

ORDINANCE No. 754

An Ordinance declaring the operation of taxicabs in the City of Eureka Springs, Arkansas. A privilege fixing a privilege tax thereon providing for issuance of permits for such operation; regulating taxicab operators and drivers; fixing penalties for non-compliance; and for other purposes.

Be it ordained by the City Council of the City of Eureka Springs, Arkansas:

SECTION 1.. Definitions. The word "taxicabs" as used herein shall mean and refer to motor driven vehicles having seating capacity not in excess of seven persons and used for the transportation of persons for hire and not over and upon regular routes and schedules; and, the words "taxicab operator" as used herein shall mean and refer to any person, firm or corporation owning and operating a taxicab or taxi cabs.

SECTION 2. That the operation of a taxicab or taxicabs in the City of Eureka Springs, Arkansas, is hereby declared to be a privilege; and no person, firm or corporation shall operate any taxicab in said city unless and until each and every regulation and requirement hereinafter set forth is fully complied with.

SECTION 3. Any person, firm or corporation desiring a license or permit as a taxicab operator shall file with the City Clerk a duly verified application accompanied by a certified check payable to the City of Eureka Springs in the amount of the annual license hereinafter fixed, and for each taxicab mentioned in such application, which application shall contain the following information:

- (a) Trade name of person, firm or corporation; if a partnership, the names of all persons; if a corporation, the names of all stockholders.
- (b) List of vehicles proposed to be used by such applicant setting forth year, model, motor and serial numbers of each vehicle; whether ownership of each vehicle absolute or subject to title retention or lien, and if subject to retention or lien, the holder thereof.
- (c) Setting forth any and all facts concerning the experience and qualification, financial and otherwise, of applicant to render the proposed service to the public; the proposed place of business or terminal of such applicant, including telephones or other facilities making possible the rendering of full time adequate and satisfactory public service.
- (d) Setting forth whether applicant, if permit is sought on only one vehicle, proposes to drive same himself or employ a driver.
- (e) A schedule of rates proposed to be charged by such applicant shall be attached to said application which schedule shall be subject to the approval of the City Council. Upon approval of such schedule rates, same shall become a permanent record and may not be changed or deviated from same after lawful hearing and consent of said City Council.

Publication of this Ordinance shall serve as notice to any prospective applicant for license and permit for operation of one or more taxicabs under the initial set up as a second class city organization, and all applicants for permits under such initial set up shall have five days from date of publication hereof to file application with the City Clerk. All such applications shall be considered on merit and in the light requirements as to the public convenience and necessity of the City and its inhabitants. The City Council may either grant or refuse to grant any such application in its discretion, circumscribed only by the public interest, convenience and necessity.

After such initial permits and licenses are granted and issued hereunder, upon the filing of subsequent applications, by prospective taxicab operators, the City Clerk shall cause to be given to every taxicab operator in said City due and reasonable notice in writing

setting forth the time and place of hearing, which shall be conducted by the City Council, of all interested persons or of those affected by such application.. Any such subsequent application shall not only be considered on merit but also in the light of public convenience and necessity requiring the proposed additional taxicab service, and may be either granted or refused in the discretion of the City Council.

The granting of any such permit to a taxicab operator shall be by duly adopted resolution of the City Council and license to any such permittee shall thereupon be issued by the City Clerk. Any such permit and license so issued to a taxicab operator shall be non-assignable.

Section 4. For each and every motor vehicle license to operator hereunder, applicant shall pay to the City Clerk an annual license tax of \$50.00 payable in advance on or before January 20 of each year.

Section 5. The City Council shall have a right to fix a time within which any taxicab operator licensed is to begin operations, and to provide for the loss of such privilege in the event of a failure to begin within such fixed time. Suspension of operation of any taxicab for a period of thirty (30) days shall automatically cancel license.

Section 6. Any license hereunder shall keep in good repair and in a clean and sanitary condition any and all motor vehicles which he operates. The Chief of Police is hereby authorized and empowered to inspect said taxicabs at any time he may deem expedient, and is required to report his findings to the City Council.

Section 7. Taxicab operators shall have stenciled on each side and back of each taxicab the trade name of the particular operator; cabs used by any such operator, if more than one, shall be numbered consecutively and stenciled thereon; and all stenciling as herein provided shall be not less than three inches in height. The license heretofore mentioned shall at all times be plainly attached and exhibited on the inside of the taxicab it covers and shall have inscribed thereon a schedule of the applicable rates.

Section 8. No taxicab operator shall personally drive a taxicab nor shall any such operator employ a driver, until or unless said operator or driver shall obtain from the City Clerk a "Driver's Certificate" entitling him to drive a taxicab. No person shall drive a taxicab who is under the age of twenty-one (21) years nor shall any taxicab operator continue to personally drive or to employ a driver unless said "Driver's Certificate" remain in force and is renewed as herein provided. Said "Driver's Certificate" shall be in addition to any license required by law or ordinance. A "Driver's Certificate" may be obtained by filing with the City Clerk a sworn application which shall set forth the following:

- (a) Name, age and address of applicant
- (b) Where applicant has been employed and nature of employment for past five years together with names and addresses of employers; if self employed, the nature of such employment for such period of time; and,
- (c) There shall be attached to such application a certificate from a reputable physician to the effect that said applicant is physically and mentally sound and that he is free from any communicable disease.

Said "Driver's Certificate" must be renewed on or before July 1 of each year, said certificate being valid only for the calendar year for which it was issued. The City Clerk shall either issue a "Driver's Certificate" or mark "refused" on the application therefor stating the reason it was not issued. If refused the applicant may, by request obtain and receive a hearing before the City Council. The Council may, upon hearing, either affirm the action of the City Clerk or order the certificate issued. Any "Driver's Certificate" may be revoked or suspended for violation of any state law or ordinance of said City.

Section 9. All taxicab operators licensed hereunder shall have a fixed place of business or terminal at which place shall be maintained a constantly attended telephone at all reasonable business hours; and call for transportation service shall be rendered to the public without discrimination or favor. The City shall designate and properly mark with signs at the expense of the operator one or more taxicab stands wherein such operators shall have unrestricted parking privileges. Aside from such designated taxicab stands, taxicabs are hereby restricted from parking at any time on Spring or Center Streets save for the reasonable time required to either pick up or discharge passengers.

Section 10. Any person, firm or corporation that violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$25.00 nor more than \$500.00 and each day's violation shall be and constitute a separate offense.

Section 11. The City Council is hereby authorized to revoke or cancel any taxicab license issued under this ordinance. Said license shall be revoked and cancelled only for cause and after hearing before City Council, of which due and reasonable notice shall be given to all affected persons. Cause as used in this section shall include but not by way of limitation, the violation of any of the provisions of this Ordinance; failure to render reasonable, satisfactory and safe service to the general public; violation of any state law or City Ordinance by either the operator or driver of said taxicab, satisfactory evidence to the City Council that either the taxicab operator or driver is guilty of the illegal possession of, the illegal sale of, manufacture of intoxicating liquors; or satisfactory evidence to the City Council that either such operator or driver is guilty of, engaged or interested in the traffic or transportation of girls or women for the purpose of prostitution.

Section 12. Should any phrase, sentence, paragraph, section or portion of this Ordinance be declared void and invalid, it shall not affect the remaining portions thereof; and all Ordinances in conflict thereof are hereby repealed.

Section 13. It is ascertained and declared that a more strict regulation and supervision of taxicab operators and drivers in the City of Eureka Springs is sorely needed and if not immediately attained and secured will endanger the peace, health and safety of its inhabitants. It is, therefore, declared that an emergency exists, that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, that this Ordinance shall take effect and be in force on and after its passage, approval and publication.

Approved: A. J. Russell, Mayor

Attest: Ray Freeman, City Clerk