

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 9, ARTICLE 9 OF THE FRESNO MUNICIPAL CODE RELATING TO TAXICAB REGULATIONS.

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

SECTION 1. Subsection (t) of Section 9-903 of the Fresno Municipal Code is amended to read:

SECTION 9-903. DEFINITIONS

(t) "Taxicab" shall mean any motor vehicle designed and used for carrying passengers, operated in the streets of the city other than over a defined or fixed route, and irrespective of whether the operations extend beyond the boundary limits of the city, between such points and over such route for the transportation of persons for hire at the direction of the passengers, of a distinctive color or colors or insignia or of public appearance such as is in common usage in this nation for taxicabs. Taxicab shall not include a charter-party carrier of passengers [or a transportation network company] within the meaning of the Passenger Charter-party Carriers' Act, Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code.

SECTION 2. Section 9-906 of the Fresno Municipal Code is amended to read:

1 of 12

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

SECTION 9-906. APPLICATION FOR TAXICAB VEHICLE PERMIT AND AIRPORT TAXICAB VEHICLE OPERATIONS PERMIT.

Any person desiring to secure a taxicab permit with or without airport taxicab operations permit privileges shall submit an application therefor to the city manager. The application shall be in a form approved by the city manager and shall include the following:

(a) Ownership and form of business organization:

(1) If the owner is an individual, the owner's full name, home address, home and business telephone number and date of birth (which shall be at least eighteen years prior to the date of application), or

(2) If the owner is a corporation, partnership or other legal entity, the names, home addresses, telephone numbers and date of birth (which must be at least eighteen years before the date of application) for the corporation's or entity's officers, directors, general, managing or operating partners, registered agents, and each person vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties; the corporation's, partnership's or entity's true legal name, fictitious business statement(s) (if any), state of incorporation, articles of organization, or partnership registration (if any), business address and telephone and facsimile numbers and City of Fresno's business license number, and any other

information that the city manager may reasonably require. The city manager may request copies of the entity's governing documents.

(3) For each person with a ten (10) percent or greater financial interest in the business which operates the taxicab, fingerprinting by the police department and/or Department of Justice personnel, submission of three recent dated portrait photographs, one to be attached to the application and two for the use of the special investigations section of the police department, and a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a ten (10) percent or greater financial interest in the business which operates the taxicab during the life of the permit issued pursuant to this chapter shall immediately so notify the city manager and comply with this subsection. Any holder of a valid taxicab driver permit issued pursuant to this article shall be exempt from the requirements of this subsection;

(b) The number of permits desired and a list of vehicles to be used as taxicabs, including a full description of each vehicle, the taxicab vehicle number assigned by any regulatory agency, the make, model, model year, vehicle identification number, California State vehicle license

plate number, and any other vehicle information required by rule or regulation promulgated under this chapter; provided, that the full description of new vehicles may be submitted within thirty days of the date of issuance of a permit hereunder;

(c) A full description of the location and operation of the applicant's place of business, including any required two-way communications system;

(d) The date upon which the applicant desires the permit to be issued;

(e) Whether or not the applicant is applying for airport taxicab operations permit privileges;

(f) Proof of liability insurance policy as required by this article;

(g) A rate schedule setting forth all rates for taxi service and the methodology for computing these rates, consistent with city's then prevailing Master Fee Schedule. A written amended schedule of rates to be charged for the hire of the taxicab may be filed with the city manager; provided, however, that a rate schedule may be amended no more frequently than once every three months;

[(h) A declaration that all vehicles are mechanically sound and contain properly operating taxi meters;]

[(i)]~~(h)~~ Such other and further information as the city manager may require;

[(j)](+) An annual nonprorateable, nonrefundable permit fee including any applicable vehicle inspection or re-inspection fee, as established by resolution of the city council;

[(k)](+) The application shall be under penalty of perjury, and shall not be accepted unless it is clearly filled out in full with all required information and is accompanied by the application fees designated in the Master Fee Resolution for each permit requested.

SECTION 3. 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

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 4. Subsection (j) of Section 9-911 of the Fresno Municipal Code is amended to read:

SECTION 9-911. APPLICATION FOR TAXICAB DRIVER'S PERMIT.

(j) ~~Proof of successful completion of any and all city required taxicab driver training program(s) and/or otherwise demonstrate prior to the issuance of a taxicab driver's permit, [A declaration]~~ that the applicant possesses proficient knowledge of traffic laws of the City of Fresno and of the State of California; proficient knowledge of the streets of the City of Fresno and ability to properly and safely operate a taxicab; and ability to communicate sufficiently in basic English with the general population;

SECTION 5. Section 9-914 of the Fresno Municipal Code is amended to read:

SECTION 9-914. TAXICAB DRIVER TRAINING~~[,]~~ ~~AND TESTING[, AND INSPECTIONS]~~.

~~[(a)]~~ The city manager may from time to time and by rule/regulation promulgated and enforceable hereunder, require driver training and testing through the city or authorized by the city.

~~[(b)]~~ The city, by and through its Utility Billing and Collection Department, may perform random inspections on taxicabs and drivers to determine compliance with this article and with any rules and regulations promulgated by the city manager pursuant to the authority granted in this article. Inspections may be performed in the field, or by sending mailed notice to a permit holder. There shall be no fee for the inspection, however, fines or penalties may be assessed for any violation of this ordinance, any state law, or of any other rule or regulation.]

SECTION 6. Section 9-915 of the Fresno Municipal Code is amended as follows:

SECTION 9-915. RATES OF FARE

(a) The rates of fare to be charged within the City of Fresno to the public for use of taxicabs shall be the same for all taxicabs operated by the permittee, shall be consistent with the Master Fee Schedule requirements, and shall be based upon time and distance traveled.

(b) The Council, by resolution, may establish rates for mileage, drop charges, and waiting time applicable to all taxicabs. This rate shall increase due to changes in the Consumer Price Index.

[(c) Consumers shall be notified of the drop charge and mileage rate in effect at the time the services is contracted and before the initiation of the trip.]

(d) Rates may not be based on the geographic location or neighborhood of the drop off or pick up site, or a consumer's race, sex, religion, age, national origin, or disability.

(e) Permittees may voluntarily offer or negotiate a rate lower than the posted rate.]

SECTION 7. Subsection (a) of Section 9-919 of the Fresno Municipal Code is amended to read:

SECTION 9-919. RULES AND REGULATIONS

(a) The city manager, with the assistance of the controller and the directors of transportation and aviation, may make rules and regulations enforceable hereunder, which are not inconsistent with the provisions of this article and which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article, including

all necessary policies and procedures for the issuance of the permits, administration and enforcement of this article, collection of fees and bonds and/or indemnities, or proof(s) of insurance. [A copy of the rules and regulations then in effect shall be provided to an applicant upon issuance of a permit or renewal of a permit.]

SECTION 8. 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 Doerr [Date]
Chief Assistant City Attorney

KBD:ns [72568ns/kbd] 10/3/16

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

Ordinance No.