AGENDA ITEM #11

AGENDA ITEM ACTION REQUEST

	Meeting Date: July 26, 2011 **Meeting Type**: Regular _×_ Special ___
Requestor: ___ Manager ___ City Attorney _×_ Department ___ Other *Public Transportation*	**Item**: Consider revisions to Title 14, Chapter 1(Taxicabs) of the City Code.
Reviewed: ___ Manager ___ City Attorney _×_ Department ___ Other *Public Transportation*	**Review:** The requested changes affect the taxi cab licensing process and fees. The Transportation Department has met with all the currently licensed companies who have endorsed the changes. Included in the changes are requirements for driving records, national back round checks, new fees for drivers who change companies, and new accident reporting procedures.
Recommend: _×_ Yes ___ No ___ Manager ___ City Attorney _×_ Department ___ Other *Public Transportation*	
	Attachments: 1. Repealing Ordinance 14-1-107 2. "Mark-up" and "Clean" copy of ordinances 14-1-12,14-1-13,14-1-61,14-1-62, 14-1-66 and 14-1-69.

ORDINANCE REPEALING SECTION 14-1-107

OF THE

HARRISONBURG CITY CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Section 14-1-107 of the Harrisonburg City Code is hereby repealed.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this ____ day of _____, 2011.

_____
MAYOR

ATTESTE:

_____
CLERK OF THE COUNCIL

ORDINANCE AMENDING AND RE-ENACTING 14-1-12, 14-1-13, 14-1-61, 14-1-62,

14-1-66 AND 14-1-69

OF THE

HARRISONBURG CITY CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That the following sections of Title 14 be amended and re-enacted as follows:

Section 14-1-12. Report of accidents.

Every accident in which any taxicab is involved shall be immediately reported to the police department and HDPT, however slight the accident may be. ~~The police department shall forward a copy of the accident report to HDPT within five (5) business days.~~

Section 14-1-13. Inspection of vehicles; correction of defects.

Each taxicab within the city shall be inspected by HDPT before it is put into revenue service, annually and at random. If any such vehicle shall be found to be unsafe, unfit or in an unclean condition, the owner thereof shall be notified at once that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied. Inspection shall include the certification of the taximeter as stated in Section 14-1-102 of this Ordinance.

Upon compliance with the inspection each taxicab will be issued an inspection decal to be placed on the back windshield. The inspection decal shall have displayed upon it the license number assigned to the particular taxicab, the name of the city, and the year for which issued. A taxicab may not operate without the inspection decal. It shall be unlawful for any person to knowingly use any such inspection decal on any motor vehicle other than the taxicab for which it was issued.

The fee to be paid for the inspection and certification of each taxicab is fifteen dollars ($15.00). An additional charge of fifteen ($15.00) may be added for any taxicab failing the initial or annual inspection by the City of Harrisonburg. The fee shall be collected by HDPT and shall promptly be paid over to the city treasurer to be placed in the ~~general~~ central garage fund.

Section 14-1-61. Required generally~~; temporary special license~~.

No person shall drive a taxicab within the city unless he shall have obtained a special license to be known as the "taxicab driver's license," which shall be in addition to any other licenses required of such persons. ~~; provided, however, that HDPT may issue a temporary special license for a period not to exceed sixty (60) days to any person making application provided for in section 14-1-62 of this chapter.~~ It shall be unlawful for any person to drive a taxicab without the license required by this section. ~~Only one temporary special license shall be issued to any one person within any one-year (12 month) period.~~

Section 14-1-62. Application generally; fingerprints and photographs of applicant.

(a) Application for taxicab driver's license shall be made in writing under oath to HDPT.

(b) ~~Each applicant must apply for his license in person and have his fingerprints taken by the police department, which fingerprints shall constitute a part of his application.~~ HDPT shall conduct a national background check on each applicant.

(c) Each applicant must file with his application two (2) recent photographs of himself of a size designated by HDPT, one of which shall be attached to and become a part of the application, the other to be attached to the license, if issued, in such manner that no other photograph may be substituted therefor without probability of detection.

(d) Applicant to obtain Harrisonburg city business license and file with application.

(e) ~~Applicant~~ HDPT shall obtain a current Department of Motor Vehicle (DMV) driving record and file with application and if the applicant is an out-of-state driver, they shall obtain a current DMV report from their home state at their expense.

(f) Applicant to provide a completed general health questionnaire completed by a physician or health department official.

(g) Each applicant must take and pass a drug screen annually unless the applicant is in a random testing pool, as stated below. The pre-employment drug screen, shall be filed ~~within five (5) days of the application is required for all applicants~~ with HDPT prior to the issuance of the license.

(h) A taxi company with a DOT approved random drug and alcohol testing program shall not require drivers to pass a drug screen annually.

(i) If a drug screen result is positive, the driver's taxicab license shall be revoked for one year.

Section 14-1-66. Fees.

(a) Applicants will be charged a fee for the following items:

(1) ~~For each completed application form . . . $ 2.00~~ Application fee …..$50.00
This fee includes National Background Check; Virginia DMV record and Permanent License

(2) ~~For fingerprinting by police department . . . $5.00~~

~~(3) For each license issued . . . $20.00~~

(2) ~~(4)~~ For each renewal of license . . . $20.00

(3) ~~(5)~~ For replacement of any lost or damaged licenses . . . $15.00

(4) Fee to change taxi companies…….$20.00

(b) Fees shall be collected by HDPT, and shall promptly be paid over to the city treasurer to be placed in the ~~general~~ central garage fund. All fees [are] nonrefundable.

Section 14-1-69. Revocation and suspension.

HDPT shall have the authority to revoke or suspend the taxicab driver's license of any person licensed under this article for the following causes:

(1) ~~Repeated and persistent~~ Four or more violations of traffic and safety laws and ordinances within a two (2) year period;

(2) Failure to report any accident in which such driver is involved, however slight;

(3) Operation of any taxicab known to the driver not to be in good order and repair;

(4) Conviction of reckless driving more than twice in any year;

(5) Violation of any substantial provision of this chapter; and

(6) Violation of the laws of any state or the ordinances of any municipality:

(7) Positive drug screen.

The director of public transportation shall hear an appeal from anyone whose license is revoked or suspended under this provision within forty-eight (48) hours of a request for an appeal, so long as such appeal is filed in writing with the office of the director of public transportation within five (5) days of the suspension or revocation. The decision of the director of public transportation may be appealed to the General District Court of Rockingham County, Virginia, for a final decision, if such appeal is filed with the court within ten (10) days of the decision of the director of public transportation.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this _____ day of _____, 2011.

_____
MAYOR

ATTEST:

_____

CLERK OF THE COUNCIL

ORDINANCE AMENDING AND RE-ENACTING 14-1-12, 14-1-13, 14-1-61, 14-1-62,

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Section 14-1-13. Inspection of vehicles; correction of defects.

Each taxicab within the city shall be inspected by HDPT before it is put into revenue service, annually and at random. If any such vehicle shall be found to be unsafe, unfit or in an unclean condition, the owner thereof shall be notified at once that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied. Inspection shall include the certification of the taximeter as stated in Section 14-1-102 of this Ordinance.

Upon compliance with the inspection each taxicab will be issued an inspection decal to be placed on the back windshield. The inspection decal shall have displayed upon it the license number assigned to the particular taxicab, the name of the city, and the year for which issued. A taxicab may not operate without the inspection decal. It shall be unlawful for any person to knowingly use any such inspection decal on any motor vehicle other than the taxicab for which it was issued.

The fee to be paid for the inspection and certification of each taxicab is fifteen dollars ($15.00). An additional charge of fifteen ($15.00) may be added for any taxicab failing the initial or annual inspection by the City of Harrisonburg. The fee shall be collected by HDPT and shall promptly be paid over to the city treasurer to be placed in the central garage fund.

Section 14-1-61. Required generally.

No person shall drive a taxicab within the city unless he shall have obtained a special license to be known as the "taxicab driver's license," which shall be in addition to any other licenses required of such persons. It shall be unlawful for any person to drive a taxicab without the license required by this section.

Section 14-1-62. Application generally; fingerprints and photographs of applicant.

(a) Application for taxicab driver's license shall be made in writing under oath to HDPT.
(b) HDPT shall conduct a national background check on each applicant.
(c) Each applicant must file with his application two (2) recent photographs of himself of a size designated by HDPT, one of which shall be attached to and become a part of the application, the other to be attached to the license, if issued, in such manner that no other photograph may be substituted therefor without probability of detection.

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(e) HDPT shall obtain a current Department of Motor Vehicle (DMV) driving record and file with application an if the applicant is an out-of-state driver they shall obtain a current DMV report from their home state at their expense.
(f) Applicant to provide a completed general health questionnaire completed by a physician or health department official.
(g) Each applicant must take and pass a drug screen annually unless the applicant is in a random testing pool, as stated below. The pre-employment drug screen shall be filed with HDPT prior to the issuance of the license.
(h) A taxi company with a DOT approved random drug and alcohol testing program shall not require drivers to pass a drug screen annually.
(i) If a drug screen result is positive, the driver's taxicab license shall be revoked for one year.

Section 14-1-66. Fees.

(a) Applicants will be charged a fee for the following items:
(1) Application fee……$50.00
This fee includes National Background Check, Virginia DMV Record and Permanent License
(2) For each renewal of license . . . $20.00
(3) For replacement of any lost or damaged licenses . . . $15.00
(4) Fee to change taxi companies……$20.00
(b) Fees shall be collected by HDPT, and shall promptly be paid over to the city treasurer to be placed in the central garage fund. All fees [are] nonrefundable.

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(2) Failure to report any accident in which such driver is involved, however slight;
(3) Operation of any taxicab known to the driver not to be in good order and repair;
(4) Conviction of reckless driving more than twice in any year;
(5) Violation of any substantial provision of this chapter; and
(6) Violation of the laws of any state or the ordinances of any municipality:
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