

ORDINANCE NO. 2011-005

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING, REPEALING, AND ADDING CERTAIN SECTIONS OF CHAPTER 5.12
OF THE ARLINGTON MUNICIPAL CODE RELATING TO THE OPERATION
OF VEHICLES FOR HIRE

WHEREAS, the City of Arlington, Washington has the authority to adopt ordinances for the general welfare of its citizens; and

WHEREAS, certain provisions of the Arlington Municipal Code are outdated and require revision; and

WHEREAS, the City Council of the City of Arlington has requested revisions to Chapter 5.12;

NOW, THEREFORE, the City Council of the City of Arlington, Washington does hereby ordain as follows:

Section 1. Arlington Municipal Code section 5.12.020 is amended to read as follows:

5.12.020 - Taxicab operation—Compliance with conditions—License required.

It is unlawful to operate any taxicab upon the streets of Arlington until any person owning or operating said taxicab has first complied with the following conditions:

1. Comply with all the laws of the state relating to the operation of taxicabs, and obtain a permit from the director of licenses of the state for the operation of said taxicab;
2. File the required bond or liability insurance with the director of licenses of the state, as is now or may hereafter be required by law;
3. Have on file with the city clerk of the city a receipt from the insurance company showing payment of the premium upon such bond or liability insurance required to be filed with the director of licenses of the state, together with a copy of such bond;
4. Have paid all license fees due to the state or city; providing this section shall not apply to any taxicab entering the city for the purpose of discharging passengers who have entered said taxicab at points outside the corporate limits of the city;
5. A person owning or operating any of the vehicles defined in Section 5.12.010 (a) and (c) shall first secure a license to do so from the city clerk, obtained in the following manner:
 - a. The applicant shall upon blanks provided for the purpose by the city clerk, furnish full information concerning ownership; the number and classification of vehicles to be operated; the name, fictitious or otherwise, under which the

applicant intends to operate; and such other information as may be deemed necessary for proper supervision and the public good,

- b. If it appears from the information obtained that the applicant has met all of the requirements of this chapter, that the vehicles are equipped with valid state licenses, and that they are properly bonded or insured for the protection of the public as required by the motor vehicle laws of the state, a license may be issued upon payment of the license fee herein provided for in Section 5.12.030,
 - c. All licenses shall expire one year from the date the same is granted;
6. The person, firm or corporation owning or operating such taxicab shall file with the city clerk a true, accurate, and detailed statement of its rates, fares or charges in current use by such taxicab, and shall also post said rates in a conspicuous place in said taxicab where the same can be readily observed and read by a passenger for hire therein and it is unlawful to charge any higher or greater fare than that set forth in said schedule of rates.
7. The provisions of this chapter shall not apply to motor vehicles operated by any municipal or privately owned nonprofit transit system.

Section 2. Arlington Municipal Code section 5.12.030 is amended to read as follows:

5.12.030 - License fee.

The annual fee for a vehicle for hire license is established by the City's fee resolution. The fee shall be paid at the time of application and is nonrefundable.

Section 3. Arlington Municipal Code section 5.12.040 is hereby repealed in its entirety.

Section 4. Arlington Municipal Code section 5.12.050 is amended to read as follows:

5.12.050 - Inspection of vehicles.

- 1. All for hire vehicles may be inspected from time to time as determined by the chief of police or designee in response to complaints received or observations that such is desirable, for the purpose of determining proper equipment, safety and sanitation of such vehicle. The scope of for-hire vehicle inspections includes but is not limited to standards regarding cleanliness, brakes, lights, tires, glass, seat belts and any other special equipment that may be required.
- 2. If the chief of police or designee determines during inspection that the condition of any for-hire vehicle needs correction, he/she may issue to the operator or driver thereof a notice in writing specifying such defects and the same shall be remedied immediately or by a later date determined at the time of inspection. It is unlawful to fail to comply with any written notice to make corrections on the vehicle for hire.

Section 5. Arlington Municipal Code section 5.12.060 is amended to read as follows:

5.12.060 - Driver's license requirement.

It is unlawful for any person owning, controlling, or engaged in the business of operating taxicabs or for hire cars to employ as a driver of any such vehicle, or permit any such vehicle to be driven by, a driver who does not possess a valid and subsisting Washington state driver's license.

Section 6. Arlington Municipal Code section 5.12.070 is amended to read as follows:

5.12.070 - Allowing felon or intoxicated person to drive unlawful.

It is unlawful for any person engaged in the business of operating a taxicab or for hire car to knowingly permit any person to drive the same who has been convicted of any felony or of driving while under the influence.

Section 7. Arlington Municipal Code section 5.12.120 is amended to read as follows:

5.12.120 - Revocation of license.

1. All licenses issued shall be subject to revocation by the City if the holder thereof or any person employed by him in the operation of any such vehicle fails or neglects to comply with or violates any of the terms and provisions of this chapter, or who violates any of the terms or provisions of any of the ordinances of the city relative to the operation or use of vehicles upon the public highways, or relating to traffic upon the same, or who directly, or indirectly, either himself or by or through his agent, driver or servant, sells, gives away, or in any manner disposes of narcotic drugs or intoxicating liquor in connection with the use of any such vehicle in the transaction of the business for which such license has been issued, or uses or permits the use of any such vehicle to carry or transport such drugs or liquor, or causes or permits to be kept therein any such drugs or liquor, or uses or permits the same to be used for transporting any person or persons who may be contributing to or attempting to or having the design of contributing to the delinquency of any minor or who violates any of the ordinances of the city or the laws of the state in or by the use or operation of any such vehicle.
2. Upon complaint being made to the City Clerk of any of the acts or omissions herein set forth, notice shall be given to the holder of such license thereof, and that at a time and place to be fixed therein the City's Hearing Examiner will conduct a hearing upon the question of whether or not the license shall be revoked, at which time and place, or the time and place to which said hearing may be adjourned, the licensee shall have the right to be heard and produce evidence in his behalf. If upon such hearing, the Hearing Examiner is satisfied that the licensee, or the driver of any vehicle covered by such license, is or has been guilty of the act or omission complained of and that by reason thereof the license should be revoked, he/she may thereupon revoke such license. The notice provided for herein shall be provided to the licensee not less than ten days before the date of such hearing. The said license may also be revoked upon like notice being given if it appears to the City Clerk that a

license or bond or insurance issued to any licensee under the laws of the state has been canceled or revoked.

Section 8. Arlington Municipal Code section 5.12.130 is amended to read as follows:

5.12.130 - Operator—Qualifications.

No city driver's license shall be required, but any person driving a taxicab or for hire car must be at least eighteen years of age and duly licensed to drive a motor vehicle under the laws of the state. It is unlawful for any driver of a taxicab or for hire car to operate such vehicle on the streets of the city if he/she has been convicted of violating any ordinance of the city or law of the state, and it shall be the duty of the holder of any taxicab license to discharge any such driver upon learning of any such conviction.

Section 9. Arlington Municipal Code section 5.12.140 is amended to read as follows:

5.12.140 - Operator—Identification.

Each driver of any taxicab or for hire car shall provide for himself in duplicate a picture of himself of recent date, fingerprints and pertinent information as to age, address, number of Washington State Driver's License, and such other information as may be required by the City. This information shall be assembled upon a card, shall be validated by the city clerk, and one of said duplicate cards shall be hung or attached to the inside of each taxi in a conspicuous place, and shall be left in such taxi at all times when operated by such driver. The other duplicate card shall be placed on file with the city clerk.

Section 10. Arlington Municipal Code section 5.12.150 is hereby added to read as follows:

5.12.150 – Fare Payment.

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

Section 11. Arlington Municipal Code section 5.12.160 is hereby added to read as follows:

5.12.160 – Violations - Penalty.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as provided in AMC 1.04.010.

Section 12. Severability. If any such provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 13. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Arlington and APPROVED by the Mayor
this _____ day of _____, 2011.

CITY OF ARLINGTON

Margaret Larson, Mayor

ATTEST:

Kristin Banfield, City Clerk

APPROVED AS TO FORM:

Steven J. Peiffle, City Attorney