

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 9-907 AND SECTION 9-918 OF THE FRESNO MUNICIPAL CODE, RELATING TO TAXICABS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (a) of Section 9-907 of the Fresno Municipal Code is amended to read:

SECTION 9-907. ISSUANCE/RENEWAL OF TAXICAB VEHICLE PERMIT AND AIRPORT TAXICAB VEHICLE OPERATIONS PERMIT.

(a) The city manager, with the assistance of the police chief, shall cause an investigation to be made of the facts stated in the taxicab permit application, and shall, within sixty days~~], physically inspect the taxicab and otherwise]~~ determine the following:

(1) Whether the applicant has had a taxicab permit revoked for any cause within the last twenty-four months;

(2) Whether the application fee has been paid;

(3) Whether any fact exists that would be cause for revocation of a taxicab permit because of a violation of any of the terms of this article or rules promulgated pursuant thereto;

(4) Whether any statement made in the application is false;

(5) Whether issuance is in furtherance of the public

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

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convenience and necessity;

(6) Whether the applicant, including all persons doing business under fictitious names as members of partnerships, or as officers of corporations or associations, has been convicted of a crime or other offense involving moral turpitude including whether subject to any sex offender registration requirement, or a conviction of use, possession or sale of a controlled substance. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under State Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering the denial of a license under State Penal Code Section 4852.01(a);

(7) Whether each vehicle and related equipment proposed for use/used as a taxicab has been inspected and approved by ~~[the city and/or]~~ an approved automotive repair facility in accordance with federal and state requirements, this article and all rules and regulations adopted from time to time by city manager. Such inspection shall include without limitation the mileage, engine, gears, transmission, brake system, lighting

system, seat belts, [~~exhaust and air pollution control system,~~]
tires and wheels, and along with any other items specified by the
city manager.

(b) If the city manager makes a finding unfavorable to the applicant, with respect to any of the above factors, the city manager shall deny issuance of the permit and shall give the applicant prompt written notice of such finding and decision. The notice shall include a statement of the specific reasons for denial, including any complaints received against any applicant presently holding a permit. An applicant denied issuance of a taxicab drivers' permit under this section may appeal the city manager's decision pursuant to section 9-930 of this article.

(c) Should the city manager's report conclude that the applicant meets the requirements of this article, the city manager shall issue such permit or permits. Each permit shall be numbered and shall state the name and address of the permittee and the date of issuance. One permit shall be issued for each taxicab. Any fees deposited by unsuccessful applicants shall be refunded, less any amount designated in the Master Fee Resolution to be retained to defray the cost of application and investigation processing.

(d) The city manager may impose such terms, conditions or restrictions on the taxicab permit as he/she deems necessary to provide

adequate and dependable service to the public and to protect the use of public streets and facilities.

(e) Upon any change in ownership of a taxicab company, the new owner shall submit an application for and be issued a taxicab permit in the manner provided in this article.

(f) Where the city manager has grounds pursuant to this article, and where the city manager documents that, for a period of at least sixty (60) consecutive days a permitted taxicab is not legally operated as a taxicab, the permit(s) issued for such taxicab shall be subject to suspension and revocation in the manner provided by this article.

(g) Upon permit issuance and in addition to the inspections otherwise specified in this article, the city manager in his/her sole discretion, shall have the authority to require additional permit inspections including of taximeters, lamps, brakes, and emission control, and if it is found that the permittee is operating in violation of this article and/or the State Vehicle Code, the city manager shall, in addition to rights/remedies available hereunder and in accordance with the provisions of the Vehicle Code Section 24004, suspend the taxicab permit and prohibit the use of such taxicab until such time as it has been brought into compliance with the State Vehicle Code.

(h) All vehicles and operation thereof which are subject to The

Americans with Disabilities Act, (ADA), shall comply with the applicable provisions of said Act.

SECTION 2. Subsection (a) of Section 9-918 of the Fresno Municipal Code is amended to read:

SECTION 9-918. CONSUMER COMPLAINTS.

(a) The city manager, with the assistance of the controller and the directors of transportation and aviation, from time to time and by rule/regulation promulgated and enforceable hereunder may establish a consumer complaint hotline telephone number and complaint process. [Permittees that are the subject of a consumer complaint may be subjected to additional inspections as the City Manager may deem necessary in his or her discretion.]

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie B. Doerr [Date]
Chief Assistant City Attorney

KBD:ns [70453ns/kbd] 2/9/16