

RECEIVED

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Proposed by:
City Service Committee
CHILLICOTHE CITY AUDITOR

2-10-14	3	2nd	<input type="checkbox"/> 2nd reading
2-24-14	3	3rd	<input type="checkbox"/> 3rd reading
2-24-14	3	passed	Notes
		Defeated	
		Tabled	
		Not Read	

Item #7
1/27/2014
1st reading

ORDINANCE NO. 6-14

AN ORDINANCE AMENDING SECTIONS 721.01, 721.03, 721.07, 721.10, 721.11, 721.13, 721.14 AND 721.99, AND REPEALING SECTIONS 721.08, 721.09, AND 721.12, AND CREATING SECTIONS 721.16 AND 721.17 IN THE CODIFIED ORDINANCES OF THE CITY OF CHILLICOTHE TITLED "TAXICABS."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHILLICOTHE, STATE OF OHIO:

SECTION 1. Section 721.01 currently reading as follows:

721.01 DEFINITIONS.

- (a) Taxicab. The term "taxicab" for the purpose of this chapter shall be held to embrace and mean any vehicle propelled by power other than muscular except omnibuses, funeral cars and public buses for the use of which in the carriage of passengers a charge is made.
- (b) Board. The term "Board" as hereinafter used in this chapter shall be held to mean the Taxicab License Board.

Is hereby amended to read as follows:

721.01 DEFINITIONS.

- (a) Taxicab. The term "taxicab" shall mean any motor vehicle whose owner or driver solicits, secures or accepts passengers for hire upon hail or request on the public streets in the city, to include limousine services. It does not include a vehicle such as a bus, street car, trackless trolley or other vehicle furnishing transportation to the public on a fixed schedule or route.
- (b) Board. The term "Taxicab License Board" or "Board" shall mean the mayor, the auditor, and the chief of police. The mayor will be the chairman of the board and the auditor will be the secretary of the board.

SECTION 2. Section 721.03 currently reading as follows:

721.03 LICENSE REQUIRED; FEES.

No taxicab shall operate unless a license fee has been issued to the owner thereof, and is in force. Every license shall expire on December 31 of the year for which it is issued. The annual fee shall be twenty-five dollars (\$25.00) and shall be in addition to the fee required under the laws of the State on all motor vehicles.

Is hereby amended to read as follows:

721.03 LICENSE REQUIRED; FEES.

No taxicab shall operate unless a license fee has been issued to the owner thereof, and is in force. Every license shall expire on December 31 of the year for which it is issued. The annual fee shall be seventy-five dollars (\$75.00) and shall be in addition to the fee required under the laws of the State on all motor vehicles.

SECTION 3. Section 721.07 currently reading as follows:

721.07 SAFETY EQUIPMENT REQUIREMENTS.

Every taxicab shall be kept in a safe and sanitary operating condition and shall at all times have the following equipment;

- (a) A light within the passenger compartment capable of being lighted, or extinguished, by the passenger;
- (b) A spare tire, capable of being used on any of the wheels of the vehicle;
- (c) A set of tools for changing tires;
- (d) Two independently acting and entirely disconnected braking systems, either one of which will be capable of stopping the vehicle without a load within the distance

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of twenty-five feet when operating on a level, dry asphalt street at the rate of twenty miles per hour;

- (e) Skid chains or snow tires, to be applied to the rear wheels when road or weather conditions make their use necessary;
- (f) A governor or other device to limit the maximum speed of the vehicle to City and State speed limits.

Whenever a taxicab is found not to be in a safe and sanitary operating condition or not to comply fully with all the requirements specified herein, the Secretary of the Board, upon the recommendation of the Chairman of the Board, shall suspend or revoke the license of the public vehicle concerned.

For the purpose of determining the condition of any licensed taxicab as herein provided, the owner of such taxicab shall present it for inspection at such time and place as may be designated by the Chairman of the Board.

Is hereby amended to read as follows:

721.07 SAFETY EQUIPMENT REQUIREMENTS.

Every taxicab shall be kept in a safe and sanitary operating condition and shall at all times have the following equipment;

- (a) A light within the passenger compartment capable of being lighted, or extinguished, by the passenger;
- (b) A spare tire, capable of being used on any of the wheels of the vehicle;
- (c) A set of tools for changing tires;

Whenever a taxicab is found not to be in a safe and sanitary operating condition or not to comply fully with all the requirements specified herein, the Secretary of the Board, upon the recommendation of the Chairman of the Board, shall suspend or revoke the license of the public vehicle concerned.

For the purpose of determining the condition of any licensed taxicab as herein provided, the owner of such taxicab shall present it for inspection at such time and place as may be designated by the Chairman of the Board.

SECTION 4. Section 721.08 currently reading as follows:

721.08 STOP AT RAILROAD CROSSING REQUIRED.

Every person operating a taxicab shall, upon approaching a railroad crossing in the City, bring the vehicle to a complete stop before crossing the track and shall look in both directions for approaching trains before proceeding further.

Is hereby repealed.

SECTION 5. Section 721.09 currently reading as follows:

721.09 ESTABLISHMENT OF TAXI CAB STANDS.

The City Auditor shall be authorized and directed to establish such taxicab stands as will serve the best interests of the public. Such stands shall be reserved exclusively for the parking of taxicabs while awaiting passengers for hire. No taxicabs shall park continually in any parking stand for a period exceeding one hour. It shall be the duty of the City Auditor to designate taxicab stands by appropriate signs indicating that they are taxicab stands. The City Auditor shall have continued authority to establish and enlarge, diminish or discontinue any taxicab stands.

Is hereby repealed.

SECTION 6. Section 721.10 currently reading as follows:

721.10. BOND; INSURANCE.

In order to insure the safety of the public, it shall be unlawful for any person to operate a taxicab in the City, unless there is given and in full force either:

- (a) A bond of the owner or operator of the taxicab with a responsible surety company or association authorized to do business under the laws of the State, in the sum of ten thousand dollars (\$10,000.00), conditioned that the owner or operator of the taxicab will pay all loss or

damage that may result to any person or property from the negligent operation of or defective construction (or condition) of the taxicab, or which may arise from any violation of any of the provisions of the ordinances of the City, or laws of the State, which bond shall guarantee payment within the limits prescribed, viz., an aggregate liability of ten thousand dollars (\$10,000.00) and a limitation of five thousand dollars (\$5,000.00) for any one person killed or injured and one of five thousand dollars (\$5,000.00) for the injury to or destruction of any property, or any final judgment rendered against such owner or operator; or

(b) A policy of insurance in a company authorized do business in the State, with a total liability of ten thousand dollars (\$10,000.00) insuring the owner or operator against loss by reason of damage that may result to any person or property from the operation of the taxicab, which policy shall guarantee payment, within the limits prescribed, viz., an aggregate liability of ten thousand dollars (\$10,000.00) and a limitation of five thousand dollars (\$5,000.00) for any one person killed or injured and one of five thousand dollars (\$5,000.00) for the injury to or destruction of any property, or any final judgment rendered against such owner or operator.

Is hereby amended to read as follows:

In order to insure the safety of the public, it shall be unlawful for any person to operate a taxicab in the City, unless there is given and in full force either:

(a) A bond of the owner or operator of the taxicab with a responsible surety company or association authorized to do business under the laws of the State, in the sum of one hundred thousand dollars (\$100,000.00), conditioned that the owner or operator of the taxicab will pay all loss or damage that may result to any person or property from the negligent operation of or defective construction (or condition) of the taxicab, or which may arise from any violation of any of the provisions of the ordinances of the City, or laws of the State, which bond shall guarantee payment within the limits prescribed, viz., an aggregate liability of one hundred thousand dollars (\$100,000.00) and a limitation of fifty thousand dollars (\$50,000.00) for any one person killed or injured and one of fifty thousand dollars (\$50,000.00) for the injury to or destruction of any property, or any final judgment rendered against such owner or operator; or

(b) A policy of insurance in a company authorized do business in the State, with a total liability of one hundred thousand dollars (\$100,000.00) insuring the owner or operator against loss by reason of damage that may result to any person or property from the operation of the taxicab, which policy shall guarantee payment, within the limits prescribed, viz., an aggregate liability of one hundred thousand dollars (\$100,000.00) and a limitation of fifty thousand dollars (\$50,000.00) for any one person killed or injured and one of fifty thousand dollars (\$50,000.00) for the injury to or destruction of any property, or any final judgment rendered against such owner or operator.

SECTION 7. Section 721.11 currently reading as follows.

SECTION 721.11. REGISTRATION OF DRIVERS.

Every person driving or operating a taxicab in the City shall register his name, age, address and occupation with the Chief of Police and if any registered driver of a taxicab shall change his residence at any time he is engaged in driving or operating a taxicab in the City, he shall notify the Chief of Police of such act.

Is hereby amended to read as follows.

SECTION 721.11. ALL TAXICAB DRIVERS TO BE LICENSED.

(A) Except for automotive technicians performing maintenance on a taxicab, no person under 21 years of age and no person other than a driver duly licensed as such under the laws of the State of Ohio, and having a valid city issued taxicab operator/driver's license shall operate a taxicab on any street of the city. Anyone operating without a taxicab operator/driver's license shall be guilty of a misdemeanor of the fourth degree.

(B) Each driver of a taxicab shall obtain from the secretary of the board a taxicab operator/driver's license application and shall pay the required fee of \$10.00. The fee shall be collected at the time such application is filed. An investigation will be concluded before the license is issued.

(1) The application will include a copy of the current Ohio driver's license, social security number, and any other requested information.

(2) The application will be investigated for accuracy by the police department and will include a local records check.

(3) A BCI&I criminal history check must be submitted with the application; subsequent BCI&I history check must be submitted annually by each taxicab operator/driver to the chief of police.

(C) Applicants and current licensees must be free of any convictions for an offense of violence as defined in Ohio Revised Code 2901.01, a felony drug conviction, a felony theft conviction, a felony sexual offense, or a driving while under the influence of drugs and/or alcohol conviction per guidelines issued by the board. Applicants must also have a good driving record.

(D) The taxicab operator/driver's license shall be prominently displayed in the taxicab.

(E) Taxicab business licenses and operator/driver's licenses shall expire on December 31 of the year the license was issued.

(F) This section does not apply when riders are picked up from or delivered to points outside the city.

(G) The taxi company owner will be responsible for reporting any felony or DUI convictions of their employees. Failure to report may be grounds for the suspension of the taxicab business license.

SECTION 8. Section 721.12 currently reading as follows:

721.12 CRUISING.

No owner or operator of any taxicab or automobile kept for hire shall permit, nor shall any driver or chauffeur of any such taxicab or automobile kept for hire, engage in cruising.

"Cruising" is hereby defined to be the driving of any taxicab or automobile kept for hire upon or over any of the streets, alleys or public places in the City, except in the actual carriage of a passenger for hire, or in driving to a specified location in answer to a bona fide call from or on behalf of a prospective passenger for hire, or in going directly to the first public taxicab stand in his line of travel then unoccupied or partially unoccupied, or to a privately owned lot or garage used as the place of business or storage of such taxicab by the owner thereof.

Is hereby repealed.

SECTION 9. Section 721.13 currently reading as follows:

721.13 LOAD LIMIT.

No owner or operator of a taxicab or automobile kept for hire shall operate the taxicab or automobile kept for hire with any passenger on the front seat thereof, unless the rear seat thereof is occupied by three passengers, in which event one passenger may occupy the front seat. No owner or operator of a taxicab or automobile kept for hire shall operate the taxicab or automobile kept for hire with more than four passengers therein.

Is hereby amended to read as follows:

721.13. GROUP RIDING AND LOAD RESTRICTIONS.

(A) No driver or operator of any taxicab operated under license of the city, except with the consent of the first party engaging the taxicab, shall accept other parties for transportation in the same taxicab to different destinations as that for which it shall have been engaged by the first party.

(B) No taxicab operated in the city shall carry more adult passengers, including the driver, than its rated seating capacity.

SECTION 10. Section 721.14 currently reading as follows:

721.14 DEADHEADING.

Deadheading of any person other than employees of a taxicab company shall be unlawful.

Is hereby amended to read as follows:

721.14. RECEIPTS TO BE FURNISHED UPON REQUEST.

No driver of a taxicab operating under a license granted by the city, if requested, shall refuse to deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefore. Upon this receipt shall be legibly printed or written the name of the owner, a method of identifying the taxicab and its driver, all items for which the charge is made, the total amount paid and the date of payment. Every taxicab owner shall supply each of his taxicab drivers with blank receipts assembled in book form in such a manner so that for every receipt issued there will be a carbon duplicate or stub retained in such receipt book. Such duplicate receipt or stub shall be retained by the taxicab owner for at least six months.

SECTION 11. Section 721.99 currently reading as follows:

721.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be imprisoned not more than six months, or both.

Is hereby amended to read as follows.

721.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00), or be imprisoned not more than six months, or both.

SECTION 12. Section 721.16 of the Codified Ordinances of the City of Chillicothe is hereby created to read as follows:

721.16 TRANSPORTING ILLEGAL DRUGS OR OPEN CONTAINERS OF ALCOHOLIC BEVERAGES PROHIBITED.

No taxicab operator/driver shall knowingly or recklessly use any taxicab to pick up or deliver illegal drugs or open containers of alcoholic beverages. Possession of such material within any taxicab may be grounds for the suspension of the license of such taxicab, the suspension of the taxicab operator/driver's license, and the taxicab business license, in addition to any other criminal penalties. Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

SECTION 13. Section 721.17 of the Codified Ordinances of the City of Chillicothe is hereby created to read as follows:

721.17 FAILURE TO PAY FARE.

No person shall refuse to pay the legal fare of any taxicab after having hired the same. No person shall hire any taxicab with intent to defraud the person from whom it is hired of the value

of such service. Whoever violates this section shall be guilty of a misdemeanor of the first degree.

SECTION 14. Currently existing Sections 721.01, 721.03, 721.07, 721.08, 721.09, 721.10, 721.11, 721.12, 721.13, 721.14 and 721.99 of the Codified Ordinances of the City of Chillicothe, Ohio are hereby repealed.

SECTION 15. This Ordinance shall be in full force and effect from and immediately following the earliest date provided for by law.

Passed: Feb. 24, 2014



PRESIDENT OF COUNCIL

Attest:



CLERK OF COUNCIL

Approved: Feb. 24, 2014

FILED WITH THE MAYOR



MAYOR

Feb. 24, 2014

Voting "yea" were the following members of Council: Ames, Bonner,
Gray, Neal, Patrick, Proehl, Showman
and Tatman. (Trutschel absent.)