

ORDINANCE NO.: 2014-07 (AMENDED 6/10/14, 6/24/14, 7/8/14) INTERGOV. & UTIL.
SPONSOR: MAYOR NORTON
INTRODUCED: MAY 27, 2014 ASSIGNED TO: _____

AN ORDINANCE AMENDING ORDINANCE 2013-28 WHICH REQUIRES TAXICABS AND TRANSPORTATION SERVICES OPERATING IN THE CITY OF GREEN TO CONSPICUOUSLY POST THEIR RATES OF FARE, AND DECLARING AN EMERGENCY.

WHEREAS, the City has received a number of complaints from individuals who were the victims of ~~unlawful and~~ exorbitant charges by individuals operating taxicab service within the City; and

WHEREAS, the City desires to develop regulations that require taxicab and/or transportation services to conspicuously post the rates of fare within their vehicles; and

WHEREAS, requiring taxicabs and/or transportation services to post the rates of fare within their vehicle serves the best interest of the public health, safety, and welfare to ensure visitors and residents of the City of Green using taxicab services consistently pay the same rates for the services; and, are not charged exorbitant and/or unlawful rates; and

WHEREAS, the Akron-Canton Airport is the biggest source of taxicab and transportation services in the City of Green and desires regulation of this business; and

WHEREAS, Green adopted Ordinance 2013-28 on February 11, 2014 to require taxicab and transportation companies to post their Rates of Fare and file those rates with the City of Green; and

WHEREAS, Green now believes it is necessary to amend Ordinance 2013-28 to bring further clarity to the regulations imposed upon taxicab and transportation companies.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE: City Council amends Ordinance 2013-28 as follows:

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

Fixed Rates of Fare. A pre-arranged fare filed by taxicab companies or transportation companies with the City of Green to provide transportation from a location in Green to a specifically identified location. A Fixed Rate of Fare cannot be a range of charges to a single location; instead, it must be a single amount.

Rates of Fare. The fee or charge by taxicab companies or transportation companies, whether expressed as a dollar amount per distance traveled, time elapsed; or, a combination of distance traveled and time elapsed.

Street. Any public street, alley or public way within the corporate limits of the City.

Taxicab, Taxi and Cab. All motor-driven vehicles equipped with a taximeter engaged in the business of carrying passengers for hire on the streets of the City.

Taxicab Company. Every corporation, company, association, joint stock association, person, firm or partnership, or their lessees, trustees, receivers or trustees appointed by any court owning, controlling, operating or managing any taxicab engaged in the business of transporting persons for hire on the streets of the City.

Taximeter. A mechanical, electronic, or digital electronic instrument or device by which the charge for hire of a taxicab is calculated, either for distance travelled or for waiting time or for both, and upon which such charge is indicated by means of monetary figures.

Transportation Company. Every corporation, company, association, joint stock association, person, firm or partnership, or their lessees, trustees and trustees appointed by any court owning, controlling, operating or managing any vehicle engaged in the business of transporting persons for hire on the streets of the City, except taxicabs and motor vehicles owned or operated by a taxiing authority or district of the State of Ohio.

Rates of Fare.

- A. The Rates of Fare to be charged by taxicabs and/or transportation companies operating in the City of Green shall be provided in writing to the City's Service Director, **on a form created, approved, and published by the City of Green**, at least thirty (30) days prior to the implementation of those rates.
- B. The Rates of Fare provided to the City of Green shall be conspicuously posted within the taxicab or transportation vehicle and all meters within the taxicab or transportation vehicle shall be programmed for the rates of fare previously provided to the City of Green, pursuant to subsection A.
 1. Rates of Fare established by taxicab companies shall be effective thirty (30) days following written notice of such new fares delivered to the Service Director or after all taximeters have been programmed for the new rates of fare and the new rates of fare have been conspicuously posted in all taxicabs vehicles, whichever occurs later.
 2. Rates of Fare established by taxicab companies shall be accurately metered by all taxicab vehicles; **except, if the taxicab company or transportation company only provides pre-arranged, Fixed Rates of Fare, to specific locations, taximeters in their vehicles are not required. The City of Green, or an agent or independent contractor acting on behalf of the City of Green, shall certify the accuracy of the taximeters in all taxicabs.**

3. Rates of Fare established by taxicab companies or transportation companies may be based on different rate schedules in effect during specified days of the week or hours of the day, or both, provided each of such different schedule of rates is metered and the meter at all times conspicuously displays the schedule of rates being recorded and charged to passengers. **Taxicab Companies and Transportation Companies may also publish and charge pre-determined Fixed Rates of Fare for travel to specifically identified locations or areas.**

- C. Any taxicab or transportation company providing services within the City of Green shall ~~provided provide~~ to passengers, upon request, dated and signed receipt for services rendered. In the event a transportation company receives advance payment from passenger(s), the company shall ~~provide provided~~ a dated and signed receipt that specifies all the material terms, conditions, rates and fares of the transportation service to be provided during such future purchase and upon request, both the date and drivers identity on such receipt after each trip is concluded. A transportation Company may not solicit, either directly or indirectly, additional compensation for the services.

Liability Insurance. No person shall operate a taxicab company or transportation company without having in effect:

A. ~~public~~ **Public liability insurance for each vehicle with a combined single limit of \$500,000.00 \$300,000.00 covering both passengers and third parties PLUS A COMPREHENSIVE GENERAL LIABILITY POLICY WITH LIMITS OF \$1,000,000.00. as follows:**

~~A. A policy or certificate of liability insurance covering both passengers and third parties, indemnifying the taxicab company or transportation company in the following minimum amounts:~~

- ~~1. For vehicles with maximum passenger capacity of 12 or less persons, \$100,000.00 for injury or death to one person, \$500,000.00 for injury or death to more than one person and \$50,000.00 for property damage in any one accident arising out of the operation of any of the company's vehicles; and,~~

- ~~2. For vehicles with maximum passenger capacity of 13 or more persons, \$100,000.00 for injury or death to one person, \$1,000,000.00 for injury or death to more than one person and \$100,000.00 for property damage in any one accident arising out of the operation of any of the company's vehicles.~~

B. Such policy or certificate shall be provided by an insurance or liability carrier authorized to issue this type of insurance in the State of Ohio and shall contain a provision obligating the insurance carrier to give fifteen (15) days written notice to the City's Service Director before cancellation or termination of the insurance.

Such policy or certificate shall list the manufacturer's serial number and the Ohio license plate number for each vehicle covered therein. The policy or certificate shall be re-filed with City's Service Director whenever any vehicle is deleted from the transportation service of the insurance or a vehicle is added to the transportation service of the insured.

- C. The liability insurance required by this Section may contain a deductible or self-insured provision in an amount not to exceed the first \$25,000.00 of liability for all personal injuries, loss of life and property damage in any one accident or incident arising from the operation of any vehicle of a taxicab company or transportation company, provided that the taxicab company or transportation company shall deposit cash or other similar collateral acceptable to the City's Director of Finance.

Penalties.

- A. Any individual operating a taxicab on the streets of the City of Green in violation of this Ordinance shall be guilty of a Misdemeanor in the Fourth Degree and the Court, upon conviction, shall impose a definite jail term of not more than thirty (30) days and a fine of not more than \$2,000.00.
- B. Any entity; i.e. any corporation, limited liability company, partnership or limited liability partnership, operating taxicab or transportation services in the City of Green, which violates any term of this Ordinance, shall be fined by the Court for not more than \$2,000.00.

This Ordinance shall be effective and enforceable on July 1, 2014 regardless of the date it is approved by City Council.

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meeting of this Council and any deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: July 8, 2014

Molly Kapeluck
Molly Kapeluck, Clerk

Gerard Neugebauer
Gerard Neugebauer, Council President

APPROVED: July 14, 2014

Richard G. Norton
Richard G. Norton, Mayor

ENACTED/EFFECTIVE: July 14, 2014

ON ROLL CALL: Ahlstrom - YEA Humphrey - Absent Knodel - Yea Neugebauer - Yea
Reed - Yea Young - Yea Summerville - Yea Adopted 6-0

Suburbanite publication on July 13 and July 20, 2014

Molly Kapeluck
Molly Kapeluck, Clerk