

Ordinance No.1510-2019

Council Member(s) Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 443.011, 443.05, and 443.23, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, to repeal Section 443.15, as amended by Ordinance No. 2358-A-80, passed May 11, 1981; and to supplement the codified ordinances by enacting new Section 443.024, relating to taxicabs.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following:

Sections 443.011 and 443.05, as amended by Ordinance No. 598-13, passed May 20, 2013, and

Section 443.23, as amended by Ordinance No. 1684-76, passed June 29, 1976,

are amended to read as follows:

Section 443.011 Definitions

As used in this chapter, certain terms are defined as follows:

(a) "Association" means a society, whether incorporated or not, organized for the purpose of benefitting a group of not less than ~~twenty-five (25)~~ fifteen (15) owners of public hacks by providing for its members, dispatching services, a uniform and distinctive color scheme, and collection and maintenance of operating records.

(b) "Company" means any person, partnership or corporation owning ~~twenty-five (25)~~ fifteen (15) or more public hacks having a uniform distinctive color scheme.

(c) "Driver" means the person in actual physical control of a public hack.

(d) "Independent operator" means any owner to whom either of the following applies:

- (1) Is the owner of less than ~~twenty-five (25)~~ fifteen (15) public hacks;
- (2) Does not provide his or her own dispatching services.

(e) "Owner" means any natural person, partnership or corporation having legal or equitable title to a public hack and includes lessors.

(f) "Public hack" or "Hack" means any public vehicle whose owner or driver secures or accepts passengers for hire on the public streets, or in public or quasi-public places, including, but not limited to, hotels as defined by Section 363.08, and excepting carriages as defined in division (a) of Section 447.01 and vehicles operated by the Cleveland Regional Transit Authority.

Section 443.05 Inspection Prior to Licensing Vehicles; Fee

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(a) No license shall be granted for a vehicle over ~~two (2)~~ four (4) years old, except that an existing license for a vehicle not more than ~~five (5)~~ seven (7) years old may be renewed if the Commissioner of Assessments and Licenses determines, after careful inspection of the vehicle, that it is in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance, and well painted. For purposes of this section, the age of the vehicle shall be determined by comparing the calendar year in which the application for license is being considered to the model year of the vehicle.

(b) When licenses or renewals of existing licenses are issued for any public hacks which may have been disabled, disqualified, sold or may otherwise not be available at the time of the granting of such licenses, no such vehicle which may thereafter be acquired for use in connection with any such licenses shall be placed in operation until it has been thoroughly and carefully inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance and well painted. The Commissioner of Assessments and Licenses shall thereafter make inspections of such vehicles at least semiannually and may make inspections more frequently at his or her discretion.

(c) The Commissioner shall refuse to permit the operation of any vehicle found by him or her to be unfit or unsuited for public patronage or to which a taximeter or acceptable radio receiver and transmitter is not affixed. He or she shall examine any taximeter attached to any public hack and see that the same is accurate before permitting the use thereof upon any public hack which may be placed in operation. The Commissioner is authorized and empowered to establish reasonable rules and regulations for the inspection of public hacks and their appurtenances, construction and condition of fitness.

(d) The Commissioner is authorized to charge and collect an inspection fee of fifty dollars (\$50.00) per hour, or any portion thereof, for any inspection performed under this section.

Section 443.23 Use of Taxicab Stands and Call Stations

(a) Only public hacks shall remain at the taxicab stand while waiting for employment and only in single file pointed in accordance with the traffic regulations. No public hack shall refuse to carry any orderly person applying for a hack who agrees to pay the right rate of fare, but any orderly person may select any hack at the stand whether it is at the head of the line or not. As the hack leaves the line with passengers those behind shall move up, and any public hack ~~cab or coach~~ seeking a place on the stand shall approach the same only from the rear of the stand and shall stop as near as possible to the last cab already on the line. No public hack ~~cab or coach~~ shall stand within five (5) feet of any crosswalk. ~~No public cab or coach shall stand at any place on the streets of the City for the purpose of soliciting business except upon the public stands herein established.~~

(b) The Commissioner of Assessments and Licenses may establish call stations at locations which have been surveyed and approved by the Commissioner of Traffic Engineering and Parking with respect to operation without unreasonable interference to traffic.

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The permit of a call station shall specify the company or individual operating the same, and allow the driver employed by them to stop at and call up from such station for the purpose of answering or receiving orders. Not more than two (2) public hacks ~~cabs~~ shall be parked at the designated point at the same time. The Commissioner of Assessments and Licenses shall maintain a list of call stations and their locations, and regulate their operation by issuance of such regulations as will become necessary.

(c) No public hack shall occupy a public stand unless a permit has been issued by the Commissioner of Assessments and Licenses. Application for permits to occupy a public stand shall be made in writing to the Commissioner by the owner of public hack ~~cab~~. The form of the application shall be prescribed by the Commissioner. No vehicle other than a licensed public hack shall stop on any public stand or call station, except while receiving or discharging passengers.

(d) The Commissioner of Traffic Engineering and Parking shall designate public stands by permanent signs set at the curb boundaries, which signs shall bear the legend that it is a stand reserved for public licensees only. The Commissioner of Assessments and Licenses shall suspend or revoke the license of any public hack driver who stands in front of the entrance of any building, within the prohibited space, after his or her passengers desiring to leave the cab have alighted, or who attempts to stand in such prohibited space waiting for passengers, or who violates any of the other provisions of this section.

Section 2. That the following existing:

Sections 443.011 and 443.05, as amended by Ordinance No. 598-13, passed May 20, 2013, and

Section 443.23, as amended by Ordinance No. 1684-76, passed June 29, 1976,

are repealed.

Section 3. That Section 443.15, as amended by Ordinance No. 2358-A-80, passed May 11, 1981, relating to Driver's Photograph and Fingerprints, is repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 443.024 to read as follows:

Section 443.024 Prohibited Uses on Roof Tops by Non-Licensed Hacks

No owner or driver of a public hack, not licensed in accordance with the provisions of this Chapter, shall operate, or permit to be operated, the vehicle with a cab roof sign or top containing the terms "taxi", "taxicab", "cab", "hack", or "public hack".

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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SD:SM:nl
11-25-19

FOR: Director Dumas

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READ FIRST TIME on November 25, 2019
and referred to DIRECTORS Finance, Law;
COMMITTEES on Finance

REPORTS

CITY CLERK

by the council READ SECOND TIME

CITY CLERK

by the council READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____

REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

