

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-34

AN ORDINANCE concerning vehicles for hire

FOR the purpose of eliminating quarterly issuance of taxicab permits; revising a certain advertising requirement; and otherwise generally relating to vehicles for hire within The City of Frederick.

BY repealing and reenacting, with amendments,
Section 23-1
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Chapter 23
Article III
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Section 23-23
The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Section 23-1 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

Sec. 23-1. Definitions.

- (a) **In general.** For the purposes of this chapter, the following terms have the meanings ascribed to them unless the context clearly indicates that a different meaning is intended:
- (b) **Agency.** "Agency" means the Taxicab Administrative Agency.
- (c) **Commission.** "Commission" means the Taxicab Commission.
- (d) **Complaint.** "Complaint" means a written statement alleging that a taxicab driver or taxicab permit holder has violated any provision of this chapter.
- (e) **Crime.** "Crime" means any misdemeanor or felony, excluding minor motor vehicle violations.
- (f) **Driver.** "Driver" means person in control of and driving a taxicab within the City pursuant to a taxicab driver's license issued in accordance with this chapter.
- (g) **Electronic smoking device.** "Electronic smoking device" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an

electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic smoking device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

(h) **Fine schedule.** "Fine schedule" means a listing of fines for specified violations of this chapter, adopted by resolution of the Board of Aldermen.

(i) **Hail.** "Hail" means to signal or call-out a taxicab while on or near a roadway within the City.

(j) **Illegal drug.** "Illegal drug" means any controlled substance, including but not limited to opiates, heroin, hallucinogens, marijuana, mescaline, peyote, PCP, prescription drugs, amphetamines and barbiturates which are not obtained and used under a prescription lawfully issued to the individual possessing the same and any other substances including those listed in the Federal Controlled Substances Act or its regulations or unlawful under any other law.

(k) **Meter.** "Meter" means any device approved by the Agency that is internally mounted in a taxicab and which records and indicates a charge or fare measured by distance traveled, waiting time, or other traditionally compensable activities or components of taxicab service. In addition to a conventional meter, a meter may be a software program, platform, or application installed on an electronic device.

~~(k)~~(l) **Minor motor vehicle violation.** "Minor motor vehicle violation" means a motor vehicle violation that is not a serious motor vehicle violation as defined in this section.

~~(l)~~(m) **Peak traffic times.** "Peak traffic times" means Monday through Friday, 6:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:30 p.m.

~~(m)~~(n) **Serious motor vehicle violation.** "Serious motor vehicle violation" means any motor vehicle violation that requires the appearance of the defendant in court before a final disposition may be entered.

~~(n)~~(o) **Smoke.** "Smoke" means to ignite, inhale, exhale, burn, vape, operate, or carry any lighted cigar, cigarette, pipe, hookah, electronic smoking device, tobacco product, or any other combustible substance including marijuana.

~~(o)~~(p) **State.** "State" means any state in the United States, including the District of Columbia.

~~(p)~~(q) **Taxicab.**

(1) "Taxicab" means a motor vehicle for hire that:

(A) Is designed to carry 7 or fewer individuals, including the driver; and

(B) Is used to accept or solicit passengers for transportation between points along public streets as the passengers request.

- (2) "Taxicab" does not include a motor vehicle operated on a regular schedule and between fixed points with the approval of the Maryland Public Service Commission.

~~[(q)]~~(r) **Taxicab permit holder.** "Taxicab permit holder" or "permit holder" means a person that has been issued a taxicab permit under this chapter.

~~[(r)]~~(s) **Transfer.** "Transfer" means:

- (1) an assignment, sale, gift, conveyance, or other disposition that has as its purpose or effect the transfer of the rights conferred under this chapter to the permit holder to another person or entity; and
- (2) if the permit holder is a business entity, includes the transfer of 50% or more of the stock, voting rights, membership interest, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or a series of transactions.

~~[(s)]~~(t) **Transportation network services.** "Transportation network services" has the meaning given in the Annotated Code of Maryland, Public Utilities Article, § 10-101.

~~[(t)]~~(u) **Vehicle for hire.** "Vehicle for hire" means a motor vehicle:

- (1) authorized to provide taxicab services in accordance with this chapter; or
- (2) approved by the Maryland Public Service Commission for use in providing transportation network services.

~~[(u)]~~(v) **Vehicle stand.** "Vehicle stand" means a portion of a public way where vehicles for hire may park or stop while waiting for passengers or ready to be hired.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Chapter 23, Article III of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

ARTICLE III. TAXICAB PERMITS.

Sec. 23-6. Taxicab permits—Generally.

- (a) **Permit Required.** ~~[Except as provided in section 23-2(b), a]~~ A person may not use a vehicle as a taxicab, or allow an agent or employee to use a vehicle as a taxicab, within the City without a valid taxicab permit issued in accordance with this chapter.
- (b) **Effective Dates.** A taxicab permit issued pursuant to ~~[section]~~ Section 23-7 of this article is valid for one year, from 12:00 a.m. on July 1 through 11:59 pm on June 30. A taxicab permit may be renewed in accordance with this chapter. ~~[A permit issued pursuant to section 23-9]~~ Any other permit issued under this article will be effective on the date of its issuance and will expire at 11:59 pm on the following June 30.

Sec. 23-7. Taxicab permits—Annual issuance of new permits.

(a) Number to be issued.

- (1) Total Number of Permits.** The total number of permits available to be issued each year is the greater of:
 - (A)** The number issued the previous year; or
 - (B)** One permit per ~~[one thousand (1,000) City]~~ 1,000 city residents.
- (2) Number of New Permits.**
 - (A)** The number of new permits available to be issued is the maximum total number determined by the Commission pursuant to subsection (a)(1) of this section, less the number of renewal permit applications received pursuant to ~~[section 23-8.]~~ Section 23-8 of this section.
 - (B)** If the ~~[resulting]~~ number calculated under subparagraph (A) of this paragraph is greater than zero, that number of new permits will be issued in accordance with subsection (b) of this section.
 - (C)** If the ~~[resulting]~~ number calculated under subparagraph (A) of this paragraph is less than zero, the Commission will not issue any new permits for the next year except as otherwise provided in this chapter.
- (3) Population.** For purposes of this section, the population of the City is the number provided to the Commission by the City Planning ~~[Department.]~~ Division.

(b) Process for Issuance.

- (1) Determination of Number to be issued.** On or before May 1, the Commission will determine, in accordance with subsection (a) of this section, how many permits, if any, to issue for the next year. If the Commission determines that it will issue one or more permits, it will follow the process set forth in ~~[subsections (b)(2) through (b)(8) of this section.]~~ paragraphs (2) through (8) of this subsection.
- (2) Public Notice.** On or before May 5, the Agency shall advertise ~~[in a newspaper of general circulation within the City]~~ on the City's website its intent to issue permits.
- (3) Applications.**
 - (A)** On or before May 15, a person wishing to obtain a new taxicab permit shall submit to the Agency:
 - [(A)](1)** An application in accordance with ~~[section 23-10;]~~ Section 23-10 of this article; and

~~[(B)](2)~~ A refundable permit fee of ~~[two thousand five hundred dollars (\$2,500.00).]~~ \$2,500.

(B) A person may submit one application and fee for each available permit.

(4) Lottery.

(A) If the number of applications received exceeds the number of permits available, on or before June 1, the Commission will select those persons to receive a taxicab permit by a random drawing of names of eligible applicants, in accordance with procedures established by the Agency.

(B) If the number of applications received is less than the number of permits available, the Agency will issue a permit to each eligible applicant for each application submitted. ~~[Any remaining permits may be issued pursuant to section 23-9.]~~

(5) Vehicle Information. On or before June 30, a selected applicant shall submit to the Agency:

(A) The information required by ~~[section 23-11(b)]~~ Section 23-11(b) of this article; and

(B) A copy of Inspection Certificate Maryland State Police Form MSP 23-63 from a Maryland State Inspection Station showing that the taxicab has been inspected no more than ~~[ninety (90)]~~ 90 days before the submission of the form.

(6) Meter Certification. On or before June 30, a selected applicant shall ensure that the meter of the taxicab to be operated pursuant to the permit is certified by the ~~[Frederick Police Department]~~ Agency, or in the case of a meter software program, platform, or application installed on an electronic device, approved by the Agency, in accordance with procedures established by the Agency.

(7) Issuance. On or before July 1, the Agency will provide a permit card to each selected taxicab permit applicant meeting the requirements of this section. The Agency may not issue a permit card to an applicant not meeting the requirements of this section, and the applicant will have no further rights to that permit.

(8) Refunds. The Agency will promptly refund a permit fee to any applicant not selected to receive a taxicab permit. Once an applicant is selected to receive a permit pursuant to this section, the permit fee is nonrefundable.

(c) Interim issuance. The Commission may periodically decide to issue permits that have been made available as a result of forfeiture or revocation, following the same general process outlined in this section for the annual issuance of permits.

Sec. 23-8. Same—Renewal of taxicab permits.

(a) Generally. Unless the applicant has ceased to be qualified to obtain a permit under this chapter or unless cause exists under this chapter to revoke or suspend the permit, a

holder of a taxicab permit is entitled to renewal of the permit for the succeeding year in accordance with this section.

- (b) **Notice.** On or before April 1 each year, the Agency will notify existing permit holders, in writing, of its intent to renew taxicab permits. The notice will state that an existing permit holder wishing to receive a renewal permit shall make application in accordance with this section.
- (c) **Applications.** An existing permit holder wishing to receive a renewal permit shall, on or before April 15:
 - (1) Submit the Information required by ~~[section 23-11(b)]~~ Section 23-11(b) of this article with regard to the taxicab to be operated pursuant to the permit; and
 - (2) Pay the Agency a nonrefundable renewal fee of ~~[one hundred dollars (\$100.00);]~~ \$100.
- (d) **Inspection and Certification.** A taxicab permit holder shall cause each taxicab to be inspected on or after March 31 of each year. On or before June 30, a permit holder shall:
 - (1) Provide the Agency with a copy of the most recent inspection Certificate Maryland State Police Form MSP 23-63 from a Maryland State Inspection Station; and
 - (2) Ensure that the taxicab's meter is certified by the ~~[Frederick Police Department]~~ Agency, or in the case of a meter software program, platform, or application installed on an electronic device, approved by the Agency, in accordance with procedures established by the Agency.
- (e) **Issuance.** On or before July 1 of each year, the Agency will provide a permit card to each applicant for a renewal permit who meets the requirements of this section.
- (f) **Forfeiture.** The Agency may not issue a renewal permit to any existing permit holder who fails to comply with the requirements of this section. A permit holder who fails to comply with the requirements of this section is deemed to forfeit any right to a renewal permit. A permit holder failing to obtain a renewal permit may apply for a new permit in accordance with ~~[section 23-10.]~~ Section 23-10 of this article.

~~[Sec. 23-9. Taxicab permits—Quarterly issuance.~~

~~(a) In General. On a quarterly basis, the Agency will issue: (1) In accordance with this section, any permit that previously has been revoked or forfeited; and (2) Any permit available under section 23-7(b)(4) This section applies only to the calendar quarters beginning January 1, April 1, and October 1. Subsection (b) of this section applies only if one or more permits has been revoked, forfeited, or denied since the previous issuance; or one or more permits is available under section 23-7(b)(4).~~

~~(b) Process for Issuance.~~

- ~~(1) **Public Notice.** At least sixty (60) days prior to the first day of the quarter, the Agency shall advertise in a newspaper of general circulation within the City its intent to issue permits.~~
- ~~(2) **Applications.** At least forty-five (45) days prior to the first day of the quarter, a person wishing to obtain a new taxicab permit shall submit to the Agency: (A) An application in accordance with section 23-10; and (B) A refundable permit fee of two thousand five hundred dollars (\$2,500.00). A person may submit an application for each available permit.~~
- ~~(3) **Lottery.** If the number of qualified applications received exceeds the number of permits available, then at least thirty (30) days before the first day of the quarter, the Commission will select those persons to receive a taxicab permit by a random drawing of names of eligible applicants, in accordance with procedures established by the Agency.~~
- ~~(4) **No Lottery.** If the number of qualified applications received pursuant to subsection (b)(2) of this section is less than the number of permits available, the Agency will issue a permit to each eligible applicant for each application submitted. Any remaining permits may be issued for the next quarter.~~
- ~~(5) **Vehicle Information.** On or before the last day of the month preceding the first day of the quarter, an applicant selected to receive a permit pursuant to this section shall meet the requirements of section 23-11 with regard to the taxicab to be operated pursuant to the permit.~~
- ~~(6) **Issuance.** On or before the last day of the month preceding the first day of the quarter, the Agency will provide a permit card to each selected taxicab permit applicant meeting the requirements of this section.~~
- ~~(7) **Refunds.** The Agency will promptly refund a permit fee to any applicant not selected to receive a taxicab permit. Once an applicant is selected to receive a permit pursuant to this section, the permit fee is nonrefundable.]~~

Sec. 23-10. Taxicab permit applications.

- (a) **Applications.** Any person seeking to obtain a taxicab permit shall make application to the Agency on a form provided by the Agency. The application form will require the following information:
 - (1) Full name of the applicant;
 - (2) Date of birth of the applicant, if an individual;
 - (3) The residence and business address of the applicant if an individual; if a firm, association or partnership, the name and address thereof and names and residences of members; if a corporation, name and address thereof and names and residences of officers and resident agent; and
 - (4) List of any other name, alias or trade name used.

- (b) **Rejection.** The Agency shall reject any application that has not been fully and accurately completed or that is not accompanied by the fee required pursuant to ~~[section 23-7(b)(3).]~~ Section 23-7(b)(3) of this article.
- (c) **Approval or Denial.** The Agency shall approve the issuance of a taxicab permit only if the Agency finds that the applicant is in compliance with the provisions of this chapter and that each vehicle described in the application and proposed to be used as a taxicab is adequate and safe for such purpose; otherwise, the Agency shall deny the issuance of the permit.
- (d) **Update of information.** Every permit holder or applicant has a continuing obligation to notify the Agency of any change in any of the information required by subsection (a) of this section, in writing, within ~~[forty-eight (48)]~~ 48 hours of the change.

Sec. 23-11. Taxicab Standards and Information.

- (a) **In General.** As required by ~~[sections 23-7, 23-8, and 23-9,]~~ Sections 23-7 and 23-8 of this article, a permit holder or applicant shall meet the requirements of this section with regard to the vehicle to be operated as a taxicab under the taxicab permit issued pursuant to this chapter:
- (b) **Required Information.** A permit holder or applicant shall submit to the Agency the following information with regard to the vehicle to be permitted as a taxicab:
 - (1) **Description of Vehicle.** The make, year, model, color and vehicle identification number of the taxicab;
 - (2) **Insurance.** A certificate from an insurance company, signed by an authorized agent, showing that a current insurance policy has been issued for the taxicab, specifying the terms and effective dates of the policy; and
 - (3) **Registration.** A copy of the taxicab's vehicle registration issued by the Maryland Motor Vehicle Administration.
- (c) **Update of information.** Every permit holder or applicant has a continuing obligation to notify the Agency of any change in any of the information required by subsection (b) of this section, in writing, within ~~[forty-eight (48)]~~ 48 hours of the change.
- (d) **Affiliation.** An individual taxicab permit holder may affiliate with an existing business entity whose primary purpose is the operation of taxicabs within the City. As part of the affiliation, the individual taxicab permit holder may use the existing business entity's dispatch services and distinctive color scheme or insignia.

Sec. 23-12. Taxicab permits—Transfer and reassignment. ***

Sec. 23-13. Taxicab permits—Suspension. ***

Sec. 23-14. Taxicab permits—Revocation.

- (a) **Grounds.** The Commission may revoke a taxicab permit for any of the following reasons:

- (1) The permit has been suspended by the Agency pursuant to ~~[section]~~ Section 23-13 of this article and the permit holder fails to correct the violation(s) giving rise to the suspension on or before the deadline set by the Agency;
- (2) The permit has been suspended more than ~~[three (3)]~~ three times within the previous six-month period, whether or not the permit holder timely corrected the violations giving rise to the suspension; or
- (3) The Commission sustains a third or subsequent complaint against the permit holder within a ~~[twelve-month]~~ 12-month period in accordance with ~~[section 23-34(b),]~~ Section 23-34(b) of this chapter, and the applicable permit has previously been suspended in accordance with ~~[section 23-13;]~~ Section 23-13 of this article; or
- (4) The Commission sustains a sixth or subsequent complaint against the permit holder within a twelve-month period in accordance with ~~[section 23-34(e).]~~ Section 23-34(c) of this chapter.

(b) **Process.**

- (1) Upon determining that one or more grounds for revocation of a taxicab permit exist, the Agency shall serve a written notice on the permit holder. The written notice must:
 - (A) Notify the permit holder that the Commission intends to revoke the permit unless cause is shown that it should not do so;
 - (B) Specify the grounds for the Agency's finding; and
 - (C) Set a date, between ~~[seven (7)]~~ 7 and ~~[thirty (30)]~~ 30 days from the date of the notice for a hearing before the Commission.
- (2) At the hearing, the permit holder may be represented by any person, may testify and present other evidence, and may cross-examine witnesses.
- (3) The Commission shall revoke the permit, not revoke the permit, or extend a suspension for a specified period. The Commission may attach reasonable conditions to its decision. Within seven (7) days after the hearing, the Commission shall issue a final written decision, stating the reasons for the decision.
- (4) If the Commission decides to revoke the taxicab permit, the permit holder shall, within ~~[twenty-four (24)]~~ 24 hours of receipt of the Commission's written decision, return the permit card to the agency either in person or via U.S. mail, first class, postage prepaid.
- (5) ~~[Once revoked, a permit may be reissued to another applicant pursuant to section 23-9.]~~ A permit holder whose permit is revoked may not apply for a new permit for at least one year from the date the permit card is returned to the Agency.

Sec. 23-15. Display of taxicab permit card. ***

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Section 23-23 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

Sec. 23-23. Equipment.

- (a) **General Maintenance.** A taxicab and all equipment therein must be maintained in proper working order.
- (b) **[Fare] Meters.**
 - (1) A taxicab must contain a [fare] meter for the purpose of calculating an accurate charge for service based on the requirements of this chapter.
 - (2) The Agency shall ensure that a [fare] meter is properly secured by security tape or metal crimping [tape:] or in the case of a software program, platform, or application installed on an electronic device, approved by the Agency.
 - (3) No person, including but not limited to a taxicab driver, may tamper with a [fare] meter.
- (c) **Doors.** A taxicab must be of the closed type. A taxicab must have at least one operational door on each side for the entrance and exit of passengers. All doors must remain securely fastened during normal operation but must be capable of being easily opened by a passenger in case of emergency.
- (d) **Tires and bumpers.** A taxicab shall be equipped with tires, as required by state statute for driving in snow emergencies, or a set of suitable chains for the driving wheels, adjusted so as to cause as little noise as possible. Every taxicab must be equipped with front and rear bumpers.
- (e) **Dome lights.** A taxicab must be equipped with a dome light within the passenger compartment capable of being turned on and off by the passenger or controlled by the operation of the doors.
- (f) **Top lights.** A taxicab must be equipped with a top light.

SECTION IV. AND BE IT FURTHER ENACTED AND ORDAINED, That this ordinance shall take effect on the date it is signed by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

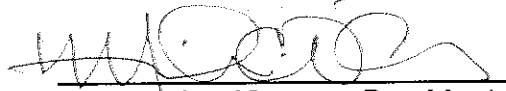
NOTE: [Bold Brackets] indicates material deleted
Underlining indicates material added
*** indicates no change

APPROVED: November 7, 2019



Michael C. O'Connor, Mayor

PASSED: November 7, 2019



**Michael C. O'Connor, President,
Board of Aldermen**

Approved for Legal Sufficiency:



City Attorney