

ORDINANCE NO. 1997
An Ordinance Amending Newport Municipal Code Chapter 4.15
Governing Taxicabs

Findings:

1. Newport Municipal Code Section 4.15.020 prohibits any person from operating a taxicab business within the city without a valid business license with a taxicab endorsement (Section 4.15.020); and prohibits any person from driving a taxicab without a city taxicab driver's permit and a valid Oregon driver's license.
2. The City Council supports the annual Sea Food and Wine Festival held in Newport in the month of February. During the Festival in the last two years, individuals have solicited riders from Festival participants and others for donations or tips. In the year 2009, the number of individuals offering "free rides" rose to almost twenty persons. Since these individuals were not requesting payment for their services, they were determined to not be operating a business and no city ordinance was violated, including but not limited to, Chapter 4.15 of the Newport Municipal Code.
3. During the regular City Council Meeting on January 4, 2010, the City Council discussed the "free rides" issue as it relates to the 2010 Festival including the lack of screening of such individuals, insurance coverage, and background checks, which are required by an individual seeking a business license with a taxicab endorsement. The Council then directed staff to amend the Newport Municipal Code Section 4.15.020 to add language so that individuals offering "free rides" would be considered to be providing "for-hire" (or taxicab) services. These individuals would then be required to obtain a business license with taxicab endorsement if they continued to offer "free rides," or be in violation of Chapter 4.15 of the Newport Municipal Code.
4. City staff subsequently met with Chamber of Commerce representatives to discuss concerns expressed by a local night club owner about the transportation safety of Festival participants. City staff and the Chamber determined that evidence shows that:
 - a. The Festival benefits the public of the City of Newport and surrounding areas by bringing Festival participants who utilize local hotels and restaurants and purchase goods and services from businesses in the area;
 - b. The city and the Chamber are concerned about the safety and well being of Festival participants who partake of alcoholic beverages and others who require transportation around the area;
 - c. The only taxicab company in Newport is not adequately equipped to handle the transportation needs of individuals not utilizing the free bus service provided by the Chamber;
 - d. Mid-Columbia Bus is not able to extend their hours of operation on the Festival weekend beyond 11:00 P.M. on Saturday night; and

- e. City staff and the Chamber recommend the City Council consider amending Chapter 4.15 of the Newport Municipal Code to provide for a temporary permitting process for individuals wishing to offer “free rides” during the Seafood and Wine Festival.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Newport Municipal Code Section 4.15.020 is amended to read:

4.15.020 Endorsed Business License and Permit Required

Except as otherwise set forth in this Chapter, no person shall operate any taxicab business *nor solicit any rider for compensation including but not limited to donations and tips*, within the city without a valid business license with taxicab endorsement. No person may drive a taxicab without a city taxicab driver’s permit and a valid Oregon driver’s license.

Section 2. Newport Municipal Code Section 4.15.025 is added to Chapter 4.15 to read:

4.15.025 Temporary Driver Permit

A. Persons soliciting any rider for compensation including but not limited to donations and tips during an annual Seafood and Wine Festival will apply for a temporary permit under this Chapter. Applicants for a temporary permit shall be 21 years of age and provide the following information with an application:

1. A completed Temporary Driver Permit Application;
2. Copy of Driver’s License;
3. Two (2) copies of recent photograph of applicant;
4. Copy of \$25.00 fee receipt (paid to City of Newport);
5. Background check (criminal history; driving record, etc.);
6. The make, type, year of manufacturer, serial number, license plate number, and passenger seating capacity of the vehicle to be used;
7. A photograph of the sign which will appear on the applicant’s vehicle used to solicit riders; and
8. Certificate of auto insurance covering personal injury and property damage, with coverage limits of at least \$500,000.00. The certificate of insurance must add the City as an additional insured.

B. The Newport Police Department will complete an investigation of the applicant and return a recommendation for approval or denial of the temporary permit to the city manager within ten (10) days of receipt of a completed application. The city manager or his/her designee will approve or deny a temporary permit application and notify an individual of such decision within five (5) days of receipt from the Newport Police

Department. The city manager or his/her designee has complete discretion to approve or deny a temporary permit. This decision is not subject to appeal.

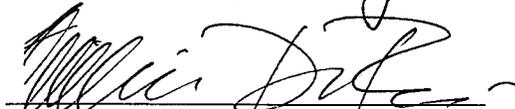
- C. If the city manager or his/her designee approves the temporary permit application, the successful applicant will:
1. Display a copy of the temporary permit in the vehicle included in the permit. The permit may not be used or displayed in any vehicle not included in the permit.
 2. Maintain the vehicle included in the permit in clean and sanitary condition and in good repair.
 3. Report to the Newport Police Department within 24 hours after discovery of any property of value left in the vehicle by any passenger if the driver has not been able to return the property to the passenger or received instructions from the passenger for the return of the item. Property of value includes but is not limited to personal identification, bank cards, and cash.
- D. A temporary permit provided under this section will be effective only for the Seafood and Wine Festival for the particular year of the permit application from 12:00 P.M. on the first day of the Festival and ending at 12:00 A.M. immediately following the last day of the Festival.

Section 3. All other portions of Newport Municipal Code Chapter 4.15 remain unchanged.

Section 4. EMERGENCY DECLARATION AND EFFECTIVE DATE

This ordinance is necessary for the immediate safety of the City and an emergency is declared to exist and this ordinance shall be effective immediately upon passage.

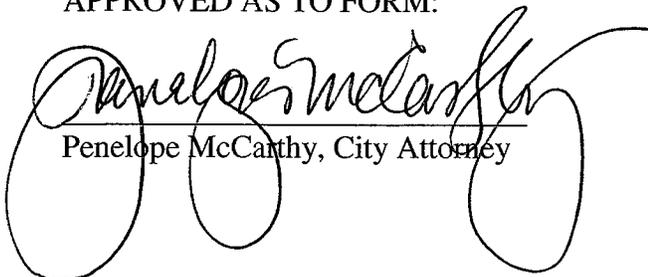
Signed by the Mayor on January 21, 2010


William D. Bain, Mayor

ATTEST:


Cheryl Atkinson, Exec. Assistant

APPROVED AS TO FORM:


Penelope McCarthy, City Attorney