

ORDINANCE NO. 136-2018

**TITLE: AMEND CHAPTER 856 – BARBERTON CODIFIED ORDINANCES
TAXICABS**

**AN ORDINANCE AMENDING CHAPTER 856 OF THE BARBERTON
CODIFIED ORDINANCES “TAXICABS,” AND DECLARING AN
EMERGENCY.**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
Barberton, State of Ohio:

SECTION 1. That Section 856 of the Barberton Codified Ordinances “Taxicab,”
which now reads as follows:

Definitions.

- 856.01 Definitions.
- 856.02 Compliance required.
- 856.03 Service obligation.
- 856.04 License.
- 856.05 Rates.
- 856.06 Receipts for fares.
- 856.07 Identification of taxicabs.
- 856.08 Obligation to maintain safe vehicle.
- 856.09 Liability insurance.
- 856.10 Exceptions.
- 856.11 Touring service regulations.
- 856.12 Records required.
- 856.99 Penalty.

856.01 DEFINITIONS.

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

- (a) "Flag fare." The base charge for entering the taxicab and starting the trip.
- (b) "Street." Any public street, alley, or public way within the corporate limits of the
City.
- (c) "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.
- (d) "Taxicab company." Every corporation, company, association, joint stock
association, person, firm, or partnership or their lessees, trustees, receivers, or
trustees appointed by any court whatsoever, owning, controlling, operating, or
managing any taxicab engaged in the business of transporting persons for hire on
the streets of the City.
- (e) "Taximeter." An instrument or device by which the charge for hire of a taxicab is
calculated, either for distance traveled or for waiting time or for both, and upon
which such charge is indicated by means of figures.
- (f) "Transportation company." Every corporation, company, association, joint stock
association, person, firm, or partnership or their lessees, trustees, receivers, and
trustees appointed by any court whatsoever, 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.
- (g) "Transporting persons for hire." The transportation for persons on the streets of the
City under circumstances where the passenger is expected to pay a fee or fare for
the transportation services.

856.02 COMPLIANCE REQUIRED.

(a) No person shall operate a taxicab company or transportation company on any street within the City except in accordance with the provisions of this chapter, however, a taxicab company or transportation company licensed by another political jurisdiction may disembark, but not embark, passengers in Barberton provided the passenger trip originated outside of Barberton.

(b) No person shall display on the interior or exterior of any vehicle the words "taxicab," "taxi," or "cab," nor shall any person represent to any other person either orally or in writing that he or she operates or offers "taxicab," "taxi," or "cab" service within the City unless such person has been issued a taxicab company license as specified herein.

856.03 SERVICE OBLIGATION

(a) Each taxicab company shall provide adequate taxicab service throughout the City upon demand during all hours of each day. All taxicabs shall be equipped with an operating two-way voice communication system with the taxicab company dispatcher.

(b) Each taxicab company and transportation company shall at all times obey all traffic laws and all other laws and regulations applicable to public transportation services and shall be responsible for the conduct and actions of all persons operating vehicles or otherwise employed in the business of the company. Discourteous treatment of the public, misrepresentation of fare, failure to transport passengers to requested destinations without just cause, and other similar activities inimical to a public transportation service shall be grounds for the City to suspend or revoke the license issued to such company.

(c) Each taxicab must be equipped with a functioning taximeter that measures the distance traveled and computes the fare. The taximeter must be visible to all passengers within the taxicab.

(d) Each taxicab company shall locate their principle place of business or office within the corporation limits of the City.

856.04 LICENSE.

(a) No person shall operate a taxicab company or transportation company without having in effect at all times a valid license issued by the City.

(b) An applicant for a license to operate a taxicab company or transportation company shall provide to the office of the Mayor the following information:

- (1) Business name, business address, and telephone number;
- (2) The type of transportation service to be provided; and
- (3) The number of vehicles to be utilized in the transportation service, the manufacturer's serial number and Ohio license plate number of each vehicle, and the maximum passenger capacity of each vehicle.

(c) All licensees shall immediately notify the Mayor's office in person of any changes in the information included in the application for the license, including the deletion or addition of vehicles utilized in the transportation service. Vehicles may be substituted without payment of a license fee, but the addition of one or more vehicles shall require payment of a license fee for each such vehicle.

(d) Effective January 1, 2010, upon compliance with the requirements of this chapter and upon payment by the applicant of a license fee in the amount of one hundred dollars (\$100.00) plus ten dollars (\$10.00) for each vehicle to be utilized in the transportation service, the Mayor's office shall issue to the applicant a license to operate the transportation service and the vehicles specified in the application. The license shall be valid only through December 31 of each year.

(e) The issuance of any license by the City shall not in any manner be construed as authorizing or permitting the licensee to operate a taxicab company or transportation company in violation of any provision of this chapter.

856.05 RATES.

(a) The following rates of fare shall apply to taxicab operators licensed under the provisions of this chapter:

- (1) A minimum charge of three dollars and seventy-five cents (\$3.75) for the flag fare.
- (2) A charge of forty-five cents (\$.45) for each one-fifth of a mile thereafter.
- (3) A charge of fifty cents (\$.50) for pick-up and delivery of three or more parcels.
- (4) A charge of fifty cents (\$.50) per minute for waiting time.

(b) When an increase in fares is deemed to be necessary, each cab company shall submit a written request to Council stating its reasons for such an increase, and such increases will not take effect unless approved by Council.

(c) A transportation company shall provide to passengers, upon request, a dated and signed receipt for service rendered. In the event a transportation company receives advanced payment from a passenger, the company shall provide to such person a dated and signed receipt that specifies all of the material terms, conditions, rates, and fares of the transportation service to be provided during such future period, and upon request of the passenger, note the date and driver's identity on such receipt after each trip is concluded. The standard rates and terms of the transportation company shall be posted in a conspicuous place in each vehicle.

856.06 RECEIPTS FOR FARES.

The owner, driver, or person in charge or control of a taxicab or other transportation vehicle shall deliver to the person paying for the hire of such vehicle, if demanded by such person and at the time of payment of such fare, a receipt therefore, which receipt shall show if requested, the point where such person was accepted as a passenger and where discharged, the number of the vehicle, and the name of the company operating the vehicle.

856.07 IDENTIFICATION OF TAXICABS.

Every taxicab licensed under the provisions of this chapter shall have the name of the owner thereof and shall have the words "taxicab," "taxi," or "cab" printed in letters at least two inches in height in the center of the main panel of both rear doors of the vehicle.

856.08 OBLIGATION TO MAINTAIN SAFE VEHICLE.

It shall be the duty of every taxicab company, transportation company, and touring service company licensed under the provision of this chapter to maintain all vehicles at all times in a totally safe and fit condition.

856.09 LIABILITY INSURANCE.

(a) No person shall operate a taxicab company or transportation company nor operate any motor driven or other vehicle used to provide public transportation service for hire without having in effect public liability insurance as specified herein.

(b) A policy or certificate of liability insurance, covering both passengers and third parties, indemnifying the taxicab company, transportation company, or touring service company in the following minimum amounts:

- (1) For vehicles with maximum passenger capacity of twelve or less persons, one hundred thousand dollars (\$100,000) for injury or death to one person, five hundred thousand dollars (\$500,000) for injury or death to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident arising out of the operation of any of the company's vehicles.

(c) 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 days written notice to the Mayor's office 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 the Mayor's office whenever any vehicle is deleted from the transportation service of the insured or a vehicle is added to the transportation service of the insured.

856.10 EXCEPTIONS.

The provisions of this chapter shall not include nor apply to motor vehicles used exclusively as hearses or ambulances or exclusively for service at weddings, christenings, funerals, or similar special occasions, nor motor vehicles leased or rented for private use without the service of a chauffeur or driver.

856.11 TOURING SERVICE REGULATIONS.

The Mayor is authorized to establish or cause to be established through the office of the Safety Director reasonable and necessary rules and regulations affecting the operation of non-motor-driven vehicles on the streets of the City upon consultation with the Chief of Police.

856.12 RECORDS REQUIRED.

Each taxicab company shall install a system requiring the use of manifests or records whereby each driver shall record the origin and the destination of each trip and the amount of the fare, and each driver shall comply therewith. Such manifests or records shall be kept on file in the office of the taxicab company for a period of three years. These records shall be available for inspection upon request by the Mayor or his designee.

856.99 PENALTY.

Violation of Section 856.04(a) shall be considered a misdemeanor of the third degree. Each day that a taxicab is operating without a license shall be considered a separate offense. If a person has a prior conviction under this section, a violation shall be considered a misdemeanor of the first degree.

Be and the same is hereby amended to read as follows by showing said amendment with a ~~strikethrough~~ for any deletions and BOLD for any additions

- 856.01 Definitions.
- 856.02 Compliance required.
- 856.03 Service obligation.
- 856.04 License.
- 856.05 Rates. **Taxi Cab or Transportation Vehicle Standards**
- 856.06 ~~Receipts for fares.~~ **Taxicab and Transportation Driver's License**
- 856.07 Rates
- 856.08 Receipts for fares
- 856.09 Identification of Taxicabs
- 856.10 Obligation to maintain safe vehicle.
- 856.11 Liability insurance.
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- (d) "Taxicab company." Every corporation, company, association, joint stock association, person, firm, or partnership or their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any taxicab engaged in the business of transporting persons for hire on the streets of the City.
- (e) "Taximeter." An instrument or device by which the charge for hire of a taxicab is calculated, either for distance traveled or for waiting time or for both, and upon which such charge is indicated by means of figures.
- (f) "Transportation company." Every corporation, company, association, joint stock association, person, firm, or partnership or their lessees, trustees, receivers, and trustees appointed by any court whatsoever, 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.
- (g) "Transporting persons for hire." The transportation for persons on the streets of the City under circumstances where the passenger is expected to pay a fee or fare for the transportation services.

856.02 COMPLIANCE REQUIRED.

(a) No person shall operate a taxicab company or transportation company on any street within the City except in accordance with the provisions of this chapter, however, a taxicab company or transportation company licensed by another political jurisdiction **that does not border the City** may disembark, but not embark, passengers in Barberton provided the passenger trip originated outside of Barberton.

(b) No person shall display on the interior or exterior of any vehicle the words "taxicab," "taxi," or "cab," nor shall any person represent to any other person either orally or in writing that he or she operates or offers "taxicab," "taxi," or "cab" service within the City unless such person has been issued a taxicab company license as specified herein.

856.03 SERVICE OBLIGATION

(a) Each taxicab company shall provide adequate taxicab service throughout the City upon demand during all hours of each day. All taxicabs shall be equipped with an operating two-way voice communication system with the taxicab company dispatcher.

(b) Each taxicab company and transportation company shall at all times obey all traffic laws and all other laws and regulations applicable to public transportation services and shall be responsible for the conduct and actions of all persons operating vehicles or otherwise employed in the business of the company. Discourteous treatment of the public, misrepresentation of fare, failure to transport passengers to requested destinations without just cause, and other similar activities inimical to a public transportation service shall be grounds for the City to suspend or revoke the license issued to such company.

(c) Each taxicab must be equipped with a functioning taximeter that measures the distance traveled and computes the fare. The taximeter must be visible to all passengers within the taxicab.

(d) Each taxicab company shall locate their principle place of business or office within the corporation limits of the City.

856.04 LICENSE.

(a) No person shall operate a taxicab company or transportation company without having in effect at all times a valid license issued by the City.

(b) An applicant for a license to operate a taxicab company or transportation company shall provide to the office of the Mayor the following information:

- (1) Business name, business address, and telephone number;
- (2) The type of transportation service to be provided; and
- (3) The number of vehicles to be utilized in the transportation service, the manufacturer's serial number and Ohio license plate number of each vehicle, and the maximum passenger capacity of each vehicle.

(c) All licensees shall immediately notify the Mayor's office in person of any changes in the information included in the application for the license, including the deletion or addition of vehicles utilized in the transportation service. Vehicles may be substituted without payment of a license fee, but the addition of one or more vehicles shall require payment of a license fee for each such vehicle.

(d) ~~Effective January 1, 2010,~~ Upon compliance with the requirements of this chapter and upon payment by the applicant of a license fee in the amount of one hundred **fifty** dollars (**\$150.00**) plus ~~ten~~ **fifteen** dollars (~~\$10.00~~) (**\$15.00**) for each vehicle to be utilized in the transportation service, the Mayor's office shall issue to the applicant a license to operate the transportation service and the vehicles specified in the application. The license shall be valid only through December 31 of each year. *

(e) Upon compliance with the requirements of this chapter, taxicab companies with their principle place of business or office located in a bordering political subdivision shall submit an application fee of two hundred fifty dollars (\$250.00) plus twenty-five dollars per vehicle for 1-5, twenty dollars (\$20.00) per vehicle of 6-10, fifteen dollars (\$15.00) per vehicle for 11 or more vehicles to be utilized in the transportation service. Upon receipt of an applicant's license fee to be utilized in the transportation service, the Mayor's office shall issue to the applicant a license to operate the transportation service and the vehicles specified in the application. The license shall be valid only through December 31 of each year. ¹

~~(e)~~ (f) The issuance of any license by the City shall not in any manner be construed as authorizing or permitting the licensee to operate a taxicab company or transportation company in violation of any provision of this chapter.

856.05 TAXICAB OR TRANSPORTATION VEHICLE STANDARDS

- A. No person shall knowingly permit the operation of a taxicab or transportation vehicle unless it is equipped with the following:**
- a) A light within the passenger compartment.**
 - b) Telephone service shall be available to each taxicab or transportation driver so that calls to emergency services such as police and fire departments can be made if needed.**
 - c) Passenger restraints such as manufacturer-installed seatbelts or air bags, which may be used at the option of the passenger, numbering no fewer than the maximum occupancy of the cab or vehicle.**
 - d) A suitable holder for the driver's identification card in a place where such card will be visible to the passengers at all times.**
 - e) No person shall knowingly permit the operation of any taxicab or transportation vehicle which is in such unsafe condition as to endanger any person or property.**
 - f) No person shall place any vehicle into service as a taxicab which does not have at least three (3) doors. No vehicle which requires the movement of a seat or any portion of a seat to gain access to other seating shall be placed into service as a taxicab.**
 - g) No person shall allow the operation of any taxicab or transportation vehicle which does not comply with the standards established in this section. Failure to do so shall constitute grounds for revocation of such taxicab or transportation license.**
 - h) Taxicabs and transportation vehicles shall be tobacco smoke free.**

856.06 TAXICAB AND TRANSPORTATION DRIVER'S LICENSE

- A. No person shall operate a taxicab or transportation vehicle within the City without first obtaining a taxicab or transportation driver's license.**
- B. Qualifications.**

¹ Although this ordinance is effective upon the Mayor's signature in November 2018, the fees are waived for applicable companies for 2018.

1. An applicant for a taxicab or transportation driver's license must be at least twenty-one (21) years old.
 2. An applicant must have a valid driver's license issued by the State of Ohio.
 3. No applicant shall be issued a license under this chapter if he or she has been convicted of, or pled guilty to, any of the following criminal offenses:
 4. Any homicide offense identified in Chapter 2903 of the Ohio Revised Code, or any substantially equivalent homicide offense under any federal, state or local law;
 5. Any kidnapping offense identified in Chapter 2905 et seq. of the Ohio Revised Code, or any substantially equivalent kidnapping offense under any federal, state or local law;
 6. Any sex offense set forth in Chapter 2907 of the Ohio Revised Code, or any substantially equivalent sex offense under any federal, state or local law.
 7. No applicant shall be issued a license under this chapter if he or she has been convicted of, or pled guilty to, any of the following crimes within five (5) years of completion of sentence:
 8. Unlawful possession of weapons, as defined in Section 2923.11 of the Ohio Revised Code or any substantially equivalent offense under federal, state or local law;
 9. Any felony involving physical violence;
 10. Driving under the influence of alcohol and/or a controlled substance.
- C. A person desiring to obtain a taxicab or transportation driver's license shall make application in writing, under oath, to the licensing agent providing the following information:
1. Full name.
 2. Place of residence and telephone number; place of residence for five (5) years preceding the date of such application, and place of birth.
 3. Date of birth, sex, height, weight, color of eyes and hair, and citizenship.
 4. Place of previous employment for the five (5) years preceding the date of application.
 5. A valid driver's license issued by the State of Ohio.
 6. Whether the applicant has been convicted of a felony or misdemeanor, and if so, when, where, what offense, and the sentence for each conviction.
 7. Whether the applicant has previously been employed as a taxicab or transportation driver, and if so, when, where and by whom.
 8. Whether the applicant has ever had a previous license denied, suspended, or revoked, and if so, where, when and for what reason.
- D. Each application for a taxicab or transportation driver's license shall be accompanied by three (3) unmounted, unretouched photographs of the applicant, taken within thirty (30) days of the date of the application, suitable for attachment to the license.
- E. Each driver shall keep his correct address and phone number on file with the licensing agent and shall notify the licensing agent if there is a change in address.

~~856.05~~ **856.07 RATES.**

(a) The following rates of fare shall apply to taxicab operators licensed under the provisions of this chapter:

- (1) A minimum charge of three dollars and seventy-five cents (\$3.75) for the flag fare.
- (2) A charge of forty-five cents (\$.45) for each one-fifth of a mile thereafter.
- (3) A charge of fifty cents (\$0.50) for pick-up and delivery of three or more parcels.
- (4) A charge of fifty cents (\$.50) per minute for waiting time.

(b) The following rates of fare shall apply to taxicab operators licensed under the provisions of this chapter for vans or wheelchair vans with a lift:

- (1) A minimum charge of twenty-five dollars (\$25.00) for the flag fare.**
- (2) A charge of forty-five cents (\$.45) for each one-fifth of a mile thereafter; two dollars and twenty-five cents (\$2.25) per mile.**
- (3) A charge of fifty cents (\$.50) per minute for waiting time.**

~~(b)~~ (c) When an increase in fares is deemed to be necessary, each cab company shall submit a written request to Council stating its reasons for such an increase, and such increases will not take effect unless approved by Council.

~~(e)~~ (d) A transportation company shall provide to passengers, upon request, a dated and signed receipt for service rendered. In the event a transportation company receives advanced payment from a passenger, the company shall provide to such person a dated and signed receipt that specifies all of the material terms, conditions, rates, and fares of the transportation service to be provided during such future period, and upon request of the passenger, note the date and driver's identity on such receipt after each trip is concluded. The standard rates and terms of the transportation company shall be posted in a conspicuous place in each vehicle.

~~856.06~~ **856.08 RECEIPTS FOR FARES.**

The owner, driver, or person in charge or control of a taxicab or other transportation vehicle shall deliver to the person paying for the hire of such vehicle, if demanded by such person and at the time of payment of such fare, a receipt therefore, which receipt shall show if requested, the point where such person was accepted as a passenger and where discharged, the number of the vehicle, and the name of the company operating the vehicle.

~~856.07~~ **856.09 IDENTIFICATION OF TAXICABS.**

Every taxicab licensed under the provisions of this chapter shall have the name of the owner thereof and shall have the words "taxicab," "taxi," or "cab" printed in letters at least two inches in height in the center of the main panel of both rear doors of the vehicle.

~~856.08~~ **856.10 OBLIGATION TO MAINTAIN SAFE VEHICLE.**

It shall be the duty of every taxicab company, transportation company, and touring service company licensed under the provision of this chapter to maintain all vehicles at all times in a totally safe and fit condition.

~~856.09~~ **856.11 LIABILITY INSURANCE.**

(a) No person shall operate a taxicab company or transportation company nor operate any motor driven or other vehicle used to provide public transportation service for hire without having in effect public liability insurance as specified herein.

(b) A policy or certificate of liability insurance, covering both passengers and third parties, indemnifying the taxicab company, transportation company, or touring service company in the following minimum amounts:

- (1) For vehicles with maximum passenger capacity of twelve or less persons, one hundred thousand dollars (\$100,000) for injury or death to one person, five hundred thousand dollars (\$500,000) for injury or death to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident arising out of the operation of any of the company's vehicles.

(c) 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 days written notice to the Mayor's office 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 the Mayor's office whenever any vehicle is deleted from the transportation service of the insured or a vehicle is added to the transportation service of the insured.

~~856.10~~ **856.12** EXCEPTIONS.

The provisions of this chapter shall not include nor apply to motor vehicles used exclusively as hearses or ambulances or exclusively for service at weddings, christenings, funerals, or similar special occasions, nor motor vehicles leased or rented for private use without the service of a chauffeur or driver.

~~856.11~~ **856.13** TOURING SERVICE REGULATIONS.

The Mayor is authorized to establish or cause to be established through the office of the Safety Director reasonable and necessary rules and regulations affecting the operation of non-motor-driven vehicles on the streets of the City upon consultation with the Chief of Police.

~~856.12~~ **856.14** RECORDS REQUIRED.

Each taxicab company shall install a system requiring the use of manifests or records whereby each driver shall record the origin and the destination of each trip and the amount of the fare, and each driver shall comply therewith. Such manifests or records shall be kept on file in the office of the taxicab company for a period of three years. These records shall be available for inspection upon request by the Mayor or his designee.

~~856.99~~ PENALTY.

Violation of Section 856.04(a) shall be considered a misdemeanor of the third degree. Each day that a taxicab is operating without a license shall be considered a separate offense. If a person has a prior conviction under this section, a violation shall be considered a misdemeanor of the first degree.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary for the efficient operation of the City because of the lack of city-wide taxicab service in Barberton, and provided it receives the necessary votes required by the City Charter, and it shall, therefore, be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2018

Clerk of Council

President of Council

Approved _____ 2018

Mayor