

ORDINANCE NO. 963

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AND REGULATING TAXICABS AND FOR-HIRE CARS, PROVIDING FOR THE INSPECTION AND CONTROL THEREOF, AND FOR THE LICENSING AND CONTROLLING OF DRIVERS THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES.

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

Section 1. Definition.

(a) The term "City" wherever used herein shall be deemed the City of Kirkland except where the context clearly indicates otherwise.

(b) The term "person" wherever used in this ordinance shall be held and construed to mean and include natural persons of either sex, firms, co-partnerships, associations, and corporations, whether acting by themselves, by servant, agent or employee. The singular number shall include the plural and the masculine pronoun shall include the feminine and the neuter.

(c) The term "taxicab" or "taxi" wherever used in this ordinance shall be held and construed to mean and include every motor vehicle having a seating capacity of seven passengers or less, as per manufacturer's rating, used for the transportation of passengers for hire, and not operated exclusively over a fixed and defined route.

(d) The term "for-hire car" wherever used in this ordinance shall be held and construed to mean and include every motor vehicle having a seating capacity of seven passengers or more, as per manufacturer's rating, used for the transportation of passengers for hire, and not operated exclusively over a fixed and defined route.

(e) The term "taximeter" wherever used in this ordinance shall be held and construed to mean and include any instrument or device by which the charge for hire of a passenger-carrying vehicle 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 dollars and cents.

(f) The term "route service car" whenever used in this ordinance shall be held and construed to mean and include every motor vehicle maintained and used for the transportation of persons on a fixed schedule over a fixed route and for a fixed fee or compensation.

Section 2. Permit to Engage in Business. It shall be unlawful for any person to engage in the business of operating any vehicle defined in Section 1 of this ordinance without first having secured an appropriate permit so to do.

Every person desiring to engage in business in the City of Kirkland in the operation of a taxicab, for-hire car, or route service car, shall make written application to the Kirkland City Clerk for the appropriate permit for each vehicle. Such application shall be made upon forms furnished by the City. The application shall set forth information concerning:

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- (a) The class of permit sought,
- (b) A description of the vehicle by make, model, color and serial number,
- (c) The name of owner, and
- (d) The name under which the vehicle will be operated.

The application shall be referred by the City Clerk to the Chief of Police for investigation. If the Chief of Police shall find from his investigation and from the information obtained that the applicant is financially and morally reliable and the bona fide owner of the vehicles for which permits are sought and has met all the requirements of this ordinance, that the name under which he is to operate and the color scheme used upon the vehicle does not tend to deceive the public as to the identity of his vehicle, that the vehicle is safe and equipped with valid state licenses, and that the same is properly covered by public liability insurance and licenses required by state law, and that the convenience and necessity of the public will be served by the issuance of such permit.

The owner may seek a permit for one or more vehicles by one application but a separate permit must be issued for each vehicle. All permits shall designate the class of operation of such vehicle and it shall be unlawful to use such vehicle in any class of operation other than that authorized by the permit.

The permit so issued shall expire on the 31st day of December of the year in which issued, and can only be used as authority to operate the vehicle thereon described and in the class of service for which issued. Upon approval by the Chief of Police that the licensed vehicle is permanently taken out of service and replaced by another vehicle, a permit for the substitute vehicle may be issued without additional charge when such substitute vehicle has been made to comply with all the requirements of this ordinance and the original permit is surrendered up to the City Clerk.

Color or Designation of Vehicles. It shall be unlawful for the owner or operator of any vehicle, subject to the provisions of this ordinance, to adopt or use a color scheme, trade or business name or device which is identical with or closely simulates that of any other taxicab company or operation agency which would likely mislead or deceive the public as to the true identity of the vehicle.

Section 3. The following schedule of charges for taxicabs and for-hire cars is hereby established and adopted as the maximum rates that may be charged or collected in the City, and it shall be unlawful for any person driving or operating or engaged in the business of operating any taxicab or taxicabs, for-hire car or for-hire cars, to charge, demand, collect or receive any greater rate or fare than that specified herein:

TAXICAB RATES

For the first 1/4 mile or fraction thereof	50¢
Thereafter, for each additional 1/4 mile	10¢
For every two minutes of waiting	10¢
For each additional passenger regardless of distance	10¢

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FOR-HIRE CAR RATES

For each hour \$ 3.00

Section 4. All vehicles operating under authority of this ordinance shall have the rates conspicuously displayed within the passenger compartment on a card readily discernible by the passenger, and the rates shall be made clear to the passenger at the time of hiring. The card herein provided for shall be of a form, size and arrangement approved by the Chief of Police.

Section 5. It shall be unlawful for any person to drive or operate or engage in the business of operating a taxi-cab, unless each of said taxicabs be equipped with a taximeter which has been duly inspected and approved by the Chief of Police.

Section 6. It shall be unlawful for any person to drive or operate, or engage in the business of operating a taxi-cab or taxicabs, unless a taximeter is at all times used on each of such taxicabs in determining the fare or rate to be charged and collected; and it shall be unlawful for any person operating or driving or engaged in the business of operating a taxicab or taxicabs, to charge, 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. It shall be unlawful for any person to use or employ any other or different method of computing or measuring such distance or time charges than the methods hereinabove specifically provided.

Section 7. It shall be the duty of the owner, lessee in possession, or any other person having possession or control of any taxi-cab to at all times keep such taximeter accurate and have same approved by the Chief of Police before being placed in service. When any such taximeter has been approved by the Chief of Police, his seal or certificate shall be plainly posted on said taximeter for the information of the public. Said Chief of Police shall inspect all taximeters at least once each year and have the right to inspect all taximeters at any and all times.

Section 8. Every taximeter shall be installed at the right side of driver and at such height that the flag thereof may be readily seen by observers on the street, and the reading face of such taximeter shall at all times be well lighted and readily discernible to the passengers riding in the taxicab. It shall be unlawful to change the size of the wheels or tires of any taxicab or the gears operating the said taximeter or to change the taximeter from one taxicab to another unless such taximeter is reinspected and approved by the Chief of Police.

Section 9. It shall be unlawful for any driver of a taxicab, while carrying passengers or under employment to display the flag attached to the taximeter at such position as to denote that such taxicab is not employed, or to throw the flag of the taximeter at a recording position when such vehicle is not actually employed, or to fail to throw the flag of such taximeter at a non-recording position at the termination of each and every service.

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Section 10. Every person owning or engaged in the business of operating any taxicabs or for-hire cars shall keep a record of all trips made, together with the information required upon the passenger's receipt provided for in this ordinance, which record shall be open for inspection at all reasonable times by the Chief of Police and shall also cause to be constantly carried in such vehicles the permits issued by the Department of Licenses of the State of Washington, showing such vehicles to be properly bonded for the protection of the public, and also the licenses and permits issued pursuant to city ordinances.

Section 11. All vehicles operating under authority of this ordinance shall be inspected from time to time by the Chief of Police for the purpose of determining whether the same are clean, properly equipped, of good appearance and in his opinion in a safe condition for the transportation of passengers; and said Chief of Police shall, at the time of such inspection, determine for the guidance of the public, the classification and capacity of the vehicle inspected; and it shall be unlawful for any person to drive or operate, or engage in the business of operating any taxicab or for-hire car, unless and until the same has been inspected and approved by the Chief of Police.

Section 12. It shall be unlawful for any person owning, controlling, or engaged in the business of operating taxicabs or for-hire cars to employ as a driver of any such vehicle, or permit any such vehicle to be driven by, a driver who does not possess a valid and subsisting City Driver's License.

Section 13. Any driver of a taxicab or for-hire car who shall charge any passenger a rate of fare higher than that provided for in Section 3 hereof, shall upon conviction thereof, be punished in addition to the other penalties herein provided, by having his City Driver's License suspended for a period of not less than six (6) months nor more than one year.

Section 14. Any driver of a taxicab or for-hire car employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

Section 15. Whenever demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of said taxicab, at the time of such payment, a receipt therefor in legible printing or writing, containing the name of the owner and his address, the name of the driver, the taximeter number and any and all items for which a charge is made, the total amount paid, and the date of payment.

Section 16. It shall be unlawful for any person to ride with the driver in the front seat of any taxicab unless the back compartment is completely filled with passengers and/or luggage provided, however, that this section shall not apply to a student driver while being instructed in the operation of a taxicab under authority of the owner of such taxicab, providing such student driver shall have first secured a license to drive a vehicle for hire or shall have applied therefor, and shall wear such uniform or other evidences of lawful employment as may be necessary for his identification.

Section 17. It shall be unlawful for any person engaged in the business of operating a taxicab or for-hire car, to knowingly permit any person to drive the same who has been convicted of any felony or of driving while intoxicated.

Section 18. If any driver of a taxicab, or for-hire car shall be convicted of driving such vehicle while drunk or under the influence of narcotics, the City Driver's License of such driver shall be revoked, and he shall not be granted a city driver's license for a period of at least one (1) year from the date of such conviction. Pending final disposition of any criminal case instituted under the provisions of this section, the Mayor may, if he deems it to the best interest of the public, suspend such city driver's license without rebate or remission of any part of his license fee.

Section 19. It shall be unlawful for any person to refuse to pay the regular fare for a taxicab or for-hire car, after having hired same.

Section 20. It shall be unlawful for any driver of a taxicab or for-hire car to leave the same unattended or to make repairs or wash his vehicle while in a taxicab stand, or for-hire car stand.

Section 21. It shall be unlawful for any driver of a taxicab or for-hire car, to leave the same unattended at taxi stands, depots, docks or elsewhere, for the purpose of soliciting patronage, but such driver must stand at the side of his vehicle; except nothing herein contained shall prohibit the extension of ordinary courtesies to patrons after having signified their intention of becoming his passenger.

Section 22. It shall be unlawful for any person to cruise, drive, or operate a taxicab or for-hire car repeatedly or persistently to and fro, upon any public street for solicitation of fares.

Section 23. Every person being served with a taxicab as herein provided shall be entitled to have conveyed without charge such valises or small baggage as can be conveniently carried within the vehicle. He shall be entitled, at the option of the driver, to have any trunk carried thereon at a charge not to exceed twenty-five cents (25¢). Each driver shall load and unload such baggage without charge. Any person cancelling a call for taxicab or for-hire car after a cab or for-hire car has been dispatched in answer thereto, may be charged the prevailing rate for such taxicab or for-hire car.

Section 24. Any person violating or failing to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment in the city jail for a period not exceeding ninety (90) days or by both such fine and imprisonment.

Section 25. City Driver's License Required. Every person desiring to drive, operate or have charge of a taxicab, for-hire car, or route service car licensed within the City of Kirkland, shall first procure a City Driver's License by making written application to the Kirkland City Clerk. Such application shall be made upon forms furnished by the City, shall be accompanied by a filing fee of \$2.50, and must be subscribed and sworn to by the applicant in the presence

of a Notary Public, or other officer duly authorized to administer oaths.

Section 26. Qualification of Applicant. Each application for City Driver's License shall state the full name, age, place of birth, marital status, and present address. If the applicant was not born in the United States, he shall state his citizenship and the date of establishment as a citizen of the United States, if that be the case. Such applicant shall further certify under oath as to whether he has previously held any form of driver's license of a public vehicle and whether any such previous licenses have been revoked. Such applicant shall certify whether he has ever been convicted of a felony or misdemeanor, and if so, shall set forth general facts disclosing the date and nature of such conviction. Every applicant shall be at least 21 years of age, be possessed of such mental and physical qualifications as will, in the opinion of the licensing and permit officer, warrant the issuance of such license.

Section 27. Procedure for Procurement of License. Immediately upon the filing of such application with the City Clerk for a City Driver's License, the applicant shall submit himself to the Kirkland Police Department for the taking of finger and thumb prints and head and shoulder photographs. Without charge to the applicant, the Police Department shall develop at least two photographic prints of the head and shoulders of the applicant, which prints shall be filed with the City Clerk, one print shall be attached to the application and one print thereof shall be attached to the license, if the same is issued. Upon the filing of such application for City Driver's License, the City Clerk shall refer the application to the Chief of Police for investigation and report. The Chief of Police shall check the fingerprints with the Federal Bureau of Investigation and make such other inquiry or investigation as he may see fit. When such investigation is complete, the Chief of Police shall make written report, or endorsement upon the original application of the approval or disapproval of the issuance of the City Driver's License. If the issuance of the license is approved by the Chief of Police, the City Clerk shall forthwith issue to such applicant a City Driver's License which shall expire on the 31st day of December of the year in which it is issued. If the report of the Chief of Police is unfavorable to the applicant, no license shall be issued. Upon the issuance and delivery of such license, the licensee shall pay to the City Clerk the additional sum of \$2.50, to be known as the license fee. There shall be no refund of application fees or the license fees, as provided in this ordinance.

Section 28. Temporary Permit. Upon the filing of an application for a City Driver's License, and prior to the report of the Chief of Police, the City Clerk may, upon recommendation of the Chief of Police issue a temporary license for a period of not to exceed 30 days. Such temporary license shall not require the payment of any license fee or charge.

Section 29. No provision of this ordinance, or any amendment hereto, is intended to have any application to:

- (a) Busses or transportation vehicles operated by School Districts, or
- (b) Commercial busses duly licensed under and subject to the provisions of state law.

Section 30. It shall be unlawful for any person, firm or corporation conducting or carrying on the business of operating a taxi to permit any person to drive, operate or be in charge of a taxi in the City of Kirkland, unless such person shall have obtained a license as herein provided, and it shall be unlawful for any person to drive, operate or be in charge of a taxi unless so licensed; and it shall be unlawful for a licensee to fail or neglect to carry his license card at all times while driving, operating or having charge of a taxi within the city limits, or to fail or neglect to wear at all times on the breast of his outer garment the badge containing his license number, or to permit the use or possession of his license or badge by another, or to fail or refuse upon demand of any city officer, police officer, peace officer, sheriff, deputy sheriff or passenger to exhibit his license for inspection.

Section 31. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not to exceed \$300.00, or by imprisonment in the city jail for a period not to exceed 90 days or by both such fine and imprisonment.

Section 32. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 33. The number of taxicabs for which licenses may be issued hereunder shall be based upon the population of the City of Kirkland as determined in the last preceding official state census, at the ratio of one (1) taxicab to each 2500 inhabitants or fraction thereof. Provided, that the Mayor, as a condition precedent to issuance of licenses to an applicant may require the licensing and operation by such applicant of a number of taxicabs for service within the City of Kirkland to satisfy the cab-to-population ratio above stated.

Section 34. That the license fees payable under this ordinance are payable on the 1st day of January of each and every year.

Section 35. The following ordinances of the City of Kirkland be and they hereby are repealed: Ordinances No. 161, 121, 291, 412 and 729.

Section 36. This ordinance shall be in force and take effect 5 days from and after its passage by the council, approval by the mayor, and posting or publishing as required by law.

INTRODUCED the 4th day of December, 1964.
PASSED AND APPROVED the 4th day of JANU, 1965.

Robert J. Goggin
Mayor

Attest:

George E. Anderson
City Clerk

Approved as to form:

Raymond P. Thomas
City Attorney