

CITY OF LYNNWOOD
ORDINANCE NO. 1205

AN ORDINANCE REPEALING CHAPTER 5.40 OF THE LYNNWOOD MUNICIPAL CODE AND ADOPTING PROVISIONS FOR THE REGULATION OF FOR-HIRE VEHICLES IN THE CITY OF LYNNWOOD.

THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

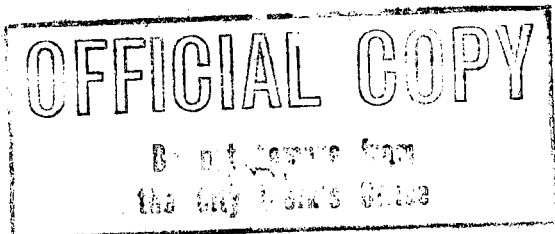
SECTION 1. Chapter 5.40 of the Lynnwood Municipal Code should be and is hereby repealed in its entirety.

SECTION 2. There is created a new chapter to the Lynnwood Municipal Code to be codified as Chapter 5.42 for regulating and licensing of for-hire businesses.

SECTION 3. DEFINITIONS. For the purposes of this chapter, words and phrases used herein shall mean as follows:

- A. "Cruising" means the driving of a for-hire vehicle on the streets, alleys or public places of the City in search of, or soliciting, prospective passengers for hire;
- B. "Driver" and "operator" shall mean the person physically engaged in driving a for-hire vehicle, whether or not said person is the owner of or has any financial interest in the ownership of said vehicle;
- C. "For-hire vehicle" shall mean a taxicab, limousine, or sight-seeing car;
- D. "Holder" means a person to whom a license has been issued;
- E. "Limousine" shall mean every motor vehicle, not operated exclusively over a fixed and defined route, and which is for hire by a person or persons for exclusive use upon a consideration determined by hourly rates or a flat charge;
- F. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip;
- G. "Taxicab zone" shall mean the exclusive right to occupy designated areas which qualify for use in said areas;
- H. "Person" includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association;
- I. "Rate card" means a card issued by the City Clerk for display in each taxicab which contains the rates of fare then in force;
- J. "Sight-seeing car" or "charter bus" shall mean every motor vehicle held for public hire as a common carrier, used primarily for sight-seeing purposes and generally over a fixed route for a stipulated consideration per trip; and
- K. "Taxicab" shall mean every motor vehicle held for public hire as a common carrier, usually for transportation of individuals, subject to call by the public generally and not operating over a fixed route or between fixed termini.

SECTION 4. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation or any other organization to hold out, advertise, solicit, operate, drive or use any vehicle as a for-hire vehicle in the City of Lynnwood without having first obtained the licenses required pursuant to the provisions of this title.



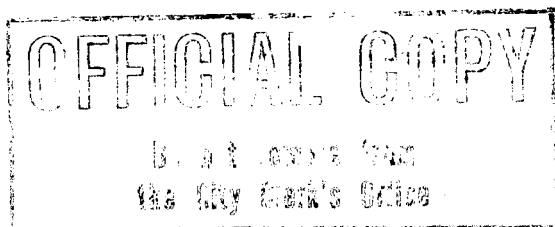
SECTION 5. TERM OF LICENSE. All licenses shall expire on December 31 of the year of issue, but may be reissued for succeeding years to the same licensee when the requirements of this title are otherwise met, and may, subject to the requirements of this title, be reissued to a transferee.

SECTION 6. LICENSE APPLICATION. In addition to the information required to be provided pursuant to the general requirements for all licenses, applicants for-hire vehicle business licenses shall furnish the following information on forms to be furnished by the City:

- A. The financial status of the applicant, including the amounts of all unpaid judgements against the applicant and the nature of the transaction or acts giving rise to said judgements;
- B. The experience of the applicant in the transportation of passengers;
- C. Any facts which the applicant believes to him to provide the public convenience and necessity require the granting of license;
- D. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- E. For each for-hire vehicle, the company vehicle number therefor, the make, model and identifying color scheme, monogram or insignia, and serial number of the vehicle;
- F. If the applicant is a corporation, it shall accompany the application with a list of the names and addresses of all officers, directors and stockholders;
- G. The name, fictitious or otherwise, under which the applicant will operate; and
- H. The applicant shall furnish such other information as may be required by the City Council, the City Clerk and Chief of Police or his designee as deemed necessary to aid in the enforcement of this chapter.

SECTION 7. LICENSE ISSUANCE AND RENEWAL.

- A. Public Hearing. Upon the filing of an application, the City Council shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom licenses have been heretofore issued. Due notice shall also be given the general public by posting a notice of such hearing in a prominent place in the City Hall. Any interested person may file with the City Clerk a memorandum in support of or in opposition to the issuance of a license.
- B. The City Council shall cause to be made an investigation prior to the hearing as to the fitness of an applicant to conduct the business requested, and in connection therewith may cause to have the fitness of the officers and stockholders of any corporation making such application investigated. In determining the fitness or lack of fitness of an applicant, the City Council shall take into consideration



the applicant's record and reputation as to the applicant being law-abiding, applicant's business experience, and the nature and kind of occupation or business in which applicant has previously been engaged. In considering applications for renewal of licenses, the City Council may take into consideration the manner in which an applicant has previously conducted his or its business. If any person having a valid license shall make a timely application for its renewal and the City shall not have acted upon such application prior to its expiration, such person may operate under his license for the year immediately preceding until the City shall have acted upon the application and notified him of his action.

SECTION 8. LICENSE FEE. The license fees are fixed in the amount shown in the following schedule and shall be payable annually in advance:

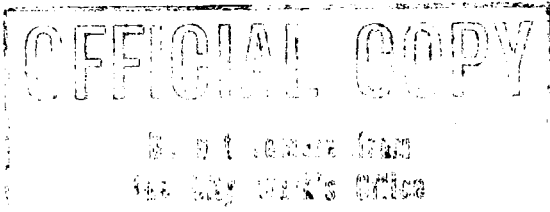
For-hire vehicle business	\$100 per year per company
For-hire vehicle driver's license fee	\$ 30 for initial license and \$ 15 per year for renewal
Vehicle Inspection fee	\$ 25 per year

The fees set forth in this schedule may be changed hereinafter by ordinance of the City Council.

SECTION 9. LIABILITY INSURANCE. Prior to the issuance of any for-hire vehicle business license, every applicant shall file with the City Clerk the policy or policies of public liability insurance, approved as to sufficiency by the City Clerk, and as to form by the City Attorney, issued by an insurance company or companies authorized to do business in the state providing indemnity for or protection to the City as well as providing public liability insurance coverage for each and every vehicle for hire owned, operated and/or leased by the applicant for injury to or death of persons, passengers, or otherwise, in accidents resulting from any cause by which the owner of said vehicle would be liable on account of any liability imposed upon him by law, regardless of whether the vehicle for hire was being driven by the owner or his agent, such insurance shall be in the sum of one hundred thousand dollars (\$100,000) for the injury or death of one person, or three hundred thousand dollars (\$300,000) for the injury or death of more than one person in any one accident, and fifty thousand dollars (\$50,000) for property damage.

Every such policy of insurance shall continue to the full amount thereof notwithstanding any recovery thereon and shall provide that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured. Each insurance policy required hereunder shall extend for the period covered by the license applied for and the insurer shall be obliged to give not less than ten days written notice to the City Clerk in the event of any change or cancellation.

SECTION 10. FOR-HIRE VEHICLE DRIVER'S LICENSE. No person shall operate a motor vehicle for hire on the streets of the City and no person who owns or controls such vehicle for hire shall permit it to be so driven and no vehicle licensed by the City shall be so driven at any time for hire unless the driver of said vehicle shall have first obtained and shall have then in force a for-hire vehicle driver's license issued under the provisions of this chapter.



SECTION 11. QUALIFICATIONS FOR FOR-HIRE VEHICLE DRIVER'S LICENSE. No for-hire vehicle driver's license shall be issued to any person unless said person shall:

1. Be of the age of eighteen years or over;
2. Be of sound physical condition, with good eyesight and not subject to epilepsy, vertigo, heart trouble, color blindness, or any other infirmity of body or mind which might render him unfit for the safe operation of any for-hire vehicle. The City may require applicants at their own expense to receive a physical examination by the Snohomish Health District to verify the foregoing;
3. Be clean of dress and person and not addicted to the use of intoxicating liquors or narcotics;
4. Not have been convicted of a felony or convicted of or forfeited bail to a misdemeanor within ten years preceding the date of application which is directly related to the ability and fitness of the applicant to engage in the operation of a for-hire vehicle.
5. Show proof that he/she is covered by an insurance policy which meets the minimum policy limits as set forth in Section 7 of this ordinance; and
6. Must have valid Washington State Driver's License.

SECTION 12. APPLICATION FOR FOR-HIRE DRIVER'S LICENSE. Each applicant for a for-hire vehicle driver's license shall fill out in detail an application form provided by the City, which shall answer each of the requirements set forth in Section 9 of this chapter, and in addition thereto shall state the applicant's full name, place of residence at the time of application and for a period of two years prior thereto, age, color, height, color of eyes and hair, place of birth, whether a citizen or non-citizen, last place of employment, whether he has been convicted of a felony or misdemeanor related to the ability and fitness of the applicant to engage in the operation of a for-hire vehicle, whether he has been previously licensed as a driver or chauffeur and if so, when and where, whether such license has ever been suspended or revoked and for what cause. Said application shall be signed and sworn to by the applicant and filed with the City as a permanent record and shall contain the names and addresses of four persons, not relatives, who have known the applicant for at least two years last past and who can testify to the good character of the applicant.

SECTION 13: FINGERPRINTS AND PHOTOGRAPHS OF APPLICANTS. Every applicant for a for-hire vehicle driver's license must submit to fingerprinting by the Police Department and shall submit with his application, in duplicate, a full face photograph of the applicant; said photographs to be of the size of one inch square. One photograph shall become a part of the applicant's license, if issued, and one photograph shall be filed with the City Clerk.

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SECTION 14. ISSUANCE OF FOR-HIRE VEHICLE DRIVER'S LICENSE. The Chief of Police or his designee shall review the applicant's request and application for a for-hire vehicle driver's license and shall investigate the statements contained therein and obtain such other information as he deems necessary concerning the applicant's character, integrity, past conduct and general qualifications, as well as show the applicant's ability and skill as a driver of a for-hire vehicle and whether the applicant is a suitable person to drive such for-hire vehicle. If the Chief of Police or his designee determines that the for-hire vehicle driver's license should be issued (or renewed), there shall be issued to the applicant a license which shall be in such form as to contain the photograph and signature of the licensee. For-hire vehicle driver's licenses shall be issued for the calendar year. Renewals must be applied for prior to the end of January following. If the Chief of Police or his designee determines that a for-hire vehicle driver's license should not be issued (or renewed), he shall notify the applicant and the City Clerk thereof in writing, setting forth the reasons for such rejection. Any applicant whose for-hire vehicle driver's license is rejected may appeal within fourteen working days of receipt of notice of rejection to the City Council, who may exercise its descretion in granting or renewing such license.

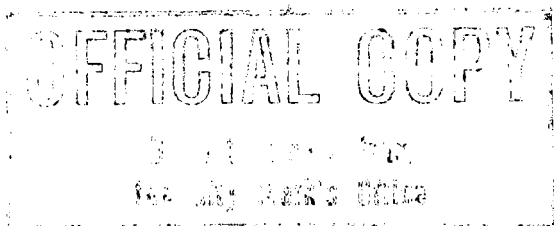
The City Clerk may issue a temporary permit for such period of time not to exceed forty-five days as the City Clerk shall designate, and such temporary permit shall have stamped thereon the date of termination.

SECTION 15. FORM OF FOR-HIRE VEHICLE DRIVER'S LICENSE. The for-hire vehicle driver's license shall be in the form as determined by the City Clerk. Such license shall show the date of expiration thereof and shall be displayed in a conspicuous place inside each for-hire vehicle in such location that the same is clearly visible from the passenger compartment at all times that the licensee is operating, driving or using said vehicle.

All for-hire vehicle driver's licenses shall expire on December 31st of the year in which the license is issued and, unless revoked or under suspension at the date of expiration, may be renewed annually thereafter by the City.

SECTION 16. SUSPENSION AND REVOCATION OF FOR-HIRE VEHICLE DRIVER'S LICENSE. Any driver's license issued pursuant to the provisions of this title shall be automatically suspended for a period of one year on the first conviction of the holder thereof of any of the following misdemeanors: driving while under the influence of intoxicating liquor or reckless driving; the violation of any law involving the manufacture, sale or transportation of intoxicating liquors; or the violation of any law involving prostitution, indecent exposure or any lewd or immoral acts. On the second conviction of one or more of these offenses, such license shall be automatically revoked for a period of ten years.

Any driver's license issued pursuant to the provisions of this chapter shall be automatically revoked for a period of ten years on the conviction of any felony or the violation of any law involving the same, use, distribution, manufacture or transportation of narcotics.



Prior to suspension or revocation of said license, the holder shall be given notice of the proposed action to be taken and shall be allowed a hearing before the City Council to determine the appropriateness of the action taken if said holder appeals in writing to the City Clerk within fourteen working days of receipt of notice of suspension or revocation. If no appeal is taken, the suspension or revocation shall be final.

SECTION 17. DRIVER'S REQUIREMENTS. It shall be unlawful for any persons other than paying passengers and the driver thereof to occupy any for-hire vehicle, provided that this section shall not prohibit the carrying of other employees of the owner of said taxicab when acting within the scope of his business, nor prohibit the making of necessary repairs.

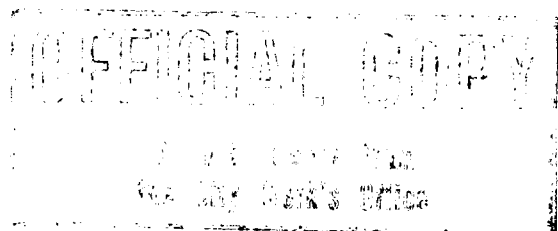
It shall be unlawful for any person to engage in any work or employment for more than twelve hours in any twenty-four hour period of time during any part of which he is engaged in the occupation of driver for a for-hire vehicle.

SECTION 18. INSPECTION. Each vehicle for hire shall be equipped and maintained at all times by the owner or operator for safety, cleanliness and lawful operation and in accordance with the laws of the City and the state and shall be furnished with such equipment as the Chief of Police shall deem necessary for such safe operation. All vehicles for hire, prior to being licensed under the provisions of this chapter shall be inspected and approved by the Chief of Police or his designee. The Chief of Police or his designee shall have authority to make routine inspections from time to time as he deems necessary and appropriate. The Chief of Police or his designee shall have authority to promulgate inspection regulations which shall be filed in the office of the City Clerk. The items to be inspected shall be listed on a form to be provided by the Chief of Police or his designee. Each item on said list shall be in satisfactory condition before any license shall issue or be renewed under the provisions of this chapter.

SECTION 19. TAXIMETER REQUIREMENTS.

A. It shall be unlawful for any person to drive or operate, or engage in the business of operating taxicabs, unless each of said taxicabs is equipped with an instrument or device by which the charge for hire of such taxicab is mechanically measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon which such charges shall be indicated by means of figures, such instrument or device to be hereinafter referred to as a taximeter; and it shall be unlawful for any person operating or driving, or engaged in the business of operating, a taxicab or taxicabs, to charge, use, demand, collect, or receive any fare, rate or charge which is not directly based, measured and computed upon the record on the reading face of the taximeter used on such taxicab or taxicabs.

B. No license shall be issued for a taxicab until the taximeter attached thereto shall have been inspected and found to be no more than five percent incorrect. The Chief of Police or his designee shall inspect all taximeters prior to the issuance or renewal of a license for a taxicab and shall have the right to inspect them at any other time.



C. After sundown, the face of every taximeter shall be illuminated by a suitable light so arranged as to throw a continuous steady light thereon and readily discernible by passengers.

Each taximeter shall be so located in the taxicab that the meter and the fare shown thereon are clearly visible from the rear compartment of the taxicab.

D. It shall be unlawful for any person owning, operating or driving a taxicab to operate or drive such taxicab unless such taximeter is used in determining the fare to be charged, and no other or different fare shall be charged to the passenger than is recorded on the reading face of said taximeter for the trip. No other rates or methods of measuring the distance or time charged shall be allowed, except as herein provided.

E. It shall be unlawful to change the size of wheels or tires of any taxicab or the gears operating the taximeter or to change the taximeter from one taxicab to another unless such taximeter is reinspected and approved by the Chief of Police or his designee before it is used.

SECTION 20. TAXICAB RATES. No person owning, operating, or controlling any for-hire vehicle within the limits of the City shall charge neither more nor less than the following rates:

A. TAXICAB. To be determined by the taximeter:

- \$1.00 per flag drop.
- \$1.00 per mile
- \$12.00 per hour waiting time
- no charge for extras

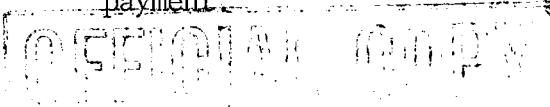
Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called, or the time consumed while standing at the direction of the passenger, but no charge shall be made for time lost for inefficiency of the taxicab or its operator or time consumed by premature response to a call. The above charges shall be for one person. For each additional passenger carried, a charge of (50) fifty cents for the entire trip may be made. The charges herein set forth shall be binding upon the owners and drivers of such taxicabs and any collection of fares in excess of said rates shall be punished as provided in this chapter.

B. LIMOUSINE.

For the first two hours of driving time or fraction thereof, \$ 25.00

For each successive hour or fraction thereof, at the rate of \$ 12.50 per hour.

If demanded by the passenger, the driver in charge of a for-hire vehicle shall deliver to the person paying for the hiring of same at the time of such payment a receipt therefor in legible type of writing containing the name of the owner, the City license number or the driver's City license number, or the taximeter number, and any items for which a charge is made, the total amount paid, and the date of payment.



The rates provided for in this section may be changed by ordinance of the City Council.

SECTION 21. POSTING OF SCHEDULE OF FARES. The owner of every for-hire vehicle shall cause to be posted and maintained in a conspicuous location in the passenger's compartment of said vehicle a card of form, size and color approved by the City Clerk, on which shall be shown a schedule of rates of fare charged by said owner, which rates shall not be in excess of amounts fixed by this title.

SECTION 22. RIGHT TO REFUSE EMPLOYMENT, CARRY MORE THAN ONE FARE, AND REQUIRE ADVANCE FARE. Every driver of a taxicab shall have the right to demand proof that the passenger has sufficient funds to pay his fare, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the City unless previously engaged or unable to do so. No driver of a taxicab shall carry any other person other than the passenger first employing the taxicab without the consent of such passenger.

SECTION 23. FRAUD OR REFUSAL TO PAY FARE. It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same, and it is unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

SECTION 24. CALL RECORD REQUIRED. Every vehicle for hire operator shall keep at the location for which his operator's license is issued a chronological record showing each call for for-hire vehicle service ordered or made and the name and address of the person calling for the service, the name of the driver who responded thereto, the number of the vehicle, the time and place of the origin and of the end of each vehicle trip and the fee charged, and shall upon request of any person paying a vehicle charge furnish a receipt showing such information. Such records shall at all reasonable times be open to the inspection of the City Clerk or Chief of Police or the designee of either.

Any driver of a vehicle for hire employed to carry passengers to a definite point shall make the most direct route possible that will carry the passengers safely and expeditiously to their destination.

SECTION 25. CRUISING AND SOLICITING. No driver shall solicit, by work or signal, patronage for any for-hire vehicle on any public street or public place other than that designated or assigned as a taxicab stand; nor shall any driver of a taxicab cruise the streets from place to place at random, without a fixed destination, soliciting employment; provided, however, nothing herein shall prevent such taxicabs from traveling outside the City limits pursuant to an established contract service agreement.

The City Clerk may revoke any license issued under authority of this chapter upon proof that a driver has violated this section. Such revocation shall be in addition to any other penalty herein provided.

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SECTION 26. LOADING AND DISCHARGING PASSENGERS. Drivers of for-hire vehicles shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk, or the side of the roadway in the absence of a sidewalk.

SECTION 27. SERVICE REQUIREMENTS. All persons engaged in the vehicle for hire business in the City operating under the provisions of this chapter shall render an overall service to the public desiring to use their specified vehicle for hire be it a taxicab or limousine as the case may be. Holder of licenses shall maintain a place of business and keep the same open for twenty-four hours a day for the purpose of receiving calls and dispatching vehicles. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor.

SECTION 28. TAXICAB ZONES. The City Council may by ordinance upon recommendation of the City's Traffic Engineer establish taxicab zones within the City on rights-of-way only. The areas so established by the City Council as taxicab zones shall be identified, and the hours and times said areas may be occupied by for-hire vehicles shall be specified in the ordinance establishing such areas.

In addition, if application is made for a taxi zone located on property owned by an individual or individuals other than the applicant, then in that event, said owners' written permission must be procured and filed with the application for said zone, which may be revoked for cause.

The above established zones shall be used by all taxicab companies licensed to do business in the City for the loading and unloading of passengers. A taxicab may remain in such taxicab zone whether it is being loaded or unloaded, or merely parked awaiting call, provided that no other taxicab owned by the same company shall be then parked at said location. Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as a taxicab zone.

SECTION 29. PARKING. It shall be unlawful to park or leave any for-hire vehicle on any public street within the City, except in a zone or parking area designated or approved for the use of for-hire vehicles. Whenever any taxicab is parked or left standing within any zone or parking area designated or approved for the use of for-hire vehicles, each taxicab shall have available a separate operator.

SECTION 30. TAXICAB LICENSE TRANSFER. No license issued pursuant to this title shall be transferable from one owner to another except in the case of a bona fide sale of the business of the owner, and then only upon the filing of an application with the City requesting such transfer, which transfer shall be approved by the City Clerk. The fee for such transfer of taxicab license shall be the sum of fifteen dollars (\$15.00) and shall be paid by the applicant for the transfer at the time such an application is filed.

SECTION 31. ADVERTISING. It shall be lawful for any person owning or operating a vehicle for hire to permit advertising matter to be affixed to or installed on such vehicles; provided, that advertising on the exterior of any vehicle for hire shall be limited to a trunk reader board in dimension so as not to inhibit rear vision of the driver. The Chief of Police or his designee may also require additional regulations relating to advertising as he deems necessary to insure the safe operation of vehicles for hire.

SECTION 32. VIOLATION - PENALTY. Any person, firm or corporation violating this chapter shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted; and upon conviction of any such violation, such person shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for not more than six months, or both such fine and imprisonment.

In addition to the penalties provided herein, a for-hire vehicle business license as provided for herein, may be revoked or suspended by the City Council if the holder thereof has:

- A. Violated any of the provisions of this chapter;
- B. Discontinued operations for more than ten days; or
- C. Violated any of the ordinances of the City of Lynnwood or the laws of the State of Washington, the violation of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity for a hearing before the City Council.

SECTION 33. ENFORCEMENT. It is expressly the purpose of this code to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

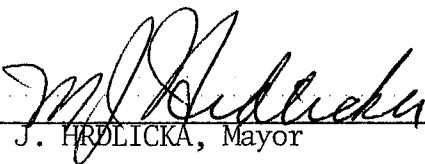
It is the specific intent of this code that no provision nor term used in this code is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this code shall be discretionary and not mandatory.

Nothing contained in this code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this code by its officers, employees or agents.

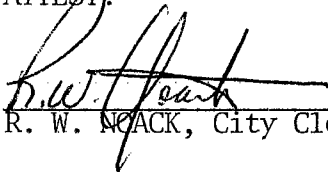
SECTION 34. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 35. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

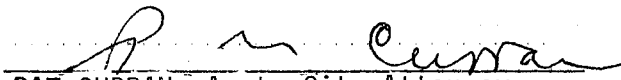
PASSED this 27th day of July, 1981, and signed in authentication of its passage this 27th day of July, 1981.


M. J. HRDLICKA, Mayor

ATTEST:


R. W. NOACK, City Clerk

APPROVED AS TO FORM:


PAT CURRAN, Asst. City Attorney

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