

Taxicab Permit Process

- A complete application must be submitted to the City Secretary's Office at 205 N. River Street, Seguin, Texas 78155. Applicants must have a valid drivers license and driver's permit, provide certificate of insurance and maintain coverage during the duration of the permit. The City is authorized to check the driving record and criminal history of applicants.
- The Annual Taxicab Business Permit Fee is \$100 plus \$20 per vehicle.
- The application will be brought before the City Council for approval.
- Once approved, a permit shall be issued and shall be in effect for the remainder of the calendar year in which it is issued.
- Taxicab Driver Permits may be denied or suspended for reasons including:
 - Failure to comply with any provision of the Chapter.
 - Breach of any terms of the permit.
 - Violation of any ordinance of the City of Seguin or law of the state or United States.
 - Failure to timely pay the annual permit fee.Suspensions or revocations may be appealed in writing to the City of Seguin within ten days of receipt of written notice.
- Permits must be renewed annually by filing a request no later than December 1 of each year, and include the permit fee, proof of insurance, a statement of the rates that will be charged, and any changes in vehicles or operations.

DRIVERS

1. Taxicab drivers' permits will be displayed in the taxicab at all times in full view of all passengers.
2. Taxicab drivers must maintain a daily taxi log.

CABS

1. Taxicabs must be clearly marked with its own insignia on each side of the vehicle and include trade name, taxicab unit number, and company phone number.
2. Taxicabs must be equipped with an odometer and a meter.
3. Taxicab rates must be clearly posted.
4. Each taxicab shall be inspected and approved annually by the chief of police or his representative and meet the required safety requirements.
5. Taxicabs must have a current valid state inspection sticker.
6. Taxicabs must have a seat belt for each passenger.
7. Taxicabs must have an operating heater and air conditioner
8. Taxicabs must have a working fire extinguisher.
9. Taxicabs must be clean and sanitary.



ORDINANCE NO. 2012-08 VEHICLES FOR HIRE

Introduction

The Mayor and City Council have enacted an ordinance regulating the operating procedures of Taxicabs/Limousines in the City of Seguin.
Effective September 2012

City of Seguin • 205 N. River Street • Seguin, Texas 78155
Phone 830-379-3212 • Fax 830-401-2499 • www.seguintexas.gov

CITY OF SEGUIN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 106, VEHICLES FOR HIRE BY ADDING NEW DEFINITIONS AND REGULATIONS INCLUDING LIMOUSINE SERVICES; AMENDING APPENDIX C TO ESTABLISH FEES; PROVIDING FOR PUBLICATION; AN EFFECTIVE DATE, A SEVERABILITY CLAUSE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, alternative forms of transportation including taxis and limousines provide a valuable service to the citizens of Seguin; and

WHEREAS, in order to protect the safety and welfare of Seguin citizens and visitors the City Council finds that some regulation of alternative means of transportation is necessary; and

WHEREAS, the current Seguin ordinances regulating taxicab services are outdated.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION 1. Article I, Generally, of Chapter 106 of the Seguin Code of Ordinances is amended by adding the following sections:

Sec. 106-1. Definitions

For the purposes of set forth in Chapter 106 the following definitions shall apply:

Applicant. Any individual person, firm or corporation in the process of obtaining a limousine, luxury limousine or taxicab business permit from the City.

City. The City of Seguin.

Driver. An individual who operates or drives a limousine of any type or a taxicab.

Operate. To drive or be in physical control of a limousine of any type or a taxicab.

Limousine means a motor vehicle, properly equipped, used in providing a luxury limousine service, or any motor vehicle used in providing an airport limousine service.

Limousine service means a business providing luxury limousine service or airport limousine service.

Luxury limousine service means a service consisting of the rental of a luxury motor vehicle equipped with a partition separating the driver from the passenger compartment, together with the services of a driver.

SECTION FIVE. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION SIX. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION SEVEN. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 17th day of January, 2012.

PASSED AND APPROVED on second reading on the 7th day of February, 2012.

Manifest means a daily record prepared by a taxicab driver of all trips made by the driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Permittee. A person who is granted an annual taxicab or limousine business permit to operate a limousine, luxury limousine, or taxicab service under the provisions of this chapter.

Person. An individual, corporation, agency, trust, partnership, or two or more individuals or entities having a joint or common economic interest.

Rate card means a card for display in each taxicab which contains the rates of fare in force.

Taxicab. A chauffeured motor vehicle used to transport person for hire on a call or demand basis, or by prior appointment, upon the streets of the City, with the following exceptions:

- (1) Vehicles being used as ambulances
- (2) Vehicles rented or leased for self-operation by the person actually driving the same, unless such a vehicle is transporting for compensation persons other than the one who actually rented or leased the same
- (3) Limousines
- (4) Buses
- (5) Horse-drawn carriages

Taxicab business. A service consisting of the provision and operation of motor vehicles for hire that carry passengers and are not operated on a fixed route.

Taxicab business permit. Permission granted by the City to operate a taxicab service inside the city for a period of one year, renewable under the provisions of this chapter.

Sec. 106-2. General Prohibition

- (a) No vehicle for hire may be operated within the city limits of the City of Seguin without first complying with one of the divisions of this article.
- (b) Any person who shall violate the general prohibition set forth above, or shall fail to comply with the requirements of this article shall, upon conviction, be punished pursuant to section 1-14 of this Code of Ordinances.
- (c) It shall be unlawful for the driver of any taxicab to transport or offer to transport or aid or assist in transporting, directly or indirectly, any person in, on, over or through the streets of the city for the purpose of the delivery of controlled substances, lewdness, assignation, or prostitution or for any other unlawful or immoral purpose.

Sec. 106-3 through 106-25, reserved.

SECTION 2. Divisions 1, 2, and 3 of Chapter 106, Division II, Taxicabs, are repealed in their entirety and replaced with a new Division II, taxicabs and limousines, containing the following sections:

DIVISION II. Taxicabs and Limousines

Sec. 106-26. Taxicab Business Permit.

(a) Annual permit required.

No person shall engage in the taxicab business upon any street within the City without first having obtained a permit pursuant to this Chapter. No person shall employ, permit, allow, or authorize another person to engage in the taxicab business upon any street within the City without first having obtained a permit pursuant to this Division.

(b) Permit Non-transferable.

No permit granted under this Division may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Council.

(c) Application process.

An application for a taxicab business permit shall be submitted to the City Secretary on a form provided by the City. The Applicant must be the person who will own, control or operate the proposed taxicab business. The Applicant shall provide the following information:

1. The name and address of the Applicant.
2. Name, address and telephone number of the taxicab business. Applicant shall specify the address from which taxi service will originate.
3. Name, address, and phone number of the owner of the taxicab business:
 - i. If the owner is a sole proprietorship, the owner's name, address and telephone number.
 - ii. If the owner is a partnership, the names and addresses of the partners.
 - iii. If the owner is a corporation, the names and addresses of the corporate officers; a certified copy of its charter and bylaws; the amount of capital stock; and the character and value of its assets.
4. A list of any pending claims and judgments, and the facts underlying each.
5. Description of the make, horsepower, vehicle identification number, rated horsepower, seating capacity, and license number of each vehicle to be used as a taxicab. This description shall include the name and address of each vehicle's owner.
6. A schedule of rates to be charged to passengers.
7. The location at which the taxicabs will remain while not in active service.
8. A statement that the Applicant has not been finally convicted of any felony or other offense involving moral turpitude.
9. Description of any past business experience of the Applicant, particularly in providing passenger transportation services, identification and description of any revocation or suspension of a franchise or permit held by the Applicant or business before the date of filing the application.

Sec. 106-36. Manifests, Records & Reports. Every driver of a vehicle operated pursuant to this article 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 the amount of fare. All completed manifests shall be returned to the designated agent of the holder of an operating permit at the conclusion of each tour of duty. The forms for each manifest shall be furnished to the driver by the holder. The holder shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and the manifests shall be available to the city at all times.

Sec. 106-37. Holder's Records and Reports. Every operating permit holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and any other operating information required by the City. Every holder shall maintain the records containing this information and other data required by this article at a place readily accessible for examination by the City.

Sections 106-38 through 106-49, Reserved.

Sec. 106-50. Limousines.

(a) No person shall engage in either a limousine or luxury limousine business upon any street within the City without first having obtained a permit pursuant to this Chapter. No person shall employ, permit, allow, or authorize another person to engage in the limousine or luxury limousine business upon any street within the City without first having obtained a permit pursuant to this Chapter.

(b) An applicant for a permit to operate a limousine or luxury limousine business shall follow all the procedures required for taxicab permits as set forth be in the above sections 106-26 and 106-27, including the payment of fees.

Sec. 106-51. Vehicle inspection and maintenance.

Any vehicle operated as a limousine or luxury limousine shall be inspected as required by state law and shall be maintained in a safe and sanitary operating condition at all times.

SECTION THREE.

Appendix C – Fee Schedule, Chapter 106, Article II, Taxicabs and Limousines, of the Seguin Code of Ordinances the City of Seguin, Texas is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Chapter 106. Vehicles for Hire

Article Division II. Taxicabs and Limousines

(a) Annual Business Permit Fee..... ~~50-100.00~~ plus \$20.00 per vehicle ~~106-51-106-26~~

SECTION FOUR. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

1. Have a current valid state inspection sticker and be in compliance with the safety requirements of the Texas Motor Vehicle Code as amended;
2. Have a seat belt for each passenger;
3. Have an operating heater and air conditioner;
4. Have painted on both sides the trade name of the organization under whose taxicab business permit such taxicab is being operated, the taxicab unit number and the business telephone number of the permittee. Such letters and numbers shall be not less than three inches high and one-half inch wide, painted on each taxicab with permanent, non-washable paint of a color sharply contrasting to the color of the taxicab so that the lettering will be readily apparent;
5. Have a fire extinguisher that is in good operating order;
6. Be reasonably clean and sanitary;
7. The vehicle identification number, license number and insignia on the taxicab must be the same as those indicated on the permit application.

Sec. 106-29. Insignia. Each taxicab shall have its own insignia that is different from those utilized by other permitted taxicab services in the City. Each taxicab shall display its insignia in a conspicuous manner on a door on each side of the vehicle.

Sec. 106-30. Ownership. It shall be unlawful for any person conducting a taxicab business in the City to use or operate, or cause to be used or operated, as a taxicab any vehicle not owned by him.

Sec. 106-31. Odometer & Meter. Each taxicab shall be equipped with an odometer and a meter.

Sec. 106-32. Operation of Taxicabs – Rates.

- (a) Every permittee shall file with the city secretary a statement of the rates charged by taxicabs operated pursuant to its business permit.
- (b) Every taxicab operated under this article shall have a rate card setting forth the rates of fare displayed in a place in view of all passengers. The rate card shall correspond to the rates on file pursuant to subsection (a) above.

Sec. 106-33. Excess Passengers. No taxicab driver operating a taxicab shall permit or allow more persons to ride in such vehicle than are provided for by its normal seating capacity.

Sec. 106-34. Disposition of Property Left in Taxicabs. All property left in taxicabs by passengers shall be promptly delivered to the Seguin Police Department and held by such department until claimed by the owner or disposed of as ordered by the city council.

Sec. 106-35. Attempt to Defraud Passenger. A person who operates a taxicab commits an offense if the person intentionally extends the distance or time for a trip beyond the distance and time necessary for the trip for the purpose of increasing the fare for the trip.

10. A description of the proposed insignia and color scheme for the Applicant's taxicabs.

The Application shall include a sworn statement by the Applicant that all information provided in the application is true and correct and shall further state that the city is authorized to check the driving record and criminal history of the Applicant. The police department shall have authority to investigate the facts stated in application, as necessary.

(d) Fees.

To defray the costs of implementing this Chapter, each application shall be accompanied by a nonrefundable permit fee that has been established by the City Council and set forth in Appendix C of this Code.

(e) Insurance required.

Before a permit may be issued under this Chapter, Applicant must provide to the City Secretary a certificate of insurance reflecting insurance coverage herein described, and in the case of multiple vehicles, include a schedule of vehicles covered by the policy. The policy shall be maintained during the duration of the permit. Applicant must meet the minimum liability insurance requirements established by state law.

Once permitted, if a permittee intends to alter insurance policies, thirty (30) days written notice must be given to the City Secretary. Failure to maintain required coverage will result in the immediate suspension of the permit, which will remain suspended until subsequent proof of coverage is filed with the City Secretary and approved by the City Attorney.

(f) Council Action on Application.

Within thirty days of receiving an application for a taxicab business permit, the City Secretary shall place the application as an item at a regularly scheduled City Council meeting. The City Council shall make or cause to be made an investigation, including any hearings deemed necessary as to such application, and shall determine whether the public convenience and necessity require the operation of a taxicab business and the fitness of applicant to conduct a taxicab business. In determining whether a permit should be granted, the Council may consider, among other factors:

1. Quality of service offered by Applicant.
2. Financial ability and responsibility of Applicant;
3. The quality of the automobiles.
4. The character and location of any depot or terminal proposed to be used.
5. The experience of the Applicant in the transportation of passengers.

If the Council determines that the applicant is able to conduct such business and that all requirements of this Article have been met, it shall order the issuance of the permit. If the council finds that the public convenience and necessity require the operation of fewer taxicabs than the number contained in the application, it may authorize the granting of the permit for fewer taxicabs.

(g) Issuance of Permit & Contents.

Upon order by the City Council, the City Secretary shall issue the permit, which shall be signed by the City Secretary and sealed with the seal of her office. The permit shall be dated on the day of its issuance, shall bear a serial number, shall show the name and address of the permittee, shall indicate that the permittee has been authorized by the City Council to conduct a taxicab business in the city, and shall indicate the number of taxicabs authorized to be operated and that the permit is subject to revocation or suspension by the City Council.

(h) Period of Validity.

A permit issued under this Article shall be valid for the remainder of the calendar year in which it is issued.

(i) Renewal of Permit.

Permits must be renewed annually by filing a request to renew the permit no later than December 1 of each year. The request for renewal shall include any fee set forth in Appendix C of this Code, a copy of the commitment for insurance, a statement of the rates that will be charged during the coming year, and any changes in vehicles or operations.

(j) Revocation or suspension of permit.

The City Manager may revoke or suspend a taxicab business permit for any of the following reasons:

1. The permittee fails to comply with any provision of the Chapter;
2. The permittee breaches any terms of the permit;
3. The permittee has violated any ordinance of the City or law of the state or United States, the violation of which adversely affects the ability of the holder to offer public transportation.
4. The permittee fails to timely pay the annual permit fee.

If the decision is made to revoke or suspend the taxicab business permit, the City Manager shall issue written notice of such decision. The notice shall include the date of the violation and a description of the facts giving rise to the revocation or suspension. The notice shall also include the effective date of the revocation or suspension.

Any decision to revoke or suspend a taxicab business permit may be appealed to the City of Seguin Municipal Court. The appeal must be made in writing within ten (10) days of the receipt of the revocation notice. The notice of appeal must be filed with the City Secretary, who will notify the municipal court. The filing of a notice of appeal shall stay the revocation or suspension until the municipal court judge renders a final decision.

Sec. 106-27. Driver Permit and Registration

- (a) **Required.** It shall be an offense for any person to operate a taxicab for hire upon the city streets without a valid drivers license and driver's permit, and shall be an offense for any person who owns or controls a taxicab to allow a taxicab to be so operated.
- (b) **Application.** The holder of a taxicab business permit issued pursuant to Section 106-28 shall file with the City Secretary an application for a taxicab driver's permit for each driver employed by the Permittee. On the application the Permittee shall certify that there is currently in effect an insurance policy covering the driver while the driver is engaged in providing taxi service. It is the responsibility of the Permittee to immediately notify the city secretary if the insurance required by the section is no longer in effect for a driver holding a permit and employed by the Permittee.
- (c) **Issuance; Duration.** Upon submission of the application for a taxicab drivers permit, a permit shall be issued which shall bear the name, address, signature, and photograph of the driver. The permit shall be in effect for the remainder of the calendar year in which the permit is issued.
- (d) **Display.** Every driver operating a taxicab pursuant to this Article shall post the driver's permit in full view of all passengers while the driver is operating a taxicab.
- (e) **Fee and Renewal.**
- (f) An application for a driver's permit shall be accompanied by any fee established by the City Council as set forth in Appendix C to this Code. Applications for renewal of a driver's permit shall be made no later than December 1 of each year by a request to the City Secretary that contains all the information in subsection (b) above and is accompanied by any fee set forth in Appendix C of this Code.
- (g) **Revocation; Suspension.** Every driver receiving a permit under this article shall comply with all city, state, and federal laws and ordinances. Failure to do so will justify the suspension or revocation of the permit. The city manager shall initiate the revocation or suspension of a drivers permit. No permit shall be suspended or revoked unless the holder of the permit receives notice of the allegations and an opportunity to be heard.

Sec. 106-28. Taxicabs

- (a) **Vehicle Inspections.** Before being allowed to operate on the streets of the city, each taxicab shall be inspected and approved annually by the chief of police or his representative. No taxicab shall be driven or operated upon the streets of the city unless the same is in safe condition and free from mechanical defects and meets the following requirements: