

TAXICAB DRIVERS

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5.48 OF THE SPARKS MUNICIPAL CODE; REPEALING THE REQUIREMENT THAT TAXICAB DRIVERS OBTAIN A CHAUFFER'S WORK PERMIT FROM THE SPARKS POLICE DEPARTMENT; DEFERRING TO THE NEVADA TRANSPORTATION AUTHORITY TO ISSUE TAXICAB DRIVER'S PERMITS PURSUANT TO NRS 706.462 TO 706.4624, INCLUSIVE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City, through the Sparks Police Department ("SPD"), has been regulating taxicab drivers for decades, including requiring that such drivers undergo an investigation and obtain a chauffeur's work permit;

WHEREAS, the 2013 Nevada Legislature passed SB 210 and Governor Sandoval approved that legislation, which placed licensing of taxicab drivers under the regulatory authority of the Nevada Transportation Authority ("NTA") and required them to obtain a driver's permit from the NTA;

WHEREAS, the requirement that a taxicab driver obtain a chauffeur's work permit from SPD is now redundant to the driver's permit required by the Nevada Transportation Authority; and

WHEREAS, it is in the best interests of the City and the taxicab drivers to repeal the provisions of the Sparks Municipal Code requiring chauffeur's work permits for taxicab drivers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 5.48.020: "Taxicab—License—Required" is hereby amended to read as follows:

Section 5.48.020 Taxicab *Business* License—Required.

Each person who operates a taxicab business shall, ~~for each vehicle operated,~~ apply for and secure from the city ~~council~~ an annual *business* license, pursuant to the provisions of Section 5.48.040.

(Ord. 816 § 7, 1971: 1962 Code § 105.714.)

SECTION 2. Section 5.48.030: "Taxicab—License—Application" is hereby repealed in its entirety.

~~Section 5.48.030 Taxicab—License—Application.~~

~~Each application for a license shall contain:~~

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- A. ~~The make, horsepower, engine number, serial number, seating capacity and state license number of the vehicle;~~
- B. ~~The name of the owner of the vehicle;~~
- C. ~~The names of the drivers of the vehicle;~~
- D. ~~The maximum rate to be charged passengers.~~
(1962 Code § 105.717.)

SECTION 3. Section 5.48.040: “Taxicab—License—Fee” is hereby amended to read as follows:

Section 5.48.040 Taxicab *Business License—Fee - Subject to All Business License Provisions.*

A. Every person operating a taxicab business in the city shall obtain a city business license therefor and pay a ~~minimum~~ fee of ~~four hundred seventeen dollars~~ \$417.00 per year plus ~~seven dollars~~ \$7.00 per year for each taxicab in the fleet of the business, excepting therefrom the first six such taxicabs. Such fees shall be payable annually ~~in advance on the anniversary date of the license, subject to the 30 day grace period provided for regular business licenses.~~

B. *Except as provided in subsection A of this section and SMC 5.48.050, a taxicab business license is subject to all provisions of the Sparks Municipal Code pertaining to business licenses, including but not limited to Chapters 5.04, 5.08, 5.12 and 5.16 of the Sparks Municipal Code.*

(Ord. 1356 § 6, 1982: Ord. 1293 § 9, 1980: Ord. 816 § 5, 1971.)

SECTION 4. Section 5.48.050: “Taxicab—License—Revocation” is hereby amended to read as follows:

Section 5.48.050 Taxicab *Business License - Special Revocation.*

~~Any person holding a license to operate a taxicab who violates or knowingly permits a driver to violate, within the city, any ordinance of the city or Washoe County, or any statute of the state, shall, after a hearing before the city council, be deprived of his license to do business.~~

A taxicab business license may be revoked by the chief license officer pursuant to Chapter 5.16 of the Sparks Municipal Code for any reason specified in that chapter, and may also be revoked if the holder of the taxicab business license knowingly permits a driver to violate, within the city, any ordinance of the city or any statute of the State of Nevada.

(Ord. 816 § 8, 1971: 1962 Code § 105.723.)

SECTION 5. Section 5.48.100: “Taxicab—Chauffeur's permit—Required” is hereby repealed in its entirety:

~~Section 5.48.100 Taxicab—Chauffeur's permit—Required.~~

~~Every person who acts as driver, operator or chauffeur of any taxicab or limousine must obtain and possess hold an unexpired and unrevoked chauffeur's work permit issued by the chief of~~

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police pursuant to Chapter 5.22 of the SMC.

(1962 Code § 105.765.) (Ord. 2190, Amended, 10/13/2003; 1965, Amended, 12/08/1997)

SECTION 6. Section 5.48.110: “Taxicab—Chauffeur's work permit—Applicant qualifications” is hereby repealed in its entirety.

~~Section 5.48.110 Taxicab—Chauffeur's work permit—Applicant qualifications.~~

~~A. An applicant for a chauffeur's work permit must:~~

~~[1.]A. Be eighteen years of age or older;~~

~~[2.]B. Fill out an application and comply with all requirements of Chapter 5.22 of the SMC.~~

~~(1962 Code § 105.768.) (Ord. 2190, Amended, 10/13/2003)~~

SECTION 7. Section 5.48.120: “Taxicab—Chauffeur's work permit—Issuance—Fees” is hereby repealed in its entirety.

~~Section 5.48.120 Taxicab—Chauffeur's work permit—Issuance—Fees.~~

~~A. If the chief of police finds that an applicant for a permit is qualified under SMC 5.22.010 and has satisfied all other requirements, he may issue a chauffeur's permit to the applicant. . Such permit must be carried by the applicant at all times while operating a taxicab.~~

~~B. The number of the permit and the name of the holder shall be registered by the chief of police.~~

~~(Ord. 1628 § 5, 1988; Ord. 1361 § 5, 1982; Ord. 1085 § 4, 1976; Ord. 950 § 1 (part), 1973; Ord. 816 § 9, 1971; 1962 Code § 105.771.) (Ord. 2190, Amended, 10/13/2003)~~

SECTION 8. Section 5.48.140: “Taxicab—Chauffeur's permit—Transfer” is hereby repealed in its entirety.

~~Section 5.48.140 Taxicab—Chauffeur's permit—Transfer.~~

~~It is unlawful for any person to whom a chauffeur's permit has been issued to sell, transfer or otherwise dispose of such permit, or to allow any other person to use such permit.~~

~~(Ord. 816 § 11, 1971; 1962 Code § 105.780.)~~

SECTION 9. Section 5.48.150: “Taxicab—Chauffeur's permit—Revocation” is hereby repealed in its entirety.

~~Section 5.48.150 Taxicab—Chauffeur's permit—Revocation.~~

~~If the holder of a chauffeur's permit is convicted of a violation of the provisions of any ordinance~~

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~~of the city regulating traffic or of any statute of the state regulating the operating of motor vehicles, or is convicted of any offense under any city ordinance or state or federal law which causes the chief of police reasonably to conclude that the public interest and safety require that the chauffeur's permit issued to such person be revoked, the chief of police may revoke such permit.~~

~~(Ord. 816 § 12, 1971; 1962 Code § 105.783.)~~

SECTION 10. Section 5.22.010 “Persons not qualified for work permits required by the SMC” is hereby amended to read as follows:

Section 5.22.010 Persons not qualified for work permits required by the SMC.

- A. The following persons are not qualified to hold a work permit required under the provisions of the SMC:
1. A person who has been convicted within the preceding 5 years of a crime which would be a felony or gross misdemeanor under the laws of this state and which involves violence or force against another, the threat of violence or force against another, or the sale or trafficking of any controlled substance. For purposes of this section, murder, voluntary manslaughter, robbery, sexual assault, mayhem, assault, battery or kidnapping, or an attempt to commit any of those crimes, is deemed to be violence or force against another or the threat of violence or force against another.
 2. If the work permit is for an occupation which involves the handling or possession of money belonging to the employer, any person convicted within the preceding 5 years of any crime of embezzlement or larceny against an employer or an employer's customer.
 3. If the work permit is for an occupation which places the person in the home of another, any person convicted within the preceding 5 years of any robbery, larceny, embezzlement, obtaining money by false pretenses, possession or sale of stolen property, or burglary.
 4. If the work permit is for an occupation which may place the person in the vicinity of minors or involves the purposeful touching of the body of another, any person who would be required to register with the chief of police as *an offender convicted of a crime against a child or as a sex offender, as those terms are defined in pursuant to Chapter 9.74 of the SMC 179D of NRS. For purposes of paragraph 5 of this subsection, the crimes described in NRS 179D.0357 and 179D.097 are disqualifying crimes for the respective offenses.*
 5. If paragraphs 1 to 4, inclusive, apply to the work permit sought, a person who is in the constructive custody of any federal, state, county or municipal law enforcement authority based on a conviction of ~~any~~ *a disqualifying* crime described in paragraphs 1 to 4, inclusive, of this subsection. For purposes of this section, "constructive custody" includes parole, probation, suspended sentences and any other form of supervision by a governmental agency or a court.
 6. If the work permit is related to the sale or dispensing of alcoholic beverages, any person not authorized by SMC 5.28.235 to engage in such activities.

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7. If the work permit is for any type of escort, any person who has been convicted of prostitution or pandering.
 8. Any person having one or more criminal convictions that indicates that the person poses a threat to the health, safety or welfare of others if allowed to work in the occupation for which the work permit is sought.
 9. A person who is not qualified under any state or federal law or regulation.
 10. A person whose arrest is sought by warrant or otherwise by a law enforcement agency of any state or the United States.
 11. A person who has furnished false information in his application for a work permit.
- B. The chief of police or his designee shall have the power to determine whether a person is qualified for a work permit pursuant to this section.

(Ord. 2190, Add, 10/13/2003)

SECTION 11. Section 5.22.020 “Denial, suspension, revocation of work permit” is hereby amended to read as follows:

Section 5.22.020 Denial, suspension, revocation of work permit.

- A. An application for a work permit required by the SMC may be denied on the grounds that the applicant is not qualified pursuant to SMC 5.22.010. Denial is effective upon service of a Notice of Denial upon the applicant by personal service or mail directed to the address on the application. If mailed, service of the Notice of Denial is deemed effective three days after it is deposited for mailing in the U.S. mail.
- B. A current work permit may be suspended or revoked by the chief of police or his designee if the permittee was unqualified under SMC 5.22.010 at the time of filing an application or if the applicant becomes unqualified for the permit under SMC 5.22.010 on any date during the term of the permit. An escort work permit may be denied, suspended or revoked for the reasons set forth in SMC 5.22.010 or 5.66.050.
- C. Suspension or revocation is effective upon service of a Notice of Suspension or Notice of Revocation upon the permittee by mail directed to the permittee's last known address or by personal service. The permittee shall relinquish his or her work permit identification card to the chief of police or his designee within 5 days after being served with such Notice.
- D. Denial, suspension or revocation of a work permit may be appealed in the manner set forth in this chapter.

(Ord. 2190, Add, 10/13/2003)

SECTION 12. Section 5.22.060 “Prohibition on reapplying for work permit if applicant fails to file timely appeal of denial of work permit or if work permit is suspended or revoked” is hereby amended to read as follows:

Section 5.22.060 Prohibition on reapplying for work permit if applicant fails to file timely appeal of denial of work permit or if work permit is suspended or revoked.

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- A. An applicant for a work permit may not reapply for the same category of work permit if:
 - 1. An application for the work permit is denied and no timely appeal is made;
 - 2. A denial of an application is upheld on appeal;
 - 3. A work permit issued to the applicant is suspended or revoked and no timely appeal is made; or
 - 4. A suspension or revocation of a work permit is upheld on appeal.
- B. ~~The period described in paragraph A~~ when a person may not reapply for the same category of work permit commences on the date of service of a Notice of Denial or a Notice of Suspension or Revocation, whichever is applicable, and continues until the denial, suspension or revocation is overturned on appeal or for ~~six~~ 6 months, whichever is earlier.
- C. Any application made in violation of this section is void and has no legal effect.

(Ord. 2190, Add, 10/13/2003)

SECTION 13: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 15: This ordinance shall become effective upon passage, approval and publication.

SECTION 16: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 17: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 18: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

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APPROVED this _____ day of _____, 20__, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

CHESTER H. ADAMS, City Attorney