

ORDINANCE NO. 2003

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 5.15, 5.54 AND 5.58 OF THE CHULA VISTA MUNICIPAL CODE PERTAINING TO AUTOMOBILES FOR HIRE, TAXICABS AND TOW TRUCKS RESPECTIVELY

The City Council of the City of Chula Vista does hereby resolve as follows:

SECTION I: That Sections 5.15.010, 5.15.030, 5.15.040, 5.15.050, 5.15.060, 5.15.070 and 5.15.090 of Chapter 5.15 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

CHAPTER 5.15 AUTOMOBILES FOR HIRE

Sec. 5.15.010 License - Fee Required.

Every person conducting, managing, or operating a business in which an automobile for hire is used shall pay a license fee ~~of twenty-five dollars per quarter~~ as set forth on the Master Fee Schedule for each such automobile for hire.

Sec. 5.15.030 Insurance Required.

It is unlawful to operate any vehicle as defined in Section 5.15.020 unless there shall be filed with the ~~city clerk~~ Director of Public Safety 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,~~ having a policyholders rating of A-IX or better as listed in Best's Key Rating Guide 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:

- A. ~~Fifty~~ One hundred thousand dollars property damage.
- B. ~~One Two~~ Two hundred fifty thousand dollars for death or injuries to any one person in any one accident;
- C. Five hundred thousand dollars for death or injuries to two or more persons in any one accident.

No policy of insurance issued by any mutual assessment or reciprocal company as defined by the Insurance Code of the state shall be accepted by the city.

Sec. 5.15.040 Application for license.

All persons applying to the city for the operation of one or more automobiles for hire shall file with the ~~chief-of-police~~ Director of Public Safety a sworn application therefor on forms provided by the ~~chief-of-police~~ Director of Public Safety stating as follows:

- A. The name and address of the owner or person applying;
- B. The number of vehicles actually owned and the number of vehicles actually operated by such on the date of application, if any;
- C. The number of vehicles for which a license is desired;
- D. The intended make, type, year of manufacture and passenger-seating capacity of each automobile for hire for which application is made;
- E. Such other information as the ~~chief-of-police~~ Director of Public Safety may in his discretion require.

Sec. 5.15.050 Rates of fare.

- A. Posting of Fare Schedule. Every owner of any automobile for hire operating in the city shall file or cause to be filed with the ~~city-clerk~~ Director of Public Safety of the city a true and correct statement of the rates to be charged for the transportation of passengers in any and all automobiles for hire operated by the owner.
- B. Identification Cards. There shall be displayed in the passenger compartment of each automobile for hire in full view of the passengers a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which the owner operates, the business address and telephone number of the owner, and a correct schedule of the rates to be charged for conveyance in the vehicle.

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Sec. 5.15.060 Information Cards - Display Required
- Where.

Each automobile for hire licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passenger therein two containers of type and design approved by the ~~chief of police~~ Director of Public Safety. Such containers shall contain cards provided by the ~~chief of police~~ Director of Public Safety bearing the following information:

- A. One such container shall have a card therein bearing:
1. The permit number issued for each individual automobile for hire licensed to operate in the city;
 2. The name of the company to whom it is issued;
 3. The date of issuance;
 4. The state license plate number and engine number of the automobile for hire displaying same.
- B. One such container shall have a card therein bearing
1. The name and residence address of such driver;
 2. The name of the company employing such driver;
 3. A small photograph of such driver.

Sec. 5.15.070 Maintenance.

The ~~chief of police~~ Director of Public Safety of the city shall have the right, at any time after displaying proper identification, to enter into or upon any certificated automobile for hire for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated. Any automobile for hire which is found, after such inspection, to be unsafe or in any way unsuitable for automobile for hire service, may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition. For the purposes of this section, no automobile shall be considered safe, adequate or mechanically sound which is older than ten years, counting the year of chassis manufacture as the first year.

Sec. 5.15.090

Drivers - Licenses.

- A. It is unlawful for any person to drive or operate any automobile for hire without such person first obtaining a permit in writing to do so from the chief of police Director of Public Safety.
- B. It is unlawful for any person to employ as a driver or operator of any automobile for hire without such person first obtaining a permit in writing to do so from the chief of police Director of Public Safety of the city.
- C. ~~The permit shall be filed with the finance department as part of the application for license, accompanied by a fee of fifteen dollars.~~ The application for a permit shall be accompanied by a fee as set forth in the Master Fee Schedule.
- D. No permit shall be issued to any of the following persons:
 1. Any person under the age of eighteen years;
 2. Any person who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics, or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.
- E. The chief of police Director of Public Safety may revoke or refuse to renew an operator's license if the driver or applicant has, since the granting of his permit:
 1. Been convicted of a felony;
 2. Had his state driver's license revoked or suspended;
 3. Been convicted of driving while under the influence of intoxicating liquors;
 4. Been convicted of driving while under the influence of narcotics;

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5. During any continuous six-month period had three or more convictions of any of the offenses set forth in Sections ~~23102~~, 23152, 23103, 23104, ~~23105~~, 22350, 22351 and/or 22352 of the Vehicle Code of the state, and amendments thereto, or any combination of either or any of said offenses;
 6. When for any reason, including, or other than, those set forth in this section, in the opinion of the ~~chief of police~~ Director of Public Safety, the applicant is unfit to drive an automobile for hire.
- F. Any person whose operator's permit has been denied, revoked, or renewal refused by the ~~chief of police~~ Director of Public Safety may within ten days after receipt of notice thereof appeal to the council for a hearing thereon, which hearing shall be granted. The decision of the council in this regard shall be final. If no appeal is taken within ten days, the action of the ~~chief of police~~ Director of Public Safety shall be final.

SECTION II: That Chapter 5.54 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

CHAPTER 5.54 TAXICABS

Sec. 5.54.010 Purpose -Intent.

The purpose of this chapter is to regulate taxicab operators in the city 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 shall have paid the license tax and administrative fee provided in ~~this chapter~~ the Master Fee Schedule and meet all requirements for said operation as set forth in this chapter.

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.

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Sec. 5.54.020

Certificate - License required.

No person shall engage in the business of operating any taxicab or taxicabs within the city without first having obtained a certificate to operate from the ~~council~~ Director of Public Safety. 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 operations 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~~ an annual fee as set forth in the Master Fee Schedule for each vehicle ~~owned~~ to be operated in Chula Vista 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~~ Director of Public Safety to operate a taxicab or taxicabs in the city and who has been issued a certificate for the operation of such vehicles.
- B. "Driver" means 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 every person, firm or corporation having use or control of any passenger-carrying automobile or motor-propelled vehicle, whether as owner, lessee or otherwise.~~
- C. "Person" means any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any taxicab or taxicabs within the city.

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- D. "Street" means any place commonly used for the purpose of public travel.
- E. "Taxicab" means 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.
- F. "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~~ Director of Public Safety a sworn application therefor on forms provided ~~by the city clerk~~ stating as follows:

- A. The name and address of the owner ~~or~~ and person applying.
- B. The number of vehicles ~~actually owned and operated by such owner on the date of application, if any that~~ the applicant wishes to be certified to operate in Chula Vista;
- C. The intended make, type, year and passenger seating capacity of each taxicab to be operated in Chula Vista;
- D. The make and type of taximeter intended to be installed in each taxicab to be operated in Chula Vista;

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- 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~~ Director of Public Safety may in ~~its~~ his discretion require.

Sec. 5.54.050 Certificate - Application -
Investigation Required.

Before any application is acted upon, the ~~city manager~~ Director of Public Safety shall cause an investigation to be made ~~by the appropriate department head and shall report his findings in writing to the council based upon~~ of:

- ~~A. The financial responsibility and experience of the applicant;~~
- A. 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 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 Professional Code of the state. Failure to satisfy said inspection requirements may result in the suspension of the certificate for said vehicle until necessary corrections have been made. Said inspection 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.
- B. 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~~ Director of Public Safety with a copy of said lease; or names of lessees 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~~
Director of Public Safety

The ~~city council~~ Director of Public Safety shall grant a certificate to those persons applying therefor who, in ~~its~~ his opinion, are fully qualified in accordance with the requirements of this chapter. No certificate shall be issued to any person who has not fully complied with all of the requirements of this chapter necessary to be complied with before the commencement of the operate of proposed service.

With each certificate ~~the council~~ issued ~~the city clerk~~ Director of Public Safety 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 to be~~ operated in Chula Vista. 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~~ Director of Public Safety.

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 of the ordinance codified in this chapter, 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, 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 codified in this chapter~~ be effective immediately for new operators and on January 1, 1983 for existing operators.

Sec. 5.54.080

Certificate - Cancellation as certified operator.

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

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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~~ Director of Public Safety; provided, however, that where a certificate is 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~~ Director of Public Safety. The application for 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 in this chapter, the ~~city manager~~ Director of Public Safety 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~~ Director of Public Safety a policy certificate 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, which~~ company shall have a policyholders rating of A-IX or better as listed in Best's Key Rating Guide, 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. The certificate shall show insurance in the following amounts:

- A. Fifty One hundred thousand dollars primary coverage for property damage per occurrence; ~~one two~~ two hundred fifty thousand dollars primary coverage for bodily injury or death to any one person in any one accident, and ~~three~~ five hundred thousand dollars per occurrence for primary coverage for bodily injury or death in a combined single limit policy;

- B. 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 in this chapter.
- C. The certificate shall be on a standard "acord" form and shall provide for automatic ten day written notification by the insurance company to the city as a certificate holder of any insurance policy cancellation or changes in coverage.
- D. The insurance coverage must be one of two types:
 - 1. A one-year policy (although the policy could have payments made on a less than annual basis), or
 - 2. If other than a one-year policy, the insurance company must provide the city with ten-day written notice of any nonrenewal of policy.

Sec. 5.54.100 Fare rates.

From and after May 6, 1980, upon which date the city council concluded a public hearing, and established maximum rates of fare for the hire of taxicabs within the city, the following rules shall apply for the establishment of rates of fare:

- A. Each certified operator shall file with ~~city-clerk~~ Director of Public Safety the rate of fare that said operator shall charge for taxicab service. 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.
- B. If a certified operator desires to change the rate of fare on file in the office of the ~~city-clerk~~ Director of Public Safety, said operator shall file with the ~~city-clerk~~ Director of Public Safety the new rates, reset the meter, and post the revised rates on each side of the taxicab as provided in this section.
- C. It is unlawful for a certified operator to operate any taxicab in the city 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

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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 authorized at his instance of 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 until the taximeter has been correctly adjusted and sealed before being returned to service.

- D. It is 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 is 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.
- E. 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.

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- F. It is 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~~ Director of Public Safety.
- G. 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~~ Director of Public Safety, a card showing the operator's rates to be charged for hire of the vehicle.

Sec. 5.54.110 Certificate - Cancelled when.

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

Sec. 5.54.120 Certificate - Grounds for suspension or revocation.

Certificates may be suspended or revoked by the ~~council~~ Director of Public Safety at ~~any time in case~~ where:

- A. ~~The council finds the owner's past record to be unsatisfactory;~~
- A. The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this chapter;
- ~~B. The owner ceases to operate any taxicab for a period of thirty consecutive days without having obtained permission for cessation of such operation from the council;~~
- B. The taxicab or taxicabs are operated at a rate of fare other than that ~~approved by the council and stated on the certificate~~ and the rate card issued by the council, which said certified operator shall have on file with the Director of Public Safety; and

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The city council may suspend or revoke a certificate where it finds the owner's past record involved violations of City, State or Federal law or endangered the public safety.

Sec. 5.54.130 Certificate - To be surrendered when.

Certificates which shall have been suspended or revoked by the ~~council~~ Director of Public Safety, shall forthwith be surrendered to ~~clerk of the council~~ the Director of Public Safety and the operation of any taxicab or taxicabs covered by such certificates shall cease. Any owner who shall permanently retire any taxicab or taxicabs from taxicab service and not replace same within thirty days thereof shall immediately surrender any certificate or certificates granted for the operation of such taxicab or taxicabs to the ~~council~~ Director of Public Safety, and such owner may not secure additional certificates for the operation of any taxicab or taxicabs without having first made application therefor, in the manner provided in this chapter.

Sec. 5.54.140 Route required.

Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

Sec. 5.54.150 Receipts for passengers.

Every driver shall give a correct receipt upon payment of the correct fare.

Sec. 5.54.160 Fare - Nonpayment deemed ~~misdemeanor~~ Infraction - when.

It is unlawful for any person to refuse to pay the lawful fare of any of the vehicles regulated by this chapter, after employing or hiring the same, and any person who shall hire such vehicle with intent to defraud the person from whom it is hired shall be guilty of a ~~misdemeanor~~ an infraction.

Sec. 5.54.170 Soliciting for patronage prohibited when.

No driver of any taxicab shall seek employment by repeatedly and persistently driving his vehicle to and fro in a short space in front of, or by otherwise interfering with the proper and orderly access to, or egress from, any theater, hall, hotel, public resort, railway or ferry station, or other place of public gathering; or, by leaving his vehicle, or otherwise approach and solicit patronage by pedestrians upon the sidewalk, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point; but such driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic. No person shall solicit passengers for such vehicles except the driver thereof when sitting upon the driver's seat of his vehicle.

Sec. 5.54.180 Exceeding rated seating capacity prohibited.

No driver of any taxicab shall accept, take into his vehicle or transport any larger number of passengers than the rated seating capacity of his vehicle.

Sec. 5.54.190 Parking prohibited where-Exceptions.

It is unlawful for the owner, driver or operator of any taxicab to allow such taxicab to remain parked in the central traffic district except in a regularly established taxicab stand; provided, however, that taxicabs may park in any available parking space when actually engaged in loading or unloading passengers; and provided further, that between the hours of ten p.m. and six a.m. of the following day, taxicabs may stop, stand or park in any place where the parking of vehicles is otherwise permitted.

Sec. 5.54.200 Obedience to orders of police and firemen required.

The driver of any of the vehicles regulated by this chapter shall promptly obey all orders or instructions of any police officer or fireman.

Sec. 5.54.210 Drivers' permits required.

It is unlawful for any person to drive or operate any of the vehicles mentioned in Section 5.54.020 without first obtaining a taxicab driver's identification card issued by the sheriff of the county of San Diego.

Sec. 5.54.220 Taxicab stands - Established - Designation.

The council may by resolution locate and designate taxicab stands, which stands when so established shall be appropriately designated "Taxis Only".

Sec. 5.54.230 Taxicab stands - Unattended vehicles prohibited when.

It is unlawful for any taxicab to remain standing in any established taxicab stand, unless such cab is attended by a driver or operator, except when assisting passengers to load or unload, or when answering his telephone.

Sec. 5.54.240 Taxicab stands - Hours of operation.

Taxicab stands established hereunder shall be in operation twenty-four hours of every day.

Sec. 5.54.250 Certificate - Number to be displayed on vehicle.

Each taxicab shall bear, at such places on the outside of such vehicle as shall be prescribed by the ~~chief of police~~ Director of Public Safety, the number of the certificate granted for its operation and such designation shall be of the type and design as shall be prescribed by the ~~chief of police~~ Director of Public Safety.

Sec. 5.54.260 Color scheme restrictions.

All taxicabs must be and conform to a color scheme approved by the ~~chief of police~~ Director of Public Safety, and ~~the council~~ who may refuse a certificate to every person whose color scheme, trade name or insignia imitates that of any permittee in such manner as to deceive the public.

Sec 5.54.290

Appeals to City Council.

Any actions taken by the Director of Public Safety under this chapter are appealable to the city council. Such appeals shall be filed with the city clerk within ten days of the action of the Director of Public Safety.

SECTION III: That Sections 5.58.030, 5.58.040, 5.58.050, 5.58.070, 5.58.080 and 5.58.090 of Chapter 5.58 of the Chula Vista Municipal Code be, and the same are hereby amended to read as follows:

CHAPTER 5.58

TOW TRUCKS

Sec. 5.58.030

Regulations generally - Liability for damages.

The City Council shall, from time to time, by resolution, adopt policies for the selection and designation of tow car or tow truck services which shall be permitted to engage in emergency police towing upon notification of the need for such services by the police department. Any and all tow car or tow truck operators not so selected and designated pursuant to the policy of the city council are hereby prohibited from removing from the public streets and towing away any vehicles involved in the situations as set forth in Section 5.58.0210; provided however, that the owner of the vehicle so involved may designate any towing service to be used for the removal and towing away of such vehicle. The police department shall strictly adhere to the policies adopted by the city council and any administrative regulations instituted to efficiently carry out said policies. However, in the event that a towing service is contacted by the police department to perform said services, and performs said services in a manner not in accordance with the policies as established, the police department is held harmless from any and all liability or damages arising therefrom and shall not be accountable for, nor investigate, complaints of negligence and deviations from the policies unless the deviations are shown to be of a repeated and frequently recurring nature, and any complaints received from the tow car or tow truck services selected and designated to carry out such police towing operations and any complaints received concerning the quality and standards of service performed by said operators shall be deemed sufficient cause for cancellation and termination of any contract or operating agreement entered into for the performance of such service.

Sec. 5.58.040 Licenses required - Procedure.

Any owner or operator of any private tow car or tow truck service shall be required to obtain a special license under the provisions of this section in addition to the normal business license. Such license shall be issued upon application to the ~~chief of police~~ Director of Public Safety and shall be subject to his approval. The ~~chief of police~~ Director of Public Safety, or other properly designated officer, shall make an investigation of the applicant's background and business propriety and shall require the applicant, and upon the discretion of the ~~chief of police~~ Director of Public Safety, the employees, to furnish fingerprints photographs.

Sec. 5.58.050 Grounds for denial of license - Appeal - Public Hearing.

In the event that the findings of the investigation by the ~~chief of police~~ Director of Public Safety indicate that the applicant's practice of doing business within the city will endanger the public health, safety or morals of the community, he may refuse to issue the appropriate license. Such refusal shall be appealable to the city council, and after a public hearing on the matter, the decision of the city council shall be final.

Sec. 5.58.070 Insurance required.

~~All applicants described in the foregoing sections shall be required to have reasonable public liability and property damage insurance sufficient in amount to provide protection against damage which may occur while cars are in the control of licensee. -- Such insurance, shall be approved by the director of finance, and failure to provide such insurance shall make it mandatory that the chief of police deny the applicant the appropriate license.~~ for a tow truck license shall be required to file with the Director of Public Safety a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the state and having a policyholders rating of A-IX or better as listed in the Best's Key Rating Guide. The policy shall provide coverage in the following amounts:

Sec. 5.54.270 Information cards - Display required
where - Contents.

Each taxicab licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passenger thereto two containers of type and design approved by the ~~chief of police~~ Director of Public Safety. Such containers shall contain cards provided by the ~~chief of police~~ Director of Public Safety bearing the following information:

- A. One such container shall have a card therein bearing:
1. The permit number issued for each individual taxicab licensed to operate in the city;
 2. The name of the company to whom it is issued;
 3. The date of issuance.
 4. The state license plate number and engine number of the taxicab displaying same.
- B. One such container shall have a card therein bearing:
1. The number of the city chauffeur's license of the driver thereof;
 2. The name and residence address of such driver;
 3. The name of the company employing such driver;
 4. A small photograph of such driver.

Sec. 5.54.280 Violation - Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a ~~misdemeanor~~ an infraction, and upon conviction thereof, shall be punished by forfeiture of his permit, and by a fine and ~~imprisonment~~ as provided by this code.

For the purpose of this chapter it shall be considered that each day during which any provision of this chapter is violated shall constitute a separate and distinct offense.

- A. One hundred thousand dollars property damage.
- B. Two hundred and fifty thousand dollars for death or injuries to any one person in any one occurrence.
- C. Five hundred thousand dollars for death or injuries to two or more persons in any one accident.

Sec. 5.58.080 Bond required.

Prior to granting a license to operate a tow car or tow truck, the applicant shall be required to furnish to the ~~chief of police~~ Director of Public Safety a bond in the sum of five thousand dollars. The form of the bond shall be approved by the city attorney. Said bond shall be acknowledged by the applicant as principal and by a corporation licensed by the Insurance Commission of the state to transact the business of a fidelity and surety insurance company in the state, as a surety; the condition of said bond shall be that any person injured by any action of the applicant, or employee, which results in damage to or loss of his vehicle, loss or injury to contents, or other injuries not covered by the applicant's insurance while towing, removing or storage of said unauthorized parked vehicle.

Sec. 5.58.090 License suspension - Notice required - Appeal - Public hearing.


In the event that a licensee under this section shall violate or cause or permit to be violated any of the provisions of this chapter, the ~~chief of police~~ Director of Public Safety may suspend such license and shall notify the licensee of such suspension by written notice stating the cause and reason for such suspension. Appeal may be made by the applicant to the city council, and the decisions by the council, after a public hearing, shall be final.

SECTION IV: This ordinance shall take effect and be in full force on the thirty-first from and after its adoption.

Presented by

Approved as to form by



 Lane F. Cole, City
 Manager


 George D. Lindberg, City
 Attorney

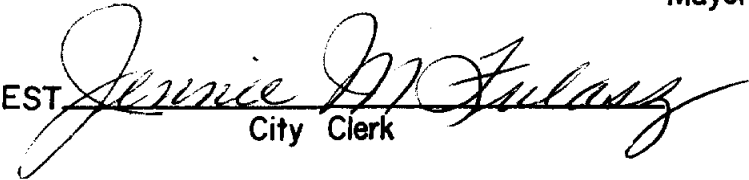
0-403

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
C. / OF CHULA VISTA, CALIFORNIA, HELD September 7, 19 82, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD September 14,
19 82, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, Cox, Malcolm, McCandliss
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : Moore



Mayor of the City of Chula Vista

ATTEST 
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. 2003, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk

ORDINANCE 2003

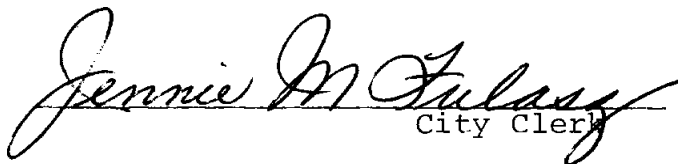
AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 5.15, 5.54 AND 5.58 OF THE CHULA VISTA MUNICIPAL CODE PERTAINING TO AUTOMOBILES FOR HIRE, TAXICABS AND TOW TRUCKS RESPECTIVELY

By a unanimous vote of those present (Councilman Moore was absent), the City Council placed the ordinance on second reading and adoption at the meeting of September 14, 1982.

Specifically, the amendment to the Code transfers the overall processing responsibility for taxicabs from the City Clerk to the Police Department; authorizes the Director of Public Safety to grant the taxicab certificates; and increases the amount of public liability insurance requirements. The changes in the Automobiles for Hire and Tow Trucks chapters are minor technicalities except for the increased public liability insurance requirements.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista, CA.

Dated: 9/22/82


City Clerk