

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending Monmouth )  
City Code Chapter 63 and Adopting )  
New Provisions Relating to Taxicabs; )  
Repealing Conflicting Ordinances; )  
and Declaring an Emergency )

ORDINANCE NO. 1270

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. Monmouth City Code Chapter 63 is amended and restated in its entirety, as follows:

“63.110. Definitions.

“As used in this chapter, except where the context otherwise requires:

“(1) ‘Taxicab’ means every motor vehicle, except cars for rent without drivers, used for the transportation of passengers for hire within the corporate limits of the City and a 3-mile radius beyond the limits, not operated exclusively over a fixed and defined route, but used for transportation of passengers where the destination and route are controlled by the passengers, for which a charge is made, and not regulated by the State of Oregon.

“(2) ‘Taxicab Driver’ means a person who carries on the vocation of driving a taxicab.

“(3) ‘Taxicab Operator’ means any person engaged in the business of providing the services of a taxicab.

“(4) ‘Taxicab Stand’ means any place upon the curb or street or elsewhere which is exclusively reserved by the City for the use of taxicabs.

“63.115. License Required.

“(1) No person shall operate the business of a taxicab within this City without first being licensed as provided in this chapter. ‘Operate the business of a taxicab,’ as used in this chapter means the regular solicitation and acceptance of fares and the carrying of passengers and packages for a fee within the city.

“(2) This chapter shall apply to those who operate taxicabs from another city and who regularly solicit and do business within this City, but shall not apply to those who operate taxicabs from another city and who only occasionally solicit and do business within this City.

“63.120. License application.

“(1) An applicant for taxicab operator’s license shall make application and shall provide the following information:

“(a) Name, business address and residence of the owner or owners of the business;

“(b) Make, year, type and passenger seating capacity of each taxicab for which application is made;

“(c) A statement whether the owner or owners of the business have ever been convicted of any federal, state or municipal crime, other than minor traffic and parking offenses;

“(d) Such other information as the city council or City Manager may deem necessary for the proper protection of the public;

“(2) The application shall be signed by the applicant; such signature shall constitute the applicant’s consent to an investigation conducted by the City;

“(3) The fee for application of a taxicab operator’s license shall be as established by resolution of the City Council.

“63.125. Investigation.

“Before any taxicab operator’s license is granted, the City Manager shall direct the chief of police to conduct an investigation of the applicant, and in connection therewith may require the applicant to be fingerprinted, and may undertake a criminal background check of the applicant and the officers or other principals of the applicant. The chief of police shall, within thirty days of the receipt by the city council of the request for license, make the Chief's report as to the applicant's financial ability and whether applicant or the applicant’s officers or principals have prior convictions for violation of the laws of this or any other federal, state or municipal ordinances.

"63.130. Grounds for denial of application.

"The City Council, upon receiving the report described in Section 63.125, shall approve or disapprove the application for a taxicab operator's license. The council may deny any application for license if it finds that:

"(1) The applicant's financial responsibility and experience would be such that the person's operation of a taxicab business would pose a hazard to public health, safety and welfare;

"(2) The applicant or officers thereof have prior criminal convictions that render them unfit to operate a taxicab business; or

"(3) There is insufficient demand for additional taxicab service.

"63.135. Rates established.

"Prior to granting of a taxicab operator's license, the City Council shall establish, by resolution, rates which shall be charged for transport of persons and packages by taxicab. Such rates shall be posted in plain view of occupants of the passenger compartment, and no other rate than that so established shall be charged.

"63.140. Duration of license.

"A license granted under Section 63.130 shall be valid for a period of not more than two years.

"63.145. Suspension and revocation of taxicab license - Notice.

"(1) The City Council may, after notice of hearing, suspend or revoke the taxicab license of any holder upon finding that such holder has knowingly and willfully violated any provision of this chapter, or upon the occurrence of any condition that would make such person ineligible to obtain such a license.

"(2) Written notice of the suspension or revocation hearing shall be mailed by certified mail to the licensee not more than thirty or less than ten days prior to the date of the hearing. Service shall be deemed complete upon the mailing of notice to the holder's address of record with the city, properly addressed, with postage prepaid.

"63.150. Transfer of license.

"No license to operate the business of a taxicab may be sold, assigned, mortgaged or otherwise transferred or assigned to any other person without prior approval of the city council, and qualification of the proposed transferee for a taxicab license, as provided in this Chapter.

"63.155. Proper repair and maintenance of vehicles.

"(1) No person shall operate the business of a taxicab in this city unless each vehicle so used is in proper repair and equipped in accordance with the Motor Vehicle Code of this state.

"(2) Vehicles must be kept free from debris and in a sanitary condition.

"(3) No smoking shall be allowed in taxicabs.

"63.160. Insurance required.

"(1) No person shall drive or operate any taxicab unless that person has first filed with the city recorder a certificate of insurance to a policy issued by an insurance company licensed to conduct business in this state attesting that such insurance company has issued a policy of automobile liability insurance for injuries to persons and property caused by the operation of the taxicab in the following amounts:

"(a) For death or injury to any one person in any one accident, not less than \$100,000 (one hundred thousand dollars);

"(b) For death or injury to two or more persons in any one accident, not less than \$300,000 (three hundred thousand dollars);

"(c) For damage to or destruction of property of others resulting from any one accident, not less than \$50,000 (fifty thousand dollars).

"(2) Such policy and certificate of insurance shall contain a provision against cancellation except upon thirty days' prior written notice to the city.

"63.165. Operators of taxicabs - Deliveries.

"No person driving or operating a taxicab licensed under this chapter shall make delivery of any package, bottle or other container containing any alcoholic beverage, drug or other thing whose sale is forbidden by statute,

ordinance or charter within the corporate limits of this city. This section shall not forbid the carrying of such beverage, drug or thing as an incident to the carrying of a passenger in whose lawful possession such thing is held.

“63.170. Driver's permit required - Posted.

“(a) No person shall be regularly employed, either full-time or part-time, as a taxicab driver by any person licensed under this chapter unless such person has first been issued a permit as such taxicab driver by the chief of police City.

“(b) The taxicab driver’s permit shall be posted in a conspicuous place in the taxicab which the driver is operating.

“63.175. Denial of Permit.

“No taxicab driver's permit shall be issued to:

“(1) A person who does not have a valid chauffeur's driver’s license issued by the state of Oregon, Motor Vehicles Division;

“(2) A person who has been convicted of aggravated murder or murder as those crimes are defined in ORS Chapter 163;

“(3) A person who has been convicted of:

“(a) A crime or offense against a person included in ORS Chapter 163 or its counterpart in another jurisdiction; or

“(b) A crime or offense involving theft and related offenses, burglary and criminal trespass, criminal mischief, or robbery as those crimes are defined in ORS Chapter 164 or their counterpart in another jurisdiction, within the time periods specified, as follows:

Years Immediately Preceding Application for Permits:	Crime(s):
10	Class A or B felony
5	Class C felony or Class A misdemeanor, excluding major traffic offenses
2	Class B or C misdemeanor

“(4) A person who has been convicted of a major traffic offense as defined in ORS 153.530 or its counterpart in another jurisdiction within one year immediately preceding application for a permit;

“(5) A person who has been convicted of four Class A, B or C traffic infractions within one year immediately preceding application for a permit; or

“(6) An applicant who fails to supply information so required or who submits false or misleading information.

“63.180. Denial of driver's permit - Appeal.

“(1) An applicant whose application for a driver's permit has been refused by the chief of police may appeal that decision to the City Council.

“(2) Such appeal shall be taken by filing with the city recorder, within fourteen days after notice of the action complained of, a written notice describing the action of the chief of police from which the appeal is taken and a declaration that such person takes an appeal to the council from such action.

“(3) The City Manager shall fix the time for the appeal to be heard by the city council, place the hearing of the appeal upon the calendar of the council and notify the appellant and the chief of police of the time fixed, no less than five days prior to that time.

“(4) The action by the council on any appeal shall be final.

“63.185. Suspension and revocation of taxicab driver's permit.

The chief of police may suspend or revoke a taxicab driver's permit upon occurrence of any condition, which would make such person ineligible to obtain such a permit. Suspension or revocation of a taxi driver's permit may be appealed to the City Council in the same manner as the appeal of the denial of an operator's license under Section 63.180.

“63.190. Taxi Meters.

“(1) Taxicabs shall be equipped with a meter which shall be an instrument or device by which charge for transportation by a passenger-carrying vehicle is electronically or mechanically measured or calculated.

“(2) Every meter shall be installed at the right side of the driver. The reading face of the meter shall at all times be well-lighted and readily discernible to the passengers riding in the taxicab.

“(3) No person shall driver or operate or engage in the business of operating a taxicab unless the taxicab is equipped with an accurate meter in good operating condition.

“(4) No person shall drive or operate or engage in the business of operating a taxicab unless the taxicab is equipped with an accurate meter and is at all times used on each of such taxicabs in determining the rate or fare to be charged and collected, subject to the rates established by Council.

“63.195. Receipts.

“The driver of a taxicab shall, upon demand of the passenger, render to such passenger a receipt for the amount charged, either by mechanically printed receipt or by a specially prepared receipt, on which shall be the name of the owner, license number, amount of meter reading or charges, and the date of the transaction.

“63.200. Direct route to be traveled; fares not charged when vehicle disabled.

“(1) A taxicab driver employed or engaged to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his or her destination.

“(2) In the event any vehicle described herein shall, while under employment, become disabled or break down without fault of the passenger, the time of stoppage shall be deducted from the charge.

63.205. Acceptance and discharge of passengers.

“(1) No taxi driver shall receive or discharge passengers in the road way, but shall pull up to the right-hand side as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right- or left- hand sidewalk or side of the roadway in the absence of a sidewalk.

“(2) No taxi driver shall refuse or neglect to convey any orderly person or persons upon request unless previously engaged or unable or forbidden by the provisions herein to do so.

“(3) It shall be a violation hereof for any driver of a taxicab to solicit business for any hotel or motel or attempt to divert patronage from one hotel or motel to another.

“(4) No taxi driver shall permit any other person to occupy or ride in said taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers.

“63.210. Taxicab Service.

“All persons engaged in the taxicab business in the City, operating under the provisions herein, shall maintain a central place of business and keep the same open 24 hours a day for the purpose of receiving calls and dispatching taxicabs. They shall answer all calls received by them for services inside the corporate limits of the City, as soon as they can do so; and, if services cannot be rendered within twenty (20) minutes, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefore. Any licensee who shall refuse to accept a call anywhere in the corporate limits of the City at any time when such licensee has available taxicabs and drivers shall be deemed to have violated these provisions and the license to such licensee shall be revoked at the discretion of the City Manager.

“63.215. Reports and Records.

“(1) Every holder of a taxicab operator’s license shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the City Manager. Every holder shall maintain the records containing such information and other data required herein at a place readily accessible for examination by the City Manager at any reasonable time.

“(2) All accidents arising from or in connection with the operation of a taxicab that results in death or injury to any person, or in damage to any vehicle, or to other property in an amount exceeding the sum of \$400 shall be reported within 24 hours from the time of the occurrence to the City Manager.



"63.220. Penalty.

"Violation of any provision of this Chapter 63 shall be a Class C misdemeanor; provided that any criminal prosecution and imposition penalty shall be in addition to any other remedy or sanction provided in this Chapter 63 for a violation thereof."

Section 2. Ordinance 601; Ordinance 1046, Section 18; and all other prior and conflicting ordinances are hereby repealed.

Section 3. Pursuant to Monmouth Charter Section 9.03, this Ordinance shall, upon unanimous vote of the City Council, and approval by the Mayor, be enacted at a single meeting of the Council. This ordinance being necessary for the imminent and pending conduct of business and the protection of the citizens of Monmouth, an emergency is hereby declared to exist and this Ordinance shall be effective upon passage by the City Council and approval by the Mayor.

Read for the first time: February 17, 2009

Read for the second time: February 17, 2009

Adopted by the City Council: February 17, 2009

Approved by the Mayor: February 17, 2009

ATTEST:

\_\_\_\_\_  
John E. D. Oberst, Mayor

\_\_\_\_\_  
Phyllis Bolman, City Recorder