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## M E M O R A N D U M

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**DATE:** January 27, 2009  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Taxicab Ordinance Issues  
**CC:** Cindy Gust-Jenson, David Everitt, Ed Rutan, Frank Gray, Maureen Riley, Karen Hale, Mary De La Mare-Schaeffer, Robert Farrington, Orion Goff, Jennifer Bruno, Helen Langan, Randy Berg, Dave Korzep, Laura Kirwan, Brent Kovac, Larry Bowers, Ray Mundy, Carla Wiese at The Downtown Alliance

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This memorandum is an update on the progress of City Council consideration of an ordinance that would change the way the taxicab industry is regulated in Salt Lake City. The Council last received a briefing on this issue on December 2, 2008.

The proposed ordinance would initiate a method of regulation based on issuing contracts to companies that would provide taxicab service within Salt Lake City. If the City Council adopts the ordinance, the City would issue a request for proposals from companies to operate taxicabs. The City then would award contracts to between two and four companies to operate a total of about 200 cabs city-wide.

As you know, in September 2008 the Administration transmitted a proposed ordinance that would end the City's current method of regulating taxicabs through authorizing certificates of convenience and necessity. The City Council's Transportation and Mobility Subcommittee first met on this issue in April 2008 and has met several times since then as the issue has moved toward formal City Council consideration. The ordinance has not been calendared yet for formal Council consideration because Council staff and the Administration have pursued a program to make the public more aware of the ordinance. The program in part was requested by the Downtown Alliance Parking and Transportation Committee.

After a discussion of the ordinance at the Parking and Transportation Committee's October meeting, the committee indicated that it would like to hear from representatives of the taxicab industry and from the City Council's consultant on the issue, Ray Mundy, Ph.D., who in July 2005 published the *Ground Transportation Study Salt Lake City, Utah*.

Representatives of the taxicab industry met with the Alliance Parking and Transportation Committee on November 4, and Professor Mundy met committee on December 2 as well as with the City Council.

During the City Council meeting City Council staff referenced the Downtown Alliance Parking and Transportation Chair Kent Gibson's interest in obtaining comment from the public on the proposed change. Council staff indicated that it was worth exploring whether a telephone opinion poll could be done to meet the request. Since then, it has become apparent to staff that a telephone opinion poll might be too costly to commission in the current budget climate.

As an alternative, The Downtown Alliance staff is working with City Council staff to conduct an electronic survey which the Alliance will develop. Council and Alliance staff have determined a set of questions, and the Alliance staff plans to send the survey to Alliance members and other potential users of ground transportation businesses. The Alliance staff plans to send a link to City Council staff to forward to City Council e-mail lists and post on the City Council website.

In addition, the Alliance Parking and Transportation Committee is scheduled to discuss the proposed change to the way Salt Lake City regulates taxicabs at the committee's meeting February 3. The Committee may make recommendations to be taken to the Downtown Alliance Board of Trustees, which may forward the recommendations to the City Council.

## **BACKGROUND**

Adopting the proposed ordinance would finish a legislative portion of taxicab regulation (City Code Chapter 5.72) that began in 2004. It is very likely that revisions to the ground transportation section (Chapter 5.71) of the City Code would continue.

It should be noted that the City Council's Transportation and Mobility Subcommittee at its April 24 meeting recommended that the proposed ordinance warranted consideration by the full City Council. The Subcommittee affirmed its recommendation at its September 25 meeting.

To recap briefly, in 2004 the City's three taxicab companies petitioned the City Council for an increase in taxicab fares and a waiver of an annual deadline in which the companies had to recommend to the Administration whether they intended to seek rate increases or decreases.

The City Council ultimately granted the waiver and the increase but determined to study the taxicab and ground transportation industries to learn how ground transportation industries were competing with taxicab companies and how taxicab companies in Salt Lake City operated in comparison to other cities. The City Council contracted with Dr. Mundy to study the industries, and on July 31, 2005, he published *Ground Transportation Study Salt Lake City, Utah*. The report recommended a number of changes to the way the City regulates taxicabs.

It should be noted that the City Council held public hearings on Dr. Mundy's study when it was in draft form and on individual recommendations in the study after it was published. It also should be noted that one of the recommendations was to replace the method of regulating taxicab companies through certificates of public convenience and necessity with a method of regulating taxicab companies through contracts. The net result of the recommendation would be that the City would advertise through a request for proposals for companies to operate taxicabs in the City. The result would not guarantee that the three existing taxicab companies would prove successful in obtaining a City contract.

Previous City Council actions also include:

1. Based on recommendations in Dr Mundy's study, the City Council with the support of the previous Administration adopted Resolution No. 66 of 2005 on December 8, 2005, declaring the City Council's intent to "change the taxicab (regulatory) system from a certificate of convenience and necessity system" to a system where taxicab companies contract with Salt Lake City to operate cabs.

2. On the same night it adopted Resolution No. 66 the City Council adopted Ordinance No. 87 of 2005 which, in part, declared that a certificate of convenience and necessity is not a franchise and is not irrevocable. The ordinance also declared:

The City is considering alternate methods of regulation and intends to adopt alternate methods at a future date. Certificates of convenience and necessity issued by the City are terminable by the City, and in order to prepare for changes in regulation, all such certificates issued under this Chapter shall expire at the same time that the certificate holder's current business license expires, which shall be no later than January 31, 2006. Future certificates of convenience and necessity under this Chapter will be issued only on a renewal basis to existing certificate holders upon submission of an acceptable renewal application, and shall remain subject to termination. Prior to adopting regulatory changes, the City will provide notice to these certificate holders, and all such certificates will terminate 180 days from the date when such notice is issued.

### **PROPOSED ORDINANCE**

The centerpiece of the proposed ordinance is a revised section of City Code Section 5.72.130.

The title of the section is amended to read: *Phasing Out of Certificates of Public Convenience and Necessity*.

Paragraph A contains the following sentence: The city hereby adopts a contract based system for provision of taxicab services. Only taxi providers selected pursuant to a competitive Request for Proposals ("RFP") process and who have entered into a contract with the city may operate taxi services for hire upon Salt Lake City streets, as defined in Section 5.72.130(C).

The sentence replaces a paragraph that reads: ~~No person shall operate or permit a taxicab owned or controlled by such person to be operated as a vehicle for hire upon the streets of Salt Lake City without first having obtained a certificate of public convenience and necessity from the city ...~~

Paragraph B contains the following sentence: Existing certificates of public convenience and necessity issued by the city under this chapter shall expire no later than 180 days from the effective date of this ordinance. The city may elect to continue the termination date up to an additional 180 days. ... In the event the city is delayed in implementing the contract based system, the existing certificate holders may continue to operate until such time as implementation occurs. In the event the termination of one or more of the certificates is continued beyond the termination date set forth above, the city may simultaneously implement the contract based system which such certificates remain in effect.

The paragraph replaces the language cited in Ordinance No. 87 of 2007 under *Previous City Council Action*.

Other key points of the proposed ordinance include:

- A revised formula for determining mileage and flag-drop rates in taxicab meters. The City Council requested that the Administration review a proposed formula when the Council adopted a motion to increase taxicab mileage rates in August. If the City Council adopts the proposed ordinance, the formula – not future City Council action – would determine mileage and flag-drop increases or decreases.
- Requiring taxicab drivers to have equipment to process credit and debit cards as payment for fares.

FRANK B. GRAY  
DIRECTOR

# SALT LAKE CITY CORPORATION

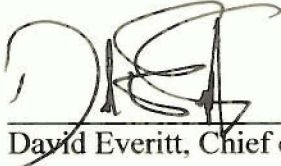
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

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DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## CITY COUNCIL TRANSMITTAL

  
David Everitt, Chief of Staff

Date Received: 9/2/2008

Date Sent to City Council: 9/15/2008

**TO:** Salt Lake City Council  
Jill Remington-Love, Chair

**DATE:** September 2, 2008

**FROM:** Frank Gray, Community & Economic Development Director

**RE:** Request to amend portions of Section 5.72. This proposed amendment fulfills the Council Subcommittee's directive to change Salt Lake City's relationship with the taxi industry to a contract form of regulation from the current ordinance based taxicab regulations based on Certificates of Convenience and Necessity. A Request for Proposals (RFP) will be published for the contracts for response from suitable providers.

**STAFF CONTACTS:** Orion Goff, Building Services & Licensing Director, 535-6681  
Laura Kirwan, Senior City Attorney, 535-7685  
Brent Kovac, Ground Transportation Administrator, 908-7195

**RECOMMENDATION:** That the City Council hold a briefing and schedule a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** In preparation for the anticipated release of the Taxicab Request for Proposals (RFP), the City Council Transportation Sub-Committee requested that the administration prepare an ordinance change to accommodate the transition to the contract form of regulation. This change will be facilitated by an official RFP. Included in the ordinance revision is language, which will make this transition less difficult and clearly define the timing of the proposed change. It will also include the index formula for meter rate changes as previously agreed. The reason for the proposed rate change was due to industry concerns over the difficult process for

changes. At the subsequent City Council meeting in July of 2007, the Council asked that the Ground Transportation Administration investigate and recommend a simplified procedure.

***Analysis:*** Under section 5.72.130-B, the City Code amendment adopted in July of 2005 gave notice to the existing holders of a taxicab Certificate of Convenience and Necessity (CC&N) that the City was intending to change to method it regulates such an industry. The change would be from an ordinance-based regulation to an alternate method. This section of the City Code indicated that the CC&N as issued by the City are terminable and that future Certificates had an expiration date.

As the Taxicab RFP is ready, the existing ordinance needs some adjustment in order to meet the requirements of the City, of Section 5.72.130-B of the City Code, and to the method of meter rate changes as defined in Article VI of 5.72 (5.72.455 through 5.72.485).

#### **PUBLIC PROCESS:**

The City is required to hold a public hearing before adopting this ordinance.

#### **RELEVANT ORDINANCES:**

Section 5.72.130-B

Article VI of 5.72 (5.72.455 through 5.72.485)

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(Amending Taxicab Provisions)

AN ORDINANCE AMENDING CHAPTER 5.72, *SALT LAKE CITY CODE*,  
PERTAINING TO TAXICABS, TO PROVIDE FOR TRANSITION FROM  
REGULATORY TO CONTRACT BASED SYSTEM FOR PROVIDING TAXI  
SERVICES

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 5.72, *Salt Lake City Code*, pertaining to taxicabs be,  
and the same hereby is, amended to read as follows:

Article I. Definitions

5.72.005 Definitions And Interpretation Of Language:

The words and phrases, when used in this chapter, shall have the meanings defined and  
set forth in this article.

5.72.010 Cab Day:

"Cab day" means eight (8) or more hours during any calendar day.

5.72.015 Calendar Day:

"Calendar day" means a twenty four (24) hour period from midnight to midnight.

5.72.020 Calendar Quarter:

"Calendar quarter" means January 1 through March 31, April 1 through June 30, July 1  
through September 30, or October 1 through December 31 of each year.

5.72.025 Calendar Six Months:

"Calendar six (6) months" means January 1 through June 30 and July 1 through  
December 31 of each year.

5.72.030 Car Pool:

"Car pool" means the use of a taxicab for the transportation of two (2) or more persons from designated locations to other designated locations in accordance with a prearranged agreement between the taxicab company and the persons being transported.

5.72.035 Certificate:

"Certificate" means a certificate of public convenience and necessity issued by the city authorizing the holder thereof to conduct a taxicab business in the city.

5.72.040 Cleared:

"Cleared" means that condition of a taximeter when it is inoperative with respect to all fare registration, when no figures indicating fare or extras are exposed to view, and when all parts are in that position for which they are designed to be when the taxicab to which the taximeter is attached is not engaged by a passenger.

5.72.047 Department:

"Department" means the city's Ground Transportation Administration division.

5.72.050 Extras:

"Extras" means the charges to be paid by the customer or passenger in addition to the fare, including any charge for the transportation of baggage or parcels.

5.72.055 Face:

"Face" means that side of a taximeter upon which passenger or customer charges are indicated.

5.72.060 Fare:

"Fare" means that portion of the charge for hire of a taxicab which is automatically calculated by the taximeter through the operation of the mileage and time mechanism.

5.72.065 Hired:

"Hired" means activating the button on the face of the taximeter which places taximeter in operation.

5.72.070 Holder:

"Holder" means a person to whom a certificate of public convenience and necessity has been issued.

5.72.075 In Service:

"In service" means that a taxicab is actually in use on the streets of the city, with a driver, and available for the transportation of passengers for hire.

5.72.080 Manifest:

"Manifest" means a daily record prepared by a taxicab driver of all trips made by such driver, showing time(s) and place(s) of origin and destination, number of passengers, and the amount of fare of each trip.

5.72.085 Open Stand:

"Open stand" means a public place alongside the curb of a street, or elsewhere in the city, which has been designated by the department as reserved exclusively for the use of taxicabs, and may include places otherwise marked as freight zones or other parking restricted zones if designated for use of taxicabs during specified times.

5.72.090 Person:

"Person" means and includes an individual, a corporation or other legal entity, a partnership, and any incorporated association.

5.72.095 Small Parcel Delivery System:

"Small parcel delivery system" means a system of delivering items which will be picked up by a taxicab driver and delivered to a destination within one and one-half (1 1/2) hours. The pick up and delivery of such items shall be accomplished while the taxicab is idle; i.e., not en route to picking up or dropping off any passenger, and not while any passenger is en route in the taxicab.

#### 5.72.100 Taxicab:

"Taxicab" means a motor vehicle used in the transportation of passengers for hire over the public streets of the city, and not operated over a fixed route or upon a fixed schedule, but is subject to contract for hire by persons desiring special trips from one point to another. "Taxicab" does not include an automobile rental licensed under any other section of this code.

#### 5.72.105 Taxicab Driver's License:

"Taxicab driver's license" means an operator's certificate, as defined by Section 5.71.010(T).

#### 5.72.110 Taximeter:

"Taximeter" means a meter instrument or electronic device attached to a taxicab which measures mileage by the distance driven and the waiting time upon which the fare is based, and which automatically calculates, at a predetermined rate or rates, and registers, the charge for hire of a taxicab. Each taxicab shall have credit card capability for its customers.

#### 5.72.115 Waiting Time:

"Waiting time" means the time when a taxicab is not in motion, from the time of acceptance of a passenger or passengers to the time of discharge.

## Article II. Phasing Out of Certificate Of Public Convenience And Necessity

### 5.72.130 Adoption of Contract Based System for Provision of Taxi Services:

A. The city hereby adopts a contract based system for provision of taxi services.

Only taxi providers selected pursuant to a competitive Request for Proposals ("RFP") process and who have entered into a contract with the city may operate taxi services for hire upon Salt Lake City streets, as defined in Section 5.72.130(C).

B. Existing certificates of public convenience and necessity issued by the city under this chapter shall expire no later than 180 days from the effective date of this ordinance. The city may elect to continue the termination date up to an additional 180 days. Upon final termination, a pro rata refund of that portion of the annual business license fee and certificate of convenience and necessity fee shall be given to those persons whose licenses and certificates have been terminated according to the portion of the year remaining at the time of termination. In the event the city is delayed in implementing the contract based system, the existing certificate holders may continue to operate until such time as implementation occurs. In the event the termination of one or more of the certificates is continued beyond the termination date set forth above, the city may simultaneously implement the contract based system while such certificate or certificates remain in effect.

C. For the purpose of this section, the term "operate for hire upon the streets of Salt Lake City" shall not include the transporting, by a taxicab properly licensed in a jurisdiction outside the corporate limits of the city, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside of the corporate limits of the city and where the destination is either within or beyond the

city corporate limits. The term "operate for hire upon the streets of Salt Lake City" means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the city, whether the destination is within or outside of the corporate limits of the city.

D. Taxicabs may operate as provided in section 5.71.028 of this title and section 16.60.097 of this code, or their successors. 5.72.135 Fees:

No certificate shall continue in operation unless the holder thereof has paid an annual disproportionate business regulatory fee as set forth in section 5.04.070 of this title, or its successor section, each year for each vehicle authorized under a certificate of public convenience and necessity. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the holder of the vehicle or vehicles under the holder's operation and control.

5.72.140 Existing Holders' Certificates:

All holders of existing taxicab certificates at the effective date hereof shall retain such certificates, allowing them to operate the same number of vehicles as they are presently authorized to operate, without the hearing provided in this article, the public convenience and necessity having heretofore been demonstrated, until such certificate is terminated as provided in this chapter..

5.72.142 Mandatory Accessible Vehicle:

Every taxicab company holding a certificate of convenience and necessity from the city shall, as a condition of retaining such certificate, obtain no later than sixty (60) days from the effective date hereof and use continuously thereafter as part of its fleet of taxicabs in the operation of its business, or through the service of a third party provider, at least one

vehicle that is fully accessible for the transport of persons with disabilities, including persons using electrically powered wheelchairs. Said vehicles shall meet the equipment standards and technical specifications set forth for such transport in the federal Americans with disabilities act, or its successor. Said vehicles shall operate with equivalent response times and shall charge equivalent fares to the average response times and the fares of ordinary taxicabs operated by such company.

5.72.145 Licensing For All Certified Vehicles:

A. A holder is required to have the total number of vehicles authorized under such holder's certificate of convenience and necessity and to obtain the license required by section 5.05.155 of this title, or its successor, for each and every vehicle.

B. In the event the holder does not license the total number of vehicles authorized by the certificate before February 15 of any year, such holder shall forfeit the right to any vehicle not so licensed; that authority shall automatically revert to the city, and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year. Such forfeited right to operate any vehicle may be reissued to any person; provided, however, it shall not be reissued except upon application required by section 5.05.105 of this title, or its successor, and by a showing of public convenience and necessity as required by section 5.05.140 of this title, or its successor.

C. Nothing contained herein shall prohibit a holder from having vehicles in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized vehicle under repair, maintenance or breakdown; provided, however, any such vehicle shall not be used as a taxicab other than as a replacement or

substitution as herein provided. Each holder shall be authorized to license additional vehicles, over and above the number authorized in the certificate, as replacement or substitution vehicles according to the number of vehicles so authorized in the certificate. Any holder having authorization for one to five (5) vehicles shall be allowed to license one additional vehicle as a replacement or substitution vehicle. Any holder having authorization for six (6) or more vehicles shall be allowed to license one additional vehicle as a replacement or substitution vehicle for each five (5) vehicles authorized in the certificate.

#### 5.72.150 Certificate Not A Franchise And Not Irrevocable:

No certificate issued in accordance with this chapter, or its successor, shall be construed to be either a franchise or irrevocable.

#### 5.72.155 Compliance Responsibility:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder leases or rents taxicabs to drivers, or whether the holder pays salary, wages or any other form of compensation.

### Article III. Driver Licensing

#### 5.72.220 Vehicle Operator's Certificate Required For Operators:

It is unlawful for any person to operate a taxicab for hire upon the streets of the city without having first obtained and having then in force a valid vehicle operator's certificate, in compliance with the requirements of Title V, Chapter 71, Article VI, Salt Lake City Code of Ordinances.

#### 5.72.225 Permitting Unlicensed Operator Unlawful

It is unlawful for any person who owns or controls a taxicab to permit it to be driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the taxicab is operated by a driver who has then in force a valid vehicle operator's certificate issued under the provisions of this chapter.

#### Article IV. Vehicle Equipment And Maintenance

##### 5.72.315 Vehicle Inspection Prior To Licensing:

Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected as set forth in chapter 5.71, article V, of this title, or its successor, and found to comply with the requirements thereof. In addition, the vehicle shall at all times in which it is in operation as a taxicab within the city be maintained in conformity with the safety inspection requirements of Utah and federal law. Following the effective date hereof, no vehicle shall be licensed by the city as a taxicab that: a) was not previously so licensed or b) was manufactured more than five (5) years prior to application for licensure.

##### 5.72.335 Identifying Design:

Each taxicab shall bear on the outside of each rear or front door, in painted letters not less than two inches (2") in height, the name of the holder and the company number, which number shall also be painted on the rear of the taxicab, and, in addition, may bear an identifying design approved by the department. All signs, markings, advertisement and graphics shall comply with subsection 5.71.170A of this division, or its successor.

##### 5.72.340 Conflicting Or Misleading Designs Prohibited:

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, in the opinion of the department, 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 be, in the opinion of the department, in conflict with or in imitation of 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 certificate covering such taxicab or taxicabs shall be suspended or revoked.

#### Article V. Taximeters

##### 5.72.345 Required For Operation-Exception:

- A. All taxicabs operated under the authority of this chapter, except as specified below, shall be equipped with taximeters which shall conform to the specifications set forth in this chapter and such others as may be adopted from time to time by the department.
- B. It is unlawful for any person to operate or to allow to be operated any taxicab without such taximeter, with the exception that any taxicab performing car pool services under section 5.72.520 of this chapter, or its successor, need not have such taximeter operative during such trip, and any taxicab used exclusively as a car pool vehicle.

##### 5.72.347 Taximeter-Method Of Programming Rates, Fares:

No meter shall be approved or adopted by the city which has rates, fares, or calibrations which are not properly sealed to prevent tampering.

#### 5.72.350 Fares-Method Of Calculation:

Taximeters shall calculate the fares upon the basis of a combination of mileage traveled and time elapsed. When the taximeter is operative with respect to fare registration, the fare registration mechanism shall be actuated by the mileage mechanism and the fare registering mechanism shall be actuated by the time mechanism whenever the taxicab is not in motion. Means shall be provided for the driver of the taxicab to maintain the clock mechanism either operative or inoperative with respect to the fare registering mechanism.

#### 5.72.355 Operation To Be Indicated:

It shall be shown on the taximeter's face whether the mechanism is set to be operative or inoperative, and, if operative, the character of fare registration for which it is set. While the taximeter is cleared, the indication "not registering" or an equivalent expression shall appear. If a taximeter is set to be operative, the indication "registering" or equivalent expression shall appear.

#### 5.72.360 Accumulated Fare To Be Shown:

The fare indication shall be identified by the word "fare" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.

#### 5.72.365 Visibility Of Indications:

Indications of fare and extras shall never be obscured or covered except when a taximeter is cleared. No decals, stickers or other material may be placed on the face of the taximeter.

#### 5.72.370 Protection Of Indications:

Indications shall be displayed through an entirely protected glass or plastic face securely attached to the metal housing of the taximeter.

5.72.378 Top Light Requirement:

A top light shall be installed on every licensed taxicab. The top light shall be illuminated when said taxicab is available for hire and shall not be illuminated when the taximeter is placed into hire.

5.72.380 Completion Of Service:

Upon the completion of the service by the taxicab, it shall be the duty for the driver to call the attention of the passenger to the amount registered, and to clear the taximeter to the nonregistering position and its dials cleared. Upon completion of each fare, the driver shall give the passenger a printed receipt as required by section 5.72.475 of this chapter, or its successor.

5.72.385 Placement Of Meter In Cab:

When mounted upon a taxicab, a taximeter shall be so placed that its face is in plain view of any passenger seated on the rear seat of the cab.

5.72.390 Illumination:

The face of the taximeter shall be artificially illuminated after sundown so that it is clearly visible to rear seat passengers.

5.72.395 Sealing Of Meters Required:

A. Every taximeter shall have adequate provisions for the affixing of a lead and wire seal so that no adjustments, alterations or replacements affecting in any way the indications, rates or accuracy of the taximeter can be made without mutilating such seal. The seal shall be affixed by the department, as hereinafter provided.

B. It is unlawful for any person to operate any taxicab at any time with the license office's seal of the taximeter broken, mutilated or removed, and any taxicab having a broken, mutilated or removed seal must be inspected by the department and a new seal affixed by the department.

#### 5.72.400 Inspections-Authorized When:

All taximeters shall be subject to inspection from time to time by the department.

#### 5.72.405 Six Month Inspections:

A. It shall be the duty of the department to inspect, test and seal with a city seal every taximeter at least once every six (6) months. This inspection shall coincide with the inspection required under section 5.71.180 of this title, or its successor.

B. It is further required that the semiannual meter checks shall be required for every taxicab in which a meter is installed, irrespective of whether or not that particular taxicab is in operation at the time of such inspections. When any department seal has been broken, mutilated or removed, the holder shall contact the department and make arrangements for the replacement of such seal. It is unlawful for any driver of a taxicab or any other person to operate a taximeter in a taxicab unless said meter has been inspected and certified to be operating accurately by the department for that specific taxicab.

#### 5.72.415 Sealing After Inspection:

Such taximeters shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording.

#### 5.72.420 Inspections-Recordkeeping:

The department shall keep a record of the identification of every taxicab meter number and date of inspection thereof in its office.

#### 5.72.425 Inspection Upon Complaint:

It shall be the duty of the department to make an immediate inspection of any taximeter when complaint is received that the taximeter is registering incorrectly or not in accordance with the rate posted in the taxicab and set forth in this chapter.

#### 5.72.430 Change In Rates-Immediate Inspection:

In the event a change in rates is made, the taximeter shall be adjusted to the new rates, and the taximeter of every taxicab in which a meter has been installed shall be immediately inspected, tested and sealed by the department. A fee will be charged by the department for each meter reprogrammed and sealed, with the fee amount to be set by the department based on recovery of costs to the City.

#### 5.72.435 Error In Registration-Removal From Service:

No taximeter which is inaccurate in registration in excess of one and one-half percent (1 1/2%) shall be allowed to operate in any taxicab, and when an inaccuracy is discovered, such taxicab involved shall immediately cease operation and be kept off the highways until the meter is repaired and in proper working condition.

#### 5.72.438 Altering Taxicab To Affect Taximeter:

No owner, driver or company shall perform or permit or allow any alterations to a taxicab that will affect the taximeter pulse setting without said taximeter being recertified by the department. Said alterations shall include, but not be limited to, transmission replacement or remanufacturing, differential replacement or remanufacturing, speedometer cable replacement, speed sensor replacement, repair or replacement of the taxicab's onboard computer, or change of tire size on drive axle.

#### 5.72.440 Using Hired Button As Signal For Different Rate Prohibited:

Except as otherwise provided herein, it is unlawful for any driver of a taxicab to charge a fare other than as calculated by the taximeter.

#### Article VI. Rates

##### 5.72.455 Maximum Rates:

A. Except as otherwise provided herein, an owner or driver of a taxicab may establish and charge mileage rates lower than, but shall not establish and charge any mileage rate for the use of a taxicab greater than the per mile fee and flag drop fee established pursuant to Section 5.72.455. As of September 1, 2008, the fees are two dollars twenty five cents (\$2.25) for flag drop and twenty cents (\$0.20) for each one-eleventh (1/11) mile or fraction thereof. An owner or driver of a taxicab may establish and charge a rate for waiting time lower than, but shall not establish any rate for waiting time greater than, twenty two dollars (\$22.00) per hour. Changes in future fee amounts will not be incorporated within this ordinance and will be announced by the department as provided in Section 5.72.457.

B. The foregoing notwithstanding, an owner or driver of a taxicab who is charged a fee by the city to deliver a passenger or to pick up a passenger at the Salt Lake City international airport may, in addition to the rates allowed by subsection A of this section, or its successor, charge an additional sum in the exact amount of such fee to be used to pay such fee. Further, an owner or driver of a taxicab may charge a minimum airport rate of twelve dollars (\$12.00) for service from the Salt Lake City international airport.

##### 5.72.457 Bi-Annual Review Of Maximum Rates:

A. Meter per mile rate ("Per Mile Rate") changes. The department reviews Per Mile Rates twice each year to determine if rate changes are required, based on changes in fuel costs.

Reviews occur on or near March 15 and September 15. If rate changes are authorized, scheduled meter recalibrations will start on or after April 1 and October 1, respectively.

1. Per Mile Rates are based on the average price of regular grade fuel ("Fuel") according to the following criteria and requirements.

a. Fuel costs are determined using AAA's "Media Site for Retail Gasoline Prices, UT Metro Averages, Salt Lake City-Ogden" ([www.fuelgaugereport.com/UTmetro.asp](http://www.fuelgaugereport.com/UTmetro.asp)). If this website should cease operation, the department will rely on a similar site or index. The average price is calculated by:

i) taking the actual cost of Fuel averaged for the three months preceding the respective review date; and

ii) taking the actual cost of Fuel averaged for the six months preceding the respective review date.

b. If an increase is indicated, then the higher of the three or six month Fuel average will be used. If a decrease is indicated, the lower Fuel average will be used.

c.. Based on the two month average price of Fuel, a Per Mile Rate increase or decrease will be authorized as follows:

<b>Fuel Cost Increases (Decreases)</b>	<b>Per Mile Rate Increases (Decreases)</b>
\$0.000 to \$0.255	\$0.00
\$0.256 to \$0.755	\$0.10
\$0.756 to \$1.255	\$0.20
\$1.266 to \$1.755	\$0.30
\$1.766 to \$2.255	\$0.40

2. One hundred percent (100 %) of any Per Mile Rate increase must go to the driver.

Drivers will be required to absorb decreases in the Per Mile Rate.

B. Flag drop rate ("Flag Drop Rate") changes. The department reviews Flag Drop Rates once each year to determine if rate changes are warranted based on changes in the Consumer

Price Index. Reviews occur on or near March 15. If rate changes are authorized, scheduled meter recalibrations will start on or after April 1.

1. Flag Drop Rates are based on the percentage increase in the latest Consumer Price Index, All Urban Consumers (CPI-U), West Urban Area ("CPI-West Urban"), published by the U.S. Bureau of Labor Statistics

([http://data.bls.gov/PDO/servlet/SurveyOutputServlet?data\\_tool=dropmap&series\\_id=CUUR0400SA0,CUUS0400SA0](http://data.bls.gov/PDO/servlet/SurveyOutputServlet?data_tool=dropmap&series_id=CUUR0400SA0,CUUS0400SA0)). The percent increase will be calculated using the CPI–West Urban data from the calendar year (January 1 to December 31) preceding the annual review. If the CPI–West Urban index is no longer published, a similar index will be used.

- a. For each five percent (5%) increase in the CPI–West Urban index over the previous calendar year, the flag drop rate will increase in increments of \$0.05 (5 cents). Percentage increases under 5 % will not be considered.
- b. If the CPI–West Urban index does not meet or exceed the 5% requirement for two (2) consecutive calendar years, the department may, at its option, take the percentage difference from January 1 of the first of the two years to December 31 of the second year and use the resulting percentage increase to determine a Flag Drop Rate change. Percentage increases under 5% will not be considered.
- c. Rates will be reviewed annually regardless of whether a one year or two year calculation was used the previous year.

Examples:

**ONE YEAR EXAMPLE** *The consumer price index rises 6.5% from January 1 to December 31 preceding the March review.. The department authorizes an increase of five cents over the current flag drop rate (\$2.25 to a revised rate of \$2.30).*

**TWO YEAR EXAMPLE:** *The consumer price index increase does not exceed 5% in each of two consecutive calendar years. The department takes the January 1 CPI-West Urban index number for the first year and subtracts it from the December 31 CPI-West*

*Urban index number of the second year to obtain a two year index change. If the two year index change meets or exceeds 5.0%, then the department may authorize an increase of five cents, from the current flag drop rate of \$2.25 to a revised rate of \$2.30.*

2. If the consumer price index decreases by more than 5% during the calendar year (January 1 to December 31) preceding the annual review, the department may require a Flag Drop Rate decrease based on the above criteria and requirements.

3. One hundred percent (100%) of any Flag Drop Rate increases must go to the driver. Drivers will be required to absorb decreases in a Flag Drop Rate.

#### 5.72.465 Display Of Fare Rates:

Every taxicab operated under this chapter shall have printed on the outside of the cab, in a conspicuous place on the cab and of sufficient size, legibility and in such manner as to be plainly visible to all prospective passengers, all rates and charges in effect for the taxicab company operating such taxicab. All such rates and charges shall also be posted on the inside of the taxicab in such a manner as to be plainly visible to all passengers. All displays of rate information on taxicabs shall meet the requirements of section 5.71.170 of this title, or its successor section, regarding vehicle signage, and all other applicable ordinances.

#### 5.72.472 All Charges To Be Approved By City:

No taxicab or taxicab company shall charge any fee or payment for the use of a taxicab within the city without the prior approval of the department.

#### 5.72.473 Acceptance of Valid Credit and Debit Cards

Customers shall be permitted to make fare payments with valid credit and debit cards.

Each taxicab must be equipped with the necessary equipment to accept credit and debit cards. At minimum taxicabs must accept Visa and Mastercard and may accept additional

cards at their discretion. There shall be no additional charge or fee to the customer for making payment with a valid credit or debit card.

#### 5.72.475 Receipts For Payment Of Fare:

The driver of any taxicab shall render to every passenger a receipt for the amount charged, either by a mechanically or electronically printed receipt from the taximeter, on which shall be the name of the taxicab company, taxicab number, the date and time the fare was initiated and completed, the miles charged, extras added to the fare, and the total amount of meter reading or charges.

#### 5.72.480 Hiring Vehicle With Intent To Defraud:

It is unlawful for any person to hire any vehicle defined in this chapter with intent to defraud the person from whom it is hired of the value of such service.

#### 5.72.485 Refusing To Pay Legal Fare:

It is unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this chapter after having hired the same.

### Article VII. Service Regulations

#### 5.72.490 General Service Requirements:

The holder of a certificate shall maintain, at all hours during the day or night, sufficient taxicabs with drivers to reasonably answer all calls received. The telephone number of the central place of business shall be listed under the company name in the white pages, and in the yellow pages under the heading "taxicabs", of the city telephone directory.

#### 5.72.495 Twenty Four Hour Service Required:

Holders of a certificate of public convenience and necessity shall maintain a central place of business and keep the same open with a person on duty twenty four (24) hours a day, seven (7) days per week, for the purpose of receiving calls and dispatching cabs.

**5.72.505 Refusing Calls Or Service Prohibited:**

It is unlawful for any holder of a certificate to refuse to accept a call for service to any point within the corporate limits of the city at any time when such holder has available taxicabs, and it is unlawful for any holder to fail or refuse to provide all service required by this title.

**5.72.515 Best Route Required:**

Any driver employed to carry a passenger to a definite point shall take the most direct or expeditious route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger, except that a driver may deviate to pick up or drop off passengers at their homes when he is operating a taxicab as a car pool vehicle. A driver who, in order to increase the fare, knowingly takes a route which is not the most direct or expeditious as possible under the circumstances shall be subject to a civil penalty under section 5.71.080 of this title.

**5.72.520 Car Pool Services:**

Notwithstanding all other provisions of this chapter, it shall be lawful for any person owning or operating a taxicab where both such taxicab and operator are properly licensed under the provisions of this chapter to provide the additional car pool provided in this section. Car pool service may provide transportation for two (2) or more persons between drop off and pick up points within the city as designated by the taxicab company, subject

to the approval of the department. A fixed price may be charged for such one-way car pool service.

#### 5.72.525 Small Parcel Delay Delivery System:

Taxicabs which are properly licensed under the provisions of this chapter are authorized to provide a small parcel delivery system for the transporting of small parcels at a fixed rate, as provided in section 5.72.455 of this chapter, or its successor. It is unlawful for the driver of any taxicab to pick up or deliver any small parcel while en route to pick up or drop off any passenger.

#### 5.72.530 Advertising Material On Cabs Permitted:

It shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire. All advertising material shall be professionally produced.

#### 5.72.535 Open Stands-Establishment:

The department is authorized and empowered to establish open stands in such place or places upon the streets of the city as the department deems necessary for the use of taxicabs operated in the city. The department shall not create an open stand without taking into consideration the need for such stands by the companies, the convenience to the general public, and the recommendation of the traffic engineer. The department shall not create an open stand where such stand would tend to create a traffic hazard.

#### 5.72.540 Open Stands-Use Restrictions:

Open stands shall be used by the different drivers on a first come, first served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within ten feet (10') of their cabs. Nothing in this

chapter shall be construed to prevent a passenger from boarding the cab of his or her choice that is parked at open stands. The department shall prescribe the number of cabs that shall occupy such open stands.

**5.72.550 Open Stands-Use By Other Vehicles Prohibited:**

Private or other vehicles for hire shall not occupy the space upon the streets that has been established as an open stand during any times specified by the department for use by taxicabs.

**5.72.555 Driver To Remain With Cab-Exception:**

The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his or her taxicab for not more than twenty (20) consecutive minutes; and provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle. Drivers shall comply with the requirements of chapter 16.60 of this code, or its successor, as well as all other applicable laws and ordinances, when operating at the airport.

**5.72.560 Number Of Passengers-Restrictions:**

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity rated by the vehicle manufacturer of his or her taxicab, as stated in the license for the vehicle issued by the department. Child seating shall be in accordance with Utah and federal law.

**5.72.565 Additional Passengers-Passenger Consent Required:**

After the employment of the taxicab by a passenger or group of passengers, no driver shall permit any other person to occupy or ride in the taxicab without the consent of the original passenger or group.

5.72.570 Solicitation-By Driver-Limitations:

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab, while standing within ten feet (10') of such taxicab, or at any authorized ground transportation stand.

5.72.585 Solicitation Of Hotel Business Prohibited:

It is a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another.

5.72.595 Refusal To Carry Passengers Prohibited When:

No driver shall refuse or neglect to convey any orderly and sober person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

5.72.600 Engaging In Liquor Or Prostitution Traffic Prohibited:

It is unlawful for any taxicab driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It is also unlawful for any taxicab driver to permit any person to occupy or use his or her vehicle for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purposes, or to direct, take or transport, or offer or agree to direct, take or transport any person to any building or place, or to any other person, with knowledge or reasonable

cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

#### 5.72.601 Limitations On Taxicab Operations At The Airport:

The airport director shall establish procedures that restrict the access of taxicabs doing business at the airport in a manner that reduces the number of unnecessary taxicabs waiting at the airport, and thereby promotes the availability of taxicab service in other areas of the city. Such restrictions shall be imposed in a manner that does not create unreasonable burdens among the different taxicab companies authorized to provide services. Among other things, the airport director shall have broad discretion to determine airport needs and the measures necessary to address them, and may waive or alter any such rules on any reasonable basis to respond to airport conditions as they may occur.

### Article VIII. Manifests And Other Records

#### 5.72.605 Drivers To Keep Manifests:

Every driver shall maintain a daily manifest upon which is reported all trips made during such driver's hours of work, showing time(s) and place(s) or origin and destination of trip, intermediate stop(s), the number of passengers and amount of fare, and all such complete manifests shall be returned to the holder by the driver at the conclusion of his or her working day.

#### 5.72.610 Manifest Forms To Be Approved:

The forms for each manifest shall be furnished to the driver by the holder, and shall be of a character approved by the department.

#### 5.72.615 Manifests-Holding Period-Availability:

Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the department .

#### 5.72.620 Recordkeeping Requirements For Holders:

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 department.

#### 5.72.625 Records Accessible For Examination:

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 department.

### Article IX. Enforcement

#### 5.72.630 Department Authority:

The department is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter.

#### 5.72.635 Violation-Criminal Proceedings-Report To Department:

Upon discovering a violation of the provisions of this chapter, in addition to regular criminal proceedings, the department will order or take appropriate action respecting the licenses or certificates of the persons involved.

#### 5.72.640 Violation-Penalty:

Any violation of any of the provisions of this chapter shall constitute a misdemeanor.

#### 5.72.650 Applicability

The provisions of this Chapter 5.72 shall apply only to existing certificate holders as detailed in Section 5.72.230. Taxi services provided pursuant to the city's contract based

system will be governed the City's RFP and the resulting provider contracts. The City Council may elect to adopt by ordinance minimum standards for contract-based taxi services after provider contracts have been awarded.

SECTION 2. This ordinance takes effect upon first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.  
Published: \_\_\_\_\_.

HB\_ATT-#2323-v1-Amending\_5\_72\_Taxi\_Cabs

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 9/3/08  
By [Signature]

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(Amending Taxicab Provisions)

Legislative

AN ORDINANCE AMENDING CHAPTER 5.72, *SALT LAKE CITY CODE*,  
PERTAINING TO TAXICABS, TO PROVIDE FOR TRANSITION FROM  
REGULATORY TO CONTRACT BASED SYSTEM FOR PROVIDING TAXI  
SERVICES

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 5.72, *Salt Lake City Code*, pertaining to taxicabs be,  
and the same hereby is, amended to read as follows:

Article I. Definitions

5.72.005 Definitions And Interpretation Of Language:

The words and phrases, when used in this chapter, shall have the meanings defined and  
set forth in this article.

5.72.010 Cab Day:

"Cab day" means eight (8) or more hours during any calendar day.

5.72.015 Calendar Day:

"Calendar day" means a twenty four (24) hour period from midnight to midnight.

5.72.020 Calendar Quarter:

"Calendar quarter" means January 1 through March 31, April 1 through June 30, July 1  
through September 30, or October 1 through December 31 of each year.

5.72.025 Calendar Six Months:

"Calendar six (6) months" means January 1 through June 30 and July 1 through December 31 of each year.

5.72.030 Car Pool:

"Car pool" means the use of a taxicab for the transportation of two (2) or more persons from designated locations to other designated locations in accordance with a prearranged agreement between the taxicab company and the persons being transported.

5.72.035 Certificate:

"Certificate" means a certificate of public convenience and necessity issued by the city authorizing the holder thereof to conduct a taxicab business in the city.

5.72.040 Cleared:

"Cleared" means that condition of a taximeter when it is inoperative with respect to all fare registration, when no figures indicating fare or extras are exposed to view, and when all parts are in that position for which they are designed to be when the taxicab to which the taximeter is attached is not engaged by a passenger.

5.72.047 Department:

"Department" means the ~~city department delegated by the mayor to have responsibility for the enforcement of this chapter~~city's Ground Transportation Administration division.

5.72.050 Extras:

"Extras" means the charges to be paid by the customer or passenger in addition to the fare, including any charge for the transportation of baggage or parcels.

5.72.055 Face:

"Face" means that side of a taximeter upon which passenger or customer charges are indicated.

5.72.060 Fare:

"Fare" means that portion of the charge for hire of a taxicab which is automatically calculated by the taximeter through the operation of the mileage and time mechanism.

5.72.065 Hired:

"Hired" means activating the button on the face of the taximeter which places taximeter in operation.

5.72.070 Holder:

"Holder" means a person to whom a certificate of public convenience and necessity has been issued.

5.72.075 In Service:

"In service" means that a taxicab is actually in use on the streets of the city, with a driver, and available for the transportation of passengers for hire.

5.72.080 Manifest:

"Manifest" means a daily record prepared by a taxicab driver of all trips made by such driver, showing time(s) and place(s) of origin and destination, number of passengers, and the amount of fare of each trip.

5.72.085 Open Stand:

"Open stand" means a public place alongside the curb of a street, or elsewhere in the city, which has been designated by the ~~mayor~~department as reserved exclusively for the use of taxicabs, and may include places otherwise marked as freight zones or other parking restricted zones if designated for use of taxicabs during specified times.

5.72.090 Person:

"Person" means and includes an individual, a corporation or other legal entity, a partnership, and any incorporated association.

#### 5.72.095 Small Parcel Delivery System:

"Small parcel delivery system" means a system of delivering items which will be picked up by a taxicab driver and delivered to a destination within one and one-half (1 1/2) hours. The pick up and delivery of such items shall be accomplished while the taxicab is idle; i.e., not en route to picking up or dropping off any passenger, and not while any passenger is en route in the taxicab.

#### 5.72.100 Taxicab:

"Taxicab" means a motor vehicle used in the transportation of passengers for hire over the public streets of the city, and not operated over a fixed route or upon a fixed schedule, but is subject to contract for hire by persons desiring special trips from one point to another. "Taxicab" does not include an automobile rental licensed under any other section of this code.

#### 5.72.105 Taxicab Driver's License:

"Taxicab driver's license" means ~~the~~ an operator's certificate, as defined by Section 5.71.010(T). ~~permission granted by the mayor to a person to drive a taxicab upon the streets of the city.~~

#### 5.72.110 Taximeter:

"Taximeter" means a meter instrument or electronic device attached to a taxicab which measures mileage by the distance driven and the waiting time upon which the fare is based, and which automatically calculates, at a predetermined rate or rates, and registers,

the charge for hire of a taxicab. Each taxicab shall have credit card capability for its customers.

#### 5.72.115 Waiting Time:

"Waiting time" means the time when a taxicab is not in motion, from the time of acceptance of a passenger or passengers to the time of discharge.

### Article II. Phasing Out of Certificate Of Public Convenience And Necessity

#### 5.72.130 ~~Required For Operation~~ Adoption of Contract Based System for Provision of Taxi Services:

A. The city hereby adopts a contract based system for provision of taxi services.

Only taxi providers selected pursuant to a competitive Request for Proposals ("RFP") process and who have entered into a contract with the city may operate taxi services for hire upon Salt Lake City streets, as defined in Section 5.72.130(C). No person shall operate or permit a taxicab owned or controlled by such person to be operated as a vehicle for hire upon the streets of Salt Lake City without first having obtained a certificate of public convenience and necessity from the city in accordance with chapter 5.05 of this title, or its successor.

B. ~~The city is considering alternate methods of regulation, and intends to adopt alternate methods at a future date. Existing~~ C~~ertificates of public convenience and necessity issued by the city are terminable by the city, and in order to prepare for changes in regulation, all such certificates issued under this chapter shall expire at the same time that the certificate holder's current business license expires, which shall be no later than January 31, 2006, 180 days from the effective date of this ordinance. The city may elect to continue the termination date up to an additional 180 days. Future certificates of~~

~~convenience and necessity under this chapter will be issued only on a renewal basis to existing certificate holders upon submission of an acceptable renewal application, and shall remain subject to termination. Prior to adopting regulatory changes, the city will provide notice to these certificate holders, and all such certificates will terminate one hundred eighty (180) days from the date when such notice is issued. Upon any final termination, a pro rata refund of that portion of the annual business license fee and certificate of convenience and necessity fee shall be given to those persons whose licenses and certificates have been terminated according to the portion of the year remaining at the time of said termination. In the event no termination occurs as provided herein within twelve (12) months of the issuance of any renewal certificate of convenience and necessity and business license, a renewal certificate and business license shall be reissued to such persons or entities applying therefor under the same conditions as provided hereinabove unless or until there is a termination as provided above in this subsection, or unless such certificate or license is terminated for other causes as set forth in chapter 5.05 of this title or other sections of this code. All certificate holders as of the date hereof that remain in good standing shall have an opportunity to compete for any future certificates, contracts or other similar authorizations from the city. In the event the city is delayed in implementing the contract based system, the existing certificate holders may continue to operate until such time as implementation occurs. In the event the termination of one or more of the certificates is continued beyond the termination date set forth above, the city may simultaneously implement the contract based system while such certificate or certificates remain in effect.~~

C. For the purpose of this section, the term "operate for hire upon the streets of Salt Lake City" shall not include the transporting, by a taxicab properly licensed in a jurisdiction outside the corporate limits of the city, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside of the corporate limits of the city and where the destination is either within or beyond the city corporate limits. The term "operate for hire upon the streets of Salt Lake City" means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the city, whether the destination is within or outside of the corporate limits of the city.

D. Taxicabs may operate as provided in section 5.71.028 of this title and section 16.60.097 of this code, or their successors.

5.72.135 Fees:

No certificate shall ~~be issued or continued~~ in operation unless the holder thereof has paid an annual disproportionate business regulatory fee as set forth in section 5.04.070 of this title, or its successor section, each year for each vehicle authorized under a certificate of public convenience and necessity. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the holder of the vehicle or vehicles under the holder's operation and control.

5.72.140 Existing Holders' Certificates:

All holders of existing taxicab certificates at the effective date hereof shall ~~have a certificate of public convenience and necessity awarded to them,~~ retain such certificates, allowing them to operate the same number of vehicles as they are presently authorized to operate, without the hearing provided in this article, the public convenience and necessity

having heretofore been demonstrated, until such certificate is terminated as provided in this chapter.

5.72.142 Mandatory Accessible Vehicle:

Every taxicab company holding a certificate of convenience and necessity from the city shall, as a condition of retaining such certificate, obtain no later than sixty (60) days from the effective date hereof and use continuously thereafter as part of its fleet of taxicabs in the operation of its business, or through the service of a third party provider, at least one vehicle that is fully accessible for the transport of persons with disabilities, including persons using electrically powered wheelchairs. Said vehicles shall meet the equipment standards and technical specifications set forth for such transport in the federal Americans with disabilities act, or its successor. Said vehicles shall operate with equivalent response times and shall charge equivalent fares to the average response times and the fares of ordinary taxicabs operated by such company.

5.72.145 Licensing For All Certified Vehicles:

- A. A holder is required to have the total number of vehicles authorized under such holder's certificate of convenience and necessity and to obtain the license required by section 5.05.155 of this title, or its successor, for each and every vehicle.
- B. In the event the holder does not license the total number of vehicles authorized by the certificate before February 15 of any year, such holder shall forfeit the right to any vehicle not so licensed; that authority shall automatically revert to the city, and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year. Such forfeited right to operate any vehicle may be reissued to any person; provided, however, it shall not be reissued except upon

application required by section 5.05.105 of this title, or its successor, and by a showing of public convenience and necessity as required by section 5.05.140 of this title, or its successor.

C. Nothing contained herein shall prohibit a holder from having vehicles in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized vehicle under repair, maintenance or breakdown; provided, however, any such vehicle shall not be used as a taxicab other than as a replacement or substitution as herein provided. Each holder shall be authorized to license additional vehicles, over and above the number authorized in the certificate, as replacement or substitution vehicles according to the number of vehicles so authorized in the certificate. Any holder having authorization for one to five (5) vehicles shall be allowed to license one additional vehicle as a replacement or substitution vehicle. Any holder having authorization for six (6) or more vehicles shall be allowed to license one additional vehicle as a replacement or substitution vehicle for each five (5) vehicles authorized in the certificate.

#### 5.72.150 Certificate Not A Franchise And Not Irrevocable:

A. ~~No certificate issued in accordance with section 5.72.130 of this article~~with this chapter, or its successor, shall be construed to be either a franchise or irrevocable.

#### 5.72.155 Compliance Responsibility:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder leases or rents taxicabs to drivers, or whether the holder pays salary, wages or any other form of compensation.

### Article III. Driver Licensing

#### 5.72.220 License-Vehicle Operator's Certificate Required For Operators:

It is unlawful for any person to operate a taxicab for hire upon the streets of the city without having first obtained and having then in force a valid ~~taxicab driver's license~~ vehicle operator's certificate, ~~under the provisions in compliance with the -of requirements -of Title V, Chapter 71, Article VI, Salt Lake City Code of Ordinances. this chapter.~~

#### 5.72.225 Permitting Unlicensed Operator Unlawful

It is unlawful for any person who owns or controls a taxicab to permit it to be driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the taxicab is operated by a driver who has then in force a valid vehicle operator's certificate issued under the provisions of this chapter.

#### ~~5.72.225 Permitting Unlicensed Operator Unlawful:~~

~~It is unlawful for any person who owns or controls a taxicab to permit it to be driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the taxicab is operated by a driver who has then in force a valid taxicab driver's license issued under the provisions of this chapter.~~

#### ~~5.72.230 Driver's License Application:~~

~~An application for a taxicab driver's license shall be filed with the police department of the city on forms provided by the city.~~

#### ~~5.72.235 Application Verification:~~

~~The application shall be verified by the applicant under oath, and he shall be required to swear to the truthfulness of the matters contained upon the application.~~

~~5.72.240 Application Fee Required:~~

~~At the time the application is filed, the applicant shall pay to the police department a fee of seventy five dollars (\$75.00). Commencing December 8, 2006, the application fee shall be one hundred dollars (\$100.00).~~

~~5.72.245 State Motor Vehicle Permit And Knowledge Of City Required:~~

~~Before any application is finally passed upon by the mayor, the applicant shall be required to pass a satisfactory examination as to the applicant's knowledge of the city, and to show that such applicant has a current motor vehicle permit issued by the state.~~

~~5.72.250 Police Recommendation Form Requirements:~~

~~The prospective applicant for taxicab driver's license shall be required to complete two (2) police recommendation forms containing the following information:~~

- ~~A.—— The names and addresses of four (4) residents of the city who have known the prospective applicant for a period of thirty (30) days and who will vouch for the sobriety, honesty and general good character of the applicant;~~
- ~~B.—— Experience of the prospective applicant in the transportation of passengers;~~
- ~~C.—— Education background of the prospective applicant;~~
- ~~D.—— A concise history of the applicant's employment.~~

~~5.72.255 Photographs Required:~~

~~The prospective applicant shall be required to have a photograph taken of him at police headquarters; applicants for renewal of taxicab driver's licenses shall furnish an up to date photograph or have an additional picture taken at police headquarters, as shall be determined and directed by the chief of police.~~

~~5.72.260 Fingerprints Required:~~

~~The prospective applicant shall be required to file with the chief of police two (2) sets of fingerprint impressions, which shall be taken under the supervision of the chief of police.~~

~~5.72.265 Physician's Certificate Required:~~

~~The prospective applicant shall be required to file a certificate from a reputable physician of the city certifying that, in such physician's opinion, the applicant is able to operate a taxicab in a safe manner.~~

~~5.72.270 Investigation Of Applicant:~~

~~A. — The police department shall conduct an investigation of each prospective applicant for each taxicab driver's license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the chief of police shall recommend approval or disapproval of the proposed application to the mayor on the police recommendation form.~~

~~B. — It shall be the duty of the chief of police to report in writing to the mayor any misrepresentation or falsification by the prospective applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the mayor to refuse to issue a taxicab driver's license, or to suspend or revoke the same if it has been issued.~~

~~C. — The police department's recommendation required by subsection A of this section shall be based upon:~~

- ~~1. Findings of the criteria specified in section 5.72.250 of this article, or its successor;~~
- ~~2. The police department's recommendation may take into account the length of time between any conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any.~~

5.72.275 Driver's Qualifications:

A. ~~Except as hereinafter set forth, no permit or renewal of a permit shall be issued to any of the following persons:~~

- ~~1. Any person under the age of twenty one (21) years;~~
- ~~2. Any person who is currently required to register pursuant to the Utah penal code, section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor;~~
- ~~3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;~~
- ~~4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;~~
- ~~5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;~~
- ~~6. Any person not possessing a valid taxicab endorsement license, issued by the state;~~
- ~~7. Any person who has been convicted of three (3) or more felonies;~~
- ~~8. Any person who does not comply with the requirements of section 5.72.245 of this article, or its successor.~~

B. ~~Notwithstanding the provisions of subsection A3 or A7 of this section, if the mayor or designated agent receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, which proves by a preponderance of the evidence that the~~

~~applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request.~~

#### ~~5.72.280 Hearing Upon Rejection:~~

~~If the applicant is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in chapter 5.02 of this title.~~

#### ~~5.72.285 License Issuance Contents:~~

~~Upon approval of an application for a taxicab driver's license, the city shall issue a license to the applicant which shall bear the name, address, date of birth, signature and photograph of the applicant.~~

#### ~~5.72.290 License Display:~~

~~Every driver licensed under this chapter shall post his or her taxicab driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab, and shall exhibit the license upon demand of any police officer, license inspector, any authorized agent of the license office of the city, or any other person authorized by the mayor to enforce the provisions of this chapter.~~

#### ~~5.72.295 License Duration Renewal:~~

~~The taxicab driver's license shall date from approval of issuance by the city and shall expire the next calendar year on the first day of the same month as the original approval of issuance. The license shall be renewable annually on the first day following expiration~~

~~upon payment of the fee of fifteen dollars (\$15.00), unless the license for the preceding year has been suspended or revoked.~~

#### ~~5.72.300 Compliance With City, State And Federal Laws:~~

~~Every driver licensed under this chapter shall comply with all city, state and federal laws.~~

~~Failure to do so will justify the suspension or revocation of a license by the mayor.~~

#### ~~5.72.305 License Suspension Or Revocation:~~

~~The mayor is hereby given the authority to suspend or revoke any taxicab driver's license issued under this article for a driver's failing or refusing to comply with the provisions of this chapter. However, a taxicab driver's license may not be suspended or revoked unless the driver has been given notice and has had an opportunity to present evidence in his or her behalf at a hearing before a mayoral hearing examiner as provided in chapter 5.02 of this title. Notice of such hearing shall be deemed to be sufficient if it is mailed to the address designated on the taxicab driver's license application at least ten (10) days prior to the hearing.~~

#### ~~5.72.310 New License Prohibited Following Revocation:~~

~~No driver whose taxicab driver's license has been revoked shall again be licensed as a driver for licensed public vehicles in the city except upon presentation of reasons satisfactory to the mayor.~~

### Article IV. Vehicle Equipment And Maintenance

#### 5.72.315 Vehicle Inspection Prior To Licensing:

Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected as set forth in chapter 5.71, article V, of this title, or its successor, and found to comply with the requirements thereof. In

addition, the vehicle shall at all times in which it is in operation as a taxicab within the city be maintained in conformity with the safety inspection requirements of Utah and federal law. Following the effective date hereof, no vehicle shall be licensed by the city as a taxicab that: a) was not previously so licensed or b) was manufactured more than five (5) years prior to application for licensure.

#### 5.72.335 Identifying Design:

Each taxicab shall bear on the outside of each rear or front door, in painted letters not less than two inches (2") in height, the name of the holder and the company number, which number shall also be painted on the rear of the taxicab, and, in addition, may bear an identifying design approved by the ~~mayer~~department. All signs, markings, advertisement and graphics shall comply with subsection 5.71.170A of this division, or its successor.

#### 5.72.340 Conflicting Or Misleading Designs Prohibited:

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, in the opinion of the ~~mayer~~department, 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 be, in the opinion of the ~~mayer~~department, in conflict with or in imitation of 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 certificate covering such taxicab or taxicabs shall be suspended or revoked.

## Article V. Taximeters

### 5.72.345 Required For Operation-Exception:

A. All taxicabs operated under the authority of this chapter, except as specified below, shall be equipped with taximeters which shall conform to the specifications set forth in this chapter and such others as may be adopted from time to time by the ~~mayor~~department.

B. It is unlawful for any person to operate or to allow to be operated any taxicab without such taximeter, with the exception that any taxicab performing car pool services under section 5.72.520 of this chapter, or its successor, need not have such taximeter operative during such trip, and any taxicab used exclusively as a car pool vehicle.

### 5.72.347 Taximeter-Method Of Programming Rates, Fares:

No meter shall be approved or adopted by the city which has rates, fares, or calibrations which are not properly sealed to prevent tampering.

### 5.72.350 Fares-Method Of Calculation:

Taximeters shall calculate the fares upon the basis of a combination of mileage traveled and time elapsed. When the taximeter is operative with respect to fare registration, the fare registration mechanism shall be actuated by the mileage mechanism and the fare registering mechanism shall be actuated by the time mechanism whenever the taxicab is not in motion. Means shall be provided for the driver of the taxicab to maintain the clock mechanism either operative or inoperative with respect to the fare registering mechanism.

### 5.72.355 Operation To Be Indicated:

It shall be shown on the taximeter's face whether the mechanism is set to be operative or inoperative, and, if operative, the character of fare registration for which it is set. While

the taximeter is cleared, the indication "not registering" or an equivalent expression shall appear. If a taximeter is set to be operative, the indication "registering" or equivalent expression shall appear.

#### 5.72.360 Accumulated Fare To Be Shown:

The fare indication shall be identified by the word "fare" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.

#### 5.72.365 Visibility Of Indications:

Indications of fare and extras shall never be obscured or covered except when a taximeter is cleared. No decals, stickers or other material may be placed on the face of the taximeter.

#### 5.72.370 Protection Of Indications:

Indications shall be displayed through an entirely protected glass or plastic face securely attached to the metal housing of the taximeter.

#### 5.72.378 Top Light Requirement:

A top light shall be installed on every licensed taxicab. The top light shall be illuminated when said taxicab is available for hire and shall not be illuminated when the taximeter is placed into hire.

#### 5.72.380 Completion Of Service:

Upon the completion of the service by the taxicab, it shall be the duty for the driver to call the attention of the passenger to the amount registered, and to clear the taximeter to the nonregistering position and its dials cleared. Upon completion of each fare, the driver shall give the passenger a printed receipt as required by section 5.72.475 of this chapter, or its successor.

#### 5.72.385 Placement Of Meter In Cab:

When mounted upon a taxicab, a taximeter shall be so placed that its face is in plain view of any passenger seated on the rear seat of the cab.

#### 5.72.390 Illumination:

The face of the taximeter shall be artificially illuminated after sundown so that it is clearly visible to rear seat passengers.

#### 5.72.395 Sealing Of Meters Required:

A. Every taximeter shall have adequate provisions for the affixing of a lead and wire seal so that no adjustments, alterations or replacements affecting in any way the indications, rates or accuracy of the taximeter can be made without mutilating such seal.

The seal shall be affixed by the department ~~or the city license office~~, as hereinafter provided.

B. It is unlawful for any person to operate any taxicab at any time with the license office's seal of the taximeter broken, mutilated or removed, and any taxicab having a broken, mutilated or removed seal must be inspected by the department ~~or the license office~~, and a new seal affixed by the ~~office~~department.

#### 5.72.400 Inspections-Authorized When:

All taximeters shall be subject to inspection from time to time by the department ~~and/or the license office of the city~~.

#### 5.72.405 Six Month Inspections:

A. It shall be the duty of the department ~~or the license office~~ to inspect, test and seal with a city seal every taximeter at least once every six (6) months. This inspection shall

coincide with the ~~airport and/or the license office~~ inspection required under section 5.71.180 of this title, or its successor.

B. It is further required that the semiannual meter checks shall be required for every taxicab in which a meter is installed, irrespective of whether or not that particular taxicab is in operation at the time of such inspections. When any department ~~or license office~~ seal has been broken, mutilated or removed, the holder shall contact the department ~~or the license office~~ and make arrangements for the replacement of such seal. It is unlawful for any driver of a taxicab or any other person to operate a taximeter in a taxicab unless said meter has been inspected and certified to be operating accurately by the department ~~or the license department~~ for that specific taxicab.

#### 5.72.415 Sealing After Inspection:

Such taximeters shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording.

#### 5.72.420 Inspections-Recordkeeping:

The department ~~and/or the license office~~ shall keep a record of the identification of every taxicab meter number and date of inspection thereof in its office.

#### 5.72.425 Inspection Upon Complaint:

It shall be the duty of the department ~~or the license office~~ to make an immediate inspection of any taximeter when complaint is received that the taximeter is registering incorrectly or not in accordance with the rate posted in the taxicab and set forth in this chapter.

#### 5.72.430 Change In Rates-Immediate Inspection:

In the event a change in rates is made, the taximeter shall be adjusted to the new rates, and the taximeter of every taxicab in which a meter has been installed shall be immediately inspected, tested and sealed by the department ~~or the license office~~. A fee of ~~five dollars (\$5.00)~~ will be charged by the department ~~or the license office~~ for each meter reprogrammed and sealed, with the fee amount to be set by the department based on recovery of costs to the City.

#### 5.72.435 Error In Registration-Removal From Service:

No taximeter which is inaccurate in registration in excess of one and one-half percent (1 1/2%) shall be allowed to operate in any taxicab, and when an inaccuracy is discovered, such taxicab involved shall immediately cease operation and be kept off the highways until the meter is repaired and in proper working condition.

#### 5.72.438 Altering Taxicab To Affect Taximeter:

No owner, driver or company shall perform or permit or allow any alterations to a taxicab that will affect the taximeter pulse setting without said taximeter being recertified by the department ~~and/or the license office~~. Said alterations shall include, but not be limited to, transmission replacement or remanufacturing, differential replacement or remanufacturing, speedometer cable replacement, speed sensor replacement, repair or replacement of the taxicab's onboard computer, or change of tire size on drive axle.

#### 5.72.440 Using Hired Button As Signal For Different Rate Prohibited:

Except as otherwise provided herein, it is unlawful for any driver of a taxicab to charge a fare other than as calculated by the taximeter.

### Article VI. Rates

#### 5.72.455 Maximum Rates:

A. Except as otherwise provided herein, an owner or driver of a taxicab may establish and charge mileage rates lower than, but shall not establish and charge any mileage rate for the use of a taxicab greater than the per mile fee and flag drop fee established pursuant to Section 5.72.455. As of September 1, 2008, the fees are two dollars twenty five cents (\$2.25) for flag drop and twenty cents (\$0.20) for each one-eleventh (1/11) mile or fraction thereof. An owner or driver of a taxicab may establish and charge a rate for waiting time lower than, but shall not establish any rate for waiting time greater than, twenty two dollars (\$22.00) per hour. ~~With respect to the flag drop rate identified herein, the city council may elect to reevaluate that amount on its own initiative before December 31, 2006. If followed, this reevaluation process shall be separate from and not require that a separate petition be filed and fee paid by any certificate holder under section 5.72.457 of this chapter, and in no way shall this process obligate the city council to amend the flag drop rate unless it otherwise chooses to do so.~~ Changes in future fee amounts will not be incorporated within this ordinance and will be announced by the department as provided in Section 5.72.457.

B. The foregoing notwithstanding, an owner or driver of a taxicab who is charged a fee by the city to deliver a passenger or to pick up a passenger at the Salt Lake City international airport may, in addition to the rates allowed by subsection A of this section, or its successor, charge an additional sum in the exact amount of such fee to be used to pay such fee. Further, an owner or driver of a taxicab may charge a minimum airport rate of twelve dollars (\$12.00) for service from the Salt Lake City international airport.

5.72.457 Bi-Annual Review Of Maximum Rates:

A. — ~~Each person holding a certificate of public convenience and necessity to operate taxicabs within the city shall file with the city business license supervisor once during the calendar year a petition regarding the adequacy of the existing maximum rates as set forth in section 5.72.455 of this chapter, or its successor section. Said petition shall state whether, in the opinion of the certificate holder, the existing maximum rates are at an appropriate level, or whether such rates should be increased or decreased. If the petition indicates that the said rates should be increased, the person submitting such petition shall supplement the petition with documentation in support of such increase, such as evidence of increase of operating costs, insurance costs, costs of living, and other relevant information. Each person filing said statement shall at the time of filing, pay a filing fee to the city business license supervisor of one hundred dollars (\$100.00) to cover the city's costs of processing the statement and of conducting the subsequent hearing thereon.~~

B. — ~~As soon as is practicable after filing said petition the city business license supervisor shall schedule a public hearing before a hearing officer appointed by the mayor to consider the question of whether or not the existing taxicab rates should be increased. Notice of said hearing shall be posted in the office of the city recorder and shall be published in a newspaper of general circulation in the city.~~

C. — ~~The city hearing officer appointed by the mayor shall have power and authority to preside at and power to examine witnesses and receive evidence, compel the attendance of witnesses, and compel the production of documents.~~

D. — ~~The decision of the hearing officer, following the conclusion of said hearing, shall act as a recommendation to the city council. In the event said decision recommends an increase in taxicab rates, the city business license supervisor shall, as soon as practicable,~~

present to the city council the recommendation of the hearing officer for the council's consideration. The city council may accept, modify, or reject the hearing officer's recommendations.

~~E. If in the determination of the mayor or the city council it is decided that certain special circumstances warrant an additional hearing during a calendar year, then either the mayor or the city council may direct that a hearing be scheduled. A holder of a certificate of public convenience and necessity to operate a taxicab within the city who has already received a hearing under subsection A of this section may petition the mayor or city council at any time under this provision. Neither the mayor nor the city council is required to grant the petition for a hearing. All other provisions governing fees and hearing procedures shall be the same as set forth above.~~

#### ~~5.72.460 Rates And Rate Changes Notification To City:~~

~~Each holder of a certificate shall file a schedule of its maximum rate with the license supervisor of the city, and shall notify the license supervisor in writing of any change in the maximum rate at least fifteen (15) days prior to such new rate being placed into effect.~~ A. Meter per mile rate ("Per Mile Rate") changes. The department reviews Per Mile Rates twice each year to determine if rate changes are required, based on changes in fuel costs. Reviews occur on or near March 15 and September 15. If rate changes are authorized, scheduled meter recalibrations will start on or after April 1 and October 1, respectively.

1. Per Mile Rates are based on the average price of regular grade fuel ("Fuel") according to the following criteria and requirements.

a. Fuel costs are determined using AAA's "Media Site for Retail Gasoline Prices, UT Metro Averages, Salt Lake City-Ogden" ([www.fuelgaugereport.com/UTmetro.asp](http://www.fuelgaugereport.com/UTmetro.asp)). If this website

should cease operation, the department will rely on a similar site or index. The average price is calculated by:

i) taking the actual cost of Fuel averaged for the three months preceding the respective review date; and

ii) taking the actual cost of Fuel averaged for the six months preceding the respective review date.

b. If an increase is indicated, then the higher of the three or six month Fuel average will be used. If a decrease is indicated, the lower Fuel average will be used.

c.. Based on the two month average price of Fuel, a Per Mile Rate increase or decrease will be authorized as follows:

<b><u>Fuel Cost Increases (Decreases)</u></b>	<b><u>Per Mile Rate Increases (Decreases)</u></b>
<u>\$0.000 to \$0.255</u>	<u>\$0.00</u>
<u>\$0.256 to \$0.755</u>	<u>\$0.10</u>
<u>\$0.756 to \$1.255</u>	<u>\$0.20</u>
<u>\$1.266 to \$1.755</u>	<u>\$0.30</u>
<u>\$1.766 to \$2.255</u>	<u>\$0.40</u>

2. One hundred percent (100 %) of any Per Mile Rate increase must go to the driver.

Drivers will be required to absorb decreases in the Per Mile Rate.

B. Flag drop rate ("Flag Drop Rate") changes. The department reviews Flag Drop Rates once each year to determine if rate changes are warranted based on changes in the Consumer Price Index. Reviews occur on or near March 15. If rate changes are authorized, scheduled meter recalibrations will start on or after April 1.

1. Flag Drop Rates are based on the percentage increase in the latest Consumer Price Index, All Urban Consumers (CPI-U), West Urban Area ("CPI-West Urban"), published by the U.S. Bureau of Labor Statistics

([http://data.bls.gov/PDQ/servlet/SurveyOutputServlet?data\\_tool=dropmap&series\\_id=CUUR0400SA0,CUUS0400SA0](http://data.bls.gov/PDQ/servlet/SurveyOutputServlet?data_tool=dropmap&series_id=CUUR0400SA0,CUUS0400SA0)). The percent increase will be calculated using the CPI-West Urban data

from the calendar year (January 1 to December 31) preceding the annual review. If the CPI–West Urban index is no longer published, a similar index will be used.

a. For each five percent (5%) increase in the CPI–West Urban index over the previous calendar year, the flag drop rate will increase in increments of \$0.05 (5 cents). Percentage increases under 5 % will not be considered.

b. If the CPI–West Urban index does not meet or exceed the 5% requirement for two (2) consecutive calendar years, the department may, at its option, take the percentage difference from January 1 of the first of the two years to December 31 of the second year and use the resulting percentage increase to determine a Flag Drop Rate change. Percentage increases under 5% will not be considered.

c. Rates will be reviewed annually regardless of whether a one year or two year calculation was used the previous year.

Examples:

***ONE YEAR EXAMPLE** The consumer price index rises 6.5% from January 1 to December 31 preceding the March review.. The department authorizes an increase of five cents over the current flag drop rate (\$2.25 to a revised rate of \$2.30).*

***TWO YEAR EXAMPLE:** The consumer price index increase does not exceed 5% in each of two consecutive calendar years. The department takes the January 1 CPI–West Urban index number for the first year and subtracts it from the December 31 CPI–West Urban index number of the second year to obtain a two year index change. If the two year index change meets or exceeds 5.0%, then the department may authorize an increase of five cents, from the current flag drop rate of \$2.25 to a revised rate of \$2.30.*

2. If the consumer price index decreases by more than 5% during the calendar year (January 1 to December 31) preceding the annual review, the department may require a Flag Drop Rate decrease based on the above criteria and requirements.

3. One hundred percent (100%) of any Flag Drop Rate increases must go to the driver.

Drivers will be required to absorb decreases in a Flag Drop Rate.

#### 5.72.465 Display Of Fare Rates:

Every taxicab operated under this chapter shall have printed on the outside of the cab, in a conspicuous place on the cab and of sufficient size, legibility and in such manner as to be plainly visible to all prospective passengers, all rates and charges in effect for the taxicab company operating such taxicab. All such rates and charges shall also be posted on the inside of the taxicab in such a manner as to be plainly visible to all passengers. All displays of rate information on taxicabs shall meet the requirements of section 5.71.170 of this title, or its successor section, regarding vehicle signage, and all other applicable ordinances.

#### 5.72.472 All Charges To Be Approved By City:

No taxicab or taxicab company shall charge any fee or payment for the use of a taxicab within the city without the prior approval of the ~~city council~~department.

#### 5.72.473 Acceptance of Valid Credit and Debit Cards

Customers shall be permitted to make fare payments with valid credit and debit cards.

Each taxicab must be equipped with the necessary equipment to accept credit and debit cards. At minimum taxicabs must accept Visa and Mastercard and may accept additional cards at their discretion. There shall be no additional charge or fee to the customer for making payment with a valid credit or debit card.

#### 5.72.475 Receipts For Payment Of Fare:

The driver of any taxicab shall render to every passenger a receipt for the amount charged, either by a mechanically or electronically printed receipt from the taximeter, on

which shall be the name of the taxicab company, taxicab number, the date and time the fare was initiated and completed, the miles charged, extras added to the fare, and the total amount of meter reading or charges.

#### 5.72.480 Hiring Vehicle With Intent To Defraud:

It is unlawful for any person to hire any vehicle defined in this chapter with intent to defraud the person from whom it is hired of the value of such service.

#### 5.72.485 Refusing To Pay Legal Fare:

It is unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this chapter after having hired the same.

### Article VII. Service Regulations

#### 5.72.490 General Service Requirements:

The holder of a certificate shall maintain, at all hours during the day or night, sufficient taxicabs with drivers to reasonably answer all calls received. The telephone number of the central place of business shall be listed under the company name in the white pages, and in the yellow pages under the heading "taxicabs", of the city telephone directory. ~~Any not so listed at the time this chapter was adopted, or any company receiving a new certificate of convenience and necessity, shall be so listed in the next issue of the telephone book.~~

#### 5.72.495 Twenty Four Hour Service Required:

Holders of a certificate of public convenience and necessity shall maintain a central place of business and keep the same open with a person on duty twenty four (24) hours a day, seven (7) days per week, for the purpose of receiving calls and dispatching cabs.

#### 5.72.505 Refusing Calls Or Service Prohibited:

It is unlawful for any holder of a certificate to refuse to accept a call for service to any point within the corporate limits of the city at any time when such holder has available taxicabs, and it is unlawful for any holder to fail or refuse to provide all service required by this title.

#### 5.72.515 Best Route Required:

Any driver employed to carry a passenger to a definite point shall take the most direct or expeditious route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger, except that a driver may deviate to pick up or drop off passengers at their homes when he is operating a taxicab as a car pool vehicle. A driver who, in order to increase the fare, knowingly takes a route which is not the most direct or expeditious as possible under the circumstances shall be subject to a civil penalty under section 5.71.080 of this title.

#### 5.72.520 Car Pool Services:

Notwithstanding all other provisions of this chapter, it shall be lawful for any person owning or operating a taxicab where both such taxicab and operator are properly licensed under the provisions of this chapter to provide the additional car pool provided in this section. Car pool service may provide transportation for two (2) or more persons between drop off and pick up points within the city as designated by the taxicab company, subject to the approval of the ~~mayer~~department. A fixed price may be charged for such one-way car pool service.

#### 5.72.525 Small Parcel Delay Delivery System:

Taxicabs which are properly licensed under the provisions of this chapter are authorized to provide a small parcel ~~delay~~-delivery system for the transporting of small parcels at a

fixed rate, as provided in section 5.72.455 of this chapter, or its successor. It is unlawful for the driver of any taxicab to pick up or deliver any small parcel while en route to pick up or drop off any passenger.

#### 5.72.530 Advertising Material On Cabs Permitted:

It shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire. All advertising material shall be professionally produced.

#### 5.72.535 Open Stands-Establishment:

The ~~mayor~~department is authorized and empowered to establish open stands in such place or places upon the streets of the city as the ~~mayor~~department deems necessary for the use of taxicabs operated in the city. The ~~mayor~~department shall not create an open stand without taking into consideration the need for such stands by the companies, the convenience to the general public, and the recommendation of the traffic engineer. The ~~mayor~~department shall not create an open stand where such stand would tend to create a traffic hazard.

#### 5.72.540 Open Stands-Use Restrictions:

Open stands shall be used by the different drivers on a first come, first served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within ten feet (10') of their cabs. Nothing in this chapter shall be construed to prevent a passenger from boarding the cab of his or her choice that is parked at open stands. The ~~mayor~~department shall prescribe the number of cabs that shall occupy such open stands.

#### 5.72.550 Open Stands-Use By Other Vehicles Prohibited:

Private or other vehicles for hire shall not occupy the space upon the streets that has been established as an open stand during any times specified by the ~~mayer~~department for use by taxicabs.

#### 5.72.555 Driver To Remain With Cab-Exception:

The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his or her taxicab for not more than twenty (20) consecutive minutes; and provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle. Drivers shall comply with the requirements of chapter 16.60 of this code, or its successor, as well as all other applicable laws and ordinances, when operating at the airport.

#### 5.72.560 Number Of Passengers-Restrictions:

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity rated by the vehicle manufacturer of his or her taxicab, as stated in the license for the vehicle issued by the department ~~and/or the licensing office~~. Child seating shall be in accordance with Utah and federal law.

#### 5.72.565 Additional Passengers-Passenger Consent Required:

After the employment of the taxicab by a passenger or group of passengers, no driver shall permit any other person to occupy or ride in the taxicab without the consent of the original passenger or group.

#### 5.72.570 Solicitation-By Driver-Limitations:

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab, while standing within ten feet (10') of such taxicab, or at any authorized ground transportation stand.

**5.72.585 Solicitation Of Hotel Business Prohibited:**

It is a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another.

**5.72.595 Refusal To Carry Passengers Prohibited When:**

No driver shall refuse or neglect to convey any orderly and sober person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

**5.72.600 Engaging In Liquor Or Prostitution Traffic Prohibited:**

It is unlawful for any taxicab driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It is also unlawful for any taxicab driver to permit any person to occupy or use his or her vehicle for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purposes, or to direct, take or transport, or offer or agree to direct, take or transport any person to any building or place, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

**5.72.601 Limitations On Taxicab Operations At The Airport:**

The airport director shall establish procedures that restrict the access of taxicabs doing business at the airport in a manner that reduces the number of unnecessary taxicabs

waiting at the airport, and thereby promotes the availability of taxicab service in other areas of the city. Such restrictions shall be imposed in a manner that does not create unreasonable burdens among the different taxicab companies authorized to provide services. Among other things, the airport director shall have broad discretion to determine airport needs and the measures necessary to address them, and may waive or alter any such rules on any reasonable basis to respond to airport conditions as they may occur.

#### Article VIII. Manifests And Other Records

##### 5.72.605 Drivers To Keep Manifests:

Every driver shall maintain a daily manifest upon which is reported all trips made during such driver's hours of work, showing time(s) and place(s) or origin and destination of trip, intermediate stop(s), the number of passengers and amount of fare, and all such complete manifests shall be returned to the holder by the driver at the conclusion of his or her working day.

##### 5.72.610 Manifest Forms To Be Approved:

The forms for each manifest shall be furnished to the driver by the holder, and shall be of a character approved by the ~~mayor~~department.

##### 5.72.615 Manifests-Holding Period-Availability:

Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the department ~~and the licensing office~~.

##### 5.72.620 Recordkeeping Requirements For Holders:

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 ~~mayor~~department.

#### 5.72.625 Records Accessible For Examination:

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 ~~mayor~~department.

### Article IX. Enforcement

#### 5.72.630 Department ~~And License Office~~ Authority:

The department ~~and the license office of the city are~~is hereby given the authority and ~~are~~is instructed to watch and observe the conduct of holders and drivers operating under this chapter.

#### 5.72.635 Violation-Criminal Proceedings-Report To ~~Mayor~~Department:

Upon discovering a violation of the provisions of this chapter, in addition to regular criminal proceedings, the department ~~or the license office shall report the same to the mayor, which will~~ order or take appropriate action respecting the licenses or certificates of the persons involved.

#### 5.72.640 Violation-Penalty:

Any violation of any of the provisions of this chapter shall constitute a misdemeanor.

#### 5.72.650 Applicability

The provisions of this Chapter 5.72 shall apply only to existing certificate holders as detailed in Section 5.72.230. Taxi services provided pursuant to the city's contract based system will be governed the City's RFP and the resulting provider contracts. The City

Council may elect to adopt by ordinance minimum standards for contract-based taxi services after provider contracts have been awarded.

SECTION 2. This ordinance takes effect upon first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

HB\_ATTYY-#2323-v1-Amending\_5\_72\_Taxi\_Cabs