

## ORDINANCE 2004-11

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING TITLE 5 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE REGARDING POLICIES AND PROCEDURES RELATED TO THE PERMITTING OF VEHICLES FOR HIRE/TAXI SERVICES

**WHEREAS**, the Municipal Code currently does not contain comprehensive policies and procedures for the permitting of vehicles for hire/taxi services, and

**WHEREAS**, a permitting process is needed to evaluate the suitability of individuals wishing to operate a taxi business and/or to drive a taxi vehicle, and

**WHEREAS**, the City of American Canyon desires to establish policies and procedures related to the permitting of vehicles for hire/taxi services, and

**WHEREAS**, this Ordinance is exempt from review under the California Environmental Quality Act under the exemption for "the institution or increase of passenger or commuter services on rail or highway right-of-way already in use..." Pub Res. Code § 21080 (b) (10); Napa Valley Wine Train, Inc. v. Public Utilities Commission (1990) 50 Cal.3d 370.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THE FOLLOWING:**

**SECTION 1:** Title 5 of the City Code, "Business Licenses and Regulations", shall be amended by adding the following:

#### **Definitions.**

As used in this chapter:

"Driver" means every person in charge or control of any vehicle for hire as the driver thereof.

"Owner" means every person owning or controlling any vehicle for hire.

"Taximeter" means an instrument or device attached to a public passenger vehicle for hire by means of which instrument or device the charge authorized for hire of such vehicle is mechanically calculated either on a basis of distance traveled or for waiting time, or a combination thereof, which charge shall be indicated upon such taximeter by means of figures in dollars and cents; and every taximeter shall be installed in such a manner as to permit the passenger to see the amount of the fare as the same is registered.

"Vehicle for hire" means a motor vehicle operated for hire in the transportation of a person or persons over the public streets of the City at a rate per mile or for waiting time, or a combination thereof, operating not over a defined route but as to route and destination in accordance with and under the direction of the person or persons hiring

**Ordinance 2004-11**  
**Permitting of vehicles for hire/taxi services**  
**Page 2**

such vehicle, irrespective of whether such operation extends beyond the corporate limits of the City; said definition, however, shall not include ambulances.

**Permit required.**

It shall be unlawful for any owner or driver to operate and for any owner to permit the operation of any vehicle for hire in the City unless both the owner and driver of said vehicle shall have obtained a written permit to do so as herein provided and have paid any license fee required by Section 5.04.410 of this title.

**Permit—Application required—Contents.**

Application for a vehicle for hire permit shall be made to the City and shall contain the following information with respect to the applicant:

- A. A statement of whether applicant is the owner or driver, or both of a vehicle(s) for hire;
- B. Applicant's name, address, age and whether he/she is a citizen;
- C. Applicant's past experience in operating motor vehicles and names and addresses of his/her employers during the preceding three years;
- D. The number and type of existing driving licenses issued to applicant by the state Department of Motor Vehicles;
- E. Whether or not a license, issued up to applicant by said department, or any other governmental agency, has ever been revoked;
- F. A list of all crimes of which applicant has been convicted including misdemeanor traffic violations;
- G. If applicant is a driver, the name and address of the owner or the owners by whom he/she will be employed; and if the applicant is an owner, then the name and address of all drives whom he/she employs within the City;
- H. Number, kind, type and condition of vehicles to be operated;
- I. Location of off-street parking stands;
- J. The financial responsibility of the applicant and likelihood of the proposed service being permanent, responsible and satisfactory;
- K. Any additional information which may be required.

**Application under oath – False statements.**

It shall be unlawful for an owner or driver to make any false or misleading statement in said application.

**Application fee.**

Applicable application and fingerprinting fees shall be paid by each applicant at the time of submitting an application for a permit under this chapter.

**Business License Application Fees and Taxes**

Applicable Business License Application Fees and Business License Taxes shall

**Ordinance 2004-11**  
**Permitting of vehicles for hire/taxi services**  
**Page 3**

be paid by owner applicants at the time of submitting an application for a permit under this chapter.

**Fingerprinting and photographing applicant.**

All applicants shall be fingerprinted and shall furnish with their application two recent photographs, size one and one-half inches by one and one-half inches, one to be filed with the application and one to be securely attached to the permit if applicant qualifies for the issuance thereof.

**Consideration, action on application/vehicle for hire by Police Chief.**

- A. The Police Chief shall set a hearing for the vehicle for hire "owner" application, and shall give five days written notice of said hearing to all existing licensed vehicle for hire businesses in this City. The Police Chief shall hear such application and all interested parties, and, if in his/her determination, granting the permit to such applicant would be for the public convenience and in the best interests of this City and its inhabitants, then the Police Chief may grant such permit. Upon the granting of such permit applicant shall pay all license fees required by the City, and conform to all the regulations of this code and laws relative to the operations of vehicles for hire in this City. If a permit is granted the applicant, the Police Chief shall issue a nontransferable permit upon such form as he/she may prescribe. Said permit will also enable the "owner" to be a "driver" of said vehicles.
- B. The Police Chief shall consider each vehicle for hire "driver" application. If the Police Chief finds that there are no grounds to deny said application, the Police Chief shall issue a permit to drive on such form as he/she may prescribe.

**Grounds for permit denial.**

A permit may be denied any "driver" applicant or "owner" applicant on the following grounds:

1. If the applicant is under the age of twenty-one years;
2. If the applicant has been convicted of a felony;
3. If the applicant has been convicted in a court of competent jurisdiction of an offense involving lewd conduct; or an offense involving the use of force and violence upon the person of another, or a crime requiring regulation under Section 290 of the state Penal Code, or of any violation of Sections 311 through 311.7, 314, 315, 316, 318 or 647(a), (b) or (d) of the state Penal Code;
4. If the applicant has been convicted of either driving a vehicle upon the highway while under the influence of intoxicating liquors or narcotic drugs, or reckless driving, or is otherwise unfit to operate a vehicle for hire, either as an owner or as a driver;

**Ordinance 2004-11**

**Permitting of vehicles for hire/taxi services**

**Page 4**

5. If the applicant has knowingly and with intent to deceive made any false, misleading or fraudulent statement of facts in the permit application or in any other document required by the City in conjunction therewith;
6. If the owner applicant is unable to prove that they are covered by an appropriate and required insurance policy;
7. Applicant's character and reputation are such as to class him/her in the sound discretion of the Police Chief as morally unfit to operate a vehicle for hire, as an owner or a driver;
8. If the required findings cannot be made.
9. For any other reason which the Police Chief, in the exercise of sound discretion, considers sufficient grounds for denial of a permit.

**Appeal to Council.**

- A. Any interested person may appeal the decision of the Police Chief under this chapter to the Council. Such appeal shall be taken by filing with the City Clerk a written statement of the grounds for appeal no later than fourteen days after notice of the decision of permit denial, suspension, alteration, or revocation has been given.
- B. The City Clerk shall set the appeal for hearing before the Council and shall give five days written notice of said hearing to the applicant. In the event that the appeal is relative to an "owner" application, notice shall also be given to all existing licensed vehicle for hire businesses in the City. The Council shall hear all interested parties and, if in its determination, public convenience requires the granting of the permit and that the granting of the permit to the applicant would be in the best interests of this City and its inhabitants, the Council shall grant such permit. The Council may deny a permit to any applicant on the grounds set forth in the previous Section.

**Permit duration.**

During the month of January each year, drivers shall submit a current California Department of Motor Vehicles driving record report for review. A permit issued under this chapter shall continue in effect until suspended or revoked.

**Driver to carry permit.**

When a driver has obtained a permit, the driver must carry it upon his/her person at all times while he/she is driving a vehicle for hire in the City.

**Permit suspension, alteration, revocation.**

The Police Chief may at any time after a hearing, suspend, alter, amend or revoke any permit or license upon any of the grounds on which he/she might have denied a permit in the first instance.

**Ordinance 2004-11**  
**Permitting of vehicles for hire/taxi services**  
**Page 5**

**Notice of changes in conditions.**

If the holder of a permit is an owner, he/she shall notify the Police Chief in writing of all changes in the personnel of his/her drivers; and if such holder is a driver, he/she shall notify the Police Chief in writing, of any changes of the owner for whom he/she is driving. Failure to comply with this requirement within two days of such change shall constitute an additional ground for revocation of a permit.

**Financial responsibility.**

- A. Every owner of a vehicle used in the transportation of passengers for hire, including vehicles for hire, shall maintain a public carrier liability insurance policy issued by an insurance company authorized/admitted to do business in California with minimum limits of one million dollars (\$1,000,000.00) single limit for bodily injury and property damage naming the City of American Canyon as an additional insured. Every such policy of insurance shall continue to the full amount thereof, notwithstanding any recovery thereon, and the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured.
- B. The insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than thirty days written notice, to the Finance Department and to the assured, before any cancellation or termination thereof earlier than its expiration date. The expiration, cancellation or other termination of any such policy shall automatically revoke and terminate the vehicle for hire permit covered by such policy, unless another insurance policy complying with the provisions of this section is provided and in effect at the time of such expiration, cancellation or termination.

**Taximeter required for certain rentals.**

Every vehicle for hire with a rate based on mileage and time of less than a one-hour increment shall be equipped with a taximeter.

**SECTION 2:** The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and enforceable.


**SECTION 3:** A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage and shall become effective thirty (30) days after the date of its adoption.

**SECTION 4:** The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of American Canyon, State of California, held on

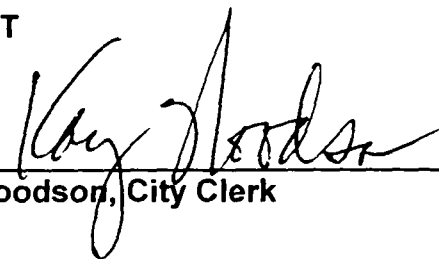
**Ordinance 2004-11**  
**Permitting of vehicles for hire/taxi services**  
**Page 6**

the 5<sup>th</sup> day of August 2004, and approved and adopted at a regular meeting on the 19<sup>th</sup> day of August 2004, by the following vote:

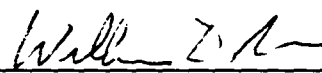
<b>AYES:</b>	<b>Luporini, Shaver, Anderson, Colcleaser, Garcia</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

  
\_\_\_\_\_  
**Lori Luporini, Mayor**

**ATTEST**

  
\_\_\_\_\_  
**Kay Woodson, City Clerk**

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**William D. Ross, City Attorney**