

ORDINANCE NO. 2010-028

Adopted by the Sacramento City Council

October 5, 2010

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Chapter 5.136 of the Sacramento City Code is repealed.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 90 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 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.

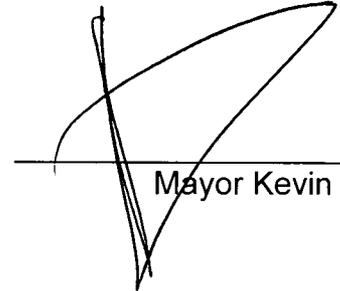
Adopted by the City of Sacramento City Council on October 5, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmembers Hammond, and Tretheway.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Passed for Publication: September 28, 2010

Published: October 1, 2010

Effective: November 3, 2010