

**ORDINANCE 2009-17**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPOBT, INDIANA AMENDING  
ORDINANCE 2005-38 IN ITS ENTIRETY WHICH IS THE ISSUANCE OF TAXICAB/LIMOUSINE LICENSE FOR  
HIRE IN THE CITY OF LOGANSPOBT**

**WHEREAS**, the City of Logansport is a municipal corporation that was incorporated under the laws of the State of Indiana on February 17, 1838; and

**WHEREAS**, the City of Logansport has permitted the use of taxicabs for a number of years; and

**WHEREAS**, the Logansport Common Council must authorize any changes through an ordinance; and

**WHEREAS**, the common council feels it is now necessary to update the rules and regulations of vehicles for hire passed December 5, 2005; and

**WHEREAS**, the common council feels these changes are necessary for the purpose of preventing the unsafe operation of public vehicles for hire; and

**WHEREAS**, for the purpose of preventing unconscionable pricing and customer practices in the operation of public vehicles for hire; and

**WHEREAS**, this chapter is authorized by IC 36-9-2-4 and other provisions of the Indiana Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Common council of the City of Logansport, Indiana that:

**SECTION 1: TAXICABS/LIMOUSINE**

**License required.**

- (a) Every public service automobile operated in the city shall be known as a taxicab or a *public vehicle for hire*, which terms are hereinafter defined, and before such public service automobile is used or offered for use for the purpose of hauling people for hire, its owner and operator shall register with the city clerk-treasurer of the City of Logansport, pay an annual license fee to said city, and file with the city clerk-treasurer an indemnity bond duly approved by the mayor of the city, or a policy contract of insurance, and obtain a license from the clerk-treasurer of said city, all as hereinafter provided.
- (b) As used in this chapter, and except as provided in subsection (c) of this section, *public vehicle for hire* means a motor vehicle that:
  - (1) Is a passenger vehicle;
  - (2) Is designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver; and
  - (3) Is used or offered for use to transport a passenger for a fare.

- (c) As used in this chapter, *public vehicle for hire* includes, but is not limited to:
- (1) Vans;
  - (2) Minivans;
  - (3) Station Wagons;
  - (4) Buses;
- Provided that such motor vehicles meet the requirements of subsection (a) of this section.
- (d) As used in this chapter, *public vehicle for hire* does not include:
- (1) School buses;
  - (2) Vehicles used or operated under the control of the United States, the State of Indiana or any political subdivision of the State of Indiana;
  - (3) Vehicles used for ride-sharing programs on a nonprofit basis;
  - (4) Vehicles used for commuter services operated by an employer for the exclusive use of its employees;
  - (5) Vehicles certified as ambulances under IC 16-31;
  - (6) Vehicles used for persons with a mental or physical disability or illness, older adults, or persons who require non-emergency medical treatment and that are operating under a certificate or permit of public convenience and necessity issued by the Indiana Department of State Revenue;
  - (7) Vehicles which are the subject of cost sharing arrangements between passengers and drivers, which arrangements are not designed to generate a profit.

#### **LIMOUSINE**

As used in this chapter, *limousine* means a public vehicle for hire which has not been licensed as a taxicab.

#### **TAXICAB**

As used in this chapter, *taxicab* means a *public vehicle for hire* which transports passengers for a fare, which fare is determined, in whole or part, by a measurement, to be made during the trip, of the distance over which the passenger is transported.

#### **OWNER**

As used in this chapter, *owner* means the person whose residence determines the county in which a vehicle must be registered pursuant to IC 9-18-2-15.

#### **PERSON**

As used in this chapter, *person* means natural person, corporation, partnership, limited partnership, association or any other entity with the power to sue and be sued.

#### **CENTRAL OFFICE**

As used in this chapter, *central office* means the physical location, having a street address, from which a public vehicle for hire operates, at which street address an applicant or licensee will receive all mail sent by the United States Postal Service. Business location must be in compliance with Logansport Zoning Regulations.

## **VIOLATION OF LAW**

As used in this chapter, *violation of law* means commission of a felony, misdemeanor, infraction or ordinance violation, without regard to whether the violation is characterized as criminal or civil in nature.

### **SECTION 2: OPERATOR LICENSES**

#### **Operator Licensure.**

No person shall transport or offer to transport a passenger for a fare in any public vehicle for hire without a license to operate a public vehicle for hire.

#### **Eligibility.**

(a) To be eligible for a license to operate a public vehicle for hire, a person:

- (1) Must possess a public passenger chauffeur or commercial driver's license issued by the State of Indiana;
- (2) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application;
- (3) Must not have been convicted of drunk driving within the period of ten (10) years immediately preceding the date of the filing of the application;
- (4) Must not have two (2) or more convictions at any time of drunk driving;
- (5) Either:
  - a) Must not have been convicted at any time of:
    - 1) A felony or misdemeanor that involved violence towards another person;
    - 2) Drugged driving;
    - 3) Being an habitual traffic offender; or
    - 4) Being an habitual substance offender; or
  - b) Must have had a valid City of Logansport taxicab operator's license on the effective date of this section.

#### **Application.**

Each applicant for a license to operate a public vehicle for hire shall provide to the clerk-treasurer the following information concerning the applicant, on an application form provided by the clerk-treasurer, signed and sworn to by the applicant:

- (1) Full name;
- (2) Residence address;
- (3) Office address;
- (4) Place of residence for the five (5) years immediately preceding the date of filing of the application, including an address or addresses in Cass County or the contiguous counties for a cumulative total of at least twelve (12) months;
- (5) Age, race, sex, height, weight, and color of eyes and hair;
- (6) Place of birth;
- (7) Length of residence in the City of Logansport;
- (8) Last previous employment;
- (9) Whether the applicant is a citizen of the United States;
- (10) The date of judgment, court and description of each conviction for a violation of law by the applicant;

- (11)The date of filing, court and description of each charge pending against the applicant alleging a violation of law;
- (12)All governmental entities from which the applicant has been previously licensed to operate any type of public vehicle for hire and each date and cause for which any such license was ever revoked or suspended; and
- (13)Such additional information as the clerk-treasurer deems necessary.

**Attachments to the application.**

Each application shall be accompanied by:

- (1) Two (2) recent photographs of the applicant in a format prescribed by the clerk-treasurer, designed to be easily attachable to the license;
- (2) A complete set of the applicant's fingerprints in a format prescribed by the clerk-treasurer;
- (3) A copy of the applicant's Indiana driving record certified with ten (10) days prior to submission of the application;
- (4) Inspection form from Logansport Police Department Traffic Officer advising that said vehicle has passed inspection;
- (5) Such additional items as is deemed necessary.

**Fee.**

The annual fee for a license to operate a public vehicle for hire shall be \$25.00  
(Individual driver)

**Investigation of applicant.**

- (a) Each applicant for a license to operate a public vehicle for hire shall be examined by the clerk-treasurer to guarantee quality service to customers as to:
  - (1) The applicant's qualifications;
  - (2) The applicant's knowledge of the provisions of this chapter and such other ordinances and regulations as is deemed relevant.

**Pending charges of violation of law.**

If charges are pending in any court charging the applicant with a violation of law, the clerk-treasurer shall suspend processing of the application until those charges are resolved.

**Issuance of license.**

Upon completion of the examination of the applicant, and a determination by the clerk-treasurer that the applicant is eligible according to these Articles, to operate a public vehicle for hire, the clerk-treasurer shall issue to the applicant a license to operate a public vehicle for hire, in a format prescribed by the clerk-treasurer, which license shall contain the photograph and signature of the licensee, the date of issuance and expiration of the license.

**License period.**

A license to operate a *public vehicle for hire* shall be valid until the renewal date for that license occurring for one (1) year. **June 1<sup>st</sup> to May 31<sup>st</sup>.**

**Renewal.**

The annual renewal of a license to operate a *public vehicle for hire* shall be granted upon the same terms and conditions as the original license. Pending action by the clerk-treasurer on

the application for renewal, the applicant shall be permitted to operate a *public vehicle for hire* under the license issued for the previous licensing period, unless the clerk-treasurer enters an order to the contrary.

### **SECTION 3: General Licensure Requirements for Public Vehicles**

#### **Separate license.**

A separate license shall be required for each public vehicle for hire. Each public vehicle for hire shall have one (1) license: either a limousine license or a taxicab license. In order to be licensed, every limousine and every taxicab must satisfy both:

- (1) The general licensure requirements for *public vehicle for hire*; and
- (2) The additional specific requirements imposed by the article for either limousine licenses or taxicab licenses, whichever is applicable.

#### **Eligibility.**

To be eligible for licensure as a *public vehicle for hire*, a motor vehicle must:

- (1) Be a passenger vehicle;
- (2) Be designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver;
- (3) Be equipped with a two-way radio to facilitate dispatching and other communication between the public vehicle for hire and the owner's central office;
- (4) Have Cass County license plates; and
- (5) Be owned by an applicant eligible to apply for a *public vehicle for hire* license.

#### **Eligibility; required number of taxicabs per applicant.**

To be eligible to apply for a *public vehicle for hire* license, a person:

- (1) Must be the owner of the vehicle;
- (2) Must have a central office located in Cass County for the purpose of receiving calls and dispatching *public vehicle for hire* within the city; and
- (3) Must meet the zoning codes of the City of Logansport;
- (4) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application.

#### **Application.**

Each applicant for a license for a *public vehicle for hire* shall provide to the clerk-treasurer the following information concerning the applicant and the vehicle, on an application form provided by the clerk-treasurer, signed and sworn to by the applicant:

- (1) The vehicle's seating capacity, name of manufacturer, model year, horsepower, vehicle identification number, certificate of title number, color and state license number;
- (2) The logo (if any) and color of the vehicle;
- (3) The applicant's full name;
- (4) The applicant's central office address;
- (5) The names of all persons other than the applicant who have a financial interest in the vehicle;
- (6) All governmental entities from which the applicant has previously obtained a license for any *public vehicle for hire*, and each date and cause for which any such license was ever revoked or suspended; and

(7) Such additional information as deemed necessary.

### **FINANCIAL INTEREST**

As used in this section *financial interest* in a motor vehicle means any portion of any of the legal rights of ownership or any such financial interest in any partnership, corporation or other legal entity having any such financial interest in a motor vehicle. As used in this section, financial interest in a motor vehicle includes, but is not limited to, that interest held by stockholders and officers of corporations or similar business entities having a financial interest in a motor vehicle.

#### **Attachments to the application.**

Each application shall be accompanied by:

- (1) A public liability insurance policy or certificate of self-insurance for the vehicle;
- (2) A certificate of existence from the Indiana Secretary of State, if the applicant is a corporation; and
- (3) Such additional items as deemed necessary.

#### **Public liability insurance.**

- (a) All vehicles licensed under this article must be covered by a public liability insurance policy which will indemnify anyone insured by anyone operating the vehicle. The public liability insurance shall be in any amount not less than one hundred thousand dollars (\$100,000.00) combined limit coverage for personal injury and property damage. The policy shall contain the same substantive provisions as required of common carriers under the forms prescribed by the federal highway administration at 49 C.F.R. ~387.39. The policy shall remain in effect continuously until terminated. The policy shall provide that cancellation may be effected only by the insurer providing forty-five (45) days' prior written notice to the clerk-treasurer; provided, in the event of cancellation for nonpayment of premium, the cancellation may be effective on ten (10) days' prior written notice, such ten (10) days being measured for the clerk-treasurer's receipt of the notice.
- (b) The insurance requirements of this section may be satisfied by a certificate of self-insurance, in an equivalent amount, issued by the Bureau of Motor Vehicles of the State of Indiana.

#### **Fees.**

- (a) Before it shall be lawful for any owner or operator of a *public vehicle for hire* to operate the same, such owner or operator shall be required to pay to the clerk-treasurer of the City of Logansport for the use of said city, an annual license fee in the sum of twenty five dollars (\$25.00) for each *public vehicle for hire* having a seating capacity of five (5) persons, and thirty five dollars (\$35.00) for one having a rated seating capacity of over seven (7) persons. Said license shall show the number of such public service vehicle, the date of its issuance, the date of the expiration of the license. It shall be the duty of such owner to plainly mark in a permanent manner each vehicle covered by such license, by plainly and securely fastening in a conspicuous placed upon the side of such vehicle in letters not less than two (2) inches in height, and the lines of which shall not be less than one-quarter (1/4) inch in width, the words, "Bonded Carrier," or "Insured Carrier," followed by the number of the city license, so that all vehicles claimed to be operated under the provisions of this section may be readily identified.

- (b) An inspection fee of twenty five dollars (\$25.00), payable to the clerk-treasurer of the City of Logansport, shall be added to the annual fee for each license of a *vehicle for hire* beyond the past ten and up to fourteen (10 to 14) model years and fifty dollars (\$50.00) for those beyond 15 model years for the semi-annual inspections.

**Operation and inspection.**

Each owner or operator of a *public vehicle for hire* shall at all times keep such vehicle for hire in a clean, sanitary, safe, and comfortable condition and it is hereby made the duty of the chief of police or his designee, of the City of Logansport to make inspection of any *public vehicle for hire* as to its sanitary condition, lights, brakes, and general condition. The inspection form must accompany the application to the clerk-treasurer's office.

**Removal from service.**

If a licensed *public vehicle for hire* is inspected pursuant to motor vehicle requirements of IC 9-19, any taxicab certificate shall be immediately removed from the vehicle and cancelled.

**Investigation of applicant.**

The clerk-treasurer shall investigate an applicant for a *public vehicle for hire* licensee. The investigation shall include:

- (1) Investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant or any person having a financial interest in the vehicle; and
- (2) Such additional investigation as deemed necessary.

**SECTION 4: Taxicab Licensure and Certification**

No person shall transport or offer to transport a passenger for a fare, which fare is determined, in whole or in part, by measurement, made during the trip, of the distance over which the passenger is transported, in any public vehicle which is not licensed as a taxicab, or which does not have a current taxicab certificate.

**Eligibility.**

To be eligible for a taxicab license, a public vehicle for hire must:

- (1) Meet the general licensure requirements for public vehicles for hire;
- (2) Be either:
  - a. Of the current or past ten to fourteen (10 to 14) model years; or
  - b. If beyond the past ten (10) model years but not more than fifteen (15) model years and inspected and approved annually by the city traffic officer as being fit for quality service both mechanically and aesthetically;
  - c. If beyond the past fifteen (15) model years and inspected and approved semi-annually by the city traffic officer as being fit for quality service both mechanically and aesthetically;
- (3) Have a permanently fixed top light clearly identifying the vehicle as a taxicab.

**SECTION 5: Penalty/Revocation of license**

- (a) The failure of any owner or operator of any licensed *public vehicle for hire* to operate the same in accordance with the statutes of the State of Indiana, and the provisions of

this section, shall operate as a forfeiture of the license of such owner or operator and the mayor of said City of Logansport, upon three (3) days written notice to the licensee, is hereby given full power and authority to revoke such license on proof of the violation by the licensee of said license, that he has violated in particular any of the statutes of the State of Indiana, or any of the ordinances of the City of Logansport, including this section, in the operation and control of said *public vehicle for hire*.

- (b) Should the surety of any owner's bond, as herein provided, become insolvent during the existence of any license, or should such surety withdraw from the bond or remove from the jurisdiction of Cass County, Indiana, such insolvency, withdrawal, or removal shall operate as a revocation of such license until such time as a new and sufficient bond is given and approved in lieu thereof. In case any claims are made upon the owner of said bondsman for damages growing out of the operation of the automobile herein described, then an additional bond in such sum as may be required by the mayor, not exceeding the principal sum herein, shall be filed, otherwise said license shall be suspended or revoked until such bond is filed.
- (c) Any owner or operator of *public vehicle for hire*, defined in this section, which owner or operator shall mean any person, firm, or corporation who violates any of the provisions of the subsections of this section, for first offense, shall be fined in the sum of Five hundred (\$500.00) dollars, wit costs; and each day that any person, firm, or corporation operates such vehicle, in violation of any of the terms of any of the subsections of this Ordinance shall be construed as and constitute a separate offense. Second offense shall be fined in the sum of One thousand (\$1,000.00), with costs. Third offense will be cause to have license revoked. All fines shall be remitted to the clerk-treasurer's office within ten (10) days to be placed in the General Fund.

#### **SECTION 6: Miscellaneous Regulations**

- (a) **Dispatching log.** Each owner or operator of a *public vehicle for hire* which is licensed under this chapter shall maintain, at a location in the city, a record of all customer service transactions including the date and time of the agreement to provide service, the dates, times and locations where the customer is picked up and dropped off, the name of the operator, and the amount of the fare. Dispatching logs shall be retained for at least one (1) year by the owner or operator and shall be open to inspection on demand by the clerk-treasurer and any law enforcement agency having jurisdiction over the geographical area where the record is located.
- (b) **Maintenance.** The exterior and interior of all vehicles in use as *public vehicle for hire* shall be kept well painted, maintained and reasonable free from dirt.
- (c) **Dress code.** A person operating a *public vehicle for hire* shall at a minimum:
  - (1) Be clean and free of any body odor detectable to a reasonable passenger;
  - (2) Have all visible head and facial hair neatly trimmed and combed or brushed;
  - (3) Be dressed in clean and neat outer wear consisting of shoes and a shirt or blouse and slacks or skirt, or dress.
  - (4) No person operating a *public vehicle for hire* shall wear as outer wear thongs, sandals, shorts, trunks, tank top, body shirt, see-through clothing, swim wear or sweat clothing.
  - (5) It shall be unlawful for a person whose condition or appearance does not comply with the requirements of this section to operate a public vehicle for hire. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided under Section 5 Penalties.

- (d) **Display of licenses and fare schedules.** Every *public vehicle for hire* shall display in plain view of passengers the public vehicle for hire license for that vehicle, the license for the operator of that vehicle and the fare schedule for that vehicle as filed with the clerk-treasurer. It shall be unlawful to own or operate a *public vehicle for hire* which does not display the license and fare as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided under Section 5 Penalties.
- (e) **Receipt.** Upon request by a passenger, the driver of a *public vehicle for hire* shall deliver to the passenger at the time of payment a signed receipt containing the driver's name and license number, the number of the license of the *public vehicle for hire*, the distance or time for which the charge is made, the total amount paid, by whom the amount was paid and the date of payment.

**SECTION 6:** That this ordinance replaces Ordinance 2005-38 in its entirety and shall be in full force and effect from and after its final passage.

**INTRODUCED, FILED AND APPROVED** on first reading by a vote of 7 in favor and 0 opposed on the 3rd day of August, 2009.

**DULY PASSED, ORDAINED AND ADOPTED** this 18<sup>th</sup> day of August, 2009, by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 70 in favor and 0 opposed.

Common Council of the City of  
Logansport, Indiana

By: Chuck LaDow  
Chuck LaDow, President

ATTEST:  
Ruth Ellen Bland  
Ruth Ellen Bland, Clerk-Treasurer

Submitted to, approved by, and signed by me, the Mayor of the City of Logansport, Indiana, this 18<sup>th</sup> day of August, 2009.

Michael E. Fincher  
Michael E. Fincher, Mayor

Ordinance 2009-17  
Taxi Inspection List

Item	What to Check	Look for Common Deficiencies
Tires ( no mixing of radial and bias ply tires)	Condition	Tread depth, wear, weathering, bulges, cuts in hoses, at least 1 mm of tread (Using a penny from the edge to the top of Lincoln's head)
Horn	Sound	Does it function
Lights	Head lights	Both high & low beams operational, cracked, condensation, secure
	Tail lights	Lenses intact, working when on (Red)
	Brake lights	Lenses intact, working when applied (Red)
	Turn signals	Lenses intact, blink when activated (Red in back, Amber in front)
	Back up lights	Lenses intact, working when backing (White light)
	Flashers	Lenses intact, blink when activated (Red in back, Amber in front)
	License plate light	Lenses intact, working when on (White light)
Windows	Operational, safety	Not cracked or broken, Not scratched to the degree it would impair vision. Do side windows function (go up & down)?
Wipers	Operational, condition	Both wipers are functional when on, do blades show sign of wear?
Mirrors	Outside & Inside	Secure, cracked or broken
Brakes		Foot pedal cannot travel more than half-way to the floor, pedal must be solid under pressure, brake light is not on.
Heating	Defroster	Must blow hot air above the dash
	Heater	Must blow hot air into vehicle
Seatbelts	Front & back	Missing, frayed, does not snap shut
Under the Hood	Battery	Check color indicator, terminals clean & tight, solid down secure.
	Power Steering	Filled to level
	Hoses	No cuts, cracks, leaks, bulges, chaffing deterioration or rubbing
	Windshield washer fluid	Filled to level
	Brake fluid	Filled to level
	Belts	Weather checked, proper tension (3/4 inch when pushed down)
	Engine	Excessive leaks, noise, or smoke. No exhaust leaks.

<b>Taxi Safety Inspection Form</b> <i>(This form must be attached to application)</i>				<b>Date:</b>
Company Name:		Company Address:		
Person Requesting Inspection:		Address:		Title:
Make & Model Auto:	Year:	VIN:		Plate #:
Insurance Provider:	Insurance Number:		Expiration Date:	
<b>Item Inspected</b>	<b>Pass</b>	<b>Fail</b>	<b>Remarks:</b>	
Tires LF				
Tires RF				
Tires LF				
Tires RR				
Tires Spare				
Horn				
Head lights				
Tail lights				
Brake lights				
Turn signals				
Back up lights				
Flashers				
License plate light				
Windshield Glass				
Windows				
Other glass				
Wipers				
Mirrors				
Brakes & brake fluid				
Heating (Defroster)				
Heating (Heater)				
Seatbelts				
Battery				
Power Steering				
Hoses				
Windshield washer fluid				
Belts				
Engine				

Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I have inspected the above identified vehicle and find that it passed/failed the safety inspection according to City Ordinance 2009-17.

Inspector: \_\_\_\_\_ Owner: \_\_\_\_\_