

City of Houston, Texas, Ordinance No. 2016- 728

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE II, DIVISION 3, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO OPERATION OF VEHICLES FOR HIRE AT THE AIRPORTS AND PERMITS AND FEES THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, in October 2015, City Council amended Chapter 46 of the City's Code of Ordinances ("Code") to dramatically expand the level of vehicle for hire service provided to individuals with disabilities by creating a wheelchair accessible service provider permit category; and

WHEREAS, vehicle for hire companies in this new category will provide wheelchair accessible service on behalf of existing permittees; and

WHEREAS, in order for vehicle for hire companies that have begun applying for the new wheelchair accessible service permit to be able to pick up passengers at the City's airports, City Council must amend Chapter 9 of the Code to create an Airport Use Permit for the new vehicle category; and

WHEREAS, City Council desires to make minor changes to the terminology for Scheduled Ground Transportation permits that are overseen by the Houston Airport System but issued by the Department of Administration and Regulatory Affairs to better align the terminology and process for the Airport Use Permits with the terminology and process for vehicle for hire permits in Chapter 46 of the Code; and

WHEREAS, City Council has determined the amendments to Chapter 9 are necessary to provide consistency among different chapters of the Code and to promote wheelchair accessible vehicle for hire service at the City's airports; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That the definition of the term *SGT license* in Section 9-51 of the Code of Ordinances, Houston, Texas, is hereby deleted and replaced with the following new definition:

"SGT permit means a valid, unexpired, and unrevoked permit issued by the director of administration and regulatory affairs pursuant to section 9-58."

Section 3. That Subsections (a) and (b) of Section 9-55 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"(a) For vehicle classes 2, 4, 5, and 6, as defined in Table 9-1, a non-refundable application fee must accompany each application for an airport use permit. The amount of the fee is stated for this provision in the city fee schedule for an original permit or a renewal permit or for transfer of a permit.

(b) For vehicle classes 3, 7, 8, and 12, as defined in Table 9-1, the application fee is included in the annual use fee."

Section 4. That Subsection (c) of Section 9-57 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the second occurrence of the word "is" where the word appears twice in a row.

Section 5. That Section 9-58 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 9-58. Scheduled ground transportation permits issued by the department of administration and regulatory affairs.

(a) *In general.* SGT permits issued by the director of administration and regulatory affairs pursuant to this section shall be sufficient authorization for SGT vehicles to operate on the streets, roads, and highways of the city while en route to or from an airport. An SGT permit is not required for vehicles operated in compliance with another chapter of this Code, or state or federal laws, governing vehicles for hire and use of streets, roads, and highways. An SGT permit, or another regulatory approval, is required in addition to an airport use permit in the circumstances described in section 9-52 of this Code.

(b) *Term, etc.* SGT permits shall have a term of one year from the date of issuance and may be renewed for yearly terms upon reapplication therefor.

(c) *Fees.* Permit fees per year for SGT permits are stated for this provision in the city fee schedule.

(d) *Applications.* Applications for SGT permits shall be submitted on forms furnished by the director of administration and regulatory affairs and shall provide the following information:

- (1) Name and form of business under which the service will be operated.
- (2) The mailing address and telephone number of the applicant.
- (3) A list showing the model, type, and make of each vehicle applicant desires to place into operation.
- (4) A description of the service proposed to be provided. If the service is contract service authorized by section 9-54 of this Code, a copy of the contract is a sufficient description.
- (5) Written proof that the applicant has an airport use permit for each vehicle in question or has applied for such a permit.
- (6) Whether the applicant has ever been convicted of a felony or misdemeanor
- (7) Any other information that may be reasonably requested by the director.

(e) *Criminal history.* Each person listed on the application must comply with the criminal history requirements of chapter 46 of this Code.

(f) *Issuance.* Upon verification of the material submitted by the applicant pursuant to subsection (d) of this section and payment of the required permit fee, the director of administration and regulatory affairs shall issue an SGT permit to the applicant covering each vehicle specified in the application provided that any person required to be listed in the application has not been convicted, served time in jail or prison or is not subject to deferred adjudication for any applicable offense specified in section 1-10 of this Code.

(g) *Other standards.* SGT permittees are required to observe the requirements of article VI of chapter 46 of this Code (relating to jitneys) concerning the conditions and safety of their equipment and operations. Provided, however, where the operator's contract with the city or an airport use permit provides for more stringent provisions, the more stringent provisions shall be applicable.

(h) *Substitute vehicles.* Permittees may substitute a vehicle for a vehicle covered by an SGT permit, provided the director of administration

and regulatory affairs is notified in advance on forms approved by the director.

(i) *Revocation or suspension; appeals.* The director of administration and regulatory affairs may revoke or suspend any SGT permit, in whole or in part, for failure to comply with this section, provided that:

- (1) The permittee is given notice and an opportunity to be heard prior to the action; and
- (2) No such action is effective until the permittee is notified in writing, which notice must include a statement of the reason for the action.

Within 15 days following receipt of such a notice, and if the permittee is wholly or partially suspended for 16 days or more or revoked, the permittee may appeal the action to the city council by delivering a written notice of appeal to the city secretary. Upon timely receipt of such appeal, a date will be set by the city council for a hearing thereon, subject to the councils general rules. The city council may affirm, modify, or reverse the action of the director of administration and regulatory affairs.

(j) *Status of vehicles.* Any vehicle for which an SGT permit is in effect shall not be deemed a "taxicab" as defined in section 46-16 of this Code at any time when the vehicle is operated pursuant to this section."

Section 6. That Subsection (a) of Section 9-59 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) TNCs (class 11, as defined in Table 9-1) and their drivers and vehicles must be in compliance with chapter 46 of this Code and be approved for an airport use permit to operate at HAS airports."

Section 7. That Subsection (a) of Section 9-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) Trip fees for TNCs shall be assessed when entering an airport's designated geofenced area for the purpose of picking up a passenger."

Section 8. That Division 3 of Article II of Chapter 9 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 9-62 that reads as follows:

"Sec. 9-62. Wheelchair accessible service provider airport operations.

Wheelchair accessible service providers (class 12, as defined in Table 9-1) and their drivers and vehicles must comply with chapter 46 of this Code."

Section 9. That the entry under the Description/Criteria column for Class 8 in Table 9-1 in Chapter 9 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"All other courtesy vehicles not covered elsewhere in this table."

Section 10. That the entry under the Description/Criteria column for Class 9 in Table 9-1 in Chapter 9 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"All other commercial passenger vehicles not covered elsewhere in this table."

Section 11. That Table 9-1 in Chapter 9 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following new row:

12	Wheelchair Accessible Service Providers (WAVS)	Vehicles providing transportation services pursuant to chapter 46, article X of this Code.	The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$325.00 7 through 11 seats: \$400.00 12 through 24 seats: \$475.00 25 seats or more: \$550.00
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Section 12. That the City Council hereby approves the new fees for Wheelchair Accessible Service Providers in the amounts shown in the new row added to Table 9-1

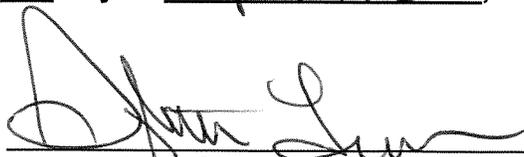
of the Code by Section 6 of this Ordinance. The Director of Finance shall incorporate the new fees in the City Fee Schedule.

Section 13. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 14. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 15. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon the its passage and approval by the Mayor.

PASSED AND APPROVED this 28th day of September, 2016.



Mayor of the City of Houston



Prepared by Legal Dept. _____
 MPB:asw 9/19/2016 Sr. Assistant City Attorney
 Requested by Mario C. Diaz, Director, Houston Airport System
 L.D. File No. 0391600225001

AYE	NO	
		MAYOR TURNER
....	COUNCIL MEMBERS
		STARDIG
ABSENT		DAVIS
		COHEN
		BOYKINS
ABSENT-ON PERSONAL BUSINESS		MARTIN
		LE
		TRAVIS
		CISNEROS
ABSENT		GALLEGOS
		LASTER
		GREEN
		KNOX
		ROBINSON
		KUBOSH
		EDWARDS
		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
 REVIEW DATE: OCT 04 2016