



REPORT TO COUNCIL

City of Sacramento

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STAFF REPORT
October 5, 2010

**Honorable Mayor and
Members of the City Council**

Title: Ordinance Relating to Taxicabs

Location/Council District: Citywide

Recommendation: Adopt an **Ordinance repealing and adding** Chapter 5.136 of the Sacramento City Code and amending Sections 10.04.010, and 10.36.170 of the Sacramento City Code relating to taxicabs.

Contact: Brad Wasson, Revenue Manager, 916-808-5844; Dafna Gauthier, Business Permit Manager, 808-7800

Presenters: Brad Wasson, Revenue Manager, 916-808-5844; Dafna Gauthier, Business Permit Manager, 808-7800

Department: Finance

Division: Revenue

Organization No: 06001231

Description/Analysis

Issue: In 2006, the Mayor and the Sacramento City Council adopted Chapter 5.136 of the City Code to regulate taxicabs. However, this Chapter does not address current problems that have arisen in regulating and enforcing the taxicab industry. These problems include, but are not limited to, taxicabs parking in metered spaces downtown and unprofessional conduct by taxicab drivers. Additionally, the administrative structure in the existing Code has resulted in unforeseen operational inefficiencies.

Policy Considerations: Taxicabs provide an essential component of the public transit system that serves the city. A well functioning taxi system can be a valuable resource for visitors, business people, and patrons of bars, clubs, restaurants and stores. At the same time, taxis can also assist those who do not have a car for a variety of reasons such as income, age, disability or personal choice.

Taxicabs are operated by private persons who utilize the public rights of way to advertise and deliver their services. Left unregulated, the competitive and transient nature of the business can result in predatory, discriminatory, fraudulent and dangerous conduct. The appropriate regulation of taxicab companies, taxicab drivers and their operations must be in place to protect the public health, safety, and welfare.

Environmental Considerations: The regulation of taxicabs is not subject to CEQA because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines §§ 15060(c)(2), 15061(b)(2), 15061(b)(3), 15321(b), 15378(a).)

Sustainability Considerations: There are no sustainability considerations applicable to amending City Code relating to amending the taxicab ordinance.

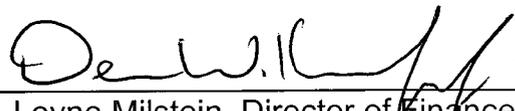
Commission/Committee Action: On July 20, 2010, the Law & Legislation Committee approved the proposed ordinance and directed staff to bring the item before the Mayor and City Council.

Rationale for Recommendation: Amendment of the City Code relating to taxicabs would address and resolve current problems in the industry and improve the overall efficiency of the permitting program. In addition, amending the City Code would enhance the City's ability to ensure compliance with regulations. As a result of these changes, taxicab service in the City of Sacramento will improve.

Financial Considerations: None. The proposed changes to the City Code are not anticipated to have any financial impact to the City.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Brad Wasson, Revenue Manager

Approved by:  for
Leyne Milstein, Director of Finance

Recommendation Approved:

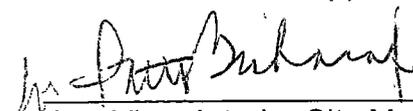

Gus Vina, Interim City Manager

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BACKGROUND

The current taxicab ordinance was adopted in 2006. Since implementing this ordinance four years ago, it has become evident that revisions to the code are necessary to more efficiently and effectively manage the industry, and to improve taxi service in the City of Sacramento.

Key Policy Changes:

Listed below are several of the main concerns in the taxi industry and in the City's administration of the program, followed by changes to the code proposed to be address these concerns. The concerns and changes have been discussed with the taxi industry and they are aware of the recommended changes. The provisions underlined below are minor additions or modifications that staff has adopted into the proposed ordinance after the Law & Legislation Committee approved that the ordinance be considered by the City Council. These additions or modifications were adopted in response to requests by the taxicab industry and after consideration by staff.

ISSUE 1: DISPUTES OVER INFORMAL QUEUING LINES AT TAXI STANDS

Currently, some drivers are participating in informal queuing lines established at taxicab zones. Drivers use metered parking spaces to wait in line for their turn to park at taxicab zones. Some drivers wait hours in a taxicab zone to pick up a fare. As a result, disputes arise when other taxicab drivers are perceived to be "jumping the line" to pick up fares. Staff recommends that the code be amended to address this issue as follows:

- Drivers are prohibited from parking taxicabs in any metered parking spaces, instead of only being prohibited from parking at parking meters while awaiting passengers at taxicab zones. (5.136.160)
- Currently, drivers are prohibited from parking taxicabs in any taxicab zone for longer than 30 minutes. (5.136.170)
- Staff recommends that City Council approve an extension in the wait time from 30 minutes to 90 minutes for the taxi zones. Staff has met with the industry, and after review, determined that the wait time could extend to 90 minutes and still achieve the desired results.
- Drivers are prohibited from threatening, harassing or abusing another person while operating a taxicab. (5.136.180)

ISSUE 2: CODE DOES NOT ADDRESS TYPES OF CHARGES ALLOWED

Currently, City Council establishes maximum allowable rates that taxicabs may charge for the flag drop and per mile, but the code does not expressly authorize the City Council to establish other types of charges such as airport charges and credit card charges. Staff recommends that the code be amended to address this issue as follows:

- The City Council will now determine what types of charges are allowable (e.g. flag drop, per mile, airport rate). (5.136.050)

ISSUE 3: INSURANCE COVERAGE REQUIREMENTS ARE INSUFFICIENT

The City's Risk Management Division recommends that the insurance coverage should increase to maintain viable coverage for taxi drivers and associations. Staff recommends that the code be amended to address this issue as follows:

- The limit of the required automobile liability insurance maintained by drivers is increased to \$500,000 per occurrence. (5.136.250)
- The limit of the required general liability insurance maintained by associations is increased to \$1,000,000 per occurrence. (5.136.650)

ISSUE 4: INEFFICIENCIES IN ADMINISTRATION OF PERMIT PROGRAM

The current process for renewing all taxi-related permits on November 15th of each year has a huge impact on City staff and taxi vehicle inspection facilities. To address this and other issues regarding inefficiencies in the administration of the permit program, staff recommends that the code be amended as follows:

- Upon issuance of a fleet association permit, the Director of Finance will issue an association permit renewal date. (5.136.530)
- Vehicle and association permits are valid until the association permit renewal date. (5.136.310(B), 5.136.510(B)) The term of taxicab driver permits remains the same: one year from the date of issuance.
- Renewal applications for association and vehicle permits are submitted by the fleet association. (5.136.310(B)) The driver remains responsible for the submission of the renewal applications for driver permits.
- Taxicab vehicle inspections must be done within 90 days prior to the issuance of a taxicab vehicle permit. (5.136.420)
- The City is no longer required to provide applicants with notice and additional time to correct incomplete applications. If an application is submitted incomplete, the Director of Finance may deny the application. (5.136.120, 5.136.320, 5.136.520)
- The Taxicab Passenger Bill of Rights is still required to be posted, but the City is not required to provide copies. (5.136.380)
- Automobile liability and general liability insurance are required to be continuously maintained during the term of the corresponding permit. This replaces the policy and practice of allowing insurance to be temporarily stopped during the term of the permit. (5.136.250, 5.136.650)
- Certificates of automobile liability and general liability insurance must be kept in the association office for three years after the expiration of the policy. This replaces the requirement that the certificates to be filed with the city. (5.136.250, 5.136.650)
- The City will no longer be obligated to annually review the rates and charges.

ISSUE 5: DIFFICULTIES IN ENFORCEMENT OF THE CODE

Over the course of the last four years, various issues arose that hampered the City's

ability to adequately enforce the current code. Staff recommends that the code be amended to address this issue as follows:

- Re-organize the code to make it easier to read and refer to.
- Remove redundant and otherwise unnecessary provisions.
- Re-word the code for clarification.
- Incorporate the Taxicab Rules and Regulations into the code.
- Passenger receipts shall show the date and time of the trip and the amount of the fare due. (5.136.210)
- Triplogs shall be filed with the association within one week and shall be maintained for one year. (5.136.220, 5.136.550)
- Taxicab Driver Badges are required to be a minimum of 2" x 4" and include the name of the driver, a photo, and the name and phone number of their registered taxicab fleet association. (5.136.240)
- Taxicab identification number must be at least four inches in height; charges and rates must be at least one and one-half inches in height; and the name and phone number of the taxicab fleet association must be at least four inches in height. (5.136.370)
- Except for the name and phone number of the taxicab fleet association, no other name or phone number shall be posted on the exterior of the vehicle using letters or numbers that are more than two and one-half inches in height. (5.136.370)
- Top lights are required to be wired to automatically illuminate when the taximeter is turned off and automatically extinguish when the taximeter is turned on. (5.136.400)
- Permits may be denied, revoked or suspended for
 - Charges filed or a conviction of any felony or crime involving moral turpitude.
 - Failing to pay the City's business operations tax.
 - Failing to pay administrative penalties.
 - Operation is a threat to the public health, safety or welfare. (5.136.120, 5.136.320, 5.136.520)
- If a driver or association permit (not a vehicle permit) is revoked, the permittee is ineligible from obtaining another permit for 12 months. (5.136.120, 5.136.520)
- Permit appeals to the City Council are governed by existing procedures in Chapter 1.24. (5.136.740)

Subsequent to the Law & Legislation Committee passing the ordinance on July 20, 2010, staff again met with the taxi industry. As a result of those meetings, staff is also recommending that the time limit for drivers to park in any taxicab zone be extended to 90 minutes. (5.136.170)



ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE REPEALING AND ADDING
CHAPTER 5.136 OF THE SACRAMENTO CITY
CODE AND AMENDING SECTIONS 10.04.010
AND 10.36.170 OF THE SACRAMENTO CITY
CODE RELATING TO TAXICABS**

Be it enacted by the Council of the City of Sacramento

SECTION 1

Chapter 5.136 of the Sacramento City Code is repealed.

~~Chapter 5.136 TAXICAB FLEET OPERATION~~

~~Article I. General Provisions~~

~~5.136.010 Findings.~~

~~_____The City Council finds as follows:~~

~~_____A._____Taxicabs provide an essential component of the public transit system that serves the city. Taxicabs are operated by private companies that utilize public rights-of-way in the delivery of their service.~~

~~_____B._____Appropriate efforts must be undertaken to ensure that taxicab companies, their employees, and their drivers take all reasonable actions to ensure protection of the public health, safety, and welfare when providing taxicab services.~~

~~_____C._____The city's administration of taxicab regulations should not unduly burden the taxicab industry; however, the protection of the public health, safety and welfare shall be deemed paramount in the enforcement and interpretation of taxicab regulations.~~

~~5.136.020 Definitions.~~

~~_____“Accessible taxicab” means a taxicab designed to carry at least one person using a standard wheelchair or scooter and is designed to transport a person with a disability, such that the passenger can remain in the wheelchair or scooter at all times while entering, riding in, and exiting the taxicab and can enter and exit the taxicab without~~

~~assistance. A standard wheelchair or scooter may be both manual and power-propelled and has a footprint of thirty-six (36) inches by sixty (60) inches.~~

~~———“City manager” means the city manager or the city manager’s designee, including but not limited to the director of code enforcement and the director of finance.~~

~~———“Color plan” means a vehicle color plan that provides visual identification for each taxicab fleet as approved by the director of finance as part of the application process for a taxicab fleet association permit.~~

~~———“Director of code enforcement” means the director of code enforcement or designee.~~

~~———“Director of finance” means the director of finance or designee.~~

~~———“Driver permit” means the annual permit that must be obtained by each taxicab driver and submitted to the city by the taxicab fleet association to which the driver is affiliated before a driver can operate a taxicab in the city.~~

~~———“Motor vehicle or vehicle” means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires are not considered motor vehicles for purposes of this chapter.~~

~~———“Operating a taxicab” means to drive, occupy and/or otherwise use a taxicab to transport or offer to transport any other person from one location to another for compensation. This includes, but is not limited to, soliciting a fare, illuminating the taxicab’s top light for the purpose of soliciting fares and stopping at a taxicab zone for the purpose of soliciting fares.~~

~~———“Owner” means the person who has current title to the taxicab or for-hire motor vehicle as recorded with the state Department of Motor Vehicles.~~

~~———“Person” includes person, business, firm, company, partnership, cooperative, corporation, association, taxicab fleet or other entity.~~

~~———“Taxicab” means every motor-propelled vehicle, except limousines, sight-seeing and interurban busses, which is used for the transportation of passengers for compensation over the public streets of the city, and between such points and over such route as may be directed by the passenger, whether or not the operations extend beyond the boundary limits of the city.~~

~~———“Taxicab driver” means every person driving a taxicab as defined by this chapter.~~

~~———“Taxicab fleet” means a minimum of twenty-five (25) taxicabs, including one accessible taxicab, which are in operation at all times that the taxicab fleet association is open for business.~~

~~“Taxicab fleet association” means an association of taxicab drivers, taxicab owners, managers, taxicab companies, firms, cooperatives and other organizational structures that have formed as a legal entity for the purposes of providing taxicab services in the city of Sacramento via a twenty-four (24) hour dispatch system.~~

~~“Taxicab fleet association manager” means the person or persons that is formally designated in the permit application by each taxicab fleet association to:~~

~~1. File all required applications, special contract rates and charges on behalf of the taxicab association and individual owners in the taxicab association; and~~

~~2. Receive and accept all correspondence and notices from the city pertaining to the taxicab association, or to the taxicabs, taxicab owners and/or for-hire drivers operating within the taxicab association.~~

~~The taxicab fleet association shall notify the city in writing within ten (10) days of a change in the taxicab fleet association manager. The taxicab fleet association shall also designate an alternate contact person to serve in the place of the taxicab fleet association manager when the manager is unavailable.~~

~~“Taxicab vehicle inspection facility” means a facility that has been pre-approved and authorized by the city manager to inspect and certify taxicabs which are permitted to operate in the city.~~

~~“Taximeter” means and embraces 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.~~

~~“Trip log” means daily documentation of all for-hire trips made by each vehicle in the taxicab fleet.~~

~~5.136.030 Administration—Authority to issue rules and regulations.~~

~~A. The city manager or his/her designee shall be charged with administering and enforcing the provisions of this chapter.~~

~~B. The city manager is authorized to establish such rules and regulations that are consistent with and necessary to administer this taxicab operation program as adopted by the city council.~~

~~5.136.040 Taxicab zones—Prohibited parking.~~

~~The city manager 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 10.04.010 of this code. Taxicabs are prohibited from standing or parking at a parking meter while awaiting passengers in areas designated by the city manager.~~

~~5.136.050 Taxicab fleet permit required for operation of taxicabs—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.~~

~~5.136.060 Maximum rates.~~

~~— A. — The maximum rates, fares, and charges for taxicabs and taxicab service shall be annually reviewed by the city manager. The city manager shall submit to the city council a determination as to increases or decreases in the maximum rates based upon changes in the Consumer Price Index which have taken place since the prior review.~~

~~— B. — The city manager's determination as to increases or decreases in the maximum fare shall be implemented and remain in effect unless and until the city council by resolution determines that the city council should hold a hearing on the city manager's determination to either disapprove or modify the city manager's determination.~~

~~Article II. Taxicab Fleet Association Permit and Required Operations~~~~5.136.070 Taxicab fleet association permit required.~~

~~— A. — No person shall engage in the business of operating or managing a taxicab, taxicab company, taxicab fleet, or taxi service in the city without first obtaining a taxicab fleet association permit pursuant to the provisions of this chapter.~~

~~— B. — The legal form of a taxicab fleet association may include a business, partnership, corporations, company, sole proprietorship, association governed by bylaws and articles of incorporation, and other legal entities, provided there is a single contact officer identified to the city who is authorized to bind the taxicab fleet association in transactions, including being authorized to sign all applications with the city. The contact officer shall be referred to as a taxicab fleet association manager.~~

~~— C. — The application for a taxicab fleet association permit shall be filed with the director of finance.~~

~~5.136.080 Application for taxicab fleet association permit—Renewals.~~

~~— A. — Any person desiring to engage in the business of operating or managing a taxicab, taxicab company, taxicab fleet, or taxicab service in the city (hereinafter "applicant"), shall file with the director of finance a signed taxicab fleet association permit application, on forms approved by the city manager. The application shall include all of the following information to be deemed a complete application:~~

- ~~1. The applicant's name and business street address, including a post office box address if applicable;~~
 - ~~2. Name and contact telephone numbers, including emergency contact numbers of the taxicab fleet association manager, as well as an alternate taxicab fleet association manager;~~
 - ~~3. The form of business entity under which the taxicab fleet association will operate (e.g., corporation, partnership, cooperative association), including applicant's true legal name, state of incorporation or registration with the Secretary of State, if applicable, and any other information that the city manager may reasonably require;~~
 - ~~4. A copy of the required certificates of insurance, as set forth in the city manager's rules and regulations for the operation of taxicab fleets;~~
 - ~~5. Vehicle identification numbers (VIN) of each vehicle to be included in applicant's taxicab fleet, along with the city-issued taxicab vehicle permits for each taxicab, as required by Section 5.136.180;~~
 - ~~6. A complete description of applicant's proposed operations, including dispatching service, and other information as set forth in the application;~~
 - ~~7. A description of the proposed color plan for all the vehicles in applicant's taxicab fleet;~~
 - ~~8. A statement certifying that applicant's business operations meet all applicable state, federal and local laws, including conformance with zoning laws;~~
 - ~~9. A copy of a valid city business operation tax certificate;~~
 - ~~10. A comprehensive list of applicant's affiliated authorized taxicab drivers. For each driver identified, applicant must also submit a city-issued taxicab driver permit as required by Section 5.136.230;~~
 - ~~11. A list of all rates to be charged by each taxicab in the fleet, including the rates of any taxicab company that is affiliated with applicant;~~
 - ~~12. A statement that applicant taxicab fleet association 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 arising from or caused in any way by its operation.~~
- ~~B. Every application for, or renewal of, a taxicab fleet association permit shall be accompanied by a nonrefundable application or renewal fee in an amount established by resolution of the city council. This application fee shall be in addition to the city's business operation tax and any other license or permit fee imposed by this code upon applicant, its vehicles, or authorized drivers.~~

~~C. Once an application is submitted, and while a decision on the issuance of the permit or renewal is pending before the director of finance, it is the responsibility of applicant to inform the director of finance in writing within seven days if any of the information provided in the application ceases to be true or is superseded in any way by new information. Failure to do so will void the application and no permit will be issued.~~

~~D. If the application is deemed incomplete, the director shall provide a written list of deficiencies and corrections needed to applicant, detailing the information required and setting forth a timeline for completion. Any requests by applicant for extensions of time shall be made pursuant to the terms of city manager's rules and regulations for the operation of taxicab fleets. Should applicant fail to comply with each item requiring correction as specified, within the timeframe specified, including any extensions granted, the application will be voided and no permit will be issued.~~

~~E. Taxicab fleet association permits issued under the provisions of this chapter shall be effective for the calendar year for which the permit is issued only. All permits shall expire on December 31st of the year for which the permit is issued and must be renewed annually by the taxicab fleet association by submitting a completed application to the director of finance no later than November 15th. Any applications, or applications for renewal which are submitted after this date are subject to a late fee, as established by resolution of the city council. A renewal of a taxicab fleet association permit may be denied on any grounds that are grounds for denial or revocation of a taxicab fleet association permit as set forth in this chapter.~~

~~5.136.090 Minimum taxicab fleet association operating requirements.~~

~~A. All taxicab fleet associations shall meet the following minimum operating requirements:~~

~~1. Utilize a color plan for all the vehicles in the fleet, as approved by the director of finance, which will enable each vehicle in the fleet to be easily identified by sight;~~

~~2. Maintain a minimum taxicab fleet size of no fewer than twenty-five (25) taxicabs in operational condition at all times;~~

~~3. Acquire and maintain a minimum of one accessible taxicab, as defined by federal and state regulation, in each taxicab fleet within six months of issuance of fleet management permit. Further, each taxicab fleet must acquire and maintain a ratio of one accessible taxicab, as defined by federal and state regulations, per twenty-five (25) vehicles within eighteen (18) months of issuance of fleet management permit. Accessible vehicles must be in operational condition and available during fleet operating hours;~~

~~4. Designate one person to serve as the taxicab fleet association manager, including a designated alternate;~~

~~5. Maintain a staffed place of business within ten (10) miles of city limits, with telephone service and a business facsimile number. The business telephone must be a local Sacramento business telephone number and must be listed in the white and~~

~~yellow pages of the local telephone book. The business telephone must be answered during all hours that the association's taxicabs are in operation. Additionally, the association must provide twenty-four (24) hour dispatch service to each of its affiliated taxicabs which dispatch service shall be provided by cell phone or 2-way radios, or similar communication devices as approved by the director of finance;~~

~~6. Maintain a complaint intake procedure to receive process and respond to consumer complaints;~~

~~7. Maintain insurance in an amount set forth by the city manager's rules and regulations for the operation of taxicab fleets, which insurance must be adequate to cover all vehicles permitted under the name and color plan of the taxicab fleet associations. In the event of cancellation, expiration, or change in insurance coverage resulting in noncompliance with this section, the permittee shall notify the city immediately upon the cancellation, expiration, or change its effective date by submitting a written notice to the director of finance;~~

~~8. Post and maintain a "Passenger's Bill of Rights" in each of its taxicabs, as set forth in the city manager's rules and regulations for the operation of taxicab fleets;~~

~~9. Provide a list of all rates to be charged by each taxicab in the fleet, as well as, submit any rate change by a taxicab to the director of finance within ten (10) days of making the change;~~

~~10. Establish and maintain a trip log requirement for all drivers and taxicabs;~~

~~11. Establish training and testing requirements for all drivers, as set forth in the city manager's rules and regulations for the operation of taxicab fleets;~~

~~12. Maintain in its business office for a period of not less than one year, all records pertaining to the taxicab fleet association's operation and management, including but not limited to: dispatch logs, vehicle inspection records, driver training records, passenger complaints, citation records, leasing records, insurance records, copies of taxicab permits, driver permits, taxicab vehicle repair and service records, passenger comment cards, existing and new driver training records, vehicle insurance policies, vehicle registrations, and taxicab sign out log or equivalent, and other information as required by the city manager's rules and regulations for the operation of taxicab fleets.~~

~~B. All records required to be kept by the taxicab fleets associations pursuant to this chapter shall be available for city inspection Monday through Friday from eight a.m. to five p.m., excluding city holidays.~~

~~C. Taxicab fleet association permittees and the taxicab fleet association manager shall be responsible for all aspects of the taxicab fleet association and day-to-day operations set forth under this chapter, including but not limited to the activities of drivers and vehicles operated under the taxicab fleet association permit.~~

~~D. Failure to comply with any of the minimum operation conditions as set forth in this section, in addition to other remedies, shall be grounds for revocation of the taxicab fleet association permit, as set forth in Section 5.136.130.~~

~~5.136.100 Taxicab fleet association permit—Transfers prohibited.~~

~~A taxicab fleet association permit is the property of the city of Sacramento and may not be transferred, sold, assigned, or bequeathed expressly or by operation of law.~~

~~5.136.110 Investigation and issuance of taxicab fleet association permit including renewals.~~

~~A. The director of finance shall conduct a thorough investigation of the application and shall obtain recommendations and reports from such other city departments as the director deems necessary, concerning the application.~~

~~B. The director shall approve the issuance of the taxicab fleet association permit if he or she finds:~~

~~1. That issuance of the permit and the taxicab fleet association is consistent with federal, state and local laws, rules, and regulations;~~

~~2. Applicant has met all the requirements as set forth in the application and this chapter;~~

~~3. Neither applicant, nor any responsible person or principal of applicant, has a history of committing, permitting or failing to prevent significant violations of the city code, or any license or permit, in connection with operating a taxicab service; and~~

~~4. It does not appear, based upon the information before the director, that applicant has provided false or misleading material information in the application.~~

~~C. Except as provided below, the director shall approve the permit, deny the permit or issue a list of deficiencies and necessary corrections pursuant to Section 5.136.080(D) within forty five (45) working days of receipt of the complete application. The director is also authorized to extend the time for issuance of a decision on the application for up to an additional fifteen (15) working days with the written consent of applicant. Where the director does not approve a permit, the director shall inform applicant of the reason(s) for the denial in writing.~~

~~5.136.120 Denial of taxicab fleet association permit.~~

~~A. The director of finance may deny a taxicab fleet association permit if the designated manager, or any director, officer, partner, or association directly or indirectly holding a financial interest in applicant and the proposed taxicab fleet association permit has been convicted of any crime, taking into consideration the nature and circumstance of the conviction, the age of the person at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation.~~

~~_____ B. _____ The director shall deny any taxicab fleet association permit application if the director determines that one or more of the following factors exist:~~

~~_____ 1. _____ Applicant does not have at least twenty five (25) affiliated taxicabs, including one accessible taxicab in its taxicab fleet;~~

~~_____ 2. _____ The application has a material misstatement or omission or is deemed incomplete in any way, and applicant fails to comply with the list of corrections, pursuant to Section 5.136.080(D);~~

~~_____ 3. _____ Within three years of the date of application, applicant, fleet association manager, or any owner, officer, director, managing partner, general partner or principal of applicant, has had a bail forfeiture, conviction or other final adverse finding for crimes of fraud, theft, larceny, extortion, embezzlement, racketeering, Uniform Controlled Substances Act, prostitution, alcohol and/or narcotics where the commission of such crime(s) involved a taxicab association, taxicab or for-hire vehicle company, taxicab, or for-hire vehicle;~~

~~_____ 4. _____ Within five years of the date of application, the applicant, fleet association manager, or any officer, director, managing partner, general partner, registered agent or principal of the taxicab fleet association has had a bail forfeiture, conviction or other final adverse finding involving crimes directly related to applicant's ability to operate a taxicab fleet association, including but not limited to fraud, larceny, extortion, income tax evasion; and/or has exhibited past conduct, as evidenced by a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding) in taxicab operations, business or vehicle that would lead the director to reasonably conclude that applicant will not fulfill the taxicab association responsibilities and requirements set forth in this chapter;~~

~~_____ 5. _____ Within two years of the date of application, applicant, or if applicant is a business entity, any officer, director, general partner, managing partner or principal of applicant, has engaged in the business of operating any taxicab or for-hire vehicle within the city without a current valid permit from the city;~~

~~_____ 6. _____ Within twelve (12) months of the date of application, applicant has violated and/or caused or permitted a driver to violate, any Sacramento Municipal Code section pertaining to the operation of taxicabs, if such violation would constitute grounds for permit revocation or denial if occurring within the city;~~

~~_____ 7. _____ Within twelve (12) months of the date of application, applicant has had its city of Sacramento taxicab, for-hire vehicle or taxicab fleet association permit revoked.~~

~~**5.136.130 Denial, modification or revocation of taxicab fleet association permit—
Notice of appeal.**~~

~~_____ A. _____ The director may deny, modify or revoke any permit issued pursuant to the provisions of this chapter for any of the following reasons:~~

~~1. The taxicab fleet association has failed to comply with one or more conditions of the permit;~~

~~2. The taxicab fleet association, taxicab fleet manager, its affiliated taxicab drivers or the taxicab fleet association's employees, agents, or representatives have violated or are violating federal, state or local laws, rules or regulations in connection with the taxicab fleet operation or operation of a taxicab;~~

~~3. The taxicab fleet association has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application;~~

~~4. The taxicab fleet association, taxicab fleet manager, its affiliated taxicab drivers or the taxicab fleet association's employees, agents, or representatives, has violated any provision of this chapter.~~

~~B. In the event the director seeks to deny, modify or revoke a permit, written notice of the denial, modification or revocation shall be personally delivered or sent by certified mail to the taxicab fleet association, and in the case of a notice of modification or revocation, at least fourteen (14) calendar days prior to the date the proposed modification or revocation shall be in effect. The notice shall contain:~~

~~1. A brief statement on the specific grounds for such denial, modification or revocation;~~

~~2. A statement that the taxicab fleet association may appeal the denial, modification or revocation by submitting an appeal, in writing to the city manager, within ten (10) calendar days of the date of service of the notice;~~

~~3. A statement that the failure to appeal the denial, modification or revocation will constitute a waiver of all rights to an appeal hearing, and the denial, modification or revocation will be final. Failure to properly and timely appeal the notice of denial, modification or revocation shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the director's decision.~~

~~C. Failure to properly file a written appeal of the notice of the denial, modification or revocation within ten (10) calendar days of the date of service of the notice will constitute a waiver of all right to an appeal hearing, and the denial, modification or revocation will be final. Failure to properly and timely appeal the notice of denial, modification or revocation shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the director's decision.~~

5.136.140 Appeal proceedings.

~~A. Form of Appeal. The taxicab fleet association may appeal from any notice to deny, revoke or modify the permit by filing with the director of finance within ten (10) days from the date of service of a notice of denial, modification or revocation, a written appeal containing:~~

~~1. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;~~

~~2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;~~

~~3. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.~~

~~B. Processing of Appeal. Upon receipt of any appeal filed and the appeal fee pursuant to this section, the director of finance shall transmit the appeal to the secretary of the administrative hearing officer who shall calendar it for hearing as soon as possible, but in no event later than thirty (30) days from the date the appeal was received without the express written consent of the appellant.~~

~~C. Noticing Appeal for Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to each appellant by the secretary of the administrative hearing officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.~~

~~D. Appeal Fee. The department may collect and require an appeal fee to be paid at the time the written appeal notice is filed. The appeal fee shall be set by resolution of the city council. The fee shall be calculated to recover the total city costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, administrative hearing officer compensation, preparation and service of notices and staff appearance in the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed provided that the director may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply.~~

~~E. Effect of Failure to Appeal. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.~~

~~F. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.~~

~~G. Staying of Order Under Appeal. Enforcement of any notice and order of the director issued under this title shall be stayed during the pendency of an appeal there from which is properly and timely filed.~~

5.136.150 Conduct of hearings—Generally.

~~_____ A. _____ At the time set for hearing, the administrative hearing officer shall proceed to hear the testimony of the director, the owner, and other competent persons respecting the reasons for the denial, modification or revocation of the permit, and other relevant facts concerning the matter.~~

~~_____ B. _____ The proceedings at the hearing shall be electronically recorded. Either appellant may provide a certified shorthand reporter to maintain a record of the proceedings at the appellant's own expense.~~

~~_____ C. _____ The administrative hearing officer may, upon request of either the appellant or the director, grant continuances from time to time for good cause shown, or upon his or her own motion.~~

~~_____ D. _____ The administrative hearing officer or designee shall administer the oath or affirmation.~~

~~_____ E. _____ The appellant may represent themselves, or be represented by anyone of their choice.~~

~~_____ F. _____ If the appellant does not proficiently speak or understand the English language, he or she may provide an interpreter, at the appellant's own cost, to translate for the appellant. An interpreter shall not have had any involvement in the issues of the case prior to the hearing.~~

~~_____ G. _____ In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the city or any of its departments.~~

~~**5.136.160 Form and contents of decision—Finality of decision.**~~

~~_____ A. _____ After hearing all the evidence, the administrative hearing officer shall issue a decision to sustain the appeal, affirm the decision of the director, or modify the decision of the director, and issue a written decision within ten (10) days of the date of the hearing.~~

~~_____ B. _____ Upon issuance of the decision, the director shall serve a copy of the decision by mailing it to the appellant's address as listed in the appeal form.~~

~~_____ C. _____ The decision of the administrative hearing officer shall be final.~~

~~**5.136.170 Enforcement of order of administrative hearing officer.**~~

~~_____ After any decision issued pursuant to this code shall have become final by failure to file a timely appeal or after administrative hearing officer's decision on appeal is rendered, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order or decision is guilty of a misdemeanor.~~

Article III. ~~Taxicab Vehicle Permit~~

5.136.180 ~~Taxicab vehicle permit procedure.~~

~~_____ A. No person, business, firm, company, partnership, association or corporation shall drive or operate or cause to be driven or operated, any taxicab in the city of Sacramento unless such taxicab has first been issued a taxicab fleet association permit pursuant to the provisions of this chapter.~~

~~_____ B. Applications for a Taxicab vehicle permit shall be filed with the Director of Finance and shall contain the following information:~~

~~_____ 1. The individual and business name, address, and telephone number of the permit Applicant.~~

~~_____ 2. Written evidence that Applicant is an owner, lessee or holder of a similar interest in the taxicab;~~

~~_____ 3. 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;~~

~~_____ 4. The state vehicle license number, the vehicle identification number, year, make, and model of the taxicab;~~

~~_____ 5. A certificate of auto liability insurance for the vehicle, as provided in the City Manager's Rules and Regulations for the operation of Taxicab Fleets.~~

~~_____ 6. A state certificate of compliance or other writing, dated not more than eleven (11) months preceding the application date, issued by a state-certified officer or officers, and evidencing that the taxicab complies with prevailing state lamp and brake equipment standards;~~

~~_____ 7. The serial number of the taximeter attached to the taxicab;~~

~~_____ 8. A certificate or other written evidence that the Sacramento County agricultural commissioner, a state-registered device repairman or state-certified employee has tested and certified not more than eleven (11) months preceding the application date the accuracy of the taximeter attached to the taxicab;~~

~~_____ 9. A written schedule of all rates to be charged for the hire of the taxicab;~~

~~_____ 10. A description of the Color Plan used or to be used by all taxicabs operated under the same business name. All Color Plans shall be approved by the Director of Finance.~~

~~_____ 11. For each person with a ten (10) percent or greater financial interest in the business which operates the taxicab, fingerprinting by the police department, submission of three recent dated portrait photographs, one to be attached to the application and two for the use of the special investigations section of the police~~

~~department, and 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 ten (10) percent or greater financial interest in the business which operates the taxicab during the life of the permit issued pursuant to this chapter shall immediately so notify the director and comply with this subsection. Any holder of a valid taxicab driver permit issued pursuant to Article IV of this chapter shall be exempt from the requirements of this subsection;~~

~~12. An annual nonrefundable permit fee, as established by resolution of the city council. An additional reinspection fee, as established by resolution of the city council, shall be payable if a vehicle requires more than one inspection within a twelve (12) month period from the date of the initial application or renewal;~~

~~13. Such other information consistent with this chapter, as set forth in the City Manager's Rules and Regulations for the Operation of Taxicab Fleets.~~

~~C. Taxicab Vehicle Permits issued by the City are the property of the City and may not be transferred, sold, assigned, or bequeathed expressly or by operation of law.~~

~~D. No Taxicab Vehicle Permit shall be registered to more than one Taxicab Fleet Association.~~

~~E. The Approved Taxicab Vehicle Inspection Facility ("Facility") shall conduct an inspection of each vehicle for which a permit is granted prior to the issuance of a Taxicab Vehicle Permit and at regular annual intervals thereafter. The inspection shall determine compliance with all applicable laws and standards. In addition to any other standards that may be established by the Director of Finance, the following conditions shall be deemed substandard:~~

~~1. Peeling, defaced, or improperly repaired exterior decals, lettering, or numbering.~~

~~2. Any door, window, hood, or trunk that fails to open or close securely.~~

~~3. Exterior paint or Color Plan that is different from that approved by the Director of Finance pursuant to Section 5.136.090(A)(1) or that is not maintained in the condition originally approved by the Director of Finance.~~

~~4. Dirt, broken fixtures, or other conditions in the passenger compartment that could soil or tear a patron's clothes.~~

~~5. Rust or dents in the vehicle's exterior that are more than trivial, as defined in subsection (6) below.~~

~~6. Any missing components of the vehicle, including but not limited to chrome and rubber strips, or other components that might snag, tear, or injure a driver, pedestrian, or passenger. Any such damage will be considered to be more than trivial~~

~~when single or multiple areas of damage affect an aggregate area of at least three linear feet of the cab exterior. The measurement of each damaged area will be taken between the two most widely spread points of the affected surface.~~

~~7. Dirty luggage compartments or luggage compartments that are maintained in condition that would soil or damage baggage.~~

~~8. Driver or passenger compartments that have litter or trash.~~

~~9. Torn or improperly repaired upholstery, headliners or floor covering.~~

~~10. Lift functions of accessible taxicabs that are not operating, or not operating properly.~~

~~F. Once a Taxicab Fleet Association Permit has been approved, the Director of Finance shall issue a Taxicab Vehicle identification number for each Taxicab Vehicle permit. The identification number shall be permanently posted so as to be clearly visible from the exterior of the taxicab. The identification number shall remain property of the City and may not be transferred, sold, assigned or bequeathed either expressly or by operation of law.~~

~~G. In addition to the annual inspections provided for in subsection E of this section, the Director of Code Enforcement may, at any time, cause spot inspections to be made of any taxicab, provided that at the time of the spot inspection the vehicle is in service and not transporting a paying customer. If any of the substandard conditions set forth in section 5.136.180(E), then the Director can take enforcement action against the person operating the taxicab vehicle, as well as the Taxicab Fleet Association to which the taxicab vehicle is associated. In addition to all other remedies available by law, including criminal prosecution, the Taxicab Fleet Association Permit or Taxicab vehicle permit may be subject to suspension, revocation or other penalty as set forth in this chapter.~~

~~H. Every taxicab must have permanently posted on the exterior of the vehicle the name and telephone number of the Taxicab Fleet Association to which the taxicab is affiliated. Such posting shall be in accordance with the City Manager's Rules and Regulations for the Operation of Taxicab Fleets.~~

~~I. Taxicab permits shall be renewed annually, with proof of such annual certification to be submitted by the Taxicab Fleet Association Manager to the Director of Finance along with the renewal application of the Taxicab Fleet Association Permit in accordance with Section 5.136.080.~~

~~J. A Taxicab vehicle permit shall authorize the operation of a single taxicab and taximeter and shall not be transferable to any other vehicle or taximeter.~~

~~K. Sign shall be posted prohibiting smoking in the vehicle.~~

5.136.190 Taxicab vehicle posting requirements—Passenger's Bill of Rights.

~~_____ There shall be displayed in the taxicab passenger compartment in full view of any passenger:~~

~~_____ A. _____ A valid taxicab permit issued pursuant to this chapter;~~

~~_____ B. _____ A rate schedule as set forth in this chapter;~~

~~_____ C. _____ The taximeter display;~~

~~_____ D. _____ The business name and telephone number of the affiliated taxicab fleet association;~~

~~_____ E. _____ A rate schedule, in the format specified in the city manager's rules and regulations for the operation of taxicab fleets; and~~

~~_____ F. _____ A Passenger Bill of Rights, with a separate posting in Braille, as set forth in the city managers rules and regulations for the operation of taxicab fleets.~~

5.136.200 Illuminated top lights.

~~_____ A top light containing light or lights shall be affixed to taxicab, shall be illuminated in non-daylight hours when the taxicab is available for hire, and shall be visible from all sides. 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. A safety light on the taxicab must also be used during daylight hours, in addition to the top light so that enforcement officials may ascertain the status of the taxicab at all times.~~

5.136.210 Grounds for taxicab vehicle permit revocation or suspension.

~~_____ A. _____ A taxicab vehicle 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 5.136.070, 5.136.090 or 5.136.120 of this chapter; or~~

~~_____ 2. _____ Operation of the taxicab without a taximeter that has been properly sealed by the Sacramento County agricultural commissioner, a state-registered device repairman, or a state-certified employee; 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 5.136.090(D) of this chapter 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 plan other than that described and approved pursuant to Sections 5.136.080(B)(10) and 5.136.090(A)(2) of this chapter; or~~

~~7. Failure of the permittee to notify the city of cancellation, expiration, or change of insurance coverage as required by Section 5.136.090(A)(7) of this chapter; or~~

~~8. Operation of a taxicab for which the insurance coverage required by Section 5.136.090(A)(7) of this chapter is not in effect; or~~

~~9. Submitting a false controlled substance and/or alcohol test declaration or employment declaration. Such suspension or revocation may apply to all taxicab vehicle permits in the name of the person, persons or business in whose behalf the declaration is submitted; or~~

~~10. Failure to comply with Section 5.136.250(B)(3) of this chapter. Such suspension or revocation may apply to all taxicab vehicle permits in the name of the person, persons or business in whose behalf the declaration is submitted; or~~

~~11. Allowing any person without a valid taxicab driver permit to operate a taxicab vehicle for compensation. Such suspension or revocation may apply to all taxicab vehicle permits in the name of the person, persons or business who allow an employee without a valid taxicab driver permit to operate a taxicab vehicle for compensation; or~~

~~12. Any other failure to comply with the conditions for obtaining a permit or the requirements of this chapter.~~

~~Upon a finding by the administrative hearing officer that a permittee has violated subsection (A)(7) or (A)(8) of this section, the permit shall be suspended for six months. Upon a finding by the administrative hearing officer that a permittee has committed a second violation of subsection (A)(7) or (A)(8) of this section, the permit shall be suspended for one year.~~

~~B. Upon written notice by an insurer or verification of cancellation, expiration or change in insurance coverage resulting in noncompliance with Section 5.136.090(A)(7) of this chapter, a permit issued pursuant to this article shall be automatically suspended effective upon the effective date of the cancellation, expiration, or change in coverage.~~

~~The suspension shall continue until required insurance coverage is reinstated and the city receives written notice from the insurer indicating compliance with the requirements of this chapter, or until the permit expires.~~

~~5.136.220 Notice of intent to deny, revoke or suspend taxicab vehicle permit.~~

~~Except as provided in Section 5.136.210(A) of this chapter, notice and appeal of the director of finance decision to deny, revoke or suspend a taxicab vehicle permit, shall be in accordance with the procedures set forth in Sections 5.136.130 through 5.136.170 of this chapter.~~

Article IV. Taxicab Driver Permit**5.136.230 Permit required.**

~~It is unlawful for any person to operate a taxicab vehicle for hire or compensation, and it is unlawful for a taxicab fleet to allow one of its taxicab drivers to drive for compensation or offer to drive for compensation a taxicab vehicle, unless he or she holds a valid taxicab driver permit issued pursuant to this article.~~

5.136.240 Taxicab driver permit procedure.

~~A. All applicants must be eighteen (18) years of age or older.~~

~~B. 1. All applicants shall take and pass with negative results a controlled substance and/or alcohol test in accordance with Government Code Section 53075.5 as it may be amended or renumbered. Such test shall be taken no more than thirty (30) days preceding the date the application is filed for a new permit or renewal of an expired permit.~~

~~2. In the event that a applicant or permittee takes a controlled substance and/or alcohol test with positive results, the employing taxicab operator shall report such results to the city. The city shall report such results to the taxicab fleet association to which the driver is affiliated.~~

~~C. Applications for a taxicab driver permit or renewal thereof shall be filed with the director of finance by the taxicab fleet association manager and shall contain the following:~~

~~1. The name and address of applicant;~~

~~2. A declaration signed by the taxicab fleet association manager that applicant has been approved to be affiliated with the subject taxicab fleet association;~~

~~3. A declaration by a taxicab employer for an applicant who is employed by or has an offer of employment with the employer, or by the permitted fleet association if applicant is a self-employed independent driver, that applicant has been tested for controlled substances (and alcohol for permit renewal) in accordance with Government Code Section 53075.5 and the results thereof are negative;~~

~~4. If applicant is a self-employed independent driver, test results from the controlled substance (and alcohol for permit renewal) test shall be reported to the city and are to be made a part of the application;~~

~~5. The name of the taxicab business which does or will employ applicant, or if applicant is a self-employed independent, the name of the taxicab business under which applicant will operate and the name of the permitted fleet association;~~

~~6. The number of a valid state driver license issued to applicant, and date of license expiration;~~

~~7. A statement of whether applicant's state driver license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension;~~

~~8. A list of each conviction of 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;~~

~~9. A list of 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 safe and proper management and control of a motor vehicle;~~

~~10. 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;~~

~~11. A list of all prescription medication which applicant takes on a regular or episodic basis;~~

~~12. An annual nonrefundable permit fee, as established by resolution of the city council;~~

~~13. Such other information as may be required by the director to further the purpose of this chapter.~~

~~D. Taxicab drivers shall comply with all rules and regulations established by the director of finance, including the following:~~

~~1. A driver, before starting each shift, shall check the lights, brakes, tires, steering, seatbelts, taximeter seal, and other vehicle safety equipment.~~

~~2. A driver, before starting each shift, shall ensure that the vehicle registration, taxicab permit and proof of insurance card are in the vehicle.~~

~~3. A driver shall not operate a taxicab unless the interior and exterior of the taxicab is clean and in good repair.~~

~~4. A driver shall not transport more passengers than the number of seats available.~~

~~5. A driver shall have in the driver's possession a valid taxi driver's permit and a valid California State driver's license at any time the taxi driver is operating a taxicab. The taxi driver's permit shall be displayed as prescribed by the director.~~

~~6. A driver shall take the most direct route possible that will carry passengers safely, lawfully, and expeditiously to their desired destination.~~

~~7. A driver shall not refuse a reasonable request for service from any legitimate customer. Service may be refused when, in the reasonable opinion of the driver, accepting a passenger would threaten the safety of the driver.~~

~~8. A driver shall post the driver permit within the taxicab as directed by the director of finance and in full view of passengers. A driver shall wear the driver's badge provided by the taxicab fleet association permittee on the outermost garment and in a clearly visible fashion.~~

~~9. A driver shall maintain waybills that fully and accurately report all fares paid while hired by a passenger. Waybills shall be deposited with the taxicab fleet association manager for filing. Waybills shall contain the following information:~~

~~a. The driver's name;~~

~~b. The correct date;~~

~~c. The vehicle permit number;~~

~~d. The time each paid trip is begun and completed, entered contemporaneously;~~

~~e. The origin and destination of each paid trip, entered contemporaneously;~~

~~f. The amount of fare paid for each trip.~~

~~10. Upon request, a driver shall present the driver's permit or waybills to the director of finance, the vehicle permit holder, or the taxicab fleet association manager.~~

~~11. A driver shall issue to any passenger making a request therefore a receipt for the fare paid for hiring the taxicab.~~

~~12. No driver shall permit any taxicab to be parked unattended in any taxi stand for a period of time in excess of five minutes.~~

~~13. A driver shall operate the taximeter to correctly indicate whether or not the taxicab is available for hire, and shall turn the taximeter on at the beginning and off at the end of each trip. A driver shall not accept fees or compensation for taxi services in excess of that indicated on the taximeter at the end of a trip, except for voluntary gratuities.~~

~~E. Each driver permit issued pursuant to this section shall state the taxicab fleet association permittee's name on the face of the permit. In the event the taxi driver's employment by or affiliation with the taxicab fleet association permittee is terminated for any reason, the driver permit shall be void as set forth under the city manager's rules and regulations for the operation taxicab fleets. The taxicab fleet association permittee and the driver shall both be responsible to notify the director of finance and surrender the driver permit to the director of finance within ten (10) days after the termination of employment or termination of affiliation of a permitted driver.~~

~~5.136.250 Taxicab driver permit issuance and renewal.~~

~~_____ A. _____ A taxicab driver permit or renewal thereof shall be issued by the director of finance, if the director of finance finds that:~~

~~_____ 1. _____ The taxicab fleet association manager has submitted a complete application, as specified in Section 5.136.080 of this chapter; and~~

~~_____ 2. _____ The driver is employed or has an offer of employment as a taxicab driver, or is a self-employed independent taxicab driver affiliated with the taxicab fleet association;~~

~~_____ 3. _____ The driver has tested negative for controlled substances, or for renewal, controlled substances and alcohol, in accordance with Government Code Section 53075.5;~~

~~_____ 4. _____ No ground for permit denial or revocation, as specified in this chapter exists;~~

~~_____ 5. _____ The driver has been fingerprinted by the police department, and has submitted four prints of a recent, dated portrait photograph, two to be attached to the application, one to be attached to the driver permit if issued, and one for the use of the special investigation section of the police department; and~~

~~_____ 6. _____ Submission of two additional photographs, as required by the director of finance.~~

~~_____ B. _____ A taxicab driver permit is the property of the city and may not be sold, transferred assigned or bequeathed either expressly or by operation of law.~~

~~_____ 1. _____ The driver permit shall state the name of the employer. If permittee is a self-employed independent driver, the permit shall state the name of the taxicab firm for which the taxicab vehicle is operated and the name of the permitted fleet association.~~

~~_____ 2. _____ The driver permit shall become void upon driver's termination of employment. If driver is self-employed, the driver permit shall become void on the date upon which driver no longer owns, or has a leasehold interest in, a taxicab vehicle or is no longer affiliated with a permitted taxicab fleet association. In the event that a driver permit becomes void under this section, the permittee shall return his or her driver permit to the city within three days of becoming void.~~

~~_____ 3. _____ Permittee's employer or permitted fleet association, if applicable, shall notify the city within three days upon termination of driver's employment or agency.~~

~~_____ C. _____ All permits shall expire one calendar year following the date of issuance unless sooner revoked.~~

~~D. The director may, upon reasonable cause, require any taxicab driver permittee to take a controlled substance and/or alcohol test in accordance with Government Code Section 53075.5. Such test shall be taken by driver within five days after director gives notice of the requirement. Notice shall be given to permittee, and to permittee's employer if permittee is not self-employed. Notice shall be deemed effective upon depositing the notice in the U.S. mail first class postage prepaid addressed to the permittee and permittee's employer, if applicable, at the last address on record with the director. Failure to take the test within the time specified shall result in automatic suspension of the permittee's taxicab driver permit and shall be grounds for revocation of the permit.~~

~~**5.136.260 Grounds for taxicab driver permit denial.**~~

~~A taxicab driver's permit may be denied by the director of finance on the following grounds:~~

~~A. Failure to submit a complete application, as specified in Section 5.136.240 of this chapter;~~

~~B. Failure to submit fingerprinting and photographs, as required in Section 5.136.250(A) of this chapter;~~

~~C. Applicant knowingly made a false statement of fact required to be revealed in the permit application;~~

~~D. 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 himself or herself, or another, or substantially injure another, or~~

~~3. Has a physical or mental disability or incapacity, or takes medication, that is reasonably determined by the director to interfere with the driver's ability to safely operate or navigate a taxicab vehicle and could put passenger's safety at risk.~~

~~Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection D of this section only if, in the reasonable opinion of the director of finance, 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 or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under applicable provisions of the State Penal Code Section, or that he or she has been convicted of a misdemeanor if he or she 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 the State Penal Code.~~

~~_____ E. _____ If applicant refuses or fails to submit to a controlled substance and/or alcohol test required by Government Code Section 53075.5; or~~

~~_____ F. _____ If applicant tests positive for any controlled substance or alcohol when tested for controlled substances and/or alcohol in accordance with Government Code Section 53075.5.~~

~~**5.136.270 Grounds for taxicab driver permit revocation or suspension.**~~

~~_____ A. _____ A taxicab driver's permit may be revoked or suspended by the director on any of the following grounds:~~

~~_____ 1. _____ Violation of any of the applicable provisions of this chapter; or~~

~~_____ 2. _____ If, subsequent to the issuance of the permit, grounds for permit denial pursuant to Section 5.136.260 of this chapter have occurred or arisen, or the permittee has been found by the director to have knowingly made a false statement of fact required to be revealed in the permit application; or~~

~~_____ 3. _____ Transfer or sale of the permit to an individual other than the person specified on the permit application; or~~

~~_____ 4. _____ If permittee refuses or fails to submit to a controlled substance and/or alcohol test required by this chapter; or~~

~~_____ 5. _____ If permittee tests positive for any controlled substance or alcohol pursuant to a test taken in accordance with this chapter; or~~

~~_____ 6. _____ If permittee or permittee's employer submits a false controlled substance and/or alcohol test declaration or employment declaration; or~~

~~_____ 7. _____ Operation of a taxicab in an unsafe manner or any conduct which places any passenger, motorist or pedestrian at unreasonable or unnecessary risk.~~

~~_____ B. _____ Upon a finding by the administrative hearing officer that a taxicab driver has violated subsection (A)(3) of this section, the taxicab driver permit shall be suspended for six months. Upon a finding by the administrative hearing officer that the taxicab driver has committed a second violation of subsection (A)(3) of this section, the taxicab driver permit shall be suspended for one year.~~

~~_____ C. _____ The permitted taxicab fleet association shall be liable for all penalties incurred by affiliated drivers.~~

~~_____ D. _____ Any taxicab driver permit suspended or revoked for positive results of a controlled substance and/or alcohol test, shall not be reinstated, nor shall a new permit be issued, until the requirements for rehabilitation and return to duty in accordance with the Government Code Section 53075.5 are satisfied.~~

~~**5.136.280 Procedure for taxicab driver permit denial, revocation or suspension.**~~

~~Notice and appeal of the decision of the director of finance and/or director of code enforcement to deny, revoke or suspend a taxicab driver permit shall be in accordance with the procedures set forth in Sections 5.136.130 through 5.136.170.~~

~~Article V. Prohibited Acts—Violations and Enforcement~~

~~5.136.290 Unlawful acts—Violations.~~

~~A. In addition to any other remedies available to the city for enforcement of a violation of these provisions, any person who violates a provision of this chapter or fails to comply with a requirement for the operation of a taxicab including but not limited to, vehicle requirements, driver requirements, and taxicab fleet association requirements, is guilty of a misdemeanor unless the prosecuting attorney charges it as an infraction pursuant to Section 1.28.020(B).~~

~~B. It is unlawful for any person, taxicab fleet association, taxicab fleet association manager or taxicab driver to engage in or commit any of the following acts or omissions:~~

~~1. Allow another person to operate a taxicab within the city without a valid taxicab vehicle permit for the vehicle issued pursuant to the provisions of this chapter;~~

~~2. Operate a taxicab without a valid taxicab vehicle permit for the taxicab which is issued pursuant to this chapter;~~

~~3. Operate a taxicab with a revoked taxicab vehicle permit. Each day on which a taxicab is operated with a revoked taxicab vehicle permit shall constitute a separate violation;~~

~~4. Operate a taxicab without a valid taxicab driver permit issued pursuant to this chapter;~~

~~5. Allow another person to operate a taxicab without a valid taxicab driver permit issued pursuant to this chapter;~~

~~6. Operate a taxicab with knowledge that the taxicab or taximeter is not authorized by a valid permit or that grounds for revocation or suspension of the permit pursuant to Section 5.136.210 of this chapter exist;~~

~~7. Charge an additional type of fee or higher fee other than those fees posted, as required by Section 5.136.090 of this chapter. However, it is lawful to charge a fee less than those fees posted;~~

~~8. Transport a greater number of passengers than the rated seat capacity of the taxicab;~~

~~9. Fail to comply with any of the mandatory provisions of this chapter, including but not limited to:~~

- ~~_____ a. _____ Fail to answer all calls received in the order of receipt, or~~
- ~~_____ b. _____ Leave a taxicab unattended in a taxicab zone, or~~
- ~~_____ c. _____ Refuse, upon request, to give a passenger a written receipt showing the fare due, and the miles and minutes employed, or~~
- ~~_____ d. _____ For the purpose of obtaining higher fees, drive passengers via indirect or circuitous routes, or~~
- ~~_____ e. _____ Refuse to provide service on the basis of the short length of the prospective ride, or~~
- ~~_____ f. _____ Fail to display a valid taxicab vehicle permit and taxicab driver permit, issued pursuant to this article, in the taxicab interior in full view of any passenger, or~~
- ~~_____ g. _____ Pick up additional passengers without prior consent of the passenger(s) already in the taxicab, or~~
- ~~_____ h. _____ Operate a taxicab that is not posted in compliance with Section 5.136.190 of this chapter, or not equipped with an operable accurate taximeter or radio dispatch service, or~~
- ~~_____ i. _____ Knowingly fail to report to the holder or agent of the holder of the taxicab fleet association permit all property of value left by a passenger in a taxicab within twenty-four (24) hours of discovery of such property, or,~~
- ~~_____ j. _____ Transport passengers without engaging the taxicab meter in the manner prescribed by state law, or~~
- ~~_____ k. _____ Refuse to drive to a destination different from that originally stated, or~~
- ~~_____ l. _____ Refuse, upon request, to allow a passenger to disembark at a location different from the originally stated destination, or~~
- ~~_____ m. _____ Operate a taxicab for which insurance coverage as required by this chapter is not in effect, or~~
- ~~_____ n. _____ Operate a taxicab with an invalid, suspended or revoked state driver's license.~~
- ~~_____ C. _____ It is unlawful for any person to willfully refuse to pay the legal fare charged for his or her employment of a taxicab.~~

~~5.136.300 Transition provisions.~~

~~_____ Valid taxicab vehicular and driver permits effective as of the date of the ordinance codified in this chapter shall be permitted to continue to operate without being~~

~~associated with a fleet management permittee until December 31, 2006 or one year following issuance of permit, whichever is longer, so long as the operation is otherwise in compliance with all provisions of this chapter.~~

SECTION 2

Chapter 5.136 of the Sacramento City Code is added to read as follows:

Chapter 5.136 TAXICABS

Article I. General Provisions

5.136.010 Findings.

The City Council finds as follows:

A. Taxicabs provide an essential component of the public transit system that serves the city. A well functioning taxi system can help the city's efforts to spur downtown and transit oriented development by making it realistic to live and work without a private automobile or a second car. Taxi service can be a valuable resource for visitors, business people, and patrons of bars, clubs, restaurants and stores. At the same time, taxis can also assist those who do not have a car for reasons of income, age, disability or simply personal choice.

B. Taxicabs are operated by private companies that utilize the public rights of way to advertise and deliver their services. Left unregulated, the competitive and transient nature of the business can result in predatory, discriminatory, fraudulent and dangerous conduct. Therefore, appropriate regulation of taxicab companies, taxicab drivers and their operations must be in place to protect the public health, safety, and welfare.

C. The city's administration of taxicab regulations should not unduly burden the taxicab industry; however, the protection of the public health, safety and welfare shall be deemed paramount in the enforcement and interpretation of taxicab regulations.

5.136.020 Definitions.

The following words and phrases when used in this chapter shall have the following meanings:

"Accessible taxicab" means a taxicab that is in compliance with the Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles (49 C.F.R. 38.1 et seq.).

"Association" means taxicab fleet association.

"Association office" means the place of business described in Section 5.136.590.

“City manager” means the city manager or the city manager’s designee.

“Director” means the director of finance or designee, unless otherwise specified.

“Motor vehicle” means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley, except vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires.

“Operate a taxicab” means to drive, occupy or otherwise use a taxicab to transport or offer to transport any other person from one location to another for compensation. This includes, but is not limited to, soliciting or accepting a fare, driving or occupying a taxicab with the top light illuminated, and stopping a taxicab in a taxicab zone.

“Taxicab” means every motor vehicle designed for carrying not more than eight persons, excluding the driver; and has the word “taxi”, “cab”, “taxicab” or any other similar word or phrase displayed on the exterior of the vehicle.

“Taxicab fleet association” means an association of taxicab drivers, taxicab owners, managers, taxicab companies, firms, cooperatives and other organizational structures that have formed as a legal entity for the purposes of providing taxicab services in the city. The legal form of a taxicab fleet association may include a business, partnership, corporations, company, sole proprietorship, association governed by bylaws and articles of incorporation, and other legal entities.

“Taxicab Passenger Bill of Rights” means a document or sign that includes a brief summary of standards that a person is entitled to expect as a passenger in a taxicab.

“Taximeter” means an instrument or device used, or designed to be used, to measure the distance and time of a trip by a vehicle, and which automatically calculates and displays the fare due for transportation services.

“Top light” means a light mounted on the roof of a vehicle.

5.136.030 Application of chapter.

This chapter shall not apply to the operation of taxicabs while transporting passengers from locations outside of the city.

5.136.040 Fees and penalties established.

A. The following fees are established and imposed pursuant to the provisions of this chapter:

1. Taxicab Driver Permit Application fee
2. Taxicab Vehicle Permit Application fee

3. Taxicab Fleet Association Permit Application fee

4. Taxicab Permit Appeal fee

5. Taxicab Re-inspection fee

B. The city council shall establish the amounts of the forgoing fees, and any penalties, by resolution.

5.136.050 Types of charges and maximum rates.

The city council shall establish the types of charges and the maximum rates allowable for taxicab service, by resolution.

5.136.060 Permits not transferable.

No permits issued pursuant to this chapter may be transferred, sold, assigned or bequeathed expressly or by operation by law.

5.136.070 Violations.

A. Any person who violates a provision of this chapter is subject to criminal sanctions and administrative penalties pursuant to Chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance subject to a civil action for abatement by the city attorney pursuant to Chapter 1.28.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. In addition to any other remedy allowed by law, all remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

5.136.080 Accomplice liability for taxicab fleet association.

No taxicab fleet association shall cause, allow, or permit any of its registered taxicab drivers to violate any provision of this chapter; aid or abet any of its registered taxicab drivers in the violation of any provision of this chapter; or maintain or conceal any violation of the provisions of this chapter.

Article II. Taxicab Drivers

5.136.100 Taxicab driver permit required.

A. No person shall operate a taxicab unless he or she holds a valid taxicab driver permit issued pursuant to this article.

B. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a taxicab shall present his or her taxicab driver permit for examination.

5.136.110 Applications for taxicab driver permits.

A. An applicant for a taxicab driver permit must be:

1. Lawfully able to work in the United States;

2. 18 years of age or older;

3. In sound mental and physical health, and not subject to any condition that might render the applicant unfit for the safe operation of a taxicab;

4. Licensed to drive a motor vehicle by the State of California;

5. Employed, or have an offer of employment, as a taxicab driver in the city;
and

6. Registered, or approved to be registered, with a taxicab fleet association.

B. Applications for a taxicab driver permit, or renewal thereof, shall be filed with the director. The application shall be on a form approved by the city manager and may require any information or documentation consistent with the provisions of this chapter.

C. To renew a taxicab driver permit, the permittee shall submit an application no later than 30 days prior to the date upon which the taxicab driver permit expires, pursuant to Section 5.136.130. Untimely applications to renew taxicab driver permits are subject to a late penalty in the amount established by resolution of the city council.

D. Every application for issuance or renewal of a taxicab driver permit shall be accompanied by a nonrefundable Taxicab Driver Permit Application fee in the amount established by resolution of the city council.

E. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a taxicab driver permit.

5.136.120 Grounds for denying a taxicab driver permit.

The director may deny any taxicab driver permit for any of the following reasons:

A. The application received is incomplete;

B. The application contains a false or misleading statement or omission of a material fact;

C. The applicant does not satisfy the requirements of Section 5.136.110(A);

D. The applicant or any person with a ten percent or greater financial interest in the applicant's operation of the taxicab has been charged in an indictment issued by a grand jury, or in an information, complaint or similar pleading issued by the United States Attorney, district attorney, city attorney or other governmental official or agency authorized to prosecute crimes, with a crime punishable by imprisonment for a term exceeding one year or with a crime involving moral turpitude; and those criminal proceedings are currently pending.

E. The applicant or any person with a ten percent or greater financial interest in the applicant's operation of the taxicab has been convicted of a crime punishable by imprisonment for a term exceeding one year, or a crime involving moral turpitude;

F. The applicant tested positive for a controlled substance or alcohol in accordance with Section 53075.5 of the Government Code;

G. The applicant or any person with a ten percent or greater financial interest in the applicant's operation of the taxicab, has any unpaid and overdue administrative penalties imposed for violations of this chapter;

H. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08;

I. Within 12 months of the date of application, the applicant has had its taxicab driver permit revoked; or

J. The operation of a taxicab by the applicant is a threat to the public health, safety or welfare.

5.136.130 Term of taxicab driver permits.

Taxicab driver permits issued pursuant to the provisions of this chapter shall be valid for one year from the date that the permit was issued, unless it is suspended or revoked sooner.

5.136.140 Grounds for suspending or revoking a taxicab driver permit.

The director may suspend or revoke any taxicab driver's permit issued pursuant to this chapter for any of the following reasons:

A. One or more of the circumstances upon which a taxicab driver permit could be denied as described in Section 5.136.120 exists or has occurred; or

B. The permittee has violated any provision of this chapter.

5.136.150 Registration with taxicab fleet association.

A. No person shall operate a taxicab unless he or she is registered to a taxicab fleet association with a valid taxicab fleet association permit issued pursuant to this chapter.

B. No taxicab driver shall be registered to more than one taxicab fleet association.

5.136.160 No parking in parking meter space.

No person shall stop, stand or park a taxicab in any parking meter space, as defined by Section 10.04.010.

5.136.170 Restricted parking in taxicab zones.

No person shall stop, stand, or park a taxicab in any taxicab zone, as defined by Section 10.04.010, for more than 30 minutes.

5.136.180 Threats, harassment or abuse.

No taxicab driver shall threaten, harass or abuse any other person while operating a taxicab.

5.136.190 Transportation of passengers.

No taxicab driver shall do the following:

A. Refuse a reasonable request for transportation service from any legitimate customer, regardless of the short length of the prospective ride. Service may be refused when, in the reasonable opinion of the driver, accepting a passenger would threaten the safety of the driver;

B. Fail to respond to calls for taxicab service in the order that they are received;

C. Transport a greater number of passengers than the vehicle is designed to carry;

D. Pick up additional passengers without the prior consent of the passengers already in the taxicab;

E. Fail to take the most direct route possible that will carry passengers safely, lawfully, and expeditiously to their desired destination, without the prior consent of the passengers;

F. Refuse to drive to a destination different from the destination that was originally stated; or

G. Refuse to allow a passenger to disembark at a location different from the destination that was originally stated.

5.136.200 Compensation for taxicab services.

A. No person shall request, demand, or accept compensation for taxicab services in excess of the amount indicated on the taximeter at the end of a trip.

B. No person shall request, demand or accept compensation for taxicab services for any type of charge that is not expressly allowed pursuant to Section 5.136.050, or for any rate in excess of the maximum rates established pursuant to Section 5.136.050.

C. This section shall not prohibit persons from accepting gratuities that are voluntarily given.

5.136.210 Passenger receipts.

No taxicab driver shall fail to issue to any passenger a receipt for the fare paid for hiring the taxicab upon request. The receipt shall show the date and time of the trip and the amount of the fare due.

5.136.220 Triplogs required.

A. No taxicab driver shall fail to maintain a triplog contemporaneously with each paid trip, that fully and accurately documents that trip. Triplogs shall contain the following information:

1. The taxicab driver's name;
2. The taxicab vehicle's permit number;
3. The date and time that each fare began and was completed;
4. The addresses of the origin and destination of each paid trip; and
5. The amount paid for each trip.

B. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a taxicab shall present his or her triplogs for examination.

C. Taxicab drivers shall file their triplogs for each day with the taxicab fleet association within one week of the date of the triplog.

D. No person shall knowingly make a false statement of fact or knowingly omit any information that is required to be contained in a triplog.

5.136.230 Lost property.

No taxicab driver shall fail to report and deliver any lost property of value left by a passenger in the taxicab to the association office within 24 hours of the discovery of the property.

5.136.240 Taxicab Driver Badges.

No taxicab driver shall operate a taxicab unless he or she is wearing a taxicab driver badge that is clearly visible on their outermost garment. The taxicab driver badge shall be at least four inches by two inches in size and display the following information:

- A. The person's name;
- B. A photograph of the person's face;
- C. The name and phone number of the taxicab fleet association that they are registered to.

5.136.250 Automobile liability insurance required.

A. At all times during the term of a taxicab driver permit issued pursuant to this chapter, the permittee shall continuously maintain in full force and effect automobile liability insurance that covers any taxicab vehicle they operate. The insurance shall comply with the following:

- 1. Provides coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury;
- 2. Provides limits of not less than five hundred thousand dollars (\$500,000.00) per occurrence; and
- 3. Covers all losses and damages as specified in Section 5.136.260.

B. No person shall operate a taxicab without insurance coverage as required by this section in full force and effect.

C. Violation of subsection A of this section, shall be grounds for immediately revoking the taxicab driver permit pursuant to Section 5.136.700(B).

D. Permittees shall file all certificates of automobile liability insurance that establish their compliance with subdivision A of this section, with their taxicab fleet association.

5.136.260 Indemnity – Taxicab drivers.

The taxicab driver permittee shall defend and indemnify and hold harmless the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorneys 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.

5.136.270 Controlled substance and alcohol tests.

A. Prior to issuance or renewal of a taxicab driver permit, all applicants shall submit to and comply with a controlled substance and alcohol testing certification program in accordance with Section 53075.5(b)(3)(A) of the California Government Code.

B. The director may, upon reasonable cause, require any taxicab driver permittee to take a controlled substance or alcohol test in accordance with Section 53075.5(b)(3)(A) of the California Government Code. Such test shall be taken by driver within five days after director gives notice of the requirement. Notice shall be given to permittee, and to permittee's employer if the permittee is not self-employed. Notice shall be deemed effective upon depositing the notice in the U.S. mail first class postage prepaid addressed to the permittee and permittee's employer, at the last address on record with the director.

C. In the case of a self-employed independent driver, the controlled substance and alcohol test results shall be reported directly to the city and the city will report the same to the taxicab fleet association to which the driver is registered. In all other cases, the results shall be reported directly to the taxicab driver's employer, and the employer shall immediately report the same to the city.

5.136.280 Background checks – Persons with financial interest.

A. No person shall operate a taxicab unless the city has completed a criminal background check on that person and any other person with a ten percent or greater financial interest in the taxicab driver's operation of a taxicab. This may include, but is not limited to, the taxicab driver's employer, business partner or business associate.

B. If, during the term of a taxicab driver permit, any person acquires a ten percent or greater financial interest in the operation of that taxicab, the permittee shall notify the director and submit the information required by the director to conduct a background check on that person no later than three calendar days after the person acquires the interest. Notwithstanding the provisions of subsection A of this section, the permittee may continue to operate the taxicab while the city conducts the background check on the person who acquired the interest.

Article III. Taxicab Vehicles

5.136.300 Taxicab vehicle permit required.

A. No person shall operate a taxicab unless a taxicab vehicle permit issued pursuant to the provisions of this chapter is in effect for that vehicle.

B. Upon demand of a peace officer or city employee authorized to enforce this chapter, every person operating a taxicab shall present the taxicab vehicle permit that is in effect for that vehicle.

5.136.310 Application for taxicab vehicle permit.

A. An owner, lessee, or holder of a similar interest in a taxicab may apply for a taxicab vehicle permit by filing an application with the director. The application shall be on a form approved by the city manager and may require any information or documentation consistent with the provisions of this chapter.

B. To renew a taxicab vehicle permit, the association to which the vehicle is registered shall file an application with the director along with the application for renewal of its taxicab fleet association permit. The application shall be submitted no later than 30 days prior to the association permit renewal date assigned to the association to which the driver is registered, pursuant to Section 5.136.530(A). Untimely applications to renew taxicab vehicle permits are subject to a late penalty in the amount established by resolution of the city council.

C. Every application for, or renewal of, a taxicab vehicle permit shall be accompanied by an annual nonrefundable Taxicab Vehicle Permit Application fee in the amount established by resolution of the city council.

D. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a taxicab vehicle permit.

5.136.320 Grounds for denying a taxicab vehicle permit.

The director may deny any <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=taxicabs&S3=&Sect4=AND&I=20&Sect1=IMAGE&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=16&Sect6=HITOFF&f=G-h6#h6> taxicab vehicle permit for any of the following reasons:

A. The application received is incomplete;

B. The application contains a false or misleading statement or omission of a material fact;

C. The vehicle is not in compliance with all applicable laws and standards, including the provisions of this chapter;

D. Any of the legal and registered owners of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab has been charged in an indictment issued by a grand jury, or in an information, complaint or similar pleading issued by the United States Attorney, district attorney, city attorney or other governmental official or agency authorized to prosecute crimes, with a crime punishable by imprisonment for a term exceeding one year or with a crime involving moral turpitude; and those criminal proceedings are currently pending.

E. Any of the legal and registered owners of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab, has been convicted of a crime a crime punishable by imprisonment for a term exceeding one year, or a crime involving moral turpitude:

F. Any of the legal and registered owners of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab, has any unpaid and overdue administrative penalties imposed for violations of this chapter;

G. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08; or

H. Operation of the taxicab is a threat to the public health, safety or welfare.

5.136.330 Term of taxicab vehicle permits.

Taxicab vehicle permits issued pursuant to the provisions of this chapter shall be valid until the next association permit renewal date assigned to the association to which it is registered, pursuant to Section 5.136.530(A), unless it is suspended or revoked sooner.

5.136.340 Grounds for suspending or revoking a taxicab vehicle permit.

The director may suspend or revoke any taxicab vehicle permit issued pursuant to the provisions of this chapter for any of the following reasons:

A. One or more of the circumstances upon which a taxicab vehicle permit could be denied as described in Section 5.136.320, exists or has occurred; or

B. The permittee, any of the legal and registered owners of the taxicab, the lessee of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab, has violated any provision of this chapter.

5.136.350 Registration of vehicle to a taxicab fleet association.

A. No person shall operate a taxicab unless the taxicab vehicle is registered with a taxicab fleet association with a valid taxicab fleet association permit issued pursuant to this chapter.

B. No taxicab shall be registered to more than one taxicab fleet association.

5.136.360 Taxicab vehicle color plans.

No person shall operate a taxicab that is not painted in accordance with the vehicle color plan that is approved by the director, pursuant to Section 5.136.610, for the taxicab fleet association to which it is registered.

5.136.370 Exterior postings.

A. No person shall operate a taxicab that does not have the following information permanently posted on the exterior of the vehicle:

1. The taxicab identification number, as provided by the director upon issuance of the taxicab vehicle permit, using letters and numbers that are not less than four inches in height;

2. The types of charges and rates being charged for taxicab service, using letters and numbers that are not less than one and one-half inches in height; and

3. The name and telephone number of the taxicab fleet association to which the vehicle is registered, using letters and numbers that are not less than four inches in height.

B. The information specified in subsection A of this section, and any other information posted on the exterior of the vehicle, must be displayed in manner that is approved by the director.

C. Except for the name and telephone number of the taxicab fleet association, no other name (e.g. name of a taxicab company or a driver) or phone number shall be posted on the exterior of the vehicle using letters or numbers that are more than two and one-half inches in height.

5.136.380 Interior postings.

No person shall operate a taxicab unless the following are clearly displayed in the taxicab passenger compartment in full view of all passengers:

A. A valid taxicab driver permit, issued to him or her pursuant to this chapter;

B. A valid taxicab vehicle permit, issued for that taxicab pursuant to this chapter;

C. A rate schedule consistent with the rate schedule submitted to the director by the taxicab fleet association in accordance with Section 5.136.640, and in the format specified by the director;

D. A Taxicab Passenger Bill of Rights, in print and in braille, and in a format as approved by the director; and

E. A sign that states smoking is prohibited in the taxicab.

5.136.390 Taximeters.

A. No person shall operate a taxicab without a taximeter that complies with the following:

1. The taximeter must be certified as accurate and properly sealed by the Director of Weights and Measures of Sacramento County or a taximeter service agency registered by the California Secretary of Food and Agriculture, pursuant to Section 12532 of the Business and Professions Code as amended; and

2. The taximeter display must be in full view of all passengers.

B. Taxicab drivers shall turn on the taximeter at the beginning of each trip and turn off the taximeter at the end of each trip.

5.136.400 Top lights.

No person shall operate a taxicab without a working top light that complies with the following:

A. The top light shall be a minimum of ten inches in length and four inches in height, and be visible from all sides of the vehicle; and

B. The word "taxicab," "taxi," "cab" or the business name of the taxicab owner or other words identifying the vehicle as a taxicab shall be clearly visible on the top light.

C. The top light shall be wired to automatically illuminate when the taximeter inside the vehicle is turned off, and automatically extinguish when the taximeter inside the vehicle is turned on.

5.136.410 Substandard conditions of taxicabs.

No person shall operate a taxicab that has any of the following substandard conditions:

A. A door, window, hood, or trunk that does not open or close securely;

B. Rust, dents or other damage to the exterior of the vehicle to the extent that a single area or multiple areas of damage affect an aggregate area of at least three linear feet of the vehicle's surface. The measurement of each damaged area will be taken from the two most widely spread points of the affected surface;

C. Loose, broken or missing parts that could cause injury to a driver, pedestrian, or passenger, or cause their clothing or baggage to be snagged or torn. These parts include, but are not limited to, mirrors, handles, signs, or chrome, plastic or rubber trim;

D. A passenger compartment that is in a dirty or other condition that could soil a patron's clothes;

E. A luggage compartment that is in a dirty or other condition that could soil or damage baggage or other items placed therein;

F. A passenger compartment that contains loose litter or trash;

G. Upholstery, headliners or floor coverings that are torn, damaged, dirty or otherwise improperly maintained; or

H. Exterior paint, decals, lettering, or numbering that are peeling, defaced, or otherwise improperly maintained.

5.136.420 Taxicab vehicle inspections.

A. Within 90 days prior to the issuance of a taxicab vehicle permit, or a renewal thereof, each vehicle must pass an inspection by a facility that has been approved by the city manager to conduct such inspections. The scope of the inspection shall be determined by the director, and shall consist of requirements that verify that the vehicle is safe, in good mechanical condition, and in compliance with all applicable laws and standards, including the provisions of this chapter.

B. In addition to the inspections provided for in subsection A of this section, the city may inspect any taxicab at any time to determine compliance with this chapter, provided that at the time of the inspection a person is operating the taxicab and is not transporting a paying customer.

C. If, as a result of an inspection pursuant to subsection B of this section, a taxicab is determined to be in violation of any provision of this chapter, the city shall provide the permittee a reasonable period of time to correct the violation, and re-inspect the vehicle to ensure that the correction has been made. In addition to any remedies for the violation of this chapter, the city may impose a Taxicab Re-inspection fee on the permittee in the amount established by resolution of the city council, for the re-inspection conducted pursuant to this section.

5.136.430 Background checks – Owners of taxicabs.

A. No person shall operate a taxicab unless the city has completed a criminal background check for every person with an ownership interest in the taxicab.

B. If, during the term of a taxicab vehicle permit, any person acquires an ownership interest in that taxicab, the permittee shall notify the director and submit the information required by the director to conduct a background check on that person no later than three calendar days after the person acquires the interest. Notwithstanding the provisions of subsection A of this section, a person may continue to operate that permitted taxicab while the city conducts the background check on the person who acquired the interest.

Article IV. Taxicab Fleet Associations

5.136.500 Taxicab fleet association permit required.

A. No person shall engage in the business of operating or managing a taxicab fleet association in the city without a valid taxicab fleet association permit issued pursuant to the provisions of this chapter.

B. Upon demand of a peace officer or city employee authorized to enforce this chapter, the association shall present the valid taxicab fleet association permit for examination.

5.136.510 Applications for taxicab fleet association permits.

A. A taxicab fleet association may apply for a taxicab fleet association permit, or a renewal thereof, by filing an application with the director. The application shall be on a form approved by the city manager and may require any information or documentation consistent with the provisions of this code.

B. To renew a taxicab fleet association permit, an application shall be submitted no later than 30 days prior to the association permit renewal date assigned to the association pursuant to Section 5.136.530(A). Untimely applications are subject to a late penalty in the amount established by resolution of the city council.

C. Every application for, or a renewal of, a taxicab fleet association permit shall be accompanied by a nonrefundable Taxicab Fleet Association Permit Application fee in the amount established by resolution of the city council.

D. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a taxicab fleet association permit.

5.136.520 Grounds for denying a taxicab fleet association permit.

The director may deny any taxicab fleet association permit if the director determines that one or more of the following circumstances exist:

A. The application received is incomplete;

B. The application contains a false or misleading statement or omission of a material fact;

C. The taxicab fleet association fails to meet any of the requirements as set forth in this article;

D. Any of the taxicab fleet association's owners, officers, directors, partners, agents or other persons vested with the authority to manage or direct the affairs of the association has been charged in an indictment issued by a grand jury, or in an information, complaint or similar pleading issued by the United States Attorney, district attorney, city attorney or other governmental official or agency authorized to prosecute crimes, with a crime punishable by imprisonment for a term exceeding one year or with a crime involving moral turpitude; and those criminal proceedings are currently pending.

E. Any of the taxicab fleet association's owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the

association, has been convicted of a crime punishable by imprisonment for a term exceeding one year, or a crime involving moral turpitude;

F. The taxicab fleet association or any of its owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association, has any unpaid and overdue administrative penalties imposed for violations of this chapter;

G. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08;

H. Within 12 months of the date of application, either the taxicab fleet association has had its taxicab fleet association permit revoked; or any of the association's owners, officers, directors, partners, agents or other persons vested with the authority to manage or direct the affairs of the association were associated with another taxicab fleet association that had its taxicab fleet association permit revoked; or

I. Operation of the taxicab fleet association is a threat to the public health, safety or welfare.

5.136.530 Term of taxicab fleet association permits.

A. Upon issuance of each taxicab fleet association permit, the director shall assign an association permit renewal date that is at least one year, but not more than two years, from the date that the permit is issued.

B. A taxicab fleet association permit issued under the provisions of this chapter shall be valid until the association permit renewal date assigned pursuant to subsection A of this section, unless it is suspended or revoked sooner.

5.136.540 Grounds for suspending or revoking a taxicab fleet association permit.

The director may suspend or revoke any taxicab fleet association permit issued pursuant to the provisions of this chapter for any of the following reasons:

A. One or more of the circumstances upon which a taxicab fleet association permit could be denied, as described in Section 5.136.520, exists or has occurred; or

B. The taxicab fleet association, its owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association, its registered taxicab drivers or taxicab vehicles have violated any provision of this chapter.

5.136.550 Registered taxicab drivers – record keeping.

A. Taxicab fleet associations shall maintain in the association office a current list of all taxicab drivers who are registered to that association. The association shall advise the City of any change in registration of a taxicab driver within seven calendar days of such change.

B. Taxicab fleet associations shall collect and maintain in the association office the following records relating to each taxicab driver who is registered to that association:

1. A copy of a valid taxicab driver permit issued pursuant to this chapter. The copies shall be maintained in the association office for at least one year after the date that the permit expired.

2. Triplogs for each day the taxicab driver operates a taxicab, as described in section 5.136.220. The triplogs shall be maintained in the association office for at least one year from the date of the triplog.

3. Certificates of automobile liability insurance, as described in section 5.136.250. The certificates shall be maintained in the association office for at least three years after the date that the insurance policy expires.

5.136.560 Registered taxicabs – record keeping.

A. Taxicab fleet associations shall maintain in the association office a current list of all taxicabs that are registered to that association, including and identifying all registered accessible taxicabs. The association shall advise the City of any change in registration of a taxicab within seven calendar days of such change.

B. Taxicab fleet associations shall collect and maintain in the association office a copy of the valid taxicab vehicle permit issued pursuant to this chapter to each taxicab that is registered to that association. The copies shall be maintained in the association office for at least one year after the date that the permit expired.

5.136.570 Minimum number of taxicabs.

A taxicab fleet association shall maintain a minimum of 25 registered taxicabs in operational condition and in compliance with all other provisions of this code, including any accessible taxicabs.

5.136.580 Accessible taxicabs.

A taxicab fleet association shall maintain a minimum of one registered accessible taxicab. If an association has more than 25 registered taxicabs, the association shall maintain at least one additional accessible taxicab for every 25 additional registered taxicabs or any fraction thereof. For example, if the association has a total of 26 to 50 taxicabs, two must be accessible taxicabs; and if the association has a total of 51 to 75 taxicabs, three must be accessible taxicabs. To satisfy the requirements of this subsection, each accessible taxicab must be in operational condition and in compliance with all other provisions of this chapter.

5.136.590 Taxicab fleet association office.

A. A taxicab fleet association shall maintain an office that is physically located in the city or within 10 miles of the city limits, has telephone service with a local Sacramento number, and is able to receive facsimile transmissions.

B. The taxicab fleet association shall submit to the director the mailing address, physical address and phone numbers of the association office. Any changes to the address and phone numbers of the association office shall be submitted to the director in writing within 10 days of making the change.

C. The taxicab fleet association permit issued for that association shall be clearly displayed in the association office.

D. The association office shall be open to the public and staffed every weekday from eight a.m. to five p.m., excluding city holidays; and the association office telephone must be answered 24 hours a day every day.

E. The taxicab fleet association shall, upon request by the city, make all records required to be collected or maintained by the taxicab fleet association pursuant to the provisions of this chapter available for city inspection at the association office on any weekday, excluding city holidays, from eight a.m. to five p.m.

5.136.600 Taxicab fleet association manager.

A. The taxicab fleet association shall designate one person to serve as its manager, and one other person to serve as its alternate manager.

B. The manager and alternate manager shall be authorized to receive all correspondence and notices from the city pertaining to the taxicab fleet association and its registered taxicab vehicles and taxicab drivers.

C. The taxicab fleet association shall submit to the director the names of its manager and alternate manager. Any changes shall be submitted to the director in writing within 10 days of making the change.

5.136.610 Taxicab fleet association vehicle color plans.

A. The director shall approve a unique color plan for the taxicab vehicles registered to each taxicab fleet association. Each color plan must be sufficiently unique so that each taxicab may be easily identified as part of a certain taxicab fleet association.

B. Any changes to an approved color plan must be approved by the director before the colors of any taxicab vehicle are changed.

5.136.620 Dispatch service.

A. The taxicab fleet association shall provide dispatch service to each of its registered taxicabs 24 hours a day. Dispatch service shall be conducted by cellular

telephone, two-way radio, or similar communication devices as approved by the director.

B. The taxicab fleet association shall maintain dispatch logs that fully and accurately document the date and time of each request for service, the origin and destination locations, the taxicab assigned and the time the trip was completed. The dispatch logs shall be maintained in the association office for at least one year from the date of the log.

5.136.630 Complaint resolution.

The taxicab fleet association shall promptly respond to all complaints received. Each complaint received and the actions taken in response thereto shall be documented and the records shall be maintained in the association office for at least one year from the date the complaint was resolved.

5.136.640 Charges and rates for taxicab service.

The taxicab fleet association shall submit to the director a list of all of the types of charges and the rates to be charged by each of its registered taxicabs. In no event shall the types of charges or rates exceed those authorized by the City Council pursuant to Section 5.136.050. Any change in the types of charges or rates shall be submitted to the director 10 days prior to making the change.

5.136.650 General liability insurance required.

A. At all times during the term of a taxicab fleet association permit issued pursuant to this chapter, the permittee shall continuously maintain in full force and effect general liability insurance. The insurance shall be at no cost to the city and shall comply with the following:

1. Provides coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury;

2. Provides limits of not less than one million dollars (\$1,000,000.00) per occurrence;

3. Provides that the city, its officers, employees and agents are to be named as additional insureds;

4. Covers all losses and damages as specified in Section 5.136.660; and

5. Stipulates that the policy will operate as primary insurance and that no other insurance covering the city or other named insured will be called on to contribute to a loss covered thereunder.

B. No person shall operate a taxicab fleet association without insurance coverage as required by this section in full force and effect.

C. Violation of subsection A of this section, shall be grounds for immediately revoking the taxicab fleet association permit pursuant to Section 5.136.700(B).

D. The certificates of general liability insurance and endorsements that establish compliance with subsection A of this section shall be maintained in the association office for at least three years after the date that the insurance policy expires.

5.136.660 Indemnity – Taxicab fleet associations.

The taxicab fleet association permittee shall defend and indemnify and hold harmless the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorneys 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, employees or registered taxicab drivers, directly or indirectly arising from the operation of the taxicab fleet association.

5.136.670 Background checks – taxicab fleet association.

A. No person shall operate a taxicab fleet association unless the city has completed a criminal background check for each of its owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association.

B. If, during the term of a taxicab fleet association permit, any person joins that association as an owner, officer, director, partner, agent or other persons vested with the authority to manage or direct the affairs of the association, the permittee shall notify the director and submit the information required by the director to conduct a criminal background check on that person no later than three calendar days of that person joining the association. Notwithstanding the provisions of subsection A above, the permittee may continue to operate the taxicab fleet association while the city conducts the background check on the person who joined the association.

Article V. Procedures for denial, suspension or revocation of permits

5.136.700 Hearing required – Exception.

A. No permit issued pursuant to this chapter shall be suspended or revoked until the permittee is provided notice, pursuant to Section 5.136.710, and an opportunity to be heard by the director.

B. Notwithstanding subsection A of this section, a permit issued pursuant to this chapter may be suspended or revoked immediately upon the director's determination that any of the following circumstances exist:

1. Permittee is in violation the insurance requirements set forth in Sections 5.136.250 and 5.136.650; or

2. The suspension or revocation of the permit is based on subsections D or E of Sections 5.136.120, 5.136.320 or 5.136.520 relating to criminal charges or convictions; or

3. Immediate suspension of the permit is necessary to protect the public health, safety or welfare.

C. If a permit is immediately suspended pursuant to subsection B of this section, the subject permittee shall subsequently be provided notice, pursuant to Section 5.136.710, and an opportunity to be heard by the director.

5.136.710 Notice of hearing.

A. Notice of a hearing on the director's decision to suspend or revoke a permit issued pursuant to this chapter, shall be served on the permittee, and to the related taxicab fleet association, if different. The notice shall be in writing and contain a brief statement of the grounds for the action, and the date, time and location of the hearing.

B. The notice of hearing shall be personally served or sent by certified mail to the permittee at the address submitted in the permit application at least 10 calendar days prior to the hearing. Service by certified mail is complete at the time the notice is deposited in the mail.

5.136.720 Notice of decision.

A. If, after the permittee has had an opportunity to be heard, the director decides to suspend or revoke a permit issued pursuant to this chapter, the director shall cause written notice of the decision to be personally delivered or sent by certified mail to the permittee, and the related taxicab fleet association, if different. The notice shall be in writing and contain:

1. The specific grounds for the decision;

2. A statement that the permittee may appeal the decision by submitting an appeal, in writing to the director, within 10 calendar days of the date of service of the notice; and

3. A statement advising that the failure to appeal the decision will constitute a waiver of all rights to an appeal hearing, and the decision will be final. Failure to properly and timely appeal the decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the director's decision.

B. The notice of decision shall be personally served or sent by certified mail to the permittee at the address submitted in the permit application. Service by certified mail is complete at the time the notice is deposited in the mail.

5.136.730 Return of the permit.

A permittee shall return any permit that has been suspended or revoked pursuant to this chapter to the director within three calendar days of the receipt of the notice of decision as provided for in Section 5.136.720.

5.136.740 Appeal of action on permit.

A. An applicant may appeal the director’s decision to deny, suspend or revoke a permit issued pursuant to this chapter, to the city council or a designated hearing examiner in accordance with Chapter 1.24.

B. A notice of appeal, accompanied by a Taxicab Permit Appeal fee in the amount established by resolution of the city council, must be filed within 10 calendar days of the date of service of the notice of decision.

C. Failure to properly file a written appeal of the decision will constitute a waiver of all right to an appeal hearing, and the decision will be final. Failure to properly and timely appeal the decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the decision.

SECTION 3

Section 10.04.010 of the Sacramento City Code is amended as follows:

A. ~~The definition of “taxicab” Section 10.04.010 is amended by amending the definition of “taxicab” to read as follows:~~

~~“Taxicab” means every motor-propelled vehicle used solely or mainly for the transportation of passengers for hire on call or demand, over the public streets of the city, and 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, of a distinctive color or colors or insignia or of public appearance such as is in common usage in this nation for taxicabs.~~

~~“Taxicab” shall have the same meaning as defined in Chapter 5.136.~~

B. ~~Except as the definition of “taxicab” is specifically amended by the amendment of the definition of “taxicab”, Section 10.04.010 remains unchanged and in full force and effect.~~

SECTION 4

Section 10.36.170 of the Sacramento City Code is amended to read as follows:

10.36.170 Authority to establish taxicab zones.

The parking manager is authorized to establish taxicab zones as provided in Chapter 5.136 of this code on public streets. No person shall stop, stand, or park any vehicle in a taxicab zone any vehicle except a taxicab immediately available for hire.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:



ORDINANCE NO.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE REPEALING AND ADDING
CHAPTER 5.136 OF THE SACRAMENTO CITY
CODE AND AMENDING SECTIONS 10.04.010
AND 10.36.170 OF THE SACRAMENTO CITY
CODE RELATING TO TAXICABS**

Be it enacted by the Council of the City of Sacramento

SECTION 1

Chapter 5.136 of the Sacramento City Code is repealed.

SECTION 2

Chapter 5.136 of the Sacramento City Code is added to read as follows:

Chapter 5.136 TAXICABS

Article I. General Provisions

5.136.010 Findings.

The City Council finds as follows:

A. Taxicabs provide an essential component of the public transit system that serves the city. A well functioning taxi system can help the city's efforts to spur downtown and transit oriented development by making it realistic to live and work without a private automobile or a second car. Taxi service can be a valuable resource for visitors, business people, and patrons of bars, clubs, restaurants and stores. At the same time, taxis can also assist those who do not have a car for reasons of income, age, disability or simply personal choice.

B. Taxicabs are operated by private companies that utilize the public rights of way to advertise and deliver their services. Left unregulated, the competitive and transient nature of the business can result in predatory, discriminatory, fraudulent and dangerous conduct. Therefore, appropriate regulation of taxicab companies, taxicab drivers and their operations must be in place to protect the public health, safety, and welfare.

C. The city's administration of taxicab regulations should not unduly burden the taxicab industry; however, the protection of the public health, safety and welfare shall be deemed paramount in the enforcement and interpretation of taxicab regulations.

5.136.020 Definitions.

The following words and phrases when used in this chapter shall have the following meanings:

"Accessible taxicab" means a taxicab that is in compliance with the Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles (49 C.F.R. 38.1 et seq.).

"Association" means taxicab fleet association.

"Association office" means the place of business described in Section 5.136.590.

"City manager" means the city manager or the city manager's designee.

"Director" means the director of finance or designee, unless otherwise specified.

"Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley, except vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires.

"Operate a taxicab" means to drive, occupy or otherwise use a taxicab to transport or offer to transport any other person from one location to another for compensation. This includes, but is not limited to, soliciting or accepting a fare, driving or occupying a taxicab with the top light illuminated, and stopping a taxicab in a taxicab zone.

"Taxicab" means every motor vehicle designed for carrying not more than eight persons, excluding the driver; and has the word "taxi", "cab", "taxicab" or any other similar word or phrase displayed on the exterior of the vehicle.

"Taxicab fleet association" means an association of taxicab drivers, taxicab owners, managers, taxicab companies, firms, cooperatives and other organizational structures that have formed as a legal entity for the purposes of providing taxicab services in the city. The legal form of a taxicab fleet association may include a business, partnership, corporations, company, sole proprietorship, association governed by bylaws and articles of incorporation, and other legal entities.

"Taxicab Passenger Bill of Rights" means a document or sign that includes a brief summary of standards that a person is entitled to expect as a passenger in a taxicab.

“Taximeter” means an instrument or device used, or designed to be used, to measure the distance and time of a trip by a vehicle, and which automatically calculates and displays the fare due for transportation services.

“Top light” means a light mounted on the roof of a vehicle.

5.136.030 Application of chapter.

This chapter shall not apply to the operation of taxicabs while transporting passengers from locations outside of the city.

5.136.040 Fees and penalties established.

A. The following fees are established and imposed pursuant to the provisions of this chapter:

1. Taxicab Driver Permit Application fee
2. Taxicab Vehicle Permit Application fee
3. Taxicab Fleet Association Permit Application fee
4. Taxicab Permit Appeal fee
5. Taxicab Re-inspection fee

B. The city council shall establish the amounts of the forgoing fees, and any penalties, by resolution.

5.136.050 Types of charges and maximum rates.

The city council shall establish the types of charges and the maximum rates allowable for taxicab service, by resolution.

5.136.060 Permits not transferable.

No permits issued pursuant to this chapter may be transferred, sold, assigned or bequeathed expressly or by operation by law.

5.136.070 Violations.

A. Any person who violates a provision of this chapter is subject to criminal sanctions and administrative penalties pursuant to Chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance subject to a civil action for abatement by the city attorney pursuant to Chapter 1.28.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. In addition to any other remedy allowed by law, all remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

5.136.080 Accomplice liability for taxicab fleet association.

No taxicab fleet association shall cause, allow, or permit any of its registered taxicab drivers to violate any provision of this chapter; aid or abet any of its registered taxicab drivers in the violation of any provision of this chapter; or maintain or conceal any violation of the provisions of this chapter.

Article II. Taxicab Drivers

5.136.100 Taxicab driver permit required.

A. No person shall operate a taxicab unless he or she holds a valid taxicab driver permit issued pursuant to this article.

B. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a taxicab shall present his or her taxicab driver permit for examination.

5.136.110 Applications for taxicab driver permits.

A. An applicant for a taxicab driver permit must be:

1. Lawfully able to work in the United States;

2. 18 years of age or older;

3. In sound mental and physical health, and not subject to any condition that might render the applicant unfit for the safe operation of a taxicab;

4. Licensed to drive a motor vehicle by the State of California;

5. Employed, or have an offer of employment, as a taxicab driver in the city;
and

6. Registered, or approved to be registered, with a taxicab fleet association.

B. Applications for a taxicab driver permit, or renewal thereof, shall be filed with the director. The application shall be on a form approved by the city manager and may require any information or documentation consistent with the provisions of this chapter.

C. To renew a taxicab driver permit, the permittee shall submit an application no later than 30 days prior to the date upon which the taxicab driver permit expires, pursuant to Section 5.136.130. Untimely applications to renew taxicab driver permits are subject to a late penalty in the amount established by resolution of the city council.

D. Every application for issuance or renewal of a taxicab driver permit shall be accompanied by a nonrefundable Taxicab Driver Permit Application fee in the amount established by resolution of the city council.

E. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a taxicab driver permit.

5.136.120 Grounds for denying a taxicab driver permit.

The director may deny any taxicab driver permit for any of the following reasons:

- A. The application received is incomplete;
- B. The application contains a false or misleading statement or omission of a material fact;
- C. The applicant does not satisfy the requirements of Section 5.136.110(A);
- D. The applicant or any person with a ten percent or greater financial interest in the applicant's operation of the taxicab has been charged in an indictment issued by a grand jury, or in an information, complaint or similar pleading issued by the United States Attorney, district attorney, city attorney or other governmental official or agency authorized to prosecute crimes, with a crime punishable by imprisonment for a term exceeding one year or with a crime involving moral turpitude; and those criminal proceedings are currently pending.
- E. The applicant or any person with a ten percent or greater financial interest in the applicant's operation of the taxicab has been convicted of a crime punishable by imprisonment for a term exceeding one year, or a crime involving moral turpitude;
- F. The applicant tested positive for a controlled substance or alcohol in accordance with Section 53075.5 of the Government Code;
- G. The applicant or any person with a ten percent or greater financial interest in the applicant's operation of the taxicab, has any unpaid and overdue administrative penalties imposed for violations of this chapter;
- H. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08;
- I. Within 12 months of the date of application, the applicant has had its taxicab driver permit revoked; or

J. The operation of a taxicab by the applicant is a threat to the public health, safety or welfare.

5.136.130 Term of taxicab driver permits.

Taxicab driver permits issued pursuant to the provisions of this chapter shall be valid for one year from the date that the permit was issued, unless it is suspended or revoked sooner.

5.136.140 Grounds for suspending or revoking a taxicab driver permit.

The director may suspend or revoke any taxicab driver's permit issued pursuant to this chapter for any of the following reasons:

- A. One or more of the circumstances upon which a taxicab driver permit could be denied as described in Section 5.136.120 exists or has occurred; or
- B. The permittee has violated any provision of this chapter.

5.136.150 Registration with taxicab fleet association.

- A. No person shall operate a taxicab unless he or she is registered to a taxicab fleet association with a valid taxicab fleet association permit issued pursuant to this chapter.
- B. No taxicab driver shall be registered to more than one taxicab fleet association.

5.136.160 No parking in parking meter space.

No person shall stop, stand or park a taxicab in any parking meter space, as defined by Section 10.04.010.

5.136.170 Restricted parking in taxicab zones.

No person shall stop, stand, or park a taxicab in any taxicab zone, as defined by Section 10.04.010, for more than 30 minutes.

5.136.180 Threats, harassment or abuse.

No taxicab driver shall threaten, harass or abuse any other person while operating a taxicab.

5.136.190 Transportation of passengers.

No taxicab driver shall do the following:

- A. Refuse a reasonable request for transportation service from any legitimate customer, regardless of the short length of the prospective ride. Service may

be refused when, in the reasonable opinion of the driver, accepting a passenger would threaten the safety of the driver;

- B. Fail to respond to calls for taxicab service in the order that they are received;
- C. Transport a greater number of passengers than the vehicle is designed to carry;
- D. Pick up additional passengers without the prior consent of the passengers already in the taxicab;
- E. Fail to take the most direct route possible that will carry passengers safely, lawfully, and expeditiously to their desired destination, without the prior consent of the passengers;
- F. Refuse to drive to a destination different from the destination that was originally stated; or
- G. Refuse to allow a passenger to disembark at a location different from the destination that was originally stated.

5.136.200 Compensation for taxicab services.

- A. No person shall request, demand, or accept compensation for taxicab services in excess of the amount indicated on the taximeter at the end of a trip.
- B. No person shall request, demand or accept compensation for taxicab services for any type of charge that is not expressly allowed pursuant to Section 5.136.050, or for any rate in excess of the maximum rates established pursuant to Section 5.136.050.
- C. This section shall not prohibit persons from accepting gratuities that are voluntarily given.

5.136.210 Passenger receipts.

No taxicab driver shall fail to issue to any passenger a receipt for the fare paid for hiring the taxicab upon request. The receipt shall show the date and time of the trip and the amount of the fare due.

5.136.220 Triplogs required.

- A. No taxicab driver shall fail to maintain a triplog contemporaneously with each paid trip, that fully and accurately documents that trip. Triplogs shall contain the following information:
 - 1. The taxicab driver's name;

2. The taxicab vehicle's permit number;
3. The date and time that each fare began and was completed;
4. The addresses of the origin and destination of each paid trip; and
5. The amount paid for each trip.

B. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a taxicab shall present his or her triplogs for examination.

C. Taxicab drivers shall file their triplogs for each day with the taxicab fleet association within one week of the date of the triplog.

D. No person shall knowingly make a false statement of fact or knowingly omit any information that is required to be contained in a triplog.

5.136.230 Lost property.

No taxicab driver shall fail to report and deliver any lost property of value left by a passenger in the taxicab to the association office within 24 hours of the discovery of the property.

5.136.240 Taxicab Driver Badges.

No taxicab driver shall operate a taxicab unless he or she is wearing a taxicab driver badge that is clearly visible on their outermost garment. The taxicab driver badge shall be at least four inches by two inches in size and display the following information:

- A. The person's name;
- B. A photograph of the person's face;
- C. The name and phone number of the taxicab fleet association that they are registered to.

5.136.250 Automobile liability insurance required.

A. At all times during the term of a taxicab driver permit issued pursuant to this chapter, the permittee shall continuously maintain in full force and effect automobile liability insurance that covers any taxicab vehicle they operate. The insurance shall comply with the following:

1. Provides coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury;
2. Provides limits of not less than five hundred thousand dollars (\$500,000.00) per occurrence; and

3. Covers all losses and damages as specified in Section 5.136.260.

B. No person shall operate a taxicab without insurance coverage as required by this section in full force and effect.

C. Violation of subsection A of this section, shall be grounds for immediately revoking the taxicab driver permit pursuant to Section 5.136.700(B).

D. Permittees shall file all certificates of automobile liability insurance that establish their compliance with subdivision A of this section, with their taxicab fleet association.

5.136.260 Indemnity – Taxicab drivers.

The taxicab driver permittee shall defend and indemnify and hold harmless the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorneys 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.

5.136.270 Controlled substance and alcohol tests.

A. Prior to issuance or renewal of a taxicab driver permit, all applicants shall submit to and comply with a controlled substance and alcohol testing certification program in accordance with Section 53075.5(b)(3)(A) of the California Government Code.

B. The director may, upon reasonable cause, require any taxicab driver permittee to take a controlled substance or alcohol test in accordance with Section 53075.5(b)(3)(A) of the California Government Code. Such test shall be taken by driver within five days after director gives notice of the requirement. Notice shall be given to permittee, and to permittee's employer if the permittee is not self-employed. Notice shall be deemed effective upon depositing the notice in the U.S. mail first class postage prepaid addressed to the permittee and permittee's employer, at the last address on record with the director.

C. In the case of a self-employed independent driver, the controlled substance and alcohol test results shall be reported directly to the city and the city will report the same to the taxicab fleet association to which the driver is registered. In all other cases, the results shall be reported directly to the taxicab driver's employer, and the employer shall immediately report the same to the city.

5.136.280 Background checks – Persons with financial interest.

A. No person shall operate a taxicab unless the city has completed a criminal background check on that person and any other person with a ten percent or greater

financial interest in the taxicab driver's operation of a taxicab. This may include, but is not limited to, the taxicab driver's employer, business partner or business associate.

B. If, during the term of a taxicab driver permit, any person acquires a ten percent or greater financial interest in the operation of that taxicab, the permittee shall notify the director and submit the information required by the director to conduct a background check on that person no later than three calendar days after the person acquires the interest. Notwithstanding the provisions of subsection A of this section, the permittee may continue to operate the taxicab while the city conducts the background check on the person who acquired the interest.

Article III. Taxicab Vehicles

5.136.300 Taxicab vehicle permit required.

A. No person shall operate a taxicab unless a taxicab vehicle permit issued pursuant to the provisions of this chapter is in effect for that vehicle.

B. Upon demand of a peace officer or city employee authorized to enforce this chapter, every person operating a taxicab shall present the taxicab vehicle permit that is in effect for that vehicle.

5.136.310 Application for taxicab vehicle permit.

A. An owner, lessee, or holder of a similar interest in a taxicab may apply for a taxicab vehicle permit by filing an application with the director. The application shall be on a form approved by the city manager and may require any information or documentation consistent with the provisions of this chapter.

B. To renew a taxicab vehicle permit, the association to which the vehicle is registered shall file an application with the director along with the application for renewal of its taxicab fleet association permit. The application shall be submitted no later than 30 days prior to the association permit renewal date assigned to the association to which the driver is registered, pursuant to Section 5.136.530(A). Untimely applications to renew taxicab vehicle permits are subject to a late penalty in the amount established by resolution of the city council.

C. Every application for, or renewal of, a taxicab vehicle permit shall be accompanied by an annual nonrefundable Taxicab Vehicle Permit Application fee in the amount established by resolution of the city council.

D. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a taxicab vehicle permit.

5.136.320 Grounds for denying a taxicab vehicle permit.

The director may deny any <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=taxicabs&S3=&Sect4=AND&l=20&Sect1=IMAGE&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=16&Sect6=HITOFF&f=G - h6#h6http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=taxicabs&S3=&Sect4=AND&l=20&Sect1=IMAGE&Sect3=PLURON&Sect5=CODE1&d=CODE&p=>

[1&u=%2F%7Epublic%2Fcode1.htm&r=16&Sect6=HITOFF&f=G - h8#h8](#)taxicab vehicle permit for any of the following reasons:

- A. The application received is incomplete;
- B. The application contains a false or misleading statement or omission of a material fact;
- C. The vehicle is not in compliance with all applicable laws and standards, including the provisions of this chapter;
- D. Any of the legal and registered owners of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab has been charged in an indictment issued by a grand jury, or in an information, complaint or similar pleading issued by the United States Attorney, district attorney, city attorney or other governmental official or agency authorized to prosecute crimes, with a crime punishable by imprisonment for a term exceeding one year or with a crime involving moral turpitude; and those criminal proceedings are currently pending.
- E. Any of the legal and registered owners of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab, has been convicted of a crime a crime punishable by imprisonment for a term exceeding one year, or a crime involving moral turpitude:
- F. Any of the legal and registered owners of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab, has any unpaid and overdue administrative penalties imposed for violations of this chapter;
- G. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08; or
- H. Operation of the taxicab is a threat to the public health, safety or welfare.

5.136.330 Term of taxicab vehicle permits.

Taxicab vehicle permits issued pursuant to the provisions of this chapter shall be valid until the next association permit renewal date assigned to the association to which it is registered, pursuant to Section 5.136.530(A), unless it is suspended or revoked sooner.

5.136.340 Grounds for suspending or revoking a taxicab vehicle permit.

The director may suspend or revoke any taxicab vehicle permit issued pursuant to the provisions of this chapter for any of the following reasons:

- A. One or more of the circumstances upon which a taxicab vehicle permit could be denied as described in Section 5.136.320, exists or has occurred; or

B. The permittee, any of the legal and registered owners of the taxicab, the lessee of the taxicab, or any person with a ten percent or greater financial interest in the operation of the taxicab, has violated any provision of this chapter.

5.136.350 Registration of vehicle to a taxicab fleet association.

A. No person shall operate a taxicab unless the taxicab vehicle is registered with a taxicab fleet association with a valid taxicab fleet association permit issued pursuant to this chapter.

B. No taxicab shall be registered to more than one taxicab fleet association.

5.136.360 Taxicab vehicle color plans.

No person shall operate a taxicab that is not painted in accordance with the vehicle color plan that is approved by the director, pursuant to Section 5.136.610, for the taxicab fleet association to which it is registered.

5.136.370 Exterior postings.

A. No person shall operate a taxicab that does not have the following information permanently posted on the exterior of the vehicle:

1. The taxicab identification number, as provided by the director upon issuance of the taxicab vehicle permit, using letters and numbers that are not less than four inches in height;

2. The types of charges and rates being charged for taxicab service, using letters and numbers that are not less than one and one-half inches in height; and

3. The name and telephone number of the taxicab fleet association to which the vehicle is registered, using letters and numbers that are not less than four inches in height.

B. The information specified in subsection A of this section, and any other information posted on the exterior of the vehicle, must be displayed in manner that is approved by the director.

C. Except for the name and telephone number of the taxicab fleet association, no other name (e.g. name of a taxicab company or a driver) or phone number shall be posted on the exterior of the vehicle using letters or numbers that are more than two and one-half inches in height.

5.136.380 Interior postings.

No person shall operate a taxicab unless the following are clearly displayed in the taxicab passenger compartment in full view of all passengers:

A. A valid taxicab driver permit, issued to him or her pursuant to this chapter;

B. A valid taxicab vehicle permit, issued for that taxicab pursuant to this chapter;

C. A rate schedule consistent with the rate schedule submitted to the director by the taxicab fleet association in accordance with Section 5.136.640, and in the format specified by the director;

D. A Taxicab Passenger Bill of Rights, in print and in braille, and in a format as approved by the director; and

E. A sign that states smoking is prohibited in the taxicab.

5.136.390 Taximeters.

A. No person shall operate a taxicab without a taximeter that complies with the following:

1. The taximeter must be certified as accurate and properly sealed by the Director of Weights and Measures of Sacramento County or a taximeter service agency registered by the California Secretary of Food and Agriculture, pursuant to Section 12532 of the Business and Professions Code as amended; and

2. The taximeter display must be in full view of all passengers.

B. Taxicab drivers shall turn on the taximeter at the beginning of each trip and turn off the taximeter at the end of each trip.

5.136.400 Top lights.

No person shall operate a taxicab without a working top light that complies with the following:

A. The top light shall be a minimum of ten inches in length and four inches in height, and be visible from all sides of the vehicle; and

B. The word "taxicab," "taxi," "cab" or the business name of the taxicab owner or other words identifying the vehicle as a taxicab shall be clearly visible on the top light.

C. The top light shall be wired to automatically illuminate when the taximeter inside the vehicle is turned off, and automatically extinguish when the taximeter inside the vehicle is turned on.

5.136.410 Substandard conditions of taxicabs.

No person shall operate a taxicab that has any of the following substandard conditions:

A. A door, window, hood, or trunk that does not open or close securely;

B. Rust, dents or other damage to the exterior of the vehicle to the extent that a single area or multiple areas of damage affect an aggregate area of at least three linear feet of the vehicle's surface. The measurement of each damaged area will be taken from the two most widely spread points of the affected surface;

C. Loose, broken or missing parts that could cause injury to a driver, pedestrian, or passenger, or cause their clothing or baggage to be snagged or torn. These parts include, but are not limited to, mirrors, handles, signs, or chrome, plastic or rubber trim;

D. A passenger compartment that is in a dirty or other condition that could soil a patron's clothes;

E. A luggage compartment that is in a dirty or other condition that could soil or damage baggage or other items placed therein;

F. A passenger compartment that contains loose litter or trash;

G. Upholstery, headliners or floor coverings that are torn, damaged, dirty or otherwise improperly maintained; or

H. Exterior paint, decals, lettering, or numbering that are peeling, defaced, or otherwise improperly maintained.

5.136.420 Taxicab vehicle inspections.

A. Within 90 days prior to the issuance of a taxicab vehicle permit, or a renewal thereof, each vehicle must pass an inspection by a facility that has been approved by the city manager to conduct such inspections. The scope of the inspection shall be determined by the director, and shall consist of requirements that verify that the vehicle is safe, in good mechanical condition, and in compliance with all applicable laws and standards, including the provisions of this chapter.

B. In addition to the inspections provided for in subsection A of this section, the city may inspect any taxicab at any time to determine compliance with this chapter, provided that at the time of the inspection a person is operating the taxicab and is not transporting a paying customer.

C. If, as a result of an inspection pursuant to subsection B of this section, a taxicab is determined to be in violation of any provision of this chapter, the city shall provide the permittee a reasonable period of time to correct the violation, and re-inspect the vehicle to ensure that the correction has been made. In addition to any remedies for the violation of this chapter, the city may impose a Taxicab Re-inspection fee on the permittee in the amount established by resolution of the city council, for the re-inspection conducted pursuant to this section.

5.136.430 Background checks – Owners of taxicabs.

A. No person shall operate a taxicab unless the city has completed a criminal background check for every person with an ownership interest in the taxicab.

B. If, during the term of a taxicab vehicle permit, any person acquires an ownership interest in that taxicab, the permittee shall notify the director and submit the information required by the director to conduct a background check on that person no later than three calendar days after the person acquires the interest. Notwithstanding the provisions of subsection A of this section, a person may continue to operate that permitted taxicab while the city conducts the background check on the person who acquired the interest.

Article IV. Taxicab Fleet Associations

5.136.500 Taxicab fleet association permit required.

A. No person shall engage in the business of operating or managing a taxicab fleet association in the city without a valid taxicab fleet association permit issued pursuant to the provisions of this chapter.

B. Upon demand of a peace officer or city employee authorized to enforce this chapter, the association shall present the valid taxicab fleet association permit for examination.

5.136.510 Applications for taxicab fleet association permits.

A. A taxicab fleet association may apply for a taxicab fleet association permit, or a renewal thereof, by filing an application with the director. The application shall be on a form approved by the city manager and may require any information or documentation consistent with the provisions of this code.

B. To renew a taxicab fleet association permit, an application shall be submitted no later than 30 days prior to the association permit renewal date assigned to the association pursuant to Section 5.136.530(A). Untimely applications are subject to a late penalty in the amount established by resolution of the city council.

C. Every application for, or a renewal of, a taxicab fleet association permit shall be accompanied by a nonrefundable Taxicab Fleet Association Permit Application fee in the amount established by resolution of the city council.

D. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a taxicab fleet association permit.

5.136.520 Grounds for denying a taxicab fleet association permit.

The director may deny any taxicab fleet association permit if the director determines that one or more of the following circumstances exist:

A. The application received is incomplete;

B. The application contains a false or misleading statement or omission of a material fact;

C. The taxicab fleet association fails to meet any of the requirements as set forth in this article;

D. Any of the taxicab fleet association's owners, officers, directors, partners, agents or other persons vested with the authority to manage or direct the affairs of the association has been charged in an indictment issued by a grand jury, or in an information, complaint or similar pleading issued by the United States Attorney, district attorney, city attorney or other governmental official or agency authorized to prosecute crimes, with a crime punishable by imprisonment for a term exceeding one year or with a crime involving moral turpitude; and those criminal proceedings are currently pending.

E. Any of the taxicab fleet association's owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association, has been convicted of a crime punishable by imprisonment for a term exceeding one year, or a crime involving moral turpitude;

F. The taxicab fleet association or any of its owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association, has any unpaid and overdue administrative penalties imposed for violations of this chapter;

G. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08;

H. Within 12 months of the date of application, either the taxicab fleet association has had its taxicab fleet association permit revoked; or any of the association's owners, officers, directors, partners, agents or other persons vested with the authority to manage or direct the affairs of the association were associated with another taxicab fleet association that had its taxicab fleet association permit revoked; or

I. Operation of the taxicab fleet association is a threat to the public health, safety or welfare.

5.136.530 Term of taxicab fleet association permits.

A. Upon issuance of each taxicab fleet association permit, the director shall assign an association permit renewal date that is at least one year, but not more than two years, from the date that the permit is issued.

B. A taxicab fleet association permit issued under the provisions of this chapter shall be valid until the association permit renewal date assigned pursuant to subsection A of this section, unless it is suspended or revoked sooner.

5.136.540 Grounds for suspending or revoking a taxicab fleet association permit.

The director may suspend or revoke any taxicab fleet association permit issued pursuant to the provisions of this chapter for any of the following reasons:

A. One or more of the circumstances upon which a taxicab fleet association permit could be denied, as described in Section 5.136.520, exists or has occurred; or

B. The taxicab fleet association, its owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association, its registered taxicab drivers or taxicab vehicles have violated any provision of this chapter.

5.136.550 Registered taxicab drivers – record keeping.

A. Taxicab fleet associations shall maintain in the association office a current list of all taxicab drivers who are registered to that association. The association shall advise the City of any change in registration of a taxicab driver within seven calendar days of such change.

B. Taxicab fleet associations shall collect and maintain in the association office the following records relating to each taxicab driver who is registered to that association:

1. A copy of a valid taxicab driver permit issued pursuant to this chapter. The copies shall be maintained in the association office for at least one year after the date that the permit expired.

2. Triplogs for each day the taxicab driver operates a taxicab, as described in section 5.136.220. The triplogs shall be maintained in the association office for at least one year from the date of the triplog.

3. Certificates of automobile liability insurance, as described in section 5.136.250. The certificates shall be maintained in the association office for at least three years after the date that the insurance policy expires.

5.136.560 Registered taxicabs – record keeping.

A. Taxicab fleet associations shall maintain in the association office a current list of all taxicabs that are registered to that association, including and identifying all registered accessible taxicabs. The association shall advise the City of any change in registration of a taxicab within seven calendar days of such change.

B. Taxicab fleet associations shall collect and maintain in the association office a copy of the valid taxicab vehicle permit issued pursuant to this chapter to each taxicab that is registered to that association. The copies shall be maintained in the association office for at least one year after the date that the permit expired.

5.136.570 Minimum number of taxicabs.

A taxicab fleet association shall maintain a minimum of 25 registered taxicabs in operational condition and in compliance with all other provisions of this code, including any accessible taxicabs.

5.136.580 Accessible taxicabs.

A taxicab fleet association shall maintain a minimum of one registered accessible taxicab. If an association has more than 25 registered taxicabs, the association shall maintain at least one additional accessible taxicab for every 25 additional registered taxicabs or any fraction thereof. For example, if the association has a total of 26 to 50 taxicabs, two must be accessible taxicabs; and if the association has a total of 51 to 75 taxicabs, three must be accessible taxicabs. To satisfy the requirements of this subsection, each accessible taxicab must be in operational condition and in compliance with all other provisions of this chapter.

5.136.590 Taxicab fleet association office.

A. A taxicab fleet association shall maintain an office that is physically located in the city or within 10 miles of the city limits, has telephone service with a local Sacramento number, and is able to receive facsimile transmissions.

B. The taxicab fleet association shall submit to the director the mailing address, physical address and phone numbers of the association office. Any changes to the address and phone numbers of the association office shall be submitted to the director in writing within 10 days of making the change.

C. The taxicab fleet association permit issued for that association shall be clearly displayed in the association office.

D. The association office shall be open to the public and staffed every weekday from eight a.m. to five p.m., excluding city holidays; and the association office telephone must be answered 24 hours a day every day.

E. The taxicab fleet association shall, upon request by the city, make all records required to be collected or maintained by the taxicab fleet association pursuant to the provisions of this chapter available for city inspection at the association office on any weekday, excluding city holidays, from eight a.m. to five p.m.

5.136.600 Taxicab fleet association manager.

A. The taxicab fleet association shall designate one person to serve as its manager, and one other person to serve as its alternate manager.

B. The manager and alternate manager shall be authorized to receive all correspondence and notices from the city pertaining to the taxicab fleet association and its registered taxicab vehicles and taxicab drivers.

C. The taxicab fleet association shall submit to the director the names of its manager and alternate manager. Any changes shall be submitted to the director in writing within 10 days of making the change.

5.136.610 Taxicab fleet association vehicle color plans.

A. The director shall approve a unique color plan for the taxicab vehicles registered to each taxicab fleet association. Each color plan must be sufficiently unique so that each taxicab may be easily identified as part of a certain taxicab fleet association.

B. Any changes to an approved color plan must be approved by the director before the colors of any taxicab vehicle are changed.

5.136.620 Dispatch service.

A. The taxicab fleet association shall provide dispatch service to each of its registered taxicabs 24 hours a day. Dispatch service shall be conducted by cellular telephone, two-way radio, or similar communication devices as approved by the director.

B. The taxicab fleet association shall maintain dispatch logs that fully and accurately document the date and time of each request for service, the origin and destination locations, the taxicab assigned and the time the trip was completed. The dispatch logs shall be maintained in the association office for at least one year from the date of the log.

5.136.630 Complaint resolution.

The taxicab fleet association shall promptly respond to all complaints received. Each complaint received and the actions taken in response thereto shall be documented and the records shall be maintained in the association office for at least one year from the date the complaint was resolved.

5.136.640 Charges and rates for taxicab service.

The taxicab fleet association shall submit to the director a list of all of the types of charges and the rates to be charged by each of its registered taxicabs. In no event shall the types of charges or rates exceed those authorized by the City Council pursuant to Section 5.136.050. Any change in the types of charges or rates shall be submitted to the director 10 days prior to making the change.

5.136.650 General liability insurance required.

A. At all times during the term of a taxicab fleet association permit issued pursuant to this chapter, the permittee shall continuously maintain in full force and effect general liability insurance. The insurance shall be at no cost to the city and shall comply with the following:

1. Provides coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury;

2. Provides limits of not less than one million dollars (\$1,000,000.00) per occurrence;

3. Provides that the city, its officers, employees and agents are to be named as additional insureds;

4. Covers all losses and damages as specified in Section 5.136.660; and

5. Stipulates that the policy will operate as primary insurance and that no other insurance covering the city or other named insured will be called on to contribute to a loss covered thereunder.

B. No person shall operate a taxicab fleet association without insurance coverage as required by this section in full force and effect.

C. Violation of subsection A of this section, shall be grounds for immediately revoking the taxicab fleet association permit pursuant to Section 5.136.700(B).

D. The certificates of general liability insurance and endorsements that establish compliance with subsection A of this section shall be maintained in the association office for at least three years after the date that the insurance policy expires.

5.136.660 Indemnity – Taxicab fleet associations.

The taxicab fleet association permittee shall defend and indemnify and hold harmless the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorneys 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, employees or registered taxicab drivers, directly or indirectly arising from the operation of the taxicab fleet association.

5.136.670 Background checks – taxicab fleet association.

A. No person shall operate a taxicab fleet association unless the city has completed a criminal background check for each of its owners, officers, directors, partners, agents and other persons vested with the authority to manage or direct the affairs of the association.

B. If, during the term of a taxicab fleet association permit, any person joins that association as an owner, officer, director, partner, agent or other persons vested with the authority to manage or direct the affairs of the association, the permittee shall notify the director and submit the information required by the director to conduct a criminal background check on that person no later than three calendar days of that person joining the association. Notwithstanding the provisions of subsection A above,

the permittee may continue to operate the taxicab fleet association while the city conducts the background check on the person who joined the association.

Article V. Procedures for denial, suspension or revocation of permits

5.136.700 Hearing required – Exception.

A. No permit issued pursuant to this chapter shall be suspended or revoked until the permittee is provided notice, pursuant to Section 5.136.710, and an opportunity to be heard by the director.

B. Notwithstanding subsection A of this section, a permit issued pursuant to this chapter may be suspended or revoked immediately upon the director's determination that any of the following circumstances exist:

1. Permittee is in violation the insurance requirements set forth in Sections 5.136.250 and 5.136.650; or

2. The suspension or revocation of the permit is based on subsections D or E of Sections 5.136.120, 5.136.320 or 5.136.520 relating to criminal charges or convictions; or

3. Immediate suspension of the permit is necessary to protect the public health, safety or welfare.

C. If a permit is immediately suspended pursuant to subsection B of this section, the subject permittee shall subsequently be provided notice, pursuant to Section 5.136.710, and an opportunity to be heard by the director.

5.136.710 Notice of hearing.

A. Notice of a hearing on the director's decision to suspend or revoke a permit issued pursuant to this chapter, shall be served on the permittee, and to the related taxicab fleet association, if different. The notice shall be in writing and contain a brief statement of the grounds for the action, and the date, time and location of the hearing.

B. The notice of hearing shall be personally served or sent by certified mail to the permittee at the address submitted in the permit application at least 10 calendar days prior to the hearing. Service by certified mail is complete at the time the notice is deposited in the mail.

5.136.720 Notice of decision.

A. If, after the permittee has had an opportunity to be heard, the director decides to suspend or revoke a permit issued pursuant to this chapter, the director shall cause written notice of the decision to be personally delivered or sent by certified mail to the permittee, and the related taxicab fleet association, if different. The notice shall be in writing and contain:

1. The specific grounds for the decision;
2. A statement that the permittee may appeal the decision by submitting an appeal, in writing to the director, within 10 calendar days of the date of service of the notice; and
3. A statement advising that the failure to appeal the decision will constitute a waiver of all rights to an appeal hearing, and the decision will be final. Failure to properly and timely appeal the decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the director's decision.

B. The notice of decision shall be personally served or sent by certified mail to the permittee at the address submitted in the permit application. Service by certified mail is complete at the time the notice is deposited in the mail.

5.136.730 Return of the permit.

A permittee shall return any permit that has been suspended or revoked pursuant to this chapter to the director within three calendar days of the receipt of the notice of decision as provided for in Section 5.136.720.

5.136.740 Appeal of action on permit.

A. An applicant may appeal the director's decision to deny, suspend or revoke a permit issued pursuant to this chapter, to the city council or a designated hearing examiner in accordance with Chapter 1.24.

B. A notice of appeal, accompanied by a Taxicab Permit Appeal fee in the amount established by resolution of the city council, must be filed within 10 calendar days of the date of service of the notice of decision.

C. Failure to properly file a written appeal of the decision will constitute a waiver of all right to an appeal hearing, and the decision will be final. Failure to properly and timely appeal the decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the decision.

SECTION 3

Section 10.04.010 of the Sacramento City Code is amended as follows:

A. The definition of "taxicab" is amended to read as follows:

"Taxicab" shall have the same meaning as defined in Chapter 5.136.

B. Except as the definition of "taxicab" is specifically amended, Section 10.04.010 remains unchanged and in full force and effect.

SECTION 4

Section 10.36.170 of the Sacramento City Code is amended to read as follows:

10.36.170 Taxicab zones.

The parking manager is authorized to establish taxicab zones on public streets. No person shall stop, stand, or park any vehicle in a taxicab zone except a taxicab immediately available for hire.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective: