

ORDINANCE NO: O-2011-10

AN ORDINANCE AMENDING ORDINANCES O-92-51 AND O-2009-23; DEFINITIONS; PROHIBITION; TAXIMTERS REQUIRED; AD VALOREM TAXES; RIGHTS OF PASSENGERS; COMPUTATION OF FARES; EXCEPTIONS; CONSPIRACY TO CIRCUMVENT; ENFORCEMENT; PUNISHMENT; LIMITATION ON NUMBER OF TAXICAB COMPANIES; HYBRID WAIVER; PENALTIES AT LAW AND EQUITY; PERMITS; FEES; FREQUENCY; PERMIT DISPLAY; OTHER INCLUSION IN PHARR CODE OF ORDINANCES; INCORPORATION OF OTHER ORDINANCES; REPEALING CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS:

SECTION I: AUTHORITY; DEFINITIONS.

The City of Pharr, being a Home Rule municipality of the State of Texas, is authorized to enact this ordinance and provisions herewith in accordance with Chapter 215, Subchapter A of the Texas Local Government Code. The governing body believes the provisions contained herein further the public's health, safety, and welfare.

- A. CITY: The term "City" as used in this Ordinance shall mean the City of Pharr Texas.
- B. STREET: The term "Street" as used in this Ordinance shall mean and include any street, alley, avenue, land, boulevard, drive, public place or highway commonly used for the purpose of public travel within the incorporated limits of the City of Pharr.
- C. TAXICAB: The term "Taxicab" as used in this Ordinance shall mean every vehicle regardless of how it is propelled used for transportation of passengers for hire over the public streets of the City of Pharr and irrespective of whether or not the operations extend beyond the incorporated limits of the City of Pharr. The term "Taxicab" shall not apply to motor buses operated within the incorporated limits of the City of Pharr under a franchise from the City of Pharr over a fixed or defined route, nor shall said term apply to motor buses regularly operated over a fixed and defined route in the City of Pharr to or from points outside of the incorporated limits of the City of Pharr. The term shall also exclude limousine transportation services pursuant to § 215.004(d) of the Texas Local Government Code.
- D. PERSON: The term "Person" as used in this Ordinance shall include both singular and plural, and shall mean and include any individual, firm corporation,

association, partnership or society, and their agents, servants or employees.

E. CRUISE: The Term "Cruise" or "Cruising" as used in this Ordinance shall mean the movement of unoccupied taxicabs over the public streets of the City of Pharr In search of prospective passengers for hire; provided that unoccupied taxicabs proceeding to answer a telephone call or prearranged request for taxicab service from an intending passenger, and taxicabs returning by the most direct route, after having discharged a passenger, to the garage where such taxicab is housed, or to an unoccupied taxicab stand nearest the place of discharge of the passenger or passengers, shall not be considered to be cruising.

F. OWNER: The term "Owner" as used In this Ordinance shall mean any person, firm, corporation, association, partnership, enterprise, contractor, state other or public contractor, or society which has the control, direction, maintenance, and the benefit of the collection of revenue derived from the operation of taxicabs on or over the streets of the City of Pharr, whether as owner or otherwise, except as "driver" as hereinafter defined.

G. DRIVER: The term "Driver" as used in this Ordinance shall include every person in actual charge of the operation of a taxicab at any time, as herein defined, whether as owner or agent, servant or employee of the "Owner" as herein defined.

H. WAITING TIME: The term "Waiting Time" as used in the Ordinance shall mean such times as may be consumed or lost at the special Instance and request of a passenger after such passenger has exited the taxicab to conduct another activity, provided the passenger has given instructions for the taxicab to remain at the location until the passenger re-enters the vehicle; and provided that no charge shall be made against any passenger for any time lost on account of any other delay whatsoever.

I. TAXIMETER: The term taximeter as used in this ordinance means a mechanical and/or electrical and/or digital instrument that records miles or distances traveled and/or time consumed, or both, during the period of engagement of taxicab service and is so constructed as to visibly record the cumulative charges to the person engaging the service.

J. HYBRID VEHICLE: The term hybrid vehicle means a vehicle that is propelled by the use of two or more distinct power sources consisting of an internal combustion and/or engine and an on-board rechargeable energy storage system.

SECTION 2: CITY ADMINISTRATION.

Taxicabs shall be under the supervision of a person appointed by the City Manager. The person assigned may already be in the employ of the City. The person appointed shall ensure that the provisions contained herein are satisfied.

- A. **APPLICATION:** It shall be the duty of the person appointed to review applications and renewals for permits submitted to the City Clerk for the operation of taxicabs, review protests, comments, or objections, if any, approve the issuance of permits, inspect the operations of taxicabs within the incorporated limits of the City of Pharr, and conduct background checks on the owners and drivers, and perform other duties as may be required in connection with the operation of taxicabs in the City of Pharr.
- B. **INSPECTION:** It shall be the duty of every OWNER to have every taxicab inspected every twelve (12) months by a qualified automobile mechanic doing business in the City of Pharr, which mechanic shall be a State approved mechanic at a state authorized inspection station. The inspections conducted shall be the motor vehicle inspection as required by the Texas Motor Vehicle Laws, and shall include inspection of the condition of lights, brakes, steering units, door locking devices, cooling and heating systems, and the general mechanical condition of the vehicle as well as any other items covered by the state law. The mechanic shall issue a certification that the vehicle has been Inspected, containing the date, a description of the vehicle, and certifying that the vehicle is in good and safe mechanical condition. The certification shall be filed with the City of Pharr. Upon review and satisfaction, the city may then paste a paper seal on the vehicle stating the date the vehicle was inspected, and Indicating that the vehicle has been approved for operation.
- C. **DEFECTIVE TAXICAB:** No taxicab shall be operated in the City of Pharr without the approval seal of the City of Pharr. If the City of Pharr finds that a taxicab is in a defective condition and is unsafe to be used as a taxicab, then it shall be ordered the vehicle not be used as a taxicab until the defect or defects are remedied. After the OWNER of the vehicle has remedied the defect, he may return the vehicle for inspection, and if the mechanic shall find the vehicle to be safe for public use, then it may be approved for use. If the vehicle is still found to be in a defective condition, then it shall be ordered that the vehicle not to be used until it is safe for use and approved. No taxicabs found to be unsafe shall be operated on the streets of the City of Pharr. Nothing herein shall prevent the inspection of any taxicab at any reasonable time, and upon a finding that a taxicab is in a defective condition, then it shall ordered its use as a taxicab discontinued until placed in safe condition and safe and approved. A complete record shall be kept by the City of Pharr of all inspections conducted on taxicabs licensed to operate in the City of Pharr.

SECTION 3: LICENSE REQUIRED

- A. **REQUIREMENT:** It shall be unlawful for any person to drive or operate, or cause to be driven or operated, any taxicab upon or over any Street In the City of Pharr unless there has been obtained by the OWNER of such taxicab, and existing in full force and

effect, a license duly Issued by the City Clerk of the City of Pharr as herein provided.

B. APPLICATION AND PUBLICATION: An applicant for a taxicab license shall make application on forms to be provided by the City. Immediately upon the filing of an application, the City Clerk shall cause a notice to be published in a newspaper of general circulation (with the cost of publishing to be paid in advance by the applicant). The notice shall state that an application has been filed for a taxicab license, setting forth the name of the applicant, the kind of equipment, ownership of the equipment, and all other pertinent data in the application which may be of interest to the public generally and the City may deem necessary. The publication shall constitute a notice to all persons that an application for said license is pending approval, and that such approval or denial shall be not less than five (5) days or more than thirty (30) days after the date of the first publication of the notice. Notice shall be published for two successive publications which need not be on successive days. All holders of taxicab licenses or any other citizen shall be entitled to file any complaints, protests or objections concerning the application. The burden of proof shall be upon the applicant to establish by clear and convincing evidence that the public convenience and necessity require the operation of the vehicle or vehicles for which application has been made.

C. DETERMINATION OF COMPETENCE. In determining whether public convenience and the furtherance of the general public's health, safety, and welfare would not be adversely affected by the licensing of the taxicab for which application is made, the financial responsibility of the applicant; the number, kind, type, and ownership of the vehicle; and whether the safe use of public streets of the City by the public, both vehicular and pedestrian, will be unduly endangered by the granting of such license; and such other matters as may be relevant to the issue of public safety and convenience.

D. CERTIFICATE: If the City of Pharr finds that the public convenience and general public's health, safety, and welfare would not be adversely affected by the licensing of the taxicab, it shall notify the applicant of its finding, and within ten (10) days thereafter, the applicant shall provide all relevant information and documents required. If the applicant is the owner of the vehicle or vehicles for which license is desired, as the term "OWN ER" is defined in this Ordinance, that the insurance policies required are filed, that the vehicle(s) comply with this Ordinance and that the applicant has complied with all other relevant Ordinances of the City of Pharr and all the rules and regulations established to more effectively carry out the purpose and intent of this Ordinance, the person conducting the inspection may give his written certificate to the City Clerk certifying that the applicant may be granted a license to operate, and have the vehicle or vehicles licensed as taxicabs.

E. NOTICE OF DISAPPROVAL: If it is found that approval is not justified for the license desired, it shall forthwith notify the applicant of its finding. The finding is final, conclusive and non-appealable.

F. REVOCATION OR SUSPENSION OF LICENSE: Upon complaint against an

OWNER or DRIVER filed by any person with the Inspector of Taxicabs, the City generally, or upon the Inspector's own motion, charging violation of any of the terms of this Ordinance, or any Ordinances of the City of Pharr, or laws of the State of Texas regulating motor vehicles, the Inspector of Taxicabs, after giving five (5) days notice of the basis of the complaint to the OWNER for said taxicab service against whom complaint is made, shall hear evidence with reference to such complaint. If the Inspector finds that the charges are true, he shall either suspend the license for a stated period of time or revoke the license. Either the OWNER of such taxicab(s) or the complainant shall then have the right to appeal the decision by the Inspector of Taxicabs to the Board of Commissioners.

G. AD VALOREM TAXES.

No person shall use the streets of Pharr for the operation of a taxicab unless the ad valorem taxes due and owing on all properties used in the furnishing of taxicab service shall have first been paid.

SECTION 4: INSURANCE, FINANCIAL RESPONSIBILITY.

A. FILING REQUIREMENTS: Before any permit shall be issued to any OWNER of a taxicab, or before any renewal of the permit shall be granted, the OWNER shall file with the City Clerk, and thereafter keep in full force and effect, a liability insurance policy issued by an insurance company duly authorized to issue liability insurance in the State of Texas, covering bodily injuries and injury to or destruction of property resulting from the operation of the vehicle or vehicles permitted to be operated as taxicabs.

B. MINIMUM AMOUNT OF COVERAGE: The minimum amount of recovery in a policy of insurance required by this section shall not be less than the following sums:

1. For the injury or death of anyone person in anyone accident: Twenty thousand dollars (\$20,000.00).
2. For total liability in anyone accident for personal injuries or death: Forty thousand dollars (\$40,000.00).
3. For injury or destruction of property in anyone accident: Fifteen thousand dollars (\$15,000.00).

The minimum amount of insurance liability shall *never* be less than the amount established by the statutes of the State of Texas under the Safety Responsibility Act, as may be amended from time to time.

C. PERSONS PROTECTED: The liability insurance required in this section shall be for the protection of the passengers of the insured taxicab and for the public, but shall not cover personal injuries sustained by the servants, agents, or employees of the OWNER.

D. PROVISIONS FOR CONTINUING LIABILITY: All policies of liability insurance required by this Ordinance shall contain a provision for a continuing liability up to the full amount of the policy, notwithstanding any previous recovery under the policy.

E. INCREASING POLICY AMOUNT UPON RETURN OF EXECUTION UNSATISFIED: In the event of the return unsatisfied of any execution issued on any final judgment rendered against any taxicab OWNER in any suit for damages on account of injury to person or property occasioned by the operation of any taxicab, such OWNER, within ten (10) days after the return of such execution unsatisfied, provided the judgment is still unpaid at such time, shall increase the amount of insurance by the amount of the judgment, and failing to do so shall immediately cease the operation of taxicabs in the City until the additional insurance is obtained or the judgment paid.

F. CANCELLATION: In the event that any insurer intends to be released from any insurance or cancel any insurance filed under this Ordinance, the insurer shall give written notice of such intent to the Inspector of Taxicabs at least thirty (30) days before the release of liability or cancellation of the insurance, and the Inspector of Taxicabs shall give written notice, by personal delivery or by mail, to the OWNER and demand that the owner furnish new proof of insurance on or before the expiration of the thirty (30) day period. The first insurer shall be discharged from any liability which shall accrue after the time of approval of the new policy, or after the expiration of the thirty (30) day period.

In the event any OWNER'S insurance policy is cancelled and no new insurance policy is filed before the cancellation of the original insurance, the permit to operate taxicabs granted to the OWNER shall be automatically revoked and not reinstated until proof of insurance is again provided as set out herein.

G. CITY NOT LIABLE, ASSUMPTION OF RISK, INDEMNITY OF CITY:

Neither the City nor any officer, agent or employee of the City shall be liable for the pecuniary responsibility or solvency of any insurer under the provision of this Ordinance, or in any manner become liable for any sum on account of any such claim or act or omission relating to the Insured vehicle, nor shall the liability of the OWNER of any such vehicle be in any manner limited or changed by reason of the provisions of this Ordinance. A taxicab OWNER, as a condition of the issuance of a license hereunder, agrees to assume all risks incident to or in connection with the operation of taxicabs within the City of Pharr and its extraterritorial jurisdiction, and agrees to be solely responsible for all accidents, injuries or damages of whatever nature to persons or property caused by or resulting from such operation. OWNER shall indemnify and hold harmless the City of Pharr, its officers, agents and employees from any and all claims, suits, losses, damages, liens, or injuries to persons or property of whatever nature arising directly or indirectly from OWNER'S taxicab operation.

H. CERTIFICATE OF SELF-INSURANCE: In lieu of filing the Insurance policy required herein, an OWNER may file a certificate of self-insurance issued by the

SECTION 5: LICENSE AND INSPECTION FEE: DUPLICATE COSTS; OTHER.

A. In order to defray a part of the expense necessary to provide surveillance, supervision and inspection of taxicabs required under this Ordinance, there is hereby levied an initial license fee of two hundred fifty dollars and no/00 dollars (\$250.00), and annual renewal fee of \$100.00 per annum per vehicle for each taxicab so operated and approved, which fee shall be collected from every OWNER of taxicabs on the streets of the City of Pharr, by the City Secretary before the license or renewal thereof is issued. The fee shall be payable in advance on an annual basis, and shall be due and payable not later than the 1st day of January of each year. Should a license holder fail to renew and pay fees prior to the expiration of the license, such license shall expire. If a license to operate any taxicab is granted during a current year, the fee shall be pro-rated on a monthly basis for the balance of the year ending December 31st. In the event a taxicab on which the fee has been paid for the then current year is sold, wrecked or destroyed, the OWNER shall have the right to replace the taxicab with another. Upon written notice, the license and inspection fee paid on the taxicab sold, wrecked, or destroyed shall be made applicable to the vehicle designed to replace the taxicab. The OWNER shall surrender the license certificate on the vehicle sold, wrecked or destroyed before receiving a new license certificate or renewal.

B. In case any OWNER shall lose his license certificate, the OWNER shall forthwith and before doing any further business in the City of Pharr, obtain a duplicate license certificate from the City Clerk, and shall pay for such duplicate license certificate the sum of Five dollars (\$5.00).

C. There shall not in any event be any refund of the license and inspection fees paid under this Ordinance. The fees shall be paid to the City Clerk who shall issue a receipt therefore on a form prepared for that purpose.

D. Should payment made to the City be deemed insufficient funds, any and all applicable fees assessed by the City shall apply.

E. An applicant or license-holder shall also be responsible for fees charged by the City to conduct criminal background checks for all OWNERS and DRIVERS. Such fees are also due and payable upon initial application or renewal thereof.

SECTION 6: TRANSFER OF LICENSE; CONSPIRACY TO CIRCUMVENT.

(a) No license issued under the terms of this Ordinance shall be transferred to any other person, nor shall such license be used for the operation of any vehicle except for the vehicle for which the license is issued. Any change in principals of a permittee or license holder shall require applications by the principal seeking to obtain the license or permit.

- (b) It shall also be unlawful for the holder of license or permit issued by the City of Pharr to knowingly conspire to circumvent this ordinance by allowing the use of its permit or licenses by any person, business, or entity that does not *have* a legally obtained license or permit from the City of Pharr. This section shall not affect the right of any person, business, or entity to contract.

SECTION 7: LICENSE POSTED.

The license issued for the operation of a taxicab under this Ordinance shall be posted within the taxicab in a conspicuous place. Failure to do so shall be a violation of this Ordinance.

SECTION 8: OWNER'S NAME.

Every taxicab shall have on both front doors of the taxicab the name of the OWNER or the trade number under which the OWNER operates, OWNER's telephone number, and the taxicab number painted or affixed with a magnetic sign. The number of the taxicab shall also be painted upon the rear the vehicle on the trunk or rear windshield. The lettering required in this Section shall be not less than two and one-half inches in height, and not less than five-sixteenth inch stroke.

SECTION 9: RIGHTS OF PASSENGERS.

- A. MOST DIRECT ROUTE: Any driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.
- B. EXCLUSIVE RIGHT: When a taxicab is engaged, the occupant shall have the exclusive right to the full and free use of the passenger department, and it shall be unlawful for the OWNER or DRIVER of the taxicab to solicit to carry additional passengers except with the consent and approval of the occupant.
- C. TAXICAB CONDITIONS:
- (i) It shall be unlawful for the permittee or driver of any taxicab to suffer, allow or cause the taxicab to be in service at any time during which the vehicle's heating, ventilating, and air conditioning system is not in good repair and capable of functioning within the tolerance of the vehicle manufacturer's specifications.
 - (ii) It shall be the duty of the driver of any taxicab to ensure that the vehicle is operated for the comfort of the passengers and that the vehicle's heating, ventilating, and air conditioning system is in operation at all times while a passenger is present in the vehicle and is functioning in accordance with the passenger's reasonable request for heating, ventilating, or cooling, unless the passenger specifically requests that the system be turned off.

(iii) No driver while operating a taxicab, in the presence of a passenger, shall:

- use abusive, indecent, profane or vulgar language that by its very utterance tends to incite an immediate breach of the peace;
- make any offensive gesture or display that by its very nature tends to incite an immediate breach of the peace;
- create by chemical means any noxious or unreasonable odor;
- threaten another person in an obviously offensive manner;
- fight with another person; or
- engage in any other conduct that is a violation of law.

(iv) It shall also be unlawful for the permittee or driver of any taxicab to allow or cause the taxicab to be in service at any time if the cleanliness or condition of a taxicab does not meet anyone or more of the following standards:

- * the passenger compartment of the vehicle is free of litter and debris; the passenger compartment of the vehicle is free of any personal items of the driver or other objects that would restrict the seating comfort of any passenger;
- * the vehicle is free of noxious or offensive odors;
- * the carpet, seating surfaces and head liner have no tears, exposed springs or under parts and are free of any spots or stains that are removable with a reasonable cleaning effort;
- * the exterior of the vehicle is free from debris and dirt, commensurate with ambient weather conditions and free of any paint or body work damage, excepting door dings, minor scratches, and similar defects that are not significantly visible;
- * the vehicle has no broken windows or windows with cracks, except cracks in places that do not interfere with driver vision;

- * the vehicle has hubcaps or wheel covers on all four wheels if it was so equipped by the manufacturer; and
 - * the vehicle shall not contain adverting or promotional displays of any kind on the front and rear windshield or any window.
- (v) It shall be the duty of every taxicab driver to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a taxicab is in his or her custody, Drivers shall be clean shaven and hair neatly trimmed, If a beard or moustache is worn, it shall be well groomed and neatly trimmed, The term suitably *dressed* shall mean: (a) males shall wear trousers or slacks, a shirt, with or without a tie, shoes, and appropriate outer garments; (b) females shall wear a skirt, trousers, or slacks, a shirt or a blouse, shoes, and appropriate outer garments, It shall not be permitted for any driver to wear: underwear only, tank tops, swim wear, or under garments for display.
- (vi) No taxicab driver shall drive more than twelve (12) hours in anyone consecutive twenty-four (24) period. No taxicab permittee shall suffer or allow any taxicab driver to drive a taxicab for more than twelve (12) hours in any consecutive twenty-four (24) hour period.

SECTION 10: COMPUTATION OF FARES TO BE CHARGED; FUEL COST RECOVERY; TRAVEL TO MEXICO; WAITING TIME; RECEIPT OF PAYMENT

A. TAXIMETER FARES:

- (1) No driver or permittee shall drive or cause or suffer or allow to be driven a taxicab in the city, unless it is equipped with a properly functioning taximeter, Such taximeters shall be fully installed, equipped, and operational not later than six (6) months from the passage of this ordinance, Upon installation, proof shall be provided to the City Clerk of such taximeter purchase and installation, Calibration of the taximeter shall be conducted by an individual or entity with knowledge and experience in performing such services, Certificates of calibration shall be provided to the City Clerk's office upon application or renewal of permit and licenses. This section shall apply only to person's that operate more than one (1) taxicab.
- (2) All charges and collections for hire shall be based upon the taximeter reading. The dial showing the fare shall be in full view and readily visible

and readable by the passenger at all times service is being rendered.

- (3) All taxicab permittees and drivers shall comply with and abide by the rates established in this section. The rates are as follows:

The metered travel shall be \$2.50 for the first one-sixth of a mile or less plus \$0.30 for each one-sixth of a mile or less.

- (4) When the average price per gallon of regular unleaded gasoline exceeds \$2.00, all taxicab permittees and drivers shall comply with and abide by the rates established herein. When this section applies, the rates are as follows:

The metered travel fee shall be \$2.50 for the first two-elevenths of a mile or less plus \$0.17 for each additional one-eleventh of a mile or less.

- (5) Mexico Travel. On trips to and from Mexico, the same fare shall be charged as for a trip of the same length and duration in the United States in accordance with this ordinance.
- (6) Waiting Time. An amount not to exceed \$20.00 per hour may be charged for waiting time, provided the clock on the taximeter is set and regulated at a rate not to exceed \$20.00 per hour.
- (7) No driver of any taxicab or taxicab company, upon receiving full payment for a fare, shall refuse to give a receipt upon the request of any passenger making the payment. The permittee of the taxicab shall make available to each taxicab driver a receipt book to be used for this purpose.

B. OTHER CHARGES -LIMITATIONS:

1. No charge shall be made for children under five (5) years of age when accompanied by an adult.
2. Two (2) passengers with the same origin and destination may travel for a single fare. Each additional passenger over two (2) with the same origin and destination shall pay a fare of one-half (1/2) the fare in effect at that time. Passengers with different origins or destinations shall pay the single passenger fare.
3. Each passenger shall be entitle to carry two(2) suitcases or pieces of luggage, or two (2) bags of groceries, or one suitcase or piece of luggage and (1) grocery bag with no additional charge, Any additional suitcase or luggage or any additional grocery bags beyond these amounts shall be charged at the rate of ten cents (\$.10) each.

C. CHANGE OF FARES: In the event that any OWNER file a written request with the City Clerk for a change in the fares, the Board of Commissioners for the City of Pharr may change the fare schedule after a public hearing legally posted.

SECTION 11: FARE POSTED.

There shall be posted in a conspicuous place on the inside of each licensed taxicab, in addition to the license as required by this Ordinance, a card showing the method of computing fares, There shall also be placed in a conspicuous place inside of each licensed taxicab a card bearing the chauffeur's license number of the DRIVER of the taxicab as issued by the Taxicab Inspector of the City of Pharr, Also, it shall be required that the name of the entity operating the taxi cab business and the entity that possesses and owns the taxicab, be posted in a conspicuous place on the inside of each licensed taxicab.

SECTION 12: REFUSAL TO PAY FARES.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab in the City of Pharr.

SECTION 13: RECEIPTS.

It shall be unlawful for the DRIVER of any taxicab upon receiving full payment of a fare to refuse to give a receipt upon the request of the passenger making the payment.

SECTION 14: EXCESSIVE FARES.

It shall be unlawful for the OWNER or DRIVER of any taxicab to refuse to convey a passenger at the rate specified on the rate card displayed In the taxicab, or demand or receive an amount in excess of the rates displayed on the card.

SECTION 15: CRUISING.

No DRIVER shall cruise in search of passengers at any time, Whenever a taxicab is unoccupied, the DRIVER shall proceed at once by the most direct route to the garage where the vehicle is housed, or to any taxi stand authorized herein, or to locations where arrangements have been made with the property owner to park the taxicab in a prescribed area, It shall not be a violation of this subsection if a DRIVER of a taxicab, with authorization from a commercial property owner or tenant of a commercial establishment, to inquire of the need of services of any patron or guest located at the commercial site.

SECTION 16: SOLICITING.

It shall be unlawful for any OWNER or DRIVER of any taxicab, or for any other person,

to seek or solicit patrons or passengers for any taxicab by act or by sign, directly or indirectly, while driving any such taxicab on public streets or public places in the City of Pharr, Texas, or while the taxicab is parked on any public street, alley or public place in the City of Pharr, Texas, except as authorized herein. It shall not be a violation of this subsection if a DRIVER of a taxicab, with authorization from a commercial property owner or tenant of a commercial establishment, to inquire of the need of services of any patron or guest located at the commercial site.

SECTION 17: TRANSPORTATION OF CRIMINALS.

It shall be unlawful for any taxicab DRIVER or OWNER to knowingly transport any person engaged in criminal activities while such person is involved in the commission of a crime or an infraction of the law in any manner.

SECTION 18: ACTING ON BEHALF OF UNLAWFUL ESTABLISHMENTS.

It shall be unlawful for any taxicab DRIVER or OWNER to act in any manner as an agent or contact for any person engaged in unlawful activities or any unlawful establishment of any character in order to facilitate profit-making of a criminal or unlawful nature.

SECTION 19: CONSUMPTION OF ALCOHOLIC BEVERAGES IN VEHICLE.

It shall be unlawful for any DRIVER, passenger or any other person to drink alcoholic beverages while inside the taxicab.

SECTION 20: SALE OF ALCOHOLIC BEVERAGES.

No DRIVER of a taxicab or OWNER of a taxicab or any other person shall engage in selling intoxicating beverages or solicit business for any person selling intoxicating beverages while involved in the operation of a taxicab.

SECTION 21: LOADING AND DISCHARGING OF PASSENGERS.

No DRIVER of a taxicab shall receive or discharge passengers in the roadway of any street, but shall drive to the right hand sidewalk, as nearly as possible, or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers from the right side of the vehicle.

SECTION 22: PARKING RESTRICTED.

It shall be unlawful for any driver of any taxicab to park or leave standing any taxicab on any street, avenue or alley of the City except while loading and unloading passengers into and from the taxicab except as permitted herein.

SECTION 23: DRIVER'S LICENSE REQUIREMENTS; OPEN RECORDS.

A. It shall be unlawful for any person to operate a taxicab within the City unless they possess the appropriate driver's license and satisfy all requirements of State law.

B. The OWNER, DRIVER, and all persons and entities operating or that seek to operate shall provide any and all records to the City of Pharr upon request. Upon application and renewal of any and all licenses, the City shall be provided with the name of all interested OWNERS and DRIVERS. Should any changes be made related to the OWNERS or DRIVERS during the license period, such changes shall be provided to City without delay.

C. Failure to provide any requested information to the City of Pharr may result in the abatement, revocation, or denial of an application, license, or permit.

SECTION 24: EXEMPTIONS FROM PENALTIES.

Any person operating taxicabs as herein defined prior to the passage and approval of this Ordinance, shall have thirty days from and after its passage and approval within which to comply with amended requirements of this Ordinance, and no fines or other penalties shall be assessed against such person, firm, or corporation during such period for violation of any amended provisions.

SECTION 25: PENALTY; ENFORCEMENT.

A. Any person, firm corporation, association or partnership violating any provision of this Ordinance shall be deemed guilty of a Class C misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$500.00 and every day such violation continues shall constitute a separate offense. A violator shall also be subject to the maximum penalties allowed by law for failing to appear in Court when charged with an offense as described herein. If conduct constituting an offense under this ordinance also constitutes an offense under another law, the person may be prosecuted under all applicable laws.

B. Should any person or business violate the prohibitions contained herein, or allow the commission of any act or condition that proximately resulted in a violation of this ordinance, the City Attorney may take any action to enforce this or any ordinance to prevent and summarily abate the action and remove or seize any objects used to violate this ordinance. These actions may also include but not be limited to allowing for municipal resources and personnel to: abate any premises or property, closure, condemn, remove any person or thing, court action, suspend, cancel, or void any license or permit issued by the City of Pharr or a state or federal agency, and any

and all other relief as may be necessary. A violator may also be prohibited from obtaining any permit or license required for operation of a business or taxicab of up to two (2) years.

SECTION 26: ESTABLISHING A LIMIT ON THE NUMBER OF TAXICAB BUSINESSES: WAIVER FOR HYBRID; COMPLIANCE WITH OTHER ORDINANCES.

- (a) The number of taxicab companies shall be based on the annual population census at one (1) Taxicab Company per each full 10,000 residents in population. A person or entity with an interest in a taxicab company shall be restricted to one (1) Taxicab Company as may be selected.
- (b) The city planning department is hereby charged with the responsibility of determining the yearly population of the city. Such report shall be generated within the first six months of each calendar year. Such population report shall thereafter be approved by the Board of Commissioners at a regular meeting of such board. The number of taxicab companies shall not be increased until such population report has been received, and approval has been made Resolution by the Board of Commissioners.
- (c) A taxicab company that uses only hybrid vehicles may seek a waiver of the limitation on the number of taxicab companies in the City of Pharr. The proposed company shall provide any and all materials requested so that a determination can be made on the request.
- (d) Any taxicab or operator of a taxicab is required to strictly comply with other applicable ordinances adopted by the City of Pharr that regulate commercial activities and other occupations.

SECTION 27: SEVERABILITY.

If any section or provision of this Ordinance shall be held to be void, ineffective or unconstitutional, the holding of any such section or provision to be void, ineffective or unconstitutional for any cause whatsoever shall not affect the validity of the remaining sections and provisions of this Ordinance .

SECTION 28: REPEAL.

All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 29: CUMULATIVE.

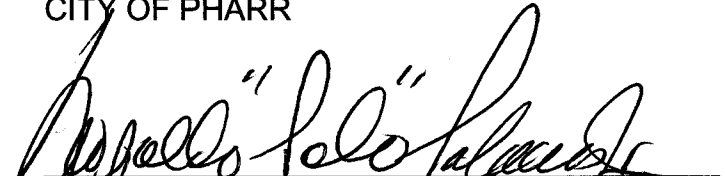
This Ordinance shall be cumulative of all ordinances of the City of Pharr, Texas, and of all laws of the State of Texas.

SECTION 30: PUBLICATION AND EFFECTIVE DATE.

The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication may also be in caption form as allowed under Section 9 of the Pharr City Charter.

PASSED AND APPROVED ON FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, ON THIS THE 15th DAY OF FEBRUARY, 2011.

CITY OF PHARR

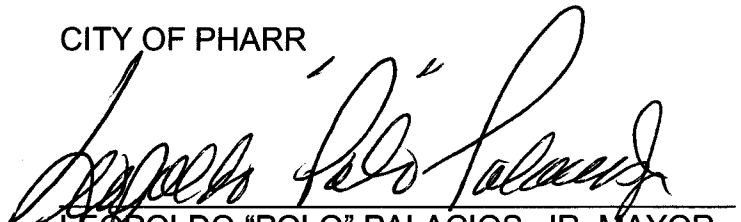

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:


HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, ON THIS THE 1st DAY OF MARCH, 2011. CITY OF PHARR

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

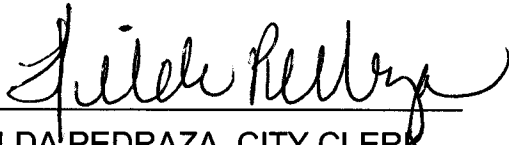
PASSED AND APPROVED ON THIRD READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, ON THIS THE 15TH DAY OF MARCH, 2011. CITY OF PHARR

CITY OF PHARR



LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

TAXI FARE ZONES

Zone 1
\$14.00 Fare

Zone 2
\$9.00 - \$13.00 Fare

Zone 3
\$6.00 - \$8.00 Fare

Zone 4
\$4.00 - \$5.00 Fare

Zone 5
\$6.00 - \$8.00 Fare

Zone 6
\$9.00 - \$13.00 Fare

Zone 7
\$14.00 Fare

Zone 8
\$18.00 Fare

