

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OAKLEY AMENDING CHAPTER 7 OF TITLE 5
OF THE OAKLEY MUNICIPAL CODE, DEALING
WITH TAXICABS**

The City Council of the City of Oakley does ordain as follows:

Section 1. Chapter 7 of Title 5 of the Oakley Municipal Code is hereby rescinded.

Section 2. Chapter 7 of Title 5 of the Oakley Municipal Code is hereby re-enacted to read as follows:

5.7.002 Taxicab Owner Permit and Driver Permit.

It shall be unlawful for any person to own, operate, or allow to be operated, any taxicab within the City of Oakley without complying with the requirements of this chapter.

5.7.004 Taxicab Owner Permit.

a. It shall be unlawful for any person to own for hire, a taxicab, in the City of Oakley, unless the person has obtained a Taxicab Owner Permit as set forth in this Chapter. No person shall drive a taxicab without a Driver Permit as set forth in Section 5.7.032.

b. The Business License Tax Application as well as the Taxicab Owner Permit Application required by this chapter shall be filed with the Police Chief. The Police Chief shall prescribe the procedures for the process via a checklist. The checklist shall indicate the fees for the process set by resolution of the City Council.

c. A Hold Harmless Agreement (to indemnify, defend and hold the City harmless against any and all liability arising from the operation of the vehicles to be covered by the Owner Permit) will be included in the Taxicab Owners Application.

d. The Police Chief may deny an Owner Permit for any of the following reasons:

- 1) The investigation reveals the applicant falsified information on the application or concealed a material fact or otherwise committed any fraud in the application;
- 2) The applicant does not qualify for a Driver Permit as set forth in Section 5.7.032;
- 3) The applicant does not comply with all provisions of this Chapter and Code;

- 4) The applicant has been convicted of a crime involving moral turpitude or an offense against private property interests, including but not limited to larceny, fraud, and grand theft;
- 5) Any information is developed that would indicate issuance of such permit would not be in the best interest of the City of Oakley.

e. The Police Chief shall act upon such application within 45 days of the submission thereof and shall notify the applicant of his/her decision by depositing notice of such decision in the first-class U.S. mail, postage prepaid or by e-mail, addressed to the applicant, not later than 10 days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Section 5.7.036.

f. An Owner Permit is valid for one year, expiring on June 30th. Renewal shall be requested at least 30 days prior to expiration, via the established application process.

5.7.006 Compliance with Zoning Regulations.

No person shall operate a Taxicab business without compliance with all applicable zoning regulations. No Taxicabs shall be stored at an Oakley residence in public view.

5.7.008 Vehicle Maintenance.

Every taxicab shall have an initial and annual AAA-VIP Safety Inspection indicating that the taxicab in question has successfully passed the safety inspection. It shall be unlawful for any owner or driver to operate, or cause to be operated, any taxicab while the same or any of the equipment used thereon or therewith is in a defective, unsafe, or unsanitary condition. Every taxicab shall at all times be subject to the inspection of any police officer of the City of Oakley.

5.7.010 Identification on Vehicles.

Every taxicab shall have on both sides and the rear of the vehicle, the name of the business and the number assigned to the vehicle by the Chief of Police. The size/placement of such information shall be in proportion and approved by the Chief of Police.

5.7.012 Trip sheets.

a. The driver of each taxicab shall keep a trip sheet of every service rendered which includes the following;

- 1) Name of driver
- 2) Location where passengers were picked up
- 3) Date/time of pickup
- 4) Number of passengers
- 5) Location/time where passengers were dropped off
- 6) Amount of fare collected

b. Trip sheets being maintained by the "on-duty driver" shall be subject to inspection to any police officer. The taxicab owner shall maintain trip sheets in office files for at least one year after the date of service rendered. The owner shall surrender trip sheets to any police officer upon request.

5.7.014 Child Seats.

Every taxicab shall carry a child seat at all times for passengers who are required to be secured in such.

5.7.016 Taxi Meters.

a. All taxicabs operated in the City of Oakley shall be equipped with a taxi meter of such type and design which conform to all applicable state laws and regulations and shall be sealed by the Contra Costa County Sealer of Weights and Measures. The owner of any taxicab shall keep the meter accurate at all times. The taximeter shall be subject to inspection at any time by the Oakley Police Department and/or the County of Contra Costa Sealer of Weights and Measures.

b. After a taximeter has been repaired, adjusted or installed, the owner and/or driver of the taxicab shall have it tested by the County of Contra Costa Sealer before it is placed into service. The City shall have the right to inspect such meters and upon discovery of any inaccuracy, to remove or cause to be removed from service any vehicle equipped with a meter until the meter has been repaired and accurately adjusted.

5.7.018 Charges Visible.

All taximeters shall be visible in the drivers compartment to the passengers at all times, day and night, and after sundown the face of the taximeter shall be illuminated. The charge for any service to all patrons of a taxicab shall be discernible by the passenger riding in any such taxicab.

5.7.020 Rates.

Taxicab rates for trips originating in Oakley will be based on an average of local East Contra Costa County cities.

5.7.022 Rates and Information to be Displayed.

Every taxicab shall have displayed in a conspicuous place in the passenger compartment thereof at all times a sign stating in clearly legible characters the rates of fare charged for carrying passengers therein, the Driver Permit, and Owner Permit including the business name, address and telephone number of such owner furnished by the City of Oakley.

5.7.024 Excessive Charges.

a. No owner, or driver of any taxicab, as set forth in this chapter shall charge, collect, demand, receive or arrange for any rate for such trip in excess of the

amount authorized in accordance with the schedule of rates as posted pursuant to this chapter.

b. The owner or driver who overcharges a taxicab fare shall be liable to the person who hires the vehicle for the difference between the amount of the fare actually charged and the amount of the fare filed in accordance with this chapter.

c. The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.

5.7.026 Failure to Pay Unlawful.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

5.7.028 Route.

Any 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.

5.7.030 Insurance.

All taxicab owners shall submit along with their Owner Permit application, a certificate of insurance as evidence of automobile liability insurance providing bodily injury liability limits of not less than \$100,000 for each person, and \$300,000 for each accident or occurrence, and property damage liability of not less than \$50,000.

5.7.032 Driver Permit.

a. No person shall operate or drive any taxicab within the City of Oakley unless such person has obtained a Driver Permit from the Oakley Police Department. A Driver Permit shall be valid only so long as the named driver remains employed by the taxicab owner for whom the driver was employed at the time the Oakley Police Department issued the permit. A taxicab owner who hires a driver for whom a Driver Permit has been issued within the fiscal year must notify the Oakley Police Department that such driver is now employed by the taxicab owner within 24 hours or the next business day.

b. The Oakley Police Department shall photograph and fingerprint each applicant for a Driver Permit. Oakley Police Department shall keep such photographs and fingerprints on file at the Oakley Police Department.

c. An owner/driver must furnish the Oakley Police Department a DMV DL 939 (10 year record) as part of the process. Prior to issuing a Driver Permit, the Oakley Police Department shall determine whether the applicant has a valid California driver's license and shall review the applicant's driving history.

- d. The Police Chief may deny a Driver Permit for any of the following reasons:
- 1) The investigation reveals the applicant falsified information on the application or concealed a material fact or otherwise committed any fraud in the application;
 - 2) The applicant does not comply with all provisions of this Chapter and Code;
 - 3) The applicant has been convicted of a crime involving moral turpitude or an offense against private property interests including but not limited to larceny, fraud, or grand theft;
 - 4) The applicant's driving history demonstrates that the applicant is not likely to operate a motor vehicle in a safe manner.
 - 5) The applicant's driving record shows a violation point count of 3 or more points in the preceding 12-month period, 4 or more points in the preceding 24 month period, or 5 or more points in the preceding 36-month period;
 - 6) The applicant has been convicted of reckless driving (Vehicle Code Section 23103) during the year preceding;
 - 7) The applicant is under the age of 21 years.
 - 8) Any information is developed that would indicate issuance of such permit would not be in the best interest of the City of Oakley.

e. The Oakley Police Department shall charge a fee for processing each application for a Driver Permit, including the live scan fingerprinting fees. The application fee shall be set by resolution of the City Council. The application fee shall not be refunded.

f. The Police Chief shall act upon such application within 45 days of the submission thereof and shall notify the applicant of his/her decision by depositing notice of such decision in the first-class U.S. mail, e-mail, postage prepaid, addressed to the applicant, not later than 10 days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Section 5.7.036.

g. A Driver Permit is valid for one year, expiring on June 30th every year. Renewal shall be requested at least 30 days prior to expiration via the established application process.

5.7.034 Suspension or Revocation of a Driver Permit.

The Chief of Police, Finance Director, or designee shall have the power to suspend or revoke a Taxicab Driver Permit issued under this chapter, on any grounds stated in this chapter or on any of the following grounds:

a. Suspension, revocation or expiration of the driver's privilege granted by the California Department of Motor Vehicles to operate a motor vehicle on the public highways of the State;

- b. The violation by the driver of any terms, conditions or requirements of this chapter;
- c. Any act or omission of the driver or any fact or condition which, if it existed at the time the application for a Taxicab Driver Permit was filed, would have warranted the denial of the application;
- d. 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 taxicab, within 30 days after the judgment has become final;
- e. The driver consumed drugs or alcohol or is under the influence of drugs or alcohol while on duty or is convicted of a crime relating to drugs or alcohol;
- f. Overcharge of, or the attempt to overcharge, taxicab fares by the driver, as prohibited by Section 5.7.024.
- g. Any information is developed that would indicate suspension or revocation of such permit would be in the best interest of the City of Oakley.

5.7.036 Appeals.

Any person aggrieved by the decision of the City under this chapter may appeal such decision to the City Manager. Such appeal shall be taken by filing a written notice of appeal with the City Clerk within 10 days of the date of the decision to deny or revoke and shall set forth the grounds for the appeal. A failure to file a timely appeal shall render the decision to deny or revoke final. The City Manager shall set a time and place for a hearing on the appeal within 10 days of the filing of the appeal. The City Manager's determination following the hearing shall be in writing and shall be sent to the taxicab owner that the driver is employed with. The decision of the City Manager shall be final and conclusive.

5.7.038 Exceptions.

The provisions of this article shall not apply to the operation of any taxicab or other public motor vehicle merely transporting passengers from a point outside the City to a destination within the City or merely proceeding through the City while en route to a destination outside the City.

Section 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 5. Effective Date.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date