

CITY OF LYNNWOOD

ORDINANCE NO. 658

AN ORDINANCE ADDING TO THE LYNNWOOD MUNICIPAL CODE A SECTION, CHAPTER 5.46, ESTABLISHING PROCEDURES FOR THE LICENSING OF CABULANCE OPERATIONS; PRESCRIBING EQUIPMENT TO BE USED ON CABULANCE VEHICLES AND PROVIDING FOR VEHICLE INSPECTION; SETTING PROCEDURES FOR GRANTING CABULANCE DRIVER PERMITS, GROUNDS FOR SUSPENSION OR REVOCATION THEREOF; DEFINING OFFENSES RELATING TO CABULANCE VEHICLE OPERATION; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

SECTION 5.46.010 DEFINITIONS. The following terms for the purpose of this chapter shall mean:

(a) "Cabulance" means any motor vehicle for hire driven by the owner or his employee and which is designed for the transportation of handicapped persons who by reason of physical or mental infirmity may not be conveniently transported on public mass transportation vehicles or in taxicabs or who cannot drive their own automobile. This definition shall not be construed to include taxicabs, ambulances, or mass transportation vehicles.

(b) "Cabulance Operator" means anyone engaged in the business of transporting physically or mentally infirm persons in a cabulance.

(c) "Driver" means anyone in charge of or driving any cabulance.

(d) Cabulance Operator's base license means the license granted by the City of Lynnwood to the owner/operator of a cabulance service for the privilege of doing business within the City of Lynnwood.

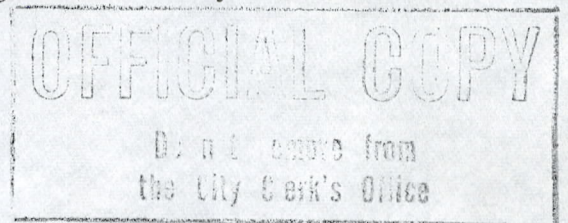
(e) Cabulance License means a license issued for each cabulance vehicle to be operated within the City of Lynnwood.

(f) Driver's Permit means a permit issued by the City Clerk to a person granting him permission to drive a cabulance vehicle within the City of Lynnwood.

SECTION 5.46.020 LICENSE FEES. No license shall be issued or continued in operation unless the holder thereof has paid an annual license fee of twenty-five dollars for each year for each vehicle operated under license. Said license fees shall be for the calendar year and shall be in addition to any other fees or charges established by proper authority and applicable to said holder or the vehicle or vehicles under his operation and control.

SECTION 5.46.030 LICENSE--APPLICATION. Application for a cabulance operator's base license shall be made to the city clerk on forms provided by him and the application shall be verified under oath and shall furnish the following information:

(a) The name and address of the applicant, together with any assumed name under which the applicant will operate;



August 10, 1972

(b) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments;

(c) The experience of the applicant in the transportation of passengers;

(d) Any facts which the applicant believes to him to prove that public convenience and necessity require the granting of a license;

(e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;

(f) For each cabulance the company vehicle number therefor, the make, model and identifying color scheme, monogram or insignia, and serial number of the vehicle;

(g) 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;

(h) Such further information as the City Council may require.

(i) A list of all personnel to be engaged as employees in the operation of business with designation of the position and qualifications of each employee.

(j) Whether or not the applicant or any officer or any employee has been convicted of the violation of any national, state or municipal law, and whether or not any person with whom they have been associated or employed has any claims or judgments against them for damages resulting from the negligent operation of a vehicle.

SECTION 5.46.040 INVESTIGATION AND HEARING. The City Council shall make or cause to be made such investigation and/or hearing as it may consider necessary including any hearings that it may deem desirable as to any application for license, and whether or not the applicant is fit and proper to conduct such businesses. In determining whether or not a license should be issued, the City Council shall give weight and due regard, among other things to:

(a) Public permanence and quality of service offered by the applicant and the experience applicant has had in rendering such service in the city; the past experience of the applicant in adjusting claims and paying judgments, if any, to claimants as a result of injuries received by reason of the negligent operation of a cabulance.

(b) Information provided pursuant to Section 5.46.030.

(c) The character and condition of equipment and cabulances to be used.

(d) The evidence in any investigation, inquiry or hearing may be taken by the City Council or by any agent or employee to whom such investigation, inquiry or hearing has been assigned by the City Council. Every finding, opinion and order made by such agent or employee, as above specified, pursuant to such investigation, inquiry or hearing, shall be advisory only to the City Council.

(e) If the City Council finds that the applicant is not fit and proper to conduct such a business, then the license application shall be denied and the applicant shall be entitled to have refunded seventy-five percent of license application fee and such proof of insurance as was deposited with the city clerk.

SECTION 5.46.050 LIABILITY INSURANCE REQUIRED. No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Washington. Said policy shall provide for each vehicle authorized in the amount of twenty-five thousand dollars for bodily injury to any one person; in the amount of fifty thousand dollars for injuries to more than one person which are sustained in the same accident, and five thousand dollars for property damage resulting from any one accident, subject to state law. Said insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Said insurance policy shall be filed in the office of the city clerk.

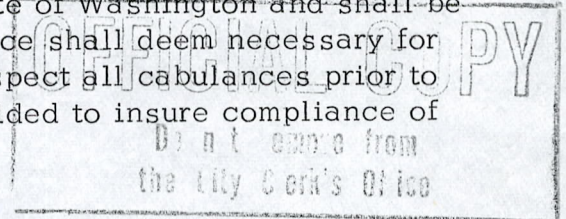
SECTION 5.46.060 RECORDING RATES AND DISPLAYING RATE CARD. Every person, firm or corporation operating cabulances in the City of Lynnwood shall file with the city clerk a schedule of rates to be charged for the operation of their cabulances within the city limits, and it shall be unlawful for any such person, firm or corporation to charge more for said services rendered by such person, firm or corporation than as set forth in said rate schedule. Such person, firm or corporation shall further cause to be posted in every cabulance a card containing a schedule of said rates, said card to bear the written approval of the city clerk. Said card shall be posted in a prominent place in said cabulance and the public safety committee shall have the power in its discretion to designate the place of posting in said cabulance and the size of the said cards, provided that said filed rates shall not be changed until the schedule of the proposed changes in rates are on file with the city clerk for a period of thirty days.

SECTION 5.46.070 DIRECT ROUTE REQUIRED. Any driver of a cabulance employed to carry passengers to a definite point shall make the most direct route possible that will carry the passengers safely and expeditiously to his destination.

SECTION 5.46.080 CALL RECORD REQUIRED. Every cabulance operator shall keep at the location for which his operator's license is issued a chronological record showing each call for cabulance 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 cabulance, the time and place of the origin and of the end of each cabulance trip and the fee charged, and shall upon request of any person paying a cabulance 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 agents of either.

SECTION 5.46.090 EQUIPMENT REQUIRED: INSPECTIONS.

(a). Each cabulance shall be equipped and maintained at all times by the operator thereof for safe and lawful operation as a cabulance and in accordance with the laws of the City of Lynnwood and the State of Washington and shall be furnished with such equipment as the chief of police shall deem necessary for such safe operation. The chief of police shall inspect all cabulances prior to issuance or renewal of any license as herein provided to insure compliance of this chapter.



(b). A valid cabulance inspection certificate shall be prominently displayed in each vehicle.

(c). Each cabulance shall, at all times when in use as such:

1. Conform with the standards, requirements and regulations provided for in this ordinance for the transportation of patients, from the standpoint of health, sanitation and safety, and the nature of the premises in which it is maintained.
2. Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use.
3. Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety.

(d). All cabulances shall conform with the following special equipment requirements:

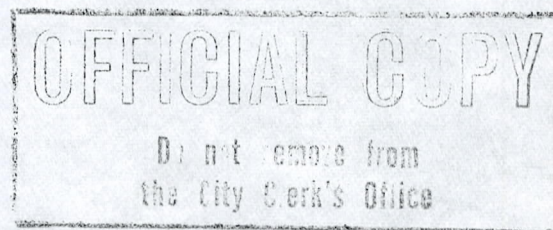
1. Exits: Each vehicle shall have at least two exits from the compartment(s) when the person is carried;
2. Wheelchair retaining locks;
3. Safety belts.

(e) Each licensed and inspected cabulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open for inspection by the police department at all reasonable times to assure compliance with this ordinance.

SECTION 5.46.100 DRIVER'S PERMIT--REQUIRED. No person shall operate a cabulance for hire on the streets of the City of Lynnwood and no person who owns or controls a cabulance shall permit it to be so driven and no cabulance licensed by the City of Lynnwood shall be so driven at any time for hire unless the driver of said cabulance shall have first obtained and shall have then in force a cabulance driver's permit issued under the provisions of this chapter.

SECTION 5.46.110 DRIVER'S PERMIT--APPLICATION. An application for a cabulance driver's permit shall be filed with the city clerk on forms provided by the City of Lynnwood. Such application shall be sworn to by the applicant and shall contain the following information:

(a) The experience of the applicant in the transportation of passengers;



(b) The educational background of the applicant;

(c) A concise history of his employment;

(d) Three pictures for identification and fingerprints.

(e) Provide a medical certificate that he is of sound physique with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body and mind which might render him unfit for the safe operation of the cabulance.

SECTION 5.46.120 DRIVER'S PERMIT--AGE, FIRST AID REQUIREMENT. Each cabulance driver shall be at least 18 years of age and shall present evidence of qualification in first aid equal to or better than the requirement of an advanced Red Cross first aid rating. A cabulance driver shall carry with him at all times proof of his first aid qualifications.

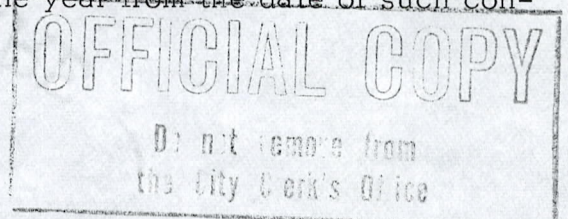
SECTION 5.46.130 DRIVER'S PERMIT--POLICE INVESTIGATION. The police department shall conduct an investigation of each applicant for a cabulance driver's permit and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the city clerk.

SECTION 5.46.140 DRIVER'S PERMIT--APPEAL. The city clerk shall, upon consideration of the application and the reports and certification required to be attached thereto, approve or reject the application. If the application is rejected the applicant may request a personal appearance before the city council to offer evidence why his application should be reconsidered.

SECTION 5.46.150 DRIVER'S PERMIT--DISPLAY REQUIRED. Every driver licensed under this chapter shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a cabulance. Upon approval of application in 5.46.110, and upon payment of a \$5.00 fee, the city clerk shall issue a Cabulance Operator's Permit to an applicant. Each calendar year thereafter an annual permit fee of \$5.00 shall be charged. A fee of \$1.50 shall be charged for replacement of a lost permit.

SECTION 5.46.160 INTOXICATION CONVICTION--DRIVER EMPLOYMENT UNLAWFUL. It shall be unlawful for anyone engaged in the business of operating a cabulance to knowingly employ a driver who has within one year been convicted of driving any motor vehicle while under the influence of intoxicants or drugs.

SECTION 5.46.170 INTOXICATION CONVICTION--PERMIT SUSPENSION, REVOCATION. If any driver of a cabulance is convicted of driving such vehicle while under the influence of intoxicating liquor or drugs, the cabulance driver's permit of such driver shall be suspended or revoked by the city clerk, and he shall not be granted a cabulance operator's permit for a period of at least one year from the date of such conviction.



SECTION 5.46.180 LICENSE REVOCATION--APPEAL.

(a). Any cabulance operator's base license or any cabulance license may be revoked or suspended by the city clerk for any violation or failure to comply with any provision of this chapter;

(b). The cabulance operator's permit of any cabulance driver may be suspended or revoked by the city clerk upon conviction in any court of speeding, reckless driving, drunkenness, possession or sale of intoxicating liquor, use, sale or possession of narcotic drugs, or for the violation of any law or ordinance relating to overcharging or of carrying passengers for hire or upon a conviction of a crime involving fraud or moral turpitude.

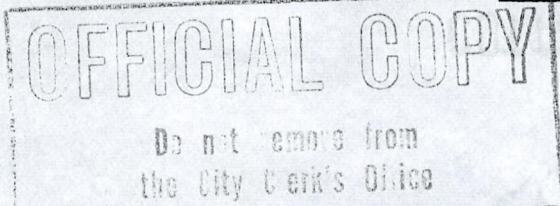
Any licensee whose license is revoked or suspended shall have the right to appeal to the city council on such revocation or suspension by filing with the city council a written notice thereof within five days after the notice of entry of the order of revocation or suspension. The notice of appeal shall specify an address at which the licensee may be given notice of hearing on the appeal. The city council shall hear the appeal or may refer the same to a committee for hearing. At the hearing the licensee shall be entitled to appear in person and offer evidence pertinent to the revocation or suspension and the city clerk shall likewise be entitled to be heard at the hearing to offer evidence in support of his order of revocation or suspension. The city council shall determine by resolution whether the revocation or suspension shall be sustained, modified, or set aside and the action shall be final and conclusive. In the event that the appeal shall not be heard within fourteen (14) days following written notice of appeal, the order of the city clerk of revocation or suspension shall thereafter be ineffective until the date of hearing. Any suspended or revoked license shall be surrendered to the city clerk.

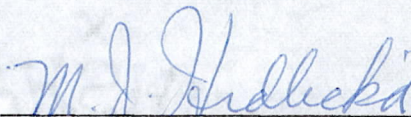
SECTION 5.46.190 VIOLATION, PENALTY. Any one violating or failing to comply with any of the provisions of this chapter shall, on conviction thereof, be punished by a fine of not exceeding five hundred dollars or imprisonment in the city jail for a period not exceeding ninety days, or by both.

SECTION 5.46.200 SEVERABILITY. If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 5.46.210. This ordinance shall be in force five days after its passage, approval and publication.

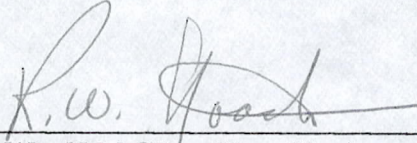
PASSED this 14th day of August, 1972, and signed in authentication of its passage this 14th day of August, 1972.




M. J. HRDLICKA, Mayor

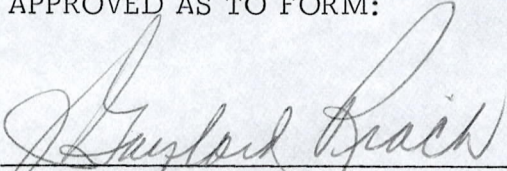
August 10, 1972

ATTEST:



R. W. NOACK, City Clerk

APPROVED AS TO FORM:



J. GAYLORD RIACH, City Attorney

