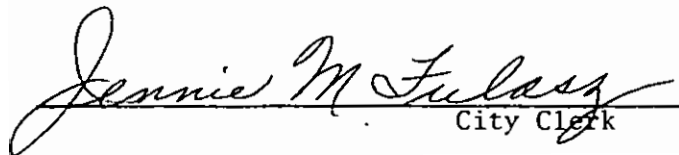


ORDINANCE NO. 1881

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 5.54 OF THE CHULA VISTA MUNICIPAL CODE BY REPEALING SECTIONS 5.54.010 THROUGH 5.54.160 AND ADDING THERETO NEW SECTIONS 5.54.010 THROUGH 5.54.100 ALL RELATING TO THE ISSUANCE OF CERTIFICATES FOR THE OPERATION OF TAXICABS WITHIN THE CITY OF CHULA VISTA

By a 4 to 0 vote of the City Council on November 27, 1979 (Councilwoman McCandliss was absent), the ordinance regulating the operation of taxicabs in the City of Chula Vista was adopted. The new ordinance eliminates the restrictive practices of cities and makes it possible for anyone satisfying basic financial, mechanical and safety provisions of the ordinance to enter into the field of providing taxicab service. Further, the ordinance provides more stringent regulations relative to insurance coverage, safety requirements and cleanliness and sanitary requirements.

A copy of the ordinance is available in the office of the City Clerk, City Hall, 276 Fourth Avenue.


City Clerk

ORDINANCE NO. 1881

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 5.54 OF THE CHULA VISTA MUNICIPAL CODE BY REPEALING SECTIONS 5.54.010 THROUGH 5.54.160, AND ADDING THERETO NEW SECTIONS 5.54.010 THROUGH 5.54.100, ALL RELATING TO THE ISSUANCE OF CERTIFICATES FOR THE OPERATION OF TAXICABS WITHIN THE CITY OF CHULA VISTA

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Sections 5.54.010 through 5.54.160 of the Chula Vista Municipal Code be, and the same are hereby repealed and that new Sections 5.54.010 through 5.54.100 be, and the same are hereby adopted to read as follows:

Sec. 5.54.010 Purpose and Intent.

The purpose of this chapter is to regulate taxicab operators in the City of Chula Vista to best serve the public interest and to permit a sufficient degree of flexibility in operation so as to allow an increased number of vehicles to be operated under the direction and supervision of a certified operator during peak demand hours. Any vehicles operating and picking up passengers within the City of Chula Vista shall have paid the license tax and administrative fee provided herein and meet all requirements for said operation as set forth herein.

It is the intent of the City to prohibit the transfer of a certificate by an approved operator. It shall be required that any such operator surrender his certificate to the City if he should cease to do business within the City. It is further the intent of the City Council that all taxicabs operating within the City shall be owned by a certified operator.

Sec. 5.54.020 Certificate - License Required.

No person shall engage in the business of operating any taxicab or taxicabs within the City of Chula Vista without first having obtained a certificate to operate from the Council. All vehicles shall meet the standards and qualifications for vehicles and drivers as provided by this chapter and the full license tax and administrative fee must be paid regardless of the duration of the time said taxicabs are assigned to operation within the City. Should reports be received that said procedure is being violated, the operator's certification may be suspended or revoked.

Every person conducting, managing or operating a business in which taxicabs or for-hire vehicles are used, shall pay one hundred dollars per year for the operation of said business and an administrative fee of three dollars per year for each vehicle owned by the certified operator prorated to the nearest quarter.

Sec. 5.54.030 Definitions.

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

- A. "Certified Operator" means a person authorized by the City Council to operate a taxicab or taxicabs in the City of Chula Vista and who has been issued a certificate for the operation of such vehicles.
- B. "Driver" means and includes every person in charge of, or operating, any passenger-carrying or motor-propelled vehicle, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner.
- C. "Owner" means and includes every person, firm or corporation having use or control of any passenger-carrying automobile or motor-propelled vehicle, whether as owner, lessee or otherwise.
- D. "Person" means and includes any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any taxicab or taxicabs within the city.
- E. "Street" means and includes any place commonly used for the purpose of public travel.
- F. "Taxicab" means and includes every automobile or motor-propelled vehicle of a distinctive color or colors, and/or of public appearance such as is in common usage in this country for taxicabs, (e.g., vehicles such as pickup trucks and dune buggies would not normally be used for taxicab purposes), and/or operated at rates per mile, or for wait-time, or for both, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the city, and not over a defined route, and irrespective of whether the operations extend beyond the boundary lines of the city, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.
- G. "Taximeter" means and includes any mechanical instrument, appliance, device or machine by which the charge for hire of a passenger-carrying vehicle is mechanically calculated for distance traveled and time consumed, and upon such instrument, appliance, device or machine such charge is indicated by figures.

Sec. 5.54.040

Certificate - Application - Contents.

All persons applying to the Council for a certificate for the operation of one or more taxicabs shall file with the Council a sworn application therefor on forms provided by the City Clerk stating as follows:

- A. The name and address of the owner or person applying;
- B. The number of vehicles actually owned and operated by such owner on the date of application, if any;
- C. The intended make, type, year and passenger seating capacity of each taxicab.
- D. The make and type of taximeter intended to be installed in each taxicab.
- E. A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed taxicab design;
- F. Such other information as the Council may in its discretion require.

Sec. 5.54.050

Certificate - Application -
Investigation required.

Before any application is acted upon, the City Manager shall cause an investigation to be made by the appropriate department head and shall report his findings in writing to the Council based upon:

- A. The financial responsibility and experience of the applicant;
- B. The number, kind and type of equipment and the color scheme to be used. All vehicles, if they are more than two years of age, must have on deposit with the City of Chula Vista a certification showing that an annual inspection has been made by an acceptable government agency or an inspection station licensed under Section 9887.1 of the Business and Professions Code of the State of California. Failure to satisfy said inspection requirements may result in the suspension of the certificate for said vehicle until necessary corrections have been made. Said inspections shall be renewed on an annual basis on the anniversary date of said two-year age limit. All vehicles shall be owned by the holder of the certificate. All vehicles shall be equipped with a light on top clearly identifying the vehicles as taxicabs.
- C. Applicant shall agree that he shall be the owner of said vehicles and shall maintain said vehicles in a clean and sanitary condition at all times. If any of said vehicles are leased to operators by the

holder of the certificate, the holder of the certificate shall immediately provide the City Clerk of the City of Chula Vista with a copy of said lease; or names of leasees holding leases in a form previously submitted and on file; provided, however, that such lease arrangement shall not relieve the certificate holder of any responsibilities and obligations for the safe maintenance and cleanliness of the vehicle which has been leased.

Sec. 5.54.060 Certificates Issued by Council.

The City Council shall grant a certificate to those persons applying therefor who, in its opinion, are fully qualified in accordance with the requirements of this ordinance. No certificate shall be issued to any person who shall not have fully complied with all of the requirements of this chapter necessary to be complied with before the commencement of the operation of the proposed service.

With each certificate the Council issues, the City Clerk shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of each taxicab owned. The medallion shall be fixed in a position in plain view from the rear of the taxicab. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the City Clerk.

Sec. 5.54.070 Certificate for Existing Licensed Taxicabs.

The provisions of this chapter shall not affect the number of taxicabs operating with valid permits on the effective date hereof except as such vehicles are abandoned or the right to operate has been lost through inability of operators to meet requirements of the ordinances of the City of Chula Vista; or in the event that any vehicles for which certificates may have been issued are not actually owned by a certified operator upon the effective date of the ordinance.

Sec. 5.54.080 Certificate - Cancellation as Certified Operator.

After the service for which a certificate is granted herein is discontinued, or if the certified person sells or discontinues his or its business, except as provided herein, the certificate granted hereunder shall be automatically cancelled and shall be reissued only in accordance with the provisions of this chapter.

Each certificate issued pursuant to the provisions of this chapter is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person upon the approval of the City Council; provided, however, that where a certificate is

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issued pursuant to the provisions of this chapter to a form of legal entity wherein control is evidenced by shares of stock or such other evidence of ownership (including but not necessarily limited to a corporation, a partnership, a joint venture, a joint stock company, or a business trust) and the majority interest in said entity is transferred from that entity to another person or entity, said transfer, whether voluntary, by operation of law or otherwise shall be made only upon the approval of the City Council. The application for the transfer of said certificate shall certify that the owner of said certificate has notified the proposed transferee of the requirements of this chapter pertaining to the transfer of said certificate; and whenever such application for a transfer of certificate is made as provided for herein, the City Manager shall cause an investigation to be made. No transfer shall be approved by the City Council without the recommendation of the City Manager in writing.

Sec. 5.54.090 Insurance Required.

It is unlawful to operate any vehicle as defined in this chapter unless there shall be filed with the City Clerk a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the state, the financial responsibility of which company shall theretofore have been approved by the City Attorney, by the terms of which such insurance company assumes responsibility for injuries to persons or property caused by the operation of such vehicle in the following amounts:

\$50,000 primary coverage for property damage per occurrence; \$100,000 primary coverage for bodily injury or death to any one person in any one accident, and \$300,000 per occurrence for primary coverage for bodily injury or death in a combined single limit policy.

In lieu of said insurance coverage, a certified operator may provide proof of self-insurance under existing state regulations adequate to meet the limitations set forth herein.

Sec. 5.54.100 Fare rates.

The City Council shall by resolution fix the maximum charges for the transportation of any passenger or passengers within the city limits of the city and it shall be unlawful for any owner, driver or operator of any taxicab operated within the city limits of the city to charge any passenger or passengers any sum in excess of the maximum rates so fixed and approved by resolution of the Council in accordance with the following terms and conditions:

- A. After a public hearing, noticed in accordance with the noticing requirements of this Code, the City Council by resolution shall establish a maximum rate of fare for the hire of taxicabs. Any certified operator may petition the City Council for any desired change in the maximum taxicab rate at any time; provided, however, the City Council may reconsider such maximum rate of fare at any time.

- B. Each certified operator shall file with the City Clerk the rate of fare that said operator shall charge for taxicab service, which shall not exceed the maximum rate set by the City Council. Each such certified operator shall set the taximeter for the rate said operator will charge, and prominently post rates on each side of the taxicab in block letters of not less than one inch in height and in a location where rates can be easily read by prospective passengers.
- C. If a certified operator desires to change the rate of fare on file in the office of the City Clerk, said operator shall file with the City Clerk the new rates, reset the meter, and post the revised rates on each side of the taxicab as provided hereinabove.
- D. It shall be unlawful for a certified operator to operate any taxicab in the City of Chula Vista unless the vehicle is equipped with a taximeter designed to calculate fare upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism. Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate; waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged such taxicab. It shall be the duty of every permit holder operating a taxicab to keep such taximeter in such proper condition so that said taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The taximeter shall be at all times subject to inspection by an inspector of the City Manager, or any peace officer, and such inspector or peace officer is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon discovery of any inaccuracy in said taximeter, or if the taximeter is unsealed, to remove or cause to be removed the vehicle equipped with such taximeter from the streets of the City of Chula Vista until the taximeter shall have been correctly adjusted and sealed; before being returned to service.
- E. It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to the taximeter in such a position as to denote that the vehicle is for hire, or is

not employed, or to have the flag or other attached device in such a position as to prevent the taximeter from operating and it shall be unlawful for any driver to throw the flag into a position which causes the taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into a nonrecording position at the termination of each and every service.

- F. The taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab.
- G. It shall be unlawful for any certified operator and/or driver of a taxicab to demand of a passenger a charge for hire greater than the current maximum rate approved by the City Council or the rate which said certified operator shall have on file with the City Clerk.
- H. There shall be displayed in the passenger compartment of each taxicab, well lighted and readily discernible by the passenger, in a container of type and design approved by the Chief of Police, a card showing the operator's rates to be charged for hire of the vehicle.

SECTION II: This ordinance shall take effect and be in full force on January 1, 1980.

Presented and Approved as to form by

A handwritten signature in dark ink, appearing to read "George D. Lindberg", written over a horizontal line.

George D. Lindberg, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD November 20, 19 79, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD November 27, 19 79, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, Gillow, Cox, Hyde
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : McCandliss

Will T. Hyde

Mayor of the City of Chula Vista

ATTEST

Jennie M. Fulasz

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 1881, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk