

ORDINANCE NO. 2969

AN ORDINANCE RELATING TO TAXICABS, PROVIDING FOR CERTIFICATION OF TAXICAB COMPANIES AND DRIVERS, AND REPEALING CHAPTER 6.28

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the taxicab chapter required revision of its definitions to provide clarity; and

WHEREAS, it has become necessary to make it clear what activities are exempt from the taxicab permitting process; and

WHEREAS, the process of issuing taxicab company certificates and taxicab driver permits needed to be updated and clarified;

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Sections 6.28.010 [Purpose] through 6.28.170 [Violation – Penalty] are hereby added to read as follows:

6.28.010 Purpose.

It is the purpose of this ordinance to require that those persons operating taxicabs do so in a safe, fair and efficient manner. The taxicab industry constitutes an essential part of the City's transportation system, and transportation so fundamentally affects the well-being of the City's citizens that some regulation is necessary to ensure that the public safety is protected, the public need provided for, and the public convenience promoted. The provisions contained herein should be applied and enforced in such a manner as to require the taxicab industry to regulate itself, under City supervision, to promote

innovation and adaption to changing needs, and respond to economics of the market place, so long as the public interest is served thereby.

6.28.020 Definitions.

- A. **Certificate. A current certificate issued under this chapter to operate a Taxicab company.**
- B. **Commission. The City of Ashland Transportation Commission.**
- C. **City Recorder. The City of Ashland City Recorder or his/her designee authorized to perform the duties of this Chapter by the City Recorder.**
- D. **Driver. Any person duly authorized by the City as a taxicab driver under the terms of this chapter that operates taxicabs as a driver for any permitted taxicab company, regardless of whether the vehicles operated are owned by the company, leased, or owned by individual members of the company.**
- E. **Operate. To drive a taxicab, to use a taxicab in the conduct of business, to receive money from the use of a taxicab, or cause or allow another person to do the same.**
- F. **Person. Any individual, partnership, trust, estate, corporation, or other form of business organization recognized by Oregon law.**
- G. **Police Chief. The person holding the position of Chief of Police of the Ashland police department, or any agent, employee, or designee authorized to perform the duties of this chapter by the Police Chief.**
- H. **Taxicab. Any motor vehicle which carries passengers for hire when the journey originates in the City and where the destination and route may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled, waiting time, or a flat fee. Any vehicle which has an appearance deceptively similar to a taxicab is a taxicab for the purposes of this chapter.**
- I. **Taxicab company. Any Person that operates taxicabs that either has its primary place of business within the city limits, or regularly conducts business within the city limits, that is authorized by the City as a Taxicab company under this chapter.**
- J. **Taxicab driver permit. A permit issued to a driver that demonstrates the driver is an authorized taxicab driver under this chapter.**

- K. Translink Provider. A business or company that has been approved as a provider of transportation services by the federal government by meeting federal standards and receipt of a certificate evidencing such compliance.
- L. Taximeter. A mechanical or electronic device which calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.

6.28.030 Taxicab Company Certificate Required – Exemptions

- A. No Person shall operate any taxicab in the City of Ashland without possessing, in addition to any license required by any other law, a valid Taxicab Company Certificate issued pursuant to this chapter. A certificate may not be sold, assigned, mortgaged or otherwise transferred.
- B. Exemptions to Certificate Requirement.
 - 1) Public Transportation provided and funded in whole or in part by public organizations shall be exempt from the permit requirements of this chapter.
 - 2) Courtesy shuttles provided by hotels, motels, and companies providing recreational activities as a convenience for registered guests and paying customers only, where no additional charges apply.
 - 3) Special Vehicles and Tour Buses as defined in AMC 6.30.
 - 4) Certified Translink Providers that show proof of such certification to the City.

6.28.040 Taxicab Company Certificate Applications - Issuance

- A. Application. An application for a Taxicab Company Certificate shall be submitted to the City Recorder, and the application must be signed under penalty of perjury. The application documents must contain the following:
 - 1) The name, business address and residence address of the applicant.
 - 2) The make, type, year of manufacture, VIN number, and Seating Capacity of each vehicle that will be operated as a taxicab under the Taxicab company certificate.
 - 3) A description of the proposed color scheme, insignia, trademark, or any other distinguished characteristics of the proposed vehicle design.
 - 4) A list from the applicant of any violation, misdemeanor, or felony convictions, the nature of the offense, and the punishment or penalty assessed for the owner(s) and/or any officers of the Taxicab company.
 - 5) Proof of insurance in the manner and form required by this chapter from a responsible, solvent insurance carrier authorized to issue public liability and property damage insurance in the State of Oregon.

- 6) A receipt issued by the City showing payment of the non-refundable application fee. The fee is to be set by resolution of the city council.
 - 7) Before any Taxicab company application is acted upon by the City Recorder, the police chief is to make an investigation within 60 days from the date the application is filed. Upon completion of such investigation the police chief is to report his findings, in writing, to the City Recorder.
- B. Issuance of Certificate. The City Recorder will issue a certificate to operate a taxicab upon finding that the applicant has met the requirements of this chapter.

6.28.060 Annual Taxicab Company Certificate Renewal. Taxicab company certificates shall be renewed upon submission of the annual certificate fee, as established by resolution of the city council, unless otherwise revoked under this Chapter. The annual license fee is due and payable on July 1st of each year.

6.28.070 Minimum Standards for Taxicab Companies. Any Taxicab company operating under a Certificate issued pursuant to this Chapter shall comply with the following minimum standards:

- A. An office open and staffed for a minimum of 8 hours a day, 5 days a week.
- B. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests received by telephone.
- C. Facilities and personnel sufficient to insure that every taxicab operated by the Taxicab company complies with the requirements of this Chapter.
- D. Insurance policies in force sufficient to meet the requirements of this Chapter and to protect the company to the same limits of liability.

6.28.080 Equipment

Every taxicab is to be equipped with the following:

- A. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer.
- B. Taxicabs charging flat rates must be equipped with a sign complying with section 16.28.150 that states "Flat Rate" in a conspicuous location inside the taxicab.
- C. A top light identifying it as a taxicab.
- D. The company name and telephone number where service can be requested displayed on the exterior of the taxicab.
- E. A cell phone or "state of the art" taxi radio on a clear coordinated taxicab radio frequency for customer comfort and rapid dispatching of calls for service.
- F. A current copy of the Taxicab company certificate with the approved vehicle's Vehicle Identification Number (VIN).
- G. A notice providing information necessary to file a complaint as required by section 6.28.160.

- H. All safety equipment required by federal law, state law, or this Chapter, including, but not limited to, a seat belt or other restraining device for every passenger.

6.28.090 Inspection and Maintenance of Taxicabs

- A. Prior to the operation of any vehicle under the provisions of this chapter, and annually thereafter, each taxicab shall be thoroughly examined and inspected by either a Certified Mechanic or a governmental entity located within Jackson County and shall be found to be in safe operating condition. For the purpose of this section the term "Certified Mechanic" means a person certified by the National Institute for Automotive Service Excellence, or its equivalent.
- B. Every taxicab must have proof of its annual inspection in the vehicle. Proof of the inspection shall be submitted to the City Recorder on an annual basis.
- C. A Taxicab company operating taxicabs in violation of these requirements shall be reason for revocation of the Taxicab company certificate under AMC 6.28.130.

6.28.100 Insurance and Indemnification

- A. No person shall operate any vehicle as a taxicab unless that vehicle is covered by commercial liability insurance providing coverage of not less than \$500,000 per occurrence in combined single limit for bodily injury and property damage claims, or \$500,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage. Liability coverage shall be provided on an "occurrence" not "claims" basis. A certificate of insurance coverage, evidencing insurance coverage in compliance with this Section, shall be filed with the City Recorder. The City of Ashland, its officers, employees, and agents shall be named as additional insureds.
- 1) The limits of insurance coverage required under this Section shall be subject to any statutory changes regarding the minimum limits of liability required for taxicab companies.
 - 2) Insurance policies for all vehicles operating as taxicabs shall contain a provision that the policy will not be reduced in coverage or canceled without 30 days prior written notice to the City Recorder.
 - 3) Failure to maintain adequate insurance as required under this Section shall be cause for immediate suspension or revocation of a Taxicab Company Certificate.
- B. All Taxicab companies and drivers that receive a Certificate or a permit, shall, to the extent permitted by law, agree to defend, indemnify and hold harmless the City, its officers and employees, from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from any claims for damages to property, or injury to

persons, which may occur in connection with the operation of a taxicab company or a taxicab under the terms of the Certificate or permit.

6.28.110 Approval of Drivers

It is unlawful for any person to operate a taxicab in the City of Ashland without a Taxicab Driver Permit issued by the Police Department in accordance with the terms of this chapter.

- A. Application for a Taxicab driver permit is to be made to the Police Chief, on a form provided by the city, accompanied by the fee established by resolution of the city council. The applicant must attach a certified copy of the applicant's department of motor vehicle records, a copy of the applicant's driver's license, and two passport size photos of the applicant.
- B. When the Police Chief receives the application he shall make such investigation of the applicant's background as necessary to verify that each taxicab driver issued a permit:
 - 1) Is 21 years of age or more,
 - 2) Has not have been convicted of any crimes involving moral turpitude or dishonesty,
 - 3) Possesses a valid Oregon driver's license,
 - 4) Has not had his or her driver's license revoked by any state within the last five years, and
 - 5) Did not make any false statements in the application.
- C. If the Police Chief determines that the applicant meets the requirements of this section, the Police Chief may issue the permit. The permit expires one year from the date of issuance and may be renewed from year to year by filing a renewal application with the police department. The fee for a renewal permit shall be set by resolution of the city council. Failure to renew a license before expiration of the current taxicab driver permit shall result in late fees.
- D. Denial of permit. No taxicab driver's permit shall be issued or renewed to any person if the city determines, after a review of a person's traffic, criminal record, and any other information the city deems pertinent, that the public health, welfare, and safety would not be served by the issuance or renewal of a permit to that person. If the application is denied, the applicant may, within seven days of notification of the denial by the city, appeal the matter in writing to the City Recorder and proceed through the administrative appeals process in AMC 2.30.

6.28.120 Operating Regulations of Taxicab Companies and Drivers

- A. Taxicab Companies. A Taxicab Company shall not:
 - 1) Allow any taxicab to be driven that has not been inspected and properly permitted, or

- 2) Allow persons to operate taxicabs that do not have a valid Taxicab driver permit issued pursuant to this chapter.
- B. Taxicab Drivers. A taxicab driver shall not:
- 1) Transport a passenger to his destination by any other than the most direct and safe route, unless requested to do so by the passenger,
 - 2) Fail to give a correct receipt upon payment of the correct fare if requested to do so by the passenger,
 - 3) Permit additional persons to occupy or ride in the taxicab without consent of the original passenger,
 - 4) Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab service company when the taxicab is not already in service, and who is able to demonstrate the ability and willingness to pay the fare.
 - 5) Charge a fare higher than the posted rates, or try to defraud a passenger in any way by manipulating devices to cause a registration to be made of a greater distance or more time.

6.28.130 Cancellation, Suspension, Revocation, or Appeal of Certificate or Permit

- A. Any certificate or permit may be suspended or revoked by the City Recorder if the city finds after a reasonable investigation verifying that any one or more of the following conditions exist:
- 1) The Taxicab company ceases to operate any taxicab for a period of 15 consecutive days without obtaining permission for the cessation of such operation from the city.
 - 2) The Taxicab company and/or driver fails to operate the taxicab in accordance with the provisions of this chapter.
 - 3) The Taxicab company and/or driver fails to pay any of the fees or payments required to be paid by the provisions of this chapter.
 - 4) The suspension or revocation is necessary to protect the public health, safety, and welfare generally, or the safety of the taxicab-riding public in particular.
 - 5) The revocation or suspension is otherwise authorized by ordinances of the city.
- B. Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefore and the right of appeal pursuant to AMC 2.30.
- C. Except as provided below, any suspension or revocation shall be effective 10 days after mailing a copy thereof by first class United States mail addressed to the taxicab company and/or taxicab driver at the business or residence address shown on the permit application or renewal.
- D. Notwithstanding subsection (C) of this section, a suspension or revocation may be made effective immediately if the city finds reasonable grounds to believe that:
- 1) A person holding a taxicab driver's permit is not covered by liability insurance as required by this chapter,

- 2) A vehicle being operated as a taxicab is not covered by liability insurance required by this chapter, or
- 3) Continued operation by the taxicab company or taxicab driver would cause, or is likely to cause, imminent danger to the public health, safety, or welfare.

6.28.140 Surrender of Certificate or Permit

Any certificates or permits suspended or revoked by the City shall be surrendered to the City Recorder and the operations of any taxicabs covered by such certificates shall cease. Any Taxicab company that permanently retires any taxicab from taxicab service and does not replace it within 15 days shall immediately surrender any certificate granted for the operation of such taxicab to the City Recorder and the Taxicab company may not secure an additional Certificate for the operation of another taxicab without making application therefor in the manner provided in this chapter.

6.28.150 Rates

A flat fare remains constant regardless of the distance traveled or the time involved. Except for a taxicab charging a flat rate, the rates to be charged to passengers are to be based on the factors of mileage from the point of origin to the point of destination by the most direct route, the time involved, and the number of passengers. No taxicab may charge any fees or rates other than those that are posted.

6.28.160 Complaints

- A. Every taxicab shall have posted in a prominent place within the passenger compartment a notice entitled "Complaints" setting forth the address and telephone number of the Taxicab company to which complaints should be directed and a notice that a record of all complaints shall be open to inspection and review by the City at any time on its request.
- B. Taxicab companies shall maintain a record of all complaints received either in writing or by telephone.

6.28.170 Violation - Penalty

Any Person that violates any provision of this Chapter through its operation of a taxicab service from points originating within the City of Ashland shall be deemed guilty of a separate violation on each and every day or portion thereof during which the violation is committed, continued or permitted, and upon conviction of any such violation, the Person shall be punished as prescribed in AMC 1.08.020.

SECTION 2. Repeal. Ashland Municipal Code Chapter 6.28 [Taxicab Certification] is hereby repealed in its entirety. Any municipal code provisions in conflict with the provisions contained herein are also hereby repealed.

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

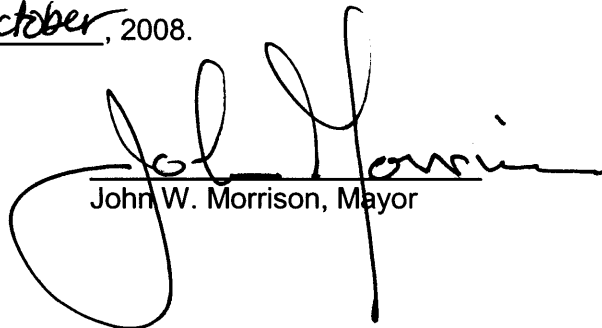
SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 10 day of October, 2008, and duly PASSED and ADOPTED this 21 day of October, 2008.



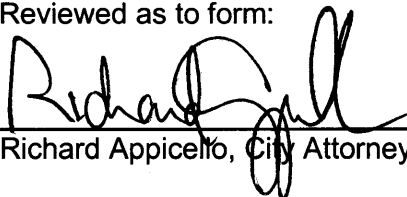
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 22 day of October, 2008.



John W. Morrison, Mayor

Reviewed as to form:



Richard Appicello, City Attorney