

ORDINANCE NO. 3964

**ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING
CHAPTER 6-87, TAXICAB SERVICES TO THE SANTA ROSA CITY CODE**

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 6-87 is added to the Santa Rosa City Code to read in full as follows:

**“CHAPTER 6-87
TAXICAB SERVICES**

SECTIONS:

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6-87.020	DEFINITIONS
6-87.030	AUTHORITY TO ISSUE RULES AND REGULATIONS
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6-87.010 Findings and Purpose

(A) Taxicabs provide an essential component of the public transit system that serves the City. Taxicabs are operated by private individuals and companies that use public rights-of-way in the delivery of their service.

(B) Appropriate efforts must be undertaken to ensure that taxicab operators, companies, their employees, and their drivers take all reasonable actions to protect 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 the taxicab regulations.

6-87.020 Definitions

For purposes of this chapter the following terms shall be defined as follows:

(A) "Driver" means every individual who operates any taxicab or vehicle for hire as an employee of a business owner, independently owns the taxicab or vehicle for hire and operates under the auspices of such owner, or has independently contracted with such owner to operate the taxicab or vehicle for hire pursuant to a lease, license, or any other form of agreement.

(B) "Franchisee" means any entity engaged in the business carrying passengers in a taxicab, whether comprised of an individual, group of individuals, partnership, limited partnership, joint venture, corporation, or any other organizational structure indentified by name, phone number, central dispatch, color scheme, monogram, or insignia distinguishing itself from any other entity engaged in such business, and to whom a taxicab franchise agreement has been granted by the City.

(C) "Limousine" means a motor-propelled vehicle used for the transportation of passengers for hire along public streets, not over a defined route, but as to a destination in accordance with and under the direction of the person hiring such vehicle. A limousine operates from a fixed location and is hired on a contract basis only. Limousines are pre-arranged and not "hailed."

(D) "Motor vehicle" or "vehicle" means every motor vehicle used for public hire propelled by mechanically produced power and intended for use on public streets and highways, except street cars, trains, and motor buses.

(E) "Pedicab" means a bicycle that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual, and that is used for transporting passengers for any form of consideration; or a bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by an individual, and that is used for transporting passengers for any form of consideration.

(F) "Stand" or "taxi stand" means a portion of the public street designated by the City for the sole use of authorized taxicabs while awaiting employment.

(G) "Taxicab" or "taxi" or "cab" means every motor vehicle having a seating capacity of less than eight passengers that regularly engages in the business of carrying passengers for hire over the public streets of the City not operating on a fixed route or schedule. For the purposes of this chapter, this shall not include the sole act of delivering any passenger to a location within the City from beyond the boundary limits of the City. This definition does not include limousines, pedicabs, or buses.

(H) "Taximeter" means any mechanical or electronic instrument, appliance, device, or machine by which the charge for hire of a motor vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and upon which instrument, appliance, device, or machine such charge is indicated by figures.

(I) "Vehicle for hire" means any motor or electric vehicle offered to the public for hire with the services of a driver, whether equipped with a taximeter, used for the transportation of passengers over the public streets of the City, irrespective of whether such operations extend beyond the boundary limits of the City, at rates per distance, trip, per hour, per day, per week, per month, and where transportation is under the control, as

to route, of the persons hiring it; except however, that vehicles for the sole transportation of handicapped persons, hearses, ambulances, interurban trains, motor, or trolley buses are not included within this definition.

06-87.030 Authority to Issue Rules and Regulations

(A) The Police Chief or designee shall be charged with administering and enforcing the provisions of this chapter.

(B) The Police Chief or designee is authorized to establish rules and regulations that are consistent with and necessary to administer this chapter.

06-87.040 Limitation of Liability

By adopting this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its employees, any obligation the breach of which may create liability in money damages to any person who claims that the breach was a substantial factor in causing injury.

06-87.050 Requirement of Franchise Agreement

(A) Any person or entity who engages in providing taxicab service within the City shall be required to enter into a non-exclusive Franchise Agreement with the City to provide such service.

(B) In addition to the franchise agreement, every franchisee shall obtain and maintain at all times during the franchisee's operations all applicable permits and licenses required by any public agency having jurisdiction over the operation of the business.

06-87.060 Granting of Non-Exclusive Franchise Agreement

(A) The Police Chief shall be authorized to grant non-exclusive franchises to qualified persons or entities in accordance with this chapter.

(B) In order to be granted a non-exclusive franchise, each applicant is required to provide the following:

- (1) A signed and completed application for a non-exclusive franchise on a form approved by the Police Chief and the City Attorney;
- (2) Proof of insurance in the amounts specified in Section 6-87.340 and a vehicle permit as set forth in section 6-87.150;
- (3) A signed indemnification and hold harmless agreement as required in Section 6-87.140;
- (4) A current schedule of rates or fares charged for carrying passengers.

- (5) A statement of the location of the garage from where the taxicab(s) will be dispatched, the location of the business office, and a land line phone number.

(C) The Police Chief shall have the discretion to deny any application for a nonexclusive franchise under any of the following circumstances:

- (1) Failure to comply with any of the provisions set forth in subsections (B) above;
- (2) Evidence that the applicant's franchise was previously terminated within five (5) years prior to the date of the application;
- (3) Evidence that the applicant previously operated a taxicab service in the City without holding a valid franchise after the date this ordinance takes effect; or
- (4) A finding that the applicant lacks sufficient experience or equipment to safely comply with the requirements of this chapter.

(D) Any applicant whose application for a franchise is denied shall have the right to appeal the denial to the Council as provided under Section 6-87.100.

06-87.070 Franchise Terms and Conditions

The franchise agreement shall provide, but not be limited to:

(A) Non-Exclusive Right of Franchisee. The agreement shall provide that the franchisee is granted a non-exclusive franchise to provide taxicab service within the City.

(B) Franchise Fee. The agreement shall provide that the franchisee must pay to the City a franchise fee in the amount of two (2) percent of the gross revenues generated by the franchisee from services performed within the City on the dates specified in the agreement. The Council shall retain the power, by resolution, to amend the amount of the franchise fee as the Council deems necessary to protect the interests of the City.

(C) Additional Terms and Conditions. The Council shall retain the power, by resolution, to provide for the inclusion in such agreement of such additional terms and conditions as the Council deems necessary to protect the interests of the City.

06-87.080 Supervision Authority

The Police Chief shall have the authority to supervise the operations of the franchisee and the provision of taxicab services.

06-87.090 Termination of Franchise

(A) The City shall have the right to terminate a franchise based on the Police Chief's determination that an event of default has occurred as defined in the franchise agreement.

(B) The franchise shall have no right or authority to engage in taxicab operations in the city for a period of five (5) years from the date of the termination. After five (5) years, should the franchisee provide proof that the event causing the franchisee to default has been corrected, and at the sole and complete discretion of the City, the franchisee may be reinstated upon re-submittal of an application to provide non-exclusive taxicab service.

(C) Any franchisee whose franchise is terminated shall have the right to appeal such determination to the Council as provided in Section 06-87.100.

06-87.100 Appeal of Franchise Denial or Termination

(A) Any person whose application for a franchise is denied or whose franchise is terminated may appeal such decision to the Council by filing with the City Clerk, within ten (10) days from and after the date of denial or termination of the franchise, a written notice of appeal and shall set forth the grounds for such appeal.

(B) The Council shall hold an appeal hearing not later than forty-five (45) days following the receipt of the written request. The Council shall render its decision after the close of the appeal hearing and its decision shall be final.

06-87.110 Rates, Fees and Charges

The Council may by resolution, or an approved franchise agreement, place a limit on the rates, fees and charges (collectively "fees") franchisees may charge to their customers within the City. No franchise shall charge any fees which are greater than the maximum permitted, unless otherwise authorized in this chapter.

06-87.120 Failure to Obtain Franchise Agreement - Violation

It shall be unlawful for any person or entity to provide taxicab services within the City without obtaining a franchise as required. A violation of this provision shall constitute a misdemeanor.

06-87.130 Zoning Clearance Required

(A) No franchisee shall conduct or otherwise maintain in or upon any premises in the City, a taxi business office, or a garage or other facility from which a taxicab will be dispatched, maintained or parked when not in service, without (i) a valid Zoning Clearance when required under Section 20-52.020, or (ii) a home occupation approval when required under Section 20-42.070.

(B) It is unlawful for any person to operate, conduct or maintain a taxicab business office or a garage or other facility from which a taxicab will be dispatched, maintained or parked when not in service, in the City without first having obtained a Zoning Clearance or home occupation approval when required.

06-87.140 Indemnification of City

Each franchisee for taxicab services shall, in written agreement, indemnify and hold harmless the City and its agents, officers and employees from and against any and all claims asserted or liability established for damages or injuries to any person or property that arise from, or are connected with, or are caused by the willful or negligent acts or omissions of the franchisee, or its agents, officers, employees or contractors.

06-87.150 Vehicle Permit Application

(A) Vehicle Permit Application. Each franchisee operating in the City must have a vehicle permit from the City for each vehicle that will be operated as a taxicab. The vehicle permit application shall be typed or printed and signed by the owner of the taxicab business, and shall set forth all the information required in the permit application form and accompanying documentation, including, but not limited to the following:

- (1) A copy of the current valid State of California vehicle registration under the owner's name or business name, license plate number and corresponding vehicle identification number of each vehicle to be operated in the City;
- (2) A current "Certificate of Inspection" from the Sonoma County Weights and Measures Department listing the vehicle or vehicles with certified taximeters;
- (3) Valid vehicle brake inspection certificate from a California state approved vehicle brake inspection station along with any work-order form from the inspection station for each vehicle to be operated in the City;
- (4) Certificates of insurance from the insurance carrier verifying the coverage required by this chapter for each vehicle to be operated in the City;

(B) Issuance of Vehicle Permit

- (1) A vehicle permit may be granted only if the City determines that the applicant has complied with all of the following:
 - (a) Has submitted a complete application;
 - (b) Has not made any omission or untrue statement or provided fraudulent documentation with the franchise application;

- (c) Has complied with all provisions of this chapter;
 - (d) Has submitted a color scheme or insignia pursuant to Section 6-87-180.
- (2) The City may deny a vehicle permit if it determines that approval would pose an unreasonable risk to the public safety or welfare.
 - (3) Issuance of a vehicle permit is conditional upon the applicant obtaining a franchise to provide taxicab services and ensuring that any driver of the vehicle has been issued a driver's permit as set forth below.
 - (4) Any and all fees associated with this permitting process are non-refundable.

(C) The City may charge a fee for processing each application for a vehicle permit and shall recover the cost of each inspection and/or re-inspection of the vehicle. The fee shall be set, and may be adjusted, by City Council resolution. The City shall notify the applicant of a denial of issuance of a permit in writing. The notice shall contain a statement of the facts upon which the City has acted in denying issuance of the permit. The notice shall contain a statement of the appeal procedure contained in Section 6-87.480, Permit Appeals.

(D) The taxicab vehicle permits issued under the provisions of this chapter shall be effective only for the calendar year for which the permit is issued. All permits shall expire on December 31st of the year for which the permit is issued and must be renewed annually by submitting a completed application to the city 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 vehicle permit may be denied on any grounds that are grounds for denial or revocation as set forth in this chapter.

(E) Vehicle permits may be suspended or revoked by the City for violation of any of the terms of this chapter, for violation of any of the permit terms or for misuse or abuse of the privilege granted by this chapter.

06-87.160 Maintenance and Operation

(A) It shall be unlawful for any owner or driver to operate, or cause to be operated, any taxicab that has any defective, unsafe, or unsanitary condition.

(B) No owner or driver shall transport any number of persons unless each person can be safely accommodated within the taxicab.

(C) No driver of a taxicab shall refuse to transport any person who desires and requests to purchase transportation in a sober and orderly manner, if such taxicab is in service and available to the public at that time.

(D) All taxicabs shall be checked daily to ensure that equipment is in proper working condition.

(E) The interior and exterior of any vehicle shall be clean and well maintained meeting California Vehicle Code requirements and the requirements of this chapter at all times when in operation.

(F) It is unlawful for a taxicab to be stored or parked on any public street for a period of time exceeding ten (10) minutes, except as provided in Section 6-87.330.

06-87.170 Equipment and Conditions

(A) Each taxicab operated under a taxicab permit issued pursuant to this chapter shall at all times have:

- (1) One operable safety belt for each passenger carried;
- (2) A spare tire, capable of being used on any of the wheels of the vehicle;
- (3) A set of tools for changing tires;
- (4) A workable flashlight readily available to the driver;
- (5) Two independently acting and entirely separate braking systems in proper operating order;
- (6) Safety or shatterproof glass;
- (7) A two-way radio and/or operable cellular telephone in an "on and operating" position for the entire time the taxicab is in service and available to the public;
- (8) An interior light of not less than two candlepower so arranged as to illuminate the entire passenger compartment. The light shall be kept constantly lighted at all times while any passengers are being loaded into or unloaded from any vehicle.
- (9) No after-market window tinting, shades or blinds over the windows of any vehicle while it is occupied.

(B) Each taxicab shall be maintained in such condition so that:

- (1) All doors, windows, hood, and trunk will open and close securely;

- (2) The inside of the taxicab and the luggage compartment are free of litter and trash, and shall not soil, rip, or otherwise damage the passenger's clothing or effects;
- (3) The exterior of the taxicab is clean and in good repair, and does not have any peeling paint, dents, paint primer, rust, or missing components that are discernable from a distance of five feet from the taxicab.

(C) Upon receipt of a citizen's complaint or police officer's observation regarding the mechanical condition of a taxicab, or following the taxicab's involvement in an accident, the City may require any or all of the following:

- (1) A visual inspection of the taxicab by a representative of the City;
- (2) An interview by a representative of the City with the owner or driver of the taxicab regarding the mechanical condition of the taxicab;
- (3) A sworn statement that the taxicab is in safe operating condition, made by either the proprietor of a service or repair garage engaged in auto repair who is licensed by the State of California, or by a mechanic licensed by the State of California and employed by the franchisee, who has inspected and examined the taxicab.
- (4) If the owner, driver, or operator of the taxicab refuses to submit to an inspection the City may issue an order prohibiting such vehicle from use in taxicab service.

(D) Upon determination that any vehicle operated under a vehicle permit is not in safe operating condition, the City may issue an order requiring that the vehicle be taken out of service until it has been repaired to the satisfaction of the City.

(E) Members of the Santa Rosa Police Department are authorized to cite any person for operating a taxicab without a valid taxicab certificate, license, or permit required by this chapter and may impound and retain possession of any vehicle used in violation of this chapter as allowed by Government Code Section 53075.61, and as it may be amended.

06-87.80 Vehicle Markings and Insignia

(A) Taxicab Color Scheme approval

- (1) A unique and characteristic color scheme approved by the City shall be used by each franchisee operating a taxicab in the City to distinguish all of the taxicabs the franchisee operates. The scheme shall not be used by any other franchisee.

- (2) No change in the color scheme or distinguishing characteristics of any taxicab shall be made without prior written permission from the Police Department.

(B) It is unlawful to operate a taxicab within the City that does not have printed or placed upon the vehicle, which is either painted or permanently affixed:

- (1) The name of the taxi company on both sides and the rear of the vehicle. All lettering shall not be less than three (3) inches in height.
- (2) The company's telephone number printed or placed upon both sides of the vehicle. All lettering shall not be less than two inches in height.
- (3) A number to identify each taxicab assigned by the City at the time vehicle permit is awarded. This number shall be printed or placed upon the rear of the vehicle and both the driver and passenger front fenders. The lettering shall not be less than three (3) inches in height.
- (4) All lettering and numbering shall be affixed to the vehicle at all times and shall be of a color that contrasts with the color of the vehicle.
- (5) The dome light marker on top of the vehicle shall read the same as the company name printed on both sides and the rear of the vehicle or shall only read "Taxi."
- (6) The City issued vehicle permit shall be located inside the lower left corner (driver-side) of the rear window.

06-87.190 Commercial Signs and Advertisements

Commercial and advertisement signs may be affixed onto the vehicle, but shall not in any way obstruct the view of the driver or the identification insignia on the vehicle.

06-87.200 Vehicle Inspection

(A) Before a vehicle permit is issued, each vehicle for which a vehicle permit is requested shall be delivered to one of the State of California approved vehicle brake inspection stations for inspection to ascertain whether such vehicle and equipment comply with the provisions of this chapter. Approved State of California vehicle brake inspection stations can be located on the State of California website at <http://www.autorepair.ca.gov/>.

(B) Any vehicle which is found after inspection to be unsafe or in any way unsuitable for service, shall not be issued a vehicle permit and may immediately be ordered out of service. Before a vehicle permit is issued or the vehicle is again placed in service, it shall be placed in a safe and sanitary condition, inspected, and a completed inspection form

filed with the Police Department. Each vehicle to be operated shall be reinspected upon annual renewal of the vehicle permit.

(C) Final inspection of each vehicle shall be conducted by the Police Department to ensure that the vehicle has met all the requirements of this chapter.

(D) Any and all fees associated with this permitting process shall be non-refundable.

(E) The Police Chief is charged with the authority to enforce this Chapter. Members of the Police Department shall have the right, after displaying the proper identification, to enter into or upon any permitted vehicle for hire in the City for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated. The scope of this inspection is limited to determining compliance with the requirements of this chapter and may be done at random without notice, warrant, or individualized suspicion of wrongdoing.

06-87.210 Sale or Transfer of Business

(A) Any franchise granted by the City shall not be transferred, sold, leased, assigned, relinquished or delegated to another person, either in whole or in part, without the prior written approval of the City. The City shall not unreasonably withhold approval of a franchise sale or assignment provided that it does not unreasonably impact competition and the buyer or assignee meets all of the requirements established by this Chapter and is qualified to perform the obligations required.

(B) The franchisee shall promptly notify the Police Chief, in writing, in advance of any proposed sale, assignment or transfer. In the event that the City approves any sale, assignment or transfer, the approval shall not relieve the franchisee of any of its obligations or duties under the franchise agreement unless it is modified in writing to that effect.

06-87.220 Transfer of Vehicle

In the event a franchisee sells or transfers title of a taxicab for which a permit has been issued, or in the event the vehicle has been destroyed or totaled, the franchisee shall notify the police department within ten (10) days.

06-87.230 Suspension or Revocation of Vehicle Permit

(A) The City shall have the power to suspend or revoke a vehicle permit issued under this chapter on any grounds stated in this chapter and on any of the following grounds:

- (1) Failure to maintain insurance as required by this Chapter, including renewal of insurance prior to the expiration date of the policy;
- (2) The violation by the franchisee of any terms, conditions, or requirements of this chapter;

- (3) Failure to notify the City thirty (30) days prior to the effective date of liability insurance cancellation or change of insurer;
- (4) If, subsequent to the issuance of a permit, grounds for denial under this chapter have occurred or arisen, or the applicant has been found to have knowingly made a false statement of fact required to be revealed in the permit application;
- (5) Failure to maintain vehicle in good order and repair as prescribed herein;
- (6) Failure to pay any fees or damages lawfully assessed as a result of the ownership or operation of any vehicle licensed under this Chapter;
- (7) Failure to maintain driver's daily manifests or falsifying such manifests;
- (8) Repeated violations by the franchisee or its drivers of the traffic laws of the city, county, or state;
- (9) Knowingly maintaining any taximeter that is inaccurate and results in overcharges to any passenger.

(B) Vehicle permits suspended or revoked shall immediately be surrendered to the Police Department.

(C) The Police Chief shall notify in writing any vehicle permit holder whose permit has been suspended or revoked. The notice shall state all of the reasons for the action as well as any laws or regulation violated by the vehicle permit holder.

06-87.240 Taxi Driver Permit Application

(A) Permit Application. Each taxicab driver operating in the City must have a taxi driver permit from the City as set forth herein. The driver permit application shall be typed or printed and signed by the driver and shall set forth all the information required in the permit application form and accompanying documentation, including, but not limited to the following:

- (1) The name and business address, residence address, business telephone number and residence telephone number of the applicant;
- (2) A general statement that the applicant has complied, or prior to the commencement of operation of the vehicle, will comply with all of the provisions of this chapter;
- (3) Every applicant shall submit to Livescan Fingerprinting at an approved California Department of Justice fingerprinting location and shall submit a copy of their completed LIVESCAN form and receipt of payment with his/her application;

- (4) Each applicant for a driver's permit shall submit with his/her application two (2) current 2" x 2" professional quality color photos (passport photos) of the applicant taken within the previous thirty (30) days. One photo shall be attached to the driver's permit. The other photo shall be kept on file with the City;
- (6) A completed and signed notice of intent to hire from a franchisee;
- (7) Proof of compliance with federal controlled substance and alcohol testing requirements with satisfactory proof of a negative test result.

06-87.250 Driver Permit

(A) No person shall operate or drive any taxicab within the City unless that person has obtained a valid taxi driver's permit from the City.

(B) A driver's permit shall be valid for one (1) year from the date of issuance and must be renewed annually by submitting a completed application to the City no later than forty-five (45) days before expiration of the current permit. Any application for renewal that is submitted late is subject to a late fee, as established by resolution of the City Council. A renewal of a driver's permit may be denied on any grounds for denial or revocation as set forth in this chapter.

(C) A driver's permit shall be void upon termination of employment. The employer shall notify the City within five (5) days of termination of employment of a driver, and shall return the permit to the City within those five (5) days either by mail or in person.

(D) Prior to issuing a driver's permit, the City shall determine whether the applicant has a valid driver's license and shall review the applicant's driving history. The City may not issue a driver's permit to the applicant if the City determines that:

- (1) The applicant's driving record shows a violation point count of four (4) or more points in the preceding twelve (12) month period, six (6) or more points in the preceding twenty-four (24) month period, or eight (8) or more points in the preceding thirty-six (36) month period as outlined in the Vehicle Code Section 12810 et seq.;
- (2) The applicant has been convicted of reckless driving or driving under the influence of any alcoholic beverage, drug or intoxicating substance, or combination thereof, taking into consideration the nature and circumstances of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation;
- (3) The applicant's driving history demonstrates that the applicant is not likely to operate a motor vehicle in a safe manner; or
- (4) The applicant does not hold a valid California State driver's license.

(E) The City may not issue a driver's permit to anyone who has been convicted of a felony or of a crime involving moral turpitude or is required to register pursuant to Section 290 of the California Penal Code or is required to register in another state or country as a sex offender in a manner comparable to Penal Code Section 290. In making this determination, the nature and circumstances of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation may be considered.

(F) The City shall not issue a driver's permit to anyone under the age of eighteen (18) years.

(G) No driver's permit will be issued or renewed unless the applicant has taken and passed, with negative results, a controlled substance and alcohol test in accordance with Government Code Section 53075.5 as it may be amended or renumbered. This test shall be taken no more than thirty (30) days preceding the date the application is filed for a new permit or renewal of a permit. If an applicant takes a controlled substance and alcohol test with positive results, the employing taxicab operator shall report the results to the City.

(H) The City may charge a fee for processing each application for a driver's permit. The fee shall be set, and may be adjusted, by City Council resolution. The City shall immediately notify the applicant of a denial of issuance of a driver's permit in writing. The notice shall contain a statement of the facts upon which the City has acted in denying issuance of the driver's permit. The notice shall contain a statement of the appeal procedure contained in Section 6-87.480, Permit Appeals.

(I) Any and all fees associated with this permitting process shall be non-refundable.

06-87.260 Contents of Driver Permit

Each driver's permit issued under this chapter shall contain a serial number and shall set forth the name, age, and physical description of the person permitted, the issued and expiration date of the permit, a current photograph of permittee and the name of the employer.

06-87.270 Suspension or Revocation of Driver's Permit

(A) The City shall have the power to suspend or revoke a driver's permit issued under this chapter, on any grounds stated in this chapter and on any of the following grounds:

- (1) Suspension, revocation or expiration of the driver's privilege granted by the California Department of Motor Vehicles to operate a motor vehicle;
- (2) The violation by the driver of any terms, conditions, or requirements of this chapter;
- (3) If, subsequent to the issuance of the permit, grounds for permit denial under this chapter have occurred or arisen, or the applicant has been found

to have knowingly made a false statement of fact required to be revealed in the permit application;

- (4) 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 motor vehicle, within thirty (30) days after the judgment has become final;
- (5) The driver has consumed drugs, alcohol, or any other intoxicating substance or is under the influence of drugs, alcohol, or intoxicating substances, while on duty or is convicted of a crime relating to drugs or alcohol;
- (6) Overcharging, or the attempt to overcharge, taxicab fares by the driver;
- (7) Operation of a taxicab in an unsafe manner or any conduct that places any passenger, motorist, or pedestrian at unreasonable or unnecessary risk;
- (8) Transfer, sale, or assignment of the permit to an individual other than the person specified on the permit application;
- (9) If the applicant refuses or fails to submit to a controlled substance and alcohol test required by this chapter;
- (10) If the applicant tests positive for any controlled substance or alcohol pursuant to a test taken in accordance with this chapter;
- (11) If the applicant or applicant's employer submits a false controlled substance and alcohol test declaration or employment declaration/ result.

06-87.280 Number of permits

The City shall have discretion on the number of Vehicle and Driver permits issued.

06-87.290 Replacement of Lost or Destroyed Permits

For permits that are lost or destroyed, the City, upon receipt of an affidavit from the owner explaining the reason(s) for a replacement, may issue a replacement permit. The City may charge a fee associated with the cost of replacing a permit.

06-87.300 Change of Employment by Driver

All taxicab drivers changing their employment to a new or different taxicab employer shall notify the City within five (5) days of the change. A new driver's permit shall be obtained and contain the name of the new employer. The City may charge a fee associated with the cost of issuing a new permit.

06-87.310 Permits Non-Transferrable

All driver permits issued by the City are the property of the City and shall not be sold, assigned or transferred.

06-87.320 Standards for Driver Conduct

(A) All taxicab drivers shall be clean and neat in appearance, and shall wear shoes at all times while on duty. Nothing in this chapter shall preclude a franchisee from establishing a dress code or similar rules to regulate the appearance of all drivers.

(B) It is unlawful to solicit fares by misrepresenting in any manner the identity of the owner of the taxi for hire or the business for which the fare is solicited. It is also unlawful to misrepresent the location, travel time or distance to any destination to which a passenger seeks transportation.

(C) It is unlawful to interfere in any manner whatsoever with any person who is negotiating for, inquiring about transportation in or employing a vehicle for hire.

(D) It is unlawful for a driver of any taxicab to obstruct any street or sidewalk.

(E) A driver of any taxicab shall offer to provide assistance and, if requested, shall provide reasonable assistance to each passenger in entering and leaving the vehicle unless the passenger indicates otherwise.

(F) Drivers shall confirm that passengers are securely seated and their possessions, if any, are secure, and the door closed, before beginning the trip.

(G) Drivers shall ensure that passengers and their possessions are safely clear of the vehicle and in an appropriate disembarking location before leaving the destination.

(H) Drivers shall board passengers at the nearest safe, legal and feasible point to the passenger's location and shall disembark passengers at a point from which they can safely proceed.

(I) **Lost Property - Report and Record-keeping Required.** All property of value found by drivers or franchisees in the vehicles for hire operated by them, or delivered to them by any person who has found it, shall be reported to the Police Department within 48 hours, unless the property has been claimed by and returned to the rightful owner within that time. Every franchisee shall keep a record of all such property, whether returned to the owner of the property or not, for a period of not less than ninety (90) days.

(J) **Service Denial.** It is unlawful for a driver or franchisee to refuse a prospective fare:

- (1) Based on the distance of the route for which the service is requested, or the geographic location of either the origin or destination of the trip,

except where that distance exceeds a total of fifty (50) miles beyond the city limits of the City of Santa Rosa;

- (2) To take any action to actively discourage a prospective fare solely on the basis of race, creed, color, age, sex, sexual orientation, national origin, or disability, including the use of service animals.

(K) A driver may inquire whether an animal is a service animal, but may not require a disabled person to show any documentation of disability or certification of the animal's status as a service animal. The driver may require service animals not in carrying containers to remain on the floor of the vehicle.

06-87.330 Taxicab Stands

(A) The City may designate areas on public streets or in public parking lots as taxicab stands to be occupied by taxicabs immediately available for hire. All taxicab stands shall be indicated by curb painting or signs.

(B) Taxicab stands shall be for the joint use of franchisees and drivers permitted to operate within the city, and the commercial loading and unloading of freight where so designated. No taxicab shall be parked in a space designated as a taxicab stand without properly displaying a valid permit issued by the City.

(C) No taxicab shall be parked unattended in any taxicab stand for a period of time exceeding fifteen (15) minutes.

(D) Taxicab drivers are prohibited from standing or parking at a parking meter while awaiting passengers in blocks or lots where taxicab stands have been designated by the City, with the exception of those blocks on Santa Rosa Avenue between First and Third Streets. Taxicab drivers must comply with posted requirements to pay meters while parked in any authorized meter space.

(E) The City may temporarily designate space for the exclusive use of taxicabs when conditions so warrant.

06-87.340 Insurance

(A) Before a franchise for the operation of any taxicab business may be awarded, there shall be filed with the City of Santa Rosa a certificate of insurance acceptable to the City, naming the franchisee against losses to persons or property arising out of the operation of the taxicab business in the following minimum amounts, or such minimum amounts as may hereafter be established by the City's Risk Manager or Council policy:

(B) Worker's Compensation Insurance & Employers Liability Insurance

- (1) Workers Compensation Insurance & Employers Liability Insurance with statutory limits as required by the Labor Code of the State of California.

- (2) Employers Liability with limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- (3) If a franchisee has no employees at the time a franchise agreement is awarded, then he/she must obtain Worker's Compensation and Employers Liability Insurance should any employee be hired during the term of the franchise agreement.

(C) Commercial Automobile Liability

- (1) Minimum Limits: (1) \$500,000 combined single limit per accident or (2) \$250,000 Bodily Injury per person, \$500,000 Bodily Injury per accident and \$100,000 Property Damage per accident - for each taxicab that is owned and/or operated by the franchisee in the City of Santa Rosa, or that is otherwise used in the City of Santa Rosa by the franchisee pursuant to a business relationship with a taxicab driver.
- (2) The franchisee shall disclose any deductible or self-insured retention. This deductible or self-insured retention must be approved in advance by the City.

(D) Standards for Insurance Companies. Insurers shall have an A.M. Best's rating of at least A:VII.

(E) Documentation requirements

- (1) The name and address for Certificates of Insurance shall be: City of Santa Rosa, 100 Santa Rosa Avenue, Santa Rosa, CA 95404.
- (2) Required evidence of coverage shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- (3) The franchisee shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- (4) Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

06-87.350 Alcohol/Controlled Substance Testing

(A) No taxicab driver's permit may be issued or renewed unless the applicant at the time of permit application or renewal has submitted to the Police Department valid certification that 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 is maintained by the franchisee for all drivers of taxicabs operated under the franchise agreement.

(B) No taxicab driver's permit may be issued or renewed unless the applicant at the time of the permit issuance or renewal, files with the City certification that the permit applicant has tested negatively, within the past thirty (30) days prior to submitting the application, 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. Driver's permit applicants who test positively shall be ineligible to apply again for a driver's permit during the five (5) year period following the positive test. Driver's permit renewal applicants who have tested positively pursuant to random alcohol/controlled substance testing shall not be eligible to apply for their driver's permit renewal until they have successfully completed an accredited substance abuse program in accordance with Government Code Section 53075.5.

(C) The costs of taking an alcohol/controlled substance test of an employee shall be paid by the franchisee.

(D) The test results shall be reported directly to the franchisee who shall be required to notify the City of all positive results.

(E) A test meeting the requirements of this section that is taken to obtain a driver's permit in another jurisdiction shall be accepted as though conducted as part of the permit renewal process for the City for up to thirty (30) days from the date the test was taken and the application was submitted. The prior test shall apply only for purposes of renewing a driver's permit, so long as the driver has not tested positive thereafter. However, a negative result from a test taken for another jurisdiction shall not satisfy the testing requirements to receive an initial (new) permit as imposed by this chapter.

(F) All test results shall be confidential and shall not be released without the consent of the driver, except as provided herein or as authorized or required by law.

06-87.360 Franchisees Not to Employ Unlicensed Drivers

No franchisee shall permit any person to act as a driver who does not possess a valid California driver license and a driver' permit issued under this Chapter.

06-87.370 Taximeters

(A) All taxicabs operated in the City shall be equipped with a taximeter of a type and design approved by the State of California Division of Measurements Standards and:

- (1) The franchisee or owner of any taxicab shall keep the taximeter accurate at all times;
- (2) The taximeter shall be certified by the Sonoma County Weights and Measurements Department and sealed with a current county seal;

- (3) Testing and certification shall be conducted by the Sonoma County Weights and Measurements Department on an annual basis;
 - (4) The City shall have the right to inspect any taximeter. Upon discovery of any inaccuracy in a taximeter, the City may remove, or cause to be removed, from service the taxicab so equipped until the taximeter has been properly repaired and accurately adjusted;
 - (5) The lead wire seal on all taximeters shall be maintained at all times.
- (B) The taximeter shall not charge a fare greater than the posted rate;
- (C) It shall be unlawful for any driver or operator of any taxicab to set the taximeter in operation when the vehicle is not actually employed for hire or for carrying passengers;
- (D) It shall be unlawful for any driver or operator of any taxicab to fail to set the taximeter to a non-recording position at the termination of each and every service and to call the attention of the passenger to the amount registered.
- (E) It shall be unlawful for any driver or operator of a taxicab, while carrying passengers or under employment, to fail to activate the taximeter, or to activate the taximeter in such a position as to denote that the driver is employed at a rate of fare different than that authorized or registered.

06-87.380 Rates and Information to be Displayed

- (A) Every taxicab shall at all times have displayed in a conspicuous place in the passenger compartment a sign stating in clearly legible characters the rates of fare charged for carrying passengers, and any additional fees that may apply such as a bridge toll.
- (B) Any proposed change in a rate schedule, unless it's a reduction from the currently established rate schedule, must be filed with the police department. Changes to the rate schedule shall only be allowed once in a 12-month period. No changes to the rate schedule shall take effect until approval is received from the Police Chief, which approval shall not be unreasonably withheld.
- (C) The charge for any service to taxicab patrons shall be calculated and shown by a taximeter. This meter shall be located and operated so that the reading dial showing the amount to be charged is well-lit and easily read by any passenger.
- (D) A valid taxi driver's permit issued under this chapter must be clearly displayed in view of the passenger at all times.
- (E) Within the interior of every taxicab permitted by this chapter, and in a location readily visible to the passenger, shall appear a sign, no smaller than six (6) inches by four (4) inches with lettering as large as the size of the sign will reasonably allow, containing all of the following information as outlined in Vehicle Code Section 27908:

- (1) The name, address, and telephone number of the taxicab company;
- (2) The name, address, and telephone number of the agency regulating the operation of the taxicab:
 - (a) Santa Rosa Police Department
965 Sonoma Avenue
Santa Rosa, CA. 95404
(707) 543-3600

(F) If requested every driver shall give a receipt upon a payment of the correct fare. The receipt shall contain the name of the taxicab business and the driver, taxi license number, date of transaction, the meter reading and the amount of fare.

06-87.390 Excessive Charges

(A) No franchisee, operator or driver of any taxicab, operated under a City franchise, shall in connection with any fare or trip originating in the City charge, collect, demand or receive a rate or fee in excess of the amount authorized or approved by the City.

(B) Any franchisee, operator or driver who overcharges a taxicab fare shall be liable to the person who hires the taxicab for the amount of the overcharge.

(C) The remedies provided by this section shall be in addition to any other legal or equitable remedies that may be available, and are not intended to be exclusive.

(D) In the event that a taxicab, while conveying for hire any passenger, becomes disabled or breaks down, the time stoppage shall be deducted from the time charged.

06-87.400 Refusal to Convey

It shall be unlawful for the franchisee, owner, driver, or operator of any taxicab operating under a City franchise, to fail or refuse, or to permit the failure or refusal, when in service and not otherwise engaged for hire, to transport to his announced destination in the City, any person who presents himself for carriage in a sober and orderly manner and for a lawful purpose.

06-87.410 Direct Route

Every taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination unless otherwise specifically requested by the passengers.

6-87.420 Taxicabs from Other Municipalities

The driver of a taxicab authorized to operate in any municipality other than the City may transport passengers from such municipality to a destination within or beyond

the city limits of the City, provided that the driver shall not seek nor accept passengers within the City of Santa Rosa.

06-87.430 Failure to Pay Unlawful

Except where credit is extended, any person who fails or refuses to pay at the end of the trip, or the termination or discharge of service, the legal fare for a taxicab that he has hired, shall be guilty of a misdemeanor. Drivers shall not accept any form of payment other than cash or credit/debit card.

06-87.440 Service Provided

(A) The following taxicab services are authorized to be provided:

- (1) Exclusive ride, which shall mean exclusive use of a taxicab by one or more passengers at a time. Shared ride, which shall mean non-exclusive use of a taxicab by two or more unrelated passengers, traveling between different points of origin and/or destination and traveling in the same general direction.
- (3) No passengers shall be grouped together without the express consent of the first passenger who hires the taxi. If consent to a shared group ride is granted, the fare to be charged shall be determined upon mutual agreement by the driver and the prospective passengers prior to boarding the taxi;

(B) Flag Loads Permitted. Flag loads, meaning passengers soliciting a taxicab for hire at random points on the street, may be picked up at any location within the city except when it is apparent that the prospective passenger has already arranged for a taxicab operated by another person or company and is waiting for it to arrive.

(C) Solicitation of Fares Permitted. Solicitation of fares is permitted when located at an authorized taxicab stand. A taxicab driver shall not repeatedly drive a taxi back and forth in front of, or otherwise interfere with the orderly ingress and egress to, any theatre, hall, hotel, railway or bus station, or other public place or gathering. No taxicab driver shall leave a cab or approach and solicit any pedestrian upon a sidewalk adjacent to any theatre, hall, hotel, railway or bus station or other public place or gathering.

(D) Passengers Not to Ride with Driver - Exceptions. All persons other than the driver shall ride in the rear passenger compartment of the taxicab, except passengers who are physically disabled, or are unable to get into the rear passenger compartment or have extreme difficulty in doing so, or where there are more passengers than can be accommodated in the rear compartment.

(E) Light Baggage to be Transported in Taxicab Without Charge. Persons engaging a taxicab shall be entitled to have such valises, small hand baggage, groceries and other similar purchases or wheel chairs as can be conveniently carried within the vehicle loaded, conveyed and unloaded at the point of disembarking without charge. If a driver carries or conveys these items to a point beyond the point of disembarking, the driver may

leave the taximeter running and the passenger shall be obligated to pay for the time required to convey the items; provided that the driver first inform the passenger that the taximeter will be kept running.

(F) Daily Operation Required. Every franchisee shall regularly and daily operate his/her business to the extent reasonably necessary to meet the public demand for service. Upon abandonment of a taxi business for a period of thirty (30) consecutive days, the franchise agreement may be terminated and any permit issued revoked by the City.

06-87.450 Record Keeping Requirements

(A) Daily Manifest

- (1) The driver of every taxi for hire shall keep a separate manifest of every service rendered and shall include the following information:
 - (a) The time the vehicle went on and off duty;
 - (b) The vehicle identification number and driver's full name;
 - (c) Location where passengers entered vehicle;
 - (d) Date and time of entry;
 - (e) Number of passengers;
 - (f) Location where passengers were discharged;
 - (g) Amount of fare collected.
- (2) The franchisee shall keep all manifests in a safe place for a period of not less than three (3) years after date of service rendered. Any and all manifests shall be made available upon demand for inspection by the City.
- (3) It is unlawful for any driver to fail to properly complete any required manifest.
- (4) The falsifying of any manifest by a franchisee or driver is unlawful and may be grounds for termination of the franchise agreement and/or revocation of driver's permit.

(B) Taxicab and Employee Records

- (1) Each franchisee shall keep a record of all taxicabs operated and shall maintain at all times a complete and accurate record of all drivers employed. These records shall contain, at a minimum, the name, address, the dates of employment of all drivers, the identification of each vehicle driven by each driver, and the hours during each day and night worked by each driver. These records shall be produced to the City at any time upon

reasonable demand, and shall not be destroyed without the written permission of the City.

06-87.460 Enforcement - Violation - Public Nuisance - Penalty

(A) The City and authorized employees are empowered to investigate and conduct inspections to determine whether franchisees and other persons are complying with this chapter.

(B) It is unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this chapter. Every person who violates or fails to comply with any provision of this chapter is guilty of a misdemeanor.

(C) In addition to the penalties provided in this section, any violation of any provision of this chapter shall be and is declared to be a public nuisance. Furthermore, any violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall at the discretion of the City create a cause of action for injunctive relief.

(D) The remedies set forth in this chapter are cumulative.

06-87.470 Smoking in Taxicabs Prohibited

(A) Smoking in taxicabs is prohibited at all times whether or not the taxi is in operation.

(B) A taxicab driver may refuse to transport any person who refuses to obey the prohibition against smoking in taxicabs.

06-87.480 Permit Appeals

Permits may be denied, revoked, suspended, or appealed under the procedures set forth in Chapter 6-76, Permit Appeals, of the City Code. Appeals shall be conducted according to the procedure and timeframes set forth in chapter 6-76.

06-87.490 Charges and Costs

A charge may be imposed for the reasonable regulatory costs incurred by the City for issuing franchises and permits, performing investigations and inspections, and the administrative enforcement and adjudication of actions or proceedings under this chapter."

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 12th day of July, 2011.

AYES: (6) Mayor Olivares, Vice Mayor Ours, Council Members Bartley, Sawyer,
Vas Dupre

NOES: (1) Council Member Wysocky

ABSENT: (1) Council Member Gorin

ABSTAIN: (0)

ATTEST: Sara Anna, Interim City Clerk

APPROVED: Ernesto Olivares, Mayor

APPROVED AS TO FORM:

Suzanne Rawlings, Assistant City Attorney