

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL
SEPTEMBER 7, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Amended Taxi Ordinance	✓ Resolution Ordinance Motion Discussion Only	Enza Petrarca, Village Attorney April Holden, Village Clerk

SYNOPSIS

An ordinance has been prepared amending sections of Chapter 22 of the Downers Grove Municipal Code regarding the licensing and location of taxis within the Village.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals identified *Exceptional Municipal Organization*.

FISCAL IMPACT

Approval of the ordinance would result in the following, which impact the General Fund:

- Elimination of the license fee for taxicab operators, which currently generates \$2,225 in annual General Fund revenue (89 drivers pay \$50.00 for a license valid for two years).
- An increase in the revenue generated from the taxi company license fee from \$1,600 every three years to \$1,600 annually.
- Overall reduction of the amount of staff time associated with the processing of taxi licensing, which would be redirected to other priorities. There is expected to be a slight increase in the staff time associated with the administration of taxi company licenses and a significant decrease in the time that had previously been spend processing individual taxi driver licenses.

UPDATE AND RECOMMENDATION

The Village Council discussed this item at the August 10, 2010 meeting. Prior to the meeting, taxi cab company owners were sent copies of the proposed ordinance and were invited to comment on the suggested changes. Staff reviewed licensing and fees of surrounding communities (Elmhurst, Lisle, Lombard and Wheaton). Licensing fees range from \$75 to 250 per year. The annual licensing fee proposed by staff is \$250. Staff met with Commissioner Waldack to review the proposed amendments to the ordinance and made a few minor changes based upon his comments. The changes include:

- Deleting “and taxicab driver” from section 22.301;
- Adding “for any taxicab licensed to do business in the Village” to section 22.402(a);
- Changing five to six in section 22.402(b);
- Changing “lighted” to “visible” in section 22.405(c);
- Removing “located in the Village” from section 22.410; and,
- Renumbering the penalties section.

Staff recommends approval on the September 7, 2010 active agenda.

BACKGROUND

The purpose of these changes to the Municipal Code is to improve staff efficiency regarding the administration of taxi licensing and increase the enforcement powers that the Village has in determining where taxi cabs locate, specifically within the downtown area.

Under the current provisions of the Municipal Code, the Village licenses both taxi companies and individual taxi drivers. Staff has determined that this practice is inefficient and penalizes the individual driver while having little impact to the taxicab company for failure to perform in accordance with licensing requirements. Under the proposed ordinance changes, the taxi cab companies would assume compliance responsibilities for their drivers. The ordinance includes operational requirements that would maintain current safety procedures, such as background checks and annual vehicle inspections, in order to ensure that the welfare of riders is not compromised. The ordinance also establishes a maximum of eight licenses for taxicab companies. There are currently eight companies licensed. Any new companies seeking to be licensed in the Village would have to come before Council seeking an increase in the number of available licenses. Staff conducted a survey of surrounding communities and found that many of them, including Lisle, Lombard and Elmhurst, license only the taxi cab companies.

The ordinance also addresses continual problems with taxis parking in two-hour parking zones in the downtown area. The ordinance provides for the establishment of taxi stands and includes language regarding signage and the number of cabs that may occupy the stand. Upon approval of the ordinance, taxi stands would be designated in the drop-off area north of the railroad tracks at the Main Street Station (where taxi parking is currently provided for) and another at the Fairview Station. These proposed Code revisions also provide the Village with stronger enforcement powers to ensure that taxis park in only the designated areas.

Staff has reviewed the proposed changes with representatives of the Downtown Management Corporation, the Economic Development Corporation and the Downers Grove Area Chamber of Commerce.

ATTACHMENT

Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Legal Department **DATE:** September 7, 2010
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING TAXICAB LICENSING PROVISIONS", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend certain provisions for taxi cab licensing.

RECORD OF ACTION TAKEN:

Taxis

ORDINANCE NO. _____

AN ORDINANCE AMENDING TAXI CAB LICENSING PROVISIONS

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

Section 1. That Section 14.108.8. is hereby amended to read as follows:

14.108.8. Taxi Stand Parking.

(a) No person shall park or let stand any automobile, motorcycle, or other vehicle, except taxi vehicles of companies licensed by the Village, at any of the following location(s): taxi stand designated by the Village Manager.

~~The northernmost four (4) parking spaces as marked, of the northernmost lane of the bus turn round drive, located south of the south line of Warren Avenue from a point ninety (90) feet east of the east line of Main Street to a point one hundred eighty (180) feet of the east line of Main Street.~~

~~Travel shall be restricted to the eastbound direction only and shall be designated as a free parking zone for taxi vehicles.~~

(b) No taxi cab shall stand or park for purposes of soliciting a taxi fare in any parking place in the Downtown Business District other than in a designated taxi stand.

Section 2. Section 22.1ART. is hereby renumbered to be Section 22.100.ART.

22.1ART. Article I. GENERAL

NOTE: For state law as to authority of Village to license and regulate taxicabs, see Ill. Comp. Stat. Ch. 65, § 5/11-42-6.

Section 3. Section 22.1SEC. is hereby renumbered to be Section 22.101.

22.1SEC. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Council. The Village Council.

~~Driver.~~ ~~A person who drives or is licensed to drive a taxicab on the streets and ways within the Village.~~

Person with a disability. A Downers Grove resident who has a physical or mental impairment which is expected to be of long-continued and indefinite duration and which is a substantial impediment to the resident's ability to move about as a pedestrian. Proof thereof shall consist of a regional transportation authority special user card or an affidavit from a medical doctor.

Mileage. The distance in rate of fare, as mechanically registered, from the point of passenger pickup to the point of passenger delivery.

Owner. Every individual, trustee, partnership, association or corporation, owning, operating or having the use or control of one or more ~~vehicles~~ taxicabs for hire in the Village.

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Person. Includes a natural person, partnership, firm or corporation.

Senior citizen. A Downers Grove resident who is sixty-five years of age or older. Proof thereof shall consist of a State of Illinois photograph identification card, containing proof of age.

Taxicab. A public conveyance for hire only at lawful rates of fare, which rates are as recorded and indicated by a taximeter, except buses or limousines as such terms are defined by the Illinois Vehicle Code.

Taxicab Commissioner. The Village Clerk.

~~*Taxicab Cab company.* A person or company engaged in business as proprietor of one or more taxicabs. Every individual, trustee, partnership, association, firm or corporation engaged in business as a proprietor, franchisor or dispatcher of one or more taxicabs.~~

Taxicab Operator. A person who drives a taxicab on the streets and ways within the Village.

Taximeter. Any mechanical, electrical or electronic device installed in a public passenger vehicle, which calculates and indicates the fares, measures the distance traveled and time elapsed, and indicates other charges which may be due.

Taxi Stand. A place that has been designated by the Village as reserved exclusively for the use of taxicabs. (Ord. No. 2002, § 1; Ord. No. 2355, § 1.)

Section 4. Section 22.2.1. is hereby renumbered to be Section 22.102.

22.2.1. Police requested service.

Notwithstanding any other provision of this chapter, Downers Grove police officers may request service from a taxicab company not licensed to operate in the Village of Downers Grove in any emergency or non-emergency situation where the police officer determines that taxicab service is necessary for protection of the public health, welfare and safety, and is not reasonably available from a licensed taxicab company. A ~~taxicab operator, or taxicab company,~~ not licensed under the provisions of this chapter, may provide taxi service in the Village of Downers Grove only to the extent such service is requested and authorized by a Downers Grove police officer as provided herein.

Section 5. That Section 22.200.ART. is hereby added to read as follows:

22.200.ART. OFFICIAL.

Section 6. Section 22.3. is hereby renumbered to be Section 22.201.

22.3. Taxicab Commissioner.

A ~~T~~Taxicab ~~e~~Commissioner (hereinafter referred to as the ~~e~~Commissioner), shall perform all the duties and functions of ~~e~~Commissioner as provided in this chapter, including but not limited to the following:

- (a) Convening and presiding at certain hearings and meetings required by this chapter; and
- (b) Approving, denying, revoking and suspending licenses pursuant to the provisions of this chapter.

The Village ~~Manager~~Clerk shall assume the duties of ~~e~~Commissioner. The ~~e~~Commissioner may at any time appoint a deputy commissioner who shall have the power to perform any of the tasks assigned to the commissioner hereunder. (Ord. No. 2002, § 1; Ord. No. 2355, § 2.)

Section 7. Section 22.13ART. is hereby renumbered to be Section 22.300.ART.

22.13ART. Article III. LICENSE REQUIRED.

Section 8. Section 22.14. is hereby renumbered to be Section 22.301.

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22.14. Cab company license required.

It shall be unlawful for any taxicab company to operate a taxicab for transportation of passengers for hire from a point of origin within the Village unless that taxicab company is licensed by the Village. ~~It shall be unlawful for any cab company to operate a taxicab that is not properly registered pursuant to Sections 22-15(e).~~ Each cab company shall, as a condition precedent to operation of a taxicab in the Village, obtain the appropriate Village license as hereinafter provided. (Ord. No. 2002, § 1.)

Section 9. Section 22.15. is hereby renumbered to be Section 22.302.

22.15. Application for and issuance of taxicab company license.

The taxicab company shall apply to the ~~Village Clerk~~Taxicab Commissioner for a taxicab company license before operating any taxicabs within the Village. The application for a taxicab company license shall be approved by the ~~e~~Commissioner and a taxicab company license issued pursuant to the following rules and regulations:

(a) Application shall be made by the taxicab company in writing to the ~~Village Clerk~~Taxicab Commissioner on a form as reasonably required and approved by the ~~e~~Commissioner. A license fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be submitted with the application. A taxicab company license shall be valid for a period of one (1) year beginning May 15, 2010, except for those taxicab companies currently licensed through March 30, 2015~~three (3) calendar years except for the license term beginning January 1, 1996, and extending through March 31, 1998. Each license term thereafter will be for three years extending from April 1 to March 31.~~ The full license fee shall be paid no matter when the license is applied for or issued. If the application is for renewal of a taxicab company license, the application shall be submitted to the ~~Village Clerk~~Taxicab Commissioner by March 1 of the year in which the license will expire. Applications filed after this deadline shall be considered a late filing but shall be accepted by the ~~Village Clerk~~Taxicab Commissioner provided a late filing fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" is submitted with the application and the license fee.

(b) The taxicab company shall be required to include in the application a true statement of certain facts including, but not limited to, the state of incorporation of the taxicab company if the taxicab company is a corporation; whether the taxicab company is organized and qualified to do business under the laws of the state if the taxicab company is a corporation; the taxicab company's principal place of business; the names of the individuals who own the taxicab company; whether the taxicab company is a corporation, partnership or sole proprietorship; the registered agent of the corporate taxicab company, and the principal office of the taxicab company.

(c) The taxicab company shall, with its application for a taxicab company license, register or cause to be registered each taxicab operated by or operated for, such company within the Village. The following information for each taxicab to be registered shall be provided:

- (1) The year, make, color and vehicle identification number of the taxicab.
- (2) Name, address, and telephone number of the owner of the taxicab.
- (3) Written certification that required safety inspections of the taxicab and inspection of the taximeter have been completed within thirty (30) days prior to application and that these inspections find the taxicab to be safe and the taximeter to be in proper working order and accurate.

(d) ~~The Village shall investigate the owner(s) of the applicant cab company. If this investigation or the application materials uncovers information showing any of the following, the application shall not be approved and no license shall be issued to the cab company:~~

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~~_____ (1) An owner(s) has been convicted of a felony based upon his/her conduct or involvement in such business or activity or related or similar business or activity within the past ten years;~~

~~_____ (2) An owner(s) has been convicted of a felony or misdemeanor unrelated to his/her conduct or involvement in such business or activity or related or similar business or activity, but which felony or misdemeanor involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including criminal sexual assault and sexual abuse, within the past ten years;~~

~~_____ (3) An owner(s) has been convicted of a misdemeanor or licensing ordinance violation based upon his/her conduct or involvement in such business or activity or related or similar business or activity within the past two years; or~~

~~_____ (4) The owner(s) or applicant(s) has misrepresented facts in the application for a license.~~

~~_____ (e) The owner(s) or applicant(s) shall submit his/her fingerprints to be used in completing the investigation. Owner(s)/applicant(s) are required to present themselves for fingerprints to be taken by the Downers Grove Police Department or by a State approved agency. Applicant shall pay a fingerprint fee assessed by the Village as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".~~ Provided, in the case of a renewal application, fingerprints and the fingerprinting fees shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines that there may be reason to believe that the renewal applicant may have unreported convictions.

~~(f) The taxicab company shall be required to file with the Village Clerk Taxicab Commissioner,~~ along with its application for a taxicab company license, a certificate of insurance showing that the taxicab company, its ~~drivers~~ taxicab operators and employees, are adequately insured against public liability, property damage and workmen's compensation claims on account of its operation of taxicabs in the Village, and shall provide proof of automobile liability insurance for each taxicab registered pursuant to this section. Taxicab companies with independent contractors as taxicab ~~drivers~~ operators must cause each ~~driver~~ operator to provide proof of automobile liability insurance for each taxicab registered pursuant to this section. The limits for the required automobile liability insurance shall be not less than \$100,000 for injury to any one person or \$300,000 for personal injuries in any one occurrence, and not less than \$25,000 for property damage in any one occurrence. If the insurance expires or is otherwise terminated during the term of the license, the cab company shall submit to the Village, within 15 days of receipt thereof, a new certificate of insurance showing that the policy has been renewed or a new policy obtained which meets the requirements of this section.

~~(g) Failure to fully comply with the application and disclosure requirements of this section shall constitute grounds for the eCommissioner to deny issuance of a taxicab company license to any taxicab company.~~

~~(h) Issuance or Denial - Taxi Cab Company License. The Taxi-Cab Commissioner shall, within 45 ~~sixty~~ (60) days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny issuance of a taxicab company license pursuant to this Ordinance. Provided, if after 45 days a criminal history background investigation has not been completed, the Taxi Cab Commissioner may issue a temporary taxicab company license during the investigation period. The temporary taxicab company license shall only be valid for 90 days from the date of issuance and shall automatically terminate at the end of the 90 day term. The Taxi Cab Commissioner has the right to revoke the temporary taxicab company license immediately upon an unsatisfactory completion of a criminal history background investigation. (Ord. No. 2002, § 1; Ord. No. 2355, § 5; Ord. No. 2579, § 6; Ord. No. 3174, § 1.)~~

Section 10. Section 22.16. is hereby renumbered to be Section 22.303.

22.16. Investigation.

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The Village shall investigate the owner(s) of the applicant taxicab company, including each officer, general partner, sole proprietor and all persons having an ownership interest of five percent (5%) or more of any such applicant. If this investigation of the application materials reveals information showing any of the following, the application shall not be approved and no license shall be issued to the taxicab company:

(1) The owner(s) has been convicted of a felony based upon his or her conduct or involvement in taxicab business activity or similar business activity within the past ten (10) years;

(2) The owner(s) has been convicted of a felony or misdemeanor unrelated to his or her conduct or involvement in taxicab business activity or similar business activity, which felony or misdemeanor involves any of the following offenses:

(a) Unlawful possession with the intent to deliver: any controlled substance, as such term is defined in the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.), as amended from time to time; or cannabis, as defined in the Cannabis Control Act (720 ILCS 550/1 et seq.), as amended from time to time; or an intoxicating compound, as listed or defined in the Intoxicating Compounds Act (720 ILCS 690/0.01 et seq.), as amended from time to time, within the past ten (10) years.

(b) Unlawful possession of any controlled substance; cannabis or intoxicating compound within the past five (5) years;

(c) Criminal sexual assault and criminal sexual abuse, as such offenses are defined in the Illinois Criminal Code (720 ILCS 5/1-1 et seq.), or any like offense of another state or country, within the past ten (10) years;

(d) Any offense involving moral turpitude, including, but not limited to any offense involving the misapplication, misappropriation or misuse of funds of another person within the past five (5) years.

(3) An owner(s) has been convicted of a misdemeanor based upon his or her conduct or involvement in taxicab business activity within the past five (5) years; or

(4) The owner(s) or applicant(s) has misrepresented or omitted material facts in the application for a license.

Section 11. Section 22.20. is hereby renumbered to be Section 22.304.

22.20. Denial, suspension or revocation of licenses.

~~— (a) If a license is denied, the applicant may file a written appeal of the decision to the taxicab commissioner~~Village Manager within ten (10) days of receipt of the decision. The written appeal shall set forth the reasons why the applicant believes the decision to deny the license should be reversed. The ~~taxicab commissioner~~Village Manager shall respond to the appeal within 14 days either affirming or reversing the decision to deny the license.

~~— (b) A license issued under the provisions of this chapter may be revoked or suspended by the commissioner for a violation of any provision of this chapter. If the commissioner determines after investigation that cause exists for the suspension or revocation of a license, the commissioner shall notify the licensee in writing that its license will be revoked or suspended, setting forth the reasons therefor, and advising the licensee of the right to appeal pursuant to Section 22-21 of this Chapter. Unless a timely appeal is filed as provided in Section 22-21, such revocation or suspension shall be final and effective on the eleventh business day following receipt of the notice by the licensee. If a timely appeal is filed as provided in Section 22-21, such revocation or suspension shall not be final and effective until the appeal has been processed.~~

~~— (c) Any cab company license or taxicab driver's license issued to a cab company or driver shall be automatically revoked as follows:~~

~~— (1) If owners of the cab company or a driver is convicted of such offenses as are enumerated in Section 22-15(e)(1) and (2) and Section 22-19 (d)(1) and (2);~~

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- ~~(2) If an owner of the taxicab company or driver is found in possession of narcotics;~~
~~(3) If the driver of any taxicab is convicted of drunken driving or reckless driving;~~
~~(4) If a driver's state driver's license has been suspended.~~

~~(d) Suspension of a license shall be for a period of not to exceed 30 days. No revocation or suspension shall require return by the Village of any license fee.~~

~~(e) Any revocation of a license shall preclude the licensee (or any subsequent cab company that has 20% or more common identity/ownership interest with the licensee) from receiving another license under this Chapter for two years from the date of revocation; except that upon automatic revocation, as provided above, the license (or any subsequent cab company that has 20% or more common identity/ownership interest with the licensee) shall not be permitted to receive another license for ten years from the date of revocation for violations of Section 22-20 (c) (1) and (2) and five years for violation of Section 22-20 (c) (3) and (4).~~

~~(f) Revocation or suspension of a license shall not preclude the imposition of a fine by a court of competent jurisdiction for violation of any part of this Chapter. (Ord. No. 2002, § 1; Ord. No. 2579, § 12.)~~

Section 12. Section 22.15.1. is hereby renumbered to be Section 22.305.

22.15.1. Transfer of taxicab company license.

If a licensee holding a taxicab company license under this chapter shall change the principal place of business of the company, he shall apply to the Village Clerk/Taxicab Commissioner for a transfer of the license, such application to state the address of the new principal place of business.

Upon approval ~~of the commissioner, the Clerk~~ the Commissioner shall make the necessary alterations and endorse the transfer on the license. No fee shall be required for the transfer of a license for a change in the principal place of business of the company.

If ownership of a taxicab company licensed under this chapter shall be conveyed to a new owner, said new owner shall apply for a new license in his/her name in accordance with the procedures and standards set forth in Section ~~22-15~~ 22.302 herein. There shall be no transfer of a license from one owner of a business to another. (Ord. No. 2355, § 6.)

Section 13. Section 22.17. is hereby renumbered to be Section 22.306.

22.17. Changes in taxicabs during license term.

During the term of any license issued to a taxicab company, if the cab company substitutes another taxicab for any taxicab registered with the Village pursuant to Section ~~22-15(e)~~ 22.302(c) of this chapter, or adds any additional taxicab to the list of registered taxicabs, the taxicab company shall register such substitute or additional taxicab with the Village pursuant to Sections ~~22-15(e) and (d)~~ 22.304(c). (Ord. No. 2579, § 8.)

Section 14. That Section 22.400.ART. is hereby added to read as follows:

22.400.ART. Article IV. STANDARDS OF OPERATION

Section 15. That Section 22.401. is hereby added to read as follows:

22.401. Operational Requirements.

The licensee shall be responsible for the acts, omissions and general conduct of persons operating a taxicab for, on behalf of or with the permission of such taxicab company. The taxicab company shall, quarterly during the term of each annual license, determine if its taxicab operators continue to meet the qualifications set forth in this Article and shall, within ten (10) days from the start of the quarter, inform

the Commissioner of the names of any such operators who fail to so qualify.

Section 16. Section 22.4. is hereby renumbered to be Section 22.402.

22.4. Use of taxicabs.

(a) It shall be unlawful for any taxicab licensed to do business in the Village to refuse any person transportation in a taxicab to any place of destination within the Village in a taxicab that is unoccupied by a passenger for hire unless it is on its way to pick up a passenger or otherwise out of service or unless the person to be served appears intoxicated or uses profane or abusive language in attempting to contract for service. When the taxicab is out of service or carrying a passenger, there shall be displayed on the taxicab, and visible to those outside the taxicab, a sign or light indicating the taxicab is "not for hire" in letters at least two inches in height.

(b) Group riding is permitted in taxicabs; provided, that the driver accepts no more than ~~five~~six (6) passengers for any trip, and provided that the fare charged to any passenger will be no greater than if he rode alone. (Ord. No. 2002, § 1.)

Section 17. Section 22.24. is hereby renumbered to be Section 22.403.

22.24. Maximum Number of Licenses.

(a) There shall be a maximum of eight (8) taxicab company licenses issued by the Village.

~~(b) — At least forty percent of a licensed cab company's taxicabs must be operated at all times between the hours of 7:00 a.m. and 12:00 midnight on Mondays through Fridays, and may be operated at such other times, and on weekends, as shall be deemed necessary by the cab company.~~

(b) A taxicab company may request that the Council amend the maximum number of taxicab companies which may be registered for operation in the Village as required in by this section in the same manner as if it were requesting a fare revision under Section 22-406 of this chapter. (Ord. No. 2002, § 1; Ord. No. 2321, § 4; Ord. No. 2579, § 16; Ord. No. 3174, § 3.)

Section 18. Section 22.5. is hereby renumbered to be Section 22.404.

22.5. Identification on taxicab operated by a licensed taxicab company required.

Every taxicab operated by a taxicab company licensed by the Village hereunder shall have displayed thereon, in the appropriate place, the following identification materials:

(a) On the center of the exterior main panel of the front or rear doors of each such taxicab, there shall appear the taxicab number assigned by the taxicab company and the taxicab company's name and telephone number; and

(b) On the back of the front seat, clearly visible to passengers in the rear of the vehicle, there shall be affixed ~~a copy of the taxicab driver's operator's name license and the license number thereof~~ in plainly legible print, the telephone number and name of the taxicab company, and the rates charged for trips inside and outside of the Village. (Ord. No. 2002, § 1; Ord. No. 2355, § 3; Ord. No. 2579, § 2.)

Section 19. Section 22.6. is hereby renumbered to be Section 22.405.

22.6. Taximeters.

Every taxicab operated by a taxicab company licensed by the Village shall be equipped with a taximeter connected with and operating from the transmission of the taxicab, subject to the following regulations:

(a) No taximeter shall be attached to a taxicab unless it has been inspected by an inspector approved by the ~~T~~Taxicab ~~e~~Commissioner and found to be accurate. The taxicab company shall keep certificates of

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accuracy from the inspector for each taximeter and provide the same for inspection by a passenger upon request.

(b) Each taximeter shall be inspected annually not more than thirty days prior to ~~January~~ March 1, and a certificate of accuracy, as provided above, shall be submitted by the taxicab company to the ~~Village Clerk~~ Taxicab Commissioner prior to renewal of the taxicab company license.

(c) Taximeters shall have a ~~lighted~~ visible dial or dials to register the tariff in accordance with lawful rates as expressed herein and the dial shall at all times be maintained by the taxicab company so that it is in plain view and readable by the passenger.

(d) No ~~driver~~ taxicab operator or taxicab company shall operate a taxicab with a taximeter that is inaccurate, has not been inspected as provided herein or is otherwise not in compliance with the provisions of this chapter.

(e) It shall be unlawful for any person to tamper with a taximeter.

(f) Upon the request of the ~~e~~ Commissioner, the taxicab company shall submit any taximeter installed on a taxicab to an inspection to determine its accuracy. (Ord. No. 2002, § 1; Ord. No. 2284, § 1; Ord. No. 2579, § 3; Ord. No. 3346, § 11.)

Section 20. Section 22.7. is hereby renumbered to be Section 22.406.

22.7. Taxicab fares.

~~Cab~~ Taxicab companies shall establish the rates of fare for their taxicabs on a mileage basis, such rates to be posted in the taxicab as required under Section ~~22-5~~ 22.404. Notice shall be given to the Village of the established rates. No changes in the rates shall be made unless the Village has been given thirty (30) days prior written notice of the rate change.

Section 21. Section 22.8. is hereby renumbered to be Section 22.407.

22.8. Discounted taxicab fares for senior citizens and persons with disabilities.

(a) The Village shall print and sell, at a discounted rate, tickets for taxicab rides for the exclusive use of senior citizens and persons with disabilities who reside within the corporate limits of the Village. Such tickets shall be honored by any taxicab company licensed by the Village for taxicab rides at the rates provided in Section ~~22-7(a)~~ 22.406 hereof. Taxicab companies shall maintain a record of trips provided in exchange for such tickets on forms provided by the Village. This record shall include the date and points of origin and destination for each trip for which discount tickets are collected. Any such taxicab company who furnishes to the Village the tickets which are utilized by senior citizens or persons with disabilities for taxicab rides offered by such companies, along with the record of such trip as required herein, shall be reimbursed by the Village for the actual value thereof.

(b) The discounted rate tickets provided for in subsection (a) above shall not be used by a senior citizen or person with a disability, and shall not be accepted by a taxicab company, for taxicab rides to or from any airport. Taxicab companies accepting such discounted rate tickets for rides to or from airports shall not be reimbursed by the Village.

(c) If at any time it is determined by the Commissioner that the taxicab company has accepted or has been accepting discounted rate tickets contrary to the provisions of this Section and has been reimbursed by the Village for the actual value thereof, the taxicab company shall reimburse the Village for the amount of taxicab fare paid for such trips. In addition, any license issued under this Chapter may be revoked or suspended for a violation of this Section pursuant to the procedures set forth in Section ~~22-202~~ 22.304. (Ord. No. 2002, § 1; Ord. No. 2321, § 3; Ord. No. 2355, § 4; Ord. No. 3286, § 1.)

Section 22. Section 22.10. is hereby renumbered to be Section 22.408.

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22.10. Conditions of taxicabs generally.

Every taxicab operated in the Village by a taxicab company licensed by the Village shall be maintained in a safe condition at all times. Each taxicab shall have two doors on each side of the taxicab. If any taxicab shall become unsafe for operation or if its body or seating facilities shall be so damaged as to render the taxicab unfit for public use, the Commissioner may suspend the license issued to the taxicab company operating that vehicle, or suspend that taxicab's registration, until the vehicle is made safe for use by the public. (Ord. No. 2002, § 1; Ord. No. 2579, § 4.)

Section 23. That Section 22.409. is hereby added to read as follows:

22.409. Taxi Stand.

(a) The Village Manager may authorize establishment of taxi stands in such places as the Village Manager deems necessary for the use of taxicabs operated within the Village. In establishing taxi stands, the Village Manager shall consider the need for such stand, the convenience to the general public and the possible traffic hazards which might ensue. No taxi stand shall be created in any manner that is inconsistent with the provisions of the zoning ordinance of the Village, as amended from time to time. When such taxi stand is created, the Village Manager shall prescribe the number of taxicabs that may occupy such taxi stand and shall cause the installation of signs giving notice thereof.

(b) Only taxicabs in such numbers and of such kinds, as are set forth on the required sign may remain at the stand while waiting for employment, and only in single file pointed in accordance with the traffic regulations. No taxicab standing at the head of any such line shall refuse to carry any orderly person applying for a taxicab who agrees to pay the proper fare, but this shall not prevent any person from selecting any taxicab he may desire on the stand regardless of whether it is at the head of the line. As the taxicabs leave the line with passengers, those behind shall move up, and any taxicab seeking a space on the stand shall approach the same only from the rear of the stand and shall stop as near as possible to the last cab already on the line. No taxicab shall stand at the curb within fifteen (15) feet of the entrance of any building adjacent to a taxicab stand located and designated by the Village Manager, which distance shall be determined by measuring fifteen (15) feet on each side of the point of the curb opposite the middle of the entrance to the adjacent building. No private vehicle shall be permitted to stand or use the space in a public stand except to receive or to discharge passengers or merchandise.

Section 24. Section 22.11. is hereby renumbered to be Section 22.410.

22.11. Books and records of account.

Every licensed taxicab company shall keep accurate books and records of account and log books of services rendered in its dispatching office located in the Village. The Commissioner shall be permitted to examine those books and records of account and logs as they may relate to a specific charge that is the subject of a public hearing under the provisions of this chapter. (Ord. No. 2002, § 1)

Section 25. Section 22.9. is hereby renumbered to be Section 22.411.

22.9. Conduct of taxicab operators generally.

Taxicab operators shall be obligated to render reasonable aid to any person who suffers injury or illness while a passenger of a taxicab operated by the taxicab operator.

It shall be unlawful for any driver taxicab operator to:

(a) conduct him/herself in a disrespectful or contemptuous manner towards any person, or to use abusive or profane language while so occupied or in charge of such vehicle.

(b) to solicit by word, gesture, or otherwise, the patronage of any person upon any public street or place

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in the Village.

(c) to seek employment by repeatedly and persistently driving his or her taxicab about the streets of the Village or otherwise interfere with the proper and orderly access or egress from any theater, hotel or place of public gathering.

(d) to use, possess or be under the influence of any controlled substance, cannabis or intoxicating compound when operating a taxicab.

(e) to have been convicted of a felony or misdemeanor for any offense involving moral turpitude within the past five (5) years.

(f) to have been convicted of a felony or misdemeanor involving violence against another person or threatened violence against another person under the Illinois Criminal Code (720 ILCS 5/1-1 et seq.) or any like offense of another state or country, within the past ten (10) years; or

(g) to have been convicted of a felony or misdemeanor unrelated to his/her conduct or involvement in such business or activity or related or similar business or activity, but which felony or misdemeanor involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including criminal sexual assault and sexual abuse, within the past ten (10) years;

(h) to have been convicted of driving under the influence of drugs or alcohol within the past five (5) years.

(i) to have been convicted of reckless driving within the past five (5) years;

(j) to have had their driver's license suspended for violations concerning his/her operation of a motor driven vehicle within the past five (5) years;

(k) to stand for purposes of soliciting taxi fares in any parking place in the Downtown Business District other than designated taxi stands.

(l) to violate any provision of this Article.

(Ord. No. 2002, § 1.)

Section 26. Section 22.12. is hereby renumbered to be Section 22.412.

22.12. Complaints.

(a) Any person may file a written complaint with the eCommissioner regarding the conduct of a ~~driver~~taxicab operator or taxicab company.

(b) The eCommissioner shall investigate all complaints against ~~driver~~taxicab operators or taxicab companies. ~~He~~The Commissioner shall notify the ~~driver and~~taxicab company of the complaint and shall hold a meeting on the matter, if he determines that such a meeting is necessary, at which meeting the ~~driver and~~a representative of the taxicab company shall be present. If the eCommissioner determines that any provision of this chapter has been violated, he shall take any further action consistent with the provisions of this chapter and shall also refer the matter to the police department. (Ord. No. 2002, § 1.)

Section 27. That Section 22.500.ART. is hereby added to read as follows:

22.500.ART. Article V. PENALTIES

Section 28. That Section 22.501. is hereby added to read as follows:

22.501. Penalties.

Any person or entity who shall be guilty of a violation of any of the provisions of this Chapter, shall be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for every day a violation continues.

Section 29. That Section 22.502. is hereby added to read as follows:

22.502. Suspension or Revocation of licenses.

(a) A license issued under the provisions of this chapter may be revoked or suspended by the Commissioner for a violation of any provision of this chapter. If the Commissioner determines after investigation that cause exists for the suspension or revocation of a license, the Commissioner shall notify the licensee in writing that its license will be revoked or suspended, setting forth the reasons therefor, and advising the licensee of the right to appeal pursuant to Section 22.503 of this Chapter. Unless a timely appeal is filed as provided in Section 22.503, such revocation or suspension shall be final and effective on the eleventh business day following receipt of the notice by the licensee. If a timely appeal is filed as provided in Section 22.503, such revocation or suspension shall not be final and effective until the appeal has been processed.

(b) Any taxicab company license issued to a taxicab company shall be automatically revoked as follows:

(1) If owners of the taxicab company is convicted of such offenses as are enumerated in Section 22.303

(c) Suspension of a license shall be for a period of not to exceed 30 days. No revocation or suspension shall require return by the Village of any license fee.

(d) Any revocation of a license shall preclude the licensee (or any subsequent taxicab company that has 20% or more common identity/ownership interest with the licensee) from receiving another license under this Chapter for two years from the date of revocation; except that upon automatic revocation, as provided above, the license (or any subsequent taxicab company that has 20% or more common identity/ownership interest with the licensee) shall not be permitted to receive another license for ten years from the date of revocation for violations of Section 22.304(b)

(e) Revocation or suspension of a license shall not preclude the imposition of a fine by a court of competent jurisdiction for violation of any part of this Chapter.

Section 30. Section 22.21. is hereby renumbered to be Section 22.503.

22.21. Appeals.

(a) Any permit holder who receives a notice of revocation or suspension may file an appeal with the Village Manager as provided herein. Such appeal shall be filed with the Village Manager, in writing, no later than ten (10) business days following receipt of the notice of revocation or suspension, and shall include: (1) a petition for an informal public hearing, and (2) a response to the notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the ~~Village Clerk's Taxicab Commissioner's~~ notice and shall set forth the basis for why the license should not be revoked or suspended.

(b) The Village Manager shall schedule an informal public hearing as soon as possible following receipt of such appeal. The purpose of the hearing will be to offer the applicant or licensee an opportunity to show cause why the license should not be suspended or revoked. A record shall be made of the informal public hearing and documents may be submitted and/or testimony given, either in person or through sworn affidavit. This record may be made by electronic recording. The Village Manager shall have the power to administer oaths and to continue the hearing from time to time to permit the applicant to provide additional information.

(c) Within thirty (30) days after such hearing, the Village Manager shall make written findings of fact and issue an appropriate order. If the Village Manager determine that the license or permit should be revoked or suspended, the reasons supporting such determination shall be included in the written order. A copy of such order shall be served upon the permittee.

(d) The decision of the Village Manager as provided in subsection (c) above shall be the final administrative action of the Village with respect to the permit and shall be subject to the immediate appeal by the permittee to the circuit court. Such appeal to the circuit court shall be filed not later than thirty-five

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(35) days following receipt of the Village Manager's findings and order. Failure to timely file such appeal as provided herein shall render the Village Manager's decision final.

(e) The Village Manager may delegate any duty or power set forth in this section, including but not limited to, the conduct of the informal hearing and issuance of any final order, to such Village officer as the Village Manager may designate. (Ord. No. 2002, § 1; Ord. No. 2579, § 13.)

Section 31. Section 22.2. is hereby repealed in its entirety

22.2. Licenses required.

~~Each cab company and taxicab driver shall, as a condition precedent to operation of a taxicab in the Village, obtain the appropriate Village license as hereinafter provided. (Ord. No. 2002, § 1; Ord. No. 2579, § 1.)~~

Section 32. That Section 22.13. is hereby amended to read as follows:

22.13. Repealed by Ord. No. 2579, § 5.

Section 33. Section 22.18. is hereby repealed in its entirety

22.18. Repealed.

~~Taxicab driver's license required.~~

~~It shall be unlawful for any driver to operate a taxicab for a cab company licensed by the Village unless that driver is licensed by the Village. It shall be unlawful for any driver to operate a taxicab that is not properly registered pursuant to Sections 22-15(e) and (d). (Ord. No. 2002, § 1; Ord. No. 2579, § 9.)~~

Section 34. Section 22.19. is hereby repealed in its entirety

22.19. Repealed.

~~Application for and issuance of taxicab driver's license.~~

~~The driver of any taxicab to be operated within the Village for a cab company licensed to operate taxicabs in the Village, shall apply for a taxicab driver's license before driving a taxicab in the Village. The application for a taxicab driver's license shall be approved by the commissioner and a taxicab driver's license issued pursuant to the following rules and regulations:~~

~~(a) Application shall be made by the driver in writing to the Village Clerk on a form as reasonably required and approved by the commissioner. Prior to issuance of the license, a license fee as set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule" shall be submitted. The taxicab driver's license shall be valid for a period of two (2) calendar years extending from April 1 to March 31. The full license fee shall be paid no matter when the license is applied for or issued.~~

~~(b) The driver shall be required to include in the application a true statement of certain facts including but not limited to, the age of the driver, the driving convictions of the driver, the type of state driver's license of the driver, any felony convictions of the driver, the address and home telephone number of the driver.~~

~~(c) At the time of application, the driver shall submit his or her driving abstract obtained from the Illinois Secretary of State's Office within thirty (30) days prior to the submittal of the application for a license.~~

~~(d) The Village shall investigate the applicant for a taxicab driver's license. If this investigation or the application materials uncover information showing any of the following, the application shall not be approved and no taxicab driver's license shall be issued to that applicant:~~

~~(1) The applicant has been convicted of a felony based upon his/her conduct or~~

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~~involvement in such business or activity or related or similar business or activity within the past ten years;~~

~~(2) The applicant has been convicted of a felony or misdemeanor unrelated to his/her conduct or involvement in such business or activity or related or similar business or activity, but which felony or misdemeanor involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including criminal sexual assault and sexual abuse, within the past ten years;~~

~~(3) The applicant has been convicted of a misdemeanor or licensing ordinance violation based upon his/her conduct or involvement in such business or activity or related or similar business or activity within the past two years;~~

~~(4) The applicant has been convicted of driving under the influence of drugs or alcohol within the past five years.~~

~~(5) The applicant has been convicted of reckless driving within the past five years;~~

~~(6) The applicant's driver's license has been suspended for violations concerning his/her operation of a motor driven vehicle within the past five years; or~~

~~(7) The owner(s) or applicant(s) has misrepresented facts in the application for a license.~~

~~(e) The driver shall submit his/her fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by the Downers Grove Police Department or by a State approved agency. Driver shall pay a fingerprint fee as set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule". Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines that there may be reason to believe that the renewal applicant may have unreported convictions.~~

~~(f) The applicant for a taxicab driver's license shall provide to the Village Clerk with hi/her application evidence that he holds a valid Illinois operator's license that allows him to operate taxicabs under the laws of the state.~~

~~(g) The taxicab to be driven by the driver applying for the license shall pass a taxicab safety inspection within thirty days of application for a taxicab driver's license. Such inspections shall be conducted by Village approved testing stations according to the standards established by the Village. For taxicabs validly operating in the Village on April 1, 1997, the driver shall have the taxicab inspected on or before April 1, 1998. Upon successful completion of the inspection, a certificate of safety inspection will be issued and must be placed on the windshield of the taxicab. These safety inspections shall be valid for one year. Taxicabs shall be reinspected during the term of the driver's license whenever the certificate of inspection expires. If the driver changes taxicabs, the new taxicab shall be inspected pursuant to this subsection before it can be operated in the Village. No taxicab shall be operated within the Village without displaying a current and valid Village certificate of safety inspection. Upon issuance of a taxicab driver's license, the driver shall at all times when operating a taxicab in the Village carry a license card that contains his/her name, license number and year for which the license is valid. The taxicab driver shall exhibit this card upon the request of any passenger or police officer.~~

~~(h) Failure to comply with the application and disclosure requirements of this section shall constitute grounds for the commissioner to deny issuance of a taxicab driver's license to any driver.~~

~~(i) Issuance or Denial Taxi Driver's License. The Taxi Cab Commissioner shall, within 45 days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny issuance of a taxi cab driver's license pursuant to this Ordinance. Provided, if after 45 days a criminal history background investigation has not been completed, the Taxi Cab Commissioner may issue a temporary taxi cab driver's license during the investigation period. The temporary taxi cab driver's license shall only be valid for 90 days from the date of issuance and shall automatically terminate at the end of the 90 day term. The Taxi Cab Commissioner has the right to revoke the temporary taxi cab driver's license immediately upon an unsatisfactory completion of a criminal history background investigation. (Ord. No. 2002, § 1; Ord. No. 2579, § 10.)~~

Section 35. Section 22.22. is hereby repealed in its entirety

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22.22. Reserved.

Section 36. Section 22.22ART. is hereby repealed in its entirety

22.22ART. Article III. Taxicab Service

Section 37. Section 22.23. is hereby repealed in its entirety

22.23. Repealed by Ord. No. 3174, § 2.

Section 38. Section 22.25. is hereby repealed in its entirety

22.25. Reserved.

Section 39. Section 22.26. is hereby repealed in its entirety

22.26. Changes in the number of taxicabs or hours of service.

~~Changes in the number of taxicabs or hours of service.~~

~~_____ (a) The Council alone shall determine whether the public convenience and necessity require a change in the maximum number of taxicabs which may be registered for operation in the Village or hours of taxicab service required by Sections 22-24 and 22-25 of this chapter. In determining whether the public convenience and necessity require change in the maximum number of taxicabs which may be registered for operation in the Village or hours of taxicab service, due consideration shall be given by the Council to the following:~~

~~_____ (1) The public demand for taxicab service.~~

~~_____ (2) The effect of an increase in the number of taxicabs on the safety of existing vehicular and pedestrian traffic.~~

~~_____ (3) The effect of increased competition on revenues of taxicab operators, on cost of rendering taxicab service including provisions for proper reserves and a fair return on investment in property devoted to such service, and on the wages or compensation, hours and conditions of service of taxicab drivers.~~

~~_____ (b) A cab company may request that the Council amend the maximum number of taxicabs which may be registered for operation in the Village or required hours of service as required in Section 22-24 and 22-25 in the same manner as if it were requesting a fare revision under Section 22-7 of this chapter. (Ord. No. 2002, § 1; Ord. No. 2579, § 18.)~~

Section 39. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 40. That this ordinance shall be in full force and effect from and after its passage and publication

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in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk