

ORDINANCE NO. 4736

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 5.12, TAXICABS, AND DECLARING AN EMERGENCY.

THE PEOPLE OF CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Section 5.12.020 is hereby amended as follows:

5.12.020 Operator's license. Each applicant for an operator's license shall apply to the city recorder for such license upon such form as is prescribed by the city recorder and shall include thereon the following information:

- (1) The applicant shall be ~~a citizen of the United States, a natural person,~~ over the age of ~~twenty-one~~ **eighteen** years;
- (2) If a corporation, limited partnership or association, the applicant shall be authorized to conduct business under the laws of the State of Oregon;
- (3) Name and post office address of the applicant. (If a partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto).
- (4) The class and carrying capacity of each vehicle to be operated under the operator's license;
- (5) The make, year, model, serial number and state license number of each vehicle;
- (6) The business name under which the operator will do business;
- (7) Evidence of insurance as hereinafter required;
- ~~(8) --References as to the character and reputation as law-abiding citizens and of financial responsibility.~~

Section 2: Albany Municipal Code Section 5.12.030 is hereby amended as follows:

5.12.030 Taxicab drivers; permit required. (a) The City may issue a taxicab driver permit upon finding that the applicant:

- (1) has a valid license as may be required under the laws of Oregon;
- (2) has not been convicted of a crime or offense involving burglary, theft, narcotics, assault, robbery, kidnapping, homicide, harassment, vice, a major traffic crime except driving while suspended, or a sex-related offense:
 - A) If a felony, within the preceding five years,
 - B) If a misdemeanor, within the preceding two years.

~~(a)~~ (b) Every taxicab driver shall obtain a permit from the chief of police containing:

- (1) The present likeness of the taxicab driver in the form of a photograph;
- (2) The permit number;
- (3) The name and address of the driver;
- (4) The taxicab driver's Oregon State ~~chauffeur~~ license number;
- (5) The signature of the chief of police.

~~(b)~~ (c) The permit shall be displayed prominently in the taxicab at all times by the taxicab driver. It is unlawful to drive a taxicab with other than the taxicab driver's permit displayed.

~~(c)~~ (d) The chief of police shall keep a duplicate permit file containing the information set forth in subsection (a) and, in addition, each taxicab driver shall have on file in the police department, his or her fingerprints.

~~(d) -- Every taxicab driver shall be licensed as a chauffeur under the laws of Oregon.~~

Section 3: Albany Municipal Code Section 5.12.035 is hereby added as follows:

5.12.035 License/Permit Revocation. (a) A taxicab driver's permit ~~may shall~~ be ~~suspended~~ **revoked** by the recorder of the city upon conviction of ~~the violation of any ordinance of the city in the municipal court for a period of not more than one year~~ **an offense which would prohibit issuance of the license pursuant to 5.12.030(a).**

(b) No taxicab driver shall knowingly deceive any passenger who may ride with him, or who may desire to ride with him, as to his destination or distance traveled or to be traveled.

(c) The taxicab driver shall promptly notify the nearest police station within twenty-four hours, of all property of value left in his vehicle by any passenger.

(d) No taxicab driver shall drive or operate the same while intoxicated, or operate the same in a careless or reckless manner, or use any profane or obscene language, or smoke without the consent of the passenger.

(e) The council may revoke any taxicab driver's permit **or operator's license** for ~~cause as in this section set forth and defined~~ **violation of any provision of this chapter.**

Section 4: Albany Municipal Code Section 5.12.040 is hereby amended as follows:

5.12.040 Taxicabs. (a) Every taxicab shall be so designated as such by plain visible letters on the side thereof. This shall not be construed as a limitation.

(b) Every taxicab will be provided with windows in the ~~tonneau~~ **entire seating compartment** sufficient in number and size that at all times persons may be readily seen through the windows with sufficient distinctness to identify the person.

(c) All taxicabs shall be inspected from time to time by the chief of police for the purpose of determining whether the same are in clean, safe condition, ~~and properly equipped, and of good appearance~~

(d) No driver of any taxicab shall carry more than two persons in excess of the ordinary seating capacity for which the taxicab or vehicle was designed and built. No more than two persons shall be permitted in the front seat with the driver, and ~~no person or passenger shall be allowed to be or remain on the doors, steps or running board of any~~ **all persons or passengers shall be enclosed within the taxicab while same is in motion.**

Section 5: Albany Municipal Code Section 5.12.050 is hereby deleted:

~~5.12.050 --- Taxicab stands. --- (a) --- The council may, from time to time, by resolution, designate and thereby exclude the stands from the metered zone of taxicab stands within the city.~~

- (b) -- Any operator may apply to the council for the establishment of taxicab stands. Upon the selection, approval and establishment of the taxicab stands each shall be plainly marked and identified by a uniform sign not over twelve inches by eighteen inches in size approved by the chief of police showing thereon "Taxicab Stand", "No Parking" with the name of the operator thereon; the same to be provided and installed at the expense of the operator.
- (c) -- Every operator shall pay to the city one hundred dollars per year in advance for each taxicab stand. Each parking space shall be considered a separate taxicab stand, and the council shall have authority to limit the number of such spaces to each operator and also the number of such taxicab stands to be established within the city.
- (d) -- Each operator, upon making application in writing for a taxicab stand, shall present with the application written consent of the traffic safety committee as to the location for the taxicab stand.
- (e) -- It is unlawful for persons other than the operator to cause or allow any vehicle operated or controlled by him to be upon the street in any parking space designated as taxicab stand.
- (f) -- It is unlawful for any taxicab driver to solicit business other than from his designated taxicab stand or stands and he shall at no time park or solicit business at any meter time restricted parking or loading zone unless he has been previously hailed or called or is discharging passengers.

Section 6: Albany Municipal Code Section 5.12.060 is hereby amended as follows:

5.12.060 Fares. (a) Before a license is delivered to any operator, he shall provide the city recorder with a written schedule of rates to be charged by all taxicab drivers with his operation in the city. No person shall be charged a rate in excess of this schedule filed with the city recorder.

(b) The schedule of rates for services shall be posted inside each vehicle where it can be easily read by any and all passengers.

(c) To change the rates charged by a taxicab operation, the operator must file with the city recorder a revised written schedule of rates. A decrease in rates can be made effective immediately. Increased rates shall not be effective until 30 days after receipt of the revised schedule by the City of Albany. The operator shall post in each vehicle operated or controlled by him a copy of the revised rate schedule, including the effective date of the rate change for at least 30 days prior to the effective date of a rate increase. This notice of change in the rate schedule shall be posted inside each vehicle where it can be easily read by any and all passengers.

The city council shall have the right at any time, after notice to license holders and a public hearing, to fix rates to be charged by taxicabs in the city and no operator thereafter shall charge any person a rate in excess of that fixed by the council. All rates shall be fixed by resolution of the council.

- It is unlawful for persons other than the operator to cause or allow any vehicle operated or controlled by him to be upon the street in any parking space designated as taxicab stand.

Section 7: Albany Municipal Code Section 5.12.070 is hereby deleted:

~~5.12.070 -- Performance bond required. -- Every holder of an operator's license shall be required to post a performance bond conditioned on faithful performance, the bond to be in the amount of one thousand dollars. -- The bond shall be payable to the City of Albany and shall be forfeited in the event the license holder fails to notify the City within thirty days prior to the withdrawal from operation of the taxi service authorized under the operator's license.~~

Section 8: Albany Municipal Code Section 5.12.080 is hereby amended as follows:

5.12.080 Fees. (a) Each operator making application for his operator's license shall pay an initial fee of twenty-five dollars for the first year and then a renewal fee of ten dollars annually in advance to the recorder of the City, and in addition thereto for each taxicab to be operated under the operator's license there shall be an additional charge of twenty dollars annually, payable in advance to the recorder of the City. The operator's license shall be non-transferable.

(b) An operator shall pay a proportionate amount of the above fees for parts of less than a year and all fees for operator's license and for taxicab operators thereunder shall become due and payable the first day of each calendar year. The permits as to the taxicabs may be transferred from one automobile to another upon the additional payment of five dollars.

(c) A fee for a taxicab driver's permit as provided in Section 5.12.030 shall be fifteen dollars per year or fraction thereof and shall be renewed the first of each year, and the renewal fee shall be ten dollars.

~~(d) -- Taxicab stand fees shall be provided in Section 5.12.050 -- (e) --~~

Section 9: Albany Municipal Code Section 5.12.090 is hereby amended as follows:

5.12.090 Insurance policies. (a) Before a license is delivered to any operator, he shall deposit with the city recorder evidence of a policy or policies of an insurance company or companies duly licensed to transact such business in this state, insuring the operator of any taxicab to be licensed against loss from liability imposed by law for damages on account of bodily injury or death, or for damages to property resulting from the ownership, maintenance or use of any taxicab to be owned or operated under such license, and agreeing to pay to any judgment creditor to the extent of the amounts specified in such policy, any final judgment rendered against the insured by reason of such liability. **The insurance policy shall require notification to the city recorder of any amendment, cancellation, or termination of policy. Failure to maintain the prescribed level of coverage shall result in immediate cancellation of the license of the operator and the company's drivers' permits.** The policy or policies shall be approved by the city ~~attorney~~ recorder as to form and compliance with this chapter. The limit in any such insurance policy of such liability of the insurer on account of the ownership, maintenance and use of such taxicab shall not be less than one hundred thousand dollars for bodily injuries to and including death on one person and three hundred thousand dollars account of any one accident resulting in injuries to and including death of more than one person, and a total of one hundred thousand dollars liability for damage to property of others, arising out of any one accident.

Section 10: Albany Municipal Code Section 5.12.100 is hereby deleted:

~~5.12.100--Limitation-on-operator's-license.--The-number-of-taxicab-licenses-to-be-authorized-in-the-city-and-the-number-of-operator's-licenses-to-be-issued-shall-be-determined-by-the-city-council.--In-making-the-determination,-the-city-council-shall-hold-a-hearing-at-which-all-taxicab-license-holders-and-applicants-therefor-with-pending-applications-and-other-interested-parties,-shall-be-given-an-opportunity-to-be-heard.--Any-hearing-evidence-presented-at-the-hearing-and-considering-all-relevant-information-available,-the-council-shall-make-a-decision.-In-making-the-decision,-the-council-shall-consider,-among-other-things,-the-following:~~

- ~~- (1)--The-number-of-licenses-previously-issued;~~
- ~~- (2)--The-quality-of-service-being-provided-in-the-city;~~
- ~~- (3)--The-population-of-the-city;~~
- ~~- (4)--The-need-of-the-public;~~
- ~~- (5)--The-character,-fitness-and-physical-facilities-of-the-applicant;~~
- ~~- (6)--The-public-convenience-and-necessity.~~

Section 11: Albany Municipal Code Section 5.12.110 is hereby deleted:

~~5.12.110--Violation.--Any-person-violating-any-of-the-provisions-of-this-chapter-shall,-upon-conviction-thereof-in-the-recorder's-court,-be-punished-as-specified-by-the-city-infractions-ordinance.--Each-day-of-noncompliance-shall-be-considered-a-separate-violation.~~

Section 12: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the Council: November 19, 1986

Approved by the Mayor: November 19, 1986

Effective Date: November 19, 1986



Mayor

ATTEST:



City Recorder