

ORDINANCE NUMBER 1143

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF KETCHUM, IDAHO, AMENDING CHAPTER 5.08 OF THE MUNICIPAL CODE FOR
LICENSING OF LIMOUSINES AND TAXICABS**

WHEREAS, Chapter 5.08 of the Ketchum Municipal Code sets forth the licensing requirements for limousines and taxicabs; and

WHEREAS, the operation of limousines and taxicabs is similar and does not necessitate separate licenses; and

WHEREAS, rideshare operations such as Uber and Lyft are regulated by Title 49, Chapter 37 of the Idaho State Code; and

WHEREAS, the Mayor and Council desire to streamline and standardize the licenses process for both limousines and taxicabs by amending Chapter 5.08;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:

SECTION 1. Amends Chapter 5.08 of the Ketchum Municipal Code as follows:

Chapter 5.08
TAXICAB LICENSES

5.08.010: DEFINITIONS:

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given in this section:

APPLICANT: A person making application for a taxicab business license, or renewal, to operate and maintain a taxicab business or taxicabs on the public streets and alleys within the city of Ketchum, Idaho.

DRIVER: Any person who drives or who is in actual physical control of any vehicle used as a taxicab.

FRANCHISEE LICENSEE: A person having a city taxicab business license in full force and effect issued under this chapter.

LICENSEE: A person having a city taxicab business license in full force and effect under this chapter.

LIMOUSINE: A taxicab which is hired by a single person on an appointment only basis.

PERSON: Any person, firm, partnership, association, corporation, company or any organization of any kind.

RATE CARD: A card or display in each taxicab which contains the rate of the fare then in force.

TAXICAB: Any motor vehicle engaged in the business of carrying passengers for hire between points and over the public streets and alleys within the city of Ketchum, Idaho, as may be directed by a passenger and not operated on a fixed route. A limousine shall be considered a taxicab.

TRANSPORTATION NETWORK COMPANY: "Transportation network company" or TNC, shall mean an entity operating in Idaho that meets the requirements of Title 49, Chapter 37 of the Idaho State Code and uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC is not deemed to own, control, operate or manage the vehicles used by TNC drivers, and is not a taxicab association or a for-hire vehicle owner.

5.08.020: TAXICAB BUSINESS AND VEHICLE LICENSE REQUIRED; APPLICATION AND QUALIFICATIONS:

A. It is unlawful for any person to conduct, operate or maintain, or permit to be conducted, operated or maintained, or to participate in the conduct, operation or maintenance of, a taxicab business or taxicab on the public streets and alleys within the city unless valid taxicab business and vehicle licenses have been issued by the chief of police in accordance with this chapter and in accordance with rules and regulations promulgated by the chief of police which may be amended from time to time.

B. Application for such business license and vehicle license shall be made to the chief of police (license officer), in such form and manner as he or she may prescribe. To determine the suitability of prospective applicants for a taxicab license, the chief of police shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to section 67-3008, Idaho Code, and congressional enactment public law 92-544, the chief of police shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho state police, bureau of criminal identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho state police. The chief of police is authorized to receive criminal history information from the Idaho state police and from the federal bureau of investigation for the purpose of evaluating the fitness of applicants for taxicab licenses. As

required by state and federal law, further dissemination or other use of the criminal history information is prohibited.

C. Any taxicab business license issued shall be construed to be a privilege to use the streets and public ways for the business of operating taxicabs.

D. Any taxicab vehicle license issued shall be construed to be a privilege to use that specific licensed vehicle on the streets and public ways in furtherance of a duly licensed taxicab business.

E. Each taxicab business license shall be nonexclusive and shall have a term of one year.

F. Transportation network companies and drivers are exempt from this Chapter and shall comply with Title 49, Chapter 37 of the Idaho State Code.

5.08.030: TAXICAB BUSINESS AND VEHICLE LICENSE FEES:

A license fee shall be paid to the license officer prior to the issuance of a taxicab business license as consideration for the license and to defray costs of application review and administration of franchises such business licenses as follows:

A. Taxicab Business License Fee: The application for a taxicab business license shall be accompanied by a license fee. Such fee shall be established by the chief of police and may be increased from time to time. In addition to such license fee, the license officer shall collect a fingerprinting fee in an amount established and subject to change by the state of Idaho.

B. Taxicab Vehicle License Fee: A licensee shall obtain a taxicab vehicle license from the license officer for each vehicle operated as a taxicab on the public streets and alleys within the city of Ketchum, Idaho. Such application shall be accompanied by a taxicab vehicle license fee, which shall be established by the chief of police and may be increased from time to time.

5.08.040: TAXICAB DRIVER'S LICENSE:

A. Taxicab Driver's License: It is unlawful for any person to drive or operate a taxicab within the city of Ketchum, Idaho, unless a valid state driver's license and a taxicab driver's license have been issued as provided in this chapter.

B. Taxicab Driver's License Fee: The application for a taxicab driver's license shall be accompanied by a license fee. Such fee shall be established by the chief of police and may be increased from time to time.

C. Taxicab Driver's License Application: An application for such license shall be made to the chief of police in such form and manner as may be prescribed by the chief of police. (Ord. 968 § 1, 2006)

5.08.050: LICENSE; TRANSFER:

No taxicab business license, vehicle license or driver's license issued under this chapter may be transferred, leased or assigned.

5.08.060: VEHICLE SAFETY:

It is unlawful for any person to operate and use, or permit or allow the operation and use of, any vehicle as a taxicab upon the streets of the city not in proper working order with respect to the brakes, lights, turn signals, steering, sound devices, glass, mirror, exhaust system, windshield wipers, tires and other equipment. All vehicles shall be kept in good and proper mechanical order, and of sanitary and good appearance inside and outside.

5.08.070: VEHICLES LICENSED ELSEWHERE:

Taxicabs franchised or licensed by a municipality other than the city may transport passengers from outside of the city to a destination within the city, but it is unlawful for any such taxicab to seek or accept passengers within the city of Ketchum, Idaho.

5.08.080: UNLAWFUL CHARGES:

It is unlawful for any person to charge, demand, collect or receive any rate, fare or charge which is not in compliance with the provisions of this chapter and in compliance with all rules and regulations promulgated by the chief of police.

5.08.090: UNLAWFUL PRACTICES:

A taxicab business license, vehicle license and/or driver's license issued pursuant to this chapter may be revoked, and it is unlawful for any person to:

- A. Permit or allow more than one person to ride in the front seat with the driver of a taxicab.
- B. Permit or allow any person or for any person to ride on the fenders, hood or any place on the outside of a taxicab.
- C. Permit more persons to be carried in a taxicab as passengers than the rated seating capacity of such vehicle.
- D. Verbally solicit business.
- E. Operate a taxicab in an unsafe condition in violation of section 5.08.060 of this chapter.

F. Allow a person not holding a valid taxicab driver's license issued under this chapter to operate a taxicab.

G. Operate a taxicab when under the influence of alcohol or drugs or who has an alcohol concentration of 0.02 as shown by analysis of blood, urine or breath. For purposes of this subsection, an evidentiary test for alcohol concentration shall be based upon a formula of grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten liters (210 l) of breath or sixty seven milliliters (67 ml) of urine. Analysis of blood, urine or breath for the purpose of determining the alcohol concentration shall be performed by a laboratory operated by the Idaho department of law enforcement or by a laboratory approved by the Idaho department of law enforcement under the provisions of approval and certification standards to be set by that department, or by any other method approved by the Idaho department of law enforcement.

H. Violate a provision of this chapter or any rule or regulation promulgated by the chief of police pursuant to this chapter.

I. Violate any motor vehicle or motor vehicle safety law of the state.

5.08.100: REVOCATION:

The right shall be and at all times remain vested in the chief of police to revoke or cancel any taxicab business license, vehicle license, or driver's license issued by the city of Ketchum, Idaho, for any violation of this chapter or the applicable rules and regulations. Before revoking the taxicab business license, driver's license, or vehicle license, the chief of police shall conduct a due process hearing, after notice to the licensee of the hearing date and the grounds for revocation, and if at such hearing, it appears to the chief of police that cause exists for the cancellation or revocation of such license, the same may be immediately canceled or revoked without obligation on the part of the city to refund any portion of the license fees set forth in sections 5.08.030 and 5.08.040 of this chapter.

5.08.110: PENALTY:

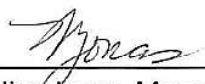
Every person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be so fined and/or imprisoned pursuant to the general penalty provisions of title 1, chapter 1.36 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

SECTION 2. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor this 16th day of November, 2015.


CITY OF KETCHUM, IDAHO



Nina Jonas, Mayor



ATTEST:



Robin Crotty
Interim City Clerk

