

500608-A
AN ORDINANCE

AN ORDINANCE REGULATING TAXICAB SERVICES IN THE CITY OF AUSTIN AND PRESCRIBING RULES AND STANDARDS FOR THE OPERATION AND CONTROL OF SUCH SERVICES IN THE PUBLIC INTEREST; PROVIDING FOR THE GRANTING OF FRANCHISES FOR TAXICAB SERVICES AND CREATING THE TAXICAB FRANCHISE COMMISSION; REQUIRING REGISTRATION OF ALL DRIVERS OF TAXICABS; REQUIRING THE INSTALLATION OF TAXIMETERS ON ALL TAXICABS AND FIXING MAXIMUM FARES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVING CLAUSE; PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

ARTICLE I

EFFECTIVE DATES OF FRANCHISES, DRIVER REGISTRATIONS,
AND TAXIMETER INSTALLATIONS

SECTION 1. (a) From and after the 30th day of September, 1950, no person shall drive or operate a taxicab in the City of Austin unless the owner of such vehicle has been granted a franchise by the City Council of the City of Austin for the operation of such vehicle as a taxicab in accordance with the terms and provisions of this Ordinance.

(b) From and after the 30th day of September, 1950, no person shall drive a taxicab in the City of Austin unless such person has been duly registered as a taxicab driver in accordance with the terms and provisions of this Ordinance.

(c) From and after the 30th day of June, 1950, no person shall drive, operate or be in charge of any taxicab in a public place in the City of Austin which is not equipped with an approved type taximeter properly mounted and operated on such taxicab in compliance with the terms and provisions of this Ordinance.

ARTICLE II

DEFINITIONS OF WORDS AND PHRASES

SECTION 2. The following words and phrases when used in this Ordinance shall have for the purposes of this Ordinance the meanings and definitions respectively ascribed to them in this Article:

(a) Person. -- Every natural person, or individual, and every firm, corporation, partnership, co-partnership, association, or society; and the term "person" shall include both singular and plural.

(b) Owner or Owner of Taxicab. -- Any person holding legal title of a motor vehicle, or who has the legal right of possession, whether by lease or contract, or who has the legal right of control of the vehicle used in any taxicab service.

(c) Street or Highway. -- The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic, whether such way or place is known as a street, alley, avenue, drive, boulevard, thoroughfare, or highway, within the incorporated limits of the City of Austin.

(d) City. -- The City of Austin, Texas, a municipal corporation in Travis County, Texas.

(e) Taxicab. -- Every automobile or motor-propelled vehicle used for transportation of passengers for hire over the public streets of the City of Austin, irrespective of whether the operations of such automobile or vehicle extend beyond the limits of said City, at rates for distance traveled, or for waiting time, or for both, at rates measured by taximeter, or at rates per hour, per week, or per month; provided that the term "taxicab" shall not apply to motor buses operated within the City under a franchise from the City of Austin over fixed or definite routes; nor shall said term apply to motor buses regularly operated in the City of Austin to or from points outside the incorporated limits of the City under permits duly issued by the State of Texas; nor to motor buses operated in interstate commerce.

(f) Call Box Stand. -- A place alongside a street, where the City Council has authorized the holder of a taxicab franchise to install a telephone or call box for the taking of calls and the dispatching of taxicabs in accordance with the provisions of this Ordinance.

(g) Public Cab Stand. -- A public place alongside the curb or curb line of a street which has been designated by the City Council as reserved exclusively for the use of taxicabs in accordance with the provisions of this Ordinance.

(h) Taximeter. -- A mechanical instrument or device by which the charge for hire of a taxicab, at a predetermined rate or rates, is mechanically calculated and registered for distance traveled, for waiting time, if any, and extra passengers, if any, and upon which such charge shall be indicated by means of clearly legible figures.

(i) Waiting Time. -- Such time as may be consumed or lost at the instance or request of the passenger, but not for time consumed or lost when occasioned by mechanical breakdown of the taxicab.

(j) Cruise or Cruising. -- The movement of any unoccupied or unengaged taxicab over the public streets of the City of Austin in search of, or in soliciting, prospective passengers for hire; provided, unoccupied or unengaged taxicabs proceeding to answer a telephone or radio call for taxicab service from an intending passenger, and taxicabs returning by the most direct route, after having discharged a passenger or passengers, to the garage, terminal, station, or office where such taxicab is housed, or to the eligible public cab stand nearest the place of discharge of the passenger or passengers, shall not be considered to be cruising.

(k) Taxicab Terminal. -- Any office, station, building, stand, sub-station, or other place of business of a duly authorized holder of a taxicab franchise, at which calls are received, or may be received, from prospective passengers for hire, and from which place of business the franchise holder directs the dispatch and return of taxicabs used in the taxicab service for which the franchise has been granted.

(l) Driver or Taxicab Driver. -- Any person duly licensed as a chauffeur by the State of Texas who has registered as a taxicab driver with the City of Austin as required by this Ordinance and who has been duly employed to drive a taxicab by the holder of a taxicab franchise in accordance with the requirements of this Ordinance.

(m) Public Convenience and Necessity. -- A public convenience which is fitting and suited to public need, and a public necessity which embraces a great and urgent public convenience; and as applied to a proposed taxicab service by an applicant for franchise shall mean that the applicant is fit, able, and willing to perform transportation by taxicabs in accordance with the requirements of this Ordinance and that public convenience and necessity require the service proposed by the applicant.

(n) Franchise. -- An authority duly granted by the City Council by Ordinance in compliance with the requirements of the Charter of the City of Austin, after a finding that public convenience and necessity require the granting of the franchise, and after compliance by the applicant for such franchise with the conditions precedent to effectiveness of such franchise as prescribed under the terms and provisions of this Ordinance.

(o) Manifest. -- Daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare (for passengers and extra luggage) of each trip.

ARTICLE III

FRANCHISES FOR PRESENTLY LICENSED TAXICABS

SECTION 3. Any person who on the twentieth day of May, 1950, maintained and operated a duly licensed taxicab terminal in the City of Austin may apply to the City Council for a franchise to operate not to exceed the number of duly licensed taxicabs being operated out of such terminal on the twentieth day of May, 1950, without being required to show that the public convenience and necessity require the proposed taxicab service under the franchise for which application was made. If such licensed taxicab terminal was operated by more than one individual, and two or more such terminal operators shall make separate application for a franchise, the total number of taxicabs for which franchises may be had by such applicants shall not exceed the total number of duly licensed taxicabs operating out of such terminal on the twentieth day of May, 1950.

SECTION 4. Every person proposing to operate a taxicab service in the City of Austin, and qualified to make application for a franchise under the provisions of Article III, shall make such application in writing to the City Council and request the City Council to adopt an ordinance granting a franchise for such operation in compliance with the requirements of the Charter of the City of Austin. Every applicant for a franchise to operate a taxicab service under Article III shall file such application in quadruplicate, on forms provided by the City, with the City Attorney. The application shall be verified under oath and shall supply the following information:

- (1) Name and address of applicant.
- (2) Financial status of the applicant, including the amounts of all unpaid judgments against the applicant

and the nature of the transaction or acts giving rise to such judgments.

- (3) The experience of the applicant in the transportation of passengers.
- (4) The number of vehicles proposed to be operated by the applicant as the owner, as defined by this Ordinance, (but not to exceed the number duly licensed taxicabs operating from applicant's terminal on May 20, 1950).
- (5) Location of proposed terminals, sub-terminals, and call box stands.
- (6) Color scheme and insignia to be used to designate the vehicle or vehicles of the applicant.
- (7) The make, model, motor number, State license number, and taxicab license number (as of May 20, 1950) of each vehicle proposed to be operated by applicant under the franchise applied for.

SECTION 5. Upon receipt of every such application, the City Attorney shall examine the same and report to the City Manager the following:

- (1) Legal sufficiency of the application.
- (2) Probable cost of publishing the proposed franchise ordinance as required by Charter.
- (3) Suggested schedule, with dates, of passage, publication, and effective date of proposed franchise ordinance.
- (4) Original of the application (attached to the report).
- (5) Draft of proposed franchise ordinance, approved or disapproved as required by Charter.
- (6) Such other information, advice, and recommendations as may be appropriate.

SECTION 6. A copy of the City Attorney's report to the City Manager, together with a copy of the application and a copy of the proposed franchise ordinance, shall be forwarded to the Finance Director, who shall immediately notify the applicant the probable cost of publishing the proposed franchise ordinance and request the applicant to pay the designated amount before the next regular meeting of the City Council. The City Attorney shall also forward to the Chief of Police a copy of the report, together with a copy of the application and a copy of the proposed ordinance. One copy of the application shall be retained for record by the City Attorney.

SECTION 7. Upon receipt of the City Attorney's report, with the application and proposed franchise ordinance attached, and after receipt of notice that the applicant has paid to the Finance Director an amount sufficient to pay the cost of publication of the proposed ordinance, the City Manager shall submit the ordinance to the City Council with such reports, records, and recommendations as shall be deemed by him appropriate.

SECTION 8. When an application, filed under the provisions of Article III of this Ordinance, is submitted to the City Council, consideration will be given to the application and the proposed franchise ordinance, and the City Council will determine whether a franchise should be granted to the applicant, but without regard to whether the public convenience and necessity require the granting of a franchise for the proposed taxicab service.

ARTICLE IV

FRANCHISES GRANTED ON PUBLIC
CONVENIENCE AND NECESSITY

SECTION 9. Every person proposing to operate a taxicab service in the City of Austin who is not eligible under provisions of Article III of this Ordinance to make application without showing that public convenience and necessity require the proposed taxicab service, shall make application in writing, on forms provided by the City of Austin, requesting that the City Council grant a franchise by ordinance for such proposed taxicab service under provisions of Article IV of this Ordinance and the Charter of the City of Austin.

SECTION 10. Application for franchise to operate a proposed taxicab service under provisions of Article IV of this Ordinance shall be verified under oath and shall be filed in quadruplicate with the City Clerk. Every such application shall furnish the following information:

- (1) The name and address of the applicant.
- (2) Financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- (3) Experience of the applicant in the transportation of passengers.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate, leading to a granting of the proposed franchise.
- (5) The number of vehicles proposed to be operated by the applicant as the owner thereof.
- (6) Location of proposed terminals, sub-terminals, and call box stands.
- (7) The color scheme and insignia to be used to designate the vehicle or vehicles of the applicant.
- (8) Statement whether the vehicle or vehicles proposed to be used by applicant will be new or used, and the probable age and condition of such vehicles.
- (9) Number, kind, and type of equipment applicant proposes to use.

SECTION 11. Upon receiving any application under Article IV of this Ordinance the City Clerk shall file the original copy for record and shall promptly furnish the remaining three copies to the City Attorney, the Finance Director, and the Chief of Police.

SECTION 12. For the purpose of assisting the City Council in determining whether a franchise to operate taxicabs in the City of Austin shall be granted or refused in the case of applications made under Article IV of this Ordinance, there is hereby created the Taxicab Franchise Commission of the City of Austin. The Commission shall be composed of three or more persons appointed by the City Manager, selection to be made from qualified officers and employees of the City of Austin with training and experience in finance, traffic and law. The duties of such persons while serving on the Commission shall be in addition to such other duties as may be performed normally by such persons, and no extra compensation shall be paid members of the Commission by virtue of such additional duties and services.

SECTION 13. Before any franchise to operate taxicabs in the City of Austin will be granted by the City Council to any person applying under Article IV of this Ordinance, the Taxicab Franchise Commission shall hold a hearing to consider whether public convenience and necessity require the proposed taxicab service for which application is made. If the public convenience and necessity do not require the proposed taxicab service, as finally determined from investigations authorized under this Ordinance, no franchise for such additional taxicab service will be granted by the City Council.

SECTION 14. When an application under Article IV is filed with the City Clerk, the Taxicab Franchise Commission shall fix a time and place for a hearing on the application. Notice of such hearing shall be given in writing to the applicant and to all persons holding franchises for taxicab services in the City of Austin. Due notice shall be given to the public by publication in a newspaper published in the City of Austin, cost of such public notice to be borne by the applicant in advance of publication. Such notice shall set out the name of the applicant and the nature of the application, kind of equipment proposed to be used, and all other pertinent data deemed necessary properly to inform the public, as well as the date, place and hour of the hearing which shall be not less than five (5) nor more than fifteen (15) days after the date of first publication.

SECTION 15. Every holder of a franchise for the operation of a taxicab service in the City of Austin and any other citizen may file such complaints and protests as such person or persons may deem appropriate, touching upon questions of public convenience and necessity affected by applicant's proposed operations. The Commission may receive written evidence and hear testimony, and may call witnesses. In all such hearings the burden of proof shall be upon the applicant to establish by clear, cogent, and convincing evidence that the public convenience and necessity require such operation of the taxicab service for which the application has been made; and that the applicant is fit, able, and willing to perform such transportation of persons and property by taxicab as proposed in the application.

SECTION 16. In determining whether a report to the City Council shall be made that public convenience and necessity require the granting of a franchise for the proposed taxicab service, the Taxicab Franchise Commission shall take into consideration: -

- (1) Whether the demands of public convenience and necessity require such proposed or such additional taxicab service within the City of Austin;
- (2) The financial responsibility of the applicant;
- (3) The number, kind, type of equipment, the color scheme to be used by applicant;
- (4) The number of taxicabs already in operation in the City of Austin.
- (5) Whether existing transportation is adequate to meet the public need;
- (6) The probable effect of increased service on local traffic conditions;
- (7) Whether the safe use of the streets of the City by the public, both vehicular and pedestrian, will be endangered unduly by the granting of the proposed additional taxicab service;
- (8) The character, experience, and responsibility of the applicant;
- (9) Whether applicant is fit, able, and willing to perform transportation by taxicab;
- (10) The ratio of the number of taxicabs operating in the City of

Austin to the population of the City, and whether such ratio is less than or exceeds the ratio existing in other cities of population, character of development, economic status, geographical lay-out, and public transportation services similar to the population and the other conditions in the City of Austin; and in so considering the ratio of population to the number of taxicabs in operation, the Commission may resort for information to published reports and data generally accepted to be reliable and accurate with reference to the taxicab industry and transportation services in other cities of the United States.

(11) Such other relevant facts as the Commission may deem advisable, pertinent, or necessary to aid in determining whether public convenience and necessity require the additional taxicab services.

SECTION 17. The Taxicab Franchise Commission shall certify its findings, after hearing, to the City Council, and no finding shall be made of public convenience and necessity unless and until there is a finding that the applicant is fit, able, and willing to perform transportation by taxicab as provided in this Ordinance, and that there is a public demand and need for the type of service proposed to be given by the applicant. If the Commission finds that public convenience and necessity require the additional taxicab service for which applicant has applied, the City Attorney shall prepare the appropriate franchise ordinance for consideration by the City Council. If the Commission finds that public convenience and necessity do not require the additional taxicab service, no ordinance shall be prepared by the City Attorney, and the findings of the Commission shall be final; provided, that the applicant may within five (5) days after notice in writing of the Commission's findings, appeal to the City Council in writing requesting the Council to consider passage of an ordinance granting a franchise for the taxicab service for which original application was made.

SECTION 18. No holder of a franchise for a taxicab service shall operate more taxicabs than the number authorized to be operated under the holder's franchise. Any such holder of a franchise may apply to the City Council for additional taxicabs, in excess of the number authorized under the franchise granted, but shall be required to show that the public convenience and necessity require such additional taxicab service in the City of Austin, in the same manner required of an applicant for original franchise under the provisions of Article IV of this Ordinance. Substitutions and replacements of taxicabs within the total number of authorized taxicabs of any franchise, may be made from time to time, but every such substitution and replacement shall be reported promptly in writing by the franchise holder to the Finance Director.

ARTICLE V.

REQUIREMENTS OF FRANCHISE ORDINANCES

SECTION 19. Every ordinance submitted to the City Council by which a franchise for the operation of a taxicab service in the City of Austin may be granted shall contain the following provisions:

(1) That the franchise is granted for one year from its effective date, with renewal annually thereafter, unless upon review by the City Council it is found that the franchise has become subject to forfeiture or cancellation for good cause.

(2) That the holder of every franchise shall pay to the City of Austin, not later than the tenth day of each month, a sum equal to two (2%)

per cent of the gross receipts of the franchise holder for the calendar month next preceding such payment.

(3) That the franchise holder will be required to comply with all the applicable terms and provisions of this Ordinance and all amendments hereafter made during the term of the grant.

(4) That the franchise will be subject to forfeiture and cancellation upon conviction for violations of this Ordinance or upon proper showing that the franchise holder has substantially breached the terms of the franchise.

(5) That the franchise will become subject to forfeiture and cancellation upon the holder thereof becoming delinquent in the payment of ad valorem taxes upon any vehicle, equipment, or other property of the holder used or operated directly or indirectly in connection with the taxicab service.

(6) That the franchise holder will keep and maintain complete records of all physical properties, daily records of revenues (segregated by drivers and vehicles), daily manifests of all drivers, and a complete record of all expenses incurred in connection with the actual operation of the taxicab business and maintenance of equipment and of all revenues derived from such business.

(7) That the franchise holder will own, lease, contract for, or otherwise legally control every taxicab used in the taxicab service for which the franchise is authorized.

The provisions required above to be written into each franchise ordinance are not limitations, and there may be incorporated in any franchise ordinance such additional provisions as in the discretion of the City Council properly belong in an ordinance granting a franchise for the operation of a taxicab service in the City of Austin.

ARTICLE VI.

PERFORMANCE BONDS AND INSURANCE

SECTION 20. Before the grant of any franchise to operate a taxicab service in the City of Austin shall become effective, the grantee shall furnish to the City of Austin a good and sufficient performance bond, written by an insurance company organized and existing under the laws of the State of Texas, or having a valid permit to do business in Texas, and having an agent or attorney for service at Austin, Travis County, Texas, upon whom service of process may be had; and such bond shall be in such form and of sufficient financial stability as may be approved by the City Attorney.

SECTION 21. The performance bond required shall be conditioned:

(a) That the holder of the franchise shall well and truly pay to the City of Austin all amounts due under and pursuant to the franchise charges of two per cent (2%) of the gross receipts received from the operation of the holder's taxicab service in the City of Austin;

(b) That the holder of such franchise shall pay all fines and assessments levied against the holder by the Corporation Court of the City of Austin, by the City Tax Assessor and Collector, or by direction of the City Council, and by such other officials of the City authorized to levy such fines, taxes, or charges; and

(c) That the holder of such franchise shall perform each and every duty of an operator of taxicabs and a holder of a franchise as exists within this Ordinance, as this Ordinance may be amended by future ordinances, and as such ordinances may be supplemented by administrative rules and regulations duly approved by the City Council.

SECTION 22. Every such performance bond shall be in an amount fixed by the following schedule:

- (1) If the franchise holder is authorized to operate five (5) taxicabs, or less, the bond shall be in the sum of \$1,000.00;
- (2) If the franchise holder is authorized to operate more than five (5) taxicabs and not more than ten (10) taxicabs, the bond shall be in the sum of \$2,000.00;
- (3) If the franchise holder is authorized to operate more than ten (10) taxicabs and not more than fifteen (15) taxicabs, the bond shall be in the sum of \$3,000.00;
- (4) If the franchise holder is authorized to operate more than fifteen (15) taxicabs, and not more than twenty five (25) taxicabs, the bond shall be in the sum of \$4,000.00;
- (5) If the franchise holder is authorized to operate more than twenty-five (25) taxicabs and not more than fifty (50) taxicabs, the bond shall be in the sum of \$5,000.00;
- (6) If the franchise holder is authorized to operate more than fifty (50) taxicabs and not more than one hundred (100) taxicabs, the bond shall be in the sum of \$7,500.00; and
- (7) If the franchise holder is authorized to operate more than one hundred (100) taxicabs, the bond shall be in the sum of \$10,000.00.

SECTION 23. Before the grant of any franchise to operate a taxicab service in the City of Austin shall become effective, the grantee shall procure and furnish to the Finance Director, and thereafter keep in full force and effect, a policy of public liability and property damage insurance, to be approved by the City Attorney, and issued in the standard amounts and under the standard provisions of such public liability and property damage insurance, as approved by the Board of Insurance Commissioners of the State of Texas. Every such policy shall insure each and all of the taxicabs owned, leased, contracted for, or controlled by the holder of such franchise and used in such taxicab service for which a franchise has been authorized. Such policy shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a franchise holder, his servants, or agents. The insurer 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.

SECTION 24. The minimum amounts of liability of public liability and property damage insurance required under this Ordinance shall be the following sums:

For damages arising out of bodily injury to,
or death of, one (1) person in any one accident . . . \$5,000.00

For damages arising out of bodily injury to,
or death of, two (2) or more persons in any
one accident \$10,000.00

For injury to, or destruction of, property in
any one accident. 5,000.00

Every such policy of insurance shall be issued by an insurance company organized and existing under the laws of the State of Texas, or having a valid permit to do business in Texas, and having an agent or attorney for service at Austin, Travis County, Texas.

SECTION 25. Upon discovery or determination that either (a) the performance bond required of franchise holders under this Ordinance, or (b) the public liability and property damage insurance required of such holders, has become impaired, and requires new and additional bond or new and additional insurance, as the case may be, then and in such event the City Manager shall require such additional bonds and insurance in such company or companies as appears to him necessary and sufficient to insure a faithful performance by the franchise holder, his agents, servants and employees, as well as payment by such holder, his agents, servants, and employees to persons injured by reason of the neglect of such franchise holder, his agents servants, and employees, or by reason of the neglect of such franchise holder, his agents, servants, and employees, or by reason of the violation by such franchise holder, individually or through his agents, servants, or employees, of any of the Ordinances of the City of Austin. or any of the laws of the State of Texas, or of the United States of America.

SECTION 26. Every performance bond required by this Ordinance shall provide, and every insurance policy required under this Ordinance shall contain an endorsement, that termination of the obligations of such bond and cancellation of such insurance policy shall not become effective before five (5) days after notice in writing to the City of Austin of such termination or cancellation. Every bond, and from and after September 30, 1951, every policy of insurance, shall run concurrently with the life of the franchise held by the person so bonded and insured. All policies of insurance shall contain a provision for continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon.

ARTICLE VII.

CALL BOX STANDS AND PUBLIC CAB STANDS

SECTION 27. There is hereby authorized to be established "call box stands" upon the streets of the City of Austin in such places as in the discretion of the City Council may appear proper to promote more convenient and efficient taxicab service in the City of Austin. The holder of a franchise to operate a taxicab service desiring to establish a call box stand shall make written application to the City Council by filing with the City Clerk. The applicant shall attach to the application written approval of the owner of the property abutting upon the street at the space requested to be designated a call box stand, as evidence of the fact that the owner consents to the creation of such stand. Upon filing of the application, the Chief of Police shall cause to be made an investigation of the traffic conditions at said place, and shall thereafter file written recommendations to the City Council through the City Manager. The City Council will then either grant or deny the application. No application will be granted for a call box stand located at a site classified for residential purposes under Zoning Ordinances of the City of Austin. Every call box stand established under provisions of this Ordinance shall be so designated by written resolution duly adopted by the City Council.

SECTION 28. When a call box stand has been established as herein provided, the stand shall be used solely by the franchise holder to whom such privilege has been granted by the City Council, and such permit shall not be transferrable. No other franchise holder shall be permitted to use such stand. Provided, that no franchise holder shall obtain permits for more than three (3) call box stands in that portion of the City of Austin bounded by the Colorado River on the South, East Avenue on the east, Eleventh Street on the north, and West Avenue on the west.

SECTION 29. A franchise holder operating a call box stand as provided for in this Ordinance shall be allowed to have on duty at such stand a starter, or other employee, for the purpose of assisting in the loading or unloading of passengers from taxicabs, for receiving calls and dispatching taxicabs, and for soliciting passengers at such stand. The words "at such stand" shall mean that part of the sidewalk or sidewalk area immediately adjacent to and of equal length with such call box stand, which itself shall not exceed thirty (30) feet in length as measured along the curb at or near the call box. It shall be unlawful for any such starter or other employee to go beyond the area designated as a call box stand for the purpose of soliciting passengers or assisting them in boarding such taxicabs.

SECTION 30. It shall be unlawful for the owner, driver, operator, or person in charge of any taxicab, or any other motor vehicle, to suffer, allow, or permit such taxicab or other vehicle to occupy the space upon the streets established by the City Council as a call box stand under provisions of this Ordinance, except the owner, driver, operator, or person in charge of a taxicab of the franchise holder having obtained a permit for such call box stand. Not more than one taxicab shall occupy a call box stand at the same time. All taxicabs using a call box stand shall enter and depart from any such stand approximately parallel to the curb or curb line of the street.

SECTION 31. There is hereby authorized to be established "public cab stands" on the streets of the City of Austin, such stands to be designated and approved from time to time by the City Council when, in the opinion of the Council, convenience and efficiency of taxicab services in the City of Austin will be promoted thereby in the public interest. Immediately upon final passage of this Ordinance, the Chief of Police shall make, or cause to be made, an investigation of traffic in the City of Austin with a view to recommending to the City Council, through the City Manager, the location of various proposed public cab stands and the maximum number of taxicabs to be permitted at one time in any such stand. Every public cab stand established under provisions of this Ordinance shall be so designated and the number of spaces for each such stand shall be approved by written resolution duly adopted by the City Council.

SECTION 32. The Chief of Police, in making the investigation and in reporting to the City Council on proposed public cab stands, shall consider the needs of the public for conveniently located points at which taxicabs may be engaged by the local traveling public. The establishment of a call box stand at any location, as provided in this Ordinance, shall not preclude the location also of a public cab stand within the same city block and on the same side of the street, but public cab stands and call box stands shall be separated by at least twenty-five (25) feet as measured along the curb or curb line of the street. All call box stands and public cab stands shall be so located as to provide that the entry, stopping, standing, and departure of any taxicab shall be approximately parallel to the curb line of the street; and no call box stand or public cab stand shall be established so as to permit angle or head-in stopping or standing.

SECTION 33. No public cab stand, when established under terms of this Ordinance, shall be occupied at any one time by more than one taxicab from the service of any franchise holder. It shall be unlawful for the driver of any taxicab to enter a public cab stand with a taxicab, or to stop or stand any such taxicab in a public cab stand, when such public cab stand is occupied by previous entry of any other taxicab of the same franchise holder. It shall be unlawful for the

driver of any motor vehicle not a taxicab to drive into any such public cab stand, or to stop, stand, or park such motor vehicle in any public cab stand.

ARTICLE VIII

RATES AND FARES; TAXIMETER RULES

SECTION 34. Beginning on the first day of July, 1950, and thereafter, no person owning, operating, driving, or in charge of any taxicab, within the corporate limits of the City of Austin, shall demand or charge to exceed the following rates and fares:

For the first one and one-half ($1\frac{1}{2}$) miles
or fraction thereof for not more than
two (2) persons \$.45

For each succeeding one-fourth ($\frac{1}{4}$) mile
or fraction thereof05

For each additional person for the entire
journey or trip !10

For each minute of waiting time or fraction
thereof05

For transporting luggage of passengers:
For first three pieces of luggage
per passenger Free

For each additional piece of luggage . . .10

For each trunk or comparable piece of
luggage20

(When luggage is transported in a taxicab equipped
with a taximeter, charges for such transportation
shall be shown as "extras" on such taximeter.)

SECTION 35. From the effective date of the rates and fares fixed above, measurement of distance shall be made by taximeter, as defined under this Ordinance, of the vehicle operating as a taxicab; provided, such taximeter shall have been inspected and tested for accuracy and shall be in good working order at the time such rate or fare is charged. Inspections and tests shall be under the supervision of the Chief of Police, or police officers duly designated by him, and use of any such taximeter is hereby prohibited until such tests and inspections shall have been made and a certificate of accuracy issued verifying the accuracy and good working order of such taximeter. Actual cost of such tests and examinations shall be borne by the owner of the cab.

SECTION 36. (a) Beginning on the first day of July, 1950, and thereafter, within the limits of the City of Austin:

(1) It shall be unlawful for any taxicab to be operated for public hire unless it is equipped with a taximeter, as defined under this Ordinance, which taximeter must be used as provided in this Ordinance;

(2) It shall be unlawful for any person owning, operating, driving, or

in charge of any taxicab to operate or drive such taxicab unless a taximeter is used in determining the fare to be charged, and no other or different fare shall be charged than the fare recorded on the reading face of said taximeter for any trip; and no other rates or methods of measuring the distance or time charges shall be allowed except by taximeter as herein provided; and

(3) It shall be unlawful for any person owning, operating, driving, or in charge of any taxicab for hire in the City of Austin to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi", "taxicab", or "cab", or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi", "taxicab", or "cab" unless such vehicle be equipped with a taximeter according to the provisions of this Ordinance.

(b) Provided, however, that for transportation of passengers to and from the Austin Municipal Airport (Robert Mueller Airport), as a service directly connected with travel by air, any holder of a franchise may put into service (under contract with one or more airlines companies, duly certificated by the Civil Aeronautics Authority, and operating regularly-scheduled passenger services in and out of said Airport) vehicles not equipped with taximeter, such vehicles to be used for such service exclusively between the Airport the principal hotels and downtown airlines ticket offices, and plainly marked on the sides thereof: "FOR AIRPORT SERVICE ONLY"; and fares may be charged under any such contract or agreement which are less than but not in excess of rates and fares prescribed under Article VIII of this Ordinance; provided, further, that evidence of the existence of any such contractor agreement, together with a verified statement of the rates charged, shall be filed with the Chief of Police jointly by the companies furnishing such vehicular passenger service and the airlines companies contracting for such service; PROVIDED, further, that nothing in this section shall in any way preclude or prevent the operator or driver of any taxicab from transporting passengers to and from the Austin Municipal Airport in a taxicab equipped with a taximeter, at the rates and fares prescribed under Article VIII of this Ordinance. The City Manager is hereby authorized to establish or cause to be established designated and marked parking spaces at the Municipal Airport for "Airport Service" vehicles and separate spaces for all other taxicab services, both such types of spaces to be located for the primary convenience and benefit of the public traveling by air and using such airport facilities.

SECTION 37. Every taxicab having affixed thereto a taximeter shall use a taximeter of a size and design approved by the Chief of Police and said taximeter shall conform to the following specifications:

(a) The taximeter shall be a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated for distance traveled for waiting time, if any, and extra passengers, if any, and upon which said charge or charges shall be indicated by means of clearly legible figures which are electrically lighted each time the taximeter flag is thrown from non-earning to earning position;

(b) Every taximeter must register upon visual counters the following items:

- (1) Total miles (unless shown by accurate registration on speedometer, tested and in good working order, on the taxicab)
- (2) Paid Miles

- (3) Number of units
- (4) Number of trips
- (5) Number of extra passengers;

(c) Each taximeter must be furnished with a tamper-proof switch and system of electrical distribution so that when the taximeter flag is in the "vacant" or non-earning position, a "vacant" sign on the top of the taxicab will be lighted and synchronously a tell-tale light, located elsewhere on the taxicab, will be lighted;

(d) Each taximeter must be driven from the taxicab transmission (and not merely from a connection with the speedometer driving shaft) to the taximeter head, using a flexible shaft and flexible housing so connected and sealed as to be non-tamperable;

(e) No taximeter shall be in such condition as to be more than five (5%) percent incorrect to the prejudice of any passenger;

SECTION 38. The following rules and regulations for inspection and approval of taximeters and for the operation and use of taximeters on taxicabs are prescribed:

(a) No approval shall be given and no inspection certificate for any taximeter shall be issued for any taxicab until the taximeter attached thereto shall have been tested and inspected and found to be accurate and in conformity with the specifications required of such taximeters under the terms of this Ordinance;

(b) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which is unsealed and not having its cover and gear intact;

(c) No driver of a taxicab equipped with a taximeter while carrying a passenger or passengers, or while under employment, shall display the signal affixed to such taximeter in such position as to denote such vehicle is not employed, or in such position to denote that the taxicab is employed at a rate of fare different from that which the use of the taxicab legally justifies under the provisions of this Ordinance;

(d) It shall be the duty of the driver to call the attention of passengers to the amount registered on the taximeter, and the taximeter flag shall not be changed to "vacant" position until after the fare is paid;

(e) If demanded by any passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt therefor in legible type or writing, either by mechanically printed receipt or by specially prepared receipt, containing the name of the owner of the taxicab, the taxicab number, the taximeter number, and any items for which a charge is made, the total amount paid, and the date of payment;

(f) No person shall drive or operate a taxicab to which is attached a taximeter which has not been duly tested, inspected, and approved as required by this Ordinance; and it shall be unlawful to change the size of the wheels or tires of any taxicab, or the gears operating the taximeter, from one taxicab to another unless the taximeter is again tested, inspected, and approved, under supervision of the Chief of Police, before using.

(g) There shall be posted, in a conspicuous place in a frame with a transparent cover, on the inside of each taxicab, a card showing the rates prescribed by Article VIII of this Ordinance; said card shall be posted in a place easily discovered and read by any passenger riding in such taxicab.

ARTICLE IX

REGISTRATION OF TAXICAB DRIVERS

SECTION 39. Every person desiring to drive a taxicab in the City of Austin from and after the 30th day of September, 1950, before driving or accepting employment to drive a taxicab, shall apply for and obtain a certificate of registration as a taxicab driver from the Chief of Police of the City of Austin. From and after the 30th day of September, 1950, it shall be unlawful for any person holding a franchise for the operation of a taxicab service in the City of Austin to employ as a taxicab driver, or permit any person to drive a taxicab of such service, unless such person so employed or so permitted to drive shall have a certificate of registration in good standing for the current registration year duly issued by the Chief of Police.

SECTION 40. Every person proposing to drive a taxicab under the provisions of this Ordinance shall apply for registration as a taxicab driver to the Traffic Division of the Police Department in writing on forms provided by the City of Austin. Each application shall be accompanied by a fee of one (\$1.00) dollar, and every applicant shall furnish under oath the following information:

- (1) Name, age, sex, race, marital status, and number of children.
- (2) Residence address in the City of Austin and telephone number.
- (3) Name and business address of taxicab franchise holder to whom applicant for registration intends to apply for employment as a taxicab driver.
- (4) Number of years and months applicant has actually resided in the City of Austin next preceding the date of application, and the number of years and months applicant has resided in the State of Texas; also, whether applicant is a citizen of the United States and whether citizenship is by birth or naturalization.
- (5) Height, weight, color of eyes, complexion, color of hair, body and facial marks, and other physical characteristics useful in identifying applicant and distinguishing applicant from other persons.
- (6) Experience applicant has had in driving a motor vehicle, and specifically and by separate statement applicant's experience, if any, in driving a taxicab, public transportation bus, or other vehicle or means of transportation for passengers or property.
- (7) Number and date of issuance of State Chauffeur's License issued to applicant.
- (8) Whether applicant has ever been convicted of a felony, or any offense involving moral turpitude, and full information concerning the conviction; and whether applicant has ever been convicted of a misdemeanor, violations of the law in the operation of motor vehicles, or had any driver's or chauffeur's licenses suspended or revoked, and full information concerning the convictions, violations, suspensions, and revocations.
- (9) That applicant has read in full and understood the provisions of this Ordinance.
- (10) Whether applicant can read and write the English language.

- (11) Whether applicant has any defects of mind or body known to him to be a handicap in driving a motor vehicle.

Each such application shall be accompanied by a certificate executed by a practicing physician in the City of Austin showing that applicant is not afflicted with active venereal disease and 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 of Austin; and such certificate shall state specifically the condition of applicant's hearing and eyesight, including without limitation color perception.

SECTION 41. Each applicant for registration as a taxicab driver shall be investigated by the Police Department, and the fingerprints of every such applicant shall be taken for purposes of identification. Investigation shall include without limitation records of the Bureau of Identification of the City of Austin, the Federal Bureau of Identification, and the Texas State Department of Public Safety. Every applicant shall be photographed so as to show clearly the head and facial features of applicant, and such photograph shall be printed into, or otherwise securely affixed to, the certificate of registration issued to the applicant by the Chief of Police.

SECTION 42. The certificate of registration shall be plainly marked to show that it does not constitute a license or permit from the City of Austin, but that it is evidence only of the fact that the holder of such certificate has been registered for purposes of identification with the Police Department of the City of Austin. While on duty, as a driver, every driver shall keep the certificate of registration posted in the taxicab in a conspicuous place and within view of passengers.

SECTION 43. Certificates of registration for taxicab drivers shall be good for twelve (12) months next after the date of issuance; provided, that the certificates issued under this Ordinance prior to and including the 30th day of September, 1950, shall be dated October 1, 1950, and shall expire on the 30th day of September, 1951. Certificates may be renewed upon written application to the Chief of Police, accompanied by a renewal fee of One Dollar (\$1.00), and certificate of physical condition from a practicing physician, unless the original certificate has been revoked for good cause or has expired for failure to renew prior to expiration date.

SECTION 44. A registration file shall be kept and maintained in the Police Department on each person to whom a certificate of registration as a taxicab driver has been issued by the Chief of Police. The file shall contain all information furnished by the applicant under this Ordinance and all other facts and data supplied by investigation of the Police Department, including without limitation fingerprints, personal history, police or criminal record, character, experience, qualifications, and such other matters considered by the Chief of Police to be consistent with and pertinent to a showing whether the registered driver is fit and proper person to drive and operate a taxicab within the corporate limits of the City of Austin in a manner consistent with the welfare of the citizenry of the City.

SECTION 45. The registration file of any registered taxicab driver may be inspected at the City Hall by such driver at all reasonable times, and may be examined by any holder of a taxicab franchise upon showing that the registered driver has applied to the franchise holder for employment as a driver. Every application for registration as a taxicab driver under provisions of this Ordinance shall execute an agreement and waiver in writing, at the time of filing

the application, by which applicant authorizes the Chief of Police, or any person in the Police Department designated by the Chief of Police, to permit a franchise holder to make such examination in good faith to determine whether, in the judgment of the prospective employer, the registered driver should be employed to drive taxicabs in the City of Austin.

SECTION 46. Every person who drives a taxicab in the City of Austin, whether the owner of the taxicab he drives or not, shall be regarded as the employee, agent, and representative of the holder of the franchise for whom the taxicab is being operated, regardless of whether the franchise holder owns, leases, contracts for, or otherwise legally controls the taxicab so being driven and operated in the taxicab service of the franchise holder.

ARTICLE X

RECORDS AND REPORTS REQUIRED

SECTION 47. Every holder of a franchise to operate a taxicab service in the City of Austin under provisions of this Ordinance shall establish, keep, and maintain a system of records of such business and its operations. The Finance Director shall prescribe a uniform system for all franchise holders, and every system established and maintained shall meet with approval of the Finance Director. The following specific requirements are hereby prescribed:

(a) Accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the Finance Director shall be kept and maintained. Every franchise holder shall maintain the records containing such information and other data required by this Ordinance at a place readily accessible for examination at all reasonable times by the Finance Director, the Chief Auditor and Inspector, or other authorized representatives of the City of Austin having a legitimate official interest in the enforcement and administration of this Ordinance.

(b) Each franchise holder, not later than the tenth (10th) day of each calendar month, beginning with the month of November, 1950, shall file with the Finance Director verified reports of all receipts of taxicab operations, showing all receipts for all operations in connection with such taxicab service for the calendar month next preceding the month of report; and every franchise holder shall pay to the City of Austin, such payment to accompany the monthly report, two percent (2%) of the gross receipts of such franchise holder's taxicab operations for the calendar month next preceding the month of report. Every such report shall be supported by daily or weekly records, drivers' manifests, and other data if required by the Finance Director, which records and manifests, after inspection and auditing, may be returned by the Finance Director to the franchise holder so reporting.

(c) Every holder of a taxicab franchise shall submit to the Finance Director receipts, expenses, and statistics of operation for each year of operation in accordance with a uniform system prescribed by the Finance Director, not later than the 20th day of the month next following the close of such year's operations; provided, the Finance Director may permit such reports to be made on the basis of fiscal year operations, or if found more convenient to both the City of Austin and the franchise holder, such reports may be on the basis of a calendar year of operations.

(d) Every franchise holder shall report to the Chief of Police all accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle or any other property exceeding the sum of twenty-five (\$25.00) dollars, within twenty-four (24) hours from the time of such occurrence on a form of report prescribed by the City of Austin.

(e) It shall be mandatory for every franchise holder to report to the Finance Director all contracts, agreements, arrangements, memoranda, or other writings, and all contracts and other transactions orally entered into, relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station, or other place of public gathering, whether such arrangements are made with the holder of the franchise or any firm, corporation, partnership or association with which the holder may be connected or interested. Failure to report such contracts or oral transactions within seven (7) days after made and arranged shall be sufficient cause for revocation and cancellation of the franchise of such holder. The terms of such contracts and arrangements shall remain confidential, but the existence of any such contract or arrangement may be disclosed by the Finance Director, and such information shall be used by the Finance Director in calculating and auditing gross receipts payments made to the City of Austin by the franchise holder.

(f) Every franchise holder shall keep complete records of all automotive and other equipment, employees, including drivers, and records of bonds and insurance policies prescribed by this Ordinance. Forms and methods used in connection with the keeping of these records shall be prescribed or approved by the Finance Director before adoption.

SECTION 48. Every driver of a taxicab shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare, and all such completed manifests shall be returned to the franchise holder by whom the driver is employed at the conclusion of the driver's tour of duty for the day. The forms for each manifest shall be furnished to the driver by the Franchise holder and shall be of a character approved by the Finance Director.

SECTION 49. All records and reports, driver's manifests, and other data prescribed to be maintained and kept under this Ordinance shall be preserved by the franchise holder in a safe place for at least one year after date, and all such records shall be available for examination and inspection at all reasonable times by the Finance Director, Chief of Police, Chief Auditor and Inspector, and other authorized officials of the City of Austin.

ARTICLE XI

ENFORCEMENT AND ADMINISTRATION

SECTION 50. Enforcement and administration of the provisions of this Ordinance shall be a function of such officers and employees of the City of Austin as may be designated by this Ordinance and of such other officers and employees as may be designated by the City Manager. To this end the City Manager is hereby authorized and directed to appoint three or more persons as auditors and inspectors, in addition to officers and employees mentioned above in this Section, whose duties of office shall be directed principally to enforcement of the provisions and regulations of this Ordinance. The auditors and inspectors so appointed shall exercise powers necessary to enforce the provisions of this

Ordinance. The auditors and inspectors so named shall perform their duties of office and employment under direction of the Finance Director, responsible to the City Manager; and the City Manager shall name one of the auditors and inspectors as Chief Auditor and Inspector for Taxicab Services.

SECTION 51. The City Attorney shall establish, maintain, and keep a system of records showing, or tending to show, whether the holder of any franchise to operate a taxicab in the City of Austin has been guilty of a breach of any condition of such franchise or privilege, or has failed to comply in any material manner with the terms and stipulations thereof, and the City Attorney shall report the same to the City Council when in his opinion the franchise of any such operator should be suspended or revoked, or penalties imposed on the holder, under all the facts and circumstances reflected by the records. The City Council will from time to time request reports from the City Attorney on the records of such franchise holders.

SECTION 52. The records to be kept by the City Attorney as to performance records of franchise holders shall include but without limitation records of charges, convictions, reprimands, warnings, and observations of officers and employees of the City of Austin having occasion to perform any act or acts, or make any report, touching upon the performance record of any franchise holder or employee of such holder. It shall be the duty of every officer and employee of the City of Austin having occasion to do any act, or make any report, or keep any record, affecting enforcement of this Ordinance, to report promptly the facts relating to the performance of any franchise holder, or employee of such holder, showing or tending to show that the holder of any such franchise has been guilty of a breach of any condition of such franchise or privilege, or has failed to comply in any material manner with the terms and stipulations thereof. Every such report to the City Attorney shall be dated, signed by the person reporting, and shall give dates, names, material facts, and other pertinent data.

SECTION 53. Every holder of a franchise for the operation of a taxicab service in the City of Austin 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 franchise holder to select and employ drivers who are qualified for taxicab service, who can read and write the English language, who are familiar with streets and addresses in the City of Austin, and who are morally acceptable for such public service. The continued employment by any franchise holder of any person as a driver who is a known criminal, or whose record as the driver of motor vehicles, as reflected by official court and police records, shows a lack of mental, emotional, moral, or temperamental capacity to be a safe and reliable driver will be taken into consideration by the City Council when requested to grant or renew any franchise to operate a taxicab service in the City of Austin. Every holder of a franchise is charged with knowledge of the police and court records of all drivers in the employment of any such franchise holder, and every such franchise holder is enjoined not to employ or retain in employment any person as a taxicab driver who frequently violates laws governing morals and motor vehicle operations.

SECTION 54. Every person holding a franchise to operate a taxicab service in the City of Austin shall render an over-all service to the public desiring to use taxicabs. Franchise holders shall maintain a central place of business and keep the same open twenty-four hours a day for the purpose of receiving calls and dispatching taxicabs. All calls for such services within the corporate limits of the City shall be answered as soon as possible, and if the service

cannot be rendered within a reasonable time, it shall be the duty of the franchise holder, his agent or employee, to notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any franchise holder who shall refuse to accept a call anywhere in the City limits at any time when such holder has available taxicabs, or who shall fail or refuse to give over-all service, shall be deemed a violator of this Ordinance, and the franchise of such person shall be subject to immediate revocation and cancellation by action of the City Council; provided, no such franchise holder shall be required to subject any taxicab to mob violence and destruction in order to render particular or over-all service.

SECTION 55. Every taxicab operated in the City of Austin shall bear on the outside of each rear door (or front door if approved by the Chief of Police) and on the rear of such taxicab, in painted letters not less than two and one-half ($2\frac{1}{2}$) inches in height and not less than five-sixteenths ($5/16$ ths) inch stroke, the name of the franchise holder, or the registered assumed name of the taxicab service of such holder, together with the telephone number of the service, and the number of the taxicab issued by the Finance Director upon the grant of the franchise. There may also be painted an identifying design of such franchise holder's business as approved by the Finance Director. All lettering and designs shall be painted in colors contrasting the colors of the taxicab so that the lettering and designs shall be clear and legible.

SECTION 56. All lettering and designs on taxicabs shall be in enamel or oil paint that will weather the elements and must be kept legible at all times. The lettering on all taxicabs owned by the same franchise holder shall be the same wording, same color, same size letters, and on the same place and places on each taxicab. On the top of each taxicab there shall be an electric sign with the word "Vacant" which shall be controlled by separate switch to illuminate or darken the "Vacant" sign. The sign shall be illuminated when the taxicab is not occupied or engaged and the taxicab is returning from a call to the terminal or the nearest public cab stand.

SECTION 57. Every franchise holder shall adopt standard colors, or combinations of colors, for the taxicabs of such service, and shall not operate any taxicab until such taxicab has been painted the colors or combinations of colors, adopted by the franchise holder. The colors, or combination of colors, after being approved by the City of Austin, shall not be changed without permission.

SECTION 58. No taxicab operated under the terms of this Ordinance shall bear a color scheme, identifying design, monogram, or insignia which conflicts with or imitates any color scheme, identifying design, monogram, or insignia used on the taxicabs of a franchise holder already operating under this Ordinance, in such manner as to be misleading or tend to deceive or defraud the public.

SECTION 59. Subject to requirements of identification and provisions of this Ordinance and other ordinances of the City of Austin regulating the use of the public streets, holders of franchises for taxicab services may permit advertising matter to be affixed to or installed in or on any taxicab of such services.

SECTION 60. Every taxicab operating under this Ordinance shall be inspected periodically by the Chief Auditor and Inspector, in cooperation with the Police Department, and at such intervals as shall be established by the Finance Director to insure the continued maintenance of safe operating conditions. Every vehicle operating under this Ordinance shall be kept in a clean and sanitary condition. If any taxicab is found to be unsafe or insanitary the Chief

Auditor and Inspector or any police officer may direct that the vehicle be taken out of service until made safe and sanitary.

SECTION 61. 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 thereof. The driver shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon a public street, except that, when necessary a driver may be absent from his taxicab for not more than fifteen (15) consecutive minutes; and provided further that nothing herein shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

SECTION 62. No driver of a taxicab shall solicit patronage in a loud or annoying tone of voice, or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage. No person shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

SECTION 63. 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 or in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right-hand or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

SECTION 64. Cruising by taxicabs is prohibited. Any person who seeks, searches for, or solicits employment while operating a taxicab, by repeatedly and persistently driving a taxicab to and fro on the public streets of the City of Austin and offering accommodations of the taxicab to prospective passengers, either by sign or signal, word of mouth, or by carrying a sign with the word "Vacant" thereon, or who in any manner whatever operates a taxicab without having a fixed destination while the taxicab is unoccupied by passengers, shall be deemed guilty of cruising; provided that the driver may stop and pick up a passengers on signal when returning to a terminal or to the nearest public cab stand after delivering passengers.

SECTION 65. No taxicab driver shall permit any other person to occupy or ride in said taxicab except a passenger for hire or an employee of the taxicab service by whom the driver is employed. Unless the person or persons first employing the taxicab shall consent, no additional passengers shall be picked up or permitted to ride in a taxicab on the same trip. 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.

SECTION 66. No driver of a taxicab shall refuse or neglect to convey an orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this Ordinance.

SECTION 67. No driver of a taxicab shall solicit business for any hotel, lodging house, tourist court, or rooming place, or attempt to divert patronage from one such business to another. No driver shall engage in selling intoxicating liquors, or solicit business for any business firm or individual selling intoxicating liquors; nor shall any driver solicit business for any house of ill repute.

or use his vehicle for any purpose other than transporting of passengers.

SECTION 68. It shall be unlawful for any person to refuse to pay the 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.

SECTION 69. 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, narcotic peddler, prostitute, or bootlegger in the commission of a crime or infraction of the law in any manner, or act in any manner as a panderer or pimp for prostitutes, or a contact for unlawful establishments of any character. Violations of this Section shall be brought to the attention of the franchise holder in whose service the taxicab driver is employed, and repeated occurrences, by the same or other drivers, shall be grounds for revocation and cancellation of the holder's franchise.

SECTION 70. It shall be the duty of every taxicab driver to return without delay to the owner, if any, any luggage, merchandise, or other property left in a taxicab. If the owner is not known, the driver shall deliver to the franchise 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, and if not called for within seven (7) days shall be delivered by the franchise holder to the Chief of Police with all available information as to the probable owner.

SECTION 71. It shall be the responsibility of every person operating a taxicab service in the City of Austin under a franchise to require the drivers of taxicabs of such service to be neat and clean in appearance while on duty. Every franchise holder shall require all drivers of the holder's taxicab service to wear a prescribed uniform while on duty, such uniform to include at least a cap and shirt, or cap and jacket, distinctive for each taxicab service, so that every registered taxicab driver, at all times while on duty, may be easily identified as a person properly authorized to operate and drive a taxicab in the City of Austin. To avoid confusion and prevent duplication of numbers, if any, and uniform colors, every system of uniforms for a taxicab service shall be approved by the Chief of Police before being adopted and used by the franchise holder. It shall be unlawful for any driver of a taxicab to drive or operate a taxicab in the City of Austin without being in the uniform prescribed for such driver by the franchise holder and approved by the Chief of Police.

SECTION 72. Every driver of a taxicab in the City of Austin shall have not fewer than four (4) hours of in-service training during each six (6) months of employment as a driver, under the supervision and direction of the Chief of Police. Such training and instruction shall include without limitation lectures, conferences, and demonstrations in traffic and other laws appropriate to the operation of taxicab services in the City of Austin, and such other subjects as will train and instruct the drivers in the performance of safe and efficient services as operators of public conveyances for hire. It shall be unlawful for the holder of a franchise knowingly to prevent any driver from taking such in-service training or in any manner to penalize any driver because of taking such training and instruction. It shall be unlawful for any driver willfully to fail, neglect, or refuse to take such training and instruction, and such failure, neglect, or refusal shall be grounds for refusing to renew such driver's registration under this Ordinance. The Chief of Police shall cause courses of

training and instruction to be prepared from time to time, and shall arrange dates and places of training and instruction periodically in cooperation with the holders of franchises, to the end that such training and instruction may be given all drivers at times and places convenient to and consistent with an uninterrupted taxicab service to the public. Notice of dates and places of training and instruction shall be announced at least five (5) days prior to the time of conducting such training or giving such instruction.

SECTION 73. It shall be unlawful for any officer or employee of the City of Austin to accept, directly or indirectly, any gifts, discounts, or gratuities from any holder of a taxicab franchise or any taxicab driver or from any person engaged in the repair of taxicabs.

SECTION 74. Every police officer of the City of Austin is hereby given authority and is enjoined to watch and observe the conduct of holders of taxicab franchises and drivers operating under this Ordinance. Upon discovering a violation of the provisions of this Ordinance, every such officer shall take immediate steps to enforce the law, either by arrest or by report to proper officials. Specific instructions in this connection shall be delivered to every police officer of the City under direction of the Chief of Police.

ARTICLE XIII

MISCELLANEOUS PROVISIONS

SECTION 75. No grant, right, or privilege, whether by franchise or otherwise, afforded any person under the terms and provisions of this Ordinance shall be transferrable to any other person without written application to the City of Austin for such transfer and approval thereof by action of the City Council.

SECTION 76. License fees required and rules and regulations for the control of the taxicab industry in the City of Austin at the time of final passage of this Ordinance shall remain in full force and effect until such time as the appropriate provisions of this Ordinance shall become effective. Any person violating any of the regulations effective at the time this Ordinance is introduced or passed by the City Council may be regarded by the City Council as having forfeited the right to the benefits of this Ordinance, and specifically may be denied a franchise, if applied for, without a showing of public convenience and necessity for the taxicab service proposed.

SECTION 77. Any ordinance or part thereof inconsistent with or in conflict with any of the terms and provisions of this Ordinance is hereby repealed. That certain ordinance entitled:

AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY.

as amended, which ordinance was originally passed by the City Council December 15, 1938, and is recorded in Ordinance Book "K", pages 440-452, of the Ordinance Records of the City of Austin, is hereby in all things repealed, except as provided in Section 76 above.

SECTION 78. Any person, either by himself or agent, who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed \$200.00, and not less than \$5.00. Any person who shall aid, abet, or assist in the violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed \$200.00, and not less than \$5.00. It shall not be necessary for the complaint to allege, or for proof to be made, that the act was knowingly done; nor shall it be necessary for the complaint to negative any exception contained in this Ordinance concerning any prohibited act, but any such exception made herein may be urged as a defense by any person charged by such complaint.

SECTION 79. If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting, and of the Mayor in approving, this Ordinance, that no portion hereof, or provision or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any section, sub-section, sentence, clause, phrase, portion, provision or regulation of this Ordinance.

SECTION 80. The fact that traffic on the streets of the City of Austin has greatly increased with the growth of the City's population, and the fact that existing ordinances of said City do not afford an adequate and comprehensive regulation and control of the operation of taxicabs on the public streets of said City, create an emergency and an imperative public necessity for the immediate preservation of the public welfare and safety, which requires the suspension of the rule requiring ordinances to be read on three separate days before the final passage thereof, and the rule that no ordinance shall become effective before the expiration of ten days from the time of its final passage; wherefore, such rules are hereby suspended and this ordinance shall be effective from and after its final passage, and it is so ordained.

PASSED: June 8, 1950

APPROVED: June 8, 1950

(Sgd) W. S. Drake, Jr.
Mayor Pro-tem

APPROVED:

(Sgd) Trueman E. O'Quinn
City Attorney

ATTEST:

(Sgd) Elsie Woosley
City Clerk

(Seal)

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS:

COUNTY OF TRAVIS:

BEFORE ME, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Betty Jackson, Agent of THE AMERICAN-STATESMAN, a daily newspaper published in said County and State, who, being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit: June 16, 1950, and that the attached is a true copy of said advertisement.

An Ordinance

An ordinance regulating taxicab services in the City of Austin and prescribing rules and standards for the operation and control of such services in the public interest; providing for the granting of franchises for Taxicab services and creating the taxicab franchise commission; requiring registration of all drivers of all taxicabs and fixing maximum fares; providing for administration and enforcement of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing a saving clause; prescribing penalties for violation of this ordinance; and declaring an emergency.

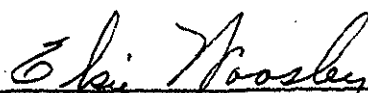
(Sgd) Betty Jackson

SWORN AND SUBSCRIBED TO before me, this the 17th day of June, A.D., 1950.

(Sgd) Lula Mae Waggoner
Notary Public in and for
Travis County, Texas

(Seal)

I, Elsie Woosley, City Clerk of the City of Austin, hereby certify that the above and foregoing ordinance was published as required by the City Charter, in THE AMERICAN-STATESMAN, a daily newspaper published in said City, on JUNE 16, 1950.



City Clerk, City of Austin, Texas