

Ord.
2013-0207

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING AND ZONING)**

ORDINANCE NO. 13-6-7

An ordinance to repeal and replace Chapter 22.5, Article II, Taxicabs, to adopt new regulations for the issuance of Taxicab Licenses (Certificates of Public Need and Convenience) in St. Charles Parish.

- WHEREAS**, St Charles Parish is authorized to regulate taxicabs by Louisiana Revised Statute 33:4792 and Chapter 22.5 of the Code of Ordinances; and,
WHEREAS, the Parish Council desires to revise regulations affecting private for hire vehicles to provide safe and efficient means of travel for parish residents; and,
WHEREAS, surrounding jurisdictions in the region have undergone significant regulatory reform regarding taxicabs; and,
WHEREAS, the Parish Council recognized the need for similar reform and enacted a moratorium on the issuance of new CPNCs; and,
WHEREAS, said moratorium expires on June 30, 2013; and,
WHEREAS, the surrounding jurisdictions and the Louis Armstrong New Orleans International Airport have completed regulatory reforms and have adopted new taxicab regulations; and,
WHEREAS, the Parish Council wishes to adopt new taxicab regulations that are consistent with those of Louis Armstrong New Orleans International Airport and surrounding jurisdictions.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

Section I. That the St. Charles Parish Code, Chapter 22.5, Article II, Taxicabs, is hereby repealed in total and replaced with the following:

Sec. 22.5-16. Definitions.

The following words and phrases when used in this article shall have the meanings as set out herein:

Accessible taxicab (AT) means any vehicle that accommodates a passenger using a wheelchair or other personal mobility device that need a ramp or lift to enter or exit the vehicle. Such vehicle must comply with the provisions in 49 CFR Part 38.1-38.39. Such vehicle shall operate at rates-per-mile or on a waiting-time basis, or both. ATs are identified as a minivan or similar vehicle specially adapted with rear or side access ramps for wheelchair users, which is also equipped with a taximeter, and which prioritizes requests for service from people with disabilities and/or wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

Certificate of public necessity and convenience, CPNC, permits an individual to engage in for-hire vehicular transportation in order to fill a public need.

Driver includes every person in actual operation of a vehicle licensed for operation as a for hire vehicle.

Driver's permit means the permit granted by the Sheriff authorizing an individual to drive a vehicle that bears a valid CPNC number.

For hire vehicle means any vehicle used for the transportation of passengers for hire, the charges for the use of which are determined by agreement or by the length of time for which the motor vehicle is engaged. Public transportation vehicles are not considered for hire vehicles.

Manifest means a daily record prepared by a taxicab driver of all trips made by the driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Narcotic drugs includes "coca" leaves, opium, cannabis, marijuana, isonipecaine and every synthetic substance known to have narcotic action. Including all drugs controlled under R. S. 40:961 et seq. the Uniform Controlled Dangerous Substances Law.

Owner means any person, firm, partnership or corporation that is the legal registered owner of vehicles defined in this section.

Parish means the Parish of St. Charles, the parish council or the appropriate department designated by the parish president for the administration and enforcement of the provisions of this article. Such department shall make any administrative regulations, which may be necessary to implement or administer the provisions of this article.

Person includes any individual, corporation, partnership, company or association owning, driving, controlling or operating any for hire vehicle as defined in this article and regulated by this chapter.

Street means any public street, avenue, road, boulevard, alley, lane, highway, drive, public park, railroad station, depot, airport, ferry landing, or any other public place under control of the parish which is used regularly or may be used by taxi cabs to pick up or discharge passengers.

Taxicab or taxi means any motor vehicle used for the transportation of passengers for hire not operated on a fixed route to a destination that is controlled by the passenger or passengers.

Taxicab inspection station means the location of the required examination of the vehicles to be operated as taxicabs to determine that such vehicles are safe and in satisfactory condition.

Taximeter means an instrument or device attached to a taxicab which measures the distance driven and/or the waiting time, both upon which the fare may be based.

Sec. 22.5-17. CPNC's and Driver's permits are privileges

Driver's permits and CPNC's are privileges and not rights. The issuing entity shall have full discretion in determining whether or not a driver's permit or CPNC shall be issued.

Sec. 22.5-18. CPNC required.

(a) No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the parish without having first obtained a CPNC from the Parish, St. Charles Parish Planning and Zoning Department.

(b) No agent or employee of any business or corporation shall solicit a taxicab that does not have a St. Charles Parish CPNC to pick up a fare or originate a trip in St. Charles Parish.

(c) Taxicabs authorized to operate in any other parish, or in any political subdivision thereof, may transport passengers from such parish, or subdivision thereof, to a destination within or beyond St. Charles Parish.

Sec. 22.5-19. Limitation on number of CPNCs

(a) Public necessity and convenience shall determine the requirements of a certificate. The CPNC sticker shall be affixed to the windshield of the vehicle.

(b) No person or for-hire company shall be issued more than one (1) CPNC unless authorized as a private for-hire company by resolution of the Parish Council.

Sec. 22.5-20. Application for CPNC

All applicants must apply to the Planning Department for a CPNC by completing an application. Any applications not completed in full shall be returned as incomplete.

Sec. 22.-21. Domicile requirement

An applicant for a CPNC must have resided in St Charles Parish, or a contiguous parish, for the past six (6) months, and presently reside in this parish, or a contiguous parish.

Sec. 22.5-22. Liability insurance required

No CPNC shall be issued or continued unless the owner has presented proof of possession of a valid insurance certificate containing an endorsement that the policy is issued to comply with provisions of the Public Passenger Motor Vehicle Responsibility Law, La. R.S. 45:200.1 *et seq.* Cancellation of the policy will not be effective as to injured parties unless the parish has been given notice ten (10) days prior of cancellation or lapse.

Sec. 22.5-23. Taxicab inspection requirements

Inspections shall ensure that a taxicab meets the minimum criteria to obtain a permit or decal to operate at Louis Armstrong New Orleans International Airport. Re-inspections are required on a semiannual basis. Failure to provide required semiannual inspection report to the Parish may result in revocation or suspension of CPNC.

Sec. 22.5-24. Taxicab inspection stations.

All taxicabs shall be required to be inspected at a station approved by the Louis Armstrong New Orleans International Airport.

Sec. 22.5-25. Designation of taxicabs.

(a) Taxicab owners or drivers operating under one (1) trade name shall be considered independent taxicabs. The trade name shall be registered with the parish on an occupational license.

(b) Each taxicab shall bear on front, rear and both sides the CPNC number not less than three (3) inches in height and one-half inch in vertical strokes.

(c) No vehicle regulated by this article whose color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under the article shall be approved.

(d) No vehicle or vehicles shall change color scheme, designs, etc., to imitate other taxicabs in such a manner as to be misleading or to deceive the public.

Sec. 22.5-26. Fee for CPNC

(a) No CPNC shall be issued or continued unless the holder has paid an annual certificate fee of fifty dollars (\$50.00).

Sec. 22.5-27. Transfer of CPNC

No CPNC may be sold, mortgaged or transferred.

Sec. 22.5-28. Replacement of vehicles.

The holder of a CPNC shall be ordered by the parish to replace his taxicab where it appears that the taxicab no longer meets the standards of safe operation prescribed by the parish. Upon failure of the owner to comply with any such order within one hundred twenty (120) days after service thereof, the CPNC shall be revoked.

Sec. 22.5-29. Renewal and expired CPNCs

Each CPNC in good standing shall be renewable during a two-month period beginning with the first day of December of the year of expiration and extending through the last day of January of the year for which renewal is sought, subject to payment of \$25, provided all other requirements of this article are met. Failure to renew a CPNC by January 31st shall constitute a new application.

Sec. 22.5-30. Passengers' rights notice.

Every taxicab shall display on the back of the front seat the following notice:

As a passenger in a St. Charles Parish For-Hire Vehicle, you should note the CPNC (Certificate of Public Necessity and Convenience) number of this for-hire vehicle and be aware that you are entitled to the following:

1. A clean vehicle in good condition (interior, exterior and trunk compartments);
2. A safe, well-maintained taxi with operating heat and air conditioning turned on/off at your request;
3. A clean and noise-free environment;
4. Working seat belts for all passengers;
5. Be accompanied by a service animal;
6. A driver who speaks and understands English and is knowledgeable of the Parish streets;
7. A driver who maintains a neat and well groomed appearance and operates in a professional and courteous manner;
8. A safe driver who obeys all traffic laws;
9. A driver who limits the use of mobile phone devices while driving and complies with RS 32:300.5, which prohibits text messaging while operating a motor vehicle;
10. Be transported to a destination by means of the most direct efficient route; or, direct the driver to the destination by providing the route;
11. Pay for the transportation based exclusively on an operating taximeter;
12. Upon request, receive a completed receipt which includes the cab number, company name, driver's name, pick up location, destination and fare;
13. An explanation of any fare charged;
14. Decline to tip for poor service and choose to tip for good service;
15. Any compliment or concern should be referred to the CPNC authorizing department (985-783-5060).

The Planning and Zoning Department will provide each driver with a copy of such notice of passenger rights with the CPNC number listed.

Sec. 22.5-31. Taxicab driver's permit.

No person shall operate a taxicab for-hire upon the streets of the parish unless the driver has obtained a valid taxicab driver's permit issued under the provisions of this article.

Sec. 22.5-32. Application for driver's permit.

(a) Applications shall be filed with the sheriff's office on forms provided thereof and shall be completed in full. Each application shall be accompanied by a health certificate certified by a doctor approved by the parish and no more than fourteen (14) consecutive days since issuance stating the applicant is not inflicted with any disease that might make him an unsafe driver nor is he addicted to drugs or narcotics.

(b) Applicants must have in their possession a current chauffeur's license issued by the State of Louisiana.

(c) Applicants must possess and demonstrate knowledge as to the layout of streets in the area in which he is to be operating.

(d) Photographs and fingerprints. Each applicant for a driver's permit shall submit photographs according to the requirements for identification established by the parish and shall submit to being fingerprinted.

(e) Age and literacy. Applicants for a driver's permit must be eighteen (18) years of age and must be able to read and write English. In the case of a partnership or a corporation, such provisions shall be satisfied by the qualification of a principal partner or duly registered officer respectively.

(f) Citizenship and residency.

(1) Citizenship: An applicant for a driver's permit must be a citizen of the United States. Proof of citizenship shall be submitted by the applicant at the time the application is made.

(2) Residency: An applicant for a driver's permit must currently reside in this parish and/or a contiguous parish for a period of greater than six (6) months. Should the applicant reside in a contiguous parish a duly designated agent for the service for process must be provided to the parish.

(3) Organization: If the applicant is a corporation or partnership, the above requirements for a driver's permit shall be satisfied by the qualification of all duly registered officers of the corporation or principal partners of the partnership.

(g) Notification of change of address. It shall be the responsibility of each driver to notify the Sheriff of each change of address within seventy-two (72) hours after such change is made and to have such change indicated on his driver's permit.

(h) The sheriff's office shall approve or reject the application. If rejected, the applicant may request a personal appearance to offer evidence why his application shall be reconsidered. Upon approval of an application for the taxicab driver's permit, the parish shall issue a permit, which shall bear the name, address, race, sex, date of birth, color of hair, color of eyes, weight, and photo of applicant.

Sec. 22.5-33. Fee required for taxicab driver's permit.

Every applicant for a taxicab driver's permit, or renewal thereof, shall pay a fee of forty dollars (\$40.00). A duplicate permit shall be issued for a fee of twenty dollars (\$20.00).

Sec. 22.5-34. Renewal of driver's taxicab permit.

Every taxicab driver's permit in good standing shall be renewed every two (2) years and during a two-month period beginning with the first day of December of the year of expiration and extending through the last day of January of the year for which renewal is sought upon application and payment of the required fee to the parish.

Sec. 22.5-35. Expired driver's permit.

Failure to make timely application for renewal of a driver's permit shall result in the payment of a delinquent fee of twenty dollars (\$20.00). If the permit has been expired for a period of more than three (3) months, the permit shall be considered abandoned and the driver shall be considered a new applicant. If the failure to make timely application is attributable to the fact that the applicant has had no occasion to operate a taxicab or engage in other operations for which a taxicab driver's permit is required since the expiration date, then the additional fee shall be waived upon the filing of an affidavit by the applicant to evidence this fact.

Sec. 22.5-36. Display of permit.

Every driver approved under this article shall display his taxicab driver's permit as to be in full view of passengers while such vehicle is for hire.

Sec. 22.5-37. Manifests (trip sheets).

Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. All such manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be approved by the parish. Every holder of a CPNC shall retain and preserve all drivers' manifests for a period of six (6) months, and the manifests shall be available to the parish.

Sec. 22.5-38. Service contract reports.

It shall be mandatory for all holders of CPNC's to file with the parish copies of all contracts, agreements, arrangements or other forms of contracts with annual gross receipts relating to the furnishing of taxicab standards or cab service to any hotel, motel, hospital, business place or place of public gathering, whether such arrangement is made with any corporation, firm or association with which the holder may be interested or connected.

Sec. 22.5-39. Rates of fare and rate cards.

It shall be unlawful for any person to ask, demand or collect any rate of fare other than as specified herein for use of a taxicab; and it shall be unlawful for any passenger of any vehicle to refuse to pay the driver thereof the legal rate charged pursuant to the provisions of this section.

(a) Rates and Charges to Be Posted: The owner of each vehicle regulated by the provisions of this article shall post therein the rates and charges specified herein which are applicable to the vehicle, and it shall be unlawful for any person to operate same unless the rates and charges are posted as prescribed in this section. The rates and charges specified in this section shall be printed in legible type on a card or sticker not less than four (4) inches by seven (7) inches, shall be posted in a conspicuous place in

the side rear windows of the vehicle facing in, and shall be so arranged that passengers can readily determine the exact rate of fare and charges payable by them.

(b) **Meter Fare for Taxicabs**

(1) **Minimum fare:** The minimum meter fare shall be two dollars and fifty cents (\$2.50) which shall entitle the passenger to be transported any distance less than one-eighth mile; and the total meter fare shall include an additional twenty cents (\$0.20) for each additional, one-eighth or incomplete fraction thereof, that the passenger is transported, providing that whenever the speed of the taxicab is less than the rate of one-fifth mile per forty (40) seconds, mileage shall be computed at the rate of one-fifth mile per forty (40) seconds. There shall be an additional charge of one dollar (\$1.00) per passenger after one passenger on all regular taxi trips.

(2) **Personalized service:** Whenever a taxicab driver is called upon to render a time-consuming, personalized service, beyond his normal transportation of passengers, the minimum fare shall be, six dollars (\$6.00) or the meter fare, whichever is greater. Unless an agreement to this charge has been reached between the parties prior to the trip, there shall be no additional charge to the passenger.

(c) **Taxicab Hourly Rate:** Whenever a taxicab is chartered by the hour, such arrangement shall be made between the driver and passenger at the start of the charter trip, and the rate thereof shall be, thirty dollars (\$30.00) per hour minimum of two (2) hours.

(d) **Taxicab Rates for Additional Passengers:** An additional charge one dollar (\$1.00) per person for all passengers over one (1) shall be charged.

(e) **Airport rates:** The taxicab rate to or from New Orleans International Airport (Moisant Field) shall be eighteen dollars (\$18.00) or the meter fare, whichever is greater, unless an agreement to this charge has been reached between the parties prior to the trip.

(f) **Fare Receipt to Be Furnished on Request:** Upon request, the driver of any taxicab shall furnish the passenger with a receipt showing the date, origin and destination of trip, amount of fare, CPNC number, and the driver's name.

(g) **Taximeters** shall be subject to inspection by the sheriff's office without charge, upon complaint. Any person designated by the sheriff's office is authorized to inspect any meter and, upon discovery of any inaccuracy, shall notify the person operating the taxicab to cease operation until the taximeter is repaired and in required working condition

Sec. 22.5-40. Accessible Taxicab (AT) CPNC reciprocity.

Only for the transport of a disabled passenger shall an accessible taxicab licensed in contiguous jurisdictions be allowed to originate a fare in St. Charles Parish. Fares shall be subject to rates listed in this chapter.

Sec. 22.5-41. Authority to establish rules and regulations.

The planning and zoning department and the sheriff are hereby authorized to establish rules and regulations to govern all drivers or owners and to carry out the provisions of this article.

Sec. 22.5-42. Failure to comply with any parish, state and federal laws.

Every driver failing to comply with parish, state or federal laws, in such a manner which would reflect unfavorably on his fitness of driving a taxicab, or who fails to pay the annual driver's permit fee, shall have his permit suspended or revoked and be considered as in violation of this article.

(a) The parish is hereby given authority to suspend for a period not exceeding ninety (90) days or to revoke, pursuant to the applicable procedure, any driver's permit or CPNC for due cause whenever the party has to his discredit one of the following:

- (1) Conviction in any court of any offense involving moral turpitude;
- (2) Conviction in any court for violating any of the disqualifying provisions of this article;
- (3) Finding by the parish that the holder of the permit or CPNC has failed to comply with the provisions of this article;
- (4) A combination of convictions in any court and/or suspensions totaling five (5) within one (1) year;
- (5) Operation of a vehicle regulated by the provisions of this article when the operator's permit is under suspension; or
- (6) Investigation by the parish revealing that the permit holder falsified or concealed information which would have disqualified the applicant as a recipient of a permit under this article.

(b) A driver's permit shall also be suspended or revoked for due cause whenever the party has to his discredit one of the following:

- (1) Conviction in any court for drunken driving; or
- (2) Five (5) or more moving violation convictions or three (3) or more convictions of moving violations within a period of twelve (12) months.

Sec. 22.5-43. Suspension and revocation.

The Sheriff may suspend or revoke any driver's permit and the Planning Department may suspend or revoke any CPNC if the holder has failed to comply with any of the provisions of this article. Upon suspension or revocation of a driver's permit or CPNC a written notice shall be sent via certified mail.

Sec. 22.5-44. Enforcement and Penalty.

a) The Sheriff, as chief law enforcement officer, is responsible for watching and observing the conduct of holders of CPNCs and drivers permits operating under this article. The sheriff's office shall be responsible to apprehend all violators of any of the terms of this article, and shall submit a record of all arrests and charges concerning operators or owners of taxicabs to the parish Planning Director for their records.

b) The provisions of this article shall be enforced by the sheriff's office. The parish shall recommend the size of fines, and the 29th Judicial District Court shall handle such fines. All fines for taxicab violations shall be collected by the sheriff's office and turned over to the parish.

c) Any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab in the parish without first having obtained an appropriate CPNC shall be guilty of a violation hereof and upon conviction shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a term not exceeding thirty (30) days, or both; each day shall constitute a new violation.

d) Any person not having been duly designated as a driver, or any person whose driver's permit has been revoked or suspended and who, during the time of such revocation or suspension, drives or operates for hire, a taxicab in the parish, shall be guilty of a violation hereof and upon conviction shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a term not exceeding thirty (30) days, or both; each day shall constitute a new violation.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FLETCHER,
FISHER-PERRIER

NAYS: NONE

ABSENT: SCHEXNAYDRE, FAUCHEUX

And the ordinance was declared adopted this 17th day of June, 2013, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: W. Benedetto

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 6.19.13

APPROVED: [Signature] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 6.20.13

AT: 9:25 am RECD BY: Dec