

CITY OF NEWPORT

ORDINANCE NO. 2058

AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 4.15 OF THE NEWPORT MUNICIPAL CODE
PERTAINING TO TAXICABS

WHEREAS, the City of Newport Charter provides that the city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant; and

WHEREAS, the above referenced grant of power has been interpreted as affording the city all legislative power under the home rule provisions of the Oregon Constitution; and

WHEREAS, it is the purpose of this ordinance to require that persons operating taxicabs do so in a safe, fair, and efficient manner; and

WHEREAS, the taxicab industry is an important part of the city's transportation system, and transportation fundamentally impacts the well-being of the citizens, and some regulation is necessary to ensure that the public safety is protected, the public need provided for, and the public convenience promoted; and

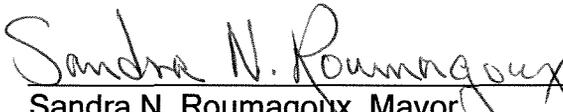
WHEREAS, the City Council adopted Ordinance No. 1935 pertaining to taxicabs on September 4, 2007 and the ordinance needs to be updated to address safety, equity, and efficiency.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 4.15 of the Newport Municipal Code, and all previous ordinances related to the licensing of taxicabs are repealed and re-enacted as shown in the attached Exhibit A.

Section 2. This ordinance will become effective thirty days from the date of adoption.

Adopted by the Newport City Council on the 20th day of January, 2015.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:


Steven Rich, City Attorney

EXHIBIT A

ORDINANCE NO. 2058

4.15.010 Definitions

A. Except where the context clearly indicates otherwise, the following words shall mean:

1. "City Manager" means the City of Newport City Manager or his/her designee.
2. "Driver" means every person who is, or acts under or at the direction of, the owner, agent, or employee, and is in charge of operating any taxicab.
3. "Endorsement" means a taxicab endorsement to a business license to allow the business to operate a taxicab business in the city.
4. "Flat rate" is a fare which remains constant regardless of the distance traveled or time involved.
5. "Limousine" is a vehicle that is used in a limousine service operation in which the destination and route traveled may be controlled by the passenger and the fare is calculated on the basis of any combination of initial fee, distance traveled and waiting time if the vehicle:
 - a. Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
 - b. Carries passengers for hire between points in Oregon; and
 - c. Operates on an irregular route basis.
6. "Nonemergency medical transport vehicle" means a vehicle that carries a person for hire and such person requires nonemergency medical treatment or supervision by an emergency medical technician or first responder certified by the Oregon State Health Division while in the vehicle.
7. "Operate" means to drive a vehicle, to use a vehicle in the conduct of business, to receive money from the use of a vehicle, or cause or allow another person to do the same.
8. "Owner" means every person having use or control of any taxicab whether as owner, lessee, or otherwise.

9. "Permit" means Police Chief's authorization of a driver to operate a taxicab listed in an endorsement to the business license.
10. "Police Chief" means the City of Newport Police Chief or his/her designee.
11. "Street" means any street, alley, avenue, road, lane, highway, or public place in the city used for the purpose of public travel.
12. "Taxicab" means any vehicle that carries passengers for hire whose journey has originated in the city, 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, and delay, or the fare is a flat rate. Any vehicle that has an appearance similar to a taxicab is a taxicab for the purposes of this Chapter. As used in this Chapter, "taxicab" does not include licensed ambulances, nonemergency medical transport vehicles, regular-route scheduled buses, state-approved buses engaged in charter service, limousines, courtesy vehicles operated by hotels and motels as a convenience for registered guests where no charges are made, vehicles operated for the exclusive use of senior citizens or persons with disabilities, or vehicles contracted for special events by non-profit organizations.
13. "Taxicab Driver Permit" means a permit issued to an individual to operate a taxicab in conjunction with a business possessing a taxicab endorsement to its business license.
14. "Temporary Taxicab Driver Permit" means a permit issued to an operator for a special community event, such as the annual Seafood and Wine Festival. A temporary permit will be effective only for the special event for the particular year of the permit application from 12:01 A.M. on the first day of the event and ending at 11:59 P.M. the last day of the event.

4.15.020 Taxicab Endorsement and Taxicab Driver Permit Required

- A. No person shall operate any taxicab business in the city without possessing a valid taxicab endorsement to the business license for that business and its vehicles issued pursuant to this Chapter, as well as any other license required by the city.
- B. No person shall operate a taxicab during a special event without having first obtained a taxicab driver permit or temporary taxicab driver permit.

4.15.030 Taxicab Endorsement Application Required

- A. An application for a taxicab endorsement to a business license shall be filed with the Police Chief. The application shall be verified under penalty of perjury and contain the following information and documentation:

1. The name, business address, and residence address of the owner or person applying.
 2. The make, type, year of manufacture, and seating capacity of the vehicle(s) for which application for taxicab endorsement is made.
 3. A description of the proposed color scheme, insignia, trade style, or any other distinguishing characteristics of the proposed vehicle design.
 4. A statement whether the applicant or any officers of the applicant have been convicted of any felony, misdemeanor or violation of any municipal ordinance or state law, including non-moving traffic violations and parking offenses, the nature of the offense and the punishment or penalty assessed.
 5. A policy of insurance in the manner and form required under Section 4.15.150.
- B. Upon receipt of an application for a taxicab endorsement to a business license, the Police Chief shall be responsible for conducting an investigation of the owner or applicant within 30 days from the date the application is filed. The following information is required:
1. Copy of driver license;
 2. Two (2) passport-sized copies of a recent photograph of the applicant;
 3. FBI "Applicant" fingerprint card which can be obtained from the Lincoln County Sheriff's Office, and a check payable to the Oregon State Police, at current rate, for fingerprint processing;
 - ;
 4. Copy of receipt for payment of fees issued by the city's Finance Department.
 5. Satisfactory proof that the applicant does not owe the city any monies due to unpaid traffic fines, parking fines, or any other fee.
- C. All taxicab endorsements expire on June 30 of each calendar year, and may be renewed from year to year upon application to the Police Chief.

4.15.035 Denial, Revocation, or Suspension of Taxicab Endorsement; Appeal

- A. If the Police Chief denies an application for a taxicab endorsement to a business license, or the taxicab endorsement is revoked or suspended by the Police Chief, such action may be appealed to the City Manager or his/her designee. The decision of the City Manager is subject to further appeal to the City Council.
- B. Notice of denial, revocation, or suspension shall be given to the applicant or licensee as provided in Section 4.05.060 of the Newport Municipal Code.

- C. An appeal to the City Manager and further appeal to the City Council, if any, shall be as provided in Section 4.05.075 of the Newport Municipal Code

4.15.040 Issuance of Taxicab Endorsement

The Police Chief shall issue a taxicab endorsement to operate a taxicab if the applicant has met the requirements of this Chapter.

4.15.050 Taxicab Driver Permit and/or Temporary Taxicab Driver Permit Required

It is unlawful for any person to operate a taxicab in the city without a taxicab driver permit, or a temporary taxicab driver permit which was issued by the Police Chief in accordance with the terms of this Chapter.

- A. A person may apply for a taxicab driver permit or temporary taxicab driver permit by submitting a completed application to the Police Chief. The application shall include:
 - 1. Copy of driver license;
 - 2. Two (2) passport-sized copies of a recent photograph of the applicant;
 - 3. FBI "Applicant" fingerprint card (not required for renewal or Temporary Taxicab Driver Permit application) which can be obtained from the Lincoln County Sheriff's Office;
 - 4. Check payable to the Oregon State Police, at current rate (not required for renewal or Temporary Taxicab Driver Permit application) for fingerprint processing;
 - 5. Copy of receipt for payment of fees issued by the city's Finance Department.
- B. Upon receipt of an application for a taxicab driver permit or temporary taxicab driver permit, the Police Chief shall be responsible for conducting an investigation of the applicant's background as necessary to verify compliance with subsection C. of this section, including initiating a criminal background check.
- C. The Police Chief shall not issue a taxicab driver permit or a temporary taxicab driver permit until and unless the following applicant information regarding the applicant has been verified:
 - 1. The applicant is 21 or more years of age;
 - 2. The applicant possesses a valid Oregon driver's license;
 - 3. The applicant has not had a driver's license revoked or suspended by any state within the last five years;
 - 4. The applicant has made no material false statement in the application;

5. The applicant does not owe the city any monies due to unpaid traffic fines, parking fines, or any other fee.
 6. The applicant has been investigated by the Police Chief and the Police Chief has found that the applicant has not been convicted of any felony or misdemeanor involving a crime against persons as defined in ORS Chapter 163, including but not limited to homicide, manslaughter, assault, kidnapping, sexual offenses, harassment and stalking; or any violation of the Oregon Vehicle Code, ORS Chapter 811, defined as a felony or misdemeanor, including driving under the influence of intoxicants as defined in ORS Chapter 813; or any misdemeanor involving theft or fraud.
 - a. Where the investigation discloses a conviction for violation of ORS Chapter 811, the Police Chief shall investigate the violation and determine whether the nature of the violation, when viewed in light of the circumstances of the violation and the city's duty to protect the public, is such that a reasonable person would believe the driver so convicted is an unacceptable risk to public safety. Where the Police Chief finds an unacceptable risk to public safety exists, the Police Chief shall not issue a taxicab driver permit or temporary taxicab driver permit to the applicant.
- D. If the Police Chief determines that the applicant meets the requirements of this Chapter, the Police Chief shall issue the taxicab driver permit or the temporary taxicab driver permit.
- E. All taxicab driver permits expire on June 30 of each calendar year, and may be renewed from year to year upon application to the Police Chief.
- F. As a condition of licensing, a taxicab driver permit holder and temporary taxicab driver permit holder shall agree in writing to notify the Police Chief within ten days of conviction of any crime included in subsection (C)(6) of this section.

4.15.055 Denial, Revocation or Suspension of Taxicab Driver Permit; Appeal

- A. If the Police Chief denies an application for a taxicab driver permit or temporary taxicab driver permit, or the taxicab driver permit or temporary taxicab driver permit is revoked or suspended by the Police Chief, such action may be appealed to the City Manager or his/her designee. The decision of the City Manager is subject to further appeal to the City Council.
- B. Notice of denial, revocation or suspension shall be given to the applicant or licensee as provided in Section 4.05.060 of the Newport Municipal Code.
- C. An appeal to the City Manager and further appeal to the City Council, if any, shall be as provided in Section 4.05.075 of the Newport Municipal Code.

4.15.060 Reissuance, Transfer, Cancellation, Denial, Suspension, or Revocation of Taxicab Endorsement, Taxicab Driver Permit, or Temporary Taxicab Driver Permit

- A. No taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be sold, assigned, mortgaged, or otherwise transferred.
- B. Any application for a taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be denied, suspended, or revoked by the Police Chief if any one or more of the following conditions exist:
 - 1. The taxicab endorsement holder ceases to operate any taxicab for a period of 15 consecutive days without obtaining permission to cease such operation from the Police Chief.
 - 2. The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder fails to operate the taxicab in accordance with the applicable provisions of this Chapter.
 - 3. The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder fails to pay any of the fees or payments required to be paid by the provisions of this Chapter.
 - 4. The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder no longer qualifies for a taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit under the provisions of this Chapter.
 - 5. The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder involving the operation of the taxicab business;
 - 6. Any taxicab accident required to be reported to the state involving a vehicle driven by the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder;
 - 7. The filing of a lawsuit against or on behalf of the taxicab endorsement holder related to the operation of the taxicab business;
 - 8. The filing of a lawsuit against or on behalf of a taxicab driver permit holder or temporary taxicab driver permit holder related to the operation of the taxicab business;
 - 9. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab business;

10. Lapse, cancellation, or reduction of coverage of any insurance policy the Police Chief relied on in issuing a taxicab endorsement, taxicab driver permit, temporary taxicab driver permit, or renewal of the taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit.
11. Any arrest, charge, or conviction of the taxicab driver, permit holder, or temporary taxicab driver permit holder for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's or temporary taxicab driver's operation of a taxicab;
12. Any arrest, charge, or conviction of the taxicab driver permit holder or temporary taxicab driver permit holder for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, traffic crimes, or any related offense;
13. Any vehicle accident required to be reported to the state involving any taxicab operated by the taxicab driver permit holder or temporary taxicab driver permit holder;
14. Any restriction, suspension, or revocation of the taxicab drivers, or temporary taxicab drivers, motor vehicle driver's license.

C. After the city has issued a taxicab endorsement, any change in the driver name or vehicle list requires the applicant to notify the Police Chief within 30 days of the change. The expiration date of the taxicab endorsement will remain the same.

4.15.070 Surrender of Taxicab Endorsement, Driver Permit, or Temporary Driver Permit

Any taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit that is suspended or revoked by the Police Chief shall be surrendered to the Police Chief and the operations of any taxicab shall cease.

4.15.080 Fees for Taxicab Endorsement, Taxicab Driver Permit, and Temporary Taxicab Driver Permit

No taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be issued, or a taxicab business continue in operation, until the applicant has paid all city fees required by this Chapter. All fees required herein shall be established by City Council resolution. Fees provided under this Chapter are nonrefundable, unless otherwise provided.

4.15.090 Inspection of Vehicles

A. Prior to the operation of any vehicle, with the exception of temporary taxicab driver permit holders, under the provisions of this Chapter and at least annually thereafter, the vehicle shall be inspected by an automobile mechanic and shall be certified to be

in safe operating condition. An inspection for safe operating conditions shall include, but is not limited to, inspection of brakes including parking brake; all lights, signals and reflectors; exhaust system; steering system; wipers including washers; suspension components; mirrors; horn and other warning devices; tires and restraint system. Record of such inspections, clearly identifying the vehicle by license plate number and vehicle identification number, shall be made available to the city upon initial application and annual renewal.

- B. In addition to the required initial and annual inspections, inspection or testing of all parts vital to the safe operation of the vehicle such as brakes, steering gear, tires, lights, and signaling devices shall be made at the beginning of each shift or each day by the driver. Any condition found then or at any other time that will prevent the safe operation of the vehicle shall be corrected before the vehicle is used.
- C. In the event a record of vehicle inspection is not produced within 48 hours of request, or if the record produced indicates the inspection occurred more than 12 months prior to the current date, the city shall notify the holder of a taxicab endorsement to complete an inspection showing compliance with the standards of this Chapter and deliver the record to the city within 48 hours of the written request.
- D. Failure to timely produce a satisfactory record of inspection shall be grounds to deny, suspend, or revoke a taxicab endorsement and also constitutes a violation of this Chapter subject to enforcement under Section 4.15.170.
- E. A taxicab endorsement holder who permanently retires any taxicab from service shall notify the Police Chief within 15 days from the date the taxicab is retired from service.

4.15.100 Operating Regulations

- A. Unless otherwise directed by the passenger, any taxicab driver permit holder, or temporary taxicab driver permit holder, hired to transport passengers to a definite point shall use the most direct route possible that will carry the passenger to that destination safely and expeditiously.
- B. Every taxicab driver permit holder or temporary taxicab driver permit holder, if requested, shall give a correct receipt upon payment of the correct fare.
- C. No person may refuse to pay a lawful taxicab fare after hiring a taxicab.
- D. Whenever a passenger occupies a taxicab, the taxicab driver permit holder shall not permit any other person to occupy the taxicab without the consent of the original passenger.
- E. Every vehicle operating under this Chapter is to be kept in a clean, sanitary, and satisfactory operational condition.

4.15.110 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. Taxicabs charging flat rates shall be equipped with a sign complying with Section 4.15.120 stating "Flat Rate" conspicuous to a passenger upon entering the taxicab, and outlining the flat rates to be charged.
- B. A top light identifying it as a taxicab, except for temporary taxicabs.
- C. The company name and telephone number where service can be requested displayed on the exterior of the vehicle, except for temporary taxicabs.
- D. A mobile communication device with a hands-free accessory or state of the art taxi radio on a clear coordinated taxicab radio frequency for customer comfort and rapid dispatching of calls for service, except for temporary taxicabs.
- E. The taxicab driver permit or temporary taxicab driver permit shall be conspicuously displayed inside the vehicle where it can be easily viewed by a passenger.

4.15.120 Rates

- 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. Taxicabs charging flat rates shall be equipped with a sign conspicuous to a passenger upon entering the taxicab, and outlining the flat rates to be charged.
- B. The rate schedule shall be posted in each taxicab in a conspicuous place where passengers may readily see the schedule. No taxicab may charge more than the posted rate.

4.15.130 Complaints

Taxicab endorsement holders, taxicab driver permit holders, and temporary taxicab driver permit holders shall maintain a record of all complaints received in writing or by telephone and shall keep posted in a conspicuous place in the passenger compartment of each taxicab a statement setting forth the address and telephone number of the owners 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.

4.15.140 Reports to the Police Chief

- A. Every taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder shall report to the Police Chief, within 48 hours, the occurrence of the following events:

1. The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder involving the operation of the taxicab business;
 2. Any taxicab accident required to be reported to the state involving a vehicle driven by the taxicab driver permit holder or the temporary taxicab driver permit holder;
 3. The filing of a lawsuit against or on behalf of the taxicab endorsement holder related to the operation of the taxicab business;
 4. The filing of a lawsuit against or on behalf of a taxicab driver permit holder or temporary taxicab driver permit holder related to the operation of the taxicab business;
 5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab business;
 6. Lapse, cancellation, or reduction of coverage of any insurance policy the Police Chief relied on in issuing a taxicab endorsement, taxicab driver permit, temporary taxicab driver permit, or renewal of the taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit
 7. Any information required to be disclosed by subsection (B) of this section.
- B. Every taxicab driver permit holder and temporary taxicab driver permit holder shall report to the Police Chief, and in the case of a taxicab driver permit holder, for the taxicab endorsement holder for which he or she drives, the occurrence of the following:
1. Any arrest, charge, or conviction of the taxicab driver permit holder or temporary taxicab driver permit holder for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's or temporary taxicab driver's operation of a taxicab;
 2. Any arrest, charge, or conviction of the taxicab driver permit holder or temporary taxicab driver permit holder for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, traffic crimes, or any related offense;
 3. Any vehicle accident required to be reported to the state involving any taxicab operated by the taxicab driver permit holder or temporary taxicab driver permit holder;
 4. Any restriction, suspension, or revocation of the taxicab driver's, or temporary taxicab driver's motor vehicle driver's license;

4.15.150 Insurance Requirements

- A. No person may drive or operate, or cause to be driven or operated, any taxicab in the city unless the taxicab endorsement holder or temporary taxicab driver permit holder has on file with the Police Chief a certificate of insurance written by a responsible and solvent insurance carrier authorized to write insurance policies in Oregon. The certificate of insurance shall be issued to, or for the benefit of, the taxicab endorsement holder or temporary taxicab driver permit holder, and be a commercial automobile liability policy which is in full force and effect, and designating in such policy, the taxicab(s) which may be driven or operated under this Chapter. These requirements are intended to insure the vehicle and its operation by the driver.
- B. The commercial automobile liability policy shall insure the taxicab endorsement holder, taxicab driver permit holder, and temporary taxicab driver permit holder, and any other person using or responsible for the use of any such taxicab against loss from the liability imposed upon such operation of such taxicab by law for injury to, or death of, any person, or damage to property growing out of the maintenance, operation or ownership of any taxicab, in the amount of \$1,000,000 combined single limit for bodily injury and property damage.
- C. The City requires notice of cancellation of the required insurance policies. The taxicab endorsements, taxicab driver permits, or temporary taxicab driver permits will be terminated immediately upon the City's receipt of a cancellation of insurance.
- D. The taxicab endorsement holder, taxicab driver permit holder, and temporary taxicab driver permit holder shall provide the city with a certificate of insurance naming the city as an additional insured.
- E. The insurance required by subsection (B) of this section shall apply when the city issues a new license, reissues, or renews a license or permit.

4.15.160 Indemnification

- A. Any recipient of a taxicab endorsement shall agree to pay all damages and penalties that the city may legally be required to pay as a result of granting a taxicab endorsement and shall agree to defend and indemnify the city against all claims resulting from the granting of such an endorsement. These damages or penalties shall include, but not be limited to, damage arising out of the maintenance, operation or ownership of a taxicab as authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this Chapter.
- B. The taxicab endorsement holder shall pay and, by its application and the granting of a taxicab endorsement to the business license, specifically agrees that it will pay all necessary and reasonable expenses incurred by the city in defending itself against all damages and penalties mentioned in subsection (A) of this section, including, but not limited to, reasonable attorney fees.

4.15.170 Violation - Enforcement

- A. A violation of any provision of this Chapter, including but not limited to operating a taxicab from points originating within the city without holding a valid, approved taxicab endorsement, or operating a vehicle without a valid, approved taxicab driver permit, or temporary taxicab driver permit shall be enforced under Section 1.50.010 of the Newport Municipal Code.
- B. Operating a taxicab in violation of this Chapter is declared detrimental to the public health and safety and a nuisance as authorized by Chapter 8.10 of the Newport Municipal Code. As an alternative to any remedy provided for enforcement, the city may use the abatement procedures of Chapter 8.10 or institute injunctive or other appropriate proceedings to temporarily or permanently enjoin the operation of a taxicab
- C. Each day's violation of a provision of this Chapter constitutes a separate offense. Violations of separate provisions in this Chapter are separate offenses.