

ORDINANCE NO. 81 013

ORDINANCE AMENDING SECTIONS 42.4, 42.7, 42.8
42.9, 42.9-1, 42.14-6 (g), 42.14-7 (a), 42.15,
42.16, 42.18, 42.19, 42.20, 42.21, 42.22, 42.25,
42.28, 42.29, 42.29-1, 42.33, 42.35, 42.36, 42.37,
42.38, 42.39, 42.62 and 42.67 OF CHAPTER 42 OF THE
SACRAMENTO CITY CODE RELATING TO TAXICAB PERMITS,
TAXICAB INSPECTIONS, TAXICAB DRIVER'S PERMITS, AND
MAKING VARIOUS TECHNICAL CHANGES.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 42.4 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.4 Maximum width of motor coaches, etc.

Motor coaches or busses operated by common carriers of passengers for hire in the city may have a maximum outside width of one hundred two inches.

This width is permitted under and by virtue of section 35106(a) of the State Vehicle Code.

SECTION 2.

Section 42.7 of Chapter 42 of the Sacramento City Code relating to the Definition of convicted of moving traffic violations is hereby amended to read as follows:

Sec. 42.7 Definitions

Convicted of moving traffic violations: "Convicted of moving traffic violations" shall mean and include a plea of guilty or a plea of nolo contendere, or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail.

SECTION 3.

Section 42.8 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.8 Limitation on number of taxicabs.

The public convenience and necessity requires that the total number of taxicabs for which permits to operate as public vehicles for hire within the city be limited to one public vehicle permit for each two thousand inhabitants of this city, the number to be determined according to the latest official United States census figures prevailing for the city; provided, however, that this limitation set forth above shall not affect any such vehicle in operation under lawful permit in existence on the effective date of this section, but shall apply to any such vehicle, the operation of which has been abandoned for a period

of six months. The director of finance shall administer the provisions of this section.

The limitation on the number of taxicabs per capita to be operated within the city may be changed by the city council, but only after giving ten days' public notice in advance of the time and place of hearing. The notice of hearing shall be published once in the official newspaper of the city at least ten days prior to the date of hearing. The council may, after the hearing thereon, and a finding that public convenience and necessity requires a change in the limitation of the number of taxicabs per capita which may operate within the city, order such change by ordinance.

The limitation on the number of taxicabs contained within this section shall not apply to taxicabs operated within the City of Sacramento pursuant to city-county taxicab permits, issued in accordance with the procedures established in division two of this chapter.

SECTION 4.

Section 42.9 (c) of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.9 (c) Liability insurance.

(c) For the injury or destruction of property in any one accident, ten thousand dollars.

Such public liability insurance shall be executed by an insurance company authorized to do business in the State of California.

No permit shall be granted under this article until a policy for such insurance has been secured and same or a certified copy of same filed with the director of finance, which policy shall contain an endorsement that the insurance company issuing such policy will not allow same to be canceled for any purpose without serving a ten days' notice of cancellation upon the city. Such service must be made by registered mail to the director of finance. In the event of failure of permittees to carry such policy in force or to properly renew such policy, the director of finance shall order the cancellation of the permit in accordance with the provisions of section 42.9-1. Such order may be made in advance of the effective date of the cancellation of public liability insurance but shall not be effective until said date.

SECTION 5.

Section 42.9-1 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.9-1 Same--Procedure for cancellation; appeal.

(a) The director of finance shall only order the cancellation of the permit after a hearing granted upon three days' written notice to the permittee. At the hearing, to be held by the director of finance or his designee, the permittee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all

other witnesses presented. A decision of the director of finance cancelling the permit shall be effective upon the effective date of the cancellation of said insurance, and the taking or pendency of an appeal under subsection (b) shall not stay the effectiveness of such order.

(b) If the permittee is dissatisfied with the action of the director of finance in ordering the cancellation of the permit, such person may appeal to the city manager by filing a notice of appeal in writing with the city manager within two days of the date of the order of the director of finance. The city manager or his designee shall hold a hearing within three days of the receipt of the notice of appeal. The permittee shall be accorded the same hearing rights provided in subsection (a) hereof. The city manager may sustain, reverse or modify the order of the director of finance. The decision of the city manager shall be final.

SECTION 6.

Section 42.14-6 (g) of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.14-6 (g) Same--Application.

(g) Such other information as the director of finance and/or the chief of police require.

SECTION 7.

Section 42-14-7 (a) of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.14-7 Same--Conditions precedent to issuance.

No city-county taxicab permit shall be issued, renewed or transferred by the chief of police if it appears:

(a) That the motor vehicles proposed to be operated by the applicant are inadequate or insufficient for the purpose intended, or are insufficiently equipped with reasonable safety devices.

SECTION 8.

Section 42.15 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.15 Application for city taxicab permit.

Application for the issuance, renewal or transfer of a city taxicab permit shall be filed with the chief of police and shall contain the following information:

(a) The name or names and addresses of all persons who have any interest in the business.

(b) The number of vehicles proposed to be operated.

(c) The name under which the business is to be conducted and the peculiar or distinguishing color scheme or design or dress (including any monogram or insignia) intended to be used upon the vehicles or by their operators.

(d) The address at which the business is to have its principal office.

(e) A statement for each person having a financial interest in the business as to all convictions of crimes.

(f) Such other information as the Chief of Police may require.

SECTION 9.

Section 42.16 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.16 Fingerprinting.

Before a city taxicab permit is issued or transferred, all persons having a financial interest in the operation of the business for which the permit is requested shall be fingerprinted by the police department.

SECTION 10.

Section 42.18 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

sec. 42.18 Issuance.

The chief of police shall issue, renew or transfer a city taxicab permit if in his discretion:

(a) The requirements of Section 42.17 have been fulfilled.

(b) The equipment to be used is in good mechanical condition and may be operated with due regard for the safety of the public; and

(c) No ground for denial, suspension or revocation exists under Section 42.19.

City taxicab permits issued, renewed or transferred pursuant to this chapter shall be valid for a period of one year from date of issuance, renewal or transfer unless sooner suspended or revoked. Permits shall be renewed annually by filing with the chief of police an application on such forms as he may prescribe.

SECTION 11.

Section 42.19 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.19 Denial, suspension, revocation of taxicab permits.

(a) Taxicab permits required by this chapter may be denied by the chief of police upon original or renewal application upon the following grounds:

(1) Any person interested in the business for which the permit is sought has been convicted of a crime, and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Penal Code Section 1203.4. Provided, however, that the permit shall be denied upon this ground only if the crime is substantially related to the qualifications, functions or duties of the taxicab business.

(2) Any person interested in the business for which the permit is sought has done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another. Provided, however, that the permit shall be denied upon this ground only if the act is substantially related to the qualifications, functions or duties of the taxicab business.

(3) The applicant or the applicant's agent knowingly made a false statement of fact required to be revealed in the application for the permit or renewal thereof.

No person shall be denied a permit solely upon the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation pursuant to Penal Code Section 4852.01 and following, or that he has been convicted of a misdemeanor if he has, in the judgment of the chief of police, been rehabilitated.

(b) Taxicab permits required by this chapter may be suspended or revoked by the chief of police upon the following grounds:

(1) The permittee or any person interested in the business has been convicted of a crime, and the time for appeal has elapsed, or an order granting probation has been made suspending imposition of sentence, irrespective of a subsequent order under Penal Code 1203.4. Provided, however, that a permit shall be suspended or revoked upon this ground only if the crime is substantially related to the qualifications, functions or duties of the taxicab business.

(2) The permittee or his agent knowingly made a false statement of fact required to be revealed in the application for the permit or the renewal thereof.

(3) The permittee has knowingly violated, or knowingly has allowed employees to violate any of the provisions of this chapter.

When any permit is proposed to be suspended or revoked, or renewal refused, the chief of police shall notify the permittee in writing by mail of the specific grounds for the action proposed to be taken, together with the notice specified in Section 42.20

SECTION 12.

Section 42.20 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

sec. 42.20 Same--Hearing.

The chief of police shall only suspend, revoke or refuse to renew the permit provided for in this chapter after a hearing granted to the permittee had upon ten days' written notice to all parties interested in the business, at which hearing the persons shall have been given an opportunity to present witnesses on their own behalf, to be represented by counsel, and to examine all other witnesses presented.

SECTION 13.

Section 42.21 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.21 Same--Appeal.

If the permittee is dissatisfied with the action of the chief of police in suspending, revoking or refusing to renew the permit required by section 42.14, such person may appeal to the city council from such action by the chief of police by filing a notice of appeal in writing with the city clerk not more than ten days after the action of the chief of police becomes effective. The city clerk shall transmit the appeal to the city council forthwith and the city council shall set the matter for hearing within twenty days and not less than ten days from the date of receipt of such appeal. The city council shall cause written notice of the time and place of the hearing to be mailed to the permittee so appealing at his last-known address. The persons appealing shall have the right to present witnesses on their own behalf at the hearing, to be represented by an attorney, to examine all witnesses against them and to testify on their own behalf.

SECTION 14.

Section 42.22 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.22 Same--Action by city council.

The city council may either sustain, reverse or modify the action of the chief of police in suspending, revoking or refusing to renew the permit provided for in section 42.14. During the time such appeal is pending before the city council, and until the final determination thereof, the action of the chief of police in suspending or revoking the permit, as provided herein, shall be suspended.

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SECTION 15.

Section 42.25 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.25 Mechanical inspection of vehicles.

Before a permit required by section 42.14 is issued, renewed or transferred to any owner, the taxicab for which a permit is issued shall be inspected and found to be in compliance with the provisions and requirements of the California Vehicle Code as to:

- (a) Lamps
- (b) Brakes
- (c) Emissions Control

Such inspection and compliance shall be demonstrated by filing with the chief of police, as a condition to the issuance, renewal or transfer of a permit, a Certificate of Adjustment issued by a licensed station, as provided by Sections 9889.16 and 9889.18 of the Business and Professions Code of the State of California. The Certificate of Adjustment shall have been issued within six months of the application date.

In addition to such inspection, the chief of police may require, as a condition to the issuance, renewal or transfer of such a permit, such further inspections as are reasonably required to assure compliance with the provisions of this chapter.

Prior to the issuance, renewal or transfer of such a permit, the taximeter shall be inspected pursuant to the provisions of Section 42.49.

This section shall not be construed to limit the provisions of 42.62.

SECTION 16.

Section 42.28 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.28 Employment of driver.

Every person holding a city taxicab permit under this division to operate taxicabs or automobiles for hire must maintain accurate personnel and payroll records. Such records will be open to inspection upon demand by the chief of police.

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SECTION 17.

Section 42.29 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.29 Driver's Permit Required.

No person shall act as a driver or chauffeur of any taxicab or automobile, as defined in section 42.7, unless he holds a valid driver's permit for the chief of police and a valid California Drivers License.

A nonrefundable fee of twenty three dollars and thirty cents (23.30) shall be charged by the chief of police for the first year for a new permit and thereafter an annual nonrefundable fee of six dollars (\$6.00) for each renewal thereof.

SECTION 18.

Section 42.29-1 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.29-1 Division not applicable to driver of city-county taxicab.

The provisions of this division relating to the issuance of licenses to drivers shall not apply to any person acting as a driver of any taxicab or vehicle for hire if said person is licensed by the county pursuant to Sacramento County Ordinance No. 997, adopted on July 8, 1968, by the board of supervisors of Sacramento County, and is engaged in the driving of any taxicab or vehicle for hire for which a city-county taxicab permit has been issued pursuant to division two of this chapter.

SECTION 19.

Section 42.33 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.33 Conditions Precedent to Issuance.

The chief of police shall issue or renew a driver's permit if in his discretion:

(a) The qualifications required for a driver as set forth in Section 42.35 have been met;

(b) No ground for denial, suspension, or revocation of a driver's permit exists under Section 42.36.

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SECTION 20.

Section 42.35 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.35 Driver's qualifications; application.

(a) Each applicant for a driver's permit must:

1. Be twenty-one (21) years of age or older;
2. Be of sound physique with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, communicable disease, or any other infirmity of the body or mind, and not addicted to the use of intoxicating liquor or narcotics, which might render him unfit for the property operation of a taxicab, automobile or bus.
3. Be able to read, write and speak the English language.
4. Be clean in dress and person.
5. Have a proficient knowledge of local and state traffic laws and regulations and the provisions of this Chapter.
6. Have a proficient knowledge of the geography of the city.
7. Demonstrate ability to operate a public vehicle for hire in a safe manner.

(b) Each applicant for a driver's permit shall be fingerprinted and shall file concurrently with the application four recent dated portrait photographs, one to be attached to the application, one to be attached to the driver's permit if issued, and two for use of the traffic section of the police department. Each applicant shall file an application with the chief of police on a form provided by him giving the following information:

1. Full name, residence, age, place of birth, height, weight, color of eyes and marital status.
2. State driver's license number and date of expiration.
3. State whether the applicant's driver's license has ever been revoked or suspended.
4. A list of each conviction, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such arrest, set forth the date of arrest, the offense charged and the offense of which applicant was convicted.
5. A list of each accident wherein applicant was a driver of a motor vehicle involved in such accident. The list shall, for each accident, set forth the date of the accident, the circumstances of the accident, and whether property damage or personal injury, or both was involved.

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6. Length of time applicant has resided in the City of Sacramento.

7. A list of all applicant's physical or mental disabilities or incapacities. With respect to each such disability or incapacity, applicant shall state whether same would interfere with the proper management and control of a motor vehicle.

8. A statement as to whether applicant is or ever has been addicted to the use of alcohol or any controlled substance as defined in the Penal Code of the State of California.

9. A list of all prescription medication which applicant is required to take on a regular or episodic basis.

10. Such other information as may be required by the chief of police.

SECTION 21.

Section 42.36 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.36 Denial; Revocation; Suspension.

(a) Driver's permits required by this chapter may be denied by the chief of police upon original application upon the following grounds:

1. Applicant has been convicted of a crime, and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under Penal Code Section 1203.4. Provided, however, that the permit shall be denied upon this ground only if the crime is substantially related to the qualifications, functions, or duties of a taxicab driver.

2. The applicant has done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another. Provided, however, that the permit shall be denied upon this ground only if the act is substantially related to the qualifications, functions, or duties of a taxicab driver.

3. The applicant knowingly made a false statement of fact required to be revealed in the application for the permit or renewal thereof.

4. Any ground for suspension or revocation of a driver's permit exists, as set forth in subsection (b) or (c) of this section.

(b) A driver's permit required by section 42.29 may be suspended by the chief of police for the following reasons after a hearing thereon and findings made as hereinafter provided:

1. Any person who has been twice convicted of moving traffic violations within a period of six months may have his driver's permit suspended for ten days.

2. Any person who has been three times convicted of moving traffic violations within a period of six months may have his driver's permit suspended for thirty days.

(c) A driver's permit required by Section 42.29 may be revoked or suspended by the chief of police if the permittee has, since the granting of the permit:

1. Done any act as set forth in subsection (2)-1 or (a)-2 of this section.

2. Been found by the chief of police to have knowingly made a false statement of fact required to be revealed in the application for the permit or the renewal thereof.

3. Been convicted of violating any one or more of the Vehicle Code Sections: 23101, 23102, 23104, 23105, 23106, 23131, or 23122.

4. During any continuous one year period he shall have had three or more convictions of any of the offenses set forth in sections 20001, 20002, 23109 and 22350 of the Vehicle Code of the state, and amendments thereto, or any combination of either or any of such offenses:

5. Been determined by the chief of police unfit to drive a taxicab for any reason.

6. Been determined by the chief of police to lack the qualifications required by section 42.35.

SECTION 22.

Section 42.37 of Chapter 42 of the Sacramento City Code is amended to read as follows:

Sec. 42.37 Appeal

Any person whose operator's permit shall have been suspended, revoked or renewal refused by the chief of police may within ten days after receipt of notice thereof appeal to the council for a hearing thereof; and the decision of the council in this regard shall be final. If no appeal is taken within ten days, the action of the chief of police shall be final.

SECTION 23.

Section 42.38 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.38 Permit status upon reemployment.

Whenever a driver leave the employment of a person operating public vehicles for hire, the driver's permit required by section 42.29 shall be automatically suspended subject to immediate automatic reinstatement upon notification of the chief of police by the permittee that reemployment has occurred with the same or another duly permitted taxicab operator. If such reemployment occurs in the same calendar year that the driver leaves employment, no further application need be made and no further fees need be paid to obtain reinstatement for the remaining portion of that calendar year. Such driver shall remain subject to the annual renewal provisions of section 42.31.

SECTION 24.

Section 42.39 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.39 Approval of chief of police.

Every taximeter or other measuring instrument used for the purpose of gauging or indicating distance traveled or waiting time, or for the purpose of computing fares to be collected from the public, shall be of a type approved and subject to inspection at all times by the Sacramento County Commissioner of Agriculture who may at any time inspect any or all taximeters or other measuring instruments so used when in his opinion such instruments are inaccurate. Any police officer is directed upon complaint of any person that the fare charge is more than the legal fare, to investigate and report such complaint immediately to the chief of police, who shall cause such taximeters or other measuring instruments to be at once inspected. Any person who knowingly uses any taximeter or other measuring instrument which registers fare in excess of the legal fare and collects such fare is subject to revocation of the permits required by sections 42.14 and 42.29.

SECTION 25 .

Section 42.62 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.62 Continuing inspection of vehicles; operation of unsafe taxicabs prohibited.

In addition to the inspections specified in Section 42.25, the city manager or the chief of police, subject to the approval of the city manager, shall have the authority to require additional inspections of lamps, brakes and emission control, and if it is found that the

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taxicab or equipment is in such condition that its operation is in violation of the vehicle code, the city manager shall, in accordance with the provisions of Section 24004 of the California Vehicle Code, prohibit the use of such taxicab until such time as it has been brought into compliance with the vehicle code. The operation of any taxicab which has been designated as in violation of the vehicle code by the city manager shall be unlawful and shall constitute grounds to revoke or suspend pursuant to section 42.19, 42.36 and 42.37, and permit issued under this chapter.

SECTION 26

Section 42.67 of Chapter 42 of the Sacramento City Code is hereby amended to read as follows:

Sec. 42.67 Duty of driver to report to owner concerning property left in his vehicle.

It shall be unlawful for the driver or operator of a public vehicle for hire to fail to report to the owner at once all property of value left in his vehicle by passengers and not returned to the lawful owner and it shall be unlawful for the owner to fail to report the existence of such baggage to the chief of police after the expiration of ten (10) days.

SECTION 27.

Section 42.7 of Chapter 42 of the Sacramento City Code is hereby amended to add the following definition:

Sec. 42.7 Definitions

Director of Finance: Whenever used in this Chapter, "Director of Finance" shall mean the Director or the Director's designee.

PASSED FOR PUBLICATION: **MAR 10 1981**

ENACTED: **MAR 17 1981**

EFFECTIVE: **APR 17 1981**

Philip L. Kemberg
MAYOR

ATTEST:

Lorraine Meyers
CITY CLERK

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MAR 17 1981