

ORDINANCE NO. 657 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES CONCERNING TAXICABS

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DO ORDAIN AS FOLLOWS:

**SECTION 1:** That Chapter 5.40 of the El Paso de Robles Municipal Code is hereby repealed.

**SECTION 2:** That Chapter 5.40 is hereby added to the El Paso de Robles Municipal Code as follows:

CHAPTER 5.40

TAXICABS

Sections:

- 5.40.010 Definitions.
- 5.40.020 Permit Required.
- 5.40.030 Permit, Application Required; Contents.
- 5.40.040 Application Under Oath; False Statements.
- 5.40.050 Application Fee.
- 5.40.060 Fingerprinting, Photographing Applicant.
- 5.40.070 Consideration, Action on Application/Vehicle for Hire by Police Chief.
- 5.40.080 Grounds for Permit Denial.
- 5.40.090 Appeal to the Council.
- 5.40.100 Permit Duration.
- 5.40.110 Driver to Carry Permit.
- 5.40.120 Permit Suspension, Alteration, Revocation.
- 5.40.130 Notice of Changes in Conditions.
- 5.40.140 Temporary Permit Authorized; Form.
- 5.40.150 Financial Responsibility.
- 5.40.160 Taximeter Required Rental.
- 5.40.170 Reserved.

Section 5.40.010. Definitions.

(a) "Driver." As used in this Article, "driver" shall mean every person in charge or control of any vehicle for hire as the driver thereof.

(b) "Owner." As used in this Article, "owner" shall mean every person owning or controlling any vehicle for hire.

(c) "Vehicle for Hire." As used in this Article, "vehicle for hire" shall mean 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 director of the person or persons hiring such vehicle, irrespective of whether such operation extends beyond the corporate limits of the City; said definition, however, shall not include ambulances.

(d) "Taximeter." As used in this Article, "taximeter" shall mean 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 travelled 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

ABJ649

installed in such a manner as to permit the passenger to see the amount of the fare as the same is registered.

Section 5.40.020. 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 5.40.050 of this Code.

Section 5.40.030. Permit, Application Required; Contents.

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

- (a) A statement of whether he is the owner or driver, or both, of a vehicle(s) for hire.
- (b) His name, address, age and whether he is a citizen.
- (c) His past experience in operating motor vehicles and names and addresses of his employers during the preceding three (3) years.
- (d) The number of the existing chauffeur's license issued to him by the State Department of Motor Vehicles.
- (e) Whether or not a chauffeur's license, issued to him by said department, or any other governmental agency, has ever been revoked.
- (f) A list of all crimes of which he has been convicted other than minor traffic violations.
- (g) If applicant is a driver, then the name and address of the owner or owners by whom he will be employed; and if the applicant is an owner, then the name and address of all drivers whom he 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.

Section 5.40.040. Application Under Oath; False Statements.

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

Section 5.40.050. 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 Article.

Section 5.40.060. Fingerprinting, Photographing Applicant.

All applicants shall be fingerprinted by the Police Department and shall furnish with their application two (2) recent photographs, size one and one-half (1 1/2) inches by one and one-half (1 1/2) inches, one to be filed with the application and one to be securely attached to the permit if applicant qualifies for the issuance thereof.

Section 5.40.070. Consideration, Action on Application/Vehicle for Hire by Police Chief.

(a) The City Clerk shall set the vehicle for hire "owner" application for hearing before the Police Chief, and shall give five (5) 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 determination, public convenience requires the granting of the permit to such applicant and would be for the best interests of this City and its inhabitants, the Police Chief may grant such a permit. Upon the granting of such permit, applicant shall pay all license fees as may be established by resolution of the Council 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 may prescribe. Said permit will also enable the "owner" to be a "driver" of said vehicles.

(b) The City Clerk shall forward the vehicle for hire "driver" application to the Police Chief. 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 may prescribe.

Section 5.40.080. Grounds for Permit Denial.

(a) A permit may be denied any "driver" applicant on the following grounds:

- (1) If a driver is under the age of twenty-one (21) years.
- (2) If the applicant is not a citizen of the United States or has not lawfully declared his intention to become a citizen.
- (3) If the applicant has been convicted of a felony.
- (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.
- (5) That the required findings cannot be made.
- (6) For any other reason which the Police Chief, in the exercise of sound discretion, considers sufficient grounds for denial of a permit.

(b) A permit may be denied any "owner" applicant on the following grounds:

- (1) If the applicant is not a citizen of the United States or has not lawfully declared his intention to become a citizen.
- (2) If the applicant has been convicted in a court of completed 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.

(3) 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.

(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.

(5) If the required findings cannot be made.

(6) For any other reason which the Police Chief, in the exercise of sound discretion, considers sufficient grounds for denial of a permit.

Section 5.40.090. Appeal to the 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 written fourteen (14) days after notice of the decision of permit approval, 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 (5) 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 require the granting of the permit and that the granting of the permit to the applicant would be in the best interests of its 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 Section 5.40.080.

Section 5.40.100. Permit Duration.

A permit issued under this Chapter shall continue in effect until suspended or revoked.

Section 5.40.110. Driver to Carry Permit.

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

Section 5.40.120. Permit Suspension, Alteration, Revocation.

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

Section 5.40.130. Notice of Changes in Conditions.

If the holder of a permit is an owner, he shall notify the Police Chief in writing of all changes in the personnel of his drivers: and if such holder is a driver, he shall notify the Police Chief in writing, of any changes of the owner for whom he is driving. Failure to comply with this requirement within two (2) days of such change shall constitute an additional ground for revocation of a permit.

Section 5.40.140. Temporary Permit Authorized; Form.

Pending investigation and issuance of a permit for the engaging in the business of operating motor vehicles for hire and the employment of persons to operate the same, the Police

Chief is authorized and delegated to issue a temporary thirty (30) day permit for the operation of such business and the employment of drivers.

Section 5.40.150. Financial Responsibility.

(a) Every owner of a vehicle used in the transportation of passengers for hire, including vehicles for hire, shall provide and maintain a policy of General and Automobile Public Liability insurance with minimum limits of One Million Dollars (\$1,000,000) combined single limit for bodily injury and property damage naming the City of Paso Robles as an additional insured.

(b) A Certificate of Insurance as evidence of said insurance policy shall be submitted to the Finance Department at the time an application for a business license is submitted in the City of Paso Robles, or at the time of renewal of the business license, and shall provide that the City shall receive thirty (30) days advanced written notice in the event of cancellation or modification.

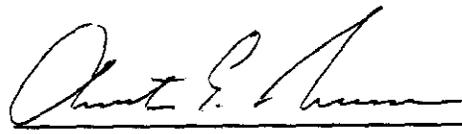
Section 5.40.160. Taximeter Required Rental.

Every vehicle for hire with a rate based on mileage and time less than one (1) hour increment shall be equipped with a taximeter.

**SECTION 3.** This Ordinance shall become effective and be in full force and effect thirty (30) days after its passage, and within fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation in the County of San Luis Obispo.

**INTRODUCED** at a regular meeting of the City Council held on the 15th day of June 1993, and **PASSED** and **ADOPTED** by the City Council on June 15, 1993, on the following roll call vote, to wit:

- AYES: Heggarty, Macklin, Martin, Picanco, and Iversen
- NOES: None
- ABSENT: None

  
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 Mayor, Christian E. Iversen

ATTEST:

  
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 City Clerk, Richard J. Ramirez

APPROVED AS TO FORM:

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 ROGER PICQUET  
 City Attorney

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