

ORDINANCE 2007-05
AN ORDINANCE OF THE CITY OF LEMOORE ADDING
Chapter 6, Article A, TAXICAB PERMITS
to Title 3 of the Lemoore Municipal Code.

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

SECTION 1. Chapter 6, Article A, is added to Title 3 of the Lemoore Municipal Code to read:

Section 3-6A-1:	TITLE
Section 3-6A-2:	PURPOSE
Section 3-6A-3:	DEFINITIONS
Section 3-6A-4:	TAXICAB VEHICLE AND DRIVER'S PERMITS REQUIRED
Section 3-6A-5:	MEDICAL TRANSPORTATION EXEMPTED
Section 3-6A-6:	APPLICATION FOR TAXICAB VEHICLE PERMIT
Section 3-6A-7:	ISSUANCE/RENEWAL OF TAXICAB VEHICLE PERMIT AND AIRPORT TAXICAB VEHICLE OPERATIONS PERMIT
Section 3-6A-8:	POSTING REQUIREMENTS
Section 3-6A-9:	RADIO DISPATCH
Section 3-6A-10:	ILLUMINATED TOP LIGHT
Section 3-6A-11:	APPLICATION FOR TAXICAB DRIVER'S PERMIT
Section 3-6A-12:	ISSUANCE/RENEWAL OF TAXICAB DRIVER'S PERMIT
Section 3-6A-13:	UNLAWFUL ACTIVITIES
Section 3-6A-14:	LIABILITY INSURANCE
Section 3-6A-15:	GENERAL PROVISIONS REGARDING TAXICAB VEHICLE AND DRIVER PERMITS
Section 3-6A-16:	RULES AND REGULATIONS
Section 3-6A-17:	ENFORCEMENT AUTHORITY
Section 3-6A-18:	SUSPENSION AND REVOCATION
Section 3-6A-19:	EMERGENCY SUSPENSION
Section 3-6A-20:	CITY HELD HARMLESS
Section 3-6A-21:	OTHER REMEDIES NOT PRECLUDED
Section 3-6A-22:	APPEALS

Section 3-6A-1. TITLE. The title of this article shall be "Taxicab Permits."

Section 3-6A-2. PURPOSE.

Regulating the operation of taxicabs is necessary in order to control traffic flow, ensure passenger safety and protect the public health, safety and welfare. This article has been adopted in accordance with the requirements of Government Code Section 53075.5, as amended.

Section 3-6A-3. DEFINITIONS. As used in this article, the following words and terms shall have the meanings ascribed to them in this Section:

DISABLED PERSON: Any person who, by reason of illness, injury, age, medical condition, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected, and shall include ambulatory persons whose capacities are

hindered by sensory disabilities such as blindness or deafness, such mental disabilities as mental retardation or emotional illness, and physical disabilities that still permit the person to walk comfortably, or a combination of these disabilities, and shall also includes a semi-ambulatory person who requires such special aids to travel as canes, crutches, walkers, respirators, or human assistance, and a nonambulatory person who must use wheelchairs or wheelchair-like equipment to travel.

OPERATING TAXICAB IN THE CITY OF LEMOORE: Owning, leasing, advertising, driving, occupying and/or otherwise using a taxicab that at any time transports any passenger or item for compensation from a point within the geographical confines of the City of Lemoore. The vehicle is considered to be operating during the administering of inspections. The term does not include being in control of a vehicle that is physically inoperable.

OWNER: The person whose lawful right of possession of a taxicab has most recently been recorded with the state Department of Motor Vehicles,

PERMITTEE: Any person or entity issued a permit under this article.

TAXICAB: 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. Taxicab shall not include a charter-party carrier of passengers within the meaning of Section 5351 of the Public Utilities Code.

TAXICAB DRIVER'S PERMIT: A permit issued under this article, to a person for the privilege of operating a taxicab.

TAXICAB VEHICLE PERMIT: A taxicab permit issued under this article.

TAXIMETER: Any instrument or device attached to a taxicab, and designed or intended to measure mechanically or electronically the distance traveled by such taxicab, or to record the time said taxicab is in waiting, and to indicate, by figures or designs, the fare to be charged in dollars and cents.

Section 3-6A-4. TAXICAB VEHICLE AND DRIVER'S PERMITS REQUIRED. It shall be unlawful to operate or cause to be operated any taxicab in the City of Lemoore, without a valid taxicab vehicle permit and a valid taxicab driver's permit. A permit shall not be required for a taxicab which is lawfully transporting a passenger from a point outside this city to a destination within this city, or which is en route from a point outside this city to a destination outside this city; provided that a driver of a taxicab without such taxicab permit and driver's permit shall not solicit or accept a passenger or passengers from within this city for transportation to any destination whatsoever.

- A. The act or omission of any permittee's and/or owner's officer, agent, employee or independent contractor, or of any driver whose services are engaged by any of the above, is for all purposes the act or omission of the respective permittee and/or owner operating the transportation services regulated by this article.
- B. The city may adopt a resolution to levy service charges, fees, or assessments in an amount sufficient to pay for the costs of carrying out the requirements of this article.

Section 3-6A-5. MEDICAL TRANSPORTATION EXEMPTED. This article shall not apply to the transportation of disabled persons in specially equipped vehicles, which vehicles cannot ordinarily be used for the transportation of taxicab patrons. Persons operating a service claiming such an exemption shall transport only handicapped or disabled persons and their attendants.

Section 3-6A-6. APPLICATION FOR TAXICAB VEHICLE PERMIT. Any person desiring to secure a taxicab permit shall file an application with the Police Chief. The application 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).

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 Lemoore's business license number, and any other information that the City manager may reasonably require. The Police Chief 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 investigations, 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 article shall immediately so notify the Police Chief 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 vehicle license plate number, and any other vehicle information required by rule or regulation adopted under this article; 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. Proof of liability insurance policy as required by this article.
- F. A rate schedule setting forth all rates for taxi service and the methodology for computing the rate.
- G. Such other and further information as the Police Chief may require.
- H. An annual nonprorateable, nonrefundable permit fee including any applicable vehicle inspection or re-inspection fee, as established by resolution of the City Council.
- I. 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 for each permit requested.

Section 3-6A-7. ISSUANCE/RENEWAL OF TAXICAB VEHICLE PERMIT.

- A. The Police Chief, shall cause an investigation to be made of the facts stated in the taxicab permit application, and shall, within thirty 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 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 involving moral turpitude including whether subject to any sex offender registration requirement, or a conviction of use, possession or sale of a controlled substance.
 - 6. Whether each vehicle and related equipment proposed for use or used as a taxicab has been inspected and approved by a licensed automotive repair facility. Such inspection shall include without limitation the mileage, engine, gears, transmission, brake system, lighting system, seat belts, doors, windshield wipers, radio dispatch system, exhaust and air pollution control system, tires, wheels, and whether each vehicle meets ultra low emission standards of the Air Resources Board.
- B. If the Police Chief makes a finding unfavorable to the applicant, with respect to any of the above factors, the Police Chief 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, and the right to appeal the decision under the City's Administrative Hearing Procedures Ordinance.

- C. Should the Police Chief's report conclude that the applicant meets the requirements of this article, the Police Chief 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 City's Master Users Fee Resolution to be retained to defray the cost of application and investigation processing.
- D. The Police Chief may impose such terms, conditions or restrictions on the taxicab permit as deemed 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. 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 3-6A-8. POSTING REQUIREMENTS.

- A. There shall be displayed in the taxicab passenger compartment in full view of any passenger:
 - 1. A copy of a valid taxicab;
 - 2. A rate schedule; and
 - 3. The register display of the taximeter.
- B. There shall be displayed on each exterior side of the taxicab in full view of prospective passengers in letters not less than two inches in height, the business name and telephone number of the taxicab vehicle permittee.

Section 3-6A-9. RADIO DISPATCH. Every taxicab shall be equipped with a required two-way communications system.

Section 3-6A-10. ILLUMINATED TOP LIGHT. A top light containing light or lights shall be affixed to the roof of every taxicab and shall be illuminated in non-daylight hours when the taxicab is available for hire. The word "taxicab," "taxi," "cab" or the business name of the taxicab owner or other words identifying the vehicle as a taxicab shall be visible on the top light.

Section 3-6A-11. APPLICATION FOR TAXICAB DRIVER'S PERMIT. Any person desiring to secure a taxicab driver's permit shall submit an application to the Police Chief. The application shall be in a form approved by the Police Chief and shall include the following:

- A. The applicant's name, home address, business address, and telephone numbers.
- B. The applicant's age and place of birth.
- C. The date upon which the applicant wishes the permit to be issued.
- D. Identification, including the number, of any previous driver's permit issued to the applicant.

- E. A statement that the applicant has been fingerprinted by the police department and/or Department of Justice Personnel.
- F. Submission of three recent dated portrait photographs, two to be attached to the application, and one to be attached to the driver permit if issued.
- G. A statement of the applicant's criminal convictions including any related sex offender registration requirements, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which applicant was convicted, excluding parking violations.
- H. Type, number, and description of California drivers licenses held by the applicant and date(s) of expiration.
- I. A declaration signed by a taxicab employer that the applicant is employed by or has an offer of employment by that employer to operate a taxicab, or a declaration that the applicant is a self-employed independent driver.
- J. A declaration by a taxicab employer for an applicant who is employed by or has an offer of employment with the employer, or by applicant if applicant is a self-employed independent driver, that applicant has been tested for controlled substances (and alcohol for permit renewal) in accordance with Government Code Section 53075.5 and the results thereof are negative.
- K. All applicants shall take and pass with negative results a controlled substance and/or alcohol test in accordance with Government Code Section 53075.5 as it may be amended or renumbered. Such test shall be taken no more than thirty (30) days preceding the date the application is filed for a new permit or renewal of an expired permit. In the event that an applicant or permittee takes a controlled substance and/or alcohol test with positive results, the employing taxicab operator shall report such results to the City. In the event that a self-employed independent driver takes a controlled substance and/or alcohol test with positive results, the City shall report such results to any taxicab leasing/licensing entity.
- L. If applicant is a self-employed independent driver, test results from the controlled substance (and alcohol for permit renewal) test shall be reported to the City and are to be made a part of the application.
- M. A statement of whether the applicant's state driver license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension.
- N. 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 nonrefundable permit fee designated in the Master Users Fee Resolution.

Section 3-6A-12. ISSUANCE/RENEWAL OF TAXICAB DRIVER'S PERMIT.

- A. The Police Chief shall cause an investigation to be made of the facts stated in the application and shall, within thirty days make a determination.

- B. The Police Chief may deny issuance/renewal of a permit in the event he or she makes a finding adverse to the applicant with respect to any of the above factors including the following grounds:
1. Failure to submit a complete application.
 2. Failure to submit fingerprinting and photographs.
 3. Making a false statement of fact required to be revealed in the permit application.
 4. The applicant has been convicted of a crime involving moral turpitude or a crime substantially related to the qualifications, functions, or duties of a taxicab driver, and the time for appeal has elapsed, or when an order granting parole or probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under Penal Code Section 1203.4. 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).
 5. Refusal or failure to submit to a controlled substance and/or alcohol test required by Government Code Section 53075.5.
 6. Applicant tests positive for any controlled substance or alcohol when tested for controlled substances and/or alcohol in accordance with Government Code Section 53075.5.
 7. Failure to pay application, permit and related fees.
- C. If a permit is denied, the Police Chief shall give the applicant prompt written notice of such decision. The notice shall include a statement of the specific reasons for denial including any complaints received against any applicant currently holding a permit and the right to appeal the decision under the City's Administrative Hearing Procedures Ordinance.
- D. If the Police Chief concludes that the applicant meets the requirements of this article, the Police Chief shall issue the taxicab driver's permit. Any taxicab driver's permit issued/renewed shall be subject to such terms, conditions or restrictions on the taxicab driver permit as the Police Chief deems necessary to provide adequate and dependable service to the public and to protect the use of public streets and facilities, including without limitation the following conditions and requirements:
1. The Police Chief may, upon reasonable cause, require any taxicab driver permittee to take a controlled substance and/or alcohol test in accordance with Government Code Section 53075.5. Such test shall be taken by driver within five days (5) after Police Chief gives notice of the requirement. Notice shall be given to permittee, and to permittee's employer if permittee is not self-employed. Notice shall be deemed effective upon depositing said notice in the U.S. mail first class postage prepaid addressed to the permittee and permittee's employer, if applicable, at the last address on record with the Police Chief. Failure to take the test within the time specified shall result in automatic suspension of the permittee's taxicab driver permit and shall be grounds for revocation of the permit.

2. The applicant's photograph shall be permanently attached to the taxicab driver's permit. The taxicab driver's permit shall be posted in a place conspicuous from the passenger's compartment of the taxicab.

3. All employers shall maintain, and all drivers shall comply with a mandatory controlled substance and alcohol testing certification program. The program shall include, but need not be limited to, all of the following requirements:

A. Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations. Drivers shall test negative for these controlled substances and for alcohol as a condition of permit issuance/renewal and at such other times as the Police Chief shall designate. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

B. Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section.

C. A test in one jurisdiction shall be accepted as meeting the same requirement in any other jurisdiction. Any negative test result shall be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing in that jurisdiction or any other jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

D. In the case of a self-employed independent driver, the test results shall be reported directly to the City, which shall notify the taxicab leasing company of record, if any, of positive results. In all other cases, the results shall be reported directly to the employing transportation operator, who shall be required to notify the City of positive results.

E. All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

F. Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. Employing transportation operators shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an operator may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow up testing.

4. Upon the request of a driver applying for a permit, the City shall give the driver a list of entities certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the City knows offer tests in or near the jurisdiction.

5. No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

E. For purposes of this section, "employment" includes self-employment as an independent driver.

Section 3-6A-13. UNLAWFUL ACTIVITIES.

A. It is unlawful for any person to operate a taxicab for compensation with knowledge that the taxicab, driver, or taximeter is not authorized by a valid permit or that grounds for revocation or suspension of the permit under this article exist.

B. It is unlawful for any taxicab driver or person in the business of operating a taxicab for compensation to do any of the following:

1. Charge an additional type of fee or higher fee other than those fees posted;
2. Transport a greater number of passengers than the rated seat capacity of the taxicab;
3. Fail to answer all calls received in the order of receipt;
4. Refuse, upon request, to give a passenger a written receipt showing the fare due, and the miles and minutes employed;
5. For the primary purpose of obtaining higher fees, drive passengers via indirect or circuitous routes;
6. Refuse to provide service on the basis of the short length of the prospective ride;
7. Fail to display a valid permit, issued pursuant to this article, in the taxicab interior in full view of any passenger;
8. Pick up additional passengers without prior consent of the passenger(s) already in the taxicab;
9. Solicit or carry passengers for compensation in a taxicab not posted in compliance with this article, or not equipped with an operable accurate taximeter;
10. Knowingly fail to report to the taxicab vehicle permittee or authorized agent thereof all property of value left by a passenger in the taxicab within twenty-four (24) hours of discovery of such property;
11. Operate the taxicab for hire without engaging the taxicab meter;
12. Refuse to drive to a destination different from that originally stated;
13. Refuse, upon request, to allow a passenger to disembark at a location different from the originally stated destination;

14. Operate a taxicab for which insurance coverage as required by this article is not in effect; or
 15. Operate a taxicab with an invalid, suspended or revoked driver's license.
- C. Except where credit is extended, any person who shall willfully or fraudulently fail or refuse to pay, at the end of the trip, or the termination or discharge of service, the legal fare for a taxicab that he or she has hired, shall be guilty of a misdemeanor. (Added Ord. 2006-50, § 2, eff. 6-8-06).

Section 3-6A-14. LIABILITY INSURANCE.

- A. No taxicab shall be driven or operated in the City unless the permittee thereof obtains and maintains, at no cost to the City, a motor vehicle liability insurance policy, with coverage limits not less than as prescribed in subsection (b) below, with an insurance company either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) authorized by the City's risk manager.
- B. Such policy shall insure permittee, owner and driver against liability for injury to or death of any person, or damage to property, arising or alleged to have arisen directly or indirectly out of the ownership, maintenance or use of the permitted taxicab. The minimum limits of insurance required hereunder are \$100,000.00 for injury to or death of any one person in any one accident, \$300,000.00 for injury to or death of more than one person in any one accident, and \$100,000.00 for property damage in any one accident.
- C. Such policy shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after thirty (30) calendar day written notice by certified mail, return receipt requested, has been given to city. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, permittee shall furnish the City with a new certificate and applicable endorsements for such policy. In the event the policy is due to expire during the permit period, the permittee shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than fifteen (15) calendar days prior to the expiration date of the expiring policy.
- D. Such policy shall be endorsed to provide that the City, its officers, officials, employees, agents and volunteers are named as additional insureds and that permittee's insurance shall be primary and no contribution shall be required of the City, its officers, officials, employees, agents and volunteers.
- E. Permittee shall furnish the City with the certificate of insurance and applicable endorsements for all required Insurance prior to issuance of the permit.
- F. Permittee shall furnish the City with copies of the actual policy upon the request of risk manager at any time during the life of the permit or any extension, and this requirement shall survive revocation, suspension or expiration of the permit.
- G. Failure to maintain the required insurance for any period of time is a violation of this article and shall be sufficient grounds for suspension, revocation or non-renewal of a permit.

Section 3-6A-15. GENERAL PROVISIONS REGARDING TAXICAB VEHICLE AND DRIVER PERMITS.

- A. All permits issued under this article are enforceable and subject to suspension and revocation in accordance with this article, and are to be exercised only in conformance with any and all rules and regulations promulgated and enforceable hereunder.
- B. All permits issued under this article are personal to the permittee. A permittee shall not permit any right or privileges thereunder to be exercised by another, nor shall any permit or any interest therein or any right or privilege there under be sold, transferred, leased, assigned or otherwise disposed of except as may be provided in this ordinance. A transfer in violation of this subsection shall be ineffective and shall constitute permittee's violation of this article.
- C. Upon the death of any taxicab permittee, the permit may be exercised by the executor or administrator of the deceased permittee's estate during the period of estate administration. The period shall not exceed one year from the permittee's death.
 - 1. A deceased permittee's surviving heir(s) who inherits the permittee's entire taxicab company may apply for the taxicab permit(s) held by decedent permittee.
 - 2. A permittee may sell the taxicab company, or one or more taxicabs, to another current permittee, who may then apply for the taxicab permits held by the selling company.
- D. A permit issued under this article is an annual permit which expires on the following thirtieth day of June, provided, that whenever a taxicab vehicle or driver's permit has been applied for and issued within a period of sixty (60) days before June thirtieth, it shall be valid when issued and may be issued for the next ensuing year. Application for renewal must be received by the Police Chief before expiration of the permit and will require permittee attest to that all information on file remains current and correct and submission of current insurance certificates and other required certifications and declarations, as applicable.
- E. The renewal fee shall be the annual amount designated in the Master Users Fee Resolution and shall be paid at such times designated in the Master Fee Resolution. If any permit is not exercised or is suspended or rescinded, the fee shall not be refunded. The fee required is a permit fee and shall not be deemed to be in lieu of a business tax as required by the provisions of this Code. Prior to the payment of the annual permit renewal fee for a taxicab permit the permittee must submit a valid State of California vehicle registration card.
- F. Late penalty on renewal shall be charged on all applications for renewal received later than ten working days after the expiration date. The amount of such late penalty shall be fixed annually in the Master Users Fee Resolution.

Section 3-6A-16. RULES AND REGULATIONS. The Police Chief, with the approval of the City Manager, may adopt 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 its administration or enforcement.

Section 3-6A-17. ENFORCEMENT AUTHORITY. The Police Chief shall have the authority to enforce the provisions of this article and to arrest any person without a warrant for a violation of this article when committed in his/her presence, to impound any taxicab vehicle(s), and to issue a notice

to appear pursuant to Penal Code Section 836.5. This authority shall be in addition to the authority granted to police officers under this Code.

- A. Each day on which a taxicab vehicle is operated in violation of any provision of this article shall constitute a separate violation.
- B. Each day on which a taxicab driver operates a taxicab in violation of any provision of this article shall constitute a separate violation.

Section 3-6A-18. SUSPENSION AND REVOCATION.

- A. Subject to emergency suspension procedures in Section 3-6A-19, the Police Chief may suspend or revoke a permit issued under this article upon written notice to affected permittee(s) specifying any of the following grounds for the proposed action and a date and place for a hearing thereon:
 - 1. Any of the permit conditions are being violated.
 - 2. The permit is being exercised in violation of this Code or state law.
 - 3. The fact(s) which supported the issuance of the permit no longer exist.
 - 4. The permit is being used for a purpose detrimental to public morals, peace, or order, or is being used for a purpose contrary to that for which the permit was issued.
 - 5. The application contained falsehoods.
 - 6. Any fact or condition exists which, if it had been known to exist at the time of the original application for such permit, reasonably would have warranted the Police Chief in refusing originally to issue the permit.
 - 7. The taxicab or its equipment is in such condition that its operation violates the State Vehicle Code.
 - 8. Transfer or sale of the permit to a vehicle or taximeter other than that identified in the permit application.
 - 9. Failure of the permittee to notify the City of cancellation, expiration, or change of insurance coverage as required by this article.
 - 10. Operation of a taxicab for which the insurance coverage required by this article is not in effect.
 - 11. Submitting a false controlled substance and/or alcohol test declaration or employment declaration. Such suspension or revocation may apply to all taxicab permits in the name of the person, persons or business in whose behalf the declaration is submitted.
 - 12. Allowing an employee without a valid taxicab driver permit to operate a taxicab vehicle for compensation. Such suspension or revocation may apply to all permits in the name of the person, persons or business who allow an employee without a valid taxicab driver permit to operate a taxicab vehicle for compensation.

13. If permittee or permittee's employer submits a false controlled substance and/or alcohol test declaration or employment declaration.
14. Operation of a taxicab in an unsafe manner or any conduct which places any passenger, motorist or pedestrian at unreasonable or unnecessary risk.
- B. Upon written notice by an insurer or verification of cancellation, expiration or change in insurance coverage resulting in noncompliance with this article. A permit shall be automatically suspended effective upon the effective date of the cancellation, expiration, or change in coverage. The suspension shall continue until the earlier of the required insurance coverage being reinstated and the City receives written notice from the insurer indicating compliance with the requirements of this article or permit expiration.
- C. Any taxicab driver permit suspended or revoked for positive results of a controlled substance and/or alcohol test, shall not be reinstated, nor shall a new permit be issued, until the requirements for rehabilitation and return-to-duty in accordance with Government Code Section 53075.5 are satisfied.
- D. Except in the case of an emergency suspension, permit suspension or revocation shall become effective following an opportunity to be heard. The hearing shall be informal and shall provide permittee(s) notice pursuant to this section with the opportunity to present and examine witnesses and documentary evidence and to be represented by counsel. At the hearing any issuance of a written notice of cancellation, expiration or change in coverage by an insurance company shall be conclusive proof at the hearing of the change in the policy so indicated. An unexcused failure by Permittee(s) to appear for hearing shall be deemed acquiescence in the proposed action. The Police Chief, within ten (10) days following the hearing shall mail or otherwise furnish to persons noticed pursuant to this section a written decision stating the grounds for the decision. The decision of the Police Chief may be appealed under the City's Administrative Hearing Procedures.
- E. Any permit suspension shall continue in effect until the earlier of (i) satisfaction of the requirements specified to the end of the suspension period or (ii) expiration of any period of suspension as may be specified therein. The permit holder may not exercise the permit at any time during the suspension period unless expressly allowed under this Code.
- F. A suspended or revoked permit may not be renewed.

Section 3-6A-19. EMERGENCY SUSPENSION.

- A. In addition to a Notice of Suspension or Revocation under Section 3-6A-18 thereto the Police Chief may issue a notice for emergency suspension of a taxicab permit and/or a taxicab driver's permit for a period not exceeding twenty (20) days without having conducted a hearing therefor, upon a determination that the continued use of the permit will cause immediate hazard to the public safety, health or welfare. Such a notice shall also contain a notice of the hearing setting forth the date, time and place of the hearing.

- B. Within ten (10) days of the effective date of the order, the Police Chief shall hold a hearing to allow the affected permittee(s) to show cause why the permit should not be suspended or revoked. The Police Chief, within ten days following the hearing shall mail or otherwise furnish to persons noticed pursuant to this section a written decision, stating the grounds for the decision.
- C. Any permit suspension by the Police Chief following hearing shall continue in effect until the earlier of (i) satisfaction of the requirements specified to the end the suspension period, or (ii) expiration of any period of suspension as may be specified therein.
- D. The decision of the Police Chief may be appealed under the City's Administrative Hearing Procedure Ordinance, provided such an appeal shall not stay the effectiveness of the decision of the Police Chief. The permit holder may not exercise the permit at any time during the suspension period unless expressly allowed under this Code.
- E. A permit suspended on an emergency basis may not be renewed.

Section 3-6A-20. CITY HELD HARMLESS. A permittee under this article shall, and by acceptance of his permit does, agree to indemnify, defend and hold the City, its officers, employees and agents free and harmless from any and all claims, costs, liability, damages or expenses, including costs of suit and fees, including attorneys' fees, arising out of or related to the permittee's acts, omissions and/or operations thereunder, except for that liability caused by the sole negligence of the City. The foregoing is not intended to and shall not be construed to limit any responsibility or liability to which the permittee may be subjected under other laws.

Section 3-6A-21. OTHER REMEDIES NOT PRECLUDED. Any remedy provided under this article is cumulative to any other remedy provided in equity or at law. Nothing in this article shall be deemed to limit the right of the City to bring a civil or criminal action against any person who violates this article; nor shall any conviction for such violation exempt any person from a civil action brought by the City or its authorized collection agent(s).

Section 3-6A-22. APPEALS. Unless otherwise expressly provided by this Code, any person adversely and directly affected by any determination made or action taken by the Police Chief pursuant to the provisions of this article may file an administrative appeal under the City's Administrative Hearing Procedures. If no appeal is filed within the time prescribed, the determination or action of the Police Chief shall be final.

SECTION 2. The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation published and circulated by the City of Lemoore, within 15 days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the June 5, 2007 meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall become effective 30 days after its adoption.

* * * * *

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Lemoore held May 15, 2007, and was passed and adopted at a regular meeting of the City Council held in _____ by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Approved:

John F. Murray, Mayor

ATTEST:

Nanci C. O, Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS)
CITY OF LEMOORE)

I, Nanci C. O. LIMA, City Clerk of the City of Lemoore, do hereby certify the foregoing Ordinance was duly introduced at a Regular Meeting of the city Council of the City of Lemoore held on the 15th day of May, 2007 an passed and adopted at a Regular Meeting of the City Council held on the ___ day of ____, 2007.

DATED: _____

Nanci C. O. Lima, City Clerk

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