

ORDINANCE NO. 17-

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 8 (TAXICAB SERVICES) OF THE NAPERVILLE MUNICIPAL CODE.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations), Chapter 8 (Taxicab Services) of the Naperville Municipal Code is hereby amended by adding the following underlined words and deleting the stricken language as follows:

CHAPTER 8 - TAXICAB SERVICES

SECTION:

3-8-1: - DEFINITIONS:

For the purposes of this Chapter:

ADMINISTRATOR:	The term "Administrator" is understood to mean <u>The City Clerk or his or her designee.</u> Both terms are used interchangeably within this Chapter.
DRIVE:	To move or be in physical control of a taxicab.
DRIVER:	A person who drives or is licensed to drive a taxicab on the streets and ways within the City.
LICENSEE:	Any person who has completed the licensing process and been approved to operate a taxi within the City of Naperville.
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.
MINIMUM FARE RATE:	A flat fee for a minimum amount of miles driven.
OPERATE:	Unless a contrary meaning clearly appears from the context in which it is used, any activity involved in doing business of providing public passenger services under the authority of this Chapter, including the ownership of an operating license. "Operate" does not include the driving or moving of any taxicab.

OWNER:	Every <u>Any</u> individual, person, trustee, partnership, association or corporation owning, leasing, operating or having the use or control of one or more taxicabs in the City.
PREMIUM RATE:	Rates charged from the hours of eleven o'clock 11:00 p.m. to five o'clock 5:00 a.m.
PUBLIC PASSENGER SERVICE:	Providing transportation of passengers for hire using taxicabs.
PUBLIC PASSENGER VEHICLE:	A taxicab used for transportation of passengers for hire.
RATE SHEET:	The schedule of rates and fares charged for the transport of persons in a taxicab.
TAXI STAND:	A <u>designated</u> area place which has been designated by the City as reserved exclusively for the use of taxicabs <u>only</u> .
TAXICAB:	Any first division motor propelled vehicle properly licensed by the State of Illinois , equipped with a taximeter and operated for transportation of passengers for hire, available indiscriminately to all persons as may offer themselves for transportation.
TAXI COMPANY:	A business or dispatch service that provides transportation via a taxicab.
TAXIMETER:	Any mechanical, electric 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. (Ord. 91-178, 9-17-1991, eff. 1-1-1992; amd. Ord. 07-268, 12-18-2007; Ord. No. 11-103, § 1, 7-19-2011)

3-8-2: - PUBLIC PASSENGER SERVICES:

1.

It shall be unlawful for any person, or company to solicit or accept passengers for hire from any location in the City of Naperville without first ~~completing the registration process and obtaining~~ a taxi license. Any taxicab waiting in a designated ~~taxi stand~~ area shall be considered ~~soliciting~~ soliciting ~~on~~ of passengers.

1.1.

~~Each licensee under this Chapter shall establish and file with the Administrator a rate of fare or charges which it intends to make for public passenger service. No revisions to rates of fare or charges may be imposed upon customers without first notifying the Administrator in writing.~~

1.2.

~~Each licensee shall provide an updated list of all current drivers and vehicles to the City Clerk whenever changes are made.~~

1.1.

~~Taxicabs shall must post its company's name, telephone number on its rate and fees schedule of their rates or fees attached to on the back of the front seat, clearly visible to passengers in the rear seat of their vehicle. The taxicab company's name and telephone number shall be listed on the rate sheet.~~

1.2.

~~Taxi rates shall be expressed listed as an initial rate plus an additional rate fee for every mile or portion thereof. Taxis may also determine impose a fee for waiting time. Licensees must allow and accept credit cards to be used for the payment of fares.~~

1.3.

~~If requested by the passenger, the taxicab driver shall provide a legible receipt, containing with the name of the owner or driver, the vehicle sticker number or the driver's license number, or the taximeter number, listing all charges, the date, and the total amount paid.~~

1.4.

~~Licensees are subject to the cell phone laws applicable in the City and State. may not use a cell phone while transporting a passenger.~~

2.

Service Refusal:

2.1.

~~Every licensee under this Chapter shall accept for transportation transport any orderly person requesting exclusive service. anywhere in the license area provided, however, that the licensee or its agent driver has the right to request a passenger to pay an estimated fair prior to transporting the passenger. If prepayment is refused, the licensee or its agents driver may refuse service.~~

2.2.

~~It shall be unlawful for any licensee to discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities~~

who can use taxicabs, individuals with service animals, refusing to assist with the stowing of mobility devices, and charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to others ~~persons~~.

2.3.

It shall be unlawful to refuse any person transportation in an unoccupied taxicab ~~to any place of destination within the City~~, unless such taxicab is on its way to pick up a passenger or otherwise out of service ~~or unless the person to be served uses profane or abusive language profanity in attempting to contract for service~~. When the taxicab is out of service or carrying a passenger, a sign ~~or light~~ indicating the taxicab is "not for hire" ~~in letters at least two (2) inches in height~~ shall be visibly displayed on the outside of the taxicab.

3-8-3: - ~~DRIVER~~ COMPANY REQUIREMENTS:

1.

Licenses Required: Any ~~person~~ company operating a taxicab business doing business providing public passenger service in the City; is required to have a license ~~to operate a taxicab~~.

1.1.

Operators and taxi drivers shall be at least eighteen (18) years of age and 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.

~~1.2.~~

~~Operators and drivers must be at least eighteen (18) years of age.~~

~~1.3.~~

~~Drivers must be able to read, write, and speak the English language in order to communicate with passengers.~~

~~1.4.~~

~~Drivers must be in good physical and mental condition; and shall not have any condition or disease which is likely to interfere with the safe performance of his or her duties as a driver.~~

1.2.

Operators and drivers must not have been convicted of a felony within the ~~preceeding~~ last seven (7) years, unless sufficient proof of rehabilitation is shown. At the discretion of the City Clerk, the fingerprint requirement may be waived.

(Ord. 91-178, 9-17-1991, eff. 1-1-1992; Ord. 07-114, 5-15-2007; Ord. 07-268, 12-18-2007; Ord. No. 11-103, § 1, 7-19-2011)

3-8-4: - APPLICATION PROCESS:

1.

~~Any person company or dispatch service, also known as the applicant, desiring to obtain a license to operating owing a taxicab business or to drive a taxicab seeking licensure shall make application to the City Clerk. The City Clerk shall have the authority to confirm any of the information asked for, or provided in the application. Applications packets for licenses and renewals licenses shall be on forms provided by the City Clerk and shall include the following:~~

2.

~~General Identification Form: The Name, (including nicknames or aliases) and address, telephone number, e-mail address applicant and driver's contact and identifying information and age of the each applicant driver, the registered agent of the applicant if the applicant is a corporation, and the general or managing partners, if the applicant is a partnership.~~

3.

~~Criminal Background and Fingerprinting: A completed statement of all criminal offenses of the applicant each driver, including any driver's license suspensions or revocations. If the applicant is a corporation, such statement shall include applicant's officers, and directors thereof, and any stockholder(s) or stockholders owning in the aggregate more than twenty percent (20%) of the stock of such corporation. 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. Each applicant and driver shall submit their fingerprints and fingerprint fee to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by to the Naperville Police Department. If the applicant is a corporation, fingerprints shall be required of applicant's officers, directors, and any stockholder(s) owning in the aggregate more than twenty percent (20%) of the stock of such corporation. If the applicant is a partnership, fingerprints shall be required of all general partners, and any limited partner owning more than twenty percent (20%) of the aggregate limited partner interest in such partnership. Applicant shall pay the fingerprint fee for each person driver required to submit fingerprints. At the discretion of the City Clerk, the fingerprint requirement may be waived.~~

3.

~~Whether the applicant's driver's license has been suspended or revoked and for what reason.~~

4.

~~In the event 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 City 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.~~

4.

Photo Identification: ~~Two 2 identical current color passport size photographs, one inch by one and one-half inches (1" × 1.5"), of the applicant each driver (head and shoulders area, face forward) shall be provided by the applicant to be used in the investigation of the applicant the preparation of and for an photo ID badge identification license cards, and the identification of the license holder following issuance.~~

5.

Insurance: Certification of public liability and property damage insurance as required by the Illinois Secretary of State for the entire license period naming the City of Naperville as the certificate holder.

6.

Safety Inspection: ~~Certification that of safety and taximeter inspections shall be 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.~~

7.

Completed Applications packets shall be submitted to the Records Department of the Naperville Police Department and once verified, applicants shall pick up their packet ~~must be completed and verified by the applicant at the office of~~ at the City Clerk's Office. Renewal applications for company licenses must be filed with the City Clerk by each before November October 15th (~~or the Friday before November 15 th if it falls on a weekend~~) each year to avoid a late fee.

~~(Ord. 07-268, 12-18-2007; Ord. No. 11-103, § 1, 7-19-2011)~~

3-8-5: - LICENSE REQUIREMENTS:

1.

License Issuance:

1.1.

Licenses shall be issued for the one-year period beginning January 1 and expiring on December 31 ~~of each year, unless suspended, revoked, or applicant has not met the requirements of this Chapter. pursuant to this Chapter.~~ No license shall be assigned to another.

~~1.2.~~

~~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 City Clerk shall not renew the license of any licensee which has any unpaid fines or judgments for violations of this Chapter.~~

~~1.3.~~

~~No license shall be assigned to another.~~

1.2.

Every ~~taxicab~~ driver providing public passenger service pursuant to this Chapter shall have on his or her person an ID badge and vehicle sticker issued by the City at all times when soliciting or accepting passengers.

2.

Denial, Revocation, or Suspension of Taxi Licenses:

2.1.

New or renewal licenses ~~shall~~ may be denied upon determination by the City Clerk that any provision of this Chapter ~~have~~ has been violated. ~~New or renewal licenses shall be denied for failure, applicant failed to complete the application process and provide required documentation, or applicant is found to have provided fraudulent information to obtain a license or registration.~~

2.2.

Licenses may be revoked pursuant to the cancellation or lapse, ~~without replacement,~~ of the required insurance or A license may be revoked for two (2) or more suspensions within a preceding 12-month period.

~~2.3.~~

~~New or renewal licenses shall be denied for failure to complete the application process, and provide required documentation.~~

~~2.4.~~

~~Licenses may be denied, or revoked if an applicant is found to have provided fraudulent information to obtain a license or registration.~~

2.3.

Licenses may be suspended or revoked pending the investigation of ~~an operator or~~ a driver for any violation pursuant to this Chapter, if ~~Licenses may be suspended for the driver fees charged fees in excess of the filed rates, Licenses may be suspended for the operation of unsafe vehicles, or Licenses may be suspended pursuant to~~ for unpaid fines, judgments, or for any violations of this Chapter.

~~2.6.~~

~~Licenses may be suspended for fees charged in excess of the filed rates.~~

~~2.7.~~

~~Licenses may be suspended for the operation of unsafe vehicles.~~

~~2.8.~~

~~Licenses may be suspended pursuant to unpaid fines or judgments for violations of this Chapter.~~

2.9.

~~A license may be revoked for two (2) or more suspensions within a preceding 12-month period.~~

2.10.

~~Violations of this Chapter may result in suspension or revocation of license.~~

3.

Replacement: A replacement license may be issued upon re-application, ~~and~~ payment of fees, and upon approval of the City Clerk. If a license has been revoked, the applicant may not reapply for a period of five (5) years.

4.

Fees:

4.1.

The fees authorized under the provisions of this Chapter shall include:

Fee Category	Dollar Amount
Vehicle Sticker (per vehicle)	\$20
<u>Driver Badge (per driver)</u>	<u>\$5</u>
<u>Fingerprinting</u>	<u>\$25</u>
<u>Application Late Fee</u>	<u>\$50</u>
<u>Company License 1-10 drivers</u>	<u>\$100</u>
<u>Company License 11-25 drivers</u>	<u>\$150</u>
<u>Company License 26-50 drivers</u>	<u>\$200</u>
<u>Company License 51-100 drivers</u>	<u>\$250</u>
<u>Company License over 100 drivers</u>	<u>\$500</u>

5.1.1.

~~Operating license: One hundred dollars (\$100.00).~~

5.1.2.

~~Vehicle license sticker per vehicle: Twenty dollars (\$20.00).~~

5.1.3.

~~Replacement vehicle license sticker: Twenty dollars (\$20.00).~~

5.1.4.

~~License application fee/photo ID badge for drivers: Forty dollars (\$40.00).~~

5.1.5.

~~Replacement ID badge for drivers: Twenty dollars (\$20.00).~~

~~5.1.6.~~

~~Late renewal application fee: Fifty dollars (\$50.00).~~

~~(Ord. 07-268, 12-18-2007; Ord. No. 11-103, § 1, 7-19-2011)~~

~~Editor's note — Ord. No. 11-103, § 1, adopted July 19, 2011, changed the title of section 3-8-5 from "License and registration" to "License." The historical notation has been preserved for reference purposes.~~

3-8-6: - LICENSE AND MAINTENANCE OF TAXICABS AND EQUIPMENT:

Every taxicab providing public passenger service in the City of Naperville must be licensed and must display the vehicle license sticker issued by the City in the rear window/driver side of the vehicle. Every taxicab shall:

1.

~~Be maintained to assure that it is dependable, clean and mechanically safe and safe: including not but limited to: Provide a seat belt for every passenger, allowance for passenger may to enter and exit without crossing any interior barriers, and a sufficient number of exits to permit every passenger and the driver to exit from the vehicle in the event that one side is rendered impassible as the result of an accident,~~

~~3.~~

~~Be designed and manufactured so every passenger may enter and exit without crossing any interior barriers.~~

~~4.~~

~~Have a sufficient number of exits to permit every passenger and the driver to exit from the vehicle in the event that one side is rendered impassible as the result of an accident.~~

2.

Every taxicab licensed by the City shall be equipped with a taximeter, in good working order, connected with, and operating from the transmission of the taxicab. No taxicab license shall be issued for any taxicab until the taximeter ~~therein~~ meets the following requirements:

~~5.1.~~

2.1.

No taximeter shall be attached to a taxicab unless it has been inspected ~~by an inspector approved by the City of Naperville~~ and found to be accurate and sealed by such inspector. The taxicab owner 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 licensee.~~

~~5.2.~~

~~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 set by the Police Department, and a certificate of accuracy shall be submitted by the cab company to the City Clerk prior to the renewal of the taxicab company license. In the event a complaint is made that any taximeter registers improperly or inaccurately, or upon request by the Police Department, the taximeter shall be subject to an inspection to determine its accuracy, by the Police Department.~~

~~6.~~

~~It shall be unlawful, after January 1, 2008, 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.~~

~~3-8-7: FINANCIAL RESPONSIBILITY:~~

~~1.~~

~~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.~~

~~2.~~

~~The licensee shall provide the Administrator with a current certificate of insurance naming the City of Naperville as certificate holder for every vehicle registered under this Chapter.~~

~~3-8-8: VIOLATIONS:~~

~~It shall be unlawful to solicit or accept passengers for hire from any location in the City of Naperville without first complying with all provisions of this Chapter.~~

~~3-8-7: - FINES:~~

~~Any person convicted of a violation of the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for the first offense, and not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00) for each subsequent offense.~~

~~(Ord. 07-268, 12-18-2007)~~

~~3-8-8: - ADMINISTRATION:~~

~~1.~~

~~Service Complaints and Other Communications:~~

1.1.

All complaints to the City concerning taxicabs and livery vehicles, licensees, the service rendered by them, and any other matters arising under this Chapter shall be directed to the Administrator. ~~Whenever it appears that a violation of any of the provisions of this Chapter may have taken place,~~ The Administrator shall investigate the facts and, if necessary, hold a hearing to determine the validity of the facts of such an apparent violation. At the conclusion of any such investigation, the Administrator shall prepare written findings determining whether or not provisions of this Chapter ~~or rules promulgated thereunder~~ have been violated. If a violation is found, the Administrator may impose fines ~~which have been prescribed for specific violations in this Chapter~~ or take any other action authorized by this Chapter.

1.2.

~~Whenever it appears that a violation of any of the provisions of this Chapter may have taken place, the Administrator shall investigate the facts and, if necessary, hold a hearing to determine the facts of such an apparent violation.~~

1.3.

~~At the conclusion of any such investigation, the Administrator shall prepare written findings determining whether or not provisions of this Chapter or rules promulgated thereunder have been violated.~~

1.4.

~~If a violation is found, the Administrator may impose fines which have been prescribed for specific violations in this Chapter or take any other action authorized by this Chapter.~~

1.5.

~~After a vehicle is inspected, the licensee must provide the Administrator with a certificate stating the vehicle is in a safe operating condition and meets the requirements of this Chapter.~~

1.6.

~~Any vehicle ordered to be inspected shall not be operated as a public passenger vehicle until the safety compliance certificate is delivered to the Administrator.~~

1.7.

~~A list of authorized inspection stations shall be kept by the Administrator and shall be given to each licensee when the Administrator issues an order that a vehicle or vehicles must be inspected.~~

2.

Public Hearings:

2.1.

Upon the Administrator's preliminary determination that cause ~~may~~ exists to suspend, revoke or not renew a license issued pursuant to the provisions of this Chapter, the Administrator shall serve written notice, by certified mail, ~~of that intent~~ to the licensee.

~~2.2.~~

~~Any written notice of intent to suspend, revoke or not renew a license shall be served by certified mail, return receipt requested, at to the address shown on the license application.~~

~~2.2.~~

Such written notice shall include:

~~2.2.1.~~

~~A general statement of the facts which the Administrator believes constitute cause to suspend, revoke or not renew the license, a statement describing the manner in which how the licensee may request a hearing ~~on the existence of cause to suspend, revoke or not renew the license~~; the time ~~within which~~ the request must be served on the Administrator in order to obtain a hearing, and the ~~intended~~ disposition of the license in the event a timely request, ~~made within 14 calendar days of receipt of the Administrator's notice, for a public hearing is not served as provided in this Section.~~~~

~~2.3.2.~~

~~A statement describing the manner in which the licensee may request a hearing on the existence of cause to suspend, revoke or not renew the license;~~

~~2.3.3.~~

~~The time within which the request must be served on the Administrator in order to obtain a hearing; and~~

~~2.3.4.~~

~~The intended disposition of the license in the event a timely request for a public hearing is not served as provided in this Section.~~

~~2.4.~~

~~The Administrator must receive a licensee's written request for a public hearing on the Administrator's preliminary determination to suspend, revoke or not renew his license within fourteen (14) calendar days after from the date on which the licensee received the Administrator's notice.~~

~~2.5.~~

Upon the timely receipt of the licensee's written request for a public hearing, the Administrator's designated hearing officer shall schedule a hearing to consider whether cause exists to suspend, revoke or not renew the operating license.

2.2.2.

Written notice of the time, date and place of said hearing shall be served upon the licensee by certified mail, return receipt requested, ~~and upon the Administrator~~ not less than seven 7 calendar days prior to ~~said~~ the hearing.

2.2.3.

The hearing notice shall include the information: the hearing will be held in a public place and ~~shall be~~ conducted by the Administrator's designated hearing officer, that the licensee ~~and the Administrator may appear personally or~~ shall appear by a legal representative at the hearing, that the rules of evidence will not be strictly applied by the hearing officer ~~and that the hearing officer will have the right to exclude duplicative or cumulative testimony~~, and that the hearing officer shall present written findings ~~as to whether cause exists to suspend, revoke or not renew the license to the Administrator within fourteen (14) days. or such longer period to which the parties agree~~ Upon the Administrator's receipt of the hearing officer's findings, the Administrator shall render a written decision, ~~in writing together~~ with an order to either suspend the license for a period not to exceed ~~ninety~~ 90 days, revoke the license, or not renew the license during the license year ~~for which license application was submitted.~~

2.7.2.

~~That the licensee and the Administrator may appear personally or by their representatives at the hearing;~~

2.7.3.

~~That witnesses at the hearing shall testify under oath and may be cross examined by any person (in person or by counsel) having a material interest in the outcome of the hearing;~~

2.7.4.

~~That the licensee, the Administrator or their representatives may present relevant testimony and relevant documents may be offered and taken into evidence;~~

2.7.5.

~~That the rules of evidence will not be strictly applied and that the hearing officer will have the right to exclude duplicative or cumulative testimony;~~

2.7.6.

~~That the hearing officer shall present written findings as to whether cause exists to suspend, revoke or not renew the license to the Administrator within fourteen (14) days or such longer period to which the parties agree.~~

2.8.

~~Upon the Administrator's receipt of the hearing officer's findings, the Administrator shall render a decision, in writing together with an order to either suspend the license for a period not to~~

exceed ninety (90) days, revoke the license, or not renew the license during the license year for which license application was submitted.

3.

Appeals:

3.1.

The decision of the Administrator on any suspension, revocation or nonrenewal of a license issued pursuant to the provisions of this Chapter may be appealed to the City Manager.

3.2.

Any request for an appeal must be filed with the Administrator within fourteen (14) days of the Administrator's decision.

3.3.

Any such appeal shall be based upon the record of the proceedings before the hearing officer. A hearing de novo shall not be allowed, and no new or additional evidence in support of, or in opposition to the Administrator's findings or orders shall be considered.

(Ord. 91-178, 9-17-1991, eff. 1-1-1992; Ord. 07-268, 12-18-2007; Ord. No. 11-103, § 1, 7-19-2011)

3-8-9: - POLICE REQUESTED SERVICE:

Notwithstanding any other provision of this Chapter, the Naperville Police Department police officers may request service from a taxicab company not licensed to operate in the City of Naperville in any emergency, or ~~nonemergency 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 City of Naperville only to the extent that if such service is requested and authorized by a Naperville police officer, ~~as provided herein~~.

(Ord. 07-268, 12-18-2007)

SECTION 2: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk