

**ORDINANCE NO. 2017-26**

**AN ORDINANCE TO REGULATE TAXICABS AND OTHER VEHICLES FOR HIRE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:**

**TAXICABS AND OTHER VEHICLES FOR HIRE**

**SECTION I: DEFINITIONS**

The following terms when used in this Ordinance shall have the meanings respectively ascribed to them by this Section, unless the context clearly indicates otherwise:

City: The City of Daphne, Alabama.

Parking: The standing of any Taxicab or any other motor driven or propelled Vehicle for Hire longer than may be necessary to receive or discharge passengers whom the driver of such Taxicab or Vehicle for Hire had been engaged to transport.

Owner (or Operator): Any person engaged in the business of operating a Taxicab or Vehicle for Hire in the City.

Business license: The license required by Section II to operate a business within the City.

Taxicab: Any automobile or other motor vehicle of like construction and operation, except as otherwise addressed in this Ordinance, employed in or contracted for the transportation of passengers for hire over a fixed route within the City and capable of carrying no more than six (6) passengers at the same time and that is inspected or insured as required by this Ordinance. Transportation methods funded, in part or in whole, directly by governmental entities are excluded from this definition. Further, "Taxicab" shall not constitute any motor vehicle which is:

- a. Classified as a limousine, executive sedan, specialty limousine, non-emergency medical transport vehicle, or shuttle vehicle as defined herein;
- b. Used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients, provided that each automobile or other motor vehicle under such agreement shall have the same distinctive visible outside painted appearance as each other vehicle under the agreement of any such hotel, motel, airport, hospital, club or other such entity;
- c. Operated as a bus under a franchise granted by the City.
- d. Classified as a Transportation Network Company ("TNC") Vehicle.

Executive sedan: Any automobile or motor vehicle that furnishes transportation for hire in the City, not over fixed routes, operated by a chauffeur on a prearranged basis, which has a seating capacity of five (5) to seven (7) passengers and is a large sedan or sport utility vehicle. The classification "executive sedan" shall not apply to any automobile or motor vehicle which is classified as a Taxicab, TNC vehicle, or shuttle vehicle, used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or such entity for the transportation of its members, guests, patients or clients, or operated as bus on fixed routes.

Taximeter: A device, instrument or digital software application that automatically measures, records or calculates, at a predetermined rate or rates, the distance traveled, waiting time, and extra passengers, upon which a rate or rates are based and clearly displays the charge for hire of a vehicle.

Limousine: Any automobile or other motor vehicle of like construction and operation, except as otherwise addressed in this Ordinance, employed in or contracted for the transportation of passengers for hire not over a fixed route within the City, operated by a chauffeur on a prearranged basis which meets the manufacturer's specifications for luxury limousine, with a minimum of six (6) seats located behind the operator of the vehicle, with a designated seating capacity of no more than ten (10) passengers with a door at the rear of the vehicle designed to allow passenger entry or exit. The classification "limousine" shall not apply to any automobile or motor vehicle which is classified as a Taxicab, TNC vehicle, or shuttle vehicle, used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or such entity for the transportation of its members, guests, patients or clients, or operated as a bus on fixed routes.

Specialty limousine: Any automobile or other motor vehicle of like construction and operation like a limousine, except as otherwise addressed in this Ordinance; however, the same shall be defined as an antique or special interest vehicle which is maintained in excellent condition. The antique or vintage vehicle shall also be a private passenger automobile weighing not more than twenty-six thousand (26,000) pounds gross weight, over thirty (30) years old, and operated as a collector's item. Specialty limousines must comply with Section XI unless the vehicle was manufactured without required equipment the code enumerates.

Non-emergency medical transport vehicle: Any automobile or motor vehicle (usually a van) that furnishes transportation for hire in the City, not over fixed routes, operated by a chauffeur on a prearranged basis, which has a seating capacity of more than five (5) but less than sixteen (16) passengers. This automobile or motor vehicle shall be for prearranged transportation to and from doctor visits, to and from pharmacies, and the like. Said vehicles are not to operate in an emergency capacity as defined by Code of Alabama 1975, § 32-51-7.

Vehicle for Hire: Any automobile or other vehicle, not of like construction or like operation of a Taxicab utilized in the transportation of passengers for hire; i.e. limousine, executive sedan, non-emergency medical transport vehicle, or specialty limousine. Transportation methods funded, in part or in whole, directly by governmental entities and vehicles classified as a TNC vehicle are excluded from this definition for purposes of this Ordinance.

**SECTION II: LICENSE OR PERMIT REQUIRED FOR OPERATION**

No person shall operate or drive a Taxicab or Vehicle for Hire without first being licensed or permitted as otherwise provided in this Ordinance.

**SECTION III: PREREQUISITE TO ISSUANCE OF LICENSE OR PERMIT**

No business license or permit shall be issued to any person to engage in the business of operating a Taxicab or Vehicle for Hire in the City unless the applicant has a valid un-revoked permit to operate a Taxicab or Vehicle for Hire in the City as provided in this Ordinance.

**SECTION IV: APPLICATION**

Application for a permit required by this Ordinance shall be made on a form to be furnished by the Daphne Revenue Department, which shall be in such form as to require the applicant to give all information required by this Ordinance.

**SECTION V: TERMS AND CONDITIONS**

A permit issued as provided in this Ordinance shall be for such a length of time, not to exceed twelve (12) months at a time, and upon such terms and conditions as may be prescribed by the governing body. Permits shall expire September 30 of each year following the date of issuance, but may be renewed, upon application and payment of fee(s) and in the manner provided for in this Ordinance. No owner or operator of any Taxicab or Vehicle for Hire in the City shall employ or engage any driver of a Taxicab or Vehicle for Hire who does not have a valid permit issued by the Daphne Revenue Department.

**SECTION VI: DRIVERS TO USE MOST DIRECT ROUTE**

It shall be the duty of every driver of a Taxicab or Vehicle for Hire driver permitted under this Ordinance to carry passengers to their destinations by the most direct route available unless otherwise directed by such passengers. However, drivers may rely upon turn-by-turn navigation software provided by an owner or third-party application to determine the most direct route available.

**SECTION VII: REFUSAL OF PASSENGERS**

It shall be unlawful for any owner or person engaged in the operation of a Taxicab or Vehicle for Hire business, as provided for by this Ordinance, to refuse without sufficient cause to carry any passenger, including handicapped persons with registered service dogs, to any destination in the City as designated by the passenger, provided, however, that no person shall be required to carry any person who is intoxicated, disorderly, afflicted with a contagious disease, who refuses to pay in advance when requested to do so, or who, for other good reason deemed adequate by the Court, shall be excluded.

**SECTION VIII: MAINTAINING THE VEHICLE IN A CLEAN AND SANITARY CONDITION**

It shall be the duty of every person operating a Taxicab or Vehicle for Hire, permitted under this Ordinance to keep and maintain the interior and exterior of the vehicle in a clean and sanitary condition at all times. Any unclean or unsanitary Taxicab or Vehicle for Hire may be ordered out of service at any time by the Daphne Police Chief or his/her representative until such time as the vehicle has been cleaned.

**SECTION IX: REPORTS CONCERNING PASSENGERS**

It shall be the duty of the owner, operator or dispatching office of the owner or operator of any Taxicab or Vehicle for Hire, permitted by this Ordinance, to keep a daily record of the following information:

- a. The time and place at which all passenger(s) engage the vehicle.
- b. The time and place at which such passenger(s) were delivered to their destination.
- c. The amount of the fare received.

It shall further be the duty of every owner or operator of every Taxicab or Vehicle for Hire, permitted under this Ordinance, to preserve all reports required by this Section for not less than three (3) months and to provide the same to the City upon demand.

**SECTION X: FAILURE TO PAY**

It shall be unlawful for any person to refuse to pay the driver of any Taxicab or Vehicle for Hire, permitted under this Ordinance, the fixed rate for the services rendered. On the trial of any person for a violation of this Section, it may be shown in mitigation or justification of the offense that the permitted vehicle did not post the associated schedule or rates to be charged, as required by this Ordinance.

**SECTION XI: INSPECTION OF VEHICLES**

1. All Taxicabs or Vehicles for Hire operating pursuant to this Ordinance shall be inspected by an ASE certified mechanic or garage and shall satisfy the requirements for inspections of Taxicabs or Vehicles for Hire as follows and the inspection shall be based on an examination and proper safe operation of:
  - a. Foot brakes
  - b. Emergency brakes
  - c. Steering mechanism
  - d. Windshield
  - e. Rear window and other glass
  - f. Windshield wipers
  - g. Headlights
  - h. Tail lights

- i. Turn indicator lights
  - j. Stop lights
  - k. Front seat adjustment mechanism
  - l. Doors
  - m. Horn
  - n. Speedometer
  - o. Bumpers
  - p. Muffler and exhaust system
  - q. Condition of tires, including tread depth
  - r. Interior and exterior rear view mirrors
  - s. Safety belts and airbags for driver and passenger(s)
  - t. Sun visor
2. Each Taxicab or Vehicle for Hire shall be in clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. The seats shall be kept clean and without holes or large wear spots. The vehicle shall contain a spare tire, a jack, sufficient trunk space (within reason) for passenger's luggage, a functional means of communication for limousines, executive sedans and shuttles and a functional two-way radio for Taxicabs which shall serve as a means of communication between the company and the driver.
  3. There shall be no tears or rust holes in the vehicle body. The paint shall not be peeling or faded condition. No loose pieces such as fenders, bumpers, or trim shall be hanging from the vehicle body. There shall be no unrepaired body damage or any body condition which would create a safety problem or interfere with the operation of the vehicle.
  4. The Daphne Police Department or the Daphne Revenue Department may conduct random safety inspections of Taxicabs or Vehicles for Hire that are permitted under this Ordinance at any time. A mechanic at the City's Garage will complete all mechanical inspections at the City's expense. Any law enforcement officer can perform non-mechanical inspections to ensure compliance.
  5. If a Taxicab or Vehicle for Hire fails to pass the requirements of an inspection, the Daphne Revenue Department shall issue the driver a correction slip, giving the driver fifteen (15) days within which to correct all listed deficiencies. If such deficiencies are not corrected and if an inspection certificate has not been issued within said fifteen (15) day period, then such vehicle shall not be used thereafter until a new inspection certificate is issued.
  6. A certificate from such ASE certified garage stating that the vehicle has been inspected and meets the requirements set forth in this Ordinance shall be issued to the owner of a Taxicab or Vehicle for Hire for presentation to the Daphne Revenue Department when applying for a City business license. The issuance of a City business license to the owner of a Taxicab or Vehicle for Hire shall be conditioned upon receipt by the Daphne Revenue Department of the inspection certificate.

**SECTION XII: SUSPENSION OR REVOCATION**

1. Any permit or license granted under this Ordinance may be suspended or revoked by the Daphne City Council at its discretion, at any time not less than thirty (30) days after written notice is issued to the permit or license holder that such holder may appear before the City Council and show cause why the permit or license shall not be suspended or revoked. Such notice shall be signed by the City Clerk or his/her designee or as may otherwise be directed by the Daphne City Council and may be served upon the permittee or licensee personally or by certified mail at the address of record for such permit or license. Any permit or license shall be deemed suspended upon initiation of the suspension or revocation proceedings and shall remain suspended pending Daphne City Council's action on revocation.
2. A hearing shall be held at the next regularly scheduled Daphne City Council meeting provided that it is at least ten (10) days following the issuance of the requisite notice provided for in this Section.
3. The Daphne City Council shall render a decision within 30 (30) days from the date of said hearing. If the Daphne City Council does not render a decision within said time period, then the subject permit or license remains suspended, revoked or not renewed until the Daphne Revenue Department has determined that such permittee or licensee is in compliance with all the regulations pertaining to drivers under this Ordinance and the Daphne City Council votes to reinstate such permit or license.
4. Any permit or license granted under this Ordinance may be suspended or revoked by the Daphne City Council at its discretion at any time if the permit or license holder is convicted of operating a vehicle while in an intoxicated condition, transporting alcoholic beverages, or other crimes. It shall be the duty of the Daphne Revenue Department to revoke such permit or license and notify all applicable departments. Thereafter, if such person continues to operate a Taxicab or Vehicle for Hire within the City then such person shall be guilty of a misdemeanor.

**SECTION XIII: RULES AND REGULATIONS GOVERNING ISSUANCE**

1. Age and physical requirements of operators or drivers: No person shall be granted a permit to operate or drive a Taxicab or Vehicle for Hire unless such person is nineteen (19) years of age or older. The permittee shall have the free use of both hands and feet or have made appropriate changes to the vehicle to safely accommodate any such disability.
2. Experience: No applicant shall be granted a permit to operate or drive a Taxicab or Vehicle for Hire who has not had at least one (1) year of experience in operating automobiles.
3. Familiarity with provisions: No applicant shall be granted a permit to operate or drive a Taxicab or Vehicle for Hire that is not familiar with the provisions of this of this Ordinance governing the use and operation of automobiles on the streets of the City.

4. Application: No person shall be granted a permit to operate or drive a Taxicab or Vehicle for Hire except upon written application therefore to the Daphne Revenue Department which shall be in such form as to require the applicant to give all the information required by this Ordinance.
5. Background Check: Applicants must submit a current copy of Criminal History Record from the Alabama Law Enforcement Agency (ALEA) or Federal Bureau of Investigation (FBI). The copy must be submitted with the original application. The City holds the right to request a Criminal History Record at their discretion.
6. Daphne Revenue Department to Maintain Application: The Daphne Revenue Department shall keep on file the application which shall show in addition to other information requested, the name, age, and address of all persons issued permits as Taxicab or Vehicle for Hire drivers.
7. Convictions: A permit shall not be issued to operate or drive a Taxicab or Vehicle for Hire to any person who within the preceding twelve (12) months has been convicted of reckless driving, driving while intoxicated, public drunkenness, or any felony.
8. Appeal from Denial of Permit: Should the Daphne Revenue Department fail or refuse to issue a permit to any person under the provisions of this Ordinance the applicant for such permit may appeal to the City Council. Following the hearing, if the City Council is satisfied of the fitness of the applicant under these provisions the City Council may direct the Daphne Revenue Department to issue a permit to the applicant.
9. Fee: The Daphne Revenue Department shall collect a fee of \$10.00 for the initial issuance of said permit, and shall collect a fee of \$5.00 for the renewal of the permit on or after September 1 of each year. If such permit is lost, the Daphne Revenue Department shall collect a fee of \$2.00 for the issuance of a replacement permit. All fees are non-refundable.
10. Inspection of Vehicle: Prior to the issuance of the initial permit and subsequent yearly renewals, each Taxicab or Vehicle for Hire must submit a certificate of inspection to the Daphne Revenue Department which shall be performed by an ASE certified garage or mechanic bearing the insignia of the ASE certification emblem on the inspection report. Nothing herein shall prohibit the Daphne Revenue Department from subsequent inspections as may be deemed necessary.

#### **SECTION XIV: INSURANCE**

##### **A. INSURANCE FOR ALL VEHICLES PERMITTED UNDER THIS SECTION**

1. It shall be unlawful for any person, either as owner, operator, driver or lessee, to operate or drive, or permit to be operated or driven, a vehicle permitted under this Ordinance in the City, unless such vehicle is covered by a public liability insurance policy complying with the terms of this Ordinance and applicable Alabama law. It shall likewise be

- unlawful for any person to display any sign indicating that the person provides the services permitted under this Ordinance, without complying with all of the provisions of this Section.
2. Any holder of a permit under this Ordinance automatically forfeits such permit, and such permit shall become void and of no effect, if such permit holder operates or permits the operation of any vehicle permitted by this Ordinance in the City without such vehicle being at the time covered by a liability insurance policy as provided in this Section.
  3. The policy of insurance required by this Section shall be subject to approval by the Daphne Revenue Department as to the sufficiency of the insurer and as to the form and terms of the policy, and, when so approved, shall be filed with and remain on file in the Daphne Revenue Department.
  4. The policy of insurance required by this Section shall provide that insolvency or bankruptcy of the insured or principal shall not release the insurance company from any payment due under the policy.
  5. The policy of insurance required by this Section shall contain a provision for a continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon and provided that, until the policy is revoked as herein provided, the insurance company or indemnity company will not be relieved from liability on account of non-payment of premiums.
  6. The insurance policy required by this Section shall provide that it cannot be cancelled until fifteen (15) days written notice of such cancellation shall have been filed with the Daphne Revenue Director, stating the day and time when such cancellation shall become effective. If such policy is cancelled and the owner or operator of the vehicle permitted under this Ordinance fails to provide another policy of insurance complying with the provisions of this division on or before the effective date of such cancellation, then the license or permit issued for such vehicle shall automatically become null and void and of no effect. The cancellation of any policy shall in no way effect or terminate any liability for accident occurring prior to the effective day and time of such cancellation. No cancellation notice shall be recalled by a letter of reinstatement.
  7. There shall be attached to all liability insurance policies issued pursuant to the requirements of this Section, an endorsement in form substantially as follows: "In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby agrees to pay any final judgment for personal injury, including death, resulting therefrom, or damage to the property, caused by any and all motor vehicles, covered by the policy or described in the policy, operated by the insured pursuant to the Taxicab or Vehicle for Hire license issued by the City of Daphne, within the limits set forth herein, and further agrees upon its failure to pay any such final judgment, the judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. Nothing contained in the policy or any endorsement thereon, nor the violation of any provisions thereof by the insured, shall

relieve the company from liability hereunder or from the payment of such judgment. The policy to which this endorsement is attached shall not expire, nor shall cancellation take effect until after fifteen (15) days' written notice by the company shall be have given to the Daphne Revenue Department, said fifteen (15) days' notice to commence to run from the date notice is actually received at the office of the Daphne City Clerk. Attached to and forming a part of the policy number \_\_\_\_\_ issued by \_\_\_\_\_ company to \_\_\_\_\_."

8. No license or permit to operate a vehicle permitted under this Ordinance in the City shall be issued to any person until he/she has complied with all the provisions of this Section.

**B. INSURANCE REQUIREMENTS PERTAINING TO VEHICLES FOR HIRE**

1. This insurance policy required by this Section shall provide liability coverage in the minimum limits required by the state public service commission but in any event not less than one hundred thousand dollars (\$100,000.00) for the injury or death of any one person and three hundred thousand dollars (\$300,000.00) for injury or death of any number of persons in any one accident and also for a coverage of at least one hundred thousand dollars (\$100,000.00) for property damage in any one accident, such coverage to be effective whether the Taxicab or Vehicle for Hire was, at the time of any accident, being driven by the owner, agent, employee, lessee or licensee. Such policy shall not be canceled or suspended, either by the insured or the insurer, unless at least thirty (30) days' notice in writing of the intention to cancel or suspend policy has been filed with the Daphne Revenue Department, and upon such suspension or cancellation of insurance; the Taxicab or Vehicle for Hire of said insured shall stand suspended until such time as an acceptable policy and certificate of insurance shall be on file with the Daphne Revenue Department.
2. It is not required that such coverage shall apply to bodily injury or to death of any employee of the insurance while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of such Taxicab or Vehicle for Hire, nor any obligation for which the insured or any company as such person's insurer may be held liable under any worker's compensation law.
3. The insurance coverage required by this Section shall be commercial Taxicab or Vehicle for Hire insurance and the City shall be named as an additional insured endorsed on the policy.
4. Proof of insurance must be physically present in each licensed Taxicab or Vehicle for Hire.
5. The insurance policy required by this Section shall be issued by a solvent, incorporated insurance company authorized to write automobile liability insurance in the State of Alabama state and whose agent is engaged in business in Baldwin County, Alabama.

6. The policy of insurance required by this Section shall recite the year, model, body type, motor number and trade name or name of the marker of the Taxicab or Vehicle for Hire covered thereby.

**SECTION XV: DISQUALIFICATION FOR PERMIT**

A driver's permit shall not be issued to the following persons:

1. Any person less than nineteen (19) years of age.
2. Any person whose driving right or privilege is suspended or revoked.
3. Any person who is a habitual drunkard or addicted to the use of narcotic drugs.
4. Any person adjudged mentally incompetent, until restored to competency by judicial decree, upon certification by their treating physician or medical director that such person is competent.
5. Any person afflicted with, or suffering from a physical or mental disability which, in the opinion of the governing body, will prevent such person from exercising reasonable and ordinary control over a motor vehicle.
6. Any person who does not possess a valid driver's license.

**SECTION XVI: TO BE IN ADDITION TO BUSINESS LICENSES**

The permit provided for by this Ordinance shall be separate and distinct and in addition to the business license required by the City for the operation of Taxicabs or Vehicles for Hire in the City.

**SECTION XVII: CARRYING; DISPLAY ON DEMAND**

Every driver shall have his/her permit in his immediate possession at all times when driving a Taxicab or Vehicle for Hire and shall display the permit upon demand of a police officer. However, no person charged with violating this Section shall be convicted if the permit is produced in Court and said permit is valid at the time of the arrest.

**SECTION XVIII: REVOCATION**

Whenever any person who is the operator of a Taxicab or Vehicle for Hire within the City is convicted of operating such Taxicab or Vehicle for Hire while in an intoxicated condition, transporting alcoholic beverages, or other crimes, it shall be the discretion of the Mayor or Judge to direct that the permit under which such person is operating be revoked. If such operator is the owner of such Taxicab or Vehicle for Hire, the Judge may direct that the City license under which the Taxicab is operating be revoked. Upon direction of the Mayor or Judge the permit or license of any person operating a Taxicab or Vehicle for Hire in the City which is revoked then it

shall be the duty of the Daphne Revenue Department to revoke such permit or license and notify the applicable departments. Thereafter if a person should continue to operate such Taxicab or Vehicle for Hire then that person shall be guilty of a misdemeanor.

**SECTION XIX: TAXI CABS**

**A. IDENTIFICATION OF VEHICLES**

1. All Taxicabs shall have the words "taxi" or "taxicab" or "cab" painted or decaled on at least one (1) door on each side of the Taxicab in paint of a different color from that of remainder of the door so as to be easily read.
2. All Taxicabs shall have a unit number painted or decaled on both sides of the body of each Taxicab on the front end and rear end of each Taxicab. Any person with more than one (1) Taxicab shall have a different unit number painted on each Taxicab.
3. All Taxicabs shall have a sign on top of the Taxicab that includes the words "taxi" or "Taxicab" or "company name" that is visible both day and night.
4. All Taxicabs shall have the name of the corporation or person that is the owner or operator painted on both sides of the Taxicab in paint of a different color from that of the remainder of the door so as to be easily read.

**B. UNLICENSED VEHICLES NOT TO OPERATE UNDER TAXICAB LICENSES PLATES; SURRENDER OF LICENSE PLATES**

It shall be unlawful for any person to operate a private motor vehicle in the City without a state Taxicab license plate. The fact that a vehicle is not insured or identified as a Taxicab as required by this Ordinance shall be prima facie evidence that such vehicle is a private one and not a Taxicab.

**C. POSTING OF PHOTOGRAPH OF DRIVER, NAME OF OWNER, ETC.**

There shall be posted in each Taxicab, when in use, a card, of a form and size containing a photograph of the driver of said vehicle, the name of the driver the name or trade name, address and telephone number of the owner of the vehicle, and such other information as may be required by the Daphne Revenue Department or the governing body. Such card shall be posted in a conspicuous place in the vehicle where the same is clearly discernible and visible to any passenger within the vehicle.

**D. POSTING FARES**

1. The rates of fares for any Taxicab shall be posted in a conspicuous place in such Taxicab at a place where the same is well-lighted and is clearly discernible and visible to any passenger within such vehicle.

2. The foregoing notwithstanding, no owner or driver of a vehicle under permitted under this Ordinance shall be in violation of this Section for charging a fare that is made known to the customer and accepted by the customer before the customer decides to accept the services offered.

#### **E. TAXIMETERS**

1. It shall be unlawful to own, operate or cause to be operated any Taxicab upon the streets or thoroughfares of the City, unless such Taxicab is equipped with a taximeter that is properly sealed, accurate and in good working condition. The taximeter shall not be installed or equipped in a way that makes it possible to tamper with the rate setting mechanisms.
2. All Taxicabs operated under the authority of this Section shall be equipped with taximeters that have adequate provision for affixing wire seals to the taximeter so that no adjustments, alterations or replacement affecting in any way the accuracy or indications of the device or the assembly can be made without mutilating the seal or seals. Each taximeter shall have a device to activate the meter and shall have a lighted display clearly denoting when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the device of such taximeter into a non-recording position at the termination of each trip. The taximeter shall be subject to inspection from time to time by the Daphne Revenue Department. Daphne Revenue Department is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter and upon discovery of any inaccuracy, to notify the person operating such Taxicab to cease operation. Thereupon such Taxicab shall be kept off the streets of the City until the taximeter is repaired and in the required working condition.

#### **F. AMOUNTS CHARGED**

1. A driver may, in addition to the metered rate, require a waiting charge to be paid which shall not exceed the rate of Twenty Dollars (\$20.00) per hour, regardless of the number of passengers. Such waiting time shall include the time when the Taxicab is not in motion, beginning with the time of arrival at the place to which it has been called or time consumed while it is standing at the direction of the passenger; but no charge shall be made for the first five (5) minutes after arrival or for time lost on account of inefficiency of the Taxicab or its operator or the time consumed by the premature response to a call or traffic conditions. A fare shall not be considered to be terminated until the Taxicab is available for service to another customer.
2. It shall be unlawful for the owner, driver, or operator of any Taxicab to charge any passenger a fare for the use of such Taxicab which is in excess of the rate displayed within the Taxicab and displayed on a properly working taximeter. Passengers shall have the right to pro-rate charges among themselves as they see fit. In the event the passengers cannot reach agreement as to their respective share of the total fare, the driver then shall be allowed to collect the fare to the point of final destination from the first passenger engaging the Taxicab.

3. No driver shall allow or permit any other person to occupy or ride in such Taxicab unless the person or persons first employing the Taxicab shall consent to the acceptance of additional passengers.
4. If a Taxicab is carrying two (2) or more persons to different destinations, the driver shall be the sole judge of the order in which such persons shall be delivered to their destination, and the shortest possible route to all destinations shall be followed unless otherwise requested by a passenger and consented to by all passengers then occupying the Taxicab or Vehicle for Hire.
5. No Taxicab driver shall stop to pick up any additional passengers while proceeding to the destination of any passengers then occupying the Taxicab or Vehicle for Hire without the consent of all such passengers.

#### **G. CREDIT AND DEBIT CARDS**

1. A sign shall be placed in each Taxicab, as approved by the Daphne Revenue Department, indicating whether the subject Taxicab is capable of digitally transmitting credit/debit card authorization and payment information and requesting the passenger notify the driver of intended credit/debit card use. Although signage requirements may differ between Taxicab operators, each Taxicab business shall place the same sign in each of its Taxicabs. If a Taxicab is capable of digitally transmitting credit/debit card authorization and payment information, then the same shall be relayed through the taximeter or mobile data device operating in concert with the taximeter. No additional charge shall be levied against a passenger for use of credit/debit cards, nor shall any passenger be refused service for their use of credit/debit cards, if a Taxicab is capable of digitally transmitting credit/debit card authorization and payment information. Drivers shall not set a minimum or maximum charge for any credit/debit card transactions. Drivers shall provide all credit/debit card paying customers with a truncated copy of their sales draft or charge receipt clearly showing the amount and date of the transaction, company owner's name and telephone number, the driver's taxi number, and the transaction's authorization approval code. The truncated sales draft or receipt shall not include the credit/debit card's expiration date or any more than the last four (4) digits of the credit/debit card's number.
2. Every Taxicab that is capable of digitally transmitting credit/debit card authorization and payment information Taxicab shall be equipped with a fully-functioning wireless device that provides a secure credit card processing method, satisfies all payment card industry data security standard ("PCI DSS") requirements, and
  - a. encrypts any information transmitted to authenticate a credit card payment transaction for approval,
  - b. generates a truncated printed sales draft or charge receipt, and,

- c. accepts cards affiliated with all major credit card associations including, but not limited to, MasterCard, Visa, American Express, and Discover.
- d. Manual imprinting machines are prohibited.

#### **H. RECEIPTS**

A receipt in writing for the amount of Taxicab fare paid shall be given by the operator or driver of the Taxicab to whom such fare is paid, or request of any person paying the same. Such receipt shall show the exact amount of the fare paid, date and hour of the trip; the name of the company and the name of the operator or driver. It shall constitute a violation of this Section to fail or refuse, on request, to give any such receipt or to give any such receipt from which is omitted any information herein required or which contains any untrue or false statement.

#### **I. MAINTAINING TRIP LOGS**

Each Taxicab driver shall keep a written record of all trips which shall be retained by the licensee/permittee of each Taxicab for at least one (1) year, showing the vehicle registration certificate number, driver's permit number, name of driver, time on duty [a.m.-p.m.], time off duty [a.m.-p.m.], date, amount of fare collected, the time and place each passenger engaged such Taxicab and the time and place he left such Taxicab. Drivers who are able to maintain and preserve the above information in an electronic format are exempt from having to maintain "written" trip logs.

#### **J. DRIVER TO GIVE CERTAIN INFORMATION UPON REQUEST**

Every driver of a Taxicab in the City, upon request to do so, shall give to any person who has been a passenger in the vehicle, or who is about to become a passenger, or to any police officer, the license number and name of such driver, the license number of such vehicle, the name of the person by whom the driver is employed, and the rate per mile, and the odometer reading if related to the service being offered

#### **SECTION XX: PARKING**

No Taxicab or Vehicle for Hire shall be permitted to park or stand on any street, alley or public place in the City at any hour of the day or night for a longer period of time than is actually necessary to receive or discharge passengers; provided, however, the City Council may designate stands for Taxicabs or Vehicles for Hire at such places as it may see fit.

#### **SECTION XXI: PENALTIES**

Any person who shall violate any of the provisions of this Ordinance, or who shall neglect to comply with any of the provisions of this Ordinance, shall for each offense, upon conviction, be punished by a fine of not less than fifty (\$50.00) nor more than Five Hundred Dollars (\$500.00), and may also be imprisoned in the City or County Jail for a period of no more than six (6) months, either or both.

**SECTION XXII: SEVERABILITY**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION XXIII: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS THE 17<sup>TH</sup> DAY OF APRIL, 2017.**

  
\_\_\_\_\_  
**DANE HAYGOOD, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**REBECCA A. HAYES, CITY CLERK**

# GULF COAST MEDIA

A DIVISION OF OPC NEWS, LLC  
PO BOX 1677 • SUMTER, SC 29150

FOLEY 251.943.2151  
The Courier – The Islander  
The Onlooker  
The Baldwin Times

RECEIVED

LEGAL REP -  
251-345-6805

MAY 01 2017

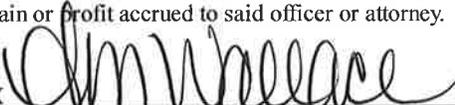
## PROOF OF PUBLICATION STATE OF ALABAMA • BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared April M. Wallace who, by me duly sworn, deposes and says that: she is the Legal Representative of the following newspaper listed below, a newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Baldwin County, Alabama, and that there was published in The Courier, The Islander, The Onlooker, & or The Baldwin Times in the issue/s of:

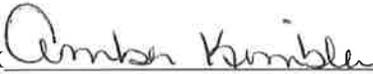
04/26/2017

a legal notice, a copy of which is hereto attached. The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared.

There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

X 

April M. Wallace, Legal Ad Representative

X 

Amber Kimbler, Notary Public  
Baldwin County, Alabama

My commission expires April 10, 2018



AMBER KIMBLER  
My Commission Expires  
APRIL 10, 2018

Sworn and subscribed to on 04/26/2017.

CITY OF DAPHNE, LEGAL ACCOUNT

Acct#: 983508

Ad#: 268190

Regulate Taxicabs and Other Vehicles for Hire

Amount of Ad: \$14.82

Legal File# Regulate Taxica

### Public Notice

Notice is hereby given that the City Council of the City of Daphne, AL adopted Ordinance 2017-26 at the April 17, 2017 council meeting / Regulate Taxicabs and Other Vehicles for Hire. The ordinance has been posted at Daphne Utilities, Daphne Library and Daphne Recreation Department for viewing.

Rebecca A. Hayes, City Clerk  
April 26, 2017