

ORDINANCE NO, A- 415

AN ORDINANCE DECLARING THE OPERATION OF TAXICABS WITHIN THE CITY OF CONWAY TO BE A PRIVILEGE; PRESCRIBING THE LICENSING PROCEDURE THEREFOR; REGULATING THE OPERATION THEREOF; PROVIDING FOR THE LICENSING OF DRIVERS OF TAXICABS; REPEALING ORDINANCE NO, A-223 passed November 26, 1946; ORDINANCE NO, A-249 passed January 10, 1950, ORDINANCE NO, A-288, passed September 22, 1953, ORDINANCE NO, A-286, passed July 24, 1951, ORDINANCE NO, A-290, passed November 24, 1953; AND FOR OTHER PURPOSES:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1, That Ordinance No, A-223 passed November 26, 1946, Ordinance No, A-249 passed January 10, 1950, Ordinance No, A-286 passed July 24, 1951, Ordinance No, A-288 passed September 22, 1953, and Ordinance No, A-290 passed November 24, 1953 are, upon the adoption of this ordinance, hereby repealed and made of no further force and effect, PROVIDED, however, that the licenses to operate a taxicab and/or to drive a taxicab in the City of Conway, Arkansas which are currently in force and effect under the aforesaid ordinances shall continue to be valid for the remainder of the term for which issued unless the same shall be surrendered by the holder thereof, or shall be revoked in the manner herein set forth or for other cause or reason be or become ineffective prior to July 1st, 1964.

SECTION 2, That the operation of taxicabs within the corporate limits of the City of Conway, Arkansas, is hereby declared to be a privilege and subject to the following regulations,

SECTION 3, In order to better protect the citizens of the City of Conway it is hereby declared to be the policy of the said City that, before any license for the operation of a taxicab within said City shall be issued to any person, firm or corporation such applicant for said license shall procure public liability insurance issued by some reliable insurance company or companies licensed to do business in the State of Arkansas in such amounts as may adequately insure such person, firm or corporation against any loss or damage to property, or injury or death to persons growing out of the operation by said person, firm or corporation of any taxicab,

but in no instance shall any taxicab licensed hereunder be insured in any sum less than the following minimum limits: If the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000.00 because of bodily injury to or death of one (1) person in any one (1) accident and subject to said limit for one (1) person, to a limit of not less than \$20,000.00 because of bodily injury to or death of two (2) or more persons in any one (1) accident, **and** if the accident has resulted in injury to, or destruction of property, to a limit of not less than \$5,000.00 because of injury to or destruction of property of others in any one (1) accident, Said public liability insurance must be continued in full force and effect for so long as such person, firm or corporation is licensed by said City to operate a taxicab, Proof of such insurance, in the form of a Certificate of Insurance or a true copy of the insurance policy issued by the company or companies writing such insurance, must accompany the application form at the time the person, firm or corporation applies for said license. Such proof of insurance must show the name of the person, firm or corporation to whom such insurance is issued, **the limits of coverage of said insurance, the issue and expiration date of insurance, the policy number, and the complete description of the particular vehicle which is insured under the policy.** In **the event of insurance of all vehicles belonging to one person, firm or corporation shall be insured with one insurance company under a single, or blanket, policy, the complete description of all vehicles insured thereunder must be shown in the said proof of insurance.** If, at any time and for any reason, during the licensing period, said insurance is canceled by the issuing company or allowed to lapse by the insured, the license to operate each taxicab insured under such canceled or lapsed insurance policy previously issued to such person, firm or corporation shall be revoked and shall become of no further force and effect unless such owner shall procure insurance as above required in such time that the taxicab or taxicabs insured under such policy or policies of insurance

which have lapsed or have been canceled shall at no time be without proper insurance as herein required, In the event any person, firm or corporation exchanges any licensed and insured vehicle for an unlicensed and uninsured vehicle during any licensing period, such person, firm or corporation shall furnish proof of transfer of insurance in the same manner as set forth for proving insurance coverage above,

SECTION 4. The licensing period for the operation of a taxicab is hereby declared to be the twelve month period beginning each July 1st and ending each June 30th next thereafter, No license to operate a taxicab shall, under any circumstances, be issued for longer than the above mentioned period. Any person, firm or corporation applying for a license to operate a taxicab during any licensing period shall be required to pay, in advance, the same license fee which is paid for the entire licensing period. Any person, firm or corporation who, for any reason whatsoever, has his license revoked during the licensing period, or for any other reason discontinues the operation of a licensed vehicle, shall not be entitled to recover any portion of the license fee theretofore paid upon such vehicle, The license fee for the operation of taxicabs in said city in the amount of \$75.00 for each licensing period is hereby imposed upon each person, firm or corporation operating such taxicab within the City of Conway and such license fee is hereby imposed upon each separate vehicle being operated by such person, firm or corporation, Payment of said license fee shall be made at the time of application for said license and no application for such license shall be accepted by the City Clerk nor considered by the City Council until said license fee is paid in full, No license to operate a taxicab within the said City shall be granted to any person under twenty-one years of age.

SECTION 5, Any person, firm or corporation desiring to operate a taxicab in the City of Conway shall file with the City Clerk of said City, at least two weeks prior to the start of any licensing

period, a written and duly notarized application therefor, upon such form or forms as may now or hereafter be prescribed by said City, containing the following information:

- (a) Full **name** and business address of such applicant,
- (b) Complete description of vehicle for which a license is desired: (Make, model, Style, motor or identification number and color, etc,)
- (c) Name and **address** of insurance carrier and limits of coverage, (Proof of insurance must be attached to said application,)

SECTION 6. Each application shall be numbered by the City Clerk as they are filed, such numbering to begin with the number One (1). A separate application shall be filed for each vehicle desired to be licensed and said application must be made by the actual owner of the said vehicle. The City Clerk, at the first meeting of the City Council, held after the filing of said applications, will present same to the Council for its approval, and, upon approval, said City Clerk **will** issue to the applicant a license, in the form as is now or may hereafter be prescribed for the operation of said taxicab, The license so issued will bear a license number which is to correspond with the number placed on the application at the time **it** was received, This **license** number must, before applicant shall be permitted to begin operation of said taxicab, be legibly painted, in easily visible colors, on the outside of each front door and on the rear of said taxicab in numbers 10 inches in height and 3 inches in width, No such license issued for a vehicle may be transferred to any other vehicle and is valid only for the vehicle described in said application.

SECTION 7. Should the owner of any licensed taxicab sell, exchange or otherwise dispose of said vehicle, he shall immediately surrender, to the City Clerk of said City, the license issued for such vehicle for cancellation, and should the owner of such vehicle desire a license for another vehicle obtained in place of the sold or exchanged vehicle, he shall file a proper application in the

same manner as for the original license, and, upon approval of such application, by the City Council, a new license shall be issued to said applicant; provided, however, that there is hereby imposed a fee in the amount of \$10.00 for such license, said fee to be paid at the time of such application. Such license shall be valid for the remainder of the twelve-month licensing period only. Should any owner of any previously licensed taxicab sell such taxicab to any other person, firm or corporation who desires to continue the operation of said taxicab within the City of Conway, such owner shall immediately notify the City Clerk and surrender his license for cancellation. The new owner of said taxicab may then apply for a new license, in his name, in accordance with and subject to the regulations heretofore imposed. The City of Conway, in no way, guarantees that such new owner will be issued a license because of the fact that the taxicab, at the time of the sale, was licensed.

SECTION 8. All persons desiring to drive a taxicab for hire in the City of Conway, whether such person is the owner of such taxicab or an employee of said owner, must, before being permitted to drive such taxicab, obtain a license authorizing him to drive such taxicab. Application for such license to drive a taxicab must be filed with the City Clerk of said city on the form as may now or hereafter be prescribed by said city and a license fee in the amount of \$5.00 must accompany such application. The licensing period is hereby declared to be the twelve-month period beginning each July 1st and ending on the following June 30th. Such application for a license to drive a taxicab shall contain at least the following information:

- (a) Full name and residence address of applicant
- (b) Current age and date of birth of applicant
- (c) Experience in driving an automobile
- (d) Number of applicant's current For Hire Arkansas

Chauffers License (such license must be presented with application as proof of license.)

The City Clerk will, at the next regular meeting of the City Council present such applications for license to drive a taxicab for approval by said Council. After approval of such application by the affirmative vote of a majority of the members of said Council, the Clerk will issue to the applicant a license authorizing applicant to drive said taxicab for the remainder of the licensing period, No person may drive a taxicab between the time his application is filed and the time such application is approved without first obtaining the written permission of the Chief of the Police Department, but in no instance shall such permission be granted for a period in excess of thirty days, In the event such application is denied by the Council, the Clerk will immediately refund to such applicant the \$5.00 license fee. No person under the age of twenty-one years shall be licensed to drive a taxicab in the City of Conway, Arkansas. Any license to drive a taxicab issued by said City may, for good and reasonable cause, be revoked at any time by the City and, in the event of such revocation, the licensee may not recover the license fee for the remaining portion of the licensing period, The license issued to the applicant must be carried on the person of the licensee at all times when engaged in driving such taxicab and the licensee is further required to present said license to any law enforcement officer or any elected city official of the City of Conway when so requested,

SECTION 9. The following schedule of charges for taxicab service within the City of Conway is hereby found and declared to be reasonable and declared to be the maximum charges; to-wit:

- (a) For single passengers picked up and discharged anywhere within the corporate limits of the City . . . . . 50¢
- (b) For two or more passengers picked up at the same place and discharged at the same destination . . . . . , 25¢ each
- (c) For each 5 minute delay, at the request of a passenger, in any trip within the city . . . . . 25¢

It shall be unlawful for any person, firm or corporation operating any taxicab within the City of Conway, Arkansas, or any person driving any taxicab for any such person, firm or corporation, to charge or collect for taxicab service any fares which are different from the fares provided for in the schedule of rates which must be filed by each person, firm or corporation operating a taxicab service in said city and, in no event, shall such fares be in excess of the rates set forth in the above schedule, Such schedule of rates must be filed by each operator of a taxicab service with the City Council and must be approved by said Council,

SECTION 10, All persons, firms or corporations operating any taxicab service in the City of Conway shall have a fixed terminal or place of business, at which **terminal** shall be maintained a constantly attended telephone at **all** reasonable business hours, and all calls for taxicab service shall be answered and rendered to the public without favor or discrimination, Said operators shall not permit any person to partake of alcoholic beverages within his place of business and shall further take all necessary steps and actions to maintain a reasonably clean and sanitary space to be used as a waiting room for the public, Such operator of a taxicab service shall insure that said waiting room is free of all things, material or persons, whose presence would be objectionable to the public in general,

SECTION 11, In addition to the foregoing provisions, should the owner, operator or driver of any taxicab within the City of Conway be convicted of any offense growing out of the transportation, procuring of, possession of for sale, sale or manufacture of any intoxicating beverage, or for the operating or driving of any taxicab upon any street or highway while under the influence, to any degree whatsoever, of any alcoholic beverage, or any offense involving moral turpitude, or any felony, or should the City Council secure any evidence, satisfactory to said Council, that any owner, operator or driver of any taxicab is engaged in or interested in any of the above mentioned violations, then in any such event, the

license issued to any such owner, operator or driver shall, by a majority vote of the City Council, be revoked, and in case of such revocation, the holder of such license shall not be issued another license to operate or drive a taxicab during the remainder of the current licensing period,

SECTION 12. Any person, firm or corporation violating any of the several provisions of this ordinance shall, upon conviction, be fined in any sum not less than \$10.00 nor more than \$100.00 for each such offense and each day such violation shall be permitted to continue shall be considered a separate **offsnss** and shall be punishable as such. Upon a second, or subsequent, conviction for violation of the provisions of this ordinance, the license issued to the operator, owner or driver of any taxicab so involved in such violation, after five days written notice to the holder of said license, may be revoked by the affirmative vote of a majority of the members of the City Council, and in case of such revocation, the holder of any such license shall not be issued another license for the driving or operating of any taxicab within the then licensing period.

SECTION 13. If any clause, sentence, paragraph, section or other portion of this ordinance be found to be unconstitutional, or invalid, or inoperative by any court of competent jurisdiction, such finding shall not affect the validity of the remainder of said ordinance, nor shall any proceeding attacking any portion of this ordinance operate to affect any portion of the remainder of said ordinance not specifically attacked in said proceeding,

SECTION 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed,

SECTION 15. It is ascertained and declared that the provisions of this ordinance are necessary to better regulate and control the operation of taxicabs within the City of Conway, and to better protect the citizens of said City, and are necessary for the immediate preservation of the public health, peace and safety of



the citizens of said city; and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and publication.

PASSED: June 9, 1964.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk