

**TITLE 3
CHAPTER 4**

TAXICABS

SECTION:

- 3-4-1: Purpose
- 3-4-2: Definitions
- 3-4-3: License and permit required
- 3-4-4: Applications-Information-Requirements
- 3-4-5: Term of License
- 3-4-6: Operator's License Fees
- 3-4-7: Application for Taxicab Driver's Permit
- 3-4-8: Standards for Issuance of Driver's Permit
- 3-4-9: Term and Fees for Driver's Permit
- 3-4-10: Not used
- 3-4-11: Not used
- 3-4-12: Not used
- 3-4-13: Rate Determination
- 3-4-14: Operating Regulations
- 3-4-15: Number and type of Vehicles
- 3-4-16: Equipment
- 3-4-17: Taxicab Vehicle Maintenance
- 3-4-18: Insurance
- 3-4-19: Bond Required
- 3-4-20: Indemnification
- 3-4-21: Transfer of Operator's License
- 3-4-22: Taxi Stand Permit - Term and Fee
- 3-4-23: Inspection of Books and Records
- 3-4-24: Inspection of Vehicles
- 3-4-25: Suspension, Denial or Revocation of Licenses or Permits
- 3-4-26: Summary Suspension of Operator's License or Permits
- 3-4-27: Appeal
- 3-4-28: Administrative Rules
- 3-4-29: City Enforcement

3-4-1: PURPOSE:

It is the purpose of this chapter to require persons operating taxicabs do so in a safe, fair and efficient manner. The taxicab industry should be allowed to operate without unnecessary restraint, but because taxicabs constitute an essential part of the City's transportation systems and because transportation so fundamentally affects the City's well-being and that of its citizens, some regulation is necessary to ensure that public safety is protected, the public need provided for, and the public convenience promoted. The provisions contained in this chapter should be applied and enforced in such a manner as to require the taxicab industry to regulate itself, under City supervision, to promote innovation and adaptation to changing needs, and respond to the economics of the marketplace, so long as the public interest is served thereby.

3-4-2: DEFINITIONS:

As used in this chapter, unless the context clearly indicates otherwise, the following words shall mean:

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| CITY RECORDER | The person so designated by the City Manager to perform the functions described in this Chapter. |
| COMMITTEE | The Transit Advisory Committee of the City of Florence. |
| DRIVER | Any person in direct and immediate possession or charge of any taxicab, either as an agent, employee or otherwise of the owner, or as owner or under the direction of the owner. |

KEY PERSONNEL	Any owner, employee or agent of the licensee who exercises management or supervisory authority.
LICENSEE	The holder of an operator's license as described in this chapter.
LIMOUSINE	Any motor vehicle which has the seating capacity of more than six but less than ten which carries passengers for hire, whose journey has originated in the City and where the destination and route may be controlled by a passenger and the fare is calculated on the basis of an hourly rate.
OPERATOR'S LICENSE	A license to operate taxicabs as provided by this Chapter.
OWNER	Any person having use or control of any taxicab, whether as owner, lessee or otherwise and also includes any shareholder, partner or associate with an ownership interest in the taxicab business.
STREET	Any street, alley, avenue, road, lane, highway or public place in the City commonly used for the purpose of public travel.
TAXICAB	Any motor vehicle which carries passengers for hire, whose journey has originated in the City and where the destination and route may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled and delay, including limousines for hire unless specifically exempted by the language herein. Any vehicle which has an appearance similar to a taxicab is a taxicab for the purposes of this Chapter. Exceptions are: regularly scheduled buses; bona fide state-approved buses engaged in charter service with a seating capacity of more than twenty persons; vehicles owned or operated by, or under contract with, a charitable organization when exclusively engaged in performing transportation necessary to the operation of the charitable organization as defined in ORS 767.025(15); and courtesy vehicles operated by vehicle repair businesses, hotels or motels without charge to the user.

3-4-3: LICENSE AND PERMIT REQUIRED:

Within the City, no person shall operate a taxicab service without first obtaining a license as provided herein, no person shall drive a taxicab without first having secured a permit therefore and no taxicab shall be operated in violation of this Chapter.

3-4-4: APPLICATIONS - INFORMATION - REQUIREMENTS:

- A. An application for an original operator's license shall be filed with the City Recorder on a form provided by the City, verified under penalty of perjury, accompanied by the non-refundable application investigation fee in an amount set by Council Resolution, and contain the following:
1. The name, business address, residence address and date of birth of the owner(s) or person(s) applying;
 2. The name(s), business address, residence address and date of birth of each officer(s) and key personnel of the proposed business;
 3. The business name under which the taxicab service shall operate, the business address and telephone number;
 4. The make, type, year of manufacture and seating capacity of the vehicles applicant intends to operate as taxicabs;
 5. A description of the proposed color scheme, insignia, trade style or other distinguishing characteristics of the proposed taxicab business;

6. A statement whether the applicant or any officer or key personnel of the applicant have been:
 - a. Convicted of any felony, misdemeanor or violation of any municipal ordinance or state law (other than minor traffic and parking offenses), the nature of the offense and the punishment or penalty assessed;
 - b. Had a business license or bond denied, revoked or suspended and, if so, a description of the reason for such revocation or suspension;
7. The rates applicant proposes to charge for taxicab service;
8. Not including limousines, applicant's willingness and ability to participate in public service projects, such as subsidized fare programs for the elderly, the disabled, or other groups of citizens, sponsored by government or private agencies. Applicant should submit documentation indicating the sponsoring agency's willingness to allow applicant to participate in any such program.
9. A description of applicant and applicant's officers and key personnel prior business and work experience;
10. Not including licensees who will only be operating limousines: (Ord 10, Series 1995)
 - a. A financial statement prepared by a certified public accountant.
 - b. A statement as to whether the applicant has any unpaid judgments outstanding against them, and if so, the nature of the acts or transactions giving rise to each judgment, the court in which it was rendered, and the amounts of any unpaid or unbonded judgment, and a statement of any bankruptcies, either personal or business, including the number, court and date of discharge, if discharge was granted. If a discharge was not granted, the circumstances for the denial or discharge; and
11. Such other relevant information as the City Recorder may deem necessary for the proper protection of the public.

B. Each licensed taxicab operator shall continue to keep the information provided in its application current, and shall inform the City Recorder of any changes within ten days of the occurrence.

3-4-5: TERM OF LICENSE:

1. Except as provided in subsection 2 of this section, the term for an operator's license shall be five calendar years commencing the next January 1st following issuance of the license.
2. Unless revoked, modified or suspended as provided in this chapter, after the first full calendar year of the license term, a calendar year shall be added to the term thereof provided the licensee has timely paid the annual fee required by Section 3-4-6 and filed any reports requested under the provisions of this Chapter.
3. On or before November 1 of the first full calendar year of the license or any calendar year added under subsection 2 of this section, the City or a licensee may notify the other in writing of its election not to have the five year term of the license renewed as provided in subsection 2 of this section. When such notice is given, the license term shall not be added to as provided in subsection 2 of this section and shall expire at the end of the fourth calendar year following the notice.

3-4-6: OPERATOR'S LICENSE FEES:

The annual license fee for an operator's license shall be based on a per taxicab vehicle rate as set by Council Resolution, and shall be paid before a license will be issued, and thereafter on or before January 1st of each year. If the initial operator's license is issued on or after July 1st, the first license fee shall be reduced by one-half for the initial license year. The per vehicle license fee rate

shall be paid on each new vehicle added throughout the license year which does not replace a currently permitted vehicle.

3-4-7: APPLICATION FOR TAXICAB DRIVER'S PERMIT:

Application for taxicab driver's permits shall be made to the City Recorder on a form provided by the City and accompanied by the payment of a non-refundable original application investigation fee as set by Council Resolution. Upon approval of the application, the annual license fee as set forth in Section 3-4-9 must be paid before the license is granted. Applications shall contain the name, address, date of birth, Oregon driver's license number of the applicant, and any other relevant information requested by the City Recorder, and shall be accompanied by a current photograph of the applicant. Each applicant shall provide satisfactory proof to the City Recorder that the applicant possesses the appropriate valid Oregon driver's license. Each applicant shall be fingerprinted.

3-4-8: STANDARDS FOR ISSUANCE OF DRIVER'S PERMIT:

The City Recorder shall review each application to determine the applicant's fitness to operate a taxicab. Among the factors which may be considered are:

1. Whether the applicant has any physical or mental condition which would, in the judgment of the City Recorder, impair the applicant's ability to safely operate a taxicab;
2. Applicant's prior criminal history;
3. Prior traffic violations by the applicant and prior violations of municipal regulations of the City or other municipalities governing taxicab services;
4. The applicant's driving safety record; and
5. Any other relevant factor which the City Recorder may deem necessary.

3-4-9: TERM AND FEES FOR DRIVER'S PERMIT:

Each person approved to drive a taxicab shall pay an annual permit fee as set by Council Resolution. All permits shall expire on December 31st of the year issued. If the original permit is issued on or after July 1st the permit fee may be reduced by one-half the annual fee for the initial permit year. Permits may be renewed upon payment of the annual permit fee on or before January 1st of each year.

3-4-10: NOT USED

3-4-11: NOT USED

3-4-12: NOT USED

3-4-13: RATE DETERMINATION:

- A. To ensure fair and equitable consumer rates and to prohibit discriminatory practices, the Council may, by Resolution, establish minimum or maximum rates for taxicab service following the procedures and standards in this section.
- B. In recommending and determining rates under this section, due consideration shall be given to information from all licensees regarding: current and projected revenue and expenses; actual and overhead expense; the cost of acquiring and replacing equipment; the services of owner, family and management; the cost of providing for future, added or different service; a reasonable return for doing business; and such other factors deemed relevant. Rates charged by other persons performing the same or similar services in the same or similar areas under the same or similar service conditions may also be considered.

- C. Requests to establish a minimum rate for a taxicab service may be made at any time. Adjustments to the Council established minimum rates may be initiated or made not more often than once per calendar year provided, however, that in addition to the possible annual rate adjustment, a supplemental rate adjustment may be requested where there is substantial decrease in expenses that was not anticipated at the time of the last rate adjustment.

- D.
 - 1. Adjustments to the Council established minimum rates may be initiated by a licensee, a petition of 20 customers using taxicab services, the Committee, the Council, or the City Manager. A request for rate adjustment or a request to establish a rate for a new classification of service shall be in writing on a form provided by the City Recorder and shall be accompanied by factual information substantiating the request and filed with the City Recorder. Except for a request by the Council, Committee, or City Manager which shall not require a fee, any request for a rate adjustment or for the establishment of a rate for a new classification of service shall be accompanied by the non-refundable filing fee set by Council Resolution.

 - 2. Upon receiving a request for rate adjustment or for establishment of a rate for a new classification of service, the City Manager shall prepare a staff report and evaluation and, no later than 30 days after receiving the request, present it with the report and evaluation of the Committee.

 - 3. The Committee shall consider the request and staff report and hear testimony thereon. Before making its recommendation to the Council, the Committee shall give public notice inviting evidence and oral or written comment on the request and receive such at a public hearing. Within 90 days after it receives the request, the Committee shall make its written findings and recommendation to the Council.

 - 4. The Council shall consider the Committee's recommendation and receive oral or written arguments on the recommendation. Based on substantial evidence in the record, the Council shall resolve to approve, modify and approve or reject the recommendation. The decision of the Council shall be final.

All rate adjustments or rates establishing a new classification of service shall take effect at the time specified in the Council Resolution.

3-4-14: OPERATING REGULATIONS:

- A. Not including licensees who will only be operating limousines: (Ord 10, Series 1995)
 - a. Each licensee shall maintain a place of business within the City, equipped with a telephone, and shall have available at least one taxicab, and a dispatcher who may be reached by telephone.

 - b. The taxi service shall be available seven days a week, at least 20 hours a day.

 - c. Except when repair is required each licensee shall have a minimum of two taxicabs available to serve customers for a period of twelve hours during each day of the year.

- B. Not including limousine drivers, unless otherwise directed by the passenger, any taxicab driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his or her desired destination safely and expeditiously.

- C. Each driver, if requested, shall give a correct receipt upon payment of the correct fare.

- D. No person may refuse to pay the lawful taxicab fare as fixed in accordance with this Chapter after employing or hiring the taxicab.

- E. Whenever any taxicab is occupied by a passenger, the driver shall not permit any other person to occupy or ride in that taxicab except with the consent of the original passenger.

- F. Each licensee and driver shall promptly notify the City Police Department within twenty-four hours of any property of value left in any vehicle by any passenger.
- G. The driver's permit shall be displayed in the taxicab where it may be readily viewed by passengers at all times that the taxicab is in operation.
- H. Not including limousines, the licensee's rate schedule shall be posted in each taxicab in a place where it may be readily viewed by passengers.
- I. Rates established by a licensee shall not be less than the minimum rate established under Section 3-4-13 and shall be reasonable. Thirty days before implementing any rate, the licensee shall file a copy of the proposed rates with the City Recorder and maintain on file with the City Recorder a current rate schedule for taxicab service.
- J. A customer of a taxicab service shall be charged for service rendered only according to the rates established and filed as required by subsection I of this section.
- K. Each licensee and driver shall cause a complete and accurate record of each trip of each taxicab to be made on a daily trip sheet showing the time required to respond to the customer's request for taxicab service, the time and place of origin and destination of the trip, the number of passengers carried, the mileage and the amount of fare collected.
- L. Each licensee shall maintain a complete set of records indicating income and expenses for each taxicab operated.
- M. Each licensee shall maintain a record of all complaints received either in writing by telephone regarding taxicab service.
- N. Limousines shall be required to be equipped with a cellular telephone for emergency purposes. The telephone number shall be listed publicly in the Florence area telephone directory under the name of the limousine service.

3-4-15: NUMBER AND TYPE OF VEHICLES:

Not including licensees who will only be operating limousines: (Ord 10, Series 1995)

- 1. Each licensee shall own or have the exclusive use and control of not less than two taxicabs at all times, which shall be used exclusively as taxicabs for business conducted under the City's license.
- 2. Each taxicab shall have a manufacturer's declared carrying capacity of at least five persons and be equipped with at least four doors, other than van-type vehicles which may have three entrance doors plus a rear cargo door.

3-4-16: EQUIPMENT:

- A. Except for limousines, each taxicab shall be equipped with the following:
 - 1. The company name and telephone number where service can be requested, prominently displayed on the exterior of the vehicle;
 - 2. A properly functioning taxi radio of modern design, on a clear, coordinated, taxicab frequency for the purpose of rapidly dispatching calls for service;
 - 3. A taximeter in accurate operating condition, with a lighted face which can be read from the passenger seat at all times;

4. A statement posted in a conspicuous place in the passenger compartment showing the address and telephone number of the owners to which complaints should be directed and a notice that a record of all complaints shall be open to inspection and review by the City at any time on its request.
- B. Except for limousines, each taxicab operated by a licensee shall be painted the same color.
- C. Each limousine shall conspicuously place in the passenger compartment a statement showing the address and telephone number of the owners to which complaints should be directed and state that a record of all complaints shall be open to inspection and review by the City at any time upon its request.
- D. Replacement vehicles shall comply with the provisions of this Chapter.

3-4-17: TAXICAB VEHICLE MAINTENANCE:

Each vehicle operating under this chapter shall be maintained in a clean, sanitary, safe and mechanically sound condition. No driver shall drive a vehicle which does not comply with the requirements of this chapter, and no licensee shall allow such a vehicle to be driven. The City Recorder may order any taxicab found to be unsafe or in any way suitable to be immediately removed from service and any problems corrected before the taxicab is again placed in service.

3-4-18: INSURANCE:

No licensee shall drive or cause or allow to be driven, any taxicab in the City unless the licensee has a policy of liability insurance which is in full force and effect, insuring the operation of the taxicabs operating under this chapter, and which provides minimum coverage of at least the amounts specified for municipal liability in ORS 30.270 or successor statute for injury or destruction of property or for bodily injury or death.

3-4-19: BOND REQUIRED:

Each licensee shall post and maintain a five thousand dollar bond acceptable to the City Recorder which shall be available to satisfy any claims against the licensee, either in the nature of fines imposed by the City for violations of this chapter or civil judgments entered against the licensee arising out of licensee's taxicab service.

3-4-20: INDEMNIFICATION:

- A. Each licensee shall agree to pay all damages and penalties the City may legally be required to pay as a result of granting such license and shall agree to defend and indemnify the City against all claims resulting from the granting of such a license. These damages arising out of the operation or maintenance of a taxicab as authorized by this chapter whether or not any act or omission complained of is authorized or prohibited by this chapter.
- B. By its application and the granting of an operator's license, the licensee agrees to pay all necessary and reasonable expenses incurred by the City in defending itself under this section, including, but not limited to, reasonable attorney's fees.

3-4-21: TRANSFER OF OPERATOR'S LICENSE:

No operator's license may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Recorder. Such transfer shall be subject to the same terms, conditions and requirements as the application for the original license.

3-4-22: TAXI STAND PERMIT - TERM AND FEE:

- A. No licensee or driver of any taxicab shall stand or permit to stand any such taxicab while waiting employment at any place upon any portion of the streets of the City other than at certain places designated by the City Manager and assigned to the licensee.

- B. No taxicab or other vehicle shall occupy a regularly established taxi stand unless such vehicle is a taxicab operated by the licensee to whom such taxi stand has been assigned as herein provided.
- C. In the event that two or more licensees are providing taxicab services in the City, the City Recorder shall assign taxi stands to each licensee. Licensees desiring taxi stands shall apply to the City Recorder, on a form provided by the City, describing the location of the proposed stand.
- D. The annual fee for a taxi stand permit shall be set by Council Resolution and shall be paid before the permit is issued. All taxi stand permits shall expire on December 31 of the year the permit is issued any may be renewed upon payment of the annual fee on or before January 1st of the following year.

3-4-23: INSPECTION OF BOOKS AND RECORDS:

The City Recorder or any person authorized by the City Recorder shall have the right to inspect all books and records of any licensee or driver required by this chapter or pertaining to the taxicab business, at all reasonable times and places. Such records shall be kept available for inspection at the licensee's office in Florence for at least four years.

3-4-24: INSPECTION OF VEHICLES:

The City Recorder may cause any taxicab to be inspected at any time to determine its condition. Such inspections shall be performed at the sole discretion of the City Recorder and the cost of such inspections shall be borne by the licensee.

3-4-25: SUSPENSION, DENIAL OR REVOCATION OF LICENSES OR PERMITS:

- A. The Committee is authorized to deny any application for a license or permit or to suspend any license or permit issued pursuant to this chapter after reasonable notice and opportunity granted to the applicant or holder thereof to be heard, if the Committee finds probable cause to believe that the applicant or holder has:
 - 1. Been found guilty of any violation of this chapter; or
 - 2. Been convicted of an offense against person or property for which a sentence of incarceration could have been imposed under Oregon law, or having a character, reputation or moral integrity inimical to the public safety or the general welfare of the City;
 - 3. Knowingly made any false, misleading or fraudulent statement of a material fact in the application for a license or permit, or in any report or record required to be filed with any governmental entity; or
 - 4. Failed to comply with any of the general ordinances of the City applicable to the business or merchant activities of the application, licensee or permittee.
- B. In addition to the grounds in Subsection A of this section, the Committee may deny an application for operator's license or suspend or revoke an operator's license upon finding that:
 - 1. An additional operator's license would be unreasonably detrimental to the availability or quality of taxicab service within the City;
 - 2. The applicant, operator or key personnel fails to meet the requirements of this chapter, or is doing business in violation of this chapter or applicable Federal, State, County or City law.
 - 3. The applicant, operator or key personnel has provided false or misleading material, information, or has omitted disclosure of a material fact on the application or related materials, or on his/her business records;

4. The applicant's, operator's or key personnel's past or present violation of law or ordinance presents a reasonable doubt about the applicant's or operator's ability to provide taxicab service without endangering property or the public health and safety; or
 5. The information supplied for the review does not indicate that the applicant or key personnel has the experience, knowledge or ability to provide the services required under this chapter.
- C. In addition to the grounds in Subsection A of this section, the Committee may deny an application for driver's permit or suspend or revoke a driver's permit if the City Recorder determines the applicant unfit based on the factors in Section 3-4-8 or if a permittee is convicted of a violation of this chapter or similar regulations of another municipality, or is convicted of a violation of any of the statutes of the State involving the operation of a motor vehicle, or if the Committee has reasonable grounds to believe that the permittee would endanger life or property while operating a motor vehicle.
 - D. In the absence of finding a basis to deny an application or to revoke or suspend a license or permit, the Committee shall grant the license or permit which shall be issued by the City Recorder.
 - E. The City Recorder shall provide written notice to the applicant, licensee or permittee of his/her recommendation to the Committee that the application, license or permit be denied or revoked. When the application is for a new taxi service operator's license, a copy of the written notice shall also be given to any existing licensee. The notice shall state the reason for the recommendation and shall inform the applicant, licensee or permittee of the right to present evidence, testimony and arguments to the Committee before it renders a decision in the matter.
 - F. The City Recorder's notice shall be given at least 15 days before the Committee considers the matter. When the City Recorder is recommending revocation of a license or permit because of a violation of this Chapter, if the licensee or permittee corrects the violation within the 15 days, the City Recorder may withdraw his/her recommendation and the proceedings shall cease unless the Committee directs to the contrary.
 - G. The Committee shall consider the City Recorder's recommendation by conducting a hearing at which it shall receive any relevant evidence, testimony and argument the City Recorder, the applicant, the licensee, the permittee or others may wish to present. While proceedings before the Committee are not bound by the rules of evidence used by courts of law, the decision of the Committee shall be based on substantive evidence. The decision shall include the Committee's findings and shall be in writing. The Committee's decision shall be mailed or personally served upon the applicant, licensee or permittee and any other requesting notice of the decision.
 - H. A person whose applicant for a license has been denied or whose license has been revoked may, after one year from the date of denial or revocation, apply for a license upon payment of the application fee and submission of an application form and required attachments.

3-4-26: SUMMARY SUSPENSION OF OPERATOR'S LICENSE OR PERMITS:

- A. Notwithstanding the requirements of Section 3-4-25, if the conduct of a licensee or permittee creates an eminent threat to life or property, the City Recorder may summarily order the licensee or permittee to cease the activity creating the threat. In the event the licensee or permittee fails to promptly cease the threatening activity and correct the threatening condition, the City Recorder may, without further notice or opportunity to be heard, suspend the license or permit. If the activities of the licensee or permittee causes any property to be or remain in the public way, the City Recorder may cause the property of the licensee or permittee to be removed from the public way and assess the costs of such removal to the licensee or permittee.
- B. A summary suspension under this section may be appealed by the licensee or permittee in the manner set forth in Section 3-4-27.

3-4-27: APPEAL:

- A. An applicant whose application for a license or permit has been denied, or a licensee or permittee whose license or permit has been denied renewal, been suspended or is revoked or an existing licensee that has appeared and offered testimony or objection to the issuance of another license may appeal the decision within ten days after the date of notice of the approval, denial, suspension, or revocation. The appeal shall be in writing, filed with the City Recorder and shall state:
1. The name and address of the appellant;
 2. The nature of the determination being appealed;
 3. The reason the determination is incorrect; and
 4. What the correct determination of the appeal should be.

An applicant who fails to file such a statement within the time permitted waives his/her objections, and his/her appeal shall be dismissed. Within 30 days of the Committee's decision, the City Council on its own motion may initiate review of any Committee decision.

- B. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal.
- C. Unless all parties to the appeal and the City Recorder agree to a longer period, an appeal shall be heard by the Council within 45 days of the receipt of the notice of appeal. At least ten days prior to the hearing, the City shall mail notice of the time and location thereof to the parties.
- D. The Council shall hear and determine the appeal on the basis of the appellant's notice of appeal, the record of the Committee's consideration of the matter and any oral or written argument the parties may present. At the hearing the appellant and any other party that appeared before the Committee may present oral argument personally or by counsel.
- E. If the appeal is from the Committee's denial of the appellant's request, the appellant shall carry the burden of proving that he/she is entitled to the remedy sought.
- F. The Council shall render its decision by resolution within 30 days of the hearing date. The decision of the Council shall be final.

3-4-28: ADMINISTRATIVE RULES:

The City Recorder may propose administrative rules to implement the administration of this Chapter. Such rules or amendments thereto shall be effective after review by the Committee and approval by the City Council.

3-4-29: CITY ENFORCEMENT:

- A. The City shall enforce the provisions of this Chapter by administrative, civil or criminal action or any combination thereof as necessary to obtain compliance with this Chapter.
- B. Except as limited by paragraph C of this subsection, the penalty for violating any provision of this Chapter shall be that established in Chapter 1-4 of this Code.
- C. The penalty for violation of this Chapter which is also a violation of State law or regulation shall not exceed the penalty imposed by State law or regulation for the same conduct.

Amended by Ord 7, Series 1993
Amended by Ord 10, Series 1995