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SECTION 16-101      RAILROADS TO IMPROVE STREETS AND ALLEYS.

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the town is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times. (Prior Code, Sec. 21-1)

SECTION 16-102      SIDEWALKS TO BE CONSTRUCTED BY RAILROADS.

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times. (Prior Code, Sec. 21-2)

SECTION 16-103      CLIMBING ON TRAINS.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the town, unless such person is acting in line of duty, or to board any train or railroad car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty. (Prior Code, Sec. 21-3)

SECTION 16-104      SPEED OF TRAINS.

It is unlawful for any person to operate or drive a train or railroad engine at a speed greater than forty-five (45) miles per hour within the town. (Prior Code, Sec. 21-5)

## CHAPTER 2

## TAXICABS

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SECTION 16-201      LICENSE REQUIRED.

No person, firm or corporation shall engage in the business of operating a motorcar, automobile, auto bus or other vehicle for the purpose of transporting passengers for hire upon, over and through the streets, avenues, thoroughfares or other public places within the limits of the town without having first obtained a license to engage in such business from the town clerk. (Prior Code, Sec. 21-7)

State Law Reference: Municipal powers to license taxicabs, Sections 22-106, 22-118.

SECTION 16-202      REQUIREMENT FOR LICENSE.

A. A permit to operate a taxi, motorcar, automobile, or motor bus business within the town or upon the streets and public ways shall be issued by the town clerk to any person, firm or corporation of good moral character attested to by the affidavit of two (2) residents of the town who shall:

1. Tender a license fee of Ten Dollars (\$10.00) for the first vehicle and Five Dollars (\$5.00) for each additional vehicle per year, the license to terminate on the 30th day of June, next, thereafter;

2. Posting a certificate from an insurance company licensed to do business within the state not cancellable without ten (10) days notice to the town, indemnifying the town or any person to whom the applicant may become liable in amount of:

- a. Five Thousand Dollars (\$5,000.00) for property damage;
- b. One Hundred Thousand Dollars (\$100,000.00) for personal injuries arising from each accident; and
- c. Five Thousand Dollars (\$5,000.00) for each person.

3. A list of the motor vehicles to be used in the business, duly showing that they, and each of them are covered by the insurance mentioned above in Subsection A, and a list of operators of the vehicles, who are by him, them or it, to operate the motor vehicles. The license shall be revoked immediately upon termination of insurance, failing to keep the list of automotive equipment and drivers up to date in the office of the town clerk or for good cause shown. The permit shall be prominently displayed in the principal office of the business.

B. Permits for the driving and operating of such motor vehicles for hire within the town shall be issued to any person of good moral character attested to by the

affidavit of two (2) resident freeholders of the town who has not had his motor vehicle operator's license or commercial chauffeur's license revoked by the Commissioner of Public Safety of the state or his counterpart in any other state within three (3) years immediately prior to the date of the application and who has not been convicted of a felony, which information shall be attested to by the chief of police according to his best knowledge, who shall:

1. Exhibit to the town clerk proof of his (or her) being the holder of a valid commercial chauffeur's license by the state; and

2. Submit to the town clerk a recent photograph not less than one inch by one inch and not larger than two (2) inches by four (4) inches in size for attachment to a permit for such driver. The permit shall be permanently and visibly displayed at all times in the taxi or motor vehicle operated by the driver for hire.

(Prior Code, Sec. 21-8)

SECTION 16-203 APPEAL FROM DENIAL OF LICENSE.

Issuance or revocation of, or refusal to issue the foregoing licenses or permits, and each of them, by the town clerk may be appealed to the board of trustees by any citizen of the town, or person, firm or corporation aggrieved. (Prior Code, Sec. 21-9)

SECTION 16-204 NOTICE.

Notice shall be given by the applicant for the license as set forth under Section 16-202 of this code, by posting notice in five (5) public places in the town at least seventy-two (72) hours before such license may be issued. The notice shall be in substantially the following form:

NOTICE

The Town of Luther to all interested parties:

Take notice that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, an application for taxi license was presented to the town clerk by \_\_\_\_\_ and that said application will be heard by the undersigned clerk on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Take notice hereof and govern yourselves accordingly.

\_\_\_\_\_  
Town Clerk

SECTION 16-205 INSPECTION.

Every person, firm or corporation obtaining a license hereunder shall, at least once in each calendar quarter, have each vehicle so used inspected for operational safety and furnish the town clerk proof of the safe condition of each vehicle. The chief of police of this town or any highway patrol officer of this state shall be deemed qualified to conduct the inspection. (Prior Code, Sec. 21-11)

SECTION 16-206      PENALTY.

Any breach of the foregoing by failing to obtain the permits, operating without permits or failing to prominently and visibly display the same shall constitute a breach of the ordinances of this town and shall be punished by a fine in the municipal court of this town as provided in Section 1-108 of this code. Each day of such operation without a permit, insurance or operator's license, or failure to display the permit shall constitute a separate breach and offense. (Prior Code, Sec. 21-12)