

ORDINANCE NO. 346

AN ORDINANCE GRANTING TO ARLEN L. HANSON AND DON E. ETHRIDGE THE EXCLUSIVE RIGHT AND PRIVILEGE TO OPERATE TAXICABS OVER AND UPON STREETS OF THE CITY OF STAYTON; AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby granted by the City of Stayton to ARLEN L. HANSON and DON E. ETHRIDGE the exclusive right, privilege and franchise to operate taxicabs upon the streets of said City, subject to the restrictions hereinafter set forth.

Section 2. The rights, privileges and franchise herein granted shall continue and be in force to and including the _____ day of _____ 19____.

Section 3. In consideration of the rights, privileges and franchise hereby granted, the said ARLEN L. HANSON and DON E. ETHRIDGE shall pay to the City of Stayton \$100.00 for the operation of such taxicabs business. *One Hundred Dollars* D + A

Section 4. The conditions and restrictions under which this franchise is granted are as follows:

- (a) Chauffeurs generally - State chauffeur's license required.

It shall be unlawful for any person to operate a taxicab in the city without first obtaining a chauffeur's license from the state.

- (b) Age limit for chauffeurs.

It shall be unlawful for any licensee under this article to permit any person under the age of twenty-one years to operate any taxicab owned or controlled by him in the city.

- (c) Conduct while driving.

No driver or chauffeur of any taxicab shall drive or operate the same while intoxicated, or operate the same in a careless or reckless manner, or use any profane or obscene language.

- (d) Penalties for incompetency, recklessness, etc.

Any driver or chauffeur of any taxicab who has been found guilty in the municipal court of any incompetency in driving, or of any violation of this Code or any other city traffic ordinance or the terms of this article, may be debarred from driving any taxicab in the city for a period not to exceed one year thereafter. If the owner of any such vehicle operated in the city shall knowingly permit a

debarred driver, during such period of one year to operate any such vehicle, the license of such owner may be revoked by the council.

(e) City chauffeur's permit - Required; duration; fee.

No driver of a taxicab or vehicle for hire shall be permitted to operate taxicabs or vehicles for hire as herein described in the city without first securing from the city recorder a permit to operate vehicles for hire within the city. Such permit shall run from July first in any year until June thirtieth of the following year, and the applicant shall pay therefor a fee of one dollar.

(f) Application; fingerprinting and investigation; issuance or denial.

Each taxicab driver applying for a permit to operate taxicabs for hire in the city shall make an application to the city recorder. Such application shall be referred to the chief of police who shall fingerprint the applicant and make an investigation into the character, reputation and background of the applicant. If the applicant's record shall be satisfactory, the chief of police shall so report to the city recorder and the applicant shall receive a permit in accordance with the provisions of this Code. In case the chief of police shall find the record unsatisfactory, the application shall be denied and the applicant shall have the right to apply first to the police committee of the council, and, in case of an adverse ruling, may appeal from the police committee's findings to the council directly. The decision of the council shall be final.

(g) Display of schedule

The schedule of rates provided in the preceding section shall be conspicuously posted and shall be approved by City of Stayton.

(h) Schedule of rates - established

Filed with council.

Separate ordinance

- (i) Inspection of cleanliness, equipment, etc. of vehicles by chief of police.

All vehicles operating under authority of this article shall be inspected from time to time by the chief of police for the purpose of determining whether the same are clean, properly equipped, of good appearance and in a safe condition for the transportation of passengers. The chief of police shall, at the time of such inspection, determine for the guidance of the public the classification and capacity of the vehicle inspected. It shall be unlawful for any person to drive or operate, or engage in the business of operating any taxicab unless and until the same has been inspected and approved by the chief of police.

- (j) Authorized fares to be charged; penalty for violation.

Any driver of a taxicab who shall charge any passenger a rate of fare other than that provided for in the official rate schedule shall, upon conviction thereof, be punished, in addition to the other penalties provided, by having his taxi driver's license suspended for a period of not less than six months or more than one year.

- (k) Fare not to be charged when vehicle disabled.

In the event any vehicle described in this article shall, while conveying for hire or reward any passenger or baggage, become disabled, or shall break down, the time of stoppage shall be deducted from the charge.

- (l) Direct route to be traveled.

Any driver of a taxicab employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

- (m) Refusal to pay fare.

It shall be unlawful for any person to refuse to pay the regular fare for a taxicab after having hired the same.

(n) Report of articles left in taxicabs.

The driver of any taxicab shall promptly notify the nearest police station within twenty-four hours of all property of value left in his vehicle by any passenger.

(o) Light baggage to be conveyed free; charge for trunks.

Every person being served by a taxicab as provided in this article shall be entitled to have conveyed without charge such valises or small baggage as can be conveniently carried within the vehicle. He shall be entitled to have a small trunk carried thereon at a charge not to exceed fifty cents. Each driver shall load and unload such baggage without additional charge.

(p) Number of passengers permitted; manner of riding.

No driver of any taxicab shall carry more than two persons in excess of the ordinary seating capacity for which the taxicab or vehicle was designed and built. No person or passenger shall be allowed to be or remain on the doors, steps or running board of any taxicab while the same is in motion.

(q) Obstructing taxicabs.

No person shall place any vehicle in such relation to any taxicab as to put off or unreasonably obstruct entrance to or exist from such vehicle, or otherwise unreasonably interfere with the management of such vehicle.

(r) Quarterly report of taxicab owners.

Each holder of a taxicab license shall file quarterly with the police department of the city a report showing the number of licensed taxicabs in operation, those out of service and the reason therefor, and also the number of fares carried during the quarter.

(s) Fares of emergency status.

Any city official, a person in physical emergency state, police officer, doctor, nurse and/or minister of the gospel, on emergency status, will be allowed taxicab transportation to and/or from any point of emergency at no charge.

(t) Information about fares.

Information about fares (riders) is confidential; may be procured from the chief of police.

Section 5. If the franchise holders shall fail from any cause within their control or should the franchise holders for any reason fail to perform the conditions, agreements, provisions, acts or things herein mentioned, according to this franchise, then the rights herein granted shall immediately cease, and the franchise holders shall surrender and forfeit any right and privilege granted by this ordinance; provided however, that the franchise holders shall not be liable for suspension of operation caused from excessive storms, accidents or casualties caused by an Act of God or the public enemy.

Section 6. The franchise holders shall, within thirty days after this ordinance shall be in force, file with the Recorder of the City of Stayton a written acceptance of the same.

Section 7. Franchise holder shall file with the City of Stayton, to insure the faithful performance on their part of this franchise, a performance bond in a sum of not less than \$ ^{500.} to cover any and all damage, costs or charges for the failure of rendering said services.

Section 8. It is expressly understood that this franchise is granted subject to all the terms and provisions of the charter and ordinances of the City of Stayton, now or hereafter to be enacted, relating to the granting of franchises, and the exercise of the police powers of the City of Stayton, with the same effect as though the same were expressly incorporated herein.

Section 9. Franchise holders shall not assign this franchise or any right, license, or privilege granted herein except upon the express consent of the Council of the City of Stayton; all operations under this franchise shall be performed or furnished by any contractor or sub-contractor except with the express consent of the Council of the City of Stayton, and upon compliance with such terms as it shall specify. The provisions of this franchise shall be binding upon the franchise holders herein, their assignees, contractors and subcontractors.

Section 10. The City of Stayton shall not be deemed to have waived the performance of or observance by franchise holders of any of the terms, conditions, or provisions hereof unless and except such waiver be by resolution or other appropriate action of its Council, and of which action a record is made.

Section 11. Inasmuch as the provisions of this ordinance are such as to affect the peace, health, and safety of the inhabitants of the city of Stayton, Oregon, an emergency is hereby declared to exist and this ordinance shall be and become effective immediately upon its passage and adoption by the common council and approval by the mayor.

Passed and adopted by the common council this 21st day of June, 1965.

Approved by the mayor the 21st day of June, 1965.

M. F. M. May
Mayor

ATTEST:

Marjorie E. Kew
Recorder.