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BILL NO. G-16-06-31

NO. G-9-16

**AN ORDINANCE AMENDING
CHAPTER 116: TAXICABS: OF THE
CITY OF FORT WAYNE, INDIANA,
CODE OF ORDINANCES**

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That Chapter 116: TAXICABS: of the City of Fort Wayne, Indiana Code of Ordinances is hereby repealed and replaced in its entirety as follows:

CHAPTER 116: TAXICABS

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- 116.02 Intent
- 116.03 Compliance
- 116.04 Valid permit and license required
- 116.05 Authority of Board of Public Safety
- 116.06 Unlawful operation of taxicab for compensation

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1 **GENERAL PROVISIONS**

2 **§ 116.01 DEFINITIONS.**

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

5 **LICENSE.** A license to allow an individual to drive a permitted taxicab in the City.

6 **LICENSEE.** A licensee is an individual who has been issued a taxicab driver's
7 license by the Board of Public Safety.

8 **PERMIT.** A permit for the utilization of a taxicab business in Fort Wayne, issued
9 upon the approval of the Board of Public Safety.

10 **PERMITEE.** A permittee is an individual who has been issued a permit to operate a
11 taxicab business by the Board of Public Safety.

12 **PERSON.** An individual, partnership or corporation.

13 **TAXICAB.** A public passenger vehicle for hire only at lawful rates of fare, which,
14 when it is being operated between a point of origin and a destination, are recorded
15 and indicated by a taximeter or at rates as set forth in this chapter.

16 **TAXICAB INSPECTOR.** That individual designated by the Board of Public
17 Safety to perform inspections of taxicabs.

18 **TAXIMETER.** A mechanical or electronic device which records and indicates a
19 charge of fare measured by the distance traveled, a drop or pick-up fee, if any,
20 waiting time, if any, and extra passengers, if any.

21 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-7-10, passed 6-22-10; Am. Ord. G-20-
22 10, As Amended, passed 12-14-10)

23 **§ 116.02 INTENT.**

24 This chapter is drafted with the intent of meeting the procedural requirements of IC
25 4-21.5. When, in conflict, this chapter shall be read to conform to IC 4-21.5 et seq.,
26 and the Board of Public Safety shall conduct its proceedings accordingly.

1 (Ord. G-30-90, passed 12-18-90)

2 **§ 116.03 COMPLIANCE.**

3 It shall be unlawful for any person to engage in the business of operating a taxicab
4 except in compliance with the provisions contained in this chapter.

5 (Ord. G-30-90, passed 12-18-90)

6 **§ 116.04 VALID PERMIT AND LICENSE REQUIRED.**

7 It shall be unlawful for any person to engage in the business of operating a taxicab
8 service without a valid taxicab vehicular permit for each taxicab and/or to allow an
9 individual to operate a taxicab without a taxicab license as required by this chapter.

10 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-09-06, passed 8-22-06)

11 **§ 116.05 AUTHORITY OF BOARD OF PUBLIC SAFETY.**

12 (A) The Board of Public Safety and/or its agent, subject to approval of the
13 Common Council, is vested with power and authority and it shall be its duty to
14 supervise and regulate taxicab performance and determine the adequacy of the
15 service being furnished. Nothing contained herein shall be construed as granting
16 unto the Board of Public Safety the power to establish rates of fares, which power is
17 hereby exclusively withheld.

18 (B) Whenever the Board of Public Safety shall exercise its power and authority
19 by establishing fines or regulatory standards for equipment and/or performance
20 pursuant to the provisions contained herein, said Board shall submit a copy of any
21 such fine schedule or regulations in the form of a resolution to be approved by the
22 Common Council prior to their implementation.

23 (C) The Board of Public Safety shall have the power and authority to prescribe and
24 administer rules and regulations and issue orders, in conformity with the provisions
25 of this chapter, to prescribe the conduct of persons operating taxicabs in the City.
26 The Board of Public Safety may delegate its authority to a designated agent to act on
27 the Board's behalf, including but not limited to, issuing and immediately suspending
28 taxicab licenses and/or permits for violation of any provisions of this chapter. The

1 permittee and/or licensee may pursue a remedy pursuant to § 116.56 of this chapter.
2 The Board of Public Safety may hire persons to carry out its function, including but
3 not limited to vehicle inspections, taximeter inspections and random inspections to
4 determine whether fares are being charged which conform to the rates posted in and
5 on the vehicle.

6 (D) The Board of Public Safety shall keep on file in its office, open to the
7 inspection of the public, the following information:

8 (1) A register of names of each person engaged in the taxicab business with the
9 date and complete record of inspection made of all vehicles operated pursuant to this
10 chapter.

11 (2) An indexed record of all orders made and entered under pursuant to the
12 provisions of this chapter.

13 (E) In addition to maintaining a list of permittees, the Board of Public Safety shall
14 assign a serial body number to each motor vehicle described in such list as originally
15 filed or amended and place such number opposite the description of such motor
16 vehicle in such list.

17 (F) The Board of Public Safety is hereby authorized to promulgate a schedule of
18 administrative fees and fines which may be levied in lieu of or in addition to the
19 revocation and suspension of any permit or license issued under the provisions of
20 this chapter. Any such regulation may also include provision for notice and a
21 hearing before the Board of Public Safety in those cases where permits or
22 licenses are revoked or suspended.

23 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-37-03, passed 11-18-03)

24 **§ 116.06 UNLAWFUL OPERATION OF TAXICAB FOR
25 COMPENSATION.**

26 (A) It shall be unlawful for any person to operate a taxicab for compensation with
27 the knowledge that the taximeter is not authorized by a valid permit or that grounds
28 for revocation or suspension of said permit exist pursuant either to the rules and
29

1 regulations hereafter promulgated by the Board of Public Safety or the provisions
2 contained in this chapter.

3 (B) It shall be unlawful for any taxicab driver or person in the business of
4 operating a taxicab for compensation to:

5 (1) Charge an additional type of fee or higher fee other than those fees posted.
6 With the exception of contracted or special out-of-town fares, it shall be unlawful to
7 charge a fare less than those posted.

8 (2) Throw the flag of a taximeter in a recording position when such taxicab is
9 not actually employed or to fail to throw the flag of such taximeter to the non-
10 recording position at the termination of each service.

11 (3) Transport a greater number of passengers than the rated seat capacity of the
12 taxicab.

13 (4) Fail to answer all calls received in the order or receipt, unless the licensee
14 reasonably believes the receipt of a call will place him/her in fear of bodily harm.

15 (5) Refuse, upon request, to give a passenger a written receipt showing the fare
16 due and the miles and minutes employed.

17 (6) Drive passengers via indirect or circuitous routes for the primary purpose of
18 obtaining higher fees.

19 (7) Refuse to provide services on the basis of the short length of the prospective
20 ride.

21 (8) Fail to display a valid license, issued pursuant to this chapter, in the taxicab
22 interior in full view of any passenger.

23 (9) Pick up additional passengers without prior consent of the passengers
24 already in the taxicab.

25 (10) Smoke while the vehicle is occupied by a passenger or;
26

1 (11) Use a taxicab for any illegal activity.

2 (C) It shall not be unlawful for any taxicab driver or person in the business of
3 operating a taxicab from charging an additional fee or surcharge from that measured
4 by the taximeter, provided:

5 (1) The passenger is aware of the additional fee or surcharge at the time the
6 passenger requests the dispatch of the taxicab.

7 (2) The taxicab driver verbally advises the passenger of the additional fee or
8 surcharge before the initial flag drop.

9 (3) The additional fee or surcharge is posted on the vehicle pursuant to the
10 provisions of this chapter and rules and regulations promulgated by the Board of
11 Public Safety.

12 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-33-02, passed 11-26-02; Am. Ord. G-
13 09-06, passed 8-22-06; Am. Ord. G-20-10, As Amended, passed 12-14-10)

14
15 **PERMIT REQUIREMENTS; OBLIGATIONS**

16 **§ 116.20 APPLICATIONS FOR PERMIT; PROOF OF COMPLIANCE**
17 **WITH MINIMUM STANDARDS.**

18 (A) Any person desiring to operate taxicabs upon any public street or in any
19 public place within the City shall file an application for a permit with the clerk of the
20 Board of Public Safety upon a form which the Board shall provide, free of charge, to
21 all applicants. Such applications shall be verified under oath and shall furnish the
22 following information:

23 (1) Name of the applicant;

24 (2) Name of the applicant's business and whether the business is owned
25 individually, as a partnership, or as a corporation;

26 (3) Applicant's business location;

27 (4) Applicant's business mailing address;

1 (5) Applicant's business phone number;

2 (6) Applicant's home address and home phone number of the person signing the
3 application;

4 (7) The number of permits requested;

5 (8) Make, model, vehicle identification number, title number and state license
6 plate number for each vehicle to be permitted;

7 (9) The trade name under which the business will operate and the telephone
8 number which will be used by customers to contact the business for service;

9 (10) The names and addresses of any and all persons holding a 10% or greater
10 beneficial interest in the applicant's business or company. Failure to disclose such
11 interest holders shall be grounds for the denial of the application of any applicant and
12 the immediate revocation of the permit or permits of any permittee;

13 (11) A statement by the applicant that it intends to own or lease at least one
14 taxicab for use in the business;

15 (12) The type and amount of communication equipment which the applicant
16 intends to own or lease for use in the business. Nothing contained herein shall
17 prevent the applicant from renting communication services from an existing dispatch
18 provider;

19 (13) A statement by the applicant that it intends to purchase a policy of
20 insurance which conforms to the requirements for insurance set out in this chapter;

21 (14) Such other information as the Board of Public Safety may require.

22 (B) The applicant shall also submit attachments to the application, to the Board of
23 Public Safety to show compliance with the following terms and conditions:

24 (1) Proof of inspection of the vehicle by a taxicab inspector to be designated by
25 the Board of Public Safety.
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1 (2) Insurance certification proving that the applicant has met the insurance
2 requirements of this chapter.

3 (3) Such other documentation as may be required by the Board of Public Safety,
4 necessary to verify the truthfulness of the application under consideration.

5 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-10-10, passed 7-27-10; Am. Ord. G-
6 20-10, As Amended, passed 12-14-10; Am. Ord. G-37-11, passed 9-13-11)

7 **§ 116.21 ISSUANCE OF PERMITS.**

8 (A) After examining all submitted applications for compliance with this chapter,
9 the Board of Public Safety shall issue or deny permits to the qualifying applicants on
10 a first-come, first-served basis, as determined by the date the application was
11 submitted. Permits shall be issued or denied within 60 days after the date of the
12 application submission.

13 (B) A minimum of one permitted four-door vehicle shall be required. No permits
14 shall be issued to any individual or taxicab company who, upon initial application for
15 permit, fails to qualify at least one vehicle for receipt of permits. Any person
16 engaged in the taxicab business in the City under a permit first issued by the Board
17 of Public Safety is prohibited from reducing the number of permits he holds to under
18 one vehicle.

19 (C) Upon issuance of permits by the Board of Public Safety, permittee shall pay a
20 permit fee to the City accounting clerk. The permit shall not be valid until said fee is
21 paid. Permits shall be valid until December 31 of the year of issuance. All renewal
22 permits shall be issued on a calendar year basis.

23 (D) The Board of Public Safety shall provide a metal number plate for each motor
24 vehicle for which a permit has been issued and which is described in the schedule
25 filed with the Board of Public Safety, which plate shall, at all times when such motor
26 vehicle is being operated or used upon any public street, highway or other public
27 place in the City as a taxicab, be conspicuously displayed on the front and rear
28 thereof. In the event the holder of any permit desires to transfer such plate from the
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1 motor vehicle for which it was issued and use the same on another motor vehicle, he
2 shall immediately notify the Board of Public Safety and furnish them with the name
3 of the make, the serial number and the seating capacity of such motor vehicle to
4 which such plate is to be transferred.

5 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-7-10, passed 6-22-10)

6 **§ 116.22 ANNUAL RENEWAL OF PERMIT.**

7 Renewal permits shall be applied for and issued in the above-mentioned manner
8 and upon the same basis as original permits. For each renewal permit a fee shall be
9 charged and paid to the City accounting clerk. Failure to apply for a renewal permit
10 within 60 days of the expiration of the original or any subsequent permit shall result
11 in a late fine.

12 (Ord. G-30-90, passed 12-18-90)

13 **§ 116.23 ALL PERMITS TO BE KEPT ACTIVE.**

14 All persons holding City taxicab permits must maintain in operating condition the
15 vehicles for which the permits were issued. In the event that a vehicle for which a
16 permit has been issued becomes inoperable, the person holding the permit shall
17 notify the Board of Public Safety immediately and shall have 90 days from the date
18 of such notification to make the vehicle operable or to purchase a replacement
19 vehicle, during which time the permit is suspended and the vehicle cannot be in
20 service. If the vehicle has not been made operable within 90 days, the permit for that
21 vehicle shall be revoked.

22 (Ord. G-30-90, passed 12-18-90)

23 **§ 116.24 LIABILITY INSURANCE.**

24 (A) During the term of a permit issued pursuant to this chapter, the permittee or
25 owner of a taxicab authorized by the permit shall maintain in full force and effect at
26 no cost to the City a comprehensive auto and commercial general liability insurance
27 policy. Said policy shall be issued by an admitted insurer or an insurer deemed

1 acceptable by the Board of Public Safety or an insurer as defined by state laws and
2 shall provide the following:

3 (1) Commercial general liability coverage in an amount no less than \$1,000,000
4 single limit per occurrence;

5
6 (2) Auto liability coverage in an amount no less than \$300,000 combined single
7 limit per occurrence;

8 (3) Uninsured liability coverage in an amount no less than \$60,000.

9
10 (4) Underinsured liability coverage in an amount no less than \$50,000.

11
12 (5) That the City, its officers, employees and agents are to be named as
13 additional insureds under the policy;

14
15 (6) That the policy will operate as primary insurance and that no other insurance
16 effected by the City or other named insured will be called on to contribute to
17 a loss covered thereunder:

18 (7) Coverage for all losses and damages as specified in §116.25 and;

19
20 (8) That the insurance policy on file shall contain a provision stating that no
21 cancellation, change in coverage, or expiration by the insurance company or
22 the insured shall occur during the term of the taxicab vehicular permit,
23 without 15 days written notice to the Board of Public Safety prior to the
24 effective date of such cancellation or change in coverage.

25 (B) A certificate of insurance policy required by division (A) shall be presented
26 to the Board of Public Safety at the time of making application for permits and at the
27 time of inspection as set out in § 116.20 of this chapter.

1 (C) In the event of failure of any owner to obtain or maintain in effect such
2 deposit or such insurance policy, the Board of Public Safety and/or its agent shall
3 immediately suspend the permit and/or license and provide written notice of this
4 suspension to the permit and/or licensee holder. The permit and/or licensee holder
5 may pursue its remedy pursuant to § 116.56 of this chapter.

6 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-33-02, passed 11-26-02)

7 **§ 116.25 INDEMNIFICATION; LIABILITY.**

8 The permittee and taxicab owner shall assume the defense of, and indemnify and
9 hold harmless, the City, its officers, employees and agents from and against all
10 actions, claims, losses, damages, liability, costs and expenses of every type and
11 description, including but not limited to attorney fees, to which any or all of them
12 may be subjected by reason of, or resulting from, directly or indirectly, in whole or
13 in part, the acts or omissions of the permittee or the permittee's agents, officers or
14 employers, directly or indirectly arising from the operation of a taxicab. The
15 foregoing is not intended to and shall not be construed to limit any responsibilities or
16 liability that the permittee may be subjected to under other laws.

17 (Ord. G-30-90, passed 12-18-90)

18 **TAXICAB DRIVER'S LICENSE**

19 **§ 116.40 LICENSE REQUIRED.**

20 No person shall drive for compensation or offer to drive for compensation a
21 taxicab unless he holds a valid taxicab driver license issued pursuant to this
22 subchapter.

23 (Ord. G-30-90, passed 12-18-90)

24 **§ 116.41 LICENSE APPLICATION PROCEDURE.**

25 (A) Applications for a taxicab driver license shall be obtained and shall be filed
26 with the Board of Public Safety. Such applications shall be verified under oath
27 and shall contain the following:

1 (1) The name and address of the applicant;

2 (2) The number of a valid state public passenger chauffeur or commercial driver's
3 license issued to the applicant, and date of license expiration;

4 (3) A statement of whether the applicant's driver license has ever been revoked or
5 suspended and, if so, the reason for such revocation or suspension together with the
6 applicant's current Bureau of Motor Vehicles driver's license abstract;

7 (4) A list of each conviction of the applicant. The list shall, for each such
8 conviction, set forth the date of arrest, the offense charged and the offense of which
9 applicant was convicted;

10 (5) A list of the applicant's physical or mental disabilities or incapacities. With
11 respect to each such disability or incapacity, applicant shall state whether the same
12 would interfere with the proper management and control of a motor vehicle;

13 (6) A statement as to whether applicant is or ever has been addicted to the use of
14 alcohol or any controlled substance defined in the state criminal code;

15 (7) A list of all prescription medication which applicant takes on a regular or
16 episodic basis;

17 (8) Proof of U.S. citizenship and/or work visa status;

18 (9) Such other information as may be required by the Board of Public Safety to
19 further the purpose of this subchapter.

20 (B) A taxicab driver's license may be denied by the Board of Public Safety for
21 failure to comply with any provisions of this chapter on the following:

22 (1) Has been convicted of any act involving dishonesty, fraud or deceit with
23 intent to substantially benefit himself or herself or another, or substantially
24 injure another;

25 (2) Is believed to have a physical or mental disability or incapacity believed
26 to impair mental and motor skills, or takes medication, uses alcohol or any controlled
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1 substance as defined in the state criminal code, subject to medical documentation as
2 required by the Board; or

3 (3) Has a felony conviction within the past five years or is currently on parole
4 or probation. Provided, however, that the license shall be denied upon any of the
5 grounds specified in this division only if, in the opinion of the Board of Public
6 Safety, the crime, act, disability, incapacity or impairment from a substance
7 consumed, is substantially related to or shall adversely affect the qualifications,
8 functions or duties of the applicant.

9 (C) Any applicant denied a license shall be entitled to a refund of the license fee
10 paid to the City Accounting Clerk.

11 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-33-02, passed 11-26-02; Am. Ord. G-
12 20-10, As Amended, passed 12-14-10; Am. Ord. G-37-11, passed 9-13-11)

13 **§ 116.42 ISSUANCE OF LICENSE.**

14 (A) A taxicab driver license shall be issued by the Board of Public Safety:

15 (1) Upon receipt of a complete application as specified in § 116.41 and payment
16 of the license fee to the City accounting clerk, or their duly authorized representative,
17 so long as the following conditions are met:

18 (a) No grounds for permit denial or revocation exist, and

19 (b) After fingerprinting of the applicant by the Fort Wayne Police Department
20 and submission of two recent dated photographs, one to be attached to the
21 application and one to be attached to the driver's license, if issued.

22 (B) The Director of Weights and Measures, with prior approval of the City
23 Attorney's office, may issue a provisional taxicab license, not to exceed 60 days in
24 duration, prior to issuance of a permanent license by the Board of Public Safety.

25 (C) All licenses shall expire one year from the date of issuance unless sooner
26 revoked. A license shall not be transferable.

1 (D) All licenses so issued must be renewed within 30 days of expiration, at which
2 time the expired license shall be relinquished to the city accounting clerk, or their
3 duly authorized representative, and a renewal fee paid. Failure to apply for renewal
4 within said time frame shall subject holder to a fine and a delayed effective date of
5 the renewed license during which time the applicant is not permitted to operate a
6 taxicab.

7 (E) Any applicant denied a license shall be entitled to a refund of the license fee
8 paid to the city accounting clerk, or their duly authorized representative.

9 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-12-03, passed 4-22-03; Am. Ord. G-
10 07-04, passed 4-13-04)

11 **§ 116.43 DISPLAY OF LICENSE.**

12 The driver of every taxicab shall have the license visibly displayed in such vehicle
13 at all times and shall produce it upon demand of any passenger or taxicab inspector.

14 (Ord. G-30-90, passed 12-18-90)

15 **SUSPENSION AND REVOCATION OF PERMITS AND**
16 **LICENSES**

17 **§ 116.55 GROUNDS FOR PERMIT AND/OR LICENSE DENIAL,**
18 **REFUSAL TO RENEW, SUSPENSION, REVOCATION AND/OR**
19 **IMPOSITION OF FINE**

20 The Board of Public Safety and/or its designated agent may deny, refuse to renew a
21 license and/or permit, or immediately suspend a license and/or permit for violation of
22 any of the provisions of this chapter.

23 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-37-03, passed 11-18-03)

24 **§ 116.56 PROCEDURE FOR PERMIT AND/OR LICENSE DENIAL,**
25 **REFUSAL TO RENEW, SUSPENSION OR REVOCATION.**

26 (A) After the Board of Public Safety or its agent denies, refuses to renew, or
27 immediately suspends a taxicab permit and/or a taxicab driver's license, the Board
28 shall provide written notice, sent in compliance with Indiana Trial Rules, to the
29 applicant, permittee or licensee stating the grounds for the Board's action. The notice

1 shall also inform the addressee that the Board's action will become a final order and
2 the permit and/or license considered revoked in 30 days if addressee does not (1)
3 rectify the violation prior to end of the suspension and/or (2) request a hearing on the
4 matter before the Board. During the time period of the suspension, the permittee or
5 licensee shall not operate under the provisions of this ordinance.

6 (B) At the hearing to be held by the Board of Public Safety, the applicant,
7 permittee and/or licensee shall be given the opportunity to present witnesses and
8 evidence, to be represented by counsel and to examine all witnesses presented. The
9 Board of Public Safety shall mail a written order stating the grounds for the Board's
10 decision following a hearing in the case. Said order shall be considered a final order
11 for the purpose of IC 4-21.5-3.

12 (D) If the applicant, permittee or licensee is dissatisfied with Board's decision,
13 such person may appeal in the manner provided in § 116.57.

14 (E) Acting as an agent of the Board of Public Safety, the Taxicab Inspector may
15 issue a complaint to Allen Superior Court for violation of any of the provisions of
16 this chapter involving fines.

17 (Ord. G-30-90, passed 12-18-90; Am. Ord. G-20-10, As Amended, passed 12-14-
18 10) Penalty, see § 10.99

19 **§ 116.57 APPEAL FROM FINAL ORDER.**

20 Any person adversely affected by any final order made by the Board of Public
21 Safety under the provisions of this chapter may, within 30 days after such order is
22 entered, file a petition for judicial review in the circuit or the superior courts of the
23 county against the Board of Public Safety to vacate or set aside any such order on the
24 ground that such order is insufficient, unreasonable, unlawful or procured by fraud or
25 other unlawful methods. Summons shall issue upon the complaint filed in such
26 action and be served on the Board of Public Safety in the manner now provided by
27 the law in civil actions, and the procedure in the trial of such cause shall be the same
28 in the trial of civil actions. An appeal from the judgment of the County Circuit or
29 Superior Court in any such cause may be taken to the appropriate appeals court in the
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1 manner now provided for appeals in civil actions. This is adopted pursuant to IC 4-
2 21.5-5-5.

3 (Ord. G-30-90, passed 12-18-90)

5 **VEHICLES AND EQUIPMENT**

6 **§ 116.70 INSPECTION RULES AND REGULATIONS.**

7 (A) Prior to the use and operation of any vehicle under the provisions of this
8 chapter, such vehicle shall be delivered to a place designated by the Board of Public
9 Safety for inspection. The time of the requested inspection shall be designated by the
10 agent of the Board. Failure to comply with scheduled inspections may invalidate the
11 opportunity to pursue the permit at the discretion of the Board. The vehicle shall be
12 inspected by the Taxicab Inspector to ascertain whether it complies with such
13 reasonable rules and regulations as may be prescribed by the Board of Public Safety
14 and the provisions of this chapter. These rules and regulations shall be promulgated
15 by the Board of Public Safety to provide safe and clean transportation and shall
specify conditions and safety equipment deemed necessary.

16 (B) When a Taxicab Inspector finds that a vehicle has met all the established
17 standards he shall inform the Board of Public Safety.

18 ('74 Code, § 28-13) (Ord. S-201-85, passed 10-22-85; Am. Ord. S-13-86, passed 1-
19 28-86; Am. Ord. G-30-90, passed 12-18-90)

20 **§ 116.71 FREQUENCY OF INSPECTION; FEE.**

21 (A) Every vehicle operating under this chapter shall be inspected initially and
22 every six months thereafter by the Taxicab Inspector to ensure the continued
23 maintenance of clean, safe, operating conditions. Every vehicle must also be
24 inspected after it has been involved in an accident. A fee shall be charged by the
25 Board of Public Safety for the purpose of maintaining inspections, which fee shall be
26 determined by the Board and approved by resolution of the Common Council.

1 (B) In addition, the Taxicab Inspector or peace officers commissioned by the
2 City, after displaying proper identification, may make reasonable and periodic
3 inspections of any vehicle operating under a taxicab permit for the purpose of
4 determining whether the vehicle is in compliance with the provisions of this
5 subchapter and the rules and regulations promulgated by the Board of Public Safety.

6 (C) Any vehicle which is found, after any such inspection, to be unsafe or in any
7 way unsuitable for taxi service, may be immediately ordered out of service and
8 before again being placed in service shall be placed in a safe, suitable condition,
9 inspected and approved by the Taxicab Inspector.

10 (D) No owner shall allow a vehicle to be operated without a valid inspection
11 sticker. Violation of this section shall subject the owner to a fine.

12 ('74 Code, § 28-14) (Ord. S-201-85, passed 10-22-85; Am. Ord. G-30-90, passed
13 12-18-90)

14 **§ 116.72 REFUSAL TO ALLOW INSPECTION.**

15 If any person who owns or is in control of a taxicab refuses to allow the inspection
16 of the vehicle, the permit for that vehicle shall be automatically suspended and shall
17 not be reissued for a period of 90 days or until the vehicle has been presented for
18 inspection and passes said inspection, whichever is later. If no action is taken before
19 the 90 days, the permit for that vehicle will automatically revoke.

20 ('74 Code, § 28-15) (Ord. S-201-85, passed 10-22-85; Am. Ord. G-30-90, passed
21 12-18-90)

22 **§ 116.73 REQUIRED EQUIPMENT AND CONDITION OF TAXICAB.**

23 The Board of Public Safety is hereby empowered to promulgate the rules and
24 regulations consistent with the provisions of this chapter as may be necessary or
25 desirable to aid in attaining compliance with the provisions and purposes of this
26 chapter. The rules and regulations shall include, but shall not be limited to, the
27 following minimum standards:

1 (A) *Taximeter.*

2
3 (1) Every taxicab shall be equipped with a taximeter of a make satisfactory to
4 the Board of Public Safety. The use of any inaccurate taximeter or other
5 measuring instrument for the purpose of gauging or indicating distance
6 traveled or waiting time, for the purpose of fixing rates to be collected
7 from the public is hereby prohibited; it shall be the duty of the owner or
8 operator using any taximeter to keep said taximeter accurate.

9 (2) Every taximeter used for the purpose of gauging or indicating distance
10 traveled or waiting time, or for the purpose of collection of fares for the
11 public shall be inspected by the city Bureau of Weights and Measures or
12 his designee once every six months. If any meter is found to be
13 inaccurate, the taxicab to which it is attached shall not be operated until
14 such meter is properly approved and adjusted on reinspection. When any
15 inspection shows that a taximeter accurately records the proper fare it
16 shall be sealed under the direction of the inspector of Weights and
17 Measures of the City, or his designee, and a written certificate of
18 inspection shall be issued to the owner of any such taxicab. It shall be
19 unlawful for any unauthorized person to tamper with, break or mutilate
20 any taximeter or the seal thereon, with the purpose of causing such
21 taximeter to register any fare incorrectly or for any other purpose
22 whatsoever. It shall be unlawful for any person to operate a taxicab
23 without an operating taximeter in compliance herewith.

24 (3) Every taximeter shall be so placed in said taxicab that the reading dial
25 showing the amount to be charged shall be well lighted and readily
26 discernible by the passenger riding in such taxicab.
27

1 (B) *Display of names and rates.*

2 (1) Rate structure. The Board of Public Safety shall promulgate rules and
3 regulations requiring the external display of the fare structure of the permittee's
4 taxicabs. The display shall include:

5 (a) The distance for which the original flag drop pays;

6 (b) The rate per mile thereafter;

7 (c) The charge per minute of waiting time;

8 (d) Any surcharges added to the fare for fuel costs, service to specific
9 locations or during specific hours.
10

11 (2) Exterior information. There shall be on the outside of each taxicab, signs,
12 cards or plates of a durable or permanent structure, showing the permittee's taxicab
13 business name, taxicab permit number and current telephone number. The taxicab
14 business name and telephone number shall be displayed prominently on both sides of
15 the taxicab in accordance with the Board of Public Safety regulations.

16 (C) *Exterior conditions.*

17 (1) All taxicab vehicle bodies shall conform to the general specifications of the
18 manufacturer.

19 (2) All exterior paint work shall be maintained in good conditions, free of
20 substantial scratches, chips and abrasions.

21 (3) All doors must have operating handles that allow opening from both the
22 inside and outside. Handles, knobs and arm rests are to be free of breaks and must
23 be securely mounted.

24 (4) All suspension components affecting the ride and safety of vehicles shall be
25 maintained such that they comply with the manufacturer's specifications.
26

1 (5) All windshield and window glass shall be maintained free from cracks,
2 scratches, pitting, abrasions or any other condition that reduces clarity of vision.

3 (D) *Interior conditions.*

4 (1) Seat covers shall be permanently attached or fixed to the seats of the vehicle
5 and have no exposed wire or sharp edges either from metal or hardened vinyl. No
6 broken springs, sagging or horizontal slippage is allowable in either seat.

7 (2) Seat belts are to be in operating condition and easily accessible by all
8 passengers.

9 (3) Every operating permit holder shall ensure that the interior of his taxicab is
10 maintained at all times in a reasonable, clean condition.

11 (E) *Radio.* All taxicabs shall be equipped with two-way radios or comparable
12 communication devices such that office dispatchers may immediately and effectively
13 notify drivers of requests for service. No taxicab permit holder shall possess in the
14 place of business or dispatch operation any device used for the monitoring of a
15 competitor's radio frequency.

16 (F) *Safety equipment.* All taxicabs shall be equipped with a fire extinguisher,
17 flares and a first aid kit. No owner shall permit the operation of a vehicle without
18 said safety equipment, violation of which shall subject owner to a fine.

19 ('74 Code, § 28-16) (Ord. S-201-85, passed 10-22-85; Am. Ord. G-30-90, passed
20 12-18-90; Am. Ord. G-20-10, As Amended, passed 12-14-10; Am. Ord. G-37-11,
21 passed 9-13-11)

22 **§ 116.74 ADVERTISEMENT.**

23 (A) It is unlawful for any public passenger vehicles licensed pursuant to this
24 chapter to display any advertising sign or device, except as permitted by this section.

25 (B) Taxicab licensees may apply for permits to display advertising on the exterior
26 only of the vehicle. The Board of Public Safety shall designate its Taxi Inspector to
27 enforce and promulgate regulations specifying the locations on the taxicab where

1 advertising may be displayed, as well as describing the permissible design,
2 construction and method of affixing the display to the vehicle and also may include
3 additional guidelines for such displays and the permit process. In establishing such
4 criteria, considerations shall include:

5 (1) Visual clutter and aesthetics on the public way;

6 (2) The safety and comfort of passengers, drivers, pedestrians and other
7 motorists;

8 (3) The visibility of all information required by this chapter to be displayed on
9 the exterior of taxicabs, including but not limited to vehicle numbers, ownership
10 indicia, dome light and availability signal.

11 (C) The Taxi Inspector shall inform applicants for an advertising display permit
12 under this section whether the application is approved or disapproved within 30
13 business days after its receipt of the completed application, unless the Taxi Inspector
14 gives the applicant written notice, sent in compliance with Indiana Trial Rules, that
15 an additional 30 days is needed to make the determination and set forth the reasons.
16 If the application is approved, the Taxi Inspector shall issue an advertising display
17 permit. If the Taxi Inspector denies the permit application, the Taxi Inspector shall
18 provide written notice, sent in compliance with Indiana Trial Rules, of the decision
19 within such time period, stating the specific grounds and regulations that form the
20 basis for such denial. If the Taxi Inspector fails to act within 30 business days after
21 receipt of the application, or 60 business days if it has given advance notice of the
22 need for an additional review period, the application shall be deemed granted and the
23 permit shall be issued. The Taxi Inspector has the final authority to determine the
24 type, scope and content of the submitted advertising.

25 (D) Where the Taxi Inspector has by rule approved any type of advertising
26 display device that involves the installation of a physical apparatus on the public
27 passenger vehicle, an inspection of the initial installation of such device is required.
28
29
30

1 (E) An exterior advertising permit issued under this section shall expire one year
2 after the date of issue, unless sooner surrendered, revoked or terminated.

3 (F) No permit for exterior advertising issued pursuant to this section shall be
4 transferred or assigned.

5 (G) The suspension or revocation of a public passenger vehicle license issued
6 pursuant to this chapter shall act as the suspension or revocation of any advertising
7 permit issued hereunder to the affected public passenger vehicles.

8 (Ord. G-7-10, passed 6-22-10)

9 **APPENDIX: FEE AND FINE SCHEDULE**

10 **(A) FEES.**

11 **(1) COMPANY.**

12 New company application fee \$125

13 Annual permit fee for each vehicle -
14 includes semiannual inspection of
15 vehicle and taximeter and BOS review of
16 annual inspection \$125

17 Annual permit fee for each new vehicle
18 added to an existing fleet during the
19 calendar year - includes semiannual
20 inspection of vehicles and taximeters
21 added prior to May of calendar year and
22 BOS review of application

23 January 1 - EOM \$125

24 February 1 - EOM \$115

25 March 1 - EOM \$105

26 April 1 - EOM \$95

27 May 1 - EOM \$85

28 June 1 - EOM \$75

29 July 1 - EOM \$65

30 August 1 - EOM \$55

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(2) DRIVER.

Tampering with taximeter: \$1,500 and/or revocation or suspension of license;

Falsifying application: \$1,000 and/or revocation or suspension of license;

Operating without a valid license: \$1,500;

Other offenses: \$500 and/or revocation or suspension of license;

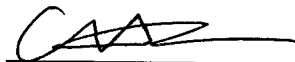
(C) Each and every day that the violation exists may constitute a separate offense.

(Res. R-75-02, passed 11-26-02; Am. Ord. G-37-03, passed 11-81-03; Am. Ord. G-04-06, passed 4-11-06; Am. Ord. G-09-06, passed 8-22-06)

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney

Public Hearing Date, if applicable


Read the first time in full and on motion by Councilman Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CRAWFORD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: July 12, 2016



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
General No. G-16-06-31 on the 12th day of July, 2016

ATTEST:



LANA R. KEESLING
CITY CLERK



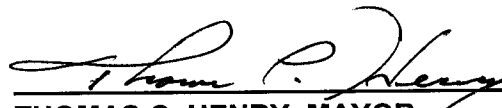
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th
of July 2016, at the hour of 9:00 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13TH day of July
2016, at the hour of 2:00 O'clock Pm . E.S.T.



THOMAS C. HENRY, MAYOR

BILL NO. G-16-06-31

REPORT OF COMMITTEE ON REGULATIONS

JULY 12, 2016

Tom Didier, ^{co}Chair
Tom Freistroffer, ~~co~~-Chair
All Council Members

AN ORDINANCE amending CHAPTER 116:
TAXICABS: OF THE CITY OF FORT WAYNE,
INDIANA, CODE OF ORDINANCES

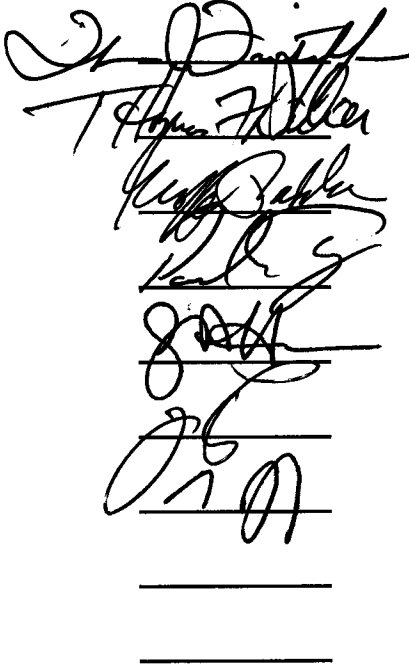
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration
and beg leave to report back to the Common Council that said ordinance

DO PASS

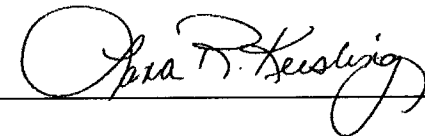
DO NOT PASS

ABSTAIN

NO REC

Handwritten signatures of committee members in the 'DO PASS' column. The signatures are written in black ink and include names such as Tom Didier, Tom Freistroffer, and others. There are approximately 10 signatures in total, each followed by a horizontal line.

LANA R. KEESLING
CITY CLERK

Handwritten signature of Lana R. Keesling in black ink, positioned above a horizontal line.