

ORDINANCE NO. ORD-11-18

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Effective: November 25, 2011

TAXICABS

(Clarify Requirements for Taxicab Drivers and Vehicles)

An Ordinance to Amend Sections 7:151(5), 7:153(3), 7:153(5), 7:155(3), 7:167(5), 7:172(4) of Chapter 85, Taxicabs, Title VII of the Code of the City of Ann Arbor to Clarify Requirements for Taxicab Drivers and Vehicles

The City of Ann Arbor ordains:

Section 1. That Sections 7:151(5), 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) Reciprocity: A mutual or cooperative interchange between the City of Ann Arbor and one 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) 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 one 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) Taxicab: Any commercial 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; 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.

Section 2. That Sections 7:153 of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:153 Taxicab company license.

- (1) Application. An application for a taxicab company license shall be made pursuant to regulations adopted by the Board and on forms approved by the Taxicab Board.
- (2) Issuance of taxicab company license. A taxicab company license will be issued by the administrator after the following conditions are met:
 - (a) The company has submitted a complete application as defined by this chapter and the regulations and has paid the applicable fee.
 - (b) The applicant satisfies the requirements in the regulations that demonstrate sufficient experience and resources to provide taxicab services to residents of the City of Ann Arbor.
 - (c) The Taxicab Board has approved the application.
- (3) Expiration of taxicab company license. *A taxicab company license is valid for 10 years from the date of approval as recorded in the minutes of the Taxicab Board. ~~If the taxicab company discontinues services for any length of time, the taxicab company license is suspended.~~*
- (4) Change in ownership. If there is a change in the ownership or primary contact for a company, the city shall be notified of the change within 30 days.

(5) Suspension/Revocation.

- (a) If a licensed taxicab company discontinues services within the City of Ann Arbor for forty-five (45) consecutive days, the taxicab administrator may request the Board revoke the company license at its next regularly scheduled meeting. A company with a revoked license may re-apply for a new company license after one year from date of the revocation.
- (b) In the event a company has a driver or drivers with recurring issues related to threatening or unprofessional behavior and the Board determines that the company is either unwilling or unable to address the issues, the Board may suspend or revoke the company license.

Section 3. That Sections 7:155(3) of Chapter 85 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:155 Taxicab driver's license.

- (1) Application. An application for a taxicab driver's license shall be made pursuant to regulations adopted by the Board and on forms approved by the Taxicab Board.
- (2) Issuance of taxicab driver's license. A taxicab driver's license will be issued by the administrator after the following conditions are met:
 - (a) The applicant has submitted a complete application as defined by this chapter and the regulations and has paid the applicable fee.
 - (b) The applicant has a current valid Michigan chauffeur's license.
 - (c) The applicant is able to read, write and speak the English language.
 - (d) The applicant 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 applicant 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 applicant 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 applicant does not have any outstanding warrants.
- (h) The applicant does not have a physical or mental impairment which would make it unsafe to operate as a taxicab driver.
- (i) The applicant has not been convicted of violating any provision of this chapter within the last 2 years.
- (j) The applicant 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 applicant 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.

- (3) Suspension or revocation of a taxicab driver's license. A taxicab driver's license 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 taxicab driver's license.
 - (b) The driver is found to have falsified any information in the application.
 - (c) The administrator reasonably believes that the driver poses a danger threat 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) A driver whose taxicab driver's license or chauffeur's license is suspended or revoked shall notify the taxicab company management of the suspension or revocation within 10 business days after the service of notice of suspension or revocation on the driver. For purposes of a taxicab driver's license, 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) A driver 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 taxicab driver's license. All taxicab driver licenses expire on the next May 31 immediately following the date the taxicab driver's license was issued. Licenses issued in April or May will be valid for the following year.

Section 4. That Sections 7:167(5), 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 shall operate a motor vehicle and solicit or accept passengers who have not previously arranged to be transported in the motor vehicle without first obtaining the driver's license and vehicle license provided for in this chapter.

Section 5. That Sections 7:172(4) 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.
- (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.

Section 6. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 7. This Ordinance shall take effect ten days after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of November 10, 2011.

Jacqueline Beaudry, City Clerk

Date

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on November 15, 2011.

Jacqueline Beaudry, City Clerk