

ORDINANCE NO. 2014-10

AN ORDINANCE AMENDING CHAPTER 113 OF THE TOWN OF EDINBURGH'S CODE REGARDING TAXICABS AND PUBLIC VEHICLES FOR HIRE

WHEREAS, Chapter 113 of the Edinburgh Town Code ("Code") provides for regulations and rules for taxicab and taxicab drivers;

WHEREAS, the Edinburgh Town Council ("Council") recognizes the need to amend Chapter 113 of the Code;

WHEREAS, Chapter 113 of the Code is adopted for the purpose of preventing the unsafe operation of public vehicles for hire and for the purpose of preventing unconscionable pricing and customer service practices in the operation of public vehicles for hire.

WHEREAS, this chapter is authorized by IC 36-9-2-4 and other provisions of the Indiana Code.

WHEREAS, for the purpose of encouraging innovative services by public vehicles for hire in the Town of Edinburgh ("Town"), any type of public vehicle service not expressly prohibited by this chapter is hereby authorized. The express definition, recognition or approval by this chapter of particular public vehicle services shall not be construed to prohibit any other public vehicle service not so expressly defined, recognized or approved.

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. SECTION 1. AMENDMENTS TO CODE

- a. That the Council hereby deletes all language in Chapter 113 of the Code and replaces the same with the following language:
 - i. Title
 - 1. Chapter 113 – Public Vehicles for Hire and Taxicabs
 - ii. Section 113.01 Definitions
 - 1. Public Vehicle for Hire
 - a. As used in this chapter, and except as provided in subsection (c) of this section, *public vehicle for hire* means a motor vehicle that:
 - i. Is a passenger vehicle;
 - ii. Is designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver; and
 - iii. Is used or offered for use to transport a passenger for a fare.

b. As used in this chapter, *public vehicle for hire* includes,

~~but is not limited to:~~

- i. Vans;
- ii. Minivans;
- iii. Station wagons;
- iv. Buses;

provided that such motor vehicles meet the requirements of subsection (a) of this section.

c. As used in this chapter, *public vehicle for hire* does not include:

- i. School buses;
- ii. Vehicles used or operated under the control of the United States, the State of Indiana or any political subdivision of the State of Indiana;
- iii. Vehicles used for ride-sharing programs on a nonprofit basis;
- iv. Vehicles used for commuter services operated by an employer for the exclusive use of its employees;
- v. Vehicles certified as ambulances under IC 16-31;
- vi. Vehicles used exclusively to provide regular route intercity passenger service on regular routes originating or terminating outside the Town, including such vehicles which make one (1) or more incidental stops along such routes within the Town;
- vii. Vehicles without a taximeter that are used exclusively to provide transportation for persons with a mental or physical disability or illness, older adults, or persons who require nonemergency medical treatment and that are operating under a certificate or permit of public convenience and necessity issued by the Indiana Department of State Revenue;
- viii. Vehicles used exclusively to solicit and transport passengers on trips originating outside the Town;
- ix. Vehicles which are the subject of cost sharing arrangements between passengers and drivers, which arrangements are not designed to generate a profit; and

x. Vehicles excluded from the Town's regulatory

authority by state law.

2. Taxicab

a. As used in this chapter, *taxicab* means a public vehicle for hire which transports passengers for a fare, which fare is determined, in whole or in part, by a measurement, to be made during the trip, of the distance over which the passenger is transported.

3. Owner

a. As used in this chapter, *owner* means the person whose residence determines the county in which a vehicle must be registered pursuant to IC 9-18-2-15.

4. Person

a. As used in this chapter, *person* means natural person, corporation, partnership, limited partnership, association or any other entity with the power to sue and be sued.

5. Central Office

a. As used in this chapter, *central office* means the physical location, having a street address, from which a public vehicle for hire operates, at which street address an applicant or licensee will receive all mail sent by the United States Postal Service.

6. Violation of Law

a. As used in this chapter, *violation of law* means commission of a felony, misdemeanor, infraction or ordinance violation, without regard to whether the violation is characterized as criminal or civil in nature.

iii. Section 113.02 – Operator Licenses

1. No person shall transport or offer to transport a passenger for a fare in any public vehicle for hire without a license to operate a public vehicle for hire.

2. To be eligible for a license to operate a public vehicle for hire, a person:

- a. Must possess a public passenger chauffeur or commercial driver's license issued by the State of Indiana;
- b. Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application;

c. Must not have been convicted of drunk driving within ~~the period of ten (10) years immediately preceding the~~ date of the filing of the application;

d. Must not have two (2) or more convictions at any time of drunk driving;

e. Either:
i. Must not have been convicted at any time of:

1. A felony or misdemeanor that involved violence towards another person;

2. Drugged driving;

3. Being an habitual traffic offender; or

4. Being an habitual substance offender; or

ii. Must have had a valid Town taxicab operator's license on the effective date of this section; and

f. Either:

i. Must have been an Indiana resident; or

ii. Must have had a valid Town taxicab operator's license on the effective date of this subsection.

3. In addition to any other basis for revocation of a license, no person shall be eligible to retain a license to operate a public vehicle for hire if he or she operates such vehicle with either:

a. An alcohol concentration in his or her blood; or

b. A controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in his or her body, unless such person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

iv. Section 113.03 – Application

1. Each applicant for a license to operate a public vehicle for hire shall provide to the Town's Building Commissioner the following information concerning the applicant, on an application form provided by the Town Building Commissioner, signed and sworn to by the applicant:

a. Full name;

b. Residence address;

c. Office address;

d. Place of residence for the five (5) years immediately preceding the date of the filing of the application;

e. Age, race, sex, height, weight, and color of eyes and hair;

f. Place of birth;

g. Last previous employment;

~~h. Whether the applicant is a citizen of the United States;~~

- i. The date of judgment, court and description of each conviction for a violation of law by the applicant;
 - j. The date of filing, court and description of each charge pending against the applicant alleging a violation of law;
 - k. All governmental entities from which the applicant has been previously licensed to operate any type of public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
 - l. Such additional information as the Town Building Commissioner deems necessary.
2. Each application shall be accompanied by:
- a. Two (2) recent photographs of the applicant in a format prescribed by the Town Building Commissioner, designed to be easily attachable to the license;
 - b. A complete set of the applicant's fingerprints in a format prescribed by the Town Building Commissioner;
 - c. A copy of the applicant's Indiana driving record certified within ten (10) days prior to submission of the application;
 - d. A copy of the applicant's limited criminal history from the Indiana State Police and from the Indianapolis Metropolitan Police Department, as provided by IC 10-13-3; and
 - f. Such additional items as the Town Building Commissioner deems necessary.
- v. Section 113.04 – Fee**
- 1. The annual fee for a license to operate a public vehicle for hire is two hundred dollars (\$200.00) per vehicle.
- vi. Section 113.05 – Examination**
- 1. The Town Building Commissioner shall investigate an applicant for a license to operate a public vehicle for hire. The investigation shall include:
 - a. Investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant; and
 - b. Such additional investigation as the Town Building Commissioner deems necessary.

2. Each applicant for a license to operate a public vehicle for hire shall be examined by the Town Building Commissioner to

guarantee quality service to customers, as to:

- a. The applicant's qualifications;
- b. The applicant's knowledge of the provisions of this chapter and such other ordinances, statutes and regulations as the Town Building Commissioner deems relevant;
- c. The applicant's knowledge of the geography of Johnson County and the surrounding counties;
- d. The applicant's ability to communicate in English with customers; and
- e. The applicant's skill in operating a motor vehicle (including a driving test accompanied by an inspector in such circumstances as the Town Building Commissioner determines to be necessary to protect the public).
- f. Each new applicant for a license to operate a public vehicle for hire shall complete a comprehensive training program administered by the Town Building Commissioner or an authorized agent thereof.

3. If charges are pending in any court charging the applicant with a violation of law, the Town Building Commissioner shall suspend processing of the application until those charges are resolved, unless the applicant requests the Town Building Commissioner to proceed with the processing of the application. In the event that an applicant requests the Town Building Commissioner to proceed, the Town Building Commissioner shall conduct a hearing to determine whether the applicant committed the alleged violation of law and whether that violation of law disqualifies the applicant from receiving a license. Evidence may be submitted telephonically or by any other reasonable electronic means from remote locations. The applicant must appear at the hearing, testify, and otherwise fully cooperate with the Town Building Commissioner's investigation. In the event that the application is denied, the applicant shall reimburse the Town Building Commissioner for any expenses incurred as a result of the request for a hearing.

4. Upon completion of the investigation and any examination of the applicant, and a determination by the Town Building Commissioner that the applicant is eligible pursuant to this

section, for a license to operate a public vehicle for hire, the

~~Town Building Commissioner shall issue to the applicant a~~

license to operate a public vehicle for hire, in a format prescribed by the Town Building Commissioner, which license shall contain the photograph and signature of the licensee, the date of issuance and expiration of the license, and such additional information as the Town Building Commissioner deems necessary.

vii. Section 113.06 – Term

1. A license to operate a public vehicle for hire shall be valid for a term of one (1) year.
 - a. The Town Building Commissioner may give written notice to a licensee of the expiration date of the license, and provide the licensee an application and a statement of the license fees and other charges that are due if the license is to be renewed. The term of a license that has been renewed shall commence upon the expiration of the preceding license term.
 - b. Pending action by the Town Building Commissioner on an application for renewal of an existing public vehicle for hire license, the applicant shall be permitted to operate a public vehicle for hire under the license issued for the previous licensing period, unless the Town Building Commissioner enters an order to the contrary.
2. At least two (2) times each year on a schedule or at such unannounced times as determined by the Town Building Commissioner, the Town Building Commissioner shall inspect each licensed operator for compliance this chapter.

viii. Section 113.07 – Vehicle Requirements

1. A separate license shall be required for each public vehicle for hire. Each public vehicle for hire shall have one (1) license. In order to be licensed, every vehicle must satisfy the general licensure requirements for public vehicles for hire.
2. To be eligible for licensure as a public vehicle for hire, a motor vehicle must:
 - a. Be a passenger vehicle;
 - b. Be designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver;
 - c. Have valid Indiana license plates; and

d. Be owned by an applicant eligible to apply for a public

vehicle for hire license.

3. Each applicant for a license for a public vehicle for hire shall provide to the Town Building Commissioner the following information concerning the applicant and the vehicle, on an application form provided by the Town Building Commissioner, signed and sworn to by the applicant (or, if the applicant is not an individual, signed and sworn to by one (1) of the individuals about whom information is required by this section):
- a. The vehicle's seating capacity, name of manufacturer, model year, horsepower, vehicle identification number, certificate of title number, color and state license number;
 - b. The logo (if any) and color scheme that will be used on the vehicle;
 - c. The applicant's full name;
 - d. The applicant's central office address;
 - e. The names of all persons other than the applicant who have a financial interest in the vehicle;
 - f. All governmental entities from which the applicant has previously obtained a license for any public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
 - g. Such additional information as the Town Building Commissioner deems necessary.
 - h. As used in this section, financial interest in a motor vehicle means any portion of any of the legal rights of ownership or any such financial interest in any partnership, corporation or other legal entity having any such financial interest in a motor vehicle. As used in this section, financial interest in a motor vehicle includes, but is not limited to, that interest held by stockholders and officers of corporations or similar business entities having a financial interest in a motor vehicle.
4. Each application shall be accompanied by:
- a. A public liability insurance policy or certificate of self-insurance for the vehicle;
 - b. A certificate of existence from the Indiana secretary of state, if the applicant is a corporation; and

c. Such additional items as the Town Building

Commissioner deems necessary.

5. The Town Building Commissioner shall inspect the vehicle for compliance with the motor vehicle equipment requirements of IC 9-19 and this article.
6. If a licensed public vehicle for hire is inspected pursuant to this article and found not to comply with the motor vehicle requirements of IC 9-19 or this article, any license associated to the vehicle shall be immediately removed from the vehicle and canceled. The Town Building Commissioner shall thereafter re-inspect the vehicle upon the request of the licensee.

ix. Section 113.08 – Insurance

1. All vehicles licensed under this article must be covered by a public liability insurance policy that will indemnify anyone injured by anyone operating the vehicle. The public liability insurance shall be in an amount not less than one hundred thousand dollars (\$100,000.00) combined limit coverage for personal injury and property damage. The policy shall contain the same substantive provisions as required of common carriers under the forms prescribed by the federal highway administration at 49 C.F.R. § 387.39. The policy shall remain in effect continuously until terminated. The policy shall provide that cancellation may be effected only by the insurer providing forty-five (45) days' prior written notice to the Town Building Commissioner at 107 South Holland Street, Edinburgh, Indiana; provided, in the event of cancellation for nonpayment of premium, the cancellation may be effective on ten (10) days' prior written notice, such ten (10) days being measured from the Town Building Commissioner's receipt of the notice.
 - a. The insurance requirements of this section may be satisfied by a certificate of self-insurance, in an equivalent amount, issued by the bureau of motor vehicles of the State of Indiana.

x. Section 113.09 – Taxicabs

1. Reserved

xi. Section 113.10 – Fares

1. No person shall transport or offer to transport a passenger in a public vehicle for hire for a fare higher than that fare which is authorized pursuant to this article.

2. Every holder of a public vehicle for hire license shall file with ~~the Town Building Commissioner a fare schedule, which shall~~ be open to the public, showing all rates and charges that the licensee has established and requires as payment for any of its services.
3. A fare schedule on file with the Town Building Commissioner may be changed only upon ten (10) days written notice to the Town Building Commissioner.
4. Licensees operating public vehicles for hire shall use the shortest practicable routes on all trips.

xii. Section 113.05 – Miscellaneous

1. It shall be unlawful for a licensee to refuse as a passenger an orderly person who applies to him for transportation within the Town, unless the operator is providing service to another person, or unless the operator has made visual contact with the person and formed a belief that is reasonable under the circumstances that transporting such person might be unsafe for the operator.
2. It shall be unlawful for a licensee to refuse as a passenger any person who applies to him for transportation on the basis of race, sex, religion, color, national origin, ancestry, age, handicap, disabled veteran status.
3. Every public vehicle for hire shall display in plain view of passengers the public vehicle for hire license for that vehicle, the license for the operator of that vehicle and the fare schedule for that vehicle as filed with the Town Building Commissioner.
4. It shall be unlawful to own or operate a public vehicle for hire that does not display the licenses and fare schedule as required by this section.
5. While knowingly providing transportation to persons with disabilities, a public vehicle for hire and a person licensed to operate a public vehicle for hire shall comply with all requirements of the Americans with Disabilities Act in all respects, including equipment, training of personnel, and all other respects.
6. No licensee shall deface, disguise or otherwise alter any license or certificate issued hereunder.
7. No licensee under this article shall furnish or offer to furnish any alcoholic beverage to any passenger.
8. No person who requests and receives transportation shall fail or refuse to pay a fare authorized by this chapter.

9. Complaints. Any person knowing of the misconduct of any

~~licensee under this article may present a complaint to any~~

police officer of the Town or to the Town Building Commissioner. The Town Building Commissioner shall investigate the complaint with the assistance of the Edinburgh police department, if the Town Building Commissioner deems such assistance necessary. Such department shall file with the Town Building Commissioner a report of the facts relating to such conduct. The Town Building Commissioner shall then notify the licensee in writing that charges have been filed against him or her, setting a time for a hearing on such charges.

10. If additional complaints or violations of this chapter are observed against a licensee within a twelve (12) month period and after a hearing by the Town Building Commissioner found to have merit, the Town Building Commissioner shall impose not less than a one (1) week suspension.

11. Persons licensed to operate a public vehicle for hire shall comply with all laws of the State of Indiana, provisions of this Code, and such other rules and regulations as are issued by the Town Building Commissioner.

12. No license or certificate granted under this article shall be transferable.

13. Nothing in this chapter shall be interpreted to grant any property rights of any kind to any licensee or any other person. All rights and restrictions created by the express language of this chapter may be expanded, reduced or eliminated at any time by ordinance or by regulation of the Town Building Commissioner or other officer.

II. SECTION 2. PUBLIC BENEFIT

- a. That the Edinburgh Town Council finds that this ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

III. SECTION 3. REPEALER

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

IV. SECTION 4. SEVERABILITY

- a. Should any section or provision of this ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

V. SECTION 5, EFFECTIVE DATE

~~a. This ordinance shall be in full force and effect from and after its passage,~~
approval and publication according to law.

ADOPTED this 27th day of May, 2014.

EDINBURGH TOWN COUNCIL




Ron Hoffman, Council President



Curtis Rooks, Vice President

John R. Drybread, Member




Kami Ervin, Member



Jeffrey A. Simpson, Member

ATTEST:



Scott Finley, Clerk-Treasurer