



**Roll Call Number**

**Agenda Item Number**

44A

**Date** February 23, 2015

Communication from William Lillis and Chris Pose, representing Trans Iowa and limousine operators, regarding an alternate resolution.

Moved by \_\_\_\_\_ to \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

44A

# LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

## ATTORNEYS AT LAW

(ESTABLISHED 1917)

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GEORGE E. O'MALLEY (1905-1982)  
JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
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February 18, 2015

Via Email CityClerk@dmgov.org

The Honorable Mayor and  
Members of the Des Moines City Council  
400 Robert D. Ray Drive  
Des Moines, IA 50309

Re: February 23, 2015 Agenda - Alternate Resolution to City's proposed  
"Vehicles for Hire" ordinance

Honorable Mayor and Members of the Council:

Our law firm represents Trans Iowa as well as several limousine operators within the City.

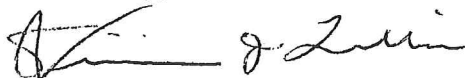
We respectfully request that the City Council consider an ALTERNATE resolution for the Council to adopt the first reading of an ordinance which amends the existing taxi cab provisions of the City ordinance. A copy of our proposed amendment is attached hereto.

Our clients would ask that the City Council deny the newly proposed ordinance for "Vehicles for Hire" as submitted by City staff and instead proceed with the steps necessary to adopt the attached amendments to the existing taxi cab ordinance.

We do not believe any changes are necessary to the existing limousine ordinance of the City at this time.

Please contact our office if you have any questions.

Sincerely,



William J. Lillis



Christopher R. Pose  
For the Firm

CRP/dj

Attachment - Amended existing taxi cab ordinance

**AMENDING EXISTING ORDINANCE****ARTICLE IV. - TAXICABS FOOTNOTE(S):**

--- (4) ---

**State Law reference**— Authority to regulate vehicles for hire, I.C. § 321.236(7); authority to grant franchises for public transit, I.C. § 364.2(4).

**DIVISION 1. - GENERALLY****Sec. 126-116. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Airport* means the Des Moines International Airport located in southwest Des Moines on Fleur Drive between McKinley Avenue and Army Post Road.

*Aviation director* means the director of the airport or an authorized representative.

*Certificate* means a certificate of public convenience and necessity issued by the city council, authorizing the holder thereof to conduct a taxicab business in the city.

*City clerk* means the city clerk or an authorized representative.

*City manager* means the city manager or an authorized representative.

*Chief of police* means the city chief of police or an authorized representative.

*Cruising* means the driving of a taxicab on the streets, alleys, or public places of the city in search of or soliciting prospective passengers for hire.

*Finance director* means the city finance director or an authorized representative.

*Holder* means a person to whom a certificate of public convenience and necessity has been issued.

*Open stand* means a public place alongside the curb of a street or elsewhere, in the city, which has been designated as reserved exclusively for the use of taxicabs.

*Paratransit service* means specialized transportation services only for wheelchair bound persons provided by a paratransit taxicab.

*Paratransit taxicab* means a taxicab equipped and operated exclusively for the provision of paratransit services.



## AMENDING EXISTING ORDINANCE

*Rate card* means a card issued by the holder for display in each taxicab which contains the rates of fare then in force ~~or an electronic or mobile device including a smartphone which indicates a fare.~~

*Solicit* means to invite another, either by word or deed, to be a passenger in a vehicle for hire.

*Surge pricing* is a means, system, methodology or plan to increase prices when a holder does not have an adequate supply of vehicles in an area in which taxicab service is being requested.

*Taxicab or cab* means a motor vehicle regularly engaged in the business of carrying passengers for hire in a taxicab service and not operated on a fixed route and operating with a meter. ~~Limousines are governed under Article III of this chapter 126.~~

*Taxicab driver's license* means the permission granted by the city to a person to drive a taxicab upon the streets of the city issued in the form of a metal badge.

*Taxicab license* means the license granted annually to a person who holds a certificate to conduct a taxicab service in the city.

*Taxicab service* means transportation of passengers in a motor vehicle from or to any point in the city, with dispatch available 24 hours a day.

*Taximeter* means an instrument or device ~~within attached to~~ a taxicab, which measures ~~or illustrates~~ mechanically, electrically, or electronically the distance driven ~~and the waiting time upon which upon which~~ the fare is based and converts the ~~fare~~ to monetary ~~or credit card~~ charges. ~~Taximeter does include a mobile phone, mobile tablet, computer or any other device used for this purpose.~~

*Taximeter flag* means ~~a switch or other device which clearly indicates to passengers that the taxicab is employed and that the standard rate is being charged.~~

*Traffic engineer* means the city engineer or an authorized representative.

*Trip card or Trip Record* means a daily record ~~prepared by a taxicab driver~~ of all trips ~~made by him or her~~ showing the time and place of origin, destination, number of passengers, and the amount of fare for each trip. ~~This may be in electronic form.~~

(C42, 5 23-2; 0.4898, 5127; C54, C62, 5 56-1; 0.7959; C75, C79, 5 19-124; 0.10,060; C85, 5 19-124; 0.10,911, 11,580; C91, 5 19-125; 0.13,215; C91, § 19-124; 0.13,699, 14,805)

**Cross reference**—Definitions generally, § 1-2.

### Sec. 126-117. - Compliance required.

- (a) Every driver licensed under this article shall comply with all city, state and federal laws. Failure to do so will justify suspension or revocation of his or her license.
- (b) Any vehicle operated under the provisions of this article shall comply with all applicable requirements of the state motor vehicle code or other state and city laws.
- (c) Any vehicle operated under the provisions of this article shall be inspected quarterly by the holder of the certificate to ensure compliance to all applicable requirements of the state motor vehicle code or state and city laws.

(C62, 55 56-18, 56-19; 0.7959; C75, § 19-143; 0.8960; C79, § 19-143; 0.10,060; C91, 5 19-143; 0.13,699)

### Sec. 126-118. - Vehicle condition.

- (a) Prior to its use and operation, each vehicle shall be made to comply with all applicable requirements of the state motor vehicle code and other state and city laws.



**AMENDING EXISTING ORDINANCE**

- (b)i Each vehicle operating under this article shall be kept in a clean and sanitary condition, both interior and exterior.
- (c) Each vehicle shall be equipped with an operable heater and air conditioner of adequate capacity.
- (d) Each vehicle exterior shall be maintained in good condition, with all parts intact and properly painted.
- (e) Each vehicle shall be in excellent mechanical condition, free from all known defects which could cause inconvenience or hazard to any passenger.
- (f) Each vehicle shall have properly inflated tires with a safe amount of remaining tread,
- (g) Each vehicle shall be not greater than ten years old, based on the model year of production, and shall include all standard safety features in proper working order. The ten year maximum age limit will not disqualify a vehicle from use as a taxicab until January 1, 2011, provided the vehicle complies with all other requirements.

(C62, § 56-19; 0.7959; C75, C79, C91, § 19-144; 0.13,699, 14,805)

**Sec. 126-119. - Designation.**

- (a) Each taxicab shall bear a placard to be displayed in a clear door window or on the outside of a door on each side the name or insignia of the holder; and, in addition, may bear an identifying design. The outside markings if any shall be painted or affixed by decal in letters or figures at least two inches in height. Any licensed vehicle shall not have a color scheme, identifying design, monogram, or insignia that will conflict with or imitate any existing taxicab or any official or emergency vehicle color scheme, in a manner that will mislead or deceive or defraud the public.
- (b) ~~Each taxicab shall bear on the inside of the passenger compartment clearly visible to passengers a sign which denotes the name of the holder and the number used by the holder to designate the vehicle.~~

(C42, §§ 23-10, 23-18; 0.5127; C54, C62, §§ 56-4, 56-7; 0.7959; C62, § 56-20; C75, C79, § 19-145; 0.10,060; C91, § 19-145; 0.13,699, 14,805)

**Sec. 126-120. - Taximeters.**

Each taxicab operated under the authority of this article shall be equipped with a taximeter which may be a mobile phone fastened in front of visible to the passengers, visible to them at all times of the day and night, and, after sundown, the face of the taximeter shall be illuminated. The taximeter shall be operated mechanically, electrically or electronically, or by cellular or internet transmission and shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Fees charged shall be in accordance with Section 126-121 of this ordinance. ~~Each taximeter shall have a flag to denote when the vehicle is employed and when it is not employed. The driver shall throw the taximeter flag into a recording position at the beginning of each trip and into a non-recording position at the end of each trip. Taximeters shall be subject to inspection from time to time by the police department. Any inspector or other department officer is hereby authorized, either upon complaint of any person or without such complaint, to inspect any meter, and upon discovery of an inaccuracy therein of over five percent to the prejudice of any passenger, to notify the person operating said taxicab to cease operation. The taxicab shall then be kept out of service until the taximeter is repaired, or replaced with another properly functioning meter.~~

(C42, § 23-22; C54, C62, §§ 56-44 to 56-50; 0.7959; C62, § 56-21; C75, C79, § 19-146; 0.10,060; C91, § 19-146; 0.13,699)

**Sec. 126-121. - Trip rates.**

- (a) Taxicab fares shall not exceed the following rates:
- |   |        |
|---|--------|
| (1) For the first one-tenth mile or fraction thereof for one person | \$2.50 |
| (2) For each succeeding one-tenth mile or fraction thereof          | 0.20   |

## AMENDING EXISTING ORDINANCE

Des Moines, IA Code of Ordinances 12/9/14, 11:03 AM

- (3) for each additional passenger over the age of 12 for the whole journey 0.50
- (4) For each minute of waiting time or fraction thereof 0.42
- (5) Night surcharge per trip (10:00 p.m. to 4:00 a.m.) 2.00
- (6) Excess expense surcharge per trip not to exceed \$100, as may be put into effect by resolution adopted by the city council.

(b) Taxicab fares shall not be lower than the following rates:

- (1) For the first one-fifth mile or any fraction thereof \$1.00
- (2) For each succeeding one-fifth mile or fraction thereof 0.20
- (3) For each minute of waiting time 0.25
- (4) For each additional person for the whole journey 0.25

(c) An additional fare of \$2.00 per trip may be collected for each trip from the airport or from any designated taxicab stand where the holder has provided a taxicab steward, security personnel, or other special measures to provide for public convenience and/or security, if the holder enters into an agreement with the city regarding minimum levels of service and methods of operation.

(d) Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called, the time consumed while standing at the direction of the passenger, the time while stopped in the observance of traffic controls, or due to delays in traffic when the taxicab is traveling at a speed which is slow enough for the time rate to exceed the mileage rate on the taximeter.

(e) **Surge pricing is expressly prohibited.** No charge shall be made for the time lost because of the inefficiency of the taxicab or its operator or time consumed by premature response to a call. In no event shall the taximeter accumulate charges for time and distance concurrently, nor shall the taximeter be set so there is a time charge when the taxicab is moving at a velocity in excess of the rate per hour divided by the rate per mile. —

(f) For service in picking up and delivering packages and parcels, the ordinary rates provided by subsection (a) of this section shall apply.

(g) This range of fares shall be binding on all taxicab owners and operators. The collection of fares at a higher or lower rate shall constitute a misdemeanor.

(C42, § 23-23; C54, § 56-51; 0.5759, 5869; C62, § 56-51; 0.7302, 7959; C62, § 56-22; 0.8125; C75, § 19-147; 0.9034, 9378, 9608; C79, § 19-147; 09858, 10,060, 10,725; C85, § 19-147; 0.10,754, 10,911; C91, § 19-147; 0.13,238; 0.13,699, 13,850, 14,493, 14,805, 15,010)

### Sec. 126-122. - Receipt for payment of rates.

If requested by the passenger, the driver shall provide a receipt **which may be electronic** containing the name of the owner, the vehicle license number or the driver's signature, the total amount paid and the date of payment.

(C42, § 23-23; C54, C62, § 56-53; 0.7959; C62, § 56-23; C75, C79, § 19-148; 0.10,060; C91, § 19-148; 0.13,699)

### Sec. 126-123. - Posting of rates.

Every taximeter shall be connected to **or within** the taxicab so that the amount of fare shall be plainly visible to all passengers or occupants. Every vehicle shall carry a rate card **or a mobile device to show the rate which shall not exceed fares permitted by this ordinance, posted in a conspicuous place on the inside of the vehicle.**

(C42, § 23-24; C54, C62, § 56-54; 0.7959; C62, § 56-24; C75, C79, C91, § 19-149; 0.13,699)

### Sec. 126-124. - Prepayment of fares.



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~~Even~~ The driver of a taxicab or holder shall have the right to demand payment of the ~~estimated~~ legal fare in advance and may refuse employment unless so prepaid.

(C42, 5 23-25; C54, C62, 5 56-55; 0.7959; C62, 5 56-25; C75, C79, C91, § 19-150; 0.13,699)

**Sec. 126-125. - Overcharging.**

No person shall charge, or attempt to charge, a passenger of a taxicab a higher or a lower rate of fare than that specified in this division or use surge pricing.

(C42, 5 23-27; C54, C62, § 56-57; 0.7959; C62, 5 56-26; C75, C79, C91, § 19-151; 0.13,699)

**Sec. 126-126. - Refusal to pay.**

Any person who hires a taxicab for the purpose of riding therein, or transporting any goods, wares or merchandise, and who refuses to pay the fare shall be guilty of a misdemeanor.

(C42, 5 23-28; C54, C62, § 56-58; 0.7959; C62, 5 56-27; C75, C79, C91, § 19-152; 0.13,699)

**Sec. 126-127. - Solicitation of passengers by driver.**

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment or while standing immediately adjacent to the curb side of the vehicle. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when the vehicle is upon the public street. Nothing herein contained shall be deemed to prohibit any driver from alighting onto the street or sidewalk for the purpose of assisting passengers into or out of the vehicle or from complying with the directions of the person engaging the taxicab regarding the loading or unloading of any baggage, goods, wares or merchandise.

(C62, 5 56-28; 0.7959; C75, C79, C91, § 19-153; 0.13,699)

**Sec. 126-128. - Prohibited solicitation.**

- (a) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.
- (b) No driver shall solicit business for any hotel, or to attempt to divert patronage from one hotel to another.
- (c) No driver shall solicit or convey any person to or from any area where movement within the area has been restricted by police order due to a fire or other emergency.

(C62, 5 56-28; 0.7959; C75, C79, C91, § 19-154; 0.13,699)

**Sec. 126-129. - Receipt and discharge of passengers.**

- (a) No driver shall receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road, except upon one-way streets, where passengers may be discharged at either the right or left-hand sidewalk or side of the roadway in the absence of a sidewalk.
- (b) No driver shall load or unload passengers or luggage at an intersection or crosswalk or at any other location where it will interfere with the orderly flow of traffic.
- (c) Every driver of a taxicab operating at the airport shall do so in accord with rules and regulations adopted by the Des Moines Airport Authority.



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(C62, § 56-28; 0.7959; C75, C79, § 19-155; 0.10,060; C91, § 19-155; 0.13,699, 15,144) **Sec. 126-130. - Reserved.**

**Editor's note-**

Ord. No. 13,699 repealed § 126-130 which pertained to centralized dispatch service required and derived from Code 1975, § 19-155.01; Ord. No. 8960, Code 1979, § 19-155.01; Ord. No. 10,060; and Code 1991, § 19-155.01.

**Sec. 126-131. - Cruising.**

No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the traffic engineer. These areas and times shall be designated only when the traffic engineer finds that taxicabs cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(C42, 5 23-43; C54, C62, 5 56-71; 0.7959; C62, 5 56-28; C75, C79, C91, 5 19-156; 0.13,699)

**Sec. 126-132. - Solicitation of other common carrier passengers.**

No driver, owner or operator shall solicit passengers within the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier. This rule is not intended to prohibit or interfere with response to any call for a taxicab, made by telephone or through use of a mobile device, or by signal from a pedestrian, or from soliciting patronage of a debarking passenger of any common carrier.

(C42, 5 23-44; C54, C62, 5 56-72; 0.7959; C62, 5 56-28; C75, C79, C91, 5 19-157; 0.13,699)

**Sec. 126-133. - Additional passengers.**

No driver shall permit any other person to occupy or ride in his or her taxicab, unless the person or persons first employing the taxicab shall consent to an additional passenger or passengers.

(C42, § 23-25; C54, C62, § 56-61; 0.7959; C62, § 56-28; C75, C79, C91, 5 19-158; 0.13,699)

**Sec. 126-134. - Passenger loads.**

- (a) A driver may not transport more passengers than the manufacturer's passenger rating for the vehicle and for which operating seat belts are provided, with not more than one passenger to be seated in the front seat with the driver, except as provided in subsection (b) of this section.
- (b) If at least one passenger is a child no older than 12 years of age, then not more than two such passengers may be seated in the front seat with the driver,
- (c) A driver on duty may not transport any person other than a paying passenger.
- (d) A driver may allow or refuse to allow a passenger to ride in the front seat when there is an unoccupied seat in the rear of the vehicle.

(C54, § 56-9.01; 0.6732, 6857; C62, § 56-9.01; 0.7959; C62, 5 56-28; C75, C79, 5 19-159; 0.10,060; C91, 5 19-159; 0.13,699)

**Sec. 126-135. - Refusal to carry orderly passengers.**

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.

(C42, § 23-25; C54, C62, § 56-63; 0.7959; C62, 5 56-28; C75, C79, 5 19-160; 0.10,060; C91, § 19-160; 0.13,699)

**Sec. 126-136. - Driver prohibitions.**

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- (a) A taxicab driver shall not engage in selling intoxicating liquors or solicit business for any house of prostitution or use or permit another person to use his or her vehicle for any unlawful purpose or any purpose other than that provided by this article.
  - (b) While on duty, a driver shall not engage in any unlawful act.
  - (c) While on duty or within 12 hours prior to being on duty, a driver shall not partake of any alcoholic beverage, intoxicating liquor, narcotic, sedative, barbiturate, marijuana, or any other drug or substance which may impair his or her driving ability; and, while on duty, a driver shall not have any such beverage or substance in his or her possession.
  - (d) A driver shall not have a firearm, explosive device or illegal weapon in his or her possession while on duty.
  - (e) A driver shall not operate a taxicab or limousine which is in an unsafe operating condition.
  - (f) A driver shall not operate a taxicab or limousine while his or her ability or alertness is so impaired, or is likely to become impaired, because of fatigue, illness or any other cause which would make it unsafe for him or her to operate the vehicle.
  - (g) A driver shall not remain on duty for more than 16 continuous hours in any 24-hour period.
  - (h) A driver shall not overcharge any passenger.
  - (i) A driver shall not dismiss nor discharge any passenger at a point other than the requested destination without good cause. If a passenger is discharged for good cause, it shall be done, if at all possible, at a safe, well-lighted place, convenient to public transportation.
  - (j) A driver shall not induce nor attempt to induce *any* person to be transported by willful misrepresentation.
  - (k) A driver shall not solicit a gratuity; however, a driver may accept a gratuity if it is given voluntarily, without solicitation.
  - (l) A driver shall not refuse to place a passenger's luggage or packages in and out of the vehicle when requested to do so.
  - (m) A driver shall not refuse to assist a passenger in and out of the vehicle when requested to do so, provided however, that the driver shall not be required to lift or carry any passenger.
  - (n) Smoking in a taxicab is prohibited in accordance with the "Smokefree Air Act." I.C. Chapter 142D.
  - (o) A driver shall not operate a radio or other device at a volume which might be objectionable to a passenger, and the driver shall change stations, reduce the volume or turn off the device upon a reasonable request of the passenger.
  - (p) A driver of one taxicab company shall not respond to a radio call for any vehicle of another taxicab company.
- (C62, § 56-28; 0.7959; C75, C79, § 19-161; 0.10,060; C91, § 19-161; 0.13,699, 14,805)

**Sec. 126-136.5. - Driver standards of dress, appearance and conduct.**

Each holder of a certificate will furnish to the traffic engineer a proposed standard of dress, appearance and conduct for their drivers. At a minimum, the items listed below shall be addressed by these standards:

- (1) All drivers shall be appropriately dressed.
- (2) All drivers shall be neat and clean in person and appearance.
- (3) All drivers shall refrain from talking loudly, shouting or using profanity.



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Upon **nfi** approval of the traffic engineer, each certificate holder shall be responsible for maintaining and enforcing these standards.

(0.13,699)

### **Sec. 126-137. - Location of taxistands.**

Taxicab stands shall be located as designated in section 114-613 of this Code.

(C42, § 23-40; C54, C62, § 56-91; 0.7959; C62, § 56-29; C75, C79, § 19-162; 0.10,060; C91, § 19-162; 0.13,699)

### **Sec. 126-138. - Prohibited locations of taxistands.**

No taxicab stand shall be located within 15 feet of either side of the entrance of any theater, auditorium, hotel or other public building where large assemblages of people are held.

(C42, § 23-40; C54, C62, § 56-92; 0.7959; C62, § 56-29; C75, C79, § 19-163; 0.10,060; C91, § 19-163; 0.13,699)

### **Sec. 126-139. - Taxistands preventing ingress and egress to property.**

No taxicab stand shall be established where the standing of taxicabs thereon would prevent convenient ingress and egress to the property abutting upon the street where the stand is located.

(C42, § 23-40; C54, C62, § 56-93; 0.7959; C62, § 56-29; C75, C79, C91, § 19-164; 0.13,699)

### **Sec. 126-140. - Signs to denote number of cabs allowed.**

The number of taxicabs that shall be allowed to occupy any stand shall be designated by the traffic engineer by a sign.

(C42, § 23-40; C54, C62, § 56-94; 0.7959; C62, § 56-29; C75, C79, C91, § 19-165; 0.13,699)

### **Sec. 126-141. - Manner of waiting in stands.**

No taxicab in excess of the number set forth on the sign may remain at the stand while waiting for employment and only in single file headed in accordance with traffic regulations.

(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-95; 0.7959; C62, § 56-29; C75, C79, C91, § 19-166; 0.13,699)

### **Sec. 126-142. - Taxicab at head of line refusing to carry passengers; selection by passenger.**

No taxicab standing at the head of any line on the stand shall refuse to carry an orderly person applying who agrees to pay the proper fare. This shall not prevent any person from selecting any taxicab he or she may desire on the stand, whether it is at the head of the line or not.

(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-96; 0.7959; C62, § 56-29; C75, C79, C91, § 19-167; 0.13,699)

### **Sec. 126-143. - Manner of progress in line at stand.**

As a taxicab leaves the stand those behind it shall promptly move up and any taxicab seeking a place on the stand shall approach only from the rear and shall stop as near as practicable to the last cab already in the line.

(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-97; 0.7959; C62, § 56-29; C75, C79, C91, § 19-168; 0.13,699)

**Sec. 126-144. - Only licensed cabs permitted on stands.** Only licensed taxicabs **properly painted and exterior marked as taxi with a toplight** shall occupy a taxicab stand.



**AMENDING EXISTING ORDINANCE**

(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-98; 0.7959; C62, § 56-29; C75, C79, C91, § 19-169; ~~a~~ 13,699)

**Sec. 126-145. - Standing elsewhere for purpose of soliciting.**

No taxicab shall stand at any place upon the streets of the city for the purpose of soliciting business, except upon the taxicab stands established or provided for that purpose.

(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-99; 0.7959; C62, § 56-29; C75, C79, C91, § 19-170; 0.13,699)

**Sec. 126-146. - Compliance with parking restrictions.**

No taxicab shall occupy a taxicab stand during any hours where parking during such hours is prohibited by law and is designated by a proper sign.

(C62, § 56-29; 0.7959; C75, C79, § 19-171; 0.10,060; C91, § 19-171; 0.13,699)

**Sec. 126-147. - Other vehicles prohibited from using stand.**

No vehicle other than a taxicab shall stop on any taxicab stand except for the purpose of and while in the act of discharging or loading passengers.

(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-101; 0.7959; C62, § 56-29; C75, C79, C91, § 19-172; 0.13,699)

**Sec. 126-148. - Limit on number using stand.**

**Reserved. (It has never been previously enforced therefore not needed).**

~~The vehicles of a holder shall not occupy more than one stall of a two-stall taxicab stand, nor more than two stalls of a three or four stall taxicab stand, nor more than three stalls of a five or six stall taxicab stand except when only one current holder exists in the city.~~

~~(C42, § 23-41; 0.5082, 5227, 5428; C54, C62, § 56-101; 0.7959; C62, § 56-29; C75, C79, § 19-173; 0.10,060; C91, § 19-173; 0.13,699)~~

**Sec. 126-149. - Service.**

- (a) Any person engaged in the taxicab business in the city shall render an overall service to the public desiring to use taxicabs.
- (b) The holder of a certificate shall maintain a place of business in a location properly zoned for that business.
- (c) The holder shall have a listed telephone number for receiving calls for service **or a mobile app used for dispatch and fee determination.**
- (d) The dispatching of taxicabs shall be accomplished by the holder of the certificate using any method which accurately records and retains detailed information about each call for service and each trip, including but not limited to: time of call for service; time the trip was dispatched; address of the origin and destination of the trip; and time the trip was started ~~(taximeter-activated)~~ and ended.
- (e) The holder shall answer all calls received for services inside the corporate limits of the city as soon as they can do so. If their services cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.
- (f) The holder shall provide a minimum of six qualified drivers.
- (g) The holder shall provide a minimum of five qualified vehicles, with a minimum of four vehicles available to respond into operation at all times.
- (h) Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when the holder has available cabs or who shall fail or refuse to give overall service, shall be deemed a violator of this article and the certificate granted to such holder may be revoked at the discretion of the city council.

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(C62, § 56-31; a7959; C75, C79, § 19-174; a 10,060; C91, § 19-174; 0.13,699, 14,805)

### **Sec. 126-150. - Reports and records.**

- (a) Each driver shall maintain ~~a daily trip card~~ records of their trips which may be in paper or electronic but readable form. ~~All complete trip cards shall be returned to the holder by the driver at the conclusion of his or her tour of duty. The forms for each trip card shall be furnished to the driver by the holder and shall be approved by the chief of police.~~
- (b) Each holder shall submit to ~~on request to~~ the traffic engineer a report ~~by January 30 of each year~~ summarizing the activity of the ~~previous year~~holder. The report shall contain general information on number and types of complaints received including information on any discrimination complaints; number of trips per vehicle; age, mileage and general condition of each vehicle; tenure and turnover of drivers; periodic normal response time and other information as required by the traffic engineer.
- (c) Each holder of a certificate shall retain and preserve all trip cards in a safe place for at least one month following the date of making the record. Trip cards shall be available to the chief of police and the traffic engineer.

(C62, § 56-32; 0.7959; C75, C79, § 19-175; 0.10,060; C91, § 19-175; 0.13,699)

### **Sec. 126-151. - Advertising.**

Any holder of a certificate exhibiting any sign, placard or other form of advertising matter within or without any taxicab, other than the advertising of the taxicab business, shall be subject to the annual billboard license fee according to division 5 of article II of chapter 26 of this Code.

(C42, § 23-34.05; 0.4898; C54, C62, § 56-9; 0.7959; C62, § 56-33; C75, C79, § 19-176; 0.10,060; C91, § 19-176; 0.13,699)

### **Sec. 126-152. - Misrepresentation or fraud in securing certificate or license.**

No person shall give any false or fictitious information on any application for any certificate or license provided for in this article or practice any fraud or misrepresentation in any manner to secure a certificate or license.

(C42, § 23-45; C54, C62, § 56-29, 56-82; 0.7959; C62, § 56-34; C75, C79, C91, § 19-177; 0.13,699)

### **Sec. 126-153. - Indemnification in use of stands.**

in accepting a certificate under this article, the person receiving it shall be deemed to have agreed to hold and shall hold the city harmless from and indemnified against any and all damages arising from or growing out of the operation or use of taxicabs owned or controlled by that person at the taxicab stands provided for in sections 126-137 and 126-138 of this division.

(C62, § 56-35; 0.7959; CM, C79, § 19-178; 0.10,060; C91, § 19-178; 0.13,699)

### **Sec. 126-154. - Criminal or civil penalties.**

- (a) Any person, firm, or corporation who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of this Code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.
- (b) Upon issuance of any citation or charge under this article, the issuing agency shall deliver a copy of the citation to the city prosecutor and the traffic engineer.



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(C65, §19-179; 011,580; C91, § 19-179; 0.13,699)

### **Sec. 126-155. - Paratransit service.**

- (a) This article shall apply to the operation of a paratransit service only to the extent specified in this section.
- (b) A certificate of public convenience and necessity under this article shall not be required for the operation of a paratransit service.
- (c) Application for a license to operate a paratransit service shall be submitted to the traffic engineer, upon forms prepared or prescribed by the traffic engineer. The application shall contain:
  - (1) The name and address of the applicant and the owner of the paratransit service.
  - (2) The trade or other name, if any, under which the applicant does business and proposes to do business.
  - (3) The training and experience of the applicant in the transportation of wheelchair-bound persons.
  - (4) A description of each paratransit taxicab, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the paratransit taxicab has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's paratransit taxicab.
  - (5) The location and description of the place from which it is intended to operate.
  - (6) Other information as the traffic engineer, shall deem reasonably necessary.
- (d) An annual license shall be issued upon compliance with subsection (c) of this section, as well as sections 126-187 and 126-188 of this article with regard to insurance and annual license fees.
- (e) No paratransit service license issued pursuant to this article may be sold, assigned or transferred without the prior approval of the city council and a finding of conformance with *all* of the applicable standards prescribed in this article.
- (f) The city council may suspend or revoke any or all paratransit service licenses issued under this article for failure of a licensee to maintain compliance with the standards of this article, but only after warning and a reasonable time for compliance has been given. The traffic engineer shall give the paratransit service owner 15 days' written notice of the city council meeting at which the suspension or revocation action shall be presented.
- (g) Division 3 of this article and subsection 126-117(a) of this division concerning taxicab drivers' licenses and drivers licensed under such division and subsection shall apply to the operation of a paratransit service.
- (h) Subsections 126-117(b) and (c) through section 126-118 of this division concerning vehicle compliance, inspection and condition shall apply to the operation of a paratransit service.
- (i) Any operator of a paratransit service shall also comply with any and all applicable federal statutes and regulations and shall maintain evidence of such compliance for the review of the traffic engineer.
- (j) Section 126-119 of this division concerning identification and designation of vehicles shall apply to the operation of a paratransit service.
- (k) A current schedule of all rates charged for services provided by the paratransit service shall be filed with the traffic engineer.
- (I) Section 126-150 of this division concerning reports and records shall apply to the operation of a paratransit service.
- (m)



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Sections 126-152 and 126-154 of this division concerning misrepresentation and fraud in securing licenses and criminal and civil penalties shall apply to the operation of a paratransit service. (C91, § 19-180; 0.13,215; 0.13,699)

**Secs. 126-156-126-180. - Reserved.**

## DIVISION 2. - OPERATORS' CERTIFICATES AND LICENSES

### Sec. 126-181. - Certificate of public convenience and necessity required.

Any person owning, operating or controlling a taxicab as a vehicle for hire upon the streets of the city or picking up any passenger for a fare within the corporate limits of the city, shall first obtain certificate and the required annual license from the traffic engineer.

- (1) Contract drivers. A certificate may also be granted to an applicant or renewed to an existing holder of a certificate, who proposes to furnish taxicab service at least in part through drivers who are duly licensed by the city, who are bound by written agreement with the certificate holder to furnish taxicab services of the quality provided for in this article, and who either own or are lessees of licensed taxicabs. Such agreement shall incorporate the provisions of this article applicable to such driver. Certificate holders bound by said written agreements shall have available a report, on or before the fifth day of each month, stating the names and addresses of all drivers who operated taxicabs during the preceding month.
- (2) Unincorporated association. A certificate may also be granted to an applicant, or renewed to an existing holder of a certificate, consisting of an association of taxicab owners who propose to furnish taxicab service as an operating group to meet all obligations of this article for a holder of a certificate.
- (3) Any holder of a certificate operating under the above plans shall be treated as an owner in applying sections 126-119, 126-122, 126-150 and 126-187 of this article.
- (4) Nothing herein shall change the holder's obligation to furnish to the city the insurance coverages provided for in section 126-187 of this division or change the license fees provided for in section 126-188 of this division.
- (5) Exemptions. The following motor vehicles are excluded from the requirements of this article:
  - a. Motor vehicles owned and operated by hotels, motels and other boarding places, used for the purpose of transporting patrons, without fee or charge, between said hotel, motel or boarding place and the local station of a common carrier
  - b. Ambulances and other emergency vehicles.
  - c. Funeral hearses.
  - d. Metropolitan Transit Authority buses or other motor buses duly licensed by the state.

(C42, § 23-3; 0.4898; C54, C62, § 56-10; 0.7959; C62, § 56-2; C75, C79, § 19-125; 0.10,060; C91, § 19-125; 0.13,215; 0.13,699, 14,805)

### Sec. 126-182. - Requirements for taxicab service.

Any person, including an association, filing an application for a taxicab certificate shall meet the following minimum requirements:

- (1) Provide an up to date postal address and phone number for an office. If the office is within the city it must be in a properly zoned location ~~-an office in a location properly zoned for that business which must be available for inspection upon request of the city manager.~~ If vehicle maintenance and storage is provided separately from the office and is located in the city, then the vehicle maintenance/storage area must also be in a location properly zoned for such activity.

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- (2) Provide taxicab service to the public 24 hours a day, seven days a week and have a telephone that is answered 24 hours a day **or a mobile app, website or any electronic means**, seven days a week so that any individual may request the services of the certificate holder. The business **shall may** have a listed telephone number.
- (3) Provide a minimum of six qualified taxicab drivers.
- (4) Provide a minimum of five qualified taxicab vehicles with a minimum of four vehicles available to respond into operation at all times.
- (5) Meet all applicable zoning ordinance regulations **within the city**.  
(C62, § 56-2.01; 0.8837; C75, C79, § 19-125.01; 0.10,060; C91, § 19-125.01; 0.12,699, 14,805)

**Sec. 126-183. - Application for certificate of public convenience and necessity.**

Any person seeking a certificate shall file an application with the traffic engineer. The application shall be signed by the applicant, by an officer of the applicant or, in the case of an unincorporated association, by all taxicab owners in the association, and verified under oath and shall contain the following information:

- (1) The name, address and age of the applicant. If the applicant is a corporation, its name, the address of its principal place of business, and the name and address of its registered agent. If the applicant is a partnership, its name, the names of general and limited partners and the address of its principal place of business. If the applicant is an association, its name, the names and addresses of all taxicab owners in the association, the address of its principal place of business, and the name of a member authorized by the association to receive and accept all correspondence and notices from the city pertaining to the association, its members and its drivers. **~~If the place of business is outside the corporate limits of the city, the applicant shall provide a statement from the governing jurisdiction that the business complies with the appropriate zoning regulations.~~**
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to these judgments. If the applicant is a firm, partnership, corporation or any other type of business entity, including an association, which has been organized for less than five years prior to the date of application, this information shall be provided for each of the shareholders, partners, officers, or other investors of the business entity.
- (3) The experience of the applicant in the transportation of passengers including a statement of any state or municipality where the applicant has ever been licensed to operate a taxicab, or limousine service whether such license was ever suspended or revoked and the reasons for suspension or revocation, and whether an application for a license or a renewal of a license was denied and the reasons for denial. If the applicant is an association, this information shall be stated as to each member of the association.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (5) The number of vehicles to be operated or controlled by the applicant. A statement of the condition of the vehicles to be operated, including the model year and type of each vehicle and the date on which the vehicle passed its most recent safety inspection, if any.



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- (6) The location of **any** proposed depots and terminals.
- (7) A statement as to whether the applicant has ever been convicted of, pled guilty to or stipulated to the facts of a violation of a criminal statute or ordinance, traffic law or municipal ordinance. If the applicant has been convicted, found guilty of or stipulated to a charge a statement as to the date and place of disposition, the nature of the offense and the punishment imposed. In addition, the applicant shall provide a current criminal history report from each state of residence, and a certified copy of their driving record, for the five years preceding the date of application. If the applicant is an association, the above statements shall be made, and criminal history report and certified copy of driving record provided, as to each member of the association.
- (8) The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand.
- (9) Where the applicant will operate its dispatch service **and/or whether the applicant will operate by dispatch through a mobile app, website or any other electronic means.**
- (10) The color scheme or insignia **or logo** to be used to designate the vehicles of the applicant.
- (11) Further information as the traffic engineer may require of each applicant.

(C42, 5 23-4; 0.4898, 5230; C54, C62, §§ 56-23, 56-25; 0.7959; C62, 5 56-3; C75, C79, § 19-126; 0.10,060, 10,408; C85, .5 19-126; 0.11,580; C91, § 19-126; 0.13,699, 14,805)

### **Sec. 126-184. - Investigation of applicant for certificate of public convenience and necessity.**

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the city council. Where the applicant is a corporation, the corporate officers' records shall be investigated; where a partnership, each partner's records shall be investigated; where an association, each association member's records shall be investigated.

(C79, § 19-126.01; 0.10,408; C91, § 19-126.01; 0.13,699, 14,805)

### **Sec. 126-185. - Public hearing on certificate of public convenience and necessity.**

Upon the filing of an application, the city council shall fix a time and place for a public hearing thereon. Written notice of the hearing shall be given to the applicant by the city clerk and to all current holders of certificates. Any interested person may file with the city clerk a memorandum in support of or opposition to the issuance of a certificate.

(C42, § 23-5; 0.4964; C54, C62, 5 56-31; 0.7959; C62, 5 56-4; C75, C79, § 19-127; 0.10,060; C91, § 19-127; 0.13,699)

### **Sec. 126-186. - Issuance of certificate of public convenience and necessity.**

(a) The city council shall determine whether a certificate of public convenience and necessity shall be issued to an applicant under this division. In making that determination the council shall consider the information in the application, the results of the investigation and the following factors:

- (1) The age of the applicant. No certificate shall be granted to any person under the age of 18 years.
- (2) The character, business and financial responsibility of the applicant.
- (3) Experience of the applicant.



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(4) The expectation that if the applicant is granted a certificate, the applicant will operate the taxicabs in accordance with this article.

(5) The number of vehicles the applicant owns or controls.

(6) The condition of each vehicle owned or controlled by the applicant including:

a. Age.

b. Type.

c. Whether and where the vehicles have passed recent safety inspections.

d. General appearance, including cleanliness.

e. Fitness for patronage.

(7) Whether the applicant can provide 24-hour taxicab service.

(8) Whether the applicant is able to operate a dispatch service or a mobile application dispatch service.

(b) If the city council finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this article, then the city council shall direct the traffic engineer to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise the application shall be denied.

(c) A person lawfully possessing a certificate shall not be required to renew the certificate unless it has been revoked or voluntarily surrendered or all of the licenses herein required are not renewed within 30 days after the expiration thereof. Renewal of the certificate shall be pursuant to the same procedure as for the original issuance thereof. In the event the application is denied, the city council shall specify the grounds for such denial and the facts upon which such denial is based.

(d) Whenever any application for a certificate shall have been denied by the city council, no new application covering the same applicant or any principal, member, partner, or shareholder of the same or similar applicant, if not an individual, shall be filed with the traffic engineer or considered by the city council until one year shall have elapsed from the date of filing the previous application. Provided, however, that this prohibition on filing and consideration shall not extend to an applicant who can demonstrate to the traffic engineer through clear and convincing evidence verified under oath that there has been a substantial, material change in circumstances since the previous application.

(C42, §§ 23-7, 23-8, 23-9; 0.4898; C54, C62, §§ 56-11, 56-13, 56-14; 0.7959; C62, § 56-5; C75, C79, § 19-128; 0.10,060, 10,408; C85, § 19-128; 0.11,580; C91, § 19-128; 0.13,699, 14,805, 15,154)

### Sec. 126-187. - Liability insurance.

(a) A certificate shall not be issued or continued in effect unless and until the owner of the taxicab business furnishes to the traffic engineer an insurance policy or policies, or certificate of insurance, issued by an insurance company having an A.M. Best rating of no less than B++-. The policy(ies) shall include commercial general liability insurance coverage and automobile liability insurance coverage, or the equivalent thereof, for the taxicab business and independent contractors of the taxicab business. The commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than \$750,000.00 per occurrence and aggregate combined single limit. The automobile liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than \$750,000.00 per occurrence combined single limit.

(b)

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The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide 30 days advance written notice of cancellation, 45 days advance written notice of non-renewal, and ten days advance written notice of cancellation due to nonpayment of premium, and that these written notices shall be provided by registered mail to the traffic engineer.

(c) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the certificate and all licenses issued for the taxicab business, independent contractors and the vehicles covered by such insurance policy(ies), unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination. The traffic engineer shall immediately issue written notification of the revocation of said certificate and all licenses for the taxicab business, independent contractors and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.

(d) All insurance must apply to the vehicle while it is in any facet awaiting; traveling to passengers or place of awaiting passengers; or operating with passengers within or about the city.

(C42, §§ 23-11, 23-12; 0.4898; C54, C62, §§ 56-35, 56-37, 56-43; 0.7959; C62, § 56-6; C75, C79, § 19-129; 0.10,060; C85, § 19-129; 0.11,580; C91, § 19-129; 0.13,699, 14,805)

**Sec. 126-188. - Licenses.**

(a) A certificate shall not be issued or continued in effect unless its holder has paid to the finance director an annual calendar year certificate fee for the right to engage in the taxicab business and an annual license fee for each vehicle operated under a certificate in the amount set forth in the schedule of fees adopted by the city council by resolution.

(b)

(c) ~~Whenever a license is issued by the traffic engineer under the terms of this division, a metal plate or identification sticker for each vehicle operated shall be delivered to the holder. The metal plate or identification sticker shall be approximately three inches in width and six inches in length and shall have stamped or printed thereon the word "taxicab," the official license number and the date of expiration of the license. The plate or sticker shall be affixed in a conspicuous place on the rear of the vehicle for which the license is granted. It shall be a distinctly different color each year.~~

(d) The holder shall file with the traffic engineer information pertaining to each vehicle for which a ~~license has been issued~~ a holder is using including make, model, year, and state license number.

(C42, §§ 23-17, 23-21; 0.4898; C54, C62, §§ 56-18, 56-22; 0.7959; C62, § 56-7; C75, C79, § 19-130; 0.10,060; C91, § 19-130; 0.13,699, 14,175, 14,805)

**Sec. 126-189. - Transfer of certificate of public convenience and necessity.**

No certificate shall be sold, assigned, mortgaged or otherwise transferred without the consent of the city council. No association of taxicab owners with a certificate shall add or replace any association member without the consent of the city council.

(C42, § 23-15; C54, C62, § 56-17; 0.7959; C62, § 56-8; C75, C79, § 19-131; 0.10,060; C91, § 19-131; 0.13,699, 14,805)

**Sec. 126-190. - Suspension or revocation of certificate of public convenience and necessity.**

(a) A certificate may be revoked or suspended by the city council if the holder has:

(1) Violated any of the provisions of this article. A certificate may be suspended if the certificate holder or any of the certificate holder's taxicab operators have a combined total of three or more convictions of violations of this article in an 18-month period, and may be revoked if the certificate holder or any of the certificate holder's taxicab operators have a combined total of five or more convictions of violations of this article in an 18-month period; or



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(2) Discontinued operations for more than ten days unless such discontinuance is caused by a labor dispute; or

(3) Violated any provision of this Code or ordinance of the city, or any law of the United States or the state, the violation of which is found by the city council to so affect the public safety as to prove the holder not a proper person to offer public transportation.

(b) Prior to suspension or revocation as provided in this section, the holder shall be given three days written notice by the city clerk of the proposed action to be taken and shall be afforded an opportunity to appear before the city council and be heard.

(C42, § 23-13, 23-20; 0.5230; C54, C62, §§ 56-20, 56-21; 0.7959; C62, § 56-9; C75, C79, § 19-132; 0.10,060; C91, § 19-132; 0.13,699)

**Secs. 126-191-126-215. - Reserved.**

## DIVISION 3. - DRIVERS' LICENSES

### Sec. 126-216. - Required.

Every person who operates a taxicab for hire upon the streets of the city shall first obtain and shall properly display a taxicab driver's license in the form of a metal badge or laminated license to be carried by the person while operating a taxicab in the city (also known as a taxicab badge).

(C42, § 23-46; C54, C62, § 56-73; 0.7959; C62, § 56-10; C75, C79, C91, § 19-133; 0.13,699)

### Sec. 126-217. - Application.

(a) Pre-application and pre-renewal. Any person who applies for, or seeks to renew, a taxicab driver's license must first obtain, at their own expense, his or her current DCI criminal history report through the state Department of Public Safety and certified copy of his or her current driving record. If a new applicant resided outside of Iowa anytime during the five years before applying, the person must also obtain, at their own expense, a copy of his or her current criminal history report and certified copy of driving record from each state of residence during the prior five years. Any person whose taxicab driver's license has been suspended or revoked, or has expired for more than 30 days, will be required to obtain a current criminal history report and certified driving record in the same manner as a new applicant.

(b) Any person seeking a taxicab driver's license shall file an application with the traffic engineer on forms provided by the city. The application shall contain the following information:

(1) The full name, current mailing address, date of birth, height, weight and driver's license number of the applicant.

The names and addresses of three residents of the city who have known the applicant for a period of one year and who will vouch for the applicant's sobriety, honesty, and general good character.

(3) The experience of the applicant in driving an automobile.

(4) The educational background of the applicant.

(5) A concise history of the applicant's employment.

(6) A concise statement of the history of his or her health and any present impairments or disabilities.

(7) A list of all convictions (convicted of, pled guilty to or stipulated to the facts of a criminal offense) for criminal offenses, other than traffic offenses, during the ten years immediately preceding the date of application. If the applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant shall provide certified copies of any and all dispositions of the criminal

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offenses to the city police department at time of pre-application.

(8) A list of all convictions for traffic violations for which the applicant's license was suspended, revoked or barred during the five years immediately preceding the date of application.

(9) A statement that the contents of the completed application are true.

(10) The date the application is filed.

(11) Further information as the traffic engineer may require.

(c) Any person seeking renewal of a taxicab driver's license shall file an application with the traffic engineer on forms provided by the city. The application shall contain the following information:

(1) The full name, current mailing address, date of birth, height, weight and driver's license number of the applicant.

(2) A concise history of the applicant's employment for the past one year.

(3) A concise statement of the history of his or her health for the past one year and any present impairments or disabilities.

(4) A list of all convictions (convicted of, pled guilty to or stipulated to the facts of a criminal offense) for criminal offenses, other than traffic offenses, during the past year. If the applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant will provide certified copies of any and all dispositions of the criminal offenses to the city police department.

(5) A statement that the contents of the completed application are true.

(6) The date the application is filed.

(7) Further information as the traffic engineer may require.

(d) At the time an initial or renewal application is filed the applicant shall pay to the finance director the appropriate fee in the amount set forth in the schedule of fees adopted by the city council by resolution.

(C42, § 23-30; 0.5127; C54, C62, § 56-75; 0.7959; C62, § 56-11; 0.8482; C75, C79, § 19-134; 0.10,060; C91, § 19-134; 0.13,699, 14,175, 14,805)

**Sec. 126-218. - Qualifications of applicant.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Good driving record means all of the following:

(i) The applicant has not, within the preceding five years been convicted of any moving traffic violation which resulted in automatic suspension or revocation of an operators or chauffeurs license under I.C. ch. 321, 321A or 321J.

(ii) The applicant's operators or chauffeurs license has not been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years.

(iii) The applicant has not, within the preceding one year, been convicted of three or more moving traffic violations.

(iv) The applicant has not, within the preceding one year, been involved in more than one traffic accident in which applicant was at fault.

(2) Person of good moral character means any person who: (i)



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Has such good reputation as will satisfy the licensing authority that he or she will comply with this article and all other laws, ordinances and regulations applicable to the performance of his or her duties as a taxicab driver.

- (ii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving moral turpitude or sexual abuse within the preceding ten years.
- (iii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a simple misdemeanor, other than those listed in paragraph (2)(iv), below, within the preceding five years.
- (iv) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving theft, assault, drugs, public exposure, harassment or fraud within the preceding ten years, whether the offense is a misdemeanor or a felony.
- (v) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a felony within the preceding ten years.

(b) Each applicant for a taxicab driver's license must meet the requirements of this subsection before a license may be issued. The applicant shall:

- (1) Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the state department of transportation.
- (2) Be a person of good moral character.
- (3) Have a good driving record.
- (4) Be at least 18 years of age.

(C42, § 23-31; C54, C62, § 56-76; 0.7959; C62, § 56-12; C75, C79, § 19-135; 0.10,060; C91, § 19-135; a13, 699, 13,886, 14,805)

**Sec. 126-219. - Investigation of arrest and traffic record.**

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the traffic engineer.

(C62, § 56-13; 0.7959; C75, C79, § 19-136; 0.10,060; C91, § 19-136; 0.13,699)

**Sec. 126-220. - Approval of original application.**

- (a) If the traffic engineer determines, with or without a hearing, that the applicant meets the requirements for issuance of a taxicab driver's license, he or she shall issue a license. If the traffic engineer is unable to make a determination that the applicant meets the requirements based on the contents of the application and a report on the applicant's criminal background provided by the police department, the traffic engineer shall schedule the application for further consideration at a hearing. Unless the date and time of the hearing is scheduled by agreement with the applicant, notice of the date, time and place of the hearing shall be sent by regular mail to the applicant at the address shown on the application at least ten days before the date of hearing.
- (b) If at the conclusion of the hearing the traffic engineer determines the applicant does not meet the requirements, he or she shall deny the license. However, the traffic engineer may issue a probationary taxicab driver's license for up to one year if: i) the applicant can demonstrate that a holder of a certificate of public convenience and necessity to conduct a taxicab service has offered to employ the applicant upon obtaining a taxicab driver's license; and, ii) the requirements are not satisfied only because of minor misdemeanor offenses, or suspension of an operator's license under I.C. ch. 321, 321A or 321J or any other suspension of an operator's or chauffeur's license did not involve driving behavior which is

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indicative of a disregard for public safety. Any probationary license issued under this subsection shall be subject to immediate revocation by the traffic engineer in the event the applicant is shown to have engaged in any criminal offense or traffic violation that would disqualify the applicant from satisfying the requirements in section 126-218. The traffic engineer shall make a quarterly review of all such provisional licenses to assure there have been no further charges of traffic violations or criminal offenses entered against the applicant during such quarter.

(c) Any applicant who is denied a license by the traffic engineer may appeal the determination pursuant to the administrative appeal process set forth in chapter 3 of this Code. In order to appeal such determination, written notice of appeal must be filed with the city clerk within ten business days of the traffic engineer's decision.

(C62, 5 56-14; 0.7959; C75, C79, 5 19-137; 0.10,060; C85, 5 19-137; 0.10,868; C91, 5 19-137; 0.13,699, 15,132)

### Sec. 126-221. - Issuance.

Upon approval of an application for a taxicab driver's license, the traffic engineer shall issue a license to the applicant in the form of a metal taxicab badge of such form and style as the traffic engineer shall prescribe, with the license number thereon. This badge must be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is engaged in this employment. Any driver loaning his or her badge or permitting another person to use the same, shall be guilty of a misdemeanor and his or her license shall be revoked.

(C42, § 23-32; 0.5086; C54, 55 56-78, 56-79, 56-80; 0.6017; C62, 55 56-78, 56-79, 56-80; 0.7959; C62, 5 56-15; 0.8482; C75, C79, § 19-138; 0.10,060; C91, § 19-138; 0.13,699)

### Sec. 126-222. - Duration.

A license (taxicab badge) issued under this division shall be in effect only for the calendar year in which issued or renewed.

(C42, § 23-32; 0.5086; C54, 55 56-78, 56-79, 56-80; 0.6017; C62, 55 56-78, 56-79, 56-80; 0.7959; C62, § 56-15; 0.8482; C75, C79, § 19-139; 0.13,699)

### Sec. 126-223. - Fee.

The appropriate fee for a license (taxicab badge) shall be in the amount set forth in the schedule of fees adopted by the city council by resolution.

(C42, § 23-32; 0.5086; C54, 55 56-78, 56-79, 56-80; 0.6017; C62, 55 56-78, 56-79, 56-80; 0.7959; C62, § 56-15; 0.8482; C75, C79, § 19-138; 0.10,060; C91, § 19-138; 0.13,699)	(C42, § 23-32; 0.5086; C54, 55 56-78, 56-79, 56-80; 0.6017; C62, 55 56-78, 56-79, 56-80; 0.7959; C62, § 56-15; 0.8482; C75, C79, § 19-139; 0.13,699)
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### Sec. 126-224. - Lost license (taxicab badge).

Any person who loses his or her taxicab badge shall present an affidavit as to the circumstances of such loss to the traffic engineer who shall issue a replacement badge upon payment of the fee for such replacement badge in the amount set forth in the schedule of fees adopted by the city council by resolution. The traffic engineer shall keep a separate record of replacement badges issued showing the date of issuance, to whom issued and the identification contained thereon.

(C42, 5 23-36; 0.5230; C54, C62, § 56-67; 0.7959; C62, 5 56-16; C75, C79, C91, § 19-141; 0.13,699, 14,175)

### Sec. 126-225. - Suspension, revocation or denial.



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- (a) If any person who has a current taxicab driver's license has his or her state driver's license suspended or revoked, or is convicted of, pleads guilty to, or stipulates to the facts of any criminal offense during the license period, he or she shall immediately notify the traffic engineer.
- (b) Any taxicab driver's license may be suspended, revoked, or denied renewal for (1) violations of this article, or (2) acts demonstrating lack or absence of good moral character, or (3) providing false information on the license application or renewal.
- (c) No license shall be suspended, revoked or denied renewal except after a hearing of the matter before the traffic engineer. The traffic engineer, upon being informed of grounds for suspension, revocation or denial of renewal, shall schedule a hearing of said matter and shall cause notice of said hearing to be delivered to the licensee or applicant by mailing notice in the regular mail at least ten days before the date of hearing to the licensee's or applicant's address as shown on the most recent application.
- (d) If, after such hearing, the traffic engineer determines (1) that a violation of this article did in fact take place, (2) that the person committed acts demonstrating lack of good moral character, or (3) that the person falsified an application for a license or a renewal, the traffic engineer may, depending on the number or severity of the acts, suspend a license for up to 30 days, revoke a license, or deny an application for a license renewal.
- (e) Any licensee or applicant may appeal such decision pursuant to the administrative appeal process set forth in chapter 3 of this Code. In order to appeal such determination, written notice of appeal must be filed with the city clerk within ten business days of the traffic engineer's decision.
- (f) A licensee whose license has been revoked shall immediately surrender his or her taxicab badge to the traffic engineer and shall not be eligible to apply for another such license for a period of 180 days after such revocation. A person whose application has been denied shall not be eligible to reapply for a period of 180 days after such denial. The 180-day period shall commence on the day final city action is taken by either the traffic engineer or, if appealed, the administrative hearing officer.

(C42, § 23-37; C54, C62, § 56-83; 0.7959; C62, § 56-17; C75, C79, § 19-142; 0.10,060; C85, § 19-142; 0.10,868; C91, § 19-142; 0.13,699, 15,132)