

ORDINANCE 7- 22

AN ORDINANCE AMENDING SECTIONS 721.03, 721.04, 721.06, 721.07, 721.12, AND 721.13 OF CHAPTER 721 OF THE PORT CLINTON CODIFIED ORDINANCES REGULATING TAXICABS AND DECLARING AN EMERGENCY

WHEREAS, the City of Port Clinton has previously adopted regulations on the operation of taxicabs and vehicles for hire operating in the City, and

WHEREAS, this Council finds and determines that Chapter 721 of the Codified Ordinances regulating the operation of taxicabs should be updated and amended.

NOW THEREFORE, be it Ordained by the Council of the City of Port Clinton, Ottawa County, State of Ohio:

Section 1. Existing Section 721.03 of the Codified Ordinances is hereby amended to read as follows:

721.03 APPLICATION FOR LICENSE.

Any person desiring to secure a license to operate one or more taxicabs as required by Section 721.02 shall make a written application to the Director of Public Safety and Service upon such form as prescribed by the Director. A fee of one hundred dollars (\$100.00) shall accompany the written application to cover the cost of investigating and processing the application.

Applications shall set forth:

- (a) The full name, age and residence of the applicant; if the applicant is a partnership, the full name, age and residence of each partner, and if the applicant is a corporation, a limited liability company, or other entity, its principal address and the full names and addresses of its principal officers and members.
- (b) The name under which the applicant proposes to do business, which business must have a physical business location within the area encompassed by Bay Township, Erie Township, Portage Township, Catawba Island Township, Danbury Township or the City of Port Clinton.
- (c) The number, type, make, model, markings and capacity of each vehicle to be used as a taxicab, and the names of the drivers or operators thereof with such information as will show such drivers or operators can or do comply with the provisions of Section 721.09.
- (d) A schedule of fares or rates to be charged and the method of charging the same.
- (e) That the applicant is capable of and will carry liability insurance in the amounts hereinafter provided.

- (f) That the applicant has not been convicted of a felony, and has completed an annual criminal background investigation.
- (g) That the applicant has registered with the Port Clinton Income Tax Department.
- (h) Such other information as the Director of Public Safety and Service shall desire.
(Ord. 09-11. Passed 04-26-11.)

The Applicant shall furnish with the application a permit fee of fifty dollars (\$50.00) per taxicab to be operated, and proof that each vehicle to be used as a taxicab has, within thirty (30) days of making the application, passed a vehicle inspection performed by the Ohio State Highway Patrol, arranged for by the owner and obtained at the owner's expense.

Section 2. Existing Section 721.04 of the Codified Ordinances is hereby amended to read as follows:

721.04 INVESTIGATION, GRANTING OF LICENSE, EXPIRATION AND RENEWAL, DISPLAY OF LICENSE.

- (a) The Director, upon the filing of such application, shall investigate the statements made therein, and if he determines that the public welfare will be served by the granting of the license so applied for, he shall issue in writing to the applicant a license for each vehicle which the applicant desires to operate for public hire within and from the City.
- (b) Any license issued hereunder shall expire on December 31 of the year in which it is issued, unless sooner terminated hereunder. A license which is in good standing may be renewed from year to year by the Director upon the applicant paying the required annual license fee set forth in Section 721.06, furnishing the liability insurance required by Section 721.05, completing an annual criminal background investigation, and complying with the provisions of Section 721.03. Such license so renewed shall be subject to all the provisions of this chapter.
- (c) Every taxicab operated upon the streets of the City shall have displayed at all times in the taxicab in plain view of the passengers, a copy of the license or permit under which the taxicab is operating, as well as the driver's identification card of the driver of the taxicab.
- (d) In addition to the license issued by the Director, the Director shall also issue to the owner an annual license decal which a city Police Officer shall affix to the lower right hand corner of the rear window of the licensed taxicab. Failure to clearly display the annual license decal on the rear window of the taxicab shall be a violation of this ordinance.
(Ord. 09-11. Passed 04-26-11.)

Section 3. Existing Section 721.06 of the Codified Ordinances is hereby amended to read as follows:

721.06 ANNUAL LICENSE FEES.

Every person granted a license hereunder to operate a taxicab shall pay annually, beginning on or before January 1 of each year, a fee of fifty dollars (\$50.00) for each taxicab operated for hire under a license issued by the City.
(Ord. 09-11. Passed 04-26-11.)

Section 4. Existing Section 721.07 of the Codified Ordinance is hereby amended to read as follows:

721.07 INSPECTION OF VEHICLES.

Each taxicab shall be inspected annually by the Ohio State Highway Patrol, by January 1 of each year, and shall bear a safety inspection sticker showing that it has successfully passed the inspection. The annual inspection is to be made immediately prior to application for the annual re-licensing of taxicabs required under this chapter.
(Ord. 09-11. Passed 04-26-11.)

Section 5. Existing Section 721.12 of the Codified Ordinances is hereby amended to read as follows:

721.12 NOTIFICATION OF CRIMINAL RECORD

All Applicants will need to complete an annual criminal background investigation by January 1 of each year. The Chief of Police shall furnish the Director, upon forms provided by the Chief of Police, with information on the arrests or convictions of any applicant or owner for a taxicab owners license, a taxicab drivers license, or of any licensed cab driver for any violation of city ordinance, or state or federal statute.

Section 6. Existing Section 721.13 of the Codified Ordinances is hereby amended to read as follows:

721.13 ISSUANCE OF LICENSE

(a) If the Director is satisfied that the applicant is a suitable and proper person to drive a vehicle for hire and the applicant's examination discloses no matter which in the opinion of the Director should be called to the attention of the City Council, then the Director shall have the authority to issue the license upon payment of the proper fee as provided in Section 721.09.

(b) It shall be within the discretion of the Director to refer his findings to the City Council which shall then investigate and hold a hearing as to such application for a license. The applicant shall be notified of Council's findings.

(c) No such license shall be issued until the payment of the proper taxicab driver's

license fee and upon compliance with all other requirements of Chapter 721 and the rules and regulations adopted by the Director for the issuance of a license.

(d) No license to drive a taxicab shall be issued to any applicant that has been convicted of the following offenses:

- (1) Manslaughter or homicide of any degree resulting from the operation of a motor vehicle;
- (2) Driving a motor vehicle while under the influence of intoxicating liquor or drugs;
- (3) Any felony in which physical violence is used;
- (4) Any state offense described below or its equivalent in a city code.
 - A. Rape
 - B. Sexual Battery
 - C. Corruption of a minor
 - D. Gross sexual imposition
 - E. Sexual imposition

(e) Any applicant who has accumulated eight (8) or more points on his or her Ohio Driver's License within the two-year period preceding the date of application may be required to appear before the Director who shall determine if such license should be issued.

(f) Nothing in this section shall be construed to limit the discretion of the Director, regardless of time limit stated, to refuse to issue a license for these or other background related issues.

(g) A Taxicab drivers license issued pursuant to this chapter shall expire annually on December 31 of each year. A taxicab driver's license may be renewed each year upon completion of an annual criminal background investigation, payment of \$20.00 fee, and compliance with the provisions of Section 721.08 to 721.12 of this chapter.

Section 7. Existing Codified Ordinance sections 721.03, 721.04, 721.06, 721.07, 721.12, 721.13, are hereby repealed.

Section 8. Each section and each part of each section of this Chapter of the Codified Ordinances is hereby declared to be an independent Section or part of a Section and, notwithstanding any other evidence of legislative intent, it is hereby declared that if such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Chapter of the Codified Ordinances would have been adopted independently of such Section, Sections, or parts of a Section so held to be invalid.

Section 9. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 10. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the new regulations for taxicabs need to be effective prior to the commencement of the summer tourist season when demand for taxi service is at its peak, **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2022

President of Council

Attest: _____
Clerk of Council

Approved _____, 2022

Mayor