

ORDINANCE NO. 205

AN ORDINANCE TO REPEAL CHAPTER 9, ARTICLE II, "TAXICAB LICENSES AND REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF NEW BUFFALO, MICHIGAN, AND REPLACE IT WITH A NEW ARTICLE II, "TAXICAB LICENSES AND REGULATIONS".

THE CITY OF NEW BUFFALO ORDAINS:

SECTION I. The Code of Ordinances of the City of New Buffalo, Chapter 9, Article II, "Taxicab Licenses and Regulations" is hereby repealed.

SECTION II. The Code of Ordinances of the City of New Buffalo, Chapter 9, Article II, "Taxicab Licenses and Regulations" is hereby replaced as follows:

ARTICLE II. TAXICAB LICENSES AND REGULATIONS

Section 9-5. Definitions.

The following words and phrases, when used in this Chapter, shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in the Section, except where the context clearly indicates a different meaning.

- A. Taxicab or Taxi. The term "taxicab" or "taxi" shall mean and include a motor vehicle designed to carry fifteen (15) passengers or less, excluding the driver, operating on the public streets, alleys and quasi-public places of the City, and accepting passengers for transportation for hire on call or demand, between such points as may be directed by the passenger or passengers.
- B. License. A taxicab license issued by the City Council licensing the operation of a taxicab.
- C. For Hire. The term "for hire" when used in this Chapter, shall mean for remuneration or reward of any kind, paid or promised, either directly or indirectly.
- D. Driver. Any person who drives a taxicab.
- E. Owner. Any person, firm, partnership or corporation who either owns, or is the lessee of, or is the purchaser under contract of a motor vehicle used as a vehicle for hire under the provisions of this chapter.
- F. Rate Card. The card clearly describing the schedule of fares charged for taxicab use, which is displayed within each taxicab for which a license has been issued.
- G. Stand. A space reserved upon the public streets for the specific use of taxicabs.
- H. Cruising. The movement of unoccupied taxicabs over the public streets in search of, or soliciting,

prospective passengers; except that an unoccupied taxicab proceeding to answer a telephone call for taxicab service from an intending passenger, and a taxicab returning by the most direct route, after having discharged a passenger or passengers, to the garage where said taxicab is housed, or to a taxicab stand, shall not be considered cruising.

- I. Applicant. Any person, partnership, association or corporation applying for a license hereunder, or any person applying for a driver's permit hereunder, as the case may be.
- J. Driver's permit. A permit issued by the Chief of Police permitting the holder thereof to drive a taxicab.

Section 9-6. License.

No person shall operate, or cause to be operated, any vehicle for hire in the City, without first having obtained a business license from the City Clerk authorizing such operation. The licensee must be the owner or lessee of all vehicles for hire operated under its authority.

Section 9-7. Application for license.

- A. Any person desiring a license to operate a taxicab on the streets of the City shall file with the City Clerk a sworn application therefore, on forms to be furnished by the City, which application shall contain the following:
 - 1. The name, age, residence and present occupation of the person applying for such license. If the applicant is a partnership, partners shall be given, and if the applicant is a corporation, the names, addresses and occupations of all officers and directors thereof shall be given along with the articles of incorporation.
 - 2. The make, body-style, year, serial and engine number, state license plate number, seating capacity, and weight of the taxicab for which such license is being applied.
 - 3. Whether there are any unpaid or un-bonded judgments of record against the applicant and, if so, the title of all actions and the amount of all judgments unpaid or un-bonded, and the court in which the same were rendered.
 - 4. The experience of the applicant, both in the City and elsewhere, in the operation of taxicabs or other common carriers.
 - 5. Whether or not the applicant for such license, or if a partnership or corporation, any of the partners, officers or directors thereof, has ever been charged with, convicted of or pled guilty to any felony, crime, or misdemeanor, and, if so, the date, nature of the offense, and the court in which such charge was made, conviction was obtained or plea of guilty was entered.
 - 6. The place or places within the City, or elsewhere, where the person applying for such license purposes to establish his office, and from which he proposes to operate such taxicab.
 - 7. The number of taxicabs for which the applicant holds licenses at the date of application.
 - 8. Such other information as the Chief of Police may, at his/ her discretion, require.

Section 9-8. Inspection of applicant's vehicle.

- A. Prior to the issuance of a license for a vehicle for hire, that vehicle must have been thoroughly

inspected within the past 15 days by an automobile mechanic licensed by the State of Michigan. The applicant must present to the City a certificate from the mechanic who performed the inspection certifying that the vehicle is in full compliance with all relevant requirements of the Michigan Vehicle Code. The certificate may be on a form approved by the City. It shall be unlawful for an applicant to submit a fraudulent documentation certifying compliance with the Michigan Vehicle Code, and it shall be unlawful for any person to knowingly make a false statement, written or otherwise, concerning such compliance.

- B. Every vehicle for hire owner shall regularly inspect and maintain each said vehicle to ensure that each said vehicle is in a safe, clean and sanitary condition.
- C. Every vehicle for hire is subject to inspection by the Chief of Police and/or his designee to ensure that each said vehicle is in a safe, clean and sanitary condition.

Section 9-9. Processing applications.

The City Clerk shall transmit each application for a license to the Chief of Police, who shall cause an investigation to be made of the character, fitness and qualifications of the person applying for such license. The Chief of Police shall thereupon transmit such application and inspection report, together with his recommendation thereon, to the City Council.

Section 9-10. Granting licenses.

If the City Council shall determine, with the advice of the Chief of Police, that the person applying for such license is a suitable person, and the taxicab proposed to be licensed is a suitable vehicle for such purpose, it may grant a license therefor, to be issued upon the filing of the policy of insurance hereinafter required.

Section 9-11. Number of licenses.

The City Council shall from time to time set by resolution the maximum number of licenses that may be issued by the City for taxicabs. At the direction of the City Council, or on his or her own initiative, the Chief of Police shall prepare a report for consideration by City Council for this purpose. Such report shall assess if the number of licensed taxicabs is sufficient to adequately serve the needs of the public in the City, or when, in the judgment of the Chief of Police, the use of the streets of the City by additional taxicabs would interfere with the public use of the streets or congest traffic.

Section 9-12. Required construction and equipment.

- A. It shall be unlawful for any vehicle for hire owner to cause or allow a vehicle for hire to be operated if it is not in full compliance with the requirements of this chapter of this code and the provisions of the State Motor Vehicle Code. In addition, each vehicle for hire shall conform to the following:
 - 1. All vehicles for hire shall have at least four doors, all of which shall be lockable from the inside; both the passenger compartment and the driver compartment of said vehicle must be accessible from the outside by at least two of the four doors.
 - 2. Every vehicle for hire shall be equipped with a working heater.
 - 3. Every vehicle for hire shall be equipped with a speedometer properly installed, maintained in good working order and exposed to view. No vehicle for hire shall be operated, by an owner or his or her agent, while such speedometer is out of repair or disconnected.

4. Every taxicab shall be equipped with a taximeter properly installed, maintained in good working order and exposed to view. No taxicab shall be operated by an owner or driver while such taximeter is out of repair or disconnected.
5. Every taxicab shall be equipped with a card frame, furnished by the owner, for the proper display of the driver's identification card. The card frame shall be placed in the front of the taxicab and shall face the passenger and be so located as to be, at all times, in plain view of such passenger.
6. Owners of taxicabs shall furnish an appropriate rate card for each taxicab. Such rate card shall be affixed to each taxicab in such a manner as to be visible from the passenger compartment. No person shall alter, deface or remove such rate card.

Section 9-13. Issuance of license.

Licenses granted by the City Council shall be issued by the City Clerk upon payment of the fees hereinafter required, provided that no license shall be issued until the applicant has deposited with the City the policy of liability insurance hereinafter required and until the said policy has been found by the Chief of Police to comply with the terms of this ordinance.

Section 9-14. Property right.

No person shall have a property right in any taxicab license issued by the City Council, nor shall any person have an unqualified right to obtain a taxicab license. Neither the refusal of the City Council to issue any such license, nor the revocation of any such license, shall result in any right of action or claim against the City on behalf of any such applicant or licensee.

Section 9-15. License fee.

The owner of each taxicab for which a license is granted shall pay to the City a fee for an amount which shall be set from time to time by resolution of the City Council before a license therefor shall be issued. All licenses issued hereunder shall expire at midnight on December 31 following the issuance thereof.

Section 9-16. Licenses non-transferable.

Licenses issued hereunder shall be non-transferable. Any transfer or attempted transfer thereof to any other person shall automatically revoke the license.

Section 9-17. Transfer of license to another vehicle.

The owner of any taxicab for which a license has been granted must have the license transferred to another vehicle by filing with the City Clerk a request therefor, giving the make, year, body style, serial and engine number, state license plate number, seating capacity and weight of the vehicle to which he proposes to have such license transferred, provided that no transfer of a license shall be made until the Chief of Police has notified the City Clerk that the new vehicle is a proper vehicle for taxicab purposes, and provided further that no transfer of a license shall be made unless the original taxicab upon which such license was issued shall be actually retired from taxicab service.

Section 9-18. Change of ownership.

Change of ownership or title to any taxicab or taxicabs shall automatically revoke any license or licenses previously granted for the operation of such taxicab or taxicabs, and the purchaser thereof shall not operate such taxicab or taxicabs until he has applied for and been granted a license under the terms of this Chapter and has complied with all

terms of this Chapter.

Section 9-19. Suspension or revocation of licenses.

Licenses may be suspended or revoked by the City Council at any time in case:

- A. The City Council finds that the information contained in the application for such taxicab license was false or misleading.
- B. The City Council finds that the owner, or any driver in his employ, has failed to operate the taxicab or taxicabs so licensed in accordance with provisions of this ordinance.
- C. The owner shall cease to operate any taxicab for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the City Council.
- D. The City Council finds that the taxicab or taxicabs so licensed are operated at a rate of fare other than that stated on their rate card.
- E. The City Council finds that the owner or any driver in his employ has violated any provision of the Uniform Traffic Code of the City while operating a taxicab licensed hereunder.

Section 9-20. Insurance policy required.

No license shall be issued until the person applying therefor shall obtain and file with the City a policy of liability insurance issued by a responsible insurance company authorized to do business in the State of Michigan, providing insurance coverage for each taxicab for which a license is applied.

Section 9-21. Provisions of policy.

Such policy of insurance shall insure the applicant against liability for personal injury or injuries to a passenger or passengers in such taxicab, or to a member or members of the general public, resulting from an accident or accidents in which such taxicab may be involved through the recklessness or negligence of its driver, operator, or owner, as well as against any damage to property.

Section 9-22. Limits of policy.

Such policy shall provide minimum insurance protection for each taxicab in the amount of three-hundred thousand dollars (\$300,000.00) for injury to or death of one (1) person and one-million dollars (\$1,000,000.00) for injury to or death of more than one (1) person resulting from a single accident, and five-hundred thousand dollars (\$500,000.00) for damage to property (including personal belongings or baggage of passengers) as a result of one (1) accident. The policy limits may be changed by the City Council from time to time by resolution.

Section 9-23. Bankruptcy or insolvency.

Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the company.

Section 9-24. Notice of cancellation.

Such policy shall further provide that it shall not be canceled, surrendered or revoked by either party except after five (5) days written notice to the City, furnished by the insurance company issuing such policy.

Section 9-25. Effect of cancellation or termination of policy.

The cancellation, surrender or other termination of any insurance policy issued and filed with the City in compliance herewith shall automatically terminate the license of all taxicabs covered by such insurance policy unless another policy complying herewith shall be in effect and deposited with the City at the time of such cancellation or termination.

Section 9-26. Necessity for compliance.

It shall be unlawful for any person to operate, or cause or permit to be operated, any taxicab on the streets of the City without having fully complied with the terms hereof this Chapter.

Section 9-27. Driver's permit.

No person shall drive a taxicab on the streets of the City without having first obtained a driver's permit in accord with this chapter, nor shall any owner permit a taxicab to be operated by anyone who does not hold a City driver's permit.

Section 9-28. Application for driver's permit.

- A. Any person desiring to drive a taxicab upon the streets of the City shall file with the City Clerk, on forms to be furnished by the City, a sworn application for a driver's permit, showing the following information:
1. Places of residence for five years prior to the date of the application.
 2. Copy of current state issued driver's license.
 3. Place of birth.
 4. Whether the applicant is a citizen of the United States.
 5. Previous employment for five years prior to the date of the application.
 6. Whether applicant has ever been convicted of a felony or misdemeanor.
 7. Whether applicant has previously been licensed as a vehicle for hire or taxicab driver, and if so, whether applicant's vehicle for hire or taxicab driver's license has ever been suspended or revoked and for what cause, and whether any state motor vehicle operator's permit or license issued to applicant has ever been suspended or revoked, and for what cause.
 8. Such other information as the City Council may, in its discretion, require.
 9. Such application and statement shall be signed and sworn to by the applicant, and any false statement made by the applicant in applying for the license shall invalidate any vehicle for hire driver's license issued to him or her.
- B. Applicant must agree to be finger printed.
- C. Each application filed under this section shall have attached thereto two recent photographs of the applicant 2"x2" in size.

Section 9-29. General qualifications of applicant.

- A. Each applicant for a vehicle for hire driver's license must meet the following requirements:
1. Be at least 18 years of age, with good eyesight and not subject to any infirmity of body which might render him or her unfit for the safe operation of a vehicle for hire.
 2. Possess a valid non probationary state issued chauffeur's license allowing applicant to operate a taxi.
 3. Be able to read, write and speak the English language.
 4. Be clean in appearance and person.

Section 9-30. Granting of driver's permit and fee.

- A. The City Council shall establish, by resolution or motion, driver's permit fees in such amounts as they shall deem appropriate from time-to-time to defray the costs of investigation and issuance of these licenses. No such permit shall be issued unless and until the prescribed fee therefor has been paid.
- B. All permits issued hereunder shall expire at midnight on December 31 following the issuance thereof.
- C. Upon the filing of an application for a driver's permit, the City Clerk shall transmit the same to the Chief of Police who shall cause an investigation to be made of the character and fitness of such applicant. If, in the opinion of the Chief of Police, the applicant is a proper person to receive a driver's permit, he shall approve the issuance thereof, provided however, that no driver's permit shall be issued to any person who has not attained the full age of eighteen (18) years and who does not hold a state issued chauffeur's license allowing applicant to operate a taxi.
- D. The Chief of Police may refuse to authorize the issuance or renewal of a vehicle for hire driver's license in the case of an application from any person:
1. Whose state automobile operator's or chauffeur's license or vehicle for hire driver's license has been revoked or suspended within two years prior to the date of application.
 2. Who has been convicted of a felony or any misdemeanor relevant to one's fitness to operate a vehicle for hire.
 3. Who has been convicted of driving an automobile resulting in death to any person.
 4. Who has been convicted of a drinking/driving offense.
 5. Who has failed to comply with the requirements of this chapter.
 6. Who, for any other reason is unfit to drive a vehicle for hire.
- E. An applicant refused under this section may appeal within 10 days to the City Council.

Section 9-31. Issuance of driver's permit.

The Chief of Police shall issue to the applicant a driver's permit. Such permit shall be conspicuously displayed inside the vehicle at all times when he/she is engaged in driving a taxicab.

Section 9-32. Renewal of driver's permit.

The Chief of Police may renew driver's permits from year to year. A driver applying for a renewal of his driver's permit shall make application therefor on a form furnished by the City Clerk and shall file the same with the Clerk, who shall transmit it to the Chief of Police, who shall make an investigation, and if he is satisfied that the applicant's driver's permit should be renewed, shall endorse his approval upon such application and shall issue the renewal.

Section 9-33. Reserved.

Section 9-34. Transfer of driver's permit prohibited.

Driver's permits issued hereunder shall be non-transferable. It shall be unlawful for any person holding a driver's permit to transfer, or attempt to transfer, such driver's permit or any badge or card issued hereunder, to any other person; and it shall be unlawful for any person holding such driver's permit to knowingly permit any other person to have the same or the badge thereof in his possession; and it shall be unlawful for any person to wear or have in his possession while operating a taxicab in the City, a driver's permit, or any badge or card, issued to any other person.

Section 9-35. Revocation of driver's permit.

- A. The Chief of Police shall have power to revoke any driver's permit issued under the terms herein in the following cases:
1. In the event the holder thereof shall be convicted of or plead guilty to any violation of this ordinance or of the Uniform Traffic Code of the City or any traffic ordinance of any municipal corporation or of any statute or penal law of the State of Michigan, whether in relation to the operation of motor vehicles or otherwise.
 2. In the event the holder thereof shall be involved in any accident causing injury to or death of any person, or injury to or destruction of any property.
 3. Whenever, in the opinion of the Chief of Police, the holder thereof shall, by their conduct, demonstrate that the best interests of the public health, safety and welfare require that his driver's permit be revoked.

Section 9-36. Delegation of duty.

The Chief of Police shall have authority to delegate any of the duties imposed upon him or her with respect to the investigation of and issuance of driver's permits to employees of the Police Department of the City of New Buffalo.

Section 9-37. Reserved

Section 9-38. Taxicab clearly marked.

Taxicabs shall be clearly and permanently marked to show that they are taxicabs; magnetic signs do not qualify.

Section 9-39. Reserved

Section 9-40. Compliance with laws and ordinances.

Each taxicab licensed hereunder shall be operated in accordance with the laws of this state and the Code and ordinances of the City and with due regard for the safety, comfort, and convenience of passengers and for the safety

of the general public. No taxicab shall be operated at a rate of speed greater than that established by state law or by the Code and ordinances of the City.

Section 9-41. Report of accidents.

All accidents arising from or in connection with the operation of taxicabs which result in death of or injury to any person, or in damage to any property, shall be reported within twelve (12) hours from the time of occurrence to the City's Police Department. Such accidents must also be reported in a manner consistent with State of Michigan law.

Section 9-42. Dress.

Drivers of taxicabs shall be clean in dress and in person at all times while operating a taxicab.

Section 9-43. Lost articles.

Every driver of a taxicab shall search the interior of such taxicab at the termination of each trip for any article of value which may be left in such taxicab by a passenger. Any article found therein shall immediately be returned to the passenger owning it, if they be known; otherwise it shall be deposited with the owner of the taxicab at the conclusion of the driver's tour of duty. A report of the finding and deposit of such article shall be made by the owner within twenty-four (24) hours thereafter to the City's Police Department.

Section 9-44. Cruising regulated.

No driver shall cruise in search of passengers except on streets within and along the central business district, general commercial district, waterfront marina, and general industrial; and whenever a taxicab becomes unoccupied outside the cruising area its driver shall proceed at once by the most direct route to the garage where the vehicle is housed or to the taxicab stand customarily occupied by such taxicab or a permitted cruising area.

Section 9-45. Solicitation of other common carrier passenger prohibited.

No owner or driver of a taxicab shall solicit or permit the solicitation of the patronage of persons assembled at the terminal of any common carrier or mass transportation vehicle, when such persons have assembled for the purpose of using the service of said common carrier or mass transportation vehicle. Nothing herein contained shall be construed to prohibit or interfere with response to any call for a taxicab made by signal from a pedestrian.

Section 9-46. Passengers.

- A. No driver or owner of a taxicab shall refuse or neglect to convey any orderly person or persons upon request by signal or telephone call, unless the taxicab is previously engaged. When a taxicab has been engaged by a passenger, no additional passengers shall be received therein except with the express consent of the first passenger.
- B. Drivers shall not 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 and there receive or discharge passengers. Passengers shall not be discharged into traffic lanes.

Section 9-47. Drivers drinking, smoking on duty prohibited.

- A. No taxicab driver shall drink beer, wine, spirits or other alcoholic beverages or liquors while on duty.
- B. No driver shall have in his or her possession a lighted cigarette, cigar or pipe while any passenger is within

that driver's vehicle for hire.

Section 9-48. Immorality.

No owner or driver of a taxicab shall use, or permit the use of, any taxicab for immoral or illegal purposes.

Section 9-49. Taxicab stands.

The City Council shall have power to establish such taxicab stands as in their judgment are necessary for the proper service of the public. The City Council shall have power to change the location of, or to abolish, any taxicab stand established under the terms hereof. Such stands are for exclusive use by City of New Buffalo Taxicab License holders on a first come, first serve basis.

Section 9-50. Penalty for violation.

Any violation of any provision of this article shall be a misdemeanor, punishable by not more than 90 days in jail and/or a \$500 fine and may include the revocation or suspension of any license or permit.

SECTION II. This ordinance was adopted on the sixteenth day of July, 2013, and shall become effective on the fourteenth day of August, 2013, which date is twenty days following publication in the New Buffalo Times, a newspaper of general circulation within the City of New Buffalo.

CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN

Margaret Murray, Mayor

Allyson Holm, City Clerk