
MEMORANDUM

DATE: September 30, 2010
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Revisions to Ground Transportation and Taxicab Ordinances
CC: Cindy Gust-Jenson, David Everitt, Ed Rutan, Neil Lindberg, Maureen Riley, Frank Gray, Karen Hale, Lisa Harrison-Smith, Randy Berg, Jennifer Bruno, Bianca Shreeve, Larry Bowers, John Buckner, Quin Card, Kay Christensen, Robert Farrington, Dave Korzep, Marco Kunz, Gordon Hoskins, Gina Chamness, Mary Beth Thompson

This memorandum pertains to proposed amendments to the *Salt Lake City Municipal Code* relating to ground transportation and taxicab service in the City and at the Salt Lake City International Airport. The proposed amendments would revise *City Code* Chapters 5.71, 5.72, 16.60, and 16.64.

The City Council held a public hearing on the proposed amendments September 21. The Council is scheduled to discuss the proposed amendments at its work session October 5.

This memorandum contains new information that starts in the *Review Questions* sections. Council staff also has attached its memorandum dated September 16 to provide more background.

POTENTIAL MOTIONS

Council staff plans to prepare motions for the City Council to consider after the October 5 discussion.

OPTIONS

As indicated in a City Council staff memorandum dated September 2, one portion of the current *City Code* (5.72.130.B) reads: “*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.*”

If the City Council is inclined to continue the practice of awarding companies certificates of public convenience and necessity to operate taxicabs in Salt Lake City, the portion cited above, which was adopted in December 2005, should be repealed. If the City Council is inclined to enact a competitive bid-contract system of permitting the operation of taxicab companies, at least some of the proposed amendments should be adopted.

City Code Section 5.72.130 is only one of a number of sections that would be revised in the proposed amendments. The City Council, then, has the following options:

- o Adopting all the proposed amendments.
- o Adopting some proposed amendments but not adopting others.
- o Including the Council's own amendments.
- o Not adopting any of the proposed amendments.
- o Not adopting any of the proposed amendments, repealing *City Code* section 5.72.130. B, and declaring the City Council's intention to deregulate the taxicab industry.

It should be noted that the transmittal from the Administration views the proposed amendments as a whole intended to streamline ordinances affecting ground transportation regulations, including taxicab regulations. The City Attorney's Office has prepared the proposed amendments by working with the Department of Airports. Mayor Ralph Becker in July assigned the department as the manager of ground transportation in the City.

It also should be noted that businesses largely or wholly exempt from the proposed amendments are special transportation vehicles regulated by *City Code* Chapter 5.76 and horse-drawn carriages regulated by *City Code* Chapter 5.37. Special transportation vehicles are vehicles such as ambulances and vans that are equipped for people with disabilities. Companies operating those vehicles and companies that operate horse-drawn carriages also have been authorized to do business under certificates of public convenience and necessity.

REVIEW QUESTIONS

As indicated in the *Options* section of this memorandum, If the City Council is inclined to continue the practice of awarding companies certificates of public convenience and necessity to operate taxicabs in Salt Lake City, *City Code* 5.71.130. B adopted in December 2005, should be repealed.

If the City Council is inclined to enact a competitive bid-contract system of permitting the operation of taxicab companies, at least some of the proposed amendments should be adopted.

Determining whether the City should remain with the current practice of awarding certificates of public convenience and necessity or to opt to issue competitive bids for contracts to operate taxicab service in Salt Lake City remains the singularly most outstanding issue from the City Council's action in December 2005. The companies that currently hold the certificates of public convenience and necessity have said at several meetings in public and with individual City Council Members that they cannot invest in new equipment until the question is resolved. Conversely, past and current City Councils, and past and current Administrations have continued to meet over the last five years to approach a decision on the issue. The result generally has been to seek additional information or addition public comment. After the September 21 hearing, there were questions raised pertinent to the operation of ground transportation companies. However, most of those questions addressed details or the potential effects of a request for proposals for competitive bids that has yet to be prepared – because the proposed ordinance authorizing the seeking of competitive bids has yet to be formally debated or acted on by the City Council.

To that point, previous City Council staff memorandum noted that if the overarching organizing principle for municipal government to evaluate an issue is, "*What is best for the City?*" then there appear to be three main questions to consider. Again, other questions and other issues may inform answers to the three questions, but the three appear to remain the constants and focal points of consideration. The questions are:

- I. Does the City Council still think awarding contracts is a better method of promoting good taxicab service in the City, or is granting terminable certificates of public convenience and necessity better than awarding contracts?
- II. Do the proposed amendments, combined with previous changes to ground transportation ordinances result in at least a rough equivalency of competition among all ground transportation companies?
- III. Would the proposed amendments:
 - i. Provide Salt Lake City residents and visitors to Salt Lake City with reliable, affordable, and consumer friendly taxi and ground transportation service?
 - ii. Provide the City with enforceable ground transportation regulations?
 - iii. Enhance the opportunity for ground transportation industry workers in Salt Lake City to earn a reasonable income at or near national levels?

CITIES WITH COMPETITIVE BIDS

One argument not raised at the September 21 public hearing was that competitive bids are an innovation among municipalities involved in the provision of ground transportation services, particularly taxicabs.

According to a study for the Los Angeles Department of Transportation and a ground transportation trade newspaper, here are six cities that use or have used competitive bids in the provision of those services:

- **Anaheim, California** – Has operated a competitive bid franchise system since 1999.¹
- **Austin, Texas** – Issues five-year franchises awarded by the City Council through the Austin Ground Transportation Division.²
- **Coachella Valley, California** – Has operated under a competitive bid franchise system since 2009.³
- **San Diego, California** – Issues permits to allow taxicabs to operate in the city through the San Diego County Metropolitan Transit System. Based on a study conducted by the city, San Diego authorized increasing the number of taxicabs serving San Diego by 135 vehicles. The Metropolitan Transit System then issued requests for proposals between 2004 and 2007 and awarded the permits based on the responses.⁴
- **Santa Monica, California** – Has operated under a competitive bid franchise system since 2009 and is near awarding contracts to five companies.⁵
- **Seattle, Washington** – The city issues licenses to operate taxicabs. They are awarded through competitive responses to proposals, through a “competitive lottery,” or a combination of RFP and lottery.⁶

It should be noted that Los Angeles has operated nine competitively awarded taxi franchises for more than a decade and presently is deciding how to rebid the concession agreements for taxicab services.⁷

PUBLIC HEARING ISSUES

City Council Members and Administration and City Council staffs identified 12 major items raised at the September 21 public hearing pertaining to a decision on whether to change to competitive bid form of awarding the privilege of operating taxicab service in Salt Lake City. The Administration and City Council staffs have prepared the following alternatives for City Council consideration:

- 1.) **Company Limit** – Award up to four contracts.

- a. Awarding up to four companies increases the chances that a new company might enter the market.
 - b. Some proposals could be joint proposals by a combination of companies.
- 2.) **Taxicab Limit** – Make the current authorization of 268 taxicabs the ceiling instead of making 200 taxicabs the floor of any proposal.
- a. No one proposer would be awarded all 268 taxicabs.
 - b. Successful proposers need not field a total of 268 taxicabs because the market would determine the actual number.
 - c. For any company to increase the number of taxicabs from a company's original authorization, the company would have to earn the right to have more cars based upon rules established by the Administration in keeping with criteria established by ordinance. The general idea would involve allocating cars based on increases in the number of trips each car and driver makes daily.
- 3.) **Vehicle Age** – Extend current vehicle age ordinance for taxicabs to most ground transportation vehicles instead of the five-year age limit.
- a. Taxicab ordinance requires six model years.
 - b. Taxicab ordinance allows two extra years for alternative, fuel efficient or low polluting vehicles.
 - c. Increase mileage limit to 350,000 miles.

Here are some vehicle age requirements of the cities in the study for the Los Angeles Department of Transportation:

- Anaheim – Vehicles may not be older than five model years.
- Austin – Vehicles may not be older than eight model years, and they can only be six years old if they already are on line for use in years seven and eight.
- Chicago – A regular sedan must be four years old. For an owner operator, it is allowed to be five years old. Wheelchair-accessible vehicles or alternative fuel vehicles are allowed to be eight years old.
- Denver – Vehicles must not be older than 10 years old.
- Houston – Vehicles may not be more than six years old.
- San Diego – There is no age limit, but to receive an airport permit, a vehicle cannot be more than seven model years old.
- Seattle – Vehicles must be no more than seven model years old at the date of licensing.⁸

Two things might be noted. First, extending the age limit to 6 model years would permit a taxicab fleet owner to purchase new or rental fleet vehicles in the current model year, run them for 3 years, redo the drive train and interior if needed, and run them for another two or three years before they reach the 350,000 limit. Taxicabs typically travel between 40 and 50,000 miles per year so the extra year will permit them keep their vehicle costs as low as possible before the vehicle becomes more expensive to maintain than the cost of new acquisition. This also permits the taxi company to offer a lower lease rate to drivers⁹

Council Members also may recall, it requested in January that the Administration not enforce the six year age limit on taxicabs because the Council said it intended to correct any ambiguity

about the language the age-limit ordinance, and because draft amendments to City Code Chapter 5.71 had been sent to all ground transportation companies for comment.¹⁰

4.) Hotel Vehicles – Retain the current ordinance for ground transportation destinations which reads:

All authorized ground transportation businesses may provide scheduled service and prearranged service within the city.

Only taxicabs, courtesy vehicles, and hotel vehicles, and limousines may provide on demand service within the city, except that: 1) hotel vehicles may provide on demand service only to and from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel; and 2) limousines may provide on demand service only upon charging a minimum fare of thirty dollars (\$30.00) per trip. Limousines may provide prearranged service without charging a set minimum fare.

Subsection B of this section notwithstanding, hotel vehicles may transport motel or hotel patrons on demand to and from locations other than a terminal of public transportation as follows: 1) to and from a convention center during a convention within the city involving five thousand (5,000) or more participants, or 2) to and from other locations providing such transport involves three (3) or more persons riding together to and from the same destination and with the consent of the motel or hotel manager on duty. (Ord. 45-05 § 4, 2005)

The strike-through script would eliminate limousines from providing on-demand service. It should be noted that the proposed ordinance already proposed to eliminate limousines from providing on-demand service.

5.) Enforcement – Include enforcement costs in the calculation of business license fees for all ground transportation companies.

6.) Proof of Contract for Hotel Vehicles – Require the proof of contract in each hotel vehicle. Proof must be in vehicle and subject to inspection.

7.) Proximity of taxi stands to hotels and public facilities including University of Utah – Give successful bid proposers a map of Salt Lake City, and ask them where they think taxicab stands ought to go. Currently there are 23 areas designated as taxicab stands in and around the downtown, according to the City Transportation Division. It should be noted that to increase the number of taxi stands the City would have to follow current ordinance which authorizes mayor to create taxi stands with recommendation from traffic engineer.

8.) USDOT Regulation – Exempt buses and drivers from City regulation – except for background checks, because USDOT background checks are not as stringent.

9.) Transportation Committee – Organize a group representing ground transportation users, ground transportation providers, all facets of ground transportation companies and other segments of the community to meet annually to provide comment to the City Council or the Executive Branch about ways to improve ground transportation in the City.

10.) Taxis as Primary Ground Transportation Source – Adopting listed goals either in ordinance or executive rule or contract would help accomplish making taxis as a primary ground transportation source.

11.) Requirements for Americans with Disabilities Act – will be met regardless of the form of regulation.

It should be noted that the current ordinance, 5.72.142, reads:

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. (Ord. 20-06 § 1, 2006: Ord. 45-05 § 8, 2005)

The taxicab companies have opted to contract with a third party. Does the City Council think the current ordinance is sufficient to meet the level of public need in the community?

12.) Vehicle Inspections for New Cars – A ground transportation company that buys a new car for commercial service would certify to the City department administering the ordinances and contracts that the vehicle is new and meets the City’s list of safety requirements. The company also would provide proof of insurance.

13.) Annual Driver Application Renewal – Require the renewal every two years.

It should be noted that the proposed ordinance calls for eliminating the twice-yearly inspections in favor of an initial inspection followed by random inspections.

COMPETITIVE BID CONTRACTS VERSUS CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

As indicated in earlier City Council staff documents, certificates of public convenience and necessity are one way to regulate private sector industries that have a public benefit – from airlines to hospitals (in some states) to transportation services (among a variety of municipalities). It appears to City Council staff that the requirements necessary for regulation through ordinance and certificates of public convenience and necessity to succeed are commitments depending wholly on a municipality’s interest and ability to allocate time, staff, and money to make sure companies that hold the certificates do what a city expects them to do.

City Council staff knows of no instance where Salt Lake City has revoked a company’s certificates of public convenience and necessity for failing to perform to expectations. Part of the reason for that, again, may be that to make any change in regulating and enforcing the requirements of certificates of public convenience and necessity in Salt Lake City appears to require either amending City ordinances or holding a quasi-judicial hearing that may include the presentation of evidence, arguments for and against, rebuttals, a finding of fact by a hearing officer, and an appeal process. To date, no other taxicab company has entered the Salt Lake City market since the 1960s in part because new companies have to prove through the process described above that they provide a public convenience and necessity that the current holders of the certificates are not.

As indicated in earlier City Council staff documents, since the early 1980s the alternative of governments contracting with the private sector for services that have a public benefit also has been a proven method of achieving the same goal as operating under certificates of public convenience and necessity. It appears to City Council staff that a contract primarily does three things: The parties in the contract know what is expected of

them. The parties in the contract agree to perform to those expectations. The parties in the contract agree to abide by the contract.

The other difference, at least in Salt Lake City, is there appears to be no provision for the City to determine what is available in a changing market under its method of awarding certificates of public convenience and necessity. A competitive bid contract method would have a limited term the contract would be in effect.

Under the current method of certificates of public convenience and necessity, the City has legislated, among other things, the conduct of drivers, the appearance of drivers, and the condition and age of vehicles to meet market demands and market evolution, but under the current method any change appears to have come slowly. A contract with a fixed term, as City Council staff understands it, would provide the City with a periodic chance to review and renew a public convenience and necessity. It may be possible for a municipality to limit the length of time a certificate of public convenience and necessity may be in force, but if a municipality were to do that, why wouldn't it seek competitive bids? If that occurs, why not use a contract system?

ADDITIONAL QUESTIONS/ITEMS FOR CONSIDERATION

Here are additional questions raised after the September 21 public hearing. Answers are below each question.

1.) Why does the proposed ordinance prohibit the use of salvage vehicles except for specialty vehicles?

Salvage vehicles are vehicles that insurance companies have declared total losses because it would cost more to restore them than to replace them. The vehicles could be damaged from accidents, fires, floods or other mishaps. The Administration already has indicated that the proposed ordinance would prohibit them due to safety concerns. Specialty vehicles would be exempt under the proposed ordinance because specialty vehicles include classic or collector automobiles that have been renovated but are not considered a central component of a company's fleet.

2.) Does the City have adequate resources on staff now for inspections, or will the staff have to be increased?

According to the Department of Airports, the existing staff is sufficient to perform the six-month inspections required under the current ordinance. However, the staff may not be enough to perform scheduled inspections and spot inspections that would be required under the proposed ordinance. The department indicates that the issue is directly related to vehicle age. If older vehicles continue to be allowed, then more inspections may be necessary to insure vehicles comply with City ordinances. The newer the ages of vehicles, the more time would be available for existing staff to perform spot inspections instead of scheduled inspections.

3.) Does City give hotel vehicles (private cars and vans owned by hotels) the same license?

Yes.

4.) Are private cars and vans owned by hotels in the same category in terms of the ordinance?

To clarify, the difference between a "courtesy vehicle" and a "hotel vehicle" is that a courtesy vehicle does not charge a customer for service, and a hotel vehicle does. Either can be owned by a hotel or contracted by a hotel to provide services.

- 5.) Could a hotel make a contract with a number of companies to provide services to customers and neither pay the companies or have the companies pay the hotel? Or, do hotels expect ground transportation companies to compensate them for the privilege of carrying hotel guests.**

A hotel could contract with a company for free to provide a service. It also could charge a company.

- 6.) Under the proposed ordinance is it possible to have a contract between a hotel and a car service where no money changes hands?**

Yes, it's possible. The company then would function as the hotel's courtesy vehicle and be paid by the hotel to provide the service.

- 7.) One City Council Member has indicated a strong concern "about the need for input and industry involvement on rules and regulations," and that to develop "good, fair rules for people to function under" should involve the City publicly seeking comment from people and companies that would be affected by rules and regulations.**

The City Council could set a procedure by ordinance for the Administration to follow to obtain industry comment before the Administration changed a rule. Any final draft of the ordinance is expected to strike a balance between allowing the City to react quickly to problems or changes in the ground transportation industry – including security issues, market changes, and economic changes – and gathering comment from people and businesses that would be affected by changes to regulations.

- 8.) Is the airport right place for full Administration?**

The Department of Airports is the only place left with people who know the ground transportation business. Larry Bowers' involvement in ground transportation goes back at least to 1992. He's the only one remaining from a five-person committee formed in 1992 to study commercial ground transportation, particularly the traffic between the downtown and the airport. Having part of ground transportation regulation and enforcement elsewhere within the Administration also could create additional costs due to duplicate administrative costs.

Would the Airport's administering ground transportation take away a person's right to petition the government? That avenue appears to remain open to anyone.

- 9.) The City should consider having a group convene quarterly or semi-annually for a two year transition period to provide feedback.**

The City Council may wish to consider this item if the proposal to a group representing ground transportation users, ground transportation providers, all facets of ground transportation companies and other segments of the community meet annually to provide comment to the City Council or the Executive Branch about ways to improve ground transportation in the City is not attractive.

- 10.) Should the City require ground transportation vehicles to be idle-free?**

This could be a condition of an ordinance amendment to Chapter 5.71. One potential downside would be customer expectations stepping into a vehicle on a hot day or a cold day.

- 11.) Drivers should not smoke in vehicles.**

City Code Chapter 5.71.140, says, “Passengers and drivers in ground transportation vehicles subject to Utah Code Annotated title 76, chapter 10, part 15, as amended, or its successor, may only smoke in such vehicles as set forth in that part. Passengers and drivers in all other ground transportation vehicles may only smoke when the vehicle does not contain a minor child or a nonsmoker. (Ord. 24-99 § 4, 1999)”

12.) Drivers should have knowledge of Salt Lake City by address as well as landmarks and should be able to communicate effectively.

Current requirements in Chapter 5.71 say:

Before the city issues any operator's certificate, the applicant shall be required to provide a written statement demonstrating that the applicant has completed a training program that is satisfactory to the city as to: a) the applicant's knowledge of the city and map reading capabilities; b) the applicant's ability to understand, read, write and speak basic English; c) the applicant's understanding of principles of common courtesy; and d) the applicant's understanding of how to address the needs of disabled passengers. The city may review any such program from time to time to determine whether it is satisfactory to address the needs of the traveling public.”

13.) The City should require drivers to assist customer with their bags.

This could be added to an amended Chapter 5.71 or could be included in rules and regulations made by the Administration. It should be noted that a recent court ruling may require amending Chapter 5.71 for companies to avoid determinations by the National Labor Relations Board that independent contractors are actually employees for the purposes of labor bargaining.¹¹ On the other hand, it seems likely that the Department of Airports could spell out service level expectations in a request for proposals without regard to the relationship between taxicab companies and drivers.

14.) Is a hotel contract a way to skirt the 24 hour per day requirement, as well as charge a higher rate than taxicabs?

A contract is designed to provide service to hotel customers. At least some of them involve service 24 hours per day. Fees may be influenced by fees its competitors charge. Here are some charges, according to contracts on file at the Department of Airports:

Express Shuttle has numerous contracts with hotels for 24-hour service. Its rates are \$8 per person for airport shuttle service from City Creek Inn, Salt Lake Courtyard, and Hampton Inn; \$12 per person from Holiday Inn Express; \$7 per person from the Hotel Monaco. The company also has contracts with other hotels that charge \$3.50 per person if Express Shuttle is the exclusive provider and up to \$12 per person in other cases.

Valley Shuttle appears to operate on 30 minute prearranged service 24 hours per day, seven days a week. It charges \$4 per passenger to or from the International Airport to the Airport Hilton, and \$8 per passenger from the Radisson Hotel or \$4 if the hotel pays the cost of the trip. For other locations, the company provides on-demand service for \$18 per passenger to and from the airport and hotels, and \$65 to ski resorts, and a \$1 fee plus .25 per block for distances within Salt Lake City.

City ordinance allows taxicabs to charge a \$2.25 drop fee plus \$2.20 per mile. The ordinance also allows a \$12 minimum charge from the International Airport to nearby destinations. The cost from the Airport to downtown locations is about \$25. Taxicab drivers also can charge a \$22 per hour fee for waiting for customers.

15.) How did hotel vehicles start?

The hotel industry originally met with the Department of Airports several years ago to encourage contract services. According to the department the hotel industry said then its members did not want to be in the business of providing transportation through “courtesy vehicles” because the cost to them was upwards of \$80,000.00 per year and may exceed \$100,000.00 today. The hotel industry’s reasons for wanting to contract with transportation companies other than the taxicabs were, the industry said, poor service levels and conditions of taxicab fleets, and drivers that the industry and their patrons had experienced.

It should be noted that the current ordinance, City Code 5.72. 495 reads: “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. (Ord. 24-99 § 6, 1999).” The level of taxicabs available 24 hours per day appears open-ended under the ordinance.

16.) Would the proposed ordinance amendments eliminate the minimum charge?

Yes.

17.) Might that further cut into the cab business?

Taking away the minimum charge makes it impossible for limousines to provide on demand service. The intent is to increase the likelihood of taxicab business.

18.) What is the tipping situation? Is that less a problem now through contracts with hotels?

Tipping bellmen and taxicab dispatchers has been described as unenforceable. Attempts by the former Ground Transportation manager resulted in issuing some citations. However, the standard apparently is an enforcement officer must actually see money exchanged. The proposed ordinance probably increases the likelihood of enforcing on hotel workers, but not taxicab dispatchers. Requiring computerized dispatching in a contract may lessen the issue of dispatcher favoritism because in computerized dispatching, a dispatcher may never see 80 percent or more of regular callers.¹²

19.) Do cars other than taxicabs have to contract with a hotel to stage at the hotel and charge a fare?

Operators who file as a limousine under the current ordinance may provide on-demand service for a minimum charge of \$30. The proposed ordinances would eliminate that practice.

20.) Are any town cars metered?

No.

21.) Taxicab companies keep saying they have followed every directive the City has given. A Council Member would like to get a quick history on this. What types of complaints have we had in the past, how have they been addressed, how has it gone?

Please see the subsection titled *Competitive Bid Contracts versus Certificates of Public Convenience and Necessity*.

22.) Night Premium Fee – Can it be avoided if taxis have an adequate market? Is it in the public interest to avoid a higher fee at night?

Under a contract service levels could be outlined and monitored. The City also could try to legislate the number of taxicabs available at night. The proposal for a higher fee was broached to provide an incentive for taxicab driver to work nights. It should be noted that City Council consultant Ray Mundy, PhD, suggests that night fees be avoided in favor of balancing supply with demand.¹³

23.) Are there two cultures of ground transportation -- Airport and downtown?

In general, some taxicab drivers work exclusively at picking up customers at the International Airport. Some taxicab drivers prefer to work in other areas of the City.

24.) If so, is it reasonable to try to regulate the downtown cab driver culture to bring in to line with drivers working at the Airport?

City Code chapters 5.71.120 and 5.71.130 regulate the appearance and conduct of all ground transportation drivers, including taxicab drivers.

¹ Taxicab Refranchising Plan Peer Review, December 2009, Nelson/Nygaard Consulting Associates, Page 2.

² Ibid, Page 7.

³ Transportation Reviews News, May 7, 2010.

⁴ Taxicab Refranchising Plan Peer Review, December 2009, Nelson/Nygaard Consulting Associates, Pages 27-30.

⁵ Transportation Reviews News, September 27, 2010. (Please see attachment.)

⁶ Taxicab Refranchising Plan Peer Review, December 2009, Nelson/Nygaard Consulting Associates, Page 34.

⁷ Electronic mail, Ray Mundy, PhD, September 29, 2010.

⁸ Taxicab Refranchising Plan Peer Review, pages 4,7,13, 20, 24, 29, 36.

⁹ Electronic mail, Ray Mundy, PhD., September 29, 2010.

¹⁰ Letter, Council Chair J.T. Martin to Mayor Ralph Becker, January 28, 2010.

¹¹ Electronic mail, Ray Mundy, PhD, September 29, 2010.

¹² Ibid.

¹³ Ibid.

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Proposal on Santa Monica Taxi Contract Heads to City Council

by transreviews on September 27, 2010

The number of taxi companies operating in Santa Monica, California may substantially decrease based on a **proposal to award 5 exclusive taxi contracts which was recently sent to city council for final approval.** There are currently 44 taxi companies operating 463 taxis in Santa Monica.

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Based on the recommendations of a 2008 taxi study commissioned by the city, the council on July 28, 2009 **adopted a new franchise ordinance in order to limit the number of taxi companies and taxis allowed to operate within the city.**

Taxi Franchise Award Recommendation

The city of Santa Monica received 13 proposals from a Request For Proposal (RFP) that was issued on January 14, 2010 with a response deadline date of March 19, 2010.

1. **Metro Cab Co.** (Scored 79.04%)
2. **Yellow Cab Co.** (Scored 78.82%)
3. [Independent Taxi Owners Association](#) (Scored 72.43%)
4. [Bell Cab Co.](#) (Scored 72.15%)
5. **TMAT Corp. dba Taxi Taxi** (Scored 67.66%)

Evaluation Criteria

The top 5 highest scored taxi companies were selected for the award recommendation and was based on a 100 point scale.

1. Proof of financial viability, demonstrate compliance to city regulations and bidder's proposal. (20%)
2. Taxi experience within the last ten years. (20%)
3. Business plan. (20%)
4. Fleet composition. (15%)
5. Local preference. (8%)
6. Character of owner(s) and members. (5%)

7. Proposed discount for seniors and mobility impaired customers. (3%)
8. Dispatch system. (3%)
9. Driver training and health benefit plans. (3%)
10. Driver fees. (3%)

Taxi Service Contract Recommendations

- Citywide fleet will consist of 250 taxis (50 per company).
- Vehicle fleet will consist of 50 vehicles including SULEV, ULEV and wheelchair accessible vehicles.
- Total fleet would consist of at least 70% SULEV, 20% ULEV and 10% wheelchair accessible vehicles.
- Annual Taxicab Franchise Fees
 - Franchise Fee Per Cab: \$5,000
 - Vehicle Permit Fee: \$1,280 (SULEV, ULEV, Wheelchair)
 - Vehicle Permit Fee: \$1,800 Non-(SULEV, ULEV, Wheelchair)
 - Driver Permit Fee: \$150

Santa Monica Taxi Rates

Taxi rates are consistent with current LADOT rates to avoid confusion by passengers who may travel between different jurisdictions.

Meter Rates:

- Flag Drop: **\$2.85** (first 1/9 mile)
- Distance Charge: **\$2.70 per mile** (\$0.30 each 1/9 mile)
- Wait Time and Traffic Delay: **\$29.19 per hour** (\$0.30 each 37 seconds)

Airport Flat Rates:

Travelers have the option to pay either meter or flat rates going to the airport (traveler must indicate at start of ride).

- North of I-10 to LAX Airport: \$45
- South of I-10 to LAX Airport: \$35
- Santa Monica to BUR Airport: \$75

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SALT LAKE CITY CORPORATION
OFFICE OF THE CITY COUNCIL

January 28, 2010

Mayor Ralph Becker
Office of the Mayor
Room 306
City & County Building
Salt Lake, Utah 84111

Dear Mayor Becker:

As you know, the Department of Community and Economic Development in December postponed enforcement of *Salt Lake City Code* Section 5.72.320. The section regulates the age of taxicabs attached to the three companies that operate in the City.

The ordinance reads in part, "No vehicle shall be licensed by the city as a taxicab that ... was manufactured more than six (6) model years prior to application for a license unless the vehicle meets the criteria in subsection B of this section."

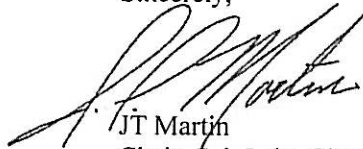
The CED director postponed enforcement of the ordinance through January while he reviewed the public record about the City Council's adoption of the ordinance. On January 19, the CED director informed the City Council that he had notified the three taxicab companies that the City would start to enforce the ordinance on February 1, 2010.

Although the City Council applauds the conscientiousness and determination of the director and his staff to enforce the ordinance and serve the public that uses taxicabs, we request that you continue to delay enforcing the ordinance until July 1, 2010. The ordinance appears to the Council to contain at least some ambiguity about how "six model years" are calculated. The Council plans to correct any ambiguity and make the language of the ordinance plain to everyone.

That will take some time, but the Council believes it is necessary, first, so the ordinance can be enforced, and second, because proposed changes to *Salt Lake City Code* Chapter 5.71 that were sent recently to ground transportation companies for comment contains a proposal to limit the age of vehicles to six model years.

Please consider the City Council's request and delay enforcement of Section 5.72.320 until the Council resolves the issue.

Sincerely,



JT Martin
Chair, Salt Lake City Council

JTM/raw

Cc: City Council Members, Cindy Gust-Jenson, David Everitt, Frank Gray, Ed Rutan, Orion Goff, Laura Kirwan, Brent Kovac

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MEMORANDUM

DATE: September 16, 2010
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Revisions to Ground Transportation and Taxicab Ordinances
CC: Cindy Gust-Jenson, David Everitt, Ed Rutan, Neil Lindberg, Maureen Riley, Frank Gray, Karen Hale, Lisa Harrison-Smith, Randy Berg, Jennifer Bruno, Bianca Shreeve, Larry Bowers, John Buckner, Quin Card, Kay Christensen, Robert Farrington, Dave Korzep, Marco Kunz, Gordon Hoskins, Gina Chamness, Mary Beth Thompson

This memorandum pertains to proposed amendments to the *Salt Lake City Municipal Code* relating to ground transportation and taxicab service in the City and at the Salt Lake City International Airport. The proposed amendments would revise *City Code* Chapters 5.71, 5.72, 16.60, and 16.64. This memorandum contains new information throughout its contents, but the bulk of new material is contained in the sections titled *Additional Questions/Items for Consideration* and *Other Issues*.

The City Council is scheduled to hold a public hearing on the proposed amendments at the Council's meeting September 21. The meeting is scheduled to start at 7 p.m. in the City Council Chamber (Room 315) of the City & County Building, 451 South State Street. It is likely that the Council also may schedule a follow-up briefing at the City Council work session earlier the same day. The work session will be held in Room 236, and will start after the City Council meets as the Salt Lake City Redevelopment Agency Board of Directors. The Council tentatively is scheduled to formally consider and take action on the proposed amendments pertaining to ground transportation and taxicab service in October.

POTENTIAL MOTIONS

Council staff plans to prepare motions for the City Council to consider after the September 21 public hearing.

OPTIONS

As indicated in a City Council staff memorandum dated September 2, one portion of the current *City Code* (5.72.130.B) reads: "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."

If the City Council is inclined to continue the practice of awarding companies certificates of public convenience and necessity to operate taxicabs in Salt Lake City, the portion cited above, which

was adopted in December 2005, probably should be repealed to avoid confusion. If the City Council is inclined to enact a competitive bid-contract system of permitting the operation of taxicab companies, at least some of the proposed amendments should be adopted.

City Code Section 5.72.130 is only one of a number of sections that would be revised in the proposed amendments. The City Council, then, has the following options:

- o Adopting all the proposed amendments.
- o Adopting some proposed amendments but not adopting others.
- o Including the Council's own amendments.
- o Not adopting any of the proposed amendments.
- o Not adopting any of the proposed amendments, repealing *City Code* section 5.72.130. B, and declaring the City Council's intention to deregulate the taxicab industry.

It should be noted that the transmittal from the Administration views the proposed amendments as a whole intended to streamline ordinances affecting ground transportation regulations, including taxicab regulations. The City Attorney's Office has prepared the proposed amendments by working with the Department of Airports. Mayor Ralph Becker in July assigned the department as the manager of ground transportation in the City.

It also should be noted that businesses largely or wholly exempt from the proposed amendments are special transportation vehicles regulated by *City Code* Chapter 5.76 and horse-drawn carriages regulated by *City Code* Chapter 5.37. Special transportation vehicles are vehicles such as ambulances and vans that are equipped for people with disabilities. Companies operating those vehicles and companies that operate horse-drawn carriages also have been authorized to do business under certificates of public convenience and necessity.

REVIEW QUESTIONS

The September 2 City Council staff memorandum noted that if the overarching organizing principle for municipal government to evaluate an issue is, "What is best for the City?" then there appear to be three main questions to consider. Other questions and other issues may inform answers to the three questions, but the three appear to remain the constants and focal points of consideration. The questions are:

I. *Does the City Council still think awarding contracts is a better method of promoting good taxicab service in the City, or is granting terminable certificates of public convenience and necessity better than awarding contracts?*

On December 8, 2005, the City Council adopted Ordinance No. 87 of 2005. The ordinance contained the language cited earlier in this memorandum that is part of *City Code* Section 5.72.130. The language is the initial step toward periodically issuing requests for competitive bids to operate a taxicab company in Salt Lake City instead of granting companies certificates of public convenience and necessity.

To review, the main arguments in favor of periodically issuing requests for competitive bids are: they would give the City a chance to test the market from time to time to gauge the interest and ideas available to serve City residents and businesses; they would give businesses a chance to present their products to the City; and they would increase the potential for companies operating taxicabs to respond quickly to the need for improvements identified by users of their service.

The main arguments against periodically issuing requests for competitive bids are: the length of terms may be too short to attract companies interested in investing long-term in the business; they may favor companies that have more capital to spend than existing businesses have; and, given the independent-contractor status of most, if not all, taxicab drivers, awarding a company a contract may not necessarily bring about an improvement in service.

II. *Do the proposed amendments, combined with previous changes to ground transportation ordinances result in at least a rough equivalency of competition among all ground transportation companies?*

On August 24, 2004, the City Council adopted Ordinances Nos. 69 and 70 of 2004. The ordinances were forwarded by Mayor Ross C. Anderson's Administration and were designed to clarify how each of the various kinds of ground transportation companies should operate to preserve each company's niche in the ground transportation market.¹ The ordinances required, among other things, all ground transportation vehicle drivers in Salt Lake City to obtain a ground transportation driver's license from the City and to undergo background checks. Previously, only taxicab drivers were required to obtain an operator's license and undergo the checks. The adopted ordinances were seen as tools to "level the playing field" of competition for all ground transportation businesses.

In subsequent years, organizations such as The Downtown Alliance, and a City board, the Transportation Advisory Board, recommended that any ordinance changing to a contract method of permitting taxicab companies to operate in Salt Lake City be accompanied by ordinance amendments that equalized competition among ground transportation companies.

The proposed amendments would establish a maximum age limit of five years or 300,000 miles for vehicles of all ground transportation businesses in Salt Lake City. An ordinance adopted in 2005 required only taxicab companies to meet vehicle age requirements. Proposed amendments also would eliminate allowing limousines to provide on-demand service, and would significantly increase civil fines for violating ordinances or rules and regulations. According to the Department of Airports, enacting civil fines ranging from \$100 to \$1,000 is one way to encourage all ground transportation companies to comply with City regulations.

III. *Would the proposed amendments:*

- o *Provide Salt Lake City residents and visitors to Salt Lake City with reliable, affordable, and consumer friendly taxi and ground transportation service?*
- o *Provide the City with enforceable ground transportation regulations?*
- o *Enhance the opportunity for ground transportation industry workers in Salt Lake City to earn a reasonable income at or near national levels?*

The three bullet points are the City Council's original goals when the Council commissioned the Tennessee Transportation and Logistics Foundation in December 2004 to "evaluate ground transportation data," and "review and evaluate City provided documents and other data including current and proposed City ordinances regulating taxicab businesses, ground transportation businesses, and special transportation businesses ..." and make recommendations for future ordinances.²

ADDITIONAL QUESTIONS/ITEMS FOR CONSIDERATION

What would happen to taxicab service if the City Council adopts the proposed amendments?

If the Council adopts the proposed amendments, the City, through the Department of Airports would issue a request for proposals to operate taxicab service in Salt Lake City. Any company interested in operating taxicab

service in the City – including the three companies that hold certificates of public convenience and necessity – could submit a proposal. The Administration has said since a briefing before the City Council in April that its ideal would be to award contracts to two companies with a combined total fleet of about 200 taxicabs.

If the proposed amendments are adopted, the City also would notify current holders of certificates of public convenience and necessity that they would have 180 days from the effective date of the ordinance – usually 10 days after adoption – to end operations in Salt Lake City. If any of the taxicab companies currently operating in the City are successful bidder, they would receive contracts and continue to operate on that basis.

Beyond the proposed ordinance, how will the future ground transportation landscape look for Salt Lake City taxicab companies?

The Utah Transit Authority continues to build the Airport to Downtown light rail line. The line is scheduled to open in 2012 or 2013. In addition, the Department of Airports plans to seek competitive bids to operate a shared ride shuttle service between the International Airport and the City. The department has delayed moving forward with its plans to issue a request for proposals for a shared-ride shuttle service to see if the City Council adopts the proposed amendments and – if the City Council adopts the amendments – to see how the amendments affect ground transportation business in Salt Lake City.

Insurance to include Salt Lake City and Salt Lake City International Airport

The Administration agrees that if the proposed amendments are adopted, any contract between the City and a successful proposer to operate taxicab service would include a provision naming the City and Salt Lake City International Airport as additional insured parties.

Taxicab Definition

The Administration agrees that any final version of the proposed amendments will expand the definition of taxicab to include vans with six to 12 seats plus a driver.

County-wide Impact

One taxicab company has indicated that the proposed amendments would affect taxicab service beyond Salt Lake City borders because taxicab companies operate throughout Salt Lake County. Given that, do the taxicab companies have data to show the percentage of total taxicab trips – dispatched or otherwise – that occur exclusively outside Salt Lake City's boundaries? Does data exist to show the breakdown of trips between residential and commercial trip origins and destinations in Salt Lake County but outside Salt Lake City? Is any information available on the number of contracts – if any – taxicab companies holding certificates of public convenience and necessity have with hotels, motels or other commercial lodging outside Salt Lake City's limits?

REVIEW: MAIN ISSUES

As the September 2 memorandum indicated, perhaps the most significant change in the proposed amendments is a streamlining of ground transportation ordinances by eliminating a variety of regulations established by ordinance and replacing them with language allowing the City Administration to establish rules and regulations.

One potential upside to the proposed ordinances is streamlining would allow the City to respond quickly to any needed changes within the ground transportation industry and market. It should be noted

that current City ordinances give the director of the Department of Airports the authority to make rules and regulations governing ground transportation at the Salt Lake City International Airport.

One potential downside is the proposed amendments would shift authority to make many decisions about regulating ground transportation citywide to the City Administration instead of through the deliberative, legislative process required under current ordinances. The issue will be discussed in more detail below.

Here are the top five changes, in City Council staff's opinion, specific to the ground transportation industry. The proposed ordinances would:

- o **Simplify definitions of various vehicles** – Vehicles would be categorized by passenger seating instead of registered weight or wheelbase length.
- o **Eliminate six-month vehicle inspections** – A vehicle would be inspected when it first is registered as a ground transportation vehicle. After that, it would be subject to spot inspections by Department of Airports personnel.
- o **Establish a maximum age limit of five years or 300,000 miles for vehicles** – Exceptions may be given to buses, minibuses, special transportation vehicles, limousines, and “vehicles that are unique in their design or built for a specific purpose.” Exemptions would be considered on a case-by-case basis upon application to city. Maximum age limit would be phased in over a two-year period.
- o **Replace criminal penalties for violations with civil citations carrying fines ranging from \$100 to \$1,000.** Citation amounts are intended to provide meaningful penalties for violating rules and regulations. People who wish to contest citations would appear in Salt Lake City Justice Court.
- o **Replace City regulation of taxicab businesses through certificates of public convenience and necessity with a periodic competitive bid process** – Successful bids would lead to a contract between the City and taxicab service providers.

It should be noted that the Administration is exploring whether the identification-badge renewal process that includes a background check can be extended from annually to every two years.

OTHER ISSUES

DELEGATION OF AUTHORITY

Since the September 2 briefing some have questioned whether the City Council should delegate its authority to regulate ground transportation companies. A main point under the proposed amendments (5.71.040) says, “The Department Director , under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules, regulations and procedures, as necessary to administer the requirement of this chapter and any security or operating requirement applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.”

It should be noted the term “Department Director” is defined as “the director of the department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such

Director.” The September 2 City Council staff memorandum noted that Mayor Ralph Becker in July designated the Department of Airports as the department to administer the current ordinances.

Under the proposed ordinance amendments, the department director could:

- exempt certain vehicles from the requirements of Chapter 5.71
- waive restrictions on providing on-demand customer service “if it is determined that circumstances in the City exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension ... is in the best interests of the City to address ...” (5.71.060.B)
- establish standards of appearance for ground transportation drivers and those who coordinate vehicles and passengers for a company
- establish standards of conduct for ground transportation drivers while they’re working
- determine whether a company’s vehicle color scheme, design insignia imitates another company’s color and design in such a way as to mislead the public
- establish standards for ground transportation vehicles
- exempt certain vehicles from age and condition standards established by ordinance on a case-by-case-basis
- impose restrictions in addition to any penalties imposed “by law, rule, regulation, suspension, revocation or other restrictions”
- approve the rate structure and extras allowed to be charged for taxicab service based on submittals by taxicab companies (Chapter 5.72)

ESTABLISHING TAXICAB RATES

The City Council on September 2 discussed how much involvement the City Council should have in establishing taxicab rates for taxicab businesses that might be selected under a competitive bid process.

The September 2 memorandum noted that under existing ordinances, taxicab rate increases involve a seven-step process. Taxicab companies that hold certificates of public convenience and necessity first must petition the City for the increase, then present evidence to a hearing officer to justify the need for the increase, then receive a positive recommendation from the hearing officer, then have the City Attorney’s Office prepare an ordinance amendment to raise rates, then have the City Council briefed on the proposed rate increase, then have the City Council hold a public hearing on the proposed rate increase, and then wait for the City Council’s decision. City Councils in the past have suggested that the City should find faster ways to address rate increases, particularly during periods of inflating gasoline prices.

It should be noted that at the September 7 City Council briefing, Administration representatives indicated they were open to a rate setting process beyond that proposed in the ordinance revisions. The proposed amendments read:

- A. Unless otherwise provided for in Department Contract, the Department will review submittals by Taxicab companies for Taxicab rates and the Department Director will approve the rate structure and Extras allowed to be charged for Taxicab service.
- B. Unless otherwise provided for in Department Contract, each Taxicab Business may file with the Department periodically, but no more often than every six months, a statement regarding the adequacy of the existing maximum rates as set by the Department Director. Said statement shall state whether, in the opinion of the Person submitting the statement, the existing maximum rates are at an appropriate level, or whether such rates should be increased or decreased. If the statement indicates that the said rates should be increased, the Person submitting the statement shall

supplement the statement with documentation in support of such increase, such as evidence of increased operating costs, insurance costs, costs of living, fares charged by competing transportation services and other relevant information.

Ideas to date for involving the City Council more in establishing rates for taxicab service include:

- Having the Department Director, Mayor and City Council Chair agree to an amount of a rate increase, then giving the full City Council thirty days to review the decision. If the full Council does not act within thirty days, the rate increase would be enacted.
- Before adopting the proposed amendments determine whether the amendments include minimum standards and requirements for findings with which to set rates. In addition, establish an appeals process to the Mayor.
- Adopt the proposed amendments but enact requirements that the Department give 30 days' public notice on all fee and fare changes; that the notice include a notification procedure for ground transportation providers and the public served by ground transportation businesses; that the Department have a public comment period of at least 15 days on all proposed changes including a public informational meeting at the City & County Building or the Salt Lake City Main Library.

More ideas may arise during the public hearing or discussion of the proposed amendments.

INTERNATIONAL AIRPORT'S EFFECT ON TAXICAB INDUSTRY

Among the comments in a general critique of the proposed ordinances and background is the following by one of the three taxicab companies that holds City certificates of public convenience and necessity:

"According to the City's FAQ's, there continues to be a misunderstanding that a "majority" of taxicab business is associated with the Airport (FAQ No. 7). This false assumption appears to be a justification for having the Airport Director manage and regulate all ground transportation. The City's narrow view of the taxicab business ignores the county-wide impact of what it seeks to do. ..." Subsequent estimates by the company indicated that the International Airport generates roughly 30 percent of its total trips.

The 2005 study, *Ground Transportation Study, Salt Lake City, Utah*, indicated that Salt Lake City International Airport was the largest single generator of taxicab trips in Utah, and estimated the number of trips at 400 to 500 per day.³ In addition, the 2009 Salt Lake City survey of residents indicated that 61 percent of those surveyed who used taxicabs used them for trips to and from the International Airport.⁴ It should be noted that 52 percent of the total of those surveyed indicated that they had used either a taxicab or shuttle service in Salt Lake City in the "last two years" before the survey.⁵

The apparent conflicting information raises two questions:

1. As a revenue generator, what is the status of the International Airport to the taxicab companies that hold certificates of public convenience and necessity?
2. What percentage of the companies' fleets is assigned to the International Airport, and what percentage is assigned to the rest of Salt Lake City?

VEHICLE AGE

Some of the public comment received to date on the proposed revisions has questioned the necessity for limiting a vehicle's age to the proposed language in City Code Chapter 5.71 that says: "No vehicle shall be authorized by the City to operate as a Ground Transportation Vehicle that is more than five Model Years in age, has a salvage title, or has accumulated 300,000 miles or more."

A few things should be noted. First, vehicle ages of five years appear to be fairly common for ground transportation fleets. Second, the City Council adopted the five-year age limit for taxicabs in 2005, although it revised the figure upward to six model years based on the recommendation by the City's former Ground Transportation Administrator. The reason for the change at the time was the former Ground Transportation Administrator planned to issue a request for proposals for competitive bids for taxicabs with a six-year term. The City Council also allowed some exemptions for vehicles that met clean-air, and fuel efficiency standards. Third, under the proposed ordinances the Department of Airports could grant exemptions on a case-by-case basis to exceed the age and mileage amounts for buses, mini-buses, special transportation vehicles such as vehicles that transport people with disabilities, and limousines. Specialty vehicles, defined as vehicles "unique in their design, or built for a specific purpose" would be exempt from age, mileage, and salvage restrictions. The ordinance goes on to say specialty vehicles "may include but are not limited to special conversion vehicles and classic or collector automobiles."

Hotel Vehicle On-Demand Service

One of the proposed amendments reads:

5.71.060: GROUND TRANSPORTATION DESTINATIONS:

- A. All Authorized Ground Transportation Businesses may provide Scheduled Service or Prearranged Service within the City.
- B. Only authorized Airport Shared Ride Service Vehicles, Taxicabs, Courtesy Vehicles, and Hotel Vehicles may provide On Demand Service within the City, except that: Courtesy Vehicles and Hotel Vehicles may provide On Demand Service only to and from the hotel / motel or other lodging Business with whom they hold a current contract for transportation services. The Department Director may waive these restrictions if it is determined that circumstances in the City exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the City to address such circumstances.

Some comments have indicated that one idea would adversely affect the taxicab market and would be hard to enforce. The comments are based on the sentence that reads, "Courtesy Vehicles and Hotel Vehicles may provide On Demand Service only to and from the hotel / motel or other lodging Business with whom they hold a current contract for transportation services."

In other words, a courtesy vehicle or a hotel vehicle can provide on-demand service anywhere in the city as long as the ride begins and ends back at the hotel where a customer is staying.

The current ordinance adopted in 2005 already allows hotel vehicles to provide on-demand service to the Salt Palace Convention Center if hotel guests are attending a convention of 5,000 or more people. The current also allows hotel vehicles to provide on-demand service to any destination

in Salt Lake City if “providing such transport involves three (3) or more persons riding together to and from the same destination and with the consent of the motel or hotel manager on duty.”

Comments submitted by the City’s former Ground Transportation Administrator say the language in the proposed ordinance is, in his opinion, as equally flawed as the language in the current ordinance. According to the comments, “This proposed clause allows for a hotel to contract with a private provider and thus operate from that hotel at undefined rates which could be much higher, similar to, or less than current taxicab rates and shared ride services. These rates resulted in complaints from customers who were gouged fares three or four times as high as a taxicab, yet at other times at rates one-third to one-quarter that of a taxicab rate.”

According to the Department of Airports, the department supports the clause because, “It is our intent to allow a courtesy vehicle or hotel vehicle to transport to or from the hotel property. We view the hotel to be the agent of the persons staying at the hotel and believe they should have the rights to provide transportation for customers to venues such as the convention bureau, restaurants, sporting events weddings ... if they choose to provide that level of service.”

It should be noted that the proposed change would allow for vehicles other than taxicabs to transport people in more circumstances than the current ordinance allows. Hotel vehicles could transport people to conventions of fewer than 5,000 participants. The vehicles also could provide on-demand service to individuals and couples where previously the vehicles were limited to providing service to groups of three or more.

The taxicab industry may view the proposed amendment as reducing its market. Others may view the amendment as enhancing options for hotel guests and reducing confusion and enforcement problems.

Taxicab Industry Participation in Public Dialogue

At the September 2 briefing an issue was raised about the level of participation the taxicab industry has had pertaining to proposed regulation changes. The industry has been invited a number of times to make detailed presentations to the City Council or other public groups about allowing taxicab companies to operate through a competitive bid process instead of through certificates of public convenience and necessity.

Representatives of all three companies spoke to the City Council at length during a mini-fact-finding meeting on July 14, 2009. Representatives also made a presentation to the City Transportation Advisory Board on May 4, 2009, and were available to answer questions at the board’s June 8, 2009 meeting. All three presentations are available as on-demand videos on the SLC-TV website.⁶

The companies also were invited to provide the Transportation Advisory Board with written material at the board’s April 7, 2009, meeting. Industry representatives also made a PowerPoint© presentation to the City Council Transportation and Mobility Subcommittee on March 19, 2009. In addition, industry representatives spoke extensively during the City Council’s public hearings in 2005 on the draft version of *Ground Transportation Study, Salt Lake City, Utah*, that the City Council commissioned. The industry’s response included an extensive written critique by the Dr. Gary Bamossy, Ph.D., who had worked with the industry on previous issues and who was part of the industry team that met with Transportation and Mobility Subcommittee in 2009.

The taxicab industry also submitted comments on the proposed amendments that are the focus of the September 21 public hearing. The comments are included with the roughly 30 comments on the issue as of the date of this memorandum. Industry representatives also either have met or are scheduled to meet with some City Council Members before the September 21 public hearing.

It should be noted that City Council staff has included among the comments recommendations made in 2009 by The Downtown Alliance Board of Trustees, the Transportation Advisory Board and the City's Accessibility Services Advisory Council.

¹ City Council staff memorandum; Russell Weeks; August 6, 2004; Page 2.

² City Contract No. 19-1-05-1048, scope of work, paragraphs A and B, December 15, 2004.

³ *Ground Transportation Study, Salt Lake City, Utah*, Page 20.

⁴ 2009 Salt Lake City residents survey, Dan Jones and Associates, Page A-11.

⁵ Ibid.

⁶ Please see attached e-mails.

RECEIVED SEP 02 2010



Ute Cab Company

Taxi Service in Salt Lake City for over 50 years

738 South 400 West
Salt Lake City, UT 84101

Phone 801-359-7788
comments@utecabco.com

August 31, 2010

Salt Lake City Council
451 S. State Street, Room 304
P.O. Box 145476
Salt Lake City, UT 84114-5476

Re: Taxi and Ground Transportation regulations

Council Chair JT Martin;

I am the president of Ute Cab Company, a small family owned business that has operated successfully in Salt Lake for over 60 years. My wife is the current secretary/treasurer of the Company and we have staked our futures on running and continuing this business. The Council and Administration have expressed concerns over the years which we have listened to and tried to implement change to compliment the intentions voiced.

The Olympics brought changes in attitudes toward ground transportation and Mayor 'Rocky' Anderson had a working committee commence in 2002 and make recommendations to the Council in 2004. Studies were completed and suggestions made.

Our company currently has 78 Certificates of Public Convenience and Necessity under which we operate in Salt Lake City as a licensed taxi company. Beginning with Dr Mundy's study in 2005 the Council implication has been that there would probably be two to four companies in business of 50 or more vehicles each at the end of the process. This direction has been restated many times including then Committee member Garrott at the July 14, 2009 Work Session and in the August 11, 2009 agenda attachment of a letter from the Transportation and Mobility Subcommittee.

In short we have tried to listen and comply and anticipate your needs and our needs. If the proposal for 100 vehicles each from two companies' moves forward you are probably forcing us out of business after 60 years of customer good will and ever improving services. As a businessman well versed in the day to day and future operations of a taxi company I find no basis for Salt Lake City to force us onto the growing lines of recession closed businesses.

Relying on the indicators given by the Council we have managed our operations to follow a model of 50 to 80 vehicles. Altering our business model at the eleventh hour to place 100 or more vehicles in immediate service and to make all of the other Capital Investments anticipated and needed may be nearly impossible to achieve in this climate of strict and limited small business tight credit policies lending, even though our credit ratings are excellent.

In Dr Mundy's 2005 Study the average age of a Ute Cab was listed as 11 years today the average of a Ute Cab is just under 6 years. The national averages for age limitations are closer to eight years for taxis although admittedly some taxi airport only concessions are a lesser age limitation in years, such as five and six years.

In 2005 the Council indicated its desire that all taxi companies provide handicap accessible services. Ute Cab has provided ADA accessible service to anyone in the city who calls and needs accessible services. As always if we can accommodate the handicapped passengers in our taxis we now do so and always have. If the clients require a lift or ramp we

Continued . . .

Ute Cab Company

JT Martin Council Chair

August 31, 2010

Page 2.

contract with Gold Cross and their ADA compliant vans to provide the services at taxi pricing. We have done so continually since 2005 and we have received almost zero complaints and have received many compliments. We are willing to supplement this service with company owned or controlled vehicles in the future, once a firm direction in future planning is foreseeable.

In Sept 2005 Ute Cab Co installed a computerized Dispatch System with GPS tracking, we need soon to bring some current enhancements to the systems to incorporate today's newer technologies. Technology changed fast in five years and we intend to continue improving on into the future, we need only to be able to have a stable path in front of us.

Also in Sept 2005 we implemented in car credit card processing which we continue to use today and have direct phone line access to the office for drivers if any problems or questions of processing occur and even have a second Merchant account for processing in the office if the primary credit card approval lines are down for any reason. Simultaneously we stopped passing the credit card processing fees of 2.5 to 5% on to the drivers and incur the costs as a company to encourage the drivers to accept the cards freely and pleasantly.

In 2005 we listened to the Council and Administration and began a formal testing program for driver applicants to test basic language and comprehension skills as well as knowledge of the City and surrounds. I would guess better than half of the applicants, many who come from years of driving ground transportation vehicles with other companies, fail the test and we do not continue the application process further with them.

At the same time we started to more deliberately discipline our drivers, a policy I have imposed since early 2000's, for safety and service standards that we expect as representatives of Ute Cab company. We have terminated the independent contractor relationship we have with numerous new and experienced drivers in this tightening of discipline and expectations, others have received warnings and 'time off' depending upon the needs of the circumstances.

If the proposal to implement limited term taxi contracts is imposed it will severely limit the capital sources available since immediate and future improvements and capital expenditures would require terms longer than the contracts to implement and pay off or properly enhance on an ongoing basis.

We have improved and grown with the City over the past few years. City Laws and Ordinances can and will foster the growth and entrepreneurial inventiveness readily and more flexibly than any contract could ever foresee. Ute would like to look to 'Greener' vehicles within the confines of reasonable business planning and expected sustainable future of the companies operations.

Mr. Chair we have tried, and will continually try, to work with Salt Lake City's needs and directions and in representation of our City to the World. We for our part do not feel that we have let you down we feel we have, more than others, tried to listen and grow with your concerns and ideas. Please do not shut the doors and force us out today.

We love Salt Lake City and want to continue providing the best taxi service available 24/7 for many decades into the future.

Respectfully



Kenneth L Olsen
President

YELLOW CAB DRIVERS ASSOCIATION, INC.'S
SUMMARY IN RESPONSE TO PROPOSED
CHANGES TO GROUND TRANSPORTATION ORDINANCES

OVERVIEW OF PROPOSED CONTRACT BASED SYSTEM

Economic Impact

This Country, this State, and this City are in the midst of the Great Recession. While the White House is scrambling to create jobs, why would Salt Lake City want to destroy them? When "Buy Local First Utah" brochures are in front of the Council Chambers, why would the Council seek to demolish locally owned small businesses? When unemployment woes have swollen, why would the City seek to take jobs from hard working men and women? To do this during the Great Recession is unconscionable.

The new proposed regulations will mean at least one existing Cab company is destroyed (Frequently Asked Question #7: "If the City Council adopts a contract method of regulating taxicab businesses, the Department of Airports would bid the service to two companies with combined fleets totaling 200 vehicles." The three existing Cab companies are locally owned, well serving our community for decades. These small businesses have invested in our City and created jobs for its citizens.

The City's proposal also mandates there be no more than 200 taxicabs in operation when currently Salt Lake City has 268. This means at a time when Yellow Cab has a waiting list to be a cab driver, at least 68 drivers will be laid off. These drivers have families they support. Many of these drivers own their own cabs as independent businessmen and women. In fact, the Yellow Cab Drivers Association is so named because the cab drivers purchased the Company and have run it since 1979.

The Equitable Solution

Instead of extinguishing at least one locally owned business, obliterating at least 68 jobs and shattering untold lives in the process, the fair, equitable, and conscionable solution is to first offer the contracts to the existing companies. Yellow Cab believes there's no need to adopt a "radical" contract system (see below). The City, however, proposes a contract system is necessary to set higher standards for the taxicab industry. If so, there is no harm in allowing the existing small businesses to qualify. Stated conversely, there's no need to outsource the service. The jobs and revenue should remain local. Yellow Cab believes it can qualify for and render the necessary services under any contract.

Purpose of Regulations

The Cab Companies regulated by the City have historically been the only ground transportation category allowed to provide on-demand service. In exchange, the Cab Companies are required to provide 24/7 service, at regulated, meter rates and are subject to numerous other regulations to keep the quality of service high and safe. No other jurisdiction in the Valley regulates taxicabs.

Hundreds of other taxicab operators bypass the comprehensive City regulations by simply obtaining business licenses from other jurisdictions. These "gypsy cabs" unfairly compete by charging high, unregulated rates, and operate only at peak times. Instead of reducing the number of taxicabs, limits should be set on the number of gypsy cabs, vans, shuttles, etc.

County-Wide Impact

The taxicab business regulated by Salt Lake City is not isolated to Salt Lake City. The taxicab companies operate throughout the Salt Lake Valley. Therefore, the City's revised ordinances will impact service beyond the borders of the City. Less cabs means less available service throughout Salt Lake County. Salt Lake City's proposals will have repercussions well beyond city limits. Not only will the economic pain be felt throughout the Valley as companies close and dozens lose their job, but fewer cabs means reduced service. Last week, Salt Lake County Mayor Peter Corroon wrote to the Salt Lake City Council of his alarm, "We are concerned that such a decrease will have a negative impact on the availability of taxicab service for residents living in other parts of the Salt Lake Valley." He is correct. There are many businesses, hotels, and destinations all over Salt Lake County that depend upon reliable taxi service.

Circumstances Have Changed

Ray Mundy's report is now 5 years old. The population has changed. Salt Lake County's population has increased by 87,000 people from July 1, 2004 to July 2009. That constitutes an 8% increase. The population is also aging. Older residents are more likely to use taxicabs. The Utah ski industry had its third best season and visits to National parks have increased for the third year in a row. Convention business in Salt Lake City was vital this summer. These increases do not justify the reduction of the cab fleet. If there are any reductions, it should be in the number of gypsy cabs.

Taxicab Service Can Be Improved Under the Current System

The City continues to pursue a contract system (a "radical" change in how taxicabs are regulated) without any basis to support the proposition that it will improve taxicab service. There has never been an explanation for why a contract system is superior, other than speculation that it will better meet the City's goals. The City suggests contracting is a common method used by governments to obtain services (FAQ#5). However, that is not true when it comes to taxicab service. Yellow Cab has shown over the past five years that the City's desired improvements can occur within the current system. For example, Yellow Cab replaces 5 to 6 cars each month and its fleet has become younger. Yellow Cab takes credit cards and uses GPS systems. Yellow Cab is unaware of any general perception that it does not provide high quality taxicab service to its customers.

OVERVIEW OF PROPOSED ORDINANCES

1. "Shared ride" is still not defined. However, other confusing categories such as "black car", "corporate car", "van service", etc., from the prior draft have been omitted.

2. "Taxicab" is defined as a motor vehicle with a seating capacity of five passengers or less. Technically, it excludes those taxis which are vans and SUVs, carrying more than 5 passengers.
3. The age of vehicles will be based upon model year, which is the date of manufacture. Model year is calculated beginning January 1 of the model year.
4. All ground transportation vehicles will be subject to the 5 year age limit as well as the salvage title restriction and the 300,000 maximum miles limit. However, on a case-by-case basis, busses, mini-busses, special transportation vehicles and limos may be given an exemption on the age and mileage restriction. Nothing is stated about how an exemption will be determined or why taxicabs cannot also receive case-by-case exemptions.
5. All vehicles must meet the non-salvage title and 300,000 maximum mile limit by the effective date of the ordinance. However, some leeway is given on incorporating the age requirement. Seventy-five percent of vehicles must meet the age requirement within 12 months and all vehicles must meet the age requirements by two years.
6. Bribes are outlawed, but they are outlawed under the current ordinances. The question remains whether the Airport Director will enforce the ordinances.
7. Driver standards and vehicle standards are eliminated, presumably because they will be required under contract. It is unknown what standards will be required under the RFP. The RFP has not been disclosed.
8. Taxicab certificates of public convenience and necessity will expire 180 days after the effective date of the ordinance. There is no preference stated in the ordinance for existing cab companies. The ordinances do not provide how many concessions will be awarded or how many taxicabs will be allowed to operate. However, a set of Frequently Asked Questions ("FAQs") recently issued by the City confirms there will be two contracts awarded with combined fleets totaling 200 vehicles (FAQ #7). No such limits are placed upon other types of competing ground transportation providers. The City has confirmed at least one of the three long-standing cab companies will be shutout (FAQ #2).
9. All "cab concessionaires" will be required to have ADA accessible vehicles, but the number required is not established in the proposed ordinances and is open ended.
10. Maximum rates will be established by the Airport based upon a 6 month review. There is no scheme for automatic adjustment, but it appears the rates can be adjusted more easily than under the hearing officer system.
11. The manifest requirement is eliminated for taxicabs.
12. Advertisements on taxis is specifically allowed.

13. The penalties for violation are not very well defined. It says generally that there can be suspensions and revocations for violations. Does this mean any violation? It seems like there could be some due process concerns because it is not clear how revocations and suspensions will occur. Also, some of the penalties set forth are extreme and the cab companies are made liable for all driver violations.

14. The Airport has discretion on what fees will be charged.

GENERAL PROBLEMS AND CRITICISMS

1. ***How is the City going to pay for this?*** The Budget Impact statement, which is part of the City Council Transmittal, suggests taxicab companies will be collecting data on destination and origin of trips (which is not possible), indicating the City may be considering charging fees based upon trips. If this is what the City is considering, it would stress already tight margins based upon rates taxicabs can change. Overall, these proposed changes don't take into account the day-to-day realities of operating a taxicab business, including the economics involved.

2. ***Taxicab Service can be improved under the current system.*** The City continues to pursue a contract system (a "radical" change in how taxicabs are regulated) without any basis to support the proposition that it will improve taxicab service. There has never been an explanation for why a contract system is superior other than speculation that it will better meet the City's goals to provide "reliable, affordable, and consumer-friendly ground transportation service; to provide the City with enforceable ground transportation regulations; and to enhance the opportunity for ground transportation industry workers to earn a reasonable income at or near national averages." (FAQ #1). There has never been an analysis of how these goals can be achieved better under a contract system. The City represents contracting is a common method used by governments to obtain services (FAQ #5). However, that is not true when it comes to taxicab service. Yellow Cab has shown over the past five years that the City's desired improvements can occur within the current system. For example, Yellow Cab replaces 5 to 6 cars each month and its fleet has become younger. Yellow Cab takes credit cards and uses GPS systems. Yellow Cab is unaware of any general perception that it does not provide high quality taxicab service to its customers.

3. ***Will the "gypsy cabs" problem be solved?*** The "gypsy cab" problem wasn't enforced under the current system. What assurance is there that the Airport Director will be vigilant in enforcement? If taxicabs are going to be subject to contract, it is even more important for the City, as a contracting party, to enforce the rules and act in good faith.

4. ***Circumstances have changed.*** The City commenced this project in 2004 (FAQ #1). Ray Mundy's report is now 5 years old. There have been important changes over the lengthy period this matter has been hanging over the heads of the taxicab industry. For example, the City wants to cut the number of cabs from 268 to 200. This ignores the fact that Salt Lake County's population has increased by 87,000 people from July 1, 2004 to July 2009. That constitutes and 8% increase in population. The population of older residents who are more likely to use taxicabs is also increasing. Additionally, the City is making decisions based upon the economic climate in 2005 rather than the current challenges of a recession. The City is willing to eliminate more

than 68 jobs by cutting the number of taxicabs to 200. Despite the recession, Yellow Cab has not laid off any drivers. Yellow Cab has a waiting list of people who want to become cab drivers.

5. ***The City misunderstands the ground transportation business.*** According to the City's FAQs, there continues to be a misunderstanding that the "majority" of taxicab business is associated with the Airport (FAQ #7). This false assumption appears to be a justification for having the Airport Director manage and regulate all ground transportation. The City's narrow view of the taxicab business ignores the county-wide impact of what it seeks to do. Mayor Peter Corroon has issued a letter to the Salt Lake City Council regarding Salt Lake County's concerns of moving ahead with ordinance changes without understanding the county-wide impact.

6. ***RFPs waste resources.*** Under an RFP system, the relationship between the City and the concessionaire is always subject to renewal. But cab companies will be expected to make substantial capital expenditures and create infrastructure to meet service requirements with the potential the contract relationship will only be temporary. Responding to a new RFP every few years is very expensive and wastes money that could be reinvested in the business. The City has already had experience with this when Gold Cross Ambulance lost its contract to Southwest Ambulance. The bidding involved thousands of pages of documents and thousands of dollars spent on competing for the contract. Southwest won the bid, but ultimately the arrangement did not prove to be successful.

7. ***Contract system increases overhead.*** What will be in the RFP about expectations remains a mystery. The RFP itself is likely to have requirements that will increase overhead for taxicab operators. What is known is that the revised ordinances increase overhead by imposing arbitrary age/mile restrictions on vehicles. If a car is in good condition and passes inspection, there is no reason to retire it just because it is more than 5 years old or has 300,000 miles. Even salvage title vehicles can be repaired to be safe and clean. The proposed standards are completely arbitrary. Also, other types of ground transportation providers have the possibility of receiving an exemption of the age and mileage requirements on a case-by-case basis. What is the reason for not giving taxicab companies this same opportunity to seek an exemption? The cab companies continue to be singled out. There is also concern about the availability of vehicles that are suitable for taxicabs and that are affordable. Five years isn't enough time to amortize the higher cost of newer, more expensive vehicles. Additionally, there will be fewer cabs to generate the revenue to pay for all of the bells and whistles the City expects.

8. ***Salvage vehicles should not be banned.*** Use of salvage title vehicles, which are required to pass safety standards, helps to keep costs down. It provides a way to obtain newer vehicles for less expense. Many taxicab vehicles have salvage title and there is no reason to arbitrarily require them to be taken out of service. To immediately require all salvage title vehicles to be retired would be a huge financial blow to taxi operators. Salvage vehicles aren't exempt from safety inspections and have to meet those safety requirements to be licensed. The City's concerns that cab companies merely apply a new "coat of paint" to "totaled" vehicles that are unsafe to use as taxicabs are completely unfounded (FAQ #9).

9. ***ADA compliant vehicles increase overhead.*** Cab companies have an undefined obligation to operate ADA vehicles. Because it is a mystery, it is uncertain how this will

increase costs. Vehicles that can carry motorized wheelchairs are more expensive. Cab companies are already contracting with a special transportation provider to provide ADA transportation at taxicab rates. The service is rarely used and does not justify the expense of acquiring fleets of ADA compliant taxicabs. The average monthly use for June, July and August, 2010, was merely 49 trips. This number includes round trips, meaning the same customer used the service to both come and go. A new ADA compliant van can cost upwards of \$40,000.00. Moreover, would the City require these expensive, specially-equipped vehicles to be retired after only 5 years?

10. *Violations are severe.* Many of the penalties for violations are severe. The City is justified in trying to get cab drivers to conform, but many fines are unreasonably high. Additionally, it is unfair for cab companies to be automatically liable for each and every violation of a driver. Cab companies can encourage compliance, but can't monitor each and every act of a driver, including personal things related to dress and appearance.

"Taxicab" definition is too narrow. The definition of "Taxicab" is too narrow. Cab companies operate vans and SUVs in addition to passenger cars that can ca

D U R H A M

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September 1, 2010

Carlton Christensen
Salt Lake City Council
451 South State, Room 304
Salt Lake City, Utah 84114

Dear Carlton:

I have reviewed the City's proposed ground transportation ordinances on behalf of Ute Cab Company. While the City is rushing to adopt these ordinances at an upcoming City Council meeting in September, we are concerned that these ordinances include serious flaws that will likely render them invalid. We ask that the City withdraw its proposed ordinances to correct these flaws and provide for more effective regulatory measures.

The proposed ordinances would rescind many of the City's existing standards and requirements under Salt Lake City Code §§ 5.71, 5.72, 5.76, 16.60, and 16.64. In their place, the proposed ordinances purport to broadly delegate to the Department of Airports the authority to regulate ground transportation within the City, as illustrated by the following examples:

Proposed section 5.71.040 authorizes the Airport Director to establish fees, enter contracts, and "create standards, rules/regulations and procedures" to administer the City's requirements. The current code does not contain such a delegation.

Proposed sections 5.71.070 and 5.71.080 require that all ground transportation participants adhere to "standards of appearance" and "standards of conduct" as established by the Airport Director. The current code provides detailed standards that the City enforces.

Proposed section 5.71.150 requires that all ground transportation vehicles pass an inspection meeting standards established by the Airport Director. The current code specifies the detailed requirements that vehicles must meet.

Proposed sections 5.71.180 and 5.71.300 require that ground transportation operators obtain a badge issued under the Airport Director's rules and regulations, and the airport can remove the badge for a variety of reasons. The current code provides standards and a framework for obtaining or removing such a badge.

Proposed section 5.72.405 provides that the Airport Director will approve the City's rate structure for taxicabs. The current code requires a publicly-conducted fact finding process before a hearing officer to determine whether or not rates should be increased.

These and other proposed ordinances remove specific requirements and defer to the airport, and the airport is required to enforce these general directives throughout the City under proposed sections 5.71.260 and 5.72.705. The proposed ordinances also impose penalties on those who violate the requirements that the airport will create (proposed sections 5.71.300 and 5.72.805), and penalties include the City's revocation, suspension, and nonrenewal of a City business license, the airport's revocation, suspension, and nonrenewal of an operator's badge or airport access credentials, and civil penalties pursuant to a fee schedule.

These broad, vague delegations raise serious concerns. The state has given the City authority to regulate ground transportation; Utah Code Ann. § 10-8-11 provides that municipalities "may regulate the use of streets", and the courts have also recognized that ground transportation is subject to a City's regulatory power. See *Kenyon Hotel Co. v. Oregon Short Line R. Co.*, 220 P. 382 (Utah 1923) (regulating taxicab stands); *Stewart v. Utah Public Service Comm'n*, 885 P.2d 759, 771 n.11 (Utah 1994) (recognizing rate regulation of motor carriers). However, the proposed ordinances delegate previously regulated functions to the discretion of the Airport Director, and that approach is not consistent with the requirements of Utah law.

Salt Lake City has elected to use the mayor-council form of government, and that form "provides for a complete separation of executive and legislative powers, the former being lodged exclusively in the Mayor, and the latter in the Council." *Martindale v. Anderson*, 581 P.2d 1022, 1024 (Utah 1978). Legislative power is policy making power; it is "the authority to make laws . . . to prescribe by ordinance the general rules to be followed by the executive branch in exercising its powers . . ." *Id.* at 1027. Executive functions are "the acts necessary to carry out legislative policies and purposes . . ." *Id.* Yet the proposed ordinances attempt to delegate the power to prescribe rules to the City's executive branch.

Utah case law consistently provides that the core functions and powers of various branches of government are not delegable. *Johnson v. Dep't of Transportation*, 2004 UT App. 284, ¶ 13. While other branches can make recommendations to the legislative function, they cannot perform that function. "[T]hose who have been selected, by a given process, and from a given constituency; retain the power to make ultimate policy decisions and override decisions made by others. The complexities of budgeting and the selection of programs, are duties elected officials owe to the electorate; these policy decisions cannot be delegated . . ." *Salt Lake City v. Int'l Ass'n of Firefighters*, 563 P.2d 786, 790 (Utah 1977). The City Council is obligated to exercise regulatory power over ground transportation on behalf of the public, and it cannot delegate that power as proposed under these ordinances.

When an ordinance invalidly delegates rulemaking power, it also inevitably lacks enforceable standards. If a regulation creates unbridled discretion without any standards for the exercise of a power, it is arbitrary and capricious and violates separation of powers requirements.

Stewart, 885 P.2d at 776-777 and 780-781. The courts have also noted that a municipal ordinance is overly vague, and thus not enforceable, when its language "fails to give a person of ordinary intelligence fair notice that contemplated conduct is proscribed." *Walker v. Union Pacific Railroad Co.*, 844 P.2d 335, 340 n.4 (Utah Ct. App. 1992). In many instances the City's proposed ordinances impose no discernable requirements on the ground transportation industry, and they contain no guidelines for creating other rules.

By replacing specific standards with broad delegations of authority to the airport, the proposed ordinances also may violate specific statutory requirements. For example, Utah Code Ann. § 72-10-601 et seq. requires that the City adopt an ordinance to implement criminal background checks for ground transportation drivers. Other laws impose requirements in this area as well.

The City's proposed ground transportation ordinances rescind many of the Council's current stated requirements and leave new City requirements to the discretion of the Airport Director. As a function of the executive branch, the airport is not empowered to create ground transportation laws. These proposed ordinances appear to lack a legal basis, and the City has offered no explanation for this new proposal after lengthy efforts to examine other approaches. Even the Council's briefings have been conducted in private. Without a public process explaining the City's actions, the public is left with no ability to understand the validity of this new proposal and how it will impact the community.

We request that the City withdraw its proposed ordinances, correct these and other flaws, and provide an adequate public explanation of its regulatory proposal. The public and the industry are not well served by a hasty process to implement untried and invalid measures. We remain willing to work with the City to establish more effective regulation.

Very truly yours

DURHAM JONES & PINEGAR, P.C.



Jodi L. Howick

JH/cm

cc: Salt Lake City Council Members
Mayor Ralph Becker
Frank Gray

September 6, 2010

Dear JT Martin and City Council;

In the recent article with City Weekly on August 26, 2010 regarding the new proposed changes to the taxi ordinance it is obvious that there is a great deal of misinformation traveling around regarding taxis and taxi operations.

JT Martin is quoted as saying that at any time there is as many as 50 taxis sitting waiting at the Airport waiting for a fare. While Mr. Martin apparently you are unaware that the staging area at the Airport only holds 25 cabs, so this would be impossible to have 50 cabs waiting. This is interesting because this change was made 2-3 years ago according to Larry Bowers (Airport director of Operations). Previous to this he said that there were up to 75 cabs staging at the Airport. When asked when he remembered the staging area at a level of 25 cabs he said that you would have to go back before the AVI (automatic gate entry in taxi lanes) which was about 1990. So with a constantly growing Airport and plans in five years for another major Airport expansion, yet despite this the taxi levels are retreating to pre-1990 levels.

Frequently when I am dropping off at the Airport, I will see NO cabs in T-2 (Delta) staging area. This dramatic slash in taxi levels has left the Airport seriously short at peak times. This is further collaborated by former mayor Rocky Anderson's comments a couple of years ago when he was at the Airport along with a group of people waiting for a taxi and none were available. Why then would Dave Korzep (Operations Director at the Airport) suggest the late night taxis waiting for the arrival of the last flights be directed instead to run bar runs leaving no taxi service for these late arrivals? If the Airport is truly the "plumb" then doesn't it stand to reason to keep an adequate supply of cabs available instead of retreating to 1980 levels? This makes absolutely no sense!

There is misinformation out there indicating that by reducing taxi fleets the drivers will then make more money. This is based on the notion that by changing one variable and leaving everything else constant you have a change you can predict. The problem with this notion is that everything else does not remain constant. Without also reducing the number of non taxis aka shuttles, This merely allows the non taxis to clean up on the void left by the taxis. Was this the goal or was the goal to provide the taxi drivers more income. Taxi business is full of hills and valleys and there has to be times when there appears to be too many taxis to account for the busy periods. Without the availability to provide service and provide it quick the business is lost and the remaining taxi drivers have a smaller amount of transportations pie. What is the real goal?

The notion that a contract based system would be superior to the current system is unfounded and risky. A contract based system offers nothing new as has been previously shown but burdens down those competing with a lot of extra costs. The rules of conduct and levels of safety for the taxis that this system appears to introduce are already in force

under the current system. This analogy is based on false and unjustified information that the current system is broken. This is simply not true. The three existing companies work hard at providing good service for their customers 24 hours a day 365 days a week. Their drivers take pride in getting their customers safely to their destination despite weather and traffic concerns.

To reduce the taxi companies to two instead of three and 265 drivers down to 200 drivers will seriously impact customers options and the abilities of the taxi cab companies to handle increased growth. Remember that the Airport feeder line is at pre 1990 levels already.

In 2005 when Professor Mundy did his study and determined the taxi companies need to sharpen up their image, all three companies made major improvements to their fleets and to customer service. This improvement seems to go unnoticed by City Officials but regardless of that all three taxi companies are proud to serve in Salt Lake City and take pride in doing a great job.

Salt Lake City is growing and expanding especially with the new Downtown Rising. The visitor and convention bureau do a fantastic job in scheduling new conventions as well as our world class ski resorts. Also with the University of Utah joining the Pack 10 this brings in a lot of new money to SLC along with more recruiting opportunities and more fan base. Also BYU going independent adds increased excitement for the future. Lets encourage growth and encourage the taxi companies to grow to meet this need instead of choking them to death. Utah is ranked 5th in the nation in foreclosures. Are we trying to make this problem worse along with more needless unemployment of taxi drivers. Lets use common sense and don't purposely put companies to death but encourage growth and capitalism not socialism. Let the small businessmen thrive and let their dreams survive and thrive.

Thanks for your listening ear.

Dave Jackson
Manager, City Cab Co

August 23, 2010

Dear City Council;

I find it hard to believe that the City Council is actually considering the proposal of eliminating one if not more of the existing taxi cab companies. Is this because of some rules or ordinances they have broken or violated? The answer to this is a resounding NO. This is rather an arbitrary experiment with possibly detrimental results. This is sending a strong message to all small businesses in Salt Lake City that this city is not pro small business and you could be next and all on a whim.

We've all seen the disaster that happened when SLC turned its back on Gold Cross Ambulance and did basically the same proposal method allowing Southwest Ambulance the bid over Gold Cross and now we see Southwest Ambulance out of business. They had to bite off more they could chew to win the bid and it was not sustainable.

Apparently, Salt Lake City Councilman JT Martin doesn't realize is that the taxi business in Salt Lake City does work really well despite the current overregulation. We just had two of our biggest conventions in town being the Outdoor Retailers and Malaluka. The local Hotels were all using the existing taxicabs to full capacity, the taxi cab drivers came out in full force to help out and it was a great success.

How is it possible that as Salt Lake City is growing and expanding we are seriously talking about reducing the number of taxicabs? It's a shame that the City Council will take advice from out of town experts instead of advise from those in the taxi industry who know the real story. When someone calls a taxi they want immediate service. If they wanted to wait they may possibly chose an alternate form of transportation such as UTA. To provide them adequate service both in town and at the SLC International Airport extra cabs must be waiting and be available. Limiting the number of taxis limits availability causing the riding customers to wait which decreases their confidence in taxis ability to be reliable therefore losing them as a customer. So limiting the number of taxis while it might make the taxi drivers more money in the short run decreases their income in the long run.

This proposal of going from three taxi companies to two taxi companies is a dramatic shift from the City Council's position. For years, we have heard some argue that the three taxi companies have the market locked up and that a fourth cab company must be allowed in for further competition. Now instead of that ideology of more competition provides a better product, we are going in reverse allowing for less competition and more government regulation.

When Professor Mundy did his transportation study part of his focus was on customer service particularly in hotels and other businesses calling taxis. His overall conclusion was that service was good and especially with City Cab Company. The reason for our overall consistency is the City Cab model of having two twelve hour shifts per day providing true 24 hour service. With the Salt Lake City Council's new plan to have vehicles 5 years old or newer, this is only possible with the drivers purchasing their own vehicles and having only one driver per day per car. This is cheaper for the company as they don't have to provide vehicles for the drivers or full time mechanics for the upkeep but therefore puts all of this additional cost upon the driver. This also changes the model to all vehicles are now owner operator which decreases the 24 hour consistency and also amount of control that the company can have upon the driver's appearance and attitude.

I am not sure why the City Council is talking about adding rules for clean, safe cabs etc. that are already in force. Apparently the City Council takes rumors for facts instead of seeing how well the taxi service is working in Salt Lake City. It is of course harder to hire drivers with the fees going out of sight-\$124.00 for a taxi license and \$90.00 twice a year to inspect the vehicles. But we do what we can especially in these hard times but it sure would be helpful to have support from SLC, instead of in these days of unemployment of talk of letting more drivers go on a whim and forcing the ones remaining to buy new cars when they are lucky to get their rent paid for.

For as much as we like to look at SLC as progressive and on the edge of new things; above this we need to support and encourage our local businesses to not only survive but thrive. Salt Lake City for all we like to think it is, is not a big cab town. We are spread out and our downtown is small compared to other town because we have this big valley to spread out and therefore we have business centers all around the valley. Most people drive and we don't have this big downtown population needing transportation. I have long argued and my comments have been ignored that we don't need an age of the vehicle ordinance because current regulations along with semiannual inspections insure taxis are safe and good looking. There is not

the kind of money generated by taxis to make having five year old or newer vehicles affordable. I having been trying to meet with our Mayor since last November to discuss these taxi issues with him. But for his comments in the paper of nationalizing the taxi industry is preposterous. Salt Lake City is unique from other cities and we like to keep it that way. To think of nationalizing the taxi industry is obviously ill thought out especially since he has not even met with us. It is clearly a case of too much government control.

Lets be reasonable. Change simply for the idea of change isn't necessarily a change for something better and could be far worse.

Thanks for your concern;

Dave Jackson
City Cab Company

Cc: "Gust-Jenson, Cindy" <Cindy.Gust-Jenson@slcgov.com>, "Bruno, Jennifer" <Jennifer.Bruno@slcgov.com>, <dwinder@winderfirm.com>
From: "Weeks, Russell" <Russell.Weeks@slcgov.com>
Sent: 7/07/2009 4:00PM
Subject: Taxis: City Council Meeting

>> John:

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>>

>> The City Council would like to hold a "mini-fact-finding"
>> meeting next Tuesday about the proposed ordinance to change the way
>> taxicabs are regulated. The Council will not formally consider the
>> ordinance that night, but this will probably be the last time
>> everyone will get a chance to speak to the issue. The Council would
>> like to hear from the representatives of the three companies, and I'm
>> assuming that includes Yellow Cab, City Cab, and you as
>> representative of two of the companies. Ute Cab apparently has asked Jim Curtis to
represent it.

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>> I think the Council meeting will start about 5 p.m. but I
>> won't know until tomorrow. I also won't know about any time limit for
>> opening remarks until the City Council Chair and Vice Chair meet
>> tomorrow. The format though will be remarks followed by questions,
>> similar to the TAB meetings earlier this year.

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>> I hope you can and your clients can attend.

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>> Thanks.

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>> Russell

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>> Russell Weeks

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Weeks, Russell

From: Weeks, Russell
Sent: Monday, July 06, 2009 4:03 PM
To: City Council Members
Cc: Gust-Jenson, Cindy; Bruno, Jennifer; City Council Liaisons; Everitt, David; Gray, Frank; DeLaMare-Schaefer, Mary; Goff, Orion; Kovac, Brent; Hale, Karen; Stott, Michael; 'mundyr@umsl.edu'; Riley, Maureen; Bowers, Larry; Rutan, Ed; Kirwan, Laura; 'Neil Lindberg'
Subject: Taxicab "Mini-fact-finding" Night
Categories: Program/Policy

Council Members:

Following direction by the City Council Chair and Vice Chair, City Council staff is preparing a "mini-fact-finding night" on changing the ways taxicab companies are regulated in Salt Lake City.

The event is scheduled to be part of the City Council's work session July 14. As constituted, the event will include eight or nine presentations by parties with a stake in the outcome of the Council's consideration of an ordinance that would change the system regulating taxicab companies from certificates of public convenience and necessity to a method of regulating the companies by contract. Staff estimates that the portion of the meeting will take about two hours, possibly two-and-one-half hours. The goal of the night is to bring the City Council up to date on issues before the City Council considers the proposed ordinance later this summer.

Here is the tentative line-up of presentations. The line-up may change after review by the Chair and Vice-Chair, and, possibly, summer schedules of some of the projected participants.
Tentative Line-up:

- Introduction – Brent Kovac, Orion Goff, Russell Weeks
- Transportation Advisory Board Chair and Vice Chair
- Owners or Representatives of the three taxicab companies that operate in Salt Lake City under certificates of convenience and necessity
- Representative of the Salt Lake City disabled community
- Representative or representatives of Salt Lake City hotels
- Representatives of Salt Lake City shuttle/limousine companies.
- Representatives of the Salt Lake City Department of Airports
- Representatives of the Salt Lake City Convention and Visitors Bureau
- Remarks by Salt Lake City Council consultant, Ray Mundy, Ph.D., and president of the Tennessee Transportation and Logistics Foundation

Dr. Mundy also will meet with Council staff and others on Monday.

In preparation for the mini-fact-finding night, the Chair and Vice Chair have suggested that Council Members take taxicab rides to destinations to see how the services operate and to talk to taxicab drivers.

If Council Members have any questions, please let me know. I should note that July 14 Council work session probably will follow the Redevelopment Board of Directors meeting.

Thanks.

Russell

Russell Weeks
Public Policy Analyst
Salt Lake City Council
russell.weeks@slcgov.com

Weeks, Russell

From: Weeks, Russell
Sent: Thursday, April 30, 2009 3:59 PM
To: 'John Holt'
Subject: RE: SLC Taxicab Items

Categories: Program/Policy

Let's stay in touch. If I hear of a firm time, I'll let you know.

Thanks.

Russell Weeks
Public Policy Analyst
Salt Lake City Council
russell.weeks@slcgov.com

-----Original Message-----

From: John Holt [<mailto:jholt@winderfirm.com>]
Sent: Thursday, April 30, 2009 3:53 PM
To: Weeks, Russell
Subject: RE: SLC Taxicab Items

Russell-

Thanks for the note. We probably won't be doing a power point presentation Monday.

Concerning the Council's action on the issue, we try to keep up on what is posted on the City's website with respect to agendas, etc. However, I get concerned that we might miss something, particularly if it isn't going to be on the public hearing agenda. Therefore, we would certainly appreciate it if you could let us know if and when it looks like the matter will be considered so that we can present any last minute materials we may want the Council to review.

Thanks,
John Holt

--- Original Message---

To: "John Holt" <jholt@winderfirm.com>, <dwinder@winderfirm.com>
Cc: "Gust-Jenson, Cindy" <Cindy.Gust-Jenson@slcgov.com>, "Garrott, Luke" <Luke.Garrott@slcgov.com>, "Martin, JT" <jt.Martin@slcgov.com>, "Simonsen, Soren" <Soren.Simonsen@slcgov.com>, "Turner, Van" <van.turner@slcgov.com>, "Bruno, Jennifer" <Jennifer.Bruno@slcgov.com>, "Haight, Bill" <bill.haight@slcgov.com>
From: "Weeks, Russell" <Russell.Weeks@slcgov.com>

Sent: 4/30/2009 3:47PM
Subject: SLC Taxicab Items

>> Don & John:

>>

>>

>>

>> Here are a couple of items pertaining to taxicab issues.

>>

>>

>>

>> The Transportation Advisory Board meeting at 4 p.m. on May
>> 4 will be televised on the City's Cable Television Channel, Channel
>> 17. As you know, the meeting will be in the City Council Committee of
>> the Whole Room, Room 326. Our office has the capability for
>> PowerPoint presentations. The presentations can be linked
>> electronically to the TV broadcast for clear resolution. Do you think
>> you'll need us to set up for a PowerPoint?

>>

>>

>>

>> You may have noticed that the City Council now acts on
>> items on which it has held public hearings before the Comments to the
>> City Council section of meetings. What that means is if you have
>> anything more to say to the City Council about the way the taxicab
>> industry is regulated, you'll have to say it at least a week before
>> the meeting where the Council acts on the proposed ordinance. I don't
>> know how soon the Council will schedule the proposed ordinance after
>> the Transportation Advisory Board. It will depend on two things: 1.)
>> When the Board makes a decision. 2.) Whether the Council plans to
>> consider items other than budget items in May and June.

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>> Thanks.

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>>

>> Russell

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>>

>> Russell Weeks

>>

Weeks, Russell

From: John Holt [jholt@winderfirm.com]
Sent: Thursday, March 19, 2009 3:23 PM
To: Weeks, Russell
Subject: RE: Read: Taxicab Issues/Council Subcommittee meeting on March 19

Categories: Other

Russell-

Thanks again for accommodating Gary Bamossy today. We appreciate the opportunity of having him make his presentation.

I had a quick question regarding the Council meeting Tuesday night. I understand that members of the public can make 3 minute comments on issues. Are there exceptions to the 3 minute rule? Because of some of the details involved with the taxicab issues, we have three folks who would like 5 minutes to make comments (Dr. Bamossy, Ted Tatos and Don Winder). Is that a possibility?

Thanks for your help.

John Holt

--- Original Message---

To: "John Holt" <jholt@winderfirm.com>
Cc: "Garrott, Luke" <Luke.Garrott@slcgov.com>, "Martin, JT" <jt.Martin@slcgov.com>, "Simonsen, Soren" <Soren.Simonsen@slcgov.com>, "Turner, Van" <van.turner@slcgov.com>, "Gust-Jenson, Cindy" <Cindy.Gust-Jenson@slcgov.com>, "Bruno, Jennifer" <Jennifer.Bruno@slcgov.com>, "City Council Liaisons" <CityCouncilLiaisons@slcgov.com>, "Harris, Cindy" <Cindy.Harris@slcgov.com>
From: "Weeks, Russell" <Russell.Weeks@slcgov.com>
Sent: 3/13/2009 10:24AM
Subject: RE: Read: Taxicab Issues/Council Subcommittee meeting on March 19

>> John:

>>

>> The meeting with the Transportation & Mobility Subcommittee for noon
>> March 19 is confirmed. Dr. Bamossy will have to bring a projector to
>> the meeting because -- I think -- Salt Lake Solutions plans to use
>> the City Council projector. We have a screen. The meeting will be in
>> the historical room in the City Council Offices, Room 304. The
>> historical room is a little small, but should accommodate everyone.

>> We've done PowerPoint presentations there before.
>>
>> Thanks for checking.
>>
>> Russell
>>
>>
>>
>> Russell Weeks
>> Public Policy Analyst
>> Salt Lake City Council
>> russell.weeks@slcgov.com
>> -----Original Message-----
>> From: John Holt [<mailto:jholt@winderfirm.com>]
>> Sent: Friday, March 13, 2009 10:02 AM
>> To: Weeks, Russell
>> Subject: RE: Read: Taxicab Issues/City Council Meeting on March 24,
>> 2009
>> Importance: High
>>
>> Russell-
>>
>> I just wanted to confirm the meeting on the 19th at noon. You asked
>> me for a head count. It looks like there will be seven people from
>> our side who will be attending this meeting.
>>
>> I understand Dr. Bamossy will be making a power point presentation.
>> Will he need to bring a projector or does the City have one available?
>> Also, in what room will the meeting be held?
>>
>> Thanks for your assistance.
>>
>> John Holt
>>
>> --- Original Message---
>> To: "John Holt" <jholt@winderfirm.com>
>> Cc: "Gust-Jenson, Cindy" <Cindy.Gust-Jenson@slcgov.com>, "Bruno,
>> Jennifer" <Jennifer.Bruno@slcgov.com>, "Garrott, Luke"
>> <Luke.Garrott@slcgov.com>, "Martin, JT" <jt.Martin@slcgov.com>,
>> "Simonsen, Soren" <Soren.Simonsen@slcgov.com>
>> From: "Weeks, Russell" <Russell.Weeks@slcgov.com>
>> Sent: 2/19/2009 3:30PM
>> Subject: RE: Read: Taxicab Issues/City Council Meeting on March 24,
>> 2009

>>
>>> John:
>>>
>>> I've checked with the City Council Chair and Vice Chair and
>>> members of the Council's Transportation and Mobility Subcommittee.
>> They
>>> would like to hear Professor Bamossy's presentation at the
>>> Transportation & Mobility Subcommittee meeting on March 19 at noon
>>> in the City Council Office.
>>>
>>> Would that be possible? If so, should we expect more people from
>>> your office to attend as well?
>>>
>>> Thanks. Russell.
>>>
>>>
>>> Russell Weeks
>>> Public Policy Analyst
>>> Salt Lake City Council
>>> russell.weeks@slcgov.com
>>> -----Original Message-----
>>> From: John Holt [<mailto:jholt@winderfirm.com>]
>>> Sent: Thursday, February 19, 2009 11:08 AM
>>> To: Weeks, Russell
>>> Subject: RE: Read: Taxicab Issues/City Council Meeting on March
>>> 24,
>>> 2009
>>>
>>> Russell-
>>> Hi! Just a quick follow up. I wanted to find out if you had been
>>> able
>> to
>>> determine whether Gary Bamossy could make a presentation to the
>>> City Council prior to the public hearing on the taxicab issue.
>>> Thanks,
>>> John
>>> --- Original Message---
>>> To: "John Holt" <jholt@winderfirm.com>
>>> From: "Weeks, Russell" <Russell.Weeks@slcgov.com>
>>> Sent: 2/09/2009 2:31PM
>>> Subject: Read: Taxicab Issues/City Council Meeting on March 24,
>>> 2009
>>>
>>>> Your message

>> >> >>

>> >> >> To: Weeks, Russell

>> >> >> Subject: Taxicab Issues/City Council Meeting on March 24, 2009

>> >> >> Sent: Mon, 9 Feb 2009 14:28:34 -0700

>> >> >>

>> >> >> was read on Mon, 9 Feb 2009 14:31:21 -0700

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Frequently Asked Questions: Proposed Ground Transportation Ordinances

1.) Why is Salt Lake City doing this?

The proposed revisions to ordinances regulating ground transportation and taxicab businesses actually are the culmination of a process that began in 2004. The goal then was:

- To provide Salt Lake City residents and visitors to Salt Lake City with reliable, affordable, and consumer-friendly ground transportation and taxi service.
- To provide the City with enforceable ground transportation regulations.
- To enhance the opportunity for ground transportation industry workers in Salt Lake City to earn a reasonable income at or near national averages.

2.) You say this process started in 2004. Why has it taken so long?

The City Council and two administrations have moved carefully to toward changing ordinances regulating ground transportation and taxicab businesses.

Since 2004 the issue of amending the ordinances has been the subject of eight City Council briefings in work sessions, six City Council subcommittee meetings, four public hearings, four surveys – an electronic survey, a telephone survey, a survey of taxicab drivers at the Salt Lake City International Airport, and a mailing to 250 ground transportation businesses and hotel and motel managers – four meetings of the Salt Lake City Transportation Advisory Board, three meetings of The Downtown Alliance Parking and Transportation Committee, three City Council fact-finding discussions, two presentations to the Salt Lake City Airport Board, one presentation to the Salt Lake City Accessibility Services Advisory Council, and one study commissioned by the Salt Lake City Council.

Some ground transportation companies have taken issue with parts of the proposed amendments and may take issue with the proposed revisions. Some taxicab companies that hold certificates of public convenience and necessity may not be successful in securing a contract if the City Council adopts the proposed revisions.

So, no one has taken lightly the way taxicab companies and ground transportation companies may be affected by the change.

3.) Why would Salt Lake City change ground transportation ordinances now, particularly during a down economy?

Again, the primary goal is to create better, safer ground transportation services within Salt Lake City that also serves the City's disabled community at a high standard. The City also has seen a rapid increase in the number of ground transportation companies operating within its boundaries. Streamlining existing ordinances will allow the City more flexibility to react to industry and market conditions and lessen the level of government in companies' operations.

4.) Isn't this really about taxicab service in Salt Lake City? Why doesn't the City deal with that industry first and leave the rest of the ground transportation sector alone?

Ground transportation includes taxicab service. Although three taxicab businesses in Salt Lake City operate under certificates of public convenience and necessity granted by the City, they are part of an interconnected web of ground transportation services. Many existing ground transportation companies fill market niches that taxicabs do not, and taxicabs often provide services that other ground transportation companies do not. It makes sense to address ground transportation as a whole instead of tinker with its component parts. In addition, two boards – The Downtown Alliance board of directors and the Salt Lake City Transportation Advisory Board – have recommended that any change to the specific ordinance regulating the taxicab industry be accompanied by changes that would “level the playing field” among all ground transportation companies.

5.) Taxicab companies have operated for years under certificates of public convenience and necessity. Why should that change?

Certificates of public convenience and necessity are one way to regulate private sector industries that have a public benefit – from airlines to hospitals (in some states) to transportation services (among a variety of municipalities). However, since the early 1980s the alternative of governments contracting with the private sector for services that have a public benefit also has been a proven method of reaching the same goal.

Certificates of public convenience and necessity have their drawbacks. Under Salt Lake City’s structure, to get a rate increase the taxicab companies that hold the certificates must petition the City for the increase, present evidence to a hearing officer to justify the need for the increase, receive a positive recommendation from the hearing officer, have the City Attorney’s Office prepare an ordinance amendment to raise the rates, have the City Council briefed on the proposed rate increase, have the City Council hold a public hearing on the proposed rate increase, and wait for the City Council’s decision.

Similarly, a company that wants to operate a taxicab service in Salt Lake City must prove to a hearing officer at a hearing that there is a public need to increase the number of taxicabs in the City. Like a rate increase, the prospective company must present evidence showing the need for the company’s services. Companies that already hold the certificates can present evidence to the contrary. There hasn’t been new taxicab company in Salt Lake City in several decades under the current structure – possibly one reason why other ground transportation companies, such as limousine and shuttle services, have proliferated.

Given that, and the continued goal to improve ground transportation service in the City, the City Council in 2005 opted to change the current ordinance to end certificates of public convenience and necessity to have the City periodically seek competitive bids for taxicab service. Adoption of a portion of the proposed amendments to City Code Chapter 5.72 would allow the City to issue a request for competitive bids. The goal is to give companies – including the current holders of the existing certificates of public convenience and necessity – the opportunity to show City officials how they would operate taxicab service if they received a contract.

6.) How would other holders of certificates of public convenience and necessity be affected?

If the City Council adopts the proposed amendments to eliminate certificates of public convenience and necessity for taxicab companies, other holders regulated by different ordinances – special transportation vehicles for people with disabilities (City Code Chapter 5.76) and horse-drawn carriages (City Code Chapter 5.37) would continue to operate under certificates of public convenience and necessity.

7.) How is reducing the number of taxicabs going to improve services?

Taxicab service is not about having an excess of taxicabs waiting for rides, it is about maximizing their use and availability to the public. Too many taxicabs result in low driver wages and vehicles not being maintained to as high a level as the City and the public expect.

Over the past couple of years, the Department of Airports has reduced the numbers of taxicabs that wait at Salt Lake City International Airport in an effort to force taxicab service to the public and to downtown markets. There was a time that up to eighty taxicabs would “stage” or wait empty at the airport to pick up customers after airplanes had landed. These wait times would often exceed three hours. In response, the department initiated a program separating the taxicab fleets in half, allowing each half to service the airport every other day. When the numbers still remained high and the wait times did not go down, the department limited the number of taxicabs allowed to stage on airport property to twenty-five. This has resulted in taxicabs waiting an average of closer to thirty minutes for a fare. From a business perspective, this should equate into the drivers making more money and forcing the remaining taxicabs to compete for customers downtown and, hence, better service and response times for Salt Lake City residents. However, instead of doing that, many drivers now park on streets and in areas owned or leased by taxicab companies near the airport. The number of taxicabs available for Salt Lake City residents is further reduced due to the number of taxicabs that spend most of their time marketing services outside of the City. These practices indicate that the current authorized number of 268 taxicabs is not warranted at this time.

If the City Council adopts a contract method of regulating taxicab businesses, the Department of Airports would bid the services to two companies with combined fleets totaling two hundred vehicles. The contracts would give the department the ability to add or reduce the total number based upon proven need. Further, the performance and services of these companies would be monitored so as to meet the contractual guidelines. These companies will be expected to provide services for the entire City and penalized if they do not.

8.) Why would the Department of Airports administer a taxicab contract for the City?

The majority of taxicab business is associated with the Salt Lake City International Airport, and without it the taxicab industry would not survive. Because of this, the airport is the most central point for all ground transportation and provides the best location for monitoring the vehicles that serve the City. In addition, the Department of Airports currently administers hundreds of contracts and is best suited and educated to bid, award and administer a contract like taxicab service. It is also common practice for airports throughout the nation to contract taxicab service.

9.) Why put a five year age limit on ground transportation vehicle?

The vehicle age restriction is to provide the public (local and visitors) an assurance that they will be provided transportation in a vehicle that is modern and represents the standards that Salt Lake City wishes to present as a destination City. Included in the restrictions is a maximum mileage of 300,000 miles. This mileage restriction will help to assure that the vehicles' basic safety and performance are to standard for transportation vehicles. The City also will not allow vehicles that have a branded title (also known as salvage vehicles) to be used as a ground transportation vehicle. In the past vehicles that have been "totaled" or flood damaged, or even caught on fire have been repaired, given a "coat of paint" and put to use. City personnel do not believe that this is a safe practice.

For those who say they cannot afford to buy all new vehicles, the City agrees. The proposed ordinances call for phasing in the five-year restriction, requiring 75% of a fleet to be compliant within one year and 100% compliant within two years. Also, the vehicles do not have to be "new," they can be anywhere within the five-year range. As an example, this will allow a company to purchase a two-year old vehicle at substantial savings, with say... 30,000 – 50,000 miles on it and drive it for an additional three years and 250,000, or 80,000 miles per year before having to replace it.

10.) Why would the civil fines range between \$100 and \$1,000?

Ground transportation is a business and a lucrative one. The City's goal is to make companies responsible for managing their fleets and employees. As an example, if a company operates a van transporting passengers from the Airport to Park City and charges \$40 per person, averaging only four persons per trip, they are grossing \$160.00 per trip. Under current ordinance, if that company operates a vehicle without the proper insurance, the fine is only \$60.00 and if they pay the fine within ten days, it is reduced to \$40.00. The current penalties do not deter non-compliance by companies or drivers.

This example is part of the problem the industry is facing. Too often the City receives complaints from companies that "play by the rules," questioning why they should follow the rules when it would be more profitable to risk violations. These are the companies the City wishes to protect, by penalizing non-compliant companies with meaningful fines that are a true deterrent to violating regulations.

11.) It appears that the proposed ordinances would change vehicle inspection requirements.

Yes, the Department of Airports believes that once a vehicle has proven to have met established standards through inspection, it is up to the company to maintain the vehicle to those standards. Currently all ground transportation vehicles must undergo a vehicle inspection every six months. This is time consuming and cumbersome for companies and drivers and requires the use of personnel that would better serve the City by performing "spot inspections" of vehicles, making sure that the vehicle is within compliance and that the drivers of these vehicles are complying to the required dress and badging requirements. These spot inspections will provide a true look at the vehicle and operator. The current inspections allow companies that allow their vehicles to deteriorate between inspections to "fix up" and "dress up" their vehicles to meet standards before bringing them for inspection.

12.) Why does the City regulate taxi cabs and other transportation services at all?

Taxi service is a necessary service provided for the public. Government has a duty to protect the public health and welfare. There are few cities in the US that have found success with 'deregulating'

ground transportation. Salt Lake City largely regulates taxi service because the State of Utah no longer does, and the City views it as a beneficial service provided for the public.

Issues that are considered in the evaluation of the degree to which the industry should be regulated include:

1. Ground transportation service such as taxi service is usually ‘on demand’ passengers do not have the opportunity to “shop around” to predetermine the price that will be charged, whether the vehicle is safe, whether the operator of the vehicle is trained and does not have a criminal record, whether the vehicle is insured, and other things.
2. Passengers are in a vehicle alone or in a small group with a driver. The safety of the passengers is enhanced by the City regulation of drivers of ground transportation vehicles. In addition to the criminal background check there is a level of accountability on an on-going basis.
3. If vehicles are operated without insurance and there is an accident, the passenger’s medical expenses and damages could not be properly addressed.

13.) Why is the taxi industry “protected” by government from market competition?

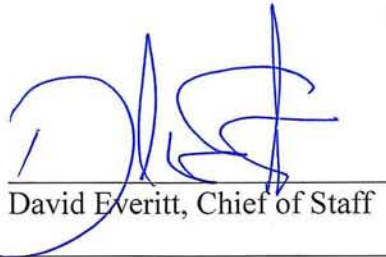
- It is in the public’s interest to have transportation services available 24 hours per day throughout the City. If there is no profit in the industry and a low demand for services at night, market forces may lead to the taxi service being limited in its hours. One example is that if taxi service would were not available to get non-life threatening emergency patients to a hospital. Not having this service available to the community would create a drain on emergency resources and a greater expense to taxpayers.
- In many cases low income individuals rely upon taxi service when mass transit is not available, or at times when they need to carry groceries, or get to the doctor. These trips are not necessarily profitable for the industry and may not be a priority for an industry governed only by market forces.
- If there are not at least some regulations in place to assure the taxi business that it has a reasonable opportunity to be profitable, companies cannot be expected to provide the service that is necessary for the public good.

14.) Why can’t I hail a taxicab in the City?

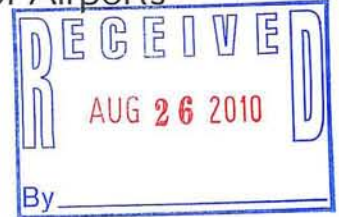
The simple answer is that you can! There is nothing that prohibits this and in fact, the City Council addressed this problem in 1999, when it repealed the restriction on “cruising” and required a top light on all taxicabs so that persons hailing a taxicab would know if it was available if the top light was lit. The proposed ordinance amendments make clear that a taxicab in service must pick up a hailed ride.

Salt Lake City
Department of Airports

CITY COUNCIL TRANSMITTAL


David Everitt, Chief of Staff

Date Received: 8/27/2010
Date sent to Council: 8/27/2010



TO: Salt Lake City Council
JT Martin, Chair

DATE: August 26, 2010

FROM: Maureen Riley, Director, Department of Airports 
(801) 575-2408

SUBJECT: Proposed Revisions to City Code Chapter 5.71 – Ground Transportation Requirements;
Chapter 5.72 – Taxicabs; and Chapter 16.60 and 16.64 – Motor Vehicle Operation
(Airport)

STAFF CONTACT: Larry Bowers, (801) 575-2788

DOCUMENT TYPE: Ordinances

RECOMMENDATION:

The Administration recommends that City Council approve changes to City Code Chapters 5.71, 5.72, and 16.60/16.64 to provide for the further transition from taxi cab services governed by certificates of convenience to taxi cab services regulated by concession contracts.

BUDGET IMPACT:

If the proposed revisions to taxi cab and ground transportation ordinances are approved, revenues and expenses related to the management of the operations will be allocated between the Airport's Enterprise Fund and the City's General Fund based on destination and origination of trips as determined by data collected from taxi service providers or based on another suitable methodology. Since the transition is scheduled for May 1, 2011, only the remaining 2 months of FY 2011 may be affected, and at this time, financial impacts are forecast to be cost-neutral.

BACKGROUND/DISCUSSION:

City Council 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. Simultaneously, 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. Prior to adopting regulatory changes required for the transition, the City agreed to provide certificate holders with 180-day notice, and accordingly, all such certificates of convenience will terminate 180 days from the date of when such notice is issued. To further enable the transition of taxi cab services, certain revisions are required to City ordinances, which are attached hereto and summarized below:

Chapter 5.71 – Ground Transportation Requirements

- Revises definitions to accommodate contract-based regulations
- Revises definitions, categorizing vehicle types by passenger seating rather than by registered weight.
- Provides definitions and language establishing Airport Shared Ride Service. (Note: This contract will not be bid until such time as the Airport Director decides that the industry has stabilized from the changes of ordinance and taxicab contract.
- Streamlines ordinance by eliminating many hard coded requirements and fees and replaces the language by allowing the Department Director to establish rules and regulations. This will allow the City to respond to any needed changes quickly and effectively.
- Removes the ability for limousines to provide on-demand service.
- Eliminates the requirement to keep and maintain manifests.
- Changes vehicle inspection requirements by eliminating recurrent inspections
- Establishes a maximum age limit of five years or 300,000 miles for vehicles, with exception given to busses, mini-busses, special transportation vehicles and stretched limousines. This requirement is phased so that 75% of a fleet must be compliant within 12 months and 100% within 24 months.
- Replaces criminal enforcement with civil penalties and establishes processes and procedures related thereto
- Revises the bail schedule by enhancing fines and eliminating multitier penalties for recurring infractions
- Establishes a Ground Transportation Hearing Officer to hear and rule on appeals, suspensions, etc.

Chapter 5.72 – Taxicabs

- Eliminates references to certificates of convenience
- Eliminates references to operational requirements that will become contract-based
- Provides for a contract with the City through the Department of Airports
- Allows for rules and regulations adopted by the Department Director
- Replaces fixed fares with a flexible fare structure based on justification and need
- Replaces criminal enforcement with civil penalties and establishes processes and procedures related thereto
- Defines as a violation the failure to respond to a person hailing a cab

- Chapter 16.60/16.64 – Motor Vehicle Operation and Civil Penalties for Violations
 - Revises Chapter 16 of the City Code to reflect corresponding changes made in Chapters 5.71 and 5.72
 - Replaces criminal enforcement with civil penalties and establishes processes and procedures related thereto

PUBLIC PROCESS:

In order to meet the schedule requirements and provide for a transition to contract-based taxi cab services as of May 1, 2011, City Council is requested to hold a public hearing in September 2010 and approve the proposed changes to City Code Chapters 5.71, 5.72, and 16.60/16.64, at which time, the 3 incumbent taxi cab operators will be provided with the 180-day notification of the termination of certificates of convenience.

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending section 5.71, *Salt Lake City Code*, regarding ground transportation)

Ordinance amending section 5.71, *Salt Lake City Code*, pertaining to ground transportation requirements, to coordinate with taxicab ordinance and to provide for categorization of vehicle types by passenger seating fees through rules and regulations; on-demand service restrictions; elimination of manifests; vehicle inspection requirements; vehicle standards; replacement of criminal enforcement with civil penalties; Ground Transportation Hearing Officer.

WHEREAS, City Council has amended section 5.72 , *Salt Lake City Code*, pertaining to taxicabs; and

WHEREAS, the City Council has determined that the following ordinance corresponds with and supports the amendments to section 5.72; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah as follows:

SECTION 1. That section 5.71, *Salt Lake City Code*, pertaining to ground transportations requirements be and the same hereby is, amended to read as follows:

Article I. Definitions and General Regulations

5.71.010: DEFINITIONS:

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

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an Authorized Ground Transportation Business contracted through the Department of Airports to

provide On Demand Shared Ride Service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized Ground Transportation Vehicle operating under contract with the Salt Lake City Department of Airports to provide Airport Shared Ride Service.

APPLICANT: An individual who has submitted an application to the Department to obtain a Ground Transportation Vehicle Operator's Badge pursuant to article VI of this chapter.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any Business operating any Ground Transportation Vehicle, which has a current, valid business license as required by the City and which A) registers the Business in accordance with the requirements established by the Department and B) is current with all fees or charges imposed by the Department and City.

AUTOMOBILE: Any motor vehicle with passenger seating for five persons or less, not including the driver.

BUS: Any licensed motor vehicle operated on the streets and highways for hire on a scheduled or nonscheduled basis with a seating capacity of twenty five or more passengers, not including the driver.

BUSINESS: A voluntary association legally formed and organized to carry on a Business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole-proprietorship.

BUSINESS LICENSING OFFICE: The division of building services and licensing of Salt Lake City Corporation or its successor.

CERTIFICATE: A Certificate of public convenience and necessity issued by the City.

No Certificate issued by the City shall be construed to be either a franchise or irrevocable and will terminate upon notification by the City.

CIVIL NOTICE: The written notice of Ground Transportation Violation.

COMMENT FORM OR FORM: Has the meaning set forth in 5.71.270 of this chapter, or its successor article.

COURTESY VEHICLE: Any motor vehicle which is regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge to the passenger for such transportation. All contracts providing for operating a Courtesy Vehicle shall be filed with the Department.

DEPARTMENT: The Salt Lake City Department of Airports or such other City department or division as may be designated by the mayor to have responsibility for the enforcement of this chapter.

DEPARTMENT AUTOMATED VEHICLE IDENTIFICATION (AVI) TAG: An electronic transponder used to identify vehicles and provide the Department with vehicle data and billing information.

DEPARTMENT DIRECTOR: The Director of the Department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such Director.

DEPARTMENT INSPECTION: An inspection of a Ground Transportation Vehicle by the Department to verify that the vehicle meets the standards set by the Department Director, Department Rules and Regulations, applicable contracts, and all applicable City ordinances, policies and procedures, including without limitation the exterior and

interior of the vehicle and all associated vehicle licensing, safety and insurance requirements.

DEPARTMENT INSPECTION SEAL: A sticker or seal issued by the Department to signify that the Ground Transportation Vehicle has passed the required Department Inspection. These Department Inspection Seals are non-transferable and no Ground Transportation Vehicle may be operated without such seal.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the Department Director to govern commercial ground transportation operations within the City.

FIXED SCHEDULE: Ground Transportation Service operating on a regular time schedule previously announced as to time of departure and arrival between definitely established and previously announced points along definitely established and previously announced routes regardless of whether passengers or freight are to be carried.

GROUND TRANSPORTATION BUSINESS: Any Business operating any Ground Transportation Vehicle.

GROUND TRANSPORTATION HEARING OFFICER: A Ground Transportation Hearing Officer appointed by the Department Director to hear and rule on appeals, suspensions and other matters related to ground transportation in and connected with the City.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a Ground Transportation Business.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle used for the transportation of persons using Salt Lake City streets for commercial purposes

regardless of whether a fee or fare is collected, which includes, but is not limited to, any Airport Shared Ride Vehicle, Automobile, Bus, Courtesy Vehicle, Hotel Vehicle, Limousine, Minibus, Taxicab, Van, or Trailer being towed by a Ground Transportation Vehicle.

HEARING OFFICERS: Means those hearing officers of the Salt Lake City Justice Courts.

HOLDER: A person to whom a certificate of public convenience and necessity has been issued.

HOTEL VEHICLE: Any motor vehicle which is regularly operated by a Ground Transportation Business under contract to or directly by a motel / hotel or other lodging Business, to provide transportation of customers and/or baggage for the contracted establishment and for which transportation the customer is charged a separate fee or fare. All contracts providing for operating a Hotel Vehicle shall be filed with the Department.

LIMOUSINE: Any vehicle described by its manufacturer or aftermarket manufacturer as a Limousine or luxury vehicle, with a driver furnished, who is dressed in professional business attire or a chauffeur's uniform.

MINIBUS: Any motor vehicle with a passenger seating capacity of thirteen to twenty four persons, not including the driver.

MODEL YEAR: The age of a motor vehicle based upon the manufacturer's date of manufacture. The year shall be calculated as beginning January 1 of the Model Year, regardless of the month of manufacture, purchase or licensing with the City.

NAMED PARTY: The driver, vehicle owner or Authorized Ground Transportation Business named in a Civil Notice issued by the City.

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an Authorized Ground Transportation Business which is not Scheduled Service or Prearranged Service as defined in this section.

PERSONS WITH DISABILITIES: Means persons who are not acutely ill, who do not require the services of an ambulance, and who need or desire special transportation equipment or accommodation for physical or mental infirmities.

PREARRANGED SERVICE: Transportation provided by an Authorized Ground Transportation Business from points within the City to destinations within the City, for which the Authorized Ground Transportation Business providing such transportation has recorded the name or description of prospective passenger and the date and time of the request for transportation at least thirty (30) minutes prior to the transporting of the passenger by such vehicle. Records of such transportation may be required for inspection by the Department.

SCHEDULED SERVICE: Transportation provided by an Authorized Ground Transportation Business on a Fixed Schedule posted with and approved by the Department in advance of such transportation.

SPECIAL TRANSPORTATION VEHICLE: Special transportation vehicle means any motor vehicle for hire, other than an Airport Shared Ride Vehicle, ambulance or Taxicab, which vehicle is designed, equipped and used for the transportation of Persons With Disabilities.

SPECIALTY VEHICLES: Means vehicles that are unique in their design, or built for a specific purpose. These may include but are not limited to special conversion vehicles and classic or collector Automobiles. Such vehicles do not include Special Transportation Vehicles.

STARTER: A person appointed by and representing a Ground Transportation Business who is responsible for managing the coordination of vehicles and passenger transportation for that Business.

TAXICAB: A motor vehicle with a seating capacity of five passengers or less, not including the driver, used in the on demand, for hire transportation of passengers or baggage over the public streets and not operated over a fixed route or upon a Fixed Schedule, but which is subject for contract hire by persons desiring special trips from one point to another, as provided under [chapter 5.72](#) of this title, or its successor chapter and authorized to operate in Salt Lake City by contract with the Department.

TERMINAL OF TRANSPORTATION: Means a facility or location in which the primary purpose is to facilitate Ground Transportation Services, such as but not limited to the Salt Lake City Intermodal Hub.

TRAILER: Means a wheeled vehicle designed to be pulled by a motor vehicle for the transportation of freight, luggage or other items.

VAN: Any licensed motor vehicle other than those designated as a Limousine with a passenger seating capacity of six to twelve, not including the driver. City (Ord. 48-07 § 1, 2007: Ord. 20-06 § 1, 2006: Ord. 87-05 § 1, 2005: Ord. 45-05 § 3, 2005: Ord. 24-99 § 4, 1999)

VEHICLE OPERATOR'S BADGE or OPERATOR'S BADGE: An identification badge issued by the Department to an individual to signify that the individual has met the requirements to operate a Ground Transportation Vehicle established by the Department Director.

5.71.020: PURPOSE OF ENACTMENT:

This chapter is enacted to provide for and protect the interests of Salt Lake City residents and visitors using Ground Transportation Services, which make use of City streets and other City property, including:

- A. To reflect standards of professionalism prevalent in and accepted by the Salt Lake community at large;
- B. To enhance the comfort, ease and safety of the traveling public on Salt Lake City streets;
- C. To enhance Salt Lake City's competitiveness in attracting the traveling public to this City;
- D. To increase safety for the drivers of Ground Transportation Vehicles, their passengers, and the public when such vehicles are operated on Salt Lake City streets;
- E. To adequately identify Ground Transportation Vehicles and their drivers to the public in Salt Lake City;
- F. To meet the needs of the public using Ground Transportation Vehicles in Salt Lake City;
- G. To provide for uniform enforcement of standards throughout the City by coordinating the efforts of the departments responsible for enforcement,

adjudication, and business licensing of all commercial Ground Transportation Businesses and Ground Transportation Vehicles.

H. To provide that the mayor shall designate a City department to be responsible for the oversight and enforcement of all Ground Transportation Businesses, Ground Transportation Vehicles and Ground Transportation Vehicle drivers within the corporate limits of Salt Lake City. (Ord. 24-99 § 4, 1999)

I. To provide that the City departments responsible for enforcement, adjudication and business licensing in connection with ground transportation in the City may create and implement such contracts, rules and regulations as are necessary or desirable to comply with and operate under this chapter, and the same shall be consistent with the purposes of this chapter and applicable law, and to meet due process requirements. (Ord. 24-99 § 4, 1999)

5.71.030: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

Vehicles licensed and operated by governmental agencies, universities and school districts, the Utah Transit Authority, ambulances and others that may be designated by the Department Director, are exempt from the requirements of this chapter.

5.71.040: AUTHORITY TO ESTABLISH RULES / REGULATIONS AND PROCEEDURES:

The Department Director, under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules / regulations and procedures, as necessary to administer the requirements of this chapter and any

security or operating requirements applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.

5.71.050: BUSINESS LICENSE AND REGISTRATION REQUIRED:

It is a violation for any person to operate a Ground Transportation Business without, prior to commencement of the Business, completing the following:

- A. Obtaining a business license,
- B. Registering such Business with the Department, and
- C. Paying all applicable fees associated with the licensing or permitting of such Business, its vehicles and its employees. (Ord. 69-04 § 1, 2004)

5.71.060: GROUND TRANSPORTATION DESTINATIONS:

- A. All Authorized Ground Transportation Businesses may provide Scheduled Service or Prearranged Service within the City.
- B. Only authorized Airport Shared Ride Service Vehicles, Taxicabs, Courtesy Vehicles, and Hotel Vehicles may provide On Demand Service within the City, except that: Courtesy Vehicles and Hotel Vehicles may provide On Demand Service only to and from the hotel / motel or other Business with whom they hold a current contract for transportation services. The Department Director may waive these restrictions if it is determined that circumstances in the City exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the City to address such circumstances.

C. All Authorized Ground Transportation Businesses may provide On Demand, Scheduled Service and Prearranged Service from points within the City to destinations outside of the corporate limits of Salt Lake City.

Article II. Driver Standards

5.71.070: DRIVER AND STARTER APPEARANCE:

The drivers of Ground Transportation Vehicles and Starters representing Ground Transportation Businesses within the City shall adhere to the standards of appearance established by the Department Director while operating such vehicles, or while representing Ground Transportation Businesses, in order to meet the interests of Salt Lake City in such transportation.

5.71.080: DRIVER CONDUCT:

The drivers of Ground Transportation Vehicles and Starters representing Ground Transportation Businesses within the City shall adhere to the standards of conduct established by the Department Director while operating such vehicles or while representing Ground Transportation Businesses in order to meet the interests of Salt Lake City in such transportation.

5.71.090: UNAUTHORIZED SOLICITATION OF BUSINESS

No Person may solicit for business at any Terminal of Transportation except in locations and in accordance with rules as established by the Department Director.

Article III. Smoking

5.71.100: SMOKING RESTRICTIONS:

Passengers and drivers in Ground Transportation Vehicles may only smoke in such vehicles as set forth in Utah Code.

Article IV. Vehicle Standards

5.71.120: VEHICLE AGE AND CONDITION

No vehicle shall be authorized by the City to operate as a Ground Transportation Vehicle that is more than five Model Years in age, has a salvage title, or has accumulated 300,000 miles or more.

A. The following exemptions may be granted by the Department on a case by case basis upon application to the Department Director.

1. Busses, Mini-busses, Special Transportation Vehicles and Limousines may be exempted from these age and mileage restrictions, but not from the salvage title restriction.
2. Specialty Vehicles may be exempted from these age, mileage and salvage restrictions.

B. Seventy five percent (75%) of a Business's Ground Transportation Vehicles must meet this vehicle age restriction within 12 months of this ordinance being adopted into law.

C. One hundred percent (100%) of a Business's Ground Transportation Vehicles must meet this age restriction within 24 months of this ordinance being adopted into law.

D. One hundred percent (100%) of a Business's Ground Transportation Vehicles must meet these mileage and salvage title restrictions upon the effective date.

E. No new vehicle will be approved as a Ground Transportation Vehicle that does not meet these restrictions.

5.71.130: CONFLICTING OR MISLEADING DESIGNS PROHIBITED:

No vehicle will be authorized to operate whose color scheme, identifying design, monogram or insignia, in the opinion of the Department Director, conflicts with or imitates 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 tending to deceive or defraud the public or which improperly conveys the nature or the type of the ground transportation service offered.

Article V. Insurance and Inspections

5.71.140: INSURANCE REQUIRED:

- A. Every Ground Transportation Business, shall be required to maintain continuous vehicle insurance, when the vehicle is operational, at the minimum levels of coverage set forth by the Federal Motor Carrier Association section 49 CFR 387.303 or by the Utah Department of Transportation or by the United States Department of Transportation, whichever levels are higher. Proof of insurance shall be required at the time a vehicle is initially inspected by the Department, and may be verified upon the City's receipt of a complaint, negative Comment Form, or at the time of an on-street, unscheduled Ground Transportation Vehicle inspection.
- B. Taxicabs and other Authorized Ground Transportation Vehicles with a seating capacity of seven passengers or less, including the driver, shall carry minimum coverage in the amounts required for vehicles with 8 passengers or more, including driver, as set forth in section 49 CFR 387.303.
- C. Ground Transportation Businesses shall send a copy of any notice of cancellation or reduction of insurance coverage to the Department immediately upon such cancellation or reduction. (Ord. 24-99 § 4, 1999)

5.71.150: INSPECTIONS:

- A. All Authorized Ground Transportation Vehicles must be registered with the Department and at all times shall meet or exceed standards established by the Department Director in order to meet the interests of Salt Lake City.
- B. No vehicle may operate as a Ground Transportation Vehicle within the City without first having been inspected by the Department and found to be meeting all requirements of the Department Inspection as established by the Department Director for the category of vehicle being inspected.
- C. Vehicles meeting the requirements of the Department Inspection shall have a unique Department Inspection Seal affixed to the rear of the vehicle signifying that the vehicle has passed the Department Inspection and may be operated as a Ground Transportation Vehicle. The department Seal is non-transferable and no vehicle may be used as a Ground Transportation Vehicle without the Department Inspection Seal in place.
- D. All Ground Transportation Vehicles meeting the requirements of the Department inspection will be issued a Department Automated Vehicle Identification (AVI) Tag, which the Department will install on the vehicle. These tags are non-transferable and may not be removed or modified without authorization from the Department.
- E. The Department may perform vehicle inspections at any time any Ground Transportation Vehicle is operating within the corporate limits of Salt Lake City, in order to administer and enforce the applicable vehicle standards.

F. No Ground Transportation Vehicle may be operated within the City unless it is maintained to the standards and requirements established by the Department, including without limitation Department Inspection requirements.

5.71.160: TEMPORARY OPERATIONS

Ground Transportation Businesses that operate on a limited or temporary basis within the City may petition the Department Director for a waiver from some of the requirements of this chapter. However, no Ground Transportation Business may operate without paying fees as may be required by ordinance, Rules and Regulations or the Department Director. Consideration of such waiver may include the following.

- A. The Business is based outside of a thirty-five mile radius of the City and the Business provides limited services within the City.
- B. The Business does not pick up passengers within the City and provides transportation only into the City.
- C. Any specific Ground Transportation Vehicle that will be used for operations within the City no more than five calendar days per year.

Article VI. Vehicle Operator's Badge

5.71.180: VEHICLE OPERATOR'S BADGE REQUIRED:

It is a violation for any person to operate a Ground Transportation Vehicle upon the streets of the City without having first obtained and having then in force a valid Ground Transportation Vehicle Operator's Badge issued by the Department under Rules and Regulations established by the Department Director. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.190: PERMITTING NON-BADGED OPERATOR TO DRIVE:

It is a violation for any Person who owns or controls a Ground Transportation Vehicle to permit it to be driven, and no Ground Transportation Vehicle authorized by the Department shall be so driven at any time, unless the Ground Transportation Vehicle is operated by a driver who has then in force a valid Ground Transportation Vehicle Operator's Badge issued by the Department.

5.71.240: DISPLAY OF OPERATOR'S BADGE:

Every Person issued a Vehicle Operator's Badge shall display the badge above the waist, on front side of the outermost garment so as to be in plain view and not covered while such Person is operating a Ground Transportation Vehicle. Every such Person shall exhibit such badge upon demand by any police officer, any authorized agent of the Department or any other Person authorized by the mayor to enforce the provisions of this chapter. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

Article VII. Payment For Furnishing Of Passengers

5.71.250: PAYMENT:

It shall be a violation for any Person operating a Ground Transportation Vehicle, Business, driver, independent contractor, employee, or other Person to pay or offer to pay any remuneration to another Person, specifically including Persons employed at a lodging Business and vehicle dispatchers, for the furnishing of passengers and/or baggage to be transported by a Ground Transportation Vehicle. It shall be a violation for any Person, specifically including persons employed at a lodging Business and vehicle dispatchers, to receive or request any remuneration from any Person for the furnishing of passengers and/or baggage to be transported by a Ground Transportation Vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and

being paid or making payment for, the transportation of customers and/or baggage, which payment may include a portion thereof being distributed by the hotel or motel to a bell staff or door staff or concierge as a gratuity. (Ord. 48-07 § 4, 2007)

Article VIII. Enforcement and Civil Penalties

5.71.260: DEPARTMENT AUTHORITY:

The Department is hereby given the authority and is instructed to enforce the provisions of this chapter and to govern the conduct of companies and drivers operating under this chapter.

5.71.270: COMMENT FORM:

Any Person may complain of any violation of this chapter or comment on any Ground Transportation Business or Vehicle, or any driver of a Ground Transportation Vehicle operating within the corporate limits of Salt Lake City by filing a Comment Form with the Department on forms that the Department may require Ground Transportation Businesses to print and provide in their vehicles and which may be found on the City's website and within the Department Rules and Regulations.

5.71.280: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

- A. Every notice issued under this chapter shall be issued in the form of a written Civil Notice and shall contain a statement that the Named Party may appeal the imposition of the penalty and provide information regarding how to appeal.
- B. Any driver, vehicle owner, or Authorized Ground Transportation Business that violates any provision of this chapter may be named in a Civil Notice issued by the City. A violation of any provision of this chapter by any driver or vehicle owner shall

also constitute a violation of such provision by the Ground Transportation Business under whose authority such driver or owner was operating at the time of the violation. (Ord. 24-99 § 4, 1999)

5.71.290: RECORD KEEPING:

The City shall create a file for each driver and for each Authorized Ground Transportation Business at the time any document is submitted for application or filing. The City shall maintain any document placed in such files for a period as required by law. (Ord. 24-99 § 4, 1999)

5.71.300: CIVIL PENALTIES AND ENFORCEMENT:

- A. The City may impose revocation, suspension and nonrenewal of a City business license to operate a Ground Transportation Business for violations of applicable laws, policies, procedures, rules, or regulations as provided under chapter 5.02 of this title.
- B. The Department may revoke, suspend or deny renewal of an Operator's Badge, Department Automated Vehicle Identification tag or Department Inspection Seal for violations of applicable laws, policies, procedures, rules, or regulations. The person or business affected may request, in writing filed with the Department, an appeal hearing before the Ground Transportation Hearing Officer. Any such revocation, suspension or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement and the Ground Transportation Hearing Officer determines that reinstatement is appropriate.
- C. If any Named Party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation or nonrenewal of a City license

to operate a Ground Transportation Business, Operator's Badge. Department Automated Vehicle Identification Tag and Department Inspection Seal. (Ord. 24-99 § 4, 1999)

- D. Civil penalties may be imposed as set forth below. The Named Party in the Civil Notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law, rule, regulation, suspension, revocation or other restrictions as may be imposed by the Department Director.

CODE	AMOUNT OF PENALTY	VIOLATION	
ARTICLE I GENERAL REGULATIONS			
5.71.050		\$1000.00	Business license required
5.71.060 (B)	\$500.00	Violation of passenger transport	
ARTICLE II DRIVERS STANDARDS			
5.71.070	\$100.00	Driver's appearance	
5.71.080	\$300.00	Driver's conduct	
5.71.090		\$300.00	Unauthorized solicitation of business
ARTICLE III SMOKING			
5.71.100	\$300.00	Smoking in vehicles	
ARTICLE IV VEHICLE			

STANDARDS		
5.71.120	\$500.00	Vehicle age
5.71.130	\$1000.00	Misleading design prohibited
ARTICLE V		
INSURANCE AND INSPECTIONS		
5.71.140		\$1000.00 Insurance required
5.71.150 (A,B,C)	\$1000.00	Vehicle inspection and Seal required
5.71.150 (D)	\$500.00	Automated Vehicle Identification Tag required
5.71.150 (F)	\$500.00	Failure to maintain vehicle inspection standards
ARTICLE VI		
VEHICLE OPERATORS BADGE		
5.71.180	\$1000.00	Operator's badge required
5.71.190	\$1000.00	Permitting non-badged operator
5.71.240		\$100.00 Display of badge
ARTICLE VII		
PAYMENT FOR FURNISHING OF PASSENGERS		
5.71.250	\$300.00	Payment for passenger

5.71.310: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

A. Civil Notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, Operators' Badge, Department Automated

Vehicle Identification Tags and Department Inspection Seal shall be heard by the Salt Lake City Justice Court. Any Named Party may appear before a Hearing Officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the Person raising such defense.

Nothing herein shall affect the City's burden to prove each element of the underlying charge by a preponderance of evidence.

C. If the Hearing Officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the Hearing Officer may dismiss the Civil Notice and release the Named Party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The Civil Notice does not contain the information required by this chapter;
2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or
3. Such other mitigating circumstances as may be approved by the City Attorney's Office. (Ord. 29-02 § 6, 20022: Ord. 24-99 § 4, 1999)

5.71.320: EXPEDITED APPEAL OF EXCLUSION:

Any Named Party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the Ground Transportation Hearing Officer regarding such exclusion as provided for in this chapter, such party may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the Department. The Department shall

promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the Department Director may reverse the action that resulted in such exclusion. If the Department Director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the Ground Transportation Hearing Officer in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter the Ground Transportation Hearing Officer shall uphold such exclusion. (Ord. 29-02 § 7, 20023: Ord. 24-99, § 4, 1999)

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010

Published: _____

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 8/27/2010

By MKG

Chapter 5.71 GROUND TRANSPORTATION REQUIREMENTS

General Regulations

5.71.010: DEFINITIONS:

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

APPLICANT: An individual submitting an application to the city to obtain a ground transportation vehicle operator's certificate pursuant to article VI of this chapter.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle, which has a current, valid business license as required by the city and, when applicable, a current certificate of convenience and necessity as required by the city. This shall not include an "authorized airport ground transportation business" as defined by [title 16](#) of this code and which shall be governed by that title.

AUTOMOBILE: Any motor vehicle which is registered at a gross weight of less than six thousand (6,000) pounds, or, if not registered commercially, that such vehicle would receive a weight classification as gross weight of less than six thousand (6,000) pounds, if such vehicle were to be registered commercially.

BUS: Any licensed motor vehicle operated on the streets and highways for hire on a scheduled or nonscheduled basis that is registered with the state at a gross weight of over thirty six thousand (36,000) pounds. Such defined word, however, shall not include any buses operated by the Utah transit authority.

BUSINESS LICENSING OFFICE: The division of building services and licensing of Salt Lake City Corporation or its successor.

CIVIL NOTICE: The written notice of ground transportation violation as provided under this chapter.

COMMENT FORM OR FORM: Has the meaning set forth in article I of this chapter, or its successor article.

COURTESY VEHICLE: Any motor vehicle which is regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge for such transportation. All contracts providing for operating a courtesy vehicle at the airport on behalf of a hotel or motel shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.

DEPARTMENT: The ground transportation administration section of the Salt Lake City

division of building services and licensing, or such other city department or division as may be delegated by the mayor to have responsibility for the enforcement of this chapter.

FIXED SCHEDULE: Ground transportation service operating on a regular time schedule previously announced as to time of departure and arrival between definitely established and previously announced points along definitely established and previously announced routes regardless of whether there are passengers or freight to be carried.

GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle which is used for the transportation of persons using Salt Lake City streets for commercial purposes or as a courtesy in connection with providing ground transportation to or from any terminal of public transportation, including the Salt Lake City International Airport, which includes, but is not limited to, any automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, taxicab and van.

HOTEL VEHICLE: Any motor vehicle which is regularly operated for transportation of customers and/or baggage to and from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel and under contract with such motel or hotel and for which transportation the customer is charged a separate fee or fare. All contracts providing for operating a hotel vehicle at the airport shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.

LICENSE: When referring to a driver's license, means a ground transportation vehicle operator's certificate.

LIMOUSINE: Any motor propelled vehicle which is a Rolls Royce or other automobile described by its manufacturer as a limousine or luxury vehicle having a wheel base in excess of one hundred ten inches (110"), operated on the streets and highways for hire, with a driver furnished who is dressed in a "chauffeur's uniform" (defined as a jacket and tie for a man or a pantsuit or dress for a woman) or tuxedo while on duty, and licensed as required by this code.

MANIFEST: For purposes of this chapter, means a daily record of all prearranged service trips provided by a driver of a ground transportation vehicle during such driver's hours of work which record shall be made by such driver, showing time(s) and place(s) of origin and destination, intermediate stop(s), the names of all passengers, and the amount of fare of each trip.

MINIBUS: Any motor vehicle which is registered with the state at a gross weight of ten thousand one (10,001) to thirty six thousand (36,000) pounds, operated on a scheduled or nonscheduled basis, or is designed to transport sixteen (16) or more persons,

including the driver, and is licensed as required by this code. Such term, however, shall not include any minibus operated by any local, state or federal agency.

NAMED PARTY: The driver, vehicle owner or authorized ground transportation business named in a civil notice issued by the city.

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an authorized ground transportation business which is not "scheduled service" or "prearranged service" as defined in this section.

OPERATOR'S CERTIFICATE: The operator's certificate that the city may issue pursuant to article VI of this chapter to signify that an individual has met the requirements stated therein to lawfully operate a ground transportation vehicle upon the streets of the city.

PREARRANGED SERVICE: Transportation provided by an authorized ground transportation business from points within the city, other than from the airport, in which the name of the prospective passenger and other required information is listed on the vehicle driver's manifest at least thirty (30) minutes prior to the transporting of the passenger by such vehicle. Prearranged service from the airport is governed by subsection [16.60.090L](#) of this code or its successor subsection.

SCHEDULED SERVICE: Transportation provided by an authorized ground transportation business on a fixed schedule posted with the city business license office in advance of such transportation.

SPECIAL TRANSPORTATION VEHICLE: Any vehicle for hire on Salt Lake City streets, which is used for the transportation of persons with disabilities as provided under [chapter 5.76](#) of this title, or its successor chapter.

STARTER: A person appointed by and representing a ground transportation business at a terminal of public transportation and providing coordinated travel arrangements and information about available services and fares.

TAXICAB: A motor vehicle used in the transportation of passengers for hire over the public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another, as provided under [chapter 5.72](#) of this title, or its successor chapter. It does not include an automobile rental vehicle licensed under any other section of this code.

TEMPORARY VEHICLE: Any motor vehicle used in the transportation of passengers and their luggage, using the streets within the corporate limits of Salt Lake City, for commercial purposes, or in connection with the operation of a service providing transportation to or from any terminal of public transportation, including the Salt Lake City International Airport, for a period not to exceed fourteen (14) days. It does not include any vehicle operated as a taxicab as provided under [chapter 5.72](#) of this title, or

its successor chapter.

VAN: Any licensed motor vehicle which is registered with the state at a gross weight of four thousand (4,000) to ten thousand (10,000) pounds, or is designed to transport fifteen (15) passengers or fewer, including the driver, and which is licensed as required by this code. (Ord. 48-07 § 1, 2007: Ord. 20-06 § 1, 2006: Ord. 87-05 § 1, 2005: Ord. 45-05 § 3, 2005: Ord. 24-99 § 4, 1999)

5.71.020: PURPOSE OF ENACTMENT AND DEPARTMENT RESPONSIBILITIES:

This chapter is enacted to provide for and protect the interests of Salt Lake City residents and visitors using ground transportation services which make use of city streets, including:

- A. To reflect standards of professionalism prevalent in and accepted by the Salt Lake community at large;
- B. To enhance the comfort, ease and safety of the traveling public on Salt Lake City streets;
- C. To enhance Salt Lake City's competitiveness in attracting the traveling public to this city;
- D. To increase safety for the drivers of ground transportation vehicles, their passengers, and the public when such vehicles are operated on Salt Lake City streets;
- E. To adequately identify ground transportation vehicles and their drivers to the public in Salt Lake City;
- F. To meet the needs of the public using ground transportation vehicles in Salt Lake City; and
- G. To provide for uniform enforcement of standards throughout the city by coordinating the efforts of the departments responsible for enforcement, adjudication, and business licensing of all commercial ground transportation businesses and vehicles.

The mayor shall designate a city department to be responsible for the enforcement and inspections of all ground transportation vehicles operating within the corporate limits of Salt Lake City. (Ord. 24-99 § 4, 1999)

5.71.025: LICENSE REQUIRED:

It is unlawful for any person to operate a ground transportation business without first obtaining a business license to do so. (Ord. 69-04 § 1, 2004)

5.71.028: GROUND TRANSPORTATION DESTINATIONS:

- A. All authorized ground transportation businesses may provide scheduled service and prearranged service within the city.
- B. Only taxicabs, courtesy vehicles, hotel vehicles, and limousines may provide on demand service within the city, except that: 1) hotel vehicles may provide on demand service only to and from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel; and 2) limousines may provide on demand service only upon charging a minimum fare of thirty dollars (\$30.00) per trip. Limousines may provide prearranged service without charging a set minimum fare.
- C. Subsection B of this section notwithstanding, hotel vehicles may transport motel or hotel patrons on demand to and from locations other than a terminal of public transportation as follows: 1) to and from a convention center during a convention within the city involving five thousand (5,000) or more participants, or 2) to and from other locations providing such transport involves three (3) or more persons riding together to and from the same destination and with the consent of the motel or hotel manager on duty. (Ord. 45-05 § 4, 2005)

Article I. Enforcement And Civil Penalties

5.71.030: COMMENT FORM:

Any person may complain of any violation of this chapter or of any ground transportation vehicle, or of any driver of a ground transportation vehicle operating within the corporate limits of Salt Lake City by filing a comment form with the department responsible for the enforcement of ground transportation violations in the manner set forth in this article. (Ord. 24-99 § 4, 1999)

5.71.040: FORM OF COMMENT FORM:

- A. The city shall cause to be printed a comment form substantially as follows:

COMMENT FORM

Please provide the following information if you have any comments about the quality of the ground transportation services being provided to you:

- 1. Company Providing Transportation:*
- 2. Driver's Name (and Number, if any):*
- 3. Date and Time:*
- 4. Location:*
- 5. Comments/Objections:*
- 6. Your Name:*
- 7. Your Home address:*

8. *Your Business Phone Number:*

9. *Your Signature:*

- B. The comment form shall be a "self-mailer" type, providing the name and mailing address where the form is to be returned and telephone number of the city department responsible for the enforcement of ground transportation violations.
- C. The comment form set forth in this section shall be printed in the form of a card, and all ground transportation vehicles shall at all times carry such cards in an area directly visible and accessible to the public. The comment forms or cards may be available at other locations selected by the city. (Ord. 24-99 § 4, 1999)

5.71.050: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

- A. Every notice issued under this chapter shall be issued in the form of a written civil notice of a ground transportation violation and shall contain a statement that the named party may appeal the imposition of the penalty and information regarding how to appeal.
- B. Any driver, vehicle owner or, as set forth in this section, any authorized ground transportation business which violates any provision of this chapter may be named in a civil notice issued by the city and shall be subject to the civil penalty as provided in section [5.71.080](#) of this chapter or its successor. A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the ground transportation business under whose certificate of convenience and necessity such driver or owner was operating at the time of the violation if the same driver or owner has had three (3) or more violations of this chapter, of [chapter 5.72](#) of this title, or of [title 16, chapter 16.60](#) of this code within a three (3) consecutive year period. (Ord. 24-99 § 4, 1999)

5.71.060: INFORMATION TO ACCOMPANY ISSUANCE OF SERVICE COMMENT FORM:

(Rep. by Ord. 24-99 § 3, 1999)

5.71.070: RECORD KEEPING:

The city shall create a file for each driver and for each authorized ground transportation business at the time any item is submitted for filing. The city shall maintain any item placed in such files for a period as required by law. (Ord. 24-99 § 4, 1999)

5.71.080: CIVIL PENALTIES:

The following shall constitute civil penalties which may be imposed by the city as set forth under this chapter:

- A. Civil penalties may be imposed for violations of this chapter within the city. The named party in the civil notice shall be liable for a civil penalty. Any penalty assessed in subsection B of this section may be in addition to any other penalty as may be imposed by law.
- B. Civil penalties shall be imposed as follows: the increased amounts for second and third and additional offenses shall be imposed only if the same violation occurs within a three (3) consecutive year period.

<u>Article II. Driver Standards</u>				
Driver appearance:		5.71.120	A,B,C,D,E,F,G,H,I,J	
First offense			\$ 60 .00	
Second offense			80 .00	
Third or additional offense			100 .00	
Driver conduct:		5.71.130	A,B,C,D,E,F,G,I	
First offense			\$ 60 .00	
Second offense			80 .00	
Third or additional offense			100 .00	
<u>Article III. Smoking</u>				
Smoking:		5.71.140		
First offense			\$ 60 .00	
Second offense			80 .00	
Third offense			100 .00	
<u>Article IV. Vehicle Standards</u>				
Vehicle exterior:		5.71.150	A,B,C,D,E,F,G,H	
First offense			\$ 60 .00	
Second offense			80 .00	
Third offense			100 .00	

Vehicle interior:	5.71.160	A,B,C,D,E,F	
First offense		\$ 60 .00	
Second offense		80 .00	
Third offense		100 .00	
Vehicle signage:	5.71.170	A,B	
First offense		\$ 60 .00	
Second offense		80 .00	
Third offense		100 .00	
Vehicle insurance:	5.71.175	A,B	
First offense		\$ 60 .00	
Second offense		80 .00	
Third offense		100 .00	
<u>Article V. Inspections</u>			
Removal of inspection sticker	5.71.205	\$125 .00	
Failure to obtain vehicle inspection	5.71.180	125 .00	
Failure to obtain meter inspection	5.71.180C , 5.72.405	350 .00	
Failure to take best route	5.71.130H , 5.72.515	150 .00	

C. The civil penalties specified in subsection B of this section shall be subject to the following:

1. For violation of articles II, III, or IV of this chapter:

a. Any penalty that is paid within ten (10) days from the date of receipt of civil notice shall be reduced by twenty dollars (\$20.00).

b. Any penalty that is paid within twenty (20) days from the date of receipt of civil notice shall be reduced by ten dollars (\$10.00).

c. Any penalty that is paid within thirty (30) days from the date of receipt of civil notice shall be reduced by five dollars (\$5.00).

2. For violations of article V of this chapter:

a. Any penalty that is paid within ten (10) days from the date of receipt of civil notice shall be reduced by fifty dollars (\$50.00).

b. Any penalty that is paid within twenty (20) days from the date of receipt of civil notice shall be reduced by thirty dollars (\$30.00).

c. Any penalty that is paid within thirty (30) days from the date of receipt of civil notice shall be reduced by fifteen dollars (\$15.00).

D. As used in this section, "receipt of civil notice" means for the driver or owner of the vehicle, the affixing of a civil notice of ground transportation violation to the vehicle alleged to have been employed in such ground transportation violation, or by delivery of such civil notice to the vehicle owner or driver, or for an authorized ground transportation business, by delivery of such civil notice to an owner or officer or process agent of the authorized ground transportation business.

E. Revocation, suspension and nonrenewal of a city license to operate a taxicab or to operate a ground transportation business may be imposed in accordance with [chapter 5.02](#) of this title, or its successor, for violations of this title. As provided in section [5.02.260](#) of this title, or its successor, no revocation, suspension or denial of a license shall be imposed until a hearing is first held as provided in [chapter 5.02](#) of this title. Any such action shall remain in effect until the party against whom such action is taken requests reinstatement, and the city determines that the violations upon which such action was taken have been remedied and that reinstatement is appropriate.

F. The city department responsible for the enforcement of ground transportation violations may require an inspection of any ground transportation vehicle whenever a completed comment form received by the city relates to such vehicle in a negative manner or upon the issuance of any civil notice that relates to the requirements set forth for standards of vehicles.

G. If any named party fails to comply with civil penalties imposed under this chapter such party may be subject to suspension, revocation or nonrenewal of a city license to operate a taxicab or to operate a ground transportation business. (Ord. 24-99 § 4, 1999)

5.71.090: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

- A. "Hearing officers" means those hearing officers referred to in [title 2, chapter 2.75](#) of this code, or its successor.
- B. Civil notices under this chapter, other than those involving license revocations, suspensions, denials or approvals, shall be handled by the Salt Lake City justice court. Any named party may appear before a hearing officer and present and contest an alleged violation as provided in [title 2, chapter 2.75](#) of this code, or its successor.
- C. The burden to prove any defense shall be upon the person raising such defense. Nothing herein shall affect the city's burden to prove each element of the underlying charge by a preponderance of evidence.
- D. If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the departmental hearing officer may dismiss the civil notice and release the named party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:
 - 1. The civil notice does not contain the information required by this chapter;
 - 2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or
 - 3. Such other mitigating circumstances as may be approved by the city law department. (Ord. 29-02 § 6, 2002²; Ord. 24-99 § 4, 1999)

5.71.100: EXPEDITED APPEAL OF EXCLUSION:

- A. "Mayoral hearing examiners" means persons appointed as provided by section [5.02.280](#) of this title to hear matters involving business license revocations, suspensions, and denials or approvals.
- B. Any named party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before a mayoral hearing examiner regarding such exclusion, may request an expedited appeal of such exclusion within five (5) business days of the date when such exclusion is effective. Such appeal shall be requested in person by the person so excluded to the department responsible for enforcement. The city department responsible for enforcement shall promptly investigate the facts relating to such exclusion. If the evidence indicates that such exclusion is improper under this chapter, the department's manager or other designated officer shall stay such exclusion until the issue can be heard and determined by a mayoral hearing examiner. If the exclusion is not stayed by the department charged with enforcement, a hearing regarding such exclusion shall be

held before a mayoral hearing examiner within five (5) days of the manager's or departmental officer's determination. If the evidence indicates that such exclusion is proper under this chapter such hearing officer shall uphold such exclusion. (Ord. 29-02 § 7, 2002³; Ord. 24-99, § 4, 1999)

5.71.110: POLICIES AND PROCEDURES:

The city departments responsible for enforcement, adjudication and business licensing shall create and implement such policies and procedures as are necessary or desirable to comply with and operate under this chapter and the same shall be consistent with the purposes of this chapter and applicable law, and shall meet due process requirements. (Ord. 24-99 § 4, 1999)

Article II. Driver Standards

5.71.120: DRIVER AND STARTER APPEARANCE:

The drivers of ground transportation vehicles and starters representing commercial ground transportation within the city shall adhere to the following standards of appearance while operating such vehicles, or while representing commercial ground transportation, in order to meet the interests of Salt Lake City in such transportation:

- A. Wear enclosed shoes or boots or sandals with socks.
- B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.
- C. Maintain their clothes in a clean and repaired condition.
- D. Be free from offensive odor.
- E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.
- F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.
- G. Not wear T-shirts as outer garments unless as a part of a company uniform.
- H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.
- I. Not wear sweatpants or sweatshirts designed for athletic use.

- J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, nametag, photo identification badge, or otherwise, as shall be approved by the city.
- K. Any driver or starter who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver, or starter, can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, or starter, as provided under the United States or Utah constitutions or laws, or Salt Lake City ordinances. (Ord. 24-99 § 4, 1999)

5.71.130: DRIVER CONDUCT:

The drivers of ground transportation vehicles shall adhere to the following standards of conduct while operating such vehicles in order to meet the interests of Salt Lake City in such transportation:

- A. Drivers shall refrain from playing loud music, arguing with passengers or others, using insulting language, or any other conduct which is intended to be offensive.
- B. When ground transportation vehicles are available for transport, drivers shall provide transportation to paying passengers as requested and as set forth in this chapter and [chapter 5.72](#) of this title, and shall provide reasonable assistance with the property of passengers as requested.
- C. Drivers shall obey all laws and ordinances, and shall maintain all appropriate licenses.
- D. Drivers shall not carry animals or nonpaying riders while transporting passengers in their vehicles, except that at the request of a passenger, drivers may carry seeing eye dogs or other service animals, or animals enclosed in a carrier or other enclosure, and drivers may carry nonpaying passengers when so requested by driver's employer for training or other job related purposes.
- E. Drivers shall transport any paying passengers who present themselves for transport in nonelectric wheelchairs and shall offer reasonable assistance to such passengers, except that if a passenger must be lifted into the vehicle, the driver may request the passenger to contact a special transportation vehicle.
- F. Drivers shall furnish a receipt for payment of a fare.
- G. Drivers shall not engage in fighting with any person at any time.

- H. Drivers shall follow any transportation routes predetermined by the driver's employer, or if such routes are not predetermined, drivers shall either take the shortest reasonable route to a destination, or shall follow a specific route requested by a passenger.
- I. The city will issue a driver's badge with the following minimum information: the name and picture of the driver, the name of the ground transportation business he or she is associated with, and the number assigned to the driver by the city. Drivers who are associated with multiple ground transportation companies shall obtain a badge for each company that they drive for. Such badges shall be displayed in the ground transportation vehicle in a manner that they are easily readable by passengers at all times the driver is providing ground transportation services. (Ord. 24-99 § 4, 1999)

Article III. Smoking

5.71.140: SMOKING RESTRICTIONS:

Passengers and drivers in ground transportation vehicles subject to Utah Code Annotated title 76, chapter 10, part 15, as amended, or its successor, may only smoke in such vehicles as set forth in that part. Passengers and drivers in all other ground transportation vehicles may only smoke when the vehicle does not contain a minor child or a nonsmoker. (Ord. 24-99 § 4, 1999)

Article IV. Vehicle Standards

5.71.150: VEHICLE EXTERIOR:

All ground transportation vehicles shall meet the following standards in order to meet the interests of Salt Lake City in such transportation:

- A. All vehicles shall be maintained as required by any state or city ordinance or statute, whether or not a part of this chapter.
- B. Vehicles' exteriors shall be clean except during the first twenty four (24) hours following a snow, rain or dust storm in Salt Lake or surrounding counties.
- C. Vehicles, including bumpers and body molding, shall be free of all exterior damage except for dents no larger than six inches (6") in diameter and rust spots no larger than one inch (1") in diameter. Bumpers shall be straight and aligned, as designed by the vehicle manufacturer.
- D. All windshields shall be free of cracks and chips larger than six inches (6") in diameter or length. All other glass and mirrors shall be free of cracks and chips larger than one inch (1") in diameter or length.

- E. All vehicle exterior paint shall be maintained in good condition and repair, with no faded, oxidized, or nonmatching paint. Signs, graphics, door handles, antennas, and other equipment used for the ease and convenience of drivers and passengers shall be maintained in a good and operable condition.
- F. All vehicle exterior tires, brakes, exhaust pipes, lights, wipers, turn signals, horns and other safety equipment shall be maintained in a good and operable condition.
- G. Vehicles' wheels shall have wheel covers, or be equipped with custom wheels.
- H. All fluid leaks shall be repaired immediately. (Ord. 24-99 § 4, 1999)

5.71.160: VEHICLE INTERIOR:

The interior of all ground transportation vehicles shall be maintained as follows in order to meet the interests of Salt Lake City in such transportation:

- A. All vehicle interiors shall be clean and sanitary, and free of dirt, oil, litter, or other similar material, or offensive odors.
- B. All seats and other interior surfaces shall be in good repair and free of tears and sharp objects. Dashboard covers may be used, but shall be professionally manufactured.
- C. All vehicles' trunks or luggage storage compartments shall at all times be maintained free of oil, dirt, debris and personal property except for property used by the driver in connection with operating a ground transportation vehicle.
- D. All equipment present in the interior of the vehicle that is used for the ease and convenience of drivers and passengers, including, but not limited to, doors, windows, carpets, door and window handles, ashtrays, heaters, air conditioners, and radios, shall be maintained in a good and operable condition.
- E. Any ashtrays shall be emptied after use and washed each day.
- F. All vehicles with a gross weight rating of ten thousand (10,000) pounds or less, or which are designed to transport fifteen (15) passengers or less, including the driver, shall have operational seat belts for the driver and for each passenger as required by law for such vehicle. All other safety equipment inside the vehicle, including child safety restraint devices or seats, shall be maintained in a good and operable condition as may be required by Utah and federal law. (Ord. 24-99 § 4, 1999)

5.71.170: VEHICLE SIGNAGE:

All ground transportation vehicles with exterior signs or color schemes used for identifying purposes, whether such identifying information is placed on such vehicle

voluntarily or in accordance with applicable ordinances or statutes, shall meet the following requirements with regards to such identifying information:

- A. Signs and other identifying information shall comply with all applicable ordinances or statutes. Signs shall be professionally produced and permanently affixed on both sides of the vehicle, and shall identify the name of the authorized ground transportation business with which the vehicle is associated and other information as required by law. No sign may be handwritten. In cases of companies that operate vehicles for separate business locations with the same name, the vehicle signage shall include the location of the business being served by each particular vehicle.
- B. Lettering size shall be no smaller than one and one-half inches (1½") in height for capital letters and no less than one inch (1") in height for other lettering. The color of the lettering shall contrast with the color of the vehicle or window that it is placed on. (Ord. 24-99 § 4, 1999)

5.71.175: INSURANCE REQUIRED:

- A. Every transportation business, whether or not a certificate of convenience and necessity is required by these ordinances, shall be required to maintain continuous vehicle insurance, when the vehicle is operational, at the minimum levels of coverage required by section [5.05.120](#) of this title or its successor or by the Utah department of transportation or by the United States department of transportation, whichever levels are higher. Proof of insurance shall be required at the time of inspection, and may be verified upon the city's receipt of a negative comment form, or at the time of an on street unscheduled ground transportation vehicle inspection.
- B. Ground transportation businesses shall send a copy of any notice of cancellation or reduction of insurance coverage to the department responsible for the enforcement of ground loading transportation violations immediately upon such cancellation or reduction. (Ord. 24-99 § 4, 1999)

Article V. Inspections

5.71.180: PERIODIC INSPECTIONS:

With the exception of buses operated by charter bus companies in interstate commerce, every vehicle subject to the requirements of this chapter shall be inspected by the city every six (6) months in order to make certain that such vehicles and their drivers comply with the requirements of this chapter and that each such vehicle is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

- A. Vehicle Exterior: Vehicle exteriors shall meet the requirements set forth in sections [5.71.150](#) and [5.71.160](#) of this chapter and shall meet the following requirements:

1. Tires: Tire tread depth shall be not less than one-sixteenth ($\frac{1}{16}$) of an inch for rear tires, nor less than one-eighth ($\frac{1}{8}$) of an inch on any front tire when measured on any portion of the tire's tread grooves of an original, regrooved or retreaded tire, with no cuts or breaks in sidewalls. Measurements shall not be made where any tie bar, hump, or filet is located. No regrooved, recapped, or retreaded tires shall be used on the front axles of the vehicle, but may be used on the rear axles.
2. Signage: All vehicles shall be properly and adequately numbered and identified in conformance with this chapter and other applicable statutes and ordinances. When present, identifying signage shall be in good repair.
3. Cleanliness: The engine and engine compartment shall be reasonably clean and free of uncontained combustible materials.
4. Mufflers: Mufflers shall conform to the requirements of section [12.28.100](#) of this code, or its successor.
5. Door Latches: All door latches shall be operable.
6. Suspension System: The vehicle suspension system shall be maintained so that there are no sags because of weak or broken springs, and no excessive motion when the vehicle is in operation because of weak or defective shock absorbers. All parts affixed to the undercarriage of the vehicle shall be permanently affixed and in good repair.

B. Vehicle Interior: The interior of all vehicles shall be maintained as set forth in sections [5.71.150](#) and [5.71.160](#) of this chapter and shall be maintained as follows:

1. Lights: All interior lights shall be operable, and must otherwise conform to applicable ordinances and statutes.
2. Brakes: The foot brake pedal must not be capable of being depressed beyond a point one inch (1") from the floor of the car.
3. Steering: Excessive play in the steering mechanism shall not exceed three inches (3") free play in turning the steering wheel from side to side.
4. Display Information: With the exception of limousines, the following materials shall be easily readable, and shall be displayed in the vehicle in an area which is in full view of and is accessible by passengers in the vehicle: the comment forms required to be maintained in each vehicle; the name, photograph and number (if any) of the driver operating the vehicle; the name of the authorized ground transportation business with which the driver or vehicle is associated; and the vehicle number. Every limousine driver shall exhibit to any passenger of such driver requesting the same the name, photograph and number (if any) of the driver operating the vehicle; the name of the authorized ground transportation business with which the driver or vehicle is associated; and the vehicle number.

C. Meter Inspections: Any meter used in a ground transportation vehicle to calculate the fare for transportation shall be inspected as set forth in [chapter 5.72](#) of this title, or its successor. (Ord. 87-05 § 3, 2005; Ord. 24-99 § 4, 1999)

5.71.185: ADDITIONAL VEHICLE INSPECTIONS:

In addition to the regularly scheduled inspections as set forth in this title, the city may perform other inspections of any ground transportation vehicle operating within the corporate limits of Salt Lake City, in order to administer and enforce the vehicle standards herein, provided the authorized employees or agents of the department charged with enforcing this title schedule an appointment with the ground transportation business for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the city's regular business hours at a location to be set by the city. Nothing herein shall prevent the city from issuing civil notices or taking other action authorized under this chapter for vehicle violations which are in the plain view of the employees or agents of the department charged with enforcing this title. (Ord. 24-99 § 4, 1999)

5.71.190: INSPECTION STICKER:

When the city finds that a vehicle has met the standards established by this chapter, including that the vehicle is operated by a company duly licensed by the city, an officer of the city shall issue a sticker signifying the same. No ground transportation vehicle shall operate without such sticker. Such sticker shall be affixed to the lower left portion of the rear window of the vehicle, extending no more than three inches (3") to the right of the left edge or more than four inches (4") above the bottom edge of the window. (Ord. 87-05 § 4, 2005; Ord. 24-99 § 4, 1999)

5.71.200: FAILURE OF INSPECTION:

Each time a ground transportation vehicle fails to meet the inspection requirements set forth in this chapter, the vehicle shall have affixed to its windshield a "rejected" sticker, stating that it is not in compliance with minimum operating standards. Any vehicle which fails to meet such requirements shall be reinspected and shall not be used as a ground transportation vehicle until all required repairs have been made and it has passed inspection. Upon meeting such requirements, the city shall issue a sticker signifying the same. (Ord. 24-99 § 4, 1999)

5.71.205: REMOVAL OF INSPECTION STICKER PROHIBITED:

It is a violation of this chapter for anyone other than the city to remove or alter in any way any inspection or rejected sticker issued by the city, without prior written approval from the city to do so. (Ord. 24-99 § 4, 1999)

5.71.210: INSPECTION AFTER CERTAIN PENALTIES:

- A. Regardless of whether or not an appeal is requested, any vehicle which is named in a civil notice alleging a violation of section [5.71.150](#), [5.71.160](#) or [5.71.170](#) of this chapter, or any successor thereto, shall pass a new inspection as required by the city; but no meter inspection shall be required unless the alleged violation relates to a meter.
- B. If any vehicle is excluded from the pursuit of commercial activities in the city due to any violation relating to such ground transportation vehicle, such vehicle shall pass the inspection set forth in this chapter before such vehicle may again be used to pursue commercial activities in the city. (Ord. 24-99 § 4, 1999)

5.71.220: OTHER INSPECTIONS; FEES:

The inspections provided for in this chapter shall be in addition to any other inspections required by law. The fee for a vehicle inspection is ninety dollars (\$90.00). There is no additional fee for a vehicle reinspection. There is no fee for a missed vehicle inspection appointment. None of the fees provided in this section may be changed without the approval of the city council. (Ord. 40-09 § 1, 2009)

5.71.230: CIVIL PENALTIES:

Any failure to obtain any inspection required under this chapter at the time it is required shall constitute a violation under this chapter, and a civil notice shall be issued to the authorized ground transportation business with which such vehicle is associated. (Ord. 24-99 § 4, 1999)

5.71.240: RECORDS AND OPERATING PROCEDURES:

The city shall maintain records regarding such inspections as it shall determine, and shall create procedures by which it shall administer and operate such inspection and the issuing of stickers. (Ord. 24-99 § 4, 1999)

Article VI. Driver Operator's Certificate

5.71.250: OPERATOR'S CERTIFICATE REQUIRED:

It is unlawful for any person to operate a ground transportation vehicle upon the streets of the city without having first obtained and having then in force a valid ground transportation vehicle operator's certificate issued annually by the department under the provisions of this chapter. The foregoing notwithstanding, a ground transportation vehicle operator who has operated upon the streets of the city prior to the effective date hereof, and while in the employ of a ground transportation business duly licensed by the city, shall have until one hundred eighty (180) calendar days from the effective date hereof to file an application for a valid ground transportation vehicle operator's certificate issued by the city. The department may set various times for compliance within such

one hundred eighty (180) calendar days to provide for the orderly implementation of this section. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.260: PERMITTING UNCERTIFIED OPERATOR UNLAWFUL:

Except as provided in section [5.71.250](#) of this chapter, or its successor section, it is unlawful for any person who owns or controls a ground transportation vehicle to permit it to be driven, and no ground transportation vehicle authorized by the city shall be so driven at any time, unless the ground transportation vehicle is operated by a driver who has then in force a valid ground transportation vehicle operator's certificate issued under the provisions of this chapter. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.270: OPERATOR'S CERTIFICATE APPLICATION:

Any person applying for a ground transportation vehicle operator's certificate shall file an application with the department on forms provided by the city. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.280: APPLICATION VERIFICATION:

An application for a ground transportation vehicle operator's certificate shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

The section below has been affected by a recently passed ordinance, 2010-45 - ground transportation vehicle operator certificate badge application fee. [Go to new ordinance.](#)

5.71.290: APPLICATION FEE REQUIRED:

At the time an application is filed, the applicant shall pay to the city a fee of one hundred twelve dollars (\$112.00). If a ground transportation vehicle operator is working for more than one company, he or she must submit an application for each company. There is no additional fee for such applications. There is no fee for replacement of a lost or stolen vehicle operator's certificate. None of the fees provided in this section may be changed without the approval of the city council. (Ord. 40-09, § 2, 2009)

5.71.300: TRAINING REQUIRED TO OBTAIN OPERATOR'S CERTIFICATE:

Before the city issues any operator's certificate, the applicant shall be required to provide a written statement demonstrating that the applicant has completed a training program that is satisfactory to the city as to: a) the applicant's knowledge of the city and map reading capabilities; b) the applicant's ability to understand, read, write and speak basic English; c) the applicant's understanding of principles of common courtesy; and d) the applicant's understanding of how to address the needs of disabled passengers. The

city may review any such program from time to time to determine whether it is satisfactory to address the needs of the traveling public. This section shall be effective for any application submitted as of January 2, 2008, or thereafter. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.310: DRIVER QUALIFICATIONS REQUIRED TO OBTAIN OPERATOR'S CERTIFICATE:

An applicant for a ground transportation vehicle operator's certificate shall be required to demonstrate the information set forth in this section, and no operator's certificate shall be issued or renewed if all such information cannot be demonstrated to the city's satisfaction.

- A. The applicant must be twenty one (21) years old or older.
- B. The applicant must not be an individual required to register pursuant to the Utah penal code, section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor section.
- C. The applicant must have a current motor vehicle license issued by the state with all required endorsements.
- D. The applicant must submit written evidence that a ground transportation business operating in compliance with the requirements of this code will employ or retain the applicant upon the issuance of an operator's certificate.
- E. The applicant must submit a certificate from a reputable, board certified physician practicing in the state of Utah certifying that, in such physician's opinion, the applicant is able to operate a ground transportation vehicle in a safe manner.
- F. The applicant must submit written evidence of complying with section [5.71.300](#) of this chapter, or its successor section, regarding driver training requirements.
- G. The applicant must submit two (2) forms of identification, at least one of which must have been issued by a government authority and includes a photo.
- H. The applicant must successfully comply with the criminal history background check requirements set forth in this chapter.
- I. The applicant must submit the following information demonstrating that the applicant is of suitable character and integrity to interact with the traveling public:
 - 1. The names and addresses of four (4) persons in the state of Utah 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;

2. A statement explaining the applicant's experience and ability to safely transport passengers;
 3. A concise history of the applicant's employment;
 4. A letter of introduction from the ground transportation business that will employ or retain the applicant.
- J. An applicant seeking an operator's certificate in connection with a special transportation vehicle shall file with the application a certificate from the valley health department certifying that such applicant has received a proper course of instruction in the transporting of "persons with disabilities", as such term is defined in section [5.76.040](#) of this title. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.320: CRIMINAL HISTORY BACKGROUND CHECK REQUIREMENT:

The Salt Lake City council finds that any driver operating a "ground transportation vehicle" as defined in section [5.71.010](#) of this chapter has the ability to provide ground transportation service to the Salt Lake City International Airport, whether by working for a ground transportation business that picks up passengers at such airport, or due to occasional requests by passengers to be dropped off at such airport. Therefore, pursuant to Utah code section 72-10-602 or its successor section, an applicant for a ground transportation vehicle operator's certificate shall be required to obtain a criminal history background check demonstrating that the applicant meets the requirements set forth in this chapter before any certificate will be issued.

- A. The applicant must obtain a fingerprint based federal bureau of investigation (triple III) criminal history background check in the manner directed by the city through the appropriate governmental agency empowered to provide the results of such background check directly to the city.
- B. The city may investigate any information relevant to such background check, determine the accuracy of any information, require an applicant to provide additional information, and take any other action necessary to determine the results of such background check and make a determination under this chapter. Submission of an application under this chapter constitutes the applicant's consent to such background check and any associated investigative efforts by the city.
- C. No applicant shall be issued an operator's certificate if such background check for the applicant demonstrates that the applicant has a disqualifying criminal offense as described in section [5.71.330](#) of this chapter. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.330: DISQUALIFYING CRIMINAL OFFENSES:

An applicant has a disqualifying criminal offense if the applicant has been convicted, or found not guilty by reason of insanity, of any of the disqualifying crimes listed in this section, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years before the date of the applicant's application for an operator's certificate. The disqualifying criminal offenses are as follows:

- A. Murder.
- B. Assault or aggravated assault.
- C. Kidnapping or hostage taking.
- D. Rape, aggravated sexual abuse or other sex crimes, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or soliciting.
- E. Stalking.
- F. Urinating in public or other disorderly conduct at a time when the applicant was engaged in operating a ground transportation business.
- G. Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.
- H. Extortion.
- I. Robbery, burglary, theft or bribery.
- J. Distribution of, or intent to distribute, a controlled substance.
- K. Felony arson.
- L. Felony involving a threat.
- M. Felony involving wilful destruction of property.
- N. Felony involving dishonesty, fraud, or misrepresentation.
- O. Possession or distribution of stolen property.
- P. Felony involving importation or manufacture of a controlled substance.

- Q. Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year.
- R. Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving.
- S. Felony involving a driving offense.
- T. The following aviation related offenses:

1. Aircraft registration violations under 49 USC section 46306.
2. Interference with air navigation under 49 USC section 46308.
3. Improper transportation of hazardous material under 49 USC section 46312.
4. Aircraft piracy under 49 USC section 46502.
5. Interference with flight crew members under 49 USC section 46504.
6. Crimes aboard aircraft under 49 USC section 46506.
7. Carrying a weapon or explosive aboard an aircraft under 49 USC section 46505.
8. Conveying false information and threats under 49 USC section 46507.
9. Aircraft piracy outside the United States under 49 USC section 46502(b).
10. Lighting violations involving transporting controlled substances under 49 USC section 46315.
11. Unlawful entry into an aircraft or airport area contrary to security regulations under 49 USC section 46314.
12. Destruction of an aircraft or aircraft facility under 18 USC section 32.
13. Violence at airports under 18 USC section 37.

U. Espionage, sedition or treason. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.340: BACKGROUND CHECK PROCEDURES:

The department shall maintain the following procedures in connection with criminal history background checks under this chapter:

- A. The department shall advise an applicant that he or she may receive a copy of his or her criminal record received from the FBI upon submitting a written request to the department, and that the applicant may direct questions regarding such record to the department administrator.
- B. If an applicant's criminal record discloses an arrest for any disqualifying criminal offense without indicating a disposition, the department must determine, after investigation, that the arrest did not result in a disqualifying offense as provided under section [5.71.330](#) of this chapter before issuing an operator's certificate.
- C. Before making a final decision to deny an operator's certificate, the department must advise the applicant that the FBI criminal record discloses information that would disqualify him or her from receiving such operator's certificate and provide the applicant with a copy of the FBI record if he or she requests it in writing.
- D. An applicant whose criminal record discloses disqualifying information may seek to complete or correct information contained in his or her criminal record by contacting the local jurisdiction responsible for the information and the FBI. Within thirty (30) days after being advised that the criminal record received from the FBI discloses a disqualifying criminal offense, the applicant must notify the department in writing of his or her intent to correct any information that he or she believes to be inaccurate. The department must then receive a copy of the revised FBI record or a certified true copy of the information from the appropriate court prior to granting the operator's certificate. If the department receives no such notification within thirty (30) days that the applicant intends to seek a correction, the department may make a final determination based on the information available to the department.
- E. Criminal record information provided by the FBI pursuant to this chapter may be used only to carry out the background check requirements in this chapter. The department shall maintain criminal history background check records and other information of a personal nature in a confidential manner. The FBI criminal record shall be maintained until one hundred eighty (180) days after the termination of an operator's certificate, including any subsequent renewals, and the FBI criminal record shall then be destroyed. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.350: CONTINUING OBLIGATION TO DISCLOSE NONCOMPLIANCE WITH BACKGROUND CHECK:

Any person who complies with the background check requirements stated in this chapter has a continuing obligation to disclose to the department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with section [5.71.330](#) of this chapter, at any time while he or she has a ground transportation vehicle operator's certificate. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.360: ISSUANCE OF OPERATOR'S CERTIFICATE:

The department shall issue an operator's certificate to any applicant who complies with the requirements of this chapter. Such certificate shall be in the form of an identification card showing the applicant's name, business address, date of birth, signature, current photograph, and the ground transportation business employing or retaining the applicant, and showing any permission given under section [5.71.380](#) of this chapter pertaining to conducting business at the airport. If the department determines to deny the application of any applicant, the department shall issue a letter within ten (10) calendar days of making such a determination to the applicant stating the reason(s) why the applicant was not found to be in compliance with the requirements of this chapter, including any disqualifying offenses in the applicant's criminal record. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.370: APPEAL OF DENIAL OF OPERATOR'S CERTIFICATE:

If the city determines not to issue an operator's certificate, the applicant denied such operator's certificate may appeal the city's determination in the following manner:

- A. The denied applicant shall submit a request for appeal to the city's ground transportation administrator within fourteen (14) calendar days from the time when the city issues a letter denying the application for the operator's certificate. Such request shall state the reasons why the applicant believes the applicant has complied with this chapter and the denial is in error.
- B. The ground transportation administrator shall convene a review board composed of the following members to review the appeal:
 - 1. Two (2) city employees who are knowledgeable in security background check requirements from either the department of airports or the police department.
 - 2. One management level employee from the ground transportation business proposed to employ or retain the denied applicant.
- C. The review board shall provide the ground transportation administrator and the denied applicant the opportunity to submit written information regarding the denial for the board's consideration. The review board shall also convene a meeting to provide the ground transportation administrator and the denied applicant an opportunity to be heard within thirty (30) calendar days after the date when the ground transportation administrator received the request for appeal.
- D. After considering all written and oral information submitted, the review board shall issue in writing findings of fact and a decision determining whether the denied applicant has demonstrated compliance with the requirements of this chapter within forty five (45) calendar days after the date when the ground transportation administrator received the denied applicant's request for appeal.

- E. The members of the review board shall be persons who do not have a personal conflict of interest with the denied applicant, and the board shall keep a record of its actions and a recording of any hearing.
- F. The time periods required under this section may be modified with the consent of the ground transportation administrator and the denied applicant, or may be modified by the city when compliance with such time periods would be unduly burdensome to the city and the modification would not impose an unreasonable hardship on the denied applicant. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.380: PERMISSION TO CONDUCT BUSINESS AT THE SALT LAKE CITY INTERNATIONAL AIRPORT:

An applicant for a ground transportation vehicle operator's certificate under this chapter must request permission to pick up or drop off passengers at the Salt Lake City International Airport on the application form provided by the department. If the applicant complies with the requirements of this chapter, and is in compliance with the requirements of [title 16](#) of this code and airport rules and regulations, the department shall designate on the operator's certificate that such driver has permission to conduct business at such airport. Permission to conduct business at such airport is subject to the provisions of this code, including [title 16](#) of this code, and to airport rules and regulations, and such permission may be withdrawn for a violation of any such requirement. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.390: PENALTY FOR IMPROPERLY ACCESSING AIRPORT:

- A. It is unlawful for any person who has been issued a ground transportation vehicle operator's certificate to access property at the Salt Lake City International Airport for the purpose of conducting any ground transportation related business activity when:
 - 1. Such person has not been given permission to conduct business at the airport pursuant to section [5.71.380](#) of this chapter; or
 - 2. The Salt Lake City department of airports has withdrawn permission to conduct business at the airport from such person.
- B. Any person who violates the provisions of subsection A of this section shall be guilty of a class B misdemeanor. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.400: DISPLAY OF OPERATOR'S CERTIFICATE:

Every person issued an operator's certificate under this chapter shall post his or her ground transportation vehicle operator's certificate in such a place as to be in full view of all passengers while such person is operating a ground transportation vehicle, and every such person shall exhibit such certification upon demand by any police officer, or any authorized agent of the department, or any authorized agent of the Salt Lake City

department of airports, or any other person authorized by the mayor to enforce the provisions of this chapter. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.410: OPERATOR'S CERTIFICATE DURATION AND RENEWAL:

The ground transportation vehicle operator's certificate shall be effective beginning on the day indicated thereon by the city, and shall expire on the same day of the next calendar year. Any person holding such a certificate may renew such certificate annually by submitting a new application as provided in this chapter up to thirty (30) days prior to the expiration of the operator's certificate, and paying a renewal fee of one hundred dollars (\$100.00). The city may adjust such fee on an annual basis in order to recover the costs of administering the city's ground transportation programs, but no increase shall exceed five percent (5%) in a single year. The foregoing notwithstanding, the department may set various expiration dates for operator's certificates issued during the first year of this program in order to provide for an orderly renewal process, but no expiration date shall exceed a period of two (2) years from the date of issuance. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.415: PAYMENT FOR FURNISHING OF PASSENGERS⁴:

(Rep. by Ord. 48-07 § 2, 2007)

5.71.420: SUSPENSION OR REVOCATION OF OPERATOR'S CERTIFICATE:

The department may suspend or revoke any ground transportation vehicle operator's certificate issued under this chapter as follows:

- A. A ground transportation vehicle operator's certificate shall be revoked if the department determines that the person to whom it was issued ceases to comply with the application requirements set forth in this chapter. Any person whose operator's certificate is so revoked may appeal a determination made under this subsection as provided in section [5.71.370](#) of this chapter. If such appeal is not successful, such person may reapply to obtain an operator's certificate when such person is in full compliance with the requirements of this chapter. Any person who corrects the noncompliance under this chapter within thirty (30) days after a revocation issued under this subsection shall be allowed to reinstate his or her operator's certificate without fee.
- B. If any person having a ground transportation vehicle operator's certificate fails to comply with any provision of this code other than the application requirements included within this chapter, or if the city otherwise determines that such person is a threat to the public or is disruptive to providing effective services to the public, the department may temporarily suspend such operator's certificate as provided herein, and may revoke such operator's certificate for cause shown. An operator's certificate may be temporarily suspended if the city determines based on reasonable evidence that a temporary suspension is necessary to protect important public interests, and if

the temporary suspension is effective only until a hearing officer can make a determination under this subsection. An operator's certificate may be revoked under this subsection only when the person possessing such certificate has first been given notice and has had an opportunity to present evidence on his or her behalf at a hearing before a mayoral hearing examiner as provided in section [5.02.280](#) of this title, or any successor section. Notice of such hearing shall be deemed to be sufficient if it is mailed to the address designated on the ground transportation vehicle operator's certificate application at least ten (10) days prior to the hearing. Unless reinstated by a hearing officer, any person whose ground transportation vehicle operator's certificate has been revoked under this subsection shall not be eligible to reapply for such certificate for a period of one year. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.430: COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS:

Every person issued an operator's certificate under this chapter shall comply with all city, state and federal laws. Failure to do so may justify the suspension or revocation of an operator's certificate. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.440: FALSE INFORMATION:

Any applicant who shall knowingly provide false information on an application submitted pursuant to this chapter shall be denied an operator's certificate, and shall not be permitted to resubmit an application for a period of five (5) years. (Ord. 48-07 § 2, 2007)

5.71.450: AUTHORITY TO MAKE RULES:

The department shall have authority to create rules and regulations to administer the requirements of this chapter that are consistent with the requirements of this chapter and with any security or operating requirements applicable to the Salt Lake City International Airport. (Ord. 48-07 § 2, 2007)

Article VII. Manifests For Prearranged Service

5.71.460: DRIVERS TO KEEP MANIFESTS:

Except for drivers of taxicabs, every ground transportation vehicle driver providing prearranged service shall maintain a daily manifest upon which is reported all prearranged service 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 names of all passengers and amount of fare of each trip, and all such complete manifests shall be returned by the driver at the conclusion of his or her working day to the licensee of the ground transportation business for whom the driver is operating the vehicle. Taxicab drivers shall be governed by the manifest requirements of [chapter 5.72](#), article VIII, of this title, or its successor article. (Ord. 48-07 § 3, 2007; Ord. 45-05 § 5, 2004)

5.71.470: MANIFEST FORMS TO BE APPROVED:

The forms for each manifest shall be furnished to the driver by the licensee of the ground transportation business for whom the driver is operating the vehicle, and shall be of a character approved by the mayor. (Ord. 48-07 § 3, 2007: Ord. 69-04 § 2, 2004)

5.71.480: MANIFESTS; HOLDING PERIOD; AVAILABILITY:

Every licensee of a ground transportation business providing prearranged service 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 at a place readily accessible for examination by the department and the licensing office. (Ord. 48-07 § 3, 2007: Ord. 69-04 § 2, 2004)

Article VIII. Payment For Furnishing Of Passengers

5.71.490: PAYMENT:

It shall be unlawful for any person operating a ground transportation vehicle, business, driver, independent contractor or employee to pay any remuneration to another person, specifically including bellman, doorman and vehicle dispatcher, for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. It shall be unlawful for any person, specifically including bellmen, doormen and vehicle dispatchers, to receive any remuneration from any person operating a ground transportation vehicle, business, driver, independent contractor or employee for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and being paid or making payment for, the transportation of customers and/or baggage, which payment may include a portion thereof being distributed by the hotel or motel to a bellman or doorman as a gratuity. (Ord. 48-07 § 4, 2007)

[Footnote 1:](#) See section [5.71.490](#) of this chapter.

[Footnote 2:](#) Ordinance 29-02 shall take effect July 1, 2002.

[Footnote 3:](#) Ordinance 29-02 shall take effect July 1, 2002.

[Footnote 4:](#) See section [5.71.490](#) of this chapter.

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending section 5.71, *Salt Lake City Code*, regarding ground transportation)

Ordinance amending section 5.71, *Salt Lake City Code*, pertaining to ground transportation requirements, to coordinate with taxicab ordinance and to provide for categorization of vehicle types by passenger seating fees through rules and regulations; on-demand service restrictions; elimination of manifests; vehicle inspection requirements; vehicle standards; replacement of criminal enforcement with civil penalties; Ground Transportation Hearing Officer.

WHEREAS, City Council has amended section 5.72 , *Salt Lake City Code*, pertaining to taxicabs; and

WHEREAS, the City Council has determined that the following ordinance corresponds with and supports the amendments to section 5.72; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah as follows:

SECTION 1. That section 5.71, *Salt Lake City Code*, pertaining to ground transportations requirements be and the same hereby is, amended to read as follows:

Article I. Definitions and ~~Chapter 5.71~~
~~GROUND TRANSPORTATION REQUIREMENTS~~

General Regulations

5.71.010: DEFINITIONS:

The words and phrases, when used in this chapter, shall have the meanings defined

and set forth in this section:

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an Authorized Ground Transportation Business contracted through the Department of Airports to provide On Demand Shared Ride Service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized Ground Transportation Vehicle operating under contract with the Salt Lake City Department of Airports to provide Airport Shared Ride Service.

APPLICANT: An individual who has submitted~~submitting~~ an application to the ~~Department~~city to obtain a Ground Transportation Vehicle Operator's Badge~~ground transportation vehicle operator's certificate~~ pursuant to article VI of this chapter.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any Business~~business~~ operating any Ground Transportation Vehicle~~ground transportation vehicle~~, which has a current, valid business license as required by the City~~city and, when applicable, a current certificate of convenience and necessity as required by the city~~. This shall not include an "authorized airport ground transportation business" as defined by title 16 of this code and which A) registers the Business in accordance with the requirements established by the Department and B) is current with all fees or charges imposed~~shall be governed by the Department and City.~~
~~that title.~~

AUTOMOBILE: Any motor vehicle with passenger seating for five persons or which is registered at a gross weight of less, not including the driver.

~~than six thousand (6,000) pounds, or, if not registered commercially, that such vehicle would receive a weight classification as gross weight of less than six thousand (6,000) pounds, if such vehicle were to be registered commercially.~~

BUS: Any licensed motor vehicle operated on the streets and highways for hire on a scheduled or nonscheduled basis with a seating capacity of twenty five or more passengers, not including the driver.

BUSINESS: A voluntary association legally formed and organized to carry on a Business in that is registered with the state at a gross weight of over thirty six thousand (36,000) pounds. Such defined word, however, shall not include any buses operated by the Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole-proprietorship.
~~transit authority.~~

BUSINESS LICENSING OFFICE: The division of building services and licensing of Salt Lake City Corporation or its successor.

CERTIFICATE: A Certificate of public convenience and necessity issued by the City. No Certificate issued by the City shall be construed to be either a franchise or irrevocable and will terminate upon notification by the City.

CIVIL NOTICE: The written notice of Ground Transportation Violation.

~~ground transportation violation as provided under this chapter.~~

COMMENT FORM OR FORM: Has the meaning set forth in 5.71.270~~article 1~~ of this chapter, or its successor article.

COURTESY VEHICLE: Any motor vehicle which is regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific

separate charge to the passenger for such transportation. All contracts providing for operating a Courtesy Vehicle ~~courtesy vehicle at the airport on behalf of a hotel or motel~~ shall be filed with the Department.

~~under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.~~

DEPARTMENT: The Salt Lake City Department of Airports ~~ground transportation administration section of the Salt Lake City division of building services and licensing,~~ or such other City~~city~~ department or division as may be designated~~delegated~~ by the mayor to have responsibility for the enforcement of this chapter.

DEPARTMENT AUTOMATED VEHICLE IDENTIFICATION (AVI) TAG: An electronic transponder used to identify vehicles and provide the Department with vehicle data and billing information.

DEPARTMENT DIRECTOR: The Director of the Department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such Director.

DEPARTMENT INSPECTION: An inspection of a Ground Transportation Vehicle by the Department to verify that the vehicle meets the standards set by the Department Director, Department Rules and Regulations, applicable contracts, and all applicable City ordinances, policies and procedures, including without limitation the exterior and interior of the vehicle and all associated vehicle licensing, safety and insurance requirements.

DEPARTMENT INSPECTION SEAL: A sticker or seal issued by the Department to signify that the Ground Transportation Vehicle has passed the required Department Inspection. These Department Inspection Seals are non-transferable and no Ground Transportation Vehicle may be operated without such seal.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the Department Director to govern commercial ground transportation operations within the City.

FIXED SCHEDULE: Ground ~~Transportation Service~~ transportation service operating on a regular time schedule previously announced as to time of departure and arrival

between definitely established and previously announced points along definitely established and previously announced routes regardless of whether ~~there are~~ passengers or freight are to be carried.

GROUND TRANSPORTATION BUSINESS: Any Business~~business~~ operating any Ground Transportation Vehicle.

GROUND TRANSPORTATION HEARING OFFICER: A Ground Transportation Hearing Officer appointed by the Department Director to hear and rule on appeals, suspensions and other matters related to ground transportation in and connected with the City.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a Ground Transportation Business~~vehicle~~.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle ~~which is~~ used for the transportation of persons using Salt Lake City streets for commercial purposes regardless of whether a fee or fare is collected, or as a courtesy in connection with providing ground transportation to or from any terminal of public transportation, including the Salt Lake City International Airport, which includes, but is not limited to, any Airport Shared Ride Vehicle, Automobile, Bus, Courtesy Vehicle, Hotel Vehicle, Limousine, Minibus, Taxicab, Van, or Trailer being towed by a Ground Transportation Vehicle.

HEARING OFFICERS: Means those hearing officers of the Salt Lake City Justice Courts.

HOLDER: A person to whom a certificate of public convenience and necessity has been issued.

~~automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, taxicab and van.~~

HOTEL VEHICLE: Any motor vehicle which is regularly operated by a Ground Transportation Business under contract to or directly by a motel / hotel or other lodging Business, to providefor transportation of customers and/or baggage for the contracted establishment~~to and from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel and under contract with such motel or hotel~~ and for which transportation the customer is charged a separate fee or fare. All

contracts providing for operating a Hotel Vehicle shall be filed with the Department.
~~hotel vehicle at the airport shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.~~

~~LICENSE: When referring to a driver's license, means a ground transportation vehicle operator's certificate.~~

LIMOUSINE: Any ~~vehicle~~motor propelled vehicle which is a Rolls Royce or other ~~automobile~~ described by its manufacturer or aftermarket manufacturer as a Limousine~~as a limousine~~ or luxury vehicle, ~~having a wheel base in excess of one~~

~~hundred ten inches (110"), operated on the streets and highways for hire, with a driver furnished, who is dressed in professional business attire or a "chauffeur's uniform. uniform" (defined as a jacket and tie for a man or a pantsuit or dress for a woman) or tuxedo while on duty, and licensed as required by this code.~~

~~MANIFEST: For purposes of this chapter, means a daily record of all prearranged service trips provided by a driver of a ground transportation vehicle during such driver's hours of work which record shall be made by such driver, showing time(s) and place(s) of origin and destination, intermediate stop(s), the names of all passengers, and the amount of fare of each trip.~~

MINIBUS: Any motor vehicle with a passenger seating capacity of thirteen to twenty four persons, not~~which is registered with the state at a gross weight of ten thousand one (10,001) to thirty six thousand (36,000) pounds, operated on a scheduled or nonscheduled basis, or is designed to transport sixteen (16) or more persons, including the driver.~~

MODEL YEAR: The age of a motor vehicle based upon the manufacturer's date of manufacture. The year shall be calculated as beginning January 1 of the Model Year, regardless of the month of manufacture, purchase or licensing with the City.
~~driver, and is licensed as required by this code. Such term, however, shall not include any minibus operated by any local, state or federal agency.~~

NAMED PARTY: The driver, vehicle owner or Authorized Ground Transportation

~~Business~~authorized ground transportation business named in a ~~Civil Notice~~civil notice issued by the City.
~~city.~~

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an Authorized Ground Transportation Business which is not Scheduled Service or Prearranged Service as defined in this section.

PERSONS WITH DISABILITIES: Means persons who are not acutely ill, who do not require the services of an ambulance, and who need or desire special transportation equipment or accommodation for physical or mental infirmities.

~~authorized ground transportation business which is not "scheduled service" or "prearranged service" as defined in this section.~~

~~OPERATOR'S CERTIFICATE: The operator's certificate that the city may issue pursuant to article VI of this chapter to signify that an individual has met the requirements stated therein to lawfully operate a ground transportation vehicle upon the streets of the city.~~

PREARRANGED SERVICE: Transportation provided by an Authorized Ground Transportation Business~~authorized ground transportation business~~ from points within the City to destinations within~~city, other than from the City, for~~airport, in which the Authorized Ground Transportation Business providing such transportation has recorded the name or description of ~~the~~prospective passenger and the date and time of the

~~request for transportation~~ other required information is listed on the vehicle driver's ~~manifest~~ at least thirty (30) minutes prior to the transporting of the passenger by such vehicle. Records of such transportation may be required for inspection by the Department.

~~Prearranged service from the airport is governed by subsection 16.60.090L of this code or its successor subsection.~~

SCHEDULED SERVICE: Transportation provided by an Authorized Ground Transportation Business on a Fixed Schedule ~~authorized ground transportation business on a fixed schedule~~ posted with and approved by the Department ~~city business license office~~ in advance of such transportation.

SPECIAL TRANSPORTATION VEHICLE: Special transportation vehicle means any motor ~~Any~~ vehicle for hire, other than an Airport Shared Ride Vehicle, ambulance or Taxicab, on Salt Lake City streets, which vehicle is designed, equipped and ~~is~~ used for the transportation of Persons With Disabilities.

SPECIALTY VEHICLES: Means vehicles that are unique in their design, or built for a specific purpose. These may include but are not limited to special conversion vehicles and classic or collector Automobiles. Such vehicles do not include Special Transportation Vehicles.

~~persons with disabilities as provided under chapter 5.76 of this title, or its successor chapter.~~

STARTER: A person appointed by and representing a Ground Transportation Business who is responsible for managing the coordination of vehicles and passenger ground transportation for that Business.

~~business at a terminal of public transportation and providing coordinated travel arrangements and information about available services and fares.~~

TAXICAB: A motor vehicle with a seating capacity~~used in the transportation~~ of five passengers or less, not including the driver, used in the on demand, for hire transportation of passengers or baggage over the public streets and not operated over a fixed route or upon a Fixed Schedule~~,fixed schedule,~~ but which is subject for contract hire by persons desiring special trips from one point to another, as provided under [chapter 5.72](#) of this title, or its successor chapter and authorized to operate in Salt Lake City by contract with the Department.

TERMINAL OF TRANSPORTATION: Means a facility or location in which the primary purpose is to facilitate Ground Transportation Services, such as but not limited to the Salt Lake City Intermodal Hub.

TRAILER: Means a wheeled vehicle designed to be pulled by a motor vehicle for the transportation of freight, luggage or other items.

VAN: Any licensed motor vehicle other than those designated as a Limousine with a passenger seating capacity of six to twelve, not including the driver. City.~~It does not include an automobile rental vehicle licensed under any other section of this code.~~

~~TEMPORARY VEHICLE: Any motor vehicle used in the transportation of passengers and their luggage, using the streets within the corporate limits of Salt Lake City, for commercial purposes, or in connection with the operation of a service providing transportation to or from any terminal of public transportation, including the Salt Lake City International Airport, for a period not to exceed fourteen (14) days. It does not include any vehicle operated as a taxicab as provided under chapter 5.72 of this title, or its successor chapter.~~

~~VAN: Any licensed motor vehicle which is registered with the state at a gross weight of four thousand (4,000) to ten thousand (10,000) pounds, or is designed to transport fifteen (15) passengers or fewer, including the driver, and which is licensed as required by this code.~~ (Ord. 48-07 § 1, 2007: Ord. 20-06 § 1, 2006: Ord. 87-05 § 1, 2005: Ord. 45-05 § 3, 2005: Ord. 24-99 § 4, 1999)

~~VEHICLE OPERATOR'S BADGE or OPERATOR'S BADGE: An identification badge issued by the Department to an individual to signify that the individual has met the requirements to operate a Ground Transportation Vehicle established by the Department Director.~~

5.71.020: PURPOSE OF ENACTMENT; ~~AND DEPARTMENT RESPONSIBILITIES:~~

This chapter is enacted to provide for and protect the interests of Salt Lake City residents and visitors using Ground Transportation Services, ~~ground transportation services~~ which make use of City ~~city~~ streets and other City property, including:

- A. To reflect standards of professionalism prevalent in and accepted by the Salt Lake community at large;
- B. To enhance the comfort, ease and safety of the traveling public on Salt Lake City streets;
- C. To enhance Salt Lake City's competitiveness in attracting the traveling public to this ~~City;city;~~
- D. To increase safety for the drivers of Ground Transportation Vehicles~~,ground transportation vehicles,~~ their passengers, and the public when such vehicles are operated on Salt Lake City streets;
- E. To adequately identify Ground Transportation Vehicles~~ground transportation vehicles~~ and their drivers to the public in Salt Lake City;
- F. To meet the needs of the public using Ground Transportation Vehicles~~ground transportation vehicles~~ in Salt Lake City; ~~and~~
- G. To provide for uniform enforcement of standards throughout the ~~City~~city by coordinating the efforts of the departments responsible for enforcement, adjudication, and business licensing of all commercial Ground Transportation Businesses and Ground Transportation Vehicles~~,ground transportation businesses and vehicles.~~

~~The mayor shall designate a city department to be responsible for the enforcement and inspections of all ground transportation vehicles operating within the corporate limits of Salt Lake City. (Ord. 24-99 § 4, 1999)~~

H. To provide that the mayor shall designate a City department to be responsible for the oversight and enforcement of all Ground Transportation Businesses, Ground Transportation Vehicles and Ground Transportation Vehicle drivers within the corporate limits of Salt Lake City. (Ord. 24-99 § 4, 1999)

I. To provide that the City departments responsible for enforcement, adjudication and business licensing in connection with ground transportation in the City may create and implement such contracts, rules and regulations as are necessary or desirable to comply with and operate under this chapter, and the same shall be consistent with the purposes of this chapter and applicable law, and to meet due process requirements. (Ord. 24-99 § 4, 1999)

5.71.030: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

Vehicles licensed and operated by governmental agencies, universities and school districts, the Utah Transit Authority, ambulances and others that may be designated by the Department Director, are exempt from the requirements of this chapter.

5.71.040: AUTHORITY TO ESTABLISH RULES / REGULATIONS AND PROCEEDURES:

The Department Director, under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules / regulations and procedures, as necessary to administer the requirements of this chapter and any security or operating requirements applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.

5.71.050: BUSINESS~~5.71.025:~~ LICENSE AND REGISTRATION REQUIRED:

It is ~~a violation~~unlawful for any person to operate a Ground Transportation Business without, prior to commencement of the Business, completing the following:

- ~~A. Obtaining ground transportation business without first obtaining~~ a business license.
- ~~B. Registering such Business with the Department, and~~
- ~~C. Paying all applicable fees associated with the licensing or permitting of such~~
~~Business, its vehicles and its employees. to do so.~~ (Ord. 69-04 § 1, 2004)

5.71.060:

~~5.71.028:~~ GROUND TRANSPORTATION DESTINATIONS:

- A. All ~~Authorized Ground Transportation Businesses~~authorized ground transportation businesses may provide Scheduled Service or Prearranged Services~~scheduled service and prearranged service~~ within the City~~city~~.
- B. Only authorized Airport Shared Ride Service Vehicles, Taxicabs, Courtesy Vehicles, taxicabs, courtesy vehicles, hotel vehicles, and Hotel Vehicles~~limousines~~ may provide On Demand Service~~on-demand service~~ within the City~~city~~, except that: Courtesy Vehicles and Hotel Vehicles 1) hotel vehicles may provide On Demand Service~~on-demand service~~ only to and from the hotel / motel or other Business with whom they hold a current contract for any railroad station, bus station, airport, or similar terminal of public transportation services. The Department Director may waive these restrictions if it is determined that circumstances in the City exist that create congestion, security concerns, emergency conditions, or ~~and any motel or hotel; and 2) limousines may provide on-demand service only upon charging a minimum fare of thirty dollars (\$30.00) per trip. Limousines may provide prearranged service without charging a set minimum fare.~~
- ~~C. Subsection B of this section notwithstanding, hotel vehicles may transport motel or hotel patrons on demand to and from locations other than a terminal of public transportation as follows: 1) to and from a convention center during a convention~~

~~within the city involving five thousand (5,000) or more participants, or 2) to and from other operational problems, and that a temporary suspension of this limitation is in locations providing such transport involves three (3) or more persons riding together to and from the same destination and with the best interests consent of the City to address such circumstances. motel or hotel manager on duty. (Ord. 45-05 § 4, 2005)~~

C. All Authorized Ground Transportation Businesses may provide On Demand, Scheduled Service and Prearranged Service from points within the City to destinations outside of the corporate limits of Salt Lake City.

Article II. Driver Standards

5.71.070: DRIVER AND STARTER APPEARANCE:

The drivers of Ground Transportation Vehicles and Starters representing Ground Transportation Businesses within the City shall adhere to the standards of appearance established by the Department Director while operating such vehicles, or while representing Ground Transportation Businesses, in order to meet the interests of Salt Lake City in such transportation.

5.71.080: DRIVER CONDUCT:

The drivers of Ground Transportation Vehicles and Starters representing Ground Transportation Businesses within the City shall adhere to the standards of conduct established by the Department Director while operating such vehicles or while representing Ground Transportation Businesses in order to meet the interests of Salt Lake City in such transportation.

5.71.090: UNAUTHORIZED SOLICITATION OF BUSINESS

No Person may solicit for business at any Terminal of Transportation except in locations and in accordance with rules as established by the Department Director.

Article III. Smoking

5.71.100: SMOKING RESTRICTIONS:

Passengers and drivers in Ground Transportation Vehicles may only smoke in such vehicles as set forth in Utah Code.

Article IV. Vehicle Standards

5.71.120: VEHICLE AGE AND CONDITION

No vehicle shall be authorized by the City to operate as a Ground Transportation Vehicle that is more than five Model Years in age, has a salvage title, or has accumulated 300,000 miles or more.

A. The following exemptions may be granted by the Department on a case by case basis upon application to the Department Director.

1. Busses, Mini-busses, Special Transportation Vehicles and Limousines may be exempted from these age and mileage restrictions, but not from the salvage title restriction.
2. Specialty Vehicles may be exempted from these age, mileage and salvage restrictions.

B. Seventy five percent (75%) of a Business's Ground Transportation Vehicles must meet this vehicle age restriction within 12 months of this ordinance being adopted into law.

C. One hundred percent (100%) of a Business's Ground Transportation Vehicles must meet this age restriction within 24 months of this ordinance being adopted into law.

D. One hundred percent (100%) of a Business's Ground Transportation Vehicles must meet these mileage and salvage title restrictions upon the effective date.

E. No new vehicle will be approved as a Ground Transportation Vehicle that does not meet these restrictions.

5.71.130: CONFLICTING OR MISLEADING DESIGNS PROHIBITED:

No vehicle will be authorized to operate whose color scheme, identifying design, monogram or insignia, in the opinion of the Department Director, conflicts with or imitates 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 tending to deceive or defraud the public or which improperly conveys the nature or the type of the ground transportation service offered.

Article V. Insurance and Inspections

5.71.140: INSURANCE REQUIRED:

A. Every Ground Transportation Business, shall be required to maintain continuous vehicle insurance, when the vehicle is operational, at the minimum levels of coverage set forth by the Federal Motor Carrier Association section 49 CFR 387.303 or by the Utah Department of Transportation or by the United States Department of Transportation, whichever levels are higher. Proof of insurance shall be required at the time a vehicle is initially inspected by the Department, and may be verified upon

the City's receipt of a complaint, negative Comment Form, or at the time of an on-street, unscheduled Ground Transportation Vehicle inspection.

B. Taxicabs and other Authorized Ground Transportation Vehicles with a seating capacity of seven passengers or less, including the driver, shall carry minimum coverage in the amounts required for vehicles with 8 passengers or more, including driver, as set forth in section 49 CFR 387.303.

C. Ground Transportation Businesses shall send a copy of any notice of cancellation or reduction of insurance coverage to the Department immediately upon such cancellation or reduction. (Ord. 24-99 § 4, 1999)

5.71.150: INSPECTIONS:

A. All Authorized Ground Transportation Vehicles must be registered with the Department and at all times shall meet or exceed standards established by the Department Director in order to meet the interests of Salt Lake City.

B. No vehicle may operate as a Ground Transportation Vehicle within the City without first having been inspected by the Department and found to be meeting all requirements of the Department Inspection as established by the Department Director for the category of vehicle being inspected.

C. Vehicles meeting the requirements of the Department Inspection shall have a unique Department Inspection Seal affixed to the rear of the vehicle signifying that the vehicle has passed the Department Inspection and may be operated as a Ground Transportation Vehicle. The department Seal is non-transferable and no vehicle may be used as a Ground Transportation Vehicle without the Department Inspection Seal in place.

- D. All Ground Transportation Vehicles meeting the requirements of the Department inspection will be issued a Department Automated Vehicle Identification (AVI) Tag, which the Department will install on the vehicle. These tags are non-transferable and may not be removed or modified without authorization from the Department.
- E. The Department may perform vehicle inspections at any time any Ground Transportation Vehicle is operating within the corporate limits of Salt Lake City, in order to administer and enforce the applicable vehicle standards.
- F. No Ground Transportation Vehicle may be operated within the City unless it is maintained to the standards and requirements established by the Department, including without limitation Department Inspection requirements.

5.71.160: TEMPORARY OPERATIONS

Ground Transportation Businesses that operate on a limited or temporary basis within the City may petition the Department Director for a waiver from some of the requirements of this chapter. However, no Ground Transportation Business may operate without paying fees as may be required by ordinance, Rules and Regulations or the Department Director. Consideration of such waiver may include the following.

- A. The Business is based outside of a thirty-five mile radius of the City and the Business provides limited services within the City.
- B. The Business does not pick up passengers within the City and provides transportation only into the City.
- C. Any specific Ground Transportation Vehicle that will be used for operations within the City no more than five calendar days per year.

Article VI. Vehicle Operator's Badge

5.71.180: VEHICLE OPERATOR'S BADGE REQUIRED:

It is a violation for any person to operate a Ground Transportation Vehicle upon the streets of the City without having first obtained and having then in force a valid Ground Transportation Vehicle Operator's Badge issued by the Department under Rules and Regulations established by the Department Director. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

5.71.190: PERMITTING NON-BADGED OPERATOR TO DRIVE:

It is a violation for any Person who owns or controls a Ground Transportation Vehicle to permit it to be driven, and no Ground Transportation Vehicle authorized by the Department shall be so driven at any time, unless the Ground Transportation Vehicle is operated by a driver who has then in force a valid Ground Transportation Vehicle Operator's Badge issued by the Department.

5.71.240: DISPLAY OF OPERATOR'S BADGE:

Every Person issued a Vehicle Operator's Badge shall display the badge above the waist, on front side of the outermost garment so as to be in plain view and not covered while such Person is operating a Ground Transportation Vehicle. Every such Person shall exhibit such badge upon demand by any police officer, any authorized agent of the Department or any other Person authorized by the mayor to enforce the provisions of this chapter. (Ord. 48-07 § 2, 2007: Ord. 69-04 § 2, 2004)

Article VII. Payment For Furnishing Of Passengers

5.71.250: PAYMENT:

It shall be a violation for any Person operating a Ground Transportation Vehicle, Business, driver, independent contractor, employee, or other Person to pay or offer to

pay any remuneration to another Person, specifically including Persons employed at a lodging Business and vehicle dispatchers, for the furnishing of passengers and/or baggage to be transported by a Ground Transportation Vehicle. It shall be a violation for any Person, specifically including persons employed at a lodging Business and vehicle dispatchers, to receive or request any remuneration from any Person for the furnishing of passengers and/or baggage to be transported by a Ground Transportation Vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and being paid or making payment for, the transportation of customers and/or baggage, which payment may include a portion thereof being distributed by the hotel or motel to a bell staff or door staff or concierge as a gratuity. (Ord. 48-07 § 4, 2007)

Article VIII. Enforcement ~~and~~ **Civil Penalties**

5.71.260: DEPARTMENT AUTHORITY:

The Department is hereby given the authority and is instructed to enforce the provisions of this chapter and to govern the conduct of companies and drivers operating under this chapter.

5.71.270: 5.71.030: COMMENT FORM:

Any Person ~~person~~ may complain of any violation of this chapter or comment on ~~of~~ any Ground Transportation Business ~~ground transportation vehicle~~, or Vehicle, ~~or~~ any driver of a Ground Transportation Vehicle ~~ground transportation vehicle~~ operating within the corporate limits of Salt Lake City by filing a Comment Form with the Department ~~on comment form with the department responsible for the enforcement of ground transportation violations in the manner set forth in this article. (Ord. 24-99 § 4, 1999)~~

5.71.040: FORM OF COMMENT FORM:

~~A. The city shall cause to be printed a comment form substantially as follows:~~

~~COMMENT FORM~~

~~—Please provide the following information if you have any comments about the quality of the ground transportation services being provided to you:~~

- ~~—1. Company Providing Transportation:~~
- ~~—2. Driver's Name (and Number, if any):~~
- ~~—3. Date and Time:~~
- ~~—4. Location:~~
- ~~—5. Comments/Objections:~~
- ~~—6. Your Name:~~
- ~~—7. Your Home address:~~
- ~~—8. Your Business Phone Number:~~
- ~~—9. Your Signature:~~

~~B. The comment form shall be a "self-mailer" type, providing the name and mailing address where the form is to be returned and telephone number of the city department responsible for the enforcement of ground transportation violations.~~

~~C. The comment form set forth in this section shall be printed in the form of a card, and all ground transportation vehicles shall at all times carry such cards in an area directly visible and accessible to the public. The comment forms that the Department may require Ground Transportation Businesses to print and provide in their vehicles and which may be found on the City's website and within the Department Rules and Regulations. or cards may be available at other locations selected by the city. (Ord. 24-99 § 4, 1999)~~

5.71.280:5.71.050: ISSUANCE OF A CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

A. Every notice issued under this chapter shall be issued in the form of a written Civil Notice~~civil notice of a ground transportation violation~~ and shall contain a statement

that the ~~Named Party~~named party may appeal the imposition of the penalty and provide information regarding how to appeal.

B. Any driver, vehicle owner, or Authorized Ground Transportation Business that, ~~as set forth in this section, any authorized ground transportation business which~~ violates any provision of this chapter may be named in a Civil Notice~~civil notice~~ issued by the City~~city~~ and ~~shall be subject to the civil penalty as provided in section 5.71.080 of this chapter or its successor.~~ A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the Ground Transportation Business~~ground transportation business~~ under whose authority~~certificate of convenience and necessity~~ such driver or owner was operating at the time of the violation, ~~if the same driver or owner has had three (3) or more violations of this chapter, of chapter 5.72 of this title, or of title 16, chapter 16.60 of this code within a three (3) consecutive year period.~~ (Ord. 24-99 § 4, 1999)

~~5.71.290; 5.71.060:~~ INFORMATION TO ACCOMPANY ISSUANCE OF SERVICE COMMENT FORM:

~~(Rep. by Ord. 24-99 § 3, 1999)~~

~~5.71.070:~~ RECORD KEEPING:

The City~~city~~ shall create a file for each driver and for each Authorized Ground Transportation Business~~authorized ground transportation business~~ at the time any document~~item~~ is submitted for application or filing. The City~~city~~ shall maintain any document~~item~~ placed in such files for a period as required by law. (Ord. 24-99 § 4, 1999)

5.71.300:

5.71.080: CIVIL PENALTIES AND ENFORCEMENT:

A. The City may impose revocation, suspension and nonrenewal of a City business license to operate a Ground Transportation Business

~~The following shall constitute civil penalties which may be imposed by the city as set forth under this chapter:~~

~~A. Civil penalties may be imposed~~ for violations of applicable laws, policies, procedures, rules, or regulations as provided under chapter 5.02 of this title.

~~B. this chapter within the city.~~ The Department may revoke, suspend or deny renewal of an Operator's Badge, Department Automated Vehicle Identification tag or Department Inspection Seal for violations of applicable laws, policies, procedures, rules, or regulations. The person or business affected may request, in writing filed with the Department, an appeal hearing before the Ground Transportation Hearing Officer. Any such revocation, suspension or denial of renewal shall remain in effect until the named party against whom such action is taken requests reinstatement and the Ground Transportation Hearing Officer determines that reinstatement is appropriate.

~~C. If any Named Party fails to comply with civil penalties imposed under this chapter,~~ such party may be subject to suspension, revocation or nonrenewal of a City license to operate a Ground Transportation Business, Operator's Badge. Department Automated Vehicle Identification Tag and Department Inspection Seal. (Ord. 24-99 § 4, 1999)

~~D. Civil penalties may be imposed as set forth below. The Named Party in the Civil Notice~~ civil notice shall be liable for a civil penalty. Any penalty assessed in connection with ~~subsection B of~~ this section may be in addition to any other penalty

that may be imposed by law, rule, regulation, suspension, revocation or other restrictions as may be imposed by the Department Director.~~law.~~

~~B. Civil penalties shall be imposed as follows: the increased amounts for second and third and additional offenses shall be imposed only if the same violation occurs within a three (3) consecutive year period.~~

<u>CODE</u> Article II, Driver Standards-	<u>AMOUNT OF PENALTY</u>	<u>VIOLATION</u>				
<u>ARTICLE I GENERAL REGULATIONS-</u>		-	-	-	-	-
<u>5.71.050</u> Driver appearance:-		<u>\$1000.00</u> -	<u>Business license required</u> <u>5.71.1 20-</u>	-	<u>A,B,C,D,E,F,G,H, I,J-</u>	
<u>5.71.060 (B)-</u>	<u>\$500.00</u> First offense-	<u>Violation of passeng er transport</u> -	-	-	<u>\$-60.00-</u>	-
<u>ARTICLE II DRIVERS STANDARDS</u> -	<u>Second offense</u> -	-	-	-	<u>80.00-</u>	-
<u>5.71.070-</u>	<u>\$100.00</u> <u>Third or additional offense-</u>	<u>Driver's appeara nce-</u>	-	-	<u>100.00-</u>	-
<u>5.71.080-</u>	<u>\$300.00</u>	<u>Driver's conduct</u>				
<u>5.71.090</u> Driver conduct:-		<u>\$300.00-</u>	<u>Unauthorized solicitation of</u>	-	<u>A,B,C,D,E,F,G,I-</u>	

			<u>business5.71.1</u> <u>30-</u>			
<u>ARTICLE III</u> <u>SMOKING-</u>	<u>First offense-</u>	-	-	-	<u>\$-60.00-</u>	-
<u>5.71.100-</u>	<u>\$300.00Second</u> <u>offense-</u>	<u>Smoking</u> <u>in</u> <u>vehicles-</u>	-	-	<u>80.00-</u>	-
<u>ARTICLE IV</u> <u>VEHICLE</u> <u>STANDARDS</u> -	<u>Third or</u> <u>additional</u> <u>offense-</u>	-	-	-	<u>100.00-</u>	-
<u>5.71.120-</u>	<u>\$500.00</u>	<u>Vehicle age</u>				
<u>5.71.130Article</u> <u>III. Smoking-</u>	<u>\$1000.00</u>	<u>Misleading design prohibited</u>				
<u>ARTICLE V</u> <u>INSURANCE</u> <u>AND</u> <u>INSPECTIONS-</u>						
<u>5.71.140Smoking:-</u>		<u>\$1000.00</u> -	<u>Insurance</u> <u>required5.71.1</u> <u>40-</u>	-	-	
<u>5.71.150</u> <u>(A,B,C)-</u>	<u>\$1000.00First</u> <u>offense-</u>	<u>Vehicle</u> <u>inspectio</u> <u>n and</u> <u>Seal</u> <u>required-</u>	-	-	<u>\$-60.00-</u>	-
<u>5.71.150 (D)-</u>	<u>\$500.00Second</u> <u>offense-</u>	<u>Automat</u> <u>ed</u> <u>Vehicle</u> <u>Identifica</u> <u>tion Tag</u>	-	-	<u>80.00-</u>	-

		<u>required-</u>				
<u>5.71.150 (F)-</u>	<u>\$500.00</u> <u>Third</u> <u>offense-</u>	<u>Failure to</u> <u>maintain</u> <u>vehicle</u> <u>inspectio</u> <u>n</u> <u>standard</u> <u>s-</u>	-	-	<u>100.00-</u>	-
<u>ARTICLE VI</u> <u>VEHICLE</u> <u>OPERATORS</u> <u>BADGE-</u>						
<u>5.71.180</u> <u>Article</u> <u>IV. Vehicle</u> <u>Standards-</u>	<u>\$1000.00</u>	<u>Operator's badge required</u>				
<u>5.71.190-</u>	<u>\$1000.00</u>	<u>Permitting non-badged operator</u>				
<u>5.71.240</u> <u>Vehicle exterior:-</u>		<u>\$100.00-</u>	<u>Display of</u> <u>badge</u> <u>5.71.150</u> <u>-</u>	-	<u>A,B,C,D,E,F,G,H</u> <u>-</u>	
<u>ARTICLE VII</u> <u>PAYMENT</u> <u>FOR</u> <u>FURNISHING</u> <u>OF</u> <u>PASSENGER</u> <u>S-</u>	<u>First offense-</u>	-	-	-	<u>\$ 60.00-</u>	-
<u>5.71.250-</u>	<u>\$300.00</u> <u>Second</u> <u>offense-</u>	<u>Payment</u> <u>for</u> <u>passeng</u> <u>er-</u>	-	-	<u>80.00-</u>	-

-	<u>Third offense-</u>	-	-	-	<u>100.00-</u>	-
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-			
Vehicle interior:	-	<u>5.71.160</u>	- A,B,C,D,E,F
First offense	-	-	\$ 60 .00
Second offense	-	-	80 .00
Third offense	-	-	100 .00
-			
Vehicle signage:	-	<u>5.71.170</u>	- A,B
First offense	-	-	\$ 60 .00
Second offense	-	-	80 .00
Third offense	-	-	100 .00
-			
Vehicle insurance:	-	<u>5.71.175</u>	- A,B
First offense	-	-	\$ 60 .00
Second offense	-	-	80 .00
Third offense	-	-	100 .00
-			
<u>Article V. Inspections</u>			
-			
Removal of inspection sticker	-	<u>5.71.205</u>	\$125 .00
-	-	-	-
Failure to obtain vehicle inspection	-	<u>5.71.180</u>	125 .00

-	-	-	-
Failure to obtain meter inspection	- 5.71.180C, 5.72.405	- 350 .00	-
-	-	-	-
Failure to take best route	- 5.71.130H, 5.72.515	- 150 .00	-

~~**5.71.310:**C. The civil penalties specified in subsection B of this section shall be subject to the following:~~

~~1. For violation of articles II, III, or IV of this chapter:~~

- ~~a. Any penalty that is paid within ten (10) days from the date of receipt of civil notice shall be reduced by twenty dollars (\$20.00).~~
- ~~b. Any penalty that is paid within twenty (20) days from the date of receipt of civil notice shall be reduced by ten dollars (\$10.00).~~
- ~~c. Any penalty that is paid within thirty (30) days from the date of receipt of civil notice shall be reduced by five dollars (\$5.00).~~

~~2. For violations of article V of this chapter:~~

- ~~a. Any penalty that is paid within ten (10) days from the date of receipt of civil notice shall be reduced by fifty dollars (\$50.00).~~
- ~~b. Any penalty that is paid within twenty (20) days from the date of receipt of civil notice shall be reduced by thirty dollars (\$30.00).~~
- ~~c. Any penalty that is paid within thirty (30) days from the date of receipt of civil notice shall be reduced by fifteen dollars (\$15.00).~~

~~D. As used in this section, "receipt of civil notice" means for the driver or owner of the vehicle, the affixing of a civil notice of ground transportation violation to the vehicle alleged to have been employed in such ground transportation violation, or by delivery of such civil notice to the vehicle owner or driver, or for an authorized ground transportation business, by delivery of such civil notice to an owner or officer or process agent of the authorized ground transportation business.~~

~~E. Revocation, suspension and nonrenewal of a city license to operate a taxicab or to operate a ground transportation business may be imposed in accordance with chapter 5.02 of this title, or its successor, for violations of this title. As provided in section 5.02.260 of this title, or its successor, no revocation, suspension or denial of a license shall be imposed until a hearing is first held as provided in chapter 5.02 of this title. Any such action shall remain in effect until the party against whom such action is taken requests reinstatement, and the city determines that the violations upon which such action was taken have been remedied and that reinstatement is appropriate.~~

~~F. The city department responsible for the enforcement of ground transportation violations may require an inspection of any ground transportation vehicle whenever a completed comment form received by the city relates to such vehicle in a negative manner or upon the issuance of any civil notice that relates to the requirements set forth for standards of vehicles.~~

~~G. If any named party fails to comply with civil penalties imposed under this chapter such party may be subject to suspension, revocation or nonrenewal of a city license to operate a taxicab or to operate a ground transportation business. (Ord. 24-99 § 4, 1999)~~

5.71.090: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

~~A. "Hearing officers" means those hearing officers referred to in title 2, chapter 2.75 of this code, or its successor.~~

~~B. Civil Notices notices under this chapter, other than those involving license revocations, suspensions, denials or approvals of a business license, Operators' Badge, Department Automated Vehicle Identification Tags and Department Inspection Seal shall be heard, shall be handled by the Salt Lake City Justice Court, justice court. Any Named Party named party may appear before a Hearing Officer hearing officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.~~

~~B.C.~~ The burden to prove any defense shall be upon the ~~Person~~person raising such defense. Nothing herein shall affect the ~~City's~~city's burden to prove each element of the underlying charge by a preponderance of evidence.

~~C.D.~~ If the ~~Hearing Officer~~hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the ~~Hearing Officer~~departmental hearing officer may dismiss the ~~Civil Notice~~civil notice and release the ~~Named Party~~named party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The ~~Civil Notice~~civil notice does not contain the information required by this chapter;
2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or
3. Such other mitigating circumstances as may be approved by the ~~City Attorney's Office~~city law department. (Ord. 29-02 § 6, 2002; Ord. 24-99 § 4, 1999)

~~5.71.320:5.71.100:~~ EXPEDITED APPEAL OF EXCLUSION:

~~A. "Mayoral hearing examiners" means persons appointed as provided by section 5.02.280 of this title to hear matters involving business license revocations, suspensions, and denials or approvals.~~

~~B.~~ Any ~~Named Party~~named party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before ~~the Ground Transportation Hearing Officer~~a mayoral hearing examiner regarding such exclusion as provided for in this chapter, such party, may request an expedited appeal of the action that resulted in such exclusion, ~~within five (5) business days of the date when such exclusion is~~

~~effective.~~ Such appeal shall be requested in ~~writing~~ person by the ~~party~~ person so excluded to the ~~Department.~~ department responsible for enforcement. The ~~Department~~ city department responsible for enforcement shall promptly investigate the facts relating to such exclusion. If the evidence indicates ~~that~~ such exclusion is improper under this chapter, the ~~Department~~ Director may reverse the action that resulted in such exclusion. If the ~~Department~~ Director does not reverse such action, the action resulting in department's manager or other designated officer shall stay such exclusion shall until the issue can be heard and determined by the Ground Transportation Hearing Officer in accordance ~~a mayoral hearing examiner.~~ If the exclusion is not stayed by the ~~department charged~~ with the provisions of this chapter. If a ~~preponderance~~ enforcement, ~~a hearing regarding such exclusion shall be held before a mayoral hearing examiner within five (5) days~~ of the ~~manager's or departmental officer's determination.~~ If the evidence indicates ~~that~~ such exclusion is proper under this chapter the Ground Transportation Hearing Officer ~~such hearing officer~~ shall uphold such exclusion. (Ord. 29-02 § 7, 2002; Ord. 24-99, § 4, 1999)

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010

Published: _____ ~~5.71.110: POLICIES AND PROCEDURES:~~

~~The city departments responsible for enforcement, adjudication and business licensing shall create and implement such policies and procedures as are necessary or desirable to comply with and operate under this chapter and the same shall be consistent with the purposes of this chapter and applicable law, and shall meet due process requirements. (Ord. 24-99 § 4, 1999)~~

~~Article II. Driver Standards~~

~~5.71.120: DRIVER AND STARTER APPEARANCE:~~

~~The drivers of ground transportation vehicles and starters representing commercial ground transportation within the city shall adhere to the following standards of appearance while operating such vehicles, or while representing commercial ground transportation, in order to meet the interests of Salt Lake City in such transportation:~~

- ~~A. Wear enclosed shoes or boots or sandals with socks.~~
- ~~B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.~~
- ~~C. Maintain their clothes in a clean and repaired condition.~~
- ~~D. Be free from offensive odor.~~
- ~~E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.~~
- ~~F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.~~
- ~~G. Not wear T-shirts as outer garments unless as a part of a company uniform.~~
- ~~H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.~~
- ~~I. Not wear sweatpants or sweatshirts designed for athletic use.~~

~~J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, nametag, photo identification badge, or otherwise, as shall be approved by the city.~~

~~K. Any driver or starter who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver, or starter, can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, or starter, as provided under the United States or Utah constitutions or laws, or Salt Lake City ordinances. (Ord. 24-99 § 4, 1999)~~

~~5.71.130: DRIVER CONDUCT:~~

~~The drivers of ground transportation vehicles shall adhere to the following standards of conduct while operating such vehicles in order to meet the interests of Salt Lake City in such transportation:~~

~~A. Drivers shall refrain from playing loud music, arguing with passengers or others, using insulting language, or any other conduct which is intended to be offensive.~~

~~B. When ground transportation vehicles are available for transport, drivers shall provide transportation to paying passengers as requested and as set forth in this chapter and chapter 5.72 of this title, and shall provide reasonable assistance with the property of passengers as requested.~~

~~C. Drivers shall obey all laws and ordinances, and shall maintain all appropriate licenses.~~

~~D. Drivers shall not carry animals or nonpaying riders while transporting passengers in their vehicles, except that at the request of a passenger, drivers may carry seeing eye dogs or other service animals, or animals enclosed in a carrier or other enclosure, and drivers may carry nonpaying passengers when so requested by driver's employer for training or other job related purposes.~~

~~E. Drivers shall transport any paying passengers who present themselves for transport in nonelectric wheelchairs and shall offer reasonable assistance to such passengers, except that if a passenger must be lifted into the vehicle, the driver may request the passenger to contact a special transportation vehicle.~~

~~F. Drivers shall furnish a receipt for payment of a fare.~~

~~G. Drivers shall not engage in fighting with any person at any time.~~

~~H. Drivers shall follow any transportation routes predetermined by the driver's employer, or if such routes are not predetermined, drivers shall either take the shortest reasonable route to a destination, or shall follow a specific route requested by a passenger.~~

~~I. The city will issue a driver's badge with the following minimum information: the name and picture of the driver, the name of the ground transportation business he or she is associated with, and the number assigned to the driver by the city. Drivers who are associated with multiple ground transportation companies shall obtain a badge for each company that they drive for. Such badges shall be displayed in the ground transportation vehicle in a manner that they are easily readable by passengers at all times the driver is providing ground transportation services. (Ord. 24-99 § 4, 1999)~~

~~Article III. Smoking~~

~~5.71.140: SMOKING RESTRICTIONS:~~

~~Passengers and drivers in ground transportation vehicles subject to Utah Code Annotated title 76, chapter 10, part 15, as amended, or its successor, may only smoke in such vehicles as set forth in that part. Passengers and drivers in all other ground transportation vehicles may only smoke when the vehicle does not contain a minor child or a nonsmoker. (Ord. 24-99 § 4, 1999)~~

~~Article IV. Vehicle Standards~~

~~5.71.150: VEHICLE EXTERIOR:~~

~~All ground transportation vehicles shall meet the following standards in order to meet the interests of Salt Lake City in such transportation:~~

~~A. All vehicles shall be maintained as required by any state or city ordinance or statute, whether or not a part of this chapter.~~

~~B. Vehicles' exteriors shall be clean except during the first twenty four (24) hours following a snow, rain or dust storm in Salt Lake or surrounding counties.~~

- ~~C. Vehicles, including bumpers and body molding, shall be free of all exterior damage except for dents no larger than six inches (6") in diameter and rust spots no larger than one inch (1") in diameter. Bumpers shall be straight and aligned, as designed by the vehicle manufacturer.~~
- ~~D. All windshields shall be free of cracks and chips larger than six inches (6") in diameter or length. All other glass and mirrors shall be free of cracks and chips larger than one inch (1") in diameter or length.~~
- ~~E. All vehicle exterior paint shall be maintained in good condition and repair, with no faded, oxidized, or nonmatching paint. Signs, graphics, door handles, antennas, and other equipment used for the ease and convenience of drivers and passengers shall be maintained in a good and operable condition.~~
- ~~F. All vehicle exterior tires, brakes, exhaust pipes, lights, wipers, turn signals, horns and other safety equipment shall be maintained in a good and operable condition.~~
- ~~G. Vehicles' wheels shall have wheel covers, or be equipped with custom wheels.~~
- ~~H. All fluid leaks shall be repaired immediately. (Ord. 24-99 § 4, 1999)~~

~~5.71.160: VEHICLE INTERIOR:~~

~~The interior of all ground transportation vehicles shall be maintained as follows in order to meet the interests of Salt Lake City in such transportation:~~

- ~~A. All vehicle interiors shall be clean and sanitary, and free of dirt, oil, litter, or other similar material, or offensive odors.~~
- ~~B. All seats and other interior surfaces shall be in good repair and free of tears and sharp objects. Dashboard covers may be used, but shall be professionally manufactured.~~
- ~~C. All vehicles' trunks or luggage storage compartments shall at all times be maintained free of oil, dirt, debris and personal property except for property used by the driver in connection with operating a ground transportation vehicle.~~
- ~~D. All equipment present in the interior of the vehicle that is used for the ease and convenience of drivers and passengers, including, but not limited to, doors, windows, carpets, door and window handles, ashtrays, heaters, air conditioners, and radios, shall be maintained in a good and operable condition.~~

~~E. Any ashtrays shall be emptied after use and washed each day.~~

~~F. All vehicles with a gross weight rating of ten thousand (10,000) pounds or less, or which are designed to transport fifteen (15) passengers or less, including the driver, shall have operational seat belts for the driver and for each passenger as required by law for such vehicle. All other safety equipment inside the vehicle, including child safety restraint devices or seats, shall be maintained in a good and operable condition as may be required by Utah and federal law. (Ord. 24-99 § 4, 1999)~~

~~5.71.170: VEHICLE SIGNAGE:~~

~~All ground transportation vehicles with exterior signs or color schemes used for identifying purposes, whether such identifying information is placed on such vehicle voluntarily or in accordance with applicable ordinances or statutes, shall meet the following requirements with regards to such identifying information:~~

~~A. Signs and other identifying information shall comply with all applicable ordinances or statutes. Signs shall be professionally produced and permanently affixed on both sides of the vehicle, and shall identify the name of the authorized ground transportation business with which the vehicle is associated and other information as required by law. No sign may be handwritten. In cases of companies that operate vehicles for separate business locations with the same name, the vehicle signage shall include the location of the business being served by each particular vehicle.~~

~~B. Lettering size shall be no smaller than one and one-half inches ($1\frac{1}{2}$ ") in height for capital letters and no less than one inch (1") in height for other lettering. The color of the lettering shall contrast with the color of the vehicle or window that it is placed on. (Ord. 24-99 § 4, 1999)~~

~~5.71.175: INSURANCE REQUIRED:~~

~~A. Every transportation business, whether or not a certificate of convenience and necessity is required by these ordinances, shall be required to maintain continuous vehicle insurance, when the vehicle is operational, at the minimum levels of coverage required by section 5.05.120 of this title or its successor or by the Utah department of transportation or by the United States department of transportation, whichever levels are higher. Proof of insurance shall be required at the time of inspection, and may be verified upon the city's receipt of a negative comment form, or at the time of an on-street unscheduled ground transportation vehicle inspection.~~

~~B. Ground transportation businesses shall send a copy of any notice of cancellation or reduction of insurance coverage to the department responsible for the enforcement of ground loading transportation violations immediately upon such cancellation or reduction. (Ord. 24-99 § 4, 1999)~~

~~Article V. Inspections~~

~~5.71.180: PERIODIC INSPECTIONS:~~

~~With the exception of buses operated by charter bus companies in interstate commerce, every vehicle subject to the requirements of this chapter shall be inspected by the city every six (6) months in order to make certain that such vehicles and their drivers comply with the requirements of this chapter and that each such vehicle is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:~~

~~A. Vehicle Exterior: Vehicle exteriors shall meet the requirements set forth in sections 5.71.150 and 5.71.160 of this chapter and shall meet the following requirements:~~

- ~~1. Tires: Tire tread depth shall be not less than one-sixteenth ($\frac{1}{16}$) of an inch for rear tires, nor less than one-eighth ($\frac{1}{8}$) of an inch on any front tire when measured on any portion of the tire's tread grooves of an original, regrooved or retreaded tire, with no cuts or breaks in sidewalls. Measurements shall not be made where any tie bar, hump, or fillet is located. No regrooved, recapped, or retreaded tires shall be used on the front axles of the vehicle, but may be used on the rear axles.~~
- ~~2. Signage: All vehicles shall be properly and adequately numbered and identified in conformance with this chapter and other applicable statutes and ordinances. When present, identifying signage shall be in good repair.~~
- ~~3. Cleanliness: The engine and engine compartment shall be reasonably clean and free of uncontained combustible materials.~~
- ~~4. Mufflers: Mufflers shall conform to the requirements of section 12.28.100 of this code, or its successor.~~
- ~~5. Door Latches: All door latches shall be operable.~~
- ~~6. Suspension System: The vehicle suspension system shall be maintained so that there are no sags because of weak or broken springs, and no excessive motion when the~~

~~vehicle is in operation because of weak or defective shock absorbers. All parts affixed to the undercarriage of the vehicle shall be permanently affixed and in good repair.~~

~~B. Vehicle Interior: The interior of all vehicles shall be maintained as set forth in sections 5.71.150 and 5.71.160 of this chapter and shall be maintained as follows:~~

- ~~1. Lights: All interior lights shall be operable, and must otherwise conform to applicable ordinances and statutes.~~
- ~~2. Brakes: The foot brake pedal must not be capable of being depressed beyond a point one inch (1") from the floor of the car.~~
- ~~3. Steering: Excessive play in the steering mechanism shall not exceed three inches (3") free play in turning the steering wheel from side to side.~~
- ~~4. Display Information: With the exception of limousines, the following materials shall be easily readable, and shall be displayed in the vehicle in an area which is in full view of and is accessible by passengers in the vehicle: the comment forms required to be maintained in each vehicle; the name, photograph and number (if any) of the driver operating the vehicle; the name of the authorized ground transportation business with which the driver or vehicle is associated; and the vehicle number. Every limousine driver shall exhibit to any passenger of such driver requesting the same the name, photograph and number (if any) of the driver operating the vehicle; the name of the authorized ground transportation business with which the driver or vehicle is associated; and the vehicle number.~~

~~C. Meter Inspections: Any meter used in a ground transportation vehicle to calculate the fare for transportation shall be inspected as set forth in chapter 5.72 of this title, or its successor. (Ord. 87-05 § 3, 2005; Ord. 24-99 § 4, 1999)~~

~~5.71.185: ADDITIONAL VEHICLE INSPECTIONS:~~

~~In addition to the regularly scheduled inspections as set forth in this title, the city may perform other inspections of any ground transportation vehicle operating within the corporate limits of Salt Lake City, in order to administer and enforce the vehicle standards herein, provided the authorized employees or agents of the department charged with enforcing this title schedule an appointment with the ground transportation business for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the city's regular business hours at a location to be set by the city. Nothing herein shall prevent the city from issuing civil notices or taking other action authorized under this chapter for vehicle violations which~~

are in the plain view of the employees or agents of the department charged with enforcing this title. (Ord. 24-99 § 4, 1999)

~~5.71.190: INSPECTION STICKER:~~

~~When the city finds that a vehicle has met the standards established by this chapter, including that the vehicle is operated by a company duly licensed by the city, an officer of the city shall issue a sticker signifying the same. No ground transportation vehicle shall operate without such sticker. Such sticker shall be affixed to the lower left portion of the rear window of the vehicle, extending no more than three inches (3") to the right of the left edge or more than four inches (4") above the bottom edge of the window. (Ord. 87-05 § 4, 2005; Ord. 24-99 § 4, 1999)~~

~~5.71.200: FAILURE OF INSPECTION:~~

~~Each time a ground transportation vehicle fails to meet the inspection requirements set forth in this chapter, the vehicle shall have affixed to its windshield a "rejected" sticker, stating that it is not in compliance with minimum operating standards. Any vehicle which fails to meet such requirements shall be reinspected and shall not be used as a ground transportation vehicle until all required repairs have been made and it has passed inspection. Upon meeting such requirements, the city shall issue a sticker signifying the same. (Ord. 24-99 § 4, 1999)~~

~~5.71.205: REMOVAL OF INSPECTION STICKER PROHIBITED:~~

~~It is a violation of this chapter for anyone other than the city to remove or alter in any way any inspection or rejected sticker issued by the city, without prior written approval from the city to do so. (Ord. 24-99 § 4, 1999)~~

~~5.71.210: INSPECTION AFTER CERTAIN PENALTIES:~~

~~A. Regardless of whether or not an appeal is requested, any vehicle which is named in a civil notice alleging a violation of section 5.71.150, 5.71.160 or 5.71.170 of this chapter, or any successor thereto, shall pass a new inspection as required by the~~

~~city; but no meter inspection shall be required unless the alleged violation relates to a meter.~~

~~B. If any vehicle is excluded from the pursuit of commercial activities in the city due to any violation relating to such ground transportation vehicle, such vehicle shall pass the inspection set forth in this chapter before such vehicle may again be used to pursue commercial activities in the city. (Ord. 24-99 § 4, 1999)~~

~~5.71.220: OTHER INSPECTIONS; FEES:~~

~~The inspections provided for in this chapter shall be in addition to any other inspections required by law. The fee for a vehicle inspection is ninety dollars (\$90.00). There is no additional fee for a vehicle reinspection. There is no fee for a missed vehicle inspection appointment. None of the fees provided in this section may be changed without the approval of the city council. (Ord. 40-09 § 1, 2009)~~

~~5.71.230: CIVIL PENALTIES:~~

~~Any failure to obtain any inspection required under this chapter at the time it is required shall constitute a violation under this chapter, and a civil notice shall be issued to the authorized ground transportation business with which such vehicle is associated. (Ord. 24-99 § 4, 1999)~~

~~5.71.240: RECORDS AND OPERATING PROCEDURES:~~

~~The city shall maintain records regarding such inspections as it shall determine, and shall create procedures by which it shall administer and operate such inspection and the issuing of stickers. (Ord. 24-99 § 4, 1999)~~

~~Article VI. Driver Operator's Certificate~~

~~5.71.250: OPERATOR'S CERTIFICATE REQUIRED:~~

~~It is unlawful for any person to operate a ground transportation vehicle upon the streets of the city without having first obtained and having then in force a valid ground transportation vehicle operator's certificate issued annually by the department under the~~

~~provisions of this chapter. The foregoing notwithstanding, a ground transportation vehicle operator who has operated upon the streets of the city prior to the effective date hereof, and while in the employ of a ground transportation business duly licensed by the city, shall have until one hundred eighty (180) calendar days from the effective date hereof to file an application for a valid ground transportation vehicle operator's certificate issued by the city. The department may set various times for compliance within such one hundred eighty (180) calendar days to provide for the orderly implementation of this section. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.260: PERMITTING UNCERTIFIED OPERATOR UNLAWFUL:~~

~~Except as provided in section 5.71.250 of this chapter, or its successor section, it is unlawful for any person who owns or controls a ground transportation vehicle to permit it to be driven, and no ground transportation vehicle authorized by the city shall be so driven at any time, unless the ground transportation vehicle is operated by a driver who has then in force a valid ground transportation vehicle operator's certificate issued under the provisions of this chapter. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.270: OPERATOR'S CERTIFICATE APPLICATION:~~

~~Any person applying for a ground transportation vehicle operator's certificate shall file an application with the department on forms provided by the city. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.280: APPLICATION VERIFICATION:~~

~~An application for a ground transportation vehicle operator's certificate shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~The section below has been affected by a recently passed ordinance, 2010-45—ground transportation vehicle operator certificate badge application fee. Go to new ordinance.~~

~~5.71.290: APPLICATION FEE REQUIRED:~~

~~At the time an application is filed, the applicant shall pay to the city a fee of one hundred twelve dollars (\$112.00). If a ground transportation vehicle operator is working for more than one company, he or she must submit an application for each company. There is no additional fee for such applications. There is no fee for replacement of a lost or stolen vehicle operator's certificate. None of the fees provided in this section may be changed without the approval of the city council. (Ord. 40-09, § 2, 2009)~~

~~5.71.300: TRAINING REQUIRED TO OBTAIN OPERATOR'S CERTIFICATE:~~

~~Before the city issues any operator's certificate, the applicant shall be required to provide a written statement demonstrating that the applicant has completed a training program that is satisfactory to the city as to: a) the applicant's knowledge of the city and map reading capabilities; b) the applicant's ability to understand, read, write and speak basic English; c) the applicant's understanding of principles of common courtesy; and d) the applicant's understanding of how to address the needs of disabled passengers. The city may review any such program from time to time to determine whether it is satisfactory to address the needs of the traveling public. This section shall be effective for any application submitted as of January 2, 2008, or thereafter. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.310: DRIVER QUALIFICATIONS REQUIRED TO OBTAIN OPERATOR'S CERTIFICATE:~~

~~An applicant for a ground transportation vehicle operator's certificate shall be required to demonstrate the information set forth in this section, and no operator's certificate shall be issued or renewed if all such information cannot be demonstrated to the city's satisfaction.~~

~~A. The applicant must be twenty one (21) years old or older.~~

~~B. The applicant must not be an individual required to register pursuant to the Utah penal code, section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor section.~~

- ~~C. The applicant must have a current motor vehicle license issued by the state with all required endorsements.~~
- ~~D. The applicant must submit written evidence that a ground transportation business operating in compliance with the requirements of this code will employ or retain the applicant upon the issuance of an operator's certificate.~~
- ~~E. The applicant must submit a certificate from a reputable, board-certified physician practicing in the state of Utah certifying that, in such physician's opinion, the applicant is able to operate a ground transportation vehicle in a safe manner.~~
- ~~F. The applicant must submit written evidence of complying with section 5.71.300 of this chapter, or its successor section, regarding driver training requirements.~~
- ~~G. The applicant must submit two (2) forms of identification, at least one of which must have been issued by a government authority and includes a photo.~~
- ~~H. The applicant must successfully comply with the criminal history background check requirements set forth in this chapter.~~
- ~~I. The applicant must submit the following information demonstrating that the applicant is of suitable character and integrity to interact with the traveling public:~~
 - ~~1. The names and addresses of four (4) persons in the state of Utah 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;~~
 - ~~2. A statement explaining the applicant's experience and ability to safely transport passengers;~~
 - ~~3. A concise history of the applicant's employment;~~
 - ~~4. A letter of introduction from the ground transportation business that will employ or retain the applicant.~~
- ~~J. An applicant seeking an operator's certificate in connection with a special transportation vehicle shall file with the application a certificate from the valley health department certifying that such applicant has received a proper course of instruction in the transporting of "persons with disabilities", as such term is defined in section 5.76.040 of this title. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.320: CRIMINAL HISTORY BACKGROUND CHECK REQUIREMENT:~~

~~The Salt Lake City council finds that any driver operating a "ground transportation vehicle" as defined in section 5.71.010 of this chapter has the ability to provide ground transportation service to the Salt Lake City International Airport, whether by working for a ground transportation business that picks up passengers at such airport, or due to occasional requests by passengers to be dropped off at such airport. Therefore, pursuant to Utah code section 72-10-602 or its successor section, an applicant for a ground transportation vehicle operator's certificate shall be required to obtain a criminal history background check demonstrating that the applicant meets the requirements set forth in this chapter before any certificate will be issued.~~

~~A. The applicant must obtain a fingerprint based federal bureau of investigation (triple III) criminal history background check in the manner directed by the city through the appropriate governmental agency empowered to provide the results of such background check directly to the city.~~

~~B. The city may investigate any information relevant to such background check, determine the accuracy of any information, require an applicant to provide additional information, and take any other action necessary to determine the results of such background check and make a determination under this chapter. Submission of an application under this chapter constitutes the applicant's consent to such background check and any associated investigative efforts by the city.~~

~~C. No applicant shall be issued an operator's certificate if such background check for the applicant demonstrates that the applicant has a disqualifying criminal offense as described in section 5.71.330 of this chapter. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

5.71.330: DISQUALIFYING CRIMINAL OFFENSES:

~~An applicant has a disqualifying criminal offense if the applicant has been convicted, or found not guilty by reason of insanity, of any of the disqualifying crimes listed in this section, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years before the date of the applicant's application for an operator's certificate. The disqualifying criminal offenses are as follows:~~

~~A. Murder.~~

~~B. Assault or aggravated assault.~~

~~C. Kidnapping or hostage taking.~~

~~D. Rape, aggravated sexual abuse or other sex crimes, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or soliciting.~~

~~E. Stalking.~~

~~F. Urinating in public or other disorderly conduct at a time when the applicant was engaged in operating a ground transportation business.~~

~~G. Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.~~

~~H. Extortion.~~

~~I. Robbery, burglary, theft or bribery.~~

~~J. Distribution of, or intent to distribute, a controlled substance.~~

~~K. Felony arson.~~

~~L. Felony involving a threat.~~

~~M. Felony involving wilful destruction of property.~~

~~N. Felony involving dishonesty, fraud, or misrepresentation.~~

~~O. Possession or distribution of stolen property.~~

~~P. Felony involving importation or manufacture of a controlled substance.~~

~~Q. Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year.~~

~~R. Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving.~~

~~S. Felony involving a driving offense.~~

~~T. The following aviation related offenses:~~

- ~~1. Aircraft registration violations under 49 USC section 46306.~~
- ~~2. Interference with air navigation under 49 USC section 46308.~~
- ~~3. Improper transportation of hazardous material under 49 USC section 46312.~~
- ~~4. Aircraft piracy under 49 USC section 46502.~~
- ~~5. Interference with flight crew members under 49 USC section 46504.~~
- ~~6. Crimes aboard aircraft under 49 USC section 46506.~~
- ~~7. Carrying a weapon or explosive aboard an aircraft under 49 USC section 46505.~~
- ~~8. Conveying false information and threats under 49 USC section 46507.~~
- ~~9. Aircraft piracy outside the United States under 49 USC section 46502(b).~~
- ~~10. Lighting violations involving transporting controlled substances under 49 USC section 46315.~~
- ~~11. Unlawful entry into an aircraft or airport area contrary to security regulations under 49 USC section 46314.~~
- ~~12. Destruction of an aircraft or aircraft facility under 18 USC section 32.~~
- ~~13. Violence at airports under 18 USC section 37.~~

~~U. Espionage, sedition or treason. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.340: BACKGROUND CHECK PROCEDURES:~~

~~The department shall maintain the following procedures in connection with criminal history background checks under this chapter:~~

- ~~A. The department shall advise an applicant that he or she may receive a copy of his or her criminal record received from the FBI upon submitting a written request to the~~

department, and that the applicant may direct questions regarding such record to the department administrator.

- B. If an applicant's criminal record discloses an arrest for any disqualifying criminal offense without indicating a disposition, the department must determine, after investigation, that the arrest did not result in a disqualifying offense as provided under section 5.71.330 of this chapter before issuing an operator's certificate.
- C. Before making a final decision to deny an operator's certificate, the department must advise the applicant that the FBI criminal record discloses information that would disqualify him or her from receiving such operator's certificate and provide the applicant with a copy of the FBI record if he or she requests it in writing.
- D. An applicant whose criminal record discloses disqualifying information may seek to complete or correct information contained in his or her criminal record by contacting the local jurisdiction responsible for the information and the FBI. Within thirty (30) days after being advised that the criminal record received from the FBI discloses a disqualifying criminal offense, the applicant must notify the department in writing of his or her intent to correct any information that he or she believes to be inaccurate. The department must then receive a copy of the revised FBI record or a certified true copy of the information from the appropriate court prior to granting the operator's certificate. If the department receives no such notification within thirty (30) days that the applicant intends to seek a correction, the department may make a final determination based on the information available to the department.
- E. Criminal record information provided by the FBI pursuant to this chapter may be used only to carry out the background check requirements in this chapter. The department shall maintain criminal history background check records and other information of a personal nature in a confidential manner. The FBI criminal record shall be maintained until one hundred eighty (180) days after the termination of an operator's certificate, including any subsequent renewals, and the FBI criminal record shall then be destroyed. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)

5.71.350: CONTINUING OBLIGATION TO DISCLOSE NONCOMPLIANCE WITH BACKGROUND CHECK:

Any person who complies with the background check requirements stated in this chapter has a continuing obligation to disclose to the department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to

~~comply with section 5.71.330 of this chapter, at any time while he or she has a ground transportation vehicle operator's certificate. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.360: ISSUANCE OF OPERATOR'S CERTIFICATE:~~

~~The department shall issue an operator's certificate to any applicant who complies with the requirements of this chapter. Such certificate shall be in the form of an identification card showing the applicant's name, business address, date of birth, signature, current photograph, and the ground transportation business employing or retaining the applicant, and showing any permission given under section 5.71.380 of this chapter pertaining to conducting business at the airport. If the department determines to deny the application of any applicant, the department shall issue a letter within ten (10) calendar days of making such a determination to the applicant stating the reason(s) why the applicant was not found to be in compliance with the requirements of this chapter, including any disqualifying offenses in the applicant's criminal record. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.370: APPEAL OF DENIAL OF OPERATOR'S CERTIFICATE:~~

~~If the city determines not to issue an operator's certificate, the applicant denied such operator's certificate may appeal the city's determination in the following manner:~~

- ~~A. The denied applicant shall submit a request for appeal to the city's ground transportation administrator within fourteen (14) calendar days from the time when the city issues a letter denying the application for the operator's certificate. Such request shall state the reasons why the applicant believes the applicant has complied with this chapter and the denial is in error.~~
- ~~B. The ground transportation administrator shall convene a review board composed of the following members to review the appeal:~~
 - ~~1. Two (2) city employees who are knowledgeable in security background check requirements from either the department of airports or the police department.~~
 - ~~2. One management level employee from the ground transportation business proposed to employ or retain the denied applicant.~~

- ~~C. The review board shall provide the ground transportation administrator and the denied applicant the opportunity to submit written information regarding the denial for the board's consideration. The review board shall also convene a meeting to provide the ground transportation administrator and the denied applicant an opportunity to be heard within thirty (30) calendar days after the date when the ground transportation administrator received the request for appeal.~~
- ~~D. After considering all written and oral information submitted, the review board shall issue in writing findings of fact and a decision determining whether the denied applicant has demonstrated compliance with the requirements of this chapter within forty five (45) calendar days after the date when the ground transportation administrator received the denied applicant's request for appeal.~~
- ~~E. The members of the review board shall be persons who do not have a personal conflict of interest with the denied applicant, and the board shall keep a record of its actions and a recording of any hearing.~~
- ~~F. The time periods required under this section may be modified with the consent of the ground transportation administrator and the denied applicant, or may be modified by the city when compliance with such time periods would be unduly burdensome to the city and the modification would not impose an unreasonable hardship on the denied applicant. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.380: PERMISSION TO CONDUCT BUSINESS AT THE SALT LAKE CITY INTERNATIONAL AIRPORT:~~

~~An applicant for a ground transportation vehicle operator's certificate under this chapter must request permission to pick up or drop off passengers at the Salt Lake City International Airport on the application form provided by the department. If the applicant complies with the requirements of this chapter, and is in compliance with the requirements of title 16 of this code and airport rules and regulations, the department shall designate on the operator's certificate that such driver has permission to conduct business at such airport. Permission to conduct business at such airport is subject to the provisions of this code, including title 16 of this code, and to airport rules and regulations, and such permission may be withdrawn for a violation of any such requirement. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.390: PENALTY FOR IMPROPERLY ACCESSING AIRPORT:~~

~~A. It is unlawful for any person who has been issued a ground transportation vehicle operator's certificate to access property at the Salt Lake City International Airport for the purpose of conducting any ground transportation related business activity when:~~

- ~~1. Such person has not been given permission to conduct business at the airport pursuant to section 5.71.380 of this chapter; or~~
- ~~2. The Salt Lake City department of airports has withdrawn permission to conduct business at the airport from such person.~~

~~B. Any person who violates the provisions of subsection A of this section shall be guilty of a class B misdemeanor. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.400: DISPLAY OF OPERATOR'S CERTIFICATE:~~

~~Every person issued an operator's certificate under this chapter shall post his or her ground transportation vehicle operator's certificate in such a place as to be in full view of all passengers while such person is operating a ground transportation vehicle, and every such person shall exhibit such certification upon demand by any police officer, or any authorized agent of the department, or any authorized agent of the Salt Lake City department of airports, or any other person authorized by the mayor to enforce the provisions of this chapter. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.410: OPERATOR'S CERTIFICATE DURATION AND RENEWAL:~~

~~The ground transportation vehicle operator's certificate shall be effective beginning on the day indicated thereon by the city, and shall expire on the same day of the next calendar year. Any person holding such a certificate may renew such certificate annually by submitting a new application as provided in this chapter up to thirty (30) days prior to the expiration of the operator's certificate, and paying a renewal fee of one hundred dollars (\$100.00). The city may adjust such fee on an annual basis in order to recover the costs of administering the city's ground transportation programs, but no increase shall exceed five percent (5%) in a single year. The foregoing notwithstanding, the department may set various expiration dates for operator's certificates issued during the first year of this program in order to provide for an orderly renewal process, but no expiration date shall exceed a period of two (2) years from the date of issuance. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

5.71.415: PAYMENT FOR FURNISHING OF PASSENGERS⁴:

(Rep. by Ord. 48-07 § 2, 2007)

5.71.420: SUSPENSION OR REVOCATION OF OPERATOR'S CERTIFICATE:

The department may suspend or revoke any ground transportation vehicle operator's certificate issued under this chapter as follows:

- A. ~~A ground transportation vehicle operator's certificate shall be revoked if the department determines that the person to whom it was issued ceases to comply with the application requirements set forth in this chapter. Any person whose operator's certificate is so revoked may appeal a determination made under this subsection as provided in section 5.71.370 of this chapter. If such appeal is not successful, such person may reapply to obtain an operator's certificate when such person is in full compliance with the requirements of this chapter. Any person who corrects the noncompliance under this chapter within thirty (30) days after a revocation issued under this subsection shall be allowed to reinstate his or her operator's certificate without fee.~~
- B. ~~If any person having a ground transportation vehicle operator's certificate fails to comply with any provision of this code other than the application requirements included within this chapter, or if the city otherwise determines that such person is a threat to the public or is disruptive to providing effective services to the public, the department may temporarily suspend such operator's certificate as provided herein, and may revoke such operator's certificate for cause shown. An operator's certificate may be temporarily suspended if the city determines based on reasonable evidence that a temporary suspension is necessary to protect important public interests, and if the temporary suspension is effective only until a hearing officer can make a determination under this subsection. An operator's certificate may be revoked under this subsection only when the person possessing such certificate has first been given notice and has had an opportunity to present evidence on his or her behalf at a hearing before a mayoral hearing examiner as provided in section 5.02.280 of this title, or any successor section. Notice of such hearing shall be deemed to be sufficient if it is mailed to the address designated on the ground transportation vehicle operator's certificate application at least ten (10) days prior to the hearing. Unless reinstated by a hearing officer, any person whose ground transportation vehicle operator's certificate has been revoked under this subsection shall not be~~

~~eligible to reapply for such certificate for a period of one year. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.430: COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS:~~

~~Every person issued an operator's certificate under this chapter shall comply with all city, state and federal laws. Failure to do so may justify the suspension or revocation of an operator's certificate. (Ord. 48-07 § 2, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.440: FALSE INFORMATION:~~

~~Any applicant who shall knowingly provide false information on an application submitted pursuant to this chapter shall be denied an operator's certificate, and shall not be permitted to resubmit an application for a period of five (5) years. (Ord. 48-07 § 2, 2007)~~

~~5.71.450: AUTHORITY TO MAKE RULES:~~

~~The department shall have authority to create rules and regulations to administer the requirements of this chapter that are consistent with the requirements of this chapter and with any security or operating requirements applicable to the Salt Lake City International Airport. (Ord. 48-07 § 2, 2007)~~

~~Article VII. Manifests For Prearranged Service~~

~~5.71.460: DRIVERS TO KEEP MANIFESTS:~~

~~Except for drivers of taxicabs, every ground transportation vehicle driver providing prearranged service shall maintain a daily manifest upon which is reported all prearranged service 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 names of all passengers and amount of fare of each trip, and all such complete manifests shall be returned by the driver at the conclusion of his or her working day to the licensee of the ground transportation business for whom the driver is operating the vehicle. Taxicab drivers shall be governed by the manifest requirements of chapter 5.72, article VIII, of this title, or its successor article. (Ord. 48-07 § 3, 2007; Ord. 45-05 § 5, 2004)~~

~~5.71.470: MANIFEST FORMS TO BE APPROVED:~~

~~The forms for each manifest shall be furnished to the driver by the licensee of the ground transportation business for whom the driver is operating the vehicle, and shall be of a character approved by the mayor. (Ord. 48-07 § 3, 2007; Ord. 69-04 § 2, 2004)~~

~~5.71.480: MANIFESTS; HOLDING PERIOD; AVAILABILITY:~~

~~Every licensee of a ground transportation business providing prearranged service 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 at a place readily accessible for examination by the department and the licensing office. (Ord. 48-07 § 3, 2007; Ord. 69-04 § 2, 2004)~~

Article VIII. Payment For Furnishing Of Passengers

~~5.71.490: PAYMENT:~~

~~It shall be unlawful for any person operating a ground transportation vehicle, business, driver, independent contractor or employee to pay any remuneration to another person, specifically including bellman, doorman and vehicle dispatcher, for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. It shall be unlawful for any person, specifically including bellmen, doormen and vehicle dispatchers, to receive any remuneration from any person operating a ground transportation vehicle, business, driver, independent contractor or employee for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and being paid or making payment for, the transportation of customers and/or baggage, which payment may include a portion thereof being distributed by the hotel or motel to a bellman or doorman as a gratuity. (Ord. 48-07 § 4, 2007)~~

~~Footnote 1: See section 5.71.490 of this chapter.~~

~~Footnote 2: Ordinance 29-02 shall take effect July 1, 2002.~~

~~Footnote 3: Ordinance 29-02 shall take effect July 1, 2002.~~

~~Footnote 4: See section 5.71.490 of this chapter.~~

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending Section 5.72, *Salt Lake City Code*, regarding taxicabs)

An ordinance amending section 5.72, *Salt Lake City Code*, pertaining to taxicabs, to provide for transition from regulatory to contract-based system for providing taxicab services; eliminating certificates of convenience; eliminating operational requirements that will become contract-based; providing for a contract between taxicab companies and the City, through the Department of Airports; providing for rules and regulations; replacing fixed fares with a flexible fare structure; replacing criminal enforcement with civil penalties.

WHEREAS, City Council 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 taxicabs. Simultaneously, 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. Prior to adopting regulatory changes required for the transition, the City agreed to provide certificate holders with 180-day notice, and accordingly, all such certificates of convenience will terminate 180 days from the date of when such notice is issued; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance facilitates and enables the transition to a contract-based taxicab system; and

WHEREAS, after a hearing before the City Council, the City Council has determined that notice of termination of certificates of convenience will issue on the effective date of the following ordinance, and all certificates of convenience and

necessity issued in connection with taxicabs and special transportation vehicles shall terminate 180 days from such notice date; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah as follows:

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

Article I. Definitions and General Regulations

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. (Ord. 24-99 § 6, 1999)

BUSINESS: A voluntary association legally formed and organized to carry on a Business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole-proprietorship.

CERTIFICATE: A Certificate of public convenience and necessity issued by the City. No Certificate issued by the City shall be construed to be either a franchise or irrevocable and will terminate upon notification by the City.

CITY: The governmental institution and landmass contained within the boundaries of Salt Lake City, Utah.

CIVIL NOTICE: The written notice of Ground Transportation Violation as provided under this chapter.

CLEARED: That condition of a Taximeter when it is inoperative with respect to all Fare registration and all cumulative Fare and Extras charges have been set to \$0.

CONCESSIONAIRE: A Person or entity with whom the Department of Airports has contracted to provide Taxicab services. Nothing in the Department Contract shall relieve the Concessionaire of the requirements of applicable laws, including without limitation City Titles 5.71, 5.72, 16.60 or any applicable rules and regulations.)

DEPARTMENT: The Salt Lake City Department of Airports or such other City department or division as may be designated by the mayor to have responsibility for the enforcement of this chapter. (Ord. 24-99 § 6, 1999)

DEPARTMENT DIRECTOR: The Director of the Department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such Director.

DEPARTMENT CONTRACT: A valid, existing and current contract negotiated and approved by the Salt Lake City Department of Airports for providing Taxicab or other services within the corporate boundaries of Salt Lake City, including the Airport.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the Department Director to govern Ground Transportation Service and Businesses within the City.

EXTRAS: The charges to be paid by the customer or passenger in addition to the Fare.

FACE: That side of a Taximeter upon which passenger or customer charges for hire of a taxicab are indicated. (Ord. 24-99 § 6, 1999)

FARE: 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. (Ord. 24-99 § 6, 1999)

GROUND TRANSPORTATION HEARING OFFICER: A Ground Transportation Hearing Officer appointed by the Department Director to hear and rule on appeals, suspensions and other matters related to ground transportation in and connected with the City.

HAIL A TAXICAB: Means for a Person to call out for, or to signal for an In Service Taxicab that is not already engaged in transport of passengers to respond to the Person's location for hiring and transport of Persons or property.

HIRED: The button on the Face of the Taximeter, which when activated places the Taximeter in operation, signifying the start of a billing process for the person(s) engaging the use of the taxicab. (Ord. 24-99 § 6, 1999)

HOLDER: A person to whom a certificate of public convenience and necessity has been issued.

IN SERVICE: A Taxicab that is in use on the streets of the City, with a driver, and available for the transportation of passengers for hire. (Ord. 24-99 § 6, 1999)

OPEN STAND: A public place alongside the curb of a street, or elsewhere in the City, which has been designated by the mayor or designee as reserved for the use of Taxicabs available for hire by passengers, and may include places otherwise marked as freight zones or other parking restricted zones if designated for use of Taxicabs during specified times. (Ord. 24-99 § 6, 1999)

PERSON: An individual, a corporation or other legal entity, a partnership, and any incorporated association. (Ord. 24-99 § 6, 1999)

TAXICAB: A motor vehicle with a seating capacity of five passengers or less, not including the driver, used in the on demand, for hire transportation of passengers or baggage over the public streets and not operated over a fixed route or upon a Fixed Schedule, but which is subject for contract hire by persons desiring special trips from one point to another and authorized to operate in Salt Lake City by contract with the Department.

TAXIMETER: 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. (Ord. 24-99 § 6, 1999)

WAITING TIME: The time when a Taxicab is not in motion, from the time of hiring by a passenger to the time of discharge of passenger(s). (Ord. 24-99 § 6, 1999)

5.72.105: AUTHORITY TO ESTABLISH RULES / REGULATIONS AND

PROCEEDURES:

The Department Director, under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules / regulations and procedures, as necessary to administer the requirements of this chapter and any security or operating requirements applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.

Article II. Authority To Operate

5.72.125: COMPLIANCE RESPONSIBILITY:

- A. All Persons are required to comply with and operate under requirements of applicable law, including without limitation Federal, State, County and City laws and ordinances, to include but not limited to Salt Lake City Code Sections 5.72, 5.71., , 16.60 and all applicable policies, procedures and Department Rules and Regulations.
- B. A Concessionaire shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the Concessionaire leases or rents Taxicabs to drivers, or whether the Concessionaire pays salary, wages or any other form of compensation. (Ord. 24-99 § 6, 1999)

5.72.155: DEPARTMENT CONTRACT REQUIRED FOR OPERATION:

- A. 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 unless such Person is authorized to do so under a Department Contract.
- B. No Person may operate a Taxicab Business in the City unless the Person is authorized to do so under a Department Contract.
- C. 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. 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.

5.72.165: CONTRACT-BASED SYSTEM FOR PROVISION OF TAXI SERVICES:

A. The City hereby adopts a contract-based system for provision of Taxicab services.

Only Taxicab providers selected pursuant to a competitive Request for Proposals ("RFP") process and who have entered into a Department Contract, as defined in Section 5.72.005 may operate Taxicab services upon Salt Lake City streets.

B. Existing certificates of public convenience and necessity issued by the City for Taxicab services shall expire no sooner than 180 days from the effective date of this ordinance. The City may elect, in the City's sole discretion, to continue the expiration date up to an additional 180 days. Upon expiration, a pro rata refund of that portion of the Certificate fee shall be given to those Persons whose Certificates have expired prior to the portion of the year remaining at the time of expiration.

5.72.170 FEES:

No Certificate shall continue in operation prior to the expiration as set forth in section 5.72.165 unless the holder thereof has paid the annual 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. 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.

5.72.175 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 expires as provided in this chapter.

5.72.185: CERTIFICATE NOT A FRANCHISE AND NOT IRREVOCABLE:

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

5.72.205: MANDATORY ADA ACCESSIBLE VEHICLE:

Every Taxicab Concessionaire shall provide ADA accessible vehicle service in numbers and availability as required by Department Contract and in compliance with applicable law.

Article III. Taximeters

5.72.305: TAXIMETER REQUIRED

- A. All Taxicabs shall be equipped with Taximeters approved by the Department.
- B. It is a violation for any Person to operate or to allow to be operated any Taxicab without an operative Taximeter.
- C. All Taximeters shall be mounted in locations approved by the Department.
- D. All Taximeters shall be tested and sealed by the Department every six months and no Taximeter may be used without such seal being in place.
- E. Nothing that could shield or conceal the indications and metered Fare of the Taximeter from passengers may be placed so as to block the Face of the Taximeter.
- F. Taximeters shall have illuminated Faces so as to provide visible indications of the meters status and Fare to the passenger in low light or after sundown.

- G. Upon the completion of the service by the Taxicab, it shall be the duty of the driver to call the attention of the passenger to the amount registered and to clear the Taximeter of all Fare indications so as to start at \$0 upon the next Fare.
- H. Except as otherwise provided herein, it is a violation for any driver of a Taxicab or Taxicab business to charge a Fare other than as calculated by the Taximeter.
- I. It is a violation for any driver of a Taxicab or Taxicab Business to charge any Extra that is not approved by the Department, calculated by the Taximeter, and which is not applicable to the current Fare.
- J. 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.

5.72.355: TAXIMETER INSPECTIONS; RECORD KEEPING:

- A. The Department shall keep a record of the identification of every Taxicab meter number and date of inspection thereof in its office. (Ord. 24-99 § 6, 1999)
- B. The Department shall inspect, test and seal every operational Taximeter at least every six months. Additionally, the Department may inspect and test any Taximeter upon receipt of a complaint regarding the operations or accuracy of a Taximeter.
- C. 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 as set by the Department Director to recover costs of the meter inspection shall be charged by the Department for each meter reprogrammed and sealed.

- D. No Taximeter which is inaccurate in registration in excess of one and one-half percent ($1\frac{1}{2}\%$) shall be allowed to operate in any Taxicab, and when an inaccuracy is discovered, such Taxicab involved shall immediately cease operation and be kept out of operation until the meter is repaired and in proper working condition.
- E. No owner, driver or Business shall perform or permit or allow any alterations to a Taxicab that will affect the Taximeter pulse setting without said Taximeter being inspected and recertified by the Department. Said alterations shall include, but are not 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.

Article IV. Rates

5.72.405: RATES:

- A. Unless otherwise provided for in Department Contract, the Department will review submittals by Taxicab companies for Taxicab rates and the Department Director will approve the rate structure and Extras allowed to be charged for Taxicab service.
- B. Unless otherwise provided for in Department Contract, each Taxicab Business may file with the Department periodically, but no more often than every six months, a statement regarding the adequacy of the existing maximum rates as set by the Department Director. Said statement shall state whether, in the opinion of the Person submitting the statement, the existing maximum rates are at an appropriate level, or whether such rates should be increased or decreased. If the statement indicates that the said rates should be increased, the Person submitting the

statement shall supplement the statement with documentation in support of such increase, such as evidence of increased operating costs, insurance costs, costs of living, fares charged by competing transportation services and other relevant information.

- C. Every Taxicab 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 Extras in effect for such Taxicab. All such rates and Extras shall also be posted on the inside of the Taxicab in such a manner as to be plainly visible to all passengers.
- D. No Taxicab or Taxicab Business shall charge any fee or payment for the use of a Taxicab within the City without the prior approval of the Department Director.
- E. The driver of any Taxicab shall render to every passenger a receipt for the amount charged, on which shall be the name of the Taxicab Business, 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.

Article V. Service Regulations

5.72.455: GENERAL SERVICE REQUIREMENTS:

- A. Taxicab companies shall maintain all service requirements stipulated in the Department Contract and other requirements as called for by applicable law or Rules and Regulations, or as may be required by the Department Director.
- B. Unless otherwise provided in the Department Contract, it is a violation for any Taxicab Business to refuse to accept a call for service to or from any point within the corporate limits of the City at any time when such Business has available Taxicabs,

and it is a violation for any Business to fail or refuse to provide all or any service required by this title.

- C. 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.
- D. The mayor or designee is authorized and empowered to establish Open Stands in such place or places upon the streets of the City as the mayor deems necessary for the use of Taxicabs operated in the City. The mayor shall not create an Open Stand without taking into consideration the need for such Stands by the Taxicab industry, the convenience to the general public, and the recommendation of the City Traffic Engineer. The mayor shall not create an Open Stand where such Stand would tend to create a traffic hazard.
- E. Open Stands shall be used only by Taxicab drivers and their boarding passengers, who shall use them on a first come, first served basis. The driver shall enter the Open Stand from the rear and shall advance forward as the Taxicabs exit. Drivers shall stay within ten feet (10') of their Taxicabs. Nothing in this chapter shall be construed to prevent a passenger from boarding the cab of his or her choice that is parked at any position in an Open Stand. The mayor or designee shall prescribe the maximum number of cabs that shall occupy such Open Stands.
- F. Private or other vehicles for hire, and Persons not waiting for or boarding Taxicabs shall not occupy the space upon the streets that has been established as an Open Stand during any times specified by the mayor or designee for use by Taxicabs.

- G. 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 or to load their baggage into the Taxicab.
- H. 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, Child seating shall be in accordance with Utah and federal law.
- I. After a Taxicab has been Hired 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.
- J. 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 Open Stand.
- K. No driver shall refuse or neglect to convey any orderly and sober Person or Persons, or their luggage upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. No driver shall refuse to transport a service animal accompanying a person or persons in the passenger compartment of the Taxicab.
- L. Any Person may Hail a Taxicab for service within the City, except that in locations of an Open Stand for Taxicabs the Person should proceed to the Taxicab that is

“headset” at the stand for service. However, nothing shall prohibit the Person from hiring the Taxicab of their choice.

5.72.505: REQUIREMENT TO PROVIDE SERVICE TO HAILING PUBLIC:

It is a violation for any Taxicab driver to pass by or refuse service to a Person Hailing a Taxicab for service unless the Taxicab being Hailed is already in route to a dispatched Fare, is already Hired or is not In Service.

5.72.530: ADVERTISING MATERIAL ON CABS PERMITTED:

In accordance with applicable Department Contract, it shall be permitted for any Person owning or operating a Taxicab to allow advertising matter to be affixed to or installed in or on such Taxicabs. (Ord. 24-99 § 6, 1999)

Article VIII. Enforcement and Penalties

5.72.705: DEPARTMENT AUTHORITY:

The Department is hereby given the authority and is instructed to govern the conduct of companies and drivers operating under this chapter. (Ord. 24-99 § 6, 1999)

5.72.805: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION

VIOLATION:

- A. Every notice issued under this chapter shall be issued in the form of a written Civil Notice and shall contain a statement that the named party may appeal the imposition of the penalty and provide information regarding how to appeal.
- B. Any Concessionaire, driver, vehicle owner, or Authorized Ground Transportation Business that violates any provision of this chapter may be named in a Civil Notice issued by the City. A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the Ground

Transportation Business or concessionaire under whose authority such driver or owner was operating at the time of the violation.

5.72.855: CIVIL PENALTIES AND ENFORCEMENT:

- A. The City may impose revocation, suspension and nonrenewal of a City business license to operate a Ground Transportation Business for violations of applicable laws, policies, procedures, rules, or regulations as provided under chapter 5.02 of this title.
- B. The Department may revoke, suspend or deny renewal of an Operator's Badge, Department Automated Vehicle Identification tag or Department Inspection Seal for violations of applicable laws, policies, procedures, rules, or regulations. The person or business affected may request, in writing filed with the Department, an appeal hearing before the Ground Transportation Hearing Officer. Any such revocation, suspension or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement and the Ground Transportation Hearing Officer determines that reinstatement is appropriate.
- C. If any Named Party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation or nonrenewal of a City license to operate a Ground Transportation Business, Operator's Badge, Department Automated Vehicle Identification Tag and Department Inspection Seal. (Ord. 24-99 § 4, 1999)
- D. Civil penalties may be imposed as set forth below. The Named Party in the Civil Notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law, rule,

regulation, suspension, revocation or other restrictions as may be imposed by the
Department Director.

ARTICLE II. AUTHORITY TO OPERATE		
5.72.155 (A,B)	\$1000.00	Authority to operate Taxicabs
5.72.205	\$1000.00	ADA vehicle service required
ARTICLE III. TAXIMETERS		
5.72.305 (A,B,D) 5.72.305 (G) 5.72.305 (C,E,F,J) 5.72.305 (H,I)	\$1000.00 \$300.00 \$100.00 \$500.00	Certified meter required Clearing of metered Fare Location, visibility & top light requirement Passenger Fares
5.72.355 (D,E)	\$1000.00	Accuracy in calculation of Fares
ARTICLE IV RATES		
5.72.405 (C,E)	\$100.00	Posting of rates and receipt required
5.72.405 (D)	\$1000.00	Charge of approved Fares only
ARTICLE V SERVICE REGULATIONS		
5.72.455 (A,B,H,K)	\$500.00	Violation of service requirements
5.72.455 (C,I,)	\$300.00	Violation of service requirements
5.72.455 (,E,F,G,J)	\$100.00	Violation of service requirements
5.72.505	\$500.00	Service to Hailing Person

5.72.890: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

- A. Civil Notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, Operators' Badge, Department Automated Vehicle Identification Tags and Department Inspection Seal shall be heard by the Salt Lake City Justice Court. Any Named Party may appear before a Hearing Officer and present and contest an alleged violation as provided in [title 2, chapter 2.75](#) of this code, or its successor.
- B. The burden to prove any defense shall be upon the Person raising such defense. Nothing herein shall affect the City's burden to prove each element of the underlying charge by a preponderance of evidence.
- C. If the Hearing Officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the Hearing Officer may dismiss the Civil Notice and release the Named Party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:
1. The Civil Notice does not contain the information required by this chapter;
 2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or
 3. Such other mitigating circumstances as may be approved by the City Attorney's Office.

5.72.900: EXPEDITED APPEAL OF EXCLUSION:

Any Named Party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the Ground Transportation Hearing Officer regarding such exclusion as provided for in this chapter, such party may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the Department. The Department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the Department Director may reverse the action that resulted in such exclusion. If the Department Director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the Ground Transportation Hearing Officer in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter the Ground Transportation Hearing Officer shall uphold such exclusion.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 8/27/2010

By MK

(SEAL)

Bill No. _____ of 2010

Published: _____

Chapter 5.72 TAXICABS

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. (Ord. 24-99 § 6, 1999)

5.72.010: CAB DAY:

"Cab day" means eight (8) or more hours during any calendar day. (Ord. 24-99 § 6, 1999)

5.72.015: CALENDAR DAY:

"Calendar day" means a twenty four (24) hour period from twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.045: CRUISING:

(Rep. by Ord. 24-99 § 5, 1999)

5.72.047: DEPARTMENT:

"Department" means the city department delegated by the mayor to have responsibility for the enforcement of this chapter. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.055: FACE:

"Face" means that side of a taximeter upon which passenger or customer charges are indicated. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.065: HIRED:

"Hired" means activating the button on the face of the taximeter which places taximeter in operation. (Ord. 24-99 § 6, 1999)

5.72.070: HOLDER:

"Holder" means a person to whom a certificate of public convenience and necessity has been issued. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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 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. (Ord. 24-99 § 6, 1999)

5.72.090: PERSON:

"Person" means and includes an individual, a corporation or other legal entity, a partnership, and any incorporated association. (Ord. 24-99 § 6, 1999)

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 ($1\frac{1}{2}$) 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. (Ord. 24-99 § 6, 1999)

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. (Ord. 45-05 § 6, 2005; Ord. 24-99 § 6, 1999)

5.72.105: TAXICAB DRIVER'S LICENSE:

"Taxicab driver's license" means the operator's certificate required pursuant to section [5.71.250](#) of this title. (Ord. 48-07 § 5, 2007; Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

Article II. Certificate Of Public Convenience And Necessity

5.72.130: REQUIRED FOR OPERATION:

- A. 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. 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 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.
- 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 successor sections. (Ord. 87-05 § 7, 2005: Ord. 45-05 § 7, 2005: Ord. 9-02 § 1, 2002: Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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, 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. (Ord. 24-99 § 6, 1999)

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. (Ord. 20-06 § 1, 2006: Ord. 45-05 § 8, 2005)

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 section, 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 section, and by a showing of public convenience and necessity as required by section [5.05.140](#) of this title, or its successor section.
- 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. (Ord. 24-99 § 6, 1999)

5.72.150: CERTIFICATE NOT A FRANCHISE AND NOT IRREVOCABLE:

- A. No certificate issued in accordance with section [5.72.130](#) of this chapter, or its successor section, shall be construed to be either a franchise or irrevocable. (Ord. 87-05 § 8, 2005: Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

Article III. Driver Operator's Certificate

5.72.220: OPERATOR'S CERTIFICATE REQUIRED:

It shall be unlawful for any person to operate a taxicab for hire upon the streets of the city unless the taxicab driver first obtains and has in effect a valid operator's certificate

issued pursuant to [chapter 5.71, article VI](#) of this title, and it shall be unlawful for any person or business to permit a taxicab to be so operated unless its driver has such an operator's certificate. (Ord. 48-07 § 6, 2007; Ord. 24-99 § 6, 1999)

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. (Ord. 11-09 § 1, 2009)

5.72.320: VEHICLE AGE:

Vehicle age will be based on the calendar year starting January 1 and ending December 31 of each year. No matter when a vehicle is purchased in the calendar year, the model year of the vehicle will count as an allowable full year of model years.

A. No vehicle shall be licensed by the city as a taxicab that:

1. Was not licensed prior to July 31, 2005; or
2. Was manufactured more than six (6) model years prior to application for a license unless the vehicle meets the criteria in subsection B of this section.

B. A vehicle up to eight (8) model years in age shall be licensed if:

1. The vehicle runs on "alternative fuel", as defined in subsection [12.56.205A](#) of this code;
2. The vehicle is a "fuel efficient vehicle", as defined in subsection [12.56.205A](#) of this code; or
3. The vehicle is a "low polluting vehicle", as defined in subsection [12.56.205A](#) of this code.

C. Compliance with age restrictions will be confirmed by inspection, as provided in [chapter 5.71, article V](#) of this title. Compliance with subsection B1 of this section may be proven by providing the department with a copy of a current clean special fuel tax certificate obtained pursuant to Utah Code Annotated (2008) section 59-13-304. All vehicle modifications made to allow the use of alternative fuel must meet EPA safety standards. (Ord. 11-09 § 2, 2009)

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 mayor. All signs, markings, advertisement and graphics shall comply with subsection [5.71.170A](#) of this title, or its successor. (Ord. 24-99 § 6, 1999)

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 mayor, 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 mayor, 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. (Ord. 24-99 § 6, 1999)

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.
- 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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.375: FLAG AND LEVER ARM REQUIREMENTS:

(Rep. by Ord. 24-99 § 5, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.420: INSPECTIONS; RECORD KEEPING:

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.435: ERROR IN REGISTRATION; REMOVAL FROM SERVICE:

No taximeter which is inaccurate in registration in excess of one and one-half percent ($1\frac{1}{2}\%$) 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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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, two dollars twenty five cents (\$2.25) for flag drop and twenty cents (\$0.20) for each one-eleventh ($\frac{1}{11}$) 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, 2008. 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.
- 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. (Ord. 69-08 § 1, 2008: Ord. 52-07 § 1, 2007: Ord. 18-06 § 1, 2006: Ord. 16-05 § 1, 2005: Ord. 24-99 § 6, 1999)

5.72.457: 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. (Ord. 64-05 § 1, 2005: Ord. 4-05 § 1, 2005: Ord. 92-04 § 1, 2004: Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.470: DISPLAY OF ADDITIONAL CHARGES:

(Rep. by Ord. 24-99 § 5, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.500: ANSWERING CALLS FOR SERVICE:

(Rep. by Ord. 24-99 § 5, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.510: VEHICLE TO BE USED ONLY FOR TRANSPORTATION:

(Rep. by Ord. 24-99 § 5, 1999)

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. (Ord. 24-99 § 6, 1999)

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 mayor. A fixed price may be charged for such one-way car pool service. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.535: OPEN STANDS; ESTABLISHMENT:

The mayor is authorized and empowered to establish open stands in such place or places upon the streets of the city as the mayor deems necessary for the use of taxicabs operated in the city. The mayor 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 shall not create an open stand where such stand would tend to create a traffic hazard. (Ord. 24-99 § 6, 1999)

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 shall prescribe the number of cabs that shall occupy such open stands. (Ord. 24-99 § 6, 1999)

5.72.545: OPEN STANDS; TELEPHONES PERMITTED WHEN:

(Rep. by Ord. 24-99 § 5, 1999)

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 mayor for use by taxicabs. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.575: SOLICITATION; PROHIBITED PROCEDURES:

(Rep. by Ord. 24-99 § 5, 1999)

5.72.580: SOLICITATION OF COMMON CARRIER PASSENGERS:

(Rep. by Ord. 24-99 § 5, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.590: CRUISING PROHIBITED; EXCEPTION:

(Rep. by Ord. 24-99 § 5, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 87-05 § 11, 2005)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

5.72.620: RECORD KEEPING 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. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)

Article IX. Enforcement**5.72.630: DEPARTMENT AND LICENSE OFFICE AUTHORITY:**

The department and the license office of the city are hereby given the authority and are instructed to watch and observe the conduct of holders and drivers operating under this chapter. (Ord. 24-99 § 6, 1999)

5.72.635: VIOLATION; CRIMINAL PROCEEDINGS; REPORT TO MAYOR:

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. (Ord. 24-99 § 6, 1999)

5.72.640: VIOLATION; PENALTY:

Any violation of any of the provisions of this chapter shall constitute a misdemeanor. (Ord. 24-99 § 6, 1999)

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending Section 5.72, *Salt Lake City Code*, regarding taxicabs)

An ordinance amending section 5.72, *Salt Lake City Code*, pertaining to taxicabs, to provide for transition from regulatory to contract-based system for providing taxicab services; eliminating certificates of convenience; eliminating operational requirements that will become contract-based; providing for a contract between taxicab companies and the City, through the Department of Airports; providing for rules and regulations; replacing fixed fares with a flexible fare structure; replacing criminal enforcement with civil penalties.

WHEREAS, City Council 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 taxicabs. Simultaneously, 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. Prior to adopting regulatory changes required for the transition, the City agreed to provide certificate holders with 180-day notice, and accordingly, all such certificates of convenience will terminate 180 days from the date of when such notice is issued; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance facilitates and enables the transition to a contract-based taxicab system; and

WHEREAS, after a hearing before the City Council, the City Council has determined that notice of termination of certificates of convenience will issue on the effective date of the following ordinance, and all certificates of convenience and

necessity issued in connection with taxicabs and special transportation vehicles shall terminate 180 days from such notice date; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah as follows:

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

Chapter 5.72 TAXICABS

Article I. Definitions and General Regulations

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. (Ord. 24-99 § 6, 1999)

BUSINESS: A voluntary association legally formed and organized to carry on a Business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole-proprietorship.

~~5.72.010: CAB DAY:~~

~~"Cab day" means eight (8) or more hours during any calendar day. (Ord. 24-99 § 6, 1999)~~

~~5.72.015: CALENDAR DAY:~~

~~"Calendar day" means a twenty four (24) hour period from twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.035: CERTIFICATE: A~~

~~"Certificate" means a certificate~~ of public convenience and necessity issued by the City.

~~No Certificate issued by the City shall be construed to be either a franchise or irrevocable and will terminate upon notification by the City. city authorizing the holder thereof to conduct a taxicab business in the city. (Ord. 24-99 § 6, 1999)~~

CITY: The governmental institution and landmass contained within the boundaries of Salt Lake City, Utah.

CIVIL NOTICE: The written notice of Ground Transportation Violation as provided under this chapter.

5.72.040: CLEARED: That

~~"Cleared" means that~~ condition of a ~~Taximeter~~taximeter when it is inoperative with respect to all ~~Fare~~fare registration and all cumulative Fare and Extras charges have been set to \$0., 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. (Ord. 24-99 § 6, 1999)

CONCESSIONAIRE: A Person or entity with whom the Department of Airports has contracted to provide Taxicab services. Nothing in the Department Contract shall relieve the Concessionaire of the requirements of applicable laws, including without limitation City Titles 5.71, 5.72, 16.60 or any applicable rules and regulations.)

5.72.045: CRUISING:

~~(Rep. by Ord. 24-99 § 5, 1999)~~

5.72.047: DEPARTMENT: The Salt Lake City

~~"Department of Airports or such other City" means the city~~ department or division as

~~may be designated~~~~delegated~~ by the mayor to have responsibility for the enforcement of this chapter. (Ord. 24-99 § 6, 1999)

DEPARTMENT DIRECTOR: The Director of the Department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such Director.

DEPARTMENT CONTRACT: A valid, existing and current contract negotiated and approved by the Salt Lake City Department of Airports for providing Taxicab or other services within the corporate boundaries of Salt Lake City, including the Airport.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the Department Director to govern Ground Transportation Service and Businesses within the City.

~~5.72.050:~~ EXTRAS: The

~~"Extras" means the~~ charges to be paid by the customer or passenger in addition to the Fare. ~~fare, including any charge for the transportation of baggage or parcels. (Ord. 24-99 § 6, 1999)~~

~~5.72.055:~~ FACE: That

~~"Face" means that~~ side of a Taximeter~~taximeter~~ upon which passenger or customer charges for hire of a taxicab are indicated. (Ord. 24-99 § 6, 1999)

~~5.72.060:~~ FARE: That

~~"Fare" means that~~ portion of the charge for hire of a ~~Taxicab~~ taxicab which is automatically calculated by the ~~Taximeter~~ taximeter through the operation of the mileage and time mechanism. (Ord. 24-99 § 6, 1999)

GROUND TRANSPORTATION HEARING OFFICER: A Ground Transportation Hearing Officer appointed by the Department Director to hear and rule on appeals, suspensions and other matters related to ground transportation in and connected with the City.

HAIL A TAXICAB: Means for a Person to call out for, or to signal for an In Service Taxicab that is not already engaged in transport of passengers to respond to the Person's location for hiring and transport of Persons or property.

5.72.065: HIRED: The

~~"Hired" means activating the~~ button on the ~~Face~~ face of the ~~Taximeter~~ taximeter which when activated places the Taximeter ~~taximeter~~ in operation, signifying the start of a billing process for the person(s) engaging the use of the taxicab. ~~operation.~~ (Ord. 24-99 § 6, 1999)

5.72.070: HOLDER: A

~~"Holder" means a~~ person to whom a certificate of public convenience and necessity has been issued. ~~(Ord. 24-99 § 6, 1999)~~

~~5.72.075:~~ IN SERVICE: A Taxicab

~~"In service" means~~ that ~~a taxicab is actually~~ in use on the streets of the City,city, with a driver, and available for the transportation of passengers for hire. (Ord. 24-99 § 6, 1999)

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.085: OPEN STAND: A~~

~~"Open stand" means a~~ public place alongside the curb of a street, or elsewhere in the City,city, which has been designated by the mayor or designee as reserved ~~exclusively~~ for the use of Taxicabs available for hire by passengers,taxicabs, and may include places otherwise marked as freight zones or other parking restricted zones if designated for use of Taxicabstaxicabs during specified times. (Ord. 24-99 § 6, 1999)

~~5.72.090: PERSON: An~~

~~"Person" means and includes an~~ individual, a corporation or other legal entity, a partnership, and any incorporated association. (Ord. 24-99 § 6, 1999)

~~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 (1½) 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. (Ord. 24-99 § 6, 1999)~~

~~5.72.100:~~ TAXICAB: A

~~"Taxicab" means a~~ motor vehicle with a seating capacity of five passengers or less, not including the driver, used in the on demand, for hire transportation of passengers or baggage for hire over the public streets ~~of the city,~~ and not operated over a fixed route or upon a Fixed Schedule, fixed schedule, but which is subject for to contract ~~for~~ hire by persons desiring special trips from one point to another and authorized to operate in Salt Lake City by contract with the Department. ~~."Taxicab" does not include an automobile rental licensed under any other section of this code. (Ord. 45-05 § 6, 2005: Ord. 24-99 § 6, 1999)~~

~~5.72.105:~~ TAXICAB DRIVER'S LICENSE:

~~"Taxicab driver's license" means the operator's certificate required pursuant to section 5.71.250 of this title. (Ord. 48-07 § 5, 2007: Ord. 24-99 § 6, 1999)~~

~~5.72.110:~~ TAXIMETER: A

~~"Taximeter" means a~~ meter instrument or electronic device attached to a Taxicabtaxicab which measures mileage by the distance driven and the Waiting Timewaiting time upon which the Farefare is based, and which automatically calculates, at a predetermined

rate or rates, and registers, the charge for hire of a Taxicab.~~taxicab. Each taxicab shall have credit card capability for its customers.~~ (Ord. 24-99 § 6, 1999)

5.72.115: WAITING TIME: The

~~"Waiting time" means the time~~ when a Taxicab~~taxicab~~ is not in motion, from the time of hiring by acceptance of a passenger ~~or passengers~~ to the time of discharge of passenger(s). (Ord. 24-99 § 6, 1999)

5.72.105: AUTHORITY TO ESTABLISH RULES / REGULATIONS AND

PROCEEDURES:

The Department Director, under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules / regulations and procedures, as necessary to administer the requirements of this chapter and any security or operating requirements applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.

Article II. Authority To Operate~~Certificate Of Public Convenience And Necessity~~

5.72.125: COMPLIANCE RESPONSIBILITY:

A. All Persons are required to comply with and operate under requirements of applicable law, including without limitation Federal, State, County and City laws and ordinances, to include but not limited to Salt Lake City Code Sections 5.72, 5.71., , 16.60 and all applicable policies, procedures and Department Rules and Regulations.

B. A Concessionaire shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the Concessionaire leases or rents Taxicabs to drivers, or whether the Concessionaire pays salary, wages or any other form of compensation. (Ord. 24-99 § 6, 1999)

5.72.155: DEPARTMENT CONTRACT~~5.72.130:~~ **REQUIRED FOR OPERATION:**

A. No ~~Person~~person shall operate or permit a ~~Taxicab~~taxicab owned or controlled by such ~~Person~~person to be operated as a vehicle for hire upon the streets of Salt Lake City unless such Person is authorized to do so under a Department Contract.~~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. No Person may operate a Taxicab Business in the City unless the Person is authorized to do so under a Department Contract.

C. 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.~~B. 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 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.~~

- ~~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~~taxicab properly licensed in a jurisdiction outside the corporate limits of the ~~City, 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~~city and where the destination is either within or beyond the ~~City~~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.~~

5.72.165: CONTRACT-BASED SYSTEM FOR PROVISION OF TAXI SERVICES:

- A. The City hereby adopts a contract-based system for provision of Taxicab services.

Only Taxicab providers selected pursuant to a competitive Request for Proposals ("RFP") process and who have entered into a Department Contract, as defined in Section 5.72.005 may operate Taxicab services upon Salt Lake City streets.

- B. Existing certificates of public convenience and necessity issued by the City for Taxicab services shall expire no sooner than 180 days from the effective date of this ordinance. The City may elect, in the City's sole discretion, to continue the expiration date up to an additional 180 days. Upon expiration, a pro rata refund of

that portion of the Certificate fee ~~D. Taxicabs may operate as provided in section 5.71.028 of this title and section 16.60.097 of this code, or their successor sections. (Ord. 87-05 § 7, 2005; Ord. 45-05 § 7, 2005; Ord. 9-02 § 1, 2002; Ord. 24-99 § 6, 1999)~~

5.72.135: FEES:

~~No certificate~~ shall be given to those Persons whose Certificates have expired prior to the portion of the year remaining at the time of expiration.

5.72.170 FEES:

~~No Certificate shall continue issued or continued~~ in operation prior to the expiration as set forth in section 5.72.165 unless the holder thereof has paid the an annual ~~disproportionate~~ business regulatory fee as set forth in section 5.04.0705.04.070 of this title, or its successor section, each year for each vehicle authorized under a

Certificate ~~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. ~~(Ord. 24-99 § 6, 1999)~~

5.72.175 EXISTING HOLDERS' CERTIFICATES:

5.72.140: EXISTING HOLDERS' CERTIFICATES:

All holders of existing Taxicab Certificate ~~taxicab certificates~~ at the effective date hereof shall retain such Certificates ~~have a certificate of public convenience and necessity awarded to them~~, 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 expires as provided in this chapter. demonstrated. (Ord. 24-99 § 6, 1999)

5.72.185:

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. (Ord. 20-06 § 1, 2006; Ord. 45-05 § 8, 2005)~~

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

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.150: CERTIFICATE NOT A FRANCHISE AND NOT IRREVOCABLE:~~

~~A. No Certificate certificate issued in accordance with section 5.72.130 of this chapter, or its successor section, shall be construed to be either a franchise or irrevocable. (Ord. 87-05 § 8, 2005: Ord. 24-99 § 6, 1999)~~

5.72.205: MANDATORY ADA ACCESSIBLE VEHICLE:

Every Taxicab Concessionaire shall provide ADA accessible vehicle service in numbers and availability as required by Department Contract and in compliance with applicable law.

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. (Ord. 24-99 § 6, 1999)~~

Article III. ~~Driver Operator's Certificate~~

~~5.72.220: OPERATOR'S CERTIFICATE REQUIRED:~~

~~It shall be unlawful for any person to operate a taxicab for hire upon the streets of the city unless the taxicab driver first obtains and has in effect a valid operator's certificate issued pursuant to chapter 5.71, article VI of this title, and it shall be unlawful for any person or business to permit a taxicab to be so operated unless its driver has such an operator's certificate. (Ord. 48-07 § 6, 2007: Ord. 24-99 § 6, 1999)~~

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. (Ord. 11-09 § 1, 2009)~~

5.72.320: VEHICLE AGE:

~~Vehicle age will be based on the calendar year starting January 1 and ending December 31 of each year. No matter when a vehicle is purchased in the calendar year, the model year of the vehicle will count as an allowable full year of model years.~~

~~A. No vehicle shall be licensed by the city as a taxicab that:~~

- ~~1. Was not licensed prior to July 31, 2005; or~~
- ~~2. Was manufactured more than six (6) model years prior to application for a license unless the vehicle meets the criteria in subsection B of this section.~~

~~B. A vehicle up to eight (8) model years in age shall be licensed if:~~

- ~~1. The vehicle runs on "alternative fuel", as defined in subsection 12.56.205A of this code;~~
- ~~2. The vehicle is a "fuel efficient vehicle", as defined in subsection 12.56.205A of this code; or~~
- ~~3. The vehicle is a "low polluting vehicle", as defined in subsection 12.56.205A of this code.~~

~~C. Compliance with age restrictions will be confirmed by inspection, as provided in chapter 5.71, article V of this title. Compliance with subsection B1 of this section may be proven by providing the department with a copy of a current clean special fuel tax certificate obtained pursuant to Utah Code Annotated (2008) section 59-13-~~

~~304. All vehicle modifications made to allow the use of alternative fuel must meet EPA safety standards. (Ord. 11-09 § 2, 2009)~~

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 mayor. All signs, markings, advertisement and graphics shall comply with subsection 5.71.170A of this title, or its successor. (Ord. 24-99 § 6, 1999)~~

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 mayor, 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 mayor, 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. (Ord. 24-99 § 6, 1999)~~

Article V. Taximeters

5.72.305: TAXIMETER5.72.345: REQUIRED FOR OPERATION; EXCEPTION:

A. All Taxicabs shall be equipped with Taximeters approved by the Department~~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.~~

B. It is ~~a violation~~unlawful for any ~~Person~~person to operate or to allow to be operated any ~~Taxicab~~ without an 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 Taximeter during such trip, and any taxicab used exclusively as a car pool vehicle. (Ord. 24-99 § 6, 1999)

~~C. All Taximeters~~**5.72.347: TAXIMETER; METHOD OF PROGRAMMING RATES, FARES:**

~~No meter~~ shall be mounted in locations approved ~~or adopted~~ by the ~~Department~~city which has rates, fares, or calibrations which are not properly sealed to prevent tampering. (Ord. 24-99 § 6, 1999)

D. All Taximeters shall be tested and sealed by the Department every six months and no Taximeter may be used without such seal being in place.

E. Nothing that could shield or conceal the indications and metered Fare of the Taximeter from passengers may be placed so as to block the Face of the Taximeter.

F. Taximeters shall have illuminated Faces so as to provide visible indications of the meters status and Fare to the passenger in low light or after sundown.

G. _____

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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.375: FLAG AND LEVER ARM REQUIREMENTS:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.380: COMPLETION OF SERVICE:~~

~~Upon the completion of the service by the Taxicab,~~taxicab~~, it shall be the duty offer the driver to call the attention of the passenger to the amount registered and to clear the Taximeter of all Fare indications so as to start at \$0 upon the next Fare, 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. (Ord. 24-99 § 6, 1999)~~

~~H. Except as otherwise provided herein, it is a violation for any driver of a Taxicab or Taxicab business to charge a Fare other than as calculated by the Taximeter.~~

~~I. It is a violation for any driver of a Taxicab or Taxicab Business to charge any Extra that is not approved by the Department, calculated by the Taximeter, and which is not applicable to the current Fare.~~

~~J. A top light shall be installed on every licensed Taxicab. The top light~~

~~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. (Ord. 24-99 § 6, 1999)~~

5.72.390: ILLUMINATION:

~~The face of the taximeter shall be artificially illuminated when said Taxicab is available for Hire and after sundown so that it is clearly visible to rear seat passengers. (Ord. 24-99 § 6, 1999)~~

5.72.395: SEALING OF METERS REQUIRED:

- ~~A. Every taximeter shall not be illuminated when have adequate provisions for the affixing of a lead and wire seal so that no adjustments, alterations or replacements affecting in any way the Taximeter 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. (Ord. 24-99 § 6, 1999)~~

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. (Ord. 24-99 § 6, 1999)~~

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 placed into Hire 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. (Ord. 24-99 § 6, 1999)~~

5.72.355: TAXIMETER~~**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. (Ord. 24-99 § 6, 1999)~~

5.72.420: INSPECTIONS; RECORD KEEPING:

A. The Department

~~The department and/or the license office~~ shall keep a record of the identification of every Taxicab~~taxicab~~ meter number and date of inspection thereof in its office. (Ord. 24-99 § 6, 1999)

B. The Department shall inspect, test and seal every operational Taximeter at least every six months. Additionally, the Department may inspect and test any Taximeter upon receipt of a complaint regarding the operations or accuracy of a Taximeter.

C. _____

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. (Ord. 24-99 § 6, 1999)~~

~~5.72.430: CHANGE IN RATES; IMMEDIATE INSPECTION:~~

In the event a change in rates is made, the ~~Taximeter~~taximeter shall be adjusted to the new rates, and the ~~Taximeter~~taximeter of every ~~Taxicab~~taxicab in which a meter has been installed shall be immediately inspected, tested and sealed by the ~~Department~~department or the license office. A fee as set by the Department Director to recover costs of the meter inspection shall ~~of five dollars (\$5.00) will~~ be charged by the ~~Department~~department or the license office for each meter reprogrammed and sealed. ~~(Ord. 24-99 § 6, 1999)~~

D.

~~5.72.435: ERROR IN REGISTRATION; REMOVAL FROM SERVICE:~~

No ~~Taximeter~~taximeter which is inaccurate in registration in excess of one and one-half percent ($1\frac{1}{2}\%$) shall be allowed to operate in any ~~Taxicab~~taxicab, and when an inaccuracy is discovered, such ~~Taxicab~~taxicab involved shall immediately cease operation and be kept out of operation~~off the highways~~ until the meter is repaired and in proper working condition. ~~(Ord. 24-99 § 6, 1999)~~

E.

~~5.72.438: ALTERING TAXICAB TO AFFECT TAXIMETER:~~

No owner, driver or ~~Business~~company shall perform or permit or allow any alterations to a ~~Taxicab~~taxicab that will affect the ~~Taximeter~~taximeter pulse setting without said ~~Taximeter~~taximeter being inspected and recertified by the ~~Department~~department and/or the license office. Said alterations shall include, but

~~are~~ 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~~taxicab's~~ onboard computer, or change of tire size on drive axle. (~~Ord. 24-99 § 6, 1999~~)

~~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. (Ord. 24-99 § 6, 1999)~~

Article IV.~~VI~~. Rates

~~5.72.405:~~5.72.455: MAXIMUM RATES:

~~A. Unless otherwise provided for in Department Contract, the Department will review submittals by Taxicab companies for Taxicab rates and the Department Director will approve the rate structure and Extras allowed to be charged for Taxicab service.~~

~~Unless otherwise provided for in Department Contract, each Taxicab Business may 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, two dollars twenty five cents (\$2.25) for flag drop and twenty cents (\$0.20) for each one eleventh ($\frac{1}{11}$) 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, 2008. 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.~~

~~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. (Ord. 69-08 § 1, 2008; Ord. 52-07 § 1, 2007; Ord. 18-06 § 1, 2006; Ord. 16-05 § 1, 2005; Ord. 24-99 § 6, 1999)~~

~~5.72.457: ANNUAL REVIEW OF MAXIMUM RATES:~~

~~B. A. Each person holding a certificate of public convenience and necessity to operate~~

~~taxicabs within the city shall file with the Department periodically, but no more often than every six months, a statement~~

~~city business license supervisor once during the calendar year a petition~~

~~regarding the adequacy of the existing maximum rates as set by the Department Director. forth in section 5.72.455 of this chapter, or its~~

~~successor section. Said statement petition shall state whether, in the opinion of the~~

~~Person submitting the statement, certificate holder, the existing maximum rates are~~

~~at an appropriate level, or whether such rates should be increased or decreased. If~~

~~the statement petition indicates that the said rates should be increased, the~~

~~Person person submitting the statementsuch petition shall supplement the~~

~~statement petition with documentation in support of such increase, such as evidence~~

~~of increased of operating costs, insurance costs, costs of living, fares charged by~~

~~competing transportation services and 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. (Ord. 64-05 § 1, 2005: Ord. 4-05 § 1, 2005: Ord. 92-04 § 1, 2004: Ord. 24-99 § 6, 1999)~~

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. (Ord. 24-99 § 6, 1999)~~

5.72.465: DISPLAY OF FARE RATES:

C.

Every Taxicab~~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 Extracharges in effect for ~~the taxicab company operating such Taxicab.~~ All such rates and Extracharges shall also be posted on the inside of the

~~Taxicabtaxicab~~ 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. (Ord. 24-99 § 6, 1999)~~

~~5.72.470: DISPLAY OF ADDITIONAL CHARGES:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~5.72.472: ALL CHARGES TO BE APPROVED BY CITY:~~

~~D.~~

No ~~Taxicabtaxicab~~ or ~~Taxicab Business~~~~taxicab company~~ shall charge any fee or payment for the use of a ~~Taxicabtaxicab~~ within the ~~Citycity~~ without the prior approval of the ~~Department Directorcity council~~. ~~(Ord. 24-99 § 6, 1999)~~

~~5.72.475: RECEIPTS FOR PAYMENT OF FARE:~~

The driver of any ~~Taxicabtaxicab~~ 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 Business, Taxicabtaxicab company, taxicab~~ number, the date and time the ~~Farefare~~ was initiated and completed, the miles charged, ~~Extrasextras~~ added to the ~~Farefare~~, and the total amount of meter reading or charges. ~~(Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

E.

Article V.VII. Service Regulations

5.72.455:~~5.72.490:~~ GENERAL SERVICE REQUIREMENTS:

A. Taxicab companies shall maintain all service requirements stipulated in the Department Contract and other requirements as called for by applicable law or Rules and Regulations, or as may be required by the Department Director.

B. Unless otherwise provided in the Department Contract, it is a violation for any Taxicab Business

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.500: ANSWERING CALLS FOR SERVICE:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~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 or
from any point within the corporate limits of the City~~city~~ at any time when such
Businessholder has available Taxicabs~~, taxicabs,~~ and it is a violation~~unlawful~~ for any
Businessholder to fail or refuse to provide all or any service required by this title.

~~(Ord. 24-99 § 6, 1999)~~

C. _____

~~5.72.510: VEHICLE TO BE USED ONLY FOR TRANSPORTATION:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~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~~, 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. (Ord. 24-99 § 6, 1999)~~

D.

~~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 mayor. A fixed price may be charged for such one-way car pool service. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.535: OPEN STANDS; ESTABLISHMENT:~~

The mayor or designee is authorized and empowered to establish Open Stands~~open~~

~~stands~~ in such place or places upon the streets of the ~~City~~city as the mayor deems necessary for the use of ~~Taxicabs~~taxicabs operated in the ~~City~~city. The mayor shall not create an ~~Open Stand~~open stand without taking into consideration the need for such ~~Stands~~stands by the ~~Taxicab industry companies~~, the convenience to the general public, and the recommendation of the ~~City Traffic Engineer~~traffic engineer. The mayor shall not create an ~~Open Stand~~open stand where such ~~Stand~~stand would tend to create a traffic hazard. ~~(Ord. 24-99 § 6, 1999)~~

E. _____

~~5.72.540: OPEN STANDS; USE RESTRICTIONS:~~

Open ~~Stands~~stands shall be used only by ~~Taxicab~~the different drivers and their boarding passengers, who shall use them on a first come, first served basis. The driver shall ~~enter~~pull onto the ~~Open Stand~~open stand from the rear and shall advance forward as the ~~Taxicabs exit~~cabs ahead pull off. Drivers shall stay within ten feet (10') of their ~~Taxi~~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 any position in an Open Stand~~open stands~~. The mayor or designee shall prescribe the maximum number of cabs that shall occupy such ~~Open Stands~~open stands. ~~(Ord. 24-99 § 6, 1999)~~

F. _____

~~5.72.545: OPEN STANDS; TELEPHONES PERMITTED WHEN:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~5.72.550: OPEN STANDS; USE BY OTHER VEHICLES PROHIBITED:~~

Private or other vehicles for hire, and Persons not waiting for or boarding Taxicabs shall not occupy the space upon the streets that has been established as an Open Stand~~open stand~~ during any times specified by the mayor or designee for use by Taxicabs~~taxicabs~~. (Ord. 24-99 § 6, 1999)

G.

~~5.72.555: DRIVER TO REMAIN WITH CAB; EXCEPTION:~~

The driver of any Taxicab~~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~~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 or to load their baggage into the Taxicab. ~~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.~~ (Ord. 24-99 § 6, 1999)

H.

~~5.72.560: NUMBER OF PASSENGERS; RESTRICTIONS:~~

No driver shall permit more Persons~~persons~~ to be carried in a Taxicab~~taxicab~~ as passengers than the rated seating capacity rated by the vehicle manufacturer of his

or her ~~Taxicab, 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. ~~(Ord. 24-99 § 6, 1999)~~

I. _____

~~5.72.565: ADDITIONAL PASSENGERS; PASSENGER CONSENT REQUIRED:~~

After ~~a Taxicab has been Hired~~the employment of the taxicab by a passenger or group of passengers, no driver shall permit any other ~~Person~~person to occupy or ride in the ~~Taxicab, taxicab,~~ without the consent of the original passenger or group. ~~(Ord. 24-99 § 6, 1999)~~

J. _____

~~5.72.570: SOLICITATION; BY DRIVER; LIMITATIONS:~~

No driver shall solicit passengers for a ~~Taxicab, taxicab,~~ except when sitting in the driver's compartment of such ~~Taxicab, taxicab,~~ while standing within ten feet (10') of such ~~Taxicab, taxicab,~~ or at any authorized ~~Open Stand, ground transportation stand,~~ ~~(Ord. 24-99 § 6, 1999)~~

K. _____

~~5.72.575: SOLICITATION; PROHIBITED PROCEDURES:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~5.72.580: SOLICITATION OF COMMON CARRIER PASSENGERS:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.590: CRUISING PROHIBITED; EXCEPTION:~~

~~(Rep. by Ord. 24-99 § 5, 1999)~~

~~5.72.595: REFUSAL TO CARRY PASSENGERS PROHIBITED WHEN:~~

No driver shall refuse or neglect to convey any orderly and sober Person or
Persons, person or their luggage persons, upon request, unless previously engaged
or unable or forbidden by the provisions of this chapter to do so. No driver shall
refuse to transport a service animal accompanying a person or persons in the
passenger compartment of the Taxicab. ~~(Ord. 24-99 § 6, 1999)~~

L. Any Person may Hail a Taxicab for service within the City, except that in locations of
an Open Stand for Taxicabs the Person should proceed to the Taxicab that is
“headset” at the stand for service. However, nothing shall prohibit the Person from
hiring the Taxicab of their choice.

5.72.505: REQUIREMENT TO PROVIDE SERVICE TO HAILING PUBLIC:

It is a violation for any Taxicab driver to pass by or refuse service to a Person Hailing a
Taxicab for service unless the Taxicab being Hailed is already in route to a dispatched
Fare, is already Hired or is not In Service.

5.72.530: ADVERTISING MATERIAL ON CABS PERMITTED:

In accordance with applicable Department Contract, it shall be permitted for any Person owning or operating a Taxicab to allow advertising matter to be affixed to or installed in or on such Taxicabs. (Ord. 24-99 § 6, 1999)

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. (Ord. 24-99 § 6, 1999)~~

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. (Ord. 87-05 § 11, 2005)~~

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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.620: RECORD KEEPING 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. (Ord. 24-99 § 6, 1999)~~

~~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. (Ord. 24-99 § 6, 1999)~~

Article IX. Enforcement and Penalties

5.72.705:~~5.72.630:~~ DEPARTMENT ~~AND LICENSE OFFICE~~ AUTHORITY:

The Department is

~~The department and the license office of the city are~~ hereby given the authority and

~~isare~~ instructed to ~~govern~~~~watch and observe~~ the conduct of ~~companies~~ ~~holders~~ and drivers operating under this chapter. (Ord. 24-99 § 6, 1999)

5.72.805: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION

VIOLATION:

- A. Every notice issued under this chapter shall be issued in the form of a written Civil Notice and shall contain a statement that the named party may appeal the imposition of the penalty and provide information regarding how to appeal.
- B. Any Concessionaire, driver, vehicle owner, or Authorized Ground Transportation Business that violates any provision of this chapter may be named in a Civil Notice issued by the City. A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the Ground Transportation Business or concessionaire under whose authority such driver or owner was operating at the time of the violation.

5.72.855: CIVIL PENALTIES AND ENFORCEMENT:

- A. The City may impose revocation, suspension and nonrenewal of a City business license to operate a Ground Transportation Business for violations of applicable laws, policies, procedures, rules, or regulations as provided under chapter 5.02 of this title.
- B. The Department may revoke, suspend or deny renewal of an Operator's Badge, Department Automated Vehicle Identification tag or Department Inspection Seal for violations of applicable laws, policies, procedures, rules, or regulations. The person or business affected may request, in writing filed with the Department, an appeal hearing before the Ground Transportation Hearing Officer. Any such revocation,

suspension or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement and the Ground Transportation Hearing Officer determines that reinstatement is appropriate.

C. If any Named Party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation or nonrenewal of a City license to operate a Ground Transportation Business, Operator's Badge, Department Automated Vehicle Identification Tag and Department Inspection Seal. (Ord. 24-99 § 4, 1999)

D. Civil penalties may be imposed as set forth below. The Named Party in the Civil Notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law, rule, regulation, suspension, revocation or other restrictions as may be imposed by the Department Director.

<u>ARTICLE II.</u> <u>AUTHORITY TO OPERATE</u>		
<u>5.72.155 (A,B)</u>	<u>\$1000.00</u>	<u>Authority to operate Taxicabs</u>
<u>5.72.205</u>	<u>\$1000.00</u>	<u>ADA vehicle service required</u>
<u>ARTICLE III.</u> <u>TAXIMETERS</u>		
<u>5.72.305 (A,B,D)</u>	<u>\$1000.00</u>	<u>Certified meter required</u>
<u>5.72.305 (G)</u>	<u>\$300.00</u>	<u>Clearing of metered Fare</u>
<u>5.72.305 (C,E,F,J)</u>	<u>\$100.00</u>	<u>Location, visibility & top light requirement</u>
<u>5.72.305 (H,I)</u>	<u>\$500.00</u>	<u>Passenger Fares</u>

<u>5.72.355 (D,E)</u>	<u>\$1000.00</u>	<u>Accuracy in calculation of Fares</u>
<u>ARTICLE IV</u> <u>RATES</u>		
<u>5.72.405 (C,E)</u>	<u>\$100.00</u>	<u>Posting of rates and receipt required</u>
<u>5.72.405 (D)</u>	<u>\$1000.00</u>	<u>Charge of approved Fares only</u>
<u>ARTICLE V</u> <u>SERVICE REGULATIONS</u>		
<u>5.72.455 (A,B,H,K)</u>	<u>\$500.00</u>	<u>Violation of service requirements</u>
<u>5.72.455 (C,I,)</u>	<u>\$300.00</u>	<u>Violation of service requirements</u>
<u>5.72.455 (,E,F,G,J)</u>	<u>\$100.00</u>	<u>Violation of service requirements</u>
<u>5.72.505</u>	<u>\$500.00</u>	<u>Service to Hailing Person</u>

5.72.890: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

A. Civil Notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, Operators' Badge, Department Automated Vehicle Identification Tags and Department Inspection Seal shall be heard by the Salt Lake City Justice Court. Any Named Party may appear before a Hearing Officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the Person raising such defense.

Nothing herein shall affect the City's burden to prove each element of the underlying charge by a preponderance of evidence.

C. If the Hearing Officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the Hearing Officer may dismiss the Civil Notice and release the Named Party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The Civil Notice does not contain the information required by this chapter;
2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or
3. Such other mitigating circumstances as may be approved by the City Attorney's Office.

5.72.900: EXPEDITED APPEAL OF EXCLUSION:

Any Named Party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the Ground Transportation Hearing Officer regarding such exclusion as provided for in this chapter, such party may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the Department. The Department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the Department Director may reverse the

action that resulted in such exclusion. If the Department Director does not reverse such
action, the action resulting in such exclusion shall be heard and determined by the
Ground Transportation Hearing Officer in accordance with the provisions of this chapter.
If a preponderance of the evidence indicates such exclusion is proper under this chapter
the Ground Transportation Hearing Officer shall uphold such exclusion.

SECTION 2. Effective Date. This ordinance shall become effective on the date of
its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of
_____, 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010

Published: _____

~~5.72.635: VIOLATION; CRIMINAL PROCEEDINGS; REPORT TO MAYOR:~~

~~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. (Ord. 24-99 § 6, 1999)~~

~~5.72.640: VIOLATION; PENALTY:~~

~~Any violation of any of the provisions of this chapter shall constitute a misdemeanor. (Ord. 24-99 § 6, 1999)~~

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending Title 16, *Salt Lake City Code*, section 16.60, regarding motor vehicle operation at the Salt Lake City International Airport, and section 16.64, regarding title 16 violations, penalties and enforcement)

An ordinance amending title 16, sections 16.60 and 16.64, *Salt Lake City Code*, pertaining to motor vehicle operation at the Salt Lake City International Airport, and violations, penalties and enforcement of title 16 provisions at the Salt Lake City International Airport to correspond with changes made in sections 5.71 and 5.72, *Salt Lake City Code*; providing for rules and regulations; replacing criminal enforcement with civil penalties and establishing *Salt Lake City Code* processes and procedures related thereto.

WHEREAS, City Council has amended sections 5.71 and 5.72, *Salt Lake City Code*, pertaining to ground transportation and taxicabs; and

WHEREAS, the City Council has determined that the following ordinance corresponds with and supports the amendments to sections 5.71 and 5.72; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah as follows:

SECTION 1. That Chapter 16.60, *Salt Lake City Code*, pertaining to motor vehicle operation at the Salt Lake City International Airport, be and the same hereby is, amended to read as follows:

Article I. General Regulations

16.60.001: AUTHORITY TO ESTABLISH RULES / REGULATIONS AND

PROCEEDURES:

The Department Director, under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules / regulations and procedures, as necessary to administer the requirements of this chapter and any security or operating requirements applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.

16.60.005: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

Vehicles licensed and operated by governmental agencies, universities and school districts, the Utah Transit Authority, ambulances and others that may be designated by the Department Director, are exempt from the requirements of this chapter.

16.60.010: COMPLIANCE WITH STATE AND OTHER REGULATIONS:

- A. No person shall operate a motor vehicle on the Airport except in strict compliance with applicable laws of the state and the ordinances of the City and Department of Airports Rules and Regulations, standards and procedures.
- B. No Person or owner shall drive, permit to be driven, stopped or parked on any street, parking lot, alleyway or driveway within the Airport any vehicle which is required under the laws of the state to be inspected and registered unless such vehicle has been inspected and registered, and has attached thereto in proper position a valid and unexpired certificate of inspection as required by the laws of the state.
- C. All vehicles operated on Department property, including ramp areas, shall be maintained in a safe operating condition. (Ord. 42-87 § 8, 1987: prior code § 2-15-1)

16.60.020: DRIVING ON LOADING AREAS; RESTRICTIONS:

- A. Any motorized vehicle being used on the ramp as a service vehicle must display the Department issued identification sticker. Each such vehicle must also bear company identification visible from fifty feet (50') on both sides of the vehicle.
- B. No Person or vehicle is permitted in, on or around any secured area, such as, but not limited to, any hangar, landing field, runway, apron or taxi strip, without prior permission from the Department Director.
- C. Automobiles, trucks and other equipment (including Airport maintenance and emergency vehicles) being driven on any landing area, runway, taxi strip or apron must display a standard checkered flag or flashing amber or red light, as appropriate, if operated during the nighttime, or, when applicable, marked in accordance with FAA regulations or as directed by the Department Director, and must not be operated without prior permission of the control tower. (Ord. 42-87 § 8, 1987: prior code § 2-15-3)

16.60.030: VEHICLE RAMP OPERATIONS:

- A. Speed Limits: Motor vehicles shall be operated on established streets and roadways within the Airport in strict compliance with speed limits posted on traffic signs. They shall also be maintained and operated in conformity with all motor vehicle regulations and laws of the state and City. Motor vehicles being operated on any passenger loading ramp, aircraft parking ramp, or in any area immediately adjacent to the terminals or hangars, shall be driven cautiously and at a safe and reasonable speed, but not to exceed twenty (20) miles per hour.

- B. Use Of Ramp Roadways: Vehicles shall only be operated within the limits of the designated painted roadways on the air operations areas, except as required to perform aircraft servicing and airfield inspections.
- C. Traffic Markings On Paved Surfaces: Vehicle operators shall observe all traffic markings painted on pavement surfaces of the aircraft operations area.
- D. Yield Right Of Way To Aircraft: All vehicles shall yield right of way to any aircraft when the aircraft is under tow or has its engines operating. No vehicle shall proceed past such aircraft until the vehicle's progress will not impede the aircraft's movement. This section does not preclude the establishment of agreements to the contrary between the City and the federal aviation administration. (Ord. 86-98 § 13, 1998: Ord. 42-87 § 8, 1987: prior code § 2-15-4)

16.60.040: COMMON CARRIERS:

No common carrier, vehicle for hire, or "Ground Transportation Vehicle" shall load or unload passengers at the Airport at any place or in any manner other than that designated by the Department Director. (Ord. 70-04 § 2, 2004: prior code § 2-15-8)

16.60.050: ACCIDENTS TO BE REPORTED:

Any person involved in an accident resulting in personal injury or damage to property on the Airport shall report such accident promptly to the office of the Department Director. (Prior code § 2-15-6)

16.60.060: PROHIBITED VEHICLES AND ANIMALS:

No go-cart, motorbike, bicycle, house trailer, or similar vehicle, or horse, shall be permitted on any landing area, ramp, taxiway or hangar area without the approval of the Department Director, except for bicycles that are secured and delivered to an aircraft for transport, or motorcycles used for surface transportation in a hangar area. (Ord. 77-04 § 47, 2004: prior code § 2-15-5)

16.60.065: PARKING AREAS:

- A. Parking areas for motor vehicles shall be set aside for Airport employees and the general public. No person shall park a motor vehicle or a trailer in any place on the Airport other than those areas designated by the Department Director or as expressly set forth in this title. No person shall park a vehicle in an area designated as an employee parking lot unless the Person has complied with all rules, regulations and other requirements for employee parking as established by the Department.
- B. Tenants of T-hangars and shade hangars may park their motor vehicles in their own hangars when the aircraft is being flown or in front of their hangar if they are present. Service or delivery vehicles may park next to a tenant's hangar long enough for delivery. All others shall park in public lots.
- C. No Person shall park a motor vehicle on the Airport in excess of seventy two (72) consecutive hours unless it is parked in the public parking area or with the authorization of the airport.
- D. No Person shall park a motor vehicle in an area designated as a public parking lot unless such person pays the authorized rate for such parking lots. A schedule of parking rates shall be available in the Airport Office of Finance and Administration.

(Ord. 77-04 § 48, 2004: Ord. 86-98 § 14, 1998: Ord. 42-87 § 8, 1987: prior code § 2-15-2)

16.60.067: PARKING VEHICLES:

No Person shall park a vehicle on the Airport other than in the manner and at locations indicated by posted traffic signs and markings. Each hour a vehicle remains parked in violation of this section shall be a separate offense. (Ord. 42-87 § 8, 1987: prior code § 2-15-7)

16.60.070: IMPOUNDMENT AUTHORIZED WHEN:

Any vehicle parked in violation of Department Rules and Regulations may be impounded or relocated by a certified peace officer. The owner thereof shall pay for the tow charge, regular parking fees and other penalties and related charges. (Ord. 70-04 § 3, 2004: Ord. 42-87 § 8, 1987: prior code § 2-15-9)

16.60.075: PASSENGER COURTESY CARTS:

- A. No Person may operate any vehicle inside a City owned building at the Airport without proper authority. The owner of any such authorized vehicle shall install and maintain a speed governor on each such vehicle which will prevent the vehicle from exceeding five (5) miles per hour .Vehicles at all times shall be maintained in a safe operating condition. Any Person operating such vehicle shall yield to pedestrians, not pass pedestrians unless there is enough space to leave an eighteen inch (18") clearance between vehicle and pedestrian, and otherwise operate the vehicle in a safe manner.
- B. The Department Director may prohibit the operation of such vehicles at the Airport or limit their use at any time. (Ord. 42-87 § 2, 1987: prior code § 2-2-40)

Article II. Ground Transportation Businesses

16.60.080: PURPOSE OF ARTICLE II PROVISIONS:

The provisions set out in this article are enacted for the purpose of:

- A. Requiring those Persons who conduct business at the Airport by providing Ground Transportation Service to assist the City in defraying the expense of providing certain facilities and services provided for Ground Transportation Vehicles and services using the Airport, and to create an equitable assessment of fees for its use; and
- B. Requiring such Persons to adhere to Rules and Regulations, standards and other requirements regarding the operations of Ground Transportation to ensure that such are conducted in a safe and efficient and cost effective manner for the public benefit.
(Ord. 70-04 § 4, 2004: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989: prior code § 2-15-10)

16.60.090: DEFINITIONS FOR ARTICLE II:

The following words and phrases, whenever used in this article, shall be defined as provided in this section, unless a different meaning is specifically or more particularly described:

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an Authorized Ground Transportation Business contracted through the Department of Airports to provide On Demand Shared Ride Service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized Ground Transportation Vehicle operating under contract with the Salt Lake City Department of Airports to provide Airport Shared Ride Service.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any Business operating any Ground Transportation Vehicle, which has a current, valid business license as required by the City and which A) registers the Business in accordance with the requirements established by the Department and B) is current with all fees or charges imposed by the Department or City.

AUTOMOBILE: Any motor vehicle with passenger seating for five persons or less not including the driver.

BUS: Any motor vehicle with a seating capacity of twenty-five passengers or more, not including the driver.

BUSINESS: A voluntary association legally formed and organized to carry on a business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole-proprietorship.

CIVIL NOTICE: The written notice of ground transportation violation.

COURTESY VEHICLE: Any motor vehicle which is regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge to the passenger for such transportation. All contracts providing for operating a Courtesy Vehicle shall be filed with the Department.

DEPARTMENT: The Salt Lake City Department of Airports.

DEPARTMENT DIRECTOR: The Director of the Department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such Director.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the Department Director to govern Ground Transportation Service and Businesses within the City.

FIXED SCHEDULE: Ground Transportation Service operating on a regular time schedule previously announced as to time of departure and arrival between the Airport and definitely established and previously announced points along definitely established and previously announced routes regardless of whether there are passengers or freight to be carried.

GROUND TRANSPORTATION BUSINESS: Any business operating any Ground Transportation Vehicle.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a Ground Transportation Business.

GROUND TRANSPORTATION HEARING OFFICER: A Ground Transportation Hearing Officer appointed by the Department Director to hear and rule on appeals, suspensions and other matters related to ground transportation in and connected with the City.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle used for the transportation of persons using Salt Lake City streets for commercial purposes regardless of whether a fee or fare is collected, which includes, but is not limited to, any Airport Shared Ride Vehicle, Automobile, Bus, Courtesy Vehicle, Hotel Vehicle,

Limousine, Minibus, Special Transportation Vehicle, Taxicab, Van, or Trailer being towed by a Ground Transportation Vehicle.

HOTEL VEHICLE: Any motor vehicle which is regularly operated by a Ground Transportation Business under contract to or directly by a motel / hotel or other lodging Business, to provide transportation of customers and/or baggage for the contracted establishment and for which transportation the customer is charged a separate fee or fare. All contracts providing for operating a Hotel Vehicle shall be filed with the Department.

LIMOUSINE: Any vehicle described by its manufacturer or aftermarket manufacturer as a Limousine or luxury vehicle, with a driver furnished, who is dressed in professional business attire or a chauffeur's uniform.

MINIBUS: Any motor vehicle with a seating capacity of thirteen to twenty-four passengers, not including the driver.

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an authorized Airport Ground Transportation Business which is not Scheduled Service nor Prearranged Service From The Airport as defined in this section.

PREARRANGED SERVICE FROM THE AIRPORT: Transportation from the Airport to points within the corporate limits of Salt Lake City provided by an Authorized Ground Transportation Business which is contracted for between such business and the Person to be transported, or by an agent of the Person, prior to the arrival of the Person at the Salt Lake City International Airport. Prearranged Service From The Airport shall include Airport ground transportation contracted for by an airline company on behalf of its own passengers whose regular air travel may have been disrupted in some manner. An

agent may include a travel agent, family member, employee, business or meeting planner, but excludes an Authorized Ground Transportation Business. Prearranged service to the Airport shall be provided on the same basis as permitted under [Title 5, Chapter 5.71](#) of this code.

SCHEDULED SERVICE: Transportation provided by an Authorized Ground Transportation Business on a Fixed Schedule posted with the Department in advance of such transportation.

TAXICAB: A motor vehicle with a seating capacity of five passengers or less, not including the driver, used in the on demand for hire transportation of passengers or baggage over the public streets and not operated over a fixed route or upon a Fixed Schedule, but which is subject for contract hire by Persons desiring special trips from one point to another, as provided under [chapter 5.72](#) of this title, or its successor chapter and authorized to operate in Salt Lake City by contract with the Department.

VAN: Any licensed motor vehicle other than those designated as a Limousine with a passenger seating capacity of six to twelve, not including the driver. (Ord. 20-06 § 1, 2006: Ord. 87-05 § 2, 2005: Ord. 45-05 § 1, 2005: Ord. 70-04 § 5, 2004: Ord. 24-99 § 7, 1999: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989: prior code § 2-15-11)

16.60.095: BUSINESSES AUTHORIZED TO PROVIDE GROUND

TRANSPORTATION:

It shall be a violation to operate a Ground Transportation Vehicle at the Airport, unless such is an Authorized Ground Transportation Business.

16.60.097: GROUND TRANSPORTATION DESTINATIONS:

- A. All Authorized Ground Transportation Businesses may provide Scheduled Service or Prearranged Service from the Airport.
- B. Only authorized Airport Shared Ride Service Vehicles, Taxicabs, Courtesy Vehicles, and Hotel Vehicles may provide On Demand Service at the Airport, except that: Courtesy Vehicles and Hotel Vehicles may provide On Demand Service only to and from the hotel / motel or other Business with whom they hold a current contract for transportation services. The Department Director may waive these restrictions if it is determined that circumstances at the Airport exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the City to address such circumstances.
- C. All Authorized Ground Transportation Businesses may provide On Demand, Scheduled Service and Prearranged Service from the Airport to destinations outside of the corporate limits of Salt Lake City.

16.60.100: PASSENGER PICK UP ZONES:

All persons operating a Ground Transportation Vehicle on the premises of the Airport shall pick up passengers only in areas as designated by the Department Director.

Ground Transportation Vehicles may occupy such area only for the period of time established by the Department Director. (Ord. 70-04 § 8, 2004: prior code § 2-15-12)

16.60.110: CHARGES:

The Department Director may impose commercial charges for the use of Airport facilities and services. Businesses must pay all fees established by the Department

Director. (Ord. 87-05 § 12, 2005: Ord. 86-98 § 15, 1998: Ord. 52-96 § 1, 1996: Ord. 28-94 § 1, 1994: Ord. 91-91 § 1, 1991: Ord. 3-89 § 1, 1989: prior code § 2-15-13)

16.60.120: CHARGES REQUIRED:

No Ground Transportation Vehicle or Business shall use the Airport's roadways or facilities without paying the fees established by the Department Director.

16.60.130: PAYMENT OF FEE BY GROUND TRANSPORTATION VEHICLES:

Payment of the required fees shall be made in the manner prescribed by the Department Director.

16.60.140: CITY ORDINANCES APPLICABLE TO AIRPORT:

All applicable ordinances contained Salt Lake City Code, including without limitation [title 5, chapter 5.71 and 5.72](#) or their successors shall apply to the Salt Lake City International Airport. The Department Director may enter into contracts and establish Rules and Regulations for Taxicab operations specific to the Airport.

16.60.180: GROUND TRANSPORTATION BOOTHS:

There may be established within the terminal buildings at the Airport one or more ground transportation booths for the exclusive use of Authorized Ground Transportation Businesses to assist the public to arrange for transportation, including travel reservations and ticket sales. These booths may be made available to Businesses in accordance with applicable contracts and/or Department Rules and Regulations.

A. A. No Authorized Ground Transportation Business may solicit passengers at the Airport except at a bona fide ground transportation booth established by the Department Director and operated by the Authorized Ground Transportation Business.

- B. No Person or Business including any Ground Transportation Business may contract for passenger meet and greet services on behalf of any Ground Transportation Business without the written permission of the Department Director.
- C. In addition to civil penalties, any violation of these solicitation restrictions by any driver or representative of any Authorized Ground Transportation Business may result, at the Department Director's sole option, in such driver or Business being barred from any further entry to an Airport terminal as a driver or Authorized Ground Transportation Business employee.
- D. No representative of any Authorized Ground Transportation Business shall transport baggage or cargo in behalf of a customer to or from the Airport without documentation such as baggage claim tickets or transfer documents clearly indicating the authority of such representative to transport such baggage. Said representative shall produce such documentation for inspection upon request by an authorized official of the Department. (Ord. 70-04 § 13, 2004: Ord. 91-91 § 1, 1991: Ord. 89-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.190: STAGING AND PARKING OF GROUND TRANSPORTATION VEHICLES:

Any use of the staging area, parking facilities, taxistands, parking areas, traffic lanes or other areas and facilities used by Authorized Ground Transportation Vehicles are subject to Department Rules and Regulations. (Ord. 70-04 § 14, 2004: Ord. 86-98 § 16, 1998: Ord. 91-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.200: SIGNS:

Signs may be posted at the Airport by Authorized Ground Transportation Businesses if such signs are in accordance with applicable department contracts, Department Rules

and Regulations, and have been approved by the Department Director. (Ord. 70-04 § 15, 2004: Ord. 86-98 § 17, 1998: Ord. 91-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

SECTION 2. That Chapter 16.64, *Salt Lake City Code*, pertaining to violations, penalty and enforcement at the Salt Lake City International Airport, be and the same hereby is, amended to read as follows:

16.64.010: PROHIBITIVE NATURE OF TITLE REGULATIONS:

It is a violation for any Person to do any act prohibited by law, to fail or refuse to do any act required by law, to operate any vehicle or aircraft in violation of any provisions of this title or Department Rules and Regulations or to operate any vehicle or aircraft unless such vehicle or aircraft is equipped and maintained as provided in this title or other applicable law. (Prior code § 2-16-1)

16.64.020: REMOVAL AUTHORIZED WHEN:

Any Person using Airport property, operating any vehicle or handling any aircraft in violation of this title or other applicable law, or by refusing to comply therewith, may be removed or ejected from the Airport, and may be deprived of the further use of the Airport and its facilities for such length of time as may be deemed necessary by the Department Director to ensure the safeguarding of the same and the public and its interest therein. (Ord.77-04 § 49, 2004: prior code § 2-16-3)

16.64.025: VIOLATION; PENALTY

Any Person guilty of violating any of the provisions of this title shall be deemed guilty of a class B misdemeanor, except the violation of certain sections of this Title 16 as set forth in section 16.64.030 below, which shall constitute civil violations.

16.64.030: CIVIL PENALTIES AND ENFORCEMENT:

- A. All persons in violation of this Title, or Department Rules and Regulations, or other applicable law are subject to Civil Penalties and any other actions as may be taken by the Airport Director to ensure the safe and effective operations of the Airport.
- B. The City may impose revocation, suspension and nonrenewal of a City business license to operate a Ground Transportation Business for violations of applicable laws, policies, procedures, rules, or regulations as provided under chapter 5.02 of this title
- C. The Department may revoke, suspend or deny renewal of an Operator's Badge, Department Automated Vehicle Identification tag or Department Inspection Seal for violations of applicable laws, policies, procedures, rules, or regulations. The person or business affected may request, in writing filed with the Department, an appeal hearing before the Ground Transportation Hearing Officer. Any such revocation, suspension or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement, and the Ground Transportation Hearing Officer determines that reinstatement is appropriate.
- D. If any Named Party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation or nonrenewal of a City license to operate a Ground Transportation Business, Operator's Badge. Department

Automated Vehicle Identification Tag and Department Inspection Seal. (Ord. 24-99 § 4, 1999)

- E. Civil penalties may be imposed as set forth below. The Named Party in the Civil Notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law, rule, regulation, suspension, revocation or other restrictions as may be imposed by the Department Director.
- F. Violations of the following ordinances shall constitute Civil violations and be subject to the following penalties:

CODE	AMOUNT OF PENALTY	VIOLATION
ARTICLE I GENERAL REGULATIONS		
16.60.010	\$500.00	Vehicle operations on Airport
16.60.020	\$1000.00	Secured area vehicle operations
16.60.030	\$1000.00	Ramp area vehicle operations
16.60.040	\$200.00	Unauthorized passenger load /unload
16.60.050	\$1000.00	Failure to report accident
16.60.060	\$1000.00	Prohibited vehicle in secure area
16.60.065	\$200.00	Parking area restrictions / failure to pay fees
16.60.067	\$100.00	Parking violation posted signs
16.60.075	\$500.00	Courtesy cart operations
ARTICLE II GROUND TRANSPORTATION BUSINESSES		

16.60.095	\$1000.00	Unauthorized ground transportation vehicle
16.60.097	\$500.00	Unauthorized prearranged/on-demand transport
16.60.100	\$200.00	Unauthorized passenger pick up
16.60.120	\$500.00	Failure to pay fees
16.60.180 (A,B,D)	\$500.00	Unauthorized solicitation or baggage transport
16.60.190	\$100.00	Unauthorized staging / use of grounds and facilities
16.60.200	\$500.00	Unauthorized posting of signs

16.64.050: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

- A. Civil Notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, Operators' Badge, Department Automated Vehicle Identification Tags and Department Inspection Seal shall be heard by the Salt Lake City Justice Court. Any Named Party may appear before a Hearing Officer and present and contest an alleged violation as provided in [title 2, chapter 2.75](#) of this code, or its successor.
- B. The burden to prove any defense shall be upon the Person raising such defense. Nothing herein shall affect the City's burden to prove each element of the underlying charge by a preponderance of evidence.
- C. If the Hearing Officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the Hearing Officer may dismiss the Civil Notice and release the Named Party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The Civil Notice does not contain the information required by this chapter;
2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or
3. Such other mitigating circumstances as may be approved by the City Attorney's Office. Civil Notices under this chapter, other than those involving business license revocations, suspensions, denials or approvals, and or Operators' Badge, Department Automated Vehicle Identification Tags and Department Inspection Seal revocations, shall be heard by the Salt Lake City Justice Court. Any Named Party may appear before a Hearing Officer and present and contest an alleged violation as provided in [title 2, chapter 2.75](#) of this code, or its successor.

16.64.060: EXPEDITED APPEAL OF EXCLUSION:

Any Named Party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the Ground Transportation Hearing Officer regarding such exclusion as provided for in this chapter, such party may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the Department. The Department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the Department Director may reverse the action that resulted in such exclusion. If the Department Director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the Ground Transportation Hearing Officer in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter

the Ground Transportation Hearing Officer shall uphold such exclusion. (Ord. 29-02 § 7, 2002³; Ord. 24-99, § 4, 1999)

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 8/27/2010

By MK

CITY RECORDER

(SEAL)

Bill No. _____ of 2010

Published: _____

Chapter 16.60
MOTOR VEHICLE OPERATION

Article I. General Regulations

16.60.010: COMPLIANCE WITH STATE AND OTHER REGULATIONS:

- A. No person shall operate a motor vehicle on the airport except in strict compliance with the motor vehicle laws of the state and the ordinances of the city and, in addition thereto, such persons shall conform to the regulations set forth in this chapter.
- B. No person or owner shall drive, permit to be driven, stopped or parked on any street, parking lot, alleyway or driveway within the airport any vehicle which is required under the laws of the state to be inspected and registered unless such vehicle has been inspected and registered, and has attached thereto in proper position a valid and unexpired certificate of inspection as required by the laws of the state.
- C. All vehicles operated on airport property, including ramp areas, shall be maintained in a safe operating condition. (Ord. 42-87 § 8, 1987: prior code § 2-15-1)

16.60.020: DRIVING ON LOADING AREAS; RESTRICTIONS:

- A. Any motorized vehicle being used on the ramp as a service vehicle must display the airport issued identification sticker. Each such vehicle must also bear company identification visible from fifty feet (50') on both sides of the vehicle.
- B. No person or vehicle is permitted in, on or around any secured area, such as, but not limited to, any hangar, landing field, runway, apron or taxi strip, without prior permission from the director.
- C. Automobiles, trucks and other equipment (including airport maintenance and emergency vehicles) being driven on any landing area, runway, taxi strip or apron must display a standard checkered flag or flashing amber or red light, as appropriate, if operated during the nighttime, or, when applicable, marked in accordance with FAA regulations or as directed by the director, and must not be operated without prior permission of the control tower or the director. (Ord. 42-87 § 8, 1987: prior code § 2-15-3)

16.60.030: VEHICLE RAMP OPERATIONS:

- A. Speed Limits: Motor vehicles shall be operated on established streets and roadways within the airport in strict compliance with speed limits posted on traffic signs. They shall also be maintained and operated in conformity with all motor vehicle

regulations and laws of the state and city. Motor vehicles being operated on any passenger loading ramp, aircraft parking ramp, or in any area immediately adjacent to the terminals or hangars, shall be driven cautiously and at a safe and reasonable speed, but not to exceed twenty (20) miles per hour.

- B. Use Of Ramp Roadways: Vehicles shall only be operated within the limits of the designated painted roadways on the air operations areas.
- C. Traffic Markings On Paved Surfaces: Vehicle operators shall observe all traffic markings painted on pavement surfaces of the aircraft operations area.
- D. Yield Right Of Way To Aircraft: All vehicles shall yield right of way to any aircraft when the aircraft is under tow or has its engines operating. No vehicle shall proceed past such aircraft until the vehicle's progress will not impede the aircraft's movement. This section does not preclude the establishment of agreements to the contrary between the city and the federal aviation administration. (Ord. 86-98 § 13, 1998: Ord. 42-87 § 8, 1987: prior code § 2-15-4)

16.60.040: COMMON CARRIERS:

No common carrier, vehicle for hire, or "ground transportation vehicle" as defined at section [16.60.090](#) of this chapter shall load or unload passengers at the airport at any place or in any manner other than that designated by the director. (Ord. 70-04 § 2, 2004: prior code § 2-15-8)

16.60.050: ACCIDENTS TO BE REPORTED:

Any person involved in an accident resulting in personal injury or damage to property on the airport shall report promptly to the office of the director. (Prior code § 2-15-6)

16.60.060: PROHIBITED VEHICLES AND ANIMALS:

No go-cart, motorbike, bicycle, house trailer, or similar vehicle, or horse, shall be permitted on any landing area, ramp, taxiway or hangar area without the approval of the director, except for bicycles that are secured and delivered to an aircraft for transport, or motorcycles used for surface transportation in a hangar area. (Ord. 77-04 § 47, 2004: prior code § 2-15-5)

16.60.065: PARKING AREAS:

- A. Parking areas for motor vehicles shall be set aside for airport employees and the general public. No person shall park a motor vehicle or a trailer in any place on the airport other than those areas designated by the director of airports or as expressly set forth in this title. No person shall park a vehicle in an area designated as an employee parking lot unless the vehicle displays a currently effective employee

parking sticker authorized by the airport. Such permits shall not be valid if the information thereon is not clearly visible and readable.

- B. Tenants of T-hangars and shade hangars may park their motor vehicles in their own hangars when the aircraft is being flown, or in front of their hangar if they are present. Service or delivery vehicles may park next to a tenant's hangar long enough for delivery. All others shall park in public lots.
- C. No person shall park a motor vehicle on the airport in excess of seventy two (72) consecutive hours unless it is parked in the public parking area or with the authorization of the airport.
- D. No person shall park a motor vehicle in an area designated as a public parking lot unless such person pays the authorized rate for such parking lots. A schedule of parking rates shall be available in the airport office of finance and administration. (Ord. 77-04 § 48, 2004: Ord. 86-98 § 14, 1998: Ord. 42-87 § 8, 1987: prior code § 2-15-2)

16.60.067: PARKING VEHICLES:

No person shall park a vehicle on the airport other than in the manner and at locations indicated by posted traffic signs and markings. Each hour a vehicle remains parked in violation of this section shall be a separate offense. (Ord. 42-87 § 8, 1987: prior code § 2-15-7)

16.60.070: IMPOUNDMENT AUTHORIZED WHEN:

Any vehicle parked in violation of airport rules and regulations may be impounded by a certified peace officer. The owner thereof shall pay for the tow charge, regular parking fees and other related charges. (Ord. 70-04 § 3, 2004: Ord. 42-87 § 8, 1987: prior code § 2-15-9)

16.60.075: PASSENGER COURTESY CARTS:

- A. No person may operate any vehicle inside a city owned building at the airport without proper authority or in excess of five (5) miles per hour. The owner of any such authorized vehicle shall install and maintain a speed governor on each such vehicle which will prevent exceeding said speed and at all times shall be maintained in a safe operating condition. Any person operating such vehicle shall yield to pedestrians, not pass pedestrians unless there is enough space to leave an eighteen inch (18") clearance between vehicle and pedestrian, and otherwise operate the vehicle in a safe manner.
- B. The director may prohibit such vehicles or limit their use at any time. (Ord. 42-87 § 2, 1987: prior code § 2-2-40)

Article II. Ground Transportation Businesses

16.60.080: PURPOSE OF ARTICLE II PROVISIONS:

The provisions set out in this article are enacted for the purpose of:

- A. Requiring those persons who conduct business at the airport by providing ground transportation as their sole business or as a part of their business such as, but not limited to, providing courtesy vehicle or hotel vehicle service, to assist the city in defraying the expense of providing certain facilities and services including, but not limited to, the airport roads, curbs, special parking facilities, traffic control, snow removal, lights, and other related airport facilities and services provided for ground transportation vehicles using the airport, and to create an equitable assessment of fees for its use; and
- B. Requiring such persons to adhere to certain regulations regarding the operations of ground transportation to ensure that such are conducted in a safe and efficient manner for the public benefit. (Ord. 70-04 § 4, 2004: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989: prior code § 2-15-10)

16.60.090: DEFINITIONS FOR ARTICLE II:

The following words and phrases, whenever used in this article, shall be defined as provided in this section, unless a different meaning is specifically or more particularly described:

AUTHORIZED AIRPORT GROUND TRANSPORTATION BUSINESS: Businesses providing ground transportation services for hire or courtesy at the airport which: a) have a current, valid business license as required by the city, b) have, when applicable, a current certificate of convenience and necessity as required by the city, and c) have registered with the airport. Such registrations shall be made on forms provided by the airport and shall include the name of the business, the type(s) of vehicles to be operated, the type(s) of services to be provided, all fee and tariff schedules, the business address and telephone number, and the name, address and telephone number of a representative of the business who will be responsible for ground transportation activities of the business at the airport. A copy of the current business license issued by the city and the appropriate certificate shall be provided to the airport with such registration.

AUTOMOBILE: Any motor vehicle which is registered at a gross weight of less than six thousand (6,000) pounds, or, if not registered commercially, that such vehicle would receive a weight classification as gross weight of less than six thousand (6,000) pounds, if such vehicle were to be registered commercially.

BUS: Any motor vehicle, operated on the streets and highways for hire on a scheduled or nonscheduled basis, that is registered with the state at a gross weight of over thirty

six thousand (36,000) pounds. Such defined word, however, shall not include any buses operated by the Utah transit authority.

COURTESY VEHICLE: Any motor vehicle which is regularly operated for transportation of customers and/or baggage, without making a specific separate charge to the passenger for such transportation. All contracts providing for operating a courtesy vehicle at the airport on behalf of a hotel or motel shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.

FIXED SCHEDULE: Ground transportation service operating on a regular time schedule previously announced as to time of departure and arrival between the airport and definitely established and previously announced points along definitely established and previously announced routes regardless of whether there are passengers or freight to be carried.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle which is used in connection with persons conducting business of providing ground transportation at the airport, and includes, but is not limited to, an automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, taxicab and van.

HOTEL VEHICLE: Any motor vehicle which is regularly operated for transportation of customers and/or baggage to or from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel and under contract with such motel or hotel and for which transportation the customer is charged a separate fee or fare. All contracts providing for operating a hotel vehicle at the airport shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.

LIMOUSINE: Any motor propelled vehicle which is a Rolls Royce or other automobile described by its manufacturer as a limousine or luxury vehicle having a wheel base in excess of one hundred ten inches (110"), operated on the streets and highways for hire, with a driver furnished who is dressed in a "chauffeur's uniform" (defined as a jacket and tie for a man or a pants suit or dress for a woman) or tuxedo while on duty, operated on a scheduled or prearranged basis, and licensed as required by this code.

MANIFEST: For purposes of this chapter, means a daily record of all prearranged service provided by a driver of a ground transportation vehicle during such driver's hours of work which record shall be made by such driver, showing time(s) and place(s) of origin and destination, intermediate stop(s), the names of all passengers, and the amount of fare of each trip.

MINIBUS: Any motor vehicle which is registered with the state at a gross weight of ten thousand one (10,001) to thirty six thousand (36,000) pounds, operated on a scheduled or nonscheduled basis, or is designed to transport sixteen (16) or more persons, including the driver, and is licensed as required by this code. Such term, however, shall not include any minibus operated by any local, state or federal agency.

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an authorized airport ground transportation business which is not "scheduled service" nor "prearranged service" as defined in this section.

PREARRANGED SERVICE FROM THE AIRPORT: Transportation from the airport to points within or without the corporate limits of Salt Lake City provided by an authorized airport ground transportation business which is contracted for between the business and the person to be transported, or by an agent of the person, prior to the arrival of the person at the Salt Lake City International Airport. "Prearranged service from the airport" shall include airport ground transportation contracted for by an airline company on behalf of its own passengers whose regular air travel may have been disrupted in some manner. An agent may include a travel agent, family member, employee, business entity or meeting planner, but excludes an authorized ground transportation business. Prearranged service to the airport shall be provided on the same basis as permitted under [title 5, chapter 5.71](#) of this code.

SCHEDULED SERVICE: Transportation provided by an authorized airport ground transportation business on a fixed schedule posted with the city as required by law and a current copy of the schedule filed with the airport.

SPECIAL TRANSPORTATION VEHICLE: Any vehicle for hire on Salt Lake City streets, which is used for the transportation of persons with disabilities and is licensed under [title 5, chapter 5.76](#) of this code, or its successor.

STARTER: A person appointed by and representing a ground transportation business and providing coordinated travel arrangements and information about available travel services and fares.

TAXICAB: A motor vehicle used in the transportation of passengers for hire over the public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another and which is licensed under [title 5, chapter 5.72](#) of this code, or its successor. It does not include an automobile rental vehicle licensed under any other section of this code.

VAN: Any motor vehicle which is registered with the state at a gross weight of four thousand (4,000) to ten thousand (10,000) pounds, or is designed to transport fifteen (15) passengers or fewer, including the driver, and which is licensed as required by this code. (Ord. 20-06 § 1, 2006: Ord. 87-05 § 2, 2005: Ord. 45-05 § 1, 2005: Ord. 70-04 § 5, 2004: Ord. 24-99 § 7, 1999: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989: prior code § 2-15-11)

16.60.095: BUSINESSES AUTHORIZED TO PROVIDE GROUND TRANSPORTATION:

It shall be unlawful for any person who conducts business at the airport by providing

ground transportation to operate a motor vehicle connected with said business at the airport unless such is an "authorized airport ground transportation business" as defined in this article. (Ord. 70-04 § 6, 2004: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.097: GROUND TRANSPORTATION DESTINATIONS:

- A. All authorized airport ground transportation businesses may provide prearranged service or "scheduled service" to or from the airport as defined in section [16.60.090](#) of this chapter.
- B. All authorized airport ground transportation businesses may provide on demand service between the airport and destinations outside the corporate limits of Salt Lake City.
- C. For transportation back and forth between the airport and points within the corporate limits of Salt Lake City, only taxicabs, courtesy vehicles, hotel vehicles and limousines may provide on demand service, unless the director or his or her designee determines that circumstances at the airport exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the city to address such circumstances. The foregoing notwithstanding, limousines may provide on demand service only upon charging a minimum fare of thirty dollars (\$30.00) per trip. Limousines may provide prearranged service without charging a set minimum fare. (Ord. 45-05 § 2, 2005: Ord. 70-04 § 7, 2004: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.100: PASSENGER PICK UP ZONES:

All persons operating a ground transportation vehicle on the premises of the airport shall pick up passengers only in areas as designated by the director. Ground transportation vehicles may occupy such area only for the period of time established by the director. (Ord. 70-04 § 8, 2004: prior code § 2-15-12)

16.60.110: CHARGES:

The airport enterprise fund imposes commercial charges for the use of airport facilities and services, and all such charges imposed on ground transportation providers shall be limited to the recovery of costs incurred by the fund for providing facilities and services to ground transportation providers. (Ord. 87-05 § 12, 2005: Ord. 86-98 § 15, 1998: Ord. 52-96 § 1, 1996: Ord. 28-94 § 1, 1994: Ord. 91-91 § 1, 1991: Ord. 3-89 § 1, 1989: prior code § 2-15-13)

16.60.120: CHARGES REQUIRED:

No ground transportation vehicle shall use the commercial ground transportation lanes

without paying the fee required by section [16.60.110](#) of this chapter, or its successor. (Ord. 91-91 § 1, 1991; Ord. 3-89 § 1, 1989; prior code § 2-15-14)

16.60.130: PAYMENT OF FEE BY GROUND TRANSPORTATION VEHICLES:

- A. Payment of the required fee shall be made in the manner prescribed by the director of airports.
- B. All taxicabs which are licensed under [title 5, chapter 5.72](#) of this code, or its successor, shall possess a taximeter in accordance with the requirements of [title 5, chapter 5.72](#) of this code. (Ord. 70-04 § 9, 2004; Ord. 27-94 § 1, 1994; prior code § 2-15-15)

16.60.140: TAXICAB REGULATIONS APPLICABLE TO AIRPORT:

All applicable ordinances contained in [title 5, chapter 5.72](#) of this code or its successor shall apply to Salt Lake City International Airport. In addition, the provisions set out in sections [16.60.150](#) through [16.60.170](#) of this chapter or successor sections shall specifically apply at said airport. (Prior code § 2-15-16)

16.60.150: STAGING AREA FOR TAXIS:

- A. There is established a taxicab staging area at the airport which is designated exclusively for taxicabs entering the airport for the purpose of obtaining a fare.
- B. All taxicabs entering the airport for the purpose of obtaining a fare shall follow airport rules and regulations.
- C. No driver of a taxicab seeking to obtain a fare shall go directly to the taxicab stand without first going to the designated staging area. (Ord. 70-04 § 10, 2004; Ord. 91-91 § 1, 1991; prior code § 2-15-17)

16.60.160: PREARRANGED FARES FOR TAXIS:

(Rep. by Ord. 70-04 § 11, 2004)

16.60.170: TAXICAB STAND RESTRICTIONS:

There are established taxicab stands at the airport which are designated exclusively for taxicabs entering the airport for the purpose of obtaining a fare. Such stands shall be marked by appropriate signs placed at the direction of the director, and the use of such stands shall be subject to airport rules and regulations. (Ord. 70-04 § 12, 2004; prior code § 2-15-19)

16.60.180: GROUND TRANSPORTATION BOOTHS:

There are established within the terminal buildings at the airport one or more ground transportation booths for the exclusive use of authorized ground transportation businesses in coordinating travel arrangements with the traveling public. These booths shall be made available to businesses through airport rules and regulations.

- A. Solicitation of passengers by authorized ground transportation business at the airport shall be unlawful except at a bona fide ground transportation booth established by the airport director.
- B. Any violation of this solicitation restriction by any driver or representative of any authorized ground transportation company may result, at the director's sole option after a hearing, in such driver being barred from any further entry to an airport terminal as a driver or authorized ground transportation business employee.
- C. No representative of any authorized ground transportation business shall transport baggage or cargo in behalf of a customer to or from the airport without documentation such as baggage claim tickets or transfer documents clearly indicating the authority of such representative to transport such baggage. Said representative shall produce such documentation for inspection upon request by an authorized official of the airport. (Ord. 70-04 § 13, 2004: Ord. 91-91 § 1, 1991: Ord. 89-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.190: STAGING AND PARKING OF GROUND TRANSPORTATION VEHICLES:

In addition to the staging area parking facilities and stands established solely for taxicabs as set forth in this article, there are established parking areas and a commercial traffic lane for use by authorized ground transportation vehicles. The use of such facilities shall be subject to airport rules and regulations. (Ord. 70-04 § 14, 2004: Ord. 86-98 § 16, 1998: Ord. 91-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.200: SIGNS:

Signs may be posted at the airport which meet the graphic standard of the airport and in accordance with airport rules and regulations. (Ord. 70-04 § 15, 2004: Ord. 86-98 § 17, 1998: Ord. 91-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

Chapter 16.64 VIOLATION, PENALTY AND ENFORCEMENT

16.64.010: PROHIBITIVE NATURE OF TITLE REGULATIONS:

It is unlawful for any person to do any act prohibited by this title, to fail or refuse to do any act required by this title, to operate any vehicle or aircraft in violation of any provisions of this title, or to operate any vehicle or aircraft unless such vehicle or aircraft is equipped and maintained as provided in this title. (Prior code § 2-16-1)

16.64.020: REMOVAL AUTHORIZED WHEN:

Any person operating or handling any aircraft in violation of this title, or by refusing to comply herewith, may be removed or ejected from the airport, and may be deprived of the further use of the airport and its facilities for such length of time as may be deemed necessary to ensure the safeguarding of the same and the public and its interest therein. (Ord. 77-04 § 49, 2004: prior code § 2-16-3)

16.64.030: VIOLATION; PENALTY:

Any person guilty of violating any of the provisions of this title shall be deemed guilty of a class B misdemeanor. (Ord. 42-87 § 9, 1987: prior code § 2-16-2)

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending Title 16, *Salt Lake City Code*, section 16.60, regarding motor vehicle operation at the Salt Lake City International Airport, and section 16.64, regarding title 16 violations, penalties and enforcement)

An ordinance amending title 16, sections 16.60 and 16.64, *Salt Lake City Code*, pertaining to motor vehicle operation at the Salt Lake City International Airport, and violations, penalties and enforcement of title 16 provisions at the Salt Lake City International Airport to correspond with changes made in sections 5.71 and 5.72, *Salt Lake City Code*; providing for rules and regulations; replacing criminal enforcement with civil penalties and establishing *Salt Lake City Code* processes and procedures related thereto.

WHEREAS, City Council has amended sections 5.71 and 5.72, *Salt Lake City Code*, pertaining to ground transportation and taxicabs; and

WHEREAS, the City Council has determined that the following ordinance corresponds with and supports the amendments to sections 5.71 and 5.72; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah as follows:

SECTION 1. That Chapter 16.60, *Salt Lake City Code*, pertaining to motor vehicle operation at the Salt Lake City International Airport, be and the same hereby is, amended to read as follows:

Chapter 16.60
MOTOR VEHICLE OPERATION

Article I. General Regulations

16.60.001: AUTHORITY TO ESTABLISH RULES / REGULATIONS AND

PROCEEDURES:

The Department Director, under guidance or direction from the mayor and in accordance with applicable law, shall have authority to establish fees, enter into contracts deemed as necessary or desirable and to create standards, rules / regulations and procedures, as necessary to administer the requirements of this chapter and any security or operating requirements applicable to the Salt Lake City International Airport and the City or that are deemed to be in the best interest of the City and the public.

16.60.005: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

Vehicles licensed and operated by governmental agencies, universities and school districts, the Utah Transit Authority, ambulances and others that may be designated by the Department Director, are exempt from the requirements of this chapter.

16.60.010: COMPLIANCE WITH STATE AND OTHER REGULATIONS:

- A. No person shall operate a motor vehicle on the ~~Airport~~airport except in strict compliance with ~~applicable~~the motor vehicle laws of the state and the ordinances of the ~~City~~city and Department of Airports Rules and Regulations, standards and procedures., ~~in addition thereto, such persons shall conform to the regulations set forth in this chapter.~~
- B. No ~~Person~~person or owner shall drive, permit to be driven, stopped or parked on any street, parking lot, alleyway or driveway within the ~~Airport~~airport any vehicle which is required under the laws of the state to be inspected and registered unless such

vehicle has been inspected and registered, and has attached thereto in proper position a valid and unexpired certificate of inspection as required by the laws of the state.

- C. All vehicles operated on ~~Department~~airport property, including ramp areas, shall be maintained in a safe operating condition. (Ord. 42-87 § 8, 1987: prior code § 2-15-1)

16.60.020: DRIVING ON LOADING AREAS; RESTRICTIONS:

- A. Any motorized vehicle being used on the ramp as a service vehicle must display the ~~Department~~airport issued identification sticker. Each such vehicle must also bear company identification visible from fifty feet (50') on both sides of the vehicle.
- B. No ~~Person~~person or vehicle is permitted in, on or around any secured area, such as, but not limited to, any hangar, landing field, runway, apron or taxi strip, without prior permission from the ~~Department Director~~director.
- C. Automobiles, trucks and other equipment (including ~~Airport~~airport maintenance and emergency vehicles) being driven on any landing area, runway, taxi strip or apron must display a standard checkered flag or flashing amber or red light, as appropriate, if operated during the nighttime, or, when applicable, marked in accordance with FAA regulations or as directed by the ~~Department Director~~director, and must not be operated without prior permission of the control tower ~~or the~~
~~director~~. (Ord. 42-87 § 8, 1987: prior code § 2-15-3)

16.60.030: VEHICLE RAMP OPERATIONS:

- A. Speed Limits: Motor vehicles shall be operated on established streets and roadways within the ~~Airport~~airport in strict compliance with speed limits posted on traffic signs. They shall also be maintained and operated in conformity with all motor vehicle

regulations and laws of the state and ~~City.city~~. Motor vehicles being operated on any passenger loading ramp, aircraft parking ramp, or in any area immediately adjacent to the terminals or hangars, shall be driven cautiously and at a safe and reasonable speed, but not to exceed twenty (20) miles per hour.

B. Use Of Ramp Roadways: Vehicles shall only be operated within the limits of the designated painted roadways on the air operations areas, except as required to perform aircraft servicing and airfield inspections.~~areas.~~

C. Traffic Markings On Paved Surfaces: Vehicle operators shall observe all traffic markings painted on pavement surfaces of the aircraft operations area.

D. Yield Right Of Way To Aircraft: All vehicles shall yield right of way to any aircraft when the aircraft is under tow or has its engines operating. No vehicle shall proceed past such aircraft until the vehicle's progress will not impede the aircraft's movement. This section does not preclude the establishment of agreements to the contrary between the ~~Citycity~~ and the federal aviation administration. (Ord. 86-98 § 13, 1998: Ord. 42-87 § 8, 1987: prior code § 2-15-4)

16.60.040: COMMON CARRIERS:

No common carrier, vehicle for hire, or "Ground Transportation Vehicle"~~ground transportation vehicle" as defined at section 16.60.090 of this chapter~~ shall load or unload passengers at the ~~Airport~~airport at any place or in any manner other than that designated by the ~~Department Director~~director. (Ord. 70-04 § 2, 2004: prior code § 2-15-8)

16.60.050: ACCIDENTS TO BE REPORTED:

Any person involved in an accident resulting in personal injury or damage to property on the ~~Airport~~airport shall report such accident promptly to the office of the Department ~~Director~~director. (Prior code § 2-15-6)

16.60.060: PROHIBITED VEHICLES AND ANIMALS:

No go-cart, motorbike, bicycle, house trailer, or similar vehicle, or horse, shall be permitted on any landing area, ramp, taxiway or hangar area without the approval of the Department ~~Director~~director, except for bicycles that are secured and delivered to an aircraft for transport, or motorcycles used for surface transportation in a hangar area. (Ord. 77-04 § 47, 2004: prior code § 2-15-5)

16.60.065: PARKING AREAS:

A. Parking areas for motor vehicles shall be set aside for ~~Airport~~airport employees and the general public. No person shall park a motor vehicle or a trailer in any place on the ~~Airport~~airport other than those areas designated by the Department ~~Director~~director of airports or as expressly set forth in this title. No person shall park a vehicle in an area designated as an employee parking lot unless the Person has complied with all rules, regulations and other requirements for employee parking as established by the Department~~vehicle displays a currently effective employee parking sticker authorized by the airport. Such permits shall not be valid if the information thereon is not clearly visible and readable.~~

- B. Tenants of T-hangars and shade hangars may park their motor vehicles in their own hangars when the aircraft is being flown, or in front of their hangar if they are present. Service or delivery vehicles may park next to a tenant's hangar long enough for delivery. All others shall park in public lots.
- C. No ~~Person~~ shall park a motor vehicle on the ~~Airport~~ in excess of seventy two (72) consecutive hours unless it is parked in the public parking area or with the authorization of the airport.
- D. No ~~Person~~ shall park a motor vehicle in an area designated as a public parking lot unless such person pays the authorized rate for such parking lots. A schedule of parking rates shall be available in the ~~Airport Office~~ of ~~Finance~~ and ~~Administration~~. (Ord. 77-04 § 48, 2004: Ord. 86-98 § 14, 1998: Ord. 42-87 § 8, 1987: prior code § 2-15-2)

16.60.067: PARKING VEHICLES:

No ~~Person~~ shall park a vehicle on the ~~Airport~~ other than in the manner and at locations indicated by posted traffic signs and markings. Each hour a vehicle remains parked in violation of this section shall be a separate offense. (Ord. 42-87 § 8, 1987: prior code § 2-15-7)

16.60.070: IMPOUNDMENT AUTHORIZED WHEN:

Any vehicle parked in violation of ~~Department Rules~~ and ~~Regulations~~ may be impounded or relocated by a certified peace officer. The

owner thereof shall pay for the tow charge, regular parking fees and other penalties and related charges. (Ord. 70-04 § 3, 2004: Ord. 42-87 § 8, 1987: prior code § 2-15-9)

16.60.075: PASSENGER COURTESY CARTS:

A. No Person~~person~~ may operate any vehicle inside a City~~city~~ owned building at the Airport~~airport~~ without proper authority ~~, or in excess of five (5) miles per hour.~~ The owner of any such authorized vehicle shall install and maintain a speed governor on each such vehicle which will prevent the vehicle from exceeding five (5) miles per hour ~~. Vehicle~~~~said speed and~~ at all times shall be maintained in a safe operating condition. Any Person~~person~~ operating such vehicle shall yield to pedestrians, not pass pedestrians unless there is enough space to leave an eighteen inch (18") clearance between vehicle and pedestrian, and otherwise operate the vehicle in a safe manner.

B. The Department Director~~director~~ may prohibit the operation of such vehicles at the Airport or limit their use at any time. (Ord. 42-87 § 2, 1987: prior code § 2-2-40)-

-Article II. Ground Transportation Businesses

16.60.080: PURPOSE OF ARTICLE II PROVISIONS:

The provisions set out in this article are enacted for the purpose of:

A. Requiring those Persons~~persons~~ who conduct business at the Airport~~airport~~ by providing Ground Transportation Service~~ground transportation as their sole business or as a part of their business such as, but not limited to, providing courtesy vehicle or hotel vehicle service,~~ to assist the City~~city~~ in defraying the expense of providing certain facilities and services ~~including, but not limited to, the airport roads, curbs,~~

~~special parking facilities, traffic control, snow removal, lights, and other related airport facilities and services~~ provided for Ground Transportation Vehicles and services~~ground transportation vehicles~~ using the Airport~~airport~~, and to create an equitable assessment of fees for its use; and

- B. Requiring such Persons~~persons~~ to adhere to Rules and Regulations, standards and other requirements~~certain regulations~~ regarding the operations of Ground Transportation~~ground transportation~~ to ensure that such are conducted in a safe and efficient and cost effective manner for the public benefit. (Ord. 70-04 § 4, 2004: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989: prior code § 2-15-10)

16.60.090: DEFINITIONS FOR ARTICLE II:

The following words and phrases, whenever used in this article, shall be defined as provided in this section, unless a different meaning is specifically or more particularly described:

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an Authorized Ground Transportation Business contracted through the Department of Airports to provide On Demand Shared Ride Service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized Ground Transportation Vehicle operating under contract with the Salt Lake City Department of Airports to provide Airport Shared Ride Service.

AUTHORIZED ~~AIRPORT~~ GROUND TRANSPORTATION BUSINESS: Any Business

~~operating any Ground Transportation Vehicle. Businesses providing ground transportation services for hire or courtesy at the airport which has: a) have a current, valid business license as required by the City and which A) registers the Business in accordancecity, b) have, when applicable, a current certificate of convenience and necessity as required by the city, and c) have registered with the airport. Such registrations shall be made on forms provided by the airport and shall include the name of the business, the type(s) of vehicles to be operated, the type(s) of services to be provided, all fee and tariff schedules, the business address and telephone number, and the name, address and telephone number of a representative of the business who will be responsible for ground transportation activities of the business at the airport. A copy of the current business license issued by the city and the appropriate certificate shall be provided to the airport with the requirements established by the Department and B) is current with all fees or charges imposed by the Department or City.~~
~~such registration.~~

AUTOMOBILE: Any motor vehicle with passenger seating for five persons or ~~which is registered at a gross weight of less than six thousand (6,000) pounds, or, if not including the driver. registered commercially, that such vehicle would receive a weight classification as gross weight of less than six thousand (6,000) pounds, if such vehicle were to be registered commercially.~~

BUS: Any motor vehicle with a seating capacity of twenty-five passengers or more, ~~operated on the streets and highways for hire on a scheduled or nonscheduled basis,~~

~~that is registered with the state at a gross weight of over thirty six thousand (36,000) pounds. Such defined word, however, shall not includinginclude any buses operated by the driver.~~

BUSINESS: A voluntary association legally formed and organized to carry on a business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole-proprietorship.

CIVIL NOTICE: The written notice of ground transportation violation.~~transit authority.~~

COURTESY VEHICLE: Any motor vehicle which is regularly operated on Salt Lake City streets for transportation of customers and/or baggage, without making a specific separate charge to the passenger for such transportation. All contracts providing for operating a Courtesy Vehicle~~courtesy vehicle at the airport on behalf of a hotel or motel~~ shall be filed with~~under~~ the Department.

DEPARTMENT: The Salt Lake City Department of Airports.

DEPARTMENT DIRECTOR: The Director~~direction~~ of the Department designated by the mayor~~director of airports and shall be subject to have responsibility for the~~ enforcement of this chapter or the authorized designee of such Director.

DEPARTMENT RULES AND REGULATIONS: Rules~~all applicable airport rules~~ and regulations developed and adopted by the Department Director to govern Ground Transportation Service and Businesses within the City.

7

FIXED SCHEDULE: Ground Transportation Service~~transportation service~~ operating on

a regular time schedule previously announced as to time of departure and arrival between the ~~Airport~~~~airport~~ and definitely established and previously announced points along definitely established and previously announced routes regardless of whether there are passengers or freight to be carried.

GROUND TRANSPORTATION BUSINESS: Any business operating any Ground Transportation Vehicle.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a Ground Transportation Business.

GROUND TRANSPORTATION HEARING OFFICER: A Ground Transportation Hearing Officer appointed by the Department Director to hear and rule on appeals, suspensions and other matters related to ground transportation in and connected with the City.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle ~~which is~~ used for the transportation of in connection with persons using Salt Lake City streets for commercial purposes regardless of whether a fee or fare is collected, which conducting business of providing ground transportation at the airport, and includes, but is not limited to, any Airport Shared Ride Vehicle, Automobile, Bus, Courtesy Vehicle, Hotel Vehicle, Limousine, Minibus, Special Transportation Vehicle, Taxicab, Van, or Trailer being towed by a Ground Transportation Vehicle.

~~automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, taxicab and van.~~

HOTEL VEHICLE: Any motor vehicle which is regularly operated by a Ground Transportation Business under contract to or directly by a motel / hotel or other lodging Business, to providefor transportation of customers and/or baggage for the contracted establishment~~to or from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel and under contract with such motel or hotel~~ and for which transportation the customer is charged a separate fee or fare. All

contracts providing for operating a Hotel Vehicle~~hotel vehicle at the airport~~ shall be filed with the Department.

~~under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.~~

LIMOUSINE: Any vehicle ~~motor propelled vehicle which is a Rolls Royce or other automobile~~ described by its manufacturer or aftermarket manufacturer as a Limousine~~limousine~~ or luxury vehicle, ~~having a wheel base in excess of one hundred ten inches (110"), operated on the streets and highways for hire,~~ with a driver furnished, who is dressed in professional business attire or a "chauffeur's uniform. ~~uniform" (defined as a jacket and tie for a man or a pants suit or dress for a woman) or tuxedo while on duty, operated on a scheduled or prearranged basis, and licensed as required by this code.~~

MANIFEST: ~~For purposes of this chapter, means a daily record of all prearranged service provided by a driver of a ground transportation vehicle during such driver's~~

~~hours of work which record shall be made by such driver, showing time(s) and place(s) of origin and destination, intermediate stop(s), the names of all passengers, and the amount of fare of each trip.~~

MINIBUS: Any motor vehicle with a seating capacity of thirteen to twenty-four passengers, not ~~which is registered with the state at a gross weight of ten thousand one (10,001) to thirty six thousand (36,000) pounds, operated on a scheduled or nonscheduled basis, or is designed to transport sixteen (16) or more persons, including the driver.~~
~~driver, and is licensed as required by this code. Such term, however, shall not include any minibus operated by any local, state or federal agency.~~

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an authorized Airport Ground Transportation Business~~airport ground transportation business~~ which is not Scheduled Service~~"scheduled service"~~ nor Prearranged Service From The Airport~~"prearranged service"~~ as defined in this section.

PREARRANGED SERVICE FROM THE AIRPORT: Transportation from the Airport~~airport~~ to points within ~~or without~~ the corporate limits of Salt Lake City provided by an Authorized Ground Transportation Business ~~which authorized airport ground transportation business which~~ is contracted for between such ~~the~~ business and the Person~~person~~ to be transported, or by an agent of the Person~~person~~, prior to the arrival

of the ~~Person~~person at the Salt Lake City International Airport. "Prearranged Service From The Airport~~service from the airport~~" shall include Airport~~airport~~ ground transportation contracted for by an airline company on behalf of its own passengers whose regular air travel may have been disrupted in some manner. An agent may include a travel agent, family member, employee, business ~~entity~~or meeting planner, but excludes an Authorized Ground Transportation Business~~.authorized ground transportation business.~~ Prearranged service to the Airport~~airport~~ shall be provided on the same basis as permitted under Title~~title~~ 5, Chapter~~chapter~~ 5.71 of this code.

SCHEDULED SERVICE: Transportation provided by an Authorized Ground Transportation Business on a Fixed Schedule~~authorized airport ground transportation business on a fixed schedule~~ posted with the Department in advance~~city as required by law and a current copy~~ of such transportation.

TAXICAB: A motor vehicle ~~the schedule filed with~~ a seating capacity of five passengers or less, not including the driver, used in the on demand ~~airport.~~

SPECIAL TRANSPORTATION VEHICLE: Any ~~vehicle~~ for hire ~~on Salt Lake City streets, which is used for the transportation of~~ passengers or baggage~~persons with disabilities and is licensed under~~ title 5, chapter 5.76 ~~of this code, or its successor.~~

STARTER: A ~~person appointed by and representing a ground transportation business and providing coordinated travel arrangements and information about available travel services and fares.~~

~~TAXICAB: A motor vehicle used in the transportation of passengers for hire over the public streets and not operated over a fixed route or upon a Fixed Schedule, fixed schedule, but which is subject for contract hire by Persons~~persons~~ desiring special trips from one point to another, as provided and which is licensed under title 5, chapter 5.72 of this title, or its successor chapter and authorized to operate in Salt Lake City by contract with the Department.~~

~~code, or its successor. It does not include an automobile rental vehicle licensed under any other section of this code.~~

VAN: Any licensed motor vehicle other than those designated as a Limousine~~which is registered with the state at a passenger seating capacity of sixgross weight of four thousand (4,000) to ten thousand (10,000) pounds, or is designed to twelve, not including the driver, transport fifteen (15) passengers or fewer, including the driver, and which is licensed as required by this code.~~ (Ord. 20-06 § 1, 2006: Ord. 87-05 § 2, 2005: Ord. 45-05 § 1, 2005: Ord. 70-04 § 5, 2004: Ord. 24-99 § 7, 1999: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989: prior code § 2-15-11)

16.60.095: BUSINESSES AUTHORIZED TO PROVIDE GROUND

TRANSPORTATION:

It shall be a violation to operate a Ground Transportation Vehicle at the Airport, unless such is an Authorized Ground Transportation Business.

~~It shall be unlawful for any person who conducts business at the airport by providing~~

~~ground transportation to operate a motor vehicle connected with said business at the airport unless such is an "authorized airport ground transportation business" as defined in this article. (Ord. 70-04 § 6, 2004; Ord. 15-89 § 1, 1989; Ord. 3-89 § 1, 1989)~~

16.60.097: GROUND TRANSPORTATION DESTINATIONS:

A. All Authorized Ground Transportation Businesses may provide Scheduled Service or Prearranged Service from the Airport.

B. Only authorized Airport Shared Ride Service Vehicles, Taxicabs, Courtesy Vehicles, and Hotel Vehicles may provide On Demand Service at the Airport, except that: Courtesy Vehicles and Hotel Vehicles may provide On Demand Service only to and from the hotel / motel or other Business with whom they hold a current contract for transportation services. The Department Director may waive these restrictions if it is determined that circumstances at the Airport~~A. All authorized airport ground transportation businesses may provide prearranged service or "scheduled service" to or from the airport as defined in section 16.60.090 of this chapter.~~

~~B. All authorized airport ground transportation businesses may provide on-demand service between the airport and destinations outside the corporate limits of Salt Lake City.~~

~~C. For transportation back and forth between the airport and points within the corporate limits of Salt Lake City, only taxicabs, courtesy vehicles, hotel vehicles and limousines may provide on-demand service, unless the director or his or her designee determines that circumstances at the airport exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the~~ City to address such circumstances.~~city to address such circumstances. The foregoing notwithstanding, limousines may provide on-demand service only upon charging a minimum fare of thirty dollars (\$30.00) per trip. Limousines may provide prearranged~~

~~service without charging a set minimum fare. (Ord. 45-05 § 2, 2005: Ord. 70-04 § 7, 2004: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)~~

C. All Authorized Ground Transportation Businesses may provide On Demand, Scheduled Service and Prearranged Service from the Airport to destinations outside of the corporate limits of Salt Lake City.

16.60.100: PASSENGER PICK UP ZONES:

All persons operating a Ground Transportation Vehicle~~ground transportation vehicle~~ on the premises of the Airport~~airport~~ shall pick up passengers only in areas as designated by the Department Director~~director~~. Ground Transportation Vehicle~~transportation vehicles~~ may occupy such area only for the period of time established by the Department Director~~director~~. (Ord. 70-04 § 8, 2004: prior code § 2-15-12)

16.60.110: CHARGES:

The Department Director may impose~~airport enterprise fund imposes~~ commercial charges for the use of Airport~~airport~~ facilities and services. Businesses must pay services, and all fees established~~such charges imposed on ground transportation providers shall be limited to the recovery of costs incurred~~ by the Department Director.~~fund for providing facilities and services to ground transportation providers.~~ (Ord. 87-05 § 12, 2005: Ord. 86-98 § 15, 1998: Ord. 52-96 § 1, 1996: Ord. 28-94 § 1, 1994: Ord. 91-91 § 1, 1991: Ord. 3-89 § 1, 1989: prior code § 2-15-13)

16.60.120: CHARGES REQUIRED:

No Ground Transportation Vehicle or Business shall use the Airport's roadways or facilities without paying the fees established by the Department Director.

~~No ground transportation vehicle shall use the commercial ground transportation lanes without paying the fee required by section 16.60.110 of this chapter, or its successor. (Ord. 91-91 § 1, 1991; Ord. 3-89 § 1, 1989; prior code § 2-15-14)~~

16.60.130: PAYMENT OF FEE BY GROUND TRANSPORTATION VEHICLES:

~~A. Payment of the required fees shall be made in the manner prescribed by the Department Director.~~
director of airports.

~~B. All taxicabs which are licensed under title 5, chapter 5.72 of this code, or its successor, shall possess a taximeter in accordance with the requirements of title 5, chapter 5.72 of this code. (Ord. 70-04 § 9, 2004; Ord. 27-94 § 1, 1994; prior code § 2-15-15)~~

16.60.140: CITY ORDINANCES~~TAXICAB REGULATIONS~~ APPLICABLE TO AIRPORT:

All applicable ordinances contained Salt Lake City Code, including without limitation in title 5, chapter 5.71 and 5.72 of this code or their successors~~its successor~~ shall apply to the Salt Lake City International Airport. The Department Director may enter into contracts~~In addition, the provisions set out in sections 16.60.150 through 16.60.170 of this chapter or successor sections shall specifically apply at said airport. (Prior code § 2-15-16)~~

~~16.60.150: STAGING AREA FOR TAXIS:~~

~~A. There is established a taxicab staging area at the airport which is designated exclusively for taxicabs entering the airport for the purpose of obtaining a fare.~~

~~B. All taxicabs entering the airport for the purpose of obtaining a fare shall follow airport rules and regulations.~~

~~C. No driver of a taxicab seeking to obtain a fare shall go directly to the taxicab stand without first going to the designated staging area. (Ord. 70-04 § 10, 2004; Ord. 91-91 § 1, 1991; prior code § 2-15-17)~~

~~16.60.160: PREARRANGED FARES FOR TAXIS:~~

~~(Rep. by Ord. 70-04 § 11, 2004)~~

~~16.60.170: TAXICAB STAND RESTRICTIONS:~~

~~There are established taxicab stands at the airport which are designated exclusively for taxicabs entering the airport for the purpose of obtaining a fare. Such stands shall be marked by appropriate signs placed at the direction of the director, and establish Rules the use of such stands shall be subject to airport rules and Regulations for Taxicab operations specific to the Airport regulations. (Ord. 70-04 § 12, 2004; prior code § 2-15-19)~~

16.60.180: GROUND TRANSPORTATION BOOTHS:

There may be established within the terminal buildings at the Airport ~~airport~~ one or more ground transportation booths for the exclusive use of Authorized Ground Transportation Businesses to assist ~~authorized ground transportation businesses in coordinating travel arrangements with the traveling public~~ to arrange for transportation, including travel reservations and ticket sales. These booths ~~may~~ shall be made available to Businesses in accordance with applicable contracts and/or Department Rules and Regulations. ~~businesses through airport rules and regulations.~~

A. A. No Authorized Ground Transportation Business may solicit Solicitation of
passengers ~~by authorized ground transportation business~~ at the Airport~~airport~~ shall
~~be unlawful~~ except at a bona fide ground transportation booth established by the
Department Director and operated by the Authorized Ground Transportation
Business~~airport director~~.

B. No Person or Business including any Ground Transportation Business may contract
for passenger meet and greet services on behalf of any Ground Transportation
Business without the written permission of the Department Director.

C. In addition to civil penalties, any~~B. Any~~ violation of ~~these~~this solicitation restrictions
by any driver or representative of any Authorized Ground Transportation
Business~~authorized ground transportation company~~ may result, at the Department
Director's~~director's~~ sole option, ~~after a hearing,~~ in such driver or Business being
barred from any further entry to an Airport~~airport~~ terminal as a driver or Authorized
Ground Transportation Business~~authorized ground transportation business~~
employee.

D.~~C.~~ No representative of any Authorized Ground Transportation Business~~authorized~~
~~ground transportation business~~ shall transport baggage or cargo in behalf of a
customer to or from the Airport~~airport~~ without documentation such as baggage claim
tickets or transfer documents clearly indicating the authority of such representative
to transport such baggage. Said representative shall produce such documentation
for inspection upon request by an authorized official of the Department~~airport~~. (Ord.
70-04 § 13, 2004: Ord. 91-91 § 1, 1991: Ord. 89-91 § 1, 1991: Ord. 15-89 § 1, 1989:
Ord. 3-89 § 1, 1989)

16.60.190: STAGING AND PARKING OF GROUND TRANSPORTATION VEHICLES:

Any use of

~~In addition to the staging area, parking facilities, taxistands, and stands established solely for taxicabs as set forth in this article, there are established parking areas, and a commercial traffic lanes or other areas and for use by authorized ground transportation vehicles. The use of such facilities~~ used by Authorized Ground Transportation Vehicles ~~are shall be~~ subject to Department Rules~~airport rules~~ and Regulations~~.regulations.~~ (Ord. 70-04 § 14, 2004: Ord. 86-98 § 16, 1998: Ord. 91-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

16.60.200: SIGNS:

Signs may be posted at the Airport by Authorized Ground Transportation Businesses if such signs are airport ~~which meet the graphic standard of the airport and~~ in accordance with applicable department contracts, Department Rules and Regulations,~~airport rules~~ and have been approved by the Department Director,~~regulations.~~ (Ord. 70-04 § 15, 2004: Ord. 86-98 § 17, 1998: Ord. 91-91 § 1, 1991: Ord. 15-89 § 1, 1989: Ord. 3-89 § 1, 1989)

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010

Published: _____

SECTION 2. That Chapter 16.64, Salt Lake City Code, pertaining to violations, penalty and enforcement at the Salt Lake City International Airport, be and the same hereby is, amended to read as follows:

Chapter 16.64
VIOLATION, PENALTY AND ENFORCEMENT

16.64.010: PROHIBITIVE NATURE OF TITLE REGULATIONS:

It is a violation~~unlawful~~ for any Person~~person~~ to do any act prohibited by law, this title, to fail or refuse to do any act required by law, this title, to operate any vehicle or aircraft in violation of any provisions of this title or Department Rules and Regulations, or to operate any vehicle or aircraft unless such vehicle or aircraft is equipped and maintained as provided in this title or other applicable law. (Prior code § 2-16-1)

16.64.020: REMOVAL AUTHORIZED WHEN:

Any Person using Airport property,~~person~~ operating any vehicle or handling any aircraft in violation of this title or other applicable law, or by refusing to comply ~~t~~herewith, may be removed or ejected from the Airport,~~airport,~~ and may be deprived of the further use of the Airport~~airport~~ and its facilities for such length of time as may be deemed necessary by the Department Director to ensure the safeguarding of the same and the public and its interest therein. (Ord.-77-04 § 49, 2004: prior code § 2-16-3)

16.64.025:16.64.030: VIOLATION; PENALTY:

Any ~~Person~~person guilty of violating any of the provisions of this title shall be deemed guilty of a class B ~~misdemeanor~~. ~~(Ord=~~misdemeanor, except the violation of certain sections of this Title 16 as set forth in section 16.64.030 below, which shall constitute civil violations.~~42-87 § 9, 1987: prior code § 2-16-2)~~

16.64.030: CIVIL PENALTIES AND ENFORCEMENT:

- A. All persons in violation of this Title, or Department Rules and Regulations, or other applicable law are subject to Civil Penalties and any other actions as may be taken by the Airport Director to ensure the safe and effective operations of the Airport.
- B. The City may impose revocation, suspension and nonrenewal of a City business license to operate a Ground Transportation Business for violations of applicable laws, policies, procedures, rules, or regulations as provided under chapter 5.02 of this title
- C. The Department may revoke, suspend or deny renewal of an Operator's Badge, Department Automated Vehicle Identification tag or Department Inspection Seal for violations of applicable laws, policies, procedures, rules, or regulations. The person or business affected may request, in writing filed with the Department, an appeal hearing before the Ground Transportation Hearing Officer. Any such revocation, suspension or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement, and the Ground Transportation Hearing Officer determines that reinstatement is appropriate.

D. If any Named Party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation or nonrenewal of a City license to operate a Ground Transportation Business, Operator's Badge. Department Automated Vehicle Identification Tag and Department Inspection Seal. (Ord. 24-99 § 4, 1999)

E. Civil penalties may be imposed as set forth below. The Named Party in the Civil Notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law, rule, regulation, suspension, revocation or other restrictions as may be imposed by the Department Director.

F. Violations of the following ordinances shall constitute Civil violations and be subject to the following penalties:

<u>CODE</u>	<u>AMOUNT OF PENALTY</u>	<u>VIOLATION</u>
<u>ARTICLE I</u> <u>GENERAL</u> <u>REGULATIONS</u>		
<u>16.60.010</u>	<u>\$500.00</u>	<u>Vehicle operations on Airport</u>
<u>16.60.020</u>	<u>\$1000.00</u>	<u>Secured area vehicle operations</u>
<u>16.60.030</u>	<u>\$1000.00</u>	<u>Ramp area vehicle operations</u>
<u>16.60.040</u>	<u>\$200.00</u>	<u>Unauthorized passenger load /unload</u>
<u>16.60.050</u>	<u>\$1000.00</u>	<u>Failure to report accident</u>
<u>16.60.060</u>	<u>\$1000.00</u>	<u>Prohibited vehicle in secure area</u>
<u>16.60.065</u>	<u>\$200.00</u>	<u>Parking area restrictions / failure to pay fees</u>

<u>16.60.067</u>	<u>\$100.00</u>	<u>Parking violation posted signs</u>
<u>16.60.075</u>	<u>\$500.00</u>	<u>Courtesy cart operations</u>
<u>ARTICLE II</u> <u>GROUND</u> <u>TRANSPORTATION</u> <u>BUSINESSES</u>		
<u>16.60.095</u>	<u>\$1000.00</u>	<u>Unauthorized ground transportation vehicle</u>
<u>16.60.097</u>	<u>\$500.00</u>	<u>Unauthorized prearranged/on-demand transport</u>
<u>16.60.100</u>	<u>\$200.00</u>	<u>Unauthorized passenger pick up</u>
<u>16.60.120</u>	<u>\$500.00</u>	<u>Failure to pay fees</u>
<u>16.60.180 (A,B,D)</u>	<u>\$500.00</u>	<u>Unauthorized solicitation or baggage transport</u>
<u>16.60.190</u>	<u>\$100.00</u>	<u>Unauthorized staging / use of grounds and facilities</u>
<u>16.60.200</u>	<u>\$500.00</u>	<u>Unauthorized posting of signs</u>

16.64.050: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

A. Civil Notices under this chapter, other than those involving revocations,

suspensions, denials or approvals of a business license, Operators' Badge,

Department Automated Vehicle Identification Tags and Department Inspection Seal

shall be heard by the Salt Lake City Justice Court. Any Named Party may appear

before a Hearing Officer and present and contest an alleged violation as provided in

title 2, chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the Person raising such defense.

Nothing herein shall affect the City's burden to prove each element of the underlying

charge by a preponderance of evidence.

C. If the Hearing Officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the Hearing Officer may dismiss the Civil Notice and release the Named Party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The Civil Notice does not contain the information required by this chapter;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or

3. Such other mitigating circumstances as may be approved by the City Attorney's Office. Civil Notices under this chapter, other than those involving business license revocations, suspensions, denials or approvals, and or Operators' Badge,

Department Automated Vehicle Identification Tags and Department Inspection Seal revocations, shall be heard by the Salt Lake City Justice Court. Any Named Party may appear before a Hearing Officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.

16.64.060: EXPEDITED APPEAL OF EXCLUSION:

Any Named Party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the Ground Transportation Hearing Officer regarding such exclusion as provided for in this chapter, such party may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the Department. The Department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the Department Director may reverse the

action that resulted in such exclusion. If the Department Director does not reverse such
action, the action resulting in such exclusion shall be heard and determined by the
Ground Transportation Hearing Officer in accordance with the provisions of this chapter.
If a preponderance of the evidence indicates such exclusion is proper under this chapter
the Ground Transportation Hearing Officer shall uphold such exclusion. (Ord. 29-02 § 7,
20023: Ord. 24-99, § 4, 1999)

SECTION 3. Effective Date. This ordinance shall become effective on the date of
its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of
_____ , 2010.

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on _____ .

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER