

ORDINANCE NO. 2010- 86

AN ORDINANCE ADOPTING TAXICAB REGULATIONS AS CHAPTER 749 OF THE KENT CITY ORDINANCES.

WHEREAS, the use of taxicabs have become more prevalent in the City of Kent; and

WHEREAS, Kent City Council believes regulations governing taxicabs should be enacted to protect and preserve the health and welfare of its citizens; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. The Codified Ordinances of the City of Kent are hereby amended to include a new Chapter 749, the Taxicab Regulations, as shown on Exhibit "A", attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 8-18-2010
DATE

Funk
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: [Signature]
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2010-86 was duly enacted this 18 day of Aug, 2010, by the Council of the City of Kent, Ohio

[Signature]
CLERK OF COUNCIL

EXHIBIT "A"

**CHAPTER 749
Taxicab Regulations**

749.01	Definitions.	749.09	Taxicab Vehicle Standards.
749.02	Compliance Required.	749.10	Vehicle Safety Inspections.
749.03	Authority of Safety Director.	749.11	Identification Markings on Taxicabs; Inspections.
749.04	Taxicab Company's License, Requirements & License Fee.	749.12	Display of Rates; Excessive Charges.
749.05	Taxicab Driver's License.	749.13	Prohibited Acts.
749.06	Licensing; Expiration; Renewal.	749.14	Refusal, Revocation or Suspension of Taxicab License.
749.07	Display of License.	749.99	Penalties.
749.08	Licenses Not Transferable.		

749.01 DEFINITIONS.

Unless otherwise expressly stated when used in this chapter the following terms shall have the meanings provided in this section:

- (a) "Taxicab company" means every corporation, company, association, joint stock association, person, firm or co-partnership, their lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating, maintaining or managing one or more taxicabs within the City.
- (b) "Street" means any public street, alley or public way within the corporate limits of the City.
- (c) "Taxicab" means any motor driven vehicle engaged in the business of carrying passengers for hire or fare or offered for hire or fare to the public for transportation, operating within the City, except motor buses on regular schedules, PARTA vehicles and other regularly established routes.
- (d) "Taxicab driver" means any person who drives or operates a taxicab for hire or fare and who is in actual physical control of a taxicab on the streets of the City.

749.02 COMPLIANCE REQUIRED.

No taxicab company or taxicab driver shall operate any taxicab except in accordance with the provisions of this chapter.

749.03 AUTHORITY OF SAFETY DIRECTOR.

The Safety Director or person designated by the Safety Director shall have the authority to supervise and regulate the operation of all taxicabs, and prescribe rules and regulations and issue orders in conformity with the provisions of this chapter.

749.04 TAXICAB COMPANY'S LICENSE, REQUIREMENTS AND LICENSE FEE.

- (a) No taxicab company shall pick up fares in the City of Kent, Ohio unless the company has been issued a license for each of its taxicabs.
- (b) Application.
 - (1) A taxicab company desiring to obtain a license shall make application to the Director of Public Safety providing the following information:

- (A) The business name, address and telephone number of the applicant.
 - (B) The make, license number, identification number and seating capacity of the vehicle(s).
 - (C) The names of the owner and drivers who will operate the taxicab(s) and their places of residence.
 - (D) A list of fares and rates to be charged passengers for transportation. Such list shall be re-filed with the Safety Director at any time fares or rates are adjusted or changed.
- (2) The application shall be accompanied with proof of liability insurance with respect to all taxicabs and taxicab drivers providing the following:
- (A) The policy shall be written by an insurance company authorized to carry on business and write such policies in the State.
 - (B) For each taxicab driver, the liability insurance policy shall be a combined single limit policy of \$500,000.
 - (C) The policy shall contain a clause obligating the insured to give ten (10) days written notice to the Director before cancellation and a clause for the company's continuing liability thereunder for the full amount, notwithstanding any recovery thereon.
 - (D) If, at any time in the judgment of the Director the policy is not sufficient, the Director may require the taxicab company to replace it with another.
- (3) The application shall be accompanied with a financial statement, a balance sheet, profit and loss statement and a capital improvement report showing purchases of all new taxicabs.
- (4) The company shall have 24-hour taxicab service and telephone service.
- (c) At the time of the issuance of the license, and annually thereafter, on or before September 30, the taxicab company shall pay a fee of seventy five dollars (\$75.00) to the Director of Public Safety for each taxicab to be operated during the year. This fee shall be in addition to any other fees required by this chapter.
- (d) A taxicab company shall not permit any person to operate or drive for hire any taxicab owned or operated by the company until the Director of Public Safety has been notified of the driver's name and address and the driver has obtained a taxicab driver's license pursuant to Section 749.05 of the Kent Codified Ordinances.
- (e) Prior to any fare increase the taxicab company shall advertise such fact three (3) times in a publication of general circulation and notification shall be sent to the Mayor, Safety Director and Council by certified mail.

749.05 TAXICAB DRIVER'S LICENSE.

- (a) No person shall operate a taxicab within the City without first obtaining a taxicab driver's license.
- (b) Qualifications.
 - (1) An applicant for a taxicab driver's license must be at least twenty one (21) years old.
 - (2) An applicant shall have good eyesight and no physical or mental limitations which would render the person unfit for the safe operation of a

motor vehicle.

- (3) An applicant shall not be addicted to the use of intoxicating liquors or drugs.
 - (4) An applicant shall have no criminal convictions of sexual offenses, or drug offenses, or any felony.
- (c) A person desiring to obtain a taxicab driver's license shall make application in writing, under oath, to the Director of Public Safety providing the following information:
- (1) Full name.
 - (2) Place of residence and telephone number; place of residence for five (5) years preceding the date of such application, and place of birth.
 - (3) Date of birth, sex, height, weight, color of eyes and hair, and citizenship.
 - (4) Place of previous employment for the five (5) years preceding the date of application.
 - (5) A valid driver's License issued by a State of the United States.
 - (6) Whether the applicant has been convicted of a felony or misdemeanor, and if so, when, where, what offense, and the sentence for each conviction.
 - (7) Whether the applicant has previously been employed as a tax driver, and if so, when, where and by whom.
 - (8) Whether the applicant has ever had a previous license denied, suspended, or revoked, and if so, where, when and for what reason.
- (d) Each application for a taxicab driver's license shall be accompanied by three (3) unmounted, unretouched photographs of the applicant, taken within thirty (30) days of the date of the application, suitable for attachment to the license.
- (e) Each driver shall keep his correct address on file with the Director of Public Safety and shall notify the Director if there is a change in address.
- (f) Each applicant shall be fingerprinted by the Portage County Sheriff's Office (PCSO) webcheck system unless otherwise directed to check for BCI and NCIC criminal records before a taxicab driver's license may be issued. The fingerprints, records and any other relevant information shall be permanently filed with the Records Bureau of the Police Department.

749.06 LICENSING; EXPIRATION; RENEWAL.

- (a) Upon satisfactory fulfillment of the requirements listed in Section 749.05 of the Kent Codified Ordinances, the Director of Public Safety shall issue to the applicant a taxicab driver's license upon payment of the license fee in the amount of twenty five dollars (\$25.00).
- (b) A taxicab driver's license shall expire on September 30 of each year. In the event an application for a new license is made on or after September 1 of any year, but not later than September 30 of the same year, such license shall be in force and effect to and including September 30 of the following year.
- (c) A driver, in applying for a renewal of the taxi driver's license, shall make application before September 30 and provide the name and address of the applicant, the date when the original license was granted, the license number, and such other information as the Director may require and a ten dollar (\$10.00) renewal fee. Two (2) new photographs shall be provided with the renewal application.

749.07 DISPLAY OF LICENSE.

A certified copy of a taxicab license and the City of Kent taxicab driver's license shall be exhibited in a prominent place in each taxicab at all times.

749.08 LICENSES NOT TRANSFERABLE.

Any person acquiring a licensed taxicab shall at the time of acquisition acquire a license in such person's name as the new owner. Taxicab licenses are not transferable.

749.09 TAXICAB VEHICLE STANDARDS – PERMITTING OPERATION OF AN UNSAFE VEHICLE.

- (a) No person shall knowingly permit the operation of a taxicab unless it is equipped with the following:
 - (1) A light within the passenger compartment.
 - (2) Telephone service shall be available to each taxicab driver so that calls to telephony services such as police and fire departments can be made if needed.
 - (3) Passenger restraints such as manufacturer-installed seatbelts or air bags, which may be used at the option of the passenger, numbering no fewer than the maximum occupancy of the cab.
 - (4) A suitable holder for the driver's identification card in a place where such card will be visible to the passengers at all times.
 - (5) All vehicles licensed as taxicabs shall have a minimum of twenty-nine (29) inches rear fore/aft room (leg room), and fifty-seven (57) inches rear shoulder room. No vehicle with less rear space shall be licensed as a taxicab.
- (b) No person shall knowingly permit the operation of any taxicab which is in such unsafe condition as to endanger any person or property.
- (c) No person shall place any vehicle into service as a taxicab which does not have at least three (3) doors. No vehicle which requires the movement of a seat or any portion of a seat to gain access to other seating shall be placed into service as a taxicab.
- (d) No person shall allow the operation of any taxicab which does not comply with the standards established in this section. Failure to do so shall constitute grounds for revocation of such taxicab license.
- (e) Taxicabs shall be tobacco smoke free.

749.10 VEHICLE SAFETY INSPECTIONS.

- (a) No owner or other person having possession or control of any taxicab shall operate the same upon the streets unless such vehicle has an unexpired seal of inspection issued by the Ohio State Highway Patrol indicating that it has been duly inspected and found safe and roadworthy within the preceding twelve (12) months.
- (b) If any taxicab is damaged by reason of a collision or from any other cause, no owner or other person having possession or control thereof shall operate the same upon the streets unless such vehicle has been tested and approved by the Ohio State Highway Patrol within twenty-four (24) hours after such vehicle has been returned to service.
- (c) A violation of this section shall constitute grounds for revocation of such taxicab license.

749.11 IDENTIFICATION MARKINGS ON TAXICABS; INSPECTIONS.

- (a) Each taxicab shall bear distinctive permanent identification markings as follows:

- (1) Rear. The rear part of each taxicab shall be painted, stenciled or decal transferred, the name of the company owning and operating the taxicab in letters approximately four inches (4") in height, and the number of the taxicab in letters approximately eight inches (8") in height.
 - (2) Sides. Each side of each taxicab shall have painted, stenciled or decal transferred the name of the company owning and operating the taxicab in letters approximately five inches (5") in height, the number of such taxicab in letters approximately six inches (6") in height and the rate of fare, the numerals indicating the base rate of fare in letters approximately two inches (2") in height and the remaining portion of the legend in letters approximately one inch (1") in height.
 - (3) Roof. An illuminated sign displaying the word "Taxi" to both the front and rear of the taxicab shall be mounted on the forward part of the roof. The sign shall be illuminated when the motor is running or when the ignition switch is in position to permit the motor to run. Such sign shall be approximately twelve inches (12") in overall length.
 - (4) Color. The color of such markings shall be adequately contrasting with the color of the vehicle to render them easily visible and legible.
- (b) Any taxicab may be inspected upon demand by the Director of Public Safety or a designated police officer to insure that it is in safe operating condition and meets the requirements of state law.
 - (c) The vehicle's Ohio vehicle registration plates shall be visible to the front and rear at all times.

749.12 DISPLAY OF RATES; EXCESSIVE CHARGES.

Every taxicab driver shall display, at all times, a printed list of the standard maximum fares and rates to be charged passengers for transportation. No owner or driver shall charge any amount in excess of such printed rates unless by mutual agreement between the passenger and driver entered into before leaving the point of departure.

749.13 PROHIBITED ACTS.

Taxicab companies and taxicab drivers are prohibited from causing or permitting the following acts in the use or operation of taxicabs:

- (a) To permit occupancy by more persons than the actual seating capacity of such vehicle as shown by the application filed with the Director of Public Safety.
- (b) To drive a taxicab while under the influence of intoxicating liquor or drugs greater than the CDL BAC limit of .04 or to drink any intoxicating liquor or use any illegal drugs or hallucinogens whatsoever while engaged in driving or while on duty as a driver of any taxicab.
- (c) To fail, neglect or refuse to turn over to the taxicab company's officers within twenty-four (24) hours all lost articles found in any taxicab.
- (d) To fail to notify the Police Department about an accident within twelve (12) hours of its occurrence, upon a form provided by the Police Department, and/or provide any additional information which the Director may desire regarding such accident.
- (e) To permit a full-time driver to work in excess of twelve (12) hours in any twenty-four (24) hour period.

749.14 REFUSAL, REVOCATION OR SUSPENSION OF TAXICAB LICENSE.

- (a) The Director of Public Safety is authorized to refuse to issue a taxicab company license or a taxicab driver's license upon good cause, and/or when the health, safety and/or welfare of prospective riders require it.
- (b) Any taxicab license may be suspended or revoked at any time by the Director of Public Safety for the violation of any provision of this chapter or any ordinance of the City, or any law of the State of Ohio or of the United States. It shall be the duty of all police officers to call the attention of the Director to any such violation on the part of the licensee. Any such suspension or revocation shall be noted on the taxicab license together with a statement of the reason therefor.
- (c) A taxicab license which has been revoked shall not be reissued for one (1) year.
- (d) A determination of refusal, revocation or suspension of a taxicab license shall be a final decision, allowing all appropriate appeal to an appropriate court of law, pursuant to the Ohio Revised Code.
- (e) Any taxicab license may be suspended, revoked or denied approval if any information provided on any application form required under Section 749.04 is determined to be false.

749.15 RECORDS; TRIP SHEETS

The owner or the person in charge of one (1) or more taxicabs shall keep a record of all such taxicabs showing the body number, city taxicab driver's license number, and the vehicle license plate number, and such data as may be necessary to identify the driver of such vehicle at any and all times. Such owner or person in charge shall also keep a record of the time of departure from and arrival at his garage or headquarters of such taxicab, and the total fares charged.

Taxicab owners shall require their drivers to submit completed trip sheets on a regular basis, but in no case shall this be greater than weekly.

All such records shall be maintained and not destroyed for a period of one (1) year, and shall be subject to inspection at all times by the police department and by the Director of Public Safety, and the City's income tax department or designee's.

749.99 PENALTIES.

- (a) Whoever violates Sections 749.02, 749.04 and 749.05 shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six (6) months, or both.
- (b) Whoever violates Sections 749.07, 749.09, 749.11, 749.12 or 749.13 shall be guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). Upon subsequent conviction such person shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both. Any violation shall constitute a separate offense for each successive day continued.
- (c) A violation of any other section of Chapter 749 shall be grounds for the suspension or revocation of the taxicab driver's license, or in the case of a new application, shall be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently.