

**CHAPTER 11**  
**PUBLIC UTILITIES**

Section

- 11.01 Railways.
- 11.02 Motor Bus Transportation.
- 11.03 Motor Bus Shelter - Lawful Use. (Cr. by Ord. 11,357, 9-29-95)
- 11.04 Motor Buses - Obstruction of Operator's View.
- 11.045 Motor Buses - No Radios or Tape Players, or Consumption of Alcoholic Beverages. (Cr. by Ord. 7846, 10-15-82)
- 11.05 Motor Buses - Consent of Council to Operate on Street.
- 11.06 Licensing and Regulating Public Passenger Vehicles, for Hire. (R. & Re-Cr. by Ord. 10,982, Adopted 8-30-94)
- 11.07 Cab and Bus Stands - Regulations Thereof.
- 11.08 Adoption by Reference: State Code. (Cr. by Ord. 10140, 11-14-90)
- 11.09 Payment of Taxicab Fare Required. (Cr. by Ord. 4541, 4-10-74)
- 11.10 Reserved for Future Use. (R. by ORD-05-00167, 11-8-05)
- 11.11 - 11.19 Reserved For Future Use.
- 11.20 Penalty.

**11.01 RAILWAYS.**

- (1) To Ring Bells at Street Crossings. No railroad train or locomotive shall run over any public traveled grade crossing in the City of Madison except where gates are operated or a flag man is stationed, unless the engine bell shall be rung continuously within three hundred thirty (330) feet of and until such crossing shall be reached.
  - (2) Not to Blow Whistles at Street Crossings.
    - (a) It shall be unlawful for any railroad company or any locomotive engineer to blow any locomotive whistle within the City limits unless necessary to prevent immediate danger to life or property.
    - (b) The prohibition contained in Subdivision (a), above, shall not apply when a locomotive is within 330 feet of a grade crossing not protected by gates or flashing signals.
    - (c) Any person violating Subdivision (a), above, shall be subject to a forfeiture of not less than \$200 and not more than \$500.
    - (d) This provision shall become effective October 1, 2001.
- (Rep. & Recr. by Ord. 12,852, 7-25-01)

(3) Side Tracks and Spurs.

- (a) Permission has heretofore been granted to the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, to the Chicago and North Western Railroad Company, and to the Illinois Central Railroad Company for the construction of spur tracks at the following locations in the City of Madison:

Chicago and North Western Railroad Company

Location	Date of Ordinance
Baldwin	February 12, 1904
Dickinson	January 12, 1906
Main	December 12, 1906
Linden	December 12, 1906
Baldwin & Main	February 8, 1907
Clymer (or Railroad)	January 15, 1910
Blair and Dickinson	May 17, 1910
Wilson	May 17, 1910
Blount	May 17, 1910
Livingston	May 17, 1910
Clymer & South Livingston	July 19, 1912
Railroad (formerly Clymer), Ingersoll & East Main	May 9, 1913
Livingston and Blount	October 24, 1913
East Main, Fist and Washington	December 21, 1915
Commercial Avenue	August 28, 1925
Blount	March 26, 1926
East Mifflin	September 10, 1926
Paterson	September 10, 1926
Ingersoll and Brearly	October 8, 1926
Along Railroad between Brearly and Ingersoll	November 25, 1927
Brearly	May 24, 1929
Railroad	April 12, 1935
South Ingersoll and Railroad	September 28, 1945

Illinois Central Railroad Company

Location	Date of Ordinance
Lake	June 28, 1946
Murray	May 12, 1911

Chicago, Milwaukee, St. Paul and Pacific Railroad Company

Location	Date of Ordinance
Washington	May 11, 1906
Repeals Washington	September 13, 1907
Murray	May 10, 1912
Doty and Wilson	June 12, 1914
North Murray	October 27, 1916
Murray	November 9, 1917
Farley Avenue	July 9, 1926
South Paterson	October 8, 1926
North Dickinson	February 11, 1927
West Main	March 8, 1935
Roth (two)	August 22, 1941
Aberg	August 22, 1941
Dickson	November 28, 1941
Wilson	May 25, 1945
Commercial Avenue (two)	June 28, 1940

Northern Electrical Manufacturing Company

Location	Date of Ordinance
Wilson	June 18, 1907

Gisholt Machine Company

Location	Date of Ordinance
Baldwin and East Wilson	November 11, 1904
Baldwin Street	July 14, 1911

Janesville and Madison Traction Company

Location	Date of Ordinance
Atwood Avenue	April 14, 1915

- (b) All spur tracks or side tracks heretofore or hereafter laid by any railroad company shall conform to the lawful grade of any street or alley upon which said track is laid, and shall, at the expense of the railway company, be maintained in accordance with the grade of such street as the same may be changed from time to time; and whenever the City shall pave, gravel, or improve any street or alley, the said railway company shall at their own expense plank or pave with suitable material to be determined by the Board of Public Works of the City of Madison, and in a substantial and workmanlike manner, all that portion of said street or alley lying between the rails of said track and extending four (4) feet beyond the outside rails, and to keep pavement at all times in good condition, so as to admit of convenience and uninterrupted travel by the public.
- (4) Spur Track Across and Upon Fitzpatrick Road.
- (a) Permission and authority is hereby granted and given to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, its successors and assigns, to maintain a railroad spur track upon and across Fitzpatrick Road in the City of Madison at the location and between the points designated on the blueprint on file with the City Engineer and City Clerk which said spur track is thereon indicated in yellow and which is now used and is intended to be used principally to serve Marshall Erdman and Associates, Inc., and land now owned by J.J. Fitzpatrick Lumber Company, Inc., and the Fitzpatrick Realty Corporation, Inc.
- (b) The said railroad company shall pave or surface the entire length of the spur track within Fitzpatrick Road with the same or similar material as that used on said road.
- (c) The maintenance of said spur track and all paving and surfacing work thereon shall be without cost or expense to the City of Madison and shall be accomplished in accordance with the ordinances of the City of Madison and to the satisfaction of the Board of Public Works of said City.
- (d) As a condition of the within grant, the said railroad company, for itself, its successors and assigns, agrees that it will be liable for and shall hold and truly save and indemnify and keep harmless the City of Madison from and against all damages, claims, liabilities, judgments, costs and expenses occasioned by or arising out of the use or occupancy of Fitzpatrick Road as before described or which may result from the acts or neglect of said railroad company, its agents or employees in connection with the maintenance of such spur track. As a further condition of the within grant, the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company agrees to remove such spur track at its own expense in the event such removal shall be necessary for the promoting of the public safety and convenience.
- Note: Fitzpatrick Road is now North Whitney Way.

**11.02 MOTOR BUS TRANSPORTATION.**

- (1) License. It shall be unlawful for any common motor carrier of passengers, that is, any person, firm, or corporation holding himself or itself out to the public, as willing to undertake for hire to transport persons by motor vehicle between fixed termini or over a regular route upon the public highways, where said operations take place entirely within the City of Madison and incorporated cities or villages contiguous to the City of Madison and in municipalities contiguous to the City of Madison when the motor carrier has its principal place of business therein, to operate any motor vehicle along and upon any public highway of the City of Madison, without first making application and procuring the consent of the Common Council of said City to so operate, and no consent shall be given except by means of license therefore as provided in Subsection (2) of Section 11.02 of the General Ordinances. The Common Council may at any time suspend or prohibit the right of common motor carriers of passengers to operate motor vehicles over any public highway of the City of Madison when necessary for the proper preservation or policing of the same. No common motor carrier of passengers shall operate any motor vehicle within or through the City of Madison, except in compliance with action taken by the Common Council of said City in relation to the routing of said common motor carrier over the streets of the City of Madison. For purposes of this ordinance, an amphibious motor vehicle properly registered and licensed as a motor bus by the Wisconsin Department of Transportation and operating on the highway over routes between lake access points shall not be considered a "common motor carrier" and therefore not subject to the provisions of this ordinance. (Am. by Ord. 8570, 4-24-85; ORD-05-00127, 7-22-05)
- (2) Application. A separate application in writing shall be made and filed with the City Clerk of said City by each person, firm or corporation proposing to operate such motor vehicle or vehicles in the City of Madison, which application shall be verified as to the truth of the statements therein contained by the oath of the person making such application, if a natural person, and by a member thereof if applicant is a firm, and by an officer thereof if the applicant is a corporation. Each application shall contain the following statements, to wit: name, age, residence, and business address if the applicant is a natural person; the business name of the firm and the names of the persons comprising the same, with the business address of each partner and of the firm, if a firm; its name, date of incorporation and place of business, if a corporation; the seating capacity of each motor vehicle proposed to be used; the route or territory over which it is proposed to operate each such vehicle; the proposed hours of such operation; the rate of fare to be charged. The name, type and make of each motor vehicle to be used, the factory and engine numbers thereof, the state license number thereof, shall be filed with the City Clerk as soon as the motor vehicle is operated.

- (3) Whenever an applicant for one (1) or more licenses shall have complied with all the conditions and regulations relative to the filing of his application, it shall be the duty of the City Clerk to forward said application to the Common Council at any regular or special meeting. A majority vote of the members elect of the Common Council shall authorize the issuance or denial of a license for each bus listed in such application. No such license shall be issued by the City Clerk until favorable action upon the application thereof is first had by the Common Council, and the fees provided for in Subsection (5) fully paid to the City Treasurer. The Common Council may, upon proper application, permit a licensee to transfer the license from one vehicle to another upon the surrender of the City Treasurer's motor vehicle receipts issued for such motor vehicle and by the payment of the difference in license rate as provided in subsection (5) of the general ordinances between the vehicle license surrendered and the rate of the substitute vehicle, and the payment of one dollar (\$1) transfer fee for each such substitute vehicle, but in no case shall the City refund any portion of the license rate in case the substitute vehicle is of less seating capacity. Each bus licensed under the provisions of this ordinance shall carry in a conspicuous place the license issued therefor.
- (4) Termination: License Not an Exclusive Right. Each license shall be for an annual period commencing January 1 and expiring December 31 of each year. Provided, however, that the issuance of a license or licenses hereunder shall not be construed as giving an exclusive use or right to operate such motor vehicles over any proposed route or territory, or as giving such exclusive use or right to any person, firm, or corporation obtaining such license or licenses.
- (5) License Rate. As reasonable compensation for the repair and maintenance of pavements and bridges, and compensation for the regulation of street traffic and for other expenses occasioned by the operation of such motor vehicle or vehicles upon the streets or highways of the City of Madison, each person, firm, or corporation procuring a license shall, before obtaining such license, pay to the City Treasurer fees computed upon the manufacturer's rated seating capacity of such motor vehicles upon the basis set forth in the following schedule, to wit:

For buses having the largest seating capacity, per annum three hundred dollars (\$300). For all other buses having a smaller seating capacity, the annual license fee shall be a proportionate sum based on the ratio of the seating capacity thereof to the seating capacity of the largest bus regularly operated in the City of Madison.

Provided, however, if a license is issued after March 31, and before the first day of the succeeding January, the above license fees shall be reduced in proportion to the number of quarters of the license year which have fully elapsed (at the time license is issued) bears to the full year, and that emergency licenses for a period of three (3) months may be issued upon payment of license fees in the sum equal to one-fourth (1/4) of the annual license fees hereinabove specified.

Every operator of such motor vehicle shall in each licensing period pay for the licenses required for vehicles necessary to be operated on the several lines of the operator to meet its regular schedule requirements. Regular schedule requirements shall be understood to mean vehicles of the number and capacity required for such route or routes on each day over a consecutive period of not less than ten (10) days, exclusive of Saturday and Sunday.

(Sec. 11.03(5) Am. by Ord. 9401, 2-11-88; Auto. R. 2-15-88)

**11.03 MOTOR BUS SHELTER - LAWFUL USE.**

- (1) No person shall enter or remain in a bus shelter or at a transfer point except while actually waiting for the arrival of the next scheduled bus routed to the person's destination or except while having business to attend to in connection with waiting for a bus. (Am. by ORD-05-00119, 7-12-05)
- (2) No citation may be issued for a violation of this subsection unless the area has been posted with an official sign which notifies the person not to enter or remain on the premises. (Am. by ORD-05-00119, 7-12-05)
- (3) This section does not prohibit any person from entering or remaining in a bus shelter in an emergency situation or for a brief period of time to seek protection from the elements.
- (4) Any person violating this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) for each offense.

(Sec. 11.03 Cr. by Ord. 11,357, 9-29-95)

**11.04 MOTOR BUSES - OBSTRUCTION OF OPERATOR'S VIEW.**

- (1) Illegal Operation. It shall be unlawful for the operator of any motor bus to operate the same when it is so loaded as to obstruct the view of the operator to the front or to the sides or to interfere with the operator having free use of both hands and feet to the operating mechanism or controls of the motor bus.
- (2) Illegal Riding. It shall be unlawful for any passenger in a motor vehicle to ride in such a position as to interfere with the operator's view ahead or to the sides or to interfere with the operator's control of the operating mechanism of the vehicle.
- (3) Definition of Obstruction. The driver's view shall be deemed to be obstructed within the purview of this ordinance when any passenger is standing forward of a line parallel to and extending through the rear edge of the operator's or driver's seat. Said line shall be clearly marked on the floor and walls of each motor bus operated upon the streets of the City of Madison, and each bus shall be equipped with a sign forbidding passengers to stand forward of said line. Said sign shall be of sufficient size to be clearly visible and shall be placed or hung at the said line hereinbefore described and shall contain the following language or words similar thereto, "Passengers standing forward of this line prohibited by City ordinance".
- (4) Unlawful to Obstruct Operator's View. No passenger shall stand in or on any portion of any bus forward of the rear edge of the back of the operator's or driver's seat while such bus is being operated on any street in the City of Madison.
- (5) Unlawful to Operate When View Obstructed. It shall be unlawful for any person, firm, or corporation to operate or cause to be operated on any street in the City of Madison any bus contrary to the provisions of this section.

**11.045 MOTOR BUSES - NO RADIOS OR TAPE PLAYERS, OR CONSUMPTION OF ALCOHOLIC BEVERAGES.**

- (1) It shall be unlawful for any person in a Madison Metro Bus within the jurisdictional limits of the City of Madison to:
  - (a) Play radios, tape players or other similar devices, except if a device such as an earphone is used by the listener.
  - (b) Consume any food and/or beverage, except for Metro Motorcoach Operators while taking a break from duty and except for infant feeding.
  - (c) Dispose of any litter, garbage, or refuse.
- (2) A sign substantially bearing the words "No Radio or Tape Playing, Consumption of Food and/or Beverages, or Littering . . . City Ordinances" shall be displayed in a conspicuous place in each motor bus.
- (3) The provisions of this ordinance and Sec. 23.05 Madison General Ordinances, so far as it applies to motor buses, shall not apply to private charters.

(Sec. 11.045 Am. by Ord. 9892, 11-14-89)

**11.05 MOTOR BUSES - CONSENT OF COUNCIL TO OPERATE ON STREET.**

- (1) No person, firm, or corporation shall operate any common motor carrier of property or of passengers within or through any street in the City of Madison except in compliance with action taken by the Common Council in relation to such street and route. For purposes of this ordinance, amphibious motor vehicles properly registered and licensed as a motor bus by the Wisconsin Department of Transportation and operating on the highway over routes between lake access points shall not be considered a “common motor carrier of property or passengers” and therefore not subject to the provisions of this ordinance. (Am. by ORD-05-00127, 7-22-05)
- (2) No common motor carrier of property or passengers shall operate any motor vehicle within or through any street in the City of Madison until permission therefor, evidenced by resolution of the Common Council, be first obtained.
- (3) No common motor carrier of property or passenger shall operate any motor vehicle within or through any street in the City of Madison after permission for such use has been withdrawn or rescinded by action of the Common Council.

**11.06 LICENSING AND REGULATING PUBLIC PASSENGER VEHICLES, FOR HIRE.**

- (1) Purpose. The purpose of this ordinance is to
  - (a) Protect consumers by providing for safe, convenient and efficient public transportation for hire.
  - (b) Protect the health and safety of drivers of public passenger vehicles.
  - (c) Eliminate conflict and confusion among different types of service.
  - (d) Improve operating conditions to enable licensees and drivers to provide better public service.
- (2) License Required.
  - (a) No person shall engage in the business of transporting passengers for hire or drive a vehicle transporting passengers for hire within the City limits of Madison unless duly licensed to do so as hereinafter provided.
    1. Transportation of passengers for hire includes demand-responsive transportation by a specialized transportation vehicle.
    2. Transportation of passengers for hire shall include taking any tip or gratuity for the service, regardless of whether an actual quoted fare is paid.
    3. Transportation of passengers for hire does not include the following:
      - a. Inter-city bus transportation or school bus transportation whether by fixed route or by charter service.
      - b. Transportation provided exclusively for elderly or low-income persons or persons with disabilities, when such transportation is provided by volunteers or by agents or employees of bona fide non-profit agencies, and transportation provided by ambulance.
      - c. Courtesy rides provided to customers by auto dealerships or auto repair businesses.
  - (b) No public passenger vehicle shall be used to transport passengers for hire unless a permit has been issued under this ordinance for such use.
  - (c) The City Traffic Engineer shall have the authority to issue a provisional license to Pedal-Cab operators pending final approval of the Common Council if the Pedal-Cab operator obtains a valid driver permit, provides proof of liability insurance coverage as required in Subsection (8)(b) of this ordinance, and passes a vehicle inspection.
  - (d) No person licensed to offer public passenger vehicle service or similar transportation service to the public within the City limits of Madison shall employ a driver or allow any person to drive any vehicle licensed in the name of said person unless said driver or person shall have first obtained a public passenger vehicle driver’s permit as hereinafter provided.



- (e) No person shall operate any public passenger vehicle until s/he shall have obtained a public passenger vehicle driver's permit from the Chief of Police.
- (f) A person who is licensed as a driver under Subsection (6) of this ordinance and who complies with the terms of that license is not required to also be licensed under Subsection (4), unless that person is also engaged in the business of transporting passengers for hire.
- (g) The inspection of public passenger vehicles and enforcement of this section shall be under the supervision and control of the City Traffic Engineer. Appeals from decisions of the City Traffic Engineer shall be governed by Subsection (13) of this ordinance. (Am. by Ord. 11,848, Adopted 4-14-97; Effective 5-21-97)

(Sec. 11.06(2) Am. by ORD-12-00086, 6-26-12)

(3) Definitions.

- (a) "Accessible" means, with respect to vehicles, complying with the accessibility requirements of 49 CFR 37.3 Definitions (Wheelchairs); and 49 CFR §§38.23 Mobility aid accessibility, 38.25 Doors, steps and thresholds, 38.29 Interior circulation, handrails and stanchions, and 38.31, Lighting, currently in effect and as amended from time to time. (Cr. by Ord. 13,596, 4-21-04)
- (b) "Accessible taxicab service" means public passenger vehicle service for hire which provides one or more accessible vehicles. (Cr. by Ord. 13,596, 4-21-04)
- (c) "Airport shuttle service" shall mean a service by means of a public passenger vehicle for hire, not equipped with a taximeter and not licensed as a taxicab. Such service is covered by this ordinance only for rides between the Dane County Regional Airport and points within the City of Madison. (Renumbered by Ord. 13,596, 4-21-04)
- (d) "Carpool" shall mean any group of three or more persons using a self-propelled vehicle for travel to or from work. (Renumbered by Ord. 13,596, 4-21-04)
- (e) "Demand-responsive transportation" shall mean transportation by any public passenger vehicle available for call or hail and not operated on a fixed route along a public way. (Renumbered by Ord. 13,596, 4-21-04)
- (f) "Driver" shall mean a person who holds a valid permit authorized by this ordinance to drive a public passenger vehicle as authorized by this ordinance. (Renumbered by Ord. 13,596, 4-21-04)
- (g) "Estimated fare" shall mean the fare which, under ordinary circumstances, would be the fare for the trip requested by the passenger. (Renumbered by Ord. 13,596, 4-21-04)
- (h) "Group loading" shall mean the method of entry by passengers constituting a single party on a trip in a demand-responsive vehicle where all of the passengers enter at the same point of origin and disembark at the same destination; or, at the request of any passenger, the trip might involve multiple origins and/or multiple destinations; all paying only one single fare for the group ride, whether by meter or mileage rate. The passengers constitute a group load. (Renumbered by Ord. 13,596, 4-21-04)
- (i) "Horse-drawn vehicle" shall mean any vehicle which is operated or pulled by a horse, mule, ox or any other beast of burden which may be hired for the transportation of passengers and which picks up passengers within the corporate limits of the City of Madison. (Renumbered by Ord. 13,596, 4-21-04)
- (j) "Meter taxicab" shall mean a public passenger vehicle so designated under Subsection (5) and equipped with a taximeter for the purpose of registering the fare charged upon the basis of the time and distance traveled. (Renumbered by Ord. 13,596, 4-21-04)
- (k) "Multiple loading" shall mean the method of entry by passengers constituting separate parties on a trip where all of the passengers enter at the same point of origin and disembark at more than one destination, or vice versa, each paying an individual fare for the trip. (Renumbered by Ord. 13,596, 4-21-04)

- (l) “Party” shall mean either an individual passenger or multiple passengers requesting a trip together if they have sufficient common bonds (for example: family, friends, etc.). In general, such commonality can be determined by whether or not there is a single spokesperson requesting a trip for a number of passengers; if there is, then the number constitutes a single party; if the passengers individually request a trip then the number constitutes separate parties. (Renumbered by Ord. 13,596, 4-21-04)
- (m) A “peak period” is a period of high passenger demand. For the purpose of this ordinance, a peak period must be identified in one of the following ways:
  1. The City Traffic Engineer may provide licensees with advance notice of a peak period or periods. Such notice may be by FAX or regular mail and must contain the date and time of the beginning and end of the peak period.
  2. The Director of the Dane County Regional Airport may provide the City Traffic Engineer and all licensees simultaneously with notice of a peak period or periods. Such notice may be by FAX, or by regular mail and must contain the date and time of the beginning and end of the peak period.  
(Am. by Ord. 11,911, 7-29-97; Ord. 13,596, 4-21-04)
- (n) Pedal-cab operator: Any person, partnership, corporation, association, or other organization engaged in the business of transporting passengers for hire by means of one or more than one pedal-cab. (Cr. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (o) Pedal-cab: A multi-wheeled, hooded or unhooded vehicle that is propelled by human power, is used in the transport of passengers and is available for hire on the public streets within the corporate limits of the City of Madison. (Cr. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (p) Pedal-cab driver: Any person who drives a pedal-cab, including an operator or an employee of an operator. (Cr. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (q) “Person” shall mean a natural person, firm, partnership, corporation, association, company or any other group of individuals acting together for a common purpose; and together with associated pronouns, shall include the male or female gender, singular or plural, as the context in which they are used requires. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (r) “Public passenger vehicle” shall mean any self-propelled vehicle, pedal-cab, or horse-drawn vehicle which is used for the transportation of passengers for hire, excepting: 1) those operated on fixed routes pursuant to authority granted by the City, State or Federal Government; 2) such vehicles as are rented to be driven by the renter or her/his agent, commonly known as rent-a-cars; 3) vehicles operated solely as funeral cars; 4) carpools; 5) amphibious motor vehicles properly registered and licensed by the Wisconsin Department of Transportation as motor buses and operating on the highway upon routes between lake access points; and 6) hotel shuttle vehicles. (Renumbered & Am. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Am. by ORD-05-00127, 7-22-05; ORD-12-00112, 11-07-12)
- (s) “Public way” shall mean any public street, road, boulevard, alley, lane, highway and sidewalk, and including those portions of any public place under the control of the public or county which have been designated for use by motor vehicles. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (t) “Rest period” means a continuous uninterrupted period of time, lasting at least eight (8) hours, during which the driver does not drive a public passenger vehicle. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (u) “Scanner” means an FM radio receiving device capable of operating in taxicab radio bands. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)

- (v) “Shared ride” means a method of operating a zone taxicab in which passengers sharing a common portion of a trip may enter the vehicle at one or more points of origin and disembark at one or more destinations, each passenger paying an individual fare for the trip. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
  - (w) “Specialized transportation vehicle” shall mean a vehicle for hire, other than a taxicab, shuttle vehicle, horse-drawn vehicle, luxury limousine or courtesy car, or mass transportation vehicle, which is especially suited for the transportation of elderly persons or persons with disabilities. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Am. by ORD-06-00099, 8-2-06)
  - (x) “Taximeter” shall mean a mechanical or electrical device which records and indicates a charge or fare calculated according to distance traveled, waiting time, traffic delay, initial charge, and other charges authorized by this section or by rule, or any combination of any of the foregoing, and which records other data. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
  - (y) “Zone taxicab” shall mean a public passenger vehicle so designated on the permits and which operates on the zone system of charges established by tariff in accordance with the provisions of this ordinance. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)
- (4) Licensing of Public Passenger Services.
- (a) The fees for a license to engage in the business of transporting passengers for hire under this subsection, commencing with licenses issued in 2012 and thereafter, shall be as follows:

Type of Service	Initial license – 1 year	Initial License – 2 years	Renewal- 2 years
Meter Taxicab Service	\$1,200	\$2,075/ license	\$1,750/ license
Zone Taxicab Service	\$1,200	\$2,075/ license	\$1,750/ license
Airport Shuttle Service	\$1,200	\$2,075/ license	\$1,750/ license
Horse-Drawn Vehicle Service	\$1,200	\$1,800/ license	\$1,520/ license
Specialized Transportation Service	\$1,200	\$2,200/ license	\$1,850/ license
Pedal-Cab Service	\$125	\$200/ license	\$100/license

(Sec. 11.06(4)(a) Am. by Ord. 12,141, 6-1-98; Ord. 12,744, 12-29-00; Ord. 13,487, 1-23-04; ORD-05-00110, 6-8-05; ORD-10-00038, 5-1-10; ORD-12-00086, 6-26-12)

- (b) Application for Initial License to Engage in the Business of Transporting Passengers for Hire. Any person wishing to obtain a license to engage in the business of transporting passengers for hire, whose rides originate within the City of Madison, shall present to the City Clerk a written application accompanied by proof of payment of the fee or fees established in Subdivision (a) above and by proof of liability insurance coverage as required in Subsection (8)(a) of this ordinance.

The application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, the schedule of rates of fare to be adopted, and such other pertinent information as the City Traffic Engineer may require.

The applicant shall identify the number and type of accessible vehicle(s) which will be furnished as part of applicant's accessible taxicab service responsibilities; or, in the event this obligation will be fulfilled by contracting with another currently licensed operator in the business of public passenger vehicles for hire in the City of Madison, the applicant shall provide a copy of the agreement with that operator as evidence of compliance with the requirements in Section 11.06(7)(a). Applicants solely wishing to operate pedal-cabs shall be exempt from this requirement as it pertains to accessible vehicle requirements.

All such applications shall be received by the City Clerk and shall be referred to the City Traffic Engineer. The Traffic Engineer shall make such investigations as s/he deems necessary and shall furnish the application and any additional relevant information and his/her recommendation to the Transit and Parking Commission for its consideration, with the exception of Pedal-Cab operators. The City Traffic Engineer shall have the authority to issue a provisional license to pedal-cab operators pursuant to Sec. 11.06(2)(c).

For an initial application, the Traffic Engineer shall give notice of the time and place of the meeting at which the Transit and Parking Commission will consider the application by publishing a Class 2 notice under the Wisconsin Statutes in the official City paper. No notice is required if the license is solely for the operation of pedal-cabs.

The Commission shall consider whether or not the applicant should receive an initial or renewal license to engage in the business of transporting passengers for hire and shall make a recommendation to the Common Council. In doing so, the Commission shall consider the following:

1. The financial capability and responsibility of the applicant.
2. The applicant's prior experience in operating public passenger services.
3. The level and quality of service provided by the applicant in the past in areas in which it has operated.
4. The experience and competence of the applicant's drivers.
5. The applicant's prior record of compliance with applicable regulatory laws, ordinances and rules. This includes records of complaints and enforcement actions against drivers and vehicle owners.
6. The applicant's prior record of service complaints.
7. The age and condition of the vehicles proposed to be licensed by the applicant.
8. The applicant's safety record, including records of accident experience and record of employee safety training.

The Commission may also establish additional standards or criteria to use in reviewing such applications, not inconsistent with the above standards.

Upon completing its review hereunder, the Commission shall recommend to the Common Council the grant or denial of the license, and shall provide the Council with a report stating the reasons for its recommendation.

(Am. by Ord. 12,141, 6-1-98; Ord. 12,744, 12-29-00; Ord. 13,596, 4-21-04; ORD-12-00086, 6-26-12)

(c) Duration and Expiration of License to Engage in the Business of Transporting Passengers for Hire.

Beginning with the 2012 licensing season and thereafter, all licenses to engage in the business of transporting passengers for hire shall be for a two (2) year period, running from the date of issue through the second June 30th following the date of issue, so that all licenses under this section shall expire and be eligible for renewal during odd-numbered years.

However, first-time applicants for an initial license may opt for one (1) year license, which shall expire on the first June 30th following the date of issue, and may be renewed for one (1) additional one-year period for the same fee, if renewal is applied for during an even-numbered year, so that the licensee may be brought into the same schedule as the two-year licensees.

Once an initial license is granted under this subsection, it may be renewed under sub. (4)(d).

1. Annual Staff Review of Licensee. The City Traffic Engineer shall gather operating statistics from all two-year licensees under this subsection at least once during the two-year period, and shall provide the results to the Transit and Parking Commission.

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; Ord. 12,744, 12-29-00; Am. by ORD-05-00110, 6-8-05; ORD-12-00086, 6-26-12)

- (d) Renewal of License to Engage in Business of Transporting Passengers for Hire.

A license issued under sub. (4)(c) above may be renewed, using the following procedure. Renewal licenses shall be for a two (2) year period except for the one-time, one year renewal described in sub. (4)(c). An application to renew an existing license shall be submitted to the City Clerk on or before January 31<sup>st</sup> of the year the license is due to expire. The application shall be accompanied by the renewal fee in sub. (4)(a). Failure to apply for renewal by January 31<sup>st</sup> will result in a waiver of the renewal process and any late renewal application, shall be treated as an application for an initial license and subject to the procedures and fees for an initial license described elsewhere in this ordinance.

The renewal application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, and schedule of rates of fare to be adopted, and any other information the Transit and Parking Commission ("TPC") may require. The Clerk shall refer the renewal application to the City Traffic Engineer, who shall provide the application, any additional relevant information and a recommendation to grant or deny the license renewal to the TPC. The TPC shall use the standards under sub. (4)(b), and any additional criteria established by the TPC, to determine whether the license should be renewed, and shall hear all persons desiring to be heard.

The TPC shall report its findings and recommend approval or denial of the renewal license to the Common Council, in time for the Council to act on all renewals by April 30<sup>th</sup>, so that the renewal license, if granted, may be issued by the Clerk before the existing license expires. However, the Council may approve a provisional renewal of up to ninety (90) days to allow completion of an investigation by the TPC and/or City Traffic Engineer commenced pursuant to a timely-filed renewal application. The Clerk shall issue all licenses renewed by the Council. All renewal licenses shall run for a two (2) year period from the date of renewal through June 30<sup>th</sup> of the second year after renewed. (Am. by Ord. 12,141, 6-1-98; Ord. 12,744, 12-29-00; ORD-05-00110, 6-8-05)

- (e) Final Administrative Determination. Denial of an initial license or renewal by the Common Council is a final administrative determination, subject to judicial review as provided by law. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; Ord. 12,744, 12-29-00; Am. by ORD-05-00110, 6-8-05)

- (f) Issuance of License. If the Council approves the grant of the license renewal, the applicant shall, upon complying with all of the provisions of this ordinance, be entitled to and shall receive from the City Clerk a written license signed by the Mayor and attested by the seal of the City of Madison authorizing such person to carry on the business of transporting passengers for hire. (Am. by Ord. 12,744, 12-29-00)

- (g) License Not Transferable. No license to engage in the business of transporting passengers for hire issued pursuant to this Subsection shall be transferable. A change of ownership of a licensed operator shall act as a termination of the license. The new owner must apply for and receive a new license prior to engaging in the business of public passenger services. (Am. by Ord.12,141, 6-1-98)
- (h) A license granted under this subsection may be revoked or suspended by the City Traffic Engineer. All license suspension or revocation proceedings shall be conducted as set forth in Subsection (13) of this ordinance. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(5) Licensing of Public Passenger Vehicles.

- (a) Public Passenger Vehicle Permit Fees. The fees under this subsection are hereby fixed as follows:

Commencing with the 2004 licensing year, and subsequent thereto, the following fees shall be in effect:

Meter Taxicab	\$60/vehicle/year
Zone Taxicab	\$60/vehicle/year
Airport Shuttle Vehicle	\$60/vehicle/year
Horse-Drawn Vehicle	\$60/vehicle/year
Specialized Transportation Vehicle	\$60/vehicle/year
Transfer of Permit	\$20/transfer
Pedal-Cab Vehicle	\$30/vehicle/year

(Sec. 11.06(5)(a) Am. by Ord. 12,141, 6-1-98; Ord. 13,487, 1-23-04; ORD-10-00038, 5-1-10; ORD-12-00086, 6-26-12)

- (b) Permit Required. An applicant for a public passenger vehicle permit shall present a written application to the City Clerk, accompanied by proof of payment of the fee established in Subdivision (a). The application shall contain the name and address of the licensee under whose license the vehicle is to be operated, together with the names of any and all persons who may have any interest whatsoever in the vehicle and a description of the vehicle, including make, model, and serial number, and such other pertinent information as the City Traffic Engineer may require. The applicant shall certify that the vehicle will be operated in compliance with the ordinances of the City of Madison. Such application shall also be accompanied by proof showing that such vehicle is fully covered by liability insurance as required in Subsection (8)(a) of this ordinance. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (c) Permit Tags and Cards. The City Clerk shall issue a permit tag bearing on its face the words “City of Madison Carrier’s License” and the year and the vehicle permit number for each vehicle for which a permit is issued. The licensee shall attach said permit tag securely and in a conspicuous place on the back of the vehicle so permitted immediately after receiving the same. Further, the City Clerk shall issue a permit card containing the owner’s name and address, vehicle license number and vehicle permit number for each vehicle for which a permit is issued. It shall be the duty of every licensee and permit holder to have the permit card displayed inside the vehicle for inspection.
- (d) No public passenger vehicle permit may be transferred from one public passenger vehicle to another except upon consent and authorization of the City Clerk. Any owner of a public passenger vehicle permit who desires to transfer said permit from one vehicle to another shall file an application in writing with the City Clerk. Such application shall be accompanied by the fee established in Subdivision (a) and shall contain all of the information and assurances required in applications under Subdivision (b).

- (e) Any time there is a change in ownership in any public passenger vehicle except as to a lessee who is an individual leasing a single taxicab or as to the mortgagee or conditional sales vendor, a new permit for said vehicle shall be obtained pursuant to Subdivision (d) above.
- (6) Permits for Drivers of Public Passenger Vehicles.
  - (a) Public Passenger Vehicle Driver’s Permit Fees. The fees under this subsection are hereby fixed as follows:

Commencing with the 2004 licensing year, and subsequent thereto, the following fees shall be in effect:

Original permit	\$25
Provisional permit	\$25
Renewal permit, if application is received before expiration of prior permit	\$25
Change of employer	\$20
Duplicate permit	\$25

(Sec. 11.06(6)(a) Am. by Ord. 12,141, 6-1-98; Ord. 13,487, 1-23-04)

- (b) Application for Initial Permit.
  1. Any person wishing to obtain a public passenger vehicle driver’s permit shall present a written application to the Chief of Police, accompanied by proof of payment of the fee established in Subdivision (a). The application shall contain the name and address of the licensee under whose license the applicant intends to drive public passenger vehicles, and such other pertinent information as the Chief of Police may require. Every licensee shall provide to the Madison Police Department the name and complete identification of each driver, and shall see to it that each driver arranges with the Police Department to have her/his photograph taken for this purpose.
  2. Such permit shall not be granted to any person under the age of eighteen (18) years, nor to any person who has been convicted by a court of competent jurisdiction, or has charges pending against her or him, of any offense the circumstances of which substantially relate to the circumstances of taxicab or other public passenger vehicle operation. Such offenses include, but are not limited to, crimes against persons or property or driving a vehicle while under the influence of intoxicants or controlled substances; provided, however, that the Chief of Police shall grant a permit to such convicted person if the conviction is reversed, or if the person is granted a pardon for the offense in question.
  3. In determining whether or not the circumstances of a conviction or a pending charge are substantially related to the circumstances of taxicab or other public passenger vehicle operation, the Chief of Police shall consider the number of convictions, the nature and seriousness of the crime or crimes, whether they involved violence, whether they involved theft or other evidence of lack of trustworthiness with money, whether the crime involved driving, the age and maturity of the individual at the time of the conviction, the amount of time elapsed since the last conviction, and any evidence of personal rehabilitation.
  4. Disability and Sensitivity Training Program. Applicants for a public passenger vehicle driver’s permit, with the exception of pedal-cab operators, shall be certified as having successfully completed the City of Madison’s approved Disability and Sensitivity Training Program before issuance of any such permit, except that applicants who have successfully completed an approved disability/sensitivity course, for credit, shall be deemed to have satisfied this

requirement. Applicants shall pay the tuition fee. Those who complete such program shall have an appropriate endorsement recorded and placed on their permit. The driver shall successfully complete the program within the permit year unless the program is not offered between the time of application and the end of the permit year; in such an event, the applicant shall be granted a provisional driver's permit upon proof of payment of the fee established in Subsection (6)(a) and shall complete the program within 90 days. No driver's permit shall be issued or renewed to any person who failed to complete the program during any previous period during which such person held a driver's permit, unless the person first successfully completes the program. In addition, licensee shall insure that drivers who operate accessible vehicles are trained to proficiency so that they operate vehicles and equipment, including lifts/ramps and securement devices, safely and properly assist individuals with disabilities who use the service. (Am. by Ord. 13,596, 4-21-04; ORD-12-00086, 6-26-12)

5. Permit Years. Unless it is renewed, a driver's permit expires at the end of the permit year. All driver's permits shall expire on June 30 of each year. (Am. by Ord. 11,283, 7-3-95; ORD-12-00086, 6-26-12)
  6. Renewals. A driver's permit may be renewed annually if the driver continues to be eligible for a permit. The fee shall be as established for a "renewal permit" in Sub. (6)(a) if the renewal is applied for before expiration of the permit. (Am. by Ord. 12,141, 6-1-98; Ord. 13,487, 1-23-04)
  7. If an applicant is eligible to receive a driver's permit, s/he shall receive from the Chief of Police a written permit to which shall be attached the applicant's photograph. The permit or such other permit information as the City Traffic Engineer may require, shall be placed in a location visible to all passengers in the vehicle driven by the driver. The permit shall state the name of the licensee by whom the driver is employed or from whom the driver leases a taxicab. No driver may drive a taxicab or other public passenger vehicle for any other than the licensee named in the permit. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (c) Appeals. If the Chief of Police denies a public passenger vehicle driver permit, s/he shall notify the applicant in writing, and shall state the reasons for the denial. S/he shall provide the City Traffic Engineer with a copy of the denial. The applicant may appeal the denial by notifying the City Traffic Engineer within fifteen (15) days of the date of the written denial. The appeal proceeding shall be held within forty-five (45) days after the date of the appeal, and shall be conducted by the Appeal Subcommittee as provided in Subsection (13)(c) of this ordinance. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (d) Any public passenger vehicle driver's permit issued hereunder may be suspended or revoked by the City Traffic Engineer for any one or more of the following causes: (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
1. When said driver has been convicted by a court of competent jurisdiction of an offense the circumstances of which substantially relate to the circumstances of taxicab operation. Such offenses include but are not limited to reckless driving as defined in Section 12.63 of the Madison General Ordinances or driving under the influence of intoxicants or controlled substances as defined in Section 12.64. In determining whether or not the circumstances of a conviction or a pending charge are substantially related to the circumstances of taxicab or other public passenger vehicle operation, the Chief of Police shall consider the factors enumerated in Subdivision (b)3. herein.



2. When such holder of a driver's permit has been convicted in any license year of violating this ordinance or of violating any of the following Sections of the Madison General Ordinances: Sections 12.09, requiring vehicles to be driven on the right side of the roadway; 12.10, regulating meeting of vehicles; 12.11 and 12.13, regulating overtaking and passing; 12.14, regulating passing at railroad crossings, intersections, bridges and viaducts; 12.15, prohibiting driving through safety zones; 12.16, regulating driving on roadways laned for traffic; 12.17, regulating distance between vehicles; 12.18, regulating driving on divided highways; 12.22, regulating right-of-way; 12.23, governing procedures on approach of an emergency vehicle; 12.34, regulating turning at intersections; 12.36, regulating turning; 12.37, regulating turning movements and required signals; 12.39, prohibiting left turns at certain locations; 12.40, prohibiting right turns at certain locations; 12.42(1)(a), (b), (c) and (d) and (2)(a) and (b), regulating compliance with traffic control signals; 12.50, regulating vehicle control at stop or yield right-of-way and school crossing signs; 12.56, establishing speed restrictions; 12.58, establishing certain speed limits; 12.60, regulating minimum speed; and 12.83, prohibiting following an emergency vehicle.
  3. When an operator of a horse-drawn vehicle has been convicted of violating Sec. 23.18 or Sec. 8.26 of the Madison General Ordinances;
  4. When any holder of a driver's permit shall consume or be under the influence of alcohol or controlled substances, while on duty, as that term is defined in Subsection (7)(c).
  5. When the driver has made a false statement in her/his application for a permit under this subsection.
  6. When the driver has engaged in violent, obscene, or abusive behavior while on duty, as that term is defined in Subsection (7)(c).
  7. When the driver has failed to maintain daily logs as required in Subsection (7)(d) of this ordinance.
- (e) For the purpose of determining when to revoke or suspend a license under this Subsection the City Traffic Engineer may determine and adopt by rule a method of weighing offenses by their seriousness and may change such weighted scale from time to time as experience or accident frequency in the City makes necessary or desirable. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (f) If the City Traffic Engineer revokes or suspends a license or permit, s/he shall notify the licensee or permittee in writing. The notice of suspension or revocation shall state the period of suspension, if any, and the reasons for the suspension or revocation. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (g) A revocation or suspension of a driver's permit shall take effect immediately, unless the permittee, within five (5) days after the date of the notice of suspension or revocation, requests the City Traffic Engineer to stay the suspension or revocation. Such requests shall be in writing, and shall state reasons for the requested stay. The City Traffic Engineer may stay the suspension or revocation but the stay may not exceed thirty (30) days. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (h) Any applicant who is denied a permit and any driver whose permit is revoked or suspended may appeal the denial, suspension, or revocation by following the procedures set forth in Subsection (13)(c) of this ordinance. The term "applicant" includes a permit holder who requests renewal under Subdivision (b)6.

(7) Operating Requirements.

- (a) Hours Service to be Provided. It shall be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour taxicab service throughout the City of Madison and shall provide a twenty-four (24) hour telephone number. It shall also be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour accessible taxicab service, i.e. public passenger vehicle for hire service using an accessible vehicle, throughout the City of Madison. The licensee's accessible taxicab service obligations may be fulfilled directly by providing an accessible vehicle in its regular operating fleet or by contracting with another licensed operator to provide it. In all cases the licensee shall remain responsible for compliance with all applicable rules of operation and other applicable ordinance requirements under this Chapter. Conditions of horse-drawn vehicle operating licenses and pedal-cab vehicle operating licenses are contained in Subdivisions (i) and (j), respectively, below. (Am. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)

Unsafe Weather Conditions. A metered or zoned taxicab licensee is not required to provide twenty-four (24) hour taxicab or accessible taxicab service when Madison Metro Transit has suspended bus operations for unsafe weather conditions, upon being notified by the Division of Traffic Engineering via FAX, e-mail or telephone. The notification shall include the start and end dates and times of Metro's suspension of service, if known. If an end time is not stated, Division of Traffic Engineering will notify the licensee when Metro has resumed service via FAX, email or telephone. The licensee must resume complete, 24-hour service by the stated end time or upon notification from the Division of Traffic Engineering that Metro has resumed service. During hours when Metro does not offer service, the City Traffic Engineer or designee may declare a "weather emergency" for purposes of suspension of taxicab service and notify licensees using the methods above.

(Am. by ORD-05-00110, 6-8-05; ORD-12-00086, 6-26-12)

- (b) Rest Periods. Every driver of a public passenger vehicle shall have at least one rest period, as defined in Subsection (3)(r), in every 24-hour period, except where a different period is set forth in Subdivisions (i) and (j) for drivers of horse-drawn vehicles and pedal-cab vehicles. No licensee may permit its drivers, whether employees or contractors, to violate this Subdivision (b). (Am. by Ord. 11,229, 4-13-95)
- (c) The driver of a public passenger vehicle is "on duty" if s/he is either transporting a passenger or available to respond to a call or hail. No driver of a public passenger vehicle may remain on duty more than twelve (12) continuous hours, except where a different period is set forth in Subdivisions (i) and (j) for drivers of horse-drawn vehicles and pedal-cab vehicles. In determining whether a driver has been on duty for twelve (12) continuous hours, no break lasting less than one (1) hour may be subtracted from the sum of hours on duty. (Am. by Ord. 11,229, 4-13-95; Ord. 12,744, 12-29-00)
- (d) Daily Logs.
1. Every driver shall maintain daily logs current to the end of the last shift worked. The daily log shall contain the driver's name, permit number and vehicle identification number and shall clearly state the starting time and ending time of each rest period taken by the driver, and the starting and ending time of each period in which the driver is on duty.
  2. Drivers shall file their daily log no later than seventy-two (72) hours after the completion of their work shift. Daily logs shall be kept on file in the office of the licensee and shall be retained by the licensee at least one (1) year.
  3. Daily logs shall be made available at any time for inspection by the Chief of Police or designee or the City Traffic Engineer or designee. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
  4. Pedal-cab operators shall be exempt from this requirement. (Cr. by ORD-12-00086, 6-26-12)

- (e) Refusal to Carry Passengers Prohibited.
1. Drivers may elect to charge estimated fares in advance for rides when a passenger or prospective passenger engages in any of the following activities:
    - a. Is known to the driver as having refused to pay a fare after receiving taxicab service.
    - b. Indicates that they may be unable or unwilling to pay the full fare.
    - c. Requests service by hailing the taxicab rather than contacting a dispatcher.
    - d. Indicates their destination is outside the City of Madison.
    - e. Changes their destination while en route or is unable to provide the driver with an exact destination.
    - f. Requests to make a stop before the final destination is reached.
    - g. Admits to being intoxicated or shows signs of intoxication.
    - h. Is placed in the taxicab by a law enforcement officer.
  2. In the event a driver requires a passenger to prepay an estimated fare, at the conclusion of the ride, the driver shall refund the difference if the estimated fare exceeds the actual fare, or the passenger shall pay any additional fare owed if the actual fare exceeds the estimated fare that was prepaid.
  3. A driver will notify the dispatch center of each instance in which a passenger is requested to pay a fare in advance.
  4. No driver may request an estimated fare be paid in advance of service unless a notice informing a passenger that they may be required to prepay under this Ordinance is posted in the vehicle.
  5. No driver or licensee may refuse to carry passengers or baggage unless a passenger or prospective passenger engages in violent, abusive or indecent behavior or refuses to pay the estimated fare in advance when the driver makes that request for one of the above reasons. A driver or licensee may also refuse to carry a passenger or baggage if the driver or licensee can demonstrate that the passenger intentionally summoned more than one licensee for the same ride.
  6. Except as provided above, no driver or licensee may refuse to carry passengers or baggage to or from any part of the City with reasonable promptness and at prices established in compliance within this ordinance.

(Sec. 11.06(7) (e) Rep. & Rec. by ORD-10-00091, 9-15-10)

- (f) Operation by Owner or Employee or Lessee Required. No public passenger vehicle shall be operated except by the owner thereof, or her/his employee or lessee and it shall be unlawful for such owner or employee or lessee to permit the operation of said vehicle by any other person.
- (g) Liability of Licensee. Any licensee shall be liable for any violations of ordinances or statutes by any and all persons operating public passenger vehicles under its license. Licensees shall subscribe to the service provided by the State of Wisconsin Department of Transportation under which the Department notifies the licensee if the driver's license of any driver is revoked while that driver's permit under Subsection (6)(c) lists the licensee as lessor or employer.
- (h) Airport Shuttle Operating Restrictions. The holder of an airport shuttle operating license may provide service only between the Dane County Regional Airport and other destinations, except that airport shuttle licensees may use their vehicles to provide contract services.
- (i) Special Rules for Operation of Horse-Drawn Vehicles.
1. Licensees must adhere to the routes specified in their application for an operating license. New or temporary routes must be applied for and approved by the Transportation Department and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the Transportation Department and filing with the City Clerk shall be a violation of this section.
  2. Operators of horse-drawn vehicles shall maintain trip records. Licensees shall keep all trip records on file for at least three (3) years and shall permit the City Traffic Engineer or her/his designee to inspect such records at any time. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
  3. No operator shall be allowed to drive a horse-drawn vehicle for more than a period of ten hours in any twenty-four hour day.
  4. Licensees shall comply with the following sanitation requirements:
    - a. All horses, mules and other animals shall be equipped with adequate devices to prevent manure and other excrement from falling upon the streets of the city. Any excrement which should fall upon the streets of the city shall be removed at the expense of the licensee.
    - b. All animal waste for disposal shall be promptly transported to sites or facilities legally empowered to accept it for treatment or disposal. The City reserves the right to approve or disapprove sites taking into account routes within the city, and the rules and regulations of the governmental body having jurisdiction over said sites or facilities.

5. Licensees shall assure adequate rest periods, feeding schedules, health and related animal performance and well-being for each animal under the licensee's ownership, care or control. This responsibility shall include carriage load limits, hours of operation and daily hours of animal usage, except that no animal shall be required to work more than ten hours per day. No animal shall be left unattended while in service.
6. For each animal that will be pulling a permitted vehicle, licensees shall provide a certificate of soundness issued by a veterinarian licensed in the State of Wisconsin, finding such animal to be free from infectious disease, in good health and fit for hack and carriage service under this subdivision. Each animal shall thereafter be re-examined at intervals of no more than six (6) months, and a new certificate of soundness shall be issued by a veterinarian in order for each animal to remain in service. No animal shall be used to draw a horse-drawn vehicle unless the licensee keeps on file a certificate of soundness certified and dated within any preceding six-month period. The licensee shall permit the City Traffic Engineer or her/his designee to inspect said certificates at any time. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(j) Special Rules for Operation of Pedal-cab Vehicles.

1. Licensees must adhere to the routes specified in their application for an operating license. New or temporary routes must be applied for and approved by the Transportation Department and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the Transportation Department and filing with the City Clerk shall be a violation of this section.
2. No operator shall be allowed to drive a pedal-cab vehicle for more than a period of ten hours in any twenty-four hour day.
3. Pedal-cab operation is prohibited between 6:00 a.m. and 6:00 p.m. Monday through Friday, unless approved by the City Traffic Engineer, and during such additional weekday and weekend hours designated by the City Traffic Engineer in the interest of pedestrian and traffic safety and the safe and orderly flow of traffic. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; ORD-12-00086, 6-26-12)
4. It is unlawful for any person to operate or to permit another to operate a pedal-cab at other times or in other locations than those approved by the Director of Transportation.
5. No pedal-cab driver shall drive, or be permitted by a pedal-cab operator to drive, a pedal-cab vehicle without a valid Wisconsin driver's license.
6. The driver of a pedal-cab vehicle shall operate the vehicle at all times in compliance with applicable city and state traffic laws as provided in Sec. 12.06(3) of the Madison General Ordinances and Sec. 346.02(4), Wis. Stats.
7. The City Traffic Engineer may adopt and from time to time amend rules and regulations relating to pedal-cab vehicles and their operation, including but not limited to, hours of operation, routes, vehicle markings and safety equipment. It shall be unlawful for any person to violate the rules and regulations adopted by the City Traffic Engineer hereunder. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(Sec. 11.06(7)(j) Cr. by Ord. 11,229, 4-13-95)

- (k) Curb-to-Curb Service Delivery. Taxicab service is provided in a curb-to-curb manner. This means that the passenger is responsible to get to the curb or other loading location where the vehicle is stopped for pick-ups. Likewise, on disembarking from the vehicle, the passenger is responsible for getting from the curb or other loading location where the vehicle stops to his/her final destination. (Cr. by Ord. 13,596, 4-21-04)
- (l) Effective Date of Accessible Taxicab Service Provisions. The requirements of Section 11.06(7)(a) and the additional ancillary provisions relating to operation of accessible taxicab service in this Substitute Ordinance # 13,596, shall have a delayed effective date in accordance with the following:
1. No Initial Undertaking By Licensees To Trigger Effective Date. The said requirements shall become effective on January 1, 2005 if, after July 1, 2004, the Traffic Engineer submits to the Common Council a report finding that a need for this ordinance exists as no current zone and/or meter taxicab service licensee has undertaken to provide accessible taxicab service as described in this ordinance and such report is approved by the Common Council by August 3, 2004.
  2. Approved Traffic Engineer Report to Trigger Effective Date. In the event the said requirements do not first become effective in accordance with Paragraph 1., above, the Traffic Engineer shall submit an annual "Finding of Need" report to the Mayor, the Common Council, and the Transit and Parking Commission in conjunction with the annual taxicab license renewal recommendations report. This report shall include but not be limited to such information as the number of rides provided, the number of rides refused, accessible taxicab vehicle downtime, and actual cost of accessible taxicab rides to licensee. In the event that the Traffic Engineer's annual "Finding of Need" report for any given year finds that a need for the ordinance exists as the need for accessible taxicab service as described in this ordinance is not being met by one or more zone and/or meter taxicab service licensees and that such report is approved by the Common Council, the said requirements shall become effective six (6) months from the date of such approval.
  3. Five-year Review and Reassessment. Every fifth year, the Traffic Engineer report referred to in Paragraph 2., above, shall contain an in-depth study of the ordinance addressing its continued need and efficacy in achieving accessible taxicab service, the existence of other viable alternatives and approaches and such other information as the Traffic Engineer deems relevant. Such study shall include information from affected industry and consumer groups and individuals and a survey of other similarly-sized municipal jurisdictions relating to accessible taxicab service.
  4. If after the fifth annual report, there has as yet been no finding of need which has been approved by the Common Council, the accessible taxicab service provisions of the ordinance shall sunset and have no further force and effect unless the ordinance is further extended by action of the Common Council.  
Until such time as the effective date of the accessible taxicab service requirements are triggered as provided in Paragraphs 1. or 2., above, the provisions of this ordinance requiring accessible taxicab service shall have no effect. Except as provided herein, the ordinance shall be effective upon publication. In the event the remaining provisions become effective as provided above, the ordinance shall be republished in full. (Cr. by Ord. 13,596, 4-21-04)

- (m) Commencing with the effective date of this ordinance, the Traffic Engineer shall prepare, no later than July 1 of each year, a written report on accessible taxicab service throughout the City of Madison which shall include the number of passenger complaints and positive comments; a survey of licensee's opinions and concerns; the need for and sufficiency of the accessible taxicab surcharge; an evaluation of the efficacy of the ordinance in achieving adequate accessible taxicab service and such other information as the Traffic Engineer deems relevant. The report shall be submitted to the Commission on People with Disabilities, the Transit and Parking Commission, and the Common Council. (Cr. by Ord. 13,596, 4-21-04)
- (8) Financial Responsibility.
- (a) It shall be unlawful to operate a vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for license deposits with the City Clerk a policy or certificate of auto liability insurance for the vehicles for which licenses are sought. Auto liability insurance policies shall be issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars (\$1,000,000) per accident. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any vehicle is operated for the conveyance of passengers for hire or when taxicab or cab or similar transportation is offered to the public without an insurance policy as required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each offense.
- (b) It shall be unlawful for pedal-cab operators to operate a pedal-cab for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposits with the City Clerk a policy or certificate of commercial general liability insurance coverage. Insurance policies shall be issued by a company or companies authorized to do business in the state of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars (\$1,000,000) per occurrence, shall be primary and non-contributory, and shall list the City of Madison, its officers, officials, and employees as additional insureds. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any pedal-cab is operated for the conveyance of passengers for hire without an insurance policy as required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each offense.

- (c) The Police Department shall have the power to impound any vehicle which is being operated in violation of the provisions of this subsection. Any such vehicle which is impounded hereunder shall be released to the owner or operator thereof when the provisions of this subsection have been complied with or upon the owner thereof filing a signed statement with the City Clerk wherein s/he agrees that said vehicle will not be operated as a public passenger vehicle until all provisions of this subsection have been complied with and shall file therewith a bond in the penal sum of two hundred dollars (\$200) with surety to be approved by the Common Council guaranteeing the performance of said agreement.

(Sec. 11.06(8) Am. by ORD-12-00086-6-26-12)

(9) Rates of Fares.

- (a) No license granted under Subsection (4) of this ordinance shall have any force or effect unless the licensee files with the City Clerk a schedule of rates of fares. Licensees may charge fares measured according to zones or according to meters, except that horse-drawn vehicle and pedal-cab vehicle licensees shall charge fares according to sub. (m) below. It shall be unlawful for any owner or operator to charge or permit to be charged any other or different rates of fares than those listed on such schedule. Any discounts or special fares shall be included in the rates of fares filed with the City Clerk. A schedule of rates of fares must be on file with the City Clerk for 28 days before the rates are effective, except that promotional discounts or coupons may be implemented if the City Traffic Engineer is notified at least forty-eight (48) hours in advance. Any duly established rate other than the said promotional discounts shall remain in effect for a minimum duration of six months. In the case of extreme changes in conditions, the owner of a licensed company may petition the Transit and Parking Commission to review a schedule of rate change within a shorter period of time. After reviewing the request the Transit and Parking Commission may approve a rate change effective within the six-month period but may not approve such a rate change unless the current rates of fares have been in effect for at least ninety (90) days. The rates of fares authorized to be established by this ordinance shall not vary with time of day.

Notwithstanding the foregoing, at any time during the first twelve (12) months from the effective date of the accessible taxicab requirement, the owner of a licensed company may modify its schedule of rates of fares provided such modification is solely due to the cost of compliance with the accessible taxicab ordinance. The schedule of rates of fares so modified must be on file with the City Clerk for twenty-eight (28) days before the rates are effective. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; ORD-12-00086, 6-26-12)



- (b) Notwithstanding the provisions of Subdivision (a) above, a licensee of meter or zoned taxicab services may charge an accessible taxicab surcharge not to exceed twenty cents (\$.20) per trip or fifty cents (\$.50) per trip as described below, subject to the following conditions:
1. The accessible taxicab surcharge shall not exceed twenty cents (\$.20) per trip except that if the licensee provides a dedicated accessible vehicle and driver twenty-four hours per day, seven days per week to furnish its required accessible taxicab service, the allowable surcharge shall not exceed fifty cents (\$.50) per trip.
  2. The exact fee imposed as a surcharge must be on file with the City Clerk before any surcharge may be collected and cannot be increased during the license year.
  3. The amount of the surcharge shall be marked on the interior of the vehicle, in addition to the information required by Subsection (10)(a)1. of this ordinance.
  4. The amount of the surcharge shall be marked on the right and left exterior sides of the taxicab, in addition to the markings required by Subsection (10)(a)2. of this ordinance.
  5. Notwithstanding the provisions of this subdivision, a licensee is not authorized to charge and shall not collect an accessible taxicab surcharge during any period that its accessible vehicle is out of service as described in Sec. 11.06(10)(g).
  6. This provision, permitting licensees to charge an accessible taxicab surcharge, expires and shall have no further effect commencing three (3) years after the effective date of the accessible taxicab service provisions of this ordinance, Substitute Ordinance # 13,596, as determined per Subsection (7)(1), unless extended by action of the Common Council.
- (Cr. by Ord. 12,649, 7-28-01; Am. by Ord. 13,596, 4-21-04)

(c) Meter Taxicab Rates.

1. Taximeter Required. Every meter taxicab shall contain a taximeter in good repair, inspected by the City Sealer or Weights and Measures Inspector as required in Subsection (10)(c)2. The taximeter shall be set to measure only the rates listed below:
  - a. The meter taxicab rate filed with the City Clerk.
  - b. A mileage rate filed with the City Clerk, to be used only for out-of-city trips, pursuant to Paragraph 3. below.
2. Mileage Charge. For conveying one (1) passenger on a mileage basis the charge shall be the scheduled rate for a unit of distance and the scheduled rate for each additional unit of distance. No charge may be made for additional passengers going to the same place, however a premium fare may be charged for large parties as permitted under Sub. (9)(i)6. (Am. by ORD-05-00110, 6-8-05)
3. For out-of-city trips a licensee shall charge the mileage rate from the point of origin to the point of destination.
4. Waiting Charge. On vehicles operating on the mileage rate, a waiting charge for each unit of time may be charged after the passenger has entered the taxi or requested the operator to wait. In addition, a waiting charge for each unit of time may be charged a passenger who is not ready for pick-up commencing five (5) minutes after a “time call” pick-up time or five (5) minutes after the actual taxicab arrival time for a “time call”, whichever is later, or commencing five (5) minutes after the taxicab arrival time for an “on-demand” pick-up. (Am. by Ord. 11,011, 10-12-94; Ord. 13,596, 4-21-04)
5. Shortest Route. Meter taxicabs must take the shortest, most direct route to a certain destination, unless the passenger approves a different route.
6. Unlawful to Charge any Other Amount Than That Registered on Taximeter. Except for multiple loading or shared rides as provided in Paragraph 8. below, it shall be unlawful for any driver of a meter taxicab to convey any passenger within the limits of the City of Madison unless the taximeter is used in determining the fare to be charged, unless the driver and passenger agree that an hourly rate shall be charged instead. Such agreements are subject to the requirements of Subdivision (e) of this Subsection. If the driver and

passenger have not agreed on an hourly rate, no other or different fare shall be charged to the passenger than is recorded on the reading face of the taximeter for the trip. This paragraph does not prohibit the premium fare for large parties allowed under sub. (9)(i)6., which shall be calculated based upon a percentage of the metered rate, nor shall this paragraph prohibit other fees expressly allowed elsewhere in this ordinance. (Am. by ORD-05-00110, 6-8-05)

7. Individual Service. Any patron who first engaged service in a meter cab shall receive individual service, unless the passenger requests that one or more additional passengers be carried, or unless Paragraph 8. below is applicable.
  8. Multiple Loading or Shared Ride. For rides to or from the Dane County Airport, multiple loading, as defined in Subsection (3)(i) above, is permitted for meter taxicabs during peak periods if all passengers consent. The term "peak period" is defined in Subsection (3)(k) above. The fare shall be no greater than the lowest airport shuttle rate filed pursuant to Section 11.06(9)(c) of the Madison General Ordinances for the airport shuttle zone or zones through which the cab will travel.
- (d) Zone Taxicab Rates.
1. The base rate of fare per passenger shall be the scheduled rate for the first passenger from any point to any other point within one (1) zone plus the scheduled rate for the first passenger when that passenger crosses from one zone into another zone.
    - a. The charge for additional passengers starting at the same point and going to the same destination shall be the scheduled rate for each additional passenger regardless of the zones traversed.
    - b. Beyond and starting from the last designated zone lines on the zone map to the present or future City limits, which for the purposes of this ordinance shall be designated the "outer zone", the charge shall be the scheduled rate per unit of distance or fraction thereof.
  2. Waiting Charge. A waiting charge may be added when the vehicle is waiting at the direction of the passenger. The waiting charge shall be charged to the passenger who requested the wait. In addition, a waiting charge may be charged a passenger who is not ready for pick-up commencing five (5) minutes after a "time call" pick-up time or five (5) minutes after the actual taxicab arrival time for a "time call", whichever is later, or commencing five (5) minutes after the taxicab arrival time for an "on-demand" pick-up. (Am. by Ord. 13,596, 4-21-04)
  3. For trips originating in the outer zone and ending in the outer zone:
    - a. The First passenger shall be charged the initial scheduled zone rate established in paragraph one above, plus the additional scheduled rate established in paragraph one above for each unit of distance or fraction thereof established in paragraph one above, starting from point of origin.
    - b. Each additional passenger to the same destination shall be charged the scheduled rate established in paragraph one above.
  4. If a trip originates in an outer zone and ends in a zoned area the above rates would apply, mileage beginning at the point of origin and ending at the first zone line crossed; thereafter and including the first zone line so crossed: The scheduled rate established in paragraph one above for the first passenger, additional when crossing from one zone into another.
  5. If an out-of-town trip originates within a zone, the regular zone fare to the last zone line applies.
  6. Direct Trip Required. The charge made by zone taxicabs must be for a direct trip to a certain destination, provided said trip may be indirect as to a passenger, for the purpose of delivering or picking up a delivery or another passenger or passengers.
  7. Hourly Rate. Zone taxicabs are permitted to agree with passengers on an hourly rate, subject to the requirements in Subdivision (e) of this Subsection.

- (e) Zones. The City Traffic Engineer, in consultation with licensees operating under the zone system, is hereby authorized to establish zones for the operation of zone taxicabs. A complete and current description of such zones shall be available for public inspection and copying in the office of the Department of Transportation.
1. When territory is annexed into the City, the new territory shall continue as an outer zone until a new zone is created by action of the Transit and Parking Commission.
  2. At least every ten (10) years, commencing in 1994, the Department of Transportation shall study the system of zones and recommend revised and updated zones to the Transit and Parking Commission.  
(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (f) Airport Shuttle Rates. The City Traffic Engineer, in consultation with airport shuttle licensees, is hereby authorized to establish zones for the operation of airport shuttle service. A complete and current description of such zones shall be available for public inspection and copying in the office of the Department of Transportation. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (g) Flat Rate. When a specialized transportation vehicle is occupied by one (1) passenger, a rate not to exceed the scheduled rate for the first unit of distance, and an additional maximum scheduled rate for each additional unit of distance, may be charged. When the specialized transportation vehicle is occupied by two (2) or more passengers, an additional scheduled rate per passenger may be charged.
- (h) Hourly Rate. Zone and meter taxicabs and specialized transportation vehicles may charge a rate by the hour provided that the passenger requests it and the driver agrees to it before the commencement of the ride. The rate for one hour is the minimum that may be charged. No additional charge may be made for additional passengers under the hourly rate.
1. The hourly rate may be requested by the passenger at any time to commence at the said time. Any metered or zoned fare accrued at the time of the hourly rate request shall be paid by the passenger in addition to the hourly rate.
  2. After a passenger requests an hourly rate charge, no additional mileage, meter or zone charge may be assessed.
  3. Charges for other services as authorized in Subdivision (f) below may be assessed for the services specified therein.
  4. The rate charged for the hourly service shall be posted in the vehicles at all times.
- (i) Rates For Other Services.
1. Personal Baggage and Groceries. For personal baggage, drivers shall charge the scheduled rate. If the driver is required to carry grocery bags from the cab to the door of a residence or building, the driver shall charge the scheduled rate for the service.
  2. Trunks, Footlockers and Other Large Items. Drivers shall charge the scheduled rate for each trunk, footlocker or other large item transported.
  3. Aids to persons with disabilities, including but not limited to wheelchairs, walkers, canes, crutches, and service animals shall be transported free of charge, nor shall there be any charge if the driver is required to load or unload any of these aids into or from the taxicab. The limitations of Sec. 11.06(9)(f)5 shall apply to any aid the driver may be requested to handle.
  4. The driver is not required to handle any single article greater than fifty (50) pounds in weight.
  5. A driver may refuse to transport items which are too heavy or too large to be transported safely, and any animal which the driver reasonably believes is dangerous to health or safety.

6. Large Party Fare. A metered or zoned taxicab licensee may charge a premium fare of up to one and one-half the regular fare when a passenger requests a single vehicle to accommodate service for a party of six (6) or more passengers. If a licensee elects to use this charge, it shall be stated on the schedule of rates of fare required under sub. (9)(a) (Cr. by ORD-05-00110, 6-8-05)
- (j) Rate Allowance for Airport Taxicab Fee. An additional charge per taxicab shall be made whenever the taxicab is required to pay an airport taxicab fee. Said charge shall not exceed the fee imposed by the Dane County Regional Airport.
- (k) Fraudulent Representations Forbidden. It shall be unlawful for the owners, drivers, or any persons engaged in the business of carrying passengers for hire to induce any person to employ her/him by knowingly or carelessly misinforming or misleading such person, either as to the time of arrival or departure of any railroad car or train, or other public conveyance, or as to the location of any railroad depot, office, station, or railroad ticket office, or the location of any hotel, public place or private residence within the City of Madison; and it shall be unlawful for any such owner or driver knowingly or carelessly to misinform any person carried as a passenger as to the distance such person is carried or as to the distance between two (2) locations.
- (l) Rates for Horse-Drawn Vehicles. Rates as set by the driver of a horse-drawn vehicle shall be set by the hour or fraction thereof and shall be in the form of a stated amount for the first hour and a stated amount for each fraction of an hour thereafter.
- (m) Rates for Pedal-Cab Vehicles. Rates as set by the operator of a pedal-cab vehicle service shall be set by the hour or fraction thereof or by the block and shall be in the form of a stated amount for the first hour or block and a stated amount for each fraction of an hour or additional block thereafter. (Cr. by Ord. 11,229, 4-13-95)
- (n) Additional Authorized Charges. A licensee engaged in the business of transporting passengers for hire may charge the following additional fees, however these fees shall not be considered part of the rate of fare:
1. Soiling or damaging vehicle. A passenger may be charged a reasonable fee for the cost of cleaning a public passenger vehicle that has been soiled or damaged by the passenger to the extent that the vehicle must be taken out of service and cleaned or repaired before it can be put back into service. This paragraph shall not act as a limit or waiver upon any private right of action between the licensee or permittee and the passenger.
  2. No-Load Fee. If a taxicab licensee can prove that a passenger has intentionally summoned more than one licensee for the same ride or if the licensee can prove that a passenger called for service but subsequently does not use the service and does not cancel the request before the arrival of the taxicab, the passenger may be charged a no-load fee equal to the amount of the first mileage increment fee (“drop fee”) for a metered taxicab or the first zone fee for a zoned taxicab.
- (Cr. by ORD-05--00110, 6-8-05)
- (o) Temporary Fuel Surcharge. Notwithstanding the provisions of Subdivision 11.06(9)(a) of this ordinance, a licensee may charge a fuel surcharge in any amount not to exceed one dollar\_(\$1.00) per trip, subject to the following conditions:
1. Licensee shall file a statement with the City Clerk indicating the amount of the surcharge, prior to implementing the surcharge. A licensee may vary the amount of its surcharge, up to the \$1.00 limit, by filing a new statement with the Clerk and changing the vehicle markings as required below.
  2. When multiple loading is permitted on trips to and from the airport during declared peak periods as defined in subsection (3), and all passengers are going to the same destination, a metered taxicab may charge only one (1) such surcharge per trip, and the surcharge shall be divided equally among the passengers.

3. On a shared ride in a zoned taxicab, as defined in subsection (3), if all passengers are going to the same destination, only one (1) surcharge may be charged and shall be divided equally among the individual passenger fares.
4. The amount of the surcharge shall be marked on the interior of the vehicle, in addition to the information required by Subsection (10)(a)1. of this ordinance.
5. The amount of the surcharge shall be marked on the right and left exterior sides of the taxicab, in addition to the markings required by Subsection (10)(a)2. of this ordinance.
6. Sunset Clause and Effect of Rate Change. This provision, Sec. 11.06(9)(o), permitting licensees to charge a fuel surcharge, shall have no effect after six (6) months after the date of publication of the ordinance creating it, however if a licensee obtains a regular rate change during this six-month period, that licensee shall no longer be permitted to charge a fuel surcharge under this provision.

(10) Vehicles.

- (a) Vehicle Marking. All public passenger vehicles shall be appropriately marked as required herein. Vehicles not in compliance with these requirements shall not be used for carrying passengers.

1. Interior Marking. Each vehicle shall be marked on the interior with the owner's name, vehicle license number, driver's permit, type of vehicle permit issued, City complaint telephone number, and current rates of fare. Each vehicle issued a permit to operate on a zone or airport shuttle basis shall also contain a clear and readable notice informing the passenger that zone information is available upon request. The foregoing requirements do not apply to specialized transportation vehicles.
2. Exterior Marking. Each meter or zone taxicab shall be conspicuously and permanently marked on the right and left exterior sides with the owner's name, vehicle permit number, type of vehicle permit issued, and current rates of fare.

Vehicles issued a permit to operate on a flat rate or airport shuttle basis need not display a current rate of fare.

Vehicles which are required to display current rates of fare shall include at least the following information:

- a. The minimum or first increment rate.
- b. The rate per mile, calculated according to rates filed with the City Clerk.
- c. Waiting charge.
- d. Charge for additional mileage increments.

Vehicles shall be conspicuously and permanently marked on the rear with the vehicle permit number. Specified exterior markings as determined by the City Traffic Engineer shall be in letters and numbers not less than three (3) inches in height and shall be a light color on a dark background or a dark color on a light background.

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

- (b) Color Scheme. Each licensee or applicant for a taxicab license hereunder shall designate the color scheme for the cabs to be operated under such license. The Department of Transportation shall designate the color scheme assigned to each licensee and the color scheme shall be placed on file with the City Clerk. Thereafter all cabs shall be painted to correspond to the color scheme of the licensee under which such cab is authorized to operate and both the permittee and the licensee shall at all times see that the color scheme of the cabs operated under such license or permit is so maintained; nor shall any person drive a cab the color scheme of which is not that of the licensee under which it is operated.

- (c) Inspection of the Condition of the Vehicles for Public Conveyance.

1. Each Public Passenger Vehicle shall be kept and maintained in a safe operating condition. To insure the safe condition of all vehicles:

- a. The licensee shall cause all Public Passenger Vehicles under the licensee's operation or control to be inspected once for each 5,000 miles driven. The licensee shall maintain adequate inspection facilities. In addition to regular inspections, the licensee shall cause all Public Passenger Vehicles under its operation or control to undergo such special inspections as the City Traffic Engineer may require. If any Public Passenger Vehicle fails to pass a regular or special inspection, it shall be removed from service until such time as it has passed inspection.
- b. The licensee shall establish or cause to be established a system of regular and frequent maintenance checks of lifts/ramps and securement devices of accessible vehicles to determine if they are operative. (Cr. by Ord. 13,596, 4-21-04)
- c. The licensee shall maintain maintenance records for all Public Passenger Vehicles under the licensee's operation or control, including but not limited to records of all tests of brakes, tires, steering wheels, mechanical parts and lighting equipment and shall make said records available to the City Traffic Engineer or designee upon her/his request.
- d. All mobility devices, securement devices and other required equipment for accessible vehicles shall be maintained in a safe operating condition and in compliance with the 49 CFR Parts 37 and 38 sections set forth in Section 11.06(3)(a), above, currently in effect and as amended from time to time. (Cr. by Ord. 13,596, 4-21-04)

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

2. Every taximeter being operated in a taxicab in the City of Madison shall be inspected by the City Sealer or Weights and Measures Inspectors within 10 days after any new rate goes into effect and at such other times as the Inspectors or Director of Transportation may require.
  3. Each horse-drawn vehicle shall be kept in a safe and sanitary condition at all times. The licensee shall cause each horse-drawn vehicle or stable under the licensee's operation or control to be inspected at least once each month. The licensee shall maintain adequate inspection facilities and shall maintain records of all such inspections, and shall make the records available to the City Traffic Engineer upon her/his request. The City shall have the right to inspect or cause to be inspected any horse-drawn vehicle or stable as often as may be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or any violations of this section or any other rule, regulation, ordinance or law relating to the operation of such horse-drawn vehicles and stables. If any horse-drawn vehicle or stable shall fail to pass such inspection, it shall be removed from service on the day of inspection, and shall remain out of service until it has passed inspection. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (d) Radios. It shall be unlawful for any driver of a taxicab to use or operate a radio in said taxicab while transporting passengers provided, however, that it shall be lawful to equip taxicabs with radios for the purpose of communicating between taxicabs and the central office for the purpose of directing the operation and business of such taxicabs. At the request of the passenger, the operator shall turn the radio off. It shall be unlawful for any taxicab driver or operator to monitor the calls of another company for the purpose of taking the other company's calls. (Am. by Ord. 11,011, 10-12-94)
  - (e) Legal Passenger Load. It shall be unlawful for any driver of a taxicab to carry at one time a number of passengers greater than the number of seat belts available and in good working order in the taxicab. (Am. by ORD-12-00086, 6-26-12)
  - (f) Passenger Seating. Unless the driver specifically authorizes the passenger to sit in the front seat, all passengers shall sit in the rear seat.

- (g) Accessible Vehicles Compliance Notification. A licensee that is providing accessible taxicab service under an agreement with another licensed operator shall provide written notification to the City Traffic Engineer of any change in contractor/vendor within twenty-four (24) hours of the effective date of such change. In addition, licensees shall provide written notification via e-mail, fax, or letter to the City Traffic Engineer in the event an accessible vehicle is required to be out of service for more than twenty-four (24) hours. (Cr. by Ord. 13,596, 4-21-04)
- (11) Books and Records.
- (a) Every licensee shall maintain accurate records of the number of passengers carried, daily logs required by Subsection (7)(d) of this ordinance, and such other records as the City Traffic Engineer may prescribe. Licensees shall also collect and maintain all pertinent information relating to accessible taxicab operation, including rates, number of rides provided, number of rides refused and reasons, amount of down time for vehicle being used, method of operation, accidents and worker claims associated with the service. Licensees shall retain such records for at least three (3) years, except that trip sheets must be retained for one (1) year. (Am. by Ord. 13,596, 4-21-04)
  - (b) Every licensee shall permit the City Traffic Engineer or her/his designee to inspect and copy those records at any time at least forty-eight (48) hours after the licensee receives the Engineer's written request.
  - (c) Taxicab companies will be required to maintain and have available for inspection and copying, statements of operating expenses, revenue and characteristics as required by the City Traffic Engineer on a form provided by the Engineer. The City Traffic Engineer may further require the filing of annual reports, schedules and other data by such owners so that the provisions of this ordinance may be completely carried out.
  - (d) Taxicab companies shall provide, upon request, information to the City Traffic Engineer in order that accident rates and rates of complaints and moving violations for various taxicab companies within the City of Madison can be established.
- (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (12) Common Council May Impose Further Restrictions. Any license, public passenger vehicle permit or driver's permit issued hereunder shall be subject to such further regulations and restrictions as may be imposed at any time by the Common Council, after public hearings and recommendations by the Transit and Parking Commission. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
- (13) Enforcement.
- (a) Revocation or Suspension of Licenses and Permits. The City Traffic Engineer may suspend or revoke licenses and permits issued under this section when s/he determines that the licensee or permittee has violated a state statute, a City ordinance or any rule established under the authority of this ordinance. In order to suspend or revoke a license or permit issued under this section, the City Traffic Engineer shall follow the procedures in this Subsection.
  - (b) Procedures for Revocation or Suspension of License or Permit. In addition to any other penalties provided for the violation of any of the provisions of this section or any other offense or misconduct substantially related to taxicab or other vehicle operation by any owner or driver shall be cause for revocation or suspension of up to twelve (12) months by the City Traffic Engineer of the license under which said vehicle is operated or the permit covering said vehicle or the driver's permit of the person committing the violation or any or all of them. When a license or permit is revoked no other license or permit shall be granted to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any license or permit so revoked be refunded. The City Traffic Engineer shall inform the owner, operator or driver of the revocation or suspension and the reasons therefore in writing.

- (c) Appeals. Any suspension or revocation imposed by the City Traffic Engineer may be appealed to an Appeal Subcommittee of the Transit and Parking Commission by filing a Notice of Appeal with the City Clerk within ten (10) days after the date of such notice of revocation or suspension. The Notice of Appeal shall state the basis or bases upon which the licensee seeks review of the Engineer's determination.

The suspension or revocation of a company license ordered by the City Traffic Engineer shall take effect thirty (30) days after the date of the notice of suspension or revocation, unless the City Traffic Engineer grants a stay. The City Traffic Engineer may grant a stay if:

1. S/he receives a written request for a stay on or before the effective date of the suspension or revocation; and
2. The request for a stay states reasons supporting the request; and
3. The City Traffic Engineer finds that granting a stay of the suspension or revocation will not constitute a danger to the public health, safety, welfare, or convenience.

If the Director of Transportation grants a stay of a suspension or revocation under this Subdivision (c), and subsequently determines that the continuation of such stay constitutes a danger to the public health, safety, welfare, or convenience, s/he may rescind the stay by providing written notice to the licensee. Such written notice shall contain reasons for rescission of the stay. The suspension or revocation shall take effect immediately after the licensee receives written notice of rescission of the stay.

The Appeal Subcommittee shall consist of the chair of the Transit and Parking Commission or designee, one (1) Alderperson and one (1) citizen who are members of the Transit and Parking Commission, appointed by the Chair of the Transit and Parking Commission. At such hearing the licensee shall have an opportunity to cross examine witnesses, may call witnesses in her/his own behalf and may be represented by legal counsel. After holding a hearing, the Appeal Subcommittee of the Commission shall by majority vote make findings of facts and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the City Traffic Engineer. Decisions of the subcommittee are final administrative determinations subject to judicial review as provided by law. The final action of the Appeal Subcommittee shall terminate any stay granted under this Subdivision (c).

- (d) In the event that a licensee is convicted twice within twelve (12) months of charging fares other than the rate of fare filed with the City Clerk and authorized pursuant to Sec. 11.06(9), the licensee shall forthwith forfeit any license issued hereunder without further notice, and no license shall thereafter be granted to such person for a period of one (1) year from the date of such revocation.
- (e) Forfeitures. Any person violating the provisions of this section shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each and every offense. A violator of Sec. 11.06(10)(d) shall be liable for a forfeiture of fifty dollars (\$50) for each day that a public passenger vehicle contains or is equipped with a scanner, as defined in Subsection (3)(u). (Am. by ORD-12-00086, 6-26-12)

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(Sec. 11.06 R./Re-Cr. by Ord. 10,982, Adopted 8-30-94)



**11.07 CAB AND BUS STANDS - REGULATION THEREOF.**

- (1) The word “stand” when used in this section shall mean a place to be occupied by a vehicle used for the conveyance of passengers or baggage for hire when such vehicle is unengaged and is awaiting or soliciting new business.
- (2) Such place or places as the Traffic Engineer may from time to time designate within the public streets or grounds of the City of Madison shall be the authorized stands for hacks, cabs, wagons, omnibuses, horse-drawn vehicles or other vehicles used for the conveyance of passengers or baggage for hire, and it shall be unlawful for any person to use any other place as a stand for such vehicles except by special permission of the Common Council. The Traffic Engineer shall likewise have the power to designate the stand which each of said respective vehicles may occupy, and when any stand shall have been so allotted to any vehicle or vehicles, it shall be unlawful for the owners or operators of such vehicles to permit said vehicle to occupy any other stand except by special permission of the Common Council. Such designation by the Traffic Engineer shall be in writing and filed with the City Clerk, and may be changed from time to time. No person shall solicit passengers in a loud, boisterous manner, or obstruct the crosswalks or sidewalks in the vicinity of said stand. Any hackman, omnibus driver, express man, job wagon man, or any other person engaged in soliciting or procuring passengers for any of the above vehicles named who shall, while waiting for employment at any mass transportation terminal, leave such vehicle, except for the purpose of getting the baggage or other personal property of the person employing him, or leave the horse or other animal attached to the vehicle unattended, or use indecent or profane language, or be guilty of boisterous or loud talking or hallooing, or any disorderly conduct, or vex or annoy travelers and citizens, or obstruct any sidewalks or crosswalks shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) in every case. (Am. by Ord. 8154, 11-14-83; Ord. 13,760, Adopted 12-14-04)

**11.08 ADOPTION BY REFERENCE: STATE CODE.** The following is adopted by reference and made a part hereof, as if fully set forth herein:

- (1) Wisconsin Administrative Code, Trans 305, Standards for Motor Vehicle Equipment.
- (2) A copy of the applicable codes shall be kept at all times and available for inspection, during reasonable hours, in the offices of the City Clerk and the City Transportation Department.
- (3) Penalty for Violation of Trans 305. Unless otherwise provided by statute, any person violating the provisions of the Wisconsin Administrative Code, Trans 305, shall be required to forfeit not less than \$10 nor more than \$200.

(Cr. by Ord. 10140, 11-14-90; Am. by ORD-09-00147, 11-6-09)

**11.09 PAYMENT OF TAXICAB AND MOTOR BUS FARE REQUIRED.**

- (1) Any person who hires a taxicab licensed pursuant to this chapter and fails to pay the fare authorized by law shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). (Am. by Ord. 13,760, Adopted 12-14-04)
  - (2) Any person who enters a motor bus that transports persons for hire and refuses to pay, without delay, upon demand of the operator or other person in charge of the motor bus, the prescribed transportation fare shall be subject to a forfeiture not to exceed one hundred dollars (\$100). (Am. by Ord. 13,760, Adopted 12-14-04)
- (Am. by Ord. 9847, 9-14-89; Am. by Ord. 13,760, Adopted 12-14-04)

**11.10 RESERVED FOR FUTURE USE.**

**11.11 - 11.19 RESERVED FOR FUTURE USE.**

**11.20 PENALTY.** Any person, firm, or corporation shall violate any of the provisions of this chapter for which a penalty has not heretofore been provided shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). (Am. by Ord. 10,324, 11-14-91)