

**ORDINANCE NO. 23-07 N.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND  
AMENDING CHAPTER 7.68 OF THE MUNICIPAL CODE OF THE CITY OF  
RICHMOND. THIS ORDINANCE REGULATES THE OPERATION OF  
TAXICABS WITHIN THE CITY OF RICHMOND.**

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The Council of the City of Richmond do ordain as follows:

Section I. **Amendment of Chapter 7.68**

Chapter 7.68 of the Municipal Code of the City of Richmond is amended to read as follows:

**Chapter 7.68**

**Taxicabs**

Sections:

7.68.010	Definitions
7.68.020	Owner's Permit
7.68.030	Police Chief's Investigation
7.68.040	Owner Insurance Requirements
7.68.050	Owner's Permit Duration and Renewal
7.68.060	Denial, Modification, Suspension, and Revocation of Owner's Permit
7.68.070	Vehicle Inspection and Sticker
7.68.080	Quarterly Report
7.68.090	Maximum Number of Taxicabs Permitted to Operate
7.68.100	Driver's Permit
7.68.110	Driver's Permit Application
7.68.120	Duration of Permit
7.68.130	Denial, Modification, Suspension or Revocation of Permit
7.68.140	Driver Identification Card
7.68.150	Driver Log
7.68.160	Taximeter
7.68.170	Operational Issues
7.68.180	Penalties

**7.68.010 Definitions.**

As used in this chapter, the following words shall have the following meanings:

- (a) "Driver" means any person in charge of or operating any taxicab, either as agent, employee, or otherwise, under the direction of the owner, or as the owner. If driver also owns the taxicab, for purposes of this Chapter, driver is synonymous with Owner/Operator.
- (b) "Owner" means the person, firm, partnership, or corporation that is the registered owner of a taxicab.
- (c) "Permit" means a permit to operate a taxicab.
- (d) "Taxicab" means an automobile or other motor-vehicle which is used in the transportation of passengers at rates per mile or for wait-time, or both over the public streets of the City and which is equipped with a taximeter by which the fare is mechanically tabulated. The word "taxicab" does not mean or include vehicles which are used to transport passengers for hire over a defined route or upon a fixed schedule.

- (e) “Taximeter” means any instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and which is regulated by the Contra Costa County Sealer of Weights and Measures.

**7.68.020 Owner’s Permit.**

- (a) It is unlawful to operate a taxicab in the City of Richmond unless the owner applies for and obtains a permit to do so. The taxicab owner must apply for and obtain a permit to operate the taxicab. The application for such owner’s permit shall be filed with the Richmond Police Department and shall include the following:
  - (1) The name and address of the owner/applicant;
  - (2) If the owner is a partnership, the names and addresses of all the partners;
  - (3) If the Owner is a corporation, the names and addresses of all directors and officers of the corporation and the names and addresses of all shareholders owning more than twenty percent (20%) of the voting stock of the corporation;
  - (4) The number of vehicles proposed to be operated and a complete description of each vehicle including: Vehicle Identification Number (VIN), manufacturer, model, year of manufacture, license number, and passenger seating capacity;
  - (5) The date of birth, California Driver’s License Number, and home or cell phone number of the owner;
  - (6) Color scheme and insignia and/or any other distinguishing characteristics of the proposed vehicle(s);
  - (7) Payment of any required fees for operating a taxicab or taxicab company;
  - (8) Such other information as the Richmond Police Department may require, at its discretion.
- (b) If an owner/applicant desires to be associated with another owner and use the other owner’s colors, the applicant must also file a copy of the agreement in which permission is granted to use said owner’s colors.
- (c) The owner shall submit with the application a mechanical inspection certificate for each taxicab’s signaling and lighting systems, steering, brakes, and tires. The certificate shall indicate that the inspection had been conducted within fifteen days of the filing date of such application at a State of California Approved Inspection Station. Upon approval of the application and before operating any public motor vehicle, the Owner shall submit proof of liability insurance as specified in Section 7.68.040.
- (d) The owner shall also submit a copy of the California Department of Motor Vehicles (DMV) registration for each taxicab proposed to be operated. If the owner is a corporation, the registration must indicate that the vehicles are registered in the company name.
- (e) Whenever there is a change of twenty percent (20%) or more of the ownership of the business, or additional partners are added in a partnership agreement, the owner must apply for a new owner’s permit. Violation of this section automatically revokes the owner’s permit.
- (f) The fictitious business name of the company under which the owner operates shall be painted or decal on the sides of the taxicab.
- (g) An identification card, no less than four inches by six inches in size, shall be conspicuously displayed in full passenger view in the taxicab and include: the name of the owner or fictitious company name under which the owner operates, the address and telephone number of the business, the owner’s identifying number for such taxicab, and the rates of fare to be charged for the use of said taxicab.

- (h) Any addition to the number of taxicabs, or any substitution for a taxicab operated under the permit, shall require the submission of a new permit application outlining such changes and the following of the proceedings that may be required to obtain the original permit.
- (i) Any owner who sells or transfers a taxicab operating under a valid permit, shall notify the Police Chief of such action within ten (10) days of the sale or transfer. Failure to comply with this requirement shall be grounds for the revocation of the owner's permit.

**7.68.030 Police Chief's Investigation.**

- (a) The Police Chief shall, within thirty days of the receipt of an application, report his findings to the owner with a recommendation of denial or temporary approval. After full review of the application materials, the report shall contain, but is not limited to, the following information: certification that all fees have been paid; certification that fingerprinting has been completed; a listing of any false statements on the application; a listing of pertinent prior criminal convictions; taximeter certification; brake and lighting certification; certification of vehicle inspection; certification of the color scheme and vehicle identification number(s) of the vehicle(s); proof of insurance; etc.
- (b) Within forty-five (45) days after the Police Chief prepares the report of findings, pending receipt of all information (including, for example, the background check), the Police Chief shall make a final determination whether the applicant shall be allowed to operate a taxicab within the City.

**7.68.040 Owner Insurance Requirements.**

- (a) It is unlawful for any owner to own or maintain or to operate or cause or permit to be operated any taxicabs in the City unless there is in full force and effect at all times an insurance policy covering each vehicle. The insurance coverage shall include a minimum of one hundred thousand dollars (\$100,000) for personal injury to, or death of, any one person in any one accident; a minimum of three hundred thousand dollars (\$300,000) for personal injury to, or death of, more than one person in any one accident; and fifty thousand dollars (\$50,000) for property damage of others arising from any one accident. The insurance policy shall remain in full force and effect for the duration that the owner operates a taxicab in the City, and the City, its officers, employees, and agents shall be listed as additional named insureds.
- (b) Each owner shall provide workers compensation insurance that satisfies state and federal requirements for all of the owner's drivers, employees, or lessees.
- (c) Certificates of insurance coverage satisfying the insurance requirements set forth in this section shall be provided to the Chief of Police.
- (d) The owner is responsible for notifying the City of any change or cancellation in the insurance coverage.

**7.68.050 Owner's Permit Duration and Renewal.**

- (a) Every owner's permit issued shall expire on the anniversary date of its issuance, unless the same is renewed for an additional year prior to expiration. The renewal application shall contain the same information required in the original application. The Police Chief shall, within thirty days of the receipt of a renewal application, report his findings to the owner with a recommendation of denial or temporary approval. After full review of the application materials, the report shall contain, but is not limited to, the following information: certification that all fees have been paid; certification that fingerprinting has been completed; a listing of any false statements on the application; a listing of pertinent prior criminal convictions; taximeter certification; brake and lighting certification; certification

of vehicle inspection; certification of the color scheme and vehicle identification number(s) of the vehicle(s); proof of insurance; etc.

- (b) Any permit that is not renewed shall be considered automatically revoked.

**7.68.060 Denial, Modification, Suspension, and Revocation of Owner's Permit.**

- (a) With a minimum of ten (10) days written notice, the Chief of Police may deny an owner's permit application or may modify, revoke or suspend any owner's permit to operate a taxicab upon the streets of the City for any violation of the provisions of this chapter or any ordinance or regulation relating to traffic or use of the streets, or for failure to pay any judgment for damages arising from the unlawful or negligent operation of the taxicab for which the permit was issued, or for making false statements to City officials or upon the recommendation of the Police Chief that the permit should be revoked or suspended.
- (b) Upon permit application denial or revocation, the owner may not reapply for another owner's permit for a period of 180 days following the date of the denial or revocation.

**7.68.070 Vehicle Inspection and Sticker.**

Every taxicab to be operated pursuant to an owner's permit shall be inspected annually for safety and readiness for public use by a member of the Police Department. On the passage of the inspection, a sticker issued by the Police Chief shall be issued.

**7.68.080 Quarterly Report.**

It shall be the responsibility of each owner to compile and submit reports to the Police Chief on a quarterly basis. Failure to comply with this reporting requirement may result in the revocation of the owner's permit. These reports shall contain the following information:

- (a) The taxicab's year, make, model, license number, and vehicle identification number;
- (b) The number assigned to the taxicab by the owner;
- (c) The taxicab inspection sticker number;
- (d) The name of the registered owner of each taxicab;
- (e) The name of each driver or lessee operating the owner's taxicabs, and
- (f) The company name under which the taxicab is operating.

**7.68.090 Maximum Number of Taxicabs Permitted to Operate.**

The maximum number of taxicabs that shall be permitted to operate within the City of Richmond shall be sixty (60).

**7.68.100 Driver's Permit.**

- (a) It is unlawful for any person to operate any taxicab under this chapter unless the driver has applied for and obtained a valid driver's permit from the Police Chief.
- (b) The applicant shall submit the following to the Police Chief:
  - (1) Completed Driver Application;
  - (2) Driver's permit fees;

- (3) Recent fingerprint card; and
  - (4) The name and address of the driver's controlled substance and alcohol testing program managers as specified under California Government Code Section 53075.5.
- (c) Background check – The background check shall include the following: application, recent fingerprint card, and the name and address of the driver's controlled substance and alcohol testing program manager as specified under California Government Code Section 53075.5.
- (d) The Police Chief shall also investigate the background of each applicant to determine if the applicant has been convicted of any of the following:
- (1) A felony or violation of any drug or narcotic law in the preceding five years;
  - (2) Any penal law involving moral turpitude in the preceding five years;
  - (3) Driving under the influence of alcohol or drugs in the preceding five years; or
  - (4) Three or more moving violations or accidents in the twelve months preceding the date on which the application was filed.

**7.68.110 Driver's Permit Application.**

- (a) The Police Chief shall determine whether the applicant should be allowed to operate a taxicab within the City. The Police Chief shall consider the following evidence in the course of processing the application and will approve/deny the application based upon:
- (1) False statements in the application;
  - (2) Prior pertinent criminal convictions by the applicant;
  - (3) Poor driving record as evidenced by the applicant being convicted of three or more moving violations during the preceding twelve months; the applicant being found at fault in three or more accidents in the preceding twelve months; or the applicant being involved in any combination of moving violations or accidents which numbers three or more during the preceding twelve months.
  - (4) Positive test result under the controlled substance and alcohol testing program as set forth in Government Code Section 53075.5.
  - (5) The applicant being found unfit due to prior violation of this chapter.
- (b) If the permit application is granted, the Police Chief shall issue a driver's permit to the applicant. The Police Chief may impose such terms and conditions on the issuance of the permit as may be reasonable to protect the public health, safety, and welfare.
- (c) If the permit application is denied, the applicant may not reapply for a period of one hundred eighty (180) days following the date of the denial.

**7.68.120 Duration of Permit.**

- (a) Every driver's permit shall expire on the anniversary date of its issuance each year, unless suspended, revoked or made void at an earlier time. An application for renewal of the driver's permit shall be filed not less than thirty (30) days prior to expiration. The renewal application shall contain the same information, and be processed in the same manner, as a new application pursuant to Section 7.68.110 above.
- (b) The driver's permit shall become null and void when the driver leaves the employ of one company. The owner shall become responsible for retrieving the identification card as outlined in Section 7.68.140. Should a driver become employed by another company, said driver shall apply for a new permit under the new company.

**7.68.130 Denial, Modification, Suspension or Revocation of Permit.**

- (a) The Police Chief may deny a driver's permit application pursuant to Section 7.68.110 or may, at any time, suspend or revoke any driver's permit for any violation of this chapter or of any provision of the California Vehicle Code that is punishable by suspension or revocation of a driver's license or for making false statements to City officials or for any other reason which would render the driver unfit to operate a taxicab.
- (b) Prior to the denial, suspension or revocation of the driver's permit, the Police Chief shall give the driver at least ten days written notice of the impending denial, suspension or revocation of the permit and the reasons therefore. Within the ten day period, the driver may request a hearing before the City Manager. Such requests must be in writing, setting forth the reasons why the permit should not be denied, suspended or revoked. The City Manager or the City Manager's designee shall conduct a hearing on the proposed denial, suspension or revocation. The decision of the City Manager shall be final and conclusive.
- (c) Notwithstanding the procedure set forth above, the City Manager may suspend a driver's permit for a period not to exceed ten days without a prior hearing if the City Manager determines that the public safety and welfare are endangered by the driver's continued operation.
- (d) Upon permit denial or revocation of a driver's permit, the driver may not reapply for another driver's permit for a period of 180 days following the date of the denial or revocation.

**7.68.140 Driver Identification Card.**

The Police Chief shall issue an identification card to the driver which is evidence of the permit. The identification card shall have a frontal view picture of the individual as well as the date the permit was issued and the name of the driver's employer. The identification card shall be conspicuously attached to the outermost garment worn by the driver while he is operating a taxicab. Each owner shall notify the Police Chief in writing within two days after a driver leaves his employment and shall submit to the Police Chief such driver's identification card. Each owner shall also be responsible for recovering and turning in the identification cards of drivers who have had their driver's permit revoked, nullified or voided.

**7.68.150 Driver Log.**

- (a) The driver of every taxicab shall maintain a written log of every service rendered, including the following information:
  - (1) Location and time of entry;
  - (2) Number of passengers;
  - (3) Location where passengers were discharged;
  - (4) Amount of fare collected; and
  - (5) Driver information, including the driver's name, date, time of shift, and cab number.
- (b) The driver shall make the written log available to any police officer upon request at any time that the driver is operating the taxicab.
- (c) Driver Logs shall be kept by the owner or driver for at least one year after the first date of entry.

**7.68.160 Taximeter.**

- (a) Every taxicab subject to the provisions of this chapter shall be equipped with a taximeter which conforms to all of the applicable requirements of the laws and regulations of the State of California. Every taximeter shall be sealed by a California County Sealer of Weights and Measures and mounted so as to be

visible at all times to the passengers therein. The face of every taximeter shall be illuminated at all times that the taxicab is in operation between the hours of sunset and sunrise.

- (b) Every taximeter shall be subject to inspection by the Police Chief and the County Sealer of Weights and Measures or their authorized deputies at any time. In the event that any taximeter is found to be inaccurate or if it is found in any respect not to meet the requirements of this section or the applicable laws and regulations of the State, the taxicab in which such taximeter is mounted shall be placed out of operation. The taxicab shall remain out of operation until such time as the taximeter is repaired and is found to be in proper operating condition, or is found to meet the requirements of this section or the applicable laws and regulations of the State by the Police Chief or the County Sealer of Weights and Measures.
- (c) Any owner or operator of a taxicab who has made repairs or adjustments to the taximeter installed therein, or who has installed a new or repaired taximeter in the vehicle, or who has made any adjustments to the vehicle which may affect or alter the accuracy of the taximeter shall, within twenty-four hours after such repair, adjustment or installation, notify the County Sealer of Weights and Measures and request a test of the taximeter for accuracy.

#### **7.68.170 Operational Issues.**

- (a) Fare Rates – The City Council may set by resolution the maximum fare rates to be charged per flag drop, per mile, and per minute of waiting time or traffic delay time. In the event such a resolution is adopted, it shall be unlawful for any taxicab owner or driver to fix, charge, collect or receive a fare in excess of the rate set by the resolution of the City Council. Any charge made or fare collected in excess of the rate set by resolution of the City Council shall be cause for suspension or revocation of the owner’s and/or driver’s permit.
- (b) Exclusive Use - When a taxicab is engaged, the occupants shall have the exclusive right to the full and free use of the passenger compartment, and it is unlawful for the owner or driver of such vehicle to solicit or carry passengers contrary to such right except for when there is a public transportation strike or when the Police Chief finds that public necessity temporarily requires the grouping of passengers in taxicabs.
- (c) Window Blinds – It is unlawful for any shade or blind to be drawn over any window in the vehicle while the vehicle is occupied.
- (d) Driver to Use Direct Route – The taxicab driver shall take the most direct route possible that will carry the passengers safely, lawfully, and expeditiously to their destination.
- (e) Receipt for Fares – At the request of the passenger, the driver shall provide a written receipt for the fare paid, on a form approved by the Chief of Police.
- (f) Fares During Public Transportation Strike – It is lawful for taxicabs, during such time as the public transportation service is disrupted by a strike, to charge the metered fare plus one dollar (\$1.00) per person.
- (g) Paying Fare and Fare Disagreements – It is unlawful for any person to hire any taxicab, obtain a ride in the same, and thereafter depart the taxicab without paying the driver the legal fare. In the case of a disagreement between the driver and the passenger regarding the legal fare to be paid, the driver shall convey the passenger to the nearest police station, where a police officer shall immediately decide the case. If the decision is in favor of the passenger, the driver shall convey the passenger from the police station to the original destination without additional charge. If the passenger is found to be in error, there is no requirement for the driver to convey the passenger to the destination without additional charge.
- (h) Up-Front Fare Payment – It shall be unlawful for any taxicab driver to ask for or require up-front or pre-payment of fare for trips originating in, traveling through, or disembarking in the City of Richmond.

- (i) Trip Denial – Taxicab drivers cannot deny a trip to a passenger due to destination. Taxicab drivers must make every effort to take the passenger to their destination, but may re-route or change the destination upon consultation with the passenger if there are safety or security concerns.
- (j) Taxicabs from Other Municipalities – The driver of a taxicab authorized to operate in any municipality may drive to a destination within or beyond the City limits, provided that the driver shall not seek nor accept passengers within the City.
- (k) Found Property – The taxicab driver shall, within twenty-four (24) hours, report any found property to the Richmond Police Department.
- (l) Firearms Prohibited – It is unlawful for any owner to allow, cause, or permit any owner or driver to carry a firearm on the owner’s person, on the driver’s person, or in a taxicab while said vehicle is being operated as a taxicab.
- (m) Vehicle Inspection – The Police Chief, or any member of the Richmond Police Department, shall have the right, after displaying proper identification, to enter into or upon any taxicab for the purpose of ascertaining whether or not the provisions of this chapter are being violated. Any taxicab which is found after such inspection to be unsafe or unsuitable for service shall be immediately removed from service. The taxicab shall be placed in a safe and operative condition before being placed back into service.

**7.68.180 Penalties.**

Any person who violates any provision of this Chapter shall be subject to the penalties set forth in Section 1.04.100 of this Municipal Code.

Section II. **Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section III. **Effective Date.**

This ordinance becomes effective thirty (30) days after its final passage and adoption.

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First read at a meeting of the Council of the City of Richmond, California, held June 26, 2007, and finally passed and adopted at a meeting thereof held July 17, 2007, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

LOUISE RENNE, Interim  
City Attorney

State of California            }  
County of Contra Costa       : ss.  
City of Richmond             }

I certify that the foregoing is a true copy of Ordinance No. 23-07 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on July 17, 2007, and published in accordance with law.