21

REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

Staff Report

January 24, 2006

Honorable Mayor and
Members of the City Council

Subject: Ordinance Relating to the Regulation and Operation of Taxicabs

Location/Council District: Citywide

Recommendation:

Repeal and re-enact Chapter 5.136 of the Sacramento City Code relating to the regulation and operation of taxicabs.

Contact: Gus Vina, Assistant City Manager, 808-7138; Max Fernandez, Director of Code Enforcement, 808-7940; Tina Lee-Vogt, Special Projects Manager, 808-2679

Presenters: Gus Vina, Assistant City Manager, 808-7138; Tina Lee-Vogt, Special Projects Manager, 808-2679

Department: **Finance**

Division: **Administration**

Organization No: **1111**

Summary:

On September 20, 2005, the Mayor and City Council adopted staff recommendations on taxicab reforms and directed staff to return with an ordinance to implement the adopted reforms (City Council Resolution Number: 2005-684). This report requests that the Mayor and City Council repeal and re-enact Chapter 5.136 of the Sacramento City Code relating to the regulation and operation of taxicabs to codify the adopted reforms.

Committee/Commission Action:

The Taxi Advisory Panel provided input which was used to develop the adopted reforms. The Taxi Advisory Panel members represent a variety of stakeholder groups including the taxi industry, hotel and tourism, business, elder and disabled, and staff from impacted City departments.

Further, on August 18 and 31, 2005, staff attended the City's Disability Advisory Commission meetings regarding taxicab accessibility. The Commission voted on several recommendations to be included in the proposed ordinance to address taxicab accessibility.

Background Information:

Ordinance Relating to the Regulation of and Operation of Taxicabs

On September 20, 2005, the Mayor and City Council adopted staff recommendations on taxicab reforms and directed staff to return with an ordinance to implement the adopted reforms (City Council Resolution Number: 2005-684). The attached ordinance codifies these reforms and repeals and re-enacts Chapter 5.136 of the Sacramento City Code relating to the regulation and operation of taxicabs. The key provisions of this ordinance include, but are not limited to:

- Requirement of the Taxicab Fleet Management Permit and the related permit application process;
- Requirement for accessible taxicab vehicles for each taxicab fleet;
- Establishment of maximum rates, fares, and charges for taxicabs and taxicab service;
- Administrative hearing process related to the operation and regulation of taxicabs; and
- Transition provision allowing current vehicle and taxicab driver permit holders to operate without being associated with a fleet association 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 the ordinance.

Upon approval of the ordinance, staff will develop rules and regulations to administer the taxicab operation program. Consistent with development of the ordinance, staff will solicit input from the community and industry stakeholders on these rules and regulations. Staff will also develop a Guide for Taxi Drivers to provide user-friendly information on taxi regulations other regulatory and administrative requirements, and safety tips.

Implementation of Taxicab Reforms

Permit Process:

The Revenue Services Division of the Department of Finance will be responsible for processing and issuing fleet management, taxicab vehicle, and taxicab driver permits and collecting related fees. In accordance with the proposed ordinance, the Taxicab Fleet Association Manager would be responsible for coordination and submission of the permit applications for the fleet association as well as the permits for the fleet's taxicab vehicles and taxicab drivers. The proposed ordinance includes an appeal process to address concerns in the event that permits are denied.

Enforcement:

The Code Enforcement Department will be responsible for enforcing the requirements of the proposed taxicab ordinance. This will include random and strategic inspections to insure compliance with the ordinance. Additionally, Code Enforcement would provide support for appeal hearings through its existing administrative hearing procedures.

To enforce the requirements of the proposed taxicab ordinance and other business compliance issues, the Code Enforcement Department will present recommendations related to the Business Compliance Division to the Mayor and City Council. This report will discuss the proposed enforcement plan and staffing necessary, including administrative and field personnel to adequately enforce the provisions of the proposed taxicab and other applicable ordinances.

Financial Considerations:

Adoption of the proposed ordinance and implementation of the recommended reforms will require additional field and administrative staff for the Code Enforcement and Revenue Divisions. Staff will present a staffing and cost recovery plan in a separate report to the Mayor and City Council. The fee schedule providing cost recovery will be included in the City's comprehensive fees and charges report as part of the mid-year budget.

Environmental Considerations:

Not applicable.

Policy Considerations:

Staff recommends that the Mayor and City Council formally adopt the proposed ordinance related to the regulation and operation of taxicabs to codify reforms adopted in September 2005 (City Council Resolution Number: 2005-684).

Emerging Small Business Development (ESBD):

No goods or services are being provided.

Respectfully Submitted by: Tina Lee-Vogt
Tina Lee-Vogt
Special Projects Manager

Approved by: for Russ Fehr
Russell Fehr
Director of Finance

Recommendation Approved:

RAY KERRIDGE
Interim City Manager

Table of Contents:

Page 1 Staff Report
Page 5 Ordinance

ORDINANCE NO.

Adopted by the Sacramento City Council
On _____

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 5.136 OF THE SACRAMENTO CITY CODE RELATING TO THE REGULATION AND OPERATION OF TAXICABS, INCLUDING THE REQUIREMENT OF MINIMUM FLEET SIZES, AND ESTABLISHING THE FEES AND PROGRAM RELATED THERETO

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO

SECTION 1

Chapter 5.136 of the Sacramento City Code is hereby repealed.

SECTION 2.

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

CHAPTER 5.136 – TAXICAB FLEET OPERATION ORDINANCE

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.

A. "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 36" by 60".

B. "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.

C. "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.

D. "Director of Code Enforcement" means the director of code enforcement or designee.

E. "Director of Finance" means the director of finance or designee.

F. "Taxicab Driver" means every person driving a taxicab as defined by this chapter.

G. "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.

H. "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.

I. "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.

J. "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.

K. "Person" includes person, business, firm, company, partnership, cooperative, corporation, association, taxicab fleet or other entity.

L. "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.

M. "Taxicab Fleet" means a minimum of twenty-five (25) taxicabs, including one (1) accessible taxicab, which are in operation at all times that the Taxicab Fleet Association is open for business.

N. "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.

O. "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.

P. "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.

Q. "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.

R. "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 hereby 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.

A. 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. Said 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 (7) 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 (1) 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 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 Fleets 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 Associations.

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 thy City Manager's Rules and Regulations for the Operation of Taxicab Fleets Associations.

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 Taxicab Fleet Association Operations.

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 8:00 a.m. to 5:00 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 and 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 (3) 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 (5) 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 (2) 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 City 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 said 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 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 or a state-registered device repairman 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.

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

A. There shall be displayed in the taxicab passenger compartment in full view of any passenger:

1. A valid Taxicab permit issued pursuant to this chapter;
2. A rate schedule as set forth in this chapter;
3. The taximeter display;
4. The business name and telephone number of the affiliated Taxicab Fleet Association;
5. A rate schedule, in the format specified in the City Manager's Rules and Regulations for the Operation of Taxicab Fleets; and
6. 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 the roof of every taxicab and shall be illuminated in non-daylight hours when the taxicab is available for hire. The word "taxicab," "taxi," "cab" or the business name of the taxicab owner or other words identifying the vehicle as a taxicab shall be visible on the top light. A safety light on the roof of 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 or a state-registered device repairman; 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.

A. 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. 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.

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 Taxicab Fleet Operations. 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 said 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 taxicab driver's permit may be revoked or suspended by the Director on any of the following grounds:

A. Violation of any of the applicable provisions of this chapter; or

B. If, subsequent 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

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

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

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

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

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

Upon a finding by the administrative hearing officer that a taxicab driver has violated Section 5.136.270(C) of this chapter, 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 Section 5.136.270(C), the taxicab driver permit shall be suspended for one year.

The permitted fleet association or company shall be liable for all penalties incurred by affiliated drivers.

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 section 5.136.130 through 5.136.170.

Article V. Prohibited Acts; Violations and enforcement.

5.136.290. Unlawful acts; Violations.

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 SCC 1.28.020(B).

A. 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 said 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.

B. 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 this ordinance 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.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

_____
MAYOR

ATTEST:

_____
CITY CLERK