SUBJECT: PROPOSED REVISION OF TAXICAB/VEHICLE FOR HIRE ORDINANCE

SOURCE: Police Department

COMMENT: For several years, the community of Porterville was served by one taxicab. In the past year, a new taxicab company with a fleet of vehicles began serving the Porterville area. Additionally, three limousine companies are providing transportation services in Porterville. During the process of licensing and issuing permits to the business and drivers, it became evident that the current city ordinance pertaining to taxicabs/vehicles for hire was lacking in several areas. The current ordinance was adopted in 1980. The ordinance is ambiguous in terms of how to ensure the taxicabs or vehicles for hire would be safe and on the issuance of permits to drivers who would be transporting the citizenry. Clearly there is a need to update the ordinance, which regulates this activity in Porterville.

City staff has worked in cooperation with the City Attorney to develop an ordinance that would be effective in regulating these services, with the goal of ensuring the safety of persons relying on these companies for their transportation needs. In developing the new ordinance, staff has surveyed small and large municipalities to determine the industry standard as it relates to regulating taxicabs and vehicles for hire. The department will also be requesting an increase in the service fee for processing the permit applications of drivers. This increase is necessary to cover costs associated with the fingerprinting and processing the permit application.

A draft ordinance is being provided to seek direction, input and intent of the Council.

RECOMMENDATION: 1) That the Council offer directions or suggestions for the draft ordinance, and
2) That the Council set the date of April 5, 2005 as the date for the public hearing required to establish the ordinance, set the administrative fee and to receive input from persons interested in this matter.

Attachment: Revised Chapter 23 of Porterville Municipal Code
Taxi Driver/Operator Application & Vehicle Inspection Form

DD [Signature]  CM [Signature] Appropriated/Funded [Signature]  Item No. 17
ARTICLE I. IN GENERAL

Sec. 23-1. Definitions.
For the purposes of this chapter, the following terms shall have the meanings respectively set forth in this section:

Automobile for hire. The term "automobile for hire" as used in this chapter shall include every automobile or motor propelled vehicle by means of which passengers are transported for hire upon any public street in the city and not over a regular or defined route and irrespective of whether the operations extend beyond the boundaries of the city or not, excepting vehicle of highway contract carriers as defined in this section.

Highway contract carrier. The term "highway contract carrier" as used in this chapter means every highway common carrier subject to the regulations as such by the railroad commission under the public utilities act of the state.

Taxicab. The term "taxicab" as used in this chapter, shall include every automobile or motor-propelled vehicle by means of which passengers are transported for hire upon any public street in the city and not over a regular or defined route and irrespective of whether the operations extend beyond the boundary limits of the city or not and where a charge for such transportation is measured by the distance traveled or by the time required for such transportation, or both, or where any other goods are received or charged for such transportation excepting vehicles of "highway contract carriers" as defined in this section.

Sec. 23-2. Compliance with chapter provisions.
The rules and regulations in this chapter shall be observed by all persons operating taxicabs or automobiles for hire, and it shall be unlawful to operate such taxicab or automobile for hire in violation of any of the rules in this chapter.

Sec. 23-3. Identification card.
Any person operating a vehicle for hire or a taxicab shall have the taxi driver identification card issued by the city and displayed in the cab while said person is operating the cab. The identification card shall be affixed to the visor in the driver's area or if no such visor exists attached to the top of the cab in that area.

Sec. 23-4. Persons not eligible to operate/drive vehicle.
No taxicab or automobile for hire shall be operated by any person under the age of eighteen (18) years; or by any person who does not possess a valid California driver’s license; or by any person who does not possess a valid taxicab driver permit; or by any person who is known to be habitually under the influence of intoxicating drugs, liquors or combination of both.

Sec. 23-5. Use of intoxicating liquors or medications prohibited during hours of duty.
The driver of any automobile for hire or taxicab in the City of Porterville shall refrain from drinking spirituous, malt, vinous or intoxicating liquors of any kind or character, or the taking of any type of medication that manifests a narcotic tranquilizing effect, during the period of time that such person is
on duty or prior to going on duty when the effects of such liquor or medication would still be in effect on the driver, or when the subject driver is subject to call in the operation of such automobile for hire or taxicab.

Sec. 23-6. Parking.
No automobile for hire or taxicab shall remain standing upon any portion of any public street within the city, except for loading and unloading passengers and then not for a period of more than five (5) minutes, excepting at such stand as may be designated and described in the permit. This section shall not apply to any automobile for hire or taxicab while the same is engaged by or being paid for by a passenger. During operating hours, taxicabs shall not be parked in residential areas unless during the course of business. During non-operating hours the taxicabs shall be parked at the business location.

Sec. 23-7. Reserved.

Sec. 23-8. Operator to take most direct route.
The operator of any taxicab shall carry any passenger engaging the same safely and expeditiously to his destination by the most direct and accessible route.

Sec. 23-9. Mechanical and sanitary condition of vehicle.
All automobiles for hire and taxicabs shall be kept in good mechanical condition.

No automobile for hire or taxicab shall be operated unless the passenger compartment be kept clean and in a sanitary condition.

Sec. 23-9.1 Mechanical Inspection.
All vehicles permitted to be operated under a permit issued pursuant to this chapter shall be in safe operating condition and shall be inspected semiannually annually by the city or its duly authorized representative, a qualified mechanic certified by the State of California Department of Consumer Affairs. The police department shall provide inspection forms, which the mechanic shall complete and certify. The permit holder shall submit the completed inspection form to the police department.

In the event said vehicle is found to be unsafe because of defective brakes, lights, or other operating defect, said vehicle shall not be permitted to be used as a taxicab or vehicle for hire until such defect has been corrected. The cost of said inspection shall be at the expense of the permit holder taxicab/automobile for hire company.

In the event the permit holder fails to produce a vehicle for inspection at the time requested, said vehicle shall not be permitted to be used as a taxicab or other vehicle for hire within the City of Porterville until the provisions of this section have been complied with.

Sec. 23-9.2 Taximeters; condition, operation.
Every taxicab shall be equipped with a single tariff taximeter or other measuring instrument. The use of any inaccurate taximeter or other measuring instrument for the purpose of gauging or indicating distance traveled, or waiting time for the purpose of fixing rates to be collected from the public, is hereby prohibited. It shall be the duty of the owner using any taximeter or other measuring instrument to keep said taximeter or measuring instrument in an accurate condition.
The permit holder shall provide proof that each vehicle’s taximeter is inspected a minimum of once a year, and immediately upon a change effecting the meter rate, by the Tulare County Department of Weights and Measures. The taximeter shall be subject to inspection at any time by the Tulare County Department of Weights and Measures.

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 subjected to inspection at any times by the Chief of Police or his designee. A police officer who receives a complaint from any person that the rate charged is more than the legal rate shall report such fact to the Chief of Police, who shall cause such taximeter or other measuring instrument to be inspected at once.

The taximeter shall be so placed in a taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab, unless such taxicab is equipped and operated as a receipt-printing taximeter.

All drivers of taxicabs, upon payment of the fare, shall give a receipt when requested for the fare paid.

The driver of a taxicab shall not throw the flag of the taximeter in a recording position when such taxicab is not actually employed.

All taxicab drivers shall cause the taximeter to be in the non-recording position at the termination of each service.

The driver of a taxicab, while carrying passengers or under employment, shall not display the flag affixed to such taximeter, cause the taximeter to be in such position as to denote that such taxicab is not employed, or in such position as to denote that he is employed at a rate or fare different than that to which he is entitled.

The meter flag shall be of a size not less than three (3) inches by six (6) inches and installed in a position which is clearly visible to any party standing outside the taxicab when said taxicab is being used by a fare.

Sec. 23-9.3 Authority of Police Department to Inspect Taxicabs
The Chief of Police or his designee, under his/her direction, shall have the right at any time, when a taxicab or vehicle for hire is not transporting a customer and after displaying proper identification, to enter into that vehicle for the purpose of ascertaining whether or not any of the provisions set forth in this chapter are being violated.

Such inspection may occur when a customer is present and the Chief of Police of his/her designee has probable cause to believe a violation is present.

Sec. 23-10. Rates.
The operator or owner of a taxicab shall post charges and rates in both the front and rear passenger sections of said vehicle and in a manner so that the same shall be clearly visible to passengers. The chief of police is hereby authorized to designate place or places in said vehicles where charges and rates shall be posted.
The city council shall have the power and right at all times for the duration of the taxi license to regulate and establish reasonable rates and charges. The taxi company licensee shall submit a list of all proposed rates increases to the city no less than thirty (30) days prior to the proposed increase taking effect. If the licensee does not receive any notification from the city, they may presume that there are no objections on the part of the city to the rate increase. The establishment of rates and charges shall be discretionary with the city council.

Sec. 23-11. Soliciting patronage.
No owner or operator of any automobile for hire or taxicab shall solicit patronage for the same from the vehicle or within one hundred (100) yards there from upon any public street, save and except at railroad and interurban depots and within the boundaries of the space to be designated by the chief of police for such purposes.

Sec. 23-12. Exclusive use of persons engaging vehicle.
No operator or owner of any automobile for hire or taxicab shall solicit or take on or carry any passenger after such automobile for hire or taxicab shall have been engaged or while in use for another passenger, without the consent of the passenger first engaging the same, having been first obtained. A passenger engaging such automobile shall have the exclusive right to full and free use of the passenger compartment and the whole thereof if he desires the same.

Sec. 23-13. Automobile for hire not to be advertised as taxi or taxicab.
No automobile for hire shall be designated as a “taxi” or “taxicab,” or by word or phrase using the words “taxi” or “taxicab” in any sign or advertising matter.

Sec. 23-13.1 Out of service taxicabs.
When a taxicab is not in service but is being operated on public streets, a sign shall be affixed on each side of the vehicle, clearly identifying the vehicle as being “Out of Service.”

ARTICLE II. OPERATING/DRIVER PERMIT

Sec. 23.14 Operating/driver permit required.
It shall be unlawful to operate or cause to be operated, an automobile for hire, or a taxicab upon any public street within the city without first having obtained a permit to do so in accordance with the provisions hereof, and without complying or having complied with all the provisions of this chapter as well as those applicable sections of chapter 15.

No company shall operate a taxicab or vehicle for hire business within the City of Porterville without having first obtained a business license and an operating permit from the City of Porterville. No person shall be allowed to drive a taxicab or vehicle for hire without having first obtained a driver’s permit from the City of Porterville.

Sec. 23-15. Limit of one permit to each person.
No person shall be entitled to hold more than one (1) permit at a time, either as individual, member of a copartnership, stockholder or officer of a corporation, or under fictitious name, or otherwise.
Sec. 23-16. Application – Contents; fee.
Any person desiring to obtain the permit required by section 23-14 shall pay a fee, as fixed by resolution of the city council, to the city clerk, and shall make application for such permit to the chief of police. An operator’s permit application shall set forth:

(a) The name and address of the applicant, and if the same be a corporation, the names of its principal officers, or if the same be a partnership, association or fictitious company, the names of the partners or persons comprising the association or company, with the address of each.

(b) A statement as to whether the permit is desired for an automobile for hire, or a taxicab.

(c) The description of every motor vehicle which the applicant proposes to use, giving:

a. Trade name;
   b. Motor and serial number;
   c. State license number;
   d. Seating capacity;
   e. Body style.

(d) The street number and exact location where the applicant proposes to stand each automobile.

(e) Proposed schedule of rates or fares to be charged for carrying of passengers in such automobile.

(f) The distinctive color scheme, name, monogram, or insignia, which shall be used on such automobile, along with an identifying vehicle number.

A driver’s permit application shall set forth:

1. The name, date of birth, physical description, address, and phone number of the applicant.
2. The applicant’s California Driver’s license number, status, and driving history.
3. Place of employment with contact address and phone number.
4. Listing of all previous arrests and convictions.
5. Other information as deemed pertinent by the Chief of Police.

Secs. 23-17, 23-18. Reserved.

Sec. 23-19. Grounds for denial of permit.
The following reasons shall be sufficient denial of such permit as required in section 23-14.
(a) That the application is not in the form, and does not contain the information required to be contained therein by this chapter.
(b) That the vehicle or vehicles described therein are inadequate or unsafe for the purposes for which they are to be used.

(c) That the color scheme, name, monogram or insignia to be used upon such automobile, shall be in conflict with or imitate any color scheme, name, monogram or insignia used by any person in such manner as to be misleading or tend to deceive, or defraud the public.

(d) That the applicant has, at some prior time, had a permit for the operation of automobile for hire, or taxicab revoked for reason.

**Sec. 23-19.1. Appeal to city council re: denial of permit.**

In the event the chief of police, for any reason, denies the application of any applicant or refuses to issue the applicant a permit for the operation of an automobile for hire or taxicab, such applicant may, on or before the fifteenth day following said denial, file with the city clerk a written notice of protest of the decision of the chief of police and a request that the city council issue the permit requested. Within thirty (30) days following the receipt of applicant's written notice the same shall be considered by the city council at a regular or special meeting. The city council shall have full power and authority to grant or deny the permit for the causes set forth in section 23.19.

**Sec. 23-20. License fee prerequisite to issuance.**

Before any permit as required in section 23-14 shall be issued a license fee shall be paid to the city at a rate as fixed by the city council and failure to pay such license fee aforesaid shall automatically revoke any permit issued under this article.

**Sec. 23-21. Deposit of insurance policy prerequisite to issuance of operators permit.**

Before a operator's permit required in section 23-14 shall be issued by the chief of police, the applicant shall deliver to the city clerk a policy of insurance, executed by a company duly authorized under the laws of the state to do an insurance business, by the provisions of which policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the automobile referred to in such application; provided, that the minimum amount for which liability shall be assumed for injury to or death of one person in any one accident shall be fifty thousand dollars ($50,000.00), one hundred thousand dollars ($100,000.00) to more than one person on any one accident, and the minimum amount for which liability shall be assumed for destruction of property in any one accident shall be twenty-five thousand dollars ($25,000.00).

**Sec. 23-22. Photograph; fingerprints.**

Before any permit required in section 23-14 shall be issued for the operation of an automobile for hire or taxicab, the operator thereof, together with all chauffeur's licensed, shall file with the chief of police, a photograph, size two inches by two (2) and three-fourths (2 3/4) inches, and shall have their fingerprints taken by the chief of police or any authorized deputy.

**Sec. 23-23. Revocation; hearing; notice.**

Any permit granted under the provisions of this article may be revoked by the city council either as a whole or as to any or all cars described therein or as to the right to use any distinctive color, monogram or insignia after five (5) days' notice to the permit holder, requiring him to appear at a certain time and place to show cause why such permit should not be revoked for any of the reasons enumerated in section 23-24.
Sec. 23-24. Grounds for revocation.

Grounds for revocation of a permit by the city council shall be for any of the following reasons:

(a) For the nonpayment of any license fee.

(b) For failure to observe any of the rules and regulations or provisions set out in this chapter.

(c) For the violation of any of the laws of the state or ordinances of the city by any permit holder, operator or driver of an automobile for hire or taxicab.

(d) For failure to maintain satisfactory service to the public by means of any of the vehicle described in the permit, or for failure to keep any car described in the permit in use for any unreasonable length of time, or for failure to use the distinctive color, monogram or insignia described in the application.

(e) For any cause which in the opinion of the city council makes it contrary to the public interest, convenience and necessity for the permit to be continued.

(f) The undertaking provided for in section 23-21, has not been given or has been withdrawn or lapsed for nonpayment, of premium, or is not in force for any reason.

Sec. 23-25. Transferability.

No permit issued under the terms of this article shall be transferable either by contract or operation of law without the permission of the chief of police having been first obtained, and any such attempted transfer shall be sufficient cause for revocation thereof.

Sec. 23-26. Applications for changes of name, substitution of vehicle, etc.

In the event that any permit holder desires to change his color scheme, name, monogram or insignia used on such automobile for hire, or taxicab, or to substitute any vehicle for and in place of the vehicle described in the application for permit, or to increase or decrease the number of vehicles used by him as automobiles for hire or taxicabs, he shall make application for permission to do so from the chief of police which permission shall be granted, if in the discretion of the chief of police, he deems the public interest, necessity and convenience will be served by such change, and if the permit holder has complied with all provisions of this chapter.

Sec. 23-27. Appeal to city council re: denial of application for changes, etc.

In the event the chief of police shall refuse to permit any change specified in section 23-26, the permit holder may protest the decision of the chief of police in the time and in the manner set forth in section 23-19.1 and the city council shall consider and act on said protest in the time and in the manner set forth in section 23-19.1 and shall deny the change requested if the council fails to find that the public interest and convenience will be served by such change or if the permit holder has failed to comply with the provisions of this chapter.

Sec. 23-28. Permit validity period.

A permit required by this article shall be valid for no longer than a period of one (1) year and expire on the date of issuance. Renewal permits must be completed during the month of January each year.