



# Ordinance

## Number 172

AN ORDINANCE OF THE SAN LUIS CITY COUNCIL AMENDING THE CITY CODE BY REPEALING ORDINANCE 160 AND 164, TRANSPORTATION BUSINESS REGULATIONS, AND BY ADDING ARTICLE 10-5, TRANSPORTATION BUSINESS REGULATIONS ESTABLISHING CERTAIN REGULATIONS RELATING TO THE OPERATION OF PUBLIC TRANSPORTATION INCLUDING TAXICABS AND BUSES WITHIN THE CITY OF SAN LUIS, ARIZONA, PROVIDING FOR EXTERIOR AND INTERIOR DISPLAY OF FARES, VEHICLE MAINTENANCE AND OTHER INFORMATION, PROVIDING FOR PENALTIES FOR THE VIOLATIONS THEREOF AND DECLARING AN EMERGENCY.

WHEREAS, the City of San Luis wishes to regulate the transportation business in order to ensure that they are operated in a safe, legal and orderly manner for the benefit of the residents and visitors of the City of San Luis.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

Section 1 That Ordinance 160 and 164, TRANSPORTATION BUSINESS REGULATIONS, of the City of San Luis, Arizona, are hereby repealed in their entirety.

Section 2 That Article 10-5, TRANSPORTATION BUSINESS REGULATIONS, is hereby added to the City Code as follows:

### 10-5 Transportation Business Regulations

- 10-5-1 Purpose
- 10-5-2 Definitions
- 10-5-3 General
- 10-5-4 Transportation Business Vehicle Permit
- 10-5-5 Individual Operator's Permit Required
- 10-5-6 Permit Terms and Fees
- 10-5-7 Exterior Display and Maintenance Requirements
- 10-5-8 Interior Displays, Proper Maintenance and Other Requirements
- 10-5-9 Fares and Charges
- 10-5-10 Direct Routes, Specific Mobile Solicitation Area Required.
- 10-5-11 Taxi Stand and taxi Waiting Stand Regulations
- 10-5-12 Bus Stand Regulations
- 10-5-13 Inspections
- 10-5-14 Penalties For Violations of this Ordinance
- 10-5-15 Severability
- 10-5-16 Conflicts
- 10-5-17 Effective Date

### 10-5-1 PURPOSE

The purpose of this ordinance is to promote the safety and welfare of the public, employees, and public transportation companies by regulating certain aspects of the public transportation business.

**DEFINITIONS**

A. "BUS" means any motor vehicle designed for carrying more than eleven (11) passengers and used for the transportation of individuals for hire with driver provided and has a set schedule and route; is fully licensed as a transportation business by the City of San Luis, the State of Arizona and the U.S. Department of Transportation.

B. "BUS STAND" The portion of the south side of A Street beginning at one hundred twenty six (126) feet from the east edge of Main Street and ending at one hundred seventy one (171) feet from the east edge of Main Street, shall be designated as a Bus Stand. Buses shall park with its right side wheels no more than eight inches from the curb.

C. "BUSINESS" means engaging in the activity of carrying passengers or individuals for profit.

D. "DETERIORATION" means a lowering in quality in the condition or appearance of a vehicle or parts thereof characterized by dents, breaks, cracking, peeling, rusting, or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

E. "FILTH" means foul matter, dirt or other matters that are attached to the body of a vehicle or the interior of the vehicle that causes a bad appearance.

F. "LIMOUSINE SERVICE" means the providing of a motor vehicle designed by its manufacture and identified by its vehicle registration as a Limousine and in which both the limousine and a driver are provided for hire solely by individual agreement and which service not available for open solicitation on the streets or at a taxicab or bus stand.

G. "PERSON" means any individual, person, firm, corporation, association, joint venture, partnership or other form of business or combination thereof.

H. "TAXICAB" means a motor vehicle other than a bus or limousine which is available for hire by the general public through either private or public solicitation or notice available to carry no more than (10) ten persons along a route, all or part of which is in the City of San Luis, from any point to any other point for hire with a driver provided and which is not operated on a schedule and or a fixed route.

I. "TAXI STAND" The portion of the south side of "A" Street beginning at twenty (20) feet from the east edge of Main Street and ending at one hundred and twenty (120) feet from the east edge of Main Street shall be designated as a taxi stand for only three (3) taxicabs. All taxicabs shall park with its right side wheels no more than eight (8) inches from the curb.

J. "TAXI WAITING STAND" The portion of the south side of A Street beginning at twenty-four (24) feet from the east edge of Second Street and ending at two hundred (200) feet from the east edge of Second Street from the hours of 6 A.M. and 8 P.M.; the portion of the south side of A Street between the two Friendship Park entrances shall be designated as the taxi waiting stand between 8 P.M. and 6 A.M.. All taxicabs shall park with its right side wheels no more than eight (8) inches from the curb.

K. "UNDOCUMENTED ALIEN OR PERSON" is a person who does not have documentation authorizing said person to be physically present in the United States pursuant to the immigration laws thereof.

L. Any term included in this ordinance which is not defined herein shall be accorded that definition prescribed under other San Luis Municipality ordinance(s) and the Arizona Revised Statutes ARS 13-101 and 28-101 et seq., the latter applying in the case of any inconsistency.

10-5-3

**GENERAL**

A. No person shall engage in the public transportation business in public rights of way within the City of San Luis without complying with the requirements of this ordinance.

B. No taxicab or bus business or operator of such taxicab or bus shall operate without the following: a. a City of San Luis business license, b. proper Arizona registration, c. insurance as required for taxicabs and buses by Arizona state law, d. it shall be properly registered with the State of Arizona and if a bus, the U.S. Department of Transportation.

C. No vehicle shall stop, stand or park on the designated taxi stand other than a taxi possessing a license to conduct business as a taxi in this city.

D. No vehicle shall stop, stand or park on the designated bus stand other than a bus possessing authorization from this city, the State of Arizona and the U.S. Department of Transportation.

E. No operator of a taxicab or bus shall permit more persons to be carried in the vehicle than the number for which seatbelts are available.

F. No person, owner, lease company or operator of a taxi cab or bus shall knowingly transport undocumented aliens or act as an accomplice, as defined in ARS 13-301 et seq., thereto.

G. An owner who permits a Transportation Business vehicle to be operated in violation of this ordinance shall be subject to the same penalties as the operator of the vehicle.

H. All Taxicabs must be registered with the Arizona Department of Weights and Measures and must display a valid permit.

I. No person shall operate a Transportation Business vehicle in the City of San Luis while his/her privileges to do so are suspended or revoked.

TRANSPORTATION BUSINESS VEHICLE PERMIT

Each motor vehicle used to provide transportation for hire must have a current Transportation Business Vehicle Permit. The permit covers the designated vehicle and cannot be transferred to another vehicle. To obtain a Transportation Business Permit, an applicant must submit to the City of San Luis a sworn statement stating the age, make, model, description and license plate number of the vehicle for which the permit is sought; a photograph of the vehicle clearly showing the identification insignia and lettering required by this ordinance and a copy of a current Vehicle Safety Compliance Sticker.

INDIVIDUAL OPERATOR'S PERMIT REQUIRED

A. No person shall operate a vehicle in the Transportation Business within the City of San Luis without first obtaining an Individual Operator's Permit. Each applicant for an Individual Operator's Permit shall submit a verified application on a form to be provided by the City of San Luis and a copy of his/her valid Arizona Driver's License for the operation of a motor vehicle and an Arizona Commercial Driver's License with the passenger bus endorsement for those who operate buses along with an Arizona Department of Motor Vehicle Abstract revealing the past 36 month of driving history. The applicant shall be finger-printed by the San Luis Police Department before issuing an Individual Operator's Permit. The applicant must also provide a 3" X 4" picture of him or herself; it shall be affixed unto the Individual Operator's Permit.

B. An Individual Operator's Permit shall not be issued to any applicant who:

1. Has been convicted of any felony involving the use of or threatened the use of force or violence, or the use or threatened the use of any weapon against a person.
2. Had his or her driver's license suspended, revoked or canceled for any reason within the past 36 months.
3. Has been convicted of any of the following offenses within the past 36 months:
  - a. driving under suspended license;
  - b. driving under the influence of drugs or alcohol;
  - c. leaving the scene of an accident;
  - d. reckless driving;
  - e. Transportation of narcotics or other illegal substances or;
  - f. The transportation of undocumented persons.

C. The Individual Operator's Permit shall be displayed on the person of operator at all times while in service. While driving it shall be displayed so that all passengers are able to view it.

**PERMIT TERMS AND FEES**

A. Each Transportation Business Vehicle Permit and Individual Operator's Permit shall be valid for one year from the date of issuance unless terminated earlier in accordance with this ordinance.

B. Each Transportation Business Vehicle Permit and Individual Operator's Permit shall be valid for one year from the date of issuance unless terminated earlier in accordance with this ordinance. No refunds will be issued for revoked or suspended permits. Each Vehicle Safety Inspection Sticker shall be valid for six months from the date of issuance unless terminated earlier in accordance with this ordinance.

1. The annual fee for each Transportation Business Permit shall be Six Hundred Dollars (\$600.00) per vehicle if the \$600.00 is paid in full at the time of application for the permit. Permit may be paid for in instalments of \$150.00 quarterly plus a \$25.00 service charge per quarter. The Transportation Business Permit fee is in addition to the business licenses fee, Individual Operator's Permit fee and safety inspection fees.
2. The annual fee for each Individual Operator's Permit shall be \$20.00.
3. The semi-annual Vehicle Safety Inspection Sticker shall be \$5.00.

**EXTERIOR DISPLAY AND MAINTENANCE REQUIREMENTS**

No person, owner, lease company or operator of a taxi cab, as described above in definition of a taxicab, shall allow, operate, or cause to be operated such motor vehicle on the streets of San Luis, unless:

A. The vehicle displays outside in a permanent manner, readily visible to both prospective and actual passengers, in letters not less than one (1) inch in height, the schedule of rates. The markings shall be either painted or permanently attached. Magnetic signs are not permitted.

B. The vehicle displays outside, in a permanent manner, readily visible to prospective and actual passengers, in letters not less than (3) three inches in height, the name of the business on each front door of the vehicle in a clear and legible manner. Magnetic signs are not permitted.

C. The vehicle displays on both sides and the rear the Transportation Business Permit Number assigned by the City of San Luis. The number shall be either painted or permanently attached no less than (3) three inches in height. Magnetic signs are not permitted.

D. Every vehicle shall be equipped with a permanently mounted roof top light that is not less than four (4) inches in height bearing the word "TAXI". This light shall be illuminated so that it is visible at all times of day or night.

E. The vehicle has posted clearly upon the rear, both in English and Spanish: "If you have any complaints about the operation of this vehicle, call the San Luis Police Department at (520)627-8881" ("Si tiene alguna queja acerca de la operacion de este vehiculo hable al Dpto. de Policia de San Luis al (520) 627-8881"). Magnetic signs are not permitted.

F. All outside display information shall be of such color as to contrast readily with its background. The vehicle may display the business logo or advertising matter if such does not interfere with the visibility of the information required by this article and section.

G. The vehicle is properly maintained; the exterior of such taxicab is not excessively filthy; the body of the taxicab does not show deterioration and broken or cracked windows.

10-5-8

#### **INTERIOR DISPLAYS, PROPER MAINTENANCE AND OTHER REQUIREMENTS.**

No person, owner, lease company or operator of a taxicab, as described above in definition of a taxicab, shall allow, operate, or cause to be operated such motor vehicle on the streets of San Luis, unless:

A. The vehicle displays on the dashboard or sun visor of each taxicab, readily visible to the passenger(s), the Individual Operator's Permit, the name of the taxicab company, the number of the vehicle, the address and phone number of the taxicab and Transportation Business Permit number.

B. The taxicab displays inside at locations readily visible to the passenger(s), the schedule of rates.

C. The vehicle is properly maintained; the interior of the taxicab is not excessively filthy or the interior shows deterioration.

D. The windows of the vehicle have at no time have affixed transparent material that has no less than thirty five percent (35%) of light transmission.

E. The vehicle contains emergency lights(warning triangles), first aid kit and a fire extinguisher.

F. The vehicle has posted clearly upon the interior both in English and Spanish: "If you have any complaints about the operation of this vehicle, call the San Luis Police Department at (520)627-8881" ("Si tiene alguna queja acerca de la operacion de este vehiculo hable al Dpto. de Policia de San Luis al (520) 627-8881").

10-5-9

#### **FARES AND CHARGES**

A. No taxicab business or operator of a taxicab shall operate or cause to be operated such taxicabs on the public streets of the City of San Luis, unless that company has an established schedule of fares and charges.

B. No taxicab business or operator of a taxicab shall charge more than what is established and displayed on his schedule of fares and charges. All taxicabs should have the cost per mile but may charge a flat rate to any location.

10-5-10

**DIRECT ROUTES, SPECIFIC MOBILE SOLICITATION AREA REQUIRED.**

A. No taxicab business or operator of such taxicab shall transport any passenger or passengers for hire from any point within the City of San Luis to any other point within or outside the San Luis City Limits by any route or method which is other than the most reasonably direct and rapid route or method available except at the specific direction or request of the passenger or passengers.

B. No taxicab business or operator of such taxicab shall actively solicit business between Main Street and Fourth Street and from A Street to B Street.

C. No taxicab business or operator of such taxicab shall solicit business while stationary at any public or private property other than an established taxi stand, without the consent of the owner of the property, if applicable, and the approval of the San Luis Police Department.

10-5-11

**TAXI STAND AND TAXI WAITING STAND REGULATIONS**

A. All taxicabs shall wait in line at the taxi stand in the order which they arrive; the taxicab located at the front of the line shall have priority when soliciting; taxicabs shall move forward as the taxicab at the front of the line departs. Only (3) three taxicabs will be allowed at the taxi stand.

B. All taxicabs wanting to advance to the taxi stand shall wait in line at the taxi waiting stand; the taxicab at the front of the line shall have priority to advance to the taxi stand.

C. No taxicab operator shall solicit business three (3) feet away from their taxicab; at no time shall a taxicab be left unattended while in line.

D. No taxicab business or operator of such taxicab, shall yell, use whistles, horns, or other devices that may disturb the peace and quiet of others for the purpose of soliciting business.

E. No taxicab business or operator of such taxicab, shall obstruct the flow of foot traffic of any sidewalk.

10-5-12

**BUS STAND REGULATIONS**

A. No bus operator shall stand more than three (3) feet away from their bus when parked to solicit business; at no time shall a bus be left unattended while in line.

B. No bus business or operator of such bus, shall yell, use whistles, horns, or other devices for the purpose of soliciting business that may disturb the peace and quiet of others.

C. No bus business or operator of such bus, shall obstruct the flow of foot traffic of any sidewalk.

D. The operator of a bus shall follow the schedule set by the bus company in which he/she is employed. The operator may depart five (5) minutes between or five (5) minutes after the scheduled time, and not otherwise.

E. The bus company or operator of a bus company may cancel a departure but shall not depart until the next scheduled departure.

10-5-13

**INSPECTIONS**

A. All vehicles must be put through a Vehicle Safety Compliance Inspection. The City of San Luis shall make available a list of garages that have been approved by this city to conduct semi-annual safety inspections of all motor vehicles used in the Transportation Business. The list will also include a statement of fees charged by each garage for such inspection services. Upon receiving proof from an approved garage that a vehicle has passed the safety inspection, the San Luis Police Department will issue the vehicle a Vehicle Safety Compliance Sticker. It is unlawful for any person to use a motor vehicle to provide transportation services within the City of San Luis unless the motor vehicle has a current Vehicle Safety Compliance Sticker. A vehicle's failure to pass a safety inspection will result in immediate suspension of that vehicle's Transportation Business Permit.

B. In order to pass the vehicle the Vehicle Safety Compliance Inspection and receive the Vehicle Safety Compliance Sticker, the vehicle subject to inspection shall meet the following criteria:

1. Steering, wheels, brakes, lights, exhaust system, windows, rear end, suspension, clutch, horn, seatbelts, transmission and body must be in good repair and safe operating condition.

2. The vehicle shall meet all requirements regarding the safety of vehicles as listed in Title 28 of the Arizona Revised Statutes and this ordinance.

3. All tires must have a minimum tread of 1\16 (inches).

4. The vehicle must be equipped with rear view mirrors of the left, right and inside.

C. In addition to the semi-annual safety inspections, the Chief of the San Luis Police Department and his officers/inspectors, may, at any reasonable time, inspect any vehicle used in the transportation business to insure compliance with this ordinance and Title 28 of the Arizona Revised Statutes.

D. An officer/inspector may at any time declare a taxicab or bus out-of-service if such taxicab or bus is found to be in violation of Section 10-5-13B of this ordinance or A.R.S § 28-921A.

E. No person shall operate or require to operate a Transportation Business vehicle that has been declared out-of-service until such time it has been repaired and has met the requirements of the instructions in the out-of-service notice and the same is verified by an officer/inspector of the San Luis Police Department.

10-5-14

**PENALTIES FOR VIOLATIONS OF THIS ORDINANCE**

A. Any person, bus company, taxicab company, taxicab operator, or owner thereof who violates any portion of this ordinance shall be deemed to have committed a class three (3) misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than one day, or both.

B. The San Luis Municipal Court may suspend a Transportation Business License, transportation Vehicle Permit or Individual Operator Permit for a period not to exceed six month per violation.

C. The San Luis Municipal Court may permanently terminate a Transportation Business Permit or Individual Operator's Permit if the transportation business or operator is found in violation of more than six (6) violations of this ordinance or any state law in a period of one (1) year.

D. Each day that violation continues shall be a separate offense punishable as herein above described.

10-5-15

**SEVERABILITY**

If any section, subsection, sentence, clause phrase or portion of this ordinance, or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

10-5-16      CONFLICTS

All ordinances and parts of ordinances, in conflict with the provisions of this ordinance or any part of the section of Code adopted herein, are hereby repealed.

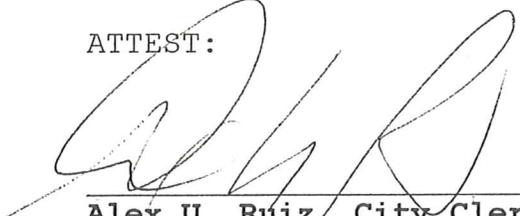
10-5-17      DECLARING AN EMERGENCY

Whereas, it is necessary for the preservation of the peace, health and safety of the City of San Luis, Arizona, an emergency is declared to exist and this ordinance shall become immediately operative and enforced on and after the date of adoption by the council of the City of San Luis.

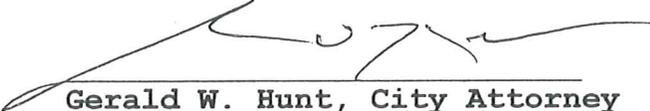
Passed and adopted by the City Council of the City of San Luis, Arizona this 24<sup>TH</sup> day of January, 2001.

  
\_\_\_\_\_  
Alex Joe Harper, Mayor

ATTEST:

  
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Alex U. Ruiz, City Clerk

APPROVED AS TO FORM:

  
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Gerald W. Hunt, City Attorney