

AN ORDINANCE TO AMEND THE TITLE AND SECTIONS 7:151, 7:158, 7:163, 7:164, 7:165, 7:167, 7:170, AND 7:172, OF CHAPTER 85 (TAXICABS) OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR AND TO ADD NEW SECTIONS, WHICH NEW SECTIONS SHALL BE DESIGNATED AS 7:154a, 7:156a, AND 7:156b.

The City of Ann Arbor Ordains:

Section 1. That the title of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**Chapter 85 TAXICABS AND NON-METERED VEHICLES FOR HIRE**

Section 2. That Section 7:151 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:151. Definitions.**

(1) *Administrator:* The City Administrator or a designee.

(2) *Approved special event:* A public event that is specially organized by a recognized group or body of organizers and that is formally approved for purposes of this chapter by Council resolution.

(3) *Board:* The Taxicab Board as specified in section 1:207 of Chapter 8 of this Code.

(4) *Motor vehicle:* Every vehicle that is self-propelled.

(5) *Non-metered vehicle for hire:* Any motor vehicle used in the carrying of passengers and the baggage of the passengers for hire that (a) has a seating capacity of 15 passengers or less, including the driver; (b) is not equipped with a taximeter; and (c) that is operated on the streets of the city, accepting passengers and their baggage for hire who have previously arranged to be transported in the motor vehicle as directed by the passenger. The term "non-metered vehicle for hire" does not refer to the following: vehicles owned and operating over fixed routes, vehicles owned and operated by governmental agencies, school buses, chartered buses, vehicles while in use for funerals, weddings, christenings and similar events, vehicles operated by non-profit companies for the purpose of transporting persons in need of special assistance, or vehicles providing individual or group transportation while operated pursuant to an agreement with the Ann Arbor Transportation Authority.

~~(6) *Board:* The Taxicab Board as specified in section 1:207 of Chapter 8 of this Code.~~

~~(3)(6) *Reciprocity:* A mutual or cooperative interchange between the City of Ann Arbor and 1 or more other municipalities of taxicab licensing requirements and~~

the privileges afforded under the respective municipalities' taxicab ordinances. Reciprocity exempts from the licensing requirements under this chapter only taxicab vehicles and drivers who are licensed by another municipality with which the city is cooperating.

(4)(7) *Special event:* A significant occurrence or happening, activity, contest or sports program that is arranged, conducted in, or appropriated for a particular occasion or purpose, for a specified time, that increases public transportation needs in the city or in 1 or more other municipalities such that reciprocity is reasonably necessary to respond to the increased public demand. Such events may be, but are not limited to: a football playoff game such as a Super Bowl, a baseball playoff game such as the World Series, a soccer playoff game such as World Cup Soccer, or any event approved by Council resolution as a special event requiring taxicab reciprocity.

(5)(8) *Taxicab:* Any ~~commercial-~~ motor vehicle that is equipped with a taximeter and operates on the streets of the city, accepting passengers for hire as directed by the passenger. The term "taxicab" does not refer to the following: vehicles owned and operating over fixed routes, vehicles owned and operated by governmental agencies, school buses, chartered buses, vehicles while in use for funerals, weddings, christenings and similar events; vehicles operated by non-profit companies for the purpose of transporting persons in need of special assistance, or vehicles providing individual or group transportation while operated pursuant to an agreement with the Ann Arbor Transportation Authority.

(9) "Vehicle" means every device in, upon, or by which any person or property is or may be transported.

Section 3. That Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to add a new section, designated Section 7:154a, to read as follows:

**7:154a. Required Certificate of Registration of Operator of Non-metered Vehicle for Hire.**

(1) *Registration.* Operators of non-metered vehicles for hire shall obtain a certificate of registration, to be conspicuously displayed inside the vehicle at all times, by registering with the City pursuant to regulations adopted by the Board and on forms approved by the Board.

(2) *Issuance of Certificate of Registration.* A certificate of registration will be issued by the Administrator after the following conditions are met:

(a) The operator of the non-metered vehicle for hire has submitted a complete application as defined by this chapter and the regulations and has paid the applicable fee.

(b) The operator of the non-metered vehicle for hire has a current valid Michigan chauffeur's license.

(c) The operator of the non-metered vehicle for hire is able to read, write and speak the English language.

(d) The operator of the non-metered vehicle for hire has no more than 6 current points for moving violations in accordance with the Michigan Vehicle Code, MCL 257.1 et seq.

(e) Within the past 2 years, the operator of the non-metered vehicle for hire has not been convicted of a violation or attempted violation of MCL 257.625 or MCL 257. 625m of the Michigan vehicle code, MCL 257.1 et seq., or a violation or attempted violation of a local ordinance or law of another state substantially corresponding to MCL 257.625 or MCL 257.625m.

(f) Within the past 5 years, the operator of the non-metered vehicle for hire has not been convicted of a felony involving force or violence or of criminal sexual conduct, for which the maximum penalty is 2 years or more.

(g) The operator of the non-metered vehicle for hire does not have any outstanding warrants.

(h) The operator of the non-metered vehicle for hire does not have a physical or mental impairment which would make it unsafe to operate the vehicle.

(i) The operator of the non-metered vehicle for hire has not been convicted of violating any provision of this chapter within the last 2 years.

(j) The operator of the non-metered vehicle for hire has an acceptable driving record. An acceptable driving record is defined as:

i. A driving record on which there are no more than 6 points displayed at any given point in time.

ii. A driving record on which the average number of points displayed over the most recent 3-year period is no more than 7. For purposes of this requirement, the average is calculated as the total points reported on the official driving record during the last 3 years divided by 3. An operator of a non-metered vehicle for hire who cannot meet this requirement shall not be issued either a full or a temporary license until the 3-year average of points falls to 7 points or below.

(k) The applicant has provided a copy of the certificate of authority issued by the state under the Limousine Transportation Act, MCL 257.1901 et seq.

(3) *Suspension or revocation of Registration of Operator of Non-metered Vehicle for Hire.* The registration of an operator of a non-metered vehicle for hire may be suspended or revoked if any of the following occur:

(a) The driver is no longer able to comply with the requirements for the issuance of a certificate of registration.

(b) The driver is found to have falsified any information in the application.

(c) The Administrator reasonably believes that the driver poses a danger to himself, passengers, or others, or has acted in an unprofessional, harassing or threatening manner to passengers, or others.

(d) The driver violates any provision of this chapter.

(4) An operator of a non-metered vehicle for hire whose registration or chauffeur's license is suspended or revoked shall notify the City of the suspension or revocation within 10 business days after the service of notice of suspension or revocation on the operator. For purposes of a registration, the date of service is the date printed on the written notice of suspension or revocation from the city. For purposes of a chauffeur's license, the date of service is the date on which the Secretary of State provided notice of the suspension or revocation in the manner provided for under the Michigan Vehicle Code.

(5) An operator of a non-metered vehicle for hire who has more than 6 points on his or her driving record and who is charged with another moving violation shall report the fact of the new charge to the Administrator within 10 business days after the new charge was issued.

(6) Expiration of registration of an operator of a non-metered vehicle for hire. All registrations expire on the next May 31 immediately following the date the certificate of registration was issued. Certificate of registration issued in April or May will be valid for the following year.

Section 4. That Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to add a new section, designated Section 7:156a, to read as follows::

**7:156a. Certificate of registration display.**

No person shall operate or permit the operation of a non-metered vehicle for hire that does not have a current certificate of registration issued by the city conspicuously displayed inside the vehicle at all times.

Section 5. That Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to add a new section, designated Section 7:156b, to read as follows:

**7:156b. Non-metered vehicle for hire compliance with Limousine Transportation Act.**

The operator of a non-metered vehicle shall comply with all requirements of the Limousine Transportation Act, MCL 257.1901 et seq. and all other applicable laws, including but not limited to, the following requirements:

(1) Insurance.

- (2) Have a chauffeur's license in possession on his or her person while operating the vehicle.
- (3) Maintain a most current copy of all nonpersonal information related to the person's driving record in the vehicle available for review by any prospective passenger.
- (4) Have a commercial vehicle plate affixed to the vehicle.
- (5) Subscribe to the Commercial Look Up Service provided by the Secretary of State.

Section 6. That Section 7:158 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:158. Driver appearance.**

The driver of a taxicab or a non-metered vehicle for hire shall be clean in dress and person at all times while operating a taxicab.

Section 7. That Section 7:163 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:163. Deception of passengers.**

No driver of a taxicab or a non-metered vehicle for hire shall deceive or attempt to deceive any passenger as to that passenger's destination or rate of fare. No driver of a taxicab or a non-metered vehicle for hire shall convey any passenger to a place other than directed by the passenger or employ any longer route to a destination than necessary unless agreed to by the passenger.

Section 8. That Section 7:164 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:164. Smoking prohibited.**

No taxicab driver, operator of a non-metered vehicle for hire, or any passenger shall smoke while inside the taxicab or non-metered vehicle for hire.

Section 9. That Section 7:165 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:165. Seating capacity.**

No driver of a taxicab or a non-metered vehicle for hire shall permit a taxicab- his or her vehicle to be occupied by more persons over the age of 2 than the number specified as the seating capacity as reflected by the number of functioning seatbelts in the vehicle.

Section 10. That Section 7:167 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:167. Solicitation of passengers.**

- (1) No taxicab driver shall solicit passengers at a location where a temporary or permanent taxicab stand is designated.
- (2) No taxicab driver shall solicit passengers at a location where the driver has reason to know the services of another taxicab company or driver have been requested.
- (3) No taxicab driver shall solicit passengers at a location marked as a temporary or permanent bus, train, or other mass transit stand.
- (4) No taxicab driver shall solicit any passenger who is entering or is inside another taxicab
- (5) No ~~person operator of a non-metered vehicle for hire~~ shall ~~operate a motor vehicle and~~ solicit or accept passengers who have not previously arranged to be transported in the non-metered vehicle for hire~~motor vehicle without first obtaining the driver's license and vehicle license provided for in this chapter.~~

Section 11. That Section 7:170 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:170. Appeals.**

Any person aggrieved by the decision of the Administrator to deny, suspend, or revoke a taxicab company, taxicab vehicle license, or taxicab driver's license, or the registration of a non-metered vehicle for hire may appeal that decision to the Taxicab Board. The Taxicab Board shall consider appeals according to due process procedures adopted by the board. The Taxicab Board may deviate from the strict requirements of this chapter if justice so requires. In making its decision, the Taxicab Board may consider the following criteria:

- (1) The seriousness of an offense, if that is a basis for the denial, suspension, or revocation.
- (2) The length of time before points will be removed from the driver's driving record, if that is a basis for the denial, suspension or revocation.
- (3) Any matter the board reasonably finds necessary to insure the health, safety, and welfare of passengers and the general public.

Section 12. That Section 7:172 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

**7:172. Prohibited conduct.**

In addition to other prohibited conduct specified in this chapter, no person shall:

- (1) Operate or permit the operation of a taxicab that is held out to the public as a limousine a non-metered vehicle for hire.
- (2) Operate or permit the operation of a vehicle as a taxicab if a certificate of authority has been issued under the Limousine Transportation Act, MCL 257.1901 et seq. for the vehicle.
- (3) Operate or permit the operation of a taxicab and charge a fare more than the amount calculated by the taximeter installed in the taxicab.
- (4) Operate a vehicle held out to the public as a "taxicab", "cab", or "taxi" by way of advertising, "for hire" lights on the roof of the vehicle, or any other means, without obtaining appropriate licenses under this chapter.
- (5) Operate a non-metered vehicle for hire without having the certificate of registration displayed in the vehicle as required under this chapter.
- (6) Operate a non-metered vehicle for hire without displaying evidence that a certificate of authority has been issued under the Limousine Transportation Act, MCL 257.1901 et seq. for the vehicle
- (7) Operate a non-metered vehicle for hire that has a top light, roof light, or anything else affixed to the roof of the vehicle.
- (8) Park or stand a non-metered vehicle for hire in a taxicab stand or within 50 feet of a taxicab stand.
- (9) Park or stand a non-metered vehicle for hire in a taxicab stand or within 500 feet of a hotel, motel, theater, hall, public resort, bus station, railway station, airport, restaurant, bar, dormitory, shopping center or other places of public gathering, provided, however, that when picking up a pre-arranged fare, a non-metered vehicle may remain within 500 ft of such places for up to 15 minutes.

Section 13. That this Ordinance shall take effect on the tenth day following legal publication.