

ORDINANCE 727
CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 5.24 OF THE LACEY MUNICIPAL CODE RELATING TO THE LICENSING REQUIREMENTS AND REGULATING THE OPERATION OF TAXICABS AND OTHER FOR-HIRE VEHICLES WITHIN THE CITY AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID CHAPTER

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 5.24 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 5.24

TAXICABS AND FOR-HIRE VEHICLES*

Sections:

- 5.24.010 Definitions.
- 5.24.020 License required.
- 5.24.030 License--Application.
- 5.24.050 License--Issuance--Conditions.
- 5.24.060 Liability insurance required.
- 5.24.070 License--Fee.
- 5.24.080 License not transferable.
- 5.24.090 License--Suspension and revocation.
- 5.24.100 Driver's permit required.
- 5.24.110 Driver's permit--Application.
- 5.24.120 Driver's permit--State.
- 5.24.130 Driver's permit--Police investigation of applicant.
- 5.24.140 Driver's permit--Consideration of application.
- 5.24.150 Driver's permit--Temporary permit--Issuance--Duration--Fee.
- 5.24.160 Driver's permit--Display required.
- 5.24.170 Driver's permit--Suspension and revocation.
- 5.24.180 Driver's permit--Compliance required--Revocation.
- 5.24.190 Vehicles--Inspection--Permit.
- 5.24.200 Designation of taxicabs.
- 5.24.210 Rate schedule and card required.
- 5.24.220 Receipts.
- 5.24.230 Refusal of passenger to pay fare unlawful.
- 5.24.240 Solicitation of passengers.
- 5.24.250 Receipt and discharge of passengers on sidewalk only.
- 5.24.260 Cruising unlawful.
- 5.24.270 Restrictions on number of passengers.

* For the statutory provisions regarding the licensing of for-hire vehicles, see RCW 46.72.020(4); for the general provisions regarding for-hire vehicles, see RCW 46.72.

Sections: (Continued)

- 5.24.280 Refusal to carry passengers--When unlawful.
- 5.24.290 Prohibitions of drivers.
- 5.24.300 Prohibitions of passengers.
- 5.24.310 Taxicab stands and loading zones.
- 5.24.320 Voluntary suspension of license.
- 5.24.330 Prohibitions of other vehicles.
- 5.24.340 Taxicab service requirements.
- 5.24.360 Holder's records and reports.
- 5.24.380 Police department--Chapter enforcement.
- 5.24.390 Violation deemed misdemeanor.

5.24.010 Definitions. The following words and phrases when used in this chapter have the meanings as set out in this section:

- (1) "Cruising" means the driving of a taxicab on the streets, alleys, or public places of the city in search of or soliciting prospective passengers for hire;
- (2) "Driver's license" means the permission granted by the city to a person to drive a taxicab upon the streets of the city;
- (3) "Holder" means a person to whom a license has been issued;
- (4) "License" means that permission granted by the city council and issued by the city clerk authorizing the holder thereof to conduct a taxicab business in the city;
- (5) "Person" includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association;
- (6) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route;
- (7) "Taxi loading zone" means a public place alongside the curb of a street or elsewhere in the city which has been designated by the city council as reserved exclusively for the use of taxicabs;
- (8) "Taxi stand" means a public place adjacent to the curbing or street set aside for the exclusive use of a taxicab company;
- (9) "Waiting time" means the time when a taxicab is not in motion by request of or the fault of the passenger or passengers, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers. (Ord. 389 §1, 1975: Ord. 88 §1, 1968).

5.24.020 License required. No person shall operate a taxicab owned or controlled by him to be operated as a vehicle

for hire upon the streets of the city without first having obtained a license issued by the city clerk. (Ord. 533 §2, 1979: Ord. 389 §2, 1975: Ord. 88 §2, 1968).

5.24.030 License--Application. An application for a license shall be filed with the city clerk upon forms provided by the city clerk, and the application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant;
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments;
- (3) The experience of the applicant in the transportation of passengers;
- (4) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- (5) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant. (Ord. 533 §3, 1979: Ord. 88 §3, 1968).

5.24.050 License--Issuance--Conditions. (a) If the city clerk finds that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the city council, then the city clerk shall issue a license stating the name and address of the applicant, the number of vehicles authorized under the license and the date of issuance; otherwise, the application shall be denied.

(b) In making the above findings, the city clerk shall take into consideration the character, experience, and responsibility of the applicant. (Ord. 533 §4, 1979: Ord. 88 §5, 1968).

5.24.060 Liability insurance required. (a) No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the state of Washington. The policy shall provide for each vehicle authorized in the amount of one hundred thousand dollars for bodily injury to any one person; in the amount of three hundred thousand dollars for injuries to more than one person which are sustained in the same accident, and ten thousand dollars for property damage resulting from any one accident, subject to state law. The insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. A true copy of the insurance

policy shall be filed in the office of the city clerk and approved by the city attorney prior to the renewal of the taxi license.

(b) An applicant may have a license issued but held by the city clerk as provided in Section 5.24.320, during which time no insurance shall be required. (Ord. 88 §6, 1968).

5.24.070 License--Fee. No license shall be issued or continued in operation unless the holder thereof has paid an annual license fee established by resolution of the city council for each vehicle operated under license. The license fees shall be for the calendar year and shall be in addition to any other fees or charges established by proper authority and application to the holder of the vehicle or vehicles under his operation and control. (Ord. 666 §11, 1982: Ord. 88 §7, 1968).

5.24.080 License not transferable. No license may be sold, assigned, mortgaged or otherwise transferred without the consent of the city council. (Ord. 88 §8, 1968).

5.24.090 License--Suspension and revocation. (a) A license may be revoked or suspended by the city clerk if the holder thereof has:

- (1) Violated any of the provisions of this chapter;
- (2) Discontinued operations for more than sixty days;
- (3) Has violated any of the ordinances of the city or the laws of the state, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. (Ord. 533 §5, 1979: Ord. 88 §9, 1968).

5.24.100 Driver's permit required. No person shall operate a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of the taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this chapter. (Ord. 88 §10, 1968).

5.24.110 Driver's permit--Application. An application for a taxicab driver's permit shall be filed with the city clerk on forms provided by the city and such application shall be verified under oath and shall contain the following information:

- (1) The experience of the applicant in the transportation of passengers;

- (2) A concise history of his employment;
- (3) Pictures and fingerprints.

At the time the application is filed the applicant shall pay to the city clerk the sum established by resolution of the city council, which sum shall be retained by the city clerk whether a license is issued or refused. (Ord. 666 §12, 1982: Ord. 389 §3, 1975: Ord. 88 §11, 1968).

5.24.120 Driver's permit--State. Before any application is finally passed upon by the city the applicant shall be required to show that he has a current motor vehicle operator's permit issued by the state of Washington. (Ord. 389 §4, 1975: Ord. 88 §12, 1968).

5.24.130 Driver's permit--Police investigation of applicant. The police department shall conduct an investigation of each applicant for a taxicab driver's permit and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the city manager. (Ord. 389 §5, 1975: Ord. 88 §13, 1968).

5.24.140 Driver's permit--Consideration of application. The city manager shall, upon consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city council to offer evidence why his application should be reconsidered. (Ord. 389 §6, 1975: Ord. 88 §14, 1968).

5.24.150 Driver's permit--Temporary permit--Issuance--Duration--Fee. (a) The city clerk, upon approval by the city manager, shall issue a temporary permit for such period of time not to exceed thirty days as the manager shall designate, and such temporary permit shall have stamped thereon the date of termination.

(b) Upon approval of an application as hereinabove provided for a taxicab driver's permit, the city clerk shall issue a permit to the applicant, which permit shall bear the name, address, age, signature and photograph of the applicant. Such permit shall be in effect for the remainder of the calendar year.

(c) A permit for every calendar year thereafter shall be issued upon the payment of a fee established by resolution of the city council and may be issued within thirty days of the expiration of the calendar year. Such renewal, however, shall not be granted unless the permit for the preceding year has not been revoked. (Ord. 666 §13, 1982: Ord. 389 §7, 1975: Ord. 88 §15, 1968).

5.24.160 Driver's permit--Display required. Every driver licensed under this chapter shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab. (Ord. 88 §16, 1968).

5.24.170 Driver's permit--Suspension and revocations. The city manager is hereby given the authority to suspend any driver's permit issued under this chapter for a driver's failure or refusal to comply with the provisions of this chapter, such suspension to last for a period not more than sixty days. The city manager is also given authority to revoke any driver's permit for failure to comply with provisions of this chapter. However, a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf. (Ord. 389 §8, 1975: Ord. 88 §17, 1968).

5.24.180 Driver's permit--Compliance required--Revocation. Every driver licensed under this chapter shall comply with all city, state and federal laws. Failure to do so will justify the city manager suspending or revoking a permit. (Ord. 389 §9, 1975: Ord. 88 §18, 1968).

5.24.190 Vehicles--Inspection--Permit. (a) Prior to the use and operation of any vehicle under the provisions of this chapter the vehicle shall be thoroughly examined and inspected by the police department and found to comply with

normal safety standards.

(b) When the police department finds that a vehicle has met with the normal safety standards the department shall issue a permit to that effect, which shall also state the authorized seating capacity of the vehicle.

(c) Every vehicle operating under this chapter shall be inspected annually by the police department to insure the continued maintenance of safe operating conditions. (Ord. 389 §10, 1975: Ord. 88 §19, 1968).

5.24.200 Designation of taxicabs. (a) Each taxicab shall bear clearly identifying markings including the name of the licensed taxicab company. No vehicle covered by the terms of this chapter shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public; and provided, further, that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked. (Ord. 389 §11, 1975: Ord. 88 §20, 1968).

5.24.210 Rate schedule and card required. Every person, firm, or corporation operating taxicabs in the city shall file with the city clerk a schedule of rates to be charged for the operation of their taxicabs within the city limits, and it is unlawful for any such person, firm or corporation to make any other charges, either more or less, for the services rendered by such person, firm or corporation than as set forth in the rate schedule. Such person, firm or corporation shall further cause to be posted in every taxicab a card containing a schedule of the rates, the card to bear the written approval of the city clerk. The card shall be posted in a prominent place in the taxicab. Filed rates shall not be changed until the schedule of the proposed changes in rates are on file with the city clerk for a period of thirty days. (Ord. 389 §12, 1975: Ord. 88 §21, 1968).

5.24.220 Receipts. The driver of any taxicab shall upon demand by the passenger render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of charge and date of transaction. (Ord. 88 §22, 1968).

5.24.230 Refusal of passenger to pay fare unlawful. It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same, and it is unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service. (Ord. 88 §23, 1968).

5.24.240 Solicitation of passengers. It is unlawful to solicit passengers for a taxicab by the use of word of mouth or any other method while cruising except by the use of signs or insignia on the body of the taxicab or the driver of the taxicab. No taxicab shall be allowed to park on the public streets except in a taxi stand or loading zone unless on specific business unrelated to the taxi business. No taxicab shall display lighted signs when parking at any place other than a taxi stand or zone, except when accepting or discharging paying passengers. (Ord. 88 §24, 1968).

5.24.250 Receipt and discharge of passengers on sidewalk only. Drivers of taxicabs shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk, or the side of the roadway in the absence of a sidewalk. (Ord. 88 §25, 1968).

5.24.260 Cruising unlawful. It is unlawful to cruise, drive or operate a taxicab repeatedly or persistently to and fro upon any public street, unless occupied by a paying passenger. (Ord. 88 §26, 1968).

5.24.270 Restrictions on number of passengers. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the license for the vehicle issued by the police department. A child in arms shall not be counted as a passenger. (Ord. 88 §27, 1968).

5.24.280 Refusal to carry passengers--When unlawful. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. (Ord. 88 §28, 1968).

5.24.290 Prohibitions of drivers. It is a violation of this chapter for any driver of a taxicab to solicit business for any other, provided, however, this section shall not prohibit the placing of advertising signs on the taxicab. Neither

shall such driver engage in selling intoxicating liquor or solicit business for any house of ill repute or use his vehicle for any unlawful purpose. (Ord. 389 §13, 1975: Ord. 88 §29, 1968).

5.24.300 Prohibitions of passengers. It is unlawful for the driver of any taxicab to permit any person or persons to stand on the running board or bumper of such vehicle while the same is in motion, and it is unlawful for any person to ride on the running board or bumper of such vehicle when the same is in motion. (Ord. 88 §30, 1968).

5.24.310 Taxicab stands and loading zones. (a) The city council in its discretion is granted full power, upon application being made to it, to set off and designate taxicab stands upon the various streets of the city and to cause the stands to be marked off upon the streets, and provided further that, should the stand be located before property owned by an individual or individuals other than the applicant, then in that event, the owner's written permission must be procured and filed with the application for the stand, which may be revoked for cause upon hearing. Upon application for taxi stand being filed with the city council, the council shall fix the date of hearing and the city clerk shall mail, by registered mail, notice to the owners of all taxicab companies licensed in this city setting forth date of and hour of hearing, together with the name of the applicant and the location of the stand requested.

(b) The chief of police is granted full power to establish, set off and designate taxi loading zones upon the various streets of the city and to cause the stands to be marked off upon the streets. Such loading zones shall be used by all taxicab companies for the loading and unloading of passengers. A taxicab may remain parked in such loading zone whether it is being loaded or unloaded, provided that no other taxicab owned by the same company shall be parked at the same location. (Ord. 88 §31, 1968).

5.24.320 Voluntary suspension of license. In the event the holder of a license desires to voluntarily suspend the same for a period of time to be determined by the holder, not exceeding ninety days, subject to extension by the city clerk, upon application by the holder and approval by the city clerk, then in that event, he shall deposit the license with the city clerk to be returned to him upon demand; provided, that no portion of the license fee shall be returned to the holder thereof during such period of voluntary suspension; and provided further, that during the period of voluntary suspension, it shall not be necessary for the holder thereof to comply with the insurance provisions herein designated. (Ord. 533 §6, 1979: Ord. 88 §32, 1968).

5.24.330 Prohibitions of other vehicles. Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as either stand or zone. (Ord. 88 §33, 1968).

5.24.340 Taxicab service requirements. All persons engaged in the taxicab business in the city operating under the provisions of this chapter shall render an over-all service to the public desiring to use taxicabs. Holders of licenses shall maintain a place of business and keep the same open for twenty-four hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so and if the services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs, or who shall fail or refuse to give over-all service, is a violator of this chapter and the license granted to such holder shall be revoked at the discretion of the chief of police. (Ord. 88 §34, 1968).

5.24.360 Holder's records and reports. (a) Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the chief of police. Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the chief of police.

(b) All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of twenty-five dollars, shall be reported within twenty-four hours from the time of occurrence to the police department in a form of report to be furnished by the department. (Ord. 88 §36, 1968).

5.24.380 Police department--Chapter enforcement. The police department of the city is given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall report the same to the city council who will order or take appropriate action. (Ord. 88 §38, 1968).

5.24.390 Violation deemed misdemeanor. Any person violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 195 §5, 1971: Ord. 88 §39, 1968).


Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 5.24 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.


CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985