

## Chapter 5.50

### TAXICABS

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#### **5.50.010 Definitions.**

The following words used in this chapter shall have the following meanings:

**Street** shall include any street, alley, avenue, lane, court, or public place in the city.

**Taxicab** shall include all motor vehicles including limousines carrying passengers for hire for which public patronage is solicited; provided, however, that railroad cars and street railway cars shall not be considered taxicabs within the meaning hereof and motor vehicles secured from car rental agencies shall not be considered taxicabs unless the operator thereof carries passengers for hire and solicits public patronage. (Ord. 15479 §1; March 5, 1990: P.C. §5.36.010: Ord. 12379 §1; September 5, 1978: prior Ord. 3489 §22-201; July 6, 1936).

#### **5.50.020 Driver's License Required; Procedures.**

(a) It shall be unlawful for any person to drive a taxicab within the corporate limits of the City of Lincoln unless such person has been issued and currently holds a valid license therefor. Any person desiring to be licensed as a taxicab driver shall file an application with the City Clerk on a form provided by the city, setting forth the following information: The name and address of the applicant; a description of the applicant, giving age, weight, height, color of eyes, hair, and complexion; state driver's license number and date of issuance of certificate; and the license number of the taxicab to be operated by such person; and the name and address of the owner of the taxicab. Each application shall be accompanied by a current picture of the applicant, two inches by two inches in size.

(b) The applicant shall undergo a medical examination by a licensed physician upon hiring and every three years thereafter, and shall obtain a written report of such examination on standard forms prescribed by the City Clerk, signed by the examining physician, showing the physical fitness of the applicant to become a licensed taxicab driver. A person shall be considered physically qualified to drive a taxicab if such person:

(1) Has no loss of a foot, a leg, a hand, or an arm which is likely to interfere with his ability to control and safely drive a motor vehicle;

(2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation which is likely to interfere with the ability to control and safely drive a motor vehicle;

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control which is likely to interfere with the ability to control and safely drive a motor vehicle;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure which is likely to interfere with the ability to control and safely drive a motor vehicle;

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a motor vehicle safely;

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with the ability to operate a motor vehicle safely;

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with the ability to control and operate a motor vehicle safely;

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with the ability to drive a motor vehicle safely;

(10) Has distance visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses, distance binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least seventy degrees in the horizontal meridian of each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(11) First perceives a forced whisper voice at not less than five feet in the better ear without use of a hearing aid, or, if tested by use of an audiometric device, does not have a loss greater than forty decibels at 50 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5--1951;

(12) Does not use any amphetamine, narcotic, or any habit-forming drug; and

(13) Has no current clinical diagnosis of alcoholism.

(c) The applicant shall also give his or her consent to a background investigation to be performed by the Lincoln Police Department. An applicant shall be considered unqualified for a taxicab driver's license if the applicant:

(1) Has been convicted of any felony and ten years has not elapsed between the date of application and the date of the applicant's release from custody, parole, or probation;

(2) Has been convicted of any misdemeanor within the past ten years involving:

(i) sexual assault, sexual contact or indecent exposure;

(ii) two or more convictions for theft or other crimes of dishonesty;

(iii) driving while under the influence of an alcoholic liquor or drugs;

(iv) driving on a suspended license;

(v) motor vehicle homicide;

(vi) refusal to submit to a chemical test;

(vii) procuring alcohol for a minor;

- (viii) contributing to the delinquency of a minor;
- (ix) assault;
- (x) controlled substances as specified in Neb. Rev. Stat. Chapter 28, Section 4, or two or more infractions under the same section.

(3) Has had a motor vehicle drivers license suspension within five years of the date of application or two such suspensions within ten years of the date of application.

(4) Absent a conviction on the related offense, has been the responsible party for any crimes described in paragraphs (1) and (2) above within ten years of the date of application. Responsible party shall mean any person who has admitted to or against whom there is substantial evidence of such crimes or activities. (Ord. 15965 §1; September 3, 1991: prior Ord. 15927 §1; July 22, 1991: Ord. 15479 §2; March 5, 1990: P.C. §5.36.080: Ord. 13306 §1; February 8, 1982: Ord. 13149 §1; June 15, 1981: Ord. 12379 §6; September 5, 1978: Ord. 3489 §22-208, as amended by Ord. 4049; September 17, 1945).

#### **5.50.030 Traffic Rules Exam.**

The applicant shall also take an examination to be given by the City Police Department to determine whether the applicant is familiar with the provisions of the traffic ordinances or other ordinances pertaining to or affecting the operations of taxicabs, and is acquainted with the location of all streets and public places in the city. The examination shall be in such form and as comprehensive as the Chief of Police may deem necessary; provided, that such examination shall be uniform during any license year. The applicant shall be fingerprinted by the Police Department. (Ord. 15927 §2; July 22, 1991: prior Ord. 15479 §3; March 5, 1990).

#### **5.50.040 License; Issuance.**

Upon compliance by the applicant with all of the provisions of this chapter and upon the payment of the fees herein provided, the City Clerk is authorized to issue the taxicab driver's license. Said license will be valid to May thirty-first of each year unless otherwise revoked.

Provided, however, that should the City Clerk fail or refuse to issue a driver's license to an applicant, such applicant may appeal in writing to the Taxicab Review Board. The applicant's appeal shall be heard at the next scheduled hearing date.

Hearings of the Taxicab Review Board shall be scheduled on the second and last Wednesday of each month, but the Board shall not convene on those dates unless a hearing is scheduled or the Board shall have other business to conduct.

The applicant shall be given an opportunity to present any mitigating or extenuating circumstances relating to any disqualifying factor under Section 5.50.020. If the Taxi Review Board shall find, by clear and convincing evidence, that the disqualifying factor does not interfere with the applicant's ability to control and operate a taxicab safely and does not constitute a risk to the public, the Taxi Review Board shall direct the City Clerk to issue the license. (Ord. 19965 §5; December 16, 2013: prior Ord. 15927 §3; July 22, 1991: Ord. 15479 §4; March 5, 1990).

#### **5.50.050 License; Not Assignable; Employment.**

The driver's license is not assignable and shall authorize the driver to drive only for the owner designated in the application. In the event the driver changes employers or is employed by more than one taxicab company, the City Clerk is authorized to issue a new or additional license to the driver without examination upon payment of the license fee hereinafter set forth. (Ord. 15479 §5; March 5, 1990).

**5.50.060 Application Fee.**

Prior to the filing of an application for a license as a driver of a taxicab, the applicant shall pay to the City Clerk an application fee of five dollars which shall not be returned to the applicant whether the license applied for is granted or denied. A receipt showing the payment of the fee shall be filed with the application. (Ord. 15479 §6; March 5, 1990: P.C. §5.36.090: Ord. 12379 §7; September 5, 1978: prior Ord. 3489 §22-208.1, as amended by Ord. 4842; September 5, 1950).

**5.50.070 License Fee.**

An annual license fee shall be charged as follows:

- For each driver’s license . . . . . \$10.00
- For each renewal of driver’s license . . . . . \$10.00

All license fees shall be due and payable on the first day of June of each year and all licenses shall expire on the thirty-first day of May following issuance. (Ord. 15479 §7; March 5, 1990: P.C. §5.36.100: Ord. 3489 §22-209; July 6, 1936).

**5.50.080 License; Suspension and Revocation; Board of Appeals.**

In addition to any other penalty provided in this chapter, the City Clerk shall revoke the license of any taxicab driver who is convicted of driving a taxicab while under the influence of intoxicating liquor, is convicted of having liquor in his possession while operating said taxicab, is convicted of any crime involving moral turpitude, or has in any way falsified the application for obtaining a license provided for herein.

Any person whose license is so revoked may appeal such revocation to the Taxicab Review Board, consisting of the Chief of Police or a person from the Police Department designated by the Chief of Police, the Director of Public Works and Utilities or a person from the Public Works and Utilities Department designated by the Director of Public Works and Utilities, and a citizen of the City of Lincoln appointed by the Mayor. Such board may adopt such rules for the conduct of hearings as it sees fit. (Ord. 19468 §2; November 8, 2010: prior Ord. 17004 §1; June 17, 1996: Ord. 15479 §8; March 5, 1990: P.C. §5.36.140: Ord. 12379 §10; September 5, 1978).

**5.50.090 Soliciting Patronage.**

No taxicab owner or driver shall solicit or employ or engage any other person to solicit patronage on the streets, sidewalks, or public ways, except that a driver whose taxicab is lawfully parked and vacant may be stationed within four feet thereof and in conversational tones solicit patronage. (Ord. 15479 §9; March 5, 1990: P.C. §5.36.190: Ord. 3489 §22-218; July 6, 1936).

**5.50.100 Penalty for Violations.**

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.00. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty herein provided shall be cumulative with and in addition to the revocation or cancellation of any permit or right as elsewhere provided. (Ord. 15479 §10; March 5, 1990: P.C. §5.36.230: Ord. 3489 §22-222; July 6, 1936).