

Ordinance No. 15-47

AN ORDINANCE AMENDING TITLE 4, CHAPTER 15, OF THE MUNICIPAL CODE OF PARK CITY, TO ALIGN FOR-HIRE VEHICLE LICENSING REQUIREMENTS WITH THE STATE OF UTAH'S TNC LICENSING REQUIREMENTS

WHEREAS, the City Council supports creating an equitable treatment of local, traditional For-Hire licensees,

WHEREAS, City Council seeks to protect the safety and well-being of Park City's citizens and guests,

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

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 upon publication.

PASSED AND ADOPTED this 19th day of November, 2015.

PARK CITY MUNICIPAL CORPORATION



Mayor Jack Thomas

Attest:



Michelle Kellogg, City Recorder

Approved as to form:



Mark Harrington, City Attorney



CHAPTER 15 - FOR-HIRE VEHICLE LICENSING

(Chapter created by Ord. No. 98-45)

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, Driver's 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.

(K) TRANSPORTATION NETWORK COMPANY (TNC). The Transportation Network Company Registration Act defines a TNC as an entity that (a) uses a software application to connect a passenger to a transportation network driver providing transportation network services; (b) is not: (i) a For-Hire Vehicle and (c) does not own, control, operate, or manage the vehicle used to provide the transportation network services.

(Amended by Ord. Nos. 00-60; 02-48; 02-52; 11-07)

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 ~~\$1,000,000~~ ~~\$750,000~~ per vehicle if the vehicle provides taxicab service, has a seating capacity of fifteen ~~eight~~ (15) passengers or fewer, including the driver, and is not operated on a regular route, ~~or \$1,500,000 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~~ ~~vehicle registration 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 driver's license. 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.

(Amended by Ord. Nos. 02-48; 02-52; 04-61)

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 of 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.

(Amended by Ord. No. 11-07)

4-15-9. BACKGROUND CHECK REQUIREMENT

Exhibit A

(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.~~ All drivers shall obtain an original background check report from the Utah Bureau of Criminal Investigation (BCI). All drivers shall also obtain a driver license record report from the Utah Driver's License Division showing "Valid" as License Status. The City shall be permitted to further investigate any information that is relevant to such background checks 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 ~~an BCI 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 offense, 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.

Exhibit A

(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 BCI ~~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 BCI ~~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) If 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 "C", "-P" or "Z" endorsement on his or her Driver's License, it shall issue the background check certificate.