

Chapter 5.24**TAXICABS****Sections:**

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5.24.010 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall respectively be defined as follows:

A. "Council" means the council of the city.

B. "Driver" means every person in charge of, or operating, any passenger-carrying or motor-propelled vehicle, as defined in this section, either as agent, employee or otherwise, of owner, or under the direction of the owner, as defined in this section.

C. "Owner" means every person, firm or corporation having use or control of any passenger-carrying automobile or motor-propelled vehicle, as defined in this section, whether as owner, lessee or otherwise.

D. "Person" means any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any, taxicab or taxicabs within the city.

E. "Street" means any place commonly used for the purpose of public travel.

F. "Taxicab" means every automobile or motor-propelled vehicle of a distinctive color or colors, such as in common usage in the country for taxicabs and/or operated at rates per mile, or for wait time, or for both, and

equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the city and not over a defined route, and irrespective of whether the operations extend beyond the boundary limits of the city, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.

G. "Taximeter" means any mechanical instrument, appliance, device or machine by which the charge for hire of a passenger-carrying vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and upon the instrument, appliance, device or machine such charge is indicated by figures. (Ord. 316 § 1, 1981)

5.24.020 Certificate—Required.

No person shall engage in the business of operating any taxicab within the city without first having obtained a certificate of public convenience and necessity from the city council. (Ord. 316 § 2(A), 1981)

5.24.030 Certificate—Application.

All persons applying to the council for a certificate for the operation of one or more taxicabs shall file with the council a sworn application therefor on forms provided by the council stating as follows:

A. The name and address of the owner or person applying;

B. The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of application, if any;

C. The number of vehicles for which a certificate of public convenience and necessity is desired;

D. The make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate of public convenience and necessity is made;

E. The make and type of taximeter intended to be installed on each taxicab for which application for certificate is made;

F. A description of the proposed color scheme, insignia, trade style and/or other distinguishing characteristics of the proposed taxicab design;

G. The number and requested location of taxicab stands if any are sought;

H. The experience of the applicant in the taxicab business;

I. The financial status of the applicant, including the amounts of unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments;

J. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a permit and such other information as the council may require. (Ord. 316 § 2(B), 1981)

5.24.040 Certificate—Council declaration.

No certificate shall be granted until the council shall after hearing declare by resolution that the public convenience and necessity require the proposed taxicab service. (Ord. 316 § 2(C), 1981)

5.24.050 Certificate—Investigation.

A. In determining whether the public convenience and necessity require the operation of a taxicab or taxicabs for which application is made, the council shall hold such public hearings as may be necessary to determine that fact. Before any application is acted upon, the city administrator shall cause an investigation to be made and shall report his findings in writing to the council on the following:

1. The demand of the public for additional taxicab service;

2. The adequacy of existing transportation and taxicab service;

3. The financial responsibility and experience of the applicant;

4. The number, kind and type of equipment and the color scheme to be used;

5. The effect which such additional taxicab service may have upon the traffic congestion and parking;

6. Whether the additional taxicab service will result in a greater hazard to the public;

7. Such other relevant facts as the council may deem advisable or necessary.

B. As a result of the investigation made by the city clerk, the city clerk shall recommend the granting or denial of such application or applications to the city council. (Ord. 316 § 2(D), 1981)

5.24.060 Certificate—Granting.

A. Having declared that the public convenience and necessity require the additional taxicab service, the council shall grant certificates of public convenience and necessity to those persons applying therefor, who in its opinion are entitled thereto. The council shall in its discretion determine the number of permits to be granted to any applicant or applicants.

B. No certificate shall be issued to any person who shall not have fully complied with all of the requirements of this chapter necessary to be complied with before the commencement of the operation of the proposed service. (Ord. 316 § 2(E), 1981)

5.24.070 Existing taxicab businesses.

The provisions of this section shall not affect the number of taxicabs operating with valid permits on the effective date of the ordinance codified in this chapter. (Ord. 316 § 2(F), 1981)

5.24.080 Discontinuation or cancellation of service.

After the service for which a certificate is granted under this chapter is discontinued, or if the person sells or discontinues his or its business for a period of forty-five days, the certificates granted under this chapter shall be automatically cancelled and shall be reissued only in accordance with the provisions of this chapter. (Ord. 316 § 2(G), 1981)

5.24.090 Sale or transfer of title.

Whenever an owner sells or transfers title to a taxicab or taxicabs for which a certificate or certificates have been granted and within thirty days after such sale or transfer, purchases other taxicabs, the city shall, as a matter of right, upon written request of applicant within thirty days of such purchase, issue a new certificate or certificates for the operation of no greater number of taxicabs than those sold or transferred, and provided the owner has complied with all the provisions of this chapter. (Ord. 316 § 2(H), 1981)

5.24.100 Destruction of taxicab.

Any owner whose taxicab or taxicabs, for which a certificate or certificates have been granted, have been destroyed in any manner, will, as a matter of right, upon written application to the city within thirty days after such destruction, be issued a new certificate or certificates for the operation of no greater number of taxicabs than those so destroyed, provided said owner has complied with all the provisions of this chapter. (Ord. 316 § 2(I), 1981)

5.24.110 Certificate—Suspension and revocation.

Certificates may be suspended or revoked

by the council at any time in case:

A. The council finds the owner's past record to be unsatisfactory;

B. The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this chapter;

C. The owner shall cease to operate any taxicab for a period of ten consecutive days without having obtained permission for cessation of such operation from the council;

D. The taxicab or taxicabs are operated at a rate of fare other than that approved by the council. (Ord. 316 § 2(J), 1981)

5.24.120 Certificate—Surrender.

Certificates which have been suspended or revoked by the council shall forthwith be surrendered to the clerk of the city council, and the operation of any taxicab or taxicabs covered by such certificates shall cease and be unlawful. Any owner who shall not replace same within ten days thereof shall immediately surrender any certificate or certificates granted for the operation of such taxicab or taxicabs without having first made application therefor, in the manner provided in this chapter (Ord. 316 § 2(K), 1981)

5.24.130 Operator's permit—Required.

A. It is unlawful for any person to drive or operate any of the vehicles mentioned in Section 5.24.010 of this chapter without first obtaining a permit in writing so to do from the chief of police of the city.

B. Permit issued will entitle the driver to work for only that owner whose name appears on the permit. A new permit will be required for each subsequent employment. (Ord. 316 § 7(A), 1981)

5.24.140 Operator's permit—Application.

Applicants for such permits shall file applications therefor with the chief of police upon blanks to be furnished by the city for a fee of five dollars. (Ord. 316 § 7(B), 1981)

5.24.150 Operator's permit—Form.

The permit shall be in the form of a card which shall bear the signature and fingerprints of the applicant. Such card shall be issued in duplicate and one copy with the fingerprints, and a signature of the applicant shall be placed on file with the chief of police of the city and the other card shall be displayed in the taxicab in a conspicuous place visible to all passengers while the taxicab is being operated.' (Ord. 316 § 7(C), 1981)

5.24.160 Operator's permit—Issuance prohibited when.

No permit shall be issued to any of the following persons:

A. Any person under the age of eighteen years;

B. Any person who has been convicted of a felony or a crime involving moral turpitude;

C. Any person who has been convicted of driving a vehicle recklessly, or while under the influence of intoxicating liquors or narcotics;

D. Any person not possessing a valid Class 3 driver's license issued by the state. (Ord. 353 § 1, 1986; Ord. 350 § 2 (part), 1986; Ord. 316 § 7(D), 1981)

5.24.170 Operator's permit—Revocation or refusal to renew.

The chief of police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

A. Been convicted of a felony or crime

involving moral turpitude, pandering, using, possessing or transporting narcotics, or imparting information for obtaining narcotics;

B. Been convicted of driving recklessly or while under the influence of liquors or narcotics;

C. Had his Class 3 driver's license revoked or suspended;

D. Been convicted of any of the offenses set forth in Sections 20001, 22350, 22351, 23102 and/or 23103 of the Vehicle Code of the state, and amendments thereto, or any combination of either or any of the offenses;

E. When for any reason, including, or other than, as provided in this section, in the opinion of the chief of police, the applicant is unfit to drive a taxicab;

F. Violated any of the provisions of this chapter. (Ord. 316 § 7(F), 1981)

5.24.180 Taximeter required.

A. It is unlawful for any owner or driver to operate any taxicab in the city unless such vehicle is equipped with a taximeter of such type, style and design as may be approved by the city council. It shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that the taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by the chief of police of the city, and the chief of police is authorized at his instance, or upon complaint of any person to investigate or cause to be investigated such taximeter and upon the discovery of any inaccurate meter, to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the city, until such time as the taximeter shall have been correctly adjusted. Taxicabs not

equipped with meters operating in the city on the date the ordinance codified in this chapter was adopted, shall be equipped with meters as soon as their delivery can be obtained. Under no condition shall the date of installation of the meters be more than ninety days from the date of adoption of the ordinance codified in this chapter.

B. Every such taximeter shall register the charge in nearest ten cents, and be equipped with a flag or other mechanical device with the words "For Hire" printed or stamped thereon, and the flag shall be so attached and connected to the mechanism of the taximeter as to cause the mechanism to operate when the flag is in a position other than upright and indicate that the taxicab is not for hire, and which flag shall, when moved forward or downward, start the operation of the taximeter so that the same will operate in the manner defined in this chapter.

C. It is unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire, or is not employed, or to have such flag or other attached device in such a position as to prevent the taximeter from operating, and it will be unlawful for any driver to throw such flag or other attached device in such a position as to prevent the taximeter from operating, and it will be unlawful for any driver to throw such flag or other device of a taximeter on such taximeter into a nonrecording position at the termination of each and every service.

D. All charges for transportation of passengers in taxicabs operated in the city must be based on the charges indicated on the taximeters and it is unlawful for any owner, driver or operator of any taxicab to charge any

passenger or passengers any sum in excess of the sum indicated on the taximeter.

E. The taximeter shall be so placed in the taxicab that the reading dial showing the amount to be charged shall be well- lighted and readily discernible by the passenger riding in such taxicab. (Ord. 316 § 3(A)—(E), 1981)

5.24.190 Posting of fares.

There shall be displayed in the passenger compartment of each taxicab in full view of the passenger a card not less than two inches by four inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which the owner operates, the business address and telephone number of the owner, and a correct schedule of the rates to be charged for conveyance in the vehicle and the rated capacity of the taxicab. (Ord. 316 § 3(F), 1981)

5.24.200 Rates designated.

A. It is unlawful for the owner or driver of any taxicab, as defined in Section 5.24.010 of this chapter, to fix or charge or collect a rate in excess of the rates set out in the Fee Schedule at the end of this code.

B. The council may by resolution change the amount of the rates. (Ord. 316 § 3(G), 1981)

5.24.210 Taxicab specifications and equipment.

A. Vehicles which may be licensed as taxicabs. No vehicle shall be granted a certificate unless it conforms with all the provisions of this chapter, or unless the vehicle shall have been granted a license to operate as a taxicab in the city prior to the effective date of the ordinance codified in this chapter.

B. Taximeters placed upon taxicabs to

replace a broken or faulty meter shall, under no condition, be operated more than twenty-four hours prior to being inspected, tested, approved and sealed by an authorized representative of the city council.

C. All taxicabs must conform to a color scheme approved by the city administrator, and he may refuse a certificate to every person whose color scheme, trade name and/or insignia imitates that of any permittee in such manner as to deceive the public.

D. Each taxicab shall bear a number on the outside of the vehicle at such places and of the type and design prescribed by the city administrator.

E. All taxicabs or other vehicles employed in the city for the purpose of transporting passengers for hire, except vehicles operating from a fixed terminal over regular routes, shall be equipped with and carry signs in at least two-inch letters, visible to both the front and rear, or front and sides of the vehicles identifying them as taxis. In the event such taxicab is an extra or spare cab not in regular use and being substituted for one of the taxicabs regularly licensed under this chapter, such taxicab must be identified in addition to the foregoing sign by a card, placard or sign affixed to the rear and to the front of the taxicab in letters at least five inches high containing the word "Extra" or "Spare." (Ord. 316 § 4, 1981)

5.24.220 Maintenance.

A. Before a certificate is issued to any owner, the taxicab or taxicabs for which such certificate or certificates are requested shall be delivered to a place designated by the city administrator for inspection, and the city administrator shall designate agents to inspect such taxicab or taxicabs, their equipment and

taximeters to ascertain whether such taxicab or taxicabs comply with the provisions of this chapter.

B. The chief of police or any member of the police department under his direction, shall have the right, at any time after displaying proper identification, to enter into or upon any certificated taxicab for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.

C. Any taxicab which is found, after any such inspection, to be unsafe or in any way unsuitable for taxicab service shall be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition. D. The interior of every taxicab shall be thoroughly cleaned at least once in every twenty-four hours. (Ord. 316 § 5, 1981)

5.24.230 Operating regulations.

A. Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

B. Every driver shall, if requested, give a correct receipt upon payment of the correct fare.

C. All disputes as to fare shall be determined by the officer in charge of the police station. Failure to comply with such determination shall subject the offending party to a charge of misdemeanor.

D. It is unlawful for any person to refuse to pay the lawful fare as fixed in this chapter of any of the vehicles regulated by this chapter, after employing the same or hiring the same, and any person so doing shall be guilty of a misdemeanor.

E. Unoccupied taxicabs shall not be operated over public streets in search of, or

soliciting, prospective passengers for hire.

F. No driver of any taxicab shall accept, take into his vehicle or transport any larger number of passengers than the rated seated capacity of his vehicle.

G. It is unlawful for any taxicab to remain standing in any established taxicab stand, unless the cab is attended by a driver or operator, except when assisting passengers to load or unload, or when answering his telephone. (Ord. 316 § 6, 1981)

5.24.240 Taxicab stands.

A. The city council may by resolution locate and designate taxicab stands, which stands when so established shall be appropriately designated "Taxis Only."

B. Taxicab stands established under this chapter shall be in operation twenty-four hours of every day.

C. The holder of each permit for a taxicab stand or parking place or space upon any public street or other public place in the city is required, to pay a license fee of twenty-five dollars a quarter of each parking space, place or stand allotted to him or it by the permit. Payments shall commence with the first quarter of operation. Time of payment, method of collection, penalties for nonpayment and like matters shall be in accordance with the provisions of Chapter 5.04 of this code applicable to quarterly licenses which are incorporated by reference. (Ord. 316 § 8, 1981)

5.24.250 Public liability.

A. It is unlawful to operate any vehicle, as defined in Section 5.24.010 of this chapter, unless there shall be filed with the city clerk, and deposited by him with the city clerk, a policy of insurance executed and delivered by a

company authorized to carry on an insurance business in the state, the financial responsibility of which company shall theretofore have been approved by the city by the terms of which the insurance company assumes responsibility for injuries to persons caused by the operation of the vehicle in the following amounts:

1. Three hundred thousand dollars for death or injuries to any one person in any one accident;
2. Five hundred thousand dollars for death or injuries to two or more persons in any one accident;
3. In the amount of fifty thousand dollars for one accident resulting in damage or destruction of property, whether the property of one or more than one claimant.

B. Certificates of insurance will be accepted for a period not to exceed one hundred eighty days, during which time the owner shall file the original policy of insurance as provided in this section.

C. The policy of insurance shall contain a provision against cancellation except upon ten days' prior written notice thereof to the city council. (Ord. 316 § 9, 1981)

5.24.260 Inspection of books and records.

A. The owner shall upon request of the city administrator produce all of his books and records pertaining to the operation of his taxicabs, for inspection by the city administrator.

B. He shall make an annual report to the city administrator showing the amounts of his receipts and disbursements, and, such other details with reference to his income, expenditures and operations, as may be required by the city administrator, for the purpose of ascertaining the cost of operation, profits derived and the manner and extent of his operations. The report shall be filed between the first and fifteenth days of January of each year (Ord. 316 § 10, 1981)

5.24.270 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by forfeiture of his permit, and as provided in Chapter 1.08 of this code. (Ord. 316 § 11, 1981)

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