

CHAPTER 41.

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¹For state law as to authority of city to license and regulate the operation of vehicles for hire, see Veh. C., Sec. 21100. See also, Veh. C., Sec. 16501.
As to motor vehicle and traffic regulations generally, see Ch. 29 of this Code.

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Article I. In General.

Sec. 41-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Taxicab. A motor vehicle, as that term is defined in the Vehicle Code, used for the transportation of passengers for hire, when driven by the owner or by an agent of the owner at rates per mile, per trip, per hour, per day, per week, per month or per other period of time, which vehicle is routed under the direction of the passengers or other persons hiring such vehicle.

Taxicab driver. An individual who drives or operates a taxicab in which passengers are solicited or accepts for hire either at a taxicab stand or elsewhere in the city.

Taxicab operator. A person engaged in the business of running, driving or operating one or more taxicabs and soliciting or accepting passengers in such taxicabs for hire, either at a taxicab stand or elsewhere, within the city. (Mun. Code, Sec. 3309)

Sec. 41-2. Color scheme and insignia.

If the city council finds that the color scheme or insignia specified in an application for a taxicab operator's permit is so similar to that of an existing taxicab operator as to deceive or confuse or tend to deceive or confuse the public, the applicant may amend his application to designate a different color scheme or insignia. The city shall not issue a taxicab operator's permit unless the application specifies a color scheme and insignia neither of which are so similar to that of an existing taxicab operator as to deceive or confuse or tend to deceive or confuse the public. (Mun. Code, Sec. 3309)

Sec. 41-3. Insurance required generally.²

The city council shall not order the issuance of any taxicab operator's permit until the applicant first files with the city clerk a policy of insurance which shall comply with the provisions of this chapter and shall first be approved by the city attorney. (Mun. Code, Sec. 3309; Ord. No. 536)

²For state law requiring owners of vehicles for hire to be able to respond to damages, see Veh. C., Sec. 16500.

Sec. 41-4. Insurance--Amounts.

The policy of insurance required before a taxicab operator's permit can be issued shall insure the public against any loss or damage that may result to any person or property from the operation of any taxicab used by the taxicab operator in his business as such. The maximum amount of recovery in such policy shall not be less than the following sums:

- (a) For the injury to any one person, or the death of any one person in any one accident, two hundred and fifty thousand dollars.
- (b) For the injury to two or more persons, or the death of two or more persons, or the injury to one person or more and the death of one person or more, in any one accident, five hundred thousand dollars.
- (c) For the injury or destruction of property in any one accident, one hundred thousand dollars. (Mun. Code, Sec. 3309; Ord. No. 536)

Secs. 41-5 and 41-6. Repealed by Ordinance No. 536, Sec. 3.

Sec. 41-7. Same--Notice of change or cancellation.

If any taxicab operator or driver has any notice or information of a change or cancellation of any insurance policy which policy is required under this chapter, he shall give immediate notice to the city clerk or the sheriff of such change or cancellation. (Mun. Code, Sec. 3309)

Sec. 41-8. Repealed by Ordinance No. 536, Sec. 3.

Sec. 41-9. Taxicab stands--Action on application.

The city council in considering an application for a taxicab stand shall consider whether or not the applicant has obtained the written consent of:

- (a) The occupant of the first floor of that portion of the building or property in front of which such taxicab stand is requested or, if such building contains more than one hundred rooms and is used for hotel purposes, the person operating such hotel.
- (b) If there is no building on the premises in front of which such taxicab stand is requested, or if there is a building and the first floor is not occupied, the owner of such building or premises. (Mun. Code, Sec. 3309)

Sec. 41-10. Same--Use.

A taxicab driver shall, while waiting employment, park or stop such taxicab only at those taxicab stands specified in the taxicab operator's permit pursuant to which he is operating, or upon private property. (Mun. Code, Sec. 3309)

Sec. 41-11. Rates--Amount.

A taxicab operator shall not charge in any case any more or less than specified in his permit. (Mun. Code, Sec. 3309)

Sec. 41-12. Same--Posting.

Every taxicab operator shall post and maintain in that part of every taxicab which he operates which is most conspicuous to the passengers thereof, in letters and figures which are clearly legible and not less than one-quarter inch high, the schedule of rates permitted by his permit. (Mun. Code, Sec. 3309)

Sec. 41-13. Taxicab meters.

- (a) No person shall operate or maintain any taxicab requiring or operating under a permit pursuant to this chapter until such taxicab shall be equipped with a taxicab meter of a type and design which shall have been approved by the license enforcement agency of the city. It shall be the duty of any person so operating such a taxicab as aforesaid 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 license enforcement agency. No passengers may be carried in any such taxicab unless such taxicab meter shall be in operation. This provision shall apply whether or not 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 it is engaged in the transportation of passengers for compensation regardless of the point of destination.
- (b) The taxicab meter shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible to a passenger riding in any such taxicab.
- (c) Every taxicab meter used in the operation of taxicabs shall be subject to inspection at any time by the license enforcement agency or any of its agents or employees. Upon discovery of any inaccuracy of such meter, the operator thereof shall remove or cause to be removed from service any vehicle equipped with such taxicab meter until such taxicab meter shall have been repaired and accurately adjusted.
- (d) Every operator shall submit to those rules and regulations and inspection and testing procedures as prescribed and enforced by the license enforcement agency. The operator shall keep and maintain on the taxicab meter appropriate labels or inspection tabs in the form and fashion as required by the license enforcement agency.
- (e) No driver of any taxicab while carrying passengers shall display the flag attached to the taxicab meter in such a position as to denote that such vehicle is not employed, or fail to throw the flag of the meter to a position indicating such vehicle is unemployed at the termination of each and every service.
- (f) All charges for taxicab service, except as provided in subsection (g) of this section shall be clocked and indicated by a taxicab meter and at all times while the taxicab is engaged the flag of the taxicab meter shall be thrown into a position to register charges for mileage or into a position to register charges for waiting time. No taxicab meter shall be used whose mechanism will register a combined charge for mileage and waiting time in any single position, and no taxicab meter shall so operate as to cause any charge to be registered thereon except during the time while the taxicab is engaged by a passenger or passengers.
- (g) The provisions of this section pertaining to taxicab meters shall not apply to any operator or taxicab driver of such operator who has a permit to operate a cab or taxicabs within the city on a flat fee or rate or on another means of rate computation other than on a mileage basis. (Mun. Code, Sec. 3309)

Sec. 41-14. All passengers to be accepted; exceptions.

Every taxicab operator and every taxicab shall accept any passenger, unless:

- (a) He has no facilities available.
- (b) The transportation requested is such that the driver or operator may not legally accept such passenger.
- (c) The proposed passenger refuses or says he will refuse or cannot pay the fare.
- (d) The proposed passenger is drunk, disorderly or for other reasons not a fit passenger. (Mun. Code, Sec. 3309)

Sec. 41-15. Passengers to be accepted only at authorized area.

- (a) A taxicab driver shall not stop for or accept any passenger except within the area specified in the permit for the taxicab which he is driving.
- (b) A taxicab driver who has driven a passenger to any place may wait for and accept such passenger. If the taxicab driver for any reason moves the taxicab from the location where he has left the passenger, this subsection does not apply. (Mun. Code, Sec. 3309)

Sec. 41-16. Passenger to have exclusive use of passenger compartment; exception.

When a taxicab is engaged, the occupants shall have the exclusive right to the full and free use of the passenger compartment. No taxicab operator or taxicab driver may solicit or carry additional passengers, unless the taxicab operator's permit expressly permits the carrying of additional passengers, and then only to the extent expressly permitted. (Mun. Code, Sec. 3309)

Sec. 41-17. Unlawful acts of passengers.

A person shall not:

- (a) Fail to refuse to pay the fare authorized by the taxicab operator's permit for which he has become liable.
- (b) Accept a ride in any taxicab without having on his person sufficient funds to pay the authorized fare unless prior to accepting such ride, he informs the driver of the taxicab that he does not have such funds.
- (c) Accept a ride in any taxicab with the intent to defraud the operator or driver thereof, or not to pay the full fare authorized. (Mun. Code, Sec. 3309)

Sec. 41-18. Persons authorized to operate.

A taxicab operator shall not permit any person to operate a taxicab unless such person is the employee of the taxicab operator and has a taxicab driver's permit, or license as required by this chapter.

A person other than the owner or employee of the owner shall not drive or operate any taxicab. (Mun. Code, Sec. 3309)

Sec. 41-19. Information to be furnished peace officers on request.

Upon request, every taxicab operator shall inform the sheriff and every other peace officer of the names, addresses and the source of all driver's badges, permits or licenses, of all taxicab drivers which such taxicab operator employs, or who is connected with, or interested in, the taxicab operator in any way. (Mun. Code, Sec. 3309)

Sec. 41-20. Contracts with driver prohibited.

A driver and operator or owner of a taxicab shall not enter into any contract, agreement or understanding between themselves by the terms of which such driver pays to, or for the account of, such operator or owner a fixed or determinable sum for the use of such taxicab. (Mun. Code, Sec. 3309)

Sec. 41-21. Direct routes to be used.

Every taxicab driver shall carry his passengers to their point of destination by the most direct practical route unless specifically directed otherwise by such passengers. (Mun. Code, Sec. 3309)

Article II. Taxicab Operator's Permit.

Sec. 41-22. Required; application generally; hearing.

It shall be unlawful to conduct a taxicab business without having a permit to conduct the same issued pursuant to the hearing before the city council. Each application for a permit pursuant to the provisions of this chapter shall be placed on the agenda of the city council by the city clerk as soon as possible after an application meeting all requirements of this chapter is filed with the city clerk. The city council shall thereafter hold a special hearing on the issuance of the permit, giving the applicant at least five days written notice of the time and place of the hearing, unless the applicant appears before the city council and waives the notice. (Mun. Code, Sec. 3309)

Sec. 41-23. Additional information required in application.

In addition to the requirements of section 11-8 the application for a taxicab operator's permit shall contain:

- (a) Location of taxicab stands requested.
- (b) Places on private property, if any, where applicant intends to park taxicabs while awaiting passengers, and, if none, a statement of that fact.
- (c) Area in which applicant proposes to operate.
- (d) Kind and amount of public liability and property damage insurance covering each vehicle to be used for the acceptance of passengers for hire within the city.
- (e) Taxicab color scheme and insignia.
- (f) Owner's trade name and business address.
- (g) Number of vehicles to be used for accepting passengers for hire within the city, their make, model (year) and seating capacity.
- (h) Schedule of rates proposed to be charged.
- (i) Applicant's estimate of the need of taxicab service in the area which he proposes to serve and taxicab service in such area now being provided by others. Such further information as either the sheriff or the city council may require. (Mun. Code, Sec. 3309)

Sec. 41-24. Application fee.

In lieu of the application fee required by section 11-9, each applicant shall pay an application fee of ten dollars payable in advance, otherwise all the terms and conditions of such section shall apply. (Mun. Code, Sec. 3309)

Sec. 41-25. City clerk to process application.

The city clerk shall forward the application for a permit under this article to the law enforcement agency and request the law enforcement agency to make a complete report on the applicant to the city clerk and whether or not the applicant is a fit person to possess a taxicab operator's permit. (Mun. Code, Sec. 3309)

Sec. 41-26. Hearing before city council.

The report of the sheriff, the city clerk and any other pertinent information shall be presented at the time and place of the hearing before the city council on the application for a permit under this article, which shall be conducted pursuant to the provisions of this chapter. (Mun. Code, Sec. 3309)

Sec. 41-27. Revocation, suspension, etc.

In addition to the powers granted by chapter 26, the city council may deny, revoke, suspend or cancel any taxicab operator's permit if they find:

- (a) The operation permitted by such permit is or will be in violation of any local, state or federal law, statute, ordinance, order or regulation.
- (b) Public necessity and convenience do not require the granting or continuance of such license.
- (c) The granting or holding of such license, for any reasonable cause, is or will be contrary to the general public welfare. (Mun. Code, Sec. 3309)

Sec. 41-28. Specifications.

The city council in every taxicab operator's permit shall specify:

- (a) The taxicab stands, no one of which shall exceed forty feet in length on the public highway, from which the taxicab operator may accept passengers.
- (b) The area within which the taxicab operator may accept passengers.
- (c) The rates which the taxicab operator shall charge or the maximum or minimum rates or both above which or below which he shall not charge.
- (d) The places on private property from which the taxicab owner may accept passengers. (Mun. Code, Sec. 3309)

Sec. 41-29. Affixing license plate or decal.

Upon obtaining a taxicab operator's permit, the permittee shall submit such permit to the sheriff and bring all of the vehicles permitted thereby to a place designated by the sheriff. The sheriff shall attach and seal a license plate to the rear of the body, by means of a seal and metal screws, or affix a decal to the windshield of each vehicle covered by the permit, if such vehicle meets all requirements as specified in this chapter. (Mun. Code, Sec. 3309)

Sec. 41-30. Substitution of vehicles.

If a taxicab operator desires to substitute one vehicle in place of another and if such vehicle to be substituted complies with the taxicab operator's permit and the taxicab operator brings both the vehicle under the permit and the vehicle to be substituted to a place designated by the sheriff, the sheriff may remove the license plate from the licensed vehicle and place it on the vehicle to be substituted. If the sheriff finds that it is impossible or impracticable to bring the licensed vehicle to the place designated, he may permit the permittee to detach the license plate therefrom, by breaking the seal and removing the screws, and may waive the requirement that such vehicle be brought to such designated place. Under no other circumstances may this seal be broken or removed by anyone but the sheriff or other designated agency or officer of the city. (Mun. Code, Sec. 3309)

Sec. 41-31. Change of corporation directors.

A taxicab operator's permit which is issued to a corporation shall be valid so long as the directors of such organization remain the same as shown on its application for such permit. (Mun. Code, Sec. 3309)

Sec. 41-32. Change of permit limitations.

The city council at any time, either on its own motion or upon the application of any permittee, may cause an investigation to be made and hold a public hearing and after such hearing may change the rates, area, number of taxicabs, location or number of taxicab stands, or both, of any operator. (Mun. Code, Sec. 3309)

Sec. 41-33. Hearing necessary to change number of taxicabs rates, etc.

A hearing is necessary to increase the number of taxicabs in any area. A hearing is necessary to change the rates or color scheme. (Mun. Code, Sec. 3309)

Sec. 41-34. Fee where hearing required.

In all cases before a permittee files any application to modify his own permit he shall pay a filing fee of ten dollars. (Mun. Code, Sec. 3309)

Sec. 41-35. Fee on increased number of vehicles.

The number of taxicabs permitted shall not be increased until the permittee, in addition to any other charges provided for by this article, pays a fee of ten dollars per additional taxicab permitted. (Mun. Code, Sec. 3309)

Article III. Taxicab Driver's Permit.Sec. 41-36. Required.

Every taxicab driver who drives a taxicab for which a taxicab operator's permit or auxiliary permit is required or has been issued, shall first obtain from the city clerk a taxicab driver's permit. (Mun. Code, Sec. 3410)

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Sec. 41-37. Application generally.

Each taxicab driver shall file with the city clerk an application which shall contain in addition to those items required by section 11-8, two photographs of the applicant. (Mun. Code, Sec. 3410)

Sec. 41-38. Processing of application by city clerk.

The application for a permit under this article shall be forwarded by the city clerk to the law enforcement agency and the law enforcement agency shall make a report or recommendation to the city clerk pertaining to the issuance of the permit. (Mun. Code, Sec. 3410)

Sec. 41-39. Issuance; form.

If the law enforcement agency approves the application, the city clerk shall issue to the applicant a taxicab driver's permit which shall be in the form of a card, containing the price of the permit and the permittee's name, photograph and right index fingerprint. Such permit shall be good for the year which issued. (Mun. Code, Sec. 3410)

(Mun. Code, Secs. 3309, 3410; Ord. No. 536)