

CITY OF ALBION
ORDINANCE #2015-08

AN ORDINANCE TO AMEND SECTION(S) 94-1, 94-2, 94-5, 94-6, 94-38, 94-69, 94-96,
94-97, 94-98, 94-132, 94-133 AND TO ADD SECTION(S) 94-39, 94-40, 94-41, 94-42,
94-43, 94-44, 94-102, 94-103, 94-135, 94-136, 94-137, 94-138, 94-139, 94-140,
VEHICLES FOR HIRE

Purpose and Finding:

There has been growing popularity of taxi transportation services within the City. The current ordinance is outdated and does not address specific concerns that arise with increased popularity of vehicles for hire, making a more comprehensive ordinance warranted and necessary.

THE CITY OF ALBION ORDAINS:

Sec. 94-1. Definitions.

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

Limousine means a chauffeur-driven motor vehicle for hire which transports individuals based on an hourly or daily rate which is not equipped with a taximeter.

Shuttle bus means a motor vehicle which transports individuals between preestablished fixed points for established fixed fees, not including taxicabs, limousines, publicly owned, church or school buses or motor vehicles exclusively used for funerals.

Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than nine (9) persons and not operated on a fixed route. Hearses, ambulances, hotel or motel courtesy cars or buses, sight-seeing buses, school buses, motor coach buses, vehicles transporting the employees of a single employer under a contract with the employer and car pools shall not be considered taxicabs. A vehicle operated as a Class A or Class B limousine and possessing a certificate of authority issued by the State of Michigan pursuant to the Limousine Transportation Act, Act 271 of 1990, as amended, shall, likewise, not be considered to be a taxicab.

Taximeter means an instrument or device which mechanically calculates rates of fare based on distance driven and waiting time.

Vehicle for Hire Company License means a license issued by the City of Albion authorizing the holder thereof to conduct a taxicab, limousine, or shuttlebus business in the City of Albion and any accompanying license certificate or document.

Vehicle for Hire Driver's License means the permission granted by the City of Albion to a person to drive a taxicab, limousine, or shuttlebus upon the streets of the City of Albion and any accompanying license certificate, identification card or document.

Vehicle for hire means a limousine, taxicab or shuttle bus. This term does not include hearses, ambulances or wreckers, publicly owned buses or limousines licensed by the State of Michigan.

Sec. 94-2. – Compliance with Other Laws and Ordinances.

All persons and/or vehicles for hire licensed pursuant to the provisions of this Chapter shall comply with all applicable Federal, State and local laws, ordinances, rules, and regulations.

Sec. 94-5. – Vehicle Inspection

Each vehicle for hire operating under this Chapter shall be kept in a clean, safe, and sanitary manner and condition. All vehicles for hire shall be subject to inspection at all times by the City to ensure that the safety and mechanical devices are in safe and proper working order and that their general condition is clean and sanitary.

All persons engaged in the vehicle for hire business in the City of Albion operating under the provisions of this Chapter shall pass a safety equipment inspection performed by a state-certified mechanic/automotive technician for each vehicle to be licensed. Such inspection shall be required before initial licensing and within forty-five (45) days of the annual license renewal. Certification must be submitted on the form provided by the City Clerk prior to issuance of the license. The City reserves the right to require recertification at any time it has reasonable grounds to believe that any of the equipment on any vehicle is no longer in safe operating condition.

Sec. 94-6. Lost Articles.

Each holder of a vehicle for hire license shall maintain a Lost and Found Department, and each vehicle for hire driver operating under the authority of the person or company holding such license shall forthwith turn over to such lost and found department all lost articles found within said vehicle for hire, and failure to turn over such lost articles found in said vehicle for hire within twenty-four (24) hours after the same are found, shall be a violation of this Chapter. The holder of such license shall keep a list and description of such articles found in its vehicle or vehicles for hire, together with the date such article was turned over to it and shall make a report to the Police Department ever thirty (30) days of all articles and full descriptions thereof, together with the dates found.

Sec. 94-38 Grounds for Denial, Suspension or Revocation of a Vehicle for Hire License.

Any violation of this Chapter, of Chapter 58 of this Code, or of the laws of this State or any other State relating to the operation of a motor vehicle may be considered sufficient grounds for the denial of a license or the suspension or revocation of a license or certificate issued pursuant to the provisions of this Chapter. A determination by the Clerk, following the investigation required by Section 94-41, that Applicant should not be issued a license is also a ground for denial, suspension, or revocation.

Sec. 94-39. – Vehicle for Hire Company License Required.

No person shall operate a taxicab, limousine or shuttlebus company or operate or permit a vehicle owned or controlled by that person to be operated as a taxicab, limousine, or shuttlebus upon the streets, highways or thoroughfares of the city of Albion without first having obtained a Vehicle for Hire Company License as herein provided, except as provided in Section 94-44.

Sec. 94-40. – Application for Vehicle for Hire Company License.

Any person desiring to operate or conduct a vehicle for hire business in the City of Albion shall pay an application fee as determined by the City Clerk and, after paying the application fee, shall file an application for a Vehicle for Hire License with the City Clerk. The application shall be in a form provided or prescribed by the City Clerk and shall require such information to be provided under oath or affirmation as the City Clerk deems necessary to a fair determination of the applicant's ability to provide vehicle for hire service to the public in a safe, fair, honest, and competent manner and to comply with the provisions of this Code and other applicable Federal, State and local laws, or ordinances, rules, and regulations. The applicant may also be required to furnish such other information under oath as the Clerk may deem necessary.

Sec. 94-41. – Investigation.

The City Clerk shall cause an investigation to be made as to the applicant's fitness and ability to serve the public in a safe, fair, honest and competent manner of the applicant's ability to comply with this Code. This investigation may include, but is not limited to, the following:

- (1) The applicant's financial status.
- (2) The applicant's training and/or experience in the vehicle for hire business and/or transporting passengers.
- (3) The applicant's criminal history, if any.
- (4) The applicant's driving record.

Sec. 94-42. Issuance of Vehicle for Hire Company License.

Upon completion of the investigation provided for herein, the Clerk shall issue a Vehicle for Hire Company License if it appears that the applicant will serve the public in a safe, fair, honest and competent manner and will comply with the provisions of this Code and all other applicable Federal, State, and local laws, ordinances, rules, and regulations.

Sec. 94-43. Transfer Prohibited.

No Vehicle for Hire Company License may be sold, assigned, mortgaged, or otherwise transferred.

Sec. 94-44. Reciprocity.

Someone operating a vehicle for hire not licensed under this chapter but who is licensed in another municipality may transport fares to a destination within the City of Albion without obtaining an Albion vehicle for hire license, but may not pick up persons within the City for transport to a destination within the City or to a destination outside the City unless licensed as provided for by this Chapter.

Sec. 94-69. – Insurance.

No person shall drive or operate or allow or permit a vehicle for hire to be driven or operated within the City of Albion unless the vehicle for hire is covered by a valid and effective policy of No-Fault vehicle insurance as required by the law of the State of Michigan. The holder of each vehicle for hire company license shall also have in effect a general operations liability insurance policy, in a form acceptable to the City Attorney, which insures the owner and operator of the vehicle for hire company and the owner and operator of each vehicle for hire operated by the company against any and all claims for bodily injury or property damage arising out of the operation of the vehicle for hire company in the amount of One Hundred Thousand Dollars (\$100,000.00) for each injury and Three Hundred Thousand Dollars (\$300,000.00) for property damage. A single-limit policy in an amount not less than Three hundred Thousand Dollars (\$300,000.00) maybe substituted for the policy described above. A certificate indicating that such insurance is in effect shall be filed with the City Clerk prior to the issuance of any vehicle for hire license. Such certificate shall also indicate that the insurance evidenced thereby shall not be cancelled or revoked unless ten (10) days prior notice of such revocation is given to the City of Albion. The form and sufficiency of such insurance and any certification thereof shall be subject to the approval of the City Attorney.

Sec. 94-96. – Required.

No person shall drive or operate a vehicle for hire upon the streets, highways, or thoroughfares of the City of Albion, and no person who owns or controls a vehicle for

hire shall permit it to be so driven or operated and no vehicle for hire licensed by the City of Albion shall be so driven or operated at any time for hire unless the driver of said vehicle for hire shall have first obtained and shall have then in force a vehicle for hire driver's license issued under the provisions of this Chapter.

Sec. 94-97. Application.

Any person wishing to be licensed to drive a vehicle for hire shall pay a fee as determined by the City and shall file an application for such a license with the City Clerk. Such application shall be in a form provided or prescribed by the City Clerk. Each applicant shall have attained eighteen (18) years of age and shall furnish the City Clerk with evidence that he or she possesses a valid Chauffeur's License issued by the State of Michigan.

Sec. 94-98. Investigation.

The City Clerk may conduct such an investigation as is, in the Clerk's discretion, necessary to determine the applicant's fitness and ability to serve the public in a fair, honest, safe, and competent manner and to comply with the requirements of this Code. Upon a determination that the person is fit and able to serve the public as herein required, the Clerk shall issue the license.

Sec. 94-102. Identification Card.

After the application of the applicant for a license is approved, the City Clerk shall deliver to the applicant an identification card which shall contain the following:

- (1) Name;
- (2) License Number;
- (3) Age;
- (4) Height;
- (5) Weight;
- (6) Color of Hair; and
- (7) Color of Eyes;

Said identification card shall be posted by the driver of each vehicle for hire in a conspicuous place in the inside of such vehicle for hire and in full view of each occupant thereof. The identification card shall be presented for inspection upon the request of any person desiring to inspect the same. If such an identification card is lost, destroyed or rendered illegible, the City Clerk may issue a replacement card upon payment of a fee equal to twenty-five (25) percent of the license fee for a vehicle for hire driver's license as determined by the City.

Sec. 94-103. Specific Transportation for Handicapped and Mobility Restricted People.

Vehicle for Hire Company Licenses as provided for in this chapter may be issued to vehicles specifically designed for the transportation of people who are handicapped or whose mobility is impaired, provided that the vehicles comply with the following conditions:

- (1) The maximum fees to be charged shall only be such rates for transportation as shall have been filed as the schedule of rates with the City Clerk at least thirty (30) days prior to the effective date of said rate schedule. The City Clerk shall forward any proposed rate schedule change upon receiving the same to the City Commission. The licensee shall publish a copy of the proposed rate change at least thirty (30) days before its effective date in a newspaper of general circulation.
- (2) Vehicles shall be clearly designated as nonemergency vehicles.
- (3) Any transportation afforded a person other than indicated above shall be limited to attendants or those in the company of an above-indicated person.
- (4) Said vehicles shall not be hired for the sole purpose of delivering baggage, packages or other types of personal property.
- (5) Said vehicles must contain the following as minimum equipment:
 - a. One (1) fire extinguisher
 - b. One (1) first aid kit.
 - c. Anchoring devices for each person being transported including seatbelts and shoulder harnesses for regularly seated passengers, floor anchors for wheelchair passengers and stabilizer straps for passengers required to be in a prone position.
 - d. A portable or collapsible ramp or elevator with nonskid surfaces which can be safely used to load and unload the vehicle.

Sec. 94-132. Schedule of fares – Taxicabs.

There shall be posted by the owner or driver of each taxicab in a conspicuous place in the inside of such taxicab and in full view of each occupant thereof, a card containing the rates of fares to be charged for the use thereof. Such cards shall be furnished by the City.

Sec. 94-133. Taximeter.

- (1) All taxicabs shall be equipped with lighted meters in good working condition, subject to inspection at all times.
- (2) A taximeter shall calculate fares only upon the basis of: (a) mileage traveled, (b) time elapsed, or (c) a combination of mileage traveled and time elapsed.
- (3) Rates shall be clearly illuminated and displayed such that they may be easily seen and understood by passengers sitting in the back seat of the taxicab.
- (4) Each taxicab driver shall keep and maintain a continuous and progressive trip sheet dated for each twenty-four (24) hour period and such records shall be subject to inspection by the City Clerk or any properly identified representative of

the City at any time. These trip sheets shall be retained and filed and available for inspection for a period of not less than one (1) year from the date thereon.

Sec. 94-135. Specific Destination Rates.

No person shall charge any amount for the use or hire of a taxicab that is in excess of the rates fixed by the City Council except for trips originating in the City of Albion with a destination of the City of Marshall or the Village of Homer, in which case no charge shall be in excess of the specific destination rate permitted by the City Council.

Sec. 94-136. Failure to provide services.

All persons engaged in the taxicab business in the City of Albion operating under the provisions of this Chapter shall render an overall service to the public desiring to use taxicabs. They shall answer all calls received by them for services inside the corporate limits of Albion as soon as they can do so and if said services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the City of Albion at any time when such holder has available cabs, or who shall fail or refuse to give overall service, shall be deemed a violator of this Chapter which shall constitute grounds for suspension or revocation of such holder's taxicab license. Provided that this shall not be construed to require any taxicab operator or driver to take as a passenger any person requiring the use of his or her taxicab for illegal purposes.

Sec. 94-137. Refusal or Neglect.

It shall be unlawful for the driver of a taxicab to refuse or neglect to convey any orderly person upon request anywhere in the City, unless previously engaged or unable to do so. Any such failure, refusal or neglect by a driver shall constitute grounds for the suspension or revocation of his or her taxicab driver's license.

Sec. 94-138. Fraudulent Nonpayment.

Any person who shall solicit or receive the service of any taxicab within the city of Albion or upon the streets or highways of the City of Albion without paying for such service, with the intent to defraud the owner or operator of such taxicab out of the compensation for the service rendered, shall be liable to the punishment provided in this Code. Proof that any person refused and neglected to pay for such service on demand, or left such taxicab without paying or offering to pay for such service, shall be prima facie proof of fraudulent intent.

Sec. 94-139. Transporting Baggage.

Drivers of taxicabs license hereunder shall transport and deliver baggage, packages and other types of personal property accompanying persons. Drivers of taxicabs may, at their discretion, transport and deliver baggage, packages and other types of personal property, not accompanied by passengers, provided that the property transported does not exceed two hundred (200) pounds in weight.

This Ordinance shall take effect thirty days after the second reading, thus being January 20, 2016.

First Reading: December 7, 2015

Second Reading & Adoption: December 21,

Ayes: 7

Ayes: 7

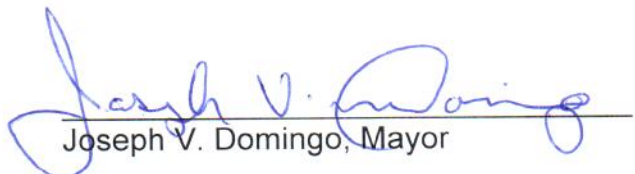
Nays: 0

Nays: 0

Absent: 0

Absent: 0


Jill Domingo, City Clerk


Joseph V. Domingo, Mayor