

**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 effect 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



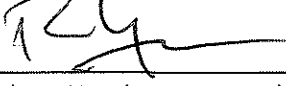
Joseph P. Abban, Vice President



Joseph R. Ault, Member



Kenneth Austin, Member



Robert Henderson, Member

Voting Opposed:

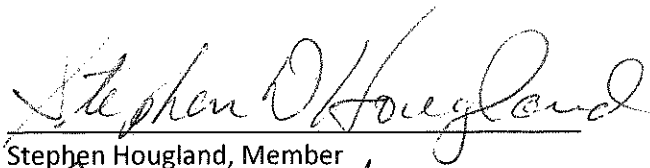
Steve Barnett, President

Joseph P. Abban, Vice President

Joseph R. Ault, Member

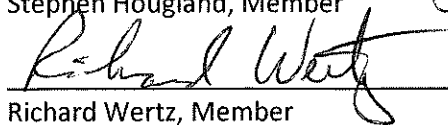
Kenneth Austin, Member

Robert Henderson, Member



Stephen Hougland, Member

Stephen Hougland, Member



Richard Wertz, Member

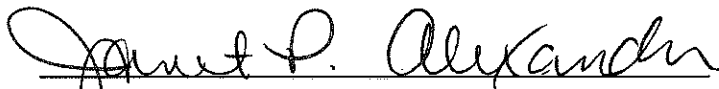
Richard Wertz, Member

Attest:



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.

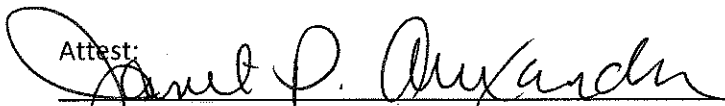


Janet P. Alexander
City Clerk Treasurer

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, Mayor

Attest: 

Janet P. Alexander,
City Clerk Treasurer