

ORDINANCE NO. 311

AN ORDINANCE REGULATING TAXI COMPANIES WITHIN THE CITY OF COOS BAY, OREGON, AND PROVIDING PENALTIES THEREFOR

The City of Coos Bay ordains as follows:

Section 1. Definitions.

City: The City of Coos Bay

Person: A natural person, corporation, partnership, limited liability company, or other entity in law or fact.

Taxi Company: Any person engaged in the business of transporting persons, commonly known as taxi service, but excluding any public transit program owned, operated, or owned and operated by the State of Oregon or any political subdivision thereof.

Taxicab: A vehicle used by a taxi company, whether owned by the company or not.

Driver: An individual employed by or contracting with a taxi company to haul for hire passengers or goods.

Police Department: The police department of the City of Coos Bay.

Section 2. Purpose. The purpose of this ordinance is to require taxi companies and taxicabs operating in the City to do so in a safe, fair, and efficient manner. Taxi companies doing business in the City should be allowed to operate without unnecessary restraints; however, because the City's transportation system is a matter of important public concern which fundamentally affects the well-being of the City's citizens, and because taxicabs constitute an essential part of the City's transportation, some regulation is needed to ensure protection of the safety of the City's citizens, to provide for the public need, and to promote public convenience.

Section 3. Fees and Charges. Business license fees for taxi companies and taxicab drivers shall be the fees in effect for business licenses under the City's business license ordinance.

Section 4. Taxi Company Business License

- (a) A business license shall be required for any person to operate a taxi company in the City.
- (b) A business license shall not be issued to an Applicant who does not meet the following requirements:
 - (1) The Applicant shall not have been convicted of a felony within ten (10) years prior to the date of application;

(2) The Applicant shall maintain a drug and alcohol-free workplace program, which at a minimum shall meet the following requirements:

- (A)** Be a written policy statement;
- (B)** Provide training to supervisors in how to implement the policy;
- (C)** Educate the employees about the policy and how to get help if they need it;
- (D)** Provide an employee assistance service or access to rehabilitation;
- (E)** Provide drug testing program appropriate to workplace risks and conditions; and
- (F)** Be applicable to drivers working as independent contractors with the taxi company.

(c) Application.

(1) An application for a business license shall be filed with the City on a form provided by the City, which shall contain the following information, in addition to any information required under the City's business license ordinance:

- (A)** The name and address of the Applicant;
- (B)** Any additional facts the Applicant believes to be relevant to the issuance of a business license;
- (C)** The color scheme and/or insignia to be used to designate any vehicle of the Applicant, which shall not resemble or in any way infringe upon an existing taxi company's color scheme and/or insignia. Taxi companies in operation on the effective date of this ordinance are exempt from this provision providing the color scheme and/or insignia is not changed;
- (D)** A record of all vehicular and pedestrian accidents involving property damage and/or personal injury involving the Applicant within ten (10) years of the date of application;
- (E)** A computerized criminal history check, to be conducted by the Police Department, reflecting all crimes of which the Applicant, or has been convicted;
- (F)** Proof of the Applicant's ability to obtain commercial liability insurance in a minimum amount mandated by Oregon law.

Section 5. Taxicab Driver Business License. No person shall drive a taxicab for hire unless the person has obtained a taxicab driver's business license and has met the following requirements.

(a) Application. The original and all renewal applications for a taxicab driver's business license shall be filed with City on forms provided by the City. The application shall contain the following information, in addition to any information required under the City's business license ordinance:

- (1)** The Applicant's name, residence address, business address, age, sex, height, weight, and color of eyes and hair;
 - (2)** Proof the Applicant possesses a valid Oregon driver's license;
 - (3)** Proof of the Applicant's United States' citizenship or registered alien status;
 - (4)** Proof of the Applicant has attained a minimum age of twenty-one (21) years;
 - (5)** A letter or other documentation demonstrating the Applicant is or will be employed or otherwise engaged by a taxi company licensed to do business in the City.
 - (6)** A computerized record conducted by the police department reflecting all crimes of which the Applicant has been convicted .
 - (7)** A record of all traffic offenses committed by the Applicant for the three (3) years preceding the application. Three (3) moving citations in the previous two years, one (1) traffic crime conviction in the previous three (3) years, or one (1) driving under the influence of intoxicants may be cause for refusal by City to grant a taxicab driver's business license.
- (b)** Each business license application shall be accompanied with payment of the business license fee.
- (c)** Following a computerized background check and approval of the application, the City shall issue the business license. The application receipt shall serve as a temporary license for a period not to exceed fifteen (15) days from the date of the receipt.
- (d)** The business license shall be displayed in the taxicab in full view of passengers at all times the driver is engaged in driving for hire. Business licenses shall expire annually and, if acquired during the course of a year, the cost may be pro-rated according to City policy.

Section 6. Termination of Employee or Independent Contractor. If a individual is terminated from his or her employment with a taxi company, or if the taxi company has terminated any contract with a driver who is an independent contractor with the taxi company, the taxi company shall notify the City of the termination no later than at the close of business three (3) days following termination. Notification shall be by U.S. mail or personal delivery to the Chief of Police.

Section 7. Vehicles.

- (a) Each vehicle utilized by a taxi company shall be maintained in clean and safe operating condition fit for public use. The vehicle interior shall be clean, sanitary, and in good repair. Vehicle safety inspections shall be conducted annually at a repair facility approved by the City.
- (b) Each vehicle shall be equipped with the following:
 - (1) Adequate brakes;
 - (2) Adequate tires showing no excess wear;
 - (3) Seat belts that are functioning and readily accessible to drivers and passengers;
 - (4) A top light identifying the vehicle as a taxicab;
 - (5) Any other equipment required by the State of Oregon.
- (c) A list of the vehicles transporting persons or goods for the taxi company, including license numbers and vehicle identification numbers, shall be submitted to the City at the time of application for the business license. Any additions to, deletions from, or substitutions of vehicles, or any changes to the license numbers of vehicles on this list shall be submitted to the City, no later than two weeks after the date such change occurs.

Section 8. Operation.

- (a) **Rates.** Rates shall be set by each taxi company, and shall be uniform within each classification of the rate structure. A statement of rate structure shall be submitted to the City at the time of application for the business license. A change of rate structure shall be reported in writing by the taxi company to the City within seven (7) days following implementation of the revised rate structure.
- (b) **Receipts.** Written receipts shall be supplied to customers upon request. Receipts shall show, at a minimum, the date of and amount for services, taxi company's name, and driver's name.
- (c) **Signage.** Each taxicab shall be clearly marked on both sides with the company name, the word "taxi" and the phone number to call for service. Signage must be legible for a distance of twenty-five (25) feet. Each company shall post, on either the inside or outside of each taxicab, a summary of the rate structure and applicable complaint procedures.
- (d) **Hours of operation.** Taxi companies shall maintain and have available taxicab service during each hour of the day and each day of the year.

- (e) **Complaints.** Taxi companies shall maintain a central complaint file. Complaints shall remain on file for one (1) year.
- (f) **Dispatch records.** Dispatch records shall be an accurate record of each call taken or ride dispatched by the taxi company dispatcher. Dispatch records shall include the time of call; time the call was dispatched; location of the pickup; time of pickup; destination, including stops; and time the call was completed. Dispatch records shall be kept in a central location for ease of access, and shall be maintained for a minimum of one (1) year.
- (g) **Insurance.** Each taxi company shall provide the City proof of commercial insurance for each vehicle and driver transporting persons or goods for the taxi company, and shall direct the insurance carrier for that policy notify the City in the event of cancellation of the insurance policy.
- (h) **Drug testing.** Each taxi company maintain and provide proof to the City of an ongoing random drug testing program; provided, however, taxi companies may enter into agreements with other taxi companies for the creation of a “pool or consortium” for random testing. Random drug testing shall be conducted monthly following Department of Transportation levels for type of drug levels and type of drug to be tested for.
- (i) **Alcohol.** Alcohol use by on-duty taxi drivers or taxi company personnel is prohibited; no taxi driver or taxi company personnel shall consume alcohol within eight (8) hours prior to going on duty.
- (j) **Disorderly persons.** Drivers are not required to pick up disorderly persons. For the purposes of this subsection, a disorderly person includes, but is not limited to, an unsanitary person, a person engaging disorderly conduct, or any person who has created problems for the taxi company or taxi driver within the past three years.
- (k) **Right to be paid.** Each driver has the right to be paid for services rendered, which may be requested in advance. Should a customer refuse to pay, the driver may refuse the ride.
- (l) **Call charge.** A driver is entitled to payment for responding to a call whether the ride is accepted or not. Payments will be limited to the taxi company’s minimum rate.
- (m) **Maintenance.** Each taxi company shall establish a vehicle maintenance program for the purpose of meeting safety standards and documentation of all applicable compliance standards.
- (n) **Shared ride.** No passenger shall be required to share a taxicab with another passenger. A driver may pickup a second passenger only if the original passenger has given permission. Under no circumstance shall a driver pickup a second passenger when transporting a minor.

- (o) **Scanners.** When used, scanners shall be used in compliance with all applicable

Federal Communications Commission regulations, including the prohibition of use of a scanner for personal gain.

- (p) **Compliance.** Each taxi company shall be operated in compliance with all applicable city, county, state, and federal laws, administrative rules, and regulations not covered in this ordinance.

Section 9. Violations.

- (a) **Civil Penalty.** Any person or taxi company willfully violating any provision of this ordinance shall be subject to a civil penalty of not more than seven hundred and fifty dollars (\$750.00) for each such offense.

- (b) **Revocation and Suspension.**

- (1) Violation of any provision of this ordinance may be grounds for revocation or suspension of the taxi company or taxi cab operator's business license, or, in proper case, revocation or suspension of both.

- (2) **Procedure.**

- (A) When the Chief of Police has grounds for revocation or suspension of a business license, the Chief shall provide a Notice and Order of Revocation or Suspension, as the case may be, to the taxicab company or driver. The Notice and Order shall state the grounds for revocation or suspension and the effective date. The Notice and Order shall also contain a provision informing the taxicab company or driver that the Notice and Order may be appealed by filing written Notice of Intent to Appeal with the City Manager not more than seven (7) days after the date of service of the Notice and Order.

- (B) The Notice and Order shall be served on the taxicab company or driver by personal delivery; or first class mail and certified mail, return receipt requested, delivered to the last known address of the taxicab company or driver, as reflected in the records of the Police Department. If service is made by mail, service shall be deemed complete when deposited in the mail, and shall not be deemed ineffective by a taxi company's or driver's refusal to receive the certified letter.

- (C) Hearing shall be held before the City Manager as soon as is practicable. The City Manager may affirm, reverse, or modify the Notice and Order. Appeal of the City Manager's decision shall be by writ of review, as provided under ORS Chapter 34.

Section 10. Severability. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or

subsections.

Passed by the City Council and approved by the Mayor on July 17, 2001.