

Ordinance No. 11-07

AN ORDINANCE AMENDING TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE A VEHICLE AGE LIMIT REQUIREMENT, A BACKGROUND CHECK REQUIREMENT, AND A DRUG FREE WORKPLACE POLICY REQUIREMENT IN FOR-HIRE VEHICLE LICENSING

WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued.

WHEREAS, the use of newer model For-Hire vehicles will encourage the reduction of greenhouse gas emission in Park City and reduce the community's carbon footprint.

WHEREAS, the use of newer model For-Hire vehicles will ensure modern safety improvements are rapidly integrated into Park City For-Hire vehicles.

WHEREAS, City Council seeks to protect the image of Park City as a world class resort town.

WHEREAS, requiring a drug free workplace will protect the safety and welfare of residents and guests of Park City.

WHEREAS, City Council has found that requiring a drug free workplace will promote the safety and welfare of For-Hire vehicle drivers and businesses.

WHEREAS, City Council seeks to ensure the safety and welfare of Park City residents and guests by imposing a criminal background check on all For-Hire vehicle drivers.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Title 4, Chapter 15, of the Municipal Code is amended to read as outlined in Exhibit A.

SECTION III. EFFECTIVE DATE. This Ordinance shall become effective October 1, 2011.

PASSED AND ADOPTED this 17th day of February , 2011

Exhibit A

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CHAPTER 15 - FOR-HIRE VEHICLE LICENSING

4-15-1. DEFINITIONS.

All words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context:

- (A) **CERTIFICATE OF INSPECTION**. The form pursuant to Section 4-15-5 certifying the for-hire vehicle has passed all requirements established in the Park City vehicle inspection checklist. Park City will accept a current Salt Lake City Vehicle Inspection Checklist in lieu of a certificate of inspection.
- (B) **FARE**. The consideration or charge of a for-hire vehicle to provide service for a passenger within Park City. Consideration may include non-cash value such as participating in a commercial promotional activity such as viewing real estate or timeshare information, merchandise or art display, or display of movies, videos, or DVDs within or on a vehicle in exchange for the passenger delivery.
- (C) **FOR-HIRE VEHICLE**. A vehicle used to transport passengers for a fee. For-hire vehicles include shuttles, taxicabs, limousines, or similar vehicles used for the purposes outlined in this Chapter.
- (D) **FOR-HIRE VEHICLE BUSINESS LICENSE**. A Park City business license issued by Park City authorizing the licensee thereof to conduct a for-hire vehicle business.
- (E) **FOR-HIRE VEHICLE DRIVERS LICENSE**. The permission granted by the State through the issuance of a Z endorsement for a person to drive a for-hire vehicles having less than fifteen (15) passengers including the driver.
- (F) **FOR-HIRE VEHICLE STICKER**. A sticker issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City to conduct a for-hire vehicle business.
- (G) **SHUTTLE**. A vehicle that travels between fixed locations for a set or predetermined fare.
- (H) **TAXICAB**. A vehicle used to transport passengers for a fare.
- (I) **BLACK CAR AND LIMOUSINE**. A vehicle that has pre-arranged fees set prior to services.
- (J) **BACKGROUND CHECK CERTIFICATE**. Certificate issued by Park City Police that includes the driver's name, Drivers License number, certificate date of issuance and date of expiration and a statement that the certificate holder has met the requirements of the background check.

4-15-2. REQUIREMENTS FOR FOR-HIRE VEHICLE OPERATION.

(A) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a for-hire vehicle business license from the City in accordance with the procedures established in this Chapter.

(B) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$750,000 per vehicle if the vehicle provides taxicab service, has a seating capacity of eight (8) passengers or fewer, including the driver, and is not operated on a regular route, or \$1,500,000.00 per vehicle if the vehicle's seating capacity is fifteen (15) passengers or less including the driver. If the vehicle seats sixteen (16) or more passengers, including the driver, the owner is to provide proof of commercial transportation insurance coverage for at least \$5,000,000.00 per vehicle. Proof of this commercial insurance shall be required prior to the issuance of the for-hire vehicle permit.

(C) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a certificate of inspection.

(D) All vehicles that have been licensed by the City shall be issued a for-hire vehicle sticker that shall be used as an identifying marking. The for-hire vehicle sticker must be placed on the bottom left corner of the rear window of the vehicle on the driver's side. The for-hire vehicle sticker shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license.

(E) All for-hire vehicles shall have in the drivers possession a copy of the current certificate of inspection or Salt Lake City Corporation Vehicle Inspection Checklist, copy of the business license, proof of insurance as required in Section 4-15-2(B), and the driver shall have a 'Z' or 'P' endorsement on their Utah State drivers license and a background check certificate. Failure to produce any of this information may result in the issuance of a citation.

(F) For the purpose of this section, the term 'operate for hire upon the streets of Park City' shall not include the transporting, by a for-hire vehicle properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside the corporate limits of the City and where the destination is either within or beyond the City corporate limits. The term 'operate for hire upon the streets of Park City' means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City, whether the destination is within or outside of the corporate limits of the City.

(G) All office space must comply with Title 15, Park City Land Management Code.

4-15-3. DRUG FREE WORKPLACE REQUIREMENT

(A) Consistent with U.C.A. Sections 34-38-101 et. seq., as amended, all for-hire vehicle licensees shall adopt and implement a drug free workplace policy prior to obtaining a business license from the City. All for-hire licensees shall certify that the licensee has adopted such a policy prior to being issued a for-hire business license from the City.

(B) The for-hire licensee shall publish and provide a written policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.

(C) The for-hire licensee shall notify all employees that as a condition to employment, the employee shall abide by the terms of the drug free workplace policy statement and shall notify the employer within five (5) calendar days if he or she is convicted or criminal drug or alcohol related violations.

(D) The drug-free workplace policy shall include the establishment of a drug-free awareness program to make employees aware of:

- 1) the dangers of drug and alcohol abuse in the workplace;
- 2) the licensee's policy of a drug free workplace;
- 3) any available drug counseling, rehabilitation and employee assistance programs; and
- 4) any penalties or disciplinary action that may be imposed upon an employee for violation of the drug free workplace policy.

(E) The for-hire licensee shall notify the City within ten (10) calendar days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.

(F) The licensee shall make an ongoing, good faith effort to maintain a drug free workplace.

4-15-3-4. FEES.

No for-hire vehicle business license shall be issued or continued in operation unless the licensee thereof has paid an annual business regulatory fee established by the Park City Fee Resolution. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the licensee of the vehicle or vehicles under the licensee's operation and control.

4-15-4-5. FOR-HIRE VEHICLE PERMITS FOR ALL VEHICLES AUTHORIZED UNDER BUSINESS LICENSE.

A licensee is required to have the total number of vehicles authorized under such licensee's

business license to obtain the for-hire vehicle sticker required by Section 4-15-2, or its successor, for each and every vehicle.

4-15-5 6. VEHICLE INSPECTION PRIOR TO LICENSING.

(A) Prior to the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined by a State inspection certified mechanic and issued a certificate of inspection by the City's business license clerk.

(B) All for-hire vehicles shall pass an annual inspection by a State inspection certified mechanic to insure the cleanliness and safety of each vehicle issued a for-hire vehicle sticker.

(C) The inspection criteria shall be printed on the vehicle inspection checklist and shall be completed by a State inspection certified mechanic. The vehicle shall be thoroughly examined and upon successful completion of the inspection shall be issued a completed Certificate of Inspection by the City.

(D) A copy of a current Salt Lake City Corporation vehicle inspection checklist shall fulfill the City's requirements for a certificate of inspection.

4-15-7. VEHICLE AGE REQUIREMENT

- (A) All For-Hire vehicles except those noted in this section shall be no more than ten (10) model years in age from year of business license.
- (B) Any vehicle which meets the ADA accessibility requirements set forth in 36 CFR Part 1192 shall be no more than fifteen (15) model years in age from the year of business license.
- (C) Any vehicle licensed with a current State of Utah "Special Interest Plate" as defined at Utah State Code 41-1a-102(57) shall be exempt from this section.

4-15-6 8. LICENSE REQUIRED FOR OPERATORS.

(A) It is unlawful for any person to drive a for-hire vehicle without a valid Utah State driver's license as required under the provisions of this Chapter.

(B) It is unlawful for any person to operate a for-hire vehicle upon the streets of the City without having first obtained and having then in force a valid taxicab driver's license endorsement or CDL class C driver's license with a P endorsement issued by the state, under the provisions of this Chapter.

4-15-7 9. COMPLIANCE RESPONSIBILITY.

The licensee shall not be relieved of any responsibility for compliance with the provisions of this

Chapter, whether the licensee leases or rents for-hire vehicles to drivers, or whether the licensee pays salary, wages or any other form of compensation.

~~4-15-8. UNLICENSED OPERATOR UNLAWFUL.~~

~~It is unlawful for any person to drive a for-hire vehicle for a fee without a valid Utah State driver's license as required under the provisions of this Chapter.~~

4-15-10 BACKGROUND CHECK REQUIREMENT

(A) Prior to being permitted to operate a for-hire vehicle, all drivers shall obtain a Park City Police issued background check certificate. The background check certificate must be renewed every three years. Operating a vehicle without a background check certificate may result in the suspension or revocation of the For-Hire business license.

(B) All drivers shall obtain a fingerprint card and U.S. Federal Bureau of Investigation (FBI) application materials and submit the FBI Identification Record to the Park City Police Department for review. The City shall be permitted to further investigate any information that is relevant to such background check in order to determine the accuracy of the information. This investigation may include, but is not limited to, requiring the applicant driver to provide additional information. Drivers who possess a current Salt Lake City Vehicle Operator's Certificate (VOC) may submit their VOC in lieu of an FBI Identification Record.

(C) The Park City Police Department shall review the Identification Record of each driver and identify if the driver has engaged in a disqualifying criminal offenses, as set forth by this section. A driver is deemed to have engaged in a disqualifying criminal offense if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed in this section, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years preceding the request for the certificate. Disqualifying offenses shall include:

- 1) Murder
- 2) Assault or aggravated assault
- 3) Kidnapping or hostage taking
- 4) Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex.
- 5) Stalking
- 6) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- 7) Extortion
- 8) Robbery, burglary, theft, bribery
- 9) Distribution of, or intent to distribute, a controlled substance

- 10) Felony arson
- 11) Felony involving a threat
- 12) Felony involving willful destruction of property
- 13) Felony involving dishonest, fraud, or misrepresentation
- 14) Possession or distribution of stolen property
- 15) Felony involving importation or manufacture of a controlled substance
- 16) Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- 17) Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- 18) Felony involving a driving offense

(D) If a driver's criminal record discloses arrests for a disqualifying offense without indicating disposition, the Police Department must investigate and make a determination as to whether the arrest resulted in a disqualifying offense as provided under this section.

(E) Prior to making a final decision to deny a background check certificate, the Police Department shall advise the driver that the Identification Record discloses a disqualifying offense. If the driver's Identification Record inaccurately contains a disqualifying offense, the driver may seek to complete or correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty (30) days following notice of the disqualifying information. The driver must also notify the Police Department and indicate their intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received within the thirty (30) day period, the Police Department shall make a final determination based on available information.

(F) The Park City Police Department determines that there is no disqualifying criminal offense on a driver's record within five years of requesting the certificate or if the driver possesses a valid Salt Lake City Vehicle Operator's Certificate (VOC) and the driver has a valid P or Z endorsement on his or her Driver's License, it shall issue the driver a background check certificate

(G) The background check certificate shall include the driver's name, Drivers License number, certificate date of issuance and date of expiration and a statement that the certificate holder has met the requirements of the background check.

(H) Any person who complies with the background check certificate requirements shall have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of this section, at any time while he or she possesses a background check certificate.

4-15-9 11. STATE MOTOR VEHICLE ENDORSEMENT OR COMMERCIAL DRIVERS LICENSE AND BACKGROUND CHECK CERTIFICATE REQUIRED FOR APPLICATION.

(A) Before any application is ~~finally passed upon~~ accepted by the Finance Manager, the applicant shall be required to show that such applicant has a current motor vehicle Z endorsement issued by the state authorizing the transportation of fifteen (15) or less passengers including the driver.

(B) A for-hire vehicle that seats sixteen (16) or more passengers shall require the driver to have a valid CDL license with a Class C or a P endorsement.

(C) Before any application is accepted by the Finance Manager, the applicant shall be required to show that such applicant has a valid background check certificate.

4-15-10 12. COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this Chapter shall comply with all city, state and federal laws. Failure to do so may result in the suspension or revocation of a business license by the City.

4-15-11 13. IDENTIFYING DESIGN.

(A) Each for-hire vehicle shall bear on the outside of each rear or front door, in painted letters not less than five-sixteenths inch (5/16") stroke and more than two and one quarter inches (2 ¼") in height, the name of the licensee and the company number, which number shall also be painted or placed on the rear of the for-hire vehicle.

(B) The identifying design shall be permanent. The use of magnetic or removable signs is prohibited.

(C) A City representative will inspect each vehicle at the time of licensing or license renewal to ensure compliance with this section. The City representative will then witness the application of the for-hire vehicle sticker.

4-15-12 14. DISPLAY OF ~~ADDITIONAL~~ CHARGES.

All rates to be charged for the use of a for-hire vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.

4-15-13 15. RECEIPTS FOR PAYMENT OF FARE.

The driver of any for-hire vehicle shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by specially prepared receipt, on which shall be the name of the owner, business license number, amount of

charges, and date of transaction.

4-15-14-16. HIRING VEHICLE WITH INTENT TO DEFRAUD.

It is unlawful to any person to hire any vehicle defined in this Chapter with intent to defraud the person from whom it is hired of the value of such service.

4-15-15-17. REFUSING TO PAY LEGAL FARE.

It is unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this Chapter after having the same.

4-15-16-18. DIRECT ROUTE REQUIRED.

Any for-hire vehicle driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger.

4-15-17-19. PROHIBITED SOLICITATION PROCEDURES.

(A) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(B) The driver of any for-hire vehicle shall remain in the driver's compartment or immediately adjacent to their vehicle at all times when such vehicle is upon the public streets. The driver of a for-hire vehicle is permitted to leave the drivers compartment when actively aiding passengers in loading or unloading the vehicle.

4-15-18-20. SOLICITATION OF HOTEL BUSINESS PROHIBITED.

It is a violation of this Chapter for any driver of a for-hire vehicle to solicit business for any hotel, motel or other nightly lodging business, or to attempt to divert patronage from one hotel, motel or other nightly lodging business to another.

4-15-19-21. ENGAGING IN LIQUOR OR PROSTITUTION TRAFFIC PROHIBITED.

It is unlawful for any for-hire vehicle driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It is also unlawful for any for-hire vehicle driver to permit any person to occupy or use his or her vehicle for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purposes, or to direct, take or transport, or offer or agree to direct, take or transport any person to any building or place, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Dana Williams, Mayor

Attest:

Janet Scott
Janet Scott, City Recorder

Approved as to Form

Mark D. Harrington
Mark D. Harrington, City Attorney

