

ORDINANCE NUMBER 2016-59



**AN ORDINANCE AMENDING CHAPTER 94,
VEHICLES FOR HIRE, ARTICLE I, IN GENERAL,
SECTIONS 94-1, 94-3, 94-4, 94-4.1, 94-5, 94-6, 94-7, 94-8,
94-9, 94-11, 94-12, 94-13, 94-14, 94-18, 94-19 AND 94-20,
ARTICLE II, CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY, SECTION 94-49, AND ARTICLE III, TAXICAB
DRIVERS' PERMITS, SECTIONS 94-71, 94-72 AND 94-73,
OF THE CODE OF THE CITY OF WAYNESBORO**

BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that Sections 94-1, 94-3, 94-4, 94-4.1, 94-5, 94-6, 94-7, 94-8, 94-9, 94-11, 94-12, 94-13, 94-14, 94-18, 94-19, 94-20, 94-49, 94-71, 94-72 and 94-73 of Chapter 94 of the Code of the City of Waynesboro are hereby modified as follows:

Sec. 94-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means the purchaser of any vehicle under reserve title contract or the legal or equitable owner of any motor vehicle.

Taxicabs and for-hire ~~cars~~ vehicles mean any public motor-driven vehicle used for the transportation of passengers for compensation, except buses operated under franchises or contracts and over fixed routes and between fixed termini and interurban buses operated under franchises granted by the state corporation commission.

Taximeter means any mechanical instrument or device, or any electronic instrument or device approved by the chief of police and which meets all applicable specifications of the National Bureau of Standards, by which the charge for hire of a taxicab or other for-hire vehicle for a trip wholly within the city is mechanically or electronically calculated and on which such charge is plainly indicated.

Sec. 94-3. - Duty of police chief to make inspections of taxicabs and for-hire ~~cars~~ vehicles.

The chief of police or his/her designee, semiannually, shall make may conduct annual inspections based upon reasonable suspicion of non-compliance with City Code of every on any taxicab and or for-hire car vehicle operated in the city at any time and report his findings to the city manager.

Sec. 94-4. - Vehicles—General requirements.

Every taxicab and for-hire car vehicle operated in the city shall meet all requirements of the state law and this Code and any other city ordinances as to speed, lights, brakes, horn, inspection, etc., and shall be kept in good, clean, neat and safe condition and appearance. Such vehicles shall be of the enclosed or sedan type with at least four doors and of not less than five-passenger capacity.

Sec. 94-4.1. - Taximeter requirement.

Every taxicab or for-hire vehicle operated in the city shall be equipped with a taximeter ~~prescribed by the chief of police by~~ which the charge for hire is mechanically or electronically calculated, for distance traveled and for waiting time, and upon which such charge shall be indicated by means of figures clearly visible to the passenger. The taximeters shall be equipped with a mechanical or electronic device by which the driver of a taxicab or for-hire vehicle can put the taximeter in operation, and for all trips wholly within the city the device shall be kept in an operating position at all times during the transportation of paying passengers. For such transportation wholly within the city it shall be unlawful for a driver to fail, refuse, or neglect to put the taximeter in operation by means of the device when the transportation of every passenger is begun in the city and to keep the device in an operating position at all times during the transportation of each passenger. Trips beginning elsewhere and ending in the city or vice versa may be charged at a flat rate, and the taximeter need not be used for such trips. Taximeters shall be inspected and validated for accuracy annually by an independent testing agency. A copy of this certification shall be kept inside the taxicab or for-hire vehicle at all times. This certification is subject to inspection by the Chief of Police or his/her designee at any time. ~~during such inspections provided in section 94-3 herein, or at any time when the chief of police reasonably may require; provided that the chief of police may require the meter's accuracy to be validated by such independent testing agencies as may be approved by him, in which case the owner of the taxicab shall pay the cost of such validation by such independent testing agency.~~ Any taxicab or for-hire vehicle found to have a defective taximeter shall not be operated for taxicab service until such defect is corrected.

Sec. 94-5. - Same—Requirements as to lettering, numbering and lighting.

All taxicabs and for-hire vehicles ~~cars~~ operated under one trade name shall be lettered alike and in a manner approved by the city manager. All taxicabs and for-hire vehicles operated under any one trade name shall be consecutively numbered. Such numbers shall be placed on both sides and on the rear of each vehicle in a prominent place. Lights placed on a taxicab or for-hire vehicle ~~car~~ other than those required by law shall be of a blinking type and shall be subject to the approval of the city manager.

Sec. 94-6. - Liability insurance required.

No taxicab or for-hire vehicle ~~car~~ shall be operated on the streets of the city unless the owner and driver thereof are protected by liability insurance issued by a company authorized to do business in the state. Such policy shall be in the sum of at least \$100,000.00 for injury to one person, \$300,000.00 for ~~one~~ each traffic crash, and \$25,000.00 property damage. Such policy shall carry a rider requiring ten days' notice to the city prior to cancellation of same. Satisfactory evidence shall be filed with the city manager showing that such insurance is in effect.

Sec. 94-7. - Rates of fare subject to council approval.

Any person owning, operating or controlling a taxicab or for-hire vehicle ~~car~~ within the city shall charge, if any charge is made, rates of fare which shall be fixed, prescribed, and established by the city council by resolution.

~~Sec. 94-8. —Zones established.~~

~~For the purposes of establishing rates for services rendered by taxicabs or for-hire cars within the city, the city is thereby divided into three zones, described as follows:~~

(1)

~~Zone I. Zone I shall consist of all that part of the city described as follows: Beginning at the intersection of West Main Street and Wayneridge Road; thence south on Wayneridge Road to Rosser Avenue; thence~~

west to and including Westwood Hills Elementary School; thence due south in a direct line to Court Road and thence to Lyndhurst Road; east on Lyndhurst Road to Binford Road; south on Binford Road to Jefferson Avenue; east on Jefferson Avenue to Windsor Road; south on Windsor Road to the northern property of Norfolk Southern Railway; thence with Norfolk Southern Railway north and east to Commerce Avenue and 11th Street; thence east on 11th Street to Hunter Street; thence north on Hunter Street to Tenth Street; thence south on Tenth Street to Kirby Avenue; thence east on Kirby Avenue to CSX Corp. Railway right-of-way; thence north to Horrace Street and with Horrace Street to Reservoir Street and with Reservoir Street to Ivanhoe Street and with Ivanhoe Street to D Street; thence with D Street to Elkins Avenue; thence with Elkins Avenue east to Third Street; thence with Third Street to Commerce Avenue; thence with Commerce Avenue to Second Street; thence with Second Street to and including former Fleming Foods Corp.; thence by a new line encompassing the sewage treatment plant; thence by a line to the northeastern end of King Avenue; thence with King Avenue to Bridge Avenue; thence with Bridge Avenue to Bush Street; and by Bush Street to Dogwood Street; thence by Dogwood Street to and including Waynesboro Campus of Blue Ridge Community College and Howard Avenue; thence in a new line with Howard Avenue to Monroe Street; thence from Monroe Street to Randolph Avenue; thence from Randolph Avenue to Park Road and by Park Road to Grove and thence along West Main Street to the point of beginning.

(2)

Zone II. Zone II shall consist of all that part of the city described as follows: Commencing at the intersection of Brunswick Road and Keesling Avenue; thence with Keesling Avenue to the city limits; thence in a line encompassing Maupintown, the George C. Jordan Estate, the H.M. Hanger Estate, to East Main Street, U.S. Route 250; thence to Nimrod Avenue and Fourth Street; thence with Fourth Street to Kirby Avenue, former Basic City; thence north to Second Street; thence with Second Street to Jackson Avenue; thence by Jackson Avenue north and northwest encompassing Shenandoah Heights, Gardner Frye Addition, General Electric Drive and North Commerce Avenue; thence by General Electric Drive northwesterly across South River to the city limits; thence west by the limits of the city to the north end of Chase Avenue; thence by direct line to Carman Avenue and West Main Street; thence by Carman Avenue south crossing Rosser Avenue and continuing in Augusta County to Glenwood Boulevard in Fairway Hills; thence by Glenwood Boulevard on a direct line to the point of beginning.

(3)

Zone III. Zone III shall constitute all of that area of the city not encompassed in either of the two zones above.

Sec. 94-9. - Posting of rates of fare; compliance with same.

The rates of fare shall be conspicuously posted in each taxicab and for-hire vehicle ~~, along with a taxicab zone map,~~ on the back side of the front seat of such taxicab and for-hire vehicle, and the charges therein set forth shall be binding upon the owners and operators of the vehicles. The collection of fares of a lesser or greater amount than the rates of fare designated in this chapter by the driver or owner of such vehicle is prohibited.

Sec. 94-11. - Duty to pay fare.

No person shall engage or ride in a taxicab or for-hire vehicle ~~ear~~ without paying the legal fare.

Sec. 94-12. - Receipts.

The drivers in charge of taxicabs or for-hire vehicles ~~ears~~ shall, upon request, deliver to the person paying the fare a receipt in legible type or writing showing the date and amount of fare paid, the date of payment, the names of the owner and driver and the city license number. Such form may be prescribed by the city manager.

Sec. 94-13. - Information to be furnished police upon request.

Each owner and driver shall, upon request of the police department, furnish the latter with any information it may require as to persons transported in such taxicabs or for-hire vehicles ears.

~~Sec. 94-14. - Use of metered parking spaces.~~

~~No taxicab or for-hire ear shall use metered parking space in the city, except while actually receiving or discharging passengers.~~

Sec. 94-18. - Cruising.

Taxicabs and for-hire vehicles ears shall not be permitted to cruise seeking employment.

Sec. 94-19. - Solicitation of patronage.

No person shall solicit patronage for any taxicab or for-hire vehicle ear by word, signal or otherwise, on any public street, other than at the stands or garages of the same.

Sec. 94-20. - Improper, misleading, etc., calls.

No person shall make improper, misleading or unauthorized calls for taxicabs or vehicles ears for hire.

Sec. 94-49. - Revocation or suspension.

- (a) Any certificates issued under this article shall be suspended by the council if the holder thereof is thereafter arrested or found guilty of a felony, or class 1 misdemeanor, with right of appeal to city council which may reactivate such certificate in its discretion due to extenuating circumstances or on proof of the dismissal of such charges.
- (b) Any certificates issued under this article may be revoked or suspended by the council for any of the following causes:
 - (1) Failure to operate the taxicabs or for-hire vehicles ears specified in the certificate.
 - (2) Failure to maintain taxicabs or for-hire vehicles ears in good order and repair.
 - (3) Failure to pay the personal property tax or other taxes due the city or state on such vehicles.
 - (4) Failure to maintain insurance as required by this chapter.
 - (5) Failure to report any ~~accident~~ traffic crash as required by law.
 - (6) Failure of drivers to stay neat in appearance.
 - (7) Failure of drivers of taxicabs or for-hire vehicles ears to have and exhibit their driver's license and picture inside the vehicle he or she is operating in ear. Duplicate information must be on hand at the police station before taxicab drivers and for-hire vehicle drivers can operate on the streets in the city.

- (8) Repeated and persistent violations of traffic and safety ordinances by drivers.
- (9) If a cab driver or for-hire vehicle driver is convicted a third time of a state, city or federal offense, no cab or for-hire vehicle owner can hire the driver under the penalty of owner having his license revoked.
- (10) Purchase by cab drivers and for-hire vehicle drivers of alcoholic beverages of any description for their passengers, or toleration of any disorderly conduct in the cab or for-hire vehicle ear.
- (11) Willful or continued failure to comply with the provisions of this chapter and any other law or ordinance regulating the operation of public vehicles, taxicabs and for-hire vehicles ears in the city.
- (12) Willful negligence in rendering promised service.

Sec. 94-71. - Required; posting.

Every driver of a taxicab or for-hire vehicle ear ~~which~~ who engages in transportation of the public for compensation over the streets of the city shall, before driving such vehicle, obtain from the chief of police a driver's permit which shall certify that such person is morally ~~and physically~~ a fit person to drive such vehicle. Each driver shall keep in the vehicle which he operates such permit displayed in plain view of the passengers.

Sec. 94-72. - Applications—contents.

- (a) Any person desiring a taxicab or for-hire vehicle driver's permit shall apply for same to the chief of police, upon an application furnished by the chief of police. Such application shall contain the following information:
 - (1) ~~Date of application, N n~~ name of applicant, color, address, nationality, date of birth, place of birth, social security number, race, height, weight, eye color, hair color, and age, phone number(s) and email address of the applicant.
 - (2) ~~State driver's license number and date of issuance of same.~~ Motor vehicle operator's license(s) held by the applicant to include the date(s) of issue and the date(s) of surrender.
 - (3) ~~Number of years lived in city, present occupation and previous place of~~ Applicant's last five residences, and the occupancy dates of each.
 - (4) ~~Driving experience, record of accidents or collisions for past three years, if any, and court records.~~ Motor vehicle traffic crashes the applicant has been involved in and the dates thereof
 - (5) ~~Certificates of health from reputable physician, showing that the applicant is free from venereal or other contagious diseases.~~ Applicant's last five employers and occupations, contact information for each employer, and the dates of each employment.

- (6) Names, phone number, and addresses, and a letter of reference from each of two reputable references.
- (7) Such other information as the city manager and/or the Chief of Police may require.
- (b) Such application shall also set forth whether the applicant has been convicted of the violation of any state, federal, or municipal law, and shall be accompanied by a written authorization giving the chief of police or his/her designee within the police department permission to access all applicable local, state, and federal record sources and/or data bases to verify the same, along with permission to release such information in confidence to the city council, city manager, and city attorney, in connection with the investigation of the applicant and processing of the application. The application shall be accompanied by a fee sufficient to reimburse the city for the cost of such records check.

Sec. 94-73. - Same—Accompanied by photographs, fee; fingerprints.

Each application for a taxicab or for-hire vehicle driver's permit shall be accompanied by two good photographs of the applicant. These photographs shall be of such size as may be designated by the city manager. Each application shall also be accompanied by a fee of ~~\$10.00~~ \$15.00, which fee shall not be refunded. Each application shall be accompanied by the fingerprints of the applicant in such form as the chief of police may require.

Except as changed hereby, all other provisions of Chapter 94 shall remain in full force and effect.

INTRODUCED: ON OCTOBER 12, 2016 BY VICE MAYOR TERRY SHORT, JR.

ADOPTED: ON OCTOBER 24, 2016

EFFECTIVE: NOVEMBER 3, 2016

/s/ Julia Bortle
CLERK

/s/ Bruce Allen
BRUCE ALLEN, MAYOR