

CHAPTER 36
TAXI CABS AND CHARTERED TRANSPORTATION OF DROP-OFFS (amended 01/24)

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36.01 LICENSE REQUIRED

It shall be unlawful to engage in the business of operating a taxicab in the City without first having secured a license therefor. Applications for such licenses shall be made in writing to the City, and shall include the name of the applicant, the intended place of business and the number of taxicabs to be operated. If the applicant is a corporation, the names and addresses of its president and secretary shall be given.

36.02 CHARACTER OF APPLICANT

No taxicab license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall such license be issued to or held by any corporation of any officer thereof would be ineligible for a license under the foregoing conditions.

36.03 NUMBER OF LICENSEES

There shall be no more than two taxicab licenses in the City. No person or corporation shall be issued more than one license, nor shall a license be issued unless the licensee has taxicabs in service.

36.04 LICENSE FEES; TAXICAB STANDARDS

A. The annual fee payable in advance for a taxicab license shall be \$10 for the first taxicab and \$5 for each additional taxicab operated up to a maximum fee of \$75. All fees shall be paid to the City at the time application is made. In the event the license is denied, the fee shall be returned to the applicant. If the license is issued, the fee shall be deposited in the City's general corporate fund or such other fund designated by the City Council. Whenever the number of taxicabs operated is increased during the license year, the licensee shall notify the City of the change and shall pay the additional fee to the City. Such fee shall be in lieu of any other vehicle fee required by ordinance, and the City shall issue suitable tags or stickers for the number of taxicabs covered by each license. Such tag or sticker shall be displayed in a prominent place on each taxicab while it is in use. If a taxicab is withdrawn from service and another taxicab replaces the one withdrawn, the licensee shall notify the City, who shall issue a tag or sticker for such replacement taxicab upon the payment of a \$1 transfer fee. The licensee shall notify the City of the motor number and the license number of each taxicab operated and of the corresponding City tag or sticker number.

B. The annual license fee shall include the right to use one or more of the designated parking places for taxicabs in each of the various locations throughout the City, known as cab stands. Cab stands shall be assigned by the Chief of Police and no other licensee shall use that parking place or places. Each cab stand shall be appropriately marked by signs erected under the supervision of the Chief of Police. It shall be unlawful to park any vehicle other than a taxicab in any cab stand.

36.05 VEHICLES

A. No taxicab shall be operated unless it bears a state license, and no taxicab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition. All taxicabs shall be subject to a semi-annual safety test at an official State Police testing station. A certificate of safety, with a number on the face indicating the date of the next inspection period the vehicle is subject to inspection, shall be displayed in a prominent place on each taxicab. If the test shows the taxicab is not in a safe mechanical condition, it shall not be operated on the streets of the City until it has been issued a certificate of safety issued. It shall be the duty of the Chief of Police to inspect every taxicab as necessary to insure compliance with this Section 36.05.

B. Each taxicab, while operated, shall have on each side, in letters readable from a distance of 20 feet, the name of the licensee operating it. If more than one taxicab is operated by a licensee, each taxicab shall be designated by a different number, and such number also shall so appear on each side of such taxicab.

36.06 INSURANCE

No taxicab shall be operated unless it is covered by a bond or public liability policy as required by statute.

36.07 TAXICAB DRIVERS

A. No person shall drive a taxicab unless licensed by the State of Illinois. Proof of such license shall be submitted to the Chief of Police, who will issue a certificate that the applicant has complied with the provisions of this Chapter 35.

B. It shall be unlawful for any taxicab driver, while on duty, to drink any intoxicating liquor, or to use any profane or obscene language, or to shout or call to prospective passengers, or to disturb the peace in any way.

C. The taxicab licensee shall submit a list of drivers to the City semi-annually.

36.08 TRAFFIC RULES

It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance.

36.09 UNLAWFUL USE

It shall be unlawful to knowingly permit any taxicab to be used in the preparation of a crime or misdemeanor.

36.10 PASSENGERS

A. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use the taxicab, provided such person is not intoxicated and conducts himself in an orderly manner.

B. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

C. The driver of a taxicab shall not carry a passenger in the front seat of the taxicab.

D. The driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the taxicab.

36A.01 DEFINITIONS (amended 01/24)

The following words, as used in this sub-section 36A, shall be defined as follows:

OMNIBUS DRIVER: Omnibus driver means any person employed to drive a passenger carrying vehicle other than a taxi car and all others pursuing like occupations who drive, rent or

own vehicles with a lawful capacity of greater than 10 passengers.

PASSENGER: Any person receiving the services of transportation for hire by an Omnibus Driver.

MARENGO DESTINATION: Any Omnibus Driver which, for any reason other than a bona fide vehicular emergency, stops within the City of Marengo to discharge 6 or more passengers, the majority of whom are not permanent residents within the City of Marengo or within ten miles of the boundaries of the City of Marengo.

LICENSE FEE: Any Omnibus Driver which intends to make a Marengo Destination must previously have applied for and received a license to do so from the City of Marengo. The license fee shall be One Hundred Dollars (\$100.00) per calendar year.

36A.02 NOTIFICATION OF MARENGO DESTINATION (amended 01/24)

Any Omnibus Driver which intends to make a Marengo Destination must provide at least 48 hours' prior written notice of the intention for the Marengo Destination to the Marengo City Clerk. The Notification shall be in writing and shall be sent by certified mail or personally delivered to the Marengo City Clerk at the City Hall, 132 E. Prairie Street, Marengo, IL 60152. Because of the important need for the City to be aware of such a Marengo Destination and because of the current slowness of regular mail and the uncertainty of email transmission, certified mail or personal written notice delivered in person to the Office of the City Clerk, shall be the only lawful notices allowed to avoid a violation of the notice provision of this Ordinance.

36A.03 CONTENTS OF NOTICE (amended 01/24)

The Notice required to be provided in Section 36A.02 above shall include the name of the Omnibus Driver, the day and time, within a two-hour window when the Marengo Destination is planned. Marengo Destinations shall only be allowed from Monday through Friday between the hours of 10:00 a.m. and 1:00 p.m. during regular business days when the City Hall is open for business. These hours have been chosen to allow the City of Marengo to take certain steps relating to the actions the City would view appropriate in relationship to the delivery of the Passengers who, the City believes, would most likely be non-United States citizens with no lawful process relating to their specific entry into the United States. The Notice shall also describe the number of Passengers likely to be exiting in Marengo and based upon any prior or current facts known to the Omnibus Driver, whether such passengers are indeed likely to be a majority of non-United States citizens who entered or remain in the United States with no lawful process. The Notice shall also provide that the Omnibus Driver is aware that the location for Marengo Destination shall be the Marengo City Hall, which is located at 132 E. Prairie Street, Marengo, IL 60152.

36A.04 RESPONSIBILITY FOR PASSENGERS (amended 01/24)

The Omnibus Driver shall be responsible for coordinating the transportation of the Passengers from the stop location in the City to their final destination(s), and the Omnibus Driver shall remain with the Passengers until all Passengers have departed the Marengo Destination for their final destination(s), or until the City's designated representative approves departure of the Omnibus Driver.

36A.05 EXEMPTIONS (amended 01/24)

This Chapter applies to all Omnibus Drivers disembarking passengers within the City other than on a predictable and recurring basis, that do not follow a schedule that is published in advance and available to the public, or do not provide service open to the public in exchange for paying a fare. Nothing in this chapter shall apply to any transportation for hire services which (a) is operated by the Federal government or any department or agency thereof, (b) is for the transportation of students for school purposes, (c) is operated primarily on an on-demand door-to-door basis for the use of disabled passengers, or (d) under the Constitution of the United States or State of Illinois may not be made the subject of this regulation by the City.

36A.06 PENALTIES (amended 01/24)

Any Omnibus Driver found to have violated any provision of this chapter shall be liable for a fine of not less than Seven Hundred Fifty Dollars (\$750.00) for each Passenger dropped off in the City of Marengo. In addition, any person or entity found to be in violation shall be responsible for the City's cost of prosecution, including reasonable attorney's fees. The City may also seek to enforce this chapter through an application in Circuit Court for an injunction or other relief. If this chapter could be administered through Administrative Adjudication or through a filing in the Circuit Court, the City shall determine which method it shall utilize.