

## CHAPTER 31

### VEHICLES FOR HIRE

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#### ARTICLE I. IN GENERAL

**SECTIONS 31-1 - 31-15. RESERVED.**

#### ARTICLE II. TAXICABS

##### DIVISION 1. GENERALLY

##### SECTION 31-16. DEFINITIONS.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

*Certificate:* The Certificate of public convenience and necessity granted by the City to persons in the business of operating taxicabs as provided in this article.

*Driver:* Any person in charge of or driving any taxicab.

*Owner:* Any person having control of the operation or maintenance of taxicabs, including any person having control of the collection of revenue derived from the operation of taxicabs, and including the purchaser of any taxicab under conditional sales contract, or other title-reserving agreement.

*Taxicab:* Any motor-driven vehicle used for the transportation, for hire or reward, of passengers upon any street, of the City, except buses being operated under franchise or by the City and over fixed routes between fixed termini.

(Code 1959, §23-1; (Ord. No. 2009-23, 07-28-09)

**Cross references--**Motor vehicles and traffic, Ch. 14; railroads, Ch. 22; streets and sidewalks, Ch. 26; disorderly conduct in public places, §16-6.1.

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**Charter reference--**Regulation of taxicabs, §16.

**State Law Reference--**Authority of city to regulate taxicabs, Code of Virginia, §56-291.3:1, *et seq.*

### **SECTION 31-17. APPLICATION OF ARTICLE; COMPLIANCE.**

The operation of taxicabs in the City shall be subject to the conditions, regulations and restrictions set forth in this article, and it shall be unlawful to operate, or cause to be operated, within the City any taxicab unless the conditions, regulations and restrictions herein set forth and prescribed have been complied with by such owner. (Code 1959, §23-18)

### **SECTION 31-18. LIABILITY INSURANCE OR BOND.**

- (a) Every owner of any taxicab operated in the City shall file with and have approved by the Chief of Police and shall keep enforce at all times one of the following:
- 1) An insurance policy or bond;
  - 2) A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this article, is issued by an insurer authorized to transact business in this Commonwealth, or in the case of bonds, is an amount approved by the Commission, and are bonds of the Commonwealth of Virginia, the United States of America, or of any municipality in the Commonwealth. Such state, federal or municipal bonds shall be deposited with the State Treasurer, and such surety shall not be reduced during the life of such certificate or permit, except in accordance with an order of the Commission; or
  - 3) An unconditional letter of credit issued by a bank doing business in Virginia for an amount approved by the Commission and the term of which runs concurrently with the certificate or permit.
- (b) If any such policy of insurance is canceled, the owner shall not operate, or cause to be operated, any vehicle covered by such policy until other insurance is obtained or a certificate of insurance, bond or letter of credit is given, pursuant to Virginia Code §56-291.3:7.
- (c) Each such policy of insurance so filed shall contain a clause to the effect that the insurance carrier may cancel the policy upon not less than thirty (30) days written notice to the Chief of Police, as well as such other notice as may be required by law to be given the owner. (Ordinance No. 027-94, 11-15-94)

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**State Law Reference**--Regulation of taxicabs, Code of Virginia §56-291.3:7.

### **SECTION 31-19. GENERAL VEHICLE REQUIREMENTS.**

Every taxicab shall be of the enclosed or sedan type with four (4) doors, at least two (2) seats and of not less than five (5) passenger capacity. (Code 1959, §23-11)

### **SECTION 31-20. IDENTIFICATION OF VEHICLES.**

Every taxicab shall bear on the outside, on at least two (2) sides, the name of the owner, in letters not less than two (2) inches high and plainly visible at a distance of one hundred (100) feet, and on two (2) sides and the back, the owner's number in letters three (3) inches high and plainly visible at a distance of one hundred (100) feet. However, owners shall be permitted, if they so desire, to maintain one unmarked taxicab for each four (4) marked taxicabs, such unmarked taxicab to be used for private charter trips. (Code 1959, §23-14)

### **SECTION 31-21. CONDITION OF VEHICLE.**

(a) Every taxicab shall be at all times in good order and repair and clean, when in operation.

(b) Owners of taxicabs are prohibited from transporting or permitting to be transported objects or materials within their vehicles which might leave dirt, stains or dust or otherwise soil or leave unclean the cabs or cab drivers in such a way that the presence of these conditions might be damaging or objectionable to other persons using the cabs or lead to an unclean condition therein. (Code 1959, §§23-12, 23-16)

### **SECTION 31-22. INSPECTION OF VEHICLE; CORRECTION OF DEFECTS.**

The Chief of Police or a member of the police department designated by him may, at any time, cause to be inspected each taxicab within the City. Such inspection shall be made at any state-authorized inspection station. If any such taxicab is found to be unsafe, unfit or in an unclean condition, the owner thereof shall be notified at once that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied.

The costs of any such inspection shall be paid by the owner.

(Code 1959, §23-13; Ord. No. 006-97, 2-11-97)

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### **SECTION 31-23. POLICE RADIO RECEIVERS PROHIBITED.**

It shall be unlawful to operate any taxicab along the streets of the City in which a radio is installed which is capable of receiving police calls. (Code 1959, §23-15)

### **SECTION 31-24. RESERVED.**

### **SECTION 31-25. STANDS.**

(a) Upon written application to the Chief of Police, he may designate and assign stands for taxicabs at such places within the City as will best serve the convenience and necessity of the general public, such stands to be plainly marked. Such application shall state the location of the desired stand and the number of spaces which the applicant desires to occupy and shall contain the written consent of the owner of the property abutting the stand, unless such property is owned or controlled by the City.

(b) One stand not exceeding twenty-two (22) feet in length, abutting the curb, will be furnished each owner, for his exclusive use, without charge, which stand is to be located on a street where it will not interfere with normal use of such street by the general public, and such stand shall be approved by the Chief of Police. The right is reserved by the City and the Chief of Police to cancel any stand or space allotted to any owner at any time, when or if it becomes necessary for the City to utilize such stand for facilitating the movement of traffic over the street upon which such stand is located. (Code 1959, §23-4)

**Cross references**--General provisions relative to designation and use of taxicab stands, §§14-52, 14-53; taxicab stands in parking meter zones, §14-74.

### **SECTION 31-26. DRIVERS TO ATTEND VEHICLES.**

Every taxicab, while in operation for the solicitation or transportation of passengers, shall be attended by the driver at all times, except when such driver is actually engaged in loading and unloading. (Code 1959, §23-9)

### **SECTION 31-27. CARRYING MORE THAN ONE PASSENGER.**

Not more than one passenger shall be transported at one time in a taxicab without the consent of the person first engaging the vehicle. (Code 1959, §23-8)

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### **SECTION 31-28. TRANSPORTING NONPAYING PASSENGERS.**

A non-paying passenger shall not be transported in a taxicab with a paying passenger, except bona fide officers or employees of the owner or a police officer engaged in the performance of his duty and unable to obtain other adequate means of transportation. (Code 1959, §23-7)

### **SECTION 31-29. COMPLETION OF ACCEPTED CALLS.**

A taxicab driver shall not fail or refuse to complete an accepted call as promptly as possible. (Code 1959, §23-10)

### **SECTION 31-30. RECORD OF CALLS.**

Every taxicab owner shall keep a clear, neat record of the origin and destination of all calls and it shall be the duty of all drivers and employees of the owner to report such calls. Such records shall be open at all times to inspection by any member of the police department and shall be preserved for a period of not less than six (6) months. No person shall knowingly make a record of a fictitious call or use any fictitious name in reporting a bona fide call, nor shall a fictitious or false address of the point of origin or destination be knowingly reported. (Code 1959, §23-6)

### **SECTION 31-31. ACCIDENT REPORTS.**

Every accident, however slight, in which any taxicab is involved, shall be immediately reported to the police department. Such report shall not be used against the owner or driver making it in any criminal proceeding. Such report shall be available to any person, or his attorney, injured in such accident or by reason thereof. (Code 1959, §23-5)

**Cross reference--**Traffic accident reports generally, §14-125 *et seq.*

### **SECTION 31-32. SCHEDULE OF RATES.**

(a) *Filing.* The rates established for services rendered by taxicabs within the City shall be filed with the Clerk of Council and the Chief of Police at least five (5) days prior to the effective date of any increase or change.

(b) *Printing and posting.* The schedule of rates shall be printed and posted in a conspicuous place, as designated by the police department of the City, in each taxicab. (Ord. No. 018-79, 6-12-79)

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### SECTIONS 31-33 - 31-38. RESERVED.

### DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

#### SECTION 31-39. REQUIRED.

No Certificate shall be issued pursuant to §31-41 until an applicant can provide satisfactory proof that all delinquent business license taxes have been paid, and a valid business license for the operation of a taxicab service has been issued by the Commissioner of the Revenue; nor shall any taxicab be operated for profit on the streets of the City unless and until the Chief of Police has issued a Certificate pursuant to §31-41 to the owner of the taxi or taxi service. (Code 1959, §23-19) (Ord. No. 027-94, 11-15-94; Ord. No. 2009-23, 7-28-09)

#### SECTION 31-40. FILING AND CONTENTS OF APPLICATION.

An application for a Certificate, as required in this division, shall be made, under oath, by the owner or proposed owner to the Chief of Police upon forms provided therefor by the City. The application shall contain the following information:

- (1) The full name and business address of the applicant and home address if the applicant is an individual.
- (2) The trade name under which the applicant does or proposes to do business.
- (3) The number and kind of vehicles, showing seating capacity, design and color scheme of each.
- (4) The address and size of each depot or terminal to be used.
- (5) For the owner, and for each holder of a majority of the stock of the owner and for any partner if the owner is a partnership, each conviction of the violation of any criminal law, or guilty or nolo contendere plea thereto, whether such violation be of a city ordinance, state law or federal law.
- (6) The specific experience of the applicant in the transportation of passengers for hire.
- (7) A copy of the valid City of Winchester Business License issued for the operation of a taxicab service.
- (8) All facts or circumstances upon which the applicant bases his belief that public convenience and necessity require the granting of his application. (Code 1959, §§23-20.23-21) (Ord. No. 027-94, 11-15-94; Ord. No. 2009-23, 07-28-09)

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### **SECTION 31-41. ACTION OF CHIEF OF POLICE ON APPLICATION - CERTIFICATE CRITERIA.**

Upon the filing of an application with the Chief of Police, he shall promptly make an investigation as to the suitable character and qualification of the applicant to conduct such business and, in the case of corporations, partnerships or other such entities to investigate the fitness of the officers, directors, partners, majority stockholders, other owners and responsible persons. Within thirty (30) days of receiving such application, the Chief of Police shall make a determination of whether the applicant can provide safe transportation to the public, and therefore, whether a Certificate shall be issued, based on compliance with §31-18, the criteria set forth in §31-42 and the criteria in this section. The applicant shall be notified of the decision in writing, when it is made.

Each certificate shall contain:

- (1) The name and address of the applicant;
- (2) The number, make, color, vehicle identification number of each taxi authorized to be operated by the certificate; and
- (3) The date of issuance.

A Certificate issued under this division shall not be transferable.  
(Ord. No. 027-94, 11-15-94)

### **SECTION 31-42. SUBSTITUTION OF EQUIPMENT AFTER ISSUANCE.**

No equipment shall be substituted for that described in a Certificate issued under this division unless and until it has been inspected and approved by the Chief of Police or a member of the police department designated by him, and the substitution or addition has been endorsed on the Certificate by the Chief of Police and attested by the Clerk of Council.

(Code 1959, §23-32)(Ord. No. 027-94, 11-15-94)

### **SECTION 31-43. TERM.**

Every Certificate issued under this division shall be good and valid, unless revoked or suspended as provided in this division, from the date of issuance until the following thirty-first day of December of each year.

(Code 1959, §23-27; Ord. No. 027-94, 11-15-94)

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**SECTION 31-44. REVOCATION OR SUSPENSION.**

The Chief of Police may, for cause, cancel, revoke, or suspend any Certificate issued pursuant to this division, after giving five (5) days written notice to the Certificate holder. (Ord. No. 027-94, 11-15-94)

**SECTION 31-45. FEES.**

- (a) The schedule of fees with reference to Certificate of Public Convenience and Necessity shall be as follows:

For each new application .....\$100.00  
For each application for renewal of permit.....\$100.00

- (b) All fees provided for in this section shall be collected by the Chief of Police, or some member of the police department designated by him, and shall promptly be paid over to the City Treasurer to be placed in the general fund. (Ord. No. 016-2002, 6-11-02; Ord. No. 2015-28, 12-22-15)

**SECTIONS 31-46 - 31-58. RESERVED.**

**DIVISION 3. DRIVER'S PERMIT**

**SECTION 31-59. REQUIRED.**

- (a) It shall be unlawful for any person to drive a taxicab within the City unless he shall have obtained a special permit to be known as a "taxicab driver's permit," which shall be in addition to any other license required of such person. Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor, as defined by Section 1-11(a)(1) of this Code.
- (b) It shall be unlawful for any owner of a taxicab to permit the same to be operated by any person who does not have a valid and effective taxicab driver's permit. Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor, as defined by Section 1-11(a)(1) of this Code.
- (c) It shall be unlawful for any person to transport a passenger who shall be less than eighteen (18) years old while in possession of only a temporary driver's permit as described in Section 31-69 of this Code. Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor, as defined by Section 1-11(a)(1) of this Code, and shall, in addition, permanently forfeit any such

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temporary permit and the privilege to apply for any other permit under this Division of this Code.

(Ord. No. 016-2002, 6-11-02)

### **SECTION 31-60. APPLICATION--CONTENTS.**

Application for a permit required by this division shall be made in writing under oath to the Chief of Police and shall show the following:

1. Full name of applicant.
2. Present address.
3. Age.
4. Place of birth.
5. Place of previous address and employment for the past five (5) years, and a copy of the applicant's record from the Virginia Department of Motor Vehicles, or similar agency or agencies in another state for at least the last ten (10) years.
6. Height.
7. Weight.
8. Color of eyes.
9. Color of hair.
10. Sex.
11. Whether or not applicant is in good physical condition.
12. Whether or not applicant has good hearing and good eyesight.
13. Whether or not applicant uses, or has used within the past five (5) years, intoxicating liquors, drugs or any other form of narcotic and, if so, to what extent.
14. Whether or not applicant has ever been convicted of, plead guilty to or entered the plea of nolo contendere to the violation of any city, state, federal or other criminal law, and if so, the number of times and the kind of offenses and such other information as may be required by the Chief of Police. In addition, the applicant will provide signed consent for the City

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to access his/her criminal record and his/her record, if any, as shown on the Central Registry for Child Abuse, as more fully described in Section 63.1-248.8 of the Code of Virginia, 1950, as amended. The applicant shall declare, under oath, that he/she is not listed by either database, except as disclosed above.

15. What experience, if any, applicant has had in the operation of motor vehicles.
16. Whether or not applicant has previously been employed or licensed as a driver or chauffeur and, if so, whether or not his license has ever been revoked or suspended for any reason. (Ord. No. 016-2002, 6-11-02)

### **SECTION 31-61. SAME--TO BE MADE IN PERSON; FINGERPRINTS.**

Each applicant for a taxicab driver's permit shall apply for his permit in person and have his fingerprints taken, which fingerprints shall constitute a part of his application. (Code 1959, §23-35)

### **SECTION 31-62. SAME--PHOTOGRAPHS.**

Each applicant for a taxicab driver's permit shall file with his application two (2) recent photographs of himself of a size designated by the Chief of Police, one of which shall be attached to and become a part of the application. (Code 1959, §23-36)

### **SECTION 31-63. SAME--INVESTIGATION.**

The Chief of Police shall promptly make an investigation of the facts stated in an application filed under this division and shall make a written memorandum of his findings, which shall be kept on file in his office for the benefit of any interested party. (Code 1959, §23-38)

### **SECTION 31-64. PHYSICAL EXAMINATION OF APPLICANT.**

The Chief of Police shall require of the applicant for a taxicab driver's permit such medical examination as he may deem proper. (Code 1959, §23-37)

### **SECTION 31-65. FEES.**

- (a) The schedule of fees with reference to taxicab drivers' permits shall be \$25.00 processing fee for each new application plus current charges for Central Registry

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and Release of Information from the Virginia Department of Social Services, and Virginia State Police Criminal History.

For each application for renewal of permit the schedule of fees shall be \$25.00 processing fee for each application for renewal plus current charges for Central Registry and Release of Information from the Virginia Department of Social Services, and Virginia State Police Criminal History.

- (b) All fees provided for in this section shall be collected by the Chief of Police, or some member of the police department designated by him, and shall promptly be paid over to the City Treasurer to be placed in the general fund. (Ord. No. 016-2002, 6-11-02; Ord. No. 2015-28, 12-22-15)

### **SECTION 31-66. ISSUANCE OR REFUSAL GENERALLY.**

If the Chief of Police, upon the investigation made as provided in Section 31-63, finds that the applicant is duly qualified and of good moral character, he shall issue him a taxicab driver's permit. If the Chief of Police is not satisfied as to the qualifications and fitness of the applicant to operate taxicabs upon the streets of the City, he shall refuse to issue such permit. (Code 1959, §23-39)

### **SECTION 31-67. APPEAL FROM REFUSAL.**

The applicant shall have the right, within five (5) days from the day a taxicab driver's permit is denied, as provided in Section 31-66, to appeal to the Community Safety Committee of the Common Council from the decision of the Chief of Police denying the permit. The decision of the Community Safety Committee of the Common Council, after hearing relevant evidence, shall be final. (Code 1959, §23-40)(Ord. No. 2008-14, 3-11-08)

### **SECTION 31-68. FORM AND CONTENTS.**

Each taxicab driver's permit issued under this division shall contain a statement of the name, home address, business address and the employer of the holder thereof. One of the photographs filed by an applicant for a taxicab driver's permit, as provided in Section 31-62, shall be attached to his permit in such manner that no other photograph may be substituted therefor without probability of detection. Taxicab drivers' permits shall be serially numbered. (Code 1959, §23-41)

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### **SECTION 31-69. TERM.**

All taxicab drivers' permits issued under this division shall be issued for three (3) years regardless of the date of issue, PROVIDED, HOWEVER, if the Chief of Police is unable to access the records described in Section 31-60(14), above, he may, in his discretion and upon the same findings described in Section 31-66, above, issue a temporary driver's permit which shall be valid for no more than sixty (60) days from the date of issue. If, prior to the expiration of such temporary permit, the Chief of Police discovers that any false statements have been made on the application form described in Section 31-60, above, then he shall promptly revoke such permit and notify the taxicab owner in writing of such revocation, and the person making such statements shall be barred from making further application under this Division for a period of not less than five (5) years. (Ord. No. 016-2002, 6-11-02)

### **SECTION 31-70. DISPLAY.**

Each taxicab driver's permit issued under this division shall be posted in a conspicuous place in the taxicab while such taxicab is being operated by or in the charge of the holder of such permit. (Code 1959, §23-42)

### **SECTION 31-71. TRANSFERABILITY.**

No taxicab driver's permit issued under this division shall be transferable. (Code 1959, §23-46)

### **SECTION 31-72. REVOCATION OR SUSPENSION.**

The Community Safety Committee of the Common Council, upon application of the Chief of Police or any other interested party and upon ten (10) days' notice by personal service, shall have the power to revoke or suspend the taxicab driver's permit of any driver holding a taxicab driver's permit hereunder for any of the following causes:

1. Repeated and persistent violation of traffic and safety laws and ordinances.
2. Failure to report any accident in which such driver is involved, however slight.
3. Operation of any taxicab known to the driver not to be in good order and repair.

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4. Conviction of reckless driving more than twice in any calendar year.
5. Violation of any substantial provisions of this article.
6. Violation of the laws of any state or the ordinances of any municipality.  
(Code 1959, §23-48; Ord. No. 2008-15, 3-11-08)

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