



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider the Application Received from Kenneth J. Kallman, 2248 Newbury Circle, Lodi, to Operate a Vehicle for Hire (Limousine) Within the City of Lodi

MEETING DATE: January 17, 1996

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider application received from Kenneth J. Kallman, 2248 Newbury Circle, Lodi, to operate a vehicle for hire (limousine) within the City of Lodi.

BACKGROUND INFORMATION: The attached application to operate a limousine service within the City of Lodi (Exhibit A) has been received from Kenneth J. Kallman, 2248 Newbury Circle, Lodi. The application has been reviewed and contains the information required under Section 5.24.210 of the Lodi Municipal Code. A copy of the Code is attached.

The Lodi Municipal Code specifies that, at the time set for the hearing regarding the application for such a permit, the City Council may examine the applicant and all persons interested in the matter set forth in the application and shall determine whether or not the public interest, convenience, and necessity require the issuance of the permit applied for. If it is found by the City Council that the public interest, convenience, and necessity require the issuance of the permit applied for, it shall by resolution order the City Clerk to issue a permit.

The Code further provides that before a permit is issued by the City Clerk, the applicant to whom a permit has been awarded by the City Council shall deliver to the City Clerk a policy of insurance with appropriate limits and naming the City as additional insured.

It will also be necessary for the applicants to obtain driver permits from the Chief of Police prior to being issued a permit to operate this service.

The applicant has been informed of these requirements.

According to the Finance Department, the only other licensed limousine company in Lodi is Vintage Limousine (operator's permit issued by the Lodi City Council on November 19, 1986).

FUNDING: None required.

Jennifer M. Ferrin
Jennifer M. Ferrin
City Clerk

Attachments

APPROVED: _____
H. Dixon Flynn -- City Manager

APPLICATION FOR: AUTOMOBILE FOR HIRE

A) LODI LIMOUSINE
2248 NEWBERRY CIRCLE
LODI CA. 95240

OWNER: KENNETH J. KALLMAN

- B) THIS PERMIT IS FOR AUTOMOBILE FOR HIRE.
- C) THE AUTOMOBILES I PROPOSE TO USE ARE A 1985 AND A 1986 SIX PASSENGER STRETCH LINCOLN. - not purchased yet.
- D) THERE WILL BE NO STANDS FOR THE AUTOMOBILES TO SIT TO SOLICIT CUSTOMERS.
- E) THE 6 PASSENGER LIMOS WILL BE RATED AT \$45.00 PER HOUR WITH A VARIETY OF PACKAGE DEALS AVAILABLE.
- F) THE AUTOMOBILES WILL NOT BE LETTERED AND WILL BE SOLID COLORS.

PREPARED BY:

KENNETH J. KALLMAN
2248 NEWBURY CIRCLE
LODI CA 95240
(209) 339-9572

Chapter 5.24

TAXICABS AND OTHER
VEHICLES FOR HIRE

Sections:

Article I. General Provisions

5.24.010 Definitions.

5.24.020 Compliance with
chapter.

Article II. Operation

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passenger.5.24.040 Safe and direct
transport.

5.24.050 Soliciting passengers.

5.24.060 Vehicle condition.

5.24.070 Driver qualifications.

5.24.080 Unfair competition—
Fraud.

5.24.090 Fare schedule.

5.24.100 Interior lighting—
Shades or blinds.

5.24.110 Excess charges.

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Article III. Taxicab Stands

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5.24.300 Application.

5.24.310 Issuance—Term.

Article I. General Provisions

5.24.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Automobile for hire" includes every automobile or motor-propelled vehicle by means of which passengers are transported for hire upon any public street in the city, and not over a regular or defined route, and irrespective of whether the operations extend beyond the boundary limits of the city or not, excepting vehicles embraced within the term "taxicab" and excepting vehicles of transportation companies.

B. "Taxicab" includes every automobile or motor-propelled vehicle by means of which passengers are transported for hire upon any public street in the city, and not over a regular or defined route, and irrespective of whether the operations extend beyond the boundary limits of the city or not, where charge for such transportation is measured by the distance traveled or by the time required

5.24.010

for such transportation, or both, excepting vehicles of transportation companies.

C. "Transportation companies" means charter-party carriers of passengers. (Ord. 1333 § 1(4)(D), 1984; prior code § 24-1)

5.24.020 Compliance with chapter.

The provisions of this chapter shall be observed by all persons operating taxicabs or automobiles for hire in the city, and it is unlawful to operate any taxicab or automobile for hire in violation of any of such provisions. (Prior code § 24-2)

Article II. Operation

5.24.030 Exclusive use by one passenger.

No operator or owner of any automobile for hire or taxicab shall solicit or take on or carry any passenger after such automobile for hire or taxicab shall have been engaged or while in use for another passenger, without the consent of the passenger first engaging the same having been first obtained. A passenger engaging such automobile shall have the exclusive right to full and free use of the passenger compartment, and the whole thereof, if he desires the same. (Prior code § 24-3)

5.24.040 Safe and direct transport.

The operator of any taxicab shall carry any passenger engaging the same safely and expeditiously to his destination by the most direct and accessible route. (Prior code § 24-4)

5.24.050 Soliciting passengers.

No owner or operator of any automobile for hire or taxicab shall solicit

patronage for the same from the vehicle or within one hundred yards therefrom, upon any public street, save and except at railroad and interurban depots and within the boundaries of the space to be designated by the chief of police for such purpose. (Prior code § 24-5)

5.24.060 Vehicle condition.

All automobiles for hire and taxicabs shall be kept in good mechanical condition. (Prior code § 24-6)

5.24.070 Driver qualifications.

No taxicab or automobile for hire shall be operated by any person under the age of twenty-one years, or by any person who does not have a chauffeur's license issued by the state, or by any person under the influence of intoxicating liquors, or by any person while using tobacco in any form, or by any person who is for any reason whatsoever unable or incompetent to safely handle such automobile, or by any person in violation of any valid law or ordinance. (Prior code § 24-7)

5.24.080 Unfair competition—Fraud.

No owner or operator of any automobile for hire or taxicab shall indulge in unfair competition with competitors or shall commit any fraud upon the public or other persons engaged in the same business, and the council shall be the sole judge of what constitutes fraud or unfair competition under the provisions of this section. Any complained of and sworn to be violation of this section shall only be heard upon written complaint specifying the act complained of and sworn to by the complainant before a notary public

or other officer authorized to administer oaths. (Prior code § 24-8)

5.24.090 Fare schedule.

Every taxicab shall have posted in the passenger's compartment a schedule of rates and charges for the hire of the vehicle and a copy of Sections 5.24.020 through 5.24.130. (Prior code § 24-9)

5.24.100 Interior lighting—Shades or blinds.

Every automobile for hire and taxicab shall be equipped with a light of not less than two candlepower within such vehicle, so arranged as to illuminate the whole of the passenger compartment, which light shall be constantly lighted at all times while any passenger is in such vehicle, except when the same is in motion, from one-half hour after sunset of any day until one-half hour before sunrise of the next day, and no shades or blinds shall be drawn over the windows of an automobile for hire or taxicab while any passenger is in such vehicle. (Prior code § 24-10)

5.24.110 Excess charges.

No charge shall be made by any operator or owner of taxicab or automobile for hire in excess of the rates posted in the passenger compartment of the vehicle and approved by the council. (Prior code § 24-11)

5.24.120 Vehicle cleanliness.

No automobile for hire or taxicab shall be operated unless the passenger compartment is kept clean and in a sanitary condition. (Prior code § 24-12)

5.24.130 Vehicles for hire not taxis.

No automobile for hire shall be designated as a "taxi" or "taxicab" or by any word or phrase using the words "taxi" or "taxicab" in any sign or advertising matter. (Prior code § 24-13)

5.24.140 Rate or service changes.

In the event that any permit holder desires to change his schedule of rates and charges or the color scheme, name, monogram or insignia used on such automobile for hire or taxicab, or to substitute any vehicle for and in place of the vehicle or vehicles described in the application, for a permit, or to increase or decrease the number of vehicles used by him as automobiles for hire or taxicabs, he shall make application for permission to do so to the council, which permission shall be granted, if in the discretion of the council, it deems the public interest, necessity and convenience will be subserved by such change, and if the permit holder has complied with all the provisions of this chapter. (Prior code § 24-14)

5.24.150 Refusal to pay fare.

It is unlawful for any person to refuse to pay the legal fare for the hire of any automobile for hire or taxicab, after having hired the same, with the intent to defraud the person from whom it is hired. (Prior code § 24-15)

Article III. Taxicab Stands

5.24.160 Use required.

No automobile for hire or taxicab shall remain standing upon any portion of any public street within the city, except for loading and unloading passengers, and

5.24.160

then not for a period of more than five minutes, excepting in such stand as may be designated by the council and described in the application for a stand. This section shall not apply to any automobile for hire or taxicab while the same is engaged by and being paid for by a passenger. (Prior code § 24-16)

5.24.170 Application.

If any proposed taxicab stand is in a public street of the city, application to maintain the same shall be in writing, filed with the city clerk, who shall set the same to be heard at a meeting of the city council and who shall give notice of such hearing by causing notice thereof to be published in the newspaper designated for the publication of official publications of the city, at least ten days before the date of the hearing. Such written application shall be accompanied by a fee of five dollars to be paid to the city by the applicant. At the hearing the city council shall publicly hear all persons desiring to consent or object to such application, and shall grant or deny such application in the discretion of the city council. (Prior code § 24-17)

5.24.180 Rental.

The holder of any permit to maintain a taxicab stand shall pay to the city such rental therefor as the city council from time to time fixes by resolution or ordinance. (Prior code § 24-18)

5.24.190 Discontinuance.

Anyone desiring to discontinue, or have discontinued, the use of a taxicab stand in a public street in the city may make written application to the city

council for such discontinuance and file the same with the city clerk, who shall set the same to be heard at a meeting of the city council and who shall give notice of such hearing by causing notice thereof to be published in the newspaper designated for the publication of official publications of the city at least ten days before the date of the hearing. At the hearing the city council shall publicly hear all persons desiring to consent or object to such discontinuance and shall grant or deny such application at the discretion of the city council. (Prior code § 24-19)

Article IV. Operator's Permit

5.24.200 Required.

It is unlawful to operate or cause to be operated an automobile for hire or a taxicab upon any public street within the city, without first having obtained a permit to do so in accordance with the provisions of this article, and without complying or having complied with all of the provisions of this chapter. (Prior code § 24-20)

5.24.210 Application contents.

Any person desiring to obtain the permit required by Section 5.24.200 shall pay a fee of ten dollars to the city clerk and shall make application for the permit to the city council, which application shall set forth:

A. The name and address of the applicant, and if a corporation, the names of its principal officers, or if a partnership, association or fictitious company, the names of the partners or persons composing the association or company, with the address of each;

B. A statement as to whether the permit is desired for an automobile for hire or a taxicab:

C. A description of every motor vehicle which the applicant proposes to use, giving:

1. Trade name.
2. Motor and serial number.
3. State license number.
4. Seating capacity, and
5. Body style:

D. The street number and exact location of the place or places where the applicant proposes to stand each such automobile:

E. Proposed schedule of rates or fares to be charged for carrying passengers in such automobile:

F. The distinctive color scheme, name, monogram or insignia which will be used on such automobile. (Prior code § 24-21)

**5.24.220 Application hearing—
Notice.**

Upon the receipt of an application referred to in Section 5.24.210, the city clerk shall set a time, not less than ten nor more than thirty days thereafter, for the hearing of the application before the city council, and shall give notice of the time so set, at least five days before the date of the hearing, to the applicant and to any other permit holder under this chapter at the address set out in such application and by publication, if directed, by the council. (Prior code § 24-22)

**5.24.230 Application hearing—
Conduct.**

At the time set for the hearing of the application for a permit, the council may

examine the applicant and all persons interested in the matter set forth in the application, and shall determine whether or not the public interest, convenience and necessity require the issuance of the permit applied for, and if it is found by the council that the public interest, convenience and necessity require the issuance of the permit applied for, it shall by resolution order the city clerk to issue a permit in accordance with the application, subject to the filing and approval of an undertaking as required by Section 5.24.250. (Prior code § 24-23)

5.24.240 Denial grounds.

The following reasons shall be sufficient for denial of an operator's permit:

A. That the application is not in the form and does not contain the information required to be contained by this article:

B. That the vehicle or vehicles described in the application are inadequate or unsafe for the purposes for which they are to be used:

C. That the color scheme, name, monogram or insignia to be used upon such automobile is in conflict with or imitates any color scheme, name, monogram or insignia used by any person in such manner as to be misleading or tend to deceive or defraud the public:

D. That the location of the stand, as stated in the application therefor as required by Section 5.24.170, is such as to congest or interfere with travel on any public street, or that the proposed stand is within three hundred feet of any other stand theretofore fixed by the council on the same street:

E. That the applicant has, at some

prior time, had a permit for the operation of an automobile for hire or taxicab revoked for reason:

F. That it appears to the council that there are a sufficient number of taxicabs and automobiles for hire in the city to fully serve the public, and that the granting of more permits would unduly congest the traffic and interfere with the free use of the public streets by the public, and that the public interest, convenience and necessity do not require the issuance of such permit. (Prior code § 24-24)

5.24.250 Insurance.

Before a permit is issued by the city clerk, the applicant to whom a permit has been awarded by the city council shall deliver to the city clerk a policy of insurance, executed by a company duly authorized under the laws of the state to operate an insurance business, by the provisions of which policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the automobiles referred to in the application; provided, that the maximum amount for which liability shall be assumed, and requirements for the city being named an additional insured, and any other insurance requirements, shall be as set and required from time to time by resolution of the city council. (Ord. 1340 § 1, 1984; prior code § 24-25)

5.24.260 Revocation.

Any permit granted under the provisions of this article may be revoked by the council, either as a whole or as to any cab described in such a permit, or as to the

right to use any distinctive color, monogram or insignia, after thirty days' notice to the permit holder, requiring him to appear at a certain time and place to show cause why the permit should not be revoked, for any of the following reasons:

A. That the undertaking provided for in Section 5.24.250 has not been given or has been withdrawn or lapsed for nonpayment of premium, or is not in force for any reason:

B. For the nonpayment for any license fee provided by this code or other ordinance of the city:

C. For the failure to observe any of the rules and regulations or provisions of this chapter:

D. For the violation of any of the laws of the state or ordinances of the city by the permit holder, operator or driver of an automobile for hire or taxicab:

E. For the failure to maintain satisfactory service to the public by means of any of the vehicles described in the permit or for the failure to keep any car described in the permit in use for a reasonable length of time, or for the failure to use the distinctive color, monogram or insignia described in the application:

F. For any cause which in the opinion of the council makes it contrary to the public interest, convenience and necessity for the permit to be continued. (Prior code § 24-26)

5.24.270 One per person.

No person shall be entitled to hold more than one permit at a time, either as individual, member of copartnership, stockholder or officer of a corporation, or under any fictitious name, or otherwise. (Prior code § 24-27)

5.24.280 Transferability.

No permit issued under the terms of this article shall be transferable, either by contract or operation of law, without the permission of the council having been first obtained, and any such attempted transfer shall be sufficient cause for revocation thereof. (Prior code § 24-28)

Article V. Driver's Permit**5.24.290 Required.**

It is unlawful for any driver to operate any automobile for hire or taxicab in the city, unless such driver holds a permit to do so as required by this article. (Prior code § 24-29)

5.24.300 Application.

An application for a driver's permit, in writing, verified by the applicant, shall be filed with the chief of police, setting forth the following:

- A. Name, address and description of the applicant;
- B. Name of the applicant's employer or proposed employer;
- C. A photograph of the applicant taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- D. The fingerprints of the applicant;
- E. A statement of whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor. (Prior code § 24-30)

5.24.310 Issuance—Term.

The chief of police shall issue a driver's permit which shall continue in force and effect for a period of one year, provided that the applicant possesses the following qualifications:

- A. The applicant shall be at least twenty-one years of age.
- B. The applicant shall not have been convicted of any of the following offenses:
 1. Driving a motor vehicle in a reckless manner or under the influence of an intoxicant;
 2. Pandering;
 3. Using, possessing, selling or transporting narcotics;
 4. Assault and battery;
 5. Any crime involving moral turpitude;
 6. Violation of any of the provisions of this chapter. (Prior code § 24-31)

Chapter 5.28**PRIVATE PATROL SYSTEMS****Sections:****Article I. Generally**

- | | |
|-----------------|---|
| 5.28.010 | Definitions. |
| 5.28.020 | Uniforms. |
| 5.28.030 | Badges and insignia—
Use—Approval. |
| 5.28.040 | Badges and insignia—
Sale. |
| 5.28.050 | Rank insignia. |
| 5.28.060 | Complaints to state. |
| 5.28.070 | Payment of license fees. |
| 5.28.080 | Notice service. |



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: January 17, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

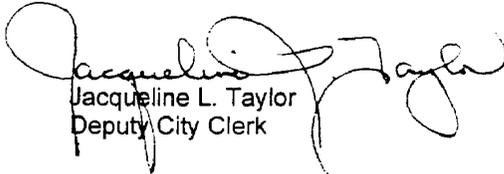
NOTICE IS HEREBY GIVEN that on **Wednesday, January 17, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider application received from Kenneth J. Kallman, 2248 Newbury Circle, to operate a vehicle for hire within the City of Lodi

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:



Jacqueline L. Taylor
Deputy City Clerk

Dated: **December 20, 1995**

Approved as to form:



John Luebberke
Deputy City Attorney



DECLARATION OF MAILING

Public Hearing - Kenneth J. Kallman

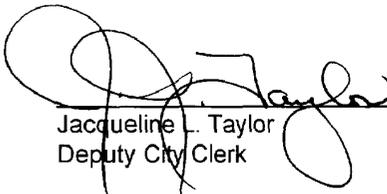
On December 21, 1995 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 21, 1995, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

MAILING LIST

Destiny Limousine Service
P.O. Box 8932
Stockton, CA 95208

Gemini Limousine Specialties
901 East Miner
Stockton, CA 95202

Vintage Limousine Service
P.O. Box 1661
Lodi, CA 95241

Limousine Club
2945 Ramona Avenue, Suite B-5
Sacramento, CA 95826

A Players Limousine
7556 Delta Win Drive
Sacramento, CA 95831

Kenneth Kallman
2248 Newberry Circle
Lodi, CA 95240