

MEMORANDUM

DATE: January 21, 2022
TO: Mayor Lankford and City Council
FROM: Mercy Rushing, City Manager
SUBJECT: Ordinance & Application for Taxi Cabs and all Ground Transportation and Services Permit inside the City of Mineola

Background information:

Last October 2021, I was approached by a local citizen who wanted to start a transportation service for individual or small groups within our city limits and surrounding areas. His goal for starting this business is to be able to provide a way for our citizens or visitors who may not be able to drive or have a vehicle to move around within our community and surrounding areas. I did encourage him because I also felt this would be a great service to have within our community. I started by speaking with our city attorney and he told me that other city's he works with have an ordinance in place and some have been successful in doing just what we were looking at for the our community.

The Attach Ordinance and Application for Taxi Cabs and all Ground Transportation services permit attach was drafted by our City Attorney, Blake Armstrong and Chief Bittner and myself made some suggestions and revisions to Blake concerning the operations and requirements to make sure that we are protecting not just our City but our citizens with this new potential transportation service business. We do have one time fee and annual fees to cover our background checks which we will need to do annually via a reputable internet company in doing the background checks that we must perform. I have highlighted in yellow the important areas on the ordinance and applications that we made changes that we asked our attorney to incorporate within these documents attached. If you have any questions please feel free to contact my office or my cell phone at 903-245-8505.

Recommendation: It is my recommendation as the City Manager and MEDC Exec. Director that the City Council consider approving the this ordinance and application permit form for the Taxi Cabs and all Ground Transportation Services Permit for our community's current and future growth.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS ESTABLISHING REGULATIONS CONCERNING GROUND TRANSPORTATION AND/OR TAXI SERVICE WITHIN THE CITY LIMITS OF MINEOLA, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, Texas (“City”) is a Type-A general law municipality organized and existing pursuant to the laws of the State of Texas; and

WHEREAS, the City is authorized, pursuant to Texas Local Government Code Section 215.004, to establish regulations concerning ground transportation and taxi service provided within City’s incorporated limits; and

WHEREAS, the City Council for the City of Mineola, Texas finds that the regulations established herein concerning ground transportation and taxi service within the city limits of Mineola are necessary to protect the public’s health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Mineola, Texas as follows:

**I.
DEFINITIONS**

- A. **Ground Transportation Service** means chauffeured vehicles for hire for the transportation of passengers within the City, including but not limited to taxi cabs, limousines and shuttles.
- B. **Taxi Cab** means a chauffeured motor vehicle equipped with a taxi meter with a rated passenger capacity of eight (8) or less used to transport persons, and which typically operates on a regular route, on a regular schedule and on a call and demand basis.
- C. **Taxi Meter** means a device used in a taxi cab to compute a fare.

**II.
PERMIT REQUIRED**

- A. An individual and/or entity may not operate a ground transportation and/or taxi cab service within the City of Mineola for the pickup of passengers inside City’s incorporated limits without first having obtained a permit from the City issued under the terms and provisions of this Ordinance.
- B. A permit in compliance with this Ordinance does not apply to the following:

1. A vehicle owned, operated or subcontracted by the federal government, the state or a political subdivision when providing service exclusively to a governmental entity;
 2. A courtesy vehicle that routinely provides transportation to and from its principal place of business;
 3. Ground transportation and/or taxi cab services originating outside of City's incorporated limits;
 4. An ambulance or other vehicle providing non-emergency medical transports.
- C. To obtain a permit for ground transportation and/or taxi cab service, an individual and/or entity must make written application to the City Secretary. The application must be sworn or affirmed.
- D. A permit issued pursuant to this Ordinance is valid for a period of one (1) year. Any amendment to the permit may only be made after the holder of said permit submits a written request to the City Secretary describing in detail the proposed amendment. Any amendment must be approved by the City Council, except for increases or reductions in the number of vehicles or substituting vehicles the subject of a permit.
- E. A holder of a permit issued herein may not transfer or assign the permit to any other individual and/or entity.
- F. Once a permit is issued, the holder of said permit shall ensure that a copy of the permit is affixed to any and all vehicles operating pursuant to said permit on the passenger side of the windshield in the lower corner inside the windshield.
- G. An individual and/or entity commits an offense under the following circumstances:
1. Operates a vehicle with an expired permit; or
 2. Attaches a permit to a vehicle not authorized to operate.

III. VEHICLE REQUIREMENTS

- A. Before a vehicle operating pursuant to a permit issued by way of this Ordinance may be used to provide ground transportation and/or taxi cab services, the holder of said permit must present written proof to the City Secretary showing that each vehicle operating pursuant to the permit has a current State of Texas registration and inspection.
- B. Any vehicle operating pursuant to a permit issued by way of this Ordinance must have signage visible on the vehicle depicting the City of Mineola logo and the permit number issued by the City of Mineola.

IV. INSURANCE

A. It shall be unlawful to operate a ground transportation and/or a taxi cab service in the City unless a permit holder maintains in full force and effect during the authorized period of any permit the amount and character of insurance coverage for all vehicles used in providing such service as follows:

1. Minimum Bodily Injury - \$50,000.00 per person and \$100,000.00 per accident;
2. Minimum Property Damage - \$25,000.00 per accident;
3. Said insurance must be carried with an insurance company authorized to do business in the State of Texas.

V.

DRIVER QUALIFICATIONS

A. Any driver providing ground transportation and/or taxi cab services must meet the following criteria:

1. Be at least eighteen (18) years of age;
2. Possess a valid driver's license;
3. Have a valid contract with or currently be employed by the permit holder, or be the individual to which the permit has been issued;
4. Provide authorization to work in the United States if the person is not a citizen;
5. Not have been convicted in a three (3) year period preceding the application for a permit of the following:
 - a. More than three (3) moving violations;
 - b. Fleeing or attempting to elude a police officer, reckless driving, driving without a valid driver's license or driving with an invalid driver's license;
6. Not have been convicted in the preceding five (5) year period for driving while intoxicated, use of a motor vehicle with intent to commit a felony, any felony involving property damage, fraud, theft, an act of violence or an act of terrorism; and
7. Not be registered as a sex offender.

VI.

APPLICATION AND INVESTIGATION

A. All drivers operating a vehicle for ground transportation and/or taxi cab services shall file a completed written application with the City Secretary on the prescribed form.

B. The Mineola Police Department shall conduct such investigation as it considers necessary to determine whether a person is qualified to provide ground transportation and/or taxi cab services as referenced herein.

C. The City Manager or City Secretary will run a complete background check on all applicants. The background check shall remain confidential.

**VII.
PERMIT FEES**

For the first year that a permit is issued, there will be a fee of \$200.00. The annual fee after the first year will be \$150.00. If the ownership of the ground transportation and/or taxi cab service changes, then a one-time fee of \$200.00 will be charged.

**VIII.
TAXI METER REQUIRED**

- A. A person may not drive or allow another person to drive a ground transportation vehicle and/or a taxi cab that establishes its fare based on distance or time unless said vehicle is equipped with an operational taxi meter.
- B. Except as provided by subsection C of this section, a driver may not use a device other than a taxi meter for measuring distance or time or to determine the fare to be charged.
- C. Taxi meter rates of fare do not apply to a trip to a destination outside the incorporated limits of the City of Mineola or a trip under a contract with a governmental agency, non-profit organization or as otherwise reasonably necessary to provide a public service.

**IX.
REPEALER**

Any and all Ordinances of the City of Mineola, Texas in conflict with the provisions of this Ordinance shall be and the same are hereby repealed, and all other provisions of the Ordinances of the City of Mineola not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**X.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared unconstitutional by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph, subsection or section.

**XI.
PENALTY**

A. Any offense of a regulation contained within this Ordinance shall be punishable as a Class C Misdemeanor, with a fine if found guilty not to exceed \$500.00.

B. Prosecution of an offense under this Ordinance does not preclude other enforcement remedies available to the City, which may include injunctive relief and/or other civil remedies.

XII.
EFFECTIVE DATE

This Ordinance shall take effect upon its passage and its publication as required by law.

PASSED and APPROVED by the City Council for the City of Mineola, Texas this _____ day of _____, 2022.

APPROVED BY:

Jayne Lankford, Mayor

ATTEST:

Cindy Karch, City Secretary

Note: Changes or additions made by City Manager and approved by Blake Armstrong our City Attorney are highlighted in yellow.

CITY OF MINEOLA

**APPLICATION FOR TAXI CABS AND
GROUND TRANSPORTATION SERVICES PERMIT**

A permit granted is valid for one (1) year from the date of approval.

1. Business/Trade Name: _____

Business Address: _____

Mailing Address: _____

E-mail: _____ Home/Work Phone No.: _____

Cell No.: _____

2. Please check the type(s) of transportation service being provided.

- Limousine Service Airport Shuttle Service Other _____
 Shuttle Service Charter Service Taxi Cab

3. Business Owner(s) Information

Name: _____ Driver's License #: _____

Name: _____ Driver's License #: _____

Name: _____ Driver's License #: _____

4. Provide the following information for each vehicle to be used to provide the service (if additional space is needed, include on a separate page)

Year	Make	Model	Body Style	Seating Capacity	Service Type	License No.	VIN
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

5. Name of Insurance Co.: _____
Agent Name: _____
Agent Phone No.: _____

6. The applicant must provide the following information and attach as part of the application:
- a. current State of Texas registration on each service vehicle
 - b. the proposed rate of fare
 - c. a certificate of insurance and declarations page with applicable coverage limits

7. A \$200.00 non-refundable initial permit fee shall be paid prior to the issuance of a permit. The permit is renewable annually beginning the second year for a \$150.00 fee.

8. Your permit number is _____. This permit number must be displayed inside the vehicle where it can be seen by customers.

I, _____, applicant, do swear or affirm that all of the information included within this application is accurate, and I understand that any omitted information or information found to be inaccurate will result in the denial of this application for a permit or the revocation of same that is granted based on the information provided in this application. I also swear or affirm that I have read and understand the City of Mineola's Ordinance No. _____ as it relates to the regulations and drivers qualifications concerning ground transportation and taxi service and agree to comply with the terms and conditions of said regulations and qualifications.

_____	_____	_____
Signature of Applicant	Title	Date
THE STATE OF TEXAS)		
)		
COUNTY OF WOOD)		

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is signed to the foregoing application, and after being duly sworn by me states under oath that he/she has read the said application and that all of the facts set forth therein are true and correct.

Sworn to before me this _____ day of _____, 20____.

Notary Public, State of Texas