

CHAPTER 34

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GENERALLY

34.002. Definitions. As used in this chapter, except where the context otherwise requires:

(a) "Ambulance" means, except as provided in subsections (1), (2), (3), and (4) of this subsection, a motor vehicle that is constructed or equipped for and intended to be used as emergency transportation of persons because of or in connection with their illness, injury, or disability. This definition does not apply to:

(1) Ambulances being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the city are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident.

(2) Ambulances operated solely on private property or within the confines of institutional grounds whether or not the incidental crossing of any highway through the property or grounds is involved.

(3) Ambulances owned by or operated under the control of the United States government or subcontractors with the City of Salem.

(4) Ambulances transporting persons from points without to points within or through the city.

(5) Air Medic evacuation units.

(b) "Director" means the Director of Community Development or the Director's designee.

(c) "Driver" means the person who drives a taxicab, invalid or wheelchair coach.

(d) "Invalid or Wheelchair Coach" means a privately owned motor vehicle for hire, except an ambulance, that is constructed or equipped and regularly provided or offered to be provided, primarily for the nonemergency transportation of persons in wheelchairs or of persons with severe mobility limitations.

(e) "Limousine" means a vehicle with a seating capacity from 4 to 15 persons including the driver, with a separate passenger compartment and which charges \$25 or more per trip.

(f) "Operator" means a person engaged in the business of furnishing or operating a service described herein, whether upon contract or offering such service to the public generally.

(g) "Severe Mobility Limitations" means persons who have physical impairments which preclude their ability to walk without the physical assistance of another person and/or the assistance of a wheelchair, stretcher, or similar device; however, persons who can walk with a walker or cane, but do not need the assistance of another person shall not be considered as severely mobility limited.

(h) "Taxicab" means a motor vehicle, except an ambulance, invalid or wheelchair coach or limousine, intended to be used for the transportation for hire of persons or property and not operated exclusively over a fixed and defined route.

(i) "Taxicab driver" means a person who carries on the vocation of driving a taxicab.

(j) "Vehicle for hire" means invalid or wheelchair coaches and taxicabs. (Ord No. 47-73; Ord No. 46-77; Ord No. 75-78; Ord No. 145-79; Ord No. 225-79; Ord No. 23-80; Ord No. 134-85; Ord No. 28-88; Ord No. 66-93; Ord No. 71-95; Ord No. 12-99; Ord No. 27-2000)

34.004. Operator of Vehicle for Hire License Required.

(a) Every operator shall obtain a business license as provided in Chapter 30 of this Code and meet the requirements of Chapter 34.

(b) Every driver shall obtain a vehicle for hire license as provided in Chapter 30 of this Code and meet the requirements of Chapter 34.

(c) No license shall be issued unless the operator certifies at the time of application for a new or renewal license that each vehicle for hire operated by that operator is in compliance with all applicable federal, state and local laws and regulations. (Ord No. 47-73; Ord No. 46-77; Ord No. 75-78; Ord No. 225-79; Ord No. 23-80; Ord No. 134-85; Ord No. 66-93; Ord No. 4-98; Ord No. 27-2000)

34.008. Level of Service.

(a) An operator of a taxicab shall provide 24 hour taxicab service each and every day of a calendar year.

(b) An operator of an invalid or wheelchair coach shall provide invalid or wheelchair service from 7:00 a.m. to 7:00 p.m., Monday through Friday each and every week of a calendar year and at all other times a passenger made a reservation 24 hours in advance of the requested time of pick up.

(c) Every driver shall respond to a call for service and arrive at the place of pickup, within 45 minutes of the call between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and arrive at the place of pickup within 60 minutes weekends and holidays, and after 7:00 p.m. weekdays.

(d) For purposes of this section, an operator provides service if the operator refers calls to another operator operating in compliance with the provisions of this Code. (Ord No. 66-93; Ord No. 27-2000)

34.010. Application for Business License. In addition to that information required by SRC 30.030, applications for business licenses required by this chapter shall contain:

(a) With respect to each natural person whose name is required to be furnished in the application pursuant to SRC 30.030, the following information:

(1) The place of birth of such person;

(2) Every alias, assumed name, and any previous legal name which has ever been used by such person or by which he has been known;

(3) Every residence address of such person for the five years immediately preceding such application;

(4) A list of all criminal offenses, including traffic crimes, of which such person has ever been convicted, together with the dates and places of such convictions.

(5) Whether or not such person has ever been discharged from a position of trust, or has ever been bonded in connection with a business or vocation and such bond has been revoked, forfeited, or executed upon by reason of such applicant's conduct, together with an explanation of the dates and circumstances surrounding such discharge or action on such bond, and the name and address of the surety of such bonds.

(6) The names and addresses of at least three persons residing within the State of Oregon who can give informed account of the business and moral character of such person.

(b) The Oregon motor vehicle registration number (vehicle license plate number) and manufacturer's serial, motor, or other vehicle identification number of each vehicle for hire to be used by the licensee in connection with his business.

(c) A description, including dates and locations, of the applicant's previous experience in such business.

(d) Such application shall be accompanied by satisfactory proof that the applicant is insured as required by SRC 34.040. (Ord No. 131-65; Ord No. 47-73; Ord No. 23-80; Ord No. 27-2000)

34.012. Application for Vehicle for Hire License. In addition to the information required pursuant to SRC 30.030, the application for any vehicle for hire license shall contain:

(a) Every place of residence of the applicant for the consecutive ten years immediately preceding the application.

(b) Every state or jurisdiction from which the applicant has received a motor vehicle operator's or chauffeur's license.

(c) Whether any such operator's or chauffeur's license has ever been revoked or suspended for any reason.

(d) Whether the applicant has ever been convicted of or forfeited bail on a charge of any major traffic offense as defined in ORS 153.500 or convicted of any other crime.

(e) Proof of the following minimum insurance requirements:

(1) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence;

(2) \$200,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence;

(3) \$500,000 for any number of claims arising out of a single accident or occurrence.

(4) A certificate of insurance from the insurance carrier to the city that provides for not less than 10 days notification of cancellation. (Ord No. 47-73; Ord No. 46-77; Ord No. 75-78; Ord No. 23-80; Ord No. 134-85; Ord No. 66-93; Ord No. 4-98; Ord No. 27-2000)

34.050. Safe and Adequate Service Required.

(a) The interior of a vehicle for hire shall be kept clean and free of debris through a daily inspection by the operator prior to that vehicle being placed into service.

(b) Each operator shall conduct a monthly safety check of each vehicle for hire used by that business and shall maintain written vehicle safety logs specifying each safety check. (Ord No. 131-65; Ord No. 225-79; Ord No. 134-85; Ord No. 66-93; Ord No. 27-2000)

34.055. Inspections. Every vehicle for hire shall be subject to inspection without prior notice by the Director to ensure compliance with this chapter. These inspections shall be done during business hours. (Ord No. 27-2000)

34.075. Medical Emergency Transportation. No vehicle for hire shall transport:

(a) Any person in acute medical distress, in need of immediate medical attention or in need of care while en route to the hospital,

(b) Any person who is in a reclining wheelchair with the back lowered more than 33 degrees or the feet raised more than 90 degrees, except that a wheelchair or invalid coach may transport a person on a stretcher if the person is not in acute medical distress. (Ord No. 27-2000)

VEHICLES AND DRIVERS

34.090. Qualifications of Applicants for Vehicle for Hire License. No application for a vehicle for hire license shall be granted unless the applicant meets the following qualifications:

- (a) Be of the age of eighteen or over.
- (b) Can read and speak the English language sufficiently to converse with the general public.
- (c) Be the holder of a current and valid Oregon motor vehicle driver's Class C license.
- (d) During the consecutive five years immediately preceding the application, the applicant shall not have any convictions or bail forfeitures for the following traffic offenses, including convictions for similar offenses in other jurisdictions:
 - (1) reckless driving;
 - (2) driving under the influence of intoxicants;
 - (3) failure to perform the duties of a driver involved in an accident or collision;
 - (4) criminal driving while suspended or revoked; or
 - (5) fleeing or attempting to elude a police officer. (Ord No. 131-65; Ord No. 47-73; Ord No. 46-77; Ord No. 75-78; Ord No. 23-80; Ord No. 66-93; Ord No. 47-2003; Ord No. 30-2004)

34.120. Investigation of Applicant. Upon receipt of an application for any license required by SRC 34.004, the Director shall refer the same to the chief of police and to any other city official for investigation of the applicant's business and moral character and of the statements contained in the application as may be necessary for the protection of the public health and safety and welfare, and to determine whether any cause exists for denial of the license. Such investigation may include the fingerprinting of any natural person whose name is required to be furnished to the application pursuant to SRC 30.030. (Ord No. 131-65; Ord No. 47-73; Ord No. 66-93; Ord No. 27-2000)

34.122. Report of Investigation. The chief of police and any other city official shall, upon concluding any investigation pursuant to SRC 34.120, prepare a report of findings and submit the same to the Director, recommending either issuance or denial of the license. Such recommendation shall be considered by, but shall not be binding upon the Director. (Ord No. 47-73; Ord No. 4-98; Ord No. 27-2000)

34.150. Suspension of Driver's License. The license of a driver shall be automatically and without further notice suspended from and during any time that such licensee's Oregon motor vehicle driver's Class C license has been suspended or revoked by the Oregon Motor Vehicle Division. (Ord No. 131-65; Ord No. 47-73; Ord No. 46-77; Ord No. 75-78; Ord No. 23-80; Ord No. 134-85; Ord No. 66-93)

34.160. Persons under Influence of Liquor or Drug Not Permitted to Act as Driver. No operator shall permit any person who is under the influence of intoxicating liquor or drugs to drive any vehicle for hire. (Ord No. 131-65; Ord No. 225-79; Ord No. 134-85)

34.170. Rules and Regulations of Director. The Director shall promulgate such rules and regulations as may from time to time be required to carry out the provisions of this chapter. (Ord No. 134-85; Ord No. 66-93)

34.172. Replacement or Addition of Vehicles. Whenever a license holder replaces a vehicle there shall be filed, with the Director, a description of the vehicle to be abandoned or no longer used and a description of the vehicle to be placed in use with the name of the manufacturer, engine and serial numbers, and state motor vehicle license number. Such information shall also be furnished for any vehicle or vehicles being added to the operation. (Ord No. 66-93)

34.190. Not to Issue If Vehicle Number the Same as That of Another Licensee. No license shall be issued to any person having the number of the vehicle the same as that of any other vehicle for hire of any other operator licensed to operate within the city. (Ord No. 131-65; Ord No. 66-93; Ord No. 27-2000)

34.200. Use of Direct Route Required. Any driver of a vehicle for hire employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination. (Ord No. 131-65; Ord No. 66-93)

34.210. Marking. The owner of every vehicle for hire shall mark conspicuously in 2 1/2 inch or larger letters and numbers, on both sides of the vehicle, the name of the owner and the individual number used to identify the vehicle. (Ord No. 131-65; Ord No. 66-93)

34.225. [Renumbered 34.355 by Ord No. 27-2000]

34.230. [Renumbered 34.355 by Ord No. 27-2000]

34.235. Use for Certain Purposes Prohibited. It shall be unlawful for any operator or driver or any person in charge of an operator or driver, to use or allow such a vehicle for hire to be used for any purpose which would amount to a violation of ORS chapter 167, or of SRC chapter 96.

34.245. Prohibited Smoking.

(a) Except as provided in paragraph (b) of this section, it shall be unlawful for any driver to smoke in the presence of any passenger without the consent of such passenger.

(b) No person shall smoke in a vehicle for hire if oxygen tanks or equivalent are present in the vehicle.

34.255. Record of Trips.

(a) It is unlawful for any person owning or operating a vehicle for hire to fail to keep an accurate daily record setting forth the information required by paragraph (b) of this section, the form and size to be determined and approved by the Director.

(b) The following information shall be contained on the daily record sheet:

1. The driver's name as licensed and City of Salem's license number;
2. The company name and vehicle number;
3. The date, time of service request, time and place of origin and termination of each trip (including trips where the passenger did not complete an actual trip);
4. The fare paid;
5. The number of passengers paying or not paying and any other items for which a charge was or was not made;
6. The beginning and ending speedometer mileage of the vehicle for each shift worked;
7. The beginning and ending meter reading for each shift worked.

(c) Persons required to retain trip records under paragraph (a) of this section shall retain the information for one year.

TAXICABS

34.355. Display of Rates and License.

(a) The schedule of rates shall be conspicuously posted in each taxicab in a manner that may be easily read from both the inside and outside of each taxicab. The printed rate shall be headed with the word "Rates" in letters not less than one-half of an inch in height, and the text thereof shall be in letters not less than twelve-point type and shall be printed on a card not less than six inches by ten inches in size.

(b) The driver shall display in such coach a laminated vehicle for hire license with a picture of driver visible to the passengers.

34.358. PASSENGER'S RECEIPT. Whenever demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of such taxicab, at the time of such payment, a receipt therefor in legible printing or writing, containing the name and address of the owner, the name of the driver, any and all of the times for which a charge is made, the total amount paid, and the date of payment.

34.360. CONDUCT OF DRIVERS AT STANDS. It shall be unlawful for any taxicab driver, when parked at any taxicab stand, to leave the taxicab unattended. When a taxicab is parked at a taxicab stand, the driver thereof shall remain within the cab or alongside thereof and shall not loiter upon the sidewalk, street, or in any railroad station, bus depot, or other public place; provided, however, that such driver may assist passengers to and from such taxicab and answer any telephone maintained by the owner of the taxicab. (Ord No. 131-65; Ord No. 4-98)

34.380. [Renumbered 34.235 by Ord No. 27-2000]

34.390. [Renumbered 34.245 by Ord No. 27-2000]

34.410. [Renumbered 34.255 by Ord. No. 27-2000]

34.460. Meter; to Be in Operation When Taxicab Engaged. No passenger shall be carried in any taxicab unless the taximeter is in operation. This provision shall apply regardless of whether the taxicab is engaged for a trip entirely within the boundaries of the city or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, regardless of the point of destination. (Ord No. 131-65)

34.480. Inspection by Operator; Inspection Label. Every taximeter shall be inspected and tested for accuracy by the operator at least once every six months. (Ord No. 131-65; Ord No. 47-73; Ord No. 66-93)

34.490. Calculation and Indication of Charges. All charges for taxicab service shall be calculated and indicated by a taximeter. Taxicab operators may also make a specialized charge to carry extra passengers, and to deliver packages or other items. (Ord No. 131-65; Ord No. 66-93)

34.500. Dial to Be Lighted and Discernible to Passengers. The taximeter shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible to a passenger riding in any taxicab. (Ord No. 131-65)

34.530. Meter; to Register Charges Only When Taxicab Engaged. No taximeter shall be so operated as to cause any charge to be registered thereon except during the time while the taxicab is engaged by a passenger. (Ord No. 131-65)

WHEELCHAIR COACH

34.532. Fees for Service, Display Fees and License.

(a) The operator of an invalid or wheelchair coach shall inform every passenger, or person responsible for payment, of the fees charged for the service.

(b) Such operator shall post rates on a five-inch by eight-inch signage which is visible to passengers and also by posting the rates in the passenger compartment of each vehicle. Nothing stated herein shall preclude operators from specialized charges for extra services such as escorting people with limited mobility, assisting passenger to and from the vehicle; other specialized charges include, but are not limited to: extra passengers, delivering packages, transporting people in wheelchairs or stretchers, as long as those charges are posted/readily available to all passengers.

(c) The driver shall display in such coach a laminated vehicle for hire license with a picture of driver visible to the passengers.

(d) Such operators which are paid exclusively by third party providers and whose services include transportation to and from medical facilities only need not have a taxi meter and post rates.

(e) The fee schedule shall be filed with the Director on a form designed by the city at least 15 days before the effective date. (Ord No. 134-85; Ord No. 66-93)

AMBULANCES

34.633. Council Findings. The common council finds:

(a) Salem is a metropolitan city of approximately 90,000 people located in an urban area experiencing rapid growth.

(b) The area is presently, and has been for more than ten years, served by one ambulance operator.

(c) Over the past five years rates charged for ambulance service have increased by more than 100 percent.

(d) The city is receiving an increasing number of complaints from its citizens concerning the high cost of ambulance service.

(e) Expansion of levels of ambulance service, acquisition of new equipment, and rental of additional facilities have all contributed to said costs.

(f) Under the present license structure the city has been unable to effectively control the present licensed ambulance operator restraining him from expanding said levels of service and operation, acquisition of equipment, and the rental of additional facilities.

(g) The existing ambulance operator has requested substantial rate increases indicating if the request is not granted he may become insolvent.

(h) With anticipated rapid growth for this area, it may be expected other ambulance operators will seek to serve this area.

(i) For ambulance operators to serve this area, it requires substantial investment for equipment and facilities.

(j) Competition may result in bad ambulance service or no service at all.

(k) Under a city operated ambulance service arrangement, the city may provide the use of city facilities, better control levels of ambulance service, thus more effectively manage rates, and bring a stability to the service. (Ord No. 225-79; Ord No. 23-80)

34.635. Declaration of Policy. It is hereby declared to be a matter of public policy of the City of Salem that in the interest of public health, safety, and welfare, and to provide this city with a high, stable level of ambulance service at the lowest possible cost to the user of that service, that ambulance service to the citizens be provided by the City of Salem through its fire department. (Ord No. 225-79; Ord No. 23-80)

34.638. Municipal Ambulance Service. The fire department of the City of Salem shall have the exclusive right and privilege to operate all ambulances in the city. It shall be unlawful for any person, firm, or corporation to operate an ambulance over and along the public streets within the corporate limits of the city. (Ord No. 23-80; Ord No. 12-99)

34.715. Sale of Ambulance Memberships. As an alternative to billing transported patients individually, the fire department of the City of Salem may accept prepayment from persons within its individual or joint area of operation for ambulance and emergency medical services.

Ambulance membership shall be available to any person or family residing in the service area. Fees for membership shall be as prescribed by resolution of the common council. The fire department of the City of Salem shall be responsible for administration of the membership program, including but not limited to membership term, transferability, covered services, enrollment periods, and related program features. (Ord No. 93-87; Ord No. 71-95)

34.990. Violations. Violation of any of the provisions of this chapter is an infraction. It is punishable by a fine of not less than \$100 and not more than \$250. The second and subsequent violation in any one year period is punishable by a fine of not less than \$250. In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this chapter may be ordered by the court to correct the violation. (Ord No. 193-79; Ord No. 47-97)