

ORDINANCE NO 20070405-013

AN ORDINANCE AMENDING SECTIONS 13-2-302, 13-2-303, 13-2-304, 13-2-308 AND 13-2-324 OF THE CITY CODE RELATING TO TAXICAB FRANCHISES AND FRANCHISE PERMITS

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

PART 1 Section 13-2-302 (*City Council Approval Required General Standards*) of the City Code is amend to read

§3-2-302 CITY COUNCIL APPROVAL REQUIRED, GENERAL STANDARDS, FRANCHISE PERMIT TRANSFER

- (A) A taxicab franchise may be granted, renewed, extended, amended or transferred only with council approval. The following conditions apply to a taxicab franchise
- (1) the applicant must be able to operate the taxicab service in accordance with the requirements of this chapter, rules of the department, orders issued under this chapter, provisions of the taxicab franchise, and other applicable law,
 - (2) the applicant must demonstrate the public necessity and convenience for the taxicab franchise, and
 - (3) the applicant must agree to provide taxicab service throughout the city
- (B) A taxicab franchise permit may be transferred from one taxicab franchise holder to another only with council approval. A taxicab franchise holder that holds 60 percent or more of the City's franchise permits is ineligible to receive a transfer of permits. After a transfer of franchise permits, the taxicab franchise holder that receives the franchise permits may not hold more than 60 percent of the City's franchise permits.

PART 2 Section 13-2-303(A) (*Franchise Application Required*) of the City Code is amended to read

- (A) A person must submit a written application to the council to grant, renew, extend, amend, or transfer a taxicab franchise or to transfer a franchise

permit The applicant must file an original and three copies of the application with the city clerk

PART 3 Section 13-2-304(A) (*Recommendation on Franchise Application*) of the City Code is amended to read

- (A) The city manager shall recommend to the council that the council grant or deny the taxicab franchise application. In evaluating a taxicab franchise application, the city manager may consider the following
- (1) the service proposed,
 - (2) the number, kinds, and types of equipment to be used by the applicant,
 - (3) whether the applicant has demonstrated the public necessity and convenience for the taxicab franchise,
 - (4) the effect of the proposed taxicab service on existing taxicab services,
 - (5) the applicant's financial ability to provide the proposed service,
 - (6) the ground transportation service experience of an applicant and of any partner or person having an interest in the business if a partnership, and all officers, directors, and majority stock holders if a corporation,
 - (7) convictions, if any, of applicants, their officers, shareholders, or partners, for misdemeanor or felony crimes that directly relate to the duties and responsibilities of operating a taxicab business,
 - (8) whether a holder has continued to employ, contract with, or sponsor an individual that is not a safe and reliable driver as reflected by the official Texas Department of Public Safety records, other applicable traffic enforcement agency records, if applicable, or by the individual's criminal record, ~~and~~
 - (9) whether ~~that~~ a previous operating authority or taxicab franchise has been revoked, and
 - (10) for the transfer of a franchise permit, the requirements of Section 13-2-302(B) (City Council Approval Required, General Standards, Franchise Permit Transfer)

PART 4 Section 13-2-308(B) (*Granting of Taxicab Franchise Through Annual Reservation of Franchise Permits*) of the City Code is amended to read

- (B) The department shall hold the franchise permits reserved under Subsection (A) until ~~[not less than]~~ 50 franchise permits are held in reserve Upon the reservation of 50 franchise permits, the department shall publish a notice in a newspaper of general circulation in the city of the availability of 50 franchise permits for a new taxicab franchise

PART 5 Section 13-2-324(A) (*Allocation of Additional Franchise Permits*) of the City Code is amended to read

- (A) If the department determines that an increase in the number of franchise permits is necessary under Section 13-2-322 (*Calculation of Necessary Franchise Permits*), the department shall allocate ~~[an equal number of]~~ the additional franchise permits to each eligible franchise holder~~[-]~~ as follows

(1) A franchise holder who holds 60 percent or more of the City's franchise permits is not eligible to receive additional franchise permits, unless

(a) the department has published a notice of the availability of franchise permits for a new taxicab franchise in accordance with Section 13-2-308 (*Granting Of Taxicab Franchise Through Annual Reservation Of Franchise Permits*),

(b) no applicant who meets the requirements of this chapter applies for a new franchise within 30 days of the date of publication, and

(c) the franchise holder is eligible under Section 13-2-325 (*Eligibility For Additional Franchise Permits*) and request the permits in accordance with Section 13-2-326 (*Request For Additional Franchise Permits*)

(2) The franchise holders who are eligible to receive additional permits and who request the permits shall each receive an equal number of the additional franchise permits, and

(3) If no franchise holder is eligible to receive additional franchise permits or if no franchise holder requests additional franchise permits then the additional permits shall be reserved for allocation to future franchise applicants

PART 6 This ordinance takes effect on April 16, 2007

PASSED AND APPROVED

____ April 5 _____, 2007

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Will Wynn
Mayor

APPROVED



David Allan Smith
City Attorney

ATTEST



Shirley A. Gentry
City Clerk