

Chapter 21

TRANSPORTATION

Article 1. Taxicabs/Limousines

Sec. 21-1-1. Operator's license.

- (a) Any person desiring to operate a taxicab business, limousines or vehicles carrying passengers for hire in the City of Chickasha, Oklahoma, shall first obtain a license therefore by making application to the council giving the name and business address of the applicant, together with the approximate number of vehicles proposed to be operated, and such other information as the council may require. This application shall be considered by the Council at either a regular or special meeting, but no license shall be directed to be issued by the council until a regular meeting of the council. Upon approval of the application by the council, a license shall be issued by the city clerk upon paying a license fee therefore in the sum of one hundred dollars (\$100.00) which shall expire one (1) year from the date of the issuance thereof. Any license issued under this provision shall be nontransferable.
- (b) Upon the filing of said application for such license, the matter of the hearing of said application shall be brought before the council within a reasonable time thereafter, at which time the applicant shall show by proper proof the convenience and necessity for such license. Notice in writing at least ten (10) days prior to the date of such hearing shall first be given to all persons, partnerships or corporations engaged in the taxicab business in the city and operating under a city license, by the city clerk, by mail at their business address on file in the city clerk's office, of the time and place of said hearing. At which hearing, they shall have an opportunity to be heard, as to the necessity and convenience of the public and their willingness and ability to meet any demands made upon them by the city. Notice of such hearing shall also be published in each issue of the official newspaper of the city for ten (10) days before said hearing, and the applicant shall pay the cost thereof in advance to the city clerk. In determining the necessity, convenience and requirement for such license, the council shall take into consideration:
- (1) Whether the demands of public convenience and necessity require such proposed or additional taxicab service within the city;
 - (2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory;
 - (3) The number, kind, type and condition of equipment;
 - (4) The schedule or rates proposed to be charged;
 - (5) The number of taxicabs now operating in the city and the increased traffic congestion and demand for increased parking space upon the streets of the city which may result, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved; and
 - (6) Such other relevant facts as the council may deem advisable and necessary.
- (c) In the event that the council determines there is a necessity, convenience, and requirement for such license, the companies licensed actually and legally operating in the city at the time shall be given the first opportunity to add such proposed or additional taxicab service. Upon their failure, neglect or refusal to do so for a period of thirty (30) days, an order shall be entered in the minutes to that effect and directing the city clerk to issue a license to said applicant, upon the filing of an

approved bond or insurance herein described and upon the payment of the license fees herein before set out. (Code 1972, § 21-2.)

Sec. 21-1-2. Vehicle license.

Every taxicab or vehicle for hire operating in the City of Chickasha shall be licensed and the owner shall pay to the city clerk a license fee of fifteen dollars (\$15.00) per annum for each taxicab. Said license shall be dated when issued and shall expire on the 30th day of April, immediately following the date of issuance. (Code 1972, § 21-2.)

Sec. 21-1-3. Insurance required.

- (a) Before any license to operate a taxicab shall be issued, the owner shall file with the city clerk an insurance policy issued by some company licensed to do business in the State of Oklahoma, approved as to sufficiency by the city council and as to legality by the city attorney, providing insurance coverage for each and every taxicab owned or operated by the applicant with a maximum liability of five thousand dollars (\$5,000.00) for the injury or death of any one person in any one accident and five thousand dollars (\$5,000.00) on account of property damage in any one accident.
- (b) No renewal of the insurance policy shall be required by reason of substituting one vehicle for another in service; provided such substituting shall not invalidate such insurance policy. The said policy shall be for a period of one (1) year from date of issuance, and a new policy shall be furnished or the same policy renewed, upon the expiration thereof, if the operation of such vehicle covered thereby is to be continued.
- (c) Such insurance policy shall further provide that it cannot be cancelled until ten (10) days written notice of cancellation shall be filed with the city clerk. (Code 1972, § 21-3.)

Sec. 21-1-4. Inspection.

- (a) Before any license to operate a taxicab shall be issued; each cab shall be inspected by some competent person or persons to be designated by the chief of police to determine that the same is a fit and safe conveyance for public carriage and in good condition with respect to mechanical operation, appearance, and cleanliness.

Sec. 21-1-5. Rates to be posted.

- (a) Every taxicab operating under the provisions of this article in the City of Chickasha shall have at all times posted both in and outside of the taxicab in conspicuous locations the maximum rates to be charged for services and transportation of passengers. (Ord. 1481, § 1.)
- (b) It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and it shall be unlawful for a person to hire a vehicle herein defined as a taxicab with intent to defraud the person, from whom it is hired, of the value of such service. (Code 1972, § 21-5.)

Sec. 21-1-6. Seating capacity of taxicabs.

Not more than three (3) persons, including the driver, shall be permitted to be seated in the front seat of any taxicab, and not more than four (4) persons shall be seated in the rear seat of said taxicab. All passengers riding in said vehicle must be seated. (Code 1961, § 21-6.)

Sec. 21-1-7. Drivers to be employees and agents of owners.

The owner of any taxicab licensed under the provisions of this article may employ a driver for the same, but such driver shall in all things be the agent of the owner of said taxicab in operating the same. (Code 1961, § 21-7.)

Sec. 21-1-8. Revocation of vehicle license.

- (a) The license for any vehicle to operate as a taxicab in the City of Chickasha may be revoked by the council for the following reasons:
- (1) For failure of the driver to be properly licensed, as provided by the provisions of this article.
 - (2) If any vehicle fails to pass the inspection provided for under section 21-1-4 of this article.
 - (3) Whenever it shall appear upon investigation and hearing by the council that the license issued hereunder has been obtained by misrepresentations or that the owner has permitted such taxicab to be used for immoral purposes, or that the same has become unsafe for transportation of persons.
- (b) When said license has been cancelled, no license thereafter shall be issued to such owner for a period of twelve (12) months. (Code 1961, § 21-8.)

Sec. 21-1-9. Driver's license.

- (a) Every driver of a taxicab operating in the city shall be licensed as a taxicab driver and shall pay to the city clerk a license fee of three dollars (\$3.00) per annum. Such license shall be dated when issued and shall expire on the 30th day of April immediately following date of issuance. Such license shall be applied for in writing on forms prescribed by the city clerk, and shall include the following:
- (1) The name, age, weight, height, color of eyes and hair of applicant, his residence address and length of residence in city.
 - (2) The experience the applicant has had in driving motor vehicles.
 - (3) The number of times and places the applicant has been arrested and/or convicted for traffic violations. Whether or not applicant has ever been convicted of a felony or misdemeanor giving particulars of each.
 - (4) The name of the person or firm by whom the applicant is employed.
 - (5) Each applicant shall furnish recent photographs of himself and submit to fingerprinting by the police department. One (1) of said photographs shall be attached to a copy of application filed in police department, one (1) shall be attached to copy of application filed in office of city clerk, and one (1) attached to driver's license.

Sec. 21-1-10. Revocation and suspension of driver's license.

- (a) A driver's license may be suspended by the chief of police for a period not to exceed ninety (90) days or revoked entirely for any of the following reasons:
- (1) For operating a taxicab while under the influence of liquor.
 - (2) For leaving the scene of an accident.
 - (3) For failure to make a full report of an accident to the police department.
 - (4) For permitting any other person to use his license.
 - (5) Upon conviction of a third major traffic violation during any one (1) license year. (A major traffic violation is hereby defined to be: speeding, reckless driving, nonobservance of lights and signs, making a left or U-turn where not permitted, driving on wrong side of street.)
 - (6) Upon conviction of violation of any federal or state law.
 - (7) For violation of this article or any traffic ordinance of the City of Chickasha.
- (b) Whenever a driver's license is suspended or revoked, the chief of police shall take up the driver's license and forward same to the city clerk together with a full report of the reasons for such revocation or

suspension. No driver whose license has been revoked shall be eligible to receive a new license until one (1) year from the date of such revocation.

- (c) It is provided that in the event a driver's license is suspended or revoked by the chief of police, such driver may appeal to the council and be given an opportunity to show why the license should not be suspended or revoked. *(Code 1972, § 21-10.)*

Sec. 21-1-11. Soliciting passengers.

No person at any city passenger station or place used by any vehicle for hire for soliciting or delivering or transferring of passengers shall solicit any transportation business, either passenger or property, by any loud noises of voice, instrument or other means. Such sounds shall be deemed loud and unlawful within the meaning of this section when it may be heard for a greater distance than the voice of one speaking in any ordinary conversational tone and manner may be heard. Neither shall such person intervene with, molest, or intimidate any person by any act or unusual persuasion in soliciting such transportation of either person or property. *(Code 1972, § 21-13.)*

Article 2. Transit Bus.

Sec. 21-2-1. Transit Bus defined.

The term "transit bus" as used in this article includes all "transit buses" whether the same be automobiles, automobile buses, cabs or other self-propelled, motor driven or electrically propelled vehicles carrying passengers for hire, and which are held out or announced by sign, voice, card, writing or other device of advertisement, to operator run, or which are operated or run over a particular route, or between particular points; provided, however, that this article shall not apply to automobile delivery cars, taxicabs, or ordinary omnibuses while operating strictly within the usual functions thereof. *(Code 1972, § 21-14.)*

Sec. 21-2-2. License; application.

No person, firm or corporation shall operate such transit bus for the carriage of persons for hire, as defined in section 21-2-1 of this article, without first obtaining a license therefore, and no license certificate shall be issued until the person desiring a license to operate such vehicle shall file with the city clerk an application therefore, stating the following:

- (1) The type of motorcar to be used.
- (2) The horsepower of each car.
- (3) The number of each car.
- (4) The factory number of each car.
- (5) The seating capacity as originally purchased, and if changed or reconstructed, the seating capacity in its changed form.
- (6) The terminal and routes over which said vehicles are to be operated.
- (7) The hours of operation and frequency of schedules, with times of departure from the terminal of such routes.

Sec. 21-2-3. Insurance required.

- (a) Said application shall be accompanied by a good and sufficient policy of insurance covering each vehicle to be operated by the applicant and executed by some insurance or indemnity company authorized to do business in the State of Oklahoma, as surety, running in the name of the City of Chickasha conditioned that the applicant will pay and discharge any liability imposed by law for damages on account of injury to property, or bodily injury, including death, resulting at any time there from, suffered by any person or persons as a result of the operation of such vehicle or vehicles.

- (b) The maximum liability under said policy for loss of damage from accident resulting in bodily injury to, or the death of not more than one (1) person, shall be five thousand dollars (\$5,000.00) and subject to the same limit for such person, the total liability for loss from any one (1) accident resulting in bodily injury to, or the death of more than one (1) person shall be limited to fifteen thousand dollars (\$15,000.00), and the maximum liability for damage to property shall be limited to two thousand five hundred dollars (\$2,500.00).
- (c) No renewal of the policy of insurance shall be required by reason on the substitution of one (1) vehicle for another in service, provided such substitution does not invalidate the policy of insurance. The policy of insurance shall be made for a period of not less than one (1) year and a new policy shall be furnished at the expiration of any existing policy, if the operation of the transit bus or buses covered thereby, is to be continued.
- (d) In case such policy of insurance shall lapse or become void for any reason, the license issued under the terms of this article shall be and become inoperative until a new policy of insurance shall be provided and filed with the city clerk, or the existing policy of insurance reinstated in full force. *(Code 1972, § 21-16.)*

Sec. 21-2-4. License; occupation tax.

Upon filing such application and policy of insurance, if said application and policy of insurance conform to this article, the council shall forthwith cause the city clerk to issue a license to the applicant, which shall become effective immediately upon the payment to the city clerk by the applicant of the annual occupation tax hereby fixed, said tax to be computed as follows:

(1) Fifteen dollars (\$15.00) per annum for each vehicle described in the application and to be used by the applicant as a transit bus or buses. The payment of the above tax shall entitle the applicant to operate the vehicle, or vehicles described in the application and none other for a period of one (1) year. If the holder of any such license desires to substitute another vehicle for the vehicle described in the application, or change the route specified therein, or deviate there from in any other manner, he shall file a supplemental application setting forth the proposed change, and a supplemental license shall be issued without additional charge or tax.

(2) Provided, however that the applicant, upon making affidavit that part of the vehicles described in the application are to be used only for reserve in case of breakdown, emergency, or only part time operation during hours of heaviest travel, shall only be required to pay one-half (1/2) of the regular occupation tax on account of the number of vehicles so to be used and described in the affidavit; provided however, in no event shall such reduction in the amount of the occupation tax be applicable to more than one-fourth (1/4) of the entire number of vehicles described in said application; and also provided that in the event any vehicle, or vehicles, upon which a reduction in the occupation tax has been secured shall be operated regularly, the applicant shall forthwith pay the full occupation tax as fixed herein. *(Code 1972, § 21-17.)*

Sec. 21-2-5. Markings; equipment.

- (a) All transit buses shall have displayed thereon in a conspicuous manner:
 - (1) the names of the parties operating or owning such transit bus or buses;
 - (2) the license number as designated in the license issued under the terms of this article; and
 - (3) its route and destination.

- (b) All transit buses shall, in addition to the lights now required by law of other automobiles, have the interior of body of said vehicle well lighted or illuminated after dark.
- (c) A light or device shall be carried on the rear of each vehicle indicating clearly the intention of the turn to the right or left or to stop. *(Code 1972, § 21-18.)*

Sec. 21-2-6. Riding outside of body, etc.

It shall be unlawful to operate any transit bus while any person is standing or sitting on the running board, fender or door thereof; or while any person is riding on the same outside of the body thereof; and it shall be unlawful for any person to stand or sit upon any fender, running board or door of any such motor vehicle or to occupy such position outside the body of the same while said transit bus is in motion. *(Code 1972, § 21-19.)*

Sec. 21-2-7. Stopping; loading and unloading.

The said transit bus or buses shall make stops to discharge and take on passengers on the near side of the street intersections, leaving the crosswalks open, and shall pull up to the curb to make all such stops; nor shall such transit bus receive or discharge passengers while in motion; nor shall it stand a longer time than necessary to take on and discharge passengers, and except in an emergency, not more than two (2) minutes at any one place on the streets of the city. Provided, however, that the provision of this section shall not apply to any of the streets, avenues, or boulevards running across or around the property of the University of Science and Arts of Oklahoma; and provided further that when it is raining, snowing or the weather is extremely cold, such transit bus or buses may stop between any street intersection for the purpose of loading or unloading passengers. *(Code 1961, § 21-20.)*

Sec. 21-2-8. Speed.

In said city such transit bus or buses, upon any of the public thoroughfares thereof, may maintain, but shall not exceed, the maximum rates of speed fixed by ordinance for the operation of automobiles generally. *(Code 1961, § 21-21.)*

Sec. 21-2-9. Cleanliness; safety, etc.

Said transit buses shall be kept in a clean and sanitary condition. No bus shall operate in an unsafe condition, so as to endanger the lives of passengers riding therein, or the public; and the council shall cause all buses operated hereunder to be periodically inspected as to their safety and cleanliness. *(Code 1961, § 21-22.)*

Sec. 21-2-10. General regulation to apply.

Specific enumeration of regulations herein shall in no manner relieve transit buses from general regulations of vehicles as the same may now exist or may hereafter be provided, in other ordinances regulating the same, and otherwise than herein provided. *(Code 1961, § 21-23.)*

Article 3. Railroads

Sec. 21-3-1. Boarding trains.

It shall be an offense and unlawful for any person, not being an employee of a railway company, to get upon, hold onto, or board or alight from any moving railway car, tender or engine, while the same is in motion within the corporation limits of the City of Chickasha. *(Code 1972, § 21-24.)*

Sec. 21-3-2. Loafing; railway premises.

Each and every person, except railway employees, is prohibited to stand, walk upon or sit or recline upon any railroad track, depot, yards or right-of-way within the city, except such person shall at the time of such act or acts have lawful business with said railway company or be authorized by said railroad company to perform such acts. (Code 1972, § 21-25.)

Sec. 21-3-3. Trains; obstructing street.

It shall be an offense for any railroad company, their agent, or employee to obstruct any street, avenue, alley, or sidewalk within the City of Chickasha with any railway cars, engine, train, or other equipment for a longer period of time than five (5) minutes. (Code 1972, § 21-26.)

Sec. 21-3-4. Same; speed.

It shall be an offense for the engineer, fireman, or any other railroad employee to run or operate any railway locomotive or cars at any speed greater than thirty (30) miles per hour within the City of Chickasha. (Code 1972, Subsection 21-27.) (Ord. No. 91-10, 04/25/1999.)

Sec. 21-3-5. Heeding signals.

It shall be an offense for any person to refuse to heed any established danger signal, posted by any railroad company within the city for the purpose of giving a warning of approaching trains or cars. Each and every watchman stationed by any railway company for the purpose of giving signals of danger to the public, warning the public of approaching cars or trains, shall be vested with the police power insofar as necessary to prevent any person from driving vehicles across such lines of warning without taking notice of such signals. (Code 1972, § 21-28.)

Article 4. Penalty

Sec. 21-4-1. Penalty.

Any person, firm or corporation who violates any provision of this chapter or any owner or licensee of any taxicab, bus or who allows or permits same to be driven or operated by any person who does not have a current city driver's license as required, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not to exceed the maximum amount allowed by law for non-jury trials and court costs. (Ord. No. 1661, 07/14/83; Ord. No. 1909, 12/10/87. Ord. No. 2003-05, 05/19/2003).