



April 11, 2013

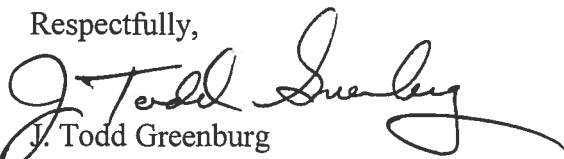
Hon. Rebecca S. Foley
McLean County Law & Justice Center
104 W. Front Street
Bloomington, IL 61701

Re: Courtesy Copy of Defendant City of Bloomington's Motion for Summary
Judgment Crowe v. City of Bloomington (12 MR 45)

Dear Judge Foley:

Please find enclosed a courtesy copy of the above described motion.

Respectfully,



J. Todd Greenburg
Corporation Counsel

cc: Diane Cohen, Attorney

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public health, safety or welfare so requires. *People ex rel. Sherman v. Cryns* (2003) 203 Ill.2d 264 at 296, 786 N.E.2d 139 at 160 (upholding Illinois regulation of midwives).

The City regulates taxicabs, vehicles for hire, and limousines in Chapter 40 of the Bloomington City Code, 1960, which is attached, labeled “City Exhibit Two” and incorporated by reference.¹ The City requires operators of taxicab businesses and Vehicle for Hire businesses to first obtain a “Certificate of Convenience and Necessity” from the City before it can legally operate such businesses. Certain distinctions exist in the regulations for taxicabs and Vehicles for Hire. Taxi companies must operate 24 hours a day, seven days a week. Taxi fares are regulated by ordinance. By contrast, Vehicles for Hire may only legally operate on Thursday, Friday or Saturday nights and on certain designated dates close to holidays, or on other dates as specifically permitted in advance by the City Manager. Fares are not regulated.

The legal operation of Vehicles for Hire is a relatively new regulation (previously they were illegal), and were permitted by the City as a means of permitting the evacuation of the downtown bar areas at times when the large number of bar patrons exiting the bars overwhelmed the ability of taxicabs to transport all of the bar patrons. It was the purpose of the ordinance to permit Vehicles for Hire in order to deter persons operating motor vehicles after having consumed alcoholic beverages.

Initially, the number of Vehicles for Hire businesses and the number of actual vehicles were unregulated. However, the proliferation of vehicles for hire in the downtown area caused both the City staff (including police) and owners of existing vehicle for hire companies to request a means of limiting the numbers of vehicles for hire. Existing Vehicles for Hire, and businesses operating Vehicles for Hire, were “grandfathered”.

¹ The court is permitted to take judicial notice of ordinances pursuant to Section 8-1001 of the Illinois Code of Civil Procedure (735 ILCS 5/8-1001).

“Grandfathering” is not a new concept, nor it is unusual in the area of taxicabs. In *Capitol Taxicab Co. v. Cermak* (Northern District of Illinois, 1932) 60 F.2d 608, the court rejected a challenge that an ordinance of the City of Chicago violated the federal constitution by requiring new applicants for proprietors of taxicab businesses to first obtain a certificate of public convenience and necessity from a City commission, even though proprietors who operated such businesses prior to a certain date were exempted from that requirement.

Nor is the concept of protecting the “public convenience and necessity” by granting a “limited monopoly” new. It is a vital component of the Illinois law governing public utilities. In *Gulf Transport Co. v. Illinois Commerce Commission* (1948) 402 Ill. 11, 83 N.E.2d 336, the Illinois Supreme Court affirmed a trial court decision which *reversed* the issuance of a certificate of public convenience and necessity by the Commerce Commission (significantly, permitting an additional intercity bus route) *because the record was insufficient to show that the public was underserved*. In other words, the Court very clearly determined that the *status quo* under the law was that additional competition was prohibited unless the record of proceedings clearly showed the need for more competition:

[In a prior case] we said that the protection of one utility under the limited monopoly theory was not designed for the benefit of the carrier alone, but for the benefit and convenience of the public in general as well, and that the convenience and need of the public was of primary importance and was so contemplated by the legislature in the enactment of the Public Utilities Act...

[In another case] we again stated the rule regarding the theory of limited monopoly, saying that the basis for such policy is to provide the public with efficient service at a reasonable rate by compelling the established public utility, occupying a given field, to provide adequate service and at the same time to protect it from ruinous competition. If the company occupying the territory is incapable of providing adequate service, then and not until then, will a situation arise when the public convenience and necessity may require the establishment of another utility. 402 Ill. at 16, 19; 83 N.E.2d at 340, 341.

In the context of a municipal utility, the appellate court has defined a certificate of convenience and necessity in similar terms:

One of the chief purposes of requiring a CCN [Certificate of Convenience and Necessity] is to prevent the unnecessary duplication of facilities and to protect the public from inadequate service and higher rates resulting from such duplication, while simultaneously protecting a utility against indiscriminate or ruinous competition [citation omitted]. A CNN has been deemed a license, or mere permission to do certain acts within a specified period. *Amalgamated Trust and Savings Bank v. Village of Glenview* (1st Dist, 1981), 98 Ill.App.3d 254 at 260, 423 N.E.2d 1230 at 1234.

Moving from the general area of limited monopoly in the operation of public utilities to the specific area of municipal regulation of taxicabs, the authority of municipalities to regulate, *and restrict*, the number of taxicabs and taxicab companies is firmly established. In 1963 the Illinois Supreme Court affirmed the conviction of defendants who transported passengers for hire without first obtaining a license from the City of Chicago (*City of Chicago v. Vokes* (1963) 28 Ill. 475, 193 N.E.2d 40). The Court rejected the defendants' contention that a City requirement that corporations transporting passengers for hire have their principal place of business in Chicago was a violation of the guaranty of due process or invidious discrimination in violation of equal protection². Because of its applicability to many of the Plaintiff's arguments, it is quoted here at some length:

In determining the validity of the ordinance we may start with the established propositions that a taxi is a common carrier for hire which derives its income from the use of public streets, and that the power of municipalities to police such a business is derived from its power to regulate or prohibit the use of its streets for private gain, (See: *Weksler v. Collins*, 317 Ill. 132, 147 797; *People ex rel. Johns v. Thompson*, 341 Ill. 166, 173 N.E. 137; *Jackie Cab Co. v. Chicago Park District*, 366 Ill. 474, 9 N.E.2d 213, 112 A.L.R. 1410) and by specific statutory authority to regulate taxicabs [citing to the predecessor of Section 11-42-

² Mr. Vokes invoked the equal protection clause of the 14th Amendment to the U.S. Constitution in order to make his equal protection argument. Article II, Section 2 of the 1870 Illinois Constitution required due process, but did not include a clause on equal protection: "No person shall be deprived of life, liberty or property, without due process of law." Therefore, pre-1970 decisions of Illinois courts interpreting the due process clause construe language identical to the current Illinois Constitution and apply equal protection by construing the U.S. Constitution.

6 of the Illinois Municipal Code]³. The power to exclude includes, for the most part, the power to permit upon conditions and, as pointed out in *Weksler v. Collins*, 317 Ill. 132, 139, 147 N.E. 797, an occupation or business which may be carried on by permission will justify a degree of regulation not permissible in the case of an activity pursued as a matter of right.

The constitutional yardsticks to be applied to the present ordinance are also established beyond question. Neither the fourteenth amendment nor any provision of the Illinois constitution prevents the enactment of laws for the protection of the public health, safety, welfare or morals, and neither do they prohibit legislative classifications reasonably calculated to promote or serve such public interests. (*City of Decatur v. Chasteen* 19 Ill.2d 204, 166 N.E.2d 29; *Zelney v. Murphy*, 387 Ill.492, 56 N.E.2d 754; *Morey v. Doud*, 354 U.S. 457, 77 S.Ct. 1344, 1 l.Ed2d 1485). Rather, they invalidate only enactments that are arbitrary, unreasonable and unrelated to the public purpose sought to be attained, or those which, although reasonably designed to promote the public interest, effect classifications which have no reasonable basis and are therefor arbitrary. (*Stewart v. Brady*, 300 Ill. 425, 133 N.E.2d 310; *Keig Stevens Baking Co. v. City of Savanna*, 380 Ill. 303, 44 N.E.2d 23; *Charles v. City of Chicago*, 413 Ill. 428, 109 N.E.2d 790). The reasonableness of a police regulation is not necessarily what is best but what is fairly appropriate under all circumstances, (*People ex rel. Johns v. Thompson*, 341 Ill. 166, 173 N.E. 137; *Sligh v. Kirkwood*, 237 U.S. 52, 35 S.Ct. 501, 59 L.Ed.2d 1485,) and in like manner, a classification which has some reasonable basis is not unconstitutional because it is not made with mathematical nicety or because in practice it results in some inequality. (*Morey v. Doud*, 354 U.S. 457, 77 S.Ct 1344, 1 L.ED.2d 1485.) Measuring by these tests, it is our opinion that the ordinance requirement for corporate licenses to have their principal place of business in the City is not so oppressive or unreasonable as to violate the guaranty of due process of law, or so invidious a discrimination against corporations outside the city as to violate the guaranty of equal protection.

By its very nature the taxicab industry directly and substantially provokes considerations of public safety and welfare. Its vehicles are constantly on the city streets, day and night, and the members of the public who utilize them must place almost a blind trust in the fitness of their equipment and the competence of their drivers. Thus, not only does the operation of the business call for measures to protect others using the streets and highways, but also for regulations which insure the highest degree of safety for its passengers. To attain these ends the ordinance here has conditioned the granting of an annual license upon such factors as the competence and character of the owners and drivers, the use of equipment which will provide safe, convenient and comfortable transportation, and the financial ability of the owners to maintain their equipment and to respond in damages for tortious acts. There can be little doubt that these requirements, as well as the investigative and inspection provisions of the ordinance designed to see that they are met, are proper police measures reasonably related to the public

³ "The corporate authorities of each municipality may license, tax, and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and may prescribe their compensation." 65 ILCS 5/11-42-6 (Illinois Compiled Statutes 2010).

purposes sought to be attained. In our opinion the requirement that corporate licensees have their principal place of business in the city is so intertwined with the foregoing provisions as to be itself a reasonable and nondiscriminatory exercise of the police power. 28 Ill.2d at 478-480, 193 N.E.2d at 43-44.

Similarly, in 1947 the Illinois Supreme Court upheld the ability of the City of Chicago to *reduce* the number of *licensed* taxicabs which had previously been authorized by City ordinance. The owners of those taxicabs claimed they had a protected contractual property right in the ability to continue to use those taxicabs. The opinion contains a review of the City's regulations of taxicabs in Chicago since 1934, with the observation that the City had reduced the number of taxicabs in the past because of "unprofitable operations from the standpoint of the drivers and the licensees". *Yellow Cab v. City of Chicago* (1947) 396 Ill. 388 at 391, 71 N.E.2d 652 at 654.

II. The City did not Violate any Procedural Rights of the Plaintiff and Therefore Judgment should be Rendered in its Favor on Count I

Plaintiff alleges in Count I that the City violated her right to procedural due process in violation of Article I, Section 2 of the 1970 Illinois Constitution: "No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws".

As shown in the preceding section of this brief, the ability to use the public streets for private gain and the ability to transport members of the public is not an area where an individual has a reasonable expectation that he or she will be permitted to engage in such an operation without a strong showing that the public necessity and convenience requires it. As shown in the previous section, the protection of the public, not the desire of an individual to pursue a particular occupation, is the paramount and overriding policy concern in the area of taxicabs and vehicles for hire. She does not currently operate a vehicle for hire business. She did not have a

reasonable expectation that she would be entitled to use the public streets to transport indiscriminate members of the public for private gain.

“There is no constitutional guarantee that an individual may carry on his business in a certain way when the public welfare requires regulation, even though such legislation may make compliance difficult in the estimation of the person whose business is thereby controlled.” *City of Decatur v. Chastain* (1960), 19 Ill.2d 204, 166 N.E.2d 29 (upholding Decatur’s taxicab licensing ordinance against claims that it violated due process and equal protection).

Pursuant to its police power, a municipality has power to restrict or prohibit exercise of legitimate trade where it is necessary for protection of public health, morals, safety or welfare. *Opyt’s Amoco, Inc. v. Village of South Holland* (1992) 149 Ill.2d 265, 595 N.E.2d 1060.

An analogy may be made to the sale of alcoholic liquor. The courts characterize the pursuit of this business as a privilege, not a right, and a denial of a new license is not subject to due process. *Las Fuentes, Inc. v. City of Chicago* (1st Dist. 1991) 209 Ill. App.3d 766, 567 N.E.2d 1093.

The burden is on the Plaintiff, as a party attacking the constitutionality of a legislative classification, to negate every conceivable basis which might support it. *Pick v. Pucinski* (1st Dist. 1993) 247 Ill.App.3d 1068, 618 N.E.2d 657. A party attacking the validity of a municipal ordinance has the burden of proving that it is clearly arbitrary and has no foundation in the police power for its existence. *Lou Owens, Inc. v. Village of Schaumburg*, (1st Dist. 1996), 279 Ill.App.3d 976, 665 N.E.2d 456.

The concept of due process is flexible, requiring only such procedural protections as fundamental principles of justice and the particular situation demand. Due process required for an administrative hearing does not require a proceeding in the nature of a judicial proceeding.

Webb v. Lustig (4th Dist. 1998), 298 Ill.App.3d 695 at 702, 700 N.E.2d 220 at 225 For example, in the *Webb* case, the appellate court ruled that an administrative investigation of a charge of employment discrimination by the Illinois Department of Human Rights did not require the right to discovery, confrontation, cross-examination, and other elements of due process involved in judicial and quasi-judicial proceedings. The appellate court found that the party was protected in the investigatory stage by the requirement that the investigators file a report with the Department Director, the right to request a review of a dismissal by the Chief Counsel, and ultimately the right to judicial review. 298 Ill.App.3d at 703, 700 N.E.2d at 225.

Plaintiff complains that she was not afforded an opportunity to cross-examine witnesses at the hearing on her application for a Vehicle for Hire license. However, nowhere does the record show that she made a request to cross-examine which was denied by the hearing officer. She has not preserved her right to contest that issue. The rule that a failure to raise an issue before an administrative body waives an issue for review in the appellate court applies equally to issues involving constitutional due process rights. *S.W. v. Department of Children and Family Services* (1st Dist. 1995), 276 Ill.App.3d 672, 658 N.E.2d 1301.

Plaintiff complains that she was not afforded the opportunity to consider and evaluate the putative evidence and testimony offered in opposition to her application. However, Plaintiff does not show why this type of discovery is constitutionally required in this type of proceeding. For example, even in the Illinois courts, discovery is limited in certain types of proceedings, such as small claims and ordinance violation cases, unless leave of court is granted (Supreme Court Rules 287, 576(d)).

Plaintiff complains that she was not afforded the opportunity to rebut evidence and testimony offered at the hearing on her application. However, the record does not show that she

made a request to present rebuttal evidence which was denied by the hearing officer. Once again, she has not preserved that issue for review.

Plaintiff has not shown that the hearing officer considered ex parte or non-record evidence. Even if she had presented such evidence, that fact by itself would not show a denial of due process. In the absence of personal bias demonstrated in the record, the mere combination of investigatory and adjudicatory junctions will not render a tribunal biased in violation of due process. A person challenging the impartiality of a tribunal on due process grounds must overcome the presumption that those serving on a tribunal are fair and honest. *Klomann v. Illinois Municipal Retirement Fund* (1st Dist. 1996, 284 Ill.App.3d 224 at 229, 674 N.E.2d 38 at 42)(citations omitted).

Plaintiff complains that she was not provided with notice of the specific procedures which would be followed at her hearing. However, she has not shown that such notice is constitutionally required in these types of proceedings. The provisions of the City Code, of course, were a matter of public record.

Plaintiff complains that she did not receive notice from the hearing officer prior to the hearing officer's decision that her alleged lack of cash flow formed a basis for the City's decision to deny her application. It is not constitutionally required for a hearing officer to conduct an ex parte hearing with an applicant for a government license prior to issuing a decision on an application for such license. In light of her allegations that the hearing officer considered ex parte communications and evidence outside the record, it is also an anomaly for her to object to ex parte procedures with persons whose interests are adverse to her (although she did not prove those allegations), but to argue that the hearing officer is constitutionally required to conduct ex parte proceedings with her.

Finally, Plaintiff complains that the City Council, sitting on appeal, failed to consider the entire record of the proceedings before rendering a decision on her appeal. However, the City Council waived its rules and permitted Plaintiff to make new arguments before the City Council at the time of her appeal.

**III. Plaintiff fails to show, as a matter of law, that
the City's ordinance violates Substantive Due Process and
Therefore Judgment Should be Rendered in the City's Favor on Count II.**

Plaintiff alleges in Count II that the City's law, policies, and procedures regarding the awarding of vehicle of hire certificates violate the guarantee of substantive due process of law provided in Article I, Section 2 of the Illinois Constitution.

The standard for determining whether a statute meets substantive due process requirements is to examine whether the statute is reasonably designed to remedy the evils which the legislature has determined to be a threat to the public health, safety and general welfare. Under this standard, a statute will be upheld if it is rationally related to a legitimate state purpose. *People v. Fischer* (1998), 184 Ill.2d 441 at 461, 705 N.E.2d 67 at 77 (citations omitted).

Section I of this motion sets forth the clearly legitimate state purposes for the City's regulation of vehicles for hire: the protection of the public safety and welfare by requiring those who seek to use the public streets for private gain and who seek to transport members of the public do so only after proving that they have the means to safely transport the public and so that businesses with existing certificates are not exposed to indiscriminate or ruinous competition. Significantly, the *Fischer* case, which upheld the mandatory drivers' license suspension of persons arrested for DUI who refuse to submit to chemical testing, held that the mandatory suspension was rationally related to the legitimate state goal of promoting highway safety.

Count II alleges that the power granted to the City Manager to permit or deny a vehicle for hire certificate is vague, arbitrary and gives the City Manager unfettered discretion. This is ridiculous. The ordinance must be construed as a whole. Section 1002B of Chapter 29 requires an applicant for a vehicle for hire certificate to submit the following information to the City:

Chapter 40: Section 1002B : Application for Certificate.

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

- (a) The name and business and residence addresses of the applicant;**
- (b) The financial status of the applicant, including the amount of all unpaid judgments against the applicant and the nature of the transactions or acts giving rise to said judgments;**
- (c) The experience of the applicant in the transportation of passengers;**
- (d) Any facts which the applicant believes tend to prove that public convenience would be benefited by the granting of a certificate;**
- (e) The number of vehicles to be operated or controlled by the applicant;**
- (f) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;**
- (g) If the applicant is a corporation, the names and address of the president, secretary, and any other officers of the corporation;**
- (h) If the applicants are members of a partnership, the names and addresses of each of the partners and each partner shall sign the application;**
- (i) Such further information as the City Manager of the City of Bloomington may require.**

Subsequent sections of the ordinance require an investigation by the Chief of Police regarding the criminal background of the applicant and a notice of a public hearing to be conducted on the application. The information requested of the applicant, the background

investigation by the Chief of Police, and the testimony and documents to be submitted at the public hearing on the application are obviously for the purpose of collecting information to be used by the City Manager in his or her decision on whether “further vehicle for hire service is desirable and in the public interest”. If the City Manager denies the application, the applicant may appeal to the City Council, and then has the ability to request review by a court.

The allegation that the City Manager denied the application for a certificate “on the mere say-so of her would be competitors” is simply untrue, as will be shown in the next section of this motion.

The ordinance complies with the requirements of substantive due process of law and judgment should be rendered in favor of the City on Count II of the Complaint.

**IV. The Decision of the Hearing Officer Was
Not against the Manifest Weight of the Evidence
And Therefore Judgment Should be Rendered in the City’s Favor on Count IV.**

Plaintiff correctly points out that the review of the hearing itself is before the court on a petition for certiorari. The Administrative Review Law (735 ILCS 5/3-101 *et seq.*) does not apply to administrative bodies created by local ordinance. *Del Rivero v. Cahill* (1st Dist. 1979) 71 Ill.App.3d 618, 390 N.E.2d 355). However, as a practical matter the technical distinction between a common law and statutory action for judicial review of an agency decision does not significantly alter the reviewing process. 71 Ill.App.3d at 621, 390 N.E.2d at 358.

As pointed out in *Finnerty v. Personnel Board of the City of Chicago* (1st Dist. 1999), 303 Ill.App.3d 1, 707 N.E. 2d 600:

The supreme court has described the scope of review in a certiorari proceeding as that in which “the trial judge determines from the record alone whether there is any evidence fairly tending to support the order reviewed and cannot set aside the order unless it is palpably or manifestly against the weight of the evidence [citations omitted]. 303 Ill.App.3d at 8, 707 N.E.2d at 606.

The *Finnerty* court rejected the argument of the plaintiff in that case that the decision of the administrative agency must be reversed unless it is supported by “substantial evidence”, finding that earlier case law applying that standard was expressly rejected by the Illinois Supreme Court in 1974 in *Basketfield v. Police Board*, 56 Ill.2d 351, 358, 307 N.E.2d 371 and reaffirmed the same year in *Kerr v. Police Board*, 59 Ill.2d 140, 141-42, 319 N.E.2d 478, 479. *Finnerty*, 303 Ill.App.3d at 9, 707 N.E.2d at 606-607.

The *Finnerty* court explained the difference between the two standards by noting that the U.S. Supreme Court has defined substantial evidence as that which consists of “more than a mere scintilla” and also as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” By contrast, the Illinois Supreme Court has stated that a decision is against the manifest weight of the evidence *only when an opposite conclusion is clearly evident* (citations omitted). 303 Ill.App.3d at 11, 707 N.E.2d at 608 (emphasis added).

Moving from the law to the administrative record, it is clear that the decision of the Deputy City Manager in denying Plaintiff’s application for a Certificate of Convenience and Necessity is *not* against the manifest weight of the evidence. The record of review has previously been submitted to this court as City Exhibit One (the Public Hearing on June 24, 2011).⁴

In addition to the materials previously submitted by the City to the Court, a “Personal Financial Statement” was submitted by Ms. Crowe to the City, and was considered by the Deputy City Manager (attached hereto, labeled “City Exhibit Three”, and incorporated by reference). It was not included among the items published in the subsequent City Council packet because of privacy concerns. In the financial statement prepared by Ms. Crowe and submitted to the City, she listed total assets of \$136,000, and liabilities of \$57,757 (a real estate mortgage).

⁴ A copy of the hearing record is attached for the convenience of the Court and labeled “City Exhibit 4”.

She listed a total annual income of \$2,300, and monthly expenses of a real estate mortgage payment of \$682.12 (she did not list any other expenses such as food or utility payments).

Ms. Crowe had applied for a certificate to operate a 15 passenger GMC to be purchased after the certificate was issued. She listed experience in transportation of passengers as a shuttle driver, OTR driver, schoolbus, taxi and military police.

Ms. Crowe subsequently submitted a statement dated "5/31/11" requesting two additional certificates for 15 passenger shuttle vans "so I will be able to accommodate up to 45 person groups." She also stated that "[t]he shuttle services should have a more diverse representation i.e., minorities." She also stated that she had the support of bar owners. She stated that more competition in the shuttle services was in the public's best interest, that as a result of her experience she had figured out ways to structure a shuttle service and that she had two excellent professional drivers eager to provide the highest quality service. She stated that a Bloomington alderman, Karen Schmidt, had stated how a minority owned and operated shuttle service would be a positive addition and stated that Alderman Schmidt had told Ms. Crowe that she [Alderman Schmidt] would e-mail her support to [Deputy City Manager] Barbara Adkins. She concluded by stating "[a]s a Marine you don't settle for less than your best and I expect the same from anyone who represents Main Street Shuttle. My service will not disappoint the city or public".

She submitted a separate statement expressing her belief that there is a need for lower capacity vehicles so that passengers do not have to wait for larger buses to fill up before transporting passengers, and stating that there was a need for a female driven shuttle service because female passengers feel vulnerable as an inebriated passenger of a male driven shuttle. She continued in the statement to state advantages of 15 passenger vans- less ability of passengers to fight, less parking for extended periods, more ability of the driver to monitor the

passengers. She stated that she enjoyed her work and that her aim was to provide safe, reliable, friendly transportation. She stated that her experience as a Marine and as the widow of a retired Naval Petty Officer as well as her experience, people skills, and unbiased attitude toward others made her well suited to provide high quality service to the public.

At the June 24, 2011 hearing, Deputy City Manager Barbara Adkins first requested those in support of the petition to give testimony. Ms. Crowe spoke, repeating the points set forth in her written statements. When Ms. Adkins questioned the need for more shuttles, Ms. Crowe responded that the Downtown area needed to be cleared quickly of intoxicated students. More vehicles meant the area was cleared, reducing factors involving alcohol. She believed buses were good at the beginning of the evening as most people arrived in large groups, but at closing time people left in smaller groups. She believed that made the vans an asset.

Ms. Adkins noted that there were 910 seats for the registered vehicle for hire certificates, and expressed her belief that the downtown was clear by 2:40-2:45 a.m. To Adkins' question of why the City needed another 15 passenger van, Ms. Crowe responded that she was a woman driven shuttle, and that it made a difference from a comfort stand point to other women.

Roselee Dodson, the Assistant Corporation Counsel, asked if Ms. Crowe was a current shuttle driver. She stated affirmatively, but stated that when she filed her application for a certificate of convenience she was let go.

To a question about the number of vehicles she was requesting, Ms. Crowe clarified that she was requesting three vehicles, and had already purchased one. She confirmed that she knew no one had guaranteed approval and that she understood the risk.

Ms. Adkins read into the record a letter from Tami Quinn in opposition to the granting of the application. She then stated that she would take testimony from those in opposition to the application.

Aaron Halliday, the owner of Checker Cab of BLM, Inc., stated that he had never met Ms. Crowe and expressed surprise at the number of seats currently available. He stated that another van was not needed. He stated that he currently had 4 female taxi drivers and requests for female drivers were rare, although one of his drivers, Juanita Gillespie, was specifically requested. He stated that he believed 80% of the requestors were male.

Robert Rotramel, the owner of Bob's Blue Nite also spoke in opposition. He stated that he currently had 16 vehicles registered, and that it was impossible to run all of them even when school was in session. He stated that parking was very limited. He stated that he also had a female driver, and that there were plenty of companies and vehicles.

Ms. Adkins then stated that she would render a decision in writing by September 6, 2011.

On August 25, 2011, Deputy City Manager Adkins sent a letter to Julie Crowe stating that "[t]he City of Bloomington had determined that there is not a need to have an additional Vehicle for Hire Shuttle, there[fore] your request has been denied." (A copy of the letter is attached hereto, labeled "City Exhibit 5" and incorporated by reference.)

Ms. Crowe appealed the decision to the Bloomington City Council, which considered the appeal and upheld the Deputy City Manager's decision at a meeting on September 26, 2011. The Council Proceedings are included in the record previously filed in this case, (City Exhibit One) beginning on printed page 605 and concluding on page 611.⁵ At the meeting, Ms. Adkins stated that it was not in the interest of the City to introduce additional shuttle vehicles and that the

⁵ A copy of the excerpt from the City Council Proceedings is attached for the Court's convenience and labeled "City Exhibit 6."

applicant “did not demonstrate the financial wherewithal” (page 606). The Plaintiff was also permitted to address the Council. She stated her belief that she met the qualifications, safety, insurance and registration requirements. She had the support of various bars and demonstrated a need. She stated that the van could accommodate small groups and could be parked on street or in a parking lot space. She stated that she had been treated unfairly and asked to be afforded equal opportunity. She stated that she had purchased a vehicle which had proper plates and insurance, and had passed the state safety inspection. She added that two Vehicle for Hire companies had gone out of business. The opposition had argued there was no need for additional vehicles but was applying for additional vehicles themselves. She cited the support of Alderman Schmidt and repeated the opinion that there was a need for female driver.

After discussion, the City Council voted 8 to 1 to deny the appeal.

In reviewing the entire record, it is clear that the decision of the Deputy City Manager is not against the manifest weight of the evidence. Contrary to the allegations of the Complaint, she did not deny the application on the mere say-so of the Plaintiff’s would-be competitors. The Plaintiff was given the opportunity, pursuant to Section 1002B(b) of the ordinance, to submit any information regarding the financial status of the applicant. She submitted a statement showing that she had equity of \$78,243 in her house, annual income of \$2,300.00, and monthly expenses of a mortgage of \$682.12, without listing any other living expenses. Vehicle for Hire companies must maintain liability insurance for all vehicles in operation (Section 1005A) and must pass safety inspections twice a year (Section 1010). In addition, according to Plaintiff, she intended to hire drivers, who must obviously be paid. The Deputy City Manager was justified, on the basis of the inadequate financial status information alone, to conclude that the Plaintiff did not realistically have the ability to finance a company, let alone one which transports members of the

public. The income she listed did not explain how she could realistically pay her existing mortgage, let alone apply for a home equity loan. It is her fault, not the City's, that she did not submit a believable model for her business.

The record also contains evidence that persons owning taxicab and vehicle for hire businesses tendered their opinion that the market was saturated. While competitors obviously may have a bias against permitting additional competition, there is nothing in the record other than that bias which indicates any reason for their testimony to not be considered by the hearing officer. Most witnesses in contested matters have a personal interest in persuading a finder of fact that their testimony should be believed. That should be considered as a factor in the weight to be given to their testimony, not its admissibility. As the finder of fact, the Deputy City Manager had the opportunity to observe the demeanor of those who made statements at the public hearing. She determined that their statements were credible. Her assessment of credibility should not be disturbed on appeal.

To summarize, the record shows that the decision of the Deputy City Manager was not against the manifest weight of the evidence. Judgment on Count III should be rendered in favor of the City.

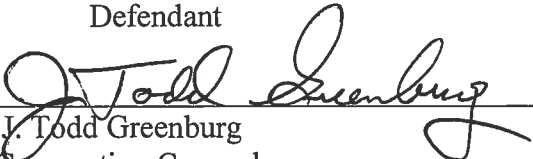
Conclusion

For all the reasons previously set forth, Summary Judgment should be rendered for the City on all counts.

Respectfully submitted,

CITY OF BLOOMINGTON,
Defendant

By:


J. Todd Greenburg
Corporation Counsel

J. Todd Greenburg
Corporation Counsel
City of Bloomington
109 East Olive Street
Bloomington, IL 61701
(309) 434-2213

CITY EXHIBIT TWO

STATE OF ILLINOIS))
COUNTY OF McLEAN)ss:
CITY OF BLOOMINGTON)

I, TRACEY COVERT, the duly appointed and qualified City Clerk of the City of Bloomington, Illinois do hereby certify that the foregoing is a perfect and complete copy of Bloomington City Code, Chapter 40. Taxicabs which was presented, passed and approved at a regular meeting of said City Council and last updated on the 13th day of November, 2012, by an affirmative vote of the majority of all members then holding office, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and the seal of the
said City this 12th day of April, 2013.



Tracey Covert

City Clerk

CHAPTER 40
TAXICABS
ARTICLE I

November 13, 2012

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ARTICLE I

SCOPE OF CHAPTER AND DEFINITIONS

SEC. 101 SCOPE OF CHAPTER.

This Chapter regulates the operation of transporting passengers for hire in vehicles which are not operating regularly upon established routes. Excluded from coverage are buses and rented vehicles not for hire actually operated by the lessee. (Ordinance No. 1978-76)

SEC. 102 DEFINITIONS.

The following words and phrases when used in this Ordinance shall have the meanings as set out herein, unless the context in which they are used clearly indicates that a different meaning is intended.

(a) "Approved" shall mean reasonably acceptable to the Chief of Police of the City of Bloomington.

(b) "Certificate" shall mean a certificate of public convenience issued by the City Manager authorizing the holder to conduct a taxicab business in the City of Bloomington or such other areas to which this Code applies pursuant to an intergovernmental cooperation agreement.

(c) "Council" shall mean the City Council of the City of Bloomington, Illinois.

(d) "Cruising" shall mean the driving of a taxicab on the streets, alleys or public places of the City of Bloomington and other such areas to which this Code applies pursuant to an intergovernmental cooperation agreement without a paying passenger and apparently in search of, or soliciting prospective passengers for hire.

(e) "Driver" shall mean the operator of the taxicab.

(f) "Driver's Permit" shall mean the written permission granted by the City Manager to a person to drive a taxicab upon the streets of the City of Bloomington and such other areas to which this Code applies pursuant to an intergovernmental cooperation agreement.

(g) "Holder" shall mean a person to whom a certificate of public convenience has been issued.

(h) "License Year" shall mean one (1) calendar year beginning January 1 and ending December 31st.

(i) "Manager" shall mean the City Manager of the City of Bloomington, Illinois.

TAXICABS

It shall not include:

- (1) Time lost due to inefficiency of the vehicle or its driver;
- (2) Time consumed by premature response to a call;
- (3) Any other time lost. (Ordinance No. 2012-69)

(r) "Horse Drawn Vehicle" shall mean any vehicle pulled by a horse or other animal which may be hired for the transportation of passengers. Such vehicles will be subject to all appropriate provisions of this Chapter of the City Code and to the provisions of the Illinois Vehicle Code. (Ordinance No. 2012-69)

ARTICLE II

CERTIFICATES OF PUBLIC CONVENIENCE

SEC. 201 CERTIFICATE REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Bloomington or such other areas to which this Chapter applies pursuant to an intergovernmental cooperation agreement without having first obtained a certificate of public convenience from the City Manager. (Ordinance No. 1989-31)

SEC. 202 APPLICATION FOR CERTIFICATE.

An application for a certificate shall be filed with the City Manager upon forms provided by the City of Bloomington; said application shall be verified under oath and shall furnish the following information:

- (a) The name and business and residence addresses of the applicant;
- (b) The financial status of the applicant, including the amount of all unpaid judgments against the applicant and the nature of the transactions or acts giving rise to said judgments;
- (c) The experience of the applicant in the transportation of passengers;
- (d) Any facts which the applicant believes tend to prove that public convenience would be benefited by the granting of a certificate;
- (e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- (f) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;

- (1) That application for a certificate of public convenience has been made;
- (2) Name of the applicant;
- (3) That a public hearing on the application will be held;
- (4) Place of the hearing;
- (5) Date and time of the hearing.

All notices shall be given or published not less than five (5) nor more than fifteen (15) days prior to the hearing. (Ordinance No. 1989-31)

(b) Evidence. Any interested person may file with the City Manager a memorandum in support of or in opposition to the issuance of a certificate and may testify at the hearing. (Ordinance No. 1989-31)

(c) Continuance. The City Manager at his discretion may continue or postpone the hearing upon his own motion or the motion of any interested person. (Ordinance No. 1989-31)

SEC. 205 INDEMNITY BOND OR LIABILITY INSURANCE REQUIRED.

No certificate of public convenience shall be issued or continued in operation and it shall be unlawful for any person to operate a taxicab unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of Fifty Thousand Dollars (\$50,000) for death or bodily injury to any one person; in the amount of One Hundred Thousand Dollars (\$100,000) for death and/or injuries to more than one (1) person which are sustained in the same accident and Fifty Thousand Dollars (\$50,000) 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 the negligence of a holder, his servants, agents, or drivers. 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 Illinois.

The City Manager may in his discretion allow the holder to file, in lieu of bond or bonds, a liability insurance policy or certificate showing the specific vehicles covered by an effective policy in said amounts issued by an insurance company authorized to do business in the State of Illinois. Said policy shall conform to the following provisions:

- (1) The policy shall provide the same coverage as required for bonds above.
- (2) Said policy of insurance shall contain a provision that the same cannot be cancelled by the company issuing the same without giving thirty (30) days notice in writing of such cancellation to the holder and to the City Manager, either personally or by registered mail. Whenever any such policy shall be so cancelled, the City Manager shall require such owner either to furnish a bond or a new policy of insurance, in accordance with the provisions of this Chapter.

Twenty-five Dollars (\$25.00) each year for each additional vehicle operated under a certificate of public convenience. Said license fees shall be paid in advance and shall expire on December 31st of the year in which it is issued. (Ordinance No. 1989-31)

(b) Additions and Deletions. Whenever the number of a holder's taxicabs is increased or decreased during the license year, the license fee shall be increased or decreased accordingly. Fees shall be prorated to the nearest quarter. (Ordinance No. 1989-31)

(c) Installments. At the option of the holder, the annual license fee above stated may be paid in two (2) installments in advance, the first half of said year being payable on or before the first day of July of each year. (Ordinance No. 1989-31)

(d) Refund. No fees paid hereunder shall be repaid in whole or in part. (Ordinance No. 1989-31)

SEC. 208 NUMBER OF TAXICABS.

Each holder shall operate the number of taxicabs for which the holder's certificate was issued. Additions to or reductions in the number of taxicabs allowed for each holder shall be made only in accordance with the procedure outlined for the issuance of a certificate of public convenience. (Ordinance No. 1989-31)

SEC. 209 TRANSFER OF CERTIFICATE.

No certificate of public convenience may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Manager. Notice of intent to transfer shall be filed with the City Manager not less than thirty (30) days Prior to the proposed transfer. Before any transfer can become effective, the party seeking the certificate shall file with the City Manager an application containing all the information required in Section 202. (Ordinance No. 1989-31)

SEC. 210 RENEWAL OF CERTIFICATE.

Certificates shall be subject to a yearly renewal and holders of certificates shall file applications therefor not less than thirty (30) days before the end of each calendar year. All applications for renewal of existing certificates shall contain the same information as the original application. An annual review shall be made to determine whether the holder is in compliance with all State and City requirements and to determine whether the holder is in compliance with or has violated or is responsible, directly or indirectly under these ordinances or other laws, for the violations of others of any Federal, State or Municipal laws, ordinances or regulations. (Ordinance No. 1989-31)

SEC. 211 SUSPENSION OR REVOCATION OF CERTIFICATE.

A certificate issued under the provisions of this Ordinance may be revoked or suspended by the City Manager if the holder thereof has:

SEC. 302 TRANSFER OF PLATES.

(a) Validation of Transfers. No license plate provided for by this ordinance shall be transferred to any vehicle other than the one for which it was issued unless the following requirements of this Section have first been met:

- (1) The holder shall file an application for transfer with the City Clerk;
- (2) The vehicle to which the license plate is to be transferred must be certified by the Chief of Police for compliance with the requirements of Article IV hereof;
- (3) The vehicle to which the license plate is to be transferred shall be insured according to Section 205. (Ordinance No. 1989-31)

(b) All plates shall be attached to or transferred from one vehicle to another by a Bloomington Police Officer at the time of the investigation of the vehicle or such other time as the owner may arrange with the Bloomington Police Department. (Ordinance No. 1989-31)

(c) Penalty. Transfers of plates in violation of this Section shall be grounds for suspension or revocation of a holder's certificate. (Ordinance No. 1989-31)

SEC. 303 REPLACEMENT OF CERTIFICATE OR PLATE.

Whenever a holder has lost or destroyed a plate issued as provided herein, he shall make a verified application in writing to the Traffic Division of the Bloomington Police Department stating that the same has been lost or destroyed, and the Police Department shall authorize the City Clerk to issue a substitute thereof upon payment of the sum of Five Dollars (\$5.00) to the City Clerk for the item so duplicated or substituted. (Ordinance No. 1989-31)

SEC. 304 SUSPENSION OR REVOCATION OF LICENSE PLATES.

The City Manager may suspend or revoke the taxicab license plate of any taxicab not in compliance with any part of Article V of this Chapter. Upon suspension or revocation, the taxicab license plate of the noncomplying vehicle shall be surrendered to the City Clerk, and it shall not be returned until the cause for the revocation or suspension has been removed to the satisfaction of the City Manager. No refund of fees shall be made to the holder in the event of revocation or suspension of plates under this Section. (Ordinance No. 1989-31)

At the time the application is filed, the applicant shall pay to the City Clerk the sum of Ten Dollars (\$10.00). (Ordinance No. 2007-97)

SEC. 403 INVESTIGATION OF APPLICANT.

Police Department shall conduct an investigation of each applicant for a taxicab driver's permit and a report of such investigation and copy of the traffic and police record of the applicant, if any, shall be forwarded to the City Manager. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional background check (including but not limited to the cost of fingerprinting) is deemed necessary by the City. (Ordinance No. 2009-52)

SEC. 404 CONSIDERATION OF APPLICATION.

The City Manager upon consideration of the application shall approve or deny it. Approval of any application may be withdrawn if a police investigation or other information discloses grounds for denial of an application under Section 405. (Ordinance No. 1989-31)

SEC. 405 GROUNDS FOR DENIAL OR REVOCATION OF APPLICATION.

The following shall be grounds for denial of an application for a taxicab driver's permit:

- (a) The applicant has a communicable disease of a type likely to be transmitted to a passenger in the normal course of business;
- (b) The applicant is afflicted with a disease or uncorrected impairment which would affect his driving ability;
- (c) The applicant has not attained the age of 18 years;
- (d) The applicant does not have a valid operator's license issued by the State of Illinois;
- (e) The applicant has a bad driving record, which is defined as a conviction within the last five (5) years of any of the following:
 - (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;
 - (2) Driving under other influence of narcotics or intoxicating liquor, or permitting another to drive one's vehicle while under the influence of liquor or narcotics;
 - (3) Two (2) charges of reckless driving;

SEC. 408 DISPLAY OF IDENTIFICATION CARD.

Every driver licensed under this Ordinance shall post his driver's identification card in such a place as to be in full view of all passengers while such driver is operating a taxicab. (Ordinance No. 1989-31)

SEC. 409 SUSPENSION AND REVOCATION OF PERMIT.

For any violation or noncompliance with this Ordinance or of any other law or regulation relating to a person's driving, the City Manager is hereby given the authority to suspend any driver's permit issued under this Ordinance for a period of one (1) to thirty (30) days or to revoke any driver's permit. However, a permit may not be revoked or suspended unless the driver has received reasonable notice and has had an opportunity to present evidence in his behalf. In the event of suspension or revocation of any license or permit, no refund shall be made of any portion of any fee paid hereunder. (Ordinance No. 1989-31)

ARTICLE V

VEHICLES, EQUIPMENT AND MAINTENANCE

SEC. 501 VEHICLES - LICENSE REQUIRED.

(a) Vehicles Must be Licensed. Prior to the use and operation of any vehicle under the provisions of this Ordinance and during the months of December and June of each year, every vehicle shall be thoroughly examined and inspected by the Police Department and found to be satisfactory in regard to the following:

- (1) Steering;
- (2) Brakes;
- (3) Speedometer;
- (4) Lights;
- (5) Tires;
- (6) Horn;
- (7) Exhaust system;
- (8) Rear view mirror;

shall be affixed to said taxicab and it shall at all times be displayed on said taxicab. No sticker issued during the first six (6) months of any year shall be of any effect after July 1st of that year and no such certificate issued during the second six (6) months of any year shall be of any effect after January 1st of the following year. No taxicab shall be operated upon the streets, alley or public places of said City without having been tested as herein required or without having said sticker displayed on said taxicab.

When the Police Department finds that a vehicle has met the standards the Department shall also issue a certificate to that effect, which shall also state the authorized seating capacity of said vehicle. (Ordinance No. 2011-33)

(b) Periodic Inspections. Every vehicle operating under this Ordinance shall be inspected every six (6) months by the Police Department as provided for herein. However, the City Manager shall have authority to order an inspection at any time to insure the continued maintenance of safe operating conditions. (Ordinance No. 1989-31)

(c) Vehicles Must be Kept in a Clean and Sanitary Condition. Every vehicle operating under this Ordinance shall be kept in a safe, clean and sanitary condition at all times to conform to the standards above. (Ordinance No. 1989-31)

SEC. 502 DESIGNATION OF TAXICABS.

Each taxicab shall bear on each side in painted letters not less than four inches (4") nor more than eight inches (8") in height, the name of the holder or the trade name under which his certificate has been issued, and in addition, may bear an identifying design approved by the City Manager. No vehicle covered by the terms of this Ordinance shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the City Manager, conflict with or imitate any color scheme, identifying design, monogram, or insignia used on a vehicle or vehicles already operating under the Ordinance, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia used by any other person, owner or operator in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked. (Ordinance No. 1989-31)

SEC. 503 TAXIMETER.

Except for vehicles which furnish only zone or special service under Section 601, all taxicabs operated under the authority of this ordinance shall be equipped with taximeters fastened in front of the passengers, visible to them at all times 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

ARTICLE VI

TAXICAB SERVICE AND FACILITIES

SEC. 601 RATES.

The following rates and no others shall be charged for taxicab services:

(a) Meter Rates:

- (1) Hour Rates: Eighteen Dollars (\$18.00) per hour for one (1) or more passengers.
- (2) Mileage Rates: Two Dollar Fifty Cents (\$2.50) for the first one-sixth (1/6) mile or fraction thereof; Forty Cents (\$.40) for each, one-sixth (1/6) mile or fraction thereof.
- (3) Waiting Time: Fifty Cents (\$.50) for each one (1) minute of waiting time or fraction thereof if taximeter is equipped to measure time provided, however, that the charge for waiting time may be assessed only in the case of delays caused by the customer. (Ordinance No. 2008-42)

(b) Special Rates:

- (1) Additional passengers over the age of twelve (12) being transported from same point of departure to same destination shall be carried at an additional charge of Fifty Cents (\$.50).
- (2) Children under the age of twelve (12) shall be carried free when accompanied by an adult.
- (3) Senior Citizens (anyone 60 years of age or older), meter rate less 15%.
- (4) Zone Service To and From Bloomington-Normal Airport. As an alternative to the rates provided in subsection (a), zone rates may be charged for service between Bloomington-Normal Airport and service zones within the combined Bloomington-Normal corporate limits. (Ordinance No. 2001-31)
- (5) On any day in which the price of the lowest grade of unleaded gasoline is at or more than \$4.00 (Four Dollars) per gallon, an additional charge of fifty cents (\$.50) per trip shall be charged. On any day in which the price of the lowest grade of unleaded gasoline is at or more than \$5.00 (Five Dollars) per gallon, an additional charge of \$1.00 (One Dollar) per trip shall be charged. The additional \$1.00 charge per trip authorized in the

TAXICABS

SEC. 603 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

(a) Solicitation of Passengers by Driver. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that when necessary a driver may be absent from his taxicab for not more than ten (10) consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle. (Ordinance No. 1989-31)

(b) Prohibited Solicitation. No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movements of any persons, or follow any person for the purpose of soliciting patronage. (Ordinance No. 1989-31)

(c) Receipt and Discharge of Passengers on Sidewalk Only. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall drive to the sidewalk on the right-hand side of the road as nearly as possible or in the absence of a sidewalk to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk or side of the roadway in the absence of a sidewalk. (Ordinance No. 1989-31)

(d) Cruising. No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the City Manager. Such areas and times shall only be designated when the City Manager finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles. (Ordinance No. 1989-31)

- (a) keeping at least one (1) taxicab in operation at all hours; or
- (b) reaching an agreement with one (1) or more other taxicab operators who provide twenty-four (24) hour service to provide twenty-four (24) hour service by sharing or allocating equipment and labor therefor which must be approved by the City Manager to be effective. (Ordinance No. 1989-31)

SEC. 607 MANIFESTS.

Every driver shall maintain a daily manifest upon which is recorded all trips made each day, showing time and place of origin and destination of each trip, the number of passengers, and amount of fare, and all such completed manifests shall be returned to the holder by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the holder and shall provide for content and be of a type approved by the City Manager.

Every holder of a certificate of public convenience shall retain and preserve all drivers' manifests in a safe place for at least one (1) calendar year following the year to which they relate and said manifest shall be available at any time on request to the City Manager or Police Department. (Ordinance No. 1989-31)

SEC. 608 HOLDER'S RECORDS AND REPORTS.

(a) Every holder shall keep and maintain accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information and data as may be required by the City Manager or Police Department. (Ordinance No. 1989-31)

(b) All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person or in damage to any vehicle, or to any property in an amount exceeding the sum of Two Hundred Fifty Dollars (\$250.00) shall be described on an accident report form to be furnished by the Police Department within ten (10) days from the time of the occurrence. (Ordinance No. 1989-31)

SEC. 609 ADVERTISING.

Subject to the rules and regulations of the City Manager, it shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicab or motor vehicles for hire. (Ordinance No. 1989-31)

SEC. 612 PROHIBITIONS OF OTHER VEHICLES.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as either open stands or call box stands. (Ordinance No. 1989-31)

ARTICLE VII

OFFENSES AND PENALTY

SEC. 701 ILLEGAL OPERATION OF TAXICAB.

A person commits the offense of illegal operation of a taxicab if:

(a) Without a valid effective certificate of public convenience the person operates or drives a taxicab or allows another person to operate or drive a taxicab; or

(b) The person operates or drives a taxicab without a valid operator's license from the State of Illinois or without a valid taxicab driver's permit from the City of Bloomington, or allows another person to do so; or

(c) The person operates or drives or allows another to operate or drive a taxicab which lacks proper State of Illinois license plates or City of Bloomington taxicab plates; or

(d) The person operates or drives or allows another to operate or drive a taxicab with a taximeter which is disconnected from the transmission or front wheels. (Ordinance No. 2011-33)

SEC. 702 FILING FALSE APPLICATION.

A person commits the offense of filing a false application if he knowingly makes a misstatement of fact on any application for a certificate of public convenience or a taxicab driver's permit. Based on the applicant's access to such information, any misstatement of fact on any such application shall be presumed to have been knowingly made unless the applicant can prove that such misstatement was not knowingly made. (Ordinance No. 2011-33)

SEC. 703 ILLEGAL TRANSFER OF CERTIFICATE.

It is illegal for and a person commits the offense of illegal transfer of certificate if he assigns, sells, pledges, gives or otherwise transfers his certificate of public convenience to another person other than in compliance with Section 209.

For purposes of this Section, the following shall be deemed to be a transfer within the meaning of this Section:

SEC. 709 FAILURE TO KEEP MANIFESTS.

It is illegal for and a person commits the offense of failure to keep manifests if:

(a) He is a holder and he allows a driver to neglect or omit the making of a manifest as required by Section 607; or

(b) He is a driver and he neglects or omits the making of a manifest as required by Section 607. (Ordinance No. 1989-31)

SEC. 710 FAILURE TO KEEP RECORDS AND REPORTS.

It is illegal for and a person commits the offense of failure to keep records and reports if he fails to keep his records and reports as required by Section 607. (Ordinance No. 1989-31)

SEC. 711 FAILURE TO INSURE.

It is illegal for and a holder commits the offense of failure to insure if he fails to provide the insurance required by Section 205. (Ordinance No. 1989-31)

SEC. 712 IMPROPER VEHICLE USE.

It is illegal for and a person commits the offense of improper vehicle use if he violates any provision of the Illinois Motor Vehicle Code (111. Rev. Stat. Ch. 951/2) or the Bloomington Motor Vehicle Code (Bloomington City Code Chapter 29) or any other applicable portion of the Codes or Ordinances of any other jurisdiction. (Ordinance No. 1989-31)

SEC. 713 OVERLOADING VEHICLE.

It is illegal for and a person commits the offense of overloading a vehicle if he carries more passengers than the seating capacity of the taxicab was obviously designed to carry. (Ordinance No. 1989-31)

SEC. 714 INSUFFICIENT PARKING.

It is illegal for and a holder commits the offense of supplying insufficient parking if he fails to provide off-street parking facilities for his motor vehicles as required by Section 605. (Ordinance No. 1989-31)

SEC. 715 THEFT OF SERVICE CALL.

It shall be a violation of this Ordinance to respond to a call for service directed to any other company. The City Manager may punish a violation of this Section by suspension or revocation of the Certificate of Convenience or the taxicab driver's permit or both in addition to the penalties contained in Section 718 of this Chapter. (Ordinance No. 1989-31)

making service shall also send a copy of the notice in a sealed envelope with postage fully prepaid, addressed to the person at his usual place of abode.

The certificate of the officer or affidavit of the person that he has sent the copy in pursuance of this Section is sufficient evidence to prove that he has done so. (Ordinance No. 1978-76)

(b) Service on Partnership or Corporation. Any corporation or partnership required to be given any notice under this Chapter may be served by serving notice on any director, officer or partner thereof in the manner provided in subsection (a) above. (Ordinance No. 1978-76)

SEC. 802 APPEAL.

Any person aggrieved by a determination or action of the City Manager under the provisions of this Chapter may appeal to the City Council by giving written notice of intent to appeal to the Mayor of the City of Bloomington not later than noon on the Wednesday preceding the next regularly scheduled City Council Meeting. If in the opinion of the Mayor the matter being appealed is urgent, he may, in his sole discretion, call a special meeting of the City Council as outlined in Bloomington City Code Chapter 2, Section 16. (Ordinance No. 1978-76)

SEC. 803 ENFORCEMENT.

In enforcing this ordinance the Police Department of the City of Bloomington upon discovering a violation of the provisions of this Ordinance, shall take appropriate action to enforce the law and shall report the same to the City Manager who may take appropriate action with respect thereto. (Ordinance No. 1978-76)

SEC. 804 SUPPLEMENTAL REGULATIONS.

The City Manager is hereby given the authority to promulgate such rules and regulations not inconsistent with this Ordinance as he shall find necessary to effectuate the purpose and intent of this Chapter. (Ordinance No. 1978-76)

ARTICLE IX

SEVERABILITY AND REPEALER

SEC. 901 SEVERABILITY.

Each of the provisions of this Ordinance are severable and if any provisions shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect. (Ordinance No. 1978-76)

SEC. 902 REPEALER.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. (Ordinance No. 1978-76)

SEC. 1002 ILLEGAL OPERATION OF VEHICLES FOR HIRE.

No person or entity shall operate or drive a vehicle for hire without complying with the requirements of this Article. Vehicles for hire may only be operated on Thursdays, Fridays and Saturdays, commencing at 6:00 p.m. until 4:00 a.m. the following morning. Vehicles for hire may also be operated the following dates commencing at 6:00 p.m. through 4:00 a.m. on the following morning: Super Bowl Sunday, March 17th, October 31st, the day before Thanksgiving and the first dates on which students at Illinois State University and Illinois Wesleyan University move in or out of dormitories, and December 31st. Vehicles for hire may also be operated on any dated and times for which an official notice to do so has been issued by the Mayor acting as Liquor Commissioner. Persons or entities otherwise regulated pursuant to the remainder of Chapter 40 of the Bloomington City Code are exempt from the requirements of this Article X; however, all taxis and vehicles for hire must have a current permit which has been issued by the City of Bloomington. (Ordinance No. 2010-57)

SEC. 1002A CERTIFICATE OF PUBLIC CONVENIENCE REQUIRED.

No person shall operate or permit a vehicle for hire owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Bloomington or such other areas to which this Chapter applies pursuant to an intergovernmental cooperation agreement without having first obtained a certificate of public convenience from the City Manager. Notwithstanding anything to the contrary in this Article, any person or entity who have obtained a permit to operate a vehicles for hire company from the City of Bloomington prior to November 4, 2010 shall have a certificate of public convenience issued in the name of the person or entity who obtained permits for said vehicles for the vehicles for hire which were so licensed prior to November 4, 2010; however, person or entities holding certificates of public convenience shall be subject to all provisions of this article regarding suspension, revocation, renewal or transfer of such certificate of public convenience. However, all owners of vehicles for hire previously licensed by the City shall complete the information required in the application for certificate set forth in Section 1002B; if such application is not completed and filed within 30 days from the date this ordinance is passed by the City Council. In addition, all owners who had licenses from the City prior to November 4, 2010 shall submit and be subject to the requirements of the background check. In the event an owner of a vehicle for hire replaces a vehicle which was legally in service prior to November 4, 2010, the replacement vehicle cannot have an increased passenger capacity of more than 50% of the replaced vehicle; but in any event cannot be replaced by a vehicle of a higher classification. (Ordinance No. 2010-57)

SEC. 1002B APPLICATION FOR CERTIFICATE.

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

- (a) The name and business and residence addresses of the applicant;

this Chapter. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional background check (including but not limited to the cost of fingerprinting) is deemed necessary by the City. (Ordinance No. 2012-69)

SEC. 1002D PUBLIC HEARING.

- (a) Notice. Upon the filing of an application for a new certificate, the City Manager shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience have been theretofore issued. Notice shall also be given to the general public by publishing a notice of such hearing in the Pantagraph. All notices shall state:
- (1) That application for a certificate of public convenience has been made;
 - (2) Name of the applicant;
 - (3) That a public hearing on the application will be held;
 - (4) Place of the hearing;
 - (5) Date and time of the hearing.

All notices shall be given or published not less than five (5) nor more than fifteen (15) days prior to the hearing.

- (b) Evidence. Any interested person may file with the City Manager a memorandum in support of or in opposition to the issuance of a certificate and may testify at the hearing.
- (c) Continuance. The City Manager at this discretion may continue or postpone the hearing upon his own motion or the motion of any interested person. (Ordinance No. 2010-48)

SEC. 1002E ISSUANCE OF CERTIFICATE.

If the City Manager finds that further vehicle for hire service in the City of Bloomington is desirable and in the public interest, and that the applicant is fit, willing and able personally and financially to perform such public transportation and to conform to the provisions of this Ordinance and the rules promulgated by the City Manager, then the City Manager shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise, if all of the above findings cannot be made, the application shall be denied. The City Manager shall send copies of his findings to all

SEC. 1002I RENEWAL OF CERTIFICATE.

Certificates shall be subject to a yearly renewal and holders of certificates shall file applications therefore not less than thirty (30) days before the end of each calendar year. All applications for renewal of existing certificates shall contain the same information as the original application. An annual review shall be made to determine whether the holder is in compliance with all State and City requirements and to determine whether the holder is in compliance with or has violated or is responsible, directly or indirectly under these ordinances or other laws, for the violations of others of any Federal, State or Municipal laws, ordinances or regulations. (Ordinance No. 2010-48)

SEC. 1002J SUSPENSION OR REVOCATION OF CERTIFICATE.

A certificate issued under the provisions of this Ordinance may be revoked or suspended by the City Manager if the holder thereof has:

- (a) Violated any of the provisions of this Ordinance; or
- (b) Violated any ordinances of the City of Bloomington or the ordinances of any other jurisdiction in which the holder operates, or the laws of the United States or the State of Illinois, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation; or (Ordinance No. 2012-69)
- (c) Hired as a driver a sex offender within the meaning of Section 102 of this Chapter; or (Ordinance No. 2012-69)
- (d) Hired a person who is a convicted felon, unless that person has obtained from the City Manager a written determination that the person has been sufficiently rehabilitated such that the person may drive a vehicle for hire without posing a danger to the public. (Ordinance No. 2012-69)

Prior to suspension or revocation, the holder shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to be heard.

No refunds of fees shall be made to the holder on account of suspension or revocation of certificate under this Section.

In addition to the foregoing, the owner shall be responsible for all of the acts of his employees, agents or drivers related to the violation of or non-compliance with any of the laws, rules or regulations relating to operation of vehicles for hire or the solicitations of business or to the conduct of his business to the extent that the holder's certificate may be suspended or revoked by the City Manager for violations of such laws, rules or regulations by his employees, agents or drivers. (Ordinance No. 2010-48)

police investigation or other information discloses grounds for denial of an application under Section 1005. No applicant for a permit to operate a vehicle for hire company who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code shall be eligible to operate a vehicle for hire company. Any person who has received a permit to operate a vehicle for hire company who desires to drive a taxicab must also have a permit to drive a vehicle for hire from the City of Bloomington pursuant to Section 1003 of this Chapter. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional background check (including but not limited to the cost of fingerprinting) is deemed necessary by the City. (Ordinance No. 2009-52)

SEC. 1005 GROUNDS FOR DENIAL OF APPLICATION.

The following shall be grounds for denial of an application for a permit to drive a vehicle for hire:

- (a) The applicant has a communicable disease of a type likely to be transmitted to a passenger in the normal course of business;
- (b) The applicant is afflicted with a disease or uncorrected impairment which would affect his driving ability;
- (c) The applicant has not attained the age of 18 years;
- (d) The applicant does not have a valid operator's license issued by the State of Illinois;
- (e) The applicant has a bad driving record, which is defined as a conviction within the last five (5) years of any of the following:
 - (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;
 - (2) Driving under other influence of narcotics or intoxicating liquor, or permitting another to drive one's vehicle while under the influence of liquor or narcotics;
 - (3) Two (2) charges of reckless driving;
 - (4) Failure as the driver of any vehicle involved in any accident to stop and disclose his identity at the scene and to render aid to others, if needed, and/or failure to give notice of the accident by the fastest available means of communication to the local Police Department as required by law; or had his taxicab driver's permit or state driver's license revoked.

- (b) Open stands shall be used by drivers on a first come first served basis. Drivers shall pull on to the open stand from the rear and shall advance forward as the vehicles for hires ahead pull off. Drivers shall stay within five (5) feet of their vehicle for hire, and they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this Ordinance shall be construed as preventing a passenger from boarding the cab of his choice that is parked at an open stand. (Ordinance No. 2010-48)

SEC. 1017 PROHIBITIONS OF OTHER VEHICLES.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as an open stand. (Ordinance No. 2010-48)

SEC. 1018 REFUSAL TO PAY LEGAL FARE.

It is illegal for any person to refuse to pay the fee for any of the vehicles mentioned in this Ordinance after having been conveyed in the same, and it is illegal for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hire from, and it is assumed that any person who does not pay the fee after having been conveyed in such a vehicle intended to defraud such person, and it shall be the burden of the conveyed person to prove (s)he did not intend to defraud said person. (Ordinance No. 2010-48)

SEC. 1020 FILING FALSE APPLICATION.

A person commits the offense of filing a false application if he knowingly makes a misstatement of fact on any application for a certificate of public convenience or a vehicle for hire driver's permit. Based on the applicant's access to such information, any misstatement of fact on any such application shall be presumed to have been knowingly made unless the applicant can prove that such misstatement was not knowingly made. (Ordinance No. 2010-48)

SEC. 1021 ILLEGAL TRANSFER OF CERTIFICATE.

It is illegal for and a person commits the offense of illegal transfer of certificate if he assigns, sells, pledges, gives or otherwise transfers his certificate of public convenience to another person other than in compliance with Section 1002H of this Chapter. (Ordinance No. 2010-48)

For purposes of this Section, the following shall be deemed to be a transfer within the meaning of this Section:

- (a) Corporations: The addition, removal or substitution of any officer or director, or the transfer of 25% or more of any class of stock.
- (b) Partnerships: The addition, removal or substitution of any partner. (Ordinance No. 2010-48)

such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.

- (3) If, at any time, in the judgment of the City Manager, said policy of insurance is not sufficient for any good cause, he may require the owner of such vehicle for hire who filed the same to replace said policy of insurance with another good and sufficient bond or insurance policy, in accordance with the provisions of this Chapter. (Ordinance No. 2012-69)
- (4) All policies of insurance herein required shall expire the 30th day of June of each year. This expiration date shall not operate to terminate liabilities under such policies which occurred during the period in which the policies were in effect.
- (5) The applicant or holder shall deposit with the City Clerk a duplicate certificate of effective insurance from the company or a copy of all policies of insurance for public liability and property damage required by the State of Illinois for the operation and driving of a motor vehicle for the carriage of passengers for hire; and the same shall be applied to the extent thereof as long as said policies are in full force and effect in determining whether the owner of such vehicle for hire has fulfilled the requirements for a policy of insurance as provided in this Chapter. (Ordinance No. 2012-69)
- (6) The applicant or holder shall immediately notify the City Manager if any policies of insurance required under this Chapter have lapsed, been revoked, or in any other manner ceased coverage. (Ordinance No. 2009-21)

SEC. 1006 ISSUANCE OF DRIVER'S PERMIT FOR VEHICLE FOR HIRE.

Upon approval of an application for a permit to drive a vehicle for hire, the City Manager shall issue a permit to the applicant which shall bear the name, address, number, age and signature of the applicant.

Such permit shall be in effect for the remainder of the license year. A permit for every license year thereafter shall be issued upon the payment of Ten Dollars (\$10.00) unless the permit for the preceding year has been revoked.

In addition thereto, there shall be issued an identification card containing the driver's permit number, and it shall have his photograph attached thereto and the driver's permit and driver's identification card shall be mounted so as to be readily visible in his vehicle at all times while on duty. The expense of such identification card shall be borne by the driver. (Ordinance No. 2007-97)

SEC. 1008 DISPLAY OF IDENTIFICATION CARD.

Every driver licensed under this Article shall post his driver's identification card in such a place as to be in full view of all passengers while such driver is operating a vehicle for hire.
(Ordinance No. 2007-97)

SEC. 1009 SUSPENSION AND REVOCATION OF PERMIT.

For any violation or noncompliance with this Ordinance or of any other law or regulation relating to a person's driving, the City Manager is hereby given the authority to suspend any driver's permit issued under this Article for a period of one (1) to thirty (30) days or to revoke any driver's permit. However, a permit may not be revoked or suspended unless the driver has received reasonable notice and has had an opportunity to present evidence in his behalf. In the event of suspension or revocation of any license or permit, no refund shall be made of any portion of any fee paid hereunder. (Ordinance No. 2007-97)

SEC. 1010 VEHICLES FOR HIRE - LICENSE REQUIRED.

- (a) Vehicles Must be Licensed. Prior to the use and operation of any vehicle under the provisions of this Article and during the months of December and June of each year, every vehicle shall be thoroughly examined and inspected by the Police Department and found to be satisfactory in regard to the following:
- (1) Steering;
 - (2) Brakes;
 - (3) Lights;
 - (4) Tires;
 - (5) Horn;
 - (6) Exhaust system;
 - (7) Rear view mirror;
 - (8) Windshield wipers;
 - (9) Properly licensed by State of Illinois;
 - (10) Otherwise clean, sanitary and safe for the transportation of passengers;
 - (11) State Sticker showing proof of insurance;
 - (12) No crack in a window which cannot be covered by a 1" disk (State law - a quarter);

SEC. 1022 ILLEGAL OPERATION OF VEHICLES FOR HIRE.

It is illegal for and a person commits the offense of illegal operation of a vehicle for hire if:

- (a) Without a valid effective certificate of public convenience the person operates or drives a vehicle for hire or allows another person to operate or drive a vehicle for hire; or
- (b) The person operates or drives a vehicle for hire without a valid operator's license from the State of Illinois or without a valid vehicle for hire driver's permit from the City of Bloomington, or allows another person to do so; or
- (c) The person operates or drives or allows another to operate or drive a vehicle for hire which lacks proper State of Illinois license plates or City of Bloomington vehicle for hire stickers; or
- (d) The person operates or drives or allows another to operate or drive a vehicle for hire which does not have the name of the business and a phone number on the side of the vehicle for hire. (Ordinance No. 2010-48)

SEC. 1023 REFUSAL TO CARRY ORDERLY PERSONS.

It is illegal for and a person commits the offense of refusal to carry orderly persons if he refuses or neglects, or if a holder allows a driver to refuse or neglect, for reasons other than the vehicle being filled to legal capacity, to convey any orderly person or persons upon request unless previously engaged or unless unable to forbidden to do so by the provisions of this Ordinance. For the purpose of this Section, a person who requests service by telephone shall be deemed to be an orderly person. (Ordinance No. 2010-48)

SEC. 1024 FAILURE TO KEEP MANIFESTS.

It is illegal for and a person commits the offense of failure to keep manifests if:

- (a) He is a holder and he allows a driver to neglect or omit the making of a manifest as required by Section 1014; or
- (b) He is a driver and he neglects or omits the making of a manifest as required by Section 1014. (Ordinance No. 2010-48)

SEC. 1025 FAILURE TO KEEP RECORDS AND REPORTS.

It is illegal for and a person commits the offense of failure to keep records and reports if he fails to keep his records and reports as required by Section 1015. (Ordinance No. 2010-48)

SEC. 1030C HUB LOCATIONS AND WAITING PERIODS.

The following locations are permitted waiting locations for vehicles for hire on dates when vehicles for hire may legally operate, commencing at 10:00 P.M. and ending at 3:00 A.M.:

500 Block of North Main Street (East Side) – the seven regular parking spaces north of the handicap parking space and the two “freight loading” spaces north of those seven spaces.

100 Block of West Washington (South Side)

300 Block of West Front Street (South Side)

Vehicles for hire are permitted to park in the above locations for a maximum of 15 minutes unless the vehicles are loading passengers. If passengers are loading, the vehicle for hire is permitted to stay at that location an additional five minutes.

In the event of a violation of this Section, both the driver of the vehicle for hire and the company for which the driver is working may be charged with a violation of this Section. (Ordinance No. 2012-32)

SEC. 1032 SERVICE OF NOTICE.

(a) Service of Notice on Individuals. Except as otherwise expressly provided, service of any notice required in this Chapter upon an individual shall be made:

- (1) by leaving a copy thereof with person personally; or
- (2) by leaving a copy at this home or usual place of work, with some member of the person's family of the age of 10 years or upwards, and informing that person of the contents thereof, provided the officer or other person making service shall also send a copy of the notice in a sealed envelope with postage fully prepaid, addressed to the person at this usual place of abode.

The certificate of the officer or affidavit of the person that he has sent the copy in pursuance of this Section is sufficient evidence to prove that he has done so.

(b) Service on Partnership or Corporation. Any corporation or partnership required to be given any notice under this Chapter may be served by serving notice on any director, officer or partner thereof in the manner provided in subsection (a) above. (Ordinance No. 2010-48)

ARTICLE XI
LIMOUSINES

SEC. 1100. "Limousine" shall mean any vehicle for which the lessee has executed a written contract granting the lessee and his or her guests the exclusive use of the vehicle for a continuous period of time of three hours or more. All vehicles purporting to be operating as a limousine must at all times have in the possession of the driver a copy of the written contract which has been executed by the current lessee of the vehicle. Whenever a limousine is under the exclusive use of a lessee and is parked, it must have a sign prominently posted which states, "Not for Hire". No vehicle shall be leased as a limousine unless it has "livery" or "PT" vehicle registration plates issued by the Illinois Secretary of State. Persons operating a vehicle in compliance with the requirements of this Article XI shall not be deemed to be unlawfully operating a taxi or a vehicle for hire. (Ordinance No. 2009-21)

SEC. 1101 TOWING.

In the event any person operates a vehicle purporting to be a limousine which is not in compliance with the requirements of this article shall be impounded by the police and shall not be released prior to the payment of a release fee of \$10.00, an impound fee of \$250.00 and shall pay all tow company fees. (Ordinance No. 2010-48)