

**ORDINANCE NO. 404**

**AN ORDINANCE OF THE CITY OF SISTERS AMENDING SECTION 5.35.010 TO SECTION 5.35.140 OF THE SISTERS MUNICIPAL CODE RELATING TO TAXI SERVICE AND DECLARING AN EMERGENCY**

Whereas, the City of Sisters maintains and regulates the use of its public right-of-way for the benefit and safety of residents and visitors; and

Whereas, individuals and business entities desire to use the public rights-of-way for certain commercial purposes, including transportation services; and

Whereas, the City Council finds that the updates to the taxi permit process is important for the public protection, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

**SECTION 1:**

The City Council adopts the provisions of Sisters Municipal Code section 5.35 as set forth in Exhibit 1 attached to this Ordinance (words in *italics* are added and words struck through are deleted).

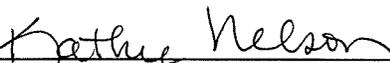
**SECTION 2:**

The City Council finds that it is necessary for the protection of the safety of the residents and guests of the City of Sisters to have this ordinance take effect upon adoption and hereby declares an emergency. This ordinance, therefore, shall become effective on the date of passage.

PASSED by the City Council of the City of Sisters and APPROVED by the Mayor, this 26th day of May, 2011.

  
\_\_\_\_\_  
Lon Kellstrom, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Nelson, City Recorder

# **EXHIBIT I**

## Chapter 5.35

### TAXI AND PUBLIC CONVEYANCE REGULATION AND LICENSING

#### Sections:

5.35.010	Definition.
5.35.020	License Required.
5.35.030	Application.
5.35.040	Fees.
5.35.050	Liability Insurance.
5.35.060	Marking Vehicles.
5.35.070	Rates and Meters
5.35.080	Drivers' Permits
5.35.09100	Application
5.35.1040	Identification Card.
5.35.1120	Applicants for Driver's Permits to Furnish Fingerprints.
5.35.1230	Temporary Suspension.
5.35.1340	Appeal of Suspension.

5.35.010 Definition. For the purposes of sections 5.35.010 to 5.35.1340, "taxicab" means **any vehicle including motor vehicles, animal drawn vehicles, human powered vehicles, and a motor vehicle including limousines, except motorbuses, used for transporting passengers for hire.** Taxicabs used for hire shall be governed by and comply with the provisions of this Act. (Ord. 14775, 1981; amended by Ord. 226, 1989)

5.35.020 License Required. No person shall engage in the business of operating taxicabs without a license issued by the City Administrator **Manager or designee.**

#### 5.35.030 Application.

(1) A person desiring a license for the business of operating taxicabs shall make written application to the City. With the application, the applicant shall present the certificate of title or the registration for the motor vehicle or vehicles. The applicant shall show by affidavit that he/she is the registered or legal owner of the motor vehicle or vehicles, and that, in the event of a change of ownership, possession or control of the motor vehicles or business or in the event that the applicant rents, sublets, leases or otherwise changes the management operation or control of the motor vehicles or business, the applicant shall immediately notify the City Administrator **Manager or designee** in writing.

- (2) The application shall also include the following:
- The factory numbers of all vehicles.
  - The state license numbers of all vehicles **and a complete description of all vehicles.**
  - The trade names of all vehicles.

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- (d) A description of the streets where and the hours of the day during which the owner desires to stand the taxicabs.

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- (e) The name of the owner, officers of the company or other person of authority having the supervision and control of the business and vehicles for which application is made.

| 5.35.040 Fees. A person engaged in the business of operating taxicabs shall **obtain a City business license and** pay an annual fee as may be set by resolution of the council.

5.35.050 Liability Insurance.

(1) The applicant for a license to operate taxicabs shall file **a certificate of insurance** with the application ~~an insurance policy~~ issued by an insurance company authorized to transact business in the state **of Oregon listing the City of Sisters as certificate holder with minimum of \$500,000 combined single limit of liability or bodily injury and property damage** ~~in the amount consistent with the tort liability limits of the City.~~ **The City must be given at least 30 days prior notice of cancellation of insurance.**

(2) The insurance shall be issued and applied to each taxicab for which application is being made. A license to operate the taxicabs shall terminate on the cancellation of the insurance, and no permit shall be granted or be effective unless the automobile for which the license is required has been fully covered with insurance as specified in this section.

5.35.060 Marking Vehicles. Each taxicab shall be marked with letters stating the business or trade name in letters of not less than two and one-half inches in height and not less than one-half inch in width.

5.35.070 Rates and Meters.

(1) Except as provided for in subsection (2), all taxicabs shall have meters and/or uniform rates throughout the City and a copy of the rates shall be forwarded to the City Administrator's **Manager or designee's** office.

(2) Businesses providing limousine service will not be required to have meters, but shall file with the City Administrator **Manager or designee** a copy of their rates.

| 5.35.080 Drivers' Permits. No person shall drive or operate a taxicab without a permit issued by the City Administrator **Manager or designee** as provided in sections 5.35.090 to 5.35.120.

| 5.35.09100 Application.

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(1) A taxicab driver shall, before beginning his/her duties, apply to the ~~Chief of Police~~ **City Manager or designee** for a permit and shall furnish all information that may be required.

(2) A permit may be denied if the applicant has been convicted of a felony or a misdemeanor involving moral turpitude.

(3) A permit may be denied if the applicant's driving record clearly demonstrates he/she is not qualified to transport the public with sufficient safety.

***(4) A permit may be denied if the applicant has been convicted of a traffic misdemeanor including but not limited to driving while suspended, driving under the influence of intoxicants and reckless driving within five (5) years of the date of application or other misdemeanor or felony that the city determines is related to the applicant's proposed activities.***

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5.35.1010 Identification Card.

(1) Upon approval of a taxicab driver's permit and payment of ***fees set by resolution of the City Council*** ~~\$10.00~~, the ~~City Administrator~~ **City Manager or designee** shall furnish the taxicab driver with an identification card.

- (2) The identification card shall have:
- (a) A front view picture of the applicant.
  - (b) The name, weight, height, age, color of hair, color of eyes of the applicant ~~in his/her own handwriting.~~
  - (c) ***The name of the employer.***

(3e) The identification card shall not be transferable and shall remain posted in a conspicuous place in the taxicab operated by the driver.

5.35.1120 Applicants for Driver's Permits to Furnish Fingerprints. A person applying for a taxicab driver's permit under this Act shall furnish to the ~~Police Department~~ **City Manager or designee** a complete set of fingerprints on each hand.

5.35.1230 Temporary Suspension. The ~~Chief of Police~~ **City Manager or designee** may suspend a permit issued to a taxicab driver when there is reasonable grounds to believe that the driver is incompetent or an improper person to operate a taxicab. A driver having his/her permit suspended by the ~~Chief of Police~~ **City Manager or designee** may appeal the suspension within thirty (30) days from the date of suspension of the Sisters City Council.

5.35.1340 Appeal of Suspension.

(1) A taxicab driver whose application for a permit is denied pursuant to 5.35.~~09100~~ or whose permit is suspended by the ~~Chief of Police~~ ***City Manager or designee*** pursuant to 5.35.1230 may, within thirty (30) days after the notice of a denial or suspension of permit, appeal to the City Council.

(2) The appeal shall state:

- (a) The name and address of the appellant.
- (b) The nature of the determination being appealed.
- (c) The reason the determination is incorrect.
- (d) What the correct determination of the appeal should be.

(3) An appellant who fails to file the statement within the time permitted waives objections, and the appeal shall be dismissed. The Council shall hear and determine the appeal on the basis of the written statement and any additional evidence it considers appropriate. The appellant shall be given written notice of the hearing on the appeal at least fourteen (14) days prior to the hearing. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final. (Ord. 226, 1989)