobile for hire.

(d) That it shall be unlawful for any owner of an automobile for hire to employ a driver who has not been licensed as a taxicab chauffeur under the provisions of this Ordinance, and that the names of all drivers shall be filed with the City Secretary by the owner or operator.

SECTION 8. Each operator of an automobile for hire shall have plainly painted on each and every car operated by him a sign giving the name, trade name or firm name under which he operates such automobile for hire.

SECTION 9. Each operator shall file with the City Secretary an affidavit disclosing the names and addresses of all owners or persons interested in the business being operated by him, such initial affidavit to be filed when license is granted and an affidavit to be filed immediately upon any change in the ownership of said business.

SECTION 10. Every owner of an automobile, and every driver who desires to operate same as a service car, or as a car for hire, except persons operating bus lines, shall before the commencement of such operations, be a bona fide resident of Mesquite, Texas, and shall have resided in said City for at least six months next preceding the commencement of said operation.

SECTION 11. It shall be unlawful for any person to transport or offer to transport or to aid or assist in transporting directly or indirectly, any person or persons in, on, over or through the streets, alleys or public highways of the City of Mesquite, Texas, by means of automobile or other vehicle for the purpose of lewdness, assignation or prostitution, or for any other unlawful or immoral purpose.

SECTION 12. Any licensed driver or operator who shall be charged with the violation of any city ordinance or state law shall have his license suspended by the Judge of the Corporation Court; provided, that such suspended driver or operator shall have the right to appeal from said suspension to the City Council at their next regular meeting, and the action of said City Council upon said suspension shall in all things be final.

SECTION 13. It shall be the duty of every person owning an automobile being used as a service car to have said automobile inspected every thirty days by the party, parties or corporations to be designated by the City Council, to determine if said automobile is in good mechanical condition and safe for use as a service car. If said automobile is found to be in good mechanical condition and safe for use as a service car, a certificate of inspection will be issued as evidence thereof. No automobile shall be operated as a service car without said certificate of inspection.

And further provided that said certificate of inspection shall be on display at all times in the service car for which said certificate of inspection was issued.

SECTION 14. If any section or part of this Ordinance shall be declared to be null and void by courts of competent jurisdiction of this State, then such holding shall not affect the validity of the other sections or provisions of this Ordinance.

SECTION 15. That if any section of this Ordinance is in conflict with the State law, then the State law shall govern.

SECTION 16. That all Ordinances in direct conflict herewith are hereby expressly repealed.

SECTION 17. Any person violating or failing or refusing to comply with any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100.00. Each and every act constituting a violation of this Ordinance and each failure or refusal to comply

with any provision of this Ordinance shall be a separate offense and shall be punished as such. Each and every charge made, each and every trip made upon the streets of the City answering a call or carrying a passenger by any person who does not have a written license in full force and effect at the time shall constitute a separate offense under this Ordinance.

In addition to the remedies provided above, the City may file in the proper court a suit for injunction and may enjoin the use of the street of the City by any person operating an automobile for hire or operating an automobile carrying passengers when such person or persons at such time does not have a written license in full force and effect procured under the terms and provisions of this Ordinance.

SECTION 18. The fact that the City of Mesquite now has no adequate regulation of service cars and taxicabs creates an emergency and this Ordinance is hereby declared to be an emergency Ordinance and shall take effect immediately upon its passage and approval and publication of the descriptive caption in the official newspaper of Mesquite, Texas.

Passed and approved this, the 2nd day of March, 1954.

J. O. Williams
Mayor

ATTEST:

(7m) Norma S. McLaughly
City Secretary

Amended by Ordinance No. 308.