

ORDINANCE 711-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT AMENDING THE
TAFT MUNICIPAL CODE.

The City Council of the City of Taft does hereby ordain that the Municipal Code of the City of Taft is amended to read as follows and all sections renumbered accordingly:

Title IV, Chapter 2, Section 28, subsection A:

4-2-28: **FLAT-RATE BUSINESS CLASSIFICATION AND FEES:**

(A) Every person transacting and carrying on the business enumerated in the Section shall pay a business license fee as follows:

23. Taxicab: The license fee for operation of a taxi service is forty dollars (\$40.00) per vehicle per year.

(a) The fee for a Driver's Permit as required pursuant to 4-19-28(B) of this code is fifteen dollars (\$15.00).

(b) The fee to renew a Driver's Permit, required pursuant to 4-19-28(H) of this code is five dollars (\$5.00).

(c) The fee for the transfer, to another Carrier, of any Driver's Permit, required pursuant to 4-19-28(I) of this code is five dollars (\$5.00).

(d) The fee for a duplicate of any Driver's Permit pursuant to 4-19-28(J) of this code is five dollars (\$5.00).

CITY OF TAFT
LICENSE APPLICATION
TAXI CAB DRIVER'S PERMIT

FOR OFFICIAL USE ONLY

Type of License: _____ Date Submitted: _____
Taft Police Dept. # _____ Business License # _____

APPLICANT: _____
Last First Middle

City: _____ Zip Code _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Age: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Drivers License Number: _____ State: _____

Social Security Number: _____ - _____ - _____

TAXI BUSINESS NAME

Business Name: _____

Address: _____

Name of Owner: _____ Phone Number: _____

I have obtained and read the requirements of the City of Taft contained in Title IV Chapter 19 of the Taft Municipal Code (TAXICABS). A copy of the ordinance was provided to me with this application.

I certify under penalty of perjury that the foregoing, including statements contained in the attached application, are true and correct.

Executed on: _____ 20____, at _____, California.

Signature: _____

FOR OFFICIAL USE ONLY

Approval / Denial _____
Police Department

Date Issued: _____

Aliases, or other names used by the applicant:

Dates Used

NAME

FROM

TO

Prior Residence Addresses and Dates for the past three years:

The business, occupation or employment of the applicant for the past 3 years with dates and addresses:

MESSAGE OR SIMILAR BUSINESS OR EMPLOYMENT HISTORY: Have you previously been employed in a massage establishment or school of massage in this or any other city or state:

Yes _____ No _____ If yes, complete the following:

BUSINESS/OCCUPATION

ADDRESS

PHONE

FROM

TO

Have you ever had a license or permit suspended or revoked for such business or employment?

Yes _____ No _____ If yes, When: _____

If yes checked above, specify which business or employment and give the reason for said revocation of suspension.

ORDINANCE 710-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT REGULATING THE BUSINESS OF TAXICABS

The City Council of the City of Taft does hereby ordain that Chapter 19 is added to Title IV of the Municipal Code of the City of Taft to regulate the business of Taxicabs in the City.

CHAPTER 19

TAXICABS

SECTION:

- 4-19-1: Definitions
- 4-19-2: Permit-Required-Exceptions
- 4-19-3: Permit-Petition-Requirements-Investigations and Issuance
- 4-19-4: Permit-Additional or Substitute
- 4-19-5: Permit-Revocation, suspension and cancellation-Notice-Hearing
- 4-19-6: Permit-Appeal hearing
- 4-19-7: Permit entitles holder to license
- 4-19-8: Insurance
- 4-19-9: Vehicle Identification
- 4-19-10: Advertising on
- 4-19-11: Numbers
- 4-19-12: Identity lights
- 4-19-13: Vehicle equipment-Inspection
- 4-19-14: Taximeter-Operation, placement, flag and charges
- 4-19-15: Receipts given upon request
- 4-19-16: Trip sheets-Driver's report
- 4-19-17: Route-Passenger limit in taxicabs
- 4-19-18: Availability of service
- 4-19-19: Cruising or stopping to solicit passengers-Loading
- 4-19-20: Establishment of rates
- 4-19-21: Waiting Time
- 4-19-22: Charging other than established fares prohibited
- 4-19-23: Display of rates
- 4-19-24: Refusal to pay fare
- 4-19-25: Carrier responsibility requiring operation by permit holder
- 4-19-26: Carrier compliance required
- 4-19-27: Employment of drivers
- 4-19-28: Driver's permit-Application-Fee-Age restrictions-Expiration-Renewal-Change of carrier-Duplicates
- 4-19-29: Driver's permit-Revocation or suspension-Appeal Hearing
- 4-19-30: Taxistands-Permit-Standing restrictions
- 4-19-31: Non-liability

4-19-1: **Definitions:** For the purpose of this chapter the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended.

CARRIER Means and includes every person, corporation, partnership, joint venture or other form of business organization, their lessees, receivers or trustee, engaged in operating for hire, taxicabs as defined in subsection C of this section.

DRIVER Means and includes every person driving, operating, or in charge of any vehicle as defined by this section as a taxicab.

TAXICAB Means and includes every vehicle used for the transportation of passengers over the streets of the city, but not over defined routes, at rates for distance traveled, or for waiting time, or for both, the charge to patrons being determined and indicated by the mechanical calculation of a taximeter as defined in subsection D of this section.

TAXIMETER Means and includes a mechanical instrument, or device, by which the charge for hire of a taxicab is mechanically calculated, either for distance traveled, or for waiting time, or for both, and upon which such charge is plainly registered by means of figures, indicating dollars and cents.

TAXISTAND Means a place on a public street designated by the city for the use, while awaiting employment, of any vehicle covered by this chapter.

4-19-2: **Permit-Required-Exceptions:** Except as provided herein, no person shall drive, operate, or cause to be operated, nor shall any person employ, permit, or allow another to drive, operate, or cause to be operated, any vehicle covered by this chapter over any street of the city for the purpose of transporting a passenger, or passengers, for compensation, regardless of whether such operation extends beyond the boundary limits of the city, without a permit first obtained from the city authorizing such operation. Said permit shall be in the immediate possession of every taxicab driver while operating a taxicab and shall be visible to all passengers within a taxicab. Exceptions to this section are as follows:

- A. A vehicle which is lawfully transporting a passenger or passengers from a point outside Taft city limits, to a destination within city limits, or is en route through this city to destination outside the city; provided, that no such vehicle shall, without such permit, solicit or accept a passenger, or passengers, from within Taft city limits for transportation to any destination whatsoever.
- B. A vehicle being operated pursuant to a franchise issued by the City, pursuant to authority of the Public Utilities Commission of the state, or pursuant to regulations of the Interstate Commerce Commission, unless authorized by law.
- C. A vehicle being operated for the purpose of transporting bona fide pupils attending an institution of learning between their homes and such institutions.

4-19-3 **Permit-Petition-Requirements-Investigations and Issuance:**

- A. Any person desiring a permit to operate vehicles covered by this chapter shall file a petition with the

City. Such petition shall be verified by oath of the applicant, if a natural person; or by oath of an officer or partner of the applicant, if the applicant is a corporation, partnership, association or unincorporated company, and which petition shall set forth the name, age and address of the petitioner, of a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The petition shall also state the trade name or style, if any, under which the applicant proposes operations and the manner in which such proposed operations are to be conducted, the type, model, capacity and condition of the vehicles proposed to be operated, a full statement of the petitioner's assets and liabilities, and such other additional information as the City Manager may require.

- B. The City shall, upon receipt of such petition, make full and complete inquiry into the facts set forth therein and shall either grant or deny the permit. Such permit shall be for a specified number of vehicles, which shall only be increased by authority of the City Manager.

Such permit may, at the pleasure of the City, be for a prescribed period or for an indefinite period; provided, that in either event, the permit shall contain a clause authorizing its revocation, or suspension, in accordance with the ordinances of the City either in effect at the date of granting the permit or thereafter adopted. When issued, such permit shall constitute evidence of compliance with the terms of this chapter and shall authorize the permittee to operate vehicles under the conditions therein specified; subject, however, to the requirements, obligations and limitations imposed by the other applicable law, ordinances and orders of the City Manager, and shall become effective only upon payment of the fees required by the provisions of the license ordinance of the City.

4-19-4: Permit-Additional or substitute:

- A. Any person holding a permit to operate one or more vehicles covered by this chapter, or who desires to add to the number of Taxistands to be occupied, shall do so only upon obtaining from the City permission, which shall be granted only upon application made in the same manner and under the same proceedings as are required in this chapter for obtaining the original permit.
- B. Any owner holding a permit to operate one or more vehicles covered by this chapter, who desires to substitute a different vehicle for a vehicle operating under such permit shall do so only upon obtaining from the City permission there for, which shall be granted only upon the written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this chapter. The City shall have the same authority in granting or denying such application for permission to add or substitute as is vested in this chapter in the matter of original applications, and the applicant shall have the same right for review of such decisions as set out in this chapter.

4-19-5: Permit-Revocation, suspension and cancellation-Notice-Hearing:

- A. The City Manager shall have the power to suspend any carrier permit for a period of time not longer than five days, or to revoke any or all of the carrier permits granted under the provisions of this chapter when he/she has determined that of the provisions of this chapter have been violated, or that any holder of such a permit has failed to comply with the terms of the such permit or the rules and regulations of the City pertaining to the operation, and to the extent, character and quality of the service, of any such

vehicles. Before revocation of such permit the carrier shall be entitled to a hearing before the City Manager, and shall be notified.

- B. Notice of hearing on such revocation, shall be in writing and served upon the holder of such permit or its manager, or agent, which notice shall state the grounds of complaint against the holder of such permit and shall also state the time when, and the place where, such hearing will be held; the hearing shall in no event be later than five days from the date of such notice. In the event the holder of such permit cannot be found, or service of such notice cannot be made upon it, or him, in the manner provided in this chapter, then a copy of such notice shall be mailed, postage fully prepaid, addressed to such carrier at his or its last known address.

4-19-6: Permit-Appeal hearing:

- A. Should any applicant or applicants be dissatisfied with the decision of the City Manager not to grant a permit or for the revocation of a permit, then such applicant may make written objection to the Taft City Council setting forth the ground for dissatisfaction, whereupon the City Council shall hear such objections at its next regular meeting, giving written notice thereof to such applicant, and upon such hearing may sustain, suspend or overrule the decision of the City Manager, which such decision shall be final and conclusive.
- B. Pending the hearing before the City Council, the decision of the City Manager shall remain in full force and effect and any reversal by the City Council shall not be retroactive but shall take effect as of the date of the City Council's decision.

4-19-7: Permit entitles holder to license: The permits mentioned in this chapter shall entitle the holder thereof to obtain licenses to engage in the business described in such permits upon payment of the required license fees, providing the holder of such permits complies with all other terms and conditions applicable thereto contained in other laws and ordinances.

4-19-8: Insurance:

- A. It is unlawful for an owner or driver to operate a taxicab unless there is in full force and effect a policy of insurance whereby the owner and driver of each taxicab operated within the City are insured against liability for damage to property and for injury to or death of any person as a result of the ownership, operation or any use thereof. The minimum liability limits upon each such vehicle shall be subject to the approval of the City Manager and City Attorney. Such policy of insurance shall also contain an endorsement providing that the policy shall not be canceled or materially modified until notice in writing has been given to the City, addressed to the risk manager of the City of Taft, at least thirty days immediately prior to the time such cancellation or material modification becomes effective. Furthermore, such policy of insurance shall name the City, its mayor, and its officers, agents and employees as additional named insureds. Additionally, a vehicle owner and driver shall indemnify, defend and hold harmless the City, its mayor, officers, agents and employees from claims arising from or alleged to arise from the operation of the vehicle owner or driver.
- B. The motor vehicle liability policy shall inure to the benefit of any and all persons suffering loss or damage, either to person or property, as provided in this chapter, and the liability of the insurance carrier

shall be in no manner abrogated or abated by the death of the tort feisor and/or the owner. The motor vehicle liability insurance shall be a continuing liability up to the full amount thereof notwithstanding any recovery thereon, and the policy shall so certify.

- C. The policy and policy amounts shall be subject to the approval of the City Manager and City attorney.
- D. In addition to liability insurance, an owner or carrier shall also provide proof of worker's compensation insurance to City Manager, if applicable.
- E. If, at any time, the policy of insurance required under this chapter is canceled or materially modified by the company issuing the same, the owner shall, within ten days of notice of such cancellation or modification, replace such policy with another policy satisfactory to the City Manager and City attorney. Failure to maintain the minimum levels and standards of required insurance for any period of time is a violation of this chapter and shall be sufficient grounds for suspension, revocation or nonrenewal of a permit.

4-19-9: Vehicle Identification:

- (A) No permit shall be granted to any carrier to operate any vehicle covered by this chapter whose color scheme, name, trade name, monogram or insignia is in conflict with, or in imitation of, any color scheme name, trade name, monogram or insignia used by any other carrier as defined in subsection A of Section 4-19-1, and which shall be of such character and nature as to be misleading or deceptive to the public.
- (B) All color schemes or changes in color scheme shall be approved by the City Manager prior to a carrier conducting business under this chapter.

4-19-10: Advertising on: Advertising may be carried on the outside or inside of taxicabs, provided only that the advertising shall first be approved as to size and form by the City Manager.

4-19-11: Numbers:

- (A) A series of numbers shall be assigned by the Chief of Police to carriers for use on their taxicabs.
- (B) Each taxicab operated pursuant to the terms of this chapter shall be numbered.
- (C) Numbers shall be displayed on the driver-side, passenger-side and rear of the taxicab and painted upon the body of the taxicab in numerals of a size, color, visibility and position or positions approved from time to time by the Chief of Police.

4-19-12: Identity lights.

- A. Every taxicab shall be equipped with an identity light attached to the top of such taxicab. The identity light shall be constructed in one unit consisting of an illuminator plate or cylinder upon which is printed

the name of the carrier and/or the words "For Hire".

- B. The overall dimensions for such identity light shall not exceed six inches in height or twenty inches in length.
- C. The lights of the identity unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the identity light when the taximeter is not in operation indicating the cab is vacant and for hire, and to extinguish the identity light when the taximeter is in operation.
- D. It is unlawful to drive or operate any taxicab with the identity light illuminated while carrying passengers for compensation, and it is unlawful to drive, operate or be in charge of any taxicab unless the identity light is illuminated when the taxicab is for hire.

4-19-13: Vehicle equipment-Inspection:

- A. All vehicles operated by any carrier as defined in subsection A of Section 4-19-1 shall, before being placed in service, be approved by the Chief of Police of the City and comply with all State of California statutes regulating taxicabs. All the vehicles shall be of a design and type of construction as shall comply with orders and regulations pertaining to the equipment adopted from time to time by the City Manager. The vehicles shall at times be kept in a clean and sanitary condition and in good state of repair, and shall be subject to constant inspection by the Chief of Police. Any vehicle which becomes unsafe, or unserviceable, either from the standpoint of its state of repair, or its condition of obsolescence, may be retired from service upon order of the Chief of Police, and no vehicle which has been so retired shall be again operated in such service except with approval of the Chief of Police.
- B. It shall be unlawful to operate a taxicab after being placed out-of-service without being reinspected by the Chief of Police for the City.
- C. In the event of the condition of any vehicle shall, in the opinion of the Chief of Police, be so unclean, unsightly or mechanically defective as to be undesirable for use by the public, the Chief of Police may require such vehicle to be immediately withdrawn from service and such vehicle shall not be again placed in service until approved by the Chief of Police.
- D. It is unlawful for a taxicab or its driver to carry, contain or otherwise possess or receive information from any type of device which monitors other taxicab activities or public safety calls.

4-19-14: Taximeter-Operation, placement, flag and charges:

- A. It is unlawful for any carrier to operate any taxicab in the City unless and until such taxicab is equipped with a taximeter of a design which has been approved by the Chief of Police, and it shall be the duty of the carrier operating such taxicab, and also the driver thereof, to keep such meter operating at all times within such standard of accuracy as may be prescribed from time to time by the Chief of Police. No passenger shall be carried in any such taxicab unless such taximeter is in operation. This provision shall apply regardless of whether the taxicab is engaged for a trip entirely within the boundaries of the City or partially outside thereof, and such meter shall be kept operating continuously during the entire time that is engaged in the transportation of passengers for compensation, regardless of the point of destination,

provided such destination is within five miles of any exterior boundary of the City.

- B. The taximeter shall be placed in each taxicab so that the reading dial showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such taxicab.
- C. Every taximeter used in the operation of taxicabs shall be subject to inspection at anytime by the Chief of Police or his representatives. Upon discovery of any inaccuracy of such taximeter, the operator thereof shall remove or cause to be removed from service any vehicle equipped with such taximeter until such taximeter has been replaced and accurately adjusted.
- D. Every taximeter shall be inspected, tested and affixed with a label of accuracy for the current year by "Kern County Weights and Measures" at the carrier's expense. No such label shall be removed except at the time a subsequent inspection is made. Every carrier shall provide a copy of the taximeter inspection sheet to be placed in the carrier's file and a copy will be retained in the vehicle for inspection at any time. The date on which such inspection was made shall be stamped in the blank space provided for that purpose. No such label shall be removed except at the time a subsequent inspection is made.
- E. It is unlawful for any driver of any taxicab, while carrying passengers, to display the flag attached to the taximeter in such a position as to denote that such vehicle is not employed, or to fail to throw the "flag" of the taximeter to a position indicating such vehicle is unemployed at the termination of each and every service.
- F. All charges for taxicab service shall be calculated and indicated by a taximeter, and at all times while the taxicab is engaged, the "flag" of the taximeter shall be thrown into a position to register charges for mileage, or into a position to register charges for waiting time. No taximeter shall be used whose mechanism will register a combined charge for mileage and waiting time in any single position, and no taximeter shall be so operated as to cause any charge to be registered thereon except during the time while a passenger, or passengers engage the taxicab.

4-19-15: **Receipts given upon request:** It is unlawful for the driver of any taxicab, upon receiving full payment for a fare as indicated by the taximeter, to refuse to give a receipt upon the request of any passenger making such payment.

4-19-16: **Trip sheets-Driver's report:**

- A. The driver of every vehicle covered by this chapter shall keep a complete and accurate record of each trip upon a daily trip sheet, the form of which shall be approved by the Chief of Police, showing the time and place of origin and destination of the trip, the number of passengers carried, the mileage and the amount of the fare collected.
- B. This record shall be filed daily by the driver with the company by whom he is employed or with the carrier from whom he leases the vehicle, and such record shall be kept on file available for inspection by the Chief of Police or his representatives, for a period of not less than six months.

4-19-17: **Route-Passenger limit in taxicabs:**

- A. Every driver of a taxicab who is engaged to carry passengers shall take the most direct route possible that will carry the passengers safely and expeditiously to their destinations, unless otherwise directed by such passengers.
- B. When a taxicab is engaged, the person or persons engaging such taxicab shall have the exclusive right to the full and complete use of the taxicab and it is unlawful for the carrier or driver of such taxicab to solicit or carry additional passengers therein; it is unlawful for the carrier or driver of the taxicab to permit any person other than the carrier or driver or paying passenger, to occupy a taxicab whether such taxicab is waiting employment in a regular designated stand or in motion upon the public streets; provided, however, that where the City Manager finds that public necessity requires the grouping of passengers in such taxicabs, the City Manager may issue a special written permit, which permit shall specifically set forth the rules and regulations under which such passenger grouping is permitted. It is unlawful for any driver or carrier to operate, or permit to be operated, any taxicab in violation of any of the rules and regulations set forth in such special permits.
- C. The number of passengers, which may be carried in any vehicle, covered by this chapter, shall be limited to the seating capacity of such vehicle as specified by the manufacturer. No person shall be carried in such vehicle who is required to share in any way the seating space occupied by another, nor shall any person be carried who is required to occupy any space in or on such vehicle which does not provide a seat.

4-19-18: Availability of service:

- A. Taxicab service shall be available at all times by telephone calls, by engagement of the taxicab when standing at a regularly assigned stand, or when properly hailed from the street or curb.
- B. It is unlawful for any carrier or driver of a taxicab to refuse or neglect to transport any orderly person or persons upon request anywhere in the City when a taxicab of such carrier is standing in a regularly assigned Taxistand and such service shall be rendered immediately upon request.

4-19-19: Cruising or stopping to solicit passengers-Loading: It is unlawful for any driver of a taxicab while driving such vehicle to cruise, loiter or stop on a public street for the purpose of soliciting passengers or seeking a place in a Taxistand, which is already occupied. It is lawful, however, for such vehicle while proceeding to a regularly assigned Taxistand, regularly established call station or to the carrier's principal place of business to accept employment while hailed from the street or curb; provided, that it is unlawful for such driver to accept passengers at any of the following places:

- A. In any marked or unmarked crosswalk;
- B. At any regularly established bus stop;
- C. At any place in a street except alongside a curb;
- D. Alongside any curb opposite to a regularly established and marked traffic safety zone.

4-19-20: Establishment of rates:

- A. Rates and fares charged to the public must be established by filing a rate schedule with the City by the person/entity holding a valid permit. The proposed rates and fares shall also be published in a local newspaper of general circulation at the time of filing same with the City so as to provide a adequate public notice.
- B. The City Council must review such rates at a noticed public meeting within sixty days of the filing of the rate schedule. If no such review is held by the City Council, the rates shall remain as set forth in the schedule and shall take effect sixty days from the date such rate schedule was filed with the City. If the City Council reviews the rate schedule within the sixty-day period, the City Council may increase, decrease or accept the rates as submitted. The rate, as increased, decreased or accepted by the City Council, shall take effect sixty days from the date such rate schedule was originally filed with the City.

4-19-21: **Waiting Time:** For the purpose of this chapter, "waiting time" means the time consumed while the taxicab is not in motion or at the direction of a passenger and also the time consumed while waiting for a passenger after having responded to a call, but no charge shall be made for the time consumed by the premature response to a call, or for the first 3 minutes following timely arrival at any location in response to a call or for the time lost through traffic interruptions or for delays.

4-19-22: **Charging other than established fares prohibited:** It is unlawful for any carrier, or any agent or employee thereof, or any driver or operator of any vehicle covered by this chapter, to charge, demand, receive, arrange, solicit or bargain for any amount of compensation other than the rates or fares established and authorized by this chapter.

4-19-23: **Display of rates:** Every taxicab used or operated under this chapter shall, at all times, have displayed therein a location, or locations, and in a manner, which has been approved by the Chief of Police, the rates to be charged for such taxicab service, and which rates shall always be visible to all passengers in such taxicab.

4-19-24: **Refusal to pay fare:** It is unlawful for any person to refuse to pay the authorized fare of any vehicles mentioned in this chapter after having employed the same, and it is unlawful for any person to hire any vehicle covered by this chapter with intent to defraud the person from whom it is hired, or engaged of the value of such service.

4-19-25: **Carrier responsibility requiring operation by permit holder:** It is unlawful for any carrier, as defined in subsection A of Section 4-19-1 to permit the operation of any vehicle governed or affected by this chapter by any person other than a holder of a driver's permit as required by Section 4-19-28.

4-19-26: **Carrier compliance required:** Carrier shall, at its sole cost, comply with all the requirements of municipal, state, and federal authorities now in force, or which may hereafter be in force, governing the taxicab industry, including but not limited to laws governing independent contracting.

4-19-27: **Employment of drivers:** Vehicles covered by this chapter, including leased vehicles, shall be operated only by the carrier or by a person, or persons, employed by the carrier.

4-19-28: **Driver's permit-Application-Fee-Age restrictions-Expiration-Renewal-Change of carrier-Duplicates:**

- A. It is unlawful for any person to drive, operate or be in charge of, any taxicab governed or affected by this chapter, without having first obtained a driver's permit, issued pursuant to this chapter to do so.
- B. The applicant for such permit shall appear personally and file with the Chief of Police an application in writing, upon a form furnished by the Chief of Police, containing such information as the Chief of Police may require. Such application shall be accompanied by a service fee pursuant to Section 4-2-28(A)23(a) of this code. Such fee shall not be refunded for any reason. In addition to his application, the applicant shall furnish to the police department at the time he submits his application three passport-sized recent photographs of acceptable quality and shall be further required to furnish new photographs upon request of the police department when the original photographs are no longer suitable.
- C. Upon receipt of such application accompanied by the required fee and deposits as provided in subsection B of this section, the Chief of Police shall, subject to the conditions contained in subsection D of this section, issue to such applicant a driver's permit. Such permit shall state the name of the carrier by whom the holder thereof is to be employed and shall authorize the applicant to drive, operate or be in charge of any vehicle operated pursuant to the provisions of this chapter only by the carrier named in the permit; provided, however, that the permit holder may change his employer and drive, operate or be in charge of vehicles operated pursuant to this chapter by another carrier after securing from the Chief of Police an endorsement on his driver's permit of a change of carrier as provided in this chapter.
- D. No driver's license shall be issued to any such applicant who is under the age of eighteen years, or who is not the holder of a valid, unrevoked and unsuspended class C license issued by the state. A prior conviction of any of the offenses mentioned in Subsection A of Section 4-19-29 shall be a good cause for denial of the driver's permit by reason of such conviction. The Chief of Police shall consult such records and consider such evidence as is available to him at the time of acting on the application to determine the fitness of the applicant. In addition, all applicants shall take and pass with negative results a controlled substance and alcohol test in accordance with California Government Code Section 53075.5 as it may be amended or renumbered. Such test shall be taken no more than thirty days preceding the date the application is filed for a new permit or renewal of an expired permit and the negative results must be received by the Chief of Police no later than thirty days after the date the application is filed. Failure to meet these deadlines shall result in the invalidation of the permit process. The test shall be taken in a certified National Institute on Drug Abuse (NIDA) laboratory, certified documentation of the results shall be submitted to the Chief of Police in the time frames outlined herein along with sufficient identifying factors to match the test results with the permittee.
- E. As soon as possible, before the issuance of a driver's permit, the Chief of Police shall make such further investigation of the character and fitness of the applicant as he deems necessary. After the completion of such further investigation, if he is satisfied that the operation, by the applicant, of a vehicle authorized to be operated under the terms of this chapter will be detrimental to the public health, peace, safety or welfare, or that the holder of such driver's permit is unfit to hold the same, he shall revoke such driver's permit as provided in Section 4-19-29.

- F. The Chief of Police shall keep a copy of such driver's permit on file in his office. Such driver's permit shall constitute evidence of compliance with the terms of this chapter. Such driver's permit shall be effective until the expiration date printed thereon pursuant to subsection G of this section, or until suspended or revoked as provided in Section 4-19-29.
- G. All permits issued pursuant to this chapter shall expire on the three hundred sixty-fifth day following the date of its issuance, unless suspended or revoked as provided herein.
- H. A renewal driver's permit shall be issued by the Chief of Police to any permittee who has paid a renewal fee pursuant to Section 4-2-28(A)23(b) herein and complete all the requirements, including but not limited to the controlled substance and alcohol test as indicated in subsection D of this section.
- I. An endorsement of a change of carrier by whom a permit holder may be employed shall be made on a permit by the Chief of Police whenever the holder thereof makes application therefor and pays a transfer fee pursuant to Section 4-2-28(A)23(c).
- J. A fee pursuant to Section 4-2-28(A)23(d) of this code shall be collected for the issuance of each duplicate driver's permit.
- K. . In the event that a driver holding a valid permit issued by the county requests a transfer to a company operating within the City, the Chief of Police may accept the results of the investigation made by the county and issue a City permit to such driver or may require an investigation similar to that required for a new permit; however, in either case, a transfer fee pursuant to Section 4-2-28(A)23(c) of this code is required.
- L. If a driver works for a company which is located outside the corporate limits of the City, but licensed to operate both in the City and county, such driver will be required to obtain a permit from the Chief of Police without regard to any other permit he may have or be required to have by any other agency.
- M. Termination of employment of any taxi driver.
 - 1. An employer shall notify the Chief of Police, in writing, of the termination of employment of any taxi driver, and driver shall return his/her permit to the City.
 - 2. Upon termination of employment, a driver's permit shall become void.

4-19-29: Driver's permit-Revocation or suspension-Appeal Hearing:

- A. The Chief of Police may summarily revoke or suspend any driver's permit issued under the provisions of this chapter; provided that the chief has knowledge that the holder thereof, either before or after issuance of the driver's permit, made misrepresentations on the application, has been convicted of violating any of the provisions of this chapter, or the applicant has been convicted of a crime substantially related to the qualifications, functions or duties of the business for which the application is made, including, but not limited to, a violation of the Controlled Substances Act, or of assault, battery, pandering, prostitution, pimping, theft, driving a vehicle while under the influence of intoxicants or narcotics, reckless driving, or a violation of any law involving moral turpitude.
 - 1. It is unlawful for any person to drive, operate or be in charge of any vehicle governed or affected by this chapter during the time that the driver's permit has been suspended or after the same has been revoked.
- B. Any driver who may be aggrieved by the action of the Chief of Police in suspending or revoking the driver's permit or temporary driver's permit, or any applicant who may be aggrieved by the permit denial by the Chief of Police, may within ten days from such denial, suspension or revocation, make written objection to the City Manager stating the grounds for grievance, whereupon the City Manager shall fix a date for hearing such objections, giving written notice thereof to such applicant, and upon such hearing may sustain, suspend or overrule the decision of the Chief of Police, which decision of the City Manager shall be final and conclusive. Such order of suspension or revocation by the Chief of Police shall remain in full force and effect unless and until acted upon and reversed or modified by the City Manager.

4-19-30: **Taxistands-Permit-Standing restrictions:**

- A. It is unlawful for any carrier, or driver of any vehicle operated pursuant to the terms of this chapter, to stand, or permit, any such vehicle at any place upon any portion of the streets of the City other than at a certain place designated by the City Manager and assigned to the carrier operating such vehicle.
- B. Permits. may be issued by the City Manager to carriers operating pursuant to the terms of this chapter allowing the vehicles of such carriers, while awaiting employment, to stand at certain designated places upon the streets of the City; provided, however, that no such permit shall be granted except upon the written application of the carrier desiring such stand, filed with the City Manager, stating the proposed location of such stand. The application shall be accompanied by the written consent of the occupant of the first floor of any building of that property in front of which it is desired to establish such vehicle stand, or if any such building is a motel/hotel, the written consent of the manager of such motel/hotel, or if there is not a building on the premises in front of which it is desired that such vehicle shall stand, or if there is a building and the first floor is not occupied, then the written consent of the owner, agent, or lessee of such building or premises. In the event that the occupant, manager, owner, agent or lessee mentioned above in this subsection refuses, fails or neglects to grant consent to the establishing of a taxistand at the location proposed, the City Manager shall set a time of hearing on such application, which shall be not less than ten days nor more than thirty days from the time of filing such application, and each and every person qualified under these provisions to make or offer a formal objection to establishing such taxistand at the location proposed shall be notified in writing not less than five days prior to such hearing, at which time he shall be given an opportunity to be heard. Notwithstanding the failure or refusal of the occupant, manager, owner, agent or lessee as mentioned in this subsection to grant consent to the establishing of a taxistand in front of the

building or premises as proposed, or any formal objection offered thereto, the City Manager shall have the right to grant or deny any application for a taxistand, and may issue or refuse to issue such permit.

- C. At the time of making application for a permit as provided for in this section, the applicant shall verify, under oath, that he has not, nor has anyone for him or on his behalf paid, or promised to pay, or offered to pay, nor agreed to pay, deliver or give anything of value for obtaining the consent or endorsement by the occupant or person required to given such consent to the granting of a permit to occupy any stand upon the streets as required in subsection B of this section, such person shall be deemed guilty of a misdemeanor.
- D. All permits for taxistands so issued shall contain a provision to the effect that they are, and they shall be, subject to revocation by the City Manager at any time.
- E. It is unlawful for any vehicle to occupy any regularly established taxistand unless such vehicle is one being operated by the carrier to which such taxistand has been assigned as provided in this section
- F. It is unlawful for the driver of any taxicab to allow such taxicab to remain in any taxistand, as set out in this section, unattended for a period of time longer than ten minutes.
- G. No carrier or driver of any taxicab shall solicit passengers at a distance greater than ten feet from his taxicab.

4-19-31: **Nonliability:** City obligations described in this chapter shall not be considered mandatory duties for purposes of the California Torts Claim Act, Government Code Section 815, et seq., including but not limited to the failure of the City to inspect any taxicab, negligent inspection of any taxicab by the City, the issuance of any permit or the failure to suspend or revoke any permit.

PASSED, APPROVED AND ADOPTED on this 20th day of April, 2004.

s/Raymond L. Hatch, Mayor

ATTEST:

s/Louise Hudgens
Deputy City Clerk

APPROVED AS TO FORM:

S/Katherine O. Gibson
City Attorney

STATE OF CALIFORNIA }

COUNTY OF KERN }SS
CITY OF TAFT }

I, Louise Hudgens, Deputy City Clerk of the City of Taft, do hereby certify that the foregoing Ordinance had its first reading on April 6, 2004, and had its second reading on April 20, 2004, and was passed by the following vote:

AYES:	Councilmembers:	Clark, Linder, Miller, Thompson, Hatch
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

S/Louise Hudgens
Deputy City Clerk