

AN ORDINANCE CREATING ALBANY MUNICIPAL CODE CHAPTER 5.14 CONCERNING TAXICABS AND DECLARING AN EMERGENCY.

WHEREAS, the City has assumed a role in monitoring certain business practices of taxicab operators doing business within the City limits; and

WHEREAS, the City has determined it important to its citizens that taxicab operators are duly licensed by both the City and the State of Oregon; and

WHEREAS, the City has determined it important to its citizens that taxicab operators doing business within the City limits have in full force and effect a policy of insurance on all vehicles designated to be driven or operated under the policy; and

WHEREAS, the City has determined it necessary to develop requirements designed to monitor the vehicles designated to be driven or operated by taxicab operators under the required policy of insurance; and

WHEREAS, this ordinance is adopted to address the findings set forth above.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code, Chapter 5.14, is hereby created as follows:

Chapter 5.14

TAXICABS

Sections:

5.14.010	Definitions.
5.14.030	Operator's license.
5.14.050	Taxicabs.
5.14.070	Taxicab certification.
5.14.090	Fees.
5.14.110	Insurance.
5.14.130	Operator's license revocation.
5.14.150	Notice.
5.14.170	Violation - Penalty.

5.14.010 Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them by this section:

- (1) "Street" means any street, alley, avenue, court, bridge, lane or public place in the City.
- (2) "Operator" means any person owning, having control of the use or engaged in the business of operating one or more taxicabs within the City.
- (3) "Taxicab driver" means any person who drives a taxicab, whether such person owns the taxicab or is employed by the operator of a taxicab.
- (4) "Person" means and includes one or more persons of either sex, natural persons, corporations, partnerships and associations.
- (5) "Council" means the Council of the City of Albany, Oregon.
- (6) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, capable of being consumed by a human being.
- (7) "Vehicle certificate" means a numbered decal issued by the City to the operator upon approved license application.
- (8) "Employee" means any person employed by a taxicab company for remuneration or under any contract of hire, written or oral, express or implied, including independent contractors.
- (9) "Taxicab" means any motor vehicle that is operated for hire by the taxicab company, other than a shuttle, limousine, charter, tour bus, accessible vehicle, medical transport vehicle or ambulance. For purposes of this section, the following definitions shall apply:
 - (a) "Shuttle" means any motor vehicle for hire that transports passengers between predetermined destinations (e.g., motels, airport), at fixed rates, and on a fixed schedule.
 - (b) "Limousine" means any luxury class motor vehicle that is operated for hire on a reserved, hourly basis.

(c) "Charter" means any motor vehicle originating from the Albany area, marked with the company's business name, operated for hire to transport a group of seven or more persons with the fare based on a fixed group rate rather than an individual rate.

(d) "Tour bus" means a motor vehicle accepting individual passengers for a fare for sightseeing or guided tours, making occasional stops at certain points of interest and returning the passengers to the point of origin.

(e) "Accessible vehicle" means any motor vehicle constructed and equipped for the non-emergency transportation of persons in wheelchairs, persons using other mobility aids, or with other mobility impairments.

(f) "Medical transport vehicle" means any motor vehicle constructed and equipped for the non-emergency transportation of persons in connection with their illness, injury or disability.

(g) "Ambulance" means any motor vehicle constructed and equipped for the emergency transportation of persons because of or in connection with their illness, injury or disability.

5.14.030 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) If a corporation, limited partnership or association, the applicant shall be authorized to conduct business under the laws of the State of Oregon, and shall supply proof of active business registry with the Secretary of State;
- (2) 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);
- (3) The business name under which the operator will do business;
- (4) Evidence of insurance as hereinafter required.

5.14.050 Taxicabs.

- (1) Every taxicab shall be so designated as such by plain visible letters on the side thereof.
- (2) Every taxicab shall have affixed a vehicle certificate as issued by the City upon approved license application.
- (3) Every taxicab shall post a schedule of rates for services where it can be easily read by any and all passengers.
- (4) No taxicab driver or operator shall use a taxicab for the transportation or delivery of an alcoholic beverage. This section shall not prohibit the transportation of a person, for hire, when such person lawfully possesses an alcoholic beverage.
- (5) No taxicab driver or operator shall accept compensation, in any form, for the transportation or delivery of any alcoholic beverage, except as allowed in subsection (4) of this section.

5.14.070 Taxicab certification.

- (1) No operator shall put into service, nor shall any employee drive, any taxicab that has not been certified and issued a vehicle certificate by the City.
- (2) Each vehicle certificate issued by the City shall be affixed to a specific taxicab for identification purposes, placed in a location upon the taxicab as approved by the City Recorder.
- (3) All vehicle certificates issued by the City are nontransferable and may not be removed by anyone without supervision of the City Recorder or its designee.
- (4) No vehicle certificate may be sold, assigned, mortgaged or otherwise transferred.
- (5) Any operator who retires any taxicab from service shall immediately surrender to the City any vehicle certificate issued by the City for the operation of such taxicab, and may not secure an additional vehicle certificate for the operation of such taxicab without making separate application therefor.

5.14.090 Fees.

- (1) Each operator making application for an operator's license shall pay an annual fee as established by the Council by separate resolution.
- (2) An operator shall pay a proportionate amount of the above fees for parts of less than a year and thereafter fees for an operator's license shall become due and payable the first business day of each calendar year.

5.14.110 Insurance.

- (1) No operator shall drive or operate, or cause to be driven or operated, any taxicab in the City of Albany unless the operator has on file with the City, and shall keep in full force and effect, a policy of insurance, approved by the City Recorder as to form and compliance with this Chapter, issued for the benefit of the operator by a responsible and solvent insurance corporation authorized to write policies in the State of Oregon. The policy of insurance shall designate therein which taxicabs may be driven or operated under the policy, and shall contain policy limits not less than as required under the application for operator's license.
- (2) The policy of insurance shall require notification to the City Recorder of any amendment, cancellation or termination of policy. The operator, on or before the effective date of amendment, cancellation or termination of the policy, shall immediately surrender to the City any vehicle certificate issued by the City for the operation of a taxicab which is removed from coverage under the policy of insurance, and may not secure an additional vehicle certificate for the operation of such taxicab without making separate application therefor.
- (3) The City may deny the issuance of any vehicle certificates to any operator who has failed to surrender a prior vehicle certificate as required by this Chapter.

5.14.130 Operator's license revocation. The Council may revoke any operator's license for violation of any provision of this chapter. The Council may utilize any revocation procedure which, at a minimum, provides the operator with mailed notice of the proposed revocation and the grounds therefor, and provides the operator with an opportunity to be heard by the Council.

5.14.150 Notice. Any notice mailed by first class mail by the City shall be mailed to the operator to the primary address as set forth on the license application, and shall be deemed received by the operator three days after mailing. Failure to receive actual notice shall not be a defense.

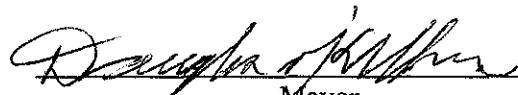
5.14.170 Violation - Penalty. Any person violating any of the provisions of this chapter is subject to those penalties set forth in Section 1.04.010 AMC.

Section 2: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist and this Ordinance will be in full force and effect immediately upon passage by the Council and approval by the Mayor ~~Mayor~~ Council President.

Passed by Council: November 10, 1999

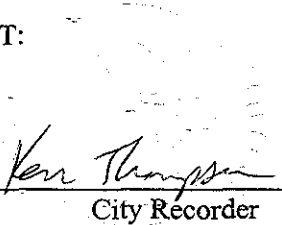
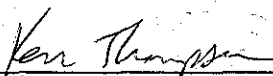
Approved by ~~Mayor~~ ^{Council President} November 10, 1999

Effective Date: November 10, 1999



Mayor
Council President

ATTEST:

City Recorder