



MONROE CITY COUNCIL
Legislative Affairs Committee Meeting
Tuesday, May 21, 2019, 6 P.M.
Monroe City Hall

2019 Committee
Councilmembers
Ed Davis
Jim Kamp
Kirk Scarboro

AGENDA

- I. Call to Order**

- II. Approval Minutes** (April 16, 2019)

- III. Unfinished Business**

- IV. New Business**
 - A. Donations/Art Policies (Parks & Recreation)
 - B. Taxi Regulations (Administration)

- V. Other**

- VI. Next Committee Meeting** (June 11, 2019; 6:30 p.m.)
 - A. Discussion Items: Voting Rights Act; & 2019-2020 Lobbyist

- VII. Adjournment**



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SUBJECT:	Donations/Art Policies
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/21/2019	Administration	Mike Farrell	Mike Farrell	New Business A.

Discussion: 05/21/2019
Attachments: 1. Proposed City Donation Acceptance Policy(DRAFT)
 2. Revised City Public Art Policy(DRAFT)

REQUESTED ACTION: Discussion; and provide direction to the Mayor and City Staff regarding proposed new City Donation Acceptance Policy and revisions to the City’s existing Public Art Policy.

POLICY CONSIDERATIONS

We currently do not have a formal process for acceptance and documentation of donations made to the City of Monroe. In addition, the City’s Public Art Policy does not have a formal process to make memorial public art considerations. Is the Council interested in development of a donation acceptance policy and revising the City’s Public Art Policy to include a section for Memorial Public Art Considerations?

DESCRIPTION/BACKGROUND

The City does not currently have a formal process for acceptance of donations made to the City of Monroe. The City’s Municipal Code Chapter 3.40 *Donations of Property to City*, Section 3.40.030 *Acceptance* sets criteria for approval of monetary and non-monetary donations with value thresholds of up to \$5,000 and donations valued at higher than \$5,000, but is silent in setting any policy for: types of donations, consistency with City interests, acceptance of undesignated donations, designated donations, acceptance of memorial tree and bench donations, acknowledgement, declined donations and distribution of donations.

Staff have researched the issue and have developed a draft City Donation Policy (Attachment #1). The purpose of this proposed policy is to establish a formal process for acceptance and documentation of donations made to the City of Monroe. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapters 2.52 MMC - Code of Ethics and 3.40 MMC - Donations of Property to City. All donations are subject to be included in the City’s asset inventory listing as applicable.

While researching the issue of acceptance of donations and reviewing existing code chapters and policies, staff found that the City’s Public Art Policy, approved by City Council on March 16, 2016, was missing a formal process to make memorial public art considerations. Staff have researched this issue as well and have proposed a revision to the city’s Public Art Policy (Attachment #2).

FISCAL IMPACT

The proposed policy places requirements for accepting donations that will not add to the City’s workload unless it provides a net benefit, will not bring hidden costs; that any additional purchases

or labor costs shall be included in the total donation prior to any work being done or purchases made (Attachment #1 Chapter 5, Section 5.1).

TIME CONSTRAINTS

Staff have received two recent inquiries regarding an undesignated donation and a memorial public art idea. Staff would like direction on the proposed new policy and revision prior to further consideration of these recent inquiries.

ALTERNATIVES TO REQUESTED ACTION

- Recommend the Mayor and City Staff proceed with refinement of the proposed Donation Acceptance Policy and revisions to the Public Art Policy and bring back to the committee for further review.
- Recommend the Mayor and City Staff proceed with the proposed Donation Acceptance Policy and revisions to the Public Art Policy; prepare an Ordinance to amend Monroe Municipal Code, *Chapter 3.40 Donations of Property to City* to reference City Donation Acceptance Policy and bring forward to the full City Council for their consideration at a Study Session (for discussion) or Business Meeting (for action).
- Do not recommend the Mayor and City Staff proceed with proposed Donation Acceptance Policy and revisions to the Public Art Policy at this time.



City of Monroe Donation Acceptance Policy

Adopted May 1, 2019

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DRAFT

1.0 PURPOSE:

- 1.1** The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City of Monroe. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapters 2.52 MMC - *Code of Ethics* and 3.40 MMC - *Donations of Property to City*. All donations are subject to be included in the City's asset inventory listing as applicable.

2.0 TYPES OF DONATIONS:

- 2.1** Donations may be offered in the form of cash, real or personal property. Designated donations mean those that the donor specifies for a particular City department, location, or purpose. An undesignated donation means those donations that are given to the City for an unspecified use.

3.0 CONSISTENCY WITH CITY INTERESTS

- 3.1** Designated donations may only be accepted when they have a purpose consistent with the City's [long range strategic plans](#), goals and objectives, comprehensive planning documents, municipal code, policies and are in the best interest of Monroe. The City must always consider the public trust and comply with all applicable laws when accepting donations.

4.0 ACCEPTANCE OF UNDESIGNATED DONATIONS OF CASH OR TANGIBLE ITEMS

- 4.1** All donations to the City, including art as defined in the City's Public Art Policy, shall immediately be submitted for consideration for acceptance. Based on the value of the donation offered as outlined below, appropriate City staff shall review every donation and determine if the benefits to be derived warrant the acceptance of the donation. The mayor shall estimate the value of any nonmonetary donation not supported by a bona fide appraisal for purposes of compliance with this section. (MMC 3.40) The following points list the threshold amounts for donation acceptance:

1. All monetary and nonmonetary donations with a current value of up to five thousand dollars may be approved and accepted for the City by the Mayor.
2. All donations with a value greater than five thousand dollars must be approved by the City Council before acceptance.
3. Offers of donations of cash or items valued more than \$5,000 must be accepted by the City Council. Donations valued at more than \$5,000 shall be accepted through a written agreement consistent with these guidelines and approved by the City Council. [Non-cash donations valued at more than \\$5,000 must include an appraisal done within twelve months of the donation and by an American Society of Appraisers accredited appraiser, to be provided by the donor.](#)
4. Offers of donations for gratuitous purposes (e.g. holiday gift baskets, etc.) to any employee, department or the City shall be made available to benefit all employees.

5.0 ACCEPTANCE OF DESIGNATED DONATIONS OF CASH OR TANGIBLE ITEMS

5.1 Based on the value of the donation offer as outlined in Section 4 above, appropriate City staff or Council will review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation. Requirements for accepting donations or gifts:

1. The donation or gift shall have a purpose consistent with City Interests as stated above in Section 3.
2. The City may decline any donation or gift without comment or cause.
3. The donation or gift will not be in conflict with any provision of the law.
4. Any non-cash donation or gift will be aesthetically acceptable to the City.
5. The donation or gift will not add to the City's workload unless it provides a net benefit to the City.
6. The donation or gift will not bring hidden costs such as starting a program the City would be unwilling to fund when the donation is exhausted.
7. If the donation or gift requires additional purchases, or labor to be provided by the City, the dollar value of those additional items shall be included in total donation and collected from the donor prior to any work being done or purchases made.
8. The donation or gift places no restrictions on the City, unless agreed to

by the Council.

9. All donations or gifts will receive recognition appropriate to the level and nature of the donation, as determined by the City. For those of a capital nature, that may be in the form of signage, marking, naming, or any other means the City should deem appropriate by an executed agreement. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community.

6.0 ACCEPTANCE OF MEMORIAL TREE AND BENCH DONATIONS

- 6.1** The purpose of this section is to establish guidelines for a consistent decision-making process related to the acceptance, placement and long-term maintenance of public requests for memorial tree and bench donations in City-owned facilities, parks, natural areas and trail system. Memorial Public Art considerations shall be subject to requirements of both this Policy and the City's Public Art Policy.
- 6.2** The City may limit memorials in order to promote resource management and sustainability of natural landscapes. The integrity, natural and architectural features of parks, natural areas and facilities will be preserved and not detract from a user's experience. Final decision on placement of memorials will be made by the Department receiving the donation. Memorials with a commercial appearance or corporate label will not be allowed.
- 6.3** All proposed donations will be evaluated by the Department Head according to the following criteria:
 1. Placement of enhancements must be compatible with existing development plans
 2. Final decision as to location of donated item will be determined by the receiving Department
 3. Memorials shall not detract from or overpower the scenic or architectural values of the existing environment
 4. All memorials will be constructed of materials that meet the design and maintenance considerations of the Department
 5. Large scale memorial donations may be considered on a case-by-case basis as they relate to park planning and other city approval

processes, including, but not limited to an executed agreement

6.4 Application/Donation Procedure will be as follows:

1. Donor talks/meets Department Head to share ideas for memorial donations
2. Donor makes a proposal in writing to Department requesting acceptance of proposal
3. City Administrator and Department staff will review and determine the appropriateness of the proposal as measured by the approval criteria.
4. Department staff will notify the donor within 20 business days of the review decision, identifying any final conditions of approval. Conditions will include information on where donor can purchase and deliver agreed upon donated items and also any additional installation or equipment charges that may be applicable
5. With a positive review decision, Department staff will finalize and execute an Agreement for Services
6. Donor is responsible for the purchase of memorial benches or trees
7. Donor will remit any applicable additional payments to the City to cover the cost of installation and materials

6.5 Improvements made in a public space become the property of the public and will be maintained accordingly by the Department. Neither the City, nor the Department, can offer any guarantee or obligation, legal or otherwise, to maintain or replace signs, plaques, materials, equipment, structures, or other donated resources that are vandalized, lost, stolen or otherwise damaged or destroyed. The City does not guarantee permanency of any memorial.

6.6 [Written approval](#) must be received before order and installation of the memorial may proceed. The City will install the item and provide maintenance for a period of five years. Once installed the memorial becomes the property of the City of Monroe.

7.0 ACKNOWLEDGEMENT OF DONATIONS

1. A Donation Acceptance Form is required to be completed by the receiving Department Head or the City Administrator and/or City Finance Officer for all donations provided to the City.
2. Acknowledgement of the donation should be in writing and be the

responsibility of the Department Head who is the beneficiary of the donation. Undesignated donations shall be acknowledged by the

City Administrator and/or City Finance Officer. A copy of the acknowledgement agreement shall be provided to the donors.

3. The Donor Acceptance Form including the donor names and donations amounts are public information subject to disclosure pursuant to the Revised Code of Washington (RCW) 42.56, Public Records Act.

8.0 DECLINED DONATIONS

- 8.1 The City of Monroe reserves the right to decline any donation if, upon review, acceptance of the donation offer is determined in the sole discretion of the City to not be in the best interests of the City. A declined donation may be one that would violate the requirements of Section 5.

1. Appeal Procedure

- a. The donor shall have the right to appeal a declined donation.
- b. Written Notice of Appeal. A written notice of appeal shall be filed within five days after the mailing or personal delivery of a notice of a declined donation. This appeal shall set the grounds for the appeal.
- c. Appeal to Mayor or Designee. The mayor or his designee shall hear the donor or a designated representative, receive any relevant information and documents, and act on the appeal within five business days. The decision of the mayor or designee is appealable to the city council if there is sufficient time to be placed on the agenda for the next regular meeting.
- d. If Sufficient Time for Council Appeal. If there is sufficient time for a timely appeal to be heard by the city council, on a decision made by the mayor or designee, the donor may, at their option, request that the matter be scheduled before the city council. The decision of the city council is final.

9.0 DISTRIBUTION OF DONATIONS

1. Tangible items will be distributed to appropriate City departments for use or, at the discretion of the Department Head or City Administrator, disposed of in an appropriate manner according to this policy.
2. Donations of cash for designated donations will be deposited into the appropriate revenue account for the designated City department. ~~A minimum designated donation of \$250 is required, as the City is required to draft, publish and approve a supplemental appropriation ordinance, which creates an expense to the City. The supplemental appropriation ordinance provides the budget authority to expend the funds in the current calendar year to satisfy the donors' designated purpose.~~
3. ~~Donations of cash for undesignated donations will be deposited into the City's general fund unless otherwise determined by a majority of the council through a formal motion.~~

10.0 DISSEMINATION OF INFORMATION

~~1. A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the City Council by the City Administrator and/or City Finance Officer.~~

~~2. A copy of each Donation Acceptance Form for accepted donations shall~~

~~3. be forwarded for information to the Finance Department and the designated department for which the donation was assigned.~~

Each original Donation Acceptance Form shall be maintained by the City Finance Officer.

A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the City Council by the City Administrator and/or City Finance Officer.

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 - A. Donations/Art Policies (Parks & Recreation)
 - B. Taxi Regulations (Administration)

- V. Other**

- VI. Next Committee Meeting** (June 11, 2019; 6:30 p.m.)
 - A. Discussion Items:

- VII. Adjournment**



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SUBJECT:	MMC 5.16.040 Taxicab Regulations
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/21/2019	Exec/Police	Deborah Knight/ Chief Jeff Jolley	Deborah Knight/ Chief Jeff Jolley	New Business B.

- Discussion:** 05/21/2019
- Attachments:**
1. MMC Chapter 5.16
 2. City of Everett Chapter 5.68 For-Hire Vehicles
 3. RCW 46.72
 4. For Hire Comparables

REQUESTED ACTION: Discussion; and provide direction to the Mayor and City Staff whether to amend or repeal Chapter 5.16 establishing taxicab regulations in the Monroe Municipal Code (MMC).

POLICY CONSIDERATIONS

Monroe Municipal Code Chapter 5.16 regulates taxicab services within the city limits. Any proposed changes would need to be amended by City Council ordinance. Is the Council interested in amending or repealing MMC Chapter 5.16?

BACKGROUND

The city recently received and reviewed an application to operate a for-hire vehicle service in the City of Monroe under MMC Chapter 5.16 (Attachment 1).

The City adopted MMC 5.16 in 1946 to regulate taxicabs.

City staff struggled to interpret the requirements in MMC 5.16 in part because the code requires the Chief of Police to make a determination of qualification without objective standards. In addition, the process required to submit and review an application is through the city clerk and Chief of Police who rarely handle these types of applications.

While taxicab and for-hire vehicle services are required to have a state license (“endorsement”) through the Department of Licensing and Business License Services, there is no requirement to have a local license. Larger cities such as Vancouver, Tacoma and Spokane have regulations for taxicabs and transportation network companies (TNC) such as Uber and Lyft. King County oversees taxicab, vehicle for hire, and TNC licensing for the City of Seattle, the Port of Seattle and a dozen King County cities. The City of Everett recently adopted new “For Hire Vehicle” regulations (Attachment 2) including TNCs. Most other cities in Snohomish County have outdated taxi or vehicle for-hire codes similar to Monroe. Some cities such as Mill Creek, Shoreline and Mukilteo do not have taxicab regulations.

Mayor and city staff are seeking direction from the City Council regarding whether to repeal or amend MMC Chapter 5.16.

DESCRIPTION

The marketplace around taxicabs, for-hire vehicle services, and transportation network companies (Uber and Lyft) is rapidly changing.

Taxicab and For-Hire Vehicles

There are overlapping state, county and local regulations for taxicabs and for-hire vehicle services. Historically, the state has co-regulated issues such as insurance and licensing through the Department of Licensing (DOL) and Business License Services.

RCW 35.90.010(6) allows the city to impose regulatory licenses and fees upon certain classes of businesses that require additional regulation and oversight for code enforcement or public safety services. Examples include fireworks stands, towing companies, taxicabs, and other for-hire vehicle operators.

In addition to insurance and licensing, counties and cities may also regulate background checks, vehicle requirements, data reporting, and enforcement.

City of Monroe Taxicab Regulations

Under MMC 5.16.010 taxicab services cannot operate in Monroe without a valid taxicab driver's license issued by the city. A license is issued only to "persons who are experienced, able and careful motor vehicle drivers, and are of good moral character and reputation."

The application is filed with the City Clerk along with a deposit established by the City Council. The application is referred to the Chief of Police along with a photograph and fingerprints. The Chief makes an investigation to determine the qualifications of the applicant. All licenses issued expire on December 31.

Under MMC Chapter 5.16, taxicabs are required to carry the following insurance minimums established in 1980: Bodily injury liability, one hundred thousand (\$100,000) dollars, each person, three hundred thousand dollars (\$300,000), each accident; property damage liability, fifty thousand dollars (\$50,000), each accident; uninsured motorist liability coverage, fifteen thousand dollars (\$15,000), each person, thirty thousand dollars (\$30,000), each accident.

The City of Monroe receives occasional requests for a taxicab licenses. Since applications are received intermittently each application takes time to review, process and approve.

There are no active taxicab services operating or licensed in the City of Monroe. The last taxicab license was issued to Taxi Cancun in 2016. However, due to personal reasons, the applicant never initiated a taxi service. The city recently received an application for a "for-hire" vehicle service.

City staff determined the applicant was not subject to the City's taxicab regulations. Instead the applicant was directed to the Department of Revenue, Business License Services for a vehicle for-hire (taxi) endorsement.

Transportation Network Companies (TNC)

Transportation network companies are companies that use a digital network or software applications to connect passengers with TNC drivers for the purpose of providing a prearranged ride for a fee.

There is some question in Washington as to whether TNCs may be best regulated at the local, regional, or state level.

There has been some legislative activity at the state level that resulted in the adoption of statewide minimum insurance requirements for TNCs. Since 2015, state law requires all TNC drivers carry at least \$1 million in liability and underinsured motorist coverage when passengers are in the vehicle.

Some cities and counties have adopted local ordinances to regulate TNC services including Seattle, Bellingham, Olympia, Lacey, Tumwater, Vancouver, Tacoma and Everett.

Local TNC ordinances impose a number of mostly safety-related requirements on TNCs, TNC drivers, and their vehicles including:

- Local business licenses
- Operator licenses
- Criminal background checks
- Safety inspections
- Liability insurance
- Operational guidelines.

Most cities and counties have not taken action to regulate TNCs. The City of Monroe does not currently regulate transportation network companies such as Uber and Lyft.

The policy question for the City Council is whether to amend or repeal MMC 5.16.

FISCAL IMPACT

The fiscal impact is minimal. The application fee and license fee are intended to cover staff time and expense for processing the application. There may be some cost savings in staff time if MMC 5.16 is repealed.

TIME CONSTRAINTS

None.

ALTERNATIVES TO REQUESTED ACTION

- Recommend the Mayor and City Staff proceed with the proposed amendments to the MMC and bring back to the committee for further review.
- Recommend the Mayor and City Staff proceed with the proposed amendments to the MMC and bring forward to the full City Council for their consideration at a Study Session (for discussion) or Business Meeting (for action).
- Do not recommend the Mayor and City Staff proceed with proposed amendments to the MMC at this time.

Chapter 5.16 TAXICABS

Sections:

- [5.16.010](#) License required.
- [5.16.020](#) License – Persons eligible.
- [5.16.030](#) License – Application.
- [5.16.040](#) License – Approval of application.
- [5.16.050](#) License – Fee.
- [5.16.060](#) License – Suspension or revocation.
- [5.16.070](#) Rates and charges posted.
- [5.16.080](#) Liability insurance.
- [5.16.090](#) License – Number – Information shown.
- [5.16.100](#) License – Taxicab – Fee.
- [5.16.110](#) Maintenance – Inspection.
- [5.16.120](#) Revocation or suspension of taxicab license.
- [5.16.130](#) Granting stands.
- [5.16.140](#) Conditions of grant.
- [5.16.150](#) Expiration of grants.
- [5.16.160](#) Payment for stand grant.
- [5.16.170](#) Consent of property owner to establish stand.
- [5.16.180](#) Parking in stand.

5.16.010 License required.

It is hereby declared to be essential to the public interests that no person shall be authorized or permitted to operate a taxicab within the corporate limits of the city unless such person shall be the holder of a valid taxicab driver's license issued by the city of Monroe. (Ord. 289, 1946)

5.16.020 License – Persons eligible.

Such a license shall be issued only to persons at least twenty years old, who are experienced, able and careful motor vehicle drivers and are of good moral character and reputation. (Ord. 289, 1946)

5.16.030 License – Application.

Applicants for such a license shall sign an application therefor in the office of the city clerk and shall deposit therewith a sum as established by the city council by periodic resolution, to be applied on the license fee, if issued. All such applications shall be referred, first, to the chief of police, who shall require the photograph and fingerprints of such applicant to be taken, and shall make an investigation to determine the qualifications of the applicant for such a license. (Ord. 914, 1989; Ord. 289, 1946)

5.16.040 License – Approval of application.

The chief of police shall, within a reasonable time after receiving such application, return the same to the city council with his written recommendations, either approving or rejecting the same, and in the event of the disapproval the reasons, in writing, for such disapproval, and the city council shall at its

next regular meeting thereafter act upon the application and either accept or reject the same. (Ord. 289, 1946)

5.16.050 License – Fee.

All licenses so issued shall expire on December 31st thereafter. The annual license fee shall be as established by the city council by periodic resolution payable in advance, and in the event such application be rejected, the deposit made at the time of filing application shall be retained by the city to cover the expenses of investigation. (Ord. 914, 1989; Ord. 289, 1946)

5.16.060 License – Suspension or revocation.

If at any time the chief of police finds that any person holding such a license has been convicted of a violation of any federal or state criminal law, or an ordinance of the city, from which it appears that such licensee is no longer of good moral character and reputation, or a careful and experienced driver, the chief of police shall forthwith make a written report of his findings to the city council and shall make recommendations as to the suspension or revocation of such license. The city council shall, before acting thereon, set a date for hearing upon the matter and notify the licensee, in writing, of such date of hearing and of the contents of such report, at least ten days in advance thereof. Such license may be suspended or revoked for such time and on such terms as shall be imposed by majority vote of members of the council present at such hearing. (Ord. 289, 1946)

5.16.070 Rates and charges posted.

No taxicab shall be operated for calls originating within the corporate limits of the city unless the owner thereof has first secured a taxicab license from the city and filed with the city clerk his proposed rates and charges and posted a copy thereof in a conspicuous place within the taxicab, the same to have been first approved by the city council. (Ord. 289, 1946)

5.16.080 Liability insurance.

No such license shall be issued for any taxicab until proof has first been filed with the city clerk that the owner thereof carries public liability and property damage insurance thereon in the following amounts: Bodily injury liability, one hundred thousand dollars, each person, three hundred thousand dollars, each accident; property damage liability, fifty thousand dollars, each accident; uninsured motorist liability coverage, fifteen thousand dollars, each person, thirty thousand dollars, each accident. (Ord. 731, 1981; Ord. 291, 1946; Ord. 289, 1946)

5.16.090 License – Number – Information shown.

Application shall be made in writing for such a license to the city clerk, giving the full name and address of the owner thereof, the type and passenger-carrying capacity of each such vehicle, and shall be in turn submitted to the city council for approval or rejection, and the city council hereby reserves the right to limit the number of taxicabs licensed within the city of Monroe to one of each two thousand, or fraction thereof, in population. (Ord. 289, 1946)

5.16.100 License – Taxicab – Fee.

The annual license fee for each taxicab so licensed shall be as established by the city council by periodic resolution, payable in advance at the time of application therefor, and all such licenses shall

expire on December 31st thereafter. The license fee for less than one year shall be prorated, and in the event the license is rejected, the deposited license fee shall be returned to the applicant. (Ord. 914, 1989; Ord. 289, 1946)

5.16.110 Maintenance – Inspection.

All taxicabs so licensed shall be kept in good mechanical and sanitary conditions, and shall be subject to inspection at all times under the direction of the chief of police. (Ord. 289, 1946)

5.16.120 Revocation or suspension of taxicab license.

Any taxicab license so issued shall be subject to suspension or revocation for violation of any of the provisions of MMC [5.16.070](#) through [5.16.110](#) in the same manner as provided in MMC [5.16.060](#) respecting taxicab driver's licenses. (Ord. 289, 1946)

5.16.130 Granting stands.

The matter of granting taxicab stands or zones for licensed taxicabs shall be at the discretion of the city council upon proper application therefor in writing. (Ord. 326, 1954)

5.16.140 Conditions of grant.

No such grant of taxicab stand or zone shall exceed one regular parking space; nor shall any such grant be made for a term to exceed one year. (Ord. 326, 1954)

5.16.150 Expiration of grants.

The term of all such grants so made shall expire on December 31st of each year and shall be renewed only upon application in like manner as an original application. (Ord. 326, 1954)

5.16.160 Payment for stand grant.

No such grant shall be made for less than a sum as established by the city council, or a prorated portion thereof; payment therefor shall accompany application. (Ord. 914, 1989; Ord. 326, 1954)

5.16.170 Consent of property owner to establish stand.

No application for a taxicab stand or zone shall be considered unless the same shall be accompanied by written consent of the owner and occupant of the real property immediately bordering the proposed stand or zone granting assent to the establishing and maintaining of such a stand or zone at such location. (Ord. 326, 1954)

5.16.180 Parking in stand.

It shall be unlawful for any person, other than the one to whom a taxicab stand or zone shall be granted as herein provided, to park any vehicle at any time in a properly identified taxicab stand or zone as provided herein. (Ord. 326, 1954)

Chapter 46.72 RCW

TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

Sections

46.72.001	Finding and intent.
46.72.010	Definitions.
46.72.020	Permit required—Form of application.
46.72.030	Permit fee—Issuance—Display.
46.72.039	Personal vehicles under chapter 48.177 RCW.
46.72.040	Surety bond.
46.72.050	Liability coverage—Right of action saved.
46.72.060	Right of action—Limitation of recovery.
46.72.070	Certificate—Fee.
46.72.080	Substitution of security—New certificate.
46.72.100	Unprofessional conduct—Bond/insurance policy—Penalty.
46.72.110	Fees to highway safety fund.
46.72.120	Rules.
46.72.130	Nonresident taxicabs—Permit—Fee—Compliance.
46.72.140	Nonresident taxicabs—Permit required for entry.
46.72.150	Nonresident taxicabs—Reciprocity.
46.72.160	Local regulation.
46.72.170	Joint regulation.
46.72.180	Uniform regulation of business and professions act.

NOTES:

Age of drivers of for hire vehicles: RCW 46.20.045.

Taxicab companies, local regulation: Chapter 81.72 RCW.

46.72.001

Finding and intent.

The legislature finds and declares that privately operated for hire transportation service is a vital part of the transportation system within the state. Consequently, the safety, reliability, and stability of privately operated for hire transportation services are matters of statewide importance. The regulation of privately operated for hire transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit political subdivisions of the state to regulate for hire transportation services without liability under federal antitrust laws.

46.72.010

Definitions.

When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles under chapter **46.74** RCW, limousine carriers licensed under chapter **46.72A** RCW, vehicles used by nonprofit transportation providers for elderly or handicapped persons and their attendants under chapter **81.66** RCW, vehicles used by auto transportation companies licensed under chapter **81.68** RCW, vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices, and vehicles used by charter party carriers of passengers and excursion service carriers licensed under chapter **81.70** RCW;

(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

[**1996 c 87 § 18**; **1991 c 99 § 1**; **1979 c 111 § 14**; **1961 c 12 § 46.72.010**. Prior: **1947 c 253 § 1**; Rem. Supp. 1947 § 6386-1. Formerly RCW **81.72.010**.]

NOTES:

Severability—1979 c 111: See note following RCW **46.74.010**.

46.72.020

Permit required—Form of application.

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of licensing, except for those for hire operators regulated by cities or counties in accordance with chapter **81.72** RCW. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require.

[**1992 c 114 § 1**; **1979 c 158 § 188**; **1967 c 32 § 80**; **1961 c 12 § 46.72.020**. Prior: **1947 c 253 § 2**; Rem. Supp. 1947 § 6386-2; prior: **1915 c 57 § 1**; RRS § 6382. Formerly RCW **81.72.020**.]

46.72.030

Permit fee—Issuance—Display.

Application for a permit shall be forwarded to the director with a fee. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do

business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner.

[**1992 c 114 § 2**; **1967 c 32 § 81**; **1961 c 12 § 46.72.030**. Prior: **1947 c 253 § 3**; Rem. Supp. 1947 § 6386-3; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW **81.72.030**.]

46.72.039

Personal vehicles under chapter 48.177 RCW.

RCW **46.72.040** and **46.72.050** do not apply to personal vehicles under chapter **48.177** RCW.

[**2015 c 236 § 3**.]

46.72.040

Surety bond.

Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him or her and used in the conduct of his or her business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his or her agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

[**2010 c 8 § 9089**; **1973 c 15 § 1**; **1967 c 32 § 82**; **1961 c 12 § 46.72.040**. Prior: **1947 c 253 § 4**; Rem. Supp. 1947 § 6386-4; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW **81.72.040**.]

46.72.050

Liability coverage—Right of action saved.

In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of RCW **46.72.040**. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

[1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

46.72.060

Right of action—Limitation of recovery.

Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages, or wrongful death caused by any careless, negligent, or unlawful act of any such person, firm, or corporation or his or her or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers on any public street, road, or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

[2010 c 161 § 1137; 2010 c 8 § 9090, 1961 c 12 § 46.72.060. Prior: 1947 c 253 § 6; Rem. Supp. 1947 § 6386-6; prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384. Formerly RCW 81.72.060.]

NOTES:

Reviser's note: This section was amended by 2010 c 8 § 9090 and by 2010 c 161 § 1137, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

46.72.070

Certificate—Fee.

The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee.

[1992 c 114 § 3; 1967 c 32 § 84; 1961 c 12 § 46.72.070. Prior: 1947 c 253 § 7; Rem. Supp. 1947 § 6386-7. Formerly RCW 81.72.070.]

46.72.080

Substitution of security—New certificate.

In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee.

[1992 c 114 § 4; 1967 c 32 § 85; 1961 c 12 § 46.72.080. Prior: 1947 c 253 § 8; Rem. Supp. 1947 § 6386-8. Formerly RCW 81.72.080.]

46.72.100

Unprofessional conduct—Bond/insurance policy—Penalty.

(1) In addition to the unprofessional conduct specified in RCW 18.235.130, the director may take disciplinary action if he or she has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (a) He or she is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (b) he or she has been convicted of vehicular homicide or vehicular assault; (c) he or she is intemperate or addicted to the use of narcotics.

(2) Any for hire operator who operates a for hire vehicle without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter is guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment.

[2003 c 53 § 250; 2002 c 86 § 293; 1983 c 164 § 8; 1967 c 32 § 86; 1961 c 12 § 46.72.100. Prior: 1947 c 253 § 9; Rem. Supp. 1947 § 6386-9; prior: 1915 c 57 § 4; RRS § 6385. Formerly RCW 81.72.100.]

NOTES:

Rules of court: Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

46.72.110

Fees to highway safety fund.

All fees received by the director under the provisions of this chapter must be transmitted by him or her, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund. Appropriations from the highway safety fund will support expenses incurred in carrying out the licensing and regulatory activities of this chapter.

[2011 c 298 § 27; 2010 c 8 § 9091; 1967 c 32 § 87; 1961 c 12 § 46.72.110. Prior: 1947 c 253 § 10; Rem. Supp. 1947 § 6386-10. Formerly RCW 81.72.110.]

NOTES:

Purpose—Intent—Agency transfer—Contracting—Effective date—2011 c 298: See notes following RCW [19.02.020](#).

46.72.120

Rules.

The director is empowered to make and enforce such rules and regulations, including the setting of fees, as may be consistent with and necessary to carry out the provisions of this chapter.

[[1992 c 114 § 5](#); [1967 c 32 § 88](#); [1961 c 12 § 46.72.120](#). Prior: [1947 c 253 § 11](#); Rem. Supp. 1947 § 6386-11. Formerly RCW [81.72.120](#).]

46.72.130

Nonresident taxicabs—Permit—Fee—Compliance.

No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

[[1992 c 114 § 6](#); [1967 c 32 § 89](#); [1961 c 12 § 46.72.130](#). Prior: [1953 c 12 § 1](#); [1951 c 219 § 1](#). Formerly RCW [81.72.130](#).]

46.72.140

Nonresident taxicabs—Permit required for entry.

All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle.

[[1967 c 32 § 90](#); [1961 c 12 § 46.72.140](#). Prior: [1951 c 219 § 2](#). Formerly RCW [81.72.140](#).]

46.72.150

Nonresident taxicabs—Reciprocity.

RCW [46.72.130](#) and [46.72.140](#) shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations.

[[1961 c 12 § 46.72.150](#). Prior: [1951 c 219 § 3](#). Formerly RCW [81.72.150](#).]

46.72.160

Local regulation.

Cities, counties, and port districts may license, control, and regulate all for hire vehicles operating within their respective jurisdictions. The power to regulate includes:

- (1) Regulating entry into the business of providing for hire vehicle transportation services;
- (2) Requiring a license to be purchased as a condition of operating a for hire vehicle and the right to revoke, cancel, or refuse to reissue a license for failure to comply with regulatory requirements;
- (3) Controlling the rates charged for providing for hire vehicle transportation service and the manner in which rates are calculated and collected;
- (4) Regulating the routes and operations of for hire vehicles, including restricting access to airports;
- (5) Establishing safety and equipment requirements; and
- (6) Any other requirements adopted to ensure safe and reliable for hire vehicle transportation service.

[1996 c 87 § 19.]

46.72.170

Joint regulation.

The department, a city, county, or port district may enter into cooperative agreements with any other city, town, county, or port district for the joint regulation of for hire vehicles. Cooperative agreements may provide for, but are not limited to, the granting, revocation, and suspension of joint for hire vehicle licenses.

[1996 c 87 § 20.]

46.72.180

Uniform regulation of business and professions act.

The uniform regulation of business and professions act, chapter **18.235** RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

[2002 c 86 § 294.]

NOTES:

Effective dates—2002 c 86: See note following RCW **18.08.340**.

Part headings not law—Severability—2002 c 86: See RCW **18.235.902** and **18.235.903**.

City of Everett Chapter 5.68 FOR-HIRE VEHICLES

Sections:

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5.68.010 Purpose.

The purpose of this chapter is to address the regulation of taxicab companies and transportation network companies (TNCs), which constitute an important component of the city's transportation system, thus affecting the safety and welfare of the general public. (Ord. 3553-17 § 1, 2017)

5.68.020 Definitions.

The following words and phrases when used in this chapter have the meanings as set forth herein:

- A. "City" means the city of Everett, a municipal corporation.
- B. "City clerk" means the city clerk for the city of Everett or the city clerk's designee.
- C. "EMC" means the Everett Municipal Code as enacted or subsequently amended.

- D. "Operating a taxicab company in the city" means a taxicab company connects a taxicab driver to a passenger by any means, including without limitation, through a dispatch system, digital network, or through a customer hail of a taxicab, for a trip originating in the city.
- E. "Operating a taxicab or TNC vehicle" means using a taxicab or TNC vehicle to transport any passenger or item of property for compensation from a point originating in the city.
- F. "Operating a TNC in the city" means a TNC uses its digital network to connect a TNC driver to a passenger for a trip originating in the city.
- G. "Person" and "he" and "she" mean and include any natural person, and in addition, a partnership, corporation, an unincorporated association, or a legal entity, unless a contrary intention plainly appears.
- H. "For-hire license" means a license issued to a taxicab company or TNC pursuant to this chapter.
- I. "Taxi," "taxicab" and "cab" mean a motorized vehicle that is held out to the public as providing transportation to passengers:
1. Where the route traveled, destination, or both route and destination is controlled by the passenger; and
 2. Where the fare is based on an amount recorded and indicated on a taximeter or a digital network used to connect passengers with drivers or by a special contract rate. A TNC vehicle is not a taxicab.
- J. "Taxicab company" means any person operating one or more taxicabs other than or in addition to as a driver, regardless of the legal form of the entity and regardless of whether the taxicabs so operated are owned by the company, or leased, or owned by individual members of the entity.
- K. "Taxicab driver" means a driver who uses a taxicab to transport passengers for compensation and that transportation is arranged through a taxicab company.
- L. "Taximeter" means a device by which the charge for hire of a taxicab is mechanically and/or digitally measured or calculated based upon a combination of mileage traveled and time elapsed.
- M. "Transportation network company" or "TNC" means a company that connects passengers with TNC drivers solely through a digital network. Additionally, TNC drivers use only personal vehicles to transport passengers for compensation between geographical points chosen by the passenger.
- N. "TNC driver" means a driver who uses a personal vehicle to transport passengers for compensation and that transportation is arranged through a TNC's digital network.

O. "Transportation network company vehicle" or "TNC vehicle" means a personal motorized vehicle affiliated with or operating under the authority of a TNC where the fare is based on a digital network used to connect passengers with TNC drivers. A taxicab is not a TNC vehicle.

P. "Violations hearing examiner" means the office of the violations hearing examiner created pursuant to Chapter [1.20](#). (Ord. 3588-18 § 1, 2018; Ord. 3553-17 § 2, 2017)

5.68.030 Everett business license required. 

A. Each taxicab company and TNC must have a current and valid city business license issued pursuant to Chapter [3.19](#) to operate in the city.

B. Any TNC driver or taxicab driver who is an independent contractor affiliated with a TNC or taxicab company must have a current and valid city business license issued pursuant to Chapter [3.19](#) to operate in the city. (Ord. 3553-17 § 3, 2017)

5.68.040 For-hire license required. 

A. Each taxicab company and TNC must have a valid and current for-hire license to operate in the city.

B. The city clerk may issue a for-hire license to a taxicab company or TNC provided that the taxicab company or TNC submits, on a form provided by the city, an affidavit sworn under penalty of perjury that, to the best of the applicant's knowledge, formed after a diligent inquiry into the facts, the taxicab company and its affiliated taxicab drivers or the TNC and its affiliated TNC drivers are in full compliance with this chapter, including without limitation, standards for vehicle safety, driver training and background, and insurance requirements.

C. Upon the submittal of a for-hire license application, the taxicab company or TNC shall submit a current estimate of the number of drivers affiliated with the taxicab company or TNC who will likely be operating in the city pursuant to this chapter.

D. The for-hire license shall be effective for one year. The license shall expire on December 31st of each year in accordance with Section [5.04.040\(B\)](#).

E. The annual for-hire license fee shall be based on the number of taxicab or TNC drivers affiliated with the for-hire license applicant that will be operating a taxicab or TNC vehicle in the city. In accordance with Section [5.04.040\(B\)](#), after June 30th of each year, the for-hire license fee shall be reduced by fifty percent. For-hire license fees shall be as follows:

1. One to ten affiliated drivers: five hundred dollars.

2. More than ten affiliated drivers: one thousand dollars.

F. The for-hire license will only become valid and effective when the city clerk has reviewed and approved the for-hire license application and the fee prescribed in this section has been paid. (Ord. 3588-18 § 2, 2018; Ord. 3553-17 § 4, 2017)

5.68.050 Taxicab and TNC driver requirements. 

A. In addition to other requirements set by this chapter or law, taxicab and TNC drivers shall comply with the following:

1. Only operate a taxicab or TNC vehicle for, or in affiliation with, a taxicab company or TNC that has a valid and current for-hire license issued pursuant to this chapter;
2. Be at least twenty-one years old;
3. Have and hold in their possession a valid driver's license as required by the state of Washington;
4. Have held a valid driver's license in the United States for one year immediately preceding the date authorized to drive for the affiliated taxicab company or TNC;
5. Have in force and hold in their possession any required vehicle registration(s) and documentation of automobile liability insurance required pursuant to Section [5.68.090](#);
6. Have and hold in their possession a copy of their Everett business license issued pursuant to Chapter [3.19](#);
7. Have not been convicted of, or been granted a deferred prosecution for, one or more of the following crimes, or a crime in another jurisdiction including those outside of the state of Washington that is the substantial equivalent of any of the following crimes, during the previous seven years:
 - a. Driving under the influence of an intoxicating liquor or any drug, or being in physical control of a vehicle while being under the influence of intoxicating liquor or any drug, or other alcohol or drug-related driving violation;
 - b. Reckless or negligent driving in the first degree;
 - c. Hit and run;
 - d. Assault or a violent, or serious violent offense;

e. Harassment as defined by Section [10.23.050](#), but not including the crimes of first degree criminal trespass, second degree criminal trespass, criminal mischief, or interference with property;

f. Gun-related violation;

g. Sexual offense;

h. Resisting arrest or attempting to elude a law enforcement officer;

i. Any felony;

j. Crimes involving fraud;

k. Crimes involving theft;

8. Are not a registered sex offender; and

9. Have not been convicted of or found to have committed three or more moving violations during any twelve-month period during the previous three years. The twelve-month period will run from the date the driver was found to have committed the moving violation, not the date the incident occurred, if those dates are different. (Ord. 3588-18 § 3, 2018; Ord. 3553-17 § 5, 2017)

5.68.060 Taxicab company and TNC requirements.

A. In addition to other requirements set by this chapter or law, each taxicab company and TNC must comply with the following:

1. Affirm to the best of the taxicab company's or TNC's knowledge, formed after a diligent inquiry into the facts, that it and each person driving for the company meets all requirements set forth in this chapter; and

2. Prior to permitting a person to act in the capacity of a taxicab or TNC driver, and annually thereafter, obtain and review a criminal background check report for such person. The criminal background check shall include a search of no less than seven years prior to the date of the current criminal background check. The criminal background check shall include a search of local, state, and national criminal history databases and publicly available national and state sex offender registries;

3. Implement and enforce a zero tolerance policy on the use (including prohibiting being under the influence) and possession of drugs (including without limitation, marijuana) or alcohol while operating a taxicab or TNC vehicle that is applicable to all taxicab and TNC drivers. Each taxicab company and TNC must provide notice of the zero tolerance policy on its website, or if the taxicab company or TNC does not

have a website, in each taxicab or TNC vehicle, as well as the procedures to report a complaint. The taxicab company or TNC must immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, and conduct an investigation, which shall include the collection of information, into the alleged violation. The suspension shall last at least the duration of the investigation.

4. Revoke and deny a taxicab or TNC driver's authority to drive for the taxicab company or TNC if it finds that any driver requirement set forth in this chapter is no longer being met by the driver, and only reinstate his/her authority to drive for the company upon a finding by the company that all standards are again being met. (Ord. 3588-18 § 4, 2018; Ord. 3553-17 § 6, 2017)

5.68.070 Vehicle requirements. 

A. A taxicab and TNC vehicle must have a minimum of four doors, with two doors opening directly into the passenger seating area.

B. Taxicab vehicles using a taximeter to calculate a passenger's fare shall be inspected for accuracy by an independent party not employed by or associated with the taxicab company or any driver authorized to operate the taxicab vehicle in question within one year prior to the taxicab company's for-hire license application submittal date each year.

C. Safety Inspection. Each taxicab and TNC vehicle operating in the city must hold a valid certificate of safety issued by an independent motor vehicle mechanic, and who is a certified National Institute of Automotive Service Excellence (ASE) Mechanic in good standing with the ASE. Said certificate shall be based on the vehicle passing a vehicle safety inspection that meets the standards set forth below, and is performed within one year prior to the taxicab company/TNC for-hire license application submittal date each year.

D. Inspection Standards. A vehicle that passes inspection pursuant to King County Code Section 6.64.360 or Seattle Municipal Code Section 6.310.270.R (as each are now enacted or hereafter amended) annually, shall be in compliance with this subsection D. Alternatively, a vehicle inspection required pursuant to subsection C of this section must consist of a confirmation of the safe operation of applicable vehicle systems and equipment, and a review of the vehicle's exterior and interior condition and cleanliness. The inspection shall include, but is not limited to, a check of the following systems and equipment:

1. Brake system;
2. Alignment;

3. Tires and wheel systems;
4. Suspension;
5. Steering system;
6. Transmission;
7. Fuel system;
8. Exhaust system, compliance with emission standards;
9. Belts and hoses;
10. Fluids (motor oils, antifreeze, transmission and brake fluids);
11. Heater and air conditioning;
12. Drive train and axles;
13. Lighting systems and turn signals;
14. Seat mechanisms and seat belts;
15. Airbags;
16. Door locks and windows;
17. Hood and trunk latches;
18. Speedometer and other gauges;
19. Battery and cables;
20. Cooling system;
21. Horn;
22. Wiring;
23. Glass;
24. Windshield and window glazing;

- 25. Wipers and washers;
- 26. Mirrors;
- 27. Body component soundness;
- 28. Vehicle frame (rebuilt vehicle).

E. Company Identification. While in service in the city, each taxicab and TNC vehicle shall be clearly marked to allow a passenger, governmental official or employee, or other member of the public to associate the vehicle with a licensed taxicab company or TNC, whichever applies, using uniform colors, markings and/or insignia that are in compliance with all other applicable federal, state, and local laws and regulations. At a minimum, a person shall be able to associate the vehicle with a licensed taxicab company or TNC by viewing the front and rear of the vehicle. (Ord. 3588-18 § 5, 2018: Ord. 3553-17 § 7, 2017)

5.68.080 Operational requirements. 

- A. While in service in the city, TNC drivers shall only transport passengers who have arranged transportation through a TNC's digital network and shall not solicit or accept street hails by persons seeking transportation.
- B. TNC drivers may only transport passengers in the driver's personal vehicle.
- C. A taxicab may be lawfully hailed by a passenger.
- D. Taxicab vehicles using a taximeter to record a passenger's fare must provide the taxicab rates in a conspicuous area of the vehicle that is visible to passengers.
- E. Taximeters used by taxicab vehicles must be placed in a conspicuous area of the vehicle that is visible to passengers.
- F. Taximeters used by taxicab vehicles must accurately measure the rate advertised as required by subsection D of this section.
- G. Taxicab vehicles using a taximeter to record a passenger's fare must display the taxicab's license plate number, the name of the taxicab company the taxicab is affiliated with, a photograph of the taxicab driver taken within the previous year, and the driver's first and last name. This information must be placed in a conspicuous area of the vehicle that is visible to passengers.

H. Prior to initiating the ride, each TNC and taxicab company using a digital network to secure the ride, must disclose up-front the estimated cost of the ride to the potential passenger through the company's digital network.

I. If not using a digital network to secure the ride, upon the request of a potential taxicab passenger, and prior to initiating a ride, the taxicab driver providing the ride shall disclose the estimated cost of the ride to the potential passenger.

J. Whenever demanded by the passenger, the driver of a taxicab or TNC vehicle shall deliver to the passenger at the time of payment, a written receipt of payment. The taxicab or TNC driver may provide an electronic or paper receipt. This receipt shall contain the name of the taxicab company or TNC and its contact information, the name of the driver, any and all items for which a charge is made, the total amount paid, and the date of payment.

K. The TNC or taxicab company using a digital network to secure the ride must display for the passenger, through its digital network, the first name and photograph of the TNC or taxicab driver as well as the make, model, and license plate number of the TNC or taxicab vehicle.

L. Taxicab companies and TNCs may initiate dynamic market pricing if each passenger receives express written notice through the taxicab company's or TNC's digital network, or through an official taxicab company statement if no digital network is used to secure the ride, prior to the passenger accepting the ride. During periods of abnormal market disruptions, however, taxicab companies and TNCs companies may not initiate dynamic market pricing. For the purpose of these rules, "abnormal market disruptions" is defined as any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, natural disasters, failure or shortage of electric power or other source of energy, strike, civil order, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in a declaration of a state of emergency by the mayor of the city, or the Governor of the state of Washington. "Dynamic market pricing" is defined as a pricing strategy that sets highly flexible prices for products or services based on current market demands. (Ord. 3553-17 § 8, 2017)

5.68.090 Insurance. 

A. Each TNC and TNC driver must comply with the automobile liability insurance requirements contained in Chapter [48.177](#) RCW as enacted or subsequently amended.

B. Each taxicab company and taxicab driver must comply with the surety and automobile liability insurance requirements contained in Chapter [46.72](#) RCW as enacted or subsequently amended.

C. Each taxicab and TNC driver shall maintain within his or her motor vehicle proof of insurance satisfying the requirements of this chapter. Such proof may be provided electronically. (Ord. 3553-17 § 9, 2017)

5.68.100 Registered agent required. 

Each taxicab company and TNC must maintain a registered agent for service of process in the state of Washington. The name, telephone number, and physical address of the registered agent shall be submitted to the city at the time of the license application. The taxicab company and TNC must notify the city in writing of any changes to its registered agent within seven days of such change. (Ord. 3553-17 § 10, 2017)

5.68.110 Audit. 

A. Unless the city determines there are problems that merit additional audits, then not more than twice per calendar year, the city may audit each taxicab company's and TNC's records to review compliance with this chapter. Each audit will be limited to records relating to no more than twenty randomly selected taxicab or TNC drivers operating a taxicab or TNC vehicle pursuant to this chapter. Drivers shall be randomly selected by the city. In the event the audit reveals discrepancies in the records reviewed, the city may, in its sole discretion, audit all of the taxicab company's and TNC's records related to taxicab or TNC drivers operating in the city and compliance with this chapter.

B. For the purpose of the random selection of drivers for an audit pursuant to subsection A of this section, upon the request of the city, a taxicab company or TNC shall, within five working days, provide the city a complete list of all drivers currently affiliated with the taxicab company or TNC and operating a taxicab or TNC vehicle pursuant to this chapter. At the option of the TNC or taxicab company, in lieu of providing driver's names, the TNC or taxicab company may provide the city other driver identification so long as each identification is unique to the driver it identifies.

C. Each taxicab company and TNC must retain records providing evidence of compliance with this chapter for a minimum of six years from effective date of their current for-hire license. Such records shall include, but are not limited to, driver's criminal and driving histories, vehicle inspection reports, proof of insurance for taxicab companies, TNCs, and their affiliated drivers, and records of all trips made by all drivers.

D. The audit shall occur at City Hall, 2930 Wetmore Avenue, Everett, Washington; provided, that the city may in its discretion agree to an alternative location.

E. Notwithstanding the foregoing, the city may require each taxicab company and TNC to produce records at any time to investigate a specific complaint regarding compliance with this chapter. (Ord. 3553-17 § 11, 2017)

5.68.120 Revocation, suspension, or denial of for-hire license. 

A. A for-hire license may be revoked, suspended, or denied by the city clerk for any of the following reasons:

1. Failure to meet or maintain any of the requirements or qualifications set forth in this chapter;
2. A materially false statement contained in the application for the license;
3. Any violation of this chapter, including any violation by a taxicab or TNC driver affiliated with the for-hire license holder, whether or not the for-hire license holder knew or should have known of the violation;
4. Any violation of any other applicable federal, state, or city licensing or permit requirements.

B. Prior to any revocation, suspension, or denial of a taxicab company or TNC license, the city shall inform the license holder or applicant in the case of a denial, of their right to a hearing. Such hearing, if requested, shall be conducted prior to the implementation of any revocation, suspension, or denial.

C. A revocation of a taxicab or TNC license shall be effective for one year from the date the revocation becomes final and no taxicab company or TNC subject to the revocation may obtain a for-hire license during the one-year revocation. Following the one-year revocation and consistent with this chapter, the taxicab company or TNC may obtain a for-hire license. (Ord. 3553-17 § 12, 2017)

5.68.130 Appeals. 

Within fifteen calendar days after a notice of revocation, suspension, or denial of a for-hire license issued or denied pursuant to this chapter, the license holder/applicant of the revoked, suspended, or denied license may file a notice of appeal with the violations hearing examiner. The notice of appeal must be in writing, signed by a person authorized to make it, and must explain the grounds for the appeal. The notice of appeal must be addressed to the violations hearing examiner, "ATTENTION: City Clerk." Notice of the appeal hearing shall be given by delivering a copy of the hearing notice to the license holder or by mailing a copy thereof to the license holder at his last address as shown by the city clerk's license records, and the notice will be mailed or delivered at least five days before the date fixed for the hearing. The violations hearing examiner may affirm, reverse, or modify the decision of the city clerk. The hearing shall be in accordance with Chapter [1.20](#) and the violations hearing examiner's rules of procedure, if any. Where a provision of Chapter [1.20](#) or the rules of procedure conflict with this chapter, this chapter controls. The

decision of the violations hearing examiner will be final. The decision of the violations hearing examiner may be appealed to Snohomish County superior court within fifteen calendar days of the date of the decision. (Ord. 3553-17 § 13, 2017)

5.68.140 Enforcement. 

The city clerk shall have administrative authority to implement and enforce this chapter. The city clerk may promulgate regulations not inconsistent with this chapter. By way of example, the city clerk may issue administrative subpoenas to implement the provisions of this chapter. The Everett police department shall have authority to enforce any provision of this chapter, and nothing in this section shall be construed to abrogate or limit the jurisdiction of the Everett police department. (Ord. 3553-17 § 14, 2017)

5.68.150 Violations—Penalties. 

- A. It is a violation of this chapter to fail to comply with or to be in conflict with any provision of this chapter. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
- B. The person operating a taxicab company or TNC is also in violation of this chapter if the city notifies the taxicab company or TNC of a violation of this chapter committed by the taxicab company's or TNC's affiliated driver and the taxicab company or TNC fails to cure the violation within fifteen days.
- C. Pursuant to Chapter [7.80](#) RCW, a person who violates this chapter for the first time in one twelve-month period shall be deemed to have committed a class 1 civil infraction with a two hundred fifty dollar penalty exclusive of statutory assessments.
- D. Any violation of any provision of this chapter constitutes a public nuisance which the city can abate by an action in county superior court. The costs of such action shall be taxed against the violator.
- E. Penalty and enforcement provisions provided in this chapter are not exclusive, and the city may pursue any remedy or relief it deems appropriate. (Ord. 3588-18 § 6, 2018: Ord. 3553-17 § 15, 2017)

5.68.160 Effective date. 

Pursuant to Section 3.4 of the City of Everett Charter, the ordinance codified in this chapter will become effective upon fifteen days after it is valid, except that a company subject to this chapter with a valid and current for-hire business license at the time the ordinance codified in this chapter becomes effective shall not be required to comply with Section [5.68.040](#) until such company's current for-hire license expires. Upon the expiration of such company's current for-hire business license and no later than August 1, 2017, the company shall comply with Section [5.68.040](#) in its entirety to continue to lawfully operate the company

in the city. Notwithstanding the foregoing, a company with a valid and current for-hire business license at the time the ordinance codified in this chapter becomes effective, which the city revokes or suspends subsequent to the effective date of the ordinance codified in this chapter, shall be required to fully comply with Section [5.68.040](#) to thereafter lawfully operate in the city. (Ord. 3553-17 § 16, 2017)

5.68.170 Review. 

At least once every three years, staff will brief the city council on the city's experience with this chapter (as it now exists or is subsequently amended) to determine whether it reflects the current needs and desires of the city in relationship to the regulation of the for-hire industry. (Ord. 3553-17 § 17, 2017)

5.68.180 City nonliability. 

It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter that no provision or any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 3553-17 § 20, 2017)

CITY	Regulations Y/N	Year Adopted/ Amended	For Hire Vehicle Service				Police Review Y/N Vehicle	Application Submitted To
			Taxicab	For Hire	TNC			
Arlington	Y	1950/2011	Y	Y	N	Inspection	City Clerk	
Edmonds	Y	1955	Y	Y	N	Y	City Clerk	
Everett	Y	2017/2018	Y	Y	Y	N	City Clerk	
Marysville	Y	1980	Y	Y	N	Y	Licensing Specialist/ Designee	
Mill Creek	N							
Monroe	Y	1946/1980	Y	N	N	Y	City Clerk	
Mukilteo	N							
Shoreline	N							
Snohomish	Y	1973	Y	Y	N	Y	City Manager/ Designee	

