

**COMMON COUNCIL
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Common Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	03/19/14	Meeting Date:	04/07/14
Contact Information:			
Requested by:	Lakhinder Sandhu		
On Behalf of Organization or Individual:		Super Yellow Cab Company	
Telephone:	812-297-2222		
Email address:	Superyellowcab303@gmail.com		
Mailing Address:	188 N. Lovers Lane		
Describe Request:			
Request to Change Pickup Fee from \$3.25 to \$1.75 & Waiting Time Fee from .35 per minutes to .40 per minute to match City of Greenwood Ordinance No.: 13-42			
List Supporting Documentation Provided:			
City of Franklin Common Council Ordinance No.: 13-10			
City of Greenwood Common Council Ordinance No.: 13-42			
Who will present the request?			
Name:	Lakhinder Sandhu	Telephone:	812-297-2222

In order for an individual and/or agency to be considered for new business on the Common Council agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

GREENWOOD COMMON COUNCIL
ORDINANCE NO. 13-42

AN ORDINANCE AMENDING THE GREENWOOD MUNICIPAL CODE (1993),
CHAPTER 4, ARTICLE 2, DIVISION XI REGARDING THE REGULATION OF
TAXICABS OPERATING IN THE CITY OF GREENWOOD

WHEREAS, Indiana's home rule statute (Ind. Code § 36-1-3 *et.al*) grants statutory powers to the governing body of the City;

WHEREAS, pursuant to Ind. Code § 36-9-2-4 municipalities are authorized to regulate the operation and services of those who offer vehicles for hire;

WHEREAS, it has been determined that the regulation of taxicabs promotes safety on the roads of the City of Greenwood and ensures protection of its citizens and visitors; and

WHEREAS, in the best interests of public health, welfare and safety of the citizens of the City of Greenwood, the City requires regulation of companies that offer vehicles for hire, and for the drivers of vehicles for hire.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, AS FOLLOWS:

Section 1. The Greenwood Municipal Code (1993), Chapter 4, Article 2, Division XI "Taxicabs" is hereby amended by deleting its current text in its entirety and replacing it with text to read as follows:

Division XI. Taxicabs.

Sec. 4-126 Definitions.

For the purposes of this Division, the following definitions shall apply:

License. A license to allow an individual to drive a permitted taxicab in the City.

Permit. A permit allowing the lawful operation of a taxicab company within the City.

Taxicab. A motor-driven vehicle designated or constructed to accommodate or transport passengers for hire, not more than six (6) in number, exclusive of the driver, and not operating on a fixed schedule or route, the destination of which is designated by the passenger or passengers at the time of such transportation, which is for hire only at lawful rates of fare, which, when it is being operated between a point of origin and a destination are recorded and indicated by a taximeter or at rates as set forth in this Division.

Taximeter. A mechanical or electronic device which records and indicates a charge of fare measured by the distance traveled, a drop or pick up fee, if any, waiting time, if any, and extra passengers, if any.

Sec. 4-127 Compliance, Permit and License Required.

It shall be unlawful for any person to engage in the business of operating a taxicab except in compliance with the provisions of this Division.

It shall be unlawful for any person to engage in the business of operating a taxicab service without a valid taxicab vehicular permit for each taxicab and/or to allow an individual to operate a taxicab without a taxicab license as required by this Division.

Sec. 4-128 Rates to be set by the Common Council.

(a) The rates to be charged by taxicabs operating in the City shall be determined by the Common Council, upon the recommendation of the Board of Public Works and Safety, which,

after ten (10) days' notice by publication in a newspaper printed and published in the City, shall hold a public hearing, and determine the rates to be charged by taxicabs operating in the City. The Board of Public Works and Safety shall, after notice and hearing, recommend to the Common Council the rates to be charged. The Common Council shall approve or disapprove the schedule of rates, and if adopted by the Common Council, said schedule of rates shall be published once in a newspaper of general circulation printed and published in the City, and shall be placed on file with the Clerk.

(b) Thereafter the operator of any taxicab for which a permit is issued to operate in the City, shall keep the rates posted in a conspicuous place in the taxicab. The operator or driver of a taxicab shall not charge any fare in excess of the schedule on file in the office of the Clerk.

Sec. 4-129 Taxicab Rates.

(a) Taxicab passenger transportation, pick-up or delivery shall be metered at a rate of Two Dollars (\$2.00) for each mile traveled (\$0.20 for each one-tenth of a mile), with an additional One Dollar and Seventy-Five Cents (\$1.75) pick-up charge, or a minimum charge of \$4.00, whichever is greater.

(b) Waiting time shall be metered at a charge of Forty Cents (\$0.40) per minute.

(c) Each additional passenger over the age of six (6) years shall be an additional Sixty-Five Cent (\$0.65) charge.

(d) Rates shall be displayed in all taxicabs so that they are visible to passengers.

(e) Two (2) copies of the Schedule of Rates and Charges, as amended, shall be kept on file in the office of the Clerk of the City of Greenwood for public inspection.

Sec. 4-130 Permit Required.

(a) An applicant for a permit to operate a taxicab in the City shall make a written and signed application to the Controller upon a form to be approved by the Board of Public Works and Safety, which application shall include the following information:

(1) Name of the person desiring to operate a taxicab business, and the address and telephone number of the place of business. The term "operator" shall mean the owner of the cab and not necessarily the specific driver.

(2) The trade name under which the business will operate and the telephone number which will be used by customers to contact the business for service.

(3) The number of permits requested.

(4) The make, model, vehicle identification number, title number, state license plate number for each vehicle to be permitted.

(5) A certification regarding the vehicle's condition and mechanical upkeep.

(6) Proof of insurance as required by this Division.

(7) Such other information as the Board of Public Works and Safety may require.

(b) After examining the permit application for compliance with this Division, the Controller shall present the permit to the Board of Public Works and Safety for consideration within thirty (30) days of receipt. Upon approval of the application by the Board of Public Works and Safety, the permittee shall pay the applicable fee to the Controller's Office. The permit shall not be valid until the fee is paid. Permits shall be valid until December 31 of the calendar year in which they are issued. All renewal permits shall be issued on a calendar year basis.

(c) The Board of Public Works and Safety shall provide a sticker for each motor vehicle for which a permit has been issued and which shall be conspicuously displayed at all times on the exterior of the vehicle while it is being utilized as a taxicab.

(d) Renewal permits shall be applied for and issued in the same manner as described above and upon the same basis as original permits. For each renewal permit a fee shall be charged and paid to the Controller's Office. Failure to apply for a renewal permit within fourteen (14) days of the expiration of the prior permit shall result in a late fee.

(e) The Board of Public Works and Safety may deny an application for a permit for failing to comply with any provision of this Division. Such denial shall take place at a public meeting and be reflected in the minutes of the proceeding. The applicant shall be advised of the denial in writing and shall be notified of the right to appeal the Board of Public Works and Safety decision in writing by filing an action with the appropriate judicial authority.

Sec. 4-131 Insurance Required.

(a) No person shall operate any taxicab in the City, nor shall any permit be granted, unless the applicant deposits with the Controller a policy of liability insurance for each taxicab, said policy to be issued by a company authorized to do business in the State and deemed to be an acceptable insurer by the Board of Public Works and Safety, indemnifying the applicant in the sum of at least One Hundred Thousand Dollars (\$100,000.00) for injury to one person and Three Hundred Thousand Dollars (\$300,000.00) for injury to more than one person, and One Hundred Thousand Dollars (\$100,000.00) for property damages in any one accident, through the operation of any taxicab of the applicant, or such greater amounts as may be required by state or federal law or regulation.

(b) In lieu thereof, there may be filed the bond of a surety company indemnifying persons who may be damaged by the operation of such taxicab in the same amounts as hereinabove stated, conditioned that action may be brought thereon by any person damaged in the amount named therein. The insurance and bond shall be approved by the Board of Public Works and Safety.

(c) The policy of insurance or bond shall contain a clause obligating the company issuing the same to give written notice ten (10) days before the termination thereof to the Controller. The permit for the operation of the taxicab thereby insured shall expire upon the lapse of or termination of the policy or bond unless immediately renewed or replaced by a like policy or bond.

(d) Proof of insurance and a receipt for the fully paid policy of insurance shall be presented to the Board of Public Works and Safety at the time of application.

Sec. 4-132 Indemnification, Liability.

At the time of application for a permit, an applicant shall sign an indemnification agreement which shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees, and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including but not limited to, attorneys' fees, to which any or all of them may be subjected to by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agent, officers, or employers, directly or indirectly arising from the operation of a taxicab. The foregoing is not intended to and shall not be construed to limit any responsibilities or liability that the permittee may be subjected to under other laws.

Sec. 4-133 Taxicab Driver's License Required.

(a) No person shall engage in the driving a vehicle for hire, including taxicabs, in the City without a license authorizing the driver. Each licensee must be at least 18 years of age.

(b) An applicant for such a license shall file with the Controller a sworn application in writing, which application shall give the following information:

- (1) Name and copy of recent photograph of applicant;
- (2) Home and business address of applicant;

(3) A copy of the current driver's Indiana Commercial Driver's License (CDL) or Indiana Public Passenger Chauffeur License (PPC);

(4) A letter of intent from the taxi company for which the applicant intends to work (new applicants only);

(5) Certified driving record from the Indiana BMV dated within the last 15 days (The BMV does not print these on demand. Records may be requested to be mailed to the applicant, or a copy may be printed by the applicant from www.in.gov/bmv);

(6) A list of convictions for all criminal offenses, including the offenses, dates, and locations of the convictions;

(7) Such other information as may be required by the Board of Public Works and Safety.

Applicants who misrepresent information provided under this section shall not be issued a license, or if misrepresentation is discovered after issued, may suffer a suspension or revocation of the license.

(c) Upon receipt, each application shall be referred to the Chief of Police who shall conduct a background investigation of the moral character of the applicant and fingerprint the applicant. If upon investigation the applicant's character is found unsatisfactory, no license shall be issued.

(d) Licenses for vehicles for hire are valid from the date of issuance until December 31 of the year issued, and must be renewed annually on a calendar year basis.

(e) Applications for licenses shall be approved by the Deputy Mayor. The Deputy Mayor may deny a license for failure to comply with any provision of this Division or upon recommendation of the Police Chief. The denial must be in writing and provide the licensee with the right to appeal the decision to the Board of Public Works and Safety. If the Board of Public Works and Safety denies the appeal, the licensee may appeal by filing an action with the appropriate judicial authority. Licenses that are denied shall be entitled to a refund of the application fee minus a Twenty-Five Dollars (\$25.00) application fee.

(f) Practices and Procedures.

(1) A licensee shall operate a taxicab in a safe manner in accordance with the requirements of this Municipal Code and State and Federal law.

(2) No person shall operate a taxicab for hire without the required insurance under this Division.

(3) Licensees operating authorized vehicles for hire will display the City taxicab license in clear view for passengers, and it will be readily available to provide for review to any passenger and/or authorized enforcer of this Ordinance.

Sec. 4-134 Fee; Renewal; Transfer.

Each applicant for a taxicab permit shall deposit with the Controller at the time of making an application the sum of One Hundred Dollars (\$100.00) for the first taxicab; Fifty Dollars (\$50.00) each for the next two (2); and Twenty-Five Dollars (\$25.00) for each taxicab in excess of three (3). If the permit is granted said sum so deposited shall be retained as the annual fee, but if the permit is denied, the sums so deposited shall be returned to the applicant minus a Twenty-Five Dollar (\$25.00) application fee. The Controller's Office may prorate initial application fees on a quarterly basis for applicants made throughout the year. A permit may be renewed each year and a like annual fee shall be paid. All permits shall renew on a calendar year end basis. No permits to operate a taxicab shall be sold, assigned, mortgaged, or otherwise transferred. Once a permit has been granted, the permit fee shall become non-refundable.

If an annual renewal fee is not made within fourteen (14) days of the prior permit's expiration, a Twenty-Five Dollar (\$25.00) late fee shall apply.

A new taxicab driver's license fee shall be charged of Fifty Dollars (\$50.00) per year. The Controller's Office may prorate initial application fees on a quarterly basis for applicants made throughout the year. This license may be renewed on a calendar year basis for a Twenty-Five Dollar (\$25.00) fee. A late fee of Ten Dollars (\$10.00) shall apply if an annual renewal fee is not made within fourteen (14) days of the prior license's expiration. No license to drive vehicles for public hire may be sold, assigned, mortgaged, or otherwise transferred. Once a license has been granted, the permit fee shall become non-refundable.

Each sticker evidencing a permit, license, or renewal shall be subject to a fee of Ten Dollars (\$10.00). This fee applies to lost or misplaced stickers as well.

Sec. 4-135 Inspection of Vehicle Required.

No permit to operate a taxicab shall be issued by the Board of Public Works and Safety until there is filed with the application for permit a certificate executed by a licensed mechanic (within thirty (30) days of application) certifying that the vehicle has been inspected, as to tires, brakes, steering apparatus, alignment, lights and general mechanical condition and found in such condition that it may safely be operated in the City. Inspections shall be required annually with renewal applications. Any vehicle that has been in an accident shall also be required to be re-inspected and a copy of the inspection certification forwarded to the Controller's Office.

Sec. 4-136 Revocation.

(a) Any permit or license issued under the terms of this Division may be revoked by the Board of Public Works and Safety after notice and hearing if:

(1) If the holder of a permit, the driver of the taxicab covered by such permit, or a licensee is convicted of a violation of this Division, or any activity in violation of any City Ordinance, or any State or Federal law; or

(2) If upon report of the Chief of Police, it appears that the taxicab is not properly constructed or is not in good repair; or is not a safe conveyance for the transportation of passengers; or

(3) Upon it being shown that any representation made by the holder of a permit or license is false and that the person making such representation knew it to be false; or

(4) When it appears to the satisfaction of the Board of Public Works and Safety that the owner of the permit or licensee is engaged in any illegal or immoral business in connection with the operation of the taxicab service.

(b) Notice of such hearing shall be mailed to the place of business of the person owning and operating the taxicab five (5) days in advance of the date of the hearing in the case of a permit and to the home address of the licensee in the case of a license.

(c) An appeal from a final order under this section may be made to the proper judicial body pursuant to Ind. Code § 4-21.5-5.

Sec. 4-137 Vehicle Condition.

(a) **Exterior conditions.**

(1) All taxicab vehicles shall have the body of a sedan or other enclosed vehicle type and shall not be of less than four passenger capacity.

(2) All exterior paint work shall be maintained in good conditions, free of substantial scratches, chips and abrasions.

(3) All doors must have operating handles that allow opening from both the inside and outside. Handles, knobs and arm rests are to be free of breaks and must be securely mounted.

(4) All suspension components affecting the ride and safety of vehicles shall be maintained such that they comply with the manufacturer's specifications.

(5) All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions or any other condition that reduces clarity of vision.

(b) Interior conditions.

(1) Seat covers shall be permanently attached or fixed to the seats of the vehicle and have no exposed wire or sharp edges either from metal or hardened vinyl. No broken springs, sagging or horizontal slippage is allowable in either seat.

(2) Seat belts are to be in operating condition and easily accessible by all passengers. All taxicabs shall be equipped with a number of seatbelts equal to the passenger capacity of the vehicle.

(3) Every permit holder shall ensure that the interior of all taxicabs under his franchise are maintained at all times in a reasonable, clean condition.

(c) Taximeter. Each taxicab shall be equipped with a taximeter. The use of any inaccurate taximeter or other measuring instrument for the purpose of gauging is hereby prohibited. It shall be the duty of the owner or operator of any taximeter to keep said taximeter accurate. It shall be unlawful for any person to operate a taxicab without an operating accurate taximeter. Every taximeter shall be placed in the taxicab so that the reading dial showing the amount to be charged is readily discernible to passengers.

(d) Radio. All taxicabs shall be equipped with two-way radios or comparable communication devices such that office dispatchers may immediately and effectively notify drivers of requests for service.

(e) Safety equipment. All taxicabs shall be equipped with a fire extinguisher, flares and a first aid kit. No franchisee shall permit the operation of a vehicle without said safety equipment, violation of which shall subject owner to a fine.

Sec. 4-138 Driver Conduct.

(A) A driver shall not engage in the following conduct while driving a taxicab on the streets of the City:

- (1) Make any offensive gesture or display that tends to incite an immediate breach of the peace;
- (2) Create by chemical means any noxious and unreasonable odor;
- (3) Threaten another person with physical harm;
- (4) Fight with another person; or
- (5) Engage in conduct that constitutes a violation of Federal, State or local laws.

(B) Refusal to Carry Orderly Passengers. No driver shall refuse or neglect to carry any orderly person(s) upon request, for reasons of race, color, ethnic background, gender, age, religion, disability or unless unable or forbidden by provision of this Division to do so. A driver shall not be required to carry disorderly, violent, or abusive person(s).

(C) Overcapacity. No driver shall allow more persons to be carried in a taxicab than the seating capacity of the vehicle, including the driver.

(D) **Receipt.** Upon passenger request, a driver shall provide a receipt showing the company's name, driver's name, date, origin, destination, length of trip, and the total fare charged.

Sec. 4-139 Fines.

Police officers shall be authorized to issue citations for any violation of this Division in the following amounts:

- Operating without a valid permit \$1,500 and/or revocation or suspension of permit
- Tampering with taximeter \$1,500 and/or revocation or suspension of permit
- Operating without a valid inspection \$500 and/or revocation or suspension of permit
- Operating without required equipment \$500 and/or revocation or suspension of permit
- Failure to display permit sticker \$250
- Failure to adhere to other permit related requirements \$250
- Falsifying application \$1,500 and/or revocation or suspension of permit/license
- Operating without a valid license \$500
- Failure to display license \$250
- Failure to adhere to other license related requirements \$250

Each and every day that a violation exists may constitute a separate offense.

Sec. 4-140 through 4-144 Reserved for Future Use.

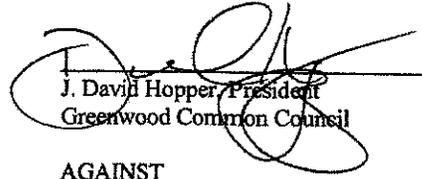
Section 2. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 3. This Ordinance shall have no effect as to changing any other provision of the Greenwood Municipal Code (1993), as amended, except to the extent necessary to give this Ordinance full force and effect.

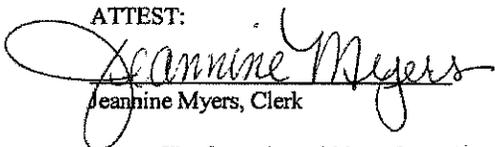
Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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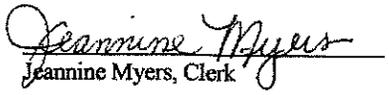
Passed by the Common Council of the City of Greenwood, Indiana, this 4th day of September, 2013.


J. David Hopper, President
Greenwood Common Council

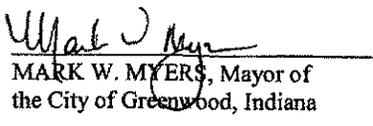
FOR		AGAINST
<u>Linda S. Gibson</u>	Linda S. Gibson	_____
_____	Ezra Hill	_____
<u>Bruce Armstrong</u>	Bruce Armstrong	_____
<u>Ronald Bates</u>	Ronald Bates	_____
<u>J. David Hopper</u>	J. David Hopper	_____
<u>Thom Hord</u>	Thom Hord	_____
<u>Michael Campbell</u>	Michael Campbell	_____
<u>Brent Corey</u>	Brent Corey	_____
<u>Tim McLaughlin</u>	Tim McLaughlin	_____

ATTEST:

Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 4th day of September, 2013, is presented by me this 10th day of September, 2013, at 9:30 o'clock A.m., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 10th day of September, 2013, is approved by me this 10th day of September, 2013, at 11:00 o'clock A.m.


MARK W. MYERS, Mayor of
the City of Greenwood, Indiana

**ORDINANCE NUMBER 13-10
OF THE CITY OF FRANKLIN, INDIANA
AN ORDINANCE AMENDING ORDINANCE NO. 01-30
(THE CITY'S TAXICAB ORDINANCE)
AND ESTABLISHING NEW REGULATIONS FOR SAME**

WHEREAS, the City of Franklin, Indiana regulates businesses commonly known as "Taxicabs", pursuant to Ordinance No. 01-30;

WHEREAS, the City of Franklin, Indiana has identified the need to amend said regulations for the benefit and safety of its citizens;

WHEREAS, the Common Council of the City of Franklin, Indiana finds that the Municipal Regulations relative to taxicabs should be revised in order to more appropriately govern and regulate the business of taxicabs;

WHEREAS, the Common Council of the City of Franklin, Indiana finds that Ordinance No. 01-30 requires certain amendments and revisions;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- 1) **Definitions of Taxicab:** The term "taxicab" means any motor-driven vehicle designated or constructed to accommodate or transport passengers for hire, not more than six (6) in number, exclusive of the driver, and not operating on a fixed schedule or route, the destination of which is designated by the passenger(s) at the time of such transportation, but not including ambulances or funeral cars.
- 2) **Franchise Required:** No person or entity will operate a taxicab in the City of Franklin without a franchise being issued from the City for the vehicle sought to be operated as a taxicab.
- 3) **Application Process for Franchise:**
 - a) **Johnson County Residence:** An applicant for a taxicab franchise must be at the time of making the application a resident of Johnson County, Indiana.
 - b) **Application:** An applicant for a taxicab franchise will submit to the Board of Works a fully-completed, verified Application to the Board of Works, including the following items:
 - i) Disclosure of the identity of the intended operator of the taxicab service, including a financial statement;

- ii) Identifying information for each vehicle sought to be operated, including the number of persons it is capable of carrying, the length of time the vehicle has been in use, and the model, serial number and motor number of the vehicle;
 - iii) Liability insurance or other security no less than the minimum amount required by this Ordinance;
 - iv) A certificate from a qualified vehicle mechanic that each taxicab sought to be operated is in safe condition, including the condition of the lights, brakes, tires, steering apparatus, alignment, and general mechanical condition; and
 - v) Consents to and agreements to pass vehicles safety inspections.
- c) **Public Hearing:** The Board of Works will then set and hold a public hearing to determine the need for granting the franchise to the applicant.
- d) **Approval or Denial of Application:** If the need for granting the franchise exists and the applicant is otherwise in compliance with all requirements of this Ordinance, the Board of Works will grant the franchise, and authorize the Clerk-Treasurer to issue a Franchise Certificate for each approved taxicab vehicle. The Franchise Certificate will be continuously displayed near the dashboard of each vehicle and will be at all times available for inspection. If the need for granting the franchise does not exist, or the applicant or the application is unacceptable as determined by the Board of Works, the application will be denied.
- e) **Revocation of Franchise:** After notice and hearing, the Board of Works may revoke the franchise and any franchise certificates if it finds that the holder of the franchise or its' agents or driver of the taxicab has or is violating the regulations imposed by this Ordinance, the terms of the franchise, or the laws of the City and State relative to traffic regulations, including but not limited to the following:
- i) Speeding or other violations of the City and State's traffic regulations;
 - ii) Operating a taxicab in an unsafe condition or manner;
 - iii) Operating the taxicab in an immoral or illegal manner;
 - iv) Operating a taxicab without a valid license from the State of Indiana to do so;
 - v) Any false or misleading statement made at any time relative to the application for the franchise or the operation of the taxicab service once the franchise is issued.

In the event of revocation, any unearned pro rata fees paid for that year will be refunded to the applicant upon request of the applicant.

4) **Liability Insurance Required:** Before issuance of the Franchise or in conjunction therewith, the Franchise must file with the Clerk-Treasurer's Office a certificate of insurance in the following minimum amounts:

- i) \$100,000 per person/per accident, for accidental injury or death;
- ii) \$100,000 for property damage.

The certificate of insurance will be provided to the City at the time of application and the City will receive not less than thirty (30) days' notice of cancellation. Additionally, notice of the required amount of insurance and proof of said insurance being in place shall be prominently posted in the taxi-cab such that passengers shall be able to identify the existence of applicable insurance. The failure of the Franchise holder to maintain in full force and affect the minimum insurance required above shall be immediate cause for revocation of the Owner's Franchise and shall subject the Owner to penalties and fines as set forth herein. **Failure to comply with this section will be cause for Immediate revocation of the owner's certificate of public convenience and necessity and Franchise.**

5) **Signage:** It is unlawful for any person to use any motor vehicle for taxicab service unless that vehicle is designated as a taxicab by two or more colored signs, the signs to be permanently painted of a fast color on the body of the vehicle and they have complied with the terms of this Ordinance. The signs must designate the person to which the vehicle belongs, and must be readable from a distance of 150 feet or more by the naked eye of a person of normal vision.

6) **Rates Set by Common Council – Delegation to Board of Works:**

- a) The maximum rates that a taxicab may charge within the City will be set by the Common Council.
- b) All taxicabs granted a permit to operate within the City will post in a conspicuous place within the passenger compartment of the taxicab the most recently-adopted fee schedule, and no fares in excess of the fee schedule may be charged by the taxicab operator or driver.

c) The following rates are approved:

- i) **Pick-Up Charge:** A maximum pick-up charge in the amount of Three Dollars (\$3.00) will apply to all fares.
- ii) **Per Mile Traveled:** A maximum rate of Two Dollars (\$2.00) will apply for every mile traveled.
- iii) **Waiting Time:** If the passenger requests that the driver remain at a location and wait for the passenger, the driver may charge the passenger Thirty-Five Cents (\$.35) for each minute of waiting time in addition to the fees referenced above.

- 7) **Lost Articles:** The operator or driver of each taxicab granted a Franchise to operate within the City will immediately notify the Franklin Police Department if any items of personal property or articles belonging to others are found within a taxicab, and will describe to the Police Department the property found and where it will be kept, so that the property may be returned to the owner.
- 8) **Passenger Complaints:** Any passenger complaints regarding the action or conduct of the taxicab driver will be filed in writing to the Clerk-Treasurer's Office to be forwarded to the Board of Works for action.
- 9) **Franchise License Fee:**
 - a) Each person or entity operating a taxicab in the City shall pay an annual Franchise License Fee. Said fee shall be paid in accordance with the following:
 - i) The annual fee for a license required shall be Two Hundred Dollars (\$200.00) for each Franchise.
 - ii) Franchise fee shall be valid beginning January 1st and will expire December 31st of each year.
 - iii) Regardless of the date obtained, the annual Franchise License Fee will expire December 31st of each year.
 - iv) Annual renewal of licenses shall be obtained no later than January 31st of the applicable year. Late renewal will result in a late fee of One Hundred Dollars (\$100.00), in addition to the Two Hundred Dollars (\$200.00) Franchise License Fee.

10) **Penalties:**

- a) Any violator of the Ordinance shall be subject to a fine of One Hundred Dollars (\$100.00) per day up to an annual maximum of Two Thousand Five Hundred Dollars (\$2,500.00);
- b) The City, may through its' legal department or other appropriate agency, seek a temporary restraining order/injunction and/or permanent restraining order/injunction against the offender or violator of this Ordinance in any Court of competent jurisdiction;
- c) The City's remedies shall be cumulative and pursuit of one remedy shall not preclude another;
- d) Willful or intentional disregard of this Ordinance shall entitle the City to collect from the violator its' costs, including but not limited to, attorneys' fees, court costs, and other reasonable expenses incurred by the City in obtaining a restraining order, injunction or other necessary remedy.

11) Revocation of Franchise.

- a) Any Franchise issued under this Ordinance may be revoked or suspended by the Board of Public Works and Safety by reason of a violation of any of the provisions of this Ordinance set forth herein.
- b) A complaint alleging a violation of this Ordinance will be forwarded to the Board of Public Works & Safety who shall set a hearing thereon. When the Board of Public Works & Safety hearing date is set, the Franchisee, shall receive not less than ten (10) days written notice from the Clerk Treasurer which notice shall contain charges made, as well as the time and place when the hearing will be held.
- c) At the hearing, the Franchisee will be entitled to a reasonable opportunity to be heard and shall have the right to be represented by counsel. Proceedings shall be conducted under oath.
- d) The Board of Public Works & Safety may revoke or suspend the license if found that:
 - i) The Franchisee or its' agent has willfully violated or has been negligent in violating this Ordinance or any rule, order or guidance document adopted by the City, which includes reporting requirements, or any other State or Federal law, regulation or rule applicable to taxicabs;
 - ii) The Franchisee or its' agent does not meet the qualifications set forth in this Ordinance; or
 - iii) The Franchisee knowingly or intentionally made material misrepresentation to, or concealed material information from the City in obtaining or operating its' Franchise.
- e) When a license is revoked or suspended, the City shall enter an Order to that effect and notify the Franchisee of:
 - i) The revocation or suspension;
 - ii) If a suspension has been ordered, the duration of the suspension;
 - iii) The procedure for appealing the revocation or suspension; and
 - iv) Any other terms and conditions that applies to the revocation or suspension to include, but not limited to, returning said Franchise License to the Clerk Treasurer. Any Franchise that has been revoked shall be immediately tendered to the Clerk Treasurer and the Franchise Holder shall not be permitted to continue to operate a taxicab business within the City of Franklin jurisdiction.

- 12) **Amendments Authorized:** Any franchise issued pursuant to this Ordinance is issued on the condition and subject to the Common Council's ability to subsequently amend, supplement, or repeal this Ordinance.

- 13) **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain;
- 14) **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed;
- 15) **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this Ordinance;
- 16) **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §§ 6-4-6-15, 16.

Introduced and Filed on the 5th day of August, 2013. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of 7 in Favor and 0 Opposed, pursuant to Indiana Code § 36-4-6-13].

DULY PASSED on this 19th day of August, 2013 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 7 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

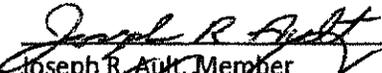
Voting Affirmative:



 Steve Barnett, President



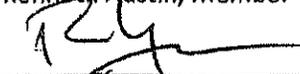
 Joseph P. Abban, Vice President



 Joseph R. Ault, Member



 Kenneth Austin, Member



 Robert Henderson, Member

Voting Opposed:

 Steve Barnett, President

 Joseph P. Abban, Vice President

 Joseph R. Ault, Member

 Kenneth Austin, Member

 Robert Henderson, Member

Stephen Hougland

Stephen Hougland, Member

Stephen Hougland, Member

Richard Wertz

Richard Wertz, Member

Richard Wertz, Member

Attest:

Janet P. Alexander

Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana § 36-4-6-15, 16 this 19th day of August, 2013 at 7:15 o'clock P..M.

Janet P. Alexander

Janet P. Alexander
City Clerk Treasurer

This Ordinance having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a) (1) Vetoed pursuant to Indiana code § 36-4-6-16(a) (2), this 19th day of August, 2013 at 7:15 o'clock P..M.

Joseph E. McGuinness

Joseph E. McGuinness, Mayor

Attest: Janet P. Alexander

Janet P. Alexander,
City Clerk Treasurer