

City of St. Helens
TAXICAB COMPANY
LICENSE APPLICATION

St. Helens Municipal Code Ch. 5.08 (Ordinance No. 3062)

Name of Taxi Cab Company: _____ Business Phone: _____

Applicant

First Name: _____ Middle Name: _____ Last Name: _____

Title: _____ Home Phone: _____

Home Address: _____ City, State: _____

Mailing Address: _____ City, State: _____

Driver's License No.: _____ Driver's License State: _____

Date of Birth: _____

Business

Principal business address: _____

Office Hours: _____

Do you have a dispatch system in operation 24 hours each day? Yes No

Do you have a valid City of St. Helens Business License? In Process Yes No
If yes, Business License No. _____

Is your business a corporation, partnership, or LLC? Yes No
If yes, please check which: Corporation Partnership LLC
If no, please list business type: _____

If the business is a corporation, partnership, or a limited liability company, **and** you did not fill out the following when you applied for a business license, please provide the following information for each officer, director, partner, manager etc. not listed above:

Name: _____ Home Phone: _____

Home Address: _____ City, State: _____

Date of Birth: _____ Driver's License No.: _____

Driver's License State: _____ Title: _____

**If more space is needed, please fill out the addendum sheet or attach an additional page with the information.*

Ordinance Compliance

TAXICAB IDENTIFICATION (See Section 5.08.090)

Name shown on outside of taxicab: _____

Telephone number shown on outside of taxicab: _____

Taxicab Colors (optional): _____

SAFETY INSPECTIONS & CERTIFICATION (See Section 5.08.070):

Appointment Date & Time: _____

If the annual inspection has already been completed please attach a copy of the certification.

TAXIMETERS (See Section 5.08.060.1)

Are your taxicabs equipped with operating taximeters? Yes No

If yes, please attach copies of the most recent taximeter certifications.

DIGITAL SECURITY CAMERA REGULATIONS (See Section 5.08.080)

Are your taxicabs equipped with operating digital security cameras? Yes No

PLEASE ATTACH THE FOLLOWING:

- Copy of insurance policy showing the coverage limits (See Section 5.08.100)
- Warning sign for tobacco prohibition to be posted & fine amounts (See Section 5.08.050.7 & Section 5.08.180.5.)
- Rate schedule for Council approval (See Section 5.08.030.2.b)
- Rate card to be posted in the taxicab (See Section 5.08.210.2, 3, & 7)
- Complaints notice to be posted in the taxicab (See Section 5.08.230)
- Safety Inspection & Certification by SHPD (as noted above)
- Taximeter Certifications (as noted above)

◆ I hereby certify under penalty of perjury and false swearing that the information I have provided is true and correct. False swearing is a Class A misdemeanor punishable by up to 365 days in the county jail and a \$6,250 fine.

Applicant's Signature

Date Signed

FOR OFFICE USE ONLY

Date Received: _____

Date Approved: _____

Received by: _____

Approved by: _____

Fee: \$35.00

Receipt No.: _____

Chapter 5.08 TAXICAB COMPANIES, DRIVERS, AND TAXICABS

Sections:

- 5.08.010 Definitions.
- 5.08.020 Taxicab company permit required – Exemption.
- 5.08.030 Taxicab company permit application – Issuance of permit.
- 5.08.040 Taxicab company permit renewal.
- 5.08.050 Minimum standards for taxicab service companies.
- 5.08.060 Equipment.
- 5.08.070 Safety inspections and certification.
- 5.08.080 Digital security camera regulations.
- 5.08.090 Identification.
- 5.08.100 Insurance.
- 5.08.110 Taxicab driver's permits required.
- 5.08.120 Taxicab driver's permit application and renewal.
- 5.08.130 Denial of taxicab driver's permit.
- 5.08.140 Driver's permit approved and posting requirements.
- 5.08.150 Reports to the city.
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- 5.08.170 Conduct of drivers.
- 5.08.180 Permit suspension, revocation, and civil penalties.
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- 5.08.200 Appeals.
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- 5.08.230 Complaints.
- 5.08.240 Items lost and found.

5.08.010 Definitions.

(1) "Business license fee schedule" means a list of fees, adopted by resolution of the city council, establishing the cost of licenses for businesses located inside and outside of the St. Helens city limits.

(2) "Chief of police" means the person holding the position of chief of police of the St. Helens police department, or any agent, employee, or designee authorized to perform the duties of this chapter by the chief of police.

(3) "City" means the city of St. Helens, Oregon.

(4) "City administrator" means the person holding the position of city administrator or any agent, employee, or designee authorized to perform the duties of this chapter by the city administrator.

(5) "Digital security camera system" means a camera system installed at the taxicab owner's discretion.

(6) "Hearings officer" means the city council or an outside party not affiliated with the city that is hired or selected to conduct an appeals proceeding.

(7) "Operate" means driving a taxicab, using a taxicab to conduct a business, receiving money from the use of a taxicab, or causing or allowing another person to

do the same.

(8) "Person" means any individual, partnership, trust, estate, corporation, or other form of business organization recognized by Oregon law.

(9) "Seating capacity" means the number of permanent seats in a motor vehicle that are equipped with properly operating seatbelts.

(10) "Shuttle transportation" means transportation provided in a motor vehicle that has a valid Port of Portland permit:

(a) Over a fixed route and time schedule; or

(b) Other than on a fixed route and time schedule for transportation originating at Portland International Airport or originating in St. Helens when the destination is Portland International Airport.

(11) "Taxicab" means any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, a flat fee, any fee allowed under SHMC 5.08.210, or any combination thereof, and which is duly permitted by the city under the terms of this chapter.

(12) "Taxicab certificate" means a numbered identification card, certificate, or plate, issued by the city, permanently affixed to and prominently displayed in the rear taxicab window.

(13) "Taxicab company" means any entity that either has its primary place of business within the city limits, or regularly conducts business within the city limits, that is duly authorized by the city as a taxicab company to operate taxicabs, other than as a driver, regardless of whether the vehicles operated are owned by the company, leased, or owned by individual members of the company.

(14) "Taxicab driver" means any person duly authorized by the city as a taxicab driver under the terms of this chapter that operates taxicabs as a driver for any permitted taxicab company, regardless of whether the vehicles operated are owned by the company, leased, or owned by individual members of the company.

(15) "Taximeter" means a mechanical or electronic device which calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.

(16) "Waiting time" means time during which the taxicab is under the direction of a passenger and the taxicab is not moving. (Ord. 3062 § 1, 2007)

5.08.020 Taxicab company permit required – Exemption.

(1) No person shall conduct business as a taxicab company without a current taxicab company permit to do business issued by the city.

(a) Exemption. Public transportation provided and funded in whole or in part by public organizations shall be exempt from the permit requirements of this chapter.

(2) No taxicab company permit shall be assigned, transferred, merged, or leased without the prior written consent of the city administrator. The city's granting of consent in one instance shall not render unnecessary any subsequent consent in any other instance. Within 10 days after execution and delivery of any instrument so consented to by the city, the grantee shall file with the city recorder an executed counterpart or certified copy thereof.

(3) In determining whether the city will consent to any assignment, transfer, merger, or lease, the city may inquire into the technical, legal, and financial qualifications of the prospective party. The taxicab company shall assist the city in any such inquiry. The city may impose conditions relating to the technical, legal, and financial qualifications of the prospective party.

(4) Nothing contained in this section shall be deemed to prohibit the mortgage,

pledge, or assignment of tangible assets of a taxicab company for the purpose of financing the acquisition of equipment for the operation of a taxicab company without the city's consent. Taxicab companies may sell tangible assets in the ordinary conduct of business without the consent of the city. (Ord. 3062 § 2, 2007)

5.08.030 Taxicab company permit application – Issuance of permit.

(1) A person applying for an initial taxicab company permit shall submit to the city a taxicab company permit application containing such information as the city may require. The application shall include a nonrefundable fee in the amount specified by the business license fee schedule.

(2) The city administrator may only approve a taxicab company permit if after reviewing the taxicab company permit application the city administrator finds that:

(a) The applicant has established both fitness and ability to comply with the requirements and standards of this chapter, including the minimum standards required in SHMC 5.08.050 and the equipment standards of SHMC 5.08.060;

(b) The applicant has submitted an acceptable rate schedule pursuant to SHMC 5.08.210;

(c) The applicant has sufficient financial resources to meet the minimum insurance standards established by SHMC 5.08.100; and

(d) The applicant has obtained, or is in the process of obtaining, a valid business license.

(e) After consideration of the current status of the public transportation system in the city, that the interests of the city will be served by issuance of a permit. The factors affecting the current status of transportation include:

(i) The current and future ability of the public transportation system to provide the timely and effective movement of persons;

(ii) The ratio of the population within the city to the number of taxicabs currently in operation;

(iii) The demonstrated need for additional taxicab service in the city that is not met by existing companies, as shown by the applicant;

(iv) The present utilization patterns of taxicabs currently in operation;

(v) The interests of the applicant in establishing a local business to legitimately serve the citizens of this city; and

(vi) The extent to which granting the application will serve the purposes of this chapter.

(3) The permit may contain such terms or conditions as the city administrator deems appropriate. The permit may establish the number of vehicles that may be operated as taxicabs by the taxicab company. Violation of these terms or conditions may result in revocation of the permit.

(4) The application shall be forwarded to the city council as a consent agenda item for approval after a finding by the city administrator that the application has met all the requirements of this chapter. The city recorder shall issue a taxicab company permit on the order of the city council upon approval. (Ord. 3062 § 3, 2007)

5.08.040 Taxicab company permit renewal.

Taxicab company permits shall remain in effect upon submission of the annual vehicle inspection certifications with payment of the annual business license fee specified by the business license fee schedule, unless otherwise revoked under this chapter. Failure to renew the taxicab company's business license before February 1st shall result in late fees. (Ord. 3062 § 4, 2007)

5.08.050 Minimum standards for taxicab service companies.

Any taxicab company operating under permit to do business issued under this chapter shall comply with the following minimum standards:

(1) An office open and staffed for a minimum of eight hours a day, five days a week.

(2) A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests received by telephone.

(3) Facilities and personnel sufficient to ensure that every taxicab operated by the company complies with the requirements of this chapter.

(4) Insurance policies in force sufficient to meet the requirements of SHMC 5.08.100 and to protect the company to the same limits of liability.

(5) A taxicab company may only refuse to respond to a request for taxicab service received from a location within the city if:

(a) Providing the service would present safety concerns; or

(b) The person requesting the service has a history of refusing taxicab services after the taxicab arrives.

(6) Each driver shall maintain a log in which a record of every trip shall be kept. The taxicab company shall retain the log for at least one year after the last entry therein.

(7) Each taxicab company shall have an effective policy that prohibits smoking of any substance and the use of tobacco in any form by drivers or passengers in taxicabs.

(a) Each permitted taxicab shall display a warning sign, in a form and location approved by the city, including details of the prohibition, fines for violating the smoking and tobacco use prohibitions and a contact telephone number for complaints.

(b) Taxicab companies found to be in violation of this prohibition shall be subject to civil penalties as provided in this chapter.

(c) If civil penalties have been assessed against a taxicab driver for a violation of this section, the taxicab company shall be prohibited from assessing additional penalties against the taxicab driver for the same incident.

(d) In the event that a passenger persists in smoking or using tobacco after being warned by the taxicab driver that they are violating this prohibition, the passenger may be subject to denial of service, provided such denial does not jeopardize the safety of the passenger. (Ord. 3062 § 5, 2007)

5.08.060 Equipment.

(1) Taximeters. Every taxicab shall be equipped with a taximeter in accurate operating condition, with a lighted face which can be easily read at all times by passengers. Every taximeter shall be inspected and certified at installation, at change in rate, and within one year of the last inspection. A certificate of inspection shall be issued by a qualified taximeter repair service upon each inspection. Such certificate of inspection shall include:

(a) The identifying number of the taximeter;

(b) The make, model and license number of the taxicab in which the taximeter is installed;

(c) The name of the taxicab company;

(d) The date of inspection;

(e) A certification that the taximeter has been inspected and approved as operating within the limits of accuracy as specified by this section and on the basis of rates on file with the city under SHMC 5.08.210;

- (f) The signature of the individual making the certification; and
- (g) A copy of the certificate shall be kept on file in the office of the taxicab company.
- (h) No taxicab shall be operated with a taximeter which fails to operate within the following limits of accuracy: plus or minus 150 feet in one mile and five seconds in one minute of waiting time. A certificate of inspection may be examined or a taximeter re-inspected by any police officer or the city at any time during normal business hours.
- (2) Every taxicab will be equipped with such safety equipment as is required by state law, federal law, or this chapter. Every taxicab shall be equipped with seat belts or other restraining devices for every passenger.
- (3) Every taxicab authorized to operate by the city under this chapter shall be equipped with a taxicab certificate issued by the city.
- (4) Every taxicab shall be properly identified as required by SHMC 5.08.090.
- (5) Every taxicab shall have proof of insurance coverage in the amount specified in SHMC 5.08.100.
- (6) Every taxicab shall have the rate schedule approved by the city council posted as required by SHMC 5.08.210.
- (7) Every taxicab shall warn about the smoking and tobacco use prohibitions in accordance with SHMC 5.08.050(7). (Ord. 3062 § 6, 2007)

5.08.070 Safety inspections and certification.

Every taxicab company shall make an appointment for its taxicabs to be inspected once annually by the St. Helens police department to ensure that each taxicab is:

- (1) Outfitted according to the equipment requirements of SHMC 5.08.060, including specifically that the taxicabs submitted for inspection are properly insured;
- (2) Kept clean;
- (3) Kept in good appearance and good repair;
- (4) Kept in a safe condition; and
- (5) Equipped with all pollution control equipment and safety devices originally installed by the manufacturer, and such equipment and devices shall be kept in good working order. (Ord. 3062 § 7, 2007)

5.08.080 Digital security camera regulations.

Digital security camera systems are not mandatory, but if a company chooses to install cameras the requirements of this section shall apply.

- (1) No person other than a sworn officer of the St. Helens police department, Oregon State Police Department, or other police department may access any record produced by the digital security camera systems.
- (2) Immediate access to any record produced by the digital security camera systems shall be made available to the police to assist in the investigation of any crime.
- (3) No taxicab company or driver shall offer for sale or otherwise attempt to benefit or gain from any records produced by digital security camera systems.
- (4) In the event a taxicab is sold, or ceases to be utilized by a taxicab company, or a driver-owner of a taxicab, the responsible taxicab company shall remove any records produced by the digital security camera system from the taxicab prior to the completion of the sale or the decommissioning of the taxicab. (Ord. 3062 § 8, 2007)

5.08.090 Identification.

Every taxicab shall prominently display on both sides of the outside of the vehicle

the full name of the taxicab company, the telephone number of the company where service can be requested, and the word "taxi" or "cab" with paint or vinyl lettering. A taxicab company may submit color selections on the taxicab company application, but color selections are not required. A vehicle that is temporarily being used as a taxicab while the usual taxicab is temporarily out of service does not need to be signed with paint or vinyl lettering as long as:

- (1) The temporary taxicab has been inspected by the St. Helens police department; and
- (2) The vehicle is properly insured pursuant to SHMC 5.08.100 and proof of such insurance was presented to the St. Helens police department or the city administrator. (Ord. 3062 § 9, 2007)

5.08.100 Insurance.

(1) No person shall operate any vehicle as a taxicab unless that vehicle is covered by commercial liability insurance providing coverage of not less than \$200,000 for personal injury to any person, \$500,000 for each occurrence, and \$50,000 for each occurrence involving property damage, or in lieu of such coverage, a single limit commercial insurance policy of not less than \$500,000 covering all claims per occurrence. A certificate of insurance coverage, evidencing insurance coverage in compliance with this section, shall be filed with the city. The adequacy of such insurance coverage shall be subject to the approval of the city attorney.

(2) The limits of insurance coverage required under this section shall be subject to any statutory changes regarding the minimum limits of liability required for taxicab companies.

(3) Insurance policies for all vehicles operating as taxicabs shall contain a provision that the policy will not be reduced in coverage or canceled without 30 days' prior written notice to the city.

(4) The city council may consider proposed alternatives to the insurance requirements of this section, such as deposit of securities, letters of credit or self-insurance, as provided by Oregon laws. Alternatives to insurance may occur only if the level of coverage shall not be reduced, and the public's safety and well being will not be affected. The adequacy of proposed alternative insurance coverage shall be subject to the approval of the city attorney before the alternative to insurance may become effective.

(5) Failure to maintain adequate insurance as required under this section shall be cause for immediate suspension or revocation of a taxicab company permit. (Ord. 3062 § 10, 2007)

5.08.110 Taxicab driver's permits required.

(1) No person shall drive or allow another person to drive a taxicab without a valid motor vehicle driver's license, issued by the Oregon Department of Motor Vehicles or an equivalent government agency, together with any endorsements necessary to operate a taxicab, and a taxicab driver's permit issued under this chapter.

(2) Taxicab driver's permits shall be valid for no more than one year and all such permits shall expire on December 31st of each year. (Ord. 3062 § 11, 2007)

5.08.120 Taxicab driver's permit application and renewal.

(1) An applicant for a taxicab driver's permit shall submit an application to the city administrator containing such information as the city may require, including an official copy of the applicant's driving record, which can be obtained from the DMV, and a nonrefundable fee set by the business license fee schedule. The applicant shall

submit evidence of fingerprinting if required by the city administrator.

(2) Review of Permit Applications – Issuance of Permit.

(a) The city shall review the driver's license background check provided by the applicant to verify that the applicant has the correct licenses and a history of safe driving. For drivers licensed from states other than Oregon, the applicant shall provide a copy of his or her driving record from the state in which the driver is licensed for the driver license background check.

(b) The city recorder shall refer any taxicab driver applications to the St. Helens police department before issuing a final license. The chief of police shall obtain a St. Helens police records check and a Law Enforcement Data Systems (LEDS) check of any criminal activity. The city may, at the chief of police's sole discretion, require or accept in lieu of St. Helens police records and LEDS check a criminal background report from another source, as long as such source is approved by the city attorney. After reviewing the applicant's criminal history, the chief of police shall issue an opinion in writing to either grant or deny the applicant's taxicab driver license. If it appears from such investigation or otherwise that a taxicab driver license should not be issued to an applicant, the chief of police shall issue an opinion in writing notifying the city recorder of the reasons for denying the applicant a license.

(c) The city administrator shall review the application, the driving record, and the chief of police's recommendation, and either issue the driver permit or notify the applicant and sponsoring company that the application is being denied or that additional time is needed to process the application within 10 calendar days of the application's receipt.

(d) The city shall only issue taxi driver permits to persons 21 years of age or older.

(3) Except as provided in SHMC 5.08.130, a taxicab driver's permit shall be renewed upon the submission of a signed renewal application stating that the information and criminal background checks on file with the city are current and accurate, and the payment of the annual taxicab driver's license fee set by the business license fee schedule on or before December 31st of each year. If any of the information contained in the application changes, the applicant or taxicab company shall promptly report the change to the city. Failure to renew a license before February 1st shall result in late fees. (Ord. 3062 § 12, 2007)

5.08.130 Denial of taxicab driver's permit.

No taxicab driver's permit shall be issued or renewed to any person if the city determines, after a review of that person's traffic, criminal record, and any other information the city deems pertinent, that the public health, welfare, and safety would not be served by the issuance or renewal of a permit to that person. The applicant may appeal from this finding to the council, requesting that the finding be set aside and a license be granted, but pending the finding, a license shall not be granted. The city may not deny a taxicab driver's permit under this chapter on the bases of race, ethnicity, religion, or gender. (Ord. 3062 § 13, 2007)

5.08.140 Driver's permit approved and posting requirements.

(1) Upon receipt of the application materials specified in SHMC 5.08.120, the city shall issue to the applicant a temporary taxicab driver's permit, valid for 30 days after date of issuance. The permit shall prominently display the words, "TEMPORARY DRIVER'S PERMIT. NOT VALID AFTER ...," followed by the expiration date of the permit in the same font size. The temporary driver's permit shall be posted in the manner specified in subsection (2) of this section, and shall be surrendered

immediately if the taxicab driver's permit is denied.

(2) When a taxicab driver's permit has been granted, the city recorder shall furnish to the taxicab driver a printed card containing the permit number and the taxicab driver's name, date of birth, sex, height, weight, hair color, and eye color. This card shall be posted in a prominent place within the passenger compartment of any taxicab being driven by the taxicab driver, and shall be shown to any passenger, police officer, or the city upon request.

(3) Upon presentation of convincing evidence that a taxicab driver's permit has been lost or destroyed and payment of a replacement fee of \$10.00, the city recorder shall issue a replacement permit. (Ord. 3062 § 14, 2007)

5.08.150 Reports to the city.

(1) Every taxicab company shall immediately report to the city as soon as it becomes aware of the occurrence of any of the following events:

(a) 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;

(b) Any taxicab accident required to be reported to the state of Oregon involving a vehicle driven for the taxicab company;

(c) The filing of a lawsuit against or on behalf of the taxicab company related to the operation of the taxicab company;

(d) The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab company; or

(e) Any information required to be disclosed by subsection (2) of this section that comes to the taxicab company's attention.

(2) Every taxicab driver shall immediately report to the city, and any taxicab company for whom he drives, the occurrence of the following:

(a) 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;

(b) 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;

(c) Any vehicle accident required to be reported to the state of Oregon involving any taxicab operated by the taxicab driver; or

(d) Any restriction, suspension or revocation of the taxicab driver's motor vehicle driver's license. (Ord. 3062 § 15, 2007)

5.08.160 Conduct of taxicab companies.

A taxicab company shall not:

(1) Fail to report events or circumstances required by SHMC 5.08.150;

(2) Allow any taxicab to be driven without a valid taxicab driver's permit and an inspected and permitted vehicle; or

(3) Allow any driver to drive with the permit card of another taxicab driver displayed. (Ord. 3062 § 16, 2007)

5.08.170 Conduct of drivers.

A taxicab driver shall not:

(1) Operate any taxicab without a valid taxicab driver's permit;

(2) Allow another person to use his driver's permit;

(3) Operate any taxicab while consuming or while under the influence of

intoxicants, in a careless or reckless manner or in a manner contrary to the laws of this city or the state of Oregon;

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

(5) Use a taxicab in the commission of any crime;

(6) Use profane or obscene language offensive to the passenger while operating a taxicab;

(7) Smoke any substance or use tobacco in any form, inside a taxicab;

(a) Violation of this prohibition by any driver shall result in the penalties provided for in SHMC 8.32.110;

(8) Charge a fare higher than that authorized by this chapter for passenger transportation or defraud a passenger in any way, including but not limited to manipulating the odometer, timepiece or any other device so as to cause a registration to be made of a greater distance or more time;

(9) Be discourteous to a passenger;

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

(11) Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab service company when the taxicab is not already in service, and who is able to demonstrate the ability and willingness to pay the fare;

(12) Refuse to issue a receipt for a fare paid if one is requested; nor

(13) Fail to immediately notify the taxicab company if a digital security camera system in a taxicab driven by the driver is, or appears to be, stolen. (Ord. 3062 § 17, 2007)

5.08.180 Permit suspension, revocation, and civil penalties.

(1) Suspension and Revocation. Any permit issued under this chapter may be revoked or suspended by the city if the city finds after a reasonable investigation that:

(a) The provisions of this chapter or regulations adopted hereunder have been violated;

(b) Any statement contained in the application for such permit or license is false;

(c) The suspension or revocation is necessary to protect the public health, safety, and welfare generally or the safety of the taxicab-riding public in particular; or

(d) The revocation or suspension is otherwise authorized by ordinances of the city.

(2) Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefor and the right of appeal pursuant to SHMC 5.08.200.

(3) Except as provided below, any suspension or revocation shall be effective 10 days after mailing a copy thereof by first class United States mail addressed to the taxicab company and taxicab driver at the business or residence address shown on the permit application or renewal.

(4) Notwithstanding subsection (3) of this section, a suspension or revocation may be made effective immediately if the city finds reasonable grounds to believe that:

(a) A person holding a taxicab driver's permit is not covered by liability insurance required by SHMC 5.08.100;

(b) A vehicle being operated as a taxicab is not covered by liability insurance required by SHMC 5.08.100; or

(c) Continued operation by the taxicab company or taxicab driver would cause, or is likely to cause, imminent danger to the public health, safety, or welfare.

(5) The city administrator may assess a civil penalty in an amount of up to \$1,000 per day or per occurrence against any person found to be in violation of this chapter. In assessing a civil penalty against a taxicab company or taxicab driver, the city may assess civil penalties in lieu of a suspension, and may provide that if the specified civil penalty is paid in full, within the time and on the terms and conditions specified, the suspension shall be waived.

(6) In calculating the amount of any civil penalty to be assessed under this section, the city shall consider:

- (a) The extent and nature of the person's involvement in the violation;
- (b) The benefits, economic, financial, or otherwise, accruing or likely to accrue as a result of the violations;
- (c) Whether the violations were repeated and continuous, or isolated and temporary;
- (d) The magnitude and seriousness of the violation;
- (e) The city's costs of investigating the violation and correcting or attempting to correct the violation;
- (f) Whether the facts underlying the violation have been considered in a previous disciplinary proceeding; and
- (g) Any other factors the city deems to be relevant.

(7) If a suspension, revocation, or civil penalty in lieu of suspension is appealed to the city council pursuant to SHMC 5.08.200, such action of the city shall generally be stayed, pending the outcome of such appeal; however, suspensions or revocations made immediately effective pursuant to subsection (4) of this section shall remain in effect during the appeals process. (Ord. 3062 § 18, 2007)

5.08.190 Criminal provisions and penalties.

The violation of the following provisions is punishable upon conviction as a Class C misdemeanor unless otherwise stated:

- (1) It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to charge any person a fare greater than that allowed by this chapter.
- (2) It is unlawful for any person to charge, cause or allow any person to charge any fare other than the applicable fare from rate schedules posted on the taxicab or from contracts approved by the city council.
- (3) It is unlawful for any person to knowingly falsify any application, certification, report, or document of any kind required by this chapter. A violation of this prohibition is a Class A misdemeanor.
- (4) It is unlawful for any person to operate a taxicab without a current, valid taxicab driver's permit issued pursuant to this chapter.
- (5) It is unlawful for any person to operate a taxicab company without a current, valid taxicab company permit, issued pursuant to this chapter.
- (6) It is unlawful for anyone to violate the digital security camera regulations of SHMC 5.08.080. A violation of this prohibition is a Class A misdemeanor.
- (7) It is unlawful for any person to refuse or fail to pay the applicable fare for a taxicab after hiring or requesting that taxicab. A violation of this prohibition shall be a Class A misdemeanor if the value of the taxicab service was greater than \$50.00 but less than \$750.00.
 - (a) In the event of a dispute over a fare, the passenger shall pay the fare demanded by the driver. The driver shall give the passenger a receipt noting the amount of the fare and a description of the trip. The passenger may apply for a refund

of any overcharge and ask that the driver be disciplined by filing a complaint in accordance with SHMC 5.08.230. (Ord. 3062 § 19, 2007)

5.08.200 Appeals.

(1) Grounds for Appeals. Appeals to a hearings officer may be made by any person assessed a civil penalty for violating any provision of this chapter, including: (a) any person operating a taxicab company or driving a taxicab without the required permit, or (b) any taxicab company, taxicab driver, or applicant for a taxicab company or driver permit:

(a) Whose application for the required permit or permit renewal has been denied by the city administrator;

(b) Whose taxicab company's permit has been approved with terms or conditions they oppose;

(c) Whose taxicab company's permit or driver's permit has been revoked or suspended by the city;

(d) Who has been directed to pay a civil penalty in lieu of suspension by the city; or

(e) Whose permit has been suspended by the city so that the company no longer has authority to operate any vehicle under its permit.

(2) Appeals Procedure. Any person aggrieved by a decision of the city, or any person appealing on grounds defined in subsection (1) of this section, may appeal such action to a hearings officer through the following procedures:

(a) A person appealing the city's action shall, within 10 days of such action, file a written notice of appeal with the city recorder.

(b) The city recorder shall fix the time for the appeal to be heard by the hearings officer, place the hearing of the appeal upon the calendar of the hearings officer, and notify the appellant of the time fixed no less than five days prior to that time.

(c) The appellant shall pay a nonrefundable appeals fee to facilitate the appeal in the amount specified by the business license fee schedule.

(d) The appellant shall be entitled to appear personally and by counsel and to present such facts and arguments as may tend to support his appeal.

(e) The hearings officer shall take such action upon the appeal as he sees fit and such action by the hearings officer shall be final.

(f) The action of the city shall be stayed pending the outcome of an appeal properly filed pursuant to this section.

(g) Failure to strictly comply with the applicable appeal requirements, including but not limited to time for filing and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.

(h) If the appellant loses on appeal, the appellant will be held financially responsible for the cost to the city of the appeal, including but not limited to the hiring of the hearings officer. (Ord. 3062 § 20, 2007)

5.08.210 Rates.

(1) Every taxicab company shall file with the city a schedule of rates to be charged for the services of taxicabs it operates. The rate schedule shall be forwarded to the city council as a consent agenda item for approval after a finding by the city administrator that the rate schedule complies with this chapter.

(2) The rate schedule filed with the city council may contain special rates for zone fares, ride sharing, taxi pooling, jitney service, fixed route service, or any other special services offered by the company.

(a) Each rate schedule shall also include a meter-based fare that shall not exceed the maximum fare established in subsection (3) of this section.

(b) The fare schedule shall also require that the passenger or passengers shall pay an airport gate fee not to exceed the amount charged by the Port of Portland for trips originating at the Portland International Airport.

(3) The following schedule of meter rates shall be the maximum fare which shall be charged and collected for the transportation of passengers in taxicabs to locations other than the Portland International Airport:

(a) An initial charge of \$2.50, for one passenger, and waiting time at a rate of \$30.00 per hour or proportionate fraction thereof;

(b) Subsequent to the initial charge provided for in subsection (3)(a) of this section, the maximum charges shall not exceed \$3.00 per mile, divided in a manner approved in advance by the city council and waiting time subsequent to the initial charge provided in subsection (3)(a) of this section shall be at the rate of \$30.00 per hour or proportionate fraction thereof;

(c) For each extra passenger, \$1.00 additional charge.

(4) Where a passenger is being transported, no extra charge is to be made for transporting any items belonging to that passenger, including personal luggage and aids necessary for travel by disabled persons, if those items fit within the interior of the taxicab, including the trunk, each item can be carried by a single person, and all such items can be carried by the passenger or passengers in a single trip to the taxicab.

(5) No charge is to be made for time lost or distance traveled while the taxicab is disabled. No charge is to be made for traveling empty while en route to pick up a passenger, unless the person requesting the taxicab refuses to hire it after it arrives, in which case an amount equal to the minimum charge on file as specified in subsection (3)(a) of this section may be made.

(6) A taxicab company may make written contractual arrangements to charge rates other than those specified in the filed rate schedules; provided, that these contracts are not effective until the contract is filed with the city council in the same manner as prescribed for rate schedules.

(7) A clear and complete summary of the rate schedule filed with the city, pursuant to this section, shall be printed on a rate card to be posted in a conspicuous place in the passenger compartment of every taxicab, and a summary of the meter rate in a form approved by the city administrator shall be placed in a manner to be visible from the outside of every taxicab. The form of the rate summaries shall be subject to the review and approval of the city administrator prior to their being posted. When a change of rate schedule is approved by the city council, the taximeter, rate card, and rates posted shall be converted for every taxicab immediately. The rates posted shall not vary from those used in the taximeter in any taxicab in service. (Ord. 3062 § 21, 2007)

5.08.220 Multiple fare groups.

It is unlawful for the driver of any taxicab who is engaged by any person within the city limits to accept more than one passenger on the same trip, unless: (1) the additional passengers are part of a single party group and they request to be carried together, or (2) the passengers are utilizing the taxicab company's Portland International Airport shuttle service. In the event that all the passengers of a taxicab constituting a single party group do request a trip together where different passengers are seeking to reach different destinations, then the driver shall drive by the most direct route to the nearest destination; the first passenger(s) dropped off shall pay the

fare from the initial pick-up location to the drop-off point. Then the driver shall drive by the most direct route to the next destination of the passenger(s) who go to the next nearest point of destination, whereupon the driver shall operate the taximeter as a new and separate fare and then continue in the same manner until the entire trip is completed and all passengers are delivered. In cases where two or more passengers go to the same place, the fare shall be as for one passenger plus the additional passenger fee for the other passengers going to the same destination. (Ord. 3062 § 22, 2007)

5.08.230 Complaints.

(1) Every taxicab shall have posted in a prominent place within the passenger compartment the following notice entitled "Complaints" in the following form:

The driver of this taxicab is required by the St. Helens City Code to give a receipt for services provided to any passenger who requests one. If you have a complaint about a taxicab or taxicab driver, contact (taxicab company name) at:

Street address

City, State Zip Code

Phone Number

The City can be contacted concerning any complaints at:

265 Strand Street

St. Helens, OR 97051

(503) 397-6272

The size, shape, color, type of material, size of characters, location of the notice, and other relevant factors shall be subject to the city administrator's approval.

(2) A taxicab company that receives a complaint regarding the fare charged by one of its drivers shall investigate the complaint and issue a refund if the fare did not comply with company rate schedule or this chapter.

(3) The city shall have the power to investigate any and all complaints concerning possible violations of this chapter or regulations adopted hereunder. All complaints alleging civil violations of this chapter shall be referred to the city administrator for further investigation, and all complaints alleging criminal violations of this chapter shall be referred to the city prosecuting attorney for further action. (Ord. 3062 § 23, 2007)

5.08.240 Items lost and found.

Taxicab drivers shall examine their cabs at the end of each shift and turn over any items left by a passenger within the cab to the taxicab company. The taxicab company shall maintain a written record of all items turned over to it. This record shall contain a description of the item, the date it was turned in, the cab in which it was found, and the driver who turned in the item. The item shall be examined and the owner identified and notified, if possible. If the item is claimed, a record shall be made of the name and address of the claimant. No item shall be disposed of, other than by return to its owner. At the conclusion of 30 days any unclaimed property shall be turned over to the police department along with any records the taxicab company has concerning the acquisition of the property. (Ord. 3062 § 24, 2007)

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This page of the St. Helens Municipal Code is current through Ordinance 3082, passed March 19, 2008.

Disclaimer: The City Recorder's Office has the official version of the St. Helens Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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