

Ordinance #O.14.15

**An Ordinance ADDING CHAPTER 120 "MOTORIZED VEHICLES FOR HIRE"
OF THE CODE OF ORDINANCES OF THE CITY OF GALENA.**

Adopted by the City Council of the City of Galena this 27th Day of October 2014.

Published in pamphlet form by authority of the City Council of the City of Galena,
Jo Daviess County, Illinois, this 27th Day of October 2014.

STATE OF ILLINOIS)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 27th Day of October 2014, the Corporate Authorities of said municipality passed and approved Ordinance No. O.14.15 entitled **AN ORDINANCE ADDING CHAPTER 120 "MOTORIZED VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.14.15 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 28th Day of October 2014 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 28th Day of October 2014.



Mary Beth Hyde
City Clerk

(Seal)

Ordinance #O-14-15

**AN ORDINANCE ADDING CHAPTER 120 "MOTORIZED VEHICLES FOR HIRE" OF THE
CODE OF ORDINANCES OF THE CITY OF GALENA**

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: Pursuant to the authority found in the Illinois Compiled Statutes, 65 ILCS 5/11-42-6, Chapter 120 "Motorized Vehicles for Hire," attached hereto and made a part hereof as Exhibit A, is hereby adopted and added to the Galena Code of Ordinances.

SECTION II: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III: This ordinance shall be in full force and effect immediately upon its passage.

SECTION IV: Passed on this 27th day of October, A.D., 2014, in open Council.

AYES:

**Kieffer, Lincoln, Painter,
Bernstein, Fach, Greene,
Renner**


NAYS:

None



Terry Renner, Mayor

Attest:



Mary Beth Hyde, City Clerk

CHAPTER 120: MOTORIZED VEHICLES FOR HIRE

- 120.01: Definitions:
- 120.02: Exemptions:
- 120.03: Taximeter required:
- 120.04 Posting of rates:
- 120.05: Manifests:
- 120.06: Open stands:
- 120.07: Vehicles, license and maintenance:
- 120.08: Taxicab business license and taxicab driver's permit:

120.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARTER TRANSPORTATION. A vehicle furnished with a driver that carries passengers for hire either on a fixed route in the city or pursuant to a written contract with reservations in advance of the service. The vehicle shall operate without a meter installed and charge for services on an hourly basis or longer periods of time.

DRIVER. Any person who operates a motor vehicle in the transportation of persons and who receives any compensation for such service in wages or commissions or who is otherwise paid, directly or indirectly.

EXTRA LUGGAGE. Luggage in excess of two (2) suitcases per person.

MANIFEST. A daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

MOTORIZED VEHICLE. A wheeled machine which incorporates a motor, sometimes known as an engine, and which is used for transportation.

NONPROFIT TAXICAB. A vehicle furnished with a driver that carries passengers on a volunteer basis. The vehicle shall operate without a meter installed and charge for services per ride or on an hourly basis or longer periods of time.

OPEN STAND. A public place alongside the curb of a street or elsewhere in the city that has been designated for the use of taxicabs.

OPERATOR OR HOLDER. A person to whom an operator permit has been issued by the City of Galena.

RATE CARD. A card issued by the operator for display in each taxicab and that contains the rates of fare then in force.

RELATED GROUP. A single telephone call to the taxicab company to pick up more than one person with no more than two (2) suitcases per person from the same point of origin to the same destination.

TAXICAB. A fully enclosed motorized vehicle, limited to passenger cars, light trucks, and vans, furnished with a driver which carry passengers for hire within the city. "Charter transportation", as defined in this section, nonprofit taxicabs, and vehicles owned or operated by any governmental entity that provide public transportation are not taxicabs.

TAXIMETER. A meter instrument or device attached to a taxicab which measures electronically the distance driven and the waiting time upon which the fare is based.

VEHICLE FOR HIRE. A vehicle providing shared transportation which transports one or more passengers between locations of the passengers' choice, or close to it.

WAITING TIME. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers.

120.02 EXEMPTIONS

Nonprofit taxicabs, taxicabs licensed in another jurisdiction and dropping off passengers in Galena from points of origin outside of Galena, and charter transportation shall be exempt from the provisions of this chapter.

120.02 TAXIMETER REQUIRED

No person may operate a taxicab without a taximeter fastened in front of the passengers, visible to them at all times day and night, and after sundown the face of the taximeter must be illuminated. Taxicab meters are not required in taxicabs charging a flat rate to passengers, but flat rates must be posted in a taxicab in a location that is visible to passengers at all times.

120.03 POSTING OF RATES

No person shall operate a taxicab without posting in a conspicuous place, in clear view within the passenger compartment, a printed rate card large enough to be read by the passengers in the taxicab showing the rates.

120.04 MANIFESTS

- (A) *Use required.* Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare and all such completed manifests shall be returned to the owner by the driver at the conclusion of the tour of duty. The form for each manifest shall be furnished to the driver by the owner.
- (B) *Preservation; inspection.* Every holder of an operator permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year and said manifests shall be open to inspection by the police department.

120.05 OPEN STANDS

- (A) *Areas established.* Taxicabs licensed under this chapter are authorized to use the bus loading zones established in Chapter 79.
- (B) *Use of stands.* Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull onto the open stand from the rear and shall advance forward as the vehicles ahead pull off. Drivers shall stay within five feet (5') of their cabs and shall not engage in loud or boisterous talk while at an open stand. Nothing in this article shall be construed as preventing a passenger from boarding the cab of the passenger's choice that is parked at open stands.

120.06 VEHICLES, LICENSE AND MAINTENANCE

- (A) *State license.* No person shall operate a vehicle used as a taxicab unless it is licensed by the State of Illinois or another state.
- (B) *Safe condition; authority to inspect.* The owner or driver of a taxicab shall keep it in a mechanically dependable, clean and safe condition at all times. Each taxicab shall be inspected and have a current Illinois Vehicle Safety Inspection sticker. A seat belt shall be provided for every passenger and the driver. The taxicab shall be designed and manufactured so every passenger may enter and exit without crossing any interior barriers and from either side of the vehicle. The Chief of Police is hereby authorized, either on complaint of any person or without such complaint, to inspect the vehicle and, upon discovery of any unsafe condition, to notify the person operating said taxicab to cease operation. Thereupon said taxicab shall be kept off the street until the unsafe condition has been corrected.
- (C) *Vehicle identification.* It shall be unlawful for an operator or driver required to be licensed under the provisions of this chapter to operate or drive any taxicab vehicle without the name of the cab company and its telephone number permanently posted on both sides of the vehicle in letters of a contrasting color and not less than two (2) inches in height.

120.07 TAXICAB BUSINESS LICENSE AND TAXICAB DRIVER'S PERMIT

(A) Taxicab business license requirements; insurance; fees.

- (1) *Taxicab business license required.* No person may operate a taxicab alone or as part of a taxicab business without first having obtained a taxicab business license from the City Clerk after approval by the City Council.
- (2) *Application for taxicab business license.*
 - (a) An application for a taxicab business license must be filed with the City Clerk's office on a form provided by the City Clerk.
 - (b) The Chief of Police will investigate each applicant for a taxicab business license and a report of such investigation will be attached to the application for consideration by the City Clerk.
- (3) *Consideration of application.* The City Council will, in consultation with the Chief of Police and upon consideration of the application and the required reports attached thereto, approve or reject the application.
- (4) *Insurance prerequisite to issuance; continuance in effect.* Every operating licensee shall obtain and keep in force, public liability and property damage insurance with solvent and responsible insurers, as required by the Illinois Secretary of State, to secure the payment of any loss or damage which may result from any occurrence arising out of the operation, use or possession of any of the licensee's public passenger vehicles.
- (5) *Fees.* An application for a new license, or for renewal of an existing license, shall be made to the City Clerk, and shall be on a form provided by the City Clerk. Said application shall include the annual taxicab license fee and the fee for each vehicle, both as established by the City Council. Fees shall be paid at the time of application. An application for a taxicab business license may be made at any time during the calendar year, provided that the full license fee is paid, and said fee shall not be prorated.
- (6) *Denial, suspension, or revocation of license.*
 - (a) The City Council may deny, suspend, or revoke issuance of a taxicab business license for good cause, including, but not limited to, any of the following.
 - (i) Violation of any of the provisions of this article.
 - (ii) Discontinuation of operations for more than sixty (60) days.

- (ii) Violation of any ordinances of the city or laws of the United States or the State of Illinois or any other state that demonstrates the lack of fitness of the taxicab vehicle permit holder to offer public transportation.
 - (iv) Misrepresentation on the application for a taxicab business license.
- (b) Prior to the denial, suspension, or revocation, the taxicab business license holder must be given not less than ten (10) days' written notice by the City Clerk.
 - (c) In the event of a revocation of a taxicab business license, no other taxicab business license may be issued to such person for a period of two (2) years thereafter.
- (7) *Appeal.* Within ten (10) days after written notice of the revocation, suspension, or denial of issuance of a taxicab business license, an applicant or license holder may file with the City Clerk a written notice of appeal to the City Council from such revocation, suspension, or denial. The City Council must provide the taxicab business with notice and an opportunity to be heard on the issue of whether the taxicab business license was properly revoked, suspended, or denied.
- (8) *Taxicabs registered with City Clerk.* The applicant or license holder must register all vehicles operating as taxicabs for the taxicab business with the City Clerk. Any new vehicles that begin operating as taxicabs after the taxicab business license is obtained must be registered with the City Clerk within fourteen (14) days after such vehicles are acquired.
- (9) *Display of taxicab business license.* The taxicab business license must be displayed at the taxicab business location. A copy of the taxicab business license also must be displayed in each vehicle operating as a taxicab for the business and may not be removed until the expiration of the license.
- (10) *Personal nature; transferability.* The taxicab business license is personal to the business and may not be sold, assigned, mortgaged, or otherwise transferred. The taxicab business license applies to all registered vehicles operating as taxicabs for the license holder.
- (11) *Property of City Clerk upon loss or closure.* If any taxicab business license issued under this article is lost or mislaid or the taxicab business closes or ceases operations, the license holder must report such fact to the City Clerk immediately. Where a taxicab business license is lost or mislaid, a duplicate license will be issued upon payment of an amount equal to fifty percent (50%) of the annual license fee.

(B) *Driver's permit requirements; fee.*

- (1) *Permit required.* No person may drive a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab may allow it to be so driven, unless the driver of said taxicab holds a valid taxicab driver's permit issued under the provisions of this article.
- (2) *Application for driver's permit.*
 - (a) An application for a taxicab driver's permit must be filed with the City Clerk's office on a form provided by the City Clerk.
 - (b) An applicant must have, at a minimum, a valid Illinois driver's license or equivalent license issued by another state to obtain a taxicab driver's permit. Temporary restricted licenses or work permit privileges are not sufficient to obtain a taxicab driver's permit.
 - (c) An applicant must present a court purpose driver's abstract obtained from the Illinois Secretary of State within the last thirty (30) days.
 - (d) An applicant must provide two (2) two inch by two inch photos clearing showing the face and shoulders of the applicant. The photos must have been taken within the last thirty (30) days. As an alternative, the city will take a photo of the applicant at the time of application.
 - (e) The Chief of Police will investigate each applicant for a taxicab driver's permit and a report of such investigation will be attached to the application for consideration by the City Clerk. Such report will state whether the applicant has, at a minimum, a valid Illinois driver's license or equivalent license issued by another state.
- (3) *Consideration of application.* The City Clerk will, in consultation with the Chief of Police and upon consideration of the application and the required reports attached thereto, approve or reject the application within five (5) business days of receipt. An application will be denied if it is determined that the applicant has been convicted of any of the following crimes, or those of a similar nature: reckless driving, murder, rape, vehicular manslaughter, hit and run, robbery, indecent exposure, lewd or obscene conduct, pandering, crimes related to the sale, possession, or transportation of narcotics or intoxicating liquors, assault, battery, or a conviction of three or more moving violations within three years previous to the submission of the application.

- (4) *Issuance of permit; duration; annual fee.*
- (a) Upon approval of an application for a taxicab driver's permit, the City Clerk will issue a permit to the applicant upon the payment of the fee as established by the City Council. Such permit will be in effect for the remainder of the year ending April 30. The permit must be renewed every year on May 1 thereafter upon the payment of the fee as established by the City Council unless the license for the preceding year is suspended or has been revoked.
 - (b) The driver must wear the taxicab driver's photo identification permit upon the clothing of the driver at all times while operating the taxicab. The driver shall be well groomed and dressed in a neat and clean fashion at all times while on duty.
- (5) *Compliance with city, state, and federal laws.* A taxicab driver permitted under this article must comply with all city, state, and federal laws.
- (6) *Denial, suspension, or Revocation of permit:*
- (a) The City Council may deny, suspend, or revoke a taxicab driver's permit for good cause, including, but not limited to, any of the following:
 - (i) Failure or refusal to comply with the provisions of this chapter.
 - (ii) Violation of any ordinances of the city, or laws of the United States, the state of Illinois or any other state that demonstrates the lack of fitness of the holder to offer public transportation.
 - (iii) Misrepresentation on the application for a taxicab driver's permit.
 - (iv) Violations against or loss, denial, suspension, or revocation of a taxicab driver's Illinois license or equivalent license issued by another state.
 - (b) Prior to suspension or revocation, the taxicab driver must be given not less than ten (10) days written notice by the City Clerk.
 - (c) In the event of revocation of a taxicab driver's permit, no other taxicab driver's permit will be issued to such person for a period of two (2) years thereafter.
- (7) *Appeal.* Within ten (10) days after written notice of the denial, suspension, or revocation of a taxicab driver's permit, a taxicab driver may file with the City Clerk a written notice of appeal to the City Council from such revocation, suspension, or denial. The City Council must provide the taxicab driver with notice and an opportunity to be

heard on the issue of whether the taxicab driver's permit was properly revoked, suspended, or denied.

- (8) *Personal nature; transferability.* The taxicab driver's permit is personal to the driver and may not be sold, assigned, mortgaged, or otherwise transferred.
- (9) *Job change.* The taxicab driver's permit remains valid and personal to the driver through a change of employment. If a taxicab driver becomes employed by another taxicab company after the issuance of the taxicab driver's permit, such a change of employment must be reported to the City Clerk within fourteen (14) days.
- (10) *Property of City Clerk upon loss.* If any taxicab driver's permit issued under this chapter is lost or mislaid, the taxicab driver must report such fact to the City Clerk immediately. A duplicate permit will be issued upon payment of a fee equal to 50% of the license fee.
- (11) *Reporting requirements.* If suspension, revocation, or any other disciplinary action is taken against a taxicab driver's state of Illinois driver's license or equivalent license issued by another state, the taxicab driver must report such action to the City Clerk's office.