

ORDINANCE NO. 97-O-387.D

AN ORDINANCE AMENDING ORDINANCE NO. 84-O-387 ENTITLED "AN ORDINANCE LICENSING THE BUSINESS OF OPERATING TAXICABS IN THE CITY OF BROOKINGS IN REPEALING ORDINANCE NUMBERS 54-O-063, 61-O-163 AND 73-O-239"; AND DECLARING AN EMERGENCY.

Sections:

Section 1.	Ordinance Identified.
Section 2.	Amendment to Section 6.
Section 3.	Addition of new Section 7.
Section 4.	Amendment to Sections 7 and 8.
Section 5.	Addition of new Section 10.
Section 6.	Amendment to Sections 9 through 11.
Section 7.	Amendment to Section 12.
Section 8.	Amendment to Sections 13 through 15.
Section 9.	Emergency Clause.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 84-O-387, enacted June 12, 1984, and entitled, "An ordinance licensing the business of operating taxicabs in the City of Brookings in repealing ordinance numbers 54-O-063, 61-O-163 and 73-O-239", as previously amended on March 28, 1990 by Ordinance No. 90-O-387.

Section 2. Amendment to Section 6. Ordinance No. 84-O-387, Section 6 is amended in its entirety to read as follows:

Section 6. Operator requirements.

A. No person shall operate a taxicab for hire within the city of Brookings without having first obtained a taxicab drivers permit.

B. Application for such permit may be made by the payment of a fee to the City of Brookings in the sum of \$20.00 and shall set forth the name, address, date of birth and Oregon Driver's License Number of the applicant. The applicant shall provide a 2-1/2" x 3-1/2" photograph to be attached to the taxicab driver's permit. A permit may be issued by the City of Brookings if the applicant satisfactorily passes the police background investigation.

The Chief of Police, or his designee, shall investigate each applicant for a taxicab driver's permit. The following shall be cause for the Chief of Police to deny a permit:

- (1) The applicant for a taxicab driver's permit has been convicted within the previous thirty-six (36) months of any major traffic offense, as defined by Oregon law, possession of an open container of alcohol or possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs).
- (2) The applicant for a taxicab driver's permit has been convicted of a felony within the previous thirty-six (36) months;
- (3) The applicant for a taxicab driver's permit has accumulated more than three (3) convictions for moving traffic offenses within the previous twelve (12) months;
- (4) The applicant for a taxicab driver's permit does not hold a valid Oregon driver's license; or
- (5) The applicant for a taxicab driver's permit is not 21 years of age.

C. A taxicab driver's permit shall be renewed every two (2) years of employment with the following conditions:

- (1) Any break in continuous employment will require a new permit;
- (2) Any significant change in appearance from permit identification photograph to taxicab driver's actual current appearance will require a photograph change on the permit. A new photograph must be brought to City Hall for new identification preparation. There will be a \$10.00 charge for this service.

D. Taxicab drivers shall annually provide the Chief of Police with a copy of their DMV driving record. Drivers with an acceptable driving record will have their identification permit stamped and be allowed its continued use.

E. The City Manager may revoke the permit of a taxicab driver who is convicted of possession of an open container of alcohol, possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs), or a major traffic offense, all as defined in Oregon Revised Statutes.

F. It shall be unlawful for any operator of a taxicab, while on duty, to drink any intoxicating liquor or use any controlled substance, to use any obscene language, to shout or to call to prospective passengers, or to disobey any traffic rules or regulations established by Oregon Revised Statutes or a City of Brookings Ordinance.

G. The taxicab driver's permit shall be displayed in a prominent place in the taxicab at all times when in service. A taxicab driver's permit is not transferable.

Section 3 Addition of new Section 7. Ordinance No. 84-O-387 is amended by the addition of a new Section 7, as follows:

Section 7 Suspension and revocation of permits.

A. The City Manager may suspend or revoke any taxicab driver's permit for noncompliance with the provisions of this ordinance. Such suspension may extend for a period not to exceed one (1) year.

B. No taxicab driver's permit shall be revoked unless the owner has first received notice and an opportunity to present evidence in his/her behalf to the City Manager. Any owner may appeal a suspension or revocation to the City Council, whose decision shall be final and binding.

Section 4. Amendment to Sections 7 and 8. Ordinance No. 84-O-387 is amended by the renumbering of former Sections 7 and 8 as Sections 8 and 9.

Section 5. Addition of new Section 10. Ordinance No. 84-O-387 is amended by the addition of a new Section 10, as follows:

Section 10. Taxicab maintenance requirements.

A. The Chief of Police, or his designee, may at any time after displaying proper identification, enter any taxicab used for transporting passengers by permit from the City, to ascertain whether any of the provisions of this ordinance are being violated, or to ascertain whether there are any violations of safety requirements of the State of Oregon or the City.

B. Any taxicab found to be in violation of any safety requirements of the State of Oregon or the City shall be ordered out of service, and before being placed again in service any mechanical or safety related defects shall be corrected and such correction verified by the Chief of Police or his designee.

C. The interior and exterior of every taxicab shall be kept as thoroughly clean as reasonably possible at all times.

Section 6. Amendment to Sections 9 through 11. Ordinance No. 84-O-387 is amended by the renumbering of former Sections 9 through 11 as Sections 11 through 13.

Section 7. Amendment to Section 12. Ordinance No. 84-O-387, Section 12 shall be renumbered as Section 14 and amended in its entirety to read as follows:

Section 14. Penalty for violation. Any person, firm or corporation operating a taxicab or taxi service for hire within the corporate limits of the City of Brookings who has not complied with the terms and provisions of this ordinance shall be guilty of a violation of this ordinance and, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00.

Section 8. Amendment to Sections 13 through 15. Ordinance No. 84-O-387 is amended by the renumbering of former Sections 13 through 15 as Sections 15 through 17.

Section 9. Emergency Clause. The matters contained herein concern the peace, health, safety and welfare of the people of the City of Brookings and therefore an emergency is hereby declared to exist and this ordinance shall become immediately effective upon it's final passage by the Council and approval by the Mayor.

First Reading: May 12, 1997
Second Reading: May 12, 1997
Passage: May 12, 1997
Effective Date: May 12, 1997

Passed by the Council and signed by the Mayor this 12th day of May, 1997.

Original signed by Nancy Brendlinger

Nancy Brendlinger
Mayor

ATTEST:

Beverly S. Adams
City Recorder