

ORDINANCE NO. 2015-09

AN ORDINANCE AMENDING CHAPTER 118 OF THE CODE OF ORDINANCES, CITY OF PORT NECHES, TEXAS, BY ADDING ARTICLE III. WHICH ESTABLISHES REGULATIONS REGARDING TAXICABS

WHEREAS, the City Council of the City of Port Neches finds that it is in the best interests of the citizens of the City of Port Neches to amend Chapter 118 of the Code of Ordinances to establish regulations regarding Taxicabs.

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

SECTION I.

That Chapter 118 of the Code of Ordinances of the City of Port Neches be amended by adding Article III. Taxicabs to read as more fully set forth in Exhibit "A," attached hereto and incorporated herein for all purposes.

SECTION II. REPEALING CLAUSE:

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION III: SEVERABILITY CLAUSE:

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this Ordinance and, to such end, the various portions and provisions of this Ordinance are declared to be severable.

SECTION IV: EFFECTIVE DATE AND PUBLICATION:

This Ordinance shall become effective after its approval, adoption and publication pursuant to law.

PASSED AND APPROVED by the City Council of the City of Port Neches, Texas, at a regular meeting this, the 6th day of August, A.D., 2015.

Glenn Johnson, Mayor
City of Port Neches, Texas

ATTEST:

Jamie Mendoza, City Secretary
City of Port Neches, Texas

APPROVED AS TO FORM:

Pete Steele, City Attorney
City of Port Neches

ARTICLE III. - TAXICABS

DIVISION 1. - GENERALLY

Sec. 118-185. - 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:

Person means any individual or entity or combination thereof engaged in the Taxicab business.

Taxicab means a motor vehicle which is self-propelled and classified as an automobile in the issuance of a license by the state department of transportation and is rented for hire by any person, whereby the vehicle is operated on the streets of the city, by the owner or his designated agent and not the person hiring the vehicle.

Taxicab business means the business of operating a Taxicab within the city.

Taxicab company means any person engaged in the Taxicab business.

Sec. 118-185. - Interpretation of article.

Nothing in this article shall be construed to in any way affect the right of the City to set reasonable rates that a Taxicab company may charge for its services or to prevent the City, or its duly authorized agents, assigns or licensees, from engaging in any form of public transportation.

Sec. 118-186. – Violations.

Any person who conducts a Taxicab business without a valid permit as required by this article or who fails to have all vehicles used by him as a Taxicab lettered and painted as provided in Section 118-203 (3) or who uses or employs as a driver of any Taxicab owned by him any person who does not have a valid permit from the City to drive a Taxicab. Any person who violates any section of this article shall be guilty of a misdemeanor.

Secs. 118-187—118-199. - Reserved.

DIVISION 2. - PERMITS

Sec. 118-200. - Required.

No person shall engage in the Taxicab business on the streets of the City without a current permit for such business issued by the City Secretary.

No person shall engage in the Taxicab business on the streets of the City unless a current permit for the Taxicab has been issued for each such vehicle by the City Secretary.

No person shall engage in the Taxicab business on the streets of the City with any Taxicab owned or used in connection with the business of the permittee unless there is a current permit for the Taxicab driver to drive or operate on the public streets

Sec. 118-201. - Application; fee.

Every person desiring to engage in the Taxicab business in the City shall make application in writing, on a form provided for that purpose, to the City Secretary, for a permit to engage in the Taxicab business and for a permit for each motor vehicle proposed to be operated, and such application shall contain the name, address, telephone number, the equipment operated, all of the owners of the Taxicab business, the identification number, year and make of the motor vehicle, and the current license number of the vehicle, along with other pertinent information requested by the City Secretary. Every application shall be sworn to by the applicant and notarized, and accompanied by a permit fee in the sum of \$25.00 for each Taxicab proposed to be operated by the applicant.

Every person driving or operating a Taxicab in the City shall make application in writing, on a form provided for that purpose, to the City Secretary, for a permit to drive or operate a Taxicab and such application shall contain name, home address, telephone number, Texas driver's license number, and other pertinent information required by the City. Every application when filed shall be sworn to by the applicant and notarized and accompanied by a permit fee in the sum of \$25.00.

Sec. 118-202. - Term.

A permit issued pursuant to the provisions of this division shall expire on December 31 of the calendar year in which it is issued.

Sec. 118-203. - Insurance, vehicle standards and other conditions for issuance.

The City Secretary shall issue a permit to engage in the Taxicab business to all applicants complying with the provisions of this article and shall issue a permit to all Taxicabs of such applicants so complying. No permit authorizing the operation of a Taxicab business and no permit authorizing the operation of a Taxicab on the streets of the City shall be issued unless:

- (1) every Taxicab proposed to be used by the applicant complies with legal standards as established by applicable Texas and federal laws .
- (2) Every holder of a permit granted under the terms of this division shall keep painted in fast colors, contrasting with the color of the vehicle, on each side of each and every

vehicle used by him as a Taxicab, the words: "Taxi", "Permit No.; #rule", filling the blank with the figures denoting the serial number of his permit. The letters and figures shall be not less than five inches in height and in readily and easily legible font. If the information is not readily and easily legible, and if the permit holder fails to change or alter same within 10 days after notification by a city official or police officer, the permit issued under this Article may be revoked by the City Secretary.

(3) the applicant shall procure, and keep in full force and effect, a policy or policies of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State and in the standard form approved by the Texas Department of Insurance or its successor, with the insured provision of such policy and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a Taxicab of such company and providing that the coverage on each Taxicab shall not be less than the following sums:

- a. For damages arising out of bodily injury to or death of one person in any one accident, \$200,000.00.
- b. For damages arising out of bodily injury to or death of two or more persons in any one accident, \$500,000.00.
- c. For injury to or destruction of property in any one accident, \$100,000.00.

Sec. 118-204. - Transfer.

No permit issued pursuant to the provisions of this division shall be transferable.

Sec. 118-205. - Suspension.

In the interest of the public welfare and the health and safety of the people, if the Chief of Police determines that any permit holder under the terms of this article is in violation of the terms of this article, he may suspend the permit by written order stating the reasons for same. The suspension shall terminate when the reasons for such suspension have been corrected. The permit holder may appeal the suspension to the City Council within ten (10) days of notification to the permit holder that the permit has been suspended. Upon a Public Hearing, the City Council may, upon evidence produced at the hearing, affirm the action of the Chief of Police or reinstate the permit. The decision of the City Council shall be final.