

ORDINANCE NO. 84-O-387

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. [06/12/84]

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The city of Brookings ordains as follows:

Section 1. Permit to operate required. It shall be unlawful to engage in the business of operating a taxicab within the city of Brookings without first having secured a permit therefor. Such operation of a taxicab service for hire by any person, firm, or corporation is hereby prohibited unless the owner and/or operator thereof first pays an annual license fee and, based upon the approval of his application, receives from the city of Brookings a permit to so operate said taxicab within the corporate limits of the city of Brookings.

Section 2. "Taxicab" defined. The term "taxicab" as used herein shall mean and include any vehicle used to carry or transport passengers or their property for hire, whether or not operating on a fixed route, and otherwise within the exemptions of ORS Chapter 767.

Section 3. Application procedures. All owners and operators of taxicabs shall duly file with the city an application for the operation thereof within the corporate limits of the city of Brookings; and further, the form and requirements thereof shall be as prescribed from time to time by the city manager subject only to the review and further amendment thereof by the common council of the city of Brookings.

Section 4. Annual license fee.

A. No permit for the use and operation of a taxicab shall be issued until said application has been approved by the city manager and the payment by applicant of the annual license fee in the amount of \$65.00. Said annual license fee may be adjusted, from time to time, upon motion of the city council; however, all taxicab permits issued under this ordinance shall begin on the first day of the fiscal year and expire on the last day of said year and no license fee herein required shall be prorated over said fiscal year, but shall be paid in full amount as if the same had been issued on the first day of the fiscal year. [As amended by Ordinance No. 93-O-387.C, effective April 20, 1993]

B. The annual license fee, payable in advance, shall be for each such taxicab operated and shall be in addition to any other fee required by any other ordinance of the city of Brookings, including but not limited to the business license fee. The permit granted hereunder shall be displayed in a prominent place in the taxicab while it is in use.

Section 5. Number of permits to be issued. The common council of the city of Brookings may, within its sole discretion, declare the total number of permits which will be issued by the city of Brookings, whether by a reduction in present permits outstanding or an increase thereof.

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 6 as amended by Ordinance No. 97-O-387.D, effective May 12, 1997]

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 7 as added by Ordinance No. 97-O-387.D, effective May 12, 1997]

Section 8. Insurance required. No taxicab shall be operated upon the streets of the city of Brookings unless it is covered by a bond or public liability and property damage insurance policy in the amounts required under the statutes of the state of Oregon. [Section 8 as renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

Section 9. License and equipment requirements.

A. No taxicab shall be operated unless it bears a state license duly issued and displayed; and further, no owner or operator thereof shall drive or permit such to be driven unless it is equipped with proper brakes, lights, tires, horn, muffler, rear and side vision mirrors, and windshield wipers in good condition. Each taxicab, while operated, shall have on its side, in letters readable from a distance of 30 feet, the name of the licensee operating it. If more than one cab is operated by a licensee under a permit granted hereunder, each such cab shall be designated by a different number and such number also shall appear on each side of such cab. [Section 9 as renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

B. No taxicab shall be operated unless it is equipped with a rate or fare schedule showing the amount to be charged on each trip, which amount shall be in figures visible to the passenger. Upon paying his fare each passenger shall be given a receipt showing the amount so paid and the name of the company or person operating the cab, together with the number of the cab if such company or person operates more than one taxicab in the city. [Section 8, Subsection B as amended by Ordinance No. 90-O-387.A, effective March 28, 1990]

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 10 as added by Ordinance No. 97-O-387.d, effective May 12, 1997]

Section 11. Passenger requirements. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger. The driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. It shall be unlawful for a passenger to fail or refuse to pay the lawful fee at the termination of a trip. [Section 11 as renumbered by Ordinance No. 97-O-387.D effective May 12, 1997]

Section 12. Rate and fares. Each operator of each taxicab licensed to be operated under the provisions of this ordinance shall not make charges to his passengers which would exceed the rates or fares as set by the common council of the city of Brookings upon its motions enacting such rate and fee schedule from time to time. In no event shall any extra charges be made for baggage or parcels the size of which permits them to be carried in the cab by the passenger. A map showing rates or fares shall be displayed in a prominent place in the taxicab at all times when in service. The map shall be of sufficient size that passengers can clearly distinguish the rate or fare zones. [Section 12, as renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

Section 13. Revocation of license. Any and all permits and licenses for the operation of taxicabs, as the same may be granted hereunder, may be revoked and forfeited, without recovery of the license fee or any part thereof, by the city manager upon the failure of the licensee to provide adequate and reasonable taxicab services to the public or for any violation by said permittee of any of the terms or provisions of this ordinance. No permit issued under this ordinance shall vest any right in the licensee to continued use or operation of taxicabs within the city of Brookings, whether upon renewal or revocation thereof or otherwise. [Section 13 as renumbered by Ordinance No. 97-O-387.D effective May 12, 1997]

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. [As amended and renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

Section 15. Repeal. Ordinance No. 54-O-063, Ordinance No. 61-O-163, Ordinance No. 73-O-239 and any other ordinances, resolutions or motions prior to the date of the enactment hereof, or any portion thereof, in any way inconsistent with the provisions hereof shall be and herein are repealed, replaced and superseded. [As renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

Section 16. [Severability clause.] [As renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

Section 17. [Emergency clause.] [As renumbered by Ordinance No. 97-O-387.D, effective May 12, 1997]

Effective June 12, 1984.