

August 1, 2016

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Jill Adams, City Clerk
SUBJECT: Request for Agenda Item Placement
Ordinance 2016-004 Amending Title XI, Chapter 118,
Taxicabs, from the Sierra Vista Code of Ordinances

RECOMMENDATION:

The City Manager recommends approval.

APPLICANT:

City of Sierra Vista

BACKGROUND:

The City is proposing the revisions of the chapter to the Sierra Vista City Code of Ordinance that relate to the regulation and licensing of Taxicabs.

The purpose for the revisions is to eliminate the requirements for taxicab companies to provide documentation to the City that is already required and regulated by the State.

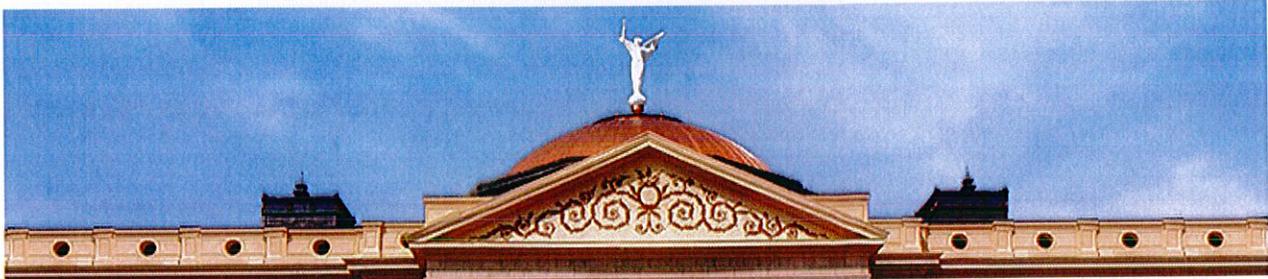
Effective June 30, 2016, the Senate Bill 1492 and House Bill 2171 modified the vehicle for hire program and permitting process. Legislature now requires that the Arizona Department of Transportation (ADOT) be responsible for Vehicle for Hire licensing for taxis, livery services, and limousines, and permitting for Transportation Network Companies (TNC).

In order for a Vehicle for Hire company or Transportation Network Company (TNC) to obtain a permit from ADOT, the company must meet and show documentation of all compliance requirements pursuant to the Arizona Revised Statutes. ADOT permits are valid for 3 years from issuance. Attached for your convenience is a list from ADOT of compliance requirements in conjunction with the Arizona Revised Statute.

In an effort to eliminate duplicative procedures, a Vehicle for Hire company or Transportation Network Company (TNC) will now file a copy of the ADOT permit with the City prior to receiving a business license pursuant to Chapter 110 of the City of Sierra Vista Code of Ordinances, and annually thereafter.

BUDGET APPROPRIATION:

Advertising Fees



Fifty-second Legislature - Second Regular Session

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A. A person may not use a commercial device unless the device is licensed as provided in this chapter.

B. A license shall be obtained annually from the department on forms prescribed and furnished by the department. The fee, as determined by the director by rule, shall be submitted with the prescribed form. A license shall be obtained not later than thirty days following the first day of commercial use for original installations. If the ownership of a licensed device is transferred, the ownership of the license may be transferred. On transfer of a license, new licensees shall notify the department of the licensee's name and address and the location of the device.

C. If a fare is based on time or mileage or both time and mileage, a taxi shall have a commercial device and shall obtain a license as prescribed by the department, except that if the service offered by the taxi is a prearranged ground transportation service as prescribed in section 28-141 for a predetermined fare, a taxi is not required to use a commercial device.

D. The department may not issue a license for a taxi, livery vehicle or limousine unless the taxi, livery vehicle or limousine meets the requirements for both of the following:

1. Motor vehicle licensing as prescribed by the department.
 2. Motor vehicle insurance as prescribed by section 28-4033.
- E. The department shall revoke a license if the taxi, livery vehicle or limousine fails to maintain the requirements for either of the following:

1. Motor vehicle licensing as prescribed by the department.
2. Motor vehicle insurance as prescribed by section 28-4033.

F. A taxi or livery vehicle shall have a license issued under this chapter posted on the outside of the rear window as required by the department. A limousine shall carry a license issued under this chapter inside the vehicle at all times.

G. A taxi that is licensed by the department and that offers local transportation for a fare determined on the basis of the distance traveled or prearranged ground transportation service as prescribed in section 28-141 for a predetermined fare is not required to be additionally licensed as a livery vehicle.

H. A person or the person's agent who knowingly files with the department any notice, statement or other document required under this section that is false or that contains any material misstatement of fact is guilty of a class 2 misdemeanor.



Arizona DOT / Motor Vehicle Services / Professional Services / Vehicle for Hire Licensing /
 Taxi, Livery and Limousines / **Compliance Requirements**

Vehicle for Hire Licensing

Taxi, Livery and Limousines

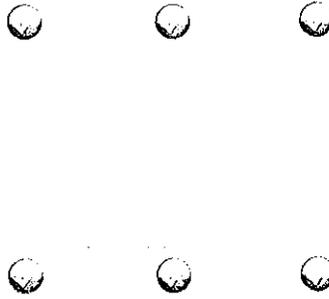
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|------------------------|----------------------------------|---------------|
| Overview | Process and License Requirements | |
| Insurance Requirements | Compliance Requirements | Helpful Links |

Compliance Requirements

| Indicates Document Is Required | Taxi | Livery | Limousine |
|--|------|--------|-----------|
| 1 Outside/Exterior Signage: At a MINIMUM, trade dress containing the word "TAXI" or "CAB" (A.R.S. § 28-9506 (B)). | | | |
| 2 Inside/Interior Signage: The complete permittee's name, address, accurate representation of all fares and fare computation method as well as the driver's name must be displayed on either an interior sign that is readily visible in either a print or electronic format or on a digital network or software application (A.R.S. § 28-9506 (A)). | | | |
| 3 Insurance and Registration: Current and correct insurance documents and vehicle registration must be carried in the vehicle at all times (A.R.S. § 28-4039). (ACORD and ID cards) | | | |
| 4 ADOT Permit: A copy of the ADOT business permit shall be posted inside the vehicle at all times (A.R.S. § 28-9503(F)). | | | |
| 5 License Plate: The vehicle must have an ADOT/MVD-approved license plate. A vehicle that transports passengers for hire and that has a design capacity for 8 or more persons requires a commercial license plate (A.R.S. § 28-5201(1) (e)). | | | |
| 6 Fees: A device license fee of \$24 per vehicle per 3 year permit. | | | |
| 7 Criminal Background: An owner of a livery vehicle, taxi or limousine license shall have available for inspection at all times by the Department written evidence of criminal background checks of any drivers operating a livery vehicle, taxi or limousine for the owner, whether as an employee or lessee. The criminal background check shall be completed prior to the driver being engaged as an employee or lessee. (A.R.S. § 28-9507(A)). | | | |
| 8 Drug Testing Records: An owner of a livery vehicle, taxi or limousine license shall implement a zero-tolerance policy on the use of drugs and alcohol. This policy shall be on the website or in the vehicle, including procedures to file a complaint. Upon receipt of a complaint, the driver shall immediately have access to the vehicle suspended and an investigation shall be conducted (A.R.S. § 28-9507(C)). Enforcement records shall be maintained and | | | |

available to the Department (A.R.S. § 28-9507 (E)).

- 9 **Vehicle Maintenance Records:** An owner of a livery vehicle, taxi or limousine licensed through the Department shall have available for inspection at all times by the Department vehicle safety and emission inspections of all the owner's livery vehicles, taxis or limousines. The safety inspection shall include, minimally, a brake and tire inspection by a qualified party. Maintenance records shall be kept for two years (A.R.S. § 28-9507(B)).
- 10 **Good Standing with ADOT:** All companies must be in good standing (i.e., no outstanding civil penalties, etc.) with ADOT prior to permitting.



ORDINANCE 2016-004

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA; AMENDING CHAPTER §118, SECTIONS 118.01, 118.02, 118.03, 118.04, 118.05, 118.06, 118.07, 118.08, 118.09, 118.10, 118.11, 118.12 OF THE CITY OF SIERRA VISTA CODE OF ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE.

WHEREAS, the City Manager recommends that the amendments to Chapter §118, Sections 118.01, 118.02, 118.03, 118.04, 118.05, 118.06, 118.07, 118.08, 118.09, 118.10, 118.11, 118.12 of the City of Sierra Vista Code of Ordinances, be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That Chapter §118, Sections 118.01, 118.02, 118.03, 118.04, 118.05, 118.06, 118.07, 118.08, 118.09, 118.10, 118.11, 118.12 of the City of Sierra Vista Code of Ordinances be, and hereby is, amended. Chapter §118, Section 118.01 is amended to include the definitions of “limousine”, “livery vehicle”, “person”, “taxi”, “transportation network company”, “transportation network company driver”, “transportation network company vehicle”, and “transportation network services” as provided in A.R.S. §28-9501 *et seq.* Chapter §118, Section 118.02 is amended to read “Section 118.02 License/Permit Required. The following license requirements shall be followed: (1) No person or entity shall operate a vehicle for hire or transportation network company (TNC) within the City without first obtaining a permit from the Arizona Department of Transportation (ADOT) pursuant to A.R.S. §28-9501 *et seq.* A copy of the ADOT permit shall be filed with the City prior to receiving a business license pursuant to Chapter 110 of the City of Sierra Vista Code of Ordinances, and annually thereafter. Each person or entity operating a vehicle for hire or transportation network company (TNC) within the City shall also comply with applicable state laws regarding licensing and insurance requirements. (2) No person or entity shall operate a vehicle for hire or transportation network company (TNC) within the City without first obtaining a business license pursuant to Chapter 110 of the City of Sierra Vista Code of Ordinances.” Chapter §118, Sections 118.03, 118.04, 118.05, 118.06, 118.07, 118.08, 118.09, 118.10, 118.11, 118.12 are hereby rescinded.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance, to the extent of such conflict and no further, are hereby repealed. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 11TH DAY OF AUGUST, 2016.

FREDERICK W. MUELLER
Mayor

Approval as to Form:

Attest:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk