

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2011-32

3 INTRODUCED BY:

4
5 Mayor Coss
6 Councilor Calvert
7

8
9
10 AN ORDINANCE

11 REPEALING THE CITY TAXICAB ACT, ARTICLE 18-6 SFCC 1987; CREATING A NEW
12 ARTICLE 18-6 REGARDING THE LICENSING OF TAXICAB SERVICES; AND
13 AMENDING SECTION 18-8.10 SFCC 1987 TO ESTABLISH A BUSINESS LICENSE FEE
14 FOR TAXICAB SERVICES.

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16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. [REPEAL.] Article 18-6 and Section 18-6.1 SFCC 1987 (being SFCC
18 1981, §9-12-1) are repealed.

19 Section 2. [REPEAL.] Sections 18-6.2 through 18-6.3 SFCC 1987 (being Ordained
20 as Code 1973, §§33-1, 33-2 by Ord. #1979-26,) are repealed.

21 Section 3. [REPEAL.] Sections 18-6.4 through 18-6.7 SFCC 1987 (being Ord.
22 #1955-19, §§ 5, 10, 22 and 25, as amended) are repealed.

23 Section 4. [REPEAL.] Section 18-6.8 SFCC 1987 (being SFCC 1981, §9-12-8) is
24 repealed.

25 Section 5. [REPEAL.] Section 18-6.9 SFCC 1987 (being Ordained as Code 1973,

1 §33-8 by Ord. #1979-26, as amended) is repealed.

2 Section 6. Sections 18-6.10 through 18-6.16 SFCC 1987 (being Ord. #1955-19, §§ 6,
3 7, 23, 24, 2, as amended) are repealed.

4 Section 7. Section 18-6.17 SFCC 1987 (being Ordained as Code 1973, §33-16 by
5 Ord. #1979-26) is repealed.

6 Section 8. Sections 18-6.18 through 18-6.46 SFCC 1987 (being Ord. #1955-19, §§ 2,
7 3, 4, 8, 9, 11, 13, 14, 15, 18, 19, 24; as amended) are repealed.

8 Section 9. Section 18-6.47 SFCC 1987 (Ordained as Code 1973, §33-46 by Ord.
9 #1979-26) is repealed.

10 Section 10. Sections 18-6.48 through 18-6.51 SFCC 1987 (being Ord. #1955-19, §§
11 17, 26, as amended) are repealed.

12 Section 11. Sections 18-6.52 through 18-6.56 SFCC 1987 (Ordained as Code 1973,
13 §§33-51, 33-52, 33-53, 33-54, 33-55 by Ord. #1979-26, as amended) are repealed.

14 Section 12. A new Article 18-6 SFCC 1987 is ordained to read:

15 **18-6 TAXICAB SERVICES**

16 Section 13. A new Section 18-6.1 SFCC 1987 is ordained to read:

17 **18-6.1 [NEW MATERIAL] Short Title.** Article 18-6 SFCC 1987 shall be cited as the
18 “Taxicab Service Ordinance”.

19 Section 14. A new Section 18-6.2 SFCC 1987 is ordained to read:

20 **18-6.2 [NEW MATERIAL] Legislative Findings.**

21 A. A “taxicab service” is regulated by the New Mexico public regulation commission in
22 accordance with and as defined by the New Mexico Motor Carrier Act, 65-2A-1 to 65-2A-40 NMSA
23 1978 (“Motor Carrier Act”) and 18.3.6.9 (H) NMAC.

24 B. As set forth in 18.3.7.8 NMAC, a taxicab service is required to prepare and file with
25 the public regulation commission an annual report of its operations.

1 C. The annual report includes a list of the taxicab service drivers along with a written
2 statement certifying that the taxicab service has received a current printout from the New Mexico
3 motor vehicle division of the driving record of each of its taxicab drivers.

4 D. The Motor Carrier Act does not limit or restrict the police jurisdiction or power of a
5 municipality over its streets, highways and public places except as otherwise provided by law.

6 **Section 15. A new Section 18-6.3 SFCC 1987 is ordained to read:**

7 **18-6.3 [NEW MATERIAL] Purpose.** The purpose of this Article is to establish city
8 business licensing requirements for taxicab services in the city of Santa Fe.

9 **Section 16. A new Section 18-6.4 SFCC 1987 is ordained to read:**

10 **18-6.4 [NEW MATERIAL] Definitions.** As used in Article 18-6 SFCC 1987:

11 *Certificate* means the operating authority issued by the commission to intrastate common
12 motor carriers of persons or household goods.

13 *Commission* means the New Mexico public regulation commission.

14 *Common motor carrier* means a person offering compensated transportation by motor vehicle
15 to the general public, whether over regular or irregular routes, or under scheduled or unscheduled
16 service, but does not include commuter services.

17 *Financial responsibility* means the ability to respond in damages for liability arising out of
18 the ownership, maintenance or use of a motor vehicle in the provision of transportation services.

19 *Taxicab service* means a common motor carrier engaged in unscheduled passenger
20 transportation in a motor vehicle having a capacity of not more than eight passengers, including the
21 driver, not operated on a regular route or between specified places. Pursuant to 18.3.6.9(H) NMAC, a
22 taxicab service:

- 23 (1) may not provide bingo bus service, charter service, commuter service,
24 limousine service, non-emergency medical transport service, shared ride service, shuttle
25 service, tour and sightseeing service, or terminal shuttle service;

1 (2) shall charge rates based on one charge for the first person and an additional
2 small fixed charge for each additional person;

3 (3) shall grant exclusive direction to the first person engaging the taxicab service;

4 (4) may provide one-way transportation of passengers;

5 (5) may solicit business on the streets or may prearrange to provide service;

6 (6) may not use chauffeur-driven luxury motor vehicles to provide taxicab service.

7 **Section 12. A new Section 18-6.5 SFCC 1987 is ordained to read:**

8 **18-6.5 [NEW MATERIAL] License Required.**

9 A. It is unlawful for a taxicab service located within the municipal boundaries of the city of
10 Santa Fe to engage in business without first obtaining a valid business license as required by Article 18-1
11 SFCC 1987.

12 B. Licenses are not assignable or transferable.

13 **Section 13. A new Section 18-6.6 SFCC 1987 is ordained to read:**

14 **18-6.6 [NEW MATERIAL] License Application.**

15 A. The application for a license shall be available at the city's accounts receivable office
16 and shall include the following information:

17 (1) The name of the applicant;

18 (2) The name and address of the taxicab service;

19 (3) New Mexico taxpayer identification number or evidence of application for a
20 current New Mexico taxpayer identification number;

21 (4) A copy of the current certificate issued by the commission evidencing that
22 the taxicab service is in good standing with the commission;

23 (5) A copy of the applicant's most recent annual report of its operations;

24 (6) Proof of financial responsibility; and

25 (7) Such other information as the city may require.

1 B. The application shall include the certification, under penalty of perjury, of the
2 applicant certifying that the information contained in the application is true and correct to the best of
3 the applicant's knowledge; and that the applicant has and will continue to comply with all applicable
4 city, state and federal laws. The applicant's signature shall be notarized.

5 C. The applicant shall maintain, at all times, accurate current application information
6 with the city. If there is any change, or modification to the information provided on the initial
7 application, the applicant shall give written notification of such change to the office within two (2)
8 weeks of the change.

9 **Section 14. Section 18-8.10 (being Ord. #1981-64, §3, as amended) is amended to**
10 **read.**

11 **18-8.10 Business License - Fees.**

12 A. Pursuant to Section 3-38-1 through 3-38-6 NMSA 1978, it is hereby declared by the
13 governing body of the city of Santa Fe, that in order to protect the public health, general welfare and
14 morals of the citizens of the city of Santa Fe, and for purposes of business regulation in the public
15 interest, a business licensee fee shall be assessed as follows:

- 16 (1) Adult bookstores, as defined in Section 14-12 SFCC 1987*, fifty dollars
17 (\$50.00) per year, for each place of business;
- 18 (2) Adult motion picture theaters, as defined in Section 14-12 SFCC 1987*, fifty
19 dollars (\$50.00) per calendar year, for each place of business;
- 20 (3) Alarm installation companies and alarm monitoring companies, seventy-five
21 dollars (\$75.00) per calendar year, for each place of business.
- 22 (4) Antique dealers, ten dollars (\$10.00) per year, for each place of business;
- 23 (5) Artist/artisan, ten dollars (\$10.00) per calendar year;
- 24 (6) Auctions, one hundred dollars (\$100.) per day;
- 25 (7) Carnivals, under the conditions prescribed in Section 18-7 SFCC 1987, one

1 hundred fifty dollars (\$150.) per day;

2 (8) Circuses, under the conditions prescribed in Section 18-7 SFCC 1987, one
3 hundred fifty dollars (\$150.) per day;

4 (9) Core recyclers, as defined in Section 18-4.1 SFCC 1987, fifty dollars
5 (\$50.00) per calendar year for each place of business.

6 (10) Itinerant food vendors, as defined in subsection 18-1.2G, ten dollars (\$10.00)
7 for each vendor per calendar year, per location. Prior to applying for an itinerant food vendors
8 license, the applicant shall meet any applicable federal, state, and city requirements, and
9 furnish the city with a copy of a valid food purveyors certificate issued by the state
10 environmental division, and a certificate of occupancy issued by the city code enforcement
11 department;

12 (11) Itinerant vendors, ten dollars (\$10.00) per calendar year, per location;

13 (12) Jewelry auctions as defined by subsections 18-5.4 through 18-5.23 SFCC
14 1987, one hundred dollars (\$100.) per day. These auctions shall be licensed per the provisions
15 of subsections 18-5.4 through 18-5.23 SFCC 1987 and the provisions of this section shall not
16 apply if they conflict with Section 18-5 SFCC 1987;

17 (13) Junk dealers as defined in Section 18-4.1 SFCC 1987, fifty dollars (\$50.00)
18 per year, for each place of business;

19 (14) Massage parlors, fifty dollars (\$50.00) per year, for each place of business;

20 (15) Mobile home parks, as defined by Section 14-12 SFCC 1987*, two dollars
21 (\$2.00) per space, with a minimum charge of fifty dollars (\$50.00) per park;

22 (16) Pawnbrokers, as defined in subsection 18-4.1 SFCC 1987, under the conditions
23 prescribed by Section 18-4 SFCC 1987, two hundred fifty dollars (\$250.) per year, for each
24 place of business;

25 (17) Precious metals dealers, as defined in Section 18-4.1 SFCC 1987, fifty

1 dollars (\$50.00) per year, for each place of business;

2 (18) Private day-care nurseries, facilities and kindergartens, under the conditions
3 prescribed in Section 14-6.2(B)(4) SFCC 1987*, ten dollars (\$10.00) per year, for each place
4 of business;

5 (19) Private detectives or private detective agencies, as defined in subsection 20-
6 24.1 SFCC 1987, and under the conditions prescribed by Section 20-24 SFCC 1987, fifty
7 dollars (\$50.00) per year, for each place of business;

8 (20) Sales of goods brought into the city temporarily by itinerant vendors, as
9 described in Section 18-3 SFCC 1987, under the conditions prescribed in subsections 18-3.1
10 through 18-3.3 SFCC 1987, two hundred dollars (\$200.) per occurrence;

11 (21) Secondhand dealers, as defined in subsection 18-4.1 SFCC 1987, under the
12 conditions prescribed by Section 18-4 SFCC 1987, fifty dollars (\$50.00) per year, for each
13 place of business;

14 (22) Special policemen or special police agencies as defined in subsection 20-24.1
15 SFCC 1987, under the conditions prescribed in Section 20-24 SFCC 1987, fifty dollars
16 (\$50.00) per year. Those special police exempted under subsection 20-24.4 SFCC 1987 shall
17 not be required to obtain a business license;

18 (23) Septic tank cleaners or septage haulers, under the conditions prescribed in
19 Section 22-2 SFCC 1987, fifty dollars (\$50.00) per year, for each place of business.

20 (24) Street performers, as defined in subsection 23-8.3 SFCC 1987, thirty-five
21 dollars (\$35.00) per year, unless a street performer will perform for no more than one thirty
22 (30) day period per year, ten dollars (\$10.00).

23 (25) Taxicab service, as defined in Section 18-6.4 SFCC 1987, two hundred fifty
24 dollars (\$250.00) per year for each place of business.

25 ([25]26) Transient precious metals dealer, as defined in Section 18-4.1 SFCC

1 1987, on hundred dollars (\$100.00) per separate event and location as described in the license
2 application.

3 B. Before a license is granted, the following businesses shall execute and deliver a bond
4 to the city clerk to be approved by the clerk and the city attorney with a corporate surety authorized
5 by the laws of the state to write surety bonds and conditioned for the lawful conduct of the businesses
6 and for the true and faithful observance of applicable provisions of the SFCC 1987; such bond shall
7 be for the benefit of the city and every person damaged by breach of any condition thereof;

8 (1) Pawnbrokers, in the amount of five thousand dollars (\$5,000.); and

9 (2) Jewelry auctions, as defined in subsections 18-5.4 through 18-5.23 SFCC
10 1987, in the amount of five thousand dollars (\$5,000.), as set forth in subsection 18-5.15
11 SFCC 1987.

12 C. It is unlawful for any person to engage in the businesses, professions or trades
13 defined in this section as requiring a license, within the corporate limits of the city, without first
14 obtaining a license as prescribed by this section and pursuant to Section 3-38-1 NMSA 1978.

15 D. The license fees established in this subsection are hereby declared to have been
16 reviewed on a case-by-case basis by the governing body of the city of Santa Fe and are hereby found
17 to bear a reasonable relationship to the costs of regulations of each business by the city of Santa Fe.

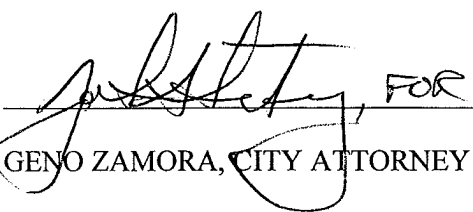
18 E. Prior to engaging in any business to which this section applies, there shall be paid to
19 the city of Santa Fe the applicable license fee and in the event the fee is paid after the beginning of the
20 calendar year, it shall not be prorated.

21 F. Any person filing an application for issuance or renewal of any business license shall
22 include on the application his current revenue division taxpayer identification number or evidence of
23 application for a current revenue division taxpayer identification number. No license shall be issued
24 unless such number or application has been furnished.

25 ***Editor's Note:** The reference numbers have been changed to agree with revised Chapter 14, adopted

1 December 31, 2001. Requirements for adult bookstores and adult motion picture theaters may be
2 found in Section 14-6.2(C)(1). Requirements for mobile home parks may be found in Section 14-
3 6.2(A)(5).

4 APPROVED AS TO FORM:

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6  FOR
7 GENO ZAMORA, CITY ATTORNEY

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CAO/Melissa/Bills 2011/Taxicab