

SALT LAKE CITY ORDINANCE
No. 66 of 2014

(Ground transportation requirements)

An ordinance amending Chapter 5.71, *Salt Lake City Code*, pertaining to ground transportation requirements, to coordinate with taxicab regulations in Chapter 5.72, to provide for regulation of ground transportation providers that supports consumer choice, by expanding on-demand service, eliminating minimum fees, and providing flexibility for the number of taxicab companies that have contracts with the City and taxicab fleet size.

WHEREAS, providing transportation choices is a priority for Salt Lake City; and

WHEREAS, peer-to-peer transportation providers (also called transportation network companies or “TNCs”) currently are operating in Salt Lake City; and

WHEREAS, City has entered into contracts with taxicab providers to provide taxicab service in the City; and

WHEREAS, City desires to provide a regulatory environment for ground transportation in the City that is in the best interests of the City; and

WHEREAS, it is in the best interest of the City to allow all commercial ground transportation providers to offer on-demand service without minimum charge limitations; and

WHEREAS, it is in the best interest of the City to provide for temporary exceptions in the event of emergency, security concerns, and operational needs; and

WHEREAS, City desires to clarify that all ground transportation seals and AVI tags are the property of the Department of Airports; and

WHEREAS, City desires to make certain changes to modernize the language, concepts, and definitions, delete obsolete provisions, and make certain clean-up changes in this ordinance; and

WHEREAS, after a duly noticed public hearing before the City Council, the Council has determined this ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. That Chapter 5.71, *Salt Lake City Code*, pertaining to ground transportations requirements be, and the same hereby is, amended to read as follows:

Chapter 5.71

GROUND TRANSPORTATION REQUIREMENTS

Article I. Definitions and General Regulations

5.71.010: DEFINITIONS:

The following words and phrases, when used in this chapter, shall have the meanings defined and set forth in this section.

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an authorized ground transportation business contracted through the Department of Airports to provide on-demand shared ride service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized ground transportation vehicle operating under contract with the Department of Airports to provide airport shared ride service to and from the Salt Lake City International Airport.

APPLICANT: An individual who has submitted an application to the department to obtain a ground transportation vehicle operator's badge pursuant to Article VII of this chapter.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle, which has a current, valid business license as required by the City and which:

A. Registers the business in accordance with the requirements established by the department, and

B. Is current with all fees or charges imposed by the department and City.

AUTOMOBILE: Any motor vehicle with passenger seating for five (5) persons or less, not including the driver.

BUS: Any licensed motor vehicle operated on the streets and highways for hire on a scheduled or nonscheduled basis with a seating capacity of twenty-five (25) or more passengers, not including the driver.

BUSINESS: A voluntary association legally formed and organized to carry on a business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole proprietorship.

BUSINESS LICENSING OFFICE: The division of building services and licensing of Salt Lake City Corporation, or its successor.

CERTIFICATE: A certificate of public convenience and necessity issued by the City.

CIVIL NOTICE: A written notice of a ground transportation violation as provided under this chapter.

COMMENT FORM OR FORM: The form described in Section 5.71.270 of this chapter, or its successor.

COURTESY VEHICLE: Any motor vehicle regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge to the passenger for such transportation.

DEPARTMENT: The Salt Lake City Department of Airports or such other City department or division as may be designated by the Mayor to have responsibility for the enforcement of this chapter.

DEPARTMENT AUTOMATED VEHICLE IDENTIFICATION (AVI) TAG: An electronic transponder used to identify vehicles and provide the department with vehicle data and billing information.

DEPARTMENT DIRECTOR: The director of the department designated by the Mayor to have responsibility for the enforcement of this chapter or the authorized designee of such director.

DEPARTMENT INSPECTION: An inspection of a ground transportation vehicle by the department to verify that the vehicle meets the standards set by the department director, department rules and regulations, applicable contracts, and applicable City ordinances, including without limitation the exterior and interior of the vehicle and all associated vehicle licensing, safety, and insurance requirements.

DEPARTMENT INSPECTION SEAL: A sticker or seal issued by the department to signify that a ground transportation vehicle has passed the required department inspection. These department inspection seals are non-transferable and no ground transportation vehicle may be operated without such seal.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the department director to govern commercial ground transportation operations within the City.

FIXED SCHEDULE: Ground transportation service operating on a regular time schedule previously announced as to time of departure and arrival between definitely established and previously announced points along definitely established and previously announced routes regardless of whether passengers or freight are to be carried.

GROUND TRANSPORTATION APPEAL COMMITTEE: A committee established by the department director to hear and rule on appeals, suspensions, and other matters related to ground transportation in and connected with the City.

GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a ground transportation business.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle used for the transportation of persons using Salt Lake City streets for commercial purposes, regardless of whether a fee or fare is collected.

HEARING OFFICER: A hearing officer of the Salt Lake City Justice Court.

HOLDER: A person to whom a certificate of public convenience and necessity has been issued.

HOTEL VEHICLE: Any motor vehicle regularly operated by a ground transportation business under contract to or directly by a motel, hotel, or other lodging business, to provide transportation of customers and/or baggage for the contracted establishment for which transportation the customer is charged a separate fee or fare, and which is subject to a contract filed with the department providing for operating the vehicle.

LIMOUSINE: Any vehicle described by its manufacturer or aftermarket manufacturer as a limousine or a luxury vehicle, with a driver furnished, who is dressed in professional business attire or a chauffeur's uniform.

MINIBUS: Any motor vehicle with a passenger seating capacity of sixteen (16) to twenty-four (24) persons, not including the driver.

NAMED PARTY: The driver, vehicle owner, or authorized ground transportation business named in a civil notice issued by the City.

ON-DEMAND AIRPORT SERVICE OR ON-DEMAND SERVICE: Transportation provided by an authorized ground transportation business which is not scheduled service or prearranged service as defined in this section.

PERSONS WITH DISABILITIES: Those persons who are not acutely ill, who do not require the services of an ambulance, and who need or desire special transportation equipment or accommodation for physical or mental infirmities.

PREARRANGED SERVICE: Transportation provided by an authorized ground transportation business from points within the City to destinations within the City, or beyond, for which the authorized ground transportation business providing such transportation has recorded the name or description of prospective passenger and the date and time of the request for transportation at least thirty (30) minutes prior to the transporting of the passenger by such vehicle.

SCHEDULED SERVICE: Transportation provided by an authorized ground transportation business on a fixed schedule posted with and approved by the department in advance of such transportation.

SPECIAL TRANSPORTATION VEHICLE: Any motor vehicle for hire, other than an airport shared ride vehicle, ambulance, or taxicab, which vehicle is designed, equipped, and used for the transportation of persons with disabilities.

SPECIALTY VEHICLES: Any vehicles that are unique in their design, or built for a specific purpose, including but are not limited to, special conversion vehicles and classic or collector automobiles, but excluding special transportation vehicles.

STARTER: A person appointed by and representing a ground transportation business who is responsible for managing the coordination of vehicles and passenger transportation for that business.

TAXICAB: A motor vehicle used in the on-demand, for hire transportation of passengers or baggage over public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another, as provided under Chapter 5.72 of this title, or its successor chapter, and authorized to operate in Salt Lake City by contract with the department.

TAXI STAND: A public place alongside the curb of a street, or elsewhere in the City, which has been designated by the Mayor or the Mayor's designee as reserved for the use of taxicabs available for hire by passengers, including places otherwise marked as freight zones or other parking restricted zones if designated for use of taxicabs during specified times.

TERMINAL OF TRANSPORTATION: A facility or location having the primary purpose of facilitating ground transportation services, such as, but not limited to, the Salt Lake City Intermodal Hub.

TRAILER: A wheeled vehicle designed to be pulled by a motor vehicle for the transportation of freight, luggage, or other items.

VAN: Any licensed motor vehicle other than those designated as a limousine with a passenger seating capacity of six (6) to twelve (12), not including the driver.

VEHICLE OPERATOR'S BADGE or OPERATOR'S BADGE: An identification badge issued by the department to an individual to signify that the individual has met the requirements to operate a ground transportation vehicle.

5.71.020: PURPOSE:

This chapter is enacted to provide for and protect the interests of Salt Lake City residents and visitors using ground transportation services which make use of City streets and other City property, including:

A. To reflect standards of professionalism prevalent in and accepted by the Salt Lake community at large;

B. To enhance the comfort, ease, and safety of the traveling public on Salt Lake City streets;

C. To enhance the City's competitiveness in attracting the traveling public to this City;

D. To increase safety for drivers of ground transportation vehicles, their passengers, and the public;

E. To adequately identify ground transportation vehicles and their drivers to the public in the City;

F. To meet the needs of the public using ground transportation vehicles in the City;

G. To provide for uniform enforcement of standards throughout the City by coordinating the efforts of the departments responsible for enforcement, adjudication, and business licensing of all commercial ground transportation businesses and ground transportation vehicles;

H. To provide that the Mayor designate a department or departments to be responsible for the administration and enforcement of regulations pertaining to all ground transportation businesses, ground transportation vehicles, and ground transportation vehicle drivers in the City; and

I. To provide authority for administration and enforcement of business licensing in connection with ground transportation in the City.

5.71.025: DESIGNATION OF DEPARTMENT:

The Mayor shall designate a City department or departments to be responsible for the oversight and enforcement of all ground transportation businesses, ground transportation vehicles, and ground transportation vehicle drivers within the corporate limits of Salt Lake City. Such department or departments shall be responsible for the administration and enforcement of business licensing in connection with ground transportation in the City.

5.71.030: AUTHORITY TO ESTABLISH RULES AND REGULATIONS:

A. To the extent authorized by the provisions of this chapter and consistent with other applicable provisions of this code, the department director, under guidance and direction from the Mayor, may enter into contracts deemed necessary or desirable and may establish rules and regulations necessary to administer the provisions of this chapter.

B. The Mayor shall adopt procedures applicable to the establishment of department rules and regulations that provide for:

1. Public notice of any proposed rule that will affect operation of any ground transportation business;
2. An opportunity for public comment on proposed rules before they take effect, and
3. The basis for any proposed rule.

5.71.040: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

A. The provisions of this chapter shall not apply to vehicles licensed by a governmental agency or operated by a university or school district, the Utah Transit Authority, an ambulance service, and others as may be designated in department rules and regulations.

B. Sections 5.71.095, 5.71.150, 5.71.180, 5.71.190 and 5.71.240 shall not apply to busses and motor coaches, and bus and motor coach drivers, regulated by the U.S. Department of Transportation.

C. If any provision of this chapter is preempted by federal law, such provision shall not apply.

5.71.050: BUSINESS LICENSE AND REGISTRATION REQUIRED:

A. It is a violation for any person to operate a ground transportation business without, prior to commencement of the business, completing the following:

1. Obtaining a business license,
2. Registering such business with the department, and
3. Paying all applicable fees associated with the licensing or permitting of such business, its vehicles, and its employees.

B. Business license fees for ground transportation companies shall be calculated to include the cost of administering and enforcing the provisions of this title.

5.71.060: GROUND TRANSPORTATION SERVICE:

All Authorized ground transportation businesses may provide on demand service, scheduled service, or prearranged service within the City.

Article II. Driver Standards

5.71.070: DRIVER AND STARTER APPEARANCE:

The drivers of ground transportation vehicles and starters representing ground transportation businesses within the City shall adhere to the standards of appearance established

by department rules and regulations while operating such vehicles, or while representing ground transportation businesses, in order to meet the interests of the City in such transportation.

5.71.080: DRIVER CONDUCT:

The drivers of ground transportation vehicles and starters representing ground transportation businesses within the City shall adhere to the standards of conduct established by department rules and regulations while operating such vehicles or while representing ground transportation businesses in order to meet the interests of the City in such transportation.

5.71.090: UNAUTHORIZED SOLICITATION OF BUSINESS:

No person may solicit for business at any terminal of transportation except in locations and in accordance with department rules and regulations.

5.71.095: DRIVER APPLICATION RENEWAL:

A driver may not be required to renew a driver application more than once every two (2) years and shall not be required to provide fingerprints for a background investigation more than one (1) time except:

- A. In the case of an emergency,
- B. As may be otherwise required by a state or federal law, regulation, or directive; or
- C. As the department director may determine, to achieve consistency with a state or federal law, regulation, or directive.

Article III. Smoking

5.71.100: SMOKING RESTRICTIONS:

Passengers and drivers in ground transportation vehicles may only smoke in such vehicles as set forth in the Utah Code.

Article IV. Vehicle Standards

5.71.120: VEHICLE TITLE RESTRICTIONS AND CONDITION:

A. No vehicle shall be authorized by the city to operate as a ground transportation vehicle if the vehicle has a salvage/branded title.

B. A specialty vehicle shall be exempted from the foregoing salvage/branded title restrictions if the vehicle meets:

1. Safety standards set forth in the vehicle safety inspection manual promulgated by the Utah Department of Public Safety pursuant to Utah administrative rule 714-158-8, or its successor, and
2. Exterior and interior appearance standards set forth in section 5.71.125 of this chapter and department rules and regulations. (Ord. 84-12, 2012)

5.71.125: VEHICLE APPEARANCE STANDARDS:

A. All ground transportation vehicles shall meet the following vehicle exterior appearance standards:

1. All vehicles shall be maintained as required by any state law or city ordinance or statute, whether or not a part of this chapter.
2. Vehicle exteriors shall be clean except during the first twenty four (24) hours following a snow, rain, or dust storm in Salt Lake or surrounding counties.
3. Vehicles, including bumpers and body molding, shall be free of all exterior damage except for dents no larger than six inches (6") in diameter and rust spots no larger than one inch (1") in diameter. Bumpers shall be straight and aligned, as designed by the vehicle manufacturer.

4. Windshields shall be free of cracks and chips larger than six inches (6”) in diameter or length. All other glass and mirrors shall be free of cracks and chips larger than one inch (1”) in diameter or length.

5. Exterior paint shall be maintained in good condition and repair, with no faded, oxidized, or nonmatching paint. Signs, graphics, door handles, antennas, and other equipment used for the ease and convenience of drivers and passengers shall be maintained in a good and operable condition.

6. Exterior tires, brakes, exhaust pipes, lights, wipers, turn signals, horns and other safety equipment shall be maintained in a good and operable condition.

7. Wheels shall have wheel covers, or be equipped with custom wheels.

8. All fluid leaks shall be repaired immediately.

B. All ground transportation vehicles shall meet the following vehicle interior appearance standards:

1. Vehicle interiors shall be clean and sanitary, and free of dirt, oil, litter, or other similar material, or offensive odors.

2. Seats and other interior surfaces shall be in good repair and free of tears and sharp objects. Dashboard covers may be used, but shall be professionally manufactured.

3. Trunks and luggage storage compartments shall at all times be maintained free of oil, dirt, debris, and personal property except for property used by the driver in connection with operating a ground transportation vehicle.

4. All equipment in the interior of the vehicle used for the ease and convenience of drivers and passengers, including, but not limited to, doors, windows, carpets, door and window handles, ashtrays, heaters, air conditioners, and radios, shall be maintained in a good and operable condition.

5. Ashtrays shall be emptied after use and washed each day.

6. Seat belts shall be provided for the driver and for each passenger as required by law for such vehicle. Seat belts and all other safety equipment inside the vehicle, including child safety restraint devices or seats, shall be maintained in a good and operable condition as may be required by Utah and federal law.

5.71.130: CONFLICTING OR MISLEADING DESIGNS AND ADVERTISING

PROHIBITED:

A. No vehicle shall be authorized to operate whose color scheme, identifying design, monogram, or insignia, in the opinion of the department director, conflicts with or imitates any color scheme, identifying design, monogram, or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tending to deceive or defraud the public or which improperly conveys the nature or the type of the ground transportation service offered.

B. No ground transportation business shall advertise or hold itself out as being licensed by the City under this chapter when in fact no such license has been issued or has been revoked or terminated.

Article V. Insurance and Inspections

5.71.140: INSURANCE REQUIRED:

A. Every ground transportation vehicle shall be covered by automobile liability insurance, when the vehicle is available for or being used for the transportation of persons using Salt Lake City streets for commercial purposes, at the minimum levels of coverage set forth by the Federal Motor Carrier Safety Administration, 49 CFR 387.33, or by the Utah Department of Transportation, or by the United States Department of Transportation, whichever levels are higher. Proof of insurance shall be required when a vehicle is initially inspected by the department, and may be verified upon the City's receipt of a complaint, negative comment form, or at the time of an on-street, unscheduled ground transportation vehicle inspection.

B. Taxicabs and other authorized ground transportation vehicles with a seating capacity of seven (7) passengers or less, including the driver, shall carry minimum coverage in the amounts required for vehicles with a seating capacity of fifteen (15) or less as set forth in Section 49 CFR 387.33. The exception for taxicab service set forth in Section 49 CFR 387.27 shall not apply to this Subsection B.

C. Each ground transportation business shall send a copy of any notice of cancellation or reduction of insurance coverage to the department immediately upon such cancellation or reduction.

D. Salt Lake City Corporation shall be named as an additional insured in all insurance contracts.

5.71.150: INSPECTIONS:

A. All authorized ground transportation vehicles shall be registered with the department and at all times shall meet or exceed standards established by the department rules and regulations in order to meet the interests of Salt Lake City.

B. No vehicle may operate as a ground transportation vehicle within the City without first having been inspected by the department and found to be meeting all requirements of the department Inspection as established by department rules and regulations for the category of vehicle being inspected. In order to be eligible for inspection, each ground transportation vehicle must meet or exceed the motor vehicle emissions standards for Salt Lake County, as demonstrated by the owner or operator of such vehicle to the City through a certificate of emissions inspection, waiver, or other evidence that the ground transportation vehicle meets such standards.

C. Vehicles meeting the requirements of the department inspection shall have a unique department inspection seal affixed to the rear of the vehicle signifying that the vehicle has passed the department inspection and may be operated as a ground transportation vehicle. The department seal is non-transferable and no vehicle may be used as a ground transportation vehicle without the department inspection seal in place.

D. Department Seals are the sole property of the Department and must be returned to the Department upon demand or at the time a vehicle is sold or retired from service.

E. All ground transportation vehicles meeting the requirements of the department inspection shall be issued a department automated vehicle identification (AVI) tag, which the department shall install on the vehicle. These tags are non-transferable and may not be removed or modified without authorization from the department.

F. Department AVI Tags are the sole property of the Department and must be returned to the Department upon demand or at the time a vehicle is sold or retired from service.

G. The department may perform vehicle inspections at any time any ground transportation vehicle is operating within the corporate limits of the City in order to administer and enforce applicable vehicle standards.

H. No ground transportation vehicle may be operated within the City unless it is maintained to the standards and requirements established by department rules and regulations, including without limitation department inspection requirements.

5.71.160: TEMPORARY OPERATIONS:

A ground transportation business that operates on a limited or temporary basis within the City may petition the department director for a waiver from some of the requirements of this chapter. However, no ground transportation business may operate without paying otherwise applicable fees. Consideration of such waiver may include the following:

A. The business is based outside of a thirty-five (35) mile radius of the City and the business provides limited services within the City;

B. The business does not pick up passengers within the City and provides transportation only into the City; and

C. Any specific ground transportation vehicle that will be used for operations within the City no more than five (5) calendar days per year.

Article VI. Special Transportation Businesses

5.71.170: SPECIAL TRANSPORTATION VEHICLES AND OPERATORS:

A. It is a violation for any person who owns or controls a special transportation business to allow a special transportation vehicle to be operated without, prior to commencement of the business, completing the following:

1. Obtaining a business license;
2. Registering such business with the department;
3. Paying all applicable fees associated with the licensing or permitting of such business, its vehicles and its employees; and
4. Providing the department with certification from the State of Utah that the vehicle meets all State requirements and was found to be in a safe condition for the transportation of persons with disabilities and had all such equipment as may be required by state law including, but not limited to, the following:
 - a. Doorways wide enough to accommodate a wheelchair;
 - b. Ramps or lifting devices for elevating persons with disabilities from the curb or sidewalk into the special transportation vehicle, which ramps and lifting devices shall be stored inside the special transportation vehicle while it is moving;
 - c. Adequate means of securing persons with disabilities safely to the inside of the special transportation vehicle and safety belts for all passengers;
 - d. A door, in addition to those provided in such vehicles for normal ingress and egress, located at the rear thereof, to be used as a method of escape in case of an emergency; and

e. A fire extinguisher, and first aid equipment and supplies, as prescribed and amended from time to time by state law.

B. In addition to meeting all other department rules and regulations applicable to ground transportation vehicles and businesses, owners and operators of special transportation vehicles shall comply with the following:

1. No special transportation vehicle shall be equipped with a siren or be permitted to operate as an emergency vehicle.

2. Special transportation vehicles shall be kept in a clean and sanitary condition, according to applicable rules and regulations promulgated by the State.

3. All special transportation vehicle operators shall obtain and maintain certification training in first aid, CPR, and AED as taught by an American Heart Association certified instructor.

5.71.175: EXISTING HOLDERS' CERTIFICATES FOR SPECIAL TRANSPORTATION VEHICLES:

A. Holders of existing certificates for special transportation vehicles shall retain such certificates, as set forth in Section 5.76.130 of this title, allowing them to operate the same number of vehicles as they are authorized to operate on the effective date of this ordinance, without any hearing, the public convenience and necessity have heretofore been demonstrated.

B. No certificate shall continue in operation unless the holder thereof has paid the annual business regulatory fees each year for each vehicle authorized under a certificate. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the holder of the vehicle or vehicles under the holder's operation and control.

Article VII. Vehicle Operator's Badge

5.71.180: VEHICLE OPERATOR'S BADGE REQUIRED:

It is a violation for any person to operate a ground transportation vehicle upon the streets of the City without having first obtained and having then in force a valid ground transportation vehicle operator's badge issued by the department under department rules and regulations.

All Department issued Ground Transportation Vehicle Operators badges are the sole property of the Department and must be surrendered upon demand of a police officer, any authorized agent of the department, or any other person authorized by the Mayor to enforce the provisions of this chapter.

5.71.190: PERMITTING NON-BADGED OPERATOR TO DRIVE:

It is a violation for any person who owns or controls a ground transportation vehicle to permit it to be driven, and no ground transportation vehicle authorized by the department shall be so driven at any time, unless the ground transportation vehicle is operated by a driver who has then in force a valid ground transportation vehicle operator's badge issued by the department.

5.71.240: DISPLAY OF OPERATOR'S BADGE:

Every person issued a vehicle operator's badge shall display the badge above the waist, on front side of the outermost garment so as to be in plain view and not covered while such person is operating a ground transportation vehicle. Every such person shall exhibit such badge upon demand by any police officer, any authorized agent of the department, or any other person authorized by the Mayor to enforce the provisions of this chapter.

Article VIII. Payment For Furnishing Of Passengers

5.71.250: PAYMENT:

It shall be a violation for any person operating a ground transportation vehicle, business, driver, independent contractor, employee, or other person to pay, or offer to pay, any remuneration to another person, specifically including persons employed at a lodging business and vehicle dispatchers, for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. It shall be a violation for any person, specifically including persons employed at a lodging business and vehicle dispatchers, to receive or request any remuneration from any person for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and being paid, or making payment for, the transportation of customers and/or baggage, which payment may include a portion thereof being distributed by the hotel or motel to a bell staff, door staff, or concierge as a gratuity.

Article IX. Ground Transportation Discussion Group

5.71.255: PURPOSE:

The Mayor shall convene a ground transportation discussion group, committee, or forum to meet informally on a quarterly basis until June 3, 2014 for the purpose of providing advice on the following:

- A. Identifying ground transportation problems and potential solutions;
- B. Identifying items within the ordinances or regulations that appear to be unclear or confusing;
- C. Suggesting improvements to the program for consideration by the City;
- D. Discussing issues of concern to those in attendance;

E. Identifying barriers to quality transportation service; and

F. Considering whether the group recommends that a formal city board be established with the Mayor formally appointing an advisory board with the advise and consent of the City Council to address ground transportation issues in Salt Lake City and considering the number and make up of the board and its affiliation to or its independence of other city boards, commissions and committees. (Ord. 84-12, 2012: 84-10, 2010)

5.71.258: PARTICIPANTS:

A. Invitations to participate in the discussion group, committee, or forum should include, but not be limited to, representatives of the:

1. Hotel industry,
2. Hospitality industry,
3. Taxi cab industry,
4. Shuttle industry,
5. Hotel contract vehicle industry,
6. Utah Transit Authority,
7. Tourism and convention industries,
8. Specialty transportation industries,
9. Wasatch Front Regional Council mobility coordinator,
10. Salt Lake City Accessibility Services Advisory Council or City ADA

Coordinator, and

11. A mechanic familiar with vehicles in commercial ground transportation fleets.

B. Individuals or representative of key transportation user groups including, but not limited to low income, elderly, and persons with physical limitations shall also be invited to participate.

Article X. Enforcement and Civil Penalties

5.71.260: DEPARTMENT AUTHORITY:

A. The department shall enforce the provisions of this chapter and govern the conduct of companies and drivers operating under this chapter.

B. With the approval of the Mayor and upon notice to the City Council the Department Director may waive or temporarily impose restrictions not addressed in this Chapter or Department Rules and Regulations if it is determined that circumstances in the City exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension or modification of ordinances is in the best interests of the City to address such circumstances. If the City Council does not act within sixty (60) days to approve or disapprove the action, then the action is deemed approved. Waivers issued prior to the effective date of this ordinance shall be valid through the earlier of (i) the expiration date of such waiver; or (ii) June 30, 2015.

5.71.270: COMMENT FORM:

Any person may complain of any violation of this chapter or comment on any ground transportation business or vehicle, or any driver of a ground transportation vehicle operating within the corporate limits of Salt Lake City, by filing a comment form with the department on forms that the department may require ground transportation businesses to print and provide in

their vehicles and which may be found on the City's website and within department rules and regulations.

5.71.280: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION

VIOLATION:

A. Every notice issued under this chapter shall be issued in the form of a written civil notice and shall contain a statement that the named party may appeal the imposition of the penalty and provide information regarding how to appeal.

B. Any driver, vehicle owner, or authorized ground transportation business that violates any provision of this chapter may be named in a civil notice issued by the City. A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the ground transportation business under whose authority such driver or owner was operating at the time of the violation.

5.71.290: RECORD KEEPING:

The City shall create a file for each driver and for each authorized ground transportation business at the time any document is submitted for application or filing. The City shall maintain any document placed in such files for a period as required by law.

5.71.300: CIVIL PENALTIES AND ENFORCEMENT:

A. The City may revoke, suspend, or deny renewal of a City business license to operate a ground transportation business for violation of any provision of this title, department rules and regulations, or other applicable law.

B. The department may revoke, suspend, or deny renewal of an operator's badge, department automated vehicle identification tag or department inspection seal for violations of any provision of this title, department rules and regulations, or other applicable law. The person

or business affected may request, in writing filed with the department, an appeal hearing before the ground transportation appeal committee. Any such revocation, suspension, or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement and the ground transportation appeal committee determines that reinstatement is appropriate.

C. If any named party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation, or nonrenewal of a City license to operate a ground transportation business, operator’s badge, department automated vehicle identification tag or department inspection seal.

D. Civil penalties may be imposed as set forth below. The named party in the civil notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law or department rules and regulations.

CODE	AMOUNT OF PENALTY	VIOLATION
ARTICLE I		
GENERAL REGULATIONS		
5.71.050	\$1000.00	Business license required
ARTICLE II		
DRIVERS STANDARDS		
5.71.070	\$100.00	Driver’s appearance
5.71.080	\$300.00	Driver’s conduct
5.71.090	\$300.00	Unauthorized solicitation of business
ARTICLE III		
SMOKING		
5.71.100	\$300.00	Smoking in vehicles
ARTICLE IV		
VEHICLE STANDARDS		
5.71.30	\$1000.00	Misleading design prohibited

ARTICLE V		
INSURANCE AND INSPECTIONS		
5.71.140	\$1000.00	Insurance required
5.71.150 (A,B,C)	\$1000.00	Vehicle inspection and seal required
5.71.150 (E)	\$500.00	Automated vehicle identification tag required
5.71.150 (H)	\$500.00	Failure to maintain vehicle inspection standards
ARTICLE VI		
SPECIAL TRANSPORTATION BUSINESSES		
5.71.170 (A,B,C,D)	\$1000.00	License and registration requirements
5.71.170 (E)	\$1000.00	Emergency vehicle equipment prohibited
5.71.170 (F)	\$1000.00	Clean and sanitary condition of vehicle
5.71.170 (G)	\$1000.00	First aid certification required
ARTICLE VII		
VEHICLE OPERATORS BADGE		
5.71.180	\$1000.00	Operator's badge required
5.71.190	\$1000.00	Permitting non-badged operator
5.71.240	\$100.00	Display of badge
ARTICLE VIII		
PAYMENT FOR FURNISHING OF PASSENGERS		
5.71.250	\$300.00	Payment for passenger

5.71.310: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND

TRANSPORTATION VIOLATION:

A. Civil notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, operators' badge, department automated vehicle identification tags and department inspection seal shall be heard by the Salt Lake City Justice

Court. Any named party may appear before a hearing officer and present and contest an alleged violation as provided in Title 2, Chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the person raising such defense.

Nothing herein shall affect the City's burden to prove each element of the underlying charge by a preponderance of evidence.

C. If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one (1) or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the civil notice and release the named party from liability thereunder, or may reduce the penalty associated therewith as the officer shall determine. Such defenses are:

1. The civil notice does not contain the information required by this chapter;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or

3. Such other mitigating circumstances as may be approved by the City Attorney's Office.

5.71.320: EXPEDITED APPEAL OF EXCLUSION:

Any named party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the ground transportation appeal committee regarding such exclusion as provided for in this chapter, may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the department. The department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the department director may reverse the action that resulted in such exclusion. If the department director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the ground

transportation appeal committee in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter the ground transportation hearing committee shall uphold such exclusion.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this 25th day of November, 2014.

Bill No. 66 of 2014.

Published: December 16, 2014.