

ORDINANCE NO. 781

AN ORDINANCE RELATING TO TAXICABS AND THEIR OPERATION AND PROVIDING FOR THE LICENSING OF TAXICAB OPERATORS, TAXICAB DRIVERS AND TAXICABS, AND REPEALING ORDINANCE NO. 528 AND ALL AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

(a.) "Taxicab" shall mean any motor vehicle used to transport persons for hire, having a seating capacity of not more than five persons, not including the driver.

(b.) "Operator" shall mean any person, partnership, corporation, association or other organization engaged in the business of transporting persons for hire by means of one or more than one taxicab.

(c.) "Driver" shall mean any person who drives a taxicab and may include an operator or an employee of an operator.

(d.) "Master license" shall mean a license issued as hereinafter provided to any operator for one or more taxicabs.

Section 2. LICENSES REQUIRED. It shall be unlawful for any operator to operate or any driver to drive a taxicab on the streets of Grand Junction unless such operator and such driver shall have been issued licenses and such taxicab is duly licensed by the City Council as hereinafter required.

Section 3. APPLICATIONS FOR MASTER LICENSE. Applications for a master license shall be made in writing, addressed to the City Council, verified by oath of the applicant or a duly authorized agent thereof, and shall state the full name and business address of the applicant; if a partnership, the name and address of each partner; if a corporation the name and address of each officer, director and controlling stockholder; the previous business experience of each such person; the number of taxicabs desired to be operated; the state license number, the manufacture, model number and year of each taxicab; a full and complete statement of applicant's financial rating; and a statement of applicant's proposed method of operation and facilities such as telephones, garages, number of drivers, dispatchers, and other employees and the rate or method of compensating drivers.

Section 4. MASTER LICENSES -- INVESTIGATION -- ISSUANCE -- EXPIRATION. The City Council shall cause to be made such investigation of each applicant as in its judgment is necessary to determine whether the applicant is qualified, fit, able and

suitable to engage in the business of operating taxicabs in the method proposed, and shall further determine after public hearing whether the public convenience and necessity requires such new operations. If the determination of the Council shall be in favor of the applicant, a master license shall be issued upon receipt of the annual license fee herein provided. If the Council determines that the applicant should be permitted to operate a lesser number of taxicabs than applied for, it shall issue a master license for such lesser number. If the determination of the Council shall be against the applicant, the City Manager shall so inform the applicant by mail that his application has been denied, briefly stating the reasons therefor. All master licenses shall expire on December 31st of each year, unless sooner revoked, and shall be renewed from year to year by payment on or before that date of the annual license fee herein provided.

Section 5. REVOCATION AND SUSPENSION OF MASTER LICENSE. Any master license granted under this ordinance may be revoked or suspended at any time by the Council upon a hearing conducted by it pursuant to a notice mailed to the licensee at least five days before the date set for such hearing. Such license may be revoked or suspended for any violation by the operator or any driver or employee of the operator of any provision of this ordinance. In the event of the revocation of such license the operator will not be permitted to commence operations again within the City of Grand Junction unless granted a new master license after reapplication and full hearing.

Section 6. RATE OF FARE. Upon filing an application for master license, the applicant shall file therewith his schedule of tariffs and rates to be charged in such proposed operation. Such rates and tariffs shall be based upon the mileage traveled and upon the time consumed while standing at the direction of the passenger. No master license shall be granted by the City Council for the operation of a taxicab or taxicabs unless the schedule of tariffs and rates filed by the applicant shall in the opinion of the Council be reasonable, and no change of such rates shall be permitted unless the changed rates or tariffs shall in the opinion of the Council be reasonable. No person engaged in the operation of a taxicab shall deviate from the schedule or rates and fares filed with and approved by the City Council, and an amended schedule of rates and fares shall be submitted to the City Council and approved by it before any change in fares or rates is made.

Section 7. APPLICATION FOR DRIVER'S LICENSE. Application for driver's licenses shall be made in writing to the City Clerk, but no such application shall be granted unless the applicant shall:

(a.) Be of the age of eighteen years or over;

(b.) Be of sound physique and good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of the body or mind which might render him unfit for the safe operation of a public vehicle.

(c.) Be able to read and write the English language;

(d.) Be clean in dress and person and not addicted to the use of intoxicating liquors or drugs;

(e.) Produce on forms, to be provided by the City Clerk, affidavits of good character from two reputable citizens who have known him personally and observed his conduct during one year preceding the date of his application, and a further testimonial on a form provided for that purpose from his last employer;

(f.) Fill out upon a blank form to be provided by the City Clerk a statement giving his full name, residence, place of residence for 5 years previous to moving to his present address, age, color, height, color of eyes and hair, place of birth, length of time he has resided in the City, whether a citizen of the United States, place of previous employment, whether married or single, whether he has ever been convicted of a felony or misdemeanor, or whether he has been summoned to Court, whether he has previously been licensed as a driver or chauffeur, and, if so, when and where, and whether his license has ever been revoked and, for what cause, which statement shall be signed and sworn to by the applicant and filed with the City Clerk as a permanent record.

Section 8. DRIVER'S PHOTOGRAPH. Each applicant for a driver's license must file with his application two recent photographs of himself of a size which may be easily attached to his license, one of which shall be attached to the license; and at all times when the vehicle for which the license is granted is being operated such photograph and license shall be kept on display in a conspicuous place in said vehicle so that said photograph and license may be easily seen by all passengers who might use said vehicle for hire, and the other of which shall be filed, together with the application, with the City Clerk. Such photograph shall be so attached to said license that it cannot be removed and another substituted without detection. Each licensed driver shall, upon demand exhibit his license and photograph for inspection. When any application for a license is denied, such photograph shall be returned to the applicant by the City Clerk.

Section 9. INVESTIGATION OF APPLICANT FOR DRIVER'S LICENSE. The investigation of all applicants for a driver's license under this ordinance shall be conducted under the supervision of the Chief of Police; and no license shall be issued to any person who shall have been convicted of a felony. In passing upon any application for a driver's license, the Chief of Police may require the applicant to present himself for fingerprinting.

Section 10. ISSUANCE OF DRIVER'S LICENSE. Upon satisfactory fulfillment of the foregoing requirements, the City Clerk shall issue to the applicant a license upon the payment of the license fee hereinafter provided.

Section 11. DRIVER'S BADGE. Upon the issuance of a driver's license as provided herein, the City Clerk shall furnish to each licensed driver a metal badge of such form and style as the City Council may prescribe, which must be constantly and conspicuously displayed on the outside of the driver's attire when he is engaged in his employment.

Section 12. DRIVER'S LICENSE -- EXPIRATION AND RENEWAL. All drivers' licenses shall expire on December 31st of each year, unless sooner revoked, but upon receipt on or before that date of the annual license fee herein provided, the City Clerk may renew a driver's license from year to year by appropriate endorsement thereon.

Section 13. DRIVER'S LICENSE -- REVOCATION AND SUSPENSION.

(a.) Drivers' licenses shall be revoked for conviction of any criminal statute; for violation of any City ordinance relative to the sale, possession or delivery of intoxicating liquor or drugs; for drunk or reckless driving, regardless of whether said driver at the time of the commission of said offense was on duty or not. Such license may be suspended if the licensee is found guilty of the offense of speeding while driving a taxicab, and if in the judgment of the City Council the licensee is an habitual offender in said regard his license shall be revoked.

(b.) Drivers' licenses may be suspended or revoked at any time by the City Council for good cause shown and, upon the final conviction of any such licensee before a Justice of the Peace or before the Judge of the Municipal Court of the City of Grand Junction for the violation of any law or ordinance while on duty or driving a taxicab, said Justice of the Peace or said Municipal Judge shall immediately report said conviction to the City Council, who may revoke or suspend said driver's license.

(c.) Any such suspension or revocation shall be noted on the driver's license, together with a statement of the reasons therefor, and the driver shall be deprived of his badge by the City Council, said badge, in case of suspension, to be returned to the driver at the expiration of the period for which the license was suspended.

(d.) No driver whose license has been revoked shall again be licensed as a taxicab driver in the City, except upon a new application made to the City Council and a formal hearing thereon, at which the applicant must produce evidence to the satisfaction of the City Council that another license should be issued to said applicant.

Section 14. TAXICAB TO BE DRIVEN BY LICENSED DRIVER. No operator shall employ or permit any person other than a licensed driver to drive for business purposes any taxicab owned, controlled, or operated by such operator. The master license of any operator who shall knowingly violate this section may in the

discretion of the City Council be revoked or suspended.

Section 15. APPLICATIONS FOR TAXICAB LICENSE. Applications for a taxicab license shall be made in writing to the City Council separately for each taxicab by the operator who proposes to use such taxicab. Such application shall be made on a form furnished by the City Council and shall contain the name, address and license number of the operator, number of taxicabs he is licensed to operate, and with reference to the taxicab for which license is requested it shall state and manufacturer's name, the year, model number, seating capacity, and the approximate number of miles said taxicab has been driven up to the date of application. Such application shall be signed and verified by either the operator or a duly authorized agent thereof.

Section 16. TAXICAB LICENSE -- ISSUANCE. If, in accordance with the provisions of this ordinance, the City Council decides that the application for a taxicab license shall be granted, it shall issue such license to the applicant upon receipt of the annual license fee herein provided and the filing by the operator of a contract of insurance upon said taxicab as hereinafter provided. Such a taxicab license may be transferred and used upon another taxicab during such time as the licensed taxicab is being overhauled or repaired, provided that the substituted taxicab is covered by the required insurance.

Section 17. INSPECTION OF TAXICABS. No taxicab shall be licensed until it has been inspected under the direction of the City Council and found to be in a safe condition for the transportation of persons, and to be clean, sanitary, of good appearance, well painted and conspicuously marked to distinguish it as a taxicab. The City Council may at any time suspend or revoke any taxicab license of any taxicab found to be unsafe, unclean, unpainted, or otherwise unfit or unsuited for public patronage.

Section 18. NUMBER OF TAXICABS. The City Council shall have the power to determine from time to time the maximum number of taxicabs required by public convenience and necessity and may issue master licenses authorizing the operation of a total of such number of taxicabs and taxicab licenses for such number of taxicabs.

Section 19. DUTY TO ACCEPT PASSENGERS. It shall be the duty of every operator or driver of a taxicab when not otherwise engaged by any passenger to accept for transportation from and to any place within the City and transport as directed one or any number of not more than five persons who apply for transportation as a group, the proper fee being tendered or offered for payment and such person or persons not appearing to be drunk or disorderly, or in such condition of health and cleanliness that their carriage in such taxicab would not be in violation of any law or ordinance relating to health or sanitation.

Section 20. NON-PAYING PASSENGERS. It shall be unlawful for any operator or driver to transport or offer to transport in any capacity any person or persons other than paying passengers except a member of the Police Department in uniform or an employee of such operator.

Section 21. FRONT SEAT PASSENGERS. It shall be unlawful for any operator or driver of any taxicab to permit any passenger to ride in a front seat thereof unless all other seats in such cab are occupied by other passengers; provided, however, that this prohibition shall not apply to a member of the Police Department in uniform nor to an employee of such operator.

Provided further that this prohibition shall not apply to any passenger who, by reason of age or physical condition, must be transported in the front seat for reasons of health or safety.

Section 22. SEPARATE PARTIES OF PASSENGERS. When one party consisting of one or more persons have engaged or are occupying any taxicab it shall be unlawful for the operator or driver of such taxicab to transport or offer to transport any additional party or parties for separate fare or fares, unless he first obtain the consent and approval of the person or persons who have engaged or are occupying the said taxicab; provided however that by rule and regulation the City Council may make such exceptions to this section as public convenience and necessity may require to provide for special demands for taxicab service.

Section 23. TRIP SHEETS. It shall be the duty of every operator of any taxicab to furnish regularly to the driver thereof an adequate number of printed trip-sheets which shall contain blank spaces in which the operator shall require and it shall be the duty of the driver to fill in his name, his license number, the license number of the taxicab, the date, the time and place at which any passengers engage the taxicab, the number of such passengers, the time and place at which any passengers engage the taxicab, the number of such passengers, the time and place at which such passengers were delivered to their destination and the amount of the fare received by him. The trip sheets when filled shall be returned to the operator who shall file them consecutively by date and retain them as permanent records for such a period of not less than two years. Such trip sheets may be examined by the City Council or the Chief of Police or any person designated by either of them at any reasonable time upon request. The driver's license of any driver who fails to comply with any requirement of this section may, in the discretion of the City Council, be revoked or suspended.

Section 24. RESPONSIBILITY OF OPERATOR. Every operator shall be responsible for full compliance with the provisions of this ordinance on the part of every driver who is employed by, or under the supervision or management of, or who drives a taxicab licensed to such operator, and any violation of the provisions herein on the part of such driver shall constitute a violation by such

operator which shall subject such operator to the penalties herein provided unless a satisfactory showing is made that such operator took every reasonable precaution in employing, supervising, and directing such driver to prevent violation of the provisions of this ordinance. In order to fulfill the requirements of this section, no operator shall by written or oral contract or otherwise bargain away or divest itself of the right at any time to discharge or to terminate its relationship with any such driver, who in the opinion of such operator, has violated or may violate any provision of this ordinance.

Section 25. PUBLIC LIABILITY INSURANCE. It shall be unlawful for any operator to operate or cause to be operated any taxicab unless there shall have been filed with the City Clerk a public liability and property damage insurance policy issued by an insurance company authorized to do business in the State of Colorado, covering each vehicle operated by or under the control of such operator, in the amount of at least \$5,000.00 for death or injury of any one person, \$10,000.00 for total liability in any one accident, and \$2,000.00 for property damage.

Section 26. LICENSE FEES.

(a.) The annual license fee for each master license shall be \$100.00.

(b.) The annual license fee for each driver's license shall be \$5.00.

(c.) The annual license fee for each taxicab license shall be \$25.00.

Section 27. RULES AND REGULATIONS TO BE ADOPTED. The City Manager shall have the power and he is hereby authorized and directed to publish such rules and regulations, not inconsistent with the provisions of this ordinance, as he may deem necessary, advisable, or expedient to carry out or enforce the provisions hereof. It shall be the duty of every operator and every driver licensed under the rules of this ordinance to observe all such rules and regulations.

Section 28. PENALTIES. Any person convicted of any violation of this ordinance shall be punished by a fine of not less than \$5.00 nor more than \$300.00. The license of any licensee shall be subject to suspension or revocation upon final conviction of any violation of this ordinance. The City Council may in its discretion suspend a license granted under this ordinance pending any inquiry into or action for violation of any provision of this ordinance.

Section 29. REPEAL OF PREVIOUS ORDINANCES. This ordinance shall take effect as of January 1, 1949 and from and after that date Ordinance No. 528 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed and adopted this 29th day of December, 1948.

/s/John C. Harper

                      
President of the Council

ATTEST:

/s/Helen C. Tomlinson

                      
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 781 was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 20th day of October, A. D., 1948, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said city at least ten days before its final passage.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said city, this 29th day of December, A. D. 1948.

/s/Helen C. Tomlinson

                      
City Clerk

Pub. Dec. 31, 1948