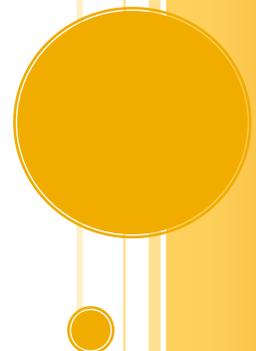




# SAMPLE TAXI ORDINANCE

*The following is a sample ordinance reflecting the changes to Government Code Sections 53075.5 – 53075.9 related to taxi administration. Cities and counties may personalize this sample in order to update their own taxi ordinances.*



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## **I. Purpose and Intent**

This chapter is to further the public convenience and necessity of transportation services by taxicabs and is enacted pursuant to the State of California and the City of xxxx (“City”).

## **II. Definitions**

For purposes of this chapter, certain words and phrases are defined and shall be construed as set forth herein unless it is apparent from the context that a different meaning is intended.

(a) “Chief of Police” shall mean the elected Chief of the xxxx Police Department, or his/her duly authorized agents and representatives.

(b) “City Manager” means the City Manager, or his/her duly authorized agents and representatives.

(c) For Hire. A vehicle is “for-hire” if any fare, fee, charge or other consideration is payable for the transportation service of the vehicle, whether paid or not.

(d) “Owner” shall mean the person, firm, association or corporation who is registered with the Department of Motor Vehicles of the State of California (“DMV”) as the owner of a vehicle or vehicles used in the transportation of persons for compensation, or who has a legal right to possession of such vehicle pursuant to a lease or rental agreement. The act or omission of any owner’s officer, agent, employee or independent contractor, or of any driver whose services are engaged by any of the above, is for all purposes the act or omission of the owner operating the for-hire transportation services regulated by this chapter.

(e) “Public convenience and necessity” shall mean a genuine need for additional public passenger vehicles for hire, as determined by the Chief of Police, in order to serve promptly, adequately and efficiently the needs and convenience of the general public.

(f) “Taxicab” shall mean a passenger vehicle, designed for carrying not more than eight persons, excluding the driver, used to transport persons for compensation on public streets; the compensation for which is determined by a taximeter or flat rate which determines a charge for distance traveled and/or time expended.

(g) “Substantially located” shall mean in reference to a city or county that the taxicab company meets either of the following:

1. Has its primary business address within that city’s or county’s jurisdiction.
2. The total number of prearranged and non-prearranged trips that originate within that city’s or county’s jurisdiction account for the largest share of the taxicab company’s total number of trips over the previous calendar year, as determined annually.
3. A taxicab company that initiates taxi operations after January 1, 2019, in reference to a city or county in which that company had not operated before January 1, 2019, the following:
  - a. In the first year of its operation, the jurisdiction where that taxicab company has its primary business address.
  - b. After the first year of operation, it meets either of the following: the test described in 1) or 2).

(h) “Taximeter” is any instrument or device approved for use under the applicable laws of the State, which mechanically or electronically calculates the charge for the use of a taxicab. The taximeter registers such charge by means of figures, including dollars and cents, calculated by an initial charge and thereafter a charge for distance traveled and/or waiting time.

### III. Permit Requirements

(a) No owner of a taxicab business ***that is substantially located in the City*** shall operate or permit the operation of a taxicab as a vehicle for hire on the streets of the City without having obtained from the Chief of Police a taxicab permit pursuant to the provisions of this chapter.

(b) An owner of a taxicab business ***that is substantially located outside the City*** shall obtain prior approval of the Chief of Police in order to use the taxicab stands and pick up street hails.

***(c) A taxicab company substantially located and permitted by another city within the county or by the county may operate in the City on a prearranged basis only. That taxicab company may pick up trips originating through online enabled application, phone dispatch, or Internet Web site. That taxicab company may not use the taxi stand or pick-up street hails without authorization of the Chief of Police.***

(d) The applicant must be the registered owner of at least xxxx taxicabs at the time of filing the application pursuant to xxxx; and must maintain at least xxxx taxicabs and ten permitted drivers while operating in the City.

***(e) It shall be unlawful to operate a taxicab without a valid permit to operate issued by each city or county in which a taxicab company is substantially located. The minimum fine for operating without a permit from the city or county in which a taxicab company is substantially located shall be five thousand dollars (\$5,000).***

## **IV. Application**

(Every applicant for a taxicab license shall execute and file with the Chief of Police a verified application containing the following information:

(a) The applicant's name, home address and business address;

***(b) Data verifying that the taxicab company is substantially located within the City to include the business address and the trip data showing that the total number of prearranged and non-prearranged trips that originate within that city's or county's jurisdiction account for the largest share of the taxicab company's total number of trips over the previous calendar year.***

(c) The applicant's trade name and distinguishing vehicle markings, color or colors;

(d) The applicant's past experience with regard to taxicab service;

(e) Whether any license, permit or certificate issued to the applicant has been denied, revoked or suspended by any public organization. The circumstances of said denial, revocation or suspension shall be fully explained;

(f) Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

(g) The number of vehicles proposed to be used as taxicabs;

## **V. Application Renewal**

The renewal of a taxicab company's permit shall be made annually to the Police Department. The renewal procedure shall be limited to the review and updating of the owner's permit application information ***including trip data from the previous year*** and will be subject to a fee. If there are substantial changes in the owner's application information, the Police Department may require that the owner submit a new application for review and approval.

## VI. Fares

**(a) Taxicab companies may set their rates and fares and use flat rate pricing not to exceed xxxx.** However, no driver shall operate a taxicab unless the schedule of rates and fares for the use of the taxicab is posted in a conspicuous place.

**(b) The taxicab company may use any type of taximeter, device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code.**

## VII. Safety Inspection

**(a) All taxicab companies shall maintain motor vehicles used in taxicab transportation services in a safe operating condition, and in compliance with the vehicle Code, subject to annual inspection at a facility that is certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair.** The inspection shall be completed prior to the renewal of the taxicab permit. If the taxicab successfully completes the safety inspection, a taxicab safety permit sticker shall be issued and shall be displayed in the taxicab rear window.

**(b) Taxicabs that are owner-operated vehicles will receive a taxicab safety permit sticker only if the registered owner holds a valid taxi driver permit.**

**(c) The registered owner of a taxicab, who is aware of or should have been aware of any unsafe condition of the taxicab, shall not allow the taxicab to be used until necessary repairs are made.**

## VIII. Taxicab Drivers: Controlled Substances and Alcohol

**(a) No taxicab license or taxicab driver's permit shall be issued or renewed unless the holder at the time of permit issuance or renewal files with the Police Department a certification that the holder maintains a mandatory controlled substance and alcohol testing certification program conforming to 49 CFR Part 40 (Section 40.1 et seq.) and Part 382 (Section 382.101 et seq.) and California Government Code Section 53075.5 for all drivers of vehicles operated under the certificate.**

**(b) No taxicab license or taxicab driver's permit shall be issued or renewed unless the holder at the time of the permit issuance or renewal files with the Police Department a certification that each driver of vehicles operated under the certificate has tested negatively for controlled substances and alcohol under a mandatory controlled substance and alcohol testing certification program conforming to Parts 40 and 382 of Title 49 of the Code of Federal Regulations and California Government Code Section 53075.5.**

(c) An applicant that receives a positive test result during a pre-employment drug screening procedure may not resubmit an application for a taxicab driver's permit for a period of five years.

(d) If a taxicab driver tests positive during a random drug screening process, the taxicab driver's permit will be suspended pursuant to xxxx, Emergency suspension, until the driver has successfully completed all the requirements placed on him/her by the Substance Abuse Professional (SAP). If this same taxicab driver tests positive again during a random drug screening process, his/her taxicab driver's permit will be revoked for a period of not less than five years.

## IX. Taxicab Drivers: Permit Application

(a) No person shall operate any taxicab in the City unless the person has a valid driver's permit to do so as hereinafter provided.

***(b) A taxicab driver substantially located and permitted by another city within the county or by the county may operate in the City on a prearranged basis only. That driver may pick up trips originating through online enabled application, phone dispatch, or Internet Web site. That driver may not use the taxi stand or pick-up street hails without authorization of the Chief of Police.***

(b) Application for a taxicab driver's permit shall be made in writing to the Chief of Police setting forth the following information:

- (1) The applicant's name, age, address and past experience with regard to taxicab service;
- (2) The names and addresses of the applicant's employers during the preceding three years;
- (3) Such additional information as the Chief of Police may require.

## X. Suspension or Revocation of Taxicab License

The Chief of Police, or the City Manager on appeal, shall have the power to suspend or revoke a taxicab permit issued under this chapter, on any of the grounds stated in this chapter or on any of the following grounds:

(a) The violation by the owner of any of the terms, conditions or requirements of the taxicab license or of this chapter.

(b) Any act or omission of the owner of any fact or condition which, if it existed at the time the application for a taxicab license was filed, would have warranted the denial of the application.

(c) Cancellation or suspension of any insurance policy or coverage required of the owner by xxxx.

(d) Failure of the owner to pay any judgment against the owner for personal injury of death, or property damage arising out of the conduct of business under the taxicab license issued pursuant to this chapter, within thirty (30) days after the judgment has become final.

(e) Voluntary written request by the owner to suspend the taxicab license for a definite period of time.

(g) Failure of the owner to pay when due any applicable taxes imposed by the City.

(h) Any activity that impairs the safety of passengers.

## **XI. Suspension or Revocation of Taxicab Drivers Permit**

The Chief of Police, or the City Manager on appeal, shall have the power to suspend or revoke a taxicab driver's permit issued under this chapter, on any of the grounds stated in this chapter or on any of the following grounds:

(a) Suspension, revocation or expiration of the driver's privilege granted by the Department of Motor Vehicles of the State to operate a motor vehicle on the public highways of the State.

(b) The violation by the driver of any of the terms, conditions or requirements of the taxicab driver's permit or of this chapter.

(c) Any act or omission of the driver or any fact or condition which, if it existed at the time the application for a taxicab driver's permit was filed, would have warranted the denial of the application.

(d) Failure of the driver to pay any judgment against the driver for personal injury or death, or property damage arising out of the driver's operation of a public transportation vehicle, within thirty (30) days after the judgment has become final.

(e) The driver consumed drugs or alcohol or is under the influence of drugs or alcohol while on duty or is convicted of a crime relating to drugs or alcohol.

(g) Failure of the driver to pay when due any applicable taxes imposed by the City.

## **XII. Notice and Hearing for Suspension and Revocation**

### **Notice and hearing for suspension and revocation.**

Revocations and suspensions shall be administered as follows:

(a) A taxicab license or a taxicab driver's permit issued pursuant to this chapter shall be revoked or suspended only after the owner or driver has been given reasonable notice and opportunity to be heard.

(b) Whenever the Chief of Police has reasonable cause to believe that grounds for the suspension or revocation of a permit exists, he/she shall give the holder of the taxicab license or taxicab permit written notice stating the alleged grounds for the suspension or revocation and the effective date of the suspension or revocation. This notice will be by certified mail, return receipt requested, sent to the address shown on the last application or renewal, or by personal service. The decision of the Chief of Police to revoke or suspend a taxicab license or taxicab driver's permit may be appealed to the City Manager or designee. The notice shall provide the permit holder with information on the appeal process.

(c) The license holder must submit a request for an appeal hearing to the City Manager within ten days receipt of written notice.

(d) Upon receipt of a request for an appeal hearing, the City Manager, or designee, shall conduct a hearing within forty-five (45) days of the request. The City Manager, or designee, shall notify the permit holder in writing of the date, time, and place of the hearing. The hearing shall not be less than ten days after the service of the notice of hearing by postage of the notice by certified mail, return receipt requested, or by personal service.

(e) The suspension or revocation shall be stayed pending the outcome of the appeal hearing.

(f) At the hearing, both the holder of the taxicab license or taxicab driver's permit and the Chief of Police shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, as stated in the written grounds for the appeal hearing. Within ten working days of the conclusion of the hearing, the City Manager shall issue a written decision which states whether the decision of the Chief of Police is upheld, modified, or reversed; the length of any suspension, and the effective date of the suspension or revocation. The decision of the City Manager shall be served on the holder of the permit by certified mail, return receipt requested, or by personal service.

(g) The decision of the City Manager shall be final.

(h) Upon a written decision of the City Manager which suspends or revokes a taxicab license or taxicab permit, the holder of the taxicab license or taxicab permit shall surrender the license and/or permit to the Chief of Police immediately after service of the notice of the decision.

### **XIII. Emergency Suspension**

(a) The Chief of Police may issue an order suspending a taxicab license or a taxicab driver's permit for a period not exceeding ten days without having conducted a hearing therefor, if the Chief determines that the continued use of the license or permit will cause immediate hazard to the public safety, health or welfare.

(b) Within ten days of the effective date of the order, the Chief of Police shall hold a hearing for the owner or driver to show cause why the license or permit should not be suspended or revoked.

(c) The order issued by the Chief of Police under subsection (a) of this section shall also contain a notice of the hearing setting forth the date, time and place of the hearing.

#### **XIV. Notice of Violation and Hearing**

Any person found to be operating a taxicab in the city in violation of the ordinance shall be issued a notice of violation by the Police Department, in person or by mail.

(a) The violator shall schedule a hearing by mail, phone or in person with the Police Department within twenty (20) days of receipt of the notice of violation.

(b) The Police Department shall conduct a hearing before issuing a citation to the violator or imposing a penalty. The hearing official may conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.

(c) If the violator waives his or her right to a hearing in writing, fails to schedule a hearing with the Police Department in the permitted time, or fails to appear at the scheduled hearing, the Police Department shall affirm the violation and issue a citation.

(d) The hearing official shall set forth his or her decision to affirm or cancel the notice of violation in writing. If the notice of violation is affirmed, a citation shall be issued imposing a penalty not to exceed five thousand dollars (\$5,000.00). The hearing official shall consider the following factors when determining the penalty amount:

(1) Whether the violator has previously violated the license or driver's permit requirements or other provisions of this chapter;

(2) Whether the violator concealed or attempted to conceal his or her noncompliance with the license or driver's permit requirements; and

(3) Such additional factors as the hearing official may deem appropriate.

(e) This section shall supersede any penalty provisions set forth by any ordinance or resolution of the City.