

ORDINANCE NO. F-1458

AN ORDINANCE AMENDING CHAPTER 82 OF THE WHEATON CITY CODE –
TAXICABS AND APPENDIX B (FEE SCHEDULE)

Section 1: BE IT ORDAINED that the Wheaton City Code, 1996, as amended, is hereby further amended by deleting Chapter 82 (Vehicles For Hire) in its entirety and replacing it as follows:

CHAPTER 82 - TAXICABS

“Sec. 82-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator. The administrator (the city manager or his designee) shall perform all the duties and functions of administrator as provided in this chapter and enforce the provisions of this chapter.

City. The City of Wheaton, Illinois.

Licensee. Any company or person who has paid a fee to operate a taxicab business or to drive a taxicab within the city.

Mileage. The distance in the rate of fare, as mechanically or electronically registered, from the point of passenger pick up to the point of passenger delivery.

Owner. Every individual, person, trustee, partnership, association or corporation owning, leasing, operating or having the use or control of one or more taxicabs in the city.

Rate Sheet. The schedule of rates and fares charged for the transport of persons in a taxicab.

Taxicab. A vehicle for hire only at lawful rates of fare, equipped with a taximeter, and available indiscriminately to all persons as may offer themselves for transportation.

Taxicab Company. A person or entity engaged in business as owner of one or more taxicabs.

Taxicab Company License. The license issued to a taxicab company to operate within the city.

Taxicab Driver. A person who drives and is licensed to drive a taxicab on the streets and ways within the city.

Taxicab Driver License. The photo ID license issued to an individual taxicab driver by the city.

Taximeter. Any mechanical, electric or electronic device installed in a taxicab which calculates and indicates the fares, measures the distance traveled and time elapsed, and indicates other charges which may be due.

Waiting time. The time when a taxicab vehicle is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab vehicle is not in motion if due to any cause other than the request, act or fault of a passenger.

Sec. 82-2. Licenses required.

Each taxicab company and taxicab driver shall, as a condition precedent to the operation of a taxicab in the city for the transportation of passengers for hire from a point of origin within the city, obtain the appropriate city license as hereinafter provided.

Nothing in this chapter shall be construed to prohibit any vehicle licensed to render any form of public passenger service by a governmental body outside the city from coming into the corporate limits of the city, in order to discharge passengers accepted for transportation from a location outside the corporate limits of the city, or from coming into the corporate limits of the city to pick up passengers for transportation to a location outside the corporate limits of the city at a prearranged flat fare.

82-3. Taxicab Services.

1. Each licensee under this chapter for each license period shall:
 - a. File with the city clerk the rules or operating policy under which it intends to make its service(s) available to the public; and
 - b. Establish and file with the city clerk a rate of fare or charge(s) which it intends to make for its service(s) to the public (rate sheet).
2. On July 1 of each year, any licensee may amend the type of public passenger service(s) to be offered, the policies under which they are to be offered and the rate of fare or charges.
3. Taxicabs shall at all times have a schedule of their rates or fees prominently posted on the back of the front seat, clearly visible to passengers in the rear seat of their vehicle. The taxicab company's name and telephone number shall be listed on the rate sheet.
 - a. Taxicab rates shall be expressed as an initial rate plus an additional rate for every mile or portion thereof.
 - b. Taxicab companies may also determine a fee for waiting time.
 - c. Taxicab companies may establish a set/flat fee for trips outside of the city.
4. If requested by the passenger, the taxicab driver shall provide a legible receipt, containing the name of the owner or driver, the municipal license number or the driver's license number, or the taximeter number, listing all charges, the date, and the total amount paid.
5. No licensed taxicab shall be allowed to carry more than one person at the same time without the consent of the person who shall have first employed such taxicab for any specified time or destination.

6. It shall be unlawful for any taxicab driver to conduct himself in a disrespectful or contemptuous manner toward any person, or to use abusive or profane language while so occupied or in charge of such vehicle.

Sec. 82-4. Service Refusal.

1. Every licensee under this chapter who has filed with the city clerk to render taxicab service shall accept for transportation any orderly person requesting said service.

2. Provided, however, that the licensee has the right to request a passenger to pay an estimated fare prior to transporting the passenger. If prepayment is refused the licensee may refuse service.

3. A licensee shall not be required to render any service specifically excluded by its operating policy on file with the administrator.

4. It shall be unlawful to refuse any person transportation in an unoccupied taxicab to any place of destination within the city, unless such taxicab is on its way to pick up a passenger or otherwise out of service or unless the person to be served uses profane or abusive language in attempting to contract for service. When the taxicab is out of service or carrying a passenger, a sign or light indicating the taxicab is "not for hire" in letters at least two inches (2") in height shall be visibly displayed on the outside of the taxicab.

Sec 82-5. Licensing Exception.

If a taxicab company is currently contracted by the PACE Bus system as a participant in the County of DuPage "Ride DuPage Program", then no further licensing (taxicab company and taxicab drivers) by the City of Wheaton is needed. Proof of participation in the Ride DuPage Program shall be submitted to the city clerk and/or administrator prior to the exception being granted.

Sec. 82-6. Application Process.

Any person desiring to obtain a license to operate a taxicab business and/or to drive a taxicab shall make application to the city clerk or her/his designee. The city clerk shall have the authority to confirm any of the information asked for, or provided in the application.

Applications for licenses and renewal licenses shall be on forms provided by the city clerk and shall include the following:

1. The name (including nicknames or aliases) and address, telephone number, and age of the applicant, the registered agent of the applicant if the applicant is a corporation, and the general or managing partners, if the applicant is a partnership.

2. A complete statement of all convictions of the applicant as provided in this section. If the applicant is a corporation, such statement shall include the applicant's officers, and directors thereof, and any stockholder or stockholders owning in the aggregate more than twenty percent (20%) of the stock of such corporation; the state of incorporation; whether the company is organized and qualified to do business under the laws of the state; the company's principal place

of business. If the applicant is a partnership, such statement shall include all general partners, and any limited partner owning more than twenty percent (20%) of the aggregate limited partner interest in such partnership and the principal office of the cab company. Such listing shall include the following:

- a. Any offense involving sexual misconduct with children or other sex offenses as defined in Article 11 of the Criminal Code of 1961, as amended.
- b. A felony based upon conduct or involvement in such business or activity or related or similar business or activity.
- c. A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape or sex offenses.
- d. A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related similar business or activity, within the past two (2) years.
- e. Any offense involving moral turpitude, including but not limited to any offense involving the misapplication, misappropriation or misuse of funds of another person.
- f. Any offense involving driving under the influence of alcohol, a controlled substance, cannabis or an intoxicating compound under Illinois law as amended from time to time.
- g. Any conviction for reckless driving under Illinois law as amended from time to time.
- h. The applicant's driver's license has been suspended for moving or nonmoving violations of a motor driven vehicle.

3. All taxicab drivers shall also hold a valid State of Illinois driver's license, which is appropriate to the class and weight of the vehicle the applicant intends to drive.
4. Taxicab business owners and taxicab drivers must be at least eighteen (18) years of age.
5. Taxicab business owners and taxicab drivers must not have been convicted, within the preceding seven (7) years of an offense involving a battery, sex, narcotics, or the use of a deadly weapon or more than one plea of guilty or finding of guilty for the driving under the influence of alcohol or drugs even where one of the pleas or findings of guilty results in a sentence of court supervision.
6. The license fee, including late fees that may be due, as provided in this chapter.
7. A statement of the types of services to be provided.
8. In the event the applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the city and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

9. Two (2) identical passport size photographs, one inch by one and one-half inches (1" x 1.5"), for each taxicab driver (head and shoulders area, face forward) shall be provided by the applicant to be used in the investigation of the taxicab driver, the preparation of a photo identification license card, and the identification of the license holder following issuance.

10. Certification of public liability and property damage insurance as required by this chapter.

11. Certification that taxicab safety inspections and taximeter inspections have been completed not more than thirty (30) days prior to the date of application and that such inspections find the taxicab to be safe and the taximeter to be in proper working order and accurate.

Sec. 82-7. Issuance of Licenses; fees; abandonment.

1. The license period begins on January 1 and expires on December 31 of each year, unless a license has been suspended or revoked pursuant to this chapter. Renewal applications shall be considered late if submitted after December 10.

2. Licenses and renewals shall be issued only upon the determination that the applicant has met the requirements of this chapter and that all fees have been paid. The city clerk shall not renew the license of any licensee which has any unpaid fines or judgments for violations of this chapter or any provision of the Wheaton city code.

3. No license shall be assigned, sold, mortgaged, pledged or otherwise transferred to another.

4. Fees:

- a. Taxicab company license: Seventy five dollars (\$75.00) per year ^{1&2}
- b. Taxicab driver's license (photo ID): Twenty dollars (\$20.00) per year ²
- c. Duplicate company license or
driver's license (photo ID): Ten dollars (\$10.00)
- d. Late renewal application fee: Thirty dollars (\$30.00)

¹ The annual Taxicab company license fee shall be waived if all of the taxicabs used within the City of Wheaton are hybrid vehicles.

² Taxicab company and driver's license fees are not pro-rated

5. Every taxicab driver providing taxicab service pursuant to this chapter shall display the driver's license (Photo ID) issued by the city.

6. A duplicate license may be issued upon application and payment of fees and approval of the city clerk.

7. A taxicab company shall be deemed to have abandoned its taxicab company business license if any of the following conditions are satisfied:

- (a) A petition is filed for relief under any chapter of the Bankruptcy Act; or, if such a petition shall have been filed by another and the public passenger vehicle

company shall have been adjudicated a bankrupt and such adjudication shall not have been vacated within thirty (30) days;

(b) The providing of taxicab service is discontinued for a period in excess of ten (10) consecutive days for reasons other than a labor dispute, a temporary shortage of equipment, parts, fuel, or an act of God; or

(c) An application for renewal of the taxicab company license is not submitted.

Sec. 82-8. Maintenance of Taxicabs and Equipment.

Every taxicab operated in the city by a taxicab company licensed by the city shall be maintained to assure that it is mechanically dependable, clean and safe. Seat belts shall be provided for every passenger and passengers shall be able to enter and exit from a taxicab without crossing any interior barrier. Each taxicab shall have two doors on each side of the taxicab. If any taxicab becomes unsafe for operation or if its body or seating facilities are so damaged as to render the taxicab unfit for public use, that taxicab shall be taken out of public service until it is fully repaired.

Every taxicab operated by a taxicab company licensed by the city shall be equipped with a taximeter connected with and operating from the transmission of the taxicab; subject to the following regulations:

1. No taximeter shall be attached to a taxicab unless it has been inspected by an inspector approved by the city and found to be accurate and sealed by such inspector. The taxicab company shall keep certificates of accuracy issued by the inspector for each taximeter in each taxicab and provide the same for inspection by a passenger or any police officer upon request. The expense for such inspections shall be the responsibility of the taxicab company owner.
2. Each taximeter shall be inspected annually not more than thirty (30) days prior to applying for a license or license renewal, or such other date as may be required, and a certificate of accuracy shall be submitted by the taxicab company to the city clerk prior issuance of a new or renewal of the taxicab company license.
3. Taximeters shall have a lighted dial or dials to register the fare in accordance with lawful rates as provided herein and the dial shall, at all times, be maintained by the taxicab company so that it is in plain view and readable by the passenger(s).

Every taxicab operated by a taxicab company licensed by the city shall have affixed and displayed on both sides of the taxicab, the name of the taxicab company and its telephone number in letters of a contrasting color and not less than three inches (3") in height.

Sec. 82-9. Financial Responsibility.

The taxicab company shall be required to file with the city clerk, along with its application for a taxicab company license, a certificate of insurance from a solvent and responsible insurer, as required by the Illinois Secretary of State, showing that the taxicab company, its drivers and employees are adequately insured against public liability, property damage and workmen's compensation claims on account of its operation of taxicabs within the city of Wheaton and shall provide proof of automobile liability insurance for each taxicab registered pursuant to this

chapter. Taxicab companies with independent contractors as taxicab drivers must cause each driver to provide proof of automobile liability insurance for each taxicab registered pursuant to this chapter. The limits for the required automobile liability insurance shall not be less than \$100,000 for injury to any one person or \$300,000 for personal injuries in any one occurrence, and not less than \$50,000 for property damage in any one occurrence; the City of Wheaton shall be named as an additional insured.

The taxicab company shall provide the city clerk with a current certificate of insurance for every taxicab vehicle registered under this chapter. If the insurance expires or is otherwise terminated during the term of the license, the licensee shall submit to the city, within fifteen (15) days of receipt thereof, a new certificate of insurance showing that the policy has been renewed or a new policy obtained with meets the requirements of this chapter.

Every licensed taxicab company shall keep accurate books and records of account and log books of service rendered in its dispatching office. The city shall be permitted to examine those books and records of account and logs as they may relate to a specific charge that is the subject of an investigation under the provisions of this chapter.

Sec. 82-10. Denial, revocation, or suspension of licenses:

1. If a license is denied, the applicant may file a written appeal of the decision to the administrator within ten (10) days of receipt of the decision. The written appeal shall set forth the reasons why the applicant believes the decision to deny the license should be reversed. The administrator shall respond to the appeal within fourteen (14) days either affirming or reversing the decision to deny the license.

A license issued under the provisions of this chapter may be revoked or suspended by the administrator for a violation of any provision of this chapter. If the administrator determines after investigation that cause exists for the suspension or revocation of a license, the administrator shall notify the licensee in writing that its license will be revoked or suspended, setting forth the reasons therefore, and advising the licensee of the right to appeal pursuant to Sec. 82-12 of this chapter. Unless a timely appeal is filed pursuant to Sec. 82-12, such revocation or suspension shall be final and effective on the eleventh business day following receipt of the notice by the licensee. If a timely appeal is filed as provided in Sec. 82-12, such revocation or suspension shall not be final and effective until the appeal has been processed.

2. A taxicab company license or a taxicab driver's license issued by the city shall be automatically revoked if the owner(s) of the taxicab company or a taxicab driver is convicted of such offenses as are enumerated in Section 82-6 (b), (c), (f), (g), and (h) and (3.).

3. Licenses may be suspended or revoked pursuant to the cancellation or lapse, without replacement, of the required insurance.

4. New or renewal licenses shall be denied for failure to complete the application process and/or provide the required documentation.

5. Licenses may be denied or revoked if an applicant is found to have provided fraudulent information to obtain a license.

6. Licenses may be suspended pending the investigation of a taxicab company owner or taxicab driver for any violation pursuant to this chapter.
7. Licenses may be suspended for failure to provide the services listed in the statement of the types of service to be provided and/or fees charged in excess of the filed rates.
8. Licenses may be suspended for the operation of unsafe vehicles.
9. Licenses may be suspended pursuant to unpaid fines or judgments for violations of this chapter.
10. A license may be revoked for two (2) or more suspensions within a preceding twelve (12) month period.

Sec. 82-11. Violations.

It shall be unlawful to solicit or accept passengers for hire without first obtaining a valid city license as provided in this chapter. Each solicitation or acceptance of passengers by an unlicensed and/or unregistered person shall constitute a separate offense.

Sec. 82-12. Administration.

1. Service complaints and other communications.
 - a. All complaints to the city concerning taxicabs, licensees, the service rendered by them, and any other matters arising under this chapter shall be directed to the administrator.
 - b. Whenever it appears that a violation of the provisions of this chapter may have taken place, the administrator shall investigate the facts and, if necessary, hold an informal hearing to determine the facts of such apparent violation(s).
 - c. At the conclusion of any such investigation, the administrator shall prepare written findings determining whether or not provisions of this chapter or rules promulgated thereunder have been violated.
 - d. If a violation is found, the administrator may impose fines which have been prescribed for specific violations in this chapter or take any other action authorized by this chapter.
 - e. Where a violation is found concerning the safety or condition of any taxicab, the city clerk may issue an order to the licensee requiring the vehicle(s) to be inspected at a State of Illinois inspection facility to determine whether the vehicle meets the requirements of this chapter.
 - i. After a vehicle is inspected, the licensee must provide the administrator with a certificate stating the vehicle is in a safe operating condition and meets the requirements of this chapter.
 - ii. Any vehicle ordered to be inspected shall not be operated as a public passenger vehicle until the safety compliance certificate is delivered to the administrator.

- iii. A list of authorized inspection stations shall be kept by the administrator and shall be given to each licensee when the administrator issues an order that a vehicle or vehicles must be inspected.
- 2. Public Hearings.
 - a. Upon the administrator's preliminary determination that cause may exist to suspend, revoke or not renew a license issued pursuant to the provisions of this chapter, the administrator shall serve written notice of that intent to the licensee.
 - b. Any written notice of intent to suspend, revoke or not renew a license shall be served by certified mail, return receipt requested, at the address shown on the license application.
 - c. Such written notice shall include:
 - i. A general statement of the facts which the administrator believes constitutes cause to suspend, revoke or not renew the license.
 - ii. A statement describing the manner in which the licensee may request a hearing on the existence of cause to suspend, revoke or not renew the license.
 - iii. The time within which the request must be served on the administrator in order to obtain a hearing.
 - iv. The intended disposition of the license in the event a timely request for a public hearing is not served as provided in this section.
 - d. The administrator must receive a licensee's written request for a public hearing on the administrator's preliminary determination to suspend, revoke or not renew his license not less than fourteen (14) calendar days after the date on which the licensee received the administrator's notice.
 - e. Upon the timely receipt of the licensee's written request for a public hearing, the administrator's designated hearing officer shall schedule a hearing to consider whether cause exists to suspend, revoke or not renew the license.
 - f. Written notice of the time, date and place of said hearing shall be served upon the licensee by certified mail, return receipt requested, and upon the administrator not less than seven (7) calendar days prior to said hearing.
 - g. The hearing notice shall include the following:
 - i. The hearing will be held in a public place and shall be conducted by the administrator's designated hearing officer.
 - ii. The licensee and the administrator may appear personally or by their representatives at the hearing.
 - iii. Witnesses at the hearing shall testify under oath and may be cross examined by any person (in person or by counsel) having a material interest in the outcome of the hearing.
 - iv. The licensee, the administrator or their representatives may present relevant testimony and relevant documents may be offered and taken into evidence.
 - v. The rules of evidence will not be strictly applied and the hearing officer will have the right to exclude duplicative or cumulative testimony.
 - vi. The hearing officer shall present written findings as to whether cause exists to suspend, revoke or not renew the license to the administrator within fourteen (14) days or such longer period to which the parties agree.

- h. Upon the administrator's receipt of the hearing officer's findings, the administrator shall render a decision, in writing, together with an order to either suspend the license for a period not to exceed ninety (90) days, revoke the license, or not renew the license during the license year for which license application was submitted.

3. Appeals.

- a. The decision of the administrator on any suspension, revocation or nonrenewal of a license issued pursuant to the provisions of this chapter may be appealed to the mayor of the city.
- b. Any request for an appeal must be filed with the administrator within fourteen (14) days of the administrator's decision.
- c. Any such appeal shall be based upon the record of the proceedings before the hearing officer. A hearing de novo shall not be allowed, and no new or additional evidence in support of, or in opposition to the administrator's findings or orders shall be considered.

4. It shall be unlawful for any taxicab company or taxicab driver whose license has been suspended or revoked to use or drive any public passenger vehicle in the city or to solicit passengers upon the streets or alleys of the city.

Sec. 82-13. Fines.

Any person convicted of a violation of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense, and not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00) for each subsequent offense.

Sec. 82-14. Police service requested.

Notwithstanding any other provision of this chapter, Wheaton police officers may request service from a taxicab company not licensed to operate in the city of Wheaton in any emergency, or nonemergency situation where the police officer determines that taxicab service is necessary for protection of the public health, welfare and safety, and is not reasonably available from a licensed taxicab company. A taxicab company or taxicab driver not licensed under the provisions of this chapter may provide taxi service in the city of Wheaton only to the extent that such service is requested and authorized by a Wheaton police officer, as provided herein."

Section 2: BE IT FURTHER ORDAINED that Appendix B (Fee Schedule), B-4 (Administrative Fees), is hereby further amended by deleting the Public passenger vehicles (company, vehicle and chauffeur) paragraph, (a.) through (e.) in its entirety and replacing it as follows:

"Taxicab licenses (company and driver: (Chapter 82)

- a. Taxicab company license \$75.00 ^{1& 2}

- b. Taxicab driver's license (photo ID) \$20.00²
- c. Duplicate company license or
driver's license (photo ID) \$10.00
- d. Late license renewal fee \$30.00"

¹ The annual Taxicab company license fee shall be waived if all of the taxicabs used within the City of Wheaton are hybrid vehicles.

² Taxicab company and taxicab driver's fees are not pro-rated

Section 3: All ordinances or parts of ordinances that are in conflict with these provisions are repealed.

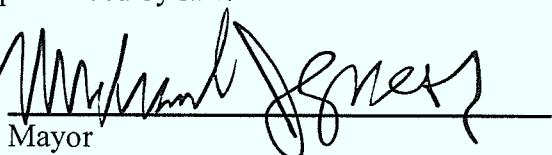
Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:

*Emily Canalejo City Clerk by
Wendell Rose Deputy City Clerk*

Deputy City Clerk

Mayor



Roll Call Vote:

Ayes:

Councilman Mouhelis
Mayor Gresk
Councilman Prendiville
Councilman Scalzo
Councilman Suess
Councilwoman Corry
Councilman Levine

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: December 21, 2009

Published: December 22, 2009

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