

TAXICABS

3-11-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings set forth herein, except where the context clearly indicates a different meaning:

ADMINISTRATOR: The village administrator (or his designee) shall perform all the duties and functions of administrator as provided in this chapter and enforce the provisions of this chapter.

CERTIFICATE: A certificate issued by the village authorizing the holder thereof to conduct a taxicab business in the village.

LICENSEE: Any company or person who has paid a fee to operate a taxicab business or to drive a taxicab within the village.

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.

MILEAGE: The distance in the rate of fare, as mechanically or electronically registered, from the point of passenger pick up to the point of passenger delivery.

OWNER: Every individual, person, trustee, partnership, association or corporation owning, leasing, operating or having the use or control of one or more taxicabs in the village.

PERSON: Includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.

RATE CARD: A card approved by the village for display in each taxicab which contains the rates of fare then in effect.

RATE SHEET: The schedule of rates and fares charged for the transport of persons in a taxicab.

TAXI COMPANY: A person or entity engaged in business as owner of one or more taxicabs.

TAXI COMPANY LICENSE: The license issued to a taxicab company to operate within the village.

TAXICAB: A motor vehicle regularly engaged in the business of carrying passengers for hire only at lawful rates of fare, equipped with a taximeter, available indiscriminately to all persons as may offer themselves for transportation, not operating on a fixed route, having a seating capacity of seven (7) persons or less.

TAXICAB DRIVER: A person who drives and is licensed to drive a taxicab on the streets and ways within the village.

TAXIMETER: Any mechanical, electric or electronic device installed in a taxicab which calculates and indicates the fares, measures the distance traveled and time elapsed, waiting time and indicates other charges upon which the fare is based and which may be due.

WAITING TIME: The time when a taxicab vehicle is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab vehicle is

not in motion if due to any cause other than the request, act or fault of a passenger. (Ord. 11-50, 8-2-2011)

3-11-2: LICENSE REQUIRED:

It shall be unlawful to operate a taxicab or engage in the business of operating a taxicab, solicit or accept passengers for hire in the village without first having secured licenses therefor. Application for such licenses shall be made in writing to the village clerk; said license shall expire annually on April 30.

Nothing in this chapter shall be construed to prohibit any vehicle licensed to render any form of public passenger service by a governmental body outside the village from coming into the corporate limits of the village in order to discharge passengers accepted for transportation from a location outside the corporate limits of the village, or from coming into the corporate limits of the village to pick up passengers for transportation to a location outside the corporate limits of the village at a prearranged flat fare. (Ord. 11-50, 8-2-2011)

3-11-3: APPLICATION FOR LICENSE; FEES; ABANDONMENT:

(A) Term Of License: The license period begins May 1 and expires on April 30 of each year, unless a license has been suspended or revoked pursuant to this chapter. The renewal applications shall be considered late if submitted after April 15. Applications received after April 15 will be subject to a twenty dollar (\$20.00) late fee.

(B) Licenses And Renewals: Licenses and renewals shall be issued only upon the determination that the applicant has met the requirements of this chapter and that all fees have been paid. The village clerk, chief of police or their designees shall, upon consideration of the application and the reports and the certificate required to be attached thereto, approve the application if the requirements of this chapter have been met. If the application is rejected, the applicant may request a personal appearance before the village administrator to offer evidence why his application should be reconsidered as outlined in subsection (G) of this section. The village clerk shall not renew the license of any licensee which has any unpaid fine or judgments for violations of this chapter or any provision of this code.

(C) Conditions Of License:

1. No license shall be assigned, sold, mortgaged, pledged or otherwise transferred to another.
2. Taxicab company and drivers' license fees are not prorated.
3. Every taxicab driver providing taxicab service pursuant to this chapter shall display the driver's license (photo ID) issued by the village.
4. A duplicate license may be issued upon application and payment of fees and approval of the village clerk.
5. A taxicab company shall be deemed to have abandoned its taxicab company business license if any of the following conditions are satisfied:

- (a) A petition is filed for relief under any chapter of the bankruptcy act; or, if such a petition shall have been filed by another and the public passenger vehicle company shall have been adjudicated as bankrupt and such adjudication shall not have been vacated within thirty (30) days;
- (b) The providing of taxicab service is discontinued for a period in excess of ten (10) consecutive days for reasons other than a labor dispute, a temporary shortage of equipment, parts, fuel, or an act of God;
- (c) An application for renewal of the taxicab company license is not submitted.

(D) Fees: No license shall be issued, continued or renewed unless the holder thereof has paid an annual license fee for the right to engage in the taxicab business, to engage in the driving of a taxicab and for each vehicle operated under a certificate issued by the village. Said license fees shall be in addition to any other license fees or charges established by proper authority and applicable to said holder or the vehicle or vehicles under his operations and control. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the village clerk of such change and shall pay the additional fee. Such fee shall be in addition to any other vehicle fee required by ordinance and the village clerk shall issue suitable tags or stickers for each cab covered by license. Such tag or sticker shall be displayed in a prominent place on each taxicab.

FEE CHART

Initial taxicab company license (includes 1 fingerprinting and photo ID)	\$175.00
Taxicab company license renewal	75.00
Taxicab company each vehicle charge	25.00
Initial taxicab driver's license (photo ID) with fingerprinting	150.00
Taxicab driver's license renewal	50.00
Duplicate company or driver's license (photo ID)	10.00
Late renewal application (submitted after April 15)	20.00

(E) Driver Application Process: Any person desiring to obtain a license to operate a taxicab business or to drive a taxicab shall make application to the village clerk or her/his designees. The village shall have the authority to confirm any of the information asked for, or provided in the application. Applications for licenses and renewal licenses shall be on forms provided by the village clerk and shall include the following information:

1. The names and addresses of four (4) individuals who reside within the area, and who have known the applicant for a period of two (2) years and who will vouch for the sobriety, honesty, and general good character of the applicant.
 2. The applicant's experience in the transportation of passengers.
 3. A detailed history of employment.
 4. All taxicab drivers shall also hold a valid state of Illinois driver's license, which is appropriate to the class and weight of the vehicle the applicant intends to drive; a copy of said license shall be taken upon submittal of application.
 5. Taxicab business owners and taxicab drivers must be at least eighteen (18) years of age.
 6. Taxicab company owners, partners and all drivers shall provide executed authorized release of personal information form.
 7. Taxicab business owners and taxicab drivers must not have been convicted within the preceding seven (7) years of an offense involving a battery, sex, narcotics, possession of narcotics, possession of cannabis, the use of a deadly weapon, possession of a deadly weapon, or a plea of guilty or finding of guilty for the driving under the influence of alcohol or drugs even where one of the pleas or findings of guilty results in a sentence of court supervision.
 8. The license fee, including late fees that may be due, as provided in this chapter.
 9. A statement of the types of services to be provided; including a rate sheet.
 10. In the event the applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.
 11. Certification of public liability and property damage insurance as required by this chapter.
 12. Certification that taxicab safety inspections and taximeter inspections have been completed not more than thirty (30) days prior to the date of application and that such inspections find the taxicab to be safe and the taximeter to be in proper working order and accurate.
 13. Digital photograph of the applicant taken at the Oswego Law Enforcement Center at the time of fingerprinting.
- (F) Application Requirements: Applications for licenses and license renewals to operate a taxicab business or drive a taxicab shall be on forms provided by the village clerk and shall include the following:
1. The name (including nicknames or aliases), address, telephone number, and age of the applicant, the registered agent of the applicant, if the applicant is a corporation, and the general or managing partners if the applicant is a partnership;

2. A complete statement of all convictions of the applicant as provided in this section. If the applicant is a corporation, such statement shall include the applicant's officers, and directors thereof, and any stockholder or stockholders owning in the aggregate more than twenty percent (20%) of the stock of such corporation; the state of incorporation; whether the company is organized and qualified to do business under the laws of the state; the company's principal place of business. If the applicant is a partnership, such statement shall include all general partners, and any limited partner owning more than twenty percent (20%) of the aggregate limited partner interest in such partnership and the principal office of the cab company. Such listing shall include the following:
 - (a) Any offense involving sexual misconduct with children or other sex offenses as defined in article 11 of the criminal code of 1961, as amended;
 - (b) A felony based upon conduct or involvement in such business or activity or related or similar business or activity;
 - (c) A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the possession or use of a deadly weapon, traffic in narcotic drugs or cannabis, possession of narcotic drugs or cannabis, or violence against another person, including rape or sex offenses;
 - (d) A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related similar business or activity, within the past two (2) years;
 - (e) Any offense involving moral turpitude, including, but not limited to, any offense involving the misapplication, misappropriation or misuse of funds of another person;
 - (f) Any offense involving driving under the influence of alcohol, a controlled substance, cannabis or an intoxicating compound under Illinois law as amended from time to time;
 - (g) Any conviction for reckless driving under Illinois law as amended from time to time; and
 - (h) The applicant's driver's license has been suspended for moving or nonmoving violations of a motor driven vehicle.

(G) Denial, Abandonment, Suspension And Revocation:

1. Denial: If a license is denied, the applicant may file a written appeal of the decision to the administrator within ten (10) business days of receipt of the decision. Notice of denial shall be delivered by certified mail, return receipt. The written appeal shall set forth the reasons why the applicant believes the decision to deny the license should be reversed. The administrator shall respond to the appeal within fourteen (14) days of receipt of the appeal either affirming or reversing the decision to deny the license.
2. Revocation Or Suspension: A license issued under the provisions of this chapter may be revoked or suspended by the administrator for a violation of any provision of this chapter. If the administrator determines after investigation that cause exists for the

suspension or revocation of a license, the administrator 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 subsection (G)1 of this section. Unless a timely appeal is filed pursuant to subsection (G)1 of this section, 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 subsection (G)1 of this section, such revocation or suspension shall not be final and effective until the appeal has been processed.

3. Conviction Of Offenses: A taxicab company license or a taxicab driver's license issued by the village shall be automatically revoked if the owner(s) of the taxicab company or a taxicab driver is convicted of such offenses as are enumerated in subsection (F) of this section.
4. Incomplete Application: New or renewal license shall be denied for failure to complete the application process or provide the required documentation and fees.
5. Fraudulent Information: Licenses may be denied or revoked if an applicant is found to have provided fraudulent information to obtain the license.
6. Suspension Pending Investigation: Licenses may be suspended pending the investigation of a taxicab company owner or taxicab driver for any violation pursuant to this chapter.
7. Failure To Provide Services; Excess Fees Charged: Licenses may be suspended for failure to provide the services listed in the statement of the types of service to be provided or fees charged in excess of the filed rates.
8. Unpaid Fines: Licenses may be suspended pursuant to unpaid fines or judgments for violation of this chapter.
9. Revocation For Two Or More Suspensions: A license may be revoked for two (2) or more suspensions within a preceding twelve (12) month period. (Ord. 11-50, 8-2-2011)

3-11-4: VEHICLES:

No taxicab shall be operated unless it bears a state license duly issued; and no such taxicab shall be operated unless it is equipped in accordance with the equipment requirements of the Illinois motor vehicle code. (Ord. 11-50, 8-2-2011)

3-11-5: DRIVERS:

It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, or to use any profane or obscene language, to shout or call to prospective passengers, or to disturb the peace in any way. (Ord. 11-50, 8-2-2011)

3-11-6: INSURANCE:

No taxicab shall be operated unless it is covered by a bond or public liability policy as required by the Illinois secretary of state showing that the taxicab company, its drivers and employees are adequately insured against public liability, property damage and workers' compensation

claims. Taxicab companies with independent contractors as taxicab drivers must cause each driver to provide proof of automobile liability insurance for each taxicab registered pursuant to this chapter. The limits for the required automobile liability insurance shall not be less than one hundred thousand dollars (\$100,000.00) for injury to any one person or three hundred thousand dollars (\$300,000.00) for personal injuries in any one occurrence, and not less than one hundred thousand dollars (\$100,000.00) for property damage in any one occurrence. The village of Oswego shall be named as an additional insured.

The taxicab company shall provide the village clerk with a current certificate of insurance for every taxicab vehicle registered under this chapter. If the insurance expires or is otherwise terminated during the term of the license, the licensee shall submit to the village within fifteen (15) days of receipt thereof, a new certificate of insurance showing that the policy has been renewed or a new policy obtained meets the requirements of this chapter. Failure to provide a new certificate of insurance within fifteen (15) days will result in suspension of license until such certificate is provided to the clerk.

Every licensed taxicab company shall keep accurate books and records of account and log books of service rendered in its dispatching office. The village 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 an investigation under the provisions of this chapter. (Ord. 11-50, 8-2-2011)

3-11-7: TRAFFIC RULES:

It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance. (Ord. 11-50, 8-2-2011)

3-11-8: UNLAWFUL USE:

It shall be unlawful to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor. (Ord. 11-50, 8-2-2011)

3-11-9: PASSENGERS:

It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person is not intoxicated and conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger. The driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. It shall be unlawful for a passenger to fail or refuse to pay the lawful fare at the termination of a trip. (Ord. 11-50, 8-2-2011)

3-11-10: ADMINISTRATION:

(A) Complaints/Violations: In addition to the fines authorized by section 3-11-13 of this chapter, any licenses issued pursuant to this chapter may be revoked for violations which endanger the health, safety or welfare of the public. In event of such a violation, if in his sole discretion, the village administrator believes that the license should be revoked, he shall recommend to the village board that the license(s) be revoked. The board of trustees shall then, after notice and hearing to the licensee, determine whether to revoke the licenses.

Any person or entity whose license is revoked under this section shall be ineligible for any type of license authorized under this chapter for a period of five (5) years.

- (B) Vehicle Safety: Where a violation is found concerning the safety or condition of any taxicab, the village clerk may issue an order to the licensee requiring the vehicle(s) to be inspected at a state of Illinois inspection facility to determine whether the vehicle meets the requirements of this chapter.
1. After a vehicle is inspected, the licensee must provide the clerk with a certificate stating the vehicle is in a safe operating condition and meets the requirements of this chapter.
 2. Any vehicle ordered to be inspected shall not be operated as a public passenger vehicle until the safety compliance certificate is delivered to the clerk. (Ord. 11-50, 8-2-2011)

3-11-11: MAINTENANCE OF TAXICABS AND EQUIPMENT:

- (A) Every taxicab operated in the village by a taxicab company licensed by the village shall be maintained to assure that it is mechanically dependable, clean and safe. Seat belts shall be provided for every passenger, and passengers shall be able to enter and exit from a taxicab without crossing any interior barrier. Each taxicab shall have two (2) doors on each side of the vehicle. If any taxicab becomes unsafe for operation or if its body or seating facilities are so damaged as to render the taxicab unfit for public use, that taxicab shall be taken out of public service until it is fully repaired.
- (B) 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:
1. No taximeter shall be attached to a taxicab unless it has been inspected by an inspector and found to be accurate and sealed by such inspector. The taxicab company shall keep certificates of accuracy issued by the inspector for each taximeter in each taxicab and provide the same for inspection by a passenger or any police officer upon request. The expense for such inspections shall be the responsibility of the taxicab company owner.
 2. Each taximeter shall be inspected annually not more than thirty (30) days prior to applying for a license or license renewal, or such other date as may be required, and a certificate of accuracy shall be submitted by the taxicab company to the village clerk prior to issuance of a new or renewal of the taxicab company license.
 3. Taximeters shall have a lighted dial or dials to register the fare in accordance with lawful rates as provided 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(s).
- (C) Every taxicab operated by a taxicab company licensed by the village shall have affixed and displayed on both sides of the taxicab, the name of the taxicab company and its telephone number in letters of a contrasting color and not less than three inches (3") in height. (Ord. 11-50, 8-2-2011)

3-11-12: VIOLATION:

It shall be unlawful to operate a taxicab or engage in the business of operating a taxicab, solicit or accept passengers for hire in the village without first having secured a license therefor. Each solicitation or acceptance of passengers by an unlicensed or unregistered person shall constitute a separate offense. (Ord. 11-50, 8-2-2011)

3-11-13: PENALTY:

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a class III fine, plus applicable hearing costs, as provided in subsection 1-4-3(F) of this code. (Ord. 11-50, 8-2-2011)