

**ORDINANCE NO. 2017- 3841**

**AN ORDINANCE REPEALING THE PREVIOUS CHAPTER 741 TAXICABS AND REPLACING WITH A NEW CHAPTER 741 TAXICABS SECTION FOR THE CITY OF FREMONT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, The City desires to repeal the Previous Chapter 741 Taxicabs Code Section by replacing Chapter 741 with a new Taxicabs chapter in the business regulation code section, and previously the code read as follows:

**CHAPTER 741 TAXICABS**

**741.01 DEFINITIONS.**

(a) For the purpose of this chapter, the term "taxicab" shall include all motor vehicles which are used on the public streets for the purpose of transporting passengers for hire and which are driven and in charge of the owner of such vehicles or his agents, with the exception of funeral cars and ambulances and motor buses which are regulated by the Public Utilities Commission of the State of Ohio.

(b) "Owner" means and includes any person, firm or corporation operating a taxicab or taxicab line within the City.

(c) "Operator" means and includes any person who drives a taxicab for hire in the City.

(Ord. 676. Passed 10-17-40.)

**741.02 LICENSE REQUIRED TO OPERATE.**

No person shall operate a taxicab or cause or permit the same to be operated within the City unless the owner of the taxicab has first secured a license or permit from the Safety-Service Director. The Director shall issue license or permits not exceeding one license or permit per 1,700 persons in population in the City according to the last Federal census.

(Ord. 779. Passed 10-17-63.)

**741.03 LICENSE TO OPERATE; APPLICATION; FEE.**

Any person desiring to operate a taxicab line shall make application in writing to the Safety-Service Director for such license. The application shall contain the manufacturer's number, the serial number and general description of each taxicab so proposed to be operated. A fee of twenty-five dollars (\$25.00) per year shall be charged for each taxicab so operated, which fee shall be paid at the time the license is granted. No license shall be granted to any person until all the requirements in this chapter are complied with and no person shall be granted licenses exceeding seventy percent of the number of licenses available for issuance under the provisions of Section 741.02. All licenses shall

be renewed on October 15 of each year. Licenses may be granted at any time during the year, and, in cases of licenses granted after October 15 in any year, the fee shall be twenty-five dollars (\$25.00) for the remainder of the year. No license shall be granted to operate any vehicle unless such vehicle is in good condition and is a safe and fit conveyance.

(Ord. 779. Passed 10-17-63.)

#### **741.04 INSPECTION OF VEHICLES.**

Every taxicab operated upon the streets of the City shall be subject to mechanical and sanitary inspection by the Safety-Service Director at times and places determined and designated by the Safety-Service Director. No taxicab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wiper in good and sanitary condition.

(Ord. 631. Passed 11-3-60.)

#### **741.05 LETTERING AND NUMBERING OF VEHICLES.**

Each taxicab, while operated, shall have on each side in letters not less than four inches in height and readable from a distance of fifty feet, the name of the licensee operating it. If more than one taxicab is operated by a licensee, each taxicab shall be designated by a different number and such number shall also appear on each side of such taxicab.

(Ord. 631. Passed 11-3-60.)

#### **741.06 INSURANCE REQUIRED.**

No person shall operate or cause to be operated or permit the operation of any taxicab unless and until the owner of the same deposits and maintains on deposit with the City Auditor a policy or policies of an insurance company or insurance companies, duly licensed to transact such business in this State, insuring, within the amounts specified in the policy, the owner of the taxicab and also any person (herein called operator) operating the same in the City as a taxicab under the authority of such owner, whether such authority is under contract or employment, lease or other transaction of the owner or the owner's assignees or lessees, and the person operating such taxicab, against loss from liability imposed by law for damages on account of bodily injuries or death and/or for damage to property (other than injuries, death or property damage of the insured or insured's employees) resulting from ownership, maintenance or use of such taxicab so kept for passenger hire in the City, and agreeing to pay to any judgment creditor, to the extent of the respective amounts specified in such policy and final judgment rendered against the insured of such operator by reason of such liability.

(Ord. 676. Passed 10-17-40.)

#### **741.07 INSURANCE LIMITS.**

The limit, in any insurance policy of such liability, of the insurer, on account of the ownership, maintenance and use of each of such taxicabs, shall not be

less than twelve thousand five hundred dollars (\$12,500) for bodily injuries to or death of one person, twenty-five thousand dollars (\$25,000) on account of any one accident resulting in injuries to and/or death of more than one person and seven thousand five hundred dollars (\$7,500) on account of damages to property in any one accident.

**741.08 APPROVAL OF LAW DIRECTOR AND AUDITOR REQUIRED.**

Any such insurance shall be subject to the approval of the Director of Law and the City Auditor as to its form and compliance with this chapter.  
(Ord. 676. Passed 10-17-40.)

**741.09 SURETY BONDS.**

In lieu of the policy or policies of insurance herein provided for, the applicant may furnish a bond executed by a surety company authorized to do business in the State, holding and binding the principal and surety to the same liability and in accordance with the same terms as in the case of policies of insurance provided for hereunder. It shall further be permissible for the applicant to furnish insurance as to damage for personal injuries, including death, and an indemnity bond as to property damages, or vice versa.  
(Ord. 676. Passed 10-17-40.)

**741.10 CANCELLATION OF INSURANCE.**

Insurance policies may provide for cancellation by the insurer upon written notice to the City Auditor, but this provision shall not be construed to waive any lawful notice which the insurer must give to the insured. Upon such cancellation, the City Auditor shall notify the Safety-Service Director, who shall revoke the license for such taxicab so insured until such time as a new policy, meeting all the requirements of this chapter, is filed with the City Auditor.  
(Ord. 676. Passed 10-17-40.)

**741.11 CHAUFFEUR'S LICENSE REQUIRED.**

No taxicab or auto for hire shall be operated upon the streets of the City unless a City chauffeur's license has been issued to the driver thereof, and the license has not expired.  
(Ord. 434. Passed 7-2-57.)

**741.12 FEE FOR CHAUFFEUR'S LICENSE.**

The fee for the license shall be two dollars (\$2.00) per year, which shall be in addition to the fees required by the State.  
(Ord. 434. Passed 7-2-57.)

**741.13 DRIVER'S QUALIFICATIONS.**

No person shall operate a taxicab for hire upon the streets of the City, and no person who owns or controls a taxicab shall permit it to be so driven unless the driver of the taxicab has first obtained and has then in force an operator's license issued to him by the State. The driver shall not have been convicted of

a felony and shall be able to read, write and speak the English language. The driver shall be clean in dress, a person of good moral character and not addicted to the excessive use of intoxicating liquors or drugs.

(Ord. 1427. Passed 12-21-72.)

**741.14 APPLICATION FOR CHAUFFEUR'S LICENSE;  
FINGERPRINTS; PHYSICAL EXAMINATION.**

Any person desiring to become an operator of a taxicab shall make application in writing to the Safety-Service Director to be fingerprinted and registered as an operator and to be given a physical examination at his expense. No person shall drive or operate a taxicab in the City without first having been fingerprinted, photographed and registered as an operator and having passed a physical examination given at the applicant's expense as determined by the Safety-Service Director.

(Ord. 631. Passed 11-3-60.)

**741.15 ISSUANCE OF CHAUFFEUR'S LICENSE.**

The chauffeur's license shall be issued by the Safety-Service Director or a subordinate person so authorized by him to do so.

(Ord. 434. Passed 7-2-57.)

**741.16 REVOCATION OF CHAUFFEUR'S LICENSE.**

The chauffeur's license may be revoked by the Mayor or the Safety-Service Director where it appears that the holder thereof is violating the law or any ordinance of the City.

(Ord. 434. Passed 7-2-57.)

**741.17 DISPLAY OF LICENSES.**

Every taxicab operated upon the streets of the City shall have displayed, at all times in the taxicab, a copy of the license or permit under which the taxicab is operating as well as the chauffeur's license and photograph of the driver of the taxicab.

(Ord. 434. Passed 7-2-57.)

**741.18 TRANSFER OF LICENSE TO OPERATE.**

No license or permit required by Section 741.02 may be sold, assigned, mortgaged or otherwise transferred without the consent of the Safety-Service Director.

(Ord. 434. Passed 7-2-57.)

**741.19 SUSPENSION AND REVOCATION OF LICENSE TO OPERATE.**

A license issued under the provisions of this chapter may be suspended for a period not exceeding sixty days by the Safety-Service Director for the following reasons:

(a) When subsequent investigation proves that the record of the holder or of a driver of one of his vehicles is unsatisfactory or that statements made in the holder's application for the certificate are false.

(b) When the holder, his agents or employees fails to drive his vehicles in compliance with this chapter or other ordinances of the City or laws of the State.

(c) When the holder, his agents or employees, drives a vehicle while under the influence of intoxicating liquor or drugs or acts in an improper or insulting manner toward passengers or others.

(d) When the holder, his agents or employees, permits a vehicle to be used for any immoral or illegal purpose.

(e) When the holder ceases to operate the vehicles for a period of thirty consecutive days without first obtaining the consent of the Safety-Service Director.

(f) When the holder fails to keep on deposit with the City a liability insurance policy or a surety bond as heretofore required.

Prior to suspension, the holder shall be given at least three days' notice in writing and shall have an opportunity to be heard by the Safety-Service Director. The Director shall report the suspension to Council at its first meeting after the date of suspension. Council shall then set a date for a public hearing and the Director shall notify all parties concerned of the date. Council shall have the authority to set aside or affirm the suspension or may extend for a greater period of time or reduce to a lesser period of time the suspension or may revoke entirely the license, after hearing all the evidence presented to it at the public hearing or any continuation thereof.

(Ord. 434. Passed 7-2-57.)

#### **741.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall, for the first offense, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and for each subsequent offense shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00).

(Ord. 676. Passed 10-17-40.)

Chapter 741 Taxicabs shall hereby amended and now read as follows:

### **CHAPTER 741 TAXICABS**

#### **741.01 DEFINITIONS.**

For the purpose of this chapter, "taxi" means every vehicle whose owner possesses a valid taxicab license and whose driver possesses a valid taxi driver's license pursuant to the provisions of Chapter 741 and whose owner or driver serves or accepts passengers for hire on the public streets except a motor bus operating under franchise with the City.

#### **741.02 TAXICAB AND TAXI DRIVER'S LICENSE REQUIREMENTS.**

No person shall operate a taxicab for hire in the City unless a valid taxicab license is in effect for the taxicab and valid taxi driver's license in effect for the driver.

#### **741.03 ANNUAL TAXICAB LICENSE FEE.**

Every person engaged in the business of operating one or more taxicabs shall pay to the City Auditor an annual license fee of ten dollars (\$10.00) for the first taxicab, and five dollars (\$5.00) for each additional taxicab operated by the same owner, and shall comply with all provisions of this chapter and any other ordinance pertaining to the regulation of taxicabs.

#### **741.04 ISSUANCE OF TAXICAB LICENSE.**

The Safety Service Director shall issue an annual taxicab license for each taxicab operated in the City, provided that proof is furnished that the following requirements have been met for each taxicab:

- (a) Fee required by Section 741.02 shall have been paid;
- (b) Vehicle identification shall comply with Section 741.06;
- (c) Vehicle must meet all motor vehicle equipment and safety requirements of these Codified Ordinances and the Ohio Revised Code;
- (d) Vehicle must be covered by public liability insurance in amounts of coverage established by the Safety Service Director.

#### **741.05 TAXICAB RESERVED STANDING OR PARKING PLACES.**

The Safety Service Director is authorized to establish such reserved parking or standing spaces on the public streets for the exclusive use of taxicabs as will serve the best interests of the public.

#### **741.06 IDENTIFICATION OF TAXICABS.**

- (a) Every person owning and operating a taxicab who obtains a license from the City may adopt any trade name, design, color scheme, or method of painting or lettering such taxicab as is approved by the Safety Service Director. Such trade name, design, color scheme or method of painting or lettering shall include the following matter:
  - (1) A serial number assigned by the Safety Service Director to each taxicab and painted on each side and on the rear of the taxicab.
  - (2) The name of the owner or the trade name under which he does business, painted on each side of the taxicab.
- (b) Whenever the name of the owner or trade name under which he does business does not include any one of the words "taxicab," or "taxi," or "cab," then the word "taxicab" shall be painted on each side of the taxicab immediately beneath such name.
- (c) Whenever any person owning or operating taxicabs does not adopt and use an approved trade name, design, color scheme, or method of painting and lettering as here before mentioned, then it shall be

mandatory for such person to paint the following matter on his taxicabs:

- (1) A frame panel no less than fifteen inches wide by twenty inches high, painted on each side of the taxicab, and enclosing on separate lines the name of the owner, the word "taxicab," and the serial body number assigned by the Safety Service Director.
  - (2) The serial body number assigned to the taxicab by the Safety Service Director, painted on the rear exterior of the taxicab.
- (d) All mandatory lettering and wording, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, as here before provided, shall be at least three inches in height, and of such color as will contrast distinctly with the body color. The serial body numbers on the sides on the sides and rear shall be no less than four inches in height.

#### **741.07 POSTING RATES IN VEHICLE.**

It shall be the duty of each taxicab owner to cause to be posted in a conspicuous place within the vehicle a placard containing in legible words and numbers the rates in effect.

#### **741.08 TAXI DRIVER'S LICENSE.**

- (a) Every driver of a taxicab which operates in the City must possess a valid taxicab driver's license issued by the Chief of Police in accordance with this chapter.
- (b) Every applicant for a taxi driver's license shall pay to the City a license fee of twenty-five (\$25.00) at the time the original or renewal application is filed.
- (c) Upon verification that the applicant has paid the necessary license fee and meets all requirements of this chapter, the Chief of Police shall issue a taxi driver's license, to include a photograph of the licensee, and to be valid for a period of five years from date of issuance.
- (d) Every applicant for a taxi driver's license must present acceptable proof to the Chief of Police that he meets the following license requirements before a license may be issued, and he must continue to meet these requirements in order for any license issued to remain valid:
  - (1) At least eighteen years of age,
  - (2) Able to speak and understand the English language,
  - (3) Possess a valid Ohio motor vehicle operator's license,
  - (4) Have no more than six points on his driver's record as established by O.R.C. 4507.40,
  - (5) Not have been convicted of a felony within the past seven years.

#### **741.09 DISPLAY OF TAXI DRIVER'S LICENSE**

Every person driving a taxicab in the City shall post his taxicab driver's license within the taxicab in a position where it may clearly be read by passengers in the vehicle.

**741.10 SUSPENSION OF TAXICAB OR TAXICAB DRIVER'S LICENSE**

At any time the Chief of Police becomes aware of the failure of a taxicab owner to meet the requirements of Section 741.04 for any taxicab(s) or of the failure of any taxicab driver to meet the requirements of Section 741.08, he shall suspend the taxicab or taxicab driver's license by notifying the license holder by certified mail at the address shown on the license application. Such license may be reinstated by the Chief of Police at such time as all requirements of this chapter are met.

**741.11 APPEAL OF SUSPENSION**

Any license holder, whose license is suspended in accordance with Section 741.10 above, may appeal such suspension by notice to the Safety Service Director mailed within ten days of the receipt of the notice of suspension. Upon receipt of such notice, the Safety Service Director shall schedule a hearing to be held no later than five days after receipt of the notice of appeal. Within five days following the hearing, the Safety Service Director shall mail notice of his decision by first class mail to the license holder.

**741.99 PENALTY**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, and a separate offense shall be deemed to occur on or during each day on which a violation occurs.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** That The City desires to amend Chapter 741 Taxicabs. Therefore, City Council authorizes the amendments to reflect the changes to Chapter 741 Taxicabs.

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

**SECTION 3.** The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the immediate need to pass the amendment in an expeditious manner.



This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

  
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Jamie Hafford  
President of Council

PASSED: 3-2-17

Effective date: 3-2-17


YEAS: 6 NAYS: 0

  
\_\_\_\_\_  
Stephanie L. Martin, City Council Clerk

  
\_\_\_\_\_  
Daniel R. Sanchez, Mayor

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Approved as to form:

  
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James F. Melle, Director of Law  
City of Fremont, Ohio