



**PERMIT APPLICATION
FOR
TAXICAB/LIMOUSINE/TOURING VEHICLE**

**City of Lubbock Code of Ordinances
Section 27
Article IV**

1. **Name of Business:** _____
Address: _____
Telephone Number: _____

2. **Name of Owner** _____
Address: _____
Telephone Number: _____

3. **Name of Applicant:** _____
(if different from Owner)
Address: _____
Telephone Number: _____

4. **Number of Vehicles:** _____
List all vehicles below. If more space is needed for listing additional vehicles, please list on a separate sheet of paper and include with application.
 - A. **Type of Vehicle:** _____
 - B. **Seating Capacity:** _____ **License No.:** _____
 - C. **Vehicle Identification Number:** _____
 - A. **Type of Vehicle:** _____
 - B. **Seating Capacity:** _____ **License No.:** _____
 - C. **Vehicle Identification Number:** _____
 - A. **Type of Vehicle:** _____
 - B. **Seating Capacity:** _____ **License No.:** _____
 - C. **Vehicle Identification Number:** _____
 - A. **Type of Vehicle:** _____
 - B. **Seating Capacity:** _____ **License No.:** _____
 - C. **Vehicle Identification Number:** _____

Note: If State license plates are exchanged, this information must be filed with the City Secretary's Office (Section 27-86).

5. **Attach documentation from the Lubbock County Tax Appraisal District indicating that all taxes on referenced vehicles have been paid (Section 27-108).**
 6. **Attach copies of the policy for Public Liability and Property Damage Insurance coverage (Section 27-111 and 27-112).**
 7. **Attach the required Performance Bond(Section 27-105,27-106,27-107).**
 8. **Attach copy of all schedule of rates to be charged to passengers, including fare for airport service(Section 27-90).**
 9. **Time and date for inspection of vehicles by City Garage; Each vehicle shall be operated by drivers who comply with the requirements of this article. (Section 27-89)**
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10. **Applicant understands that any permit issued pursuant to this application is conditional upon the following:**
 - A. **That applicant will comply with all applicable terms of Chapter 27 of the Code of Ordinances of the City of Lubbock during the time said Permit is in force.**
 - B. **That the Permit, if issued, will be subject to forfeiture and cancellation upon the conviction for any violation of any of the applicable provisions of Chapter 27 of the Code of Ordinances of the City of Lubbock or upon a showing the applicant has substantially breached the terms of any Permit issued pursuant to this application.**
 - C. **That any Permit issued pursuant to the application shall be subject to forfeiture and cancellation upon the Permit Holder becoming delinquent in the payment of any and all ad valorem taxes assessed against any and all types of property owned and operated by Permit Holder.**
 - D. **That the Permit Holder will keep and maintain complete records of all physical property, 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 business and maintenance of equipment and all revenues derived from such business.**

11. The applicant further certifies that he owns, leases, contracts, or otherwise has legal control over all vehicles set forth in this application.
12. That any Permit issued pursuant to this application shall never be assigned or transferred without prior written application to and approval of the City Manager of the City of Lubbock.
- A. If this is an initial application requesting issuance of permit, a complete personal history statement must be attached.
- B. If this is an application for annual renewal, a verified annual report of the previous year must be filed with the City Secretary no later than the 20th day of the month following expiration of the yearly permit (Section 27-87 and Section 27-88).
13. Permit Fee per vehicle:
- | | | |
|------------------|-------|-------------|
| Taxicabs: | _____ | Per Vehicle |
| Limousines: | _____ | Per Vehicle |
| Touring Vehicle: | _____ | Per Vehicle |
14. Permit good for one year from date of issuance.

ACKNOWLEDGMENT

OWNER

I, _____, do affirm that the above information is true and correct to the best of my knowledge.

Signature of Owner

BEFORE ME, the undersigned authority, a Notary Public in and for said Lubbock County, Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing application and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20_____.

(Seal)

Notary Public, State of Texas
My Commission expires: _____

CITY OF LUBBOCK APPROVALS:

Police Department

City Secretary

City Manager

Garage Supervisor

Risk Management

Chapter 27

VEHICLES FOR HIRE*

ARTICLE I. IN GENERAL

Sec. 27-1. Definitions.

As used in this chapter, the following words and terms shall have the meaning ascribed to them in this section:

Bus service: The carrying of passengers for hire by motor-driven vehicles on a regular route, but not including common carriers subject to regulation by the State of Texas.

Driver or Chauffeur: Every person who actually drives or manipulates a vehicle used as a taxicab or limousine, whether as owner or agent, servant or employee of an owner.

* Editors Note: Former Ord. No. 2035, enacted on October 11, 1956, prohibited certain acts by taxicab drivers.

In certain sections in this chapter, the reference to the 1959 Code appears before the end of the history note, because a later ordinance designated a different Code section number.

Charter References: Regulation of charges, etc., of holder of franchise or privilege, Ch. 1, Art. II, § 14; power of city to license, tax and regulate vehicles for hire, Ch. 1, Art. II, § 23.

Cross References: Lubbock Public Transit Advisory Board, § 2-237 et seq.; Lubbock International Airport, § 5-26 et seq.; licenses and business regulations, Ch. 14; motor vehicles and traffic, Ch. 16; stopping buses and taxicabs, § 16-242 et seq.; motor vehicles and traffic, Ch. 16; abandoned property, § 18-66 et seq.; streets and sidewalks, Ch. 24; taxation, Ch. 26; zoning, Ch. 29.

State Law References: Power of city to regulate the use of streets and to prescribe the qualifications for operators of motor vehicles, VTCS Art. 1175(12), (20); power of city to regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle used for carrying passengers or freight for hire, VTCS Art. 1175(21).

Limousine: Any unmetered late model luxury vehicle with a seating capacity for a minimum of four (4) passengers or an antique vehicle which has a seating capacity for a minimum of three (3) passengers and which vehicles are used for the transportation of passengers for hire to and from the Lubbock International Airport or any such vehicle exclusively chartered for a minimum of one hour per trip carrying such charter passenger or passengers to and from designated points within the city. For purposes of this section, "a late model luxury vehicle" shall be a full size model of a commonly recognized manufacturer of luxury automobiles, including, but not limited to, such manufacturers as Cadillac, Lincoln, Mercedes and Rolls Royce, which vehicle shall not be more than ten (10) years old unless special permission for the use of such vehicle is granted by the City Council. The term "antique vehicle" shall mean any vehicle approved by the City Council which is at least forty (40) years old. The term "limousine" shall not include vehicles rented without drivers, taxicabs, touring vehicles, publicly franchised buses or vehicles owned and operated by motels, hotels and other businesses for the transporting of their guests or employees free of charge. A limousine shall not have a stoop light or taxi meter or in any way represent itself as a taxicab or be marked or operated in such a way as will cause it to be confused with a taxicab.

Owner, taxicab operator or operator: Any person who has the control, direction, maintenance or the benefit of the collection of revenue derived from the operation of a taxicab or a limousine on or over the streets of the city, whether as owner or otherwise, provided that the term "driver," as define in this section, shall not be included within this definition.

Regular route: A route whereon service is operated or solicited for as much as four (4) hours in one day, but it is not intended to include taxicab service over a fixed route to and from depots, nor motor vehicles operating to a regular destination more than five (5) miles from the corporate limits making no stops outside of the fire limits of the city.

Street or Streets: Any street, alley, avenue, boulevard, drive, public way or highway commonly used for the purpose of public travel within the corporate limits of the city.

Taxicab: Every motor-propelled vehicle used for the transportation of passengers over the public streets of the city and which is not confined to a definite fixed route, and for the use of which remuneration is received based upon distance traveled, or for waiting time, or for both, when such vehicle is directed to destinations by a passenger or by such person hiring or using the same; provided however, the term "taxicab" shall not apply to motorbuses operated within the city under a franchise from the city over a fixed definite route, nor shall such term apply to motorbuses regularly operated in the city along fixed routes to and from points outside the incorporated limits of the city, nor shall such term apply to motor vehicles regularly engaged in interstate commerce, nor shall such term apply to limousines as defined herein.

Touring vehicle: Any vehicle other than one rented without a driver, or a taxicab or a limousine, or a publicly franchised bus or bus operated by or on behalf of the city, used for the transportation of more than four (4) passengers for hire for sight-seeing,

educational tours or other such similar excursions, the charges for which is determined by the length of time for which the vehicle is engaged, the distance traveled, a fixed fee or any combination of such methods of determining such charge.

(Ord. No. 313, § 1, 8-13-25; Ord. No. 1535, § 1, 3-11-54; Ord. No. 2612, § 1(1), 11-13-58; Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8374, § 1, 10-21-82; Ord. No. 9117, § 1, 9-10-87; Code 1959, §§ 31-1, 31-56; Ord. No. 9835, § 1, 9-14-95)

Sec. 27-2. Duties of city manager.

It shall be the duty of the city manager or his designated representative to enforce the provisions of this chapter and to furnish the City Council with information concerning taxicabs and limousines whenever it calls for such information.

(Ord. No. 1535, § 2, 3-11-54; Ord. No. 2612, § 1(2), (3), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-2)

Sec. 27-3. Who may operate generally.

Except as provided in this chapter, it shall be unlawful for any person to operate on the streets of the city a vehicle engaged in the business of transporting passengers, unless he is the owner or operator thereof, or a duly authorized agent or employee of the owner or operator, and it shall be unlawful for any owner or operator of such a vehicle licensed in his name to permit it to be driven or operated within the corporate limits of the city by any person, except his legally authorized agent or employee.

(Ord. No. 1535, §§ 3, 4, 3-11-54; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-3)

Sec. 27-4. Transportation similar to taxicab; permit.

It shall be unlawful for any person owning, operating, driving or in charge of any vehicle in the city to use or advertise in connection therewith the word "taxi," "taxicab" or "cab," or in soliciting trade from the public to mark, represent or exhibit such a vehicle as a "taxi," "taxicab" or "cab" unless such vehicle is operated subject to the control of an authorized taxicab permit holder.

(Ord. No. 7565, § 1, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8821, § 1, 9-26-85; Code 1959, § 31-4; Ord. No. 9835, § 1, 9-14-95)

Sec. 27-5. Taxis, limousines and buses at airport.

(a) Anyone desiring to transport passengers to or from Lubbock International Airport by ground transportation for remuneration is required to hold a valid city taxicab service permit, a limousine service permit, a franchise for bus service as prescribed by this chapter or a certificate of public convenience and necessity as a common carrier subject

to regulation by the State of Texas. Such holders shall register with the director of aviation at Lubbock International Airport, and shall comply with all rules and regulations set by the airport board of the City of Lubbock, Texas, including but not limited to: parking regulations, provisions concerning solicitation of passengers, etc. The airport board shall assess the permit, franchise or certificate holder a reasonable fee hereunder.

(b) In the event that any taxicab permit holder, any limousine permit holder, franchised bus holder or common carrier fails to comply with the rules and regulations of the airport board, such permit, franchise or certificate holder shall be issued notice of noncompliance. Should the violation persist ten (10) days after issuance of said notice, such permit, franchise or certificate holder may be prohibited from doing business at Lubbock International Airport.

(c) Hotels, motels or other businesses that transport guests or employees to or from Lubbock International Airport shall comply with all of the rules and regulations of the airport board; however, such hotels, motels and other businesses shall not be required to hold a city taxicab or limousine permit or a bus franchise.

(Ord. No. 7565, § 1, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8691, § 1, 12-20-84; Ord. No. 9117, § 2, 9-10-87; Code 1959, § 31-5)

Cross References: Lubbock International Airport, § 5-26 et seq.; parking, § 16-224 et seq.

Sec. 27-6. Franchise for bus service--Application for and issuance.

Any person desiring to operate a bus service within the city, or partly within the city, shall, before engaging in such enterprise, present to the City Council, in writing, an application for a franchise. Such application shall state the route upon which the applicant will operate, the schedule of such service, the fare to be charged, the kind and character of equipment to be used and the probable number of passengers per month who will use such service. The applicant shall also satisfy the Council that he is a proper person to whom a franchise may be granted, that the fares to be charged are reasonable, that he will operate such service in a safe and adequate manner and that a necessity exists for the establishment and operation of such service over the route named. If the judgment of the City Council is that all such matters are regular, necessary and reasonable, a franchise may be issued to the applicant, under the terms of this article, and such conditions as the Council may prescribe.

(Ord. No. 313, § 2, 8-13-25; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-6)

Cross References: Lubbock Public Transit Advisory Board, § 2-237 et seq.; pedestrians waiting for, entering or leaving bus, § 16-109; parking buses on certain streets, § 16-240.

Sec. 27-7. Same--Forfeiture.

Upon violation of the terms of this article, or any franchise issued hereunder, after ten (10) days' notice in writing, specifying the grounds of the complaint, a hearing may be had before the City Council as to the correctness of the complaint, which shall be under oath, and if such grounds of complaint are proven, such franchise may be forfeited and the rights of the person holding the same wholly terminated. Such forfeiture shall be in addition to any other penalty provided by this Code.

(Ord. No. 313, § 4, 8-13-25; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-7)

Sec. 27-8. Property left in vehicles.

It shall be the duty of every driver of a vehicle for hire to return immediately to the owner, if known, all luggage, merchandise or other property left in his vehicle. If the owner of such property is not known, the driver shall immediately turn over to the manager of the terminal from which he operates all property whatsoever left in his vehicle, giving a complete report of when and where it was left. All such property shall be tagged for identification purposes, and if it is not called for by the owner within seven (7) days, it shall be turned over to the chief of police with all available information pertaining thereto.

(Ord. No. 1535, § 4, 3-11-54; Ord. No. 2612, § 1(4), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-8)

Cross References: Abandoned property, § 18-66 et seq.

Secs. 27-9--27-15. Reserved.

ARTICLE II. CITY CHAUFFEUR'S LICENSE*

Sec. 27-16. Required.

It shall be unlawful for any person to drive any taxicab or limousine engaged in the business of transporting passengers upon or over any street within the corporate limits of the city, without first having obtained from the chief of police a valid city chauffeur's license.

Ord. No. 1535, § 3, 3-11-54; Ord. No. 2612, § 1(7), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-19)

Sec. 27-17. Application; fee.

Before obtaining a city chauffeur's license, the applicant shall make a written, signed application therefore to the chief of police accompanied by a fee of ~~ten dollars (\$10.00)~~ thirty dollars (\$30.00), payable to the city. Such application shall contain the following information:

- (1) The full name, age, place of birth and present residential and business addresses of the applicant.
- (2) The full name of the person or owner for whom the applicant proposes to be employed.
- (3) The length of the residence of the applicant in the city and the state, and whether he is a citizen of the United States.
- (4) A full personal description of the applicant, including age, height, weight, race, color of eyes, complexion and color of hair, body and facial marks and defects, if any, his complete fingerprints and his photograph, both front and side views. (Fingerprints and photograph to be furnished by police department.)

* Editors Note: Ord. No. 1535, § 3, enacted on March 11, 1954, and Ord. No. 2612, § 1(9), enacted on November 13, 1958, pertaining to a health certificate for applicants under this article, were repealed by Ord. No. 7649, § 1, enacted on May 11, 1978.

Charter References: Power of city to prescribe the qualifications of vehicle drivers, Ch. 1, Art. II, § 23.

Cross References: Operation of vehicles, § 16-126 et seq.; juvenile drivers, § 16-265 et seq.

- (5) The experience, if any, that the applicant has had as a driver of a motor vehicle; whether married or single; the number of children, if any, in his immediate family; the specific address of his mother and father, if living.
- (6) Whether applicant has been charged with or convicted of any felony or misdemeanor, and if so, full information concerning each.
- (7) Whether applicant has been convicted of any violation of any law in the operation of motor vehicles, and if so, full information concerning each.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 2612, § 1(8), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-20)

Cross References: Police, Ch. 22.

Sec. 27-18. State license, criminal history records information.

No person shall be issued a city chauffeur's license unless he first produces a valid chauffeur's license issued to him by the State of Texas and a criminal history records information check issued by the Texas Department of Public Safety to the applicant within thirty (30) days prior to the date of the application.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9836, § 1, 9-28-95; Code 1959, § 31-21)

State Law References: Driver's, chauffeur's and commercial operator's licenses, VTCS Art. 6687b.

Sec. 27-19. Investigation of applicant.

The chief of police shall investigate or cause to be investigated the character, experience and qualifications of the applicant desiring a city chauffeur's license as may be deemed in the best interests of the safety, comfort and health of the general public in the use of the streets by such applicant. The chief of police shall determine whether or not the applicant is qualified for such a city chauffeur's license in a manner consistent with such interests.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 2612, § 1(10), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8785, § 1, 6-28-85; Code 1959, § 31-23)

Sec. 27-20. Fingerprint check.

The fingerprints of each applicant for a city chauffeur's license under this article shall be checked through local police records and the applicant shall furnish to the police department a copy of the criminal history record check issued by the Texas Department of Public Safety required by 27-18 of this article.

(Ord. No. 1353, § 3, 3-11-54; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9836, § 2, 9-28-95; Code 1959, § 31-24)

State Law References: Bureau of Identification and Records, VTCS Art. 4413(14).

Sec. 27-21. Issuance.

If the applicant has complied with all of the requirements of this article and if the chief of police determines that the applicant qualifies under this article to receive a city chauffeur's license, the chief of police shall grant such license.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 2612, § 1(11), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8785, § 1, 6-28-85; Code 1959, § 31-25)

Sec. 27-22. Temporary license.

The chief of police is authorized to issue an applicant a temporary city chauffeur's license for a period not exceeding forty-five (45) days, pending the investigation required under 27-19 of this Code, providing other requirements of this article have been satisfied. The chief of policy may suspend or revoke such temporary license for applicant's violation of the public interests as set forth in section 27-19.

(Ord. No. 1828, 2-9-56; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8785, § 1, 6-28-85; Code 1959, § 31-25.1)

Sec. 27-23. Reserved.

Editors Note: Ord. No. 8785, § 1, adopted June 28, 1985, repealed former § 27-23 which set forth causes for license suspension as derived from Ord. No. 1828, adopted Feb. 9, 1956; Ord. No. 8167, § 1, adopted Apr. 9, 1981; and the 1959 Code, § 31-25.2.

Sec. 27-24. Suspension or revocation of license; driving after notice.

It shall be unlawful for any licensee under this article to drive a taxicab after notice of suspension or revocation of his license.

(Ord. No. 1828, 2-9-56; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-25.3)

Sec. 27-25. Identification cards.

There shall be issued to the applicant, at the time of actual issuance of the city chauffeur's license, an identification card, which shall be not less than four (4) inches by ten (10) inches in dimension, which card shall contain the full view photograph of the applicant, along with his complete physical description and residence address. The above-mentioned card shall be posted in full view of the passenger compartment of the taxicab or limousine which the driver may be operating.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-27)

Sec. 27-26. Appeal when license refused.

If the chief of police refuses to grant or renew the applicant a city chauffeur's license, or subsequently suspends or revokes said license, the applicant shall have the right to appeal to the permit and license appeal board within ten (10) days from the date of such refusal, which appeal shall be perfected by delivering to the city secretary a letter stating that an appeal from the decision of the chief of police is requested. The permit and license appeal board shall, within thirty (30) days after receiving such notice of appeal, hold a hearing thereon, and after the hearing, sustain or reverse the decision of the chief of police. If no appeal is taken from the finding made by the chief of police within the ten-day period provided, the decision of the chief of police shall be final.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 2612, § 1(13), 11-13-58; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8785, § 1, 6-28-85; Code 1959, § 31-28)

Sec. 27-27. Transfer; termination; renewal.

No city chauffeur's license shall in any manner be assignable or transferable, and each such license issued shall terminate one year from the date of its issuance; provided, however, that such license may be renewed from year to year and each application for renewal of such chauffeur's license shall be accompanied by a fee of five dollars (\$5.00) payable to the city.

(Ord. No. 1535, § 3, 3-11-54; Ord. No. 1713, § 1, 4-28-55; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-29)

Sec. 27-28. Suspension, revocation or denial of renewal of license.

In addition to any other penalty provided by this Code, the chief of police may suspend for a definite period of time not more than six (6) months, revoke or deny the renewal of a city chauffeur's license issued pursuant to the provisions of this article only under one or more of the following conditions:

- (1) Applicant made any false statement of substance in his application for a chauffeur's license.
- (2) Applicant knowingly aided, abetted or otherwise engaged in the sale or attempted sale of intoxicating liquors, while performing the duties of a taxicab driver or while utilizing his city chauffeur's license, either on or off duty.
- (3) Applicant knowingly aided, abetted or otherwise engaged in the solicitation or transportation of any persons convicted of any felony or any offense involving moral turpitude, or any offense involving the violation of the Texas Penal Code

or the Texas Controlled Substances Act or the Texas Alcohol Beverage Code or any city ordinances governing prostitution or adult entertainment enterprises.

- (4) Applicant acted in any manner to aid, abet or otherwise solicit for prostitutes or any other illegal activity or establishment of any nature.
- (5) Applicant shall be found guilty or nolo contendere by any court of more than two (2) moving traffic violations within a twelve-month period.
- (6) The chief of police otherwise disqualified an applicant for a city chauffeur's license pursuant to Article 6252-13c, V.T.C.S., either in the matter of suspension, revocation, or denial of a license or denial of a renewal of license.

(Ord. No. 1535, § 5, 3-11-54; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8785, § 1, 6-28-85; Code 1959, § 31-30)

Cross References: Offenses--Miscellaneous, Ch. 18.

Sec. 27-29. Procedure for license refusal pursuant to criminal background investigation.

If a licensing authority, pursuant to Article 6252-13c, V.T.C.S., suspends or revokes a valid license or denies an applicant a license or the opportunity to be examined for a license because of the applicant's prior conviction of a crime and the relationship of the crime to the license, the licensing authority shall notify the applicant in writing:

- (1) Of the reasons for the suspension, revocation, denial, or disqualification;
- (2) Of the review procedure provided by 27-30 of this article; and
- (3) Of the earliest date that the person may appeal.

(Ord. No. 8785, § 1, 6-28-85)

Sec. 27-30. Notice of review procedure.

In the event an applicant is refused a license because of his prior conviction of a crime and the relationship of the crime to the license, pursuant to Article 6252-13c, V.T.C.S., the chief of police shall notify the applicant by certified mail, return receipt requested, of the following procedure:

- (1) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to be examined for a license by a licensing authority, who has exhausted administrative appeals, may file an action in a district court of the county in which the licensing authority is located for review of the evidence presented to the licensing authority and its decision.

- (2) The person must begin the judicial review by filing a petition with the court within thirty (30) days after the licensing authority's decision is final and appealable.

(Ord. No. 8785, § 1, 6-28-85)

Secs. 27-31--27-40. Reserved.

ARTICLE III. TAXICABS*

DIVISION 1. GENERALLY

Sec. 27-41. Transferability of franchises and other privileges.

No grant, right or privilege, whether by permit or otherwise, afforded any person under the terms and provisions of this article shall be transferable to any other person, without written application to the city manager for approval of such transfer.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 2, 9-14-95; Code 1959, § 31-16)

Sec. 27-42. Taximeters--Required.

- (a) It shall be unlawful for any person to operate a taxicab within the city for public hire unless it is equipped with a taximeter, which taximeter shall be used as provided in this article.
- (b) It shall be unlawful for any person owning, operating, driving or in charge of any taxicab within the city 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 such taximeter for any trip, and no other rates or methods of measuring the distance or time charges shall be allowed, except by taximeter as provided by this article.
- (c) Charges may be made for passenger assistance with parcels.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17)

* Editors Note: The subject of taxicab permits was formerly provided by Ord. No. 562, enacted on February 11, 1937, and Ord. No. 608, enacted on February 13, 1939.

Cross References: Use of taxicab stands, § 16-243.

Sec. 27-43. Same--Specifications.

Every taxicab shall have affixed thereto a taximeter and shall use a taximeter of a size and design approved by the city manager and such taximeter shall conform to the following specifications:

- (1) 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 upon which such charge shall be indicated by means of clearly legible figures which are electrically lighted each time the taximeter flag is thrown from nonearning to earning position.
- (2) Every taximeter shall register upon visual counters the following item: Total miles (unless shown by accurate registration on the odometer, tested and in good working order on the taxicab).
- (3) No taximeter shall be in such condition as to be more than five (5) per cent incorrect to the prejudice of any passenger.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17.1)

Sec. 27-44. Taxicab number and chauffeur's license; display.

The permit holder shall designate a block of consecutive numbers and from such designation shall give each taxicab a number. The chauffeur license of the driver of the taxicab shall be placed in a location visible to the occupants of the taxicab and shall remain posted there while he is on duty.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17.2)

Sec. 27-45. Name of permit holder on taxicabs; taxis designated.

Every taxicab operated in the city shall bear on the outside of each rear door, or front door, in painted letters not less than two and one-half (2 1/2) inches in height and not less than a five-sixteenths-inch stroke, the name of the taxicab service of such holder, together with the telephone number of the service, the number of the taxicab and the word "taxi" or "cab." 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.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17.3)

Sec. 27-46. Electric identification sign on top of taxicab.

On the top of every taxicab there shall be an electric light sign with the company name or identification sign thereon.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 1867, § 1, 4-9-81; Code 1959, § 31-17.4)

Cross References: Electrical signs, § 6-286 et seq.

Sec. 27-47. Taxicab color scheme in conflict with another.

No taxicab operated under the terms of this article shall bear a color scheme, identifying the design, monogram or insignia used on the taxicabs of a permit holder already operating under this article, in such manner as to be misleading or tend to deceive or defraud the public.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17.6)

Sec. 27-48. Advertising on taxicabs.

Subject to requirements of identification and provisions of this article, this Code and any other ordinances of the city regulating the use of the public streets, holders of permits for taxicab services may permit advertising matter to be affixed to or installed in or on any taxicab of such services.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17.7)

Cross References: Display of unauthorized signs, § 16-65; streets and sidewalks, Ch. 24.

Sec. 27-49. Inspection of vehicles; unsafe, unsanitary, improperly operated, etc., taxicabs.

- (a) Every taxicab may be inspected periodically and such intervals shall be established by the city manager. No taxicab shall be operated which does not comply with all of the following minimum standards:
 - (1) Each taxicab shall conform to all state minimum safety standards.
 - (2) Each taxicab shall be reasonably free of dust, dirt or rubbish, and be otherwise clean and sanitary.
 - (3) No part of the body of such taxicab shall be missing or unreasonably bent or unreasonably dented out of shape.
 - (4) The exterior and interior paint shall not be unreasonably rusted, flaked or scraped.
 - (5) The coverings of floors, seats and back and arm rests shall be repaired of all rips, tears and places where the covering material has worn through.

- (6) Each taxicab shall be operated by drivers who comply with the requirements of this article.
- (7) Each taxicab shall be equipped with two-way radio communication equipment or the equivalent thereto in proper operating condition capable of transmitting and receiving vocal communication between such taxicab and the dispatching office of the permit holder.
- (b) If the operation of any taxicab is found not to comply with the requirements of this section, the city manager, any designated city official or any police officer may direct that the vehicle be taken out of service until it can be operated in compliance. The operation of such taxicab from the place at which the order was issued to the destination required by passengers in the taxicab at the time such order was issued shall not constitute a separate offense. The city manager or his authorized agent will notify the permit holder in writing of such failure, identifying the taxicab by number, the name of the driver and the specific complaint.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-17.8)

Sec. 27-50. Performance bond--Required.

Before the grant of any permit to operate a taxicab service in the city shall become effective, the grantee shall furnish to the city a good and sufficient performance bond, written by an insurance company organized and existing under the laws of the state and having a valid permit to do business in the state and having an agent or attorney for service in the city upon whom service of process may be had, and such bond shall be in such form as may be approved by the city attorney. The right to operate under a permit shall be conditioned upon the existence and maintenance in full force and effect of a performance bond as described in this section.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18)

Sec. 27-51. Same--Conditions.

The performance bond required by this article shall be conditioned as follows:

- (1) That the holder of the permit shall pay to the city all amounts due under the terms of this article.
- (2) That the holder of such permit shall pay all fines, assessments and judgments levied against the holder by any court, by the city tax assessor and collector or by direction of the City Council and by such other officials authorized to levy such fines, taxes, charges, assessments or judgments.

- (3) That the holder of such permit shall perform every duty of an operator of taxicabs and a holder of a permit as exists within this article and as this article may be supplemented by regulations duly approved by the City Council.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18)

Sec. 27-52. Same--Amounts.

Every performance bond required by this article shall be in an amount fixed by the following schedule:

- (1) If the permit holder is authorized to operate five (5) taxicabs or less, the bond shall be in the sum of one thousand dollars (\$1,000.00).
- (2) If the permit 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 two thousand dollars (\$2,000.00).
- (3) If the permit 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 three thousand dollars (\$3,000.00).
- (4) If the permit 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 four thousand dollars (\$4,000.00).
- (5) If the permit holder is authorized to operate more than twenty-five (25) taxicabs, the bond shall be in the sum of five thousand dollars (\$5,000.00).

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18)

Sec. 27-53. Public liability and property damage insurance--Required.

Before the granting of any permit to operate a taxicab service in the city shall become effective, the grantee shall procure and furnish to the city secretary and thereafter keep in full force and effect, a policy of public liability and property damage insurance issued in the amounts and under the provisions of this article, which insurance shall be evidenced by furnishing a certificate of insurance to the city. Every such policy shall insure all of the taxicabs owned, leased, contracted for or controlled by the holder of the permit and used in the taxicab service for which a permit has been authorized. Such policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to property, proximately caused by the negligence of a permit holder, his servants or agents. The insurer shall be obligated to pay all final judgments which may be rendered on behalf of the public for loss or damage resulting to persons or property from the negligent operation of any such taxicab.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 3, 9-14-95; Code 1959, § 31-18.1)

Sec. 27-54. Same--Issuance.

Every policy of insurance under this article shall be issued by an insurance company organized and existing under the laws of the state, or having a valid permit to do business in the state, and having an agent or attorney for service in the city.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18.1)

Sec. 27-55. Same--Amounts.

The minimum amounts of liability of public liability and property damage insurance required shall be the following sums:

- (1) For damage arising out of bodily injury to or death of one person in any one accident \$ 50,000.00
- (2) For damages arising out of bodily injury to or death of two (2) or more persons in any one accident \$100,00.00
- (3) For injury to or destruction of property in any one accident 50,000.00

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8873, § 1, 1-23-86; Ord. No. 9336, § 1, 3-8-90; Code 1959, § 31-18.1)

Sec. 27-56. Termination or impairment of bond or insurance.

(a) Every performance bond required by this article shall provide, and every insurance policy required under this article shall contain, an endorsement that termination of the obligations of such bond and cancellation of such insurance policy shall not become effective before fifteen (15) days after notice, in writing, to the city of such termination or cancellation. Every bond and every policy of insurance shall run concurrently with the life of the permit 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.

(b) Upon discovery or determination that either the performance bond required of permit holders under this article or 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 the city manager shall require such additional bonds and insurance in such company as appears to him necessary and sufficient to insure a faithful performance by the permit 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 permit holder, his agents, servants and

employees, or by reason of the neglect of such franchise holder, his agents, servants and employees, of any of the provisions of this Code or any other ordinances of the city or any of the laws of the state or of the United States.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18.1)

Sec. 27-57. Records kept by permit holder; reports; tax paid.

Every holder of a permit to operate a taxicab service in the city under provisions of this article shall establish, keep and maintain a uniform system of records of such business and its operations. The following specific requirements are hereby prescribed:

- (1) Every permit holder shall file a verified annual report with the city secretary-treasurer not later than the twentieth day of the month following the expiration period of his yearly permit. The report shall contain the following:
 - a. All income of the permit holder obtained from the permitted business during the permit year.
 - b. All business expenses of permit holder incurred in the permitted business during the permit year.
 - c. All capital equipment purchased by permit holder and used in connection with the permitted business during the permit year.
 - d. In addition, the report shall contain the following information:
 1. Average response time for taxicab service during the permit year.
 2. Major maintenance cost on each taxicab incurred during the permit year together with the length of time each taxicab is out of service due to repairs.
 3. The total number of trips made by each taxicab during the permit year.
 - e. The verified report heretofore required shall be reviewed by the city manager or his representative and the city manager or his representative may request any other additional information concerning the operation of the permitted business as may be necessary to determine the quality and sufficiency of the services rendered by the permit holder.

The city manager shall report to the City Council on the permit holder's operation after the city manager has completed the review of the permit holder's annual report.

- (2) Beginning July 1, 1981, each permit holder shall pay to the city an annual city permit fee of ~~forty dollars (\$40.00)~~ seventy-five (\$75.00) for each vehicle permitted. Until July 1, 1981 each permit holder shall continue to pay the same fees as were required to be paid by the ordinances of the city by permit holders prior to this revision.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18.2)

Cross References: Taxation, Ch. 26.

Sec. 27-58. Rates--Schedule filed with city secretary; hearing.

(a) Every holder of a permit to operate a taxicab service in the city under provisions of this article shall file with the city secretary a rate schedule setting forth all fares and rates to be charged to passengers. The City Council may within thirty (30) days after the filing of the rate schedule by permit holder review the propriety of the rates and determine if said rates are reasonable.

(b) If the City Council determines that there is a question as to the reasonableness of the rates filed, they shall set a public hearing on the matter at which hearing the permit holder shall show cause why such rates are not unreasonable. At the conclusion of such hearing if the City Council determines that such rates are not justified, they shall by resolution establish reasonable rates for the permit holder's services which shall be the rates charged by said permit holder until increased as hereinafter provided.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-59. Same--Increases.

(a) The permit holder shall file the proposed schedule of rate increases no later than 5:00 p.m. on the seventh (7th) calendar day preceding the next regularly scheduled meeting of the City Council, with the City Secretary, together with sufficient financial disclosures to justify said increase. The rate increase shall become effective at the conclusion of the next regularly scheduled meeting of the City Council after the filing of the application unless a public hearing is directed by the City Council, as set forth in subsection (b), below, to determine the reasonableness of the proposed increased rates as provided in this section.

(b) If at the next regularly scheduled meeting of the City Council the City Council determines that there exists a question as to the reasonableness of the proposed increased rates, it shall direct the City Secretary to schedule a public hearing thereon at the next regularly scheduled meeting of the City Council, at which hearing the permit holder shall show cause why such proposed increased rates are not unreasonable. If at the conclusion of such hearing the Council determines that the rates are reasonable, then the rates as filed shall be allowed to take effect as of the date of the hearing. However, if the City Council determines that the rates proposed in the increase are not reasonable, then they

shall by resolution establish reasonable rates for all services rendered by permit holder which shall be the rates charged by said permit holder until altered or changed as herein provided.

(Ord. No. 8167, § 1, 4-9-81; Ord. No. 2005-O0108, § 1, 9-8-05)

Sec. 27-60. Same--Notice of hearing.

The city secretary shall give written notice to the permit holder of any public hearing held pursuant to 27-58 or 27-59.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-61. Same--Posting.

A current rate schedule shall be posted at all times upon every vehicle operating under a city taxicab service permit. Such schedule shall be clearly visible and shall be posted on the rear door of the passenger side of each taxicab.

(Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 4, 9-14-95)

Sec. 27-62. Transporting persons to abode of prostitute, etc.

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 permit holder in writing 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 permit.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-18.4)

State Law References: Promotion of prostitution, VTPC, § 43.03.

Secs. 27-63--27-70. Reserved.

DIVISION 2.

PERMIT

Sec. 27-71. Permit required.

It shall be unlawful for any person to operate a taxicab business or service for the transportation of passengers for hire within the corporate limits of the city without having

first obtained a permit from the city to do so. If an initial application for a permit has been made and denied by the City Council, the same applicant shall wait six (6) months before a new application may be submitted. For purposes of this section, the same applicant means the same legal entity, the same person, or any legal entity which shares at least fifty (50) percent common ownership with the previous applicant.

(Ord. No. 7665, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 5, 9-14-95; Code 1959, § 31-10)

Sec. 27-72. Application required.

Applications for a taxicab permit shall be filed with the city secretary. Such applications shall be submitted upon a form or forms to be furnished by the city secretary. The applicant shall furnish the following information and documents with the application. Said application shall include a sworn affidavit taken by a notary to the effect that the information contained therein is true and correct in every respect.

- (1) The true name and owner of the taxicab serve as well as the names of officers, directors, and general managers.
- (2) A statement that the applicant has obtained or will obtain liability insurance in accordance with the requirements provided in the chapter before commencing taxicab service in the City of Lubbock. No taxicab permit shall be issued until a current certificate of insurance indicating that the applicant has obtained proper insurance has been provided to the city secretary.
- (3) A statement that the applicant, applicants or general manager have not been convicted of a felony or of a misdemeanor involving moral turpitude within the last ten (10) years.
- (4) A description of each vehicle that the applicant intends to use in the taxicab business, including the make, model, year of manufacture, length of time the vehicle has been in use, the color scheme insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's vehicles, including the current state license number and vehicle identification number. No taxicab permit shall be issued until this information has been submitted to the city secretary. A minimum fleet of five (5) shall be required.
- (5) A current financial statement of the applicant shall be attached to the application.
- (6) A complete schedule of rates, charges and fees to be charged in the event a permit is issued.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 6, 9-14-95; Code 1959, § 31-11)

Sec. 27-73. Fees; issuance; appeal; notice.

(a) Applications for a permit under this article shall be accompanied by a permit fee of ~~forty dollars (\$40.00)~~ seventy-five (\$75.00) per vehicle. In the event no permit is issued, the permit fee shall be refunded to the applicant.

(b) Upon receipt of an application for a permit under this article, the city secretary shall notify all current taxicab permit holders within ten (10) days of receipt of the application and invite written comments from such permit holders. Current permit holders shall have ten (10) days in which to provide written comments if desired. If the applicant has complied with all the requirements of this article and if the city secretary determines that the applicant appears to meet the requirements of this article, the city secretary shall forward the application and all written comments from current permit holders to the city manager or his designee. Copies of the comments shall also be supplied to the applicant so that the applicant may respond if the applicant desires to do so. Upon receipt of such applications and comments, the city manager or his designee shall determine whether the applicant is qualified for a taxicab permit in consideration of the best interest of public convenience and necessity as well as the best interest of the safety, comfort and health of the general public and such other matters as may be required by this article. The city manager or his designee shall grant or deny the permit within twenty (20) days after the end of the written comment period.

(c) If the applicant is denied a taxicab permit, the applicant shall have the right to appeal to the permit and license appeal board within ten (10) days from date of such refusal, which shall be perfected by delivering to the city secretary a letter stating that an appeal from the city manager's decision is requested. The permit and license appeal board shall within thirty (30) days after receiving such notice of appeal, hold a public hearing thereon, and after the hearing sustain or reverse the decision of the city manager. If no appeal is taken from the denial made by the city manager within the ten-day period provided, the decision of the city manager is final.

(d) When a permit under this article has been denied and denial upheld by the permit and license appeal board, the applicant may request that the City Council order a public hearing to be held concerning the application and the proposed operation within thirty (30) days of denial of the permit and license appeal board. In the event a public hearing is ordered by the city council, the applicant shall be required to deposit fifty dollars (\$50.00) with the city secretary for payment of the costs of publication of notice of the public hearing. The city secretary shall refund to the applicant any part of the deposit which is in excess of the cost of publication and in the event such deposit is not sufficient, the applicant shall immediately upon the request of the city secretary pay the remaining sum of money necessary to pay such publication costs prior to the day of such hearing. Nonpayment shall result in removal of the public hearing from the City Council's agenda.

(e) Notice of the hearing shall be given in writing to the applicant and to all persons holding permits for taxicab service in the City of Lubbock. Notice shall be given to the

public by publication in a newspaper of general circulation in the city. Such notice shall include the name of the applicant, the nature of the application, the equipment proposed to be used and such other information as is deemed necessary to properly inform the public of the public hearing, including the date, place and hour of the hearing. The publication of the notice shall be not less than fifteen (15) days prior to the date of the public hearing.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 7, 9-14-95; Ord. No. 2000-O0009, § 1, 3-2-2000; Code 1959, § 31-12)

Sec. 27-74. Application--Complaints and protests.

Every holder of a permit for the operation of a taxicab in the city or any other citizen may file with the city secretary such written complaints and protests as such person may deem appropriate touching upon questions of public convenience and necessity affected by an applicant's proposed operation.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 8, 9-14-95; Code 1959, § 31-13)

Sec. 27-75. Application--Matters considered.

In determining whether public convenience and necessity require the granting of a permit for the proposed taxicab service, the following matters shall be considered:

- (1) Whether the demands of public convenience and necessity require such proposed or additional taxicab service within the city.
- (2) The financial history and condition of the applicant.
- (3) The number, kind and type of equipment and the color scheme proposed to be used by the applicant.
- (4) The number of taxicabs already in operation in the city and the probable effect of granting the permit on existing permit holders.
- (5) The probable effect of increased service on local traffic conditions.
- (6) Whether the safe use of the streets of the city by the public, both vehicular and pedestrian, will be endangered by the granting of the proposed additional taxicab service.
- (7) The character, including criminal history, experience and responsibility of the applicant and its general manager.

- (8) Whether the applicant and its general manager are fit, able and willing to perform the service on a regular and continuous basis.
- (9) Written comments from existing permit holders and any responses thereto may be considered with regard to any of the above stated matters.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 9, 9-14-95; Ord. No. 2000-O0009, § 2, 3-2-2000; Code 1959, § 31-14)

Sec. 27-76. Contents.

(a) After a favorable determination of public convenience and necessity has been made, every permit issued by the city manager for the operation of a taxicab service in the city shall contain the following provisions:

- (1) That the permit 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 permit has become subject to forfeiture or cancellation for good cause. For the purpose of review by the City Council annually, the city manager shall submit a report as to the performance of each permit holder together with such other pertinent information as desired by the Council.
- (2) That the holder of every permit shall pay to the city an annual city permit fee of forty dollars (\$40.00) for each vehicle authorized under the permit. Replacement of a permitted vehicle shall not require the payment of an additional city permit fee for the replacement vehicle.
- (3) That the permit holder will be required to comply with all applicable terms and provisions of this article and all amendments hereafter made during the terms of the grant.
- (4) That the permit will be subject to forfeiture and cancellation upon conviction for any violations of this article and upon proper showing that the permit holder has substantially breached the terms of the permit.
- (5) That the permit 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 permit 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 permit holder will own, lease, contract for or otherwise legally control every taxicab used in the taxicab service for which the permit is authorized.

(b) The provisions required above to be written into each permit are not limitations, and there may be incorporated in any permit such additional provisions as in the discretion of the City Council properly belong in such permit for the operation of a taxicab service in the city.

(Ord. No. 7565, § 2, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 9835, § 10, 9-14-95; Ord. No. 2000-O0009, § 3, 3-2-2000)

Secs. 27-77--27-85. Reserved.

ARTICLE IV. LIMOUSINES AND TOURING VEHICLES*

DIVISION 1. GENERALLY

Sec. 27-86. Applicability of and compliance with article.

It shall be unlawful for any person to rent, hire or operate upon the streets of the city a limousine or touring vehicle, unless the provisions of this article have first been complied with and said person has obtained a valid city limousine service permit or a valid city touring vehicle permit for the limousine or touring vehicle.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-57)

Sec. 27-87. Records.

Every holder of a permit to operate a limousine or touring vehicle service in the city under provisions of this article shall establish, keep and maintain a uniform system of records of each business and its operations. The following specific requirements are hereby prescribed: Every permit holder shall file a verified annual report with the city secretary-treasurer not later than the twentieth day of the month following the expiration period of his yearly permit. The report shall contain the following:

- (1) All income of the permit holder obtained from the permitted business during the permit year.
- (2) All business expenses of permit holder incurred in the permitted business during the permit year.
- (3) All capital equipment purchased by permit holder and used in connection with the permitted business during the permit year.
- (4) The verified report heretofore required shall be reviewed by the city manager or his representative and the city manager or his representative may request any other additional information concerning the operation of the permitted business as may be necessary to determine the quality and sufficiency of the services rendered by the permit holder.

The city manager shall report to the City Council on the permit holder's operation after the city manager has completed the review of the permit holder's annual report.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-62)

* Cross References: Lubbock International Airport, § 5-26 et seq.

Sec. 27-88. Report.

(a) Every operator of a limousine or touring vehicle shall file a verified annual report with the city secretary not later than the twentieth day of the month following the expiration period of his yearly permit. The report shall contain the following:

- (1) The total number of trips made during the permit year.
- (2) The major maintenance cost on each vehicle during the permit year together with the length of time each vehicle is out of service due to repairs.
- (3) All capital equipment purchased by operator and used in connection with the permitted business during the permit year.
- (4) The total number of charter trips made during the year by the permit holder.

(b) The verified reports required in 27-87 and this section shall be reviewed by the city manager or his representative, and the city manager or his representative may request any other additional information concerning the operations of the permitted business as may be necessary to determine the quality and sufficiency of the service rendered by the permit holder. The city manager shall report to the City Council on the permit holder's operation after the city manager has completed the review of the permit holder's annual report.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-62)

Sec. 27-89. Inspection; unsafe, unsanitary, improperly operated, etc., vehicles.

(a) Every limousine or touring vehicle may be inspected periodically at intervals as shall be established by the city manager. No limousine or touring vehicle shall be operated which does not comply with all of the following minimum standards:

- (1) Each vehicle shall conform to all state minimum safety standards.
- (2) Each vehicle shall be reasonably free of dust, dirt or rubbish, and be otherwise clean and sanitary.
- (3) No part of the body of such vehicle shall be missing or unreasonably bent or unreasonably dented out of shape.
- (4) The exterior and interior paint shall not be unreasonably rusted, flaked or scraped.
- (5) The coverings of floors, seats and back and arm rests shall be repaired of all rips, tears and places where wear through the covering material has occurred.

(6) Each vehicle shall be operated by drivers who comply with the requirements of this article.

(b) If the operation of any vehicle is found not to comply with the requirements of this section, the city manager, any designated city official or any police officer may direct that the vehicle be taken out of service until it can be operated in compliance. The operation of such vehicle from the place at which the order was issued to the destination required by passengers in the vehicle at the time such order was issued shall not constitute a separate offense. The city manager or his authorized agent will notify the permit holder in writing of such failure, identifying the vehicle by number, the name of the driver and the specific complaint.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-90. Zones and rates--Limousine service.

(a) That the map attached to this section as Exhibit A, which map divides the service areas into zones, is hereby approved by the City Council and all rates submitted as hereinafter provided for operations to and from the airport shall establish separate rates for each zone as indicated on the approved map. A copy of the attached map shall be kept in the office of the city secretary and shall be open to inspection by the public.

(b) Every holder of a permit to operate a limousine service in the city under the provisions of this article shall file with the city secretary a schedule of rates setting forth all fares and rates to be charged to passengers. The City Council may, within thirty (30) days after the filing of the rates schedule by the permit holder, review the propriety of the rates and determine if said rates are reasonable. If the City Council determines that there is a question as to the reasonableness of the rates filed, it shall set a public hearing on the matter, at which hearing the permit holder shall show cause why such rates as filed are not unreasonable. At the conclusion of the hearing, the City Council shall determine if the rates as filed are reasonable or not, and if the City Council determines that the rates filed are reasonable, then they shall be allowed. If the Council finds the rates to be unreasonable, it shall by resolution establish reasonable rates for the permit holder's service which shall be the rate charged by said permit holder until increased as hereinafter provided.

(c) Thirty (30) days prior to the implementation of any rate increase, the permit holder shall file the proposed schedule of rate increases with the city secretary together with sufficient financial disclosures to justify said increase. The rate increase shall become effective thirty (30) days after the filing of same with the city secretary unless a public hearing is required to determine the reasonableness of the proposed increased rates as hereinafter provided.

(d) If within thirty (30) days after the permit holder has filed a schedule of proposed rate increases the City Council determines that there exists a question as to the reasonableness of the proposed increased rates, it shall hold a public hearing thereon at

which hearing the permit holder shall show cause why such proposed increased rates are not unreasonable. If the City Council determines that the rates are reasonable then the rates as filed shall be allowed to take effect. However, if the City Council determines that the rates proposed in the increase are not reasonable, it shall by resolution establish reasonable rates for all services rendered by the permit holder, which shall be the rates charged by said permit holder until altered or changed as herein provided.

(e) The city secretary shall give written notice to the permit holder of any public hearing held pursuant to this section.

(f) A current rate schedule of fares to and from the Lubbock International Airport shall be posted at all times upon every vehicle operating under a city limousine permit. Such schedule shall be clearly visible and shall be posted on the rear window of the passenger side of every vehicle.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-91. Same--Touring vehicles.

(a) Every holder of a permit to operate a touring vehicle in the city under the provisions of this article shall file with the city secretary a schedule of rates setting forth all rates to be charged to passengers. The City Council shall have the same powers of review of such rates as provided in 27-90 and shall follow the same procedures as set out therein.

(b) Thirty (30) days prior to the implementation of any rate increase, the permit holder shall file the proposed schedule of rate increases with the city secretary together with sufficient financial disclosures to justify said rate increase. The City Council shall have the same powers of review of such rate increases as provided in 27-90 for reviewing rate increases filed by limousine operators and shall follow the same procedures for such review as set out in the above noted section.

(Ord. No. 8167, § 1, 49-81)

Sec. 27-92. Engaging limousine for hire.

An individual's engagement of a limousine for hire shall originate either at the Lubbock International Airport or upon request made at the dispatching office or the principal place of business of the permit holder.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-93. Transporting persons to abode of prostitute, etc.

It shall be unlawful for any driver of a limousine 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 contract for unlawful establishments of any character. Violations of this section shall be brought to the attention of the permit holder in writing in whose service the limousine driver is employed, and repeated occurrences, by the same or other drivers, shall be grounds for revocation and cancellation of the holder's permit.

(Ord. No. 8167, § 1, 4-9-81)

State Law References: Promotion of prostitution, VTPC § 43.03.

Secs. 27-94--27-100. Reserved.

DIVISION 2. PERMIT

Sec. 27-101. Required; application; fee; contents; transfer.

Every person desiring to engage in the business of operating any limousine or touring vehicle shall make application, in writing, to the city manager on a form provided for that purpose, for a permit to engage in the business specified. Such application shall contain the name, address and telephone number of the true owner of the business and the state license number, types and seating capacity of each vehicle to be operated and such other information as the city manager deems necessary. If the state license number of any vehicle is changed during the permit period, such changed number shall be immediately reported to the city manager. This application shall be sworn to by the applicant and shall be accompanied by a permit fee of ~~sixty dollars (\$60.00)~~ seventy-five (\$75.00) for each vehicle for which a permit is requested.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-58)

Sec. 27-102. Contents.

(a) Every permit submitted to the city manager by which the operation of a limousine service or touring vehicle service in the city may be granted shall contain the following provisions:

- (1) That the permit is granted for one year from its effective date, with renewal annually thereafter, unless upon review by the city manager it is found that the permit has become subject to forfeiture or cancellation for good cause.
- (2) That the permit holder will be required to comply with all the applicable terms and provisions of this article and all amendments hereafter made during the terms of the grant.
- (3) That the permit will be subject to forfeiture and cancellation upon conviction for any violations of this article and upon proper showing that the permit holder has substantially breached the terms of the permit.
- (4) That the permit will become subject to forfeit and cancellation upon the holder thereof becoming delinquent in the payment of ad valorem taxes upon any equipment or property the holder used or operated directly or indirectly in connection with the limousine service or touring vehicle service.
- (5) That the permit 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 limousine business or touring vehicle business and maintenance of equipment and of all revenues derived from such business.

- (6) That the permit holder will own, lease, contract for or otherwise legally control every limousine or touring vehicle for which the permit is authorized.
- (7) No grant, right or privilege, whether by permit or otherwise, afforded any person under the terms and provisions of this article shall be transferable to any other person, without written application to the city for such transfer and approval thereof by action of the manager.

(b) There may be incorporated in any permit additional provisions to the one stated in this section.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-103. Prerequisites to issuance generally; appeal; notice.

(a) No permit to operate a limousine, limousine service, touring vehicle or touring service shall be issued as hereinafter provided until the city manager has made a favorable determination on the application of whether the public convenience and necessity will be served by the issuance of said permit. However, no such determination shall be required of any person, owner or operator of a limousine, limousine service, touring vehicle or touring service which held a valid city permit issued prior to June 1, 1981.

(b) The city secretary shall determine whether or not the application appears to meet the requirements of this article. If the applicant appears to have complied with all the requirements of this article, the city secretary shall forward a favorable recommendation to the city manager to grant a permit.

(c) If applicant is denied a taxicab permit, the applicant shall have the right to appeal to the permit and license appeal board within ten (10) days from date of such refusal, which shall be perfected by delivering to the city secretary a letter stating an appeal from the city's decision as requested. The permit and license appeal board shall within thirty (30) days after receiving such notice of appeal, hold a public hearing thereon, and after the hearing sustain or reverse the decision of the city manager. If no appeal is taken from this denial made by the city manager within the ten (10) days provided, the decision of the city manager is final.

(d) In determining whether or not the public convenience and necessity will be served, the following factors may be considered:

- (1) The financial history and condition of the applicant.
- (2) The number, kind, age, and type of equipment and the color scheme to be used by the applicant.
- (3) The probable effect of increased service on local traffic conditions.

- (4) 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 service.
- (5) The character, experience and responsibility of the applicant and its general manager.
- (6) Whether the applicant and its general manager is fit, able and willing to perform the service on a regular and continuous basis.

(e) When a permit under this article has been denied and denial upheld by the permit and license appeal board, the applicant may request that the city council order a public hearing to be held concerning the application and the proposed operation within thirty (30) days of denial of permit being upheld by the permit and license appeal board. The public hearing shall be held in accordance with section 27-73.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8202, § 1, 6-25-81; Ord. No. 8374, § 1, 10-21-82; Ord. No. 9835, § 11, 9-14-95; Code 1959, § 31-59)

Sec. 27-104. Additional vehicles or services.

(a) Approval of additional vehicles not exceeding the number allowed in the applicant's approved performance bond category may be granted by the city manager or his designated representative.

(b) No permit for additional limousine or touring vehicles or services will be granted by the city if the total number of permitted vehicles will move the license holder from one performance bond category to a higher performance bond category as specified by 27-107 of this article until a determination as to whether public convenience and necessity will be served has been made by the city manager in accordance with section 27-103.

(Ord. No. 8167, § 1, 4-9-81; Ord. No. 9057, § 1, 4-23-87; Ord. No. 9835, § 12, 9-14-95)

Sec. 27-104.1. Replacement of vehicles in service.

A permitted vehicle may be removed from service and replaced with another vehicle meeting the requirements of this article. If the replacement vehicle is more than ten (10) years old, it must be specifically approved for use by the City Council.

(Ord. No. 8374, § 1, 10-21-82; Ord. No. 9057, § 1, 4-23-87)

Sec. 27-105. Performance bond--Required.

Before the grant of any permit to operate a limousine service or touring vehicle service in the city shall become effective, the grantee shall furnish to the city a good and sufficient

performance bond written by an insurance company organized and existing under the laws of the state having a valid permit to do business in the state and having an agent or attorney for service in the city 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. The right to operate under a permit shall be conditioned upon the existence and maintenance in full force and effect of a performance bond as herein described.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-106. Same--Conditions.

The performance bond required by this article shall be conditioned as follows:

- (1) That the holder of the permit shall pay to the city all amounts due under the terms of this article.
- (2) That the holder of such permit shall pay all fines, assessments and judgments levied against the holder by any court, by the city tax assessor and collector or by direction of the City Council, and by such other officials authorized to levy such fines, taxes, charges, assessments or judgments.
- (3) That the holder of such permit shall perform every duty of an operator of limousines and a holder of a permit as exists within this article and as this article may be supplemented by regulations duly approved by the City Council.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-107. Same--Amounts.

Every performance bond required by this article shall be in an amount fixed by the following schedule:

- (1) If the permit holder is authorized to operate five (5) limousines or touring vehicles or less, the bond shall be in the sum of two thousand dollars (\$2,000.00).
- (2) If the permit holder is authorized to operate more than five (5) limousines or touring vehicles and not more than ten (10) limousines or touring vehicles, the bond shall be in the sum of three thousand dollars (\$3,000.00).
- (3) If the permit holder is authorized to operate more than ten (10) limousines or touring vehicles and not more than twenty (20) limousines or touring vehicles, the bond shall be in the sum of five thousand dollars (\$5,000.00).

- (4) If the permit holder is authorized to operate more than twenty (20) limousines or touring vehicles, the bond shall be in the sum of eight thousand dollars (\$8,000.00).

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-108. Payment of taxes.

The owner shall have rendered each vehicle for which a permit is sought for ad valorem taxation and shall have paid all delinquent tax charges owing the city upon every such vehicle.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-59)

Cross References: Taxation, Ch. 26.

Sec. 27-109. Issuance; minimum requirements generally.

The city manager shall, after the City Council has determined the public convenience and necessity for such service, issue a limousine or touring vehicle business permit to such applicant upon compliance with the requirements of this chapter and shall issue permits for the operation of all vehicles complying with the requirements of this chapter and any special requirements imposed by the City Council. No permit will be issued unless every vehicle proposed to be used complies with the minimum requirements in sections 27-110 through 27-114.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8274, § 1, 10-21-82; Code 1959, § 31-59)

Sec. 27-110. Safety requirements.

Each vehicle under this article shall comply with all the safety requirements imposed by all state, federal or local laws applicable to the vehicle involved.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-59)

Sec. 27-111. Public liability and property damage insurance--Required.

Before the granting of any permit to operate a limousine service or touring vehicle service in the city shall become effective, the grantee shall procure and furnish to the city secretary-treasurer, 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 amounts and under the provisions of this article. Every such policy shall insure all of the limousines owned, leased, contracted for or controlled by the holder of such permit and used in such limousine service for which a permit has been authorized. Such policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to

property, proximately caused by the negligence of the permit 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 of damage resulting to persons or property from the negligent operation of any such limousine. Every such policy of insurance shall be issued by an insurance company organized and existing under the laws of the state or having a valid permit to do business in the state, and having an agent or attorney for service in the city.

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Code 1959, § 31-59)

Sec. 27-112. Same--Amounts.

The minimum amounts of liability of public liability and property damage insurance required under this article shall be the following sums:

- (1) For damages arising out of bodily injury to or death of one person in any one accident \$ 50,000.00
- (2) For damages arising out of bodily injury to or death of two (2) or more persons in any one accident 100,000.00
- (3) For injury to or destruction of property in any one accident 50,000.00

(Ord. No. 7565, § 3, 11-10-77; Ord. No. 8167, § 1, 4-9-81; Ord. No. 8873, § 2, 1-23-86; Ord. No. 9336, § 2, 3-8-90; Code 1959, § 31-59)

Sec. 27-113. Termination or impairment of bond or insurance.

(a) Every performance bond required by this article and every insurance policy required under this article shall contain an endorsement that termination of the obligations of such bond and/or cancellation of such insurance policy shall not become effective before fifteen (15) days after notice, in writing, to the city of such termination or cancellation. Every bond and every insurance policy shall run concurrently with the life of the permit 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.

(b) Upon discovery or determination that either the performance bond required of permit holders under this article or 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 the city manager shall require such additional bonds and insurance in such company as appears to him necessary and sufficient to insure a faithful performance by the permit 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 permit 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 of such permit holder, individually or through his agents, servants or employees, of any of the provisions of this Code or any other ordinance of the city or any of the laws of the state or of the United States.

(Ord. No. 8167, § 1, 4-9-81)

Sec. 27-114. Fee.

Beginning July 1, 1981, each permit holder shall pay to the city an annual permit fee of ~~sixty dollars (\$60.00)~~ seventy-five (\$75.00) for each vehicle permitted. Until July 1, 1981, each permit holder shall continue to pay the same fees as were required to be paid by the ordinances of the city by permit holders prior to this revision.

(Ord. No. 8167, § 1, 4-9-81)

Secs. 27-115--27-125. Reserved.

ARTICLE V. AMBULANCES*

DIVISION 1. GENERALLY

~~Sec. 27-126. Definitions.~~

~~The following words and phrases are defined as follows for the purpose of this article:~~

~~Ambulance: A vehicle for emergency care which provides a driver compartment and a patient compartment to accommodate two (2) emergency medical technicians and two (2) litter patients so positioned that at least one patient can be given intensive life support during transit; which carries equipment and supplies for optimal emergency care at the scene as well as during transport, for two way radio communication, for safeguarding personnel and patients under hazardous conditions and for light rescue procedures; and which is designed and constructed to afford maximum safety and comfort, and to avoid aggravation of the patient's condition, exposure to complications and threat to survival. "Primary units" are emergency ambulances in first line use and "backup units" are reserve units to be used in case all primary units are in use. Backup units shall meet the standards and be equipped in the same manner as primary units.~~

* Editors Note: Ord. No. 7162, § 1, enacted on October 23, 1975, repealed a former article pertaining to regulation of ambulances, derived from Ord. No. 5243, § 1, enacted on May 11, 1967 and Ord. No. 5272, § 1, enacted on June 8, 1976. Ord. No. 7649, § 1, enacted on May 11, 1978, repealed a section that pertained to health department inspection of emergency ambulances. Said section had been derived from Ord. No. 7162, § 1, enacted on October 23, 1975.

Cross References: Emergency management, Ch. 10; fire prevention and protection, Ch. 11; health, Ch. 12; licenses and business regulations, Ch. 14; motor vehicles and traffic, Ch. 16; zoning, Ch. 29. State Law References: Ambulances, VTCS Art. 4590b.