

City Code Chapter 28

Taxicabs

Article 1. General Conditions, §§ 28-1--28-18

Article 2. License, §§ 28-19--28-28

Article 1. General Conditions

Sec. 28-1. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

(1) **Driver.** The person lawfully in possession and in charge and control of the movement and operation of any taxicab and who actually drives the taxicab with proper authority or is duly authorized to do so.

(2) **Operator.** A person owning and having the right to the immediate use, control, and operation of one or more licensed taxicabs engaged in carrying passengers for hire within the City.

(3) **Taxicab.** Any motor vehicle used within the City for carrying persons for hire:

A. Whether over a fixed route or not,

B. Whether the vehicle shall be stationed and operated from a street taxicab stand, located in and subject to call from a local garage, or otherwise used and kept for transporting passengers for hire, and

C. Whether or not the vehicle is equipped with a taximeter.

This definition shall not include vehicles subject to control and regulation by the State Public Service Commission or officially authorized school buses while actually engaged in transporting school children to and from school or any official school activity or function.

(4) **Taxicab Stand.** Any place officially designated by the City where a taxicab can stand or be parked while not actually in use and while waiting upon the City streets for calls from persons who may wish to hire a taxicab.

(5) **Taximeter.** Any standard make or recognized mechanical instrument or device which mechanically calculates the rental charge of a taxicab whether by distance traveled or waiting time, or both. The rental charge shall be plainly shown by figures on the taximeter. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-2. Rates.

Rates and rental charges for the transportation of passengers shall be fixed and determined by resolution of the City Council after a hearing. Due notice of the hearing shall be provided to all licensed taxicab operators. No operator, driver, or other person shall request or receive any other rate or fare than that which has been approved by resolution. Upon demand at the time of paying the fare, a passenger shall be given a receipt showing the date, time, amount paid, and the starting and ending points for the trip. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-3. Taxicab Stands.

When not actually engaged in transporting passengers or while waiting for calls from prospective passengers, all licensed taxicabs shall be stationed and parked at taxicab stands or places designated for that purpose by the City or at such other private place that the operator may wish to keep the taxicab. No taxicab stand shall be located within thirty feet of any marked crosswalk. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-4. Driver's License.

No operator, driver, or other person shall drive or operate a taxicab within the City without first having been duly licensed as a chauffeur under State law. The driver shall wear the badge required by law at all times while driving or in charge of any taxicab. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-5. Appearance and Conduct of Drivers.

A taxicab driver shall be clean and courteous at all times. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-6. Additional Passengers.

No driver of a licensed taxicab shall carry anyone other than the passenger first hiring the taxi without the consent of that passenger. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-7. Deception.

No taxicab driver shall deceive any passenger or potential passenger as to the destination or distance traveled or to be traveled. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-8. Windows.

A taxicab shall be provided with windows sufficient in number and of such size and dimensions that at all times persons may be readily seen through the windows with sufficient distinctness to be identified. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-9. Identification.

The words "New Brighton" and "taxicab or taxi" shall be plainly painted on both sides of each taxicab operated in this City along with other wording, if any, that the operator may desire. The letters of all words shall be at least two inches high. (Code 1966; Code of 1988; Code of 2001)

Sec. 28-10. Rent.

The charge for use of a taxicab shall be in accordance with the terms of this Section.

(1) When rented on a metered basis, the charge shall begin where the passenger is received and shall continue until the passenger is discharged at the destination.

(2) When rented on an hourly basis, the rent shall begin when the taxicab is ready at the time and place designated by the passenger.

(3) In the absence of an expressed agreement to the contrary, the charge for the taxicab shall be determined and fixed by the taximeter of the taxicab. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Secs. 28-11--28-18. Reserved.

Article 2. License

Sec. 28-19. Required.

No person shall operate a taxicab within the City without first having obtained a taxicab license. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-20. Taxicabs from Other Municipalities.

A taxicab licensed to operate in any other city, village, or town in this State may carry passengers from those places to any point within this City and may freely enter, use, and travel upon the streets for that purpose without the owner or driver of the taxicab becoming liable for the City's license fee. However, neither the owner nor driver shall be permitted to solicit or accept passengers within this City without first securing a license under the provisions of this Chapter. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-21. Qualifications.

Before any license shall be issued, the applicant shall be:

- (1) A citizen of the United States or able to show their application for first citizenship papers.
- (2) The duly licensed and legally registered owner of the taxicab under State laws and entitled to the immediate use and control of the taxicab.
- (3) At least 21 years of age.
- (4) Authorized to operate taxicabs and otherwise transact business in this State in accordance with State laws in the case of a co-partnership, firm, association, or corporation. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-22. Application.

Application for a license shall be made on a form as prescribed by the City. The application shall contain:

- (1) The applicant's name, address, age, and citizenship.
- (2) With respect to each taxicab to be licensed:
 - A. The full name and address of the duly licensed, registered legal owner as required by State laws.
 - B. The make of vehicle, year manufactured, engine and serial numbers, State license number, and passenger capacity.
 - C. The name and address of the person who actually receives and is legally entitled to the profit from the income from operation of the taxicab, and is legally responsible for the expenses of operating the taxicab.
- (3) Other information as may be required by the City. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988;

Code of 2001)

Sec. 28-23. Issuance Regulations.

Every license required by this Chapter shall be issued under and subject to the provisions of Chapter 15 of the City Code. (Code 1966; Code of 1988; Code of 2001)

Sec. 28-24. Inspection for License.

No taxicab shall be licensed until the City has carefully and thoroughly examined the taxicab and determined it meets the conditions of this Section. A license shall be refused for a taxicab found to be unfit or unsuitable for use as a taxicab.

The taxicab shall:

- (1) Be roadworthy and in a thoroughly safe condition for the transportation of passengers.
- (2) Be clean and of good appearance.
- (3) Be equipped with a taximeter approved by the City. No taximeter shall be required if the taxicab is operated entirely upon the hourly basis. The taximeter shall be kept in accurate and good working condition at all times and placed so passengers can see the fare being registered when operating on the metered basis.
- (4) Plainly show the amount of fare charged in a conspicuous place inside each taxicab. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-25. Periodic Inspection.

The City shall inspect licensed taxicabs from time to time or cause the taxicab to be inspected. The City shall be notified immediately of any defective condition of a taxicab and whether the taxicab otherwise fails to comply with this Chapter in any other way. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-26. Duration.

A taxicab license shall be issued for a period of one year and shall expire each year on the 1st day of April. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-27. Transfer.

Except as provided in this Section, no taxicab license shall be sold, leased, or transferred nor shall any licensed taxicab be driven or operated by any person other than the licensee or a duly authorized and licensed driver. A transfer fee may be charged.

(1) A taxicab license may be transferred from one taxicab to another owned by the same or another person upon compliance with all terms and conditions of this Chapter. The licensee shall not be required to pay an additional license fee for the balance of the unexpired license period.

(2) If the taxicab license is to be transferred to another person, that person shall make application as provided by this Chapter. The applicant shall not be required to pay an additional license fee for the balance of the unexpired license period.

(3) No license shall be transferred more than once within a period of ninety days. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Sec. 28-28. Revocation.

A taxicab license may be revoked by the City Council at any time for cause. Further, a license shall be revoked for any of the following reasons at the discretion of the City Council after a public hearing. The licensee shall be given five days notice of the hearing.

Reasons for revocation are:

(1) Failure of an operator for thirty days to pay any final judgment recovered against the operator for damages to person or property resulting from the negligent operation, use, or defective condition of any taxicab. In such a case, all licenses held by the operator also shall be revoked.

(2) Failure of an operator to make a reasonable, consistent, and bona fide effort to operate a licensed taxicab or taxicabs for a period of thirty days unless the operator was prevented from operating the taxicab due to an emergency over which the operator had no control.

(3) An operator, driver, or other employee wilfully charging or attempting to collect from a bona fide passenger a rate or fare other than fixed and allowed. (Ord. No. 35, 3-26-47; Code 1966; Code of 1988; Code of 2001)

Editor's Notes
City Code-Chapter 28
Taxicabs

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Margaret A. Egan
Finance Director/City Clerk
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