

AN ORDINANCE **2012 - 09 - 20 - 0740**

**AMENDING CHAPTER 33, ARTICLE VIII OF THE CITY CODE
OF SAN ANTONIO, TEXAS RELATING TO TAXICABS.**

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WHEREAS, it costs a company or owner of a taxicab between \$12,000.00 and \$15,000.00 to retrofit a vehicle for wheelchair access; and

WHEREAS, under the existing ordinance a company or owner has as little as five years to recover the conversion costs; and

WHEREAS, extending the life of these vehicles from five to eight years will allow an owner more time to recover the cost of the conversion; and

WHEREAS, certain drivers are paying gratuities in order to obtain fares, thereby unfairly soliciting fares for themselves; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 33, Article VIII of the City Code of San Antonio, Texas, Sections 33-928 and 33-931 are hereby revised in their entirety to read as follows:

Sec. 33-928. Classification of vehicles for hire authorized taxicabs.

Holders shall operate taxicabs in the city in accordance with the terms and conditions of the type of operating permit issued. The types of operating permits authorized by this chapter shall be classified as follows:

- (a) City-wide shall serve the entire city except the San Antonio International Airport. May drop-off passengers at the airport. May pick-up passengers at the airport on an appointment basis only.

Citywide Taxicabs Requirements:

- (1) Each holder, owner, or driver shall remove from citywide service any taxicab which is eight (8) years of age or older or which has been in service for five (5) years or more, whichever occurs first, except that any vehicle purchased by the holder as a new production vehicle which has less than twenty thousand (20,000) miles of use at the time of purchase may remain in service for a period of six (6) years.
- (2) For purposes of this article, age of the vehicle shall be calculated from the first day of October of the model year.

- (3) For purposes of this article, age of the vehicle shall be calculated from the date of purchase if the vehicle is placed in service as a new production vehicle.
 - (4) For purposes of this article, new production vehicle means any vehicle purchased within one (1) year of the first day of October of the model year.
- (b) Airport may serve the airport without service restrictions. A city-wide permit is a prerequisite for the issuance of an airport permit.
- (c) Wheelchair Accessible Vehicle Requirements:
- (1) Wheelchair Accessible Vehicles shall service the entire city.
 - (2) Wheelchair Accessible Vehicles shall be prohibited from purchasing airport permits, except as provided by below:
 - (a) Companies or cooperatives that have wheelchair accessible vehicles with airport permits as of August 1st, 2012, shall be authorized to continue to renew airport permits for their wheelchair accessible vehicles, provided that the company or cooperative continuously operates these vehicles and timely renews airport permits.
 - (b) If a company or cooperative fails to continuously operate these vehicles or fails to timely renew an airport permit then that wheelchair accessible vehicle shall be forfeit forever.
 - (3) Wheelchair Accessible Vehicles may pick-up and drop-off at the Airport as requested.
 - (4) Irrespective of Sec. 33-928 (a) Wheelchair Accessible Vehicles shall be authorized a maximum of eight (8) model years of service and shall be removed from service in accordance with Rule 421 of the Taxicabs Rules and Regulations

Sec. 33-931. Approval of wheelchair accessible vehicle permits for operation of taxicabs.

- (a) The Director may approve wheelchair accessible permits for the purpose of providing a service to the wheelchair community, and these permits must be utilized with the intent to give priority to individuals that need a wheelchair accessible vehicle. Such wheelchair accessible vehicles must:
 - (1) Comply with all standards and requirements set forth in sections 33-062 through and including 33-069;
 - (2) Be equipped with mechanisms or devices to accommodate the boarding and deboarding of persons in wheelchairs and similar mobility devices and with

mechanisms or devices to secure said wheelchairs and similar mobility devices during transit;

- (3) Meet all state and federal standards applicable to vehicles that are usable by passengers with disabilities; and
 - (4) Be operated in a "city-wide" area, as defined in subsection 33-928(a).
- (b) A company or cooperative may hold three (3) wheelchair accessible permits, plus one additional wheelchair accessible permit for each ten (10) non-accessible, non-limited permits held by said company or cooperative, not to exceed a total of twenty-five (25) accessible permits per company or cooperative. The number of wheelchair accessible permits issued by the Director shall be used to calculate the number of additional permits issued pursuant to section 33-929.
 - (c) Companies or Co-Operatives that can not provide evidence that they are using a wheelchair accessible permit in accordance with its purpose may be subject to the revocation of that permit and no longer be authorized that permit under this section.
 - (d) Holders, Drivers, or Owners of wheelchair accessible permits shall file a monthly report with the Director detailing the usage of the vehicle. The Director shall determine the content of the report.
 - (e) The provisions of this section do not prohibit a holder of an operating permit from operating a wheelchair accessible taxicab pursuant to a non-accessible permit.
 - (f) Every driver operating a wheelchair accessible taxicab as defined herein shall, whether pursuant to a wheelchair accessible permit or not, first complete an instructional course approved by the Director addressing the boarding, debording, and securing of persons in wheelchairs and other mobility devices.
 - (g) Holders of wheelchair accessible permits must ensure that the taxicabs operating pursuant to said permits give priority to customers requiring wheelchair accessible taxicabs.
 - (h) All other provisions of this chapter applicable to taxicabs apply to the operation of wheelchair accessible taxicabs pursuant to this section where such provisions are not in conflict with this section.

SECTION 2. Chapter 33, Article VIII of the City Code of San Antonio, Texas, Section 33-973 is hereby added as follows:

Sec. 33-973. Driver's Conduct

A driver shall not offer, confer, or agree to confer to another person money, compensation or any benefit in order to receive a paying fare:

- (a) A driver's permit shall be suspended for (60) sixty days for a violation of this provision.
- (b) A driver's permit shall be revoked for a 2nd violation of this provision within (24) twenty four months from the date of the 1st violation.

SECTION 3. The remainder of Chapter 33 of the City Code of San Antonio, Texas shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be illegal, inoperative, unconstitutional, invalid or ineffective.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

SECTION 6. The City Clerk of the City of San Antonio is hereby directed to publish notice of this Ordinance as required by Section 17 of the Charter of the City of San Antonio and the laws of the State of Texas.

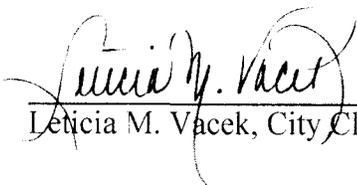
SECTION 7. This ordinance shall take effect five (5) days following the date of the publication provided for above.

PASSED and APPROVED this 20th day of September, 2012.

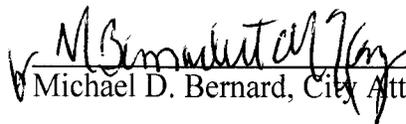

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:



Leticia M. Vacek, City Clerk

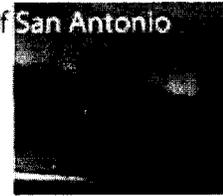


Michael D. Bernard, City Attorney



Request for
COUNCIL
 ACTION

City of San Antonio



Agenda Voting Results - 30

Name:	8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22B, 23, 24, 25, 26, 27, 28A, 28B, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45						
Date:	09/20/2012						
Time:	10:55:21 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 33, Article VIII (Taxicab) of the City Code of San Antonio by proposing to extend the service time for Wheelchair Accessible Vehicles (WAV); clearly define purpose for WAV; clarify issuance of airport operating permits for WAV; and preclude taxicab drivers from paying to obtain fares. [Erik J. Walsh, Deputy City Manager; William McManus, Police Chief]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10	x					