

ORDINANCE NO. 82-037

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF
MAY 25 1982

AN ORDINANCE REPEALING CHAPTER 42, ADDING A NEW
CHAPTER 42, AND AMENDING SECTIONS 25.1 AND 25.115
OF THE CITY CODE, RELATING TO TAXICABS

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

SECTION 1.

Chapter 42 of the City Code is hereby repealed.

SECTION 2.

Chapter 42 is hereby added to the City Code, to read as follows:

CHAPTER 42 TAXICABS

Article I In General

Sec. 42.1 Definitions.

- (a) Director: "Director" shall mean the City Director of Finance or his or her designee.
- (b) City Manager: "City Manager" shall mean the City Manager or his or her designee.
- (c) Taxicab: "Taxicab" shall mean every motor-propelled vehicle, except sight-seeing and interurban busses, used solely or mainly for the transportation of passengers for compensation over the public streets of the city, irrespective of whether the operations extend beyond the boundary limits of the city, and between such points and over such route as may be directed by the passenger.
- (d) Taximeter: "Taximeter" shall be held to mean and embrace any instrument or device attached to a vehicle and designed or intended to measure mechanically the distance traveled by such vehicle, to record the time the vehicle is in waiting, and to indicate upon such record by figures or designs the fare to be charged in dollars and cents.

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Sec. 42.2 Continuing Inspection of Vehicles.

In addition to the inspection specified in Section 42.6(e), the City Manager or the Chief of Police, subject to the approval of the City Manager, shall, in their sole discretion, have the authority to require additional inspections of taximeters, lamps, brakes, and emission control, and if it is found that the taxicab or equipment is in such condition that its operation is in violation of the State Vehicle Code, the City Manager shall, in accordance with the provisions of State Vehicle Code Section 24004, prohibit the use of such taxicab until such time as it has been brought into compliance with the State Vehicle Code.

Sec. 42.3 Taxicab Zones.

The City Traffic Engineer may designate areas on public streets as taxicab zones to be occupied solely by taxicabs immediately available for hire. All such zones shall be indicated by curb painting and a sign or signs in accordance with Section 25.1.

Sec. 42.4 Exemption.

This chapter shall not apply to the operation of taxicabs transporting passenger(s):

- (a) From a point outside the city to a destination within the city; or
- (b) En route from a point outside the city to a destination outside the city.

Article II Taxicab Vehicular Permit

Sec. 42.5 Permit Required.

It shall be unlawful for any person to engage in the business of operating a taxicab without first obtaining a taxicab vehicular permit for each taxicab as required by this Article.

Sec. 42.6 Permit Procedure.

Applications for a taxicab vehicular permit shall be filed with the Director and shall contain the following:

(a) The individual and business name, address, and telephone number of the permit applicant. The business address shall be an office where some person in charge can be contacted in person or by telephone weekdays from 8 a.m. to 5 p.m. and shall be located within a radius of 25 miles from City Hall.

(b) Written evidence that the applicant is an owner, lessee or holder of a similar interest in the taxicab.

(c) The name and address of all legal and registered owner(s) of the taxicab, and each person with a financial interest in the business which operates the taxicab.

(d) The state vehicle license number of the taxicab.

(e) A city certificate of insurance, establishing compliance with Section 42.12.

(f) A state certificate of compliance or other writing, dated not more than six months preceding the application date, issued by a state-certified examiner or examiners, and evidencing that the taxicab complies with prevailing state smog, lamp and brake equipment standards.

(g) The serial number of the taximeter attached to the taxicab.

(h) A certificate or other written evidence that the Sacramento County Agricultural Commissioner or a state-registered device repairman has tested and certified not more than six months preceding the application date the accuracy of the taximeter attached to the taxicab.

(i) A written schedule of all rates to be charged for the hire of the taxicab.

(j) A description of a uniform color scheme to be used by all taxicabs owned by the applicant and operated under the same business name. A business shall have the exclusive right to the color scheme used by its taxicabs during the month of April, 1982, if such business was then licensed pursuant to City Code Chapter 42.

(k) For each person with a 10% or greater financial interest in the business which operates the taxicab, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a 10% or greater financial interest in the business which operates the taxicab during the life of the permit issued pursuant to this Article shall immediately so notify the Director and comply with this subsection (k). Any holder of valid taxicab driver's permit issued pursuant to Section 42.18 shall be exempt from the requirements of this subsection (k).

(l) An annual nonprorateable permit fee, as established by resolution of the City Council.

(m) Such other information as may be required by the Director to further the purpose of this chapter.

Sec. 42.7 Permit Issuance and Denial.

(a) A taxicab vehicular permit shall be issued by the Director upon receipt of a complete application, as specified in Section 42.6, and after the Director has physically inspected the taxicab to:

(1) Insure compliance with Sections 42.8, 42.9 and 42.10; and

(2) Verify that the taxicab has the color scheme described in the permit application, and that such color scheme is clearly distinguishable from color schemes previously approved by the Director in accordance with Section 42.6(j).

(b) All taxicab vehicular permits shall expire on July 31 of the calendar year following the date of issuance unless sooner revoked.

(c) A taxicab vehicular permit shall authorize the operation of a single taxicab and taximeter and shall not be transferable to any other vehicle or taximeter.

(d) A taxicab vehicular permit may be denied by the Director on the following grounds:

(1) The applicant knowingly made a false statement of fact required to be revealed in the permit application.

(2) The information required by Section 42.6(k) is false or incomplete.

(3) A person with 10% or more financial interest in the operation of the taxicab 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; or has done any act involving dishonesty, fraud or deceit with intent to substantially benefit him or herself, or another, or substantially injury another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (3) only if, in the opinion of the Chief of Police, the crime or act is substantially related to the qualifications, functions or duties of a taxicab owner or owner of a business which operates taxicabs. However, no person shall be denied a permit solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under State Penal Code Sections 4852.01, et seq, or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering the denial of a license under State Penal Code Section 482(a).

Sec. 42.8 Posting Requirements.

(a) There shall be displayed in the taxicab passenger compartment in full view of any passenger:

(1) A copy of a valid permit issued pursuant to this Article; and

(2) A rate schedule substantively identical to the rate schedule filed pursuant to Section 42.6(i) or amended pursuant to Section 42.11; and

(3) The register display of the taximeter.

(b) There shall be displayed on each exterior side of the taxicab in full view of prospective customers:

(1) In letters not less than two (2) inches in height and width, the business name and telephone number of the taxicab vehicular permittee; and

(2) A rate schedule in the following format:

FIRST MILE: (fee)*
ADDITIONAL MILES: (fee/mi.)*

* subject to time clock

All letters and numbers in the first two lines of the above format shall be not less than one and one-half (1 1/2) inches in height and width. The third line of the above format shall be in letters not less than three-quarters (3/4) of an inch in height and width. The rate schedule shall be consistent with the rate schedule filed pursuant to Section 42.6(i) or amended pursuant to Section 42.11.

(3) In letters not less than one and one-half (1 1/2) inches in height and width and adjacent to the schedule required by (2) of this section, any additional types of fees to be charged and the amount of such fees, as indicated on the rate schedule filed pursuant to Section 42.6(i) or amended pursuant to Section 42.11.

(4) Nothing in this subsection (b) shall preclude the display on the taxicab exterior fees calculated on a different basis than required by part (2) of this subsection; provided, however, that such display must be located below the information required by this subsection (b).

Sec. 42.9 Radio Dispatch Service.

Every taxicab shall be equipped with an operative two-way radio dispatch system approved by the F.C.C. for commercial use.

Sec. 42.10 Illuminated Top Lights.

A top light containing light or lights shall be affixed to the roof of every taxicab and shall be illuminated in nondaylight hours when the taxicab is available for hire. The word "taxicab," "taxi," "cab" or the business name of the taxicab owner or other words identifying the vehicle as a taxicab shall be visible on the top light.

Sec. 42.11 Rate Schedule Amendment.

A written amended schedule of rates to be charged for the hire of the taxicab may be filed with the Director; provided, however, that a rate schedule may be amended no more frequently than once every three (3) months.

Sec. 42.12 Liability Insurance.

During the term of a permit issued pursuant to this Article, the permittee or owner(s) of a taxicab authorized by the permit shall maintain in full force and effect at no cost to the City a comprehensive auto and general liability insurance policy:

(a) In an amount no less than \$500,000 single limit per occurrence; and

(b) Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

(c) Providing that the City of Sacramento, its officers, employees and agents are to be named as additional insureds under the policy; and

(d) Covering all losses and damages as specified in Section 42.13; and

(e) Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

(f) Providing that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the taxicab vehicular permit, without 30 days' written notice to the Director prior to the effective date of such cancellation or change in coverage.

(g) Notwithstanding any other provision of this section, an owner of any taxicab or automobile for hire operating under the provisions of this chapter may provide for a deposit and insurance applicable to such taxicab or automobile for hire provided the following conditions are met:

(1) Such owner becomes approved as a depositor under the Compulsory Financial Responsibility Law of the State of California pursuant to Sections 16020, et seq, of the Vehicle Code. A certified copy of such acknowledgment of deposit shall be filed with the Chief of Police and Finance Director; and

(2) Such owner obtains a comprehensive liability insurance policy executed by an insurance company authorized to do business in the State of California by the Insurance Commissioner of the State of California of not less than \$500,000 single limit per occurrence, coverage to commence at the amount of said deposit. The City of Sacramento, its officers, agents and employees shall be named insured, and said policy shall operate as primary insurance and no other insurance effected by the City of Sacramento, its officers, agents or employees, or other named insured shall be called upon to contribute to a loss covered thereunder. Said policy shall contain an endorsement that the insurance company issuing it will not allow the same to be canceled for any purpose or changed for any purpose without serving 30 days' notice of cancellation or change upon the Finance Director. Such service shall be by registered mail.

In the event of failure of any owner to obtain or maintain in effect such deposit or such insurance policy, the Chief of Police shall order the cancellation of the permit as provided in this section.

Sec. 42.13 Indemnity and Hold Harmless.

The permittee and taxicab owner(s) shall assume the defense of, and indemnify and hold harmless, the City, its officers, employees and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the operation of a taxicab. The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the permittee may be subjected to under other laws.

Sec. 42.14 Procedure for Permit Denial, Revocation or Suspension.

(a) Except as provided in Section 42.15(b), Director may deny, revoke or suspend a taxicab vehicular permit only after a hearing granted upon three days' written notice to those persons specified in Section 42.6(a) and (c). Such notice shall specify the specific grounds for the proposed action. At the hearing, to be held by the City Manager, the persons noticed pursuant to this section shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all witnesses presented. Issuance of a written notice of cancellation, expiration or change in coverage by an insurance company shall be conclusive proof at the hearing of the change in the policy so indicated. The City Manager shall mail or otherwise furnish to persons noticed pursuant to this section a written decision, stating the grounds for the decision. The taking or pendency of an appeal under subsection (b) shall not stay the effectiveness of such decision.

(b) If any person specified in Section 42.6(a) or (c) is dissatisfied with the decision of the City Manager in ordering the denial, revocation or suspension of the permit, such person may appeal to the City Council by filing a notice of appeal in writing with the City Clerk within ten days of the date of the written decision of the City Manager. The City Council or a hearing examiner, designated pursuant to Section 2.323, shall hold a hearing within 30 days of the receipt of the notice of appeal. The appellant shall be accorded the same hearing rights provided in subsection (a) hereof. The City Council or designated hearing examiner may sustain, reverse or modify the order of the City Manager. The decision of the City Council or designated hearing officer shall be final.

Sec. 42.15 Grounds for Permit Revocation or Suspension.

(a) A taxicab vehicular permit issued pursuant to this Article may be revoked or suspended for the following reasons:

(1) Failure to comply with the requirements specified in Section 42.8, 42.9 or 42.10; or

(2) Operation of the taxicab without an accurate taximeter, or with a taximeter other than that specified in the permit application; or

(3) The taxicab or its equipment is in such condition that its operation violates the State Vehicle Code; or

(4) Since the issuance of the permit, grounds for permit denial pursuant to Section 42.7(d) have occurred; or

(5) Transfer or sale of the permit to a vehicle or taximeter other than that identified in the permit application; or

(6) Use of a color scheme other than that described and approved pursuant to Sections 42.6(j) and 42.7(a)(2).

(b) Upon written notice by an insurer of cancellation, expiration or change in insurance coverage resulting in noncompliance with Section 42.12, a permit issued pursuant to this Article shall be automatically suspended effective upon the effective date of the change in coverage stated in the written notice by the insurer.

The suspension shall continue until the City receives written notice from the insurer indicating compliance with the requirements of Section 42.12, or until the permit expires, as provided in Section 42.7(b).

Article III Taxicab Driver Permit

Sec. 42.16 Permit Required.

No person shall drive for compensation or offer to drive for compensation a taxicab unless he or she holds a valid taxicab driver permit issued pursuant to this Article.

Sec. 42.17 Permit Procedure.

Applications for a taxicab driver permit shall be filed with the Director and shall contain the following:

(a) The name and address of the applicant;

(b) The number of a valid state driver license issued to the applicant, and date of license expiration;

(c) A statement of whether the applicant's state driver license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension;

(d) A list of each conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which applicant was convicted.

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

(f) 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 State Health and Safety Code;

(g) A list of all prescription medication which applicant takes on a regular or episodic basis;

(h) An annual nonprorateable permit fee, as established by resolution of the City Council;

(i) Such other information as may be required by the Director to further the purpose of this chapter.

Sec. 42.18 Permit Issuance.

(a) A taxicab driver permit shall be issued by the Director:

(1) Upon receipt of a complete application, as specified in Section 42.17; and

(2) If no ground for permit denial or revocation exists, as specified in Section 42.19 or Section 42.20; and

(3) After fingerprinting of the applicant by the Police Department, and submission of 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 the use of the special investigation section of the Police Department.

(b) All permits shall expire on July 31 of the calendar year following the date of issuance unless sooner revoked. A permit shall not be transferable.

Sec. 42.19 Grounds for Permit Denial.

A taxicab driver's permit may be denied by the Director on the following grounds:

(a) Failure to submit a complete application, as specified in Section 42.17;

(b) Failure to submit fingerprinting and photographs, as required by Section 42.18(a)(3);

(c) The applicant knowingly made a false statement of fact required to be revealed in the permit application;

(d) The applicant:

(1) 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; or

(2) Has done any act involving dishonesty, fraud or deceit with intent to substantially benefit him or herself, or another, or substantially injure another; or

(3) Has a physical or mental disability or incapacity, or takes medication, uses alcohol or any controlled substance as defined in the State Health and Safety Code.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (d) only if, in the opinion of the Chief of Police, the crime, act, disability, incapacity or impairment from a substance consumed is substantially related to the qualifications, functions or duties of a taxicab driver. However, no person shall be denied a permit solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under State Penal Code Sections 4852.01, et seq, or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering the denial of a license under State Penal Code Section 482(a).

Sec. 42.20 Unlawful Activities.

(a) It shall be unlawful for any person to operate a taxicab for compensation with knowledge that the taxicab or taximeter is not authorized by a valid permit or that grounds for revocation or suspension of said permit pursuant to Section 42.15 exist.

(b) It shall be unlawful for any taxicab driver or person in the business of operating a taxicab for compensation to do any of the following:

(1) Charge an additional type of fee or higher fee other than those fees posted, as required by Section 42.8. Notwithstanding Sections 42.8(b) and 42.11, it shall be lawful to charge a fee less than those fees posted;

(2) Transport a greater number of passengers than the rated seat capacity of the taxicab; or

(3) Fail to answer all calls received in order of receipt; or

(4) Leave a taxicab unattended in a taxicab zone; or

(5) Refuse, upon request, to give a passenger a written receipt showing the fare due, and the miles and minutes employed; or

(6) For the primary purpose of obtaining higher fees, drive passengers via indirect or circuitous routes; or

(7) Refuse to provide service on the basis of the short length of the prospective ride; or

(8) Fail to display a valid permit, issued pursuant to this Article, in the taxicab interior in full view of any passenger; or

(9) Pick up additional passengers without prior consent of the passenger(s) already in the taxicab;

(10) Solicit or carry passengers for compensation in a taxicab not posted in compliance with Section 42.8, or not equipped with an operable accurate taximeter;

(11) Knowingly fail to report to the holder or agent of the holder of the Section 42.6 taxicab vehicular permit all property of value left by a passenger in the taxicab within 24 hours of discovery of such property.

(c) It shall be unlawful for any person to wilfully refuse to pay the legal fare charged for his or her employment of a taxicab.

Sec. 42.21 Grounds for Permit Revocation or Suspension.

A taxicab driver's permit may be revoked or suspended by the Director on any of the following grounds:

(a) Violation of Section 42.20; or

(b) If, since the issuance of the permit, grounds for permit denial pursuant to Section 42.19(d) have occurred, or the applicant has been found by the Director to have knowingly made a false statement of fact required to be revealed in the permit application; or

(c) Transfer or sale of the permit to an individual other than the person specified on the permit application.

Sec. 42.22 Procedure for Permit Denial, Revocation or Suspension.

(a) The Director may refuse to issue, revoke or suspend a taxicab driver's permit only after a hearing granted upon three days' written notice to the permittee. Such notice shall specify the specific grounds for the proposed action. At the hearing, to be held by the City Manager, the permittee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all witnesses presented. The City Manager shall mail or otherwise furnish to the permittee a written decision, stating the grounds for the decision. The taking or pendency of an appeal under subsection (b) shall not stay the effectiveness of such decision.

(b) If the permittee is dissatisfied with the decision of the City Manager in ordering the denial, revocation or suspension of the permit, such person may appeal to the City Council by filing a notice of appeal in writing with the City Clerk within ten days of the date of the written decision of the City Manager. The City Council or hearing examiner, designated pursuant to Section 2.323, shall hold a hearing within 30 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 Council or designated hearing examiner may sustain, reverse or modify the order of the Director. The decision of the City Council or designated hearing officer shall be final.

SECTION 3.

The City Code Section 25.1 definition of "Taxicab Stand" is hereby repealed.

SECTION 4.

A definition of "Taxicab Zone" is hereby added to City Code Section 25.1, to read as follows:

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Taxicab Zone: The spaces adjacent to a curb reserved for the legal parking of taxicabs while awaiting hire. All such zones shall be indicated by painting the curb yellow on white with a legend "Taxicab Zone" thereon and a sign posted indicating the same.

SECTION 5.

City Code Section 25.115 is hereby amended to read as follows:

The City Traffic Engineer is hereby authorized to establish taxicab zones as provided in Chapter 42. No person shall stop, stand or park in a taxicab zone any vehicle except a taxicab immediately available for hire.

SECTION 6.

The following uncodified section is hereby enacted:

Notwithstanding any provision of this Ordinance to the contrary, no rate or fare may be charged for taxicab service in the three months following enactment of this Ordinance other than the rates specified in this section:

(a) For the first one-sixth (1/6) mile, or fraction thereof, \$1.20;

(b) For each additional one-sixth (1/6) mile, or fraction thereof, 20 cents;

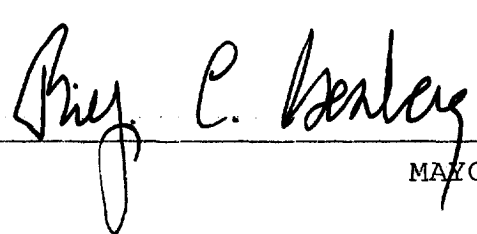
(c) Waiting time shall be computed and paid for at the rate of \$8 per hour; provided, further, that clock meters shall be in continuous operation at all times after the meter flag is dropped.

(d) No additional charge shall be imposed for additional passengers traveling to the same destination, or for loading or unloading baggage.

PASSED FOR PUBLICATION: May 18, 1982

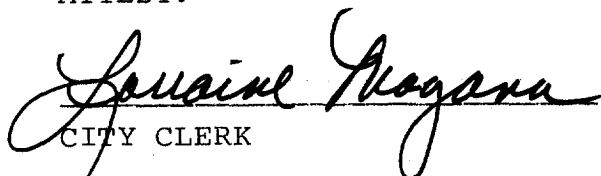
ENACTED: May 25, 1982

EFFECTIVE: June 24, 1982



MAYOR

ATTEST:



CITY CLERK