

**CITY OF LINCOLN CITY
LINCOLN CITY COUNCIL
WORK SESSION MEETING AGENDA**

JANUARY 10, 2022 3:00 PM

3:00 PM - The Lincoln City Council of City of Lincoln City will hold a Work Session Lincoln City Council in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, 541-996-1203.

This meeting is a work session only and generally does not include public comment.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION ITEMS**
 - A. MANAGER REPORTS
 - B. NEIGHBORHOOD ASSOCIATIONS REGARDING STAFF INVOLVEMENT
 - C. VILLAGES OF CASCADE HEAD HOMEOWNERS ASSOCIATION
 - D. LOCAL REGULATION OF VEHICLES FOR HIRE
 - E. COUNCIL QUESTIONS ON AGENDA ITEMS FOR REGULAR MEETING
 - F. OTHER QUESTIONS FROM COUNCIL
- 4. ADJOURNMENT**

Council Communication

Discussion Regulation of Vehicles for Hire

Meeting Date:	January 10, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	

AUTHORITY:

221.485 Policy on vehicles for hire. The Legislative Assembly finds and declares that privately owned taxicabs, limousines and other vehicles for hire are a vital part of the transportation system within this state and provide necessary services in response to the needs of state residents, tourists and business representatives from outside this state. Consequently, the safety and reliability of such vehicles and the economic well-being and stability of their owners and operators are matters of public concern. The regulation of such vehicles is an essential government function and, therefore, it is the intent of the Legislative Assembly to reaffirm the authority of political subdivisions in this state to regulate the operation of privately owned taxicabs, limousines and other vehicles for hire and to exempt such regulation from liability under federal antitrust laws. [1985 c.475 §1]

221.490 [Repealed by 1981 c.288 §1]

221.495 Local regulation of vehicles for hire. Cities and counties in this state are authorized to grant franchises, to license, control and regulate privately owned taxicabs, limousines and other vehicles for hire that operate within their respective jurisdictions. The power to regulate granted under this section includes, but is not limited to:

(1) Regulating entry into the business of providing taxicab, limousine or other similar services.

(2) Requiring a license or permit as a condition for operation of taxicabs, limousines and other vehicles for hire and revoking, canceling or refusing to reissue a license or permit for failure to comply with regulatory requirements.

(3) Controlling the maximum rates charged and the manner in which rates are calculated and collected.

(4) Regulating routes for such vehicles, including restricting access to airports.

(5) Establishing safety, equipment and insurance requirements.

(6) Establishing any other requirements necessary to assure safe and reliable service by such vehicles. [1985 c.475 §2]

221.500 [Repealed by 1981 c.288 §1]

DISCUSSION:

Regulation of vehicles for hire. See attached Ordinance from Bend and Lincoln city ordinance.

Attachments:

BEND Chapter 7.35 BC (PDF)

Chapter 10 (PDF)

Chapter 7.35 VEHICLES FOR HIRE

Sections:

7.35.005	Purpose.
7.35.010	Definitions.
7.35.020	License, Application and Fees.
7.35.030	Driver Requirements.
7.35.040	Insurance Requirements.
7.35.050	Operational Requirements.
7.35.060	Audit.
7.35.070	Revocation, Suspension and Penalties.
7.35.080	Enforcement.
7.35.090	Effective Date.

7.35.005 Purpose.

The purpose of this chapter is to provide for and promote the safety and welfare of the general public by regulating vehicles for hire within the City of Bend, as authorized by ORS [221.485](#) and [221.495](#). Nothing contained in this chapter is intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage related to any provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees. [Ord. NS-2287, 2017]

7.35.010 Definitions.

As used in this chapter:

- A. **City** means the City of Bend, Oregon.
- B. **License** means the license issued by the City to a taxi company or TNC authorizing the company to engage in vehicle for hire services within the City.
- C. **Driver** means any individual natural person who operates a vehicle for hire within the City.
- D. **Person** means and includes any individual natural person, partnership, corporation, unincorporated association, or other entity.

E. **Vehicle for hire** means any vehicle used for the ground transportation of passengers for compensation within the City, including taxis and transportation network company (TNC) vehicles, as well as animal-drawn vehicles and vehicles powered by humans, including but not limited to vehicles such as pedi-cabs. The following motor vehicles are excluded from the definition of vehicle for hire and are exempt from this chapter:

1. School buses operated to transport students;
2. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons;
3. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, rental offices, retirement homes, and the like;
4. Vehicles used to provide ambulance service.

F. **Taxi company** means any person or entity operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, or leased, or owned by individual members of an entity. Taxi companies do not include TNCs.

G. **Transportation network company** or **TNC** means a company or other entity that exclusively uses an Internet-enabled platform or application to connect passengers with vehicles for hire and/or TNC drivers. [Ord. NS-2287, 2017]

7.35.020 License, Application and Fees.

A. The City may issue a license to a taxi company or TNC if the company certifies on a form acceptable to the City that it is in compliance with all requirements of this chapter, including but not limited to driver and insurance requirements, operating standards, and any other requirements of the code or the City, and actually meets all applicable standards and requirements.

B. The City may include conditions, restrictions, or special provisions in the license related to routes, times of operation, or lighting if necessitated by the vehicles or operations of the taxi company or TNC. The City may waive or lessen the requirements of this chapter if the type of vehicles or operations of a taxi company or TNC render the requirements unreasonable or unnecessary, in the sole discretion of the City.

C. The license issued under this chapter is valid for one year. Any renewal must be approved by the City prior to the expiration date in order for the taxi company or TNC to continue providing vehicle for hire services within the City.

D. The application fee shall be based on the number of drivers operating for the taxi company or TNC at the time of the application, and shall be intended to account for the City's costs in administering the requirements of this chapter. The fee amounts shall be set by City Council resolution as part of the City's fee schedule.

E. The application fee shall be paid to the City at the time of submitting both initial and renewal license applications.

F. All taxi companies and TNCs must comply with the City's business registration requirements. [Ord. NS-2287, 2017]

7.35.030 Driver Requirements.

A. All drivers shall be at least 21 years of age and shall possess a valid driver's license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.

B. Every taxi company or TNC shall maintain accurate, current records for all drivers employed by, contracting with, or affiliated with the company, including all drivers accessing a company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration, and automobile insurance. These records will be made available to the City promptly on request.

C. Prior to permitting a person to operate as a driver, and annually thereafter, the taxi company or TNC shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of database history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and all accessible sex offender registries. Any person who is on a sex offender registry or has a record of a felony conviction within the previous seven years may not act as a driver. A record of a conviction of any of the following within the previous seven years will also disqualify a person from acting as a driver: crimes involving driving under the influence of alcohol or controlled substances, sexual offenses, or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings.

D. A taxi company or TNC must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the driver. The company shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.

E. Notwithstanding the standards of this section, upon application by a taxi company or TNC, the Bend Chief of Police has authority to allow a person to act as a driver if the Chief determines public safety would not be compromised. [Ord. NS-2287, 2017]

7.35.040 Insurance Requirements.

- A. For all required insurance, taxi companies and TNCs shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage.
- B. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
- C. The insurance limits for both TNCs and taxi companies are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, other statutory changes, or other changes deemed necessary by the City.
- D. The adequacy of insurance coverage is subject to the review and approval of the City.
- E. Every taxi company and TNC shall maintain continuous, uninterrupted coverage for the duration of the license and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this chapter.
- F. Both taxi companies and TNCs shall secure and maintain commercial general liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.
- G. Taxi companies operating any motor vehicles shall secure and maintain commercial automobile liability insurance covering those vehicles, with a combined single limit of not less than \$1,000,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.
- H. *TNC Service Periods Defined.*
1. Period 1: The TNC driver has logged into the app or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the app is open and the driver is waiting for a match.
 2. Period 2: A passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger).
 3. Period 3: The passenger is in the vehicle.
- I. Upon City request or as part of an application, TNCs shall provide proof of current, valid insurance for City approval covering all affiliated TNC drivers and vehicles for hire operating for such company and satisfying the minimum requirements of Periods 1, 2, and 3.
- J. All TNCs shall maintain and provide the City with proof of the following automobile liability coverages:

1. Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.
2. Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1,000,000 in combined single limit coverage for death, personal injury and property damage per incident; and \$1,000,000 in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.
3. The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

K. TNC drivers shall be responsible for maintaining all personal automobile liability insurance required by State law. [Ord. NS-2287, 2017]

7.35.050 Operational Requirements.

- A. TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a request to passenger pick-up. The City may require a TNC to enter a data sharing agreement in order to receive a license.
- B. All vehicles operating for taxi companies shall be clearly marked as such and shall include the taxi company name, phone number, and a vehicle identification number in plain sight. Vehicles operated for TNC services shall be marked with a customary "trade dress" type of identification, such as a sticker or placard. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.
- C. TNCs may not accept street hails, and may only accept rides arranged through a TNC's digital network.
- D. Taxi companies and TNCs shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, for at least the duration of the investigation of the complaint.

E. Taxi companies and TNCs must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act. [Ord. NS-2287, 2017]

7.35.060 Audit.

The City may audit taxi company and TNC records up to twice per calendar year to review compliance with this chapter. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require a company to produce records related to an investigation of a specific allegation of a violation of this Code or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit. [Ord. NS-2287, 2017]

7.35.070 Revocation, Suspension and Penalties.

A. In addition to any other enforcement options provided by the code, the City may suspend, revoke, or refuse to issue a license if the taxi company or TNC has violated or not met any of the provisions of this Code. A violation includes any failure to meet or maintain any of the requirements or qualifications set forth in this Code, including the procedures and requirements for obtaining and maintaining a license, as well as the making of any materially false statement or representation. The decision to suspend, revoke or refuse to issue a license may be appealed to the City Council, which will conduct a hearing where the company and the City may present evidence and argument. The company shall have the burden of proving it has complied with all requirements of this Code necessary to obtain or maintain the license. The decision of the City Council on the appeal shall be the final decision of the City.

B. A violation of this chapter is a Class A civil infraction. [Ord. NS-2287, 2017]

7.35.080 Enforcement.

The City has the administrative authority to implement and enforce this chapter, including adoption of rules, regulations, or policies. This provision shall not be construed to abrogate or limit the jurisdiction or authority of the Bend Police Department or any law enforcement agency. [Ord. NS-2287, 2017]

7.35.090 Effective Date.

Anyone with a taxicab operator permit under previous BC Chapter [7.35](#), Taxicabs, valid as of the effective date of the ordinance repealing the previous chapter and creating this chapter is exempt from this chapter, Vehicles for Hire, until January 1, 2018, unless the permit holder wishes to apply under the new chapter at an earlier date. All existing taxicab operator permits issued prior to the effective date of the ordinance creating this chapter will expire automatically on December 31, 2017. [Ord. NS-2287, 2017]

The Bend Code is current through Ordinance NS-2426, passed November 17, 2021.

Disclaimer: The city recorder's office has the official version of the Bend Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.bendoregon.gov](http://www.bendoregon.gov)

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Chapter 10.20 TAXICABS

Sections:

- [10.20.010 Definitions.](#)
- [10.20.020 Certificate required.](#)
- [10.20.030 Reissuance, transfer, cancellation, suspension or revocation of certificate or permit.](#)
- [10.20.040 Surrender of certificate.](#)
- [10.20.050 Certificate fees.](#)
- [10.20.060 Inspection of vehicles.](#)
- [10.20.070 Taxicab maintenance.](#)
- [10.20.080 Operating regulations.](#)
- [10.20.090 Equipment.](#)
- [10.20.100 Approval of drivers – Permits required.](#)
- [10.20.110 Insurance requirements.](#)
- [10.20.120 Rates.](#)
- [10.20.130 Complaints.](#)
- [10.20.140 Certificate application requirements.](#)
- [10.20.150 Issuance of certificate.](#)
- [10.20.160 Indemnification.](#)
- [10.20.170 Reports to the police department.](#)
- [10.20.180 Violation – Enforcement.](#)
- [10.20.190 Additional remedies.](#)

10.20.010 Definitions.

A. Except where the context clearly indicates otherwise, the following words shall mean:

“Certificate” means a numbered certificate issued under this chapter to operate a taxicab business.

“Driver” means every person who is, or acts under or at the direction of, the owner, agent, or employee, and is in charge of operating any taxicab.

“Flat rate” is a fare which remains constant regardless of the distance traveled or time involved.

“Limousine” is a chauffeur-driven motor vehicle that carries passengers for hire where the minimum fare charged is at least \$50.00.

“Operate” means to drive a vehicle, to use a vehicle in the conduct of business, to receive money from the use of a vehicle, or cause or allow another person to do the same.

“Owner” means every person having use or control of any taxicab whether as owner, lessee, or otherwise.

“Permit” means police department authorization of a driver to operate a taxicab listed in a certificate.

“Street” means any street, alley, avenue, road, lane, highway or public place in the city used for the purpose of public travel.

“Taxicab” means any vehicle which carries passengers for hire whose journey has originated in the city, where the destination and route may be controlled by a passenger, and the fare is calculated on the basis of any combination of an initial fee, distance traveled, and delay, or the fare is a flat rate.

B. Any vehicle that has an appearance deceptively similar to a taxicab is a taxicab for the purposes of this chapter.

C. As used in this chapter, “taxicab” does not include licensed ambulances, nonemergency medical transport vehicles, regular-route scheduled buses, state-approved buses engaged in charter service, limousines, courtesy vehicles operated by hotels and motels as a convenience for registered guests where no charges are made, vehicles operated for the exclusive use of senior citizens or persons with disabilities, and airport shuttles licensed by the Port of Portland or other ports that license passenger transportation.

D. A “nonemergency medical transport vehicle” means a vehicle that carries a person for hire and such person requires nonemergency medical treatment or supervision by an emergency medical technician or first responder certified by the Oregon State Health Division while in the vehicle. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.020 Certificate required.

No person shall operate any taxicab business in the city without possessing a valid certificate for that business and its vehicles issued pursuant to this chapter, as well as any other license required by law including but not limited to a business occupation tax permit under Chapter [5.04](#) LCMC. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.030 Reissuance, transfer, cancellation, suspension or revocation of certificate or permit.

A. No certificate or permit may be sold, assigned, mortgaged or otherwise transferred without the written consent of the city manager. The city manager may impose conditions with respect to the transfer of a certificate as it may deem to be in the best interest of the public safety and the general welfare.

B. An application for transfer or reissuance of any certificate or permit is subject to the same terms, conditions, and requirements as the application for original certificate.

C. Any certificate or permit may be suspended or revoked by the city manager after a hearing under the procedure provided in LCMC [10.20.100](#)(E) at which the certificate holder or permit holder is given an opportunity to appear if any one or more of the following conditions exist:

1. The owner ceases to operate any taxicab for a period of 15 consecutive days without obtaining permission to cease such operation from the city manager.

2. The owner or permit holder fails to operate the taxicab in accordance with the provisions of this chapter.

3. The owner or permit holder fails to pay any of the fees or payments required to be paid by the provisions of this chapter.

4. The owner or permit holder no longer qualifies for a certificate or permit under LCMC [10.20.100](#) or [10.20.140](#).

D. After the city has issued a certificate with a vehicle list, any change in the driver name or vehicle list (not including elimination of a vehicle from the list) requires the applicant to apply for a new or reissued certificate, including completing an application, paying the application fee, meeting vehicle inspection for additional or replacement vehicles, and meeting insurance requirements for all drivers and additional or replacement vehicles. When all requirements of this chapter are met, the city will issue a new certificate with a new expiration date.

E. The city may use any means of enforcement authorized by law to enforce the provisions of this section. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.040 Surrender of certificate. SHARE

Any certificate suspended or revoked by the city manager shall be surrendered to the police department and the operations of any taxicab covered by such certificate shall cease. Any owner who permanently retires any taxicab from taxicab service and does not replace it within 15 days shall immediately surrender any certificate granted for the operation of such taxicab to the police department and the owner may not secure an additional certificate for the operation of any taxicab without making application in the manner provided in this chapter. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.050 Certificate fees. SHARE

No certificate may be issued, or a taxicab business continue in operation, until the applicant has paid to the city an annual license fee as established by resolution of the city council for each vehicle listed in the certificate or operated within the city. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.060 Inspection of vehicles. SHARE

A. Prior to the operation of any vehicle under the provisions of this chapter and at least annually thereafter, the vehicle shall be thoroughly examined and inspected by either a certified mechanic or a governmental vehicle inspection entity located within Lincoln County and shall be found to be in safe operating condition. An inspection for safe operating conditions must include, but is not limited to, inspection of brakes including parking brake; all lights, signals and reflectors; exhaust system; steering system; wipers including washers; suspension components; mirrors; horn and other warning devices; tires and restraint system. Record of such inspections, clearly identifying by vehicle license number the vehicles inspected, must be made available to the city upon initial application and annual renewal. In this section the term "certified mechanic" means a person certified by the National Institute for Automotive Service Excellence.

B. In addition to the initial and annual inspections required above, inspection or testing of all parts vital to the safe operation of the vehicle such as brakes, steering gear, tires, lights, and signaling devices shall be made at the beginning of each shift or each day by the driver, and as often as necessary during use. Any condition found then or at any other time that will prevent the safe operation of the vehicle shall be corrected before the vehicle is used.

C. In the event a record of vehicle inspection is not produced within 24 hours of request, or if the record produced indicates the inspection occurred more than 12 months to date, the city shall notify the holder of a certificate to complete an inspection showing compliance with the standards of this chapter and deliver the record to the city within 24 hours of the oral or written notice.

D. Failure to timely produce a satisfactory record of inspection shall be grounds to suspend or revoke a certificate and also constitutes a violation of this chapter subject to enforcement under LCMC [10.20.180](#). (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.070 Taxicab maintenance.

Every vehicle operating under this chapter is to be kept in a clean and sanitary condition. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.080 Operating regulations.

A. Unless otherwise directed by the passenger, any taxicab driver hired to transport passengers to a definite point shall use the most direct route possible that will carry the passenger to that destination safely and expeditiously.

B. Every driver, if requested, shall give a correct receipt upon payment of the correct fare.

C. No person may refuse to pay a lawful taxicab fare after hiring a taxicab.

D. Whenever a passenger occupies a taxicab, the driver must not permit any other person to occupy the taxicab except with consent of the original passenger. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.090 Equipment.

Every taxicab is to be equipped with the following:

A. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer. Taxicabs charging flat rates must be equipped with a sign complying with LCMC [10.20.120](#) stating "Flat Rate" conspicuous to a passenger upon entry into the taxicab.

B. A top light identifying it as a taxicab.

C. The company name and telephone number where service can be requested displayed on the exterior of the vehicle.

D. A mobile communication device with a hands-free accessory or “state of the art” taxi radio on a clear coordinated taxicab radio frequency for customer comfort and rapid dispatching of calls for service.

E. The driver’s approved city taxicab driver’s permit conspicuously displayed in a permanent mounted position inside the vehicle, in a place where it can be easily viewed by a passenger. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.100 Approval of drivers – Permits required.

It is unlawful for any person to operate a taxicab in the city unless the person has been issued a taxicab driver’s permit by the police department in accordance with the terms of this chapter.

A. Application for a Taxicab Driver’s Permit. A person may apply for a taxicab driver’s permit by submitting a completed application to the police department accompanied by payment of a fee established by resolution of the city council. The application must include the name, address, age, and Oregon driver’s license number of the applicant and a photo of the applicant taken by the police department.

B. Upon receipt of such application, the police department shall be responsible for investigating the applicant’s background as necessary to verify compliance with subsection (C) of this section, including initiating a criminal background check.

C. The police department shall not issue a taxi driver’s permit unless the police department has verified the applicant:

1. Is 21 or more years of age;
2. Possesses a valid Oregon driver’s license;
3. Has not had a driver’s license revoked by any state within the last five years;
4. Did not make any false statements in the application;
5. Has been investigated by the police department, which has verified the applicant’s background is satisfactory.

a. In conducting the investigation of the applicant, the police department shall verify that the applicant has not been convicted of any felony or misdemeanor involving a crime against persons as defined in ORS Chapter [163](#), including but not limited to homicide, manslaughter, assault, kidnapping, sexual offenses, harassment and stalking; or any violation of the Oregon Vehicle Code defined as a felony or misdemeanor, including driving under the influence of intoxicants as defined in ORS Chapter [813](#); or any misdemeanor involving theft or fraud.

b. Where an applicant’s driver’s license has been suspended or revoked during the last five years, the police department shall verify that the applicant has been satisfactorily reinstated.

c. Where the application or other information provided by the applicant indicates a conviction for violation of ORS Chapter [811](#) (Rules of the Road for Drivers), the police department shall investigate the violation and determine whether the nature of the violation, when viewed in light of the circumstances of the violation and the city's duty to protect the public, is such that a reasonable person would believe the driver so convicted is an unacceptable risk to public safety. If the person making the investigation believes such a risk exists, then the police department shall notify the city manager and the applicant that the applicant's background check is not satisfactory, and the police department shall not issue a permit to the applicant.

D. If the police department determines that the applicant meets the requirements of this chapter, including paying any required fee, the police department shall issue the permit.

E. If the application is denied, or a permit is revoked or suspended, the applicant may appeal the decision by submitting an appeal in writing to the city manager within seven days of notice of the decision by the police department. Within three days of a written appeal, the city manager will set a time no later than seven days from the date of the written request to hear the appeal. Within three days after the hearing, the city manager shall issue a decision either affirming the police department decision or taking other action including remanding the application to the police department to issue the permit based on the information presented.

F. Any taxicab driver's permit expires one year from date of issue and may be renewed from year to year upon application to the police department. The fee for a renewal permit shall be set by resolution of the city council.

G. As a condition of licensing, a taxicab driver shall agree in writing to notify the city manager within 10 days of conviction of any crime included in subsection (C)(5)(a) or (c) of this section. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.110 Insurance requirements.

A. No person may drive or operate, or cause to be driven or operated, any taxicab in the city unless the certificate holder has on file with the police department a certificate of insurance written by a responsible and solvent insurance carrier authorized to write insurance policies in Oregon, that it has issued to or for the benefit of the certificate holder or taxicab driver a commercial auto liability policy which is in full force and effect, and designating in such policy the taxicabs which may be driven or operated and the drivers who may operate such taxicabs under this chapter. These requirements are intended to insure the vehicle and its operation by the driver.

B. The taxicab liability insurance policy shall insure the certificate holder and any other person using or responsible for the use of any such taxicab against loss from the liability imposed upon such operation of such taxicab by law for injury to, or death of, any person, or damage to property growing out of the maintenance, operation or ownership of any taxicab, in the amount of \$1,000,000 combined single limit for bodily injury and property damage.

C. The policy required in this section shall include a statement that the policy is not cancelable nor the coverage reducible except on 30 days' prior written notice to the police department.

D. The insurance minimum limits required by subsection (B) of this section apply when the city issues a new license or permit, or reissues or renews a license or permit. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.120 Rates.

A. Except for a taxicab charging a flat rate, the rates to be charged to passengers are to be based on the following: the mileage from the point of origin to the point of destination by the most direct route, the time involved, and the number of passengers. Each taxicab must be equipped with taximeter to compute the rate. In lieu of a computed rate, a flat rate may be charged.

B. The rate schedule must be posted in each taxicab in a place where passengers may readily see the schedule. No taxicab may charge more than the posted rate. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.130 Complaints.

Certificate holders shall maintain a record of all complaints received in writing or by telephone and shall keep posted in a conspicuous place in the passenger compartment of each taxicab a statement setting forth the address and telephone number of the owners to which complaints should be directed, and a notice that a record of all complaints shall be open to inspection and review by the city at any time on its request. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.140 Certificate application requirements.

A. An application for a certificate shall be filed with the police department. The application must be verified under penalty of perjury and contain or be accompanied by the following information and documentation:

1. The name, business address, and residence address of the owner or person applying.
2. The make, type, year of manufacture and seating capacity of the vehicle(s) for which application for certificate is made.
3. A description of the proposed color scheme, insignia, trade style or any other distinguishing characteristics of the proposed vehicle design.
4. A statement whether the applicant or any officers of the applicant have been convicted of any felony, misdemeanor or violation of any municipal ordinance or state law, including non-moving traffic violations and parking offenses, the nature of the offense and the punishment or penalty assessed.
5. A policy of insurance in the manner and form required under LCMC [10.20.110](#).
6. Payment of a nonrefundable fee as provided in subsection (B) of this section.

B. The fee is to be set by resolution of the city council. The resolution shall include an exception to the fee requirement, during the first calendar year or portion thereof in which these regulations apply, in response to a request from a person who has demonstrated current payment of an occupation tax to the city. Such person shall be eligible to apply for a certificate prior to December 31st of that year without payment of the fee as required in subsection (A) of this section.

C. Before acting on any application for a certificate, the police chief shall be responsible for conducting an investigation of the owner or applicant within 60 days from the date the application is filed. Upon completion of such investigation the police chief shall report any findings and decision denying a certificate, in writing, to the city manager and the applicant. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.150 Issuance of certificate.

The police department will issue a certificate to operate a taxicab upon approval by the city manager or the city manager's designee that the applicant has met the requirements of this chapter. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.160 Indemnification.

A. Any recipient of a certificate of public convenience and necessity shall agree to pay all damages and penalties that the city may legally be required to pay as a result of granting a certificate and shall agree to defend and indemnify the city against all claims resulting from the granting of such a certificate. These damages or penalties shall include, but not be limited to, damage arising out of the operation or maintenance of a taxicab as authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this chapter.

B. The certificate holder shall pay and, by its application and the granting of a certificate of public convenience and necessity, specifically agrees that it will pay all necessary and reasonable expenses incurred by the city in defending itself against all damages and penalties mentioned in subsection (A) of this section, including, but not limited to, reasonable attorney fees. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.170 Reports to the police department.

A. Every taxicab company shall immediately report to the police department as soon as any of the following events occur:

1. The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab company involving the operation of the taxicab company;
2. Any taxicab accident required to be reported to the state involving a vehicle driven for the taxicab company;
3. The filing of a lawsuit against or on behalf of the taxicab company related to the operation of the taxicab company;

4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab company; or

5. Any information required to be disclosed by subsection (B) of this section.

B. Every taxicab driver shall report to the police department, and to the company for which he or she drives, the occurrence of the following:

1. Any arrest, charge, or conviction of the taxicab driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's operation of a taxicab;

2. Any arrest, charge, or conviction of the taxicab driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense;

3. Any vehicle accident required to be reported to the state involving any taxicab operated by the taxicab driver;

4. Any restriction, suspension or revocation of the taxicab driver's motor vehicle driver's license; or

5. Lapse, cancellation, or reduction of coverage of any insurance policy the city or police department relied on in issuing a certificate or permit or renewal thereof. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.180 Violation – Enforcement.

A. A violation of any provision of this chapter, including but not limited to operating a taxicab service from points originating within the city without holding a valid, approved certificate, or operating a vehicle without a valid, approved taxicab permit, shall be enforced as a Class B violation under Chapter [1.16](#) LCMC.

B. Each day's violation of a provision of this chapter constitutes a separate offense. (Ord. 2015-10 §§ 5, 6; Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.190 Additional remedies.

Operating a taxi in violation of this chapter is declared detrimental to public health and safety and a nuisance as authorized by LCMC [8.12.130](#)(B). As an alternative to any remedy provided for enforcement, the city may use the abatement procedures of Chapter [8.12](#) LCMC or institute injunctive or other appropriate proceedings to temporarily or permanently enjoin the operation of a taxi. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)