

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-767

IN THE MATTER OF ORDINANCE 16-O-767, AN ORDINANCE ADDING CHAPTER 5.15, TRANSPORTATION NETWORK COMPANIES, TO THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Chapter 5.15

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 5.15 to the Brookings Municipal Code.

Section 2. Adds Chapter 5.15: Chapter 5.15, Transportation Network Companies is added to read as follows:

Chapter 5.15
Transportation Network Companies

Sections:

- 5.15.010 Definitions.**
- 5.15.020 Permit to operate required.**
- 5.15.030 Permit application procedures.**
- 5.15.040 Annual license fee.**
- 5.15.050 Operator requirements.**
- 5.15.060 Suspension and revocation of permits.**
- 5.15.070 Insurance required.**
- 5.15.080 License and equipment requirements.**
- 5.15.090 Passenger requirements.**
- 5.15.100 Revocation of license.**
- 5.15.110 Penalty for violation.**

5.10.010 Definitions.

A. "Transportation Network Company" (TNC) means any entity or organization, whether a corporation, partnership, sole proprietor, that connects passengers with affiliated TNC Drivers and TNC Vehicles through an Internet based digital or software platform/application operated by the Transportation Network Company.

B. "Transportation Network Company (TNC) Driver" means any individual operating a private for-hire vehicle who connects with passengers through an Internet based digital or software platform/application operated by an affiliated Transportation Network Company.

C. "Transportation Network Company (TNC) Services" means any private for-hire transportation offered or provided to passengers for compensation by a TNC Driver and TNC Vehicle on behalf of or by an affiliated Transportation Network Company.

D. "Transportation Network Company (TNC) Vehicle" means any vehicle driven by a Transportation Network Company Driver to offer and/or provide Transportation Network Company Services.

5.10.020 Permit to operate required.

It shall be unlawful to engage in the business of operating a Transportation Network Company service within the city of Brookings without first having secured a permit therefor. Such operation of a TNC by any person, firm, or corporation is hereby prohibited unless the owner and/or operator thereof first pays an annual license fee and, based upon the approval of his application, receives from the city of Brookings a permit to so operate said TNC within the corporate limits of the city of Brookings.

5.15.030 Permit application procedures.

All owners and operators of TNCs shall duly file with the city an application for the operation thereof within the corporate limits of the city of Brookings; and further, the form and requirements thereof shall be as prescribed from time to time by the city manager subject only to the review and further amendment thereof by the common council of the city of Brookings.

5.15.040 Annual license fee.

A. No permit for the use and operation of a TNC shall be issued until said application has been approved by the city manager and the payment by application of the annual license fee pursuant to the master fee schedule. Said annual license fee may be adjusted, from time to time, upon motion of the city council; however, all TNC permits issued under this chapter shall begin on the first day of the fiscal year and expire on the last day of said year and no license fee herein required shall be prorated over said fiscal year, but shall be paid in full amount as if the same had been issued on the first day of the fiscal year.

B. The annual license fee, payable in advance, shall be in addition to any other fee required by any other ordinance of the city of Brookings, including but not limited to the business license fee.

5.15.050 Operator requirements.

A. No person shall provide the service of a TNC driver within the city of Brookings without having first obtained a TNC driver's permit.

B. Application for such permit may be made by the payment of a fee to the city of Brookings pursuant to the master fee schedule and shall set forth the name, address, date of birth and Oregon driver's license number of the applicant. The applicant shall provide a two-and-one-half-inch by three-and-one-half-inch photograph to be attached to the TNC driver's permit. A permit may be

issued by the city of Brookings if the applicant satisfactorily passes the police background investigation. The chief of police, or his designee, shall investigate each applicant for a TNC driver's permit. The following shall be cause for the chief of police to deny a permit:

1. The applicant for a TNC driver's permit has been convicted within the previous 36 months of any major traffic offense, as defined by Oregon law, possession of an open container of alcohol or possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs).
2. The applicant for a TNC driver's permit has been convicted of a felony within the previous 36 months;
3. The applicant for a TNC driver's permit has accumulated more than three convictions for moving traffic offenses within the previous 12 months;
4. The applicant for a TNC driver's permit does not hold a valid Oregon driver's license; or
5. The applicant for a TNC driver's permit is not 21 years of age.

C. A TNC driver's permit shall be renewed every two years of registration as a TNC driver with the following conditions.

1. Any break in continuous employment will require a new permit;
2. Any significant change in appearance from permit identification photograph to TNC driver's actual current appearance will require a photograph change on the permit. A new photograph must be brought to City Hall for new identification preparation. There will be a charge for this service pursuant to the master fee schedule.

D. TNC drivers shall annually provide the chief of police with a copy of the DMV driving record. Drivers with an acceptable driving record will have their identification permit stamped and be allowed its continued use.

E. The city manager may revoke the permit of a TNC driver who is convicted of possession of an open container of alcohol, possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs), or a major traffic offense, all as defined in Oregon Revised Statutes.

F. It shall be unlawful for any TNC driver, while on duty, to drink any intoxicating liquor or use any controlled substance, or to disobey any traffic rules or regulations established by Oregon Revised Statutes or a city of Brookings ordinance.

G. The TNC driver's permit shall be displayed in a prominent place in the TNC vehicle at all times when in service. A TNC driver's permit is not transferable.

5.15.60 Suspension and revocation of permits.

A. The city manager may suspend or revoke any TNC driver's permit for noncompliance with the provisions of this chapter. Such suspension may extend for a period not to exceed one year.

- B. No TNC driver's permit shall be revoked unless the owner has first received notice and an opportunity to present evidence in his/her behalf to the city manager. Any owner may appeal a suspension or revocation to the city council, whose decision shall be final and binding.

5.15.070 Insurance Required.

No TNC shall be operated upon the streets of the city of Brookings unless it is covered by property damage insurance policy in the amounts required under the statutes of the state of Oregon.

5.15.80 License and equipment requirements.

- A. No TNC vehicle shall be operated unless it bears a state license duly issued and displayed; and further, no owner or operator thereof shall drive or permit such to be driven unless it is equipped with proper brakes, lights, tires, horn, muffler, rear and side vision mirrors, and windshield wipers in good condition.
- B. Any TNC vehicle found to be in violation of any safety requirements of the state of Oregon or the city shall be ordered out of service, and before being placed again in service any mechanical or safety related defects shall be corrected and such correction verified by the chief of police or his designee.
- C. The interior and exterior of every TNC vehicle shall be kept as thoroughly clean as reasonably possible at all times.

5.15.090 Passenger Requirements.

It shall be the duty of any TNC driver to accept any passenger who seeks to use the service, providing such person conducts himself in an orderly manner. The driver shall take the passenger to the requested destination by the most direct available route from the place where the passenger enters the vehicle.

5.15.0100 Revocation of license.

Any and all permits and licenses for the operation of TNC vehicles, as the same may be granted hereunder, may be revoked and forfeited, without recovery of the license fee or any part thereof, by the city manager for any violation by said permittee of any of the terms or provisions of this chapter. No permit issued under this chapter shall vest any right in the licensee to continued use or operation of TNC vehicles within the city of Brookings, whether upon renewal or revocation thereof or otherwise.

5.15.110 Penalty for violation.

Any person, firm or corporation operating a TNC service within the corporate limits of the city of Brookings who has not complied with the terms and provisions of this chapter shall be guilty of a violation of this chapter and, upon conviction thereof, shall be punishable pursuant to Chapter 1.05 BMC, General Penalty. [Ord. 16-O-757 § 4; Ord. 97-O-387.D § 7; Ord. 84-O-387 § 14.]

First Reading: December 12, 2016 Passage: December 12, 2016
Second Reading: December 12, 2016 Effective Date: January 10, 2017

Signed by me in authentication of its passage this 14th, day of December, 2016

ATTEST:

Ron Hedenskog
Mayor Ron Hedenskog

Teri Davis
City Recorder Teri Davis