



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: January 3, 2006
SUBJECT: Proposed Amendments to Taxicab and Limousine Ordinance

Our office has participated with a regional Super Bowl XL subcommittee in its efforts to accommodate the anticipated increase in demand for taxicabs and limousines from January 29, 2006 to February 6, 2006. Troy has been identified as one location where there will likely be a large increase in taxicab and/or limousine service demands.

Troy's ordinances allow for taxicabs and limousines that are licensed in other communities to obtain reciprocal licensing in Troy. These provisions were recently amended, after consultation with the Troy Chamber's hotel subcommittee, to liberalize Troy's licensing regulations while simultaneously setting high standards for taxicab and limousines operating within the City. Under these regulations, the transportation companies are still required to register with the City of Troy. However, during the week of Super Bowl XL, there will probably be a need to draw from a larger pool of taxicab and limousine services. The Super Bowl XL Committee has anticipated the need for flexibility in transportation services during the week of the Super Bowl, and has therefore convened the subcommittee to address these needs.

The Super Bowl XL Subcommittee has proposed a temporary taxicab and limousine permit for all transportation companies that are licensed in a participating metropolitan Detroit community. They have prepared a spreadsheet of all of the licensed vehicles in each participating community, and are ready to issue non-transferable, temporary Super Bowl XL decals to each municipality for distribution to their licensed vehicles. The committee has issued one decal per licensed vehicle, and has selected which community will issue the decal to a vehicle that is licensed in more than one community. This official decal would be placed on the rear window of all participating transportation vehicles, and would be easily identifiable by law enforcement.

In order to participate in the program, Troy's ordinance would need to be modified. We have prepared a proposed amendment for your consideration. The proposed amendment is specific to Super Bowl XL, and allows each licensed vehicle with the official Super Bowl XL decal to pick up and drop off passengers within the City of Troy from January 29, 2006 to February 6, 2006. It is our recommendation that this amendment be adopted, which would allow Troy to participate in this regional effort.

If you have any questions or comments, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 65 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 65, Taxicab, Limousines and Drivers, of the Code of the City of Troy.

Section 2. Amendment

CHAPTER 65 TAXICABS, LIMOUSINES AND DRIVERS

7.101. Definitions.

In the interpretation of this Chapter the following definitions shall apply:

- (1) "Taxicab" shall have the meaning established in Chapter 106 (Traffic) of this Code, and shall not include unmetered limousines.
- (2) "Taximeter" means a meter instrument or device attached to a taxicab, which measures mechanically the distance driven and the waiting time upon which the fare is based.
- (3) "Cruising" means the driving of a taxicab or limousine on the streets, alleys or public places of the City of Troy in search of or soliciting prospective passengers for hire.

(Rev. 09-13-99)

- (4) "Limousine" means a self-propelled motor vehicle used in the carrying of passengers and the baggage of the passengers for hire upon a public highway of this state with a seating capacity of 15 passengers or less, including the driver. Limousine does not include a self-propelled motor vehicle having a seating capacity of 15 passengers or less that is used by or on behalf of an employer to transport its employees to and from their place of employment.

(09-13-99)

- (5) "Limo carrier of passengers" means a person who, either directly or through any device or arrangement, holds himself or herself out to the public as willing to undertake for hire to transport by limousine from place to place over the public highways of this state persons who may choose to employ him or her for that purpose.

(09-13-99)

7.102. License required.

- A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy

without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter. Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

- B. Taxicab or limousine licenses may be obtained in one of the following ways:
1. For those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that have completed the required mechanical inspection within the previous 9 months of the licensing request, a reciprocal license shall be granted by the City of Troy. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.
 2. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:
 - a. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.
 - b. The presentation of another form of photo identification for the driver, and a photocopy of the original.
 - c. The experience of the applicant in the transportation of passengers;
 - d. A concise history of the applicant's employment;
 - e. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.
 - f. The applicant shall pay the registration fee as set out by resolution of City Council.
 3. The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of registration is approved, the driver shall display that certificate in a location that is visible to the public.
 4. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.
 5. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief

of Police within 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. Within 48 hours of receiving such a letter, the Chief of Police will either confirm or reverse the challenged action concerning the certificate of registration.

6. In addition to complying with the rules and regulations of a similar licensing jurisdiction, there shall also be compliance with sections 7.117, (Condition of Vehicles); 7.118 (Taximeter Required); 7.120. (Rate of Fare); 7.121 (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Cruising); and 7.123

(Taxicab or Limousine Stands) of this Chapter. These ordinance provisions shall be enforced for all taxicabs and limousines and drivers carrying passengers in the City of Troy.

(Rev. 08-09-04)

C. Taxicabs and limousines that are licensed by another Michigan municipality shall be exempt from the license requirements under this Chapter during the week of Super Bowl XL festivities. Exemption for the enforcement of the license requirements under this Chapter is as follows:

1. The exemption shall only be in effect from January 29, 2006, 12:01a.m. to February 6, 2006, 11:59 p.m.
2. The exemption shall only be effective for those taxicabs and limousines that meet the following requirements:
 - a. The taxicabs and limousines have complied with section 7.102 B 1:
 - b. The taxicabs and limousines have completed the required mechanical inspection as set forth in section 7.102 B 1 within 9 months of January 29, 2006.
 - c. The taxicabs and limousines have received an official Medallion issued by the Super Bowl XL Host Committee. The Medallion shall be prominently displayed in the vehicle.
3. Drivers of taxicabs and limousines that are issued the official Super Bowl XL medallion are not required to comply with the registration and notification requirements of this Chapter from January 29, 2006 to February 6, 2006, as long as they comply with the rules or regulations of another Michigan municipality participating in the Super Bowl XL regional effort.
4. In addition to complying with the rules and regulations of a similar licensing jurisdiction, and compliance with section 7.102 B1, there shall be compliance with sections 7.117, (Condition of Vehicles); 7.118 (Taximeter Required); 7.120 (Rate of Fare); 7.121 (Refusal of Passengers to Pay Legal Fare); 7.122 (Solicitation and Cruising); and 7.123 (Taxicab and Limousine Stands) of this Chapter. These ordinance provisions shall be enforced for all taxicabs and limousines and drivers carrying passengers in the City of Troy.
5. At midnight on February 6, 2006, a taxicab and limousine shall not be operated without a license in the City of Troy as set forth in this Chapter.

7.103. Application for License.

An application for a license shall be filed with the City Clerk upon forms provided by the City of Troy, and said application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant.
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- (3) The experience of the applicant in the transportation of passengers.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a license.
- (5) The number of vehicles to be operated or controlled by the applicant, and the location of proposed depots and terminals.
- (6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (7) Such further information as the Clerk of the City of Troy may require.

In addition, the following information shall be furnished by persons wishing to operate a limousine service:

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- (1) The Certificate of Authority issued by the State of Michigan State Transportation Department, as required by Section 257.1907 of the Michigan Compiled Laws (the Limousine Transportation Act).

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- (2) Proof of insurance in amounts equal to those required by Section 257.1907 of the Michigan Compiled Laws (The Limousine Transportation Act).

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- (3) A current copy of all nonpersonal information related to the driving record for each prospective driver of the limousine, which shall also be available for review by any prospective passenger.

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- (4) Copies of all vehicle inspection papers furnished to the State of Michigan for all vehicles registered, as required by section 257,1919 of the Michigan Compiled Laws (the Limousine Transportation Act). The City may require further inspection if it so deems necessary.

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- (5) Such further information as the Clerk of the City of Troy may require.

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7.105. Issuance of License.

If it is found that the applicant is fit, willing and able to perform public transportation and to conform to the provisions of this Chapter, the City Clerk shall issue a license stating the name and address of the applicant, the number of vehicles authorized under said license and the date of issuance. Otherwise, the application shall be denied.

(Rev. 06-16-97)

7.106. Indemnity Bond or Liability Insurance Required.

No taxicab license shall be issued or continued in operation unless there is in full force and effect an indemnity bond for each vehicle authorized in the amounts not less than \$10,000.00 for bodily injury to any one person; \$20,000.00 for injuries to more than one person, and \$500.00 medical coverage per passenger, which are sustained in the same accident; and \$5,000.00 for property damage resulting from any one accident. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by negligence of a holder, his servants or agents. Said bond or bonds shall be filed in the office of the City Clerk and shall have as surety thereon a surety company authorized to do business in the State of Michigan. The City Council may, in its discretion, allow the holder to file, in lieu of a bond or bonds, a liability insurance policy, issued by an insurance company authorized to do business in the State of Michigan providing the same coverage as required for an indemnity bond.

(Rev. 09-13-99)

Limousine licensees shall be required to carry insurance equal to that required by Section 257.1913, of Michigan Compiled Laws (the Limousine Transportation Act).

(09-13-99)

Said insurance for taxicabs and limousines shall remain in full force as long as the registration is in effect. If said insurance is cancelled for any reason, the registration issued to that carrier shall be considered revoked without any further action by the City of Troy.

(09-13-99)

7.107. License Fee.

Taxicab and limousine licenses shall be subject to the provisions of Chapter 59 of this Code and the fee therefor shall be as specified in Chapter 60 of this Code.

(Rev. 09-13-99)

7.108. License Suspension: Revocation.

In addition to the grounds specified for suspension and revocation of licenses in Chapter 59 of this Code, a license issued under the provisions of this Chapter may be suspended or revoked if the holder has discontinued operation of a licensed taxicab or limousine for more than thirty (30) consecutive days.

(Rev. 9-13-99)

7.109. Driver's License Endorsements Required.

No person shall operate a taxicab or limousine for hire upon the streets of the City of Troy, and no person who owns or controls a taxicab or limousine shall permit it to be so driven, and no taxicab or limousine licensed by the City of Troy shall be so driven at any time for hire, unless the driver of said taxicab or limousine shall have first obtained, and shall have then in force, a valid chauffeur's license issued by the State and a license to transport passengers issued by the City of Troy under the provisions of this Chapter.

(Rev. 09-13-99)

7.110. Application for License to Transport Passengers License

An application for a license to transport passengers shall be filed with the Police Department on forms provided by the City of Troy, and such application shall be verified under oath and shall contain the following information:

1. The experience of the applicant in the transportation of passengers.
2. A concise history of the applicant's employment.

(Rev. 09-13-99)

7.111. Examination of Applicant.

Before any application is finally passed upon by the Chief of Police, the applicant may be required to pass a satisfactory examination as to his knowledge of the City and to show that he has a current motor vehicle operator's license with chauffeur's license endorsement issued by the State of Michigan.

(Rev. 09-13-99)

7.112. Police Investigation of Applicant.

The Police Department shall conduct an investigation of each applicant for a license to transport passengers, and a report of such investigation, and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police. The applicant's fingerprints shall be taken by the Police Department, for which there shall be a fee paid to the City of Troy.

(Rev. 09-13-99)

7.113. Consideration of Application.

The Chief of Police shall, upon consideration of the application and the reports to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the City Council to offer evidence why his application should be reconsidered.

(Rev. 09-19-77)

7.114. Issuance of License.

Upon approval of an application for a license to transport passengers, and upon payment of a license fee, the Chief of Police may issue a license to the applicant, which shall bear the name, address, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the license year.

(Rev. 09-13-99)

7.114.(a) Interim Licenses. The Chief of Police shall have the right, upon filing by the applicant of the application herein provided, approval thereof by the Department, and upon filing of fingerprints, photos and depositing with the City of the license fee, to issue an "Interim License" which shall permit the licensee named therein to operate a taxicab or limousine in the City of Troy for a period of not to exceed thirty (30) days; if for any reason the applicant shall not qualify for the licensing hereunder, such interim license shall be forthwith revoked. Such interim license shall be forthwith surrendered to the Department upon revocation, or upon issuance of the permanent license.

(Rev. 09-13-99)

7.115. Display of License.

Every Driver licensed under this Chapter shall post his driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab or limousine.

(Rev. 09-13-99)

7.116. Suspension and Revocation of Drivers License.

The suspension and revocation of licenses to transport passengers shall be subject to the provisions of Chapter 59 of this Code. No license to transport passengers shall be suspended for a period of longer than ten (10) days or oftener than once in ninety (90) days but this shall not be deemed a limitation on the power of revocation specified under Chapter 59.

(Rev. 09-13-99)

7.117. Condition of Vehicles.

All vehicles licensed under this Chapter shall be kept in good repair, in good mechanical order, and in a good clean and sanitary condition. The Police Department shall have the right to examine or cause to be examined all licensed vehicles for the purpose of ascertaining that the provisions of this sections are being complied with.

7.118. Taximeter Required.

All taxicabs operated under the authority of this Chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all time, day and night, and after sundown the face of the taximeter shall be illuminated. Said taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. It shall be sealed at all points and connections, which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The said taximeter shall be subject to inspection from time to time by the Police Department. Any officer of said Police Department is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and, upon discovering of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Thereupon, said taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition.

(Rev. 06-30-80)

7.119. License Plates.

There shall be issued to each person licensed to operate taxicabs or limousines under this Chapter one license plate with the words "Licensed Taxicab/Limousine No. _____, Troy, Michigan" and the year of issuance. Such license plate shall be firmly affixed to the rear of the vehicle in such a position as to be plainly visible at all times.

(Rev. 09-13-99)

7.120. Rates of Fare.

The rates of fare charged by the taxicabs engaged in the transportation of passengers, and may permit an additional charge for waiting time after the first one and one-half (1 1/2) minutes. No greater rate of fare shall, at any time, be charged by the operators or drivers of taxicabs than that shown on the rate schedule. No charge shall be made for time lost for inefficiency of the taxicab driver, or time consumed by premature response to a call, or for traffic delays. No charge shall be made for extra passengers. No other or additional charges shall be permitted except that a charge may be made for a call when a person calling for a taxicab fails to make use of the same. A printed schedule of rates shall be conspicuously posted in each taxicab.

(Rev. 06-16-97)

7.121. Refusal of Passengers to Pay Legal Fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab or limousine, after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired for the value of such service.

(Rev. 09-13-99)

7.122. Solicitation and Cruising.

No taxicab or limousine driver shall solicit passengers upon the streets and highways of the City of Troy except the driver of a licensed taxicab or limousine while sitting upon the driver's box of his vehicle. No driver of a taxicab or limousine shall seek employment by repeatedly and persistently driving his taxicab or limousine to and fro on the street, or do any so-called "cruising".

(Rev. 09-13-99)

7.123 Taxicab or Limousine Stands.

The City Council shall have power, by resolution, to locate and designate special taxicab or limousine stands and the number of taxicabs or limousines permitted therein at one time. The Council may require that no taxicabs or limousines may be parked on the streets of the City except at a designated stand.

(Rev. 09-13-99)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk