

ORDINANCE NO. 20070419-017

AN ORDINANCE FOR SECOND READING AWARDING A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS; AND WAIVING THE REQUIREMENTS OF SECTION 13-2-309(B) OF THE CITY CODE RELATING TO THE MAXIMUM NUMBER OF PERMITS THAT MAY BE ALLOCATED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. WAIVER.

The city council waives Section 13-2-309(B) (*Granting of Taxicab Franchise Under Certain Circumstances*) of the City Code, which limits the maximum number of permits that may be allocated to a franchise to 50.

PART 2. FRANCHISE GRANT.

The city council awarding a franchise to operate a taxicab business on the streets, alleys, and public ways in the City of Austin to _____ (“franchise holder”) for a five-year period.

PART 3. FLEET SIZE.

The franchise holder must maintain an active fleet of at least 25 and not more than 55 taxicabs. This taxicab allocation may be amended during the course of the franchise.

PART 4. COMPLIANCE WITH CITY CODE.

The franchise holder shall comply with the provisions of the City Code relating to ground transportation services and all amendments to those provisions during the period of the taxicab franchise.

PART 5. MAINTENANCE OF RECORDS.

The franchise holder shall maintain complete records of all dispatched calls, all expenses incurred in connection with the operation of the taxicab service business, and all revenues derived from the taxicab business.

PART 6. INSPECTION OF RECORDS.

The franchise holder shall permit the Public Works Department to inspect all records of this franchise in accordance with Section 13-2-306(D) (*Recordkeeping Requirements*) of the City Code.

PART 7. TAXICAB OWNERSHIP, LEASE, OR CONTROL.

The franchise holder shall own, lease, or contract for control of each taxicab used in the taxicab franchise.

PART 8. ANNUAL FRANCHISE PERMIT FEE.

The franchise holder shall pay an annual franchise permit fee of \$400 for each vehicle authorized in this franchise to the City of Austin at the office of the Director of the Public Works Department. This fee may be amended by the city council during the effective period of the franchise.

PART 9. SUSPENSION.

- (A) The city manager may suspend this franchise upon a determination that the franchise holder has:
 - (1) substantially breached the terms of this franchise;
 - (2) failed to comply with the provisions of the City Code relating to ground transportation services, as amended;
 - (3) become delinquent in the payment of any fees or charges required by law in connection, directly or indirectly, with the operation of the franchise holder's taxicab business;
 - (4) failed to comply with a correction order issued to the franchise holder within the time specified in the order; or
 - (5) intentionally or knowingly impeded the city manager or a law enforcement agency in the performance of their duties.
- (B) If the city manager suspends this franchise, the franchise holder may submit a written request to the city manager requesting reinstatement of the franchise, stating the grounds supporting a reinstatement. After receipt of a request for reinstatement, the city manager shall inspect the suspended franchise holder's operation to determine whether the franchise holder has corrected the

deficiency that is the basis of the suspension. The city manager may approve or deny reinstatement after the inspection.

- (C) If the city manager denies reinstatement of the franchise, the franchise holder may file an appeal of the city manager's decision with the city clerk not later than the 14th day after notice of the denial. The city clerk shall place the appeal on the next city council agenda.

PART 10. FORFEITURE.

- (A) The franchise is subject to forfeiture if:
- (1) the franchise holder is convicted of a violation of a provision of the City Code relating to ground transportation services during the period of the taxicab franchise;
 - (2) it is shown that the taxicab franchise holder has substantially breached the terms of this franchise; or
 - (3) the franchise holder fails to pay an outstanding final judgment against the franchise holder that arises out of circumstances related to ground transportation service.
- (B) On receipt of a report from the city manager that probable cause exists for the cancellation and forfeiture of the franchise, the city council shall hold a hearing, after a 30-day notice to the franchise holder, to determine if cause exists to cancel the franchise. If the city council finds at the hearing that cause exists to cancel the franchise, it may cancel the franchise after the hearing.

PART 11. FRANCHISE CONDITIONS

The franchise holder shall, no later than [10 days before the effective date of this ordinance], provide the following to the Public Works Department:

- (A) proof of insurance as required by Section 13-2-34 (*Insurance Required*) of the City Code;
- (B) demonstration of ability to receive calls for service at franchise holder's dispatch facility;
- (C) demonstration of ability to dispatch calls and communicate with franchise holder's taxicabs at franchise holder's dispatch facility; and
- (D) demonstration that each authorized franchise permit is assigned to a vehicle meeting the standards described in Chapter 13-2, Article 3, Division 5 (*Vehicles and Equipment*) of the City Code.

PART 12. FRANCHISE ACCEPTANCE.

The franchise holder shall file its written acceptance of the terms of this ordinance with the city clerk not later than the (60th day after the city council's adoption of this ordinance).

PART 13. EFFECTIVE DATE.

This ordinance becomes effective on the (61st day after the city council's adoption of this ordinance), unless the franchise holder fails to meet all requirements in Part 11 (*Franchise Conditions*) or fails to file its written acceptance of this ordinance as required by Part 12 (*Franchise Acceptance*). If the franchise holder fails to meet the requirements or fails to file the written acceptance, this ordinance is void.

PASSED AND APPROVED

_____ April 19 _____, 2007	§ § § _____	_____ Will Wynn Mayor
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APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk