

Chapter 6.32

TAXICABS\*

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- \* The license tax for taxicab businesses can be found in Ch. 5.04 of this code.

Prior history: 1959 Code §§ 3740 through 3745, 3747 through 3772 and Ord. 615.

6.32.010 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 trustees, engaged in operating for hire, taxicabs as defined in 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 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 both, and upon which such charge is plainly registered by means of figures, indication dollars and cents.

"Taxistand" means a place on a public street designated by the city manager for the use, while awaiting employment, of any vehicle covered by this chapter. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.020 Permit--Required--Exceptions. 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 manager authorizing such operation except:

A. A vehicle which is lawfully transporting a passenger or passengers from a point outside Delano city limits, to a destinations within city limits, or is en route through this city to a destination outside the city; provided, that no such vehicle shall, without such permit, solicit or accept a passenger, or passengers, from within

Delano 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.030 Permit--Petition--Requirements--Investigation--Issuance. A. Any person desiring a permit to operate vehicles covered by this chapter shall file a petition with the city manager. 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, if 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 to operate, full information pertaining to the extent, character and quality of the proposed 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 manager 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 manager, 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 whether 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 permitted to operate vehicles under the

conditions therein specified; subject, however, to the requirements, obligation and limitations imposed by 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.040 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 manager 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 manager permission therefore, 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 manager shall have the same authority in granting or denying such application for permission to add or substitute as is vested in him in this chapter in the matter of original applications, and the applicant shall have the same right for review of such decision as set out in this chapter. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.050 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 has determined that any 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 such permit or the rules and regulations of the city manager pertaining to the operation, and to the extent, character and quality of 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.060 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 Delano city council setting forth the grounds for dissatisfaction, whereupon the city council shall hear such objections at a meeting, giving ten days 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.070 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 permit complies with all other terms and conditions applied thereto contained in other laws and ordinances. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.080 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 other 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 Delano, 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 officers, agents and employees as additional named insureds. Additionally, a vehicle owner and driver shall indemnify, defend and hold harmless the city, its 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 tortfeasor 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.090 Vehicle identification. 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 Section 6.32.010 and which shall be of such character and nature as to be misleading or deceptive to the public. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.100 Advertising on. Advertising for the taxicab or carrier 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.110 Numbers. A. Each taxicab operated pursuant to the terms of this chapter shall be numbered.

B. The numbers shall be painted upon the body of the taxicab in numerals of a size, color, visibility and posi-

tion or positions approved from time to time by the chief of police.

C. A series of numbers shall be assigned by the chief of police to carriers for use of their taxicabs. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.120 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 by 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.130 Vehicle equipment--Inspection. A. All vehicles operated by any carrier as defined in Section 6.32.010 shall, before being placed in service, be approved by the chief of police of the city. 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 all 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. In the event 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.

C. 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.140 Taximeter--Operation, placement, inspection, 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 it 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 any time 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 repaired and accurately adjusted.

D. Every taximeter shall be inspected and tested for accuracy by the carrier at least once each year. Upon the completion of such inspection and of any adjustments necessary to cause such taximeter to operate within the standards of accuracy approved by the chief of police, the carrier shall cause to be placed upon such meter a gummed label having printed thereon the following:

This taximeter was inspected and tested on (date), and found to comply with standard of accuracy prescribed by the chief of police of the City of Delano, California.

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 the taxicab is engaged by a passenger, or passengers. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.150 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.160 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.170 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 a 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.180 Availability of service. A. Taxicab service shall be available at all times by telephone call, 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.190 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 when 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.200 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 a general circulation by the permit holder at the time of filing same with the city so as to provide 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.210 Waiting time. For the purpose of this chapter, "waiting time" means the time consumed while the taxicab is not in motion 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 three minutes following timely arrival at any location in response to a call or for the time lost throughout traffic interruptions or for delays caused by the inefficiency of the taxicab or its driver. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.220 Charging other than established fares prohibited. It is unlawful for any carrier, or agent or employee thereof, or any driver or operator of any vehicle covered by this chapter, to charge, collect, demand, receive, arrange, solicit or bargain for any amount of compensation other than the rates or fares established and authorized by this chapter. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.230 Display of rates. Every taxicab used or operated under this chapter shall, at all times, have displayed therein in 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.240 Refusal to pay fare. It is unlawful for any person to refuse to pay the authorized fare of any of the 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.250 Carrier responsibility requiring operation by permit holder. It is unlawful for any carrier, as defined in Section 6.32.010 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.260 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.270 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.280 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 of twenty-five dollars. 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-size 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 the receipt of such application accompanied by the required fee and deposit 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 permit 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 6.32.290 shall be a good cause for denial of the driver's permit, provided the chief of police shall deem the applicant unfit to be the holder of such permit by reason of such conviction. The chief of police shall consult such records and consider 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. 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, and 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 after 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 6.32.290.

F. The chief of police shall keep a copy of such driver's permit on file in his office. Such a 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 6.32.290.

G. All permits issued pursuant to this chapter shall expire on the three hundred sixty-fifth day following the date of 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 of fifteen dollars and completed all of 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 therefore and pays a transfer fee of fifteen dollars.

J. No fee will 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 of fifteen dollars shall be paid.

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. 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 city.

2. Upon termination of employment, a driver's permit shall become void. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.290 Driver's permit--Revocation or suspension--Appeal--Hearing. A. 1. The chief of police may summarily revoke or suspend any driver's permit issued under the provisions of this chapter; provided, that he has knowledge that the holder thereof, either before or after issuance of his driver's permit, has been convicted of violating any of the provisions of the chapter, or has been convicted of a

felony for the violation of any of the provisions of the State Alcoholic Beverage Control Act, the State Narcotic Law, or of assault, battery, pandering, driving vehicle while under the influence of intoxicants or narcotics, reckless driving, or any other charge or act sufficiently irregular to justify revocation or suspension of such permit.

2. 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 his 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 his driver's permit or temporary driver's permit, or any applicant who may be aggrieved by the denial by the chief of police of his application, may within ten days from such denial, suspension or revocation, make written objection to the Delano city council setting up the grounds for grievance, whereupon the city council 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 such decision 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 council. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.300 Uniform and cap--General appearance. A. It is unlawful for any driver to operate or be in charge of any taxicab governed or affected by this chapter without wearing a distinctive cap and cap insignia or distinctive badge having a minimum size of two inches by four inches along with the name of the driver and the company, in a conspicuous area on the upper body; and it is unlawful for such driver to fail to at all times while operating or in charge of such vehicle, to have in his immediate possession the driver's permit required by this chapter to be secured from the chief of police. It is also unlawful for any driver operating or in charge of, any vehicle governed or affected by this chapter to use for the purpose of operating such vehicle a driver's permit issued to another person.

B. Any uniform worn by drivers of taxicabs must be approved by the chief of police.

C. Drivers shall keep themselves physically clean and neat in appearance at all times while on duty. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.310 Taxistands--Permit--Standing restrictions.

A. It is unlawful for any carrier, or driver of any vehi-

cle operated pursuant to the terms of this chapter, to stand or permit to stand, 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 hotel, the written consent of the manager of such hotel, or if there is no building on the premises in front of which it is described 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 give such consent to the granting of a permit to occupy any stand upon the streets as required in subsection B of this section, and for the violation of this

subsection C, 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.320 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. (Ord. 1042 §1 (Exh. A (part)), 2000).

6.32.330 Violation. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof is punishable as provided in Chapter 1.16 of this code. (Ord. 1042 §1 (Exh. A (part)), 2000).

## Chapter 6.36

### THEATERS

#### Sections:

6.36.010 Licensing of temporary theaters.

6.36.010 Licensing of temporary theaters. No license shall be issued for a temporary theater for the same performance for a greater period than one week or more than one time in any six-month period. (1959 Code §3601).