

ORDINANCE NO. 2014-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS, TEXAS, BY DELETING CHAPTER 25 (TAXICABS) IN ITS ENTIRETY AND ADDING NEW CHAPTER 25, TO PROVIDE FOR UPDATED REGULATIONS, RATES OF FARE, AND PERMIT FEES FOR TAXICAB SERVICE AND TAXICAB DRIVER'S LICENSE; PROVIDING PENALTIES FOR VIOLATION OF ANY OF ITS PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 25 of the Code of Ordinances of the City of Eagle Pass which regulates taxicab service has not been updated in more than twenty years and there is a need for updated regulations in order to provide a better taxicab service to our residents and tourists; and

WHEREAS, the City manager of the City of Eagle Pass is of the opinion that it is in the best interest of the City to effect such change in order to promote orderly development of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS, as follows:

SECTION 1. The Code of Ordinances of the City of Eagle Pass is hereby amended by deleting Chapter 25 in its entirety and new Chapter 25 is hereby adopted to read as follows:

Chapter 25 TAXICABS

Article I. General Provisions

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- Sec. 25-2. Administration and enforcement of chapter.
- Sec. 25-3. General authority and duty of chief of police.
- Sec. 25-4. Establishment of rules and regulations.
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- Sec. 25-18. Annual permit granted by the chief of police; service requirements.
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- Sec. 25-81. Refusal to convey passengers.
- Sec. 25-82. Carry passengers by direct route.
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- Sec. 25-84. Drivers prohibited from soliciting for other businesses.
- Sec. 25-85. Taxicabs not to be used for nonbusiness purposes; exception.
- Sec. 25-86. Unlawful to transport persons to abode of prostitutes, etc.
- Sec. 25-87. Conduct of drivers.
- Sec. 25-88. Only passengers for hire or employees of taxicab service permitted to ride in taxicab.
- Sec. 25-89. Only number of passengers for which taxicab is rated may be carried.
- Sec. 25-90. Additional passengers.
- Sec. 25-91. Establishment of taxicab stands.
- Sec. 25-92. Service regulations for business establishments requesting taxicab for customers.

Article VI. Vehicle and Equipment

- Sec. 25-101. Vehicle inspections.
- Sec. 25-102. Inspection standards.
- Sec. 25-103. No taxicab scheme to conflict with or imitate any other color scheme.

Sec. 25-104. Inspection of vehicles; removal from service if unsafe, unsanitary, improperly operated, etc.

Article VII. Fares

Sec. 25-115. Rates of fare.

Sec. 25-116. Refusal to pay legal fare; hiring taxicabs with intent to defraud.

Sec. 25-117. Disposition of property left in taxicabs.

Sec. 25-118. Fare collection procedures.

Article VIII. Violations, Enforcement, and Penalties.

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Sec. 25-131. Records of breaches of conditions of operating authority to be kept by the chief of police.

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Sec. 25-134. Suspension and revocation of permit/license.

Sec. 25-135. Violation of chapter; constitutionality of provisions.

ARTICLE I. GENERAL PROVISIONS

Sec. 25-1. Statement of policy and purpose.

It is the policy of the City of Eagle Pass to promote adequate and efficient taxicab service in the city. To this end, this chapter provides for the regulation of taxicab rates and service 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. This chapter is intended to regulate those taxicab service businesses established in the City of Eagle Pass and is not intended to regulate those taxicabs incidentally passing through the city.

Sec. 25-2. Administration and enforcement of chapter.

Except as specifically reserved for the city manager in this chapter, other ordinances or in the City Charter, the responsibility for the administration and enforcement of this chapter shall be a function of the chief of police, his authorized representative or any official of the city which he may designate. All authorized representatives, designated officials, standards or policies of the chief of police, as may be provided in this chapter, shall be filed with the city secretary and with copies thereof furnished to each holder.

Sec. 25-3. General authority and duty of chief of police.

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

Sec. 25-4. Establishment of rules and regulations.

- (a) Before adopting, amending or abolishing a rule or regulation, the chief of police shall hold a public hearing on the proposal.
- (b) The chief of police shall determine the time and place of the hearing, and shall notify each holder of a taxicab permit and such other persons as the chief of police determines are interested in the subject matter of the hearing.

Sec. 25-5. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Annual permit. Permission granted by the city to a person to operate a taxicab service inside the city for a period of one (1) calendar year, renewable under the provisions of this chapter.

Chief of police. The person, his authorized representative or his designated representative.

Holder. A person who is granted an annual permit under this chapter.

Operating authority. An annual permit under this chapter.

Passenger. An individual being transported by taxicab other than the driver.

Person. An individual, a partnership, a corporation, a company, an association, or a joint stock association or any other entity owning, driving, controlling, or operating any motor vehicle as defined and regulated herein.

Public cab stand. The city parking lot or a public place alongside the curb or curb line of a street which has been designated by the chief of police as reserved exclusively for the use of taxicabs in accordance with the provisions of this chapter.

Street. The term "street" or "streets" shall mean and include any street, alley, avenue, boulevard, drive, public way or highway commonly used for the purpose of public travel within the incorporated limits of the city.

Taxicab. A chauffeured motor vehicle with a rated passenger capacity of six (6) or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, on a call and demand basis, but not including ambulances, limousines or special service vehicles as regulated by other city ordinances.

Taxicab driver. The term "taxicab driver" shall mean any individual duly licensed by the State of Texas who has registered as a taxicab driver with the city and has received a city chauffeur's license therefrom as required by this chapter, and has been duly employed to drive a taxicab by

the holder of a taxicab permit, or has entered into a written agreement with the holder of a taxicab permit for use of a taxicab in accordance with the requirements of this chapter.

Taxicab service. 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.

ARTICLE II. OPERATING AUTHORITY

Sec. 25-16. Operating authority required.

A person may not operate a taxicab service inside the city without operating authority granted under this chapter, nor may a person transport a passenger for hire 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 chapter.

Sec. 25-17. Transferability of operating authority.

No license or permit issued under the terms of this chapter shall be transferred to any other person, nor shall such license or permit be used for the operation of any vehicle except for the vehicle for which said license or permit is issued.

Sec. 25-18. Annual permit granted by the chief of police; service requirements.

- (a) Before an annual permit is granted, the application for the annual permit must be approved by the chief of police. The granting of an annual permit by the chief of police is contingent upon the applicant meeting all requirements set forth in this chapter and shall 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 chapter, provisions of the annual permit, and other applicable law.
- (b) The holder of an annual permit must provide taxicab service as specified in the permit.

Sec. 25-19. Application for annual taxicab permit.

- (a) To obtain an annual permit, a person shall make application to the chief of police 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 chief of police a written, sworn application 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 and citizenship of each person with a direct interest in the business;
 - (2) Name, address and verified signature of the applicant;
 - (3) Description of any past business experience of the applicant, particularly in providing passenger transportation services; identification and description of any revocation or suspension of a franchise or permit held by the applicant or business before the date of filing the application;
 - (4) Number of vehicles and description of the vehicles the applicant proposes to use in the operation of the taxicab service; and location of the fixed facilities to be used in the operation;
 - (5) Documentary evidence of payment of ad valorem taxes on the property to be used in connection with the operation of the proposed taxicab service;
 - (6) A certified copy of applicant's criminal history record from the Texas Department of Public Safety.
 - (7) Letter of clearance from Eagle Pass Police Dept;
 - (8) A processing non-refundable fee of \$10.00;
 - (9) Such additional information as the city considers necessary to assist or promote public safety and the enforcement of this article.
- (b) Complete applications for an annual taxicab permits shall be filed as of October 1st but no later than December 31st of each year.

Sec. 25-20. 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 concerning relevant factors, including, but not limited to:
- (1) The number of taxicabs designated as per Sec. 25-24;
 - (2) The public transportation needs of the city and the adequacy of existing transportation service;
 - (3) The moral character, experience, and criminal history of the applicant;
 - (4) Compliance of all requirements by applicant;
 - (5) Complaints filed under previous permits
- (b) Upon approval of an application for an annual permit, the chief of police shall promptly issue the permit and an identification number for each taxicab, subject to the applicant meeting the following conditions within 15 days from date of approval:
- (1) Evidence of insurance as required by Sections 25-21 and 25-22 below.
 - (2) Evidence of vehicle inspection by the City Shop Division.
 - (2) Fingerprint card.
 - (3) Payment of the following non-refundable fees:

Permit	\$30.00
Taxicab (each vehicle)	\$30.00

Parking (if using city property)	\$42.00
Vehicle Inspection	\$15.00

- (c) An applicant may appeal a decision by the chief of police denying an annual permit to the city manager by filing a written notice of appeal with the city secretary within ten (10) days of notification of the adverse action.

Sec. 25-21. Public liability and property damage insurance required.

- (a) Before the granting of an annual permit to operate a taxicab service in the city shall become effective, the grantee shall procure and furnish to the chief of police, and thereafter keep in full force and effect, a policy of public liability and property damage insurance to be approved by the chief of police, and issued in the amounts and under the provisions of this article. Every such policy shall insure all the taxicabs owned, leased, contracted for or controlled by the holder of such annual permit and used in such taxicab service for which an annual permit has been authorized. Such policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to property, approximately caused by the negligence of an annual permit holder, his servants or agents. The issuer shall be obligated to pay all final judgments which may be rendered in behalf of the public for loss or damage resulting to persons or property from the negligent operation of any such taxicab.
- (b) Every such policy of insurance shall be issued by an insurance company organized and existing under the laws of the state, or having a permit to do business in the state, and having an agent or attorney for service in the State of Texas.

Sec. 25-22. Insurance Requirements.

- (a) No permit shall be issued under this chapter, nor shall such permit be valid after issuance, nor shall any taxicab service operation be conducted unless there is at all times in force and effect commercial liability insurance meeting the requirements of Texas Law for vehicles for hire (taxicabs) with a minimum personal injury protection endorsement.
- (b) The maximum amount of recovery in a policy of insurance required by this article shall not be less than the State minimum.
- (c) Each policy must contain a cancellation provision or coverage change endorsement that provides 30 days notice to the city before the policy is canceled or materially changed to reduce or restrict the coverage. The notice must be mailed to the Chief of police or designated representative.
- (d) The city must be included as an additional insured on each policy. The permit holder shall be responsible for all premiums and applicable deductibles of such policy.
- (e) All policies shall be approved by the city and shall be issued by an insurance company licensed to do business in the State of Texas.

- (f) Any operator shall indemnify and hold harmless the city from and against all liability arising out of the operator's permitted activities hereunder.

Sec. 25-23. Renewal of annual permit.

- (a) An annual permit may be renewed upon submittal of an application in compliance with Section 25-19 above.
- (b) An annual permit may be approved by the Chief of police in the same manner provided under Section 25-20 above except that preference shall be given to those persons/companies already holding permits.

Sec. 25-24. Number of taxicabs authorized.

The chief of police shall make an annual study and survey concerning the public convenience and necessity as set forth in this chapter and shall prescribe the maximum number of taxicabs authorized for and operated by a holder in order to adequately provide taxicab service within the city limits.

- (1) The public transportation needs of the city and the adequacy of existing transportation service, including existing holders to meet those needs;
- (2) Whether existing holders can render the proposed additional taxicab service more efficiently than the applicant;
- (3) The effect of the proposed additional taxicab service on traffic conditions and existing holders and public mass transportation services.

Sec. 25-25. Substitutions and Replacement of Taxicabs.

Substitutions and replacements of taxicabs are allowed based on emergency situations and upon prior written approval by the Chief of police. All substitutions shall meet all the requirements of this chapter. In no event shall such substitution or replacement be made prior to inclusion of such vehicle in the holder's policy of public liability and property damage insurance as required by this chapter or state law.

ARTICLE III. CHAUFFEUR'S LICENSE

Sec. 25-40. City chauffeur's license required.

In accordance with the terms and provisions of this article, every individual desiring to drive a taxicab in the city, before driving or accepting employment to drive a taxicab, shall apply for and obtain a city chauffeur's license.

Sec. 25-41. Forms; fee; information to be given on city chauffeur's license application.

- (a) Every individual proposing to drive a taxicab under the provisions of this article shall apply for a city chauffeur's license as a taxicab driver to the chief of police, in writing, on forms provided by the chief of police. Every applicant shall furnish oath the following information:
- (1) Name, age, and sex.
 - (2) Height, weight, color of eyes, complexion, and color of hair.
 - (3) Local residence address and telephone number.
 - (4) Name and business address of taxicab annual permit holder to whom the applicant intends to apply for employment as a taxicab driver.
 - (5) Documentary evidence of legal qualification to work in the United States.
 - (6) Experience the applicant has had in driving a taxicab, public transportation for passengers or property.
 - (7) Copy of current Texas Class C driver's license.
 - (8) Letter of clearance from the Eagle Pass Police Department.
 - (9) A certified abstract of driving record ("AOR") from the Texas Department of Public Safety.
 - (10) A certified copy of criminal history record from the Texas Department of Public Safety.
 - (11) Fingerprint card.
 - (12) Certificate executed by a practicing physician in the city showing that the applicant is not afflicted with any disease or disability which would impair his ability to drive and operate a taxicab in a safe manner upon the streets of the city and such certificate shall state specifically the condition of the applicant's hearing and eye sight including, without limitation, color perception.
 - (13) Written waiver authorizing the chief of police or his designated representatives to obtain such information as he may deem necessary in order to verify all information contained in the application, including, but not limited to, the applicant's medical, traffic, criminal and/or employment records.
 - (14) A non-refundable administrative fee of \$10.00, except that if permit holder and chauffeur are same person, this administrative fee shall be waived.
 - (15) Such other information as the City deems necessary to a fair determination of fitness as a driver.
 - (16) Such application must be signed and sworn to before a Notary Public. The submission of any false information on the application may result in denial or revocation of the license.

Sec. 25-42. Authorization to grant application.

Each application for a city chauffeur's license shall be reviewed by the chief of police and he shall act on the application within fifteen (15) days. An applicant may appeal an adverse decision to the city manager by filing a written notice of appeal with the city secretary within ten (10) days of notification of the rejection of his application by the chief of police.

Sec. 25-43. Investigation of applicant, records, etc., to be considered.

The chief of police shall make or cause to be made such investigation of the character, experience and qualifications of the applicant desiring a city chauffeur's license as may be deemed consistent and judicious; and he shall determine whether or not the applicant is fit and qualified to drive and operate a taxicab within the corporate limits of the city in a manner consistent with the welfare of the public. In determining whether the city chauffeur's license should be granted or rejected, the chief of police shall consider any record or driving violations and any record of the applicant for committing sex offenses, narcotic law violations, liquor law violations, offenses involving habitual or chronic use of alcohol, and other crimes involving moral turpitude, and if, in the opinion of the chief of police, such record reflects the present character or propensity to continue such violations, then he may reject the application.

Sec. 25-44. Effective term of license; fee, renewal.

- (a) After applicant is approved, the City shall provide the applicant with a picture identification indicating the bearer is permitted to drive any taxi on the roadways located within the City. A city chauffeur's license shall be good from the date of issuance through December 31st of each year, except for provisions of Section 25-45.
- (b) Upon approval of license, applicant shall pay a non-refundable fee of \$15.00 shall be paid to cover the costs of the picture identification and other services necessary to procure license.
- (c) An annual permit may be renewed upon submittal of an application in compliance with Section 25-41 above.
- (d) An annual permit may be approved by the Chief of police in the same manner provided under Sections 25-42 and 25-43 above except that preference shall be given to those persons already holding a license.

Sec. 25-45. Expiration and voidance upon suspension or revocation of state license.

If a licensee's state driver's license expires, is suspended, or revoked by the state, his city chauffeur's license automatically becomes void. The licensee shall immediately notify the chief of police and the holder for whom he drives of a suspension, expiration or revocation of his license by the State of Texas, and shall immediately surrender his taxicab driver's license to the chief of police.

Sec. 25-46. To be displayed.

While on duty as a driver, every driver shall keep the license posted in the taxicab in a conspicuous place and within view of passengers.

Sec. 25-47. Driver list to be furnished and maintained.

Each holder shall furnish to the chief of police at the time of application for renewal of a permit is made a list of all drivers. Such list shall be kept current at all times by the permit holder informing the chief of police as soon as practicable, in writing, of any new driver, and any driver whose employment has been terminated.

Sec. 25-48. Falsifying of a license.

A person commits a violation if he:

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

ARTICLE IV. HOLDER AND DRIVER REGULATIONS

Sec. 25-60. Permit holder's and driver's duty to comply.

- (a) Permit holder. In the operation of a taxicab service, a permit 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 chapter, regulations established under this chapter, and other law applicable to the operation of a taxicab service.
- (b) Driver. While on duty, a driver shall comply with this chapter, regulations established under this chapter, other law 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 holder's discharging of its duty under its operating authority and this chapter.

Sec. 25-61. Holder's duty to enforce compliance by driver.

- (a) A holder shall establish policy and take action to discourage, prevent or correct violation of this chapter by drivers who are employed or contracted with the holder.
- (b) A holder shall not permit a driver who is employed by or has contracted with the holder to drive a taxicab if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the chief of police, or other applicable law.

Sec. 25-62. Responsible for fitness of drivers employed by them.

Every holder operating a taxicab service in the city shall employ as drivers of taxicabs only persons who are physically and mentally fit and able to operate a motor vehicle for hire. It shall be the full responsibility of the holder to select and employ drivers who are qualified for taxicab service and who are familiar with streets and addresses of the city. The employment of any

driver shall be subject to the driver obtaining a city chauffeur's license. The continued employment by any holder of any person as a driver whose record as a criminal or as a driver of motor vehicles, as reflected by official court and police records, shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver will be taken into consideration by the chief of police when requested to grant or renew any annual permit. Every holder is charged with knowledge of the police and court records of all drivers in the employment of any such holder and is enjoined not to employ or retain employment of any person as a taxicab driver who frequently violates laws governing morals or motor vehicle operations.

Sec. 25-63. Appearance of drivers.

It shall be the responsibility of every holder to require the drivers of each taxicab operating under his annual permit to be neat and clean in appearance while on duty.

Sec. 25-64. Records to be kept by holder; report to be made.

Each holder shall maintain at a single location records of its taxicab business and operations. The following specific requirements are hereby prescribed:

- (a) Accurate records and receipts from operations and other operating information as may be required by the chief of police shall be kept and maintained. Every holder shall maintain the records containing such information and other data required at a place readily accessible for examination at all reasonable times by the chief of police.
- (b) Every holder of a taxicab permit shall submit to the chief of police promptly upon request a report of receipts, expenses and statistics of operation, in accordance with a uniform system approved by the chief of police.
- (c) Each holder shall submit to the chief of police promptly upon request such annual and monthly reports concerning its taxicab service as the chief of police determines necessary to evaluate the holder's operation. A permit holder shall submit reports of gross receipts in the form and at such times as are requested by the chief of police.
- (d) Every holder shall submit to the chief of police or his authorized representative reports on all accidents occurring outside the City of Eagle Pass and arising from or in connection with the operation of taxicab which result in death or injury to any person or in damage to any vehicle or any other property exceeding the sum of two hundred fifty dollars (\$250.00) within twenty-four (24) hours from the time of such occurrence on a form or report prescribed by the city.
- (e) Every holder shall keep complete records of all automobile and other equipment, employees, including drivers, and records of insurance policies as are approved by the chief of police.

Sec. 25-65. All records to be kept two (2) years; records to be available for inspection.

All records and reports, and other data prescribed to be maintained and kept under this article, shall be preserved by the holder in a safe place for at least two (2) years after date, and all such records shall be available for examination and inspection at all reasonable times by the chief of police.

Sec. 25-66. If a permit/license issued pursuant to this article is lost, stolen or damaged to the extent that it is unreadable, a duplicate permit must be obtained at the City's Tax Collector's Office before further operation of the vehicle. A duplicate permit shall be issued by the office of the City's Tax Collector's Office upon written notice of such loss, theft or damage, and payment of a fee of \$5.00 for each replacement permit/license.

ARTICLE V. SERVICE REGULATIONS

Sec. 25-80. City-wide taxicab service required; penalty.

- (a) Except as otherwise provided 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;
 - (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, his agent or employee 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 for service, that is operational eight (8) hours each day and registered with the city, for the purpose of receiving calls and dispatching taxicabs unless otherwise approved by the city.
- (b) No driver shall cruise in his taxicab within the city limits for the purpose of soliciting business and shall, whenever the taxicab is not occupied, proceed at once by the most direct route to the garage where the vehicle is housed or to the nearest taxicab stand.
- (c) Any holder who shall willfully refuse or who shall fail or refuse to give overall service shall be deemed a violator of the provisions of this article, and the permit of such person shall be subject to immediate revocation and cancellation by action of the chief of police.
- (d) Drivers shall not receive or discharge passengers in the roadway of any street, but shall drive to the right-hand sidewalk as nearly as possible, except upon one-way streets where passengers may be received or discharged at either the right-hand or left-hand sidewalk or either side of the roadway in the absence of a sidewalk.

Sec. 25-81. 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;
 - (3) The driver has reason to believe that the person is engaged in unlawful conduct;
and
 - (4) The driver is in fear of his personal safety.
- (b) While operating a taxicab, a driver shall respond to service requested by a radio dispatch when the location for pickup is within a reasonable distance from the location of the taxicab.

Sec. 25-82. Carry passengers by direct route.

All drivers shall carry passengers to their destination by the most direct and expeditious route available unless otherwise directed by the passenger.

Sec. 25-83. Limitations upon solicitations by taxicab drivers.

- (a) No taxicab driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side of the taxicab stand or city public parking lot authorized for stationing of taxicabs.
- (b) No driver of a taxicab shall solicit patronage in a loud and annoying tone of voice or in any manner annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage.
- (c) When any taxicab is at any rail, air or bus depot with the city, it shall be unlawful for the driver or person in charge of such taxicab to leave the same and enter the depot or go upon the sidewalk or private property of any railroad company, airline or bus company for the purpose of soliciting the transportation of any passenger arriving on trains, planes or buses at the depot. Drivers may leave their vehicles when actually necessary in any case of accident or emergency beyond the control of the driver.

Sec. 25-84. Drivers prohibited from soliciting for other businesses.

No driver of a taxicab shall solicit for any hotel, lodging house, tourist court, or rooming place or attempt to direct patronage from one (1) such business to another. No driver shall engage in selling intoxicating liquors, or solicit business for any business firm or individual selling intoxicating liquors.

Sec. 25-85. Taxicabs not to be used for nonbusiness purposes; exception.

It shall be unlawful for the owner of any taxicab to use such vehicle for any purpose other than the transporting of passengers for hire, or for running errands or delivery of packages customary in the taxicab business for hire. In the event the owner of any vehicle licensed as a taxicab under the provisions of this article, during off-duty hours, needs the use of such vehicle in his personal

affairs, a conspicuous sign with the words "Out of Service" shall be displayed in a prominent place on the taxicab. It shall be unlawful for any person, firm, association or corporation to use a vehicle for taxicab purposes while the "Out of Service" sign is so displayed and it shall also be unlawful to use vehicles for any purpose other than taxicab purposes set forth above unless the "Out of Service" sign is displayed as required.

Sec. 25-86. Unlawful to transport persons to abode of prostitutes, etc.

It shall be unlawful for any driver of a taxicab knowingly to transport any passenger to the abode of a prostitute or knowingly to transport any criminal, narcotics peddler, prostitute or bootlegger in the commission of a crime or infraction of the law in any manner, or act in any manner as panderer or pimp for prostitutes, or contract for unlawful establishments of any character.

Sec. 25-87. Conduct of drivers.

(a) While on duty 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 beverages, drugs or other intoxicating substances;
- (5) Not monitor the radio 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 equipped to receive the frequency of a taxicab company, other than his own; and
- (7) Comply with lawful orders of the chief of police issued in the performance of his duties.
- (8) Conduct themselves in a professional manner and shall not participate in any horseplay, joking, or harassing conduct.

Sec. 25-88. Only passengers for hire or employees of taxicab service permitted to ride in taxicab.

No taxicab driver shall permit any person other than a passenger for hire or an employee of the taxicab service by whom the driver is employed to occupy or ride in a taxicab as provided in this article. No taxicab driver or owner shall carry any person in such taxicab while on the streets of the city, unless such person has agreed to pay for the use and hire of such taxicab.

Sec. 25-89. Only number of passengers for which taxicab is rated may be carried.

No driver shall permit more persons to be carried as passengers than the rated seating capacity of the taxicab as approved by the chief of police; but a child in arms shall not be counted as a passenger.

Sec. 25-90. Additional passengers.

Unless the person first employing the taxicab shall consent, no additional passengers shall be picked up or permitted to ride in a taxicab on the same trip.

Sec. 25-91. Establishment of taxicab stands.

- (a) Subject to the approval of the chief of police, there may be established 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.

Sec. 25-92. Service regulations for business establishments requesting taxicab for customers.

No holder or driver shall make any payments to any business, establishments, employees or agents thereof in return for said business establishments, employees or agents giving preferential treatment in directing passengers to the holder's or driver's taxicab. No holders or drivers shall interfere with the orderly progression of taxicabs from the rear to the front of the taxicab stand.

ARTICLE VI. VEHICLE AND EQUIPMENT

Sec. 25-101. Vehicle Inspections.

- a) A holder shall present each taxicab for inspection by the City Shop Division before final issuance of a permit as provided by Sec. 25- 20.
- b) The chief of police shall, by regulations, establish requirements for size, age, condition and accessories to taxicabs as defined by Sec. 25-5.

Sec. 25-102. Inspection standards.

- a) Except as otherwise provided by this chapter, to pass inspection, a vehicle must comply with this section. The inspection shall include all operational and safety systems.
- b) A vehicle must conform to the following:
 - 1) State safety standards.
 - 2) Be equipped with a chemical fire extinguisher of a capacity of one quart or greater and be mounted within the driver's reach.
 - 3) Be equipped with a spare tire, jack, and a lug nut wrench.
 - 4) Be in condition to provide dependable and safe mechanical operation.
 - 5) Be equipped with two-way communication equipment capable of transmitting and receiving vocal communications between the vehicle and the dispatching office of the service.

- 6) Be equipped with air conditioning and heating equipment operating within manufacturer's specifications.
- 7) The interior and exterior of the vehicle must be reasonably clean and in good physical condition.
- 8) Display in the exterior of the vehicle in visible lettering, the following information:
 - A) Taxicab number issued by the city
 - B) The permit holder's name or the registered assumed name of the taxicab service
 - C) Telephone number of the service
- 9) Display in the interior of the vehicle in visible lettering, a card containing the following information:
 - A) Rates of fare to be charged
 - B) Customer's right to request receipt
 - C) Name of taxicab permit holder and telephone number
 - D) Telephone number for complaints, provided by the city

Sec. 25-103. No taxicab scheme to conflict with or imitate any other color scheme.

No taxicab operated under the terms of this article shall bear a color scheme, identifying design, monogram or insignia used on the taxicabs of a holder already operating under this article in such manner as to be misleading or tend to deceive or defraud the public.

Sec. 25-104. Inspection of vehicles; removal from service if unsafe, unsanitary, improperly operated, etc.

Every taxicab shall be inspected periodically and at such intervals as shall be established by the chief of police. No taxicab shall be operated which does not comply with all of the following standards:

- (a) Each taxicab shall conform to all state minimum safety standards and such additional standards as may be promulgated by the chief of police, including, but not limited to, and maintaining within each taxicab operated hereunder a fire extinguisher approved by the chief of police.
- (b) Each taxicab shall be reasonably free of dust, dirt or rubbish, and be otherwise clean and sanitary.
- (c) No part of the body of such taxicab shall be missing or unreasonably bent or unreasonably dented out of shape.
- (d) The exterior and interior paint shall not be unreasonably rusted, flaked or scraped.
- (e) The covering of floors, seats and back and arm rests shall be repaired of all rips, tears and places where wear through the covering materials has occurred.

- (f) Each taxicab shall be operated by drivers who comply with the requirements of this article.

ARTICLE VII. FARES

Sec. 25-115. Rates of fare.

- (a) The fare or charge for responding to or transporting passengers for hire by means of taxicabs, within the city, shall be in lawful currency of the United States of America and at the following rates:
- (1) For responding to each call within the city limits of transporting the first passenger \$7.00
 - (2) For transporting each additional passenger..... \$1.00
- (b) The one-way fare of charge for transporting passengers between the City of Eagle Pass and the City of Piedras Negras, Coahuila, Mexico, by means of the International Bridge connecting said cities, shall be the following:
- (1) Beginning at 8:00 a.m. and ending at 8:00 p.m. from the central business district in the City of Eagle Pass to the central business district of Piedras Negras, twenty dollars (\$20.00) per trip. Any extension of the trip will call for the taxicab operator and clients to negotiate the additional price before the trip is undertaken.
 - (2) From any location in the City of Eagle Pass outside the central business district to the central business district of Piedras Negras, twenty five dollars (\$25.00) per trip, subject to same procedure for extension of trip above.
 - (3) The central business district in the City of Piedras Negras shall be that area described as being enclosed by the Rio Grande River, Calle Dr. Mier, Calle Anahuac and the railroad tracks. The central business district in the City of Eagle Pass is that area shown on the map of the City of Eagle Pass on display in the office of the city secretary, a copy of which is attached hereto and incorporated herein by reference, the same as if fully copied and set forth at length.
- (c) In addition to the foregoing fees and charges, the one-way fare of charge for transporting passengers by means of taxicab from the said central business district of the City of Eagle Pass to the Lucky Eagle Casino and inversely is twenty five dollars (\$25.00) each way.
- (d) In addition to the charges for passengers, there will be a service call charge of one dollar (\$1.00) to answer calls during the day within the limits of the city and a service call charge of one dollar and fifty cents (\$1.50) to answer calls between the hours of 8:00 p.m. to 8:00 a.m. within the city limits.

- (e) A permit holder may charge only rates of fare which have been approved by the city manager. A permit holder may propose a change in rates of fare by filing the proposal with the city secretary for consideration by the city manager. The city secretary shall maintain on file a current schedule of the rates of fare which may be charged by permit holders in the city. It shall be a violation of this provision for a permit holder or driver to charge a fare for operating a taxicab in the city which is inconsistent with the rates on file with the city secretary.
- (f) It should be noted that the city is in no way dictating fees under the city's permit to taxicabs operating from outside the city limits, likewise, the city is not issuing permits for operations not covered under this section. All contractual agreements by clients and taxicabs that do not fall within the aforementioned rates of fare are strictly the domain of the parties.

Sec. 25-116. Refusal to pay legal fare; hiring taxicabs with intent to defraud.

- (a) It shall be unlawful for any person to refuse to pay legal fare of any taxicab after having hired the same and it shall be unlawful for any person to hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.
- (b) Failure to pay legal fare shall be presumptive of intent to defraud.

Sec. 25-117. Disposition of property left in taxicabs.

It shall be the duty of every taxicab to return, without delay, to the owner any luggage, merchandise or other property left in a taxicab. If the owner is not known, the driver shall deliver to the holder, immediately upon the driver's return to the terminal, any property whatsoever left in his taxicab with a complete report as to when it was left in the taxicab and the circumstances relating thereto. Every article so delivered shall be tagged. Such property shall be turned over to the police department within twenty-four (24) hours.

Sec. 25-118. Fare collection procedures.

If required by any passenger, the driver of the taxicab shall deliver to the person paying for the hiring of the same, at the time of such payment, a receipt therefor in a legible type or writing, either by a mechanically printed receipt or by a specifically prepared receipt, containing the name of the owner of the taxicab, the taxicab number, any item of which a charge is made, the total amount paid and the date of payment.

ARTICLE VIII. VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sec. 25-130. Authority to inspect.

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

Sec. 25-131. Records of breaches of conditions of operating authority to be kept by the chief of police.

The chief of police shall establish, maintain and keep a system of records showing, or tending to show complaints or whether the holder has been guilty of a breach of any condition of such operating authority.

Sec. 25-132. Contents.

The records kept by the chief of police as performance records shall include records of charges, convictions, reprimands, warnings and observations of officers and employees of the city having occasion to perform any act or make any report, touching upon the performance record of any holder or employee of such holder. It shall be the duty of every officer and employee of the city having occasion to do any or make any report, or keep any record affecting enforcement of this chapter, to report promptly the facts relating to the performance of any holder, or employee of such holder, showing or tending to show that the holder has been guilty of a breach of any condition of such operating authority, or has failed to comply in any material manner with the terms and stipulations thereof. Every such report to the chief of police shall be dated, signed by the person reporting, and shall give dates, names, material facts and other pertinent data.

Sec. 25-133. Enforcement by police department.

Officers of the police department shall assist in the enforcement of this chapter. A police officer, upon observing a violation of this chapter or the regulations established by the chief of police, shall take necessary enforcement action to ensure effective regulations of taxicab service.

Sec. 25-134. Suspension and revocation of permit/license.

- (a) Suspension and revocation of permit/license. The following apply to the suspension or revocation of an annual permit or license in addition to the penalties assessed for violation of any provision of this chapter provided under this article:
 - (1) The chief of police may suspend or revoke a permit or license if he determines that the holder/licensee 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 impede the chief of police or any other law enforcement agency in the performance of its duty or execution of its authority;
 - c. Failed to comply with any of the provisions of this chapter;

- d. Been finally convicted for violation of any municipal, state or federal law, which violation reflects unfavorably on the fitness of the holder or licensee to perform a public transportation service;
 - e. Breached the terms of the permit or license;
 - g. Three (3) valid complaints have been filed against the holder or licensee of the permit or license regarding the taxicab service within a six-month period.
- (2) A suspension of a permit or license does not affect the expiration date of the permit or license unless such suspension results in revocation of the permit.
- (3) After revocation of a permit or license, a holder or licensee is not eligible for a permit for a period of two (2) years or three (3) years for offenses related to transporting of prostitutes and driving while intoxicated.
- (b) Reinstatement. After suspension of a permit, a holder may file with the chief of police 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 may reinstate the permit or deny reinstatement.

Sec. 25-135. Violation of chapter; constitutionality of provisions.

- (a) It shall be unlawful for any person, either by himself or agent, to knowingly perform any act prohibited by the terms of this chapter or in any way violate the provisions thereof. A separate violation is committed each day in which a violation occurs. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding two hundred dollars (\$200.00).
- (b) Prosecution for a violation under subsection (a) does not prevent the use of other enforcement remedies applicable to the person charged with or the conduct involved in the violation.
- (c) If any section, subsection, paragraph, clause, phrase, word, provision, or portion of this chapter shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this chapter as a whole or any part thereof, other than the portion so held to be invalid.
- (d) A person operating a taxicab service under a permit or a driver holding a valid city chauffeur's permit on the effective date of this chapter shall continue to be considered qualified under this chapter until the expiration of said permit. Before the expiration of said permit, and in no event sooner than thirty (30) days prior thereto, all holders or drivers desiring to continue operation under the terms of this chapter shall apply for the applicable permit as provided herein.

- (e) If a written request for an appeal hearing is filed with the chief of police within the ten-day limit concerning any adverse decision made by the chief of police under this chapter, the city manager shall set a date for the hearing. The city manager shall hear and consider relevant evidence offered by any interested person. The formal rules of evidence do not apply. The city manager shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing. The city manager shall affirm, reverse or modify the action of the chief of police. The decision of the city manager is final as to administrative remedies.

SECTION 2. This Ordinance shall be in full force and effect from and after its final passage and publication thereof, in accordance with the City Charter of the City of Eagle Pass.

READ, PASSED, AND APPROVED ON FIRST READING, on this 18th Day of February, A.D., 2014.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Sifuentes, Hernandez, Davis
NAYS: None
ABSENT: Villalpando

READ, PASSED, AND APPROVED ON SECOND READING, this 4th Day of March, A.D., 2014.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Sifuentes, Hernandez, Villalpando, Davis
NAYS: None
ABSENT: None

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this 18th Day of March, A.D., 2014.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Sifuentes, Hernandez, Villalpando, Davis
NAYS: None
ABSENT: None

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney