

An Ordinance.

66 An ordinance to define the term "Jitney"; to license and regulate the operation of jitneys on the streets and public places of the City of Austin; and prescribing penalties for the violation thereof.

Be it ordained by the City Council of the City of Austin:

Section 1. The term "Jitney", as used in this ordinance shall mean and include any automobile or motor vehicle, except such motor vehicle as may be run upon a fixed track or rails, engaged within the limits of the City of Austin in the business of carrying passengers for hire, or the <sup>operators</sup> ~~operator~~ which receives voluntary contributions for such carriage, between definite termini, stations, or places, or which pretends or offers to operate between definite termini, stations or places along the streets and public places of the City of Austin, or which is operated for the purpose of affording a means of local street transportation by indiscriminately accepting and discharging such persons as may offer themselves for transportation along the way or course on which it is used or operated or may be running, or which is held out or announced by sign, voice, writing, device or advertisement to operate or run, or which is intended to operate or run over a regular route and on regular schedule over such streets and public places; provided, that only for the purposes of this definition such automobile or motor vehicle shall be considered as running over a regular route and on regular schedule if it so runs for any day or fraction thereof, without regard as to whether the route or schedule is changed from time to time. But motor vehicles used as sightseeing cars, hotel busses, livery automobiles, taxi-cabs, or for other like purposes, and which have regular stands or places of business, and which are operated for hire by the hour, day or trip, and which do not commonly travel the street for the purpose of procuring passengers indiscriminately, are not included in the definition of a jitney, and are not governed by the provisions of this ordinance.

Section 2. The term "Person", as used in this ordinance, shall mean and include both singular and plural, and shall mean and embrace any person, firm, corporation, association, league, partnership, or society.

Section 3. No person shall operate or cause to be operated a jitney over the streets and public places of the City of Austin without first obtaining a license therefor, and no such license shall be issued to any person except as provided in this ordinance; provided, that no license shall be granted to any person authorizing the operation of a jitney longitudinally on and along the following streets and parts of streets in the City of Austin, to-wit: Congress Avenue between 5th street and 9th street; and Sixth street between ~~Seventh~~ <sup>Sixth</sup> street and Brazos street.

Section 4. Every person desiring a license to drive or operate any jitney over

the streets and public places of the City of Austin, shall file with the City Clerk a written application for each automobile or motor car he so desires to drive or operate as such, which application shall be signed by the applicant and shall state:

(a) The type, trademark, factory number, and horsepower of the automobile or motor car to be used as such jitney.

XME (b) The County license number thereof.

Xxx (c) The seating capacity thereof, according to its trade rating. If such automobile or motor car has been adapted for use as a bus, a statement of its seating capacity as adapted, and the method and material used in such adaptation shall be added.

(d) The name, age, street address, length of residence in the City of Austin, and previous experience in handling automobiles, of each of the persons to be in immediate charge thereof as operator; provided, that it shall not be lawful for any person under the age of eighteen

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years to operate a jitney. Said application shall also state whether such operator is addicted to the use of intoxicating liquors, or drugs calculated to effect the physical strength or mind of such operator, and shall also state whether such operator is deaf or near sighted or color blind, and shall also state whether such operator has ever been convicted of any violation of the traffic ordinances of the City of Austin.

(e) The termini between which such automobile or motor car is to be operated as a jitney, and the street or streets over which same is to be run; provided, that no jitney shall be licensed under the terms of this ordinance unless same shall be proposed to be operated each trip over a distance of not less than thirty blocks.

(f) A schedule showing the hours of the day during which such automobile or motor car is to be operated as a jitney, the frequency of trips to be made, and the times of departure from the termini thereof, for each trip over the route proposed in subdivision (e) of this section.

Said application shall be verified by the affidavit of the person applying for such license

Section 5. Upon the filing of such application, the City Clerk shall refer same to the City Council, at the next regular or adjourned meeting of same. The City Council may grant such application as filed, or may modify and grant same as modified, in its discretion. If the City Council shall find that the person named in subdivision (d) of the preceding section of this ordinance be not qualified by age, experience, or otherwise, or in the opinion of the City Council be an unfit person to operate such automobile or motor car as a jitney, or that such automobile or motor car described in such application be not safe for use as a jitney, or that the schedule described in such application be not satisfactory, or that the territory between the termini, or any portion thereof, over which such automobile or motor car is proposed in said application to be operated as a jitney, it would be dangerous or hazardous to public safety to operate same as a jitney, or if said application is not in compliance with the terms of this ordinance, the City Council may deny such application. If the City Council should grant such application, the City Clerk shall endorse thereon a number to identify the permit, and the license fee to be charged, and the word "Revocable" shall be plainly written or printed on the face of such permit.

Section 6. Upon the granting by the City Council of such application for license as filed or modified, and the payment to the City Tax Assessor and Collector of the license fee as required herein, and filing with the City Clerk of the indemnity bond or policy of insurance hereinafter provided, the City Tax Assessor and Collector shall issue to such applicant the license certificate of the City of Austin to operate or cause to be operated as a jitney the automobile or motor car described in the application between the termini and according to the schedule therein stated, and between no other termini and according to no other schedule, which license certificate shall be numbered, and shall have the word "Revocable" plainly written or printed upon the face thereof; provided, the termini and schedule named in such license certificate may be altered at any time by the City Council, either upon application of the person holding such license or upon the initiative of the City Council, and if such change be made upon the application of such licensee a fee of one dollar shall be charged and collected by the City Clerk therefor; and provided, further, that the City Council may at any time after the issuance of such license suspend or revoke the same in its discretion for any of the reasons set out in section five hereof, and if such license be revoked shall at the same time refund to such licensee the value of the unearned portion of such license.

Section 7. The license fees herein provided are fixed as follows:

For each jitney, with a seating capacity of ~~five or less but more than five persons~~ five or less, including the driver, \$ 50.00.

For each jitney with a ~~seating~~ seating capacity of seven or less but more than five persons,

.. including the driver, \$ 75.00.

For each jitney with a seating capacity of more than seven persons ,including the driver , \$ 100.00.

Section 8. The licenses herein required shall be good and in force and effect for the calendar year in which same are issued ,but if any license be issued covering a period of less than one-half the year ,then the fee shall be only one half of the fee stipulated in the preceding section .All licenses for succeeding years shall be procured and all license fees shall be paid ,and all indemnity bonds or insurance policies required herein shall be renewed or extended , before the expiration of the current year; provided, however that the owners of all jitneys ,as herein defined,now being operated over the streets and public places of the City of Austin shall have ten days after the taking effect of this ordinance to procure licenses and indemnity bonds or insurance policies as herein provided,but thereafter all jitneys shall be subject to the penalties of this ordinance for the violation thereof.

Section 9. Before any person shall be granted a license for the operation of a jitney over the streets and public places of the City of Austin ,such person shall procure and file with the City Clerk for each jitney to be licensed an indemnity bond or policy of insurance ,executed by himself and some bonding ,surety ,or insurance corporation , authorized by the laws of the State of Texas to do business within the State,as surety, or insurance corporation ,authorized by the laws of the State of Texas to do business within the State ,as surety,payable to the Mayor of the City of Austin,and subject to approval by the City Council as to form and sufficiency;conditioned,that the applicant for license shall pay any and all judgements of Court finally rendered against him,his his servants or employees,to the extent of twenty five hundred (\$ 2,500.00)dollars for damages on account of injuries to or death of any person or injury to the property of any one person ,and to the extent of five thousand (\$5,000.00) dollars for all damages on account of the deaths of or injuries to the persons and property of all persons occurring in any one accident or act ,caused by the negligence of such applicant for license,his servants or employees,in the operation or conduct of such jitney ;and conditioned,further to the full extent of said bond ,that the applicant for license shall save the City of Austin harmless from any and all claims ,liabilities, judgements, costs,damages or expenses resulting from the granting of the license herein provided,from any and all acts done by the licensee,his servants and employees,thereunder; provided, however,that in lieu of the corporate bond or policy provided for in this section,such bond may be executed by two or more personal sureties,residents of Travis County, Texas, who shall attach to such bond a schedule showing ownership by each of them of real estate situated in Travis County, Texas free of encumbrance and subject to no claims of exemption,of the actual market value of at least double the maximum amount of the bond; and such schedule shall be verified by the affidavit of the sureties.

Any such bond or policy ,whether with corporate or personal sureties ,shall be subject to rejection or amendment by the City Council at any time before or after the issuance of the license,if the Council shall deem the security inadequate or unsafe. When a bond has been declared inadequate or unsafe by the City Council ,after the issuance of a license ,the licensee shall be given five days within which to procure and file a satisfactory bond. Prior to the approval of a new bond ,however, liability upon the old bond shall be in no wise diminished so long as the jitney covered by such bond shall continue to be operated.Upon the failure of such licensee to file within such five days a satisfactory new bond or policy,his license shall at the expiration of such five days

from the time of the declaration of the City Council of the inadequacy or unsoundness of the original bond or policy, become ipso facto revoked and forfeited, without the necessity of other affirmative action by the City Council.

Section 10. The indemnity bond or policy of insurance required in the preceding section hereof shall by its terms remain in full force and effect for the full amount thereof and for the full period of time the license for the operation of the jitney covered by such bond or policy shall run or remain in effect, and it shall be unlawful to continue the operation of such jitney upon any street or public place of the City of Austin, after the expiration of the term of said bond, or in event of the cancellation, impairment or retirement of same for any reason, until another such bond shall have been procured and filed with the City Clerk as aforesaid; provided, that at any time that such jitney is voluntarily withdrawn by the licensee from the service herein defined, then such licensee shall be entitled to a refund of the value of the unearned portion of his license, and shall receive a certificate from the City Clerk to the effect that such jitney has been so withdrawn, and such bond or policy shall be relieved from any liability for negligent conduct occurring thereafter.

Section 11. The indemnity bond or policy of insurance required in section 9 of this ordinance shall by its terms especially authorize and empower any person or persons having a cause or causes of action on account of any negligence in the operation of the jitney specified in and covered by said bond, to bring a suit thereon in his or their own name and for his or their benefit, and to join as co-defendants in such suit the surety or sureties on such bond or policy, without the necessity of impleading the City of Austin or any of its officers, and in such suit the liability of the surety defendant or defendants shall be joint and several with that of the principal defendant.

Section 12. Every owner, licensee, operator or person in charge of a jitney shall maintain regular and adequate service over the entire route prescribed in the license thereof as shown by the termini designation therein, for a period of not less than twelve consecutive hours out of every twenty four hours, except on Sundays; provided, a reasonable time shall be allowed the operator of each jitney for his meals, and due allowance shall be made for delays and interruptions of service caused by accidents to said jitney or other casualties or unavoidable circumstances.

Section 13. It shall be unlawful for any owner, licensee, operator or person in charge of any jitney to wilfully operate such jitney or cause same to be operated on any other route or in any other place than on its announced schedule route or in any other place than its announced schedule route for the purpose of carrying passengers, or to wilfully fail or refuse to run or operate a duly licensed jitney over the entire length of the announced or schedule route, and at the announced schedule time for leaving or arriving at the termini thereof.

Section 14. It shall be unlawful for the owner, licensee, driver, or person in charge of any jitney to solicit, collect or receive a greater charge than five (5) cents for the transportation of any passenger in such jitney provided, that all public school children, when going to and returning from school, shall not be required to pay and such jitney shall be required to carry all such children for a fare of not exceeding three (3) cents each; provided, further, that such jitney shall be required to carry free of charge all City Policemen in uniform while on duty, and all firemen while going to and returning from a fire.

Section 15. It shall be unlawful for the owner, licensee, operator, or person in charge of any jitney to operate the same over the streets and public places of the City of Austin without having the City license number thereof displayed in figures not less than three inches

.inches in height permanently painted or attached to ~~XXXXXXXXXXXX~~ each side of such jitney, and in addition thereto such jitney shall have permanently attached to same and displayed so as to be readily seen a sign or painting showing the termini of same, in accordance with the provisions of the license covering same; and there shall also be displayed at some convenient place in the interior of such jitney so as to be easily read by the passengers the City license thereof and the name of the operator of such jitney.

Section 16. It shall be unlawful to drive or operate any jitney while any person is standing or sitting on the running board or fender thereof, or while any person is riding on such jitney outside the body thereof, or while more than one passenger is riding in the front seat thereof, unless said seat is specially designated to accommodate more than one passenger, or while more passengers are aboard such jitney than the seating capacity thereof as shown in the application for license. It shall also be unlawful for any person to stand or sit upon the fender, running board, or outside the body, or to share the front seat with another passenger unless such seat is specially designed to accommodate more than one passenger, while such jitney is in operation.

Section 17. It shall be unlawful to reconstruct, materially alter, modify or add to the body or seating arrangement of any jitney, after the license thereof has been issued, without first applying to and receiving the consent of the City Council, and if necessary obtaining a new license therefor.

Section 18. It shall be unlawful for the owner, licensee, operator or person in charge of any jitney to operate same with the top up, between sundown and sunrise, unless the inside of the body thereof shall be effectually illuminated.

Sec 19. In the operation of jitneys the same shall be stopped for the boarding and discharge of passengers, or otherwise, except in case of an emergency, only at or near the curb on the right-hand side of the street upon which the jitney is being operated, and only at a point not less than twenty (20) feet nor more than forty feet from the near side of the street intersecting such street, and in such a position as not to interfere with access to and from other vehicles in such street, nor with access to all fire hydrants, nor so as to interfere with any street work being done by the employees of any City Dept, and in no event shall any jitney stop for any purpose, except in case of an emergency, within any street intersection; provided, any jitney when going north on Congress Avenue may stop for the boarding and discharge of passengers at a point not less than twenty feet nor more than forty feet north of the intersection of Congress Avenue with ninth street, and when going south on Congress Avenue at a point not less than twenty feet nor more than forty feet south of the intersection of Congress Avenue with fifth street; and when going east on sixth street at a point not less than twenty feet nor more than forty feet east of the intersection of sixth street with Brazos street, and when going west on sixth street at a point not less than Twenty feet nor more than forty feet west of the intersection of sixth street with Colorado street.

Section 20. It shall be unlawful for the operator of any jitney to invite, solicit, procure or use any other means for the purpose of inducing any person to use said jitney for the purpose of being carried to any house, room or place for the purpose of participating in any immoral conduct with men or women, or to knowingly transport any person to any house, room or place for such purpose.

Section 21. It shall be unlawful for the operator of any jitney to knowingly carry or permit to be carried any intoxicating liquors in said jitney.

Section 22. No person shall operate any jitney while in a state of intoxication or otherwise incapacitated or unable to properly and safely operate such jitney.

Section 23. It shall be unlawful for any person to smoke any Cigar, Cigarette or pipe

on any jitney in the City of Austin .

Section 24. That every jitney operated under the terms of this ordinance in the City of Austin shall be considered a public carrier or common carrier, and it shall be the duty of every such operator to carry any person within the City of Austin along the route designated in the license for the operation of such jitney upon demand and payment of the fare as herein fixed; provided, that any jitney operated for the carrying of white persons shall not be required to carry any ~~negro~~ person of the negro race, nor shall any jitney operated for the carrying of members of the negro race be required to carry any person of the white race, and by the term "White" Race "as used herein is meant any person not of the negro race; provided further, however, that the operator of a jitney shall not be required to carry any person who is intoxicated or who is in any manner disorderly ,

Section 25. The operation of any jitney otherwise than as provided in this ordinance is hereby declared a nuisance and a menace to public safety and unlawful.

Section 26. Any person, who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding two hundred (\$ 200.00) dollars; and each and every day that any jitney shall be operated in violation of the provisions of this ordinance shall constitute a separate offense; provided, that upon the conviction of any owner, licensee, operator or person in charge of any jitney for violation of the terms of this ordinance, or for violation of any traffic regulations enacted by ordinance, or for violation of the terms of any ordinance or law regulating the speed and general operation of ~~all~~ automobiles and motor cars, such fact shall immediately be reported by the Superintendent of Police and Public Safety to the City Council, and the City Council may thereupon suspend or revoke any license theretofore ~~issued~~ issued for the operation of such jitney; but such right of suspension or revocation shall be in addition to the powers reserved in the City Council by the terms of this ordinance.

Section 27. It is provided that specific enumeration of regulations herein for the operation of jitneys shall in no manner relieve such jitneys from other traffic regulations as may have been or may hereafter be enacted by the City Council, nor shall ~~any~~ same relieve the owners, licensees, operators or persons in charge of jitneys from the obligations and penalties of such ordinances, but the terms of this ordinance shall apply peculiarly to the regulation of jitneys, and shall be cumulative of such other ordinances as relate or may relate to vehicles in general.

Section 28. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by the Courts, such decision shall not effect the validity of the remaining portions of this ordinance, and the City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases be declared unconstitutional and invalid..

Section 29. That this ordinance shall become effective upon its final passage and the publication of the same thereafter for the full period of ten days in some daily newspaper, as required by the Charter of the City of Austin.

Approved, J Bouldin Rector, City Attorney.

Passed, June 17th 1915,

Attest, Jno O Johnson, City Clerk.

Approved June 17th 1915.

A P Wooldridge, Mayor.

I, Jno O Johnson, City Clerk of the City of Austin, Texas, do hereby certify that the above and foregoing ordinance was published in the Austin American, a daily paper published in the City of Austin, Texas, for ten days as required by the City Charter, the 1st publication being made on the 22<sup>nd</sup> day of June, 1915.

*Jno O Johnson*

City Clerk