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ORDINANCE NO. 1751

(An ordinance amending Chapter 5.20 of the
Hood River Municipal Code - Taxicabs)

WHEREAS, the City Council of the City of Hood River has determined that Chapter 5.20 of the Hood River Municipal Code needs to be updated to accommodate changes in state law and in order to meet the requirements of public health and safety; and

WHEREAS, the City Council finds that it is in the best interests of the City to amend its ordinance pertaining to taxicabs;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

CHAPTER 5.20 – TAXICABS*

* For statutory provisions on liability insurance needed by carriers, see ORS 767.195.

Sections:

- 5.20.010 Applicability of provisions
- 5.20.020 License--Required
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- 5.20.050 License--Issuance conditions
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- 5.20.100 Carrying unlawful material prohibited
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- 5.20.130 Cab driver permit--Issuance conditions
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5.20.010 Applicability of provisions. This chapter shall apply to those who operate taxicabs from another city and who regularly solicit and do business within this city, but shall not apply to those who operate taxicabs from another city and from that city bring a fare into this city and who then may not solicit but take a fare from this city to the city in which they regularly operate taxicabs. (Ord. 1439 §1(part), 1978).

5.20.020 License--Required. No person shall operate the business of a taxicab in the city without first being licensed as provided in this chapter. "Operate the business of a taxicab" as used in this chapter means the regular solicitation and acceptance of fares ~~and~~ **or** the carrying of packages for a fee within the city. (Ord. 1751, 1998; Ord. 1439 §1(part), 1978).

5.20.030 License--Application--Required information. The applicant for taxicab **business** license shall make application and provide the following information:

A. Name **and** business address of resident owner or owners of the business or, in the case of a corporation, those owning more than twenty percent of the stock of such corporation;

B. Make, year, type, ~~and~~ passenger seating capacity , **and license number** of each vehicle for which application is made;

C. A statement whether the owner or owners of the business or those having an interest in more than twenty percent of the corporate stock have ever been convicted of any crime, misdemeanor, or violation of municipal ordinance other than parking or minor traffic violation;

D. Such other information as the ~~council~~ **chief of police** may deem necessary for the proper protection of the public. (Ord 1751, 1998; Ord. 1439 §2, 1978).

5.20.040 License--Duration--Investigation and report. ~~Such~~ **A taxicab business** license shall be ~~for a period of one year~~ **renewable annually on or before January 15th.** Before any license is granted the city recorder shall direct the chief of police to conduct an investigation of the applicant and in connection therewith may require the applicant to be fingerprinted. The chief of police shall, within thirty days of receipt by the city recorder of the request for license, make his report as to the applicant's financial ability and whether applicant has prior convictions for violations as set forth in subsection C of Section 5.20.030. (Ord. 1751, 1998; Ord. 1439 §3, 1978).

5.20.050 License--Issuance conditions. The city council, upon receiving the report, shall approve or disapprove the request for a **taxicab business** license. The council may deny any application for a license if it finds that:

A. The applicant's financial responsibility and experience would be such that his operation of a taxicab business would pose a reasonable hazard to the public health, safety and welfare of the citizens of the city.

B. The applicant or officers thereof have prior criminal convictions.

C. Such other reasons as the council deems proper. (Ord. 1439 §4, 1978).

5.20.060 Service rates--Establishment--Exhibition required. Prior to granting the license council shall establish by resolution rates which shall be charged for transport of persons and packages by taxicab. Such rates shall be posted in plain view of the occupants of the passenger compartment and no other rate than that so established shall be charged. (Ord. 1439 §5, 1978).

5.20.070 Vehicle requirements—Annual Inspection.

A. No person shall operate the business of a taxicab in this city unless each vehicle so used is in proper repair and equipped in accordance with the motor vehicle code of this state. **Each vehicle operated as a taxicab shall be subject to an annual safety inspection, according to standards established by the chief of police. The inspection fee shall be established by council resolution.**

B. **When service rates are based on a per mile rate, no person shall operate the business of a taxicab in this city unless each vehicle so used is equipped with a working meter or other accurate and verifiable means of measuring the distance traveled. (Ord. 1751; 1998; Ord. 1439 §6, 1978).**

5.20.080 Insurance requirements. No person shall drive or operate any taxicab within the city unless there is first filed with the city recorder a policy of public liability insurance issued by a company licensed to conduct business in this state attesting that such insurance company will assume responsibility for injuries to person or property caused by the operation of the taxicab in the amounts indicated by ORS 30.270 unless specifically exempted. Such policy of insurance shall contain a provision against cancellation except upon thirty day's prior written notice to the city. (Ord. 1624 §1, 1989; Ord. 1516 §1, 1982; Ord. 1439 §7, 1978).

5.20.090 License--Fees. The license fee for each vehicle proposed to be used as a taxicab shall be set by council resolution. Each license shall be ~~valid for one calendar year~~ **renewable annually on or before January 15th. Such annual payments shall be made not later than January 15th of any calendar year.** An application for a license commencing after July 1st shall be set by council resolution. The fee shall accompany the application and is not refundable. (Ord. 1751, 1998; Ord. 1730 1996 part : Ord. 1439 §8, 1978).

5.20.100 Carrying unlawful material prohibited. No person driving or operating a taxicab licensed under this chapter shall make delivery of any package, bottle or other container containing any alcoholic beverage, drug or other thing whose sale is prohibited by statute, ordinance or charter within the corporate limits of the city. This section shall not permit the carrying of such beverage, drug or thing as an incident to the carrying of passenger in whose lawful possession such item is held. (Ord. 1439 §9, 1978).

5.20.110 License--Transferability. No license to operate the business of a taxicab may be sold, assigned, mortgaged or otherwise transferred without prior approval of the city council. (Ord. 1439 §10, 1978).

5.20.120 Cab driver permit--Required. No person shall act as a taxicab driver under this chapter unless such person has first obtained the written approval of the chief of police and been issued a permit as a taxicab driver by the city recorder. (Ord. 1439 §11, 1978).

5.20.130 Cab driver permit--Issuance conditions. No driver's permit shall be issued:

A. To a person who has been convicted of a crime involving moral turpitude or a dangerous drug as defined by state statute;

B. To a person convicted of a major traffic offense as defined in the Motor Vehicle Code of the state of Oregon within ~~two~~ **five** years immediately preceding the application for permit, **or to a person convicted of driving under the influence within ten years immediately preceding the application for permit;**

C. To a person not possessing a valid ~~chauffeur's~~ **Oregon or Washington driver's** license ~~issued by the state, including any license, indorsement or permit required under state law now in effect or as hereafter amended.~~ (Ord. 1751, 1998; Ord. 1439 §12, 1978).

5.20.140 Cab driver permit--Fees--Renewal. The application for a driver's permit shall be accompanied by payment of the fee as set by council resolution ~~which will constitute the fee for the remainder of the calendar year and shall be renewable annually on or before January 15th. Thereafter for a renewal of an existing permit that is requested within the first fifteen days of the following year the fee shall be as set by council resolution.~~ A request for a renewal not made before January 15th of the new year shall be treated as a new application. (Ord. 1751, 1998; Ord. 1439 §13, 1978).

5.20.150 Cab driver permit--Revocation. The city recorder may revoke a driver's permit upon a finding by the chief of police reported in writing to the city recorder that a condition exists or has existed that would make such driver ineligible to obtain such a permit. (Ord. 1439 §14, 1978).

5.20.160 Cab driver permit--Appeal. Any decision of the city recorder not to issue a driver's permit or to revoke a driver's permit may be appealed to the council within fifteen days after the city recorder's decision thereon has been made and if not so appealed will be final. (Ord. 1439 §15, 1978).

5.20.170 License--Revocation. The council may revoke the taxicab license of any holder upon finding that such holder has violated any provision of this chapter. Written notice of intention to revoke together with a statement of the reasons therefor shall be given to the holder not less than seven days nor more than twenty-one days before the final hearing on the proposal to revoke. The failure of the holder to file written objections thereto more than forty-eight hours prior to the time for hearing shall constitute sufficient evidence of the violation so charged that the council may revoke without a full hearing. (Ord. 1439 516, 1978).


5.20.180 Effect of notice. Any notice to a licensee or permittee shall be sufficient if sent by certified mail to such licensee or permittee at the address given on the most current license or permit application or renewal with the running of time to start the day following the mailing of such notice. (Ord. 1439 §17, 1978).

5.20.190 Violation--Penalty. Violations of this chapter shall be punished by a fine of not more than three hundred dollars or imprisonment of not more than thirty days, or both, and each day for which such violation occurred shall constitute a separate offense. (Ord. 1439 §18, 1978).

5.20.200 Franchise agreements. Nothing in this chapter shall limit the right of the council to grant an exclusive or nonexclusive franchise for operation of a taxicab in the city. (Ord. 1624 §2, 1989).

Read for the first time: March 23, 1998.

Read for the second time and passed: April 13, 1998, to become effective thirty (30) days hence.



Paul G. Cummings, Mayor

ATTEST:



Anita R. Smith, City Recorder