SUBJECT: SECOND READING - ORDINANCE 1666, TAXICAB AND OTHER VEHICLES FOR HIRE

SOURCE: Administrative Services Department/City Clerk Division


RECOMMENDATION: That Council give Second Reading to Ordinance No. 1666 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1666
ORDINANCE NO. 1666

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE, CHAPTER 23, TAXICABS AND OTHER VEHICLES FOR HIRE


WHEREAS: The proposed amendment will allow the a more effective and efficient regulation of the vehicle for hire activity in the City of Porterville.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Chapter 23, Taxicab and Other Vehicles for Hire, as follows:

SECTION 1: Article 1, In General, Section 23-4, is hereby amended as follows:

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.

SECTION 2: Article 1, In General, Section 23-6, is hereby amended as follows:

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. Taxi drivers who are “on-call” may park the taxicab on front of their residence during the time during which they are on call, provided no more than one (1) taxicab is parked at that location.
SECTION 3: Article 1, In General, Section 23-9.1, is hereby amended as follows:

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 annually by 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 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 taxicab/automobile for hire company.

SECTION 4: Article 1, In General, Section 23-9.2 is hereby amended as follows:

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 time 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.

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

The taxicab driver, while carrying passengers or under employment, shall not 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.

SECTION 5: Article 1, In General, Section 23-9.3 is hereby added as follows:

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.

SECTION 6: Article 1, In General, Section 23-10 is hereby amended as follows:

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 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.
SECTION 7: Article 1, In General, Section 23-9.13.1 is hereby added as follows:

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.”

SECTION 8: Article II, Operating/driver Permit, Section 23-14 is hereby amended as follows:

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.

SECTION 9: Article II, Operating/driver Permit, Section 23-16 is hereby amended as follows:

Sec. 23-16. Application – Contents; fee.

Any person desiring to obtain a permit required by section 23-14 shall pay a fee, as fixed by resolution of the city council, and shall make application for such permit to the chief of police. An operator’s permit application shall set forth:

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.

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

(b) 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.

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

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

SECTION 10: Article II, Operating/driver Permit, Section 23-21 is hereby amended as follows:

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

Before an 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).
SECTION 11: Article II, Operating/driver Permit, Section 23-28 is hereby amended as follows:

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. Renewal permits must be completed during the month of January each year.

SECTION 12: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

____________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

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Georgia Hawley, Chief Deputy City Clerk