



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing for Vehicles for Hire and Regulations Thereof
MEETING DATE: February 21, 1996
PREPARED BY: City Attorney

RECOMMENDATION: It is recommended that the Council introduce for first reading the ordinance containing the new regulations regarding for hire vehicles.

BACKGROUND: Recently the Council has been asked to consider whether or not to issue a permit for a taxi as well as for a limousine. Under the existing City regulations before the Council can issue such permit, it is necessary for the Council to find that the public convenience, need and necessity is such that the issuance of the permits is in order. Based upon the discussions which the Council undertook it became clear that regulations based upon such a standard was not what the Council really wished to have in place.

The proposed ordinance before you instead of requiring a need and necessity test, focuses instead on regulating the for hire vehicle trade through performance criteria. Under the proposed ordinance there would be no need for the Council to find a need and necessity. The permits would instead be issued based upon whatever market demand was. The new ordinance however does retain and in fact enlarges upon the standards which we will look for in the vehicles being used. Additionally, due to new legislation enacted by the California State Legislature and effective on the first of this year, drivers must now before they are issued are driver's permit demonstrate that they are alcohol and drug free. This testing procedure is mandated by the language contained in Senate Bill 46 that was sponsored by Senator Rueben Ayala. The ordinance as well contains a further addition. That addition is the necessity for limousine operators before they acquire a City permit to have complied with the regulations applicable to limousine operators and administered by the California Public Utilities Commission. Under our previous ordinance it was not necessary for a limousine operator to demonstrate that compliance prior to the issuance of a permit by the City.

FUNDING: None Required.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____

H. DIXON FLYNN
City Manager

ORDINANCE NO. 1627

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
REPEALING AND REENACTING LODI MUNICIPAL CODE CHAPTER 5.24
RELATING TO VEHICLES FOR HIRE

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 5.24 - Taxicabs and Other Vehicles for Hire is hereby repealed and reenacted in its entirety to read as follows:

Chapter 5.24

VEHICLES FOR HIRE

Article I. General Provisions

Sections:

- 5.24.010 Definitions.
- 5.24.020 Compliance with Chapter.

Article II. Owners

- 5.24.030 Owner's Permit - Taxicabs and Limousines.
- 5.24.040 Owner's Permit - Fee.
- 5.25.050 Owner's Permit - Expiration.
- 5.25.060 Owner's Permit - Exemptions.
- 5.25.070 Owner's Permit - Qualifications.
- 5.25.080 Owner Duties.
- 5.25.090 Insurance Requirements.
- 5.25.100 Owner's Permit - Revocation - Grounds.
- 5.25.110 Owner's Permit - Revocation - Investigation.
- 5.25.120 Owner's Permit - Transferability.

Article III. Drivers

- 5.24.130 Driver's Permit - Required.
- 5.24.140 Driver's Permit - Fee.
- 5.24.150 Driver's Permit - Qualifications - Police Chief Approval.
- 5.24.160 Driver's Duties.
- 5.24.170 Driver's Drug and Alcohol Testing.
- 5.24.180 Testing Procedures.
- 5.24.190 Information Request.

Chapter 5.24

Article I. General Provisions

5.24.010 Definitions.

The following terms, as used in this chapter, are defined as follows, unless the particular provision or context requires otherwise:

- A. “Automobile for hire” includes every motor vehicle used for the transportation of passengers for hire and operated over the public streets of the city, the vehicle being routed under the direction of the passenger or of the persons hiring it.
- B. “Limousine” means every vehicle meeting the specifications of “automobile for hire” as defined in subsection A of this section and which, in addition to such specifications, is of a color and appearance such as is commonly used for limousines, i.e., a large, seven to nine passenger automobile, with a glass division window separating the chauffeur’s compartment from the remainder of the vehicle, painted black, dark blue, dark green or dark brown.
- C. “Limousine service” means the provision of a limousine, as defined in subsection B, for hire, together with a uniformed chauffeur, for the transportation of one or more passengers over the public streets of the city, the vehicle being routed under the direction of the hiring person. Such service expressly differs from bus-type service, wherein more than one person hires transportation to the same or a different destination. Any type of airport bus or airport limousine service is not included within the limousine license and is expressly prohibited.
- D. “Operate within the city” or “operate within the corporate limits of the city” means the soliciting, accepting, picking up or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or without the city. Prepaid round trips which originate outside the city limits shall not constitute a defined operation under this subsection.
- E. “Public vehicle for hire” includes taxicabs, automobiles for hire, and limousines as defined in this chapter.
- F. “Taxicab” means every vehicle meeting the specifications of “automobile for hire” as defined in subsection A of this section and which, in addition to such specifications, is of a distinctive color and appearance such as is commonly used in this state for taxicabs, and is operated at rates per mile or for waiting time, or both.

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.

Article II. Owners

5.24.030 Owner's Permit - Taxicabs and Limousines.

No individual or company shall operate any automobiles for hire on or over any streets of the city without having first obtained approval from the city clerk.

5.24.040 Owner's Permit - Fee.

The owner or lessee of any vehicle obtaining any permit under this chapter shall pay unto the city clerk a business license fee as prescribed by the City. No permit issued under the provisions of this chapter shall be valid until the city clerk endorses thereon an acknowledgment of the payment of the license fee for the current year. Such fees shall be due and payable to the city clerk on the first day of January of each year and delinquent thirty days thereafter.

5.24.050 Owner's Permit - Expiration.

Any permit issued under this chapter shall expire at the end of the calendar year in which it is issued; provided, that the license fee therefore is paid in accordance with the provisions of this chapter. Unless suspended or revoked, it shall be renewed upon application for renewal within thirty days of expiration.

5.24.060 Owner's Permit - Exemptions.

The following shall not be subject to the provisions of this chapter.

- A. Funeral parlors and undertaking establishments operating vehicles in connection with the funeral and undertaking business;
- B. Airport limousines regulated by the Public Utilities Commission;
- C. Ambulances and limited ambulances.

5.24.070 Owner's Permit - Qualifications.

The owner's permit required by this chapter shall be granted in writing by the city clerk, upon a satisfactory showing by the applicant that:

- A. Applicant has submitted a financial statement which has been reviewed by the finance director;
- B. Applicant has submitted evidence of insurance coverage as set forth in Section 5.24.090;
- C. The applicant's vehicle or vehicles are possessed of the following qualifications as determined by the chief of police:
 - 1. The vehicle must meet all requirements of the Vehicle Code of the state in regard to equipment and mechanical condition. Further, it must be maintained in a clean and sanitary condition throughout.
 - 2. The vehicle must bear, visibly painted in a distinctive color, in figures at least three inches high, a number of one or two digits, which number shall not be the number of any other vehicle earlier granted a vehicle permit under this chapter. The number shall be specified in the application and noted on the permit. The vehicle must also bear, visibly painted in a distinctive color, in letters at least one and one-half inches high, the name of the owner or lessee thereof. This provision does not pertain to vehicles for hire that are known as limousines.
 - 3. The vehicle must carry in a conspicuous position within its passenger compartment a clear, intelligible, and legible statement of the fares or charges to be made in connection with the use of the vehicle. This provision does not pertain to limousines.
 - 4. If the vehicle is a taxicab, its entire exterior normally covered with paint must be painted in a distinctive color or system of colors; and the color or system of colors shall be so selected that the vehicle may not reasonably be confused with any ordinary private vehicle or with any other public vehicle for hire holding a vehicle permit under the provisions of this chapter.
 - 5. If the vehicle is a limousine, it must be licensed by the California Public Utilities Commission (PUC); and the applicant must provide proof to the satisfaction of the Chief of Police that he has a valid license issued by the PUC.

5.24.080 Owner Duties.

No person owning or leasing any public vehicle for hire, shall, while such vehicle owned or leased is being operated, do the following:

- A. Fail to maintain as to such vehicle the qualifications required for a permit for such vehicle under this chapter;

- B. Do any act, or employ any person to do any act, which would be forbidden by Section 5.24.160 if done by a person driving or operating a public vehicle for hire;
- C. Rent or lend the vehicle to any person who operates it, or permit any person to operate it, except himself or his duly authorized agent.

5.24.090 Insurance Requirements.

The owner or lessee of any public vehicle for hire must secure his ability to answer to any claim for damage to person or property which may arise against him by reason of the operation of any vehicle as follows:

- A. Public liability insurance in the minimum limits of one hundred thousand dollars for injury or death to any person and three hundred thousand dollars for injury or death of more than one person in the same accident;
- B. Public liability insurance for property damage in the minimum sum of fifty thousand dollars;
- C. A certificate evidencing such insurance shall be filed with the risk manager and shall name the City of Lodi, its officers, agents, and employees as additional insureds.

5.24.100 Owner's permit - Revocation - Grounds.

The owner's permit required by this chapter may be revoked or suspended if it appears that any of the following conditions exist:

- A. That any of the qualifications required for the granting of the owner's permit are no longer met by the permittee or his vehicle or vehicles;
- B. That the permittee has been convicted of any violation of restrictions imposed upon him as owner or lessee under this chapter, or that he has become bankrupt;
- C. That for any other reasonable cause the permittee's vehicle or vehicles have ceased to be fit and proper vehicles to be operated as public vehicles for hire;
- D. That the permittee is in violation of any of the provisions of this chapter.

5.24.110 Owner's Permit - Revocation - Investigation.

For the purpose of ascertaining whether any cause exists for the suspension or revocation of an owner's permit under this chapter, the chief of police may, and on direction of the city council or upon complaint shall, cause strict inquiry to be made into the conduct of

the permittee, the sufficiency and validity of his security, and the conditions of his vehicle or vehicles.

5.24.120 Owner's Permit - Transferability.

Any owner's permit issued under the provisions of this chapter may be sold, assigned, leased, transferred or inherited as other property only upon authorization of the city clerk.

Article III. Drivers.

5.24.130 Driver's Permit - Required.

No person shall drive or operate any public vehicle for hire within the city unless he holds a permit, to be known as a driver's permit, therefor, as provided in this chapter, and no person shall drive or operate a public vehicle for hire within the corporate limits of the city under or by virtue of any driver's permit which has been suspended or revoked as provided in this chapter.

5.24.140 Driver's Permit - Fee.

Every driver under this chapter shall pay unto the city clerk an annual license fee in the sum prescribed by city. Fees for owner-drivers shall be waived. The fee shall be due and payable the first day of January of each year and delinquent thirty days thereafter.

5.24.150 Driver's Permit - Qualifications - Police Chief Approval.

A. A driver's permit or renewal thereof shall be issued to each applicant complying with the provisions of this chapter, such permit shall be issued by the city clerk pursuant to a finding by the chief of police that the applicant for a permit or for renewal is a person of good character, and one who will not endanger the public interests and safety.

B. A person who, within the past ten years, has been convicted of any of the below-listed offenses is not eligible to be granted or hold a driver's permit:

1. A felony, or of any crime under the laws of this state that would amount to a felony;
2. Any crime in this state or elsewhere in which fraud or intent to defraud was an element;
3. Unlawfully possessing or distributing controlled substances as defined in the laws of the state or elsewhere;
4. Any sex offense or crime involving moral turpitude; or

- 5. Driving while under the influence of alcohol or drugs.
- C. The applicant must hold a valid and appropriate driver's license issued by the Department of Motor Vehicles of the state, under the Vehicle Code of the state.
- D. The applicant must be fingerprinted by the Lodi Police Department.
- E. Any person having been denied a driver's permit may make written application for review to the chief of police. The chief of police may, having given due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the city and upon evidence of the good moral character and rehabilitation of the applicant, waive any of the above-enumerated restrictions and conditions and recommended said driver's permit.

5.24.160 Driver's Duties.

No person driving or operating a public vehicle for hire shall, while operating such vehicle, do the following:

- A. Fail to maintain the qualifications required for an operator's permit under this chapter;
- B. Represent his vehicle as a taxicab, if in fact it is not an automobile for hire as defined in this chapter.
- C. Refuse without good cause to accept as a passenger any person desiring transportation who shall tender money sufficient to pay his fare to his stated destination.
- D. Transport passengers to their stated destination over an unnecessarily circuitous route; provided, that this provisions shall not apply to `sightseeing buses;
- E. Refuse to load and unload for any passenger such hand baggage as may not exceed the reasonable internal capacity of the vehicle, and such other baggage as may not reasonably exceed its capacity in trunk or top; or, after being requested, refuse to carry such baggage to or from such buildings as the passenger may enter or leave;
- F. Make false representations by word, act, conduct or appearance regarding the name or identity of persons owning or leasing the public vehicle for hire he operates, or regarding his own identity; or refuse to give his name and the number of his vehicle to any person requesting them;
- G. Refuse or fail, after being requested, to give a receipt for any fare paid;

- H. Fail or neglect to report to the police department within twenty-four hours all property left in his vehicle by any passenger.

5.24.170 Driver's Drug and Alcohol Testing.

No person shall be issued a driver's permit until they have presented certification to the City Clerk that they have tested negative for alcohol (breath alcohol concentration of less than 0.02 percent) and each of the controlled substances specified in Part 40 (commencing with Section 40.1) of the Title 49 of the Code of Federal Regulations. The date of testing shall be within ten (10) days of the date of issuance of a driver's permit. Test results are confidential and shall not be released without the consent of the applicant, except as authorized or required by law. Cost for such testing is the obligation of the applicant or employee of the applicant.

5.24.180 Testing Procedures.

Applicant shall show a valid California Driver's License at the time and place of testing. Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations. The city may at random require a permitted driver to be retested. If such a test is required by city, city shall pay the cost for such testing.

5.24.190 Information Request.

Upon the request of a driver applying for a permit, the city clerk shall give the applicant a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the City Clerk knows offers tests in or near the city.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 1996

DAVID P. WARNER
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1627 was introduced at a regular meeting of the City Council of the City of Lodi held February 21, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1996 by the following vote:

AYES: Council Members -

NOES: Council Members -

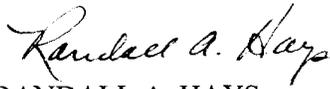
ABSENT: Council Members -

ABSTAIN: Council Members -

I further certify that Ordinance No. 1627 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 21, 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

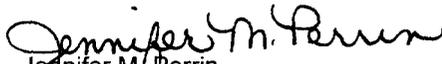
NOTICE IS HEREBY GIVEN that on **Wednesday, February 21, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Amending Lodi Municipal Code Chapter 5.24 regarding "Taxicabs and Other Vehicles for Hire"

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:


Jennifer M. Perrin
City Clerk

Dated: February 7, 1996

Approved as to form:


John Luebberke
Deputy City Attorney



DECLARATION OF MAILING

Public Hearing - Taxicabs and Other Vehicles for Hire

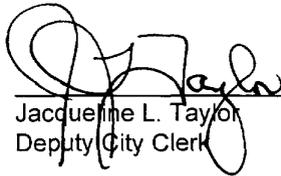
On February 8, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "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 February 8, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

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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

Mr. Pargat Singh Gill
1932 Anderson Drive
Lodi, CA 95240

Yellow Cab
206 North Sutter
Stockton, CA 95202

Mr. Kenneth Kallman
2248 Newberry Circle
Lodi, CA 95240