ORDINANCE AMENDING, RE-ENACTING AND ENACTING TITLE 14 TRANSPORTATION CHAPTER 1 – TAXI CABS, ARTICLE A THROUGH ARTICLE E, SECTIONS 14-1-1 THROUGH 14-1-107 OF THE CODE OF ORDINANCES CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 14-1-1 through 14-1-40 be amended, reenacted and enacted as follows:

ARTICLE A. – GENERAL PROVISIONS

Sec. 14-1-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Certificate: The certificate of public convenience and necessity granted by the council to a cab company as provided in this chapter.

City: The City of Harrisonburg, Virginia

Cruise; cruising: The movement of unengaged taxicabs over the public streets of the city in search of prospective passengers for hire. This definition shall not apply to a taxicab proceeding to answer a call for taxicab service or a taxicab proceeding, by the most direct reasonable route, after having discharged a passenger, to the garage where such taxicab is housed, a taxi stand, or other location at which the taxicab is permitted to park.

HDPT: Harrisonburg Department of Public Transportation; the director of public transportation or any employee of the department designated by the director to carry out the provisions of this chapter.

HPD: Harrisonburg Police Department; the Chief of Police of the Harrisonburg Police Department or any employee of the department designated by the Chief to carry out the provisions of this chapter.

Owner: Any person having control of the operation or maintenance of taxicabs, including any person having control of the collection of revenues derived from the operation of taxicabs and including the purchaser of taxicabs under conditional sales contract, lease, or other title reserving agreement.

Special event surcharge: A surcharge collected for transportation to or from a James Madison University sporting event or graduation or an event which has received a special event permit from City Council.

Taxicab: Taxicab means any motor vehicle having a seating capacity of not more than six (6) passengers, excluding the driver, and having four doors, not operating on a regular route or between fixed terminals, used in the transportation of passengers for hire or for other compensation, such as tips or donations.

Taxicab company: A person or entity engaged in business as the proprietor or operator of three (3) or more taxicabs.

Sec. 14-1-2. Compliance with chapter; penalties.

The operation of taxicabs within the city shall be subject to the conditions, regulations and restrictions set forth in this chapter. It shall be unlawful for any person or entity to operate, or cause to be operated, within the city any taxicab unless the conditions, regulations and restrictions set forth and prescribed in this chapter have been complied with by the owner thereof. Unless otherwise specifically provided for herein, a violation of any provision of this chapter shall constitute a misdemeanor and be subject to a fine of not more than $100 for the first offense and not more than $500 for each subsequent offense. In addition to any other penalty as prescribed by this chapter, the city manager may suspend or revoke the license or certificate issued under this chapter.

Sec. 14-1-3. License prerequisite to operation.

It shall be unlawful for any person to operate a taxicab to pick up passengers within the city unless the driver has been issued a license to operate a taxicab and a certificate has been issued to the owner thereof.

Sec. 14-1-4. Insurance, surety bond or cash bond.

(a) *Required; amounts.* Every owner of a taxicab operated in the city shall keep in effect at all times a policy or bond of insurance, a certificate of insurance in lieu of the insurance or bond, or an unconditional letter of credit in accordance with the provisions and requirements of the laws of the Commonwealth of Virginia, including Virginia Code Section 46.2-2053, or as such laws may be amended from time to time, and copy thereof to the Director of Public Transportation. The amount of the insurance policy or bond, certificate in lieu of insurance company or bond, or unconditional letter of credit shall be in the amount of at least $125,000 or such other minimum amount established in the Code of Virginia for each taxicab for which a certificate is issued hereunder.

(b) *Operation without insurance prohibited.* If any such policy of insurance or its equivalent described in subsection (a) above is canceled as hereinafter provided, the owner shall not

operate or cause to be operated in the city any vehicle covered by such insurance policy until the provisions of subsection (a) above are met.

(c) *Notice of cancellation.* Each such policy of insurance or its equivalent described in subsection (a) above so filed shall contain a clause to the effect that the document may be canceled or revoked only upon thirty (30) days' written notice to the director of public transportation, as well as such other notice as may be required by law to be given the owner.

(d) *Increase in total amount of insurance.* If judgment is rendered against the owner or driver, or both, in any court of competent jurisdiction by reason of any accident for which the insurance policy or surety or cash bond is herein provided, the owner shall, within twenty-four (24) hours after the rendition of such judgment, whether appealed from or not, increase the total amount of insurance, or other surety or bond, so that there shall be kept in effect, in the manner contemplated by law and by this section, insurance, surety or bond, upon which there has been no recovery, of not less than the minimum provided herein.

(e) *Posting.* A copy or certificate of any policy of insurance, bond, or other surety described in subsection (a) above shall be filed with the City Manager immediately upon the issuance thereof.

(f) *Cancellation.* The certificate of public convenience and necessity and license for the operation of taxicab shall expire upon the lapse or termination of the policy or bond of insurance, a certificate of insurance in lieu of the insurance or bond, or an unconditional letter of credit provided for in this section. Such cancellation or expiration may be subject to reinstatement upon compliance with the provisions of this section. Cancellation or expiration pursuant to this section shall not relieve the insurer or guarantor of liability for any injury or damage occurring prior to such cancellation or expiration of the certificate and license.

Sec. 14-1-5. Posting and exhibition of rates and taxicab license.

The rates of fare in effect within the corporate limits of the city, shall at all times be kept posted in a conspicuous place inside of the vehicle and shall be exhibited to any person demanding it. The taxicab drivers license shall be within the passenger's view inside the vehicle in accordance with Section 14-1-34.

Sec. 14-1-6. Parking, discharge of passengers.

(a) It shall be unlawful for the driver of any taxicab to park on private property unless the driver or the owner has secured the written consent of the property owner or lessee or unless the property owner or lessee has established a taxi stand on the property.

(b) Taxicab drivers shall not stop to load or unload passengers in the intersection of any streets or on any crosswalk. No taxicab shall be loaded or unloaded in any manner that will in any way impede or interfere with the orderly flow of traffic on the streets. Drivers shall not permit passengers to enter or leave the taxicab from the left side except at the

left curb of one-way streets or while parked perpendicular to the curb in places where such parking is permitted. The taxicab shall never be parked, stopped, or standing in a fire or bicycle lane.

Sec. 14-1-7. Transportation of more than one (1) passenger, nonpaying passengers.

(a) Not more than one (1) passenger shall be transported at one (1) time in any taxicab operated within the city, except when passengers are being transported to or from a public school within the city, without the consent of the passenger first engaging the taxicab. No fee shall be charged for the added passengers until the discharge of the passenger first engaging the taxicab.

(b) No nonpaying passenger shall be transported with a paying passenger in any taxicab operated in the city, except bona fide officers or employees of the owner or a police officer engaged in the performance of his duty and unable to obtain other adequate means of transportation.

(c) No more passengers than the number of factory installed, properly operating seatbelts in the vehicle shall be transported. All passengers shall be seated at a seat belt location.

Sec. 14-1-8. Refusal to carry orderly person.

Drivers of taxicabs shall not refuse to carry any orderly person anywhere in the city unless previously engaged or off duty.

Sec. 14-1-9. Driver to attend vehicle.

Every taxicab driver, while in operation for the solicitation or transportation of passengers, shall remain in the vicinity of the vehicle.

Sec. 14-1-10. Shortest practicable route.

The driver of every taxicab shall operate the same over the shortest practicable route from the place of the beginning of the trip to the place of destination. The driver of every taxicab shall have a map or a properly functioning GPS system in the taxicab when on duty. Every driver shall possess extensive knowledge of the City's streets and landmarks

Sec. 14-1-11. Record of trips; calls to be answered in order; dismissing cab.

(a) Accurate records of all calls or trips (including calls from cellular phones) made by taxicabs, shall be reported to the taxi dispatch and maintained by the dispatch. Such records shall be available for the inspection and use by HPD and HDPT for official purposes only.

(b) Entries shall be made into such record at the beginning and ending of each call or trip made.

(c) It shall be the duty of taxicab owners and drivers to accept calls in the order of their receipt, regardless of from which part of the city the calls are made and regardless of the destination of the passenger.

(d) No handheld communication device shall be used while the cab is in motion except the radio microphone linked directly to the taxi dispatch.

(e) Such records shall be preserved for a period of not less than thirty-six (36) months. No person shall knowingly make a record of a fictitious call or use any fictitious name in reporting a bona fide call, nor shall a fictitious or false address of the point of origin or destination be knowingly reported.

Sec. 14-1-12. Report of accidents.

Every accident reportable under Virginia law in which any taxicab is involved shall be immediately reported to the HPD and HDPT by the taxicab driver.

Sec. 14-1-13. Inspection of vehicles; correction of defects.

Each taxicab within the city shall be inspected by HDPT before it is put into revenue service, every two years thereafter and at random. If any such vehicle shall be found to be unsafe, unfit or in an unclean condition, the owner thereof shall be notified at once that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied. In accordance with Sec. 14-1-44, inspection shall include either the certification of the taximeter or verification of a software based device approved by HDPT that utilizes GPS or other measurement data in the calculation of time and distance fares.

Upon compliance with the inspection each taxicab will be issued an inspection decal to be placed on the back windshield. The inspection decal shall have displayed upon it the license number assigned to the particular taxicab, the name of the city, and the year for which issued. A taxicab may not operate without the inspection decal. It shall be unlawful for any person to knowingly use any such inspection decal on any motor vehicle other than the taxicab for which it was issued.

The fee to be paid for the inspection and certification of each taxicab is twenty-five dollars ($25.00) An additional charge of twenty-five dollars ($25.00) may be added for any taxicab failing the initial or subsequent inspection by the City of Harrisonburg. The fee shall be collected by HDPT and shall promptly be paid over to the city treasurer to be placed in the central garage fund.

Upon the stopping and finding of any taxi to be unsafe, unfit or in an unclean condition by a law enforcement officer, the taxi inspection decal shall be removed and the taxi placed out of service until such time it is presented to HDPT, with the defects corrected, for an inspection. A twenty-five ($25.00) inspection fee shall be collected for this inspection.

Sec. 14-1-14. Vehicles to be in good order and repair.

The owner of the taxi company and the driver are responsible to see every taxicab for which a certificate is issued pursuant to this chapter shall be at all times in good order and repair when in operation. The passenger compartment and cargo area (trunk) shall be clean.

Sec. 14-1-15. Radios in taxicabs.

Taxicabs may, but shall not be required to, be equipped with radios or scanning devices. It shall be lawful for a taxicab to operate with a scanning device to receive only the frequency assigned to the company. It shall be unlawful to operate any taxicab with a scanning device to scan police, fire and rescue and competitive taxi companies. This section shall not be construed to prevent the equipment of taxicabs with a radio capable of receiving only a standard broadcast.

Sec. 14-1-16. Use of drugs and alcohol by driver.

At no time shall the driver of a taxicab use or be under the influence of alcoholic beverages, narcotics, or other scheduled drugs while in service or while he or she is operating a taxicab. The transportation of alcoholic beverages, other than unopened containers carried by a paying passenger, is prohibited in taxicabs. The passenger's alcohol shall be placed in the cargo area (trunk) of the taxi. The driver shall be held accountable for passengers possessing alcohol in the passenger compartment. At no time shall a driver, owner, employee, or certificate holder use any alcoholic beverages, narcotics, or other scheduled drugs within the business office while on duty

Sec. 14-1-17. Visible outside markings required; Use of term "taxi", etc.

(a) Every taxicab for which a certificate is issued pursuant to this chapter shall at all times bear visible outside markings clearly identifying it as a taxicab. Markings shall include the name of the company and phone number on the driver and passenger side of the vehicle. Vehicles shall be numbered, and the number shall be displayed on all four sides of the vehicle. Lettering shall be three or four inches high.

(b) It shall be unlawful for any person to use the term "taxi", "taxicab", "cab" or any other pronunciation spelling of the word (by way of example, "taxe", "taxie", "taxecab", "kab") in any advertisement, sign, or trade name, drive a vehicle with a roof light or hold himself out by means of advertising, signs, trade names, or

otherwise as an operator of a taxicab or other motor vehicle performing a taxicab service as defined in this chapter, unless he complies with all of the requirements of this chapter. Any person violating this subsection shall be guilty of a Class 1 misdemeanor.

(c) A taxicab may display third party advertisements in or on the taxicab, but such advertisements shall not obscure or unreasonably interfere with the markings required by this section.

ARTICLE B – CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 14-1-18. Required; Prerequisite to license.

It shall be unlawful for any person to operate, or cause to be operated, within the city, any taxicab unless the council has issued a certificate to the owner thereof. No license for the operation of a taxicab shall be issued unless the council has issued a certificate to the owner thereof.

Sec. 14-1-19. Application for certificate—Generally.

Application for a certificate shall be made by the owner, or proposed owner, to the City Council upon forms provided therefor by the city and shall furnish the following information under oath of the applicant:

(a) The full name, home and business address of the applicant.
(b) The trade name under which the applicant does or proposes to do business.
(c) The financial ability and responsibility of the applicant.
(d) The name and address of any person lending money or furnishing capital to the applicant where the operation or proposed operation is to be financed wholly or in part by means of borrowed money or capital in any form furnished by any person other than the owner.
(e) The number and kind of vehicles proposed to be used, showing seating capacity, design, and color of each. The list of vehicles should include cab number, make, model, year, and VIN number.
(f) The character and location of the depots and terminals to be used, if any.
(g) Each conviction or plea of guilty by any proposed owner for the violation of any criminal law, whether such violation be of a city ordinance, state law or federal law.
(h) The specific experience of applicant in the transportation of passengers for hire.
(i) All facts or circumstances upon which applicant bases his belief that public convenience and necessity require the granting of his application.

Sec. 14-1-20. Same - Filing with city clerk and fee.

Applications for certificates shall be filed with the city clerk at least twenty-one (21) days prior to the council meeting at which any such application is to be acted upon. In

addition, any application shall include a non-refundable two hundred and fifty dollars ($250.00) application fee made payable to the city treasurer.

Sec. 14-1-21. Same—Investigation and report by HPD and HDPT.

Upon the filing of any application for a certificate with the city clerk, HPD and HDPT shall be immediately furnished with a copy of such application, and it shall be their duty promptly to make an investigation as to the qualifications of the applicant to conduct such business and, in the case of a business entity, shall investigate the fitness and qualifications of the officers, directors and members thereof. They shall report their findings in writing, which report shall be filed with the city clerk prior to the council meeting at which such application is to be acted upon. Such written report, when so filed, shall be available to the applicant and to his attorney at law, or either.

Sec. 14-1-22. Determination of public convenience and necessity.

The City Council shall determine whether the public convenience and necessity require the operation of taxicabs for which application has been filed. In making this determination, the following shall be considered:

(a) The adequacy, efficiency and safety of existing taxicab service and other forms of transportation for passengers already in existence.
(b) The probable permanence and quality of the services offered by the applicant.
(c) The financial ability, background, qualifications, and responsibility of the applicant.
(d) The number and character of vehicles and the character and location of the depots and terminals proposed to be used. Must have at least three (3) vehicles.
(e) Applicants are required to have an established place of business. Certificates issued after November 1, 2014, must have a place of business in Harrisonburg:
    (1) That is owned or leased by the applicant.
    (2) Where a substantial portion of the applicant's business is routinely conducted.
    (3) That houses all records that the applicant is required to maintain.
    (4) That is equipped with a working telephone listed in the applicant's business name.
    (5) That meets local zoning requirements for type and location of business.
(f) The experience of the applicant in the transportation of passengers for hire.

Sec. 14-1-23. Authority of City Council as to grant or refusal.

The City Council shall have the authority to grant a certificate as applied for, or to grant a certificate for a lesser number of vehicles than that specified in the application, or to deny the application in the exercise of a sound discretion, after a consideration of the factors prescribed in Section 14-1-22.

Sec. 14-1-24. Burden upon applicant.

The burden shall be upon the applicant for a certificate to establish the existence of public convenience and necessity for the operation of taxicabs designated in his application and all other facts required for the granting of such application.

Sec. 14-1-25. Issuance and contents.

Upon determination by the City Council that any application for a certificate shall be granted, a certificate shall be issued to the applicant by the city clerk and shall contain the following:

(a) The name and address of the owner.
(b) The name and address of the business location.
(c) The number, kind, and description of vehicles the operation of which is authorized by the certificate.
(d) The date of issuance and the date of expiration.
(e) The fact that the certificate is being issued subject to the provisions of this chapter and all other laws and ordinances governing the operation of taxicabs in the city.

Sec. 14-1-26. Duration.

Every certificate issued under this article shall be good and valid unless revoked or suspended in accordance with this chapter.

Sec. 14-1-27. Revocation or suspension.

City Council may for cause cancel, revoke or suspend any certificate issued pursuant to the provisions of this chapter after due notice to the certificate holder.

Sec. 14-1-28. Nontransferability.

Any certificate issued under this article shall not be transferable.

Sec. 14-1-29. Substitution of equipment.

An updated vehicle list shall be submitted to HPD each time a vehicle is sold, replaced or added.

ARTICLE C. – TAXICAB DRIVER'S LICENCE

Sec. 14-1-30. Required generally.

No person shall drive a taxicab within the city unless they have obtained a Virginia operator's permit and a special license to be known as the "taxicab driver's license,"

which shall be in addition to any other licenses required of such persons. It shall be unlawful for any person to drive a taxicab without the permits and licenses required by this section.

Sec. 14-1-31. Application generally and photographs of applicant.

(a) Application for taxicab driver's license or renewal thereof shall be made in writing under oath to HPD.
(b) Each applicant must file with his application two (2) recent photographs of the applicant of a size designated by HPD, one (1) of which shall be attached to and become a part of the application, the other to be attached to the license, if issued, in such manner that no other photograph may be substituted therefor without probability of detection.
(c) Applicant must obtain a Harrisonburg city business license after approval or the application and before the issuance of the license.
(d) Owner must provide to HPD copies of the background check reports and driving history report required under Sec. 14-1-32.

Sec. 14-1-32. Requirements for taxicab owners; mandatory background screening.

(a) Before authorizing an individual to act as taxicab driver, the owner shall confirm that the person is at least 21 years old and possesses a valid Virginia driver's license.
(b) Before authorizing an individual to act as a taxicab driver, and at least once every two years upon renewal of the driver's taxicab drivers license, the owner shall obtain a national criminal history records check of that person. The background check shall include (i) a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check shall be accredited by the National Association of Professional Background Screeners or a comparable entity approved by HPD.
(c) Before authorizing an individual to act as a taxicab driver, and at least once every two years upon renewal of the driver's taxicab drivers license, the owner shall obtain and review a driving history research report on that person from the Virginia Department of Motor Vehicles.
(d) An owner shall not authorize an individual to act as a taxicab driver if the criminal history records check required under subsection B reveals that the individual:

    (1) Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or is listed on the U.S. Department of Justice's National Sex Offender Public Website;

(2) Has ever been convicted of or has ever pled guilty or nolo contendere to a violent felony offense as listed in subsection C of § 17.1-805, or a substantially similar law of another state or of the United States;

(3) Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24; or (iii) any offense resulting in revocation of a driver's license pursuant to § 46.2-389 or 46.2-391; or

(4) Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3 or 46.2-341.26:3.

Sec. 14-1-33. Investigation of application.

HPD shall promptly make an investigation of the facts stated in any application for a taxicab driver's license and shall make a written memorandum of the findings, which shall be kept on file at HPD for use of HPD and HDPT. The investigation shall show compliance with Sec. 14-1-32.

Sec. 14-1-34. Issuance or refusal; contents; posting.

If HPD finds that the applicant for a taxicab driver's license has met all requirements of this chapter, it shall issue the applicant a license card, which shall bear a license number, shall contain the applicant's name, signature and photograph, which such license card must be posted no lower than the top edge of the vehicle dashboard, adjacent to or within twelve (12) inches of the "taximeter" and visible from the outside and all passenger seats in any taxicab or for-hire car while being operated by or in charge of the applicant. If HPD determines that the applicant has not met all requirements of this chapter, HPD shall refuse to issue such license. The applicant shall have the right, within five (5) days from the day a license is denied, to appeal to the city manager the denial of the license. The decision of the city manager, after hearing relevant evidence, shall be final.

Sec. 14-1-35. Fees.

(a) Applicants will be charged a fee for the following items:

(1) Application fee .....$50.00 -

(2) For each renewal of license ..... $50.00 for a two-year period

(3) For replacement of any lost or damaged licenses $25.00
(4) Fee to change taxi companies $25.00

(b) Fees shall be collected by HPD and shall promptly be paid over to the city treasurer. All fees are nonrefundable.

Sec. 14-1-36. Transferability; expiration.

No taxicab driver's license issued under this article shall be transferable. All such licenses shall be issued and valid for two years and shall expire two years from the end of the month in which issued.

Sec. 14-1-37. When surrender required.

The taxicab driver's license of any driver shall immediately be revoked, become void, and shall be immediately surrendered by the driver in the event the driver no longer meets the requirements of this chapter for any reason, including but not limited to Sec. 14.1-32.

Sec. 14-1-38. Revocation and suspension.

(a) The Chief of Police or designee may suspend the taxicab driver's license of any person licensed under this article for up to six months for the following reasons:

(1) Failure to report any reportable accident in which such driver is involved.
(2) Operation of any taxicab known to the driver not to be in good order and repair
(3) Violation of any provision of this chapter;
(4) Violation of any criminal or traffic ordinance of the Harrisonburg City Code;

(b) All drivers shall within 5 five days of a conviction or prepayment of any traffic or criminal convictions notify HPD in writing. Failure to notify HPD shall result in a 6-month suspension of the license to begin on the date HPD becomes aware of the unreported conviction or prepayment.

Sec. 14-1-39. Employment of unlicensed driver.

It shall be unlawful for the owner of a taxicab to permit the same to be operated by any person who does not have a valid and effective taxicab driver's license. It shall also be unlawful for the owner of a taxicab to permit the same be operated by any person who does not have a valid State issued Operators License.

ARTICLE D. – RATES AND CHARGES

Sec. 14-1-40. Taxi rates.

(a) It shall be the policy of the city that taxicab rates shall be established by open market competition. Every owner operating taxicabs within the city shall file with the HPD a schedule of the maximum rates which that owner will charge for service within the city. The schedule shall conform to the following format:

(1) Charge for first one-tenth mile: _____

(2) Charge for each additional one-sixth mile: _____

(3) Charge for each additional one-sixth mile after _____ is $_____.

(4) Charge for waiting time, per minute: _____

(5) Charge for each additional minute of waiting time after _____ is $_____.

(6) Additional charge per trip between the hours of 10:00 p.m. and 6:00 a.m.: _____

(7) Charge for additional passengers: _____

(8) Charges for loading of laundry, groceries, luggage, or other special services: _____

(9) Special Event Surcharge: _____

(b) Any owner of a taxicab wishing to change their rate schedule shall file a proposed new schedule with HPD at least thirty (30) days before the new schedule may take effect. A notice shall be posted in that owner's vehicle or vehicles indicating that the proposed change has been filed and the proposed effective date. At the end of the thirty-day period the owner may implement the new rates, provided a certificate is obtained from HDPT indicating that the taximeter, if used to determine fares, has been changed to reflect accurately the new rates and that the new rates have been displayed on the exterior or interior of the taxicab as required by section 14-1-41.

(c) Each owner's filed rates, when effective, shall constitute the maximum charges which the owner or their employee may charge for taxicab service within the city. However, nothing shall prevent an owner or operator from charging less than the rate shown on the meter or offering discounts for frequent riders or other classes of customers.

Sec. 14-1-41 Display of rates.

(a) A card displaying the rates of fare currently on file with HPD for each owner shall be posted in a prominent place in all of the owner's taxicab operating in the City. Such card shall state that the driver may offer to charge less than the amount shown on the meter but may not charge more than the metered price plus applicable surcharges for nighttime.

(b) In addition, the currently filed rate schedule shall be displayed on both sides of the exterior of every cab in letters at least three (3) inches high, in the form prescribed in section 14-1-40

(c) As an alternative to exterior posting of rates, rates may be posted on the interior of each rear door window in letters at least one-eighth inch high, in the form prescribed in section 14-1-40, so as to be visible from the outside of the vehicle; provided, that any vehicle with rates so posted must be equipped with horizontally and vertically adjustable outside rear view mirrors installed on both sides of such vehicle in such a manner as to provide the driver a rearward view along both sides of the vehicle for a distance of at least two hundred (200) feet.

Sec. 14-1-42. Refusal to pay fare.

No person who is a passenger in a taxicab shall fail to pay the legal fare or charge, in accordance with the provisions of this article, when requested to do so by the operator, owner or person lawfully in charge of the vehicle. If any person, after the taxicab has responded to a call in any part of the city from that person, dismisses or fails to use the same, the taxicab shall be entitled to the minimum charge from that person as provided by this chapter.

ARTICLE E. – TAXIMETERS

Sec. 14-1-43. Use required; "taximeter" defined.

All taxicabs operating on the streets of the city shall be equipped with a taximeter of a type to be approved by HDPT, which term, "taximeter" shall mean either (1)any mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated and on which such charge is plainly indicated or (2) a software based device approved by HDPT that utilizes GPS or other measurement data in the calculation of time and distance fares.

Sec. 14-1-44. Duty of owner to keep taximeter in proper condition; inspections.

It shall be the duty of every owner operating a taxicab using a mechanical taximeter to keep such taximeter in proper mechanical condition so that the same will, at all times, correctly and accurately indicate the correct charge for the distance traveled or for the distance traveled plus waiting time. Such taximeter shall at all reasonable times be subject to inspection by an inspector designated by HDPT. Such inspector, on his own authority or upon complaint of any person, may investigate or cause to be investigated any taximeter used on any vehicle operated in this city, and upon the discovery of any inaccuracy in such taximeter, to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the city until such time when the taximeter shall have been correctly adjusted and approved by the inspector, or until such taximeter has been replaced in the taxicab by a proper taximeter. Taximeters are to be certified annually by HDPT for accuracy and said certification to be filed in the director's office of HDPT.

Sec. 14-1-45. Position and legibility.

The taximeter shall be so placed in the taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab.

Sec. 14-1-46. Sealing required.

No person shall use or permit to be used any taxicab equipped with a mechanical taximeter unless the taximeter shall have been sealed at the time of calibration. Central Garage will also seal the taximeter at time of inspection.

Sec. 14-1-47. Tampering with seal; broken seal.

It shall be unlawful for any person to break a seal on such taximeter, or to tamper with it, or so to manipulate such taximeter as to cause it to inaccurately measure the distance traveled by the taxicab to which it is attached. It shall be unlawful to operate a taxicab with the seal broken.

Sec 14-1-49 – 14-1-60 RESERVED

This ordinance shall be effective from the 26th day of April, 2022. Adopted and approved this 26 day of April, 2022.

MAYOR

ATTESTE:

CITY CLERK