

ORDINANCE NO. 149509

An Ordinance amending Chapter 16.48, Taxicab Regulation of the code to provide for regulation of taxicab companies, drivers and vehicles, making other changes.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That Ordinance Nos. 139316 and 147243, passed February 15, 1979 and effective March 24, 1979, adopted city code Chapter 16.48, Taxicab Regulation;
- (2) That the Taxicab Supervisor has determined that certain amendments to Chapter 16.48 are necessary to allow for more effective regulation of the taxicab industry;
- (3) That such amendments include that the decision as to which new business shall be permitted to operate as taxicab companies will be made by the Council, and that certain factors will be considered by the Council in making such a decision;
- (4) That such amendments further provide that certain additional standards are necessary to further regulate the operations of taxicab companies and drivers;
- (5) That such amendments further provide for the eliminating of the downtown flat rate for taxicab service;

NOW, THEREFORE, the Council directs:

- (a) That Chapter 16.48, Taxicab Regulation, is amended to read as follows:

Chapter 16.48

TAXICAB REGULATION

Sections:

- 16.48.010 Purpose.
- 16.48.020 Definitions.
- 16.48.030 Regulations.
- 16.48.040 Public hearing.
- 16.48.050 Appeal.
- 16.48.060 Reports to city council.
- 16.48.070 Taxicab company permit required.
- 16.48.080 Application, fees, renewal.
- 16.48.085 Factors to be considered in determining whether to grant taxicab company permit.
- 16.48.090 Minimum standards for taxicab service companies.
- 16.48.100 Limitations on number of taxicabs operated by taxicab company.
- 16.48.110 Identification.

- 16.48.120 Equipment.
- 16.48.130 Rates.
- 16.48.140 Safety inspections and certification.
- 16.48.150 Insurance.
- 16.48.160 Financial and operating data.
- 16.48.170 Complaints.
- 16.48.180 Items lost and found.
- 16.48.190 Driver's permits required.
- 16.48.200 Application and renewal.
- 16.48.210 Denial of permit.
- 16.48.220 Driver's permit to be posted.
- 16.48.230 Conduct of drivers.
- 16.48.240 Parking and use of taxicab zones.
- 16.48.250 Reports to the supervisor.
- 16.48.260 Suspension and revocation.
- 16.48.270 Criminal penalties.

16.48.010 Purpose. (No change)

16.48.020 Definitions. (No change)

16.48.030 Regulations. (No change)

16.48.040 Public hearing. The supervisor or the council, as appropriate, shall preside over all public hearings held pursuant to this chapter. He shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to administer oaths and take evidence, and to preserve order. Technical rules of evidence shall not be applied in such hearings. Notice of all hearings shall be given to the public and all permittees. The supervisor shall make written findings to support all decisions.

16.48.050 Appeal. (a) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

(g) The decision of the supervisor, or the commissioner in charge shall be stayed pending the outcome of an appeal properly filed pursuant to this section, except if the action appealed is from a suspension that has become effective immediately pursuant to section 16.48.260(b).

16.48.060 Reports to city council. (No change)

16.48.070 Taxicab company permit required. No person shall conduct business as a taxicab company without a current permit to do business issued under this chapter except that any person lawfully doing business as a taxicab company on the effective date of this section may continue to do so and regardless of whether such person is in compliance with the minimum standards established by section 16.48.090 upon payment of the fees established in section 16.48.080 and conditioned upon compliance with all other provisions of this chapter. A person lawfully doing business as a taxicab company on the effective date of any amendments to section 16.48.090 may continue to do so regardless of whether such person is in compliance with the minimum standards of that section, so long as that person is in compliance with all other provisions of this chapter. Such person may not operate any taxicabs in excess of the number permitted prior to the adoption of this section except as authorized pursuant to section 16.48.100.

16.48.080 Application, fees, renewal. (a) An applicant for a permit to do business as a taxicab company shall submit to the supervisor an application form containing such information, and a non-refundable fee of one hundred dollars. The supervisor shall forward such application with his recommendation, to the city council, and shall set, through the auditor's office, a hearing date before the council. The council shall conduct a public hearing regarding the application. At such hearing, the officers or major stockholders in the applicant company may be directed to personally appear before the council. If, after such hearing, the council finds that the applicant has established his fitness and ability to comply with the requirements of this chapter, that the interests of the city will, after consideration of the factors listed in section 16.48.085 be served thereby, and that the applicant has sufficient financial resources to be able to meet the minimum standards established by section 16.48.090, the council shall issue a permit to the applicant. The permit may contain such terms or conditions as the council deems appropriate. Violation of these terms or conditions may result in revocation of the permit. The council shall fix the number of vehicles that may be operated as taxicabs by the company.

(b) In addition to the application fee, each person granted a permit to do business as a taxicab company shall pay an annual fee equal to fifty dollars times the maximum number of vehicles to be operated as taxicabs by the company as fixed by the council.

(c) (No change)

(d) The council shall, with the assistance of the supervisor, adopt such further standards as it deems appropriate in addition to those listed in section 16.48.085, for the issuance of taxicab company permits, the number of taxicabs to be approved, and the imposition of special terms and conditions.

16.48.085 Factors to be considered in determining whether to grant taxi company permit. The council shall consider the following factors in determining whether or not to grant a person a permit to do business as a taxicab company:

(a) The current status of the public transportation system in the city, including, but not limited to that system's current and future ability to provide for the timely and effective movement of persons,

(b) The demonstrated need, as shown by the applicant for such permit, for additional taxicab service in the city that is not, or cannot be, accomplished by existing companies,

(c) In consideration of the current status of the city's public transportation system, the ratio of population of the area to the number of taxicabs currently in operation,

(d) The present utilization patterns of taxicabs currently in operation,

(e) The interests of the applicant for such permit in establishing a local business to legitimately serve the citizens of this city, and

(f) The extent to which granting the permit will serve the purposes of this chapter, as set out in section 16.48.010.

16.48.090 Minimum standards for taxicab service companies. Any taxicab holding a permit to do business issued under this chapter shall maintain the following minimum standards:

(a) (No change)

(b) (No change)

(c) (No change)

(d) Not less than 15 taxicabs, with two thirds of the total fleet to be operational at all times, to provide service on a city-wide basis in accordance with standards adopted pursuant to section 16.48.030.

(e) (No change)

(f) (No change)

(g) (No change)

16.48.100 Limitations on number of taxicabs operated by taxicab company.
 (a) No taxicab company may operate more taxicabs than authorized by the council in granting the permit to do business, unless additional taxicabs have been authorized by the supervisor pursuant to this section. No vehicle may be operated as a taxicab unless it is listed on the register of vehicles operated by a taxicab company as maintained on the company's official records.

(b) (No change)

(c) (No change)

(d) (No change)

(e) The effect of any order of the supervisor, authorizing either an in-

crease or decrease in the number of taxicabs operated by a taxicab company, shall be automatically stayed if a timely appeal to the council of such order, pursuant to the procedure of section 16.48.050, is filed.

16.48.110 Identification. Every taxicab shall prominently display on the outside of the vehicle, on both sides, the full name of the taxicab company, the cab number, the telephone number of that company where service can be requested, and the word "taxi" or "cab". Every taxicab shall be painted in the colors of that company, no two companies having the same colors. The supervisor shall approve the colors when approving the application for a permit to do business.

16.48.120 Equipment. (a) (No change)

(b) A copy of the certificate shall be kept on file in the office of the taxicab company. No taxicab shall be operated with a taximeter which does not operate within the following limits of accuracy. Plus or minus one hundred fifty feet in one mile and five seconds in one minute of waiting time. A certificate of inspection may be examined or a taximeter reinspected by any police officer, the supervisor or his agent, at any time, during normal business hours.

(c) Every taxicab shall be equipped with a top light.

(d) Every taxicab will be equipped with such safety equipment as is required by state or federal law, this code, or by the supervisor's regulations. Every taxicab shall be equipped with seat belts or other restraining devices for every passenger.

16.48.130 Rates (a) (No change)

(b) (No change)

(1) Deleted

(2) Relettered (1)

(c) (No change)

(d) Deleted

(e) Relettered (d)

(f) Relettered (e)

(g) Relettered (f)

(h) Relettered (g)

(i) Relettered (h)

(j) Relettered (i)

(k) Relettered (j)

- 16.48.140 (No change)
- 16.48.150 (No change)
- 16.48.160 (No change)
- 16.48.170 (No change)
- 16.48.180 (No change)
- 16.48.190 (No change)
- 16.48.200 (No change)
- 16.48.210 (No change)
- 16.48.220 (No change)
- 16.48.230 (a) (No change)

(b) operate any taxicab while consuming, or while under the influence of alcohol, or in a careless or reckless manner or in a manner contrary to the laws of this city or this state,

(c) operate any taxicab while consuming, or while under the influence of, drugs, unless such drugs are available commercially over the counter, or are being taken pursuant to a doctor's prescription, and, in any case, such drug usage does not impair the driver's ability to operate the taxicab,

(d) use a taxicab in the commission of any crime

(e) use profane or obscene language offensive to the passenger while operating a taxicab,

(f) use tobacco without the consent of the passenger,

(g) charge a fare higher than that authorized by this chapter for passenger transportation or defraud a passenger in any way.

(h) be discourteous to a passenger,

(i) drive a passenger to his destination by any other than the most direct and safe route, unless requested to do so by the passenger,

(j) refuse to transport to his requested destination any passenger of proper demeanor who requests his services or is assigned to him by the taxicab service company when not already in service, and who is able to demonstrate that he can pay the fare,

(k) refuse to issue a receipt for a fare paid if one is requested.

16.48.240 Parking and use of taxicab zones. (a) [Deleted]

(a) No driver of any taxicab shall make major repairs to his vehicle while parked in a taxicab zone.

(b) No taxicab driver shall leave his vehicle unattended in a taxicab zone adjacent to a fire hydrant for any reason. No person shall leave a taxicab unattended in any other taxicab zone except when assisting passengers to enter or alight from the taxicab or carry their baggage or when delivering packages, and then for no more than twenty (20) minutes.

(c) Taxicabs are hereby authorized to utilize truck loading zones, as described in Chapter 16.20.020(24) of the code, for the loading and unloading of passengers or goods, for a period not to exceed twenty (20) minutes.

16.48.250 Reports to the supervisor. (a) Every permittee shall immediately report to the supervisor as soon as it becomes known, the occurrence of any of the following events, :(1) the arrest or conviction for any criminal offense, of the permittee, officer or principal managing employees of the permittee, which involves the operation of the taxicab company.

(2) any taxicab accident required to be reported to the state of Oregon involving a vehicle driven by or for the permittee;

(3) the filing of a lawsuit against or on behalf of the permittee related to the operation of the taxicab company,

(4) (No change)

(5) any information required to be disclosed by subparagraph (b) that comes to the attention of the permittee,

(b) Every taxicab driver shall immediately report to the supervisor, and any permittee for whom he drives, the occurrence of the following:

(1) any arrest, charge, or conviction for any criminal offense, and any traffic violations, that arise out of or occur during the taxicab driver's operation of a taxicab,

(2) any arrest, charge or conviction for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense,

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(3) any vehicle accident required to be reported to the state of Oregon involving any taxicab operated by the driver,

(4) any restriction, suspension or revocation of the taxi driver's operator's license.

16.48.260 Suspension and revocation. (No change)

16.48.270 Criminal penalties. (No change)

Section 2. The Council declares:

That it is necessary and imperative to the city and the taxicab industry that the foregoing code changes become effective without unnecessary delay, therefore, an emergency exists and this ordinance shall be in force and effect from and after its passage by the Council.

*save till
after passage*

Passed by the Council,

Commissioner Ivancie
April 9, 1980
KHScomperdis/fg

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

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(3) any vehicle accident required to be reported to the state of Oregon involving any taxicab operated by the driver,

(4) any restriction, suspension or revocation of the taxi driver's operator's license.

16.48.260 Suspension and revocation. (No change)

16.48.270 Criminal penalties. (No change)

ORDINANCE NO. 110200

Passed by the Council, APR 24 1980

Commissioner Ivancie
April 9, 1980
KHScomperdis/fg

George W. Carey
Mayor of the City of Portland

Attest:

Sengethukovich
Auditor of the City of Portland

Calendar No. ~~1439~~ 1439

ORDINANCE No. 149509

Title

An Ordinance amending Chapter 16.48, Taxicab Regulation of the code to provide for regulation of taxicab companies, drivers and vehicles, making other changes.

THURSDAY

APR 17 1980

PASSED TO THIRD READING APR 24 1980

As Amended

Filed APR 10 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Anna Lawrence*
Deputy

INTRODUCED BY
Commissioner Ivancie

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau:
Prepared By: <i>SHS</i> Date: April 9, 1980
KHScoumpferdis/Eg
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney
City Auditor
City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS:	
Yeas	Nays
Ivancie	1
Jordan	1
Lindberg	1
Schwab	
McCreedy	1

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCreedy	