

**A BILL FOR AN ORDINANCE AMENDING )  
CHAPTER 5.44 OF THE LEBANON )  
MUNICIPAL CODE, TAXICABS )**

**Ordinance Bill Number 2  
for 2007  
Bill Number 2730**

The City of Lebanon does hereby ordain as follows:

Section 1. Chapter 5.44 of the Lebanon Municipal Code is hereby amended to read as follows:

**Chapter 5.44 TAXICABS**

**5.44.010 Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them by this section:

- (1) "Street" means any street, alley, avenue, court, bridge, lane or public place in the City.
- (2) "Operator" means any person owning, having control of the use of or engaged in the business of operating one or more taxicabs within the City.
- (3) "Taxicab driver" means any person who drives a taxicab, whether such person owns the taxicab or is employed by the operator of a taxicab.
- (4) "Person" means and includes one or more persons of either sex, natural persons, corporations, partnerships and associations.
- (5) "Council" means the City Council of the City of Lebanon, Oregon.
- (6) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, capable of being consumed by a human being.
- (7) "Vehicle certificate" means a numbered decal issued by the City to the operator upon approved license application.
- (8) "Employee" means any person employed by a taxicab company for remuneration or under any contract of hire, written or oral, express or implied, including independent contractors.
- (9) "Taxicab" means any motor vehicle that is operated for hire by a taxicab company, other than a shuttle, limousine, charter, tour bus, accessible vehicle, medical transport vehicle or ambulance. For purposes of this section, the following definitions shall apply:
  - (a) "Shuttle" means any motor vehicle for hire that transports passengers between predetermined destinations (e.g., motels and airports), at fixed rates, and on a fixed schedule.
  - (b) "Limousine" means any luxury class motor vehicle that is operated for hire on a reserved, hourly basis.
  - (c) "Charter" means any motor vehicle originating from the Lebanon area, marked with the company's business name, operated for hire to transport a group of seven or more persons with the fare based on a fixed group rate rather than an individual rate.
  - (d) "Tour bus" means a motor vehicle accepting individual passengers for a fare for sightseeing or guided tours, making occasional stops at certain points of interest and returning the passengers to the point of origin.

(e) "Accessible vehicle" means any motor vehicle constructed and equipped for the non-emergency transportation of persons in wheelchairs, persons using other mobility aids, or with other mobility impairments.

(f) "Medical transport vehicle" means any motor vehicle constructed and equipped for the non-emergency transportation of persons in connection with their illness, injury or disability only while such vehicle is being operated for the purpose of transporting persons to or from such medical treatment or appointment with a health care provider. By illustration, and not by way of limitation, such use does not include grocery shopping or other transportation not directly related to the provision of medical services.

(g) "Ambulance" means any motor vehicle constructed and equipped for the emergency transportation of persons because of or in connection with their illness, injury or disability.

(10) "Vehicle for hire" means taxicabs, shuttles, limousine services, charter services, tour buses, accessible vehicles, medical transport vehicles and invalid or wheelchair coaches.

#### **5.44.020 Operator's License.**

A. No person shall operate or drive a taxicab for hire in the city of Lebanon without first obtaining an operator's license as required in this chapter. Each applicant for an operator's license shall apply to the City Administrator for such license upon such form as is prescribed by the City Administrator and shall include thereon the following information:

(1) If a corporation, limited partnership or association, the applicant shall be authorized to conduct business under the laws of the State of Oregon, and shall supply proof of active business registry with the Secretary of State;

(2) Name and post office address of the applicant (if a partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto);

(3) The business name under which the operator will do business;

(4) Evidence of insurance as hereinafter require

(5) Any other information reasonably requested by the City Administrator that pertains to the age, financial responsibility or general qualifications of the Operator.

B. No application for a vehicle for hire license shall be granted unless the applicant meets the following qualifications:

(a) Be of the age of eighteen or over.

(b) Can read and speak the English language sufficiently to converse with the general public.

(c) Be the holder of a current and valid Oregon motor vehicle driver's Class C license.

(d) During the consecutive five years immediately preceding the application, the applicant shall not have any convictions or bail forfeitures for the following traffic offenses, including convictions for similar offenses in other jurisdictions:

(1) Reckless driving;

(2) Driving under the influence of intoxicants;

(3) Failure to perform the duties of a driver involved in an accident or collision;

(4) Criminal driving while suspended or revoked; or

(5) Fleeing or attempting to elude a police officer.

(6) Murder

(7) Manslaughter

(8) Criminally negligent homicide

- (9) Assault
- (10) Menacing
- (11) Kidnapping
- (12) Rape
- (13i) Sodomy
- (14) Sexual penetration with a foreign object
- (15) Sexual abuse
- (16) Contributing to the sexual delinquency of a minor
- (17) Using a child in display of sexually explicit conduct; and
- (18) Has not been convicted of a felony or a misdemeanor involving moral turpitude; and
- (19) Did not knowingly make any false statement in the application for the license

**5.44.030. Investigation of Applicant.** Upon receipt of an application for any license required by 5.44.020, the City Administrator shall refer the same to the chief of police and to any other city official for investigation of the applicant's business and moral character and of the statements contained in the application as may be necessary for the protection of the public health, safety and welfare, and to determine whether any cause exists for denial of the license. Such investigation may include the fingerprinting of any natural person whose name is required to be furnished to the application pursuant to this Chapter.

**5.44.040. Report of Investigation.** The chief of police and any other city official shall, upon concluding any investigation pursuant to LMC 5.44.030, prepare a report of findings and submit the same to the City Administrator, recommending either issuance or denial of the license. Such recommendation shall be considered by, but shall not be binding upon the City Administrator.

**5.44.050 Taxicabs.**

- A. Every taxicab shall be so designated as such by plain visible letters on the side thereof.
- B. Every taxicab shall have affixed a vehicle certificate as issued by the City upon an approved license application.
- C. Every taxicab shall post a schedule of rates for services where it can be easily read by any and all passengers.
- D. No taxicab driver or operator shall use a taxicab for the transportation or delivery of an alcoholic beverage. This section shall not prohibit the transportation of a person, for hire, when such person lawfully possesses an alcoholic beverage.
- E. No taxicab driver or operator shall accept compensation, in any form, for the transportation or delivery of any alcoholic beverage, except as allowed in subsection D. of this section.

**5.44.060 Taxicab Certification.**

- A. No operator shall put into service, nor shall any employee drive, any taxicab that has not been certified and issued a vehicle certificate by the City.
- B. Each vehicle certificate issued by the City shall be affixed to a specific taxicab for identification purposes, placed in a location upon the taxicab as approved by the City Administrator.
- C. All vehicle certificates issued by the City are nontransferable and may not be removed by anyone without supervision of the City Administrator or its designee.
- D. No vehicle certificate may be sold, assigned, mortgaged or otherwise transferred.

E. Any operator who retires any taxicab from service shall immediately surrender to the City any vehicle certificate issued by the City for the operation of such taxicab, and may not secure an additional vehicle certificate for the operation of such taxicab without making separate application therefore.

**5.44.070 Fees.**

A. Each operator making application for an operator's license or application for a taxicab certification shall pay an annual fee as established by the Council by resolution.

B. An operator shall pay a proportionate amount of the above fees for parts of less than a year and thereafter fees for an operator's license shall become due and payable the first business day of each calendar year.

**5.44.080 Safe and Adequate Service Required.**

A. The interior of a vehicle for hire shall be kept clean and free of debris through a daily inspection by the operator prior to that vehicle being placed into service.

B. Each operator shall conduct a monthly safety check of each vehicle for hire used by that business and shall maintain written vehicle safety logs specifying each safety check.

**5.44.090 Inspections.** Every vehicle for hire shall be subject to inspection without prior notice by the City Administrator or its designee to ensure compliance with this chapter. These inspections shall be done during business hours.

**5.44.100 Insurance.**

A. No operator shall drive or operate, or cause to be driven or operated, any taxicab in the City of Lebanon unless the operator has on file with the City, and shall keep in full force and effect, a policy of insurance, approved by the City Administrator as to form and compliance with this chapter, issued for the benefit of the operator by a responsible and solvent insurance corporation authorized to write policies in the State of Oregon. The policy of insurance shall designate therein which taxicabs may be driven or operated under the policy, and shall contain policy limits not less than as follows:

- (1) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence;
- (2) \$200,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence;
- (3) \$500,000 for any number of claims arising out of a single accident or occurrence.

B. The policy of insurance shall require notification to the City Administrator of any amendment, cancellation or termination of policy. The operator, on or before the effective date of amendment, cancellation or termination of the policy, shall immediately surrender to the City any vehicle certificate issued by the City for the operation of a taxicab which is removed from coverage under the policy of insurance, and may not secure an additional vehicle certificate for the operation of such taxicab without making separate application therefore.

C. The City may deny the issuance of any vehicle certificates to any operator who has failed to surrender a prior vehicle certificate as required by this chapter.

**5.44.110 Operator's license revocation.**

The Council may revoke any operator's license for violation of any provision of this chapter. The Council may utilize any revocation procedure which, at a minimum, provides the operator with mailed notice of the proposed revocation and the grounds therefor, and provides the operator with an opportunity to be heard by the Council. The operator's license of a driver shall be automatically and without further notice suspended from and during any time that such licensee's Oregon motor vehicle driver's Class C license has been suspended or revoked by the Oregon Motor Vehicle Division.

**5.44.120. Display of rates and license.**

A. The schedule of rates shall be conspicuously posted in each taxicab in a manner that may be easily read from both the inside and outside of each taxicab. The printed rate shall be headed with the word "Rates" in letters not less than one-half of an inch in height, and the text therefore shall be in letters not less than twelve-point type and shall be printed on a card not less than six inches by ten inches in size.

B. The driver shall display in such coach a laminated vehicle for hire license with a picture of driver visible to the passengers.

**5.44.130. Meter; to be in operation when taxicab engaged.** No passenger shall be carried in any taxicab unless the taximeter is in operation. This provision shall apply regardless of whether the taxicab is engaged for a trip entirely within the boundaries of the city or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, regardless of the point of destination.

**5.44.140. Inspection by operator; inspection label.** Every taximeter shall be inspected and tested for accuracy by the operator at least once every six months.

**5.44.150. Calculation and indication of charges.** All charges for taxicab service shall be calculated and indicated by a taximeter. Taxicab operators may also make a specialized charge to carry extra passengers, and to deliver packages or other items.

**5.44.160. Dial to be lighted and discernible to passengers.**

The taximeter shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible to a passenger riding in any taxicab.

**5.44.170. Passenger's receipt.** Whenever demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of such taxicab, at the time of such payment, a receipt therefor in legible printing or writing, containing the name and address of the owner, the name of the driver, any and all of the times for which a charge is made, the total amount paid, and the date of payment.

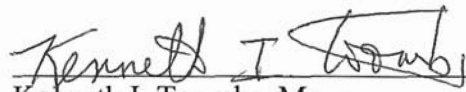
**5.44.180 Notice.**

Any notice mailed by first class mail by the City shall be mailed to the operator to the primary address as set forth on the license application, and shall be deemed received by the operator three days after mailing. Failure to receive actual notice shall not be a defense to any proceeding under this Chapter.

**5.44.190 Violation – Penalty.**

Any person violating any of the provisions of this chapter is subject to those penalties set forth in Chapter 1.12 of this Code, General Penalty.

Passed by the City Council of the City of Lebanon by a vote of 6 for and 0 against on the 28th day of February, 2007.

  
Kenneth I. Toombs, Mayor   
Ron Miller, Council President

ATTEST:

  
Linda Kaser, City Clerk/Recorder