



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 393

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AMENDING THE CITY CODE BY AMENDING CHAPTER 112, "TRANSPORTATION BUSINESS REGULATIONS" TO PROVIDE FOR A BORDER AREA AND A SYSTEM OF ISSUANCE AND REGULATION FOR BORDER AREA VEHICLE PERMITS TO PARK AT TAXI STANDS OR STAND AT TAXI WAITING STANDS WITHIN SAID BORDER AREA; AMENDING THE DEFINITION FOR TAXICAB; RENUMBERING CERTAIN SECTIONS WITHIN CHAPTER 112; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of San Luis, Arizona as follows:

Section 1. Section 112.01 PURPOSE is hereby amended to read as follows:

§112.01 PURPOSE

(A) The purpose of this Chapter is to promote the safety and public welfare of the public, employees, and public transportation companies by the issuance of business licenses as well as special permits to be able to access certain Taxi Stands located in the public rights of way within the City of San Luis.

(B) The City Council finds that in 2018 as part of the urban study report entitled "Improving Community Connections," by the United States Environmental Protection Agency and the United States General Services Administration, it was recommended that the existing Taxi Stands near Port of Entry 1 be relocated due to pedestrian and vehicle conflicts and pedestrians blocking traffic when pedestrians cross to access the existing Taxi Stand.

(C) The City Council further finds that if the existing stand is relocated to the south side of Urtuzuastegui Street next to the retention basin of the San Luis Industrial Park as recommended, there will not be room for as many taxis near Port of Entry 1 as previously provided.

(D) The City Council further finds that both the Police Department and the Fire Department of the City are reporting problems of access and response time due to congestion and a narrow roadway at the intersection of Main Street and Urtuzuastegui Street combined with a large number of requests for emergency response to that area.

(E) Therefore, the City Council finds that in order to:

1. provide for the proper movement of traffic,
2. alleviate congestion,
3. promote the flow of traffic,
4. provide for the safety of pedestrians,
5. allow for proper emergency vehicle response and
6. protect the health and safety of the public;

regulation of the location and use of Taxi Stands near the Port of Entry 1 has become necessary.

Section 2. Chapter 112 Transportation Business Regulations of the City Code is hereby amended by amending §112.02 DEFINITIONS by adding the following definitions for Border Area Taxi Stand and Border Area Taxi Waiting Stand:

BORDER AREA TAXI STAND. Any Taxi Stand established on any right of way within the City limits of the City of San Luis located within the following area:

1. on the west, the western edge of San Luis Plaza Drive;
2. on the south, the border between the United States and Mexico;
3. on the east, the eastern edge of Sixth Avenue and
4. on the north, the east-west alignment along the northern edge of D Street to the alignment of the western edge of San Luis Plaza Drive.

All Taxicabs utilizing a Taxi Stand shall park with the right-side wheels of the vehicle no more than eight inches from the curb.

BORDER AREA TAXI WAITING STAND. Any taxi waiting stand established on any right of way or other public property located within the following area:

1. on the west, the western edge of San Luis Plaza Drive;
2. on the south, the border between the United States and Mexico;
3. on the east, the eastern edge of Sixth Avenue and

4. on the north, the east-west alignment along the northern edge of D Street to the alignment of the western edge of San Luis Plaza Drive.

All Taxicabs utilizing a taxi waiting stand shall park with the right-side wheels of the vehicle no more than eight inches from the curb.

Section 3. The definition of **TAXICAB** as contained at §112.02 is hereby amended to read as follows:

TAXICAB a taxi or livery as defined by §72.07.

All other definitions in §112.02 remain the same.

Section 4. Existing §112.09 SEVERABILITY is hereby renumbered to §112.97, and existing §112.10 CONFLICTS is hereby renumbered to §112.98.

Section 5. Chapter 112 Transportation Business Regulations of the City Code is hereby amended by adding Section 112.09 BORDER AREA TAXI VEHICLE PERMIT AND REGULATIONS of the City Code as follows:

§112.09 **BORDER AREA TAXI VEHICLE PERMIT AND REGULATIONS**

Each Taxicab stopping, standing, or parking at either a Border Area Taxi Stand or a Border Area Taxi Waiting Stand shall be required to have a border area taxi vehicle permit. The permit covers the designated vehicle and cannot be transferred to another vehicle. To obtain a border area taxi vehicle permit, an applicant must meet the following criteria:

- A. The Taxicab Business applying for a border area taxi vehicle permit must:
 - 1. have at least five (5) Taxicabs with current transportation business vehicle permits by the City of San Luis as required by this Chapter and
 - 2. have all of its vehicles titled and registered in the State of Arizona to the single Person (which includes a person or entity under the definition of Person in this Chapter) constituting the Taxicab Business applying for a border area taxi vehicle permit.

- B. The Taxicab Business applying for a border area taxi vehicle permit must provide dispatch services to its Taxicabs from a central location. Dispatch services may not be provided from a residential location. Dispatch services shall be provided and available Monday through Friday from at least 7 a.m. to 6 p.m. (seven in the morning to six at night). The dispatch center shall

maintain a telephone number that may be contacted by the public and public safety services of the City of San Luis.

- C. Each vehicle that is permitted as a border area taxi must prominently display the telephone number of either its dispatch center or a Business office of the Taxicab Business on its exterior 4 sides and in the inside where its passengers can see it. The telephone number so displayed must be a number that members of the public may contact during Business hours, Monday through Friday from at least 7 a.m. to 6 p.m. (seven in the morning to six at night).
- D. Any Taxicab Business applying for a border area taxi vehicle permit must maintain a Business office inside the city limits of the City of San Luis. The said Business office shall not be located in a residential zone.
- E. No more than thirty-five (35) border area taxi vehicle permits shall be issued.
- F. No more than ten (10) border area taxi vehicle permits shall be issued to any single Taxicab Business.
- G. Licenses shall be valid for one year from the date of issuance.
- H. In the event there are more qualified applications for border area taxi vehicle permits than the total allowed pursuant to subsection C above, permits shall be issued based upon the order in which the application or applications for such permits were received.
- I. An annual fee for each border area taxi vehicle permit shall be fifty dollars (\$50.00). Said fifty-dollar fee is in addition to all other fees and charges required by the Transportation Business Regulations of the City of San Luis.
- J. Any vehicle for which the City of San Luis has issued a border area taxi vehicle permit must display the border area taxi vehicle permit number assigned by the City of San Luis on both exterior sides and the exterior rear of the permitted vehicle. This display shall be provided by the City of San Luis.
- K. In the event a Taxicab Business or a Taxicab with a border area taxi vehicle permit is determined to be in violation of any of the provisions this Chapter, the Chief of Police (or other acting chief official of the Police Department)

may suspend or revoke the border area taxi permit issued to the vehicle or the border area taxi vehicle permits issued to the Taxicab Business. Any person aggrieved by the suspension or revocation shall be appraised of his/her right to appeal and may appeal to the City Manager. An appeal must be perfected within five (5) days after receipt of notice of any protested decision or action by filing with the Office of the City Clerk a letter briefly stating therein the basis for such appeal. A hearing shall be held on a date not more than fifteen (15) days after receipt of the letter of appeal. The appellant shall be given at least three (3) days of notice of the time and place of the hearing. The City Manager may designate a hearing officer to hear the appeal. The City Manager or hearing officer shall give the appellant, and any other interested party, a reasonable opportunity to be heard and show cause why the determination of the Chief of Police (or other acting chief official of the Police Department) should not be upheld. At the conclusion of the hearing, the City Manager or hearing officer shall make a final and conclusive decision.

Section 6. Chapter 112 Transportation Business Regulations of the City Code is hereby amended by amending §112.03 General to add subsection E as follows:

(E) No vehicle shall stop, stand, or park in or on a designated Border Area Taxi Stand or a Border Area Taxi Waiting Stand other than a vehicle with a valid border area taxi vehicle permit.

Section 7. In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 9. This ordinance shall become effective on January 22, 2020.

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PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____day of December 2019.

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney