

TOWN OF SAN ANSELMO

ORDINANCE NO. 1041

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING CHAPTER 10 OF TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE REGARDING THE REGULATION OF TAXICABS

WHEREAS, California Government Code Section 53075.5 requires that every city or county shall protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to taxicab transportation services; and

WHEREAS, California Government Code Section 53075.5 requires that the regulations established in regard to taxicab transportation services include at a minimum: (i) a policy for entry into the business of providing taxicab transportation services; (ii) the establishment or registration of rates; and (iii) a mandatory controlled substance and alcohol testing certification program; and

WHEREAS, Chapter 10 of Title 4 of the San Anselmo Municipal Code (the "Code") regulates the operation of taxicabs in the Town of San Anselmo; and

WHEREAS, the Town of San Anselmo is a member of the Marin Streetlight Acquisition Joint Powers Authority (the "JPA"); and

WHEREAS, the JPA has adopted the Marin Streetlight Acquisition Joint Powers Authority Taxicab Regulation Program (the "Program") in order to provide for the uniform regulation of taxicabs throughout the unincorporated areas of the County of Marin and all of the cities and towns participating in the JPA in accordance with all of the requirements of state law; and

WHEREAS, the San Anselmo Town Council desires to amend Chapter 10 of Title 4 of the Code in order to require that all taxicabs operated in the Town of San Anselmo are in compliance with the Program adopted by and operated by the JPA.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 10 of Title 4 of the San Anselmo Municipal Code is hereby amended in its entirety to read as follows:

"Chapter 10"

4-10.01 Definitions.

For the purpose of this chapter, the words and phrases defined in this section shall be construed in accordance with the following definitions.

"Town" means the Town of San Anselmo

"Town Authorization" means authorization by the Town to operate a taxicab business in the Town.

"Company" includes natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

"Company Permit" means a valid permit issued by the JPA authorizing a Company to operate a Taxicab business.

"Driver" means a person who drives or controls the movements of a Taxicab.

"Driver's Permit" means a valid permit issued by the JPA authorizing a person to drive or control the movements of a Taxicab.

"JPA" means the Marin Streetlight Acquisition Joint Powers Authority.

"Operate a Taxicab" means to drive a Taxicab and either solicit or pick up passengers for hire in the Town.

"Owner" means the registered owner or lessor of a Taxicab.

"Program" means the Marin Street Light Acquisition Joint Powers Authority Taxicab Regulation Program adopted and administered by the JPA.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than eight persons and not operated on a fixed route.

"Vehicle Permit" means a valid permit issued by the JPA authorizing a particular vehicle to be operated as a Taxicab.

4-10.02 Compliance with Program.

No person or Company shall Operate or cause the operation of a Taxicab in the Town of San Anselmo unless such operation complies with the terms and requirements of the Program.

4-10.03 Driver's Permit Required.

A person shall only operate a Taxicab in the Town of San Anselmo if that person possesses a Driver's Permit. An Owner shall only allow a Driver to operate a Taxicab owned by the Owner if that Driver possesses a Driver's Permit.

4-10.04 Taxicab Vehicle Permit Required.

A person shall only operate a Taxicab in the Town of San Anselmo if that vehicle displays a Vehicle Permit. An Owner shall only allow a Taxicab owned by the Owner to be operated in the Town if that vehicle displays a Vehicle Permit.

4-10.05 Company Permit Required.

A Company shall only operate a Taxicab business in the Town of San Anselmo if that Company possesses a Company Permit.

4-10.06 Application for Permits.

Application for a Driver's Permit, Vehicle Permit and/or Company Permit shall be made to the JPA, upon a form provided by the JPA and shall be accompanied by an application fee sufficient to cover the administrative costs of processing such application as established by the JPA.

4-10.07 Testing for Controlled Substances and Alcohol.

A Driver shall test negative for controlled substances and alcohol as required by the Program and any and all applicable state statutes.

4-10.08 Insurance Required.

A Driver operating a Taxicab in the Town of San Anselmo shall carry with him/her at all times proof of insurance covering that vehicle, with such policy limits and coverage as established by the JPA. Said proof of insurance must clearly identify the vehicle covered.

4-10.09 Equipment.

A Taxicab operated under the authority of this chapter shall be equipped according to the standards established by the JPA.

4-10.10 Mechanical Condition.

A Taxicab operated under the authority of this chapter shall be maintained according to the standards established by the JPA.

4-10.11 Operational Requirements.

A. A Driver shall only carry a passenger to his/her destination by the most direct and accessible route.

B. A Taxicab shall have all permits issued by the JPA conspicuously displayed according to the standards established by the JPA.

C. A Taxicab shall have the following information continuously posted in a prominent location in the Taxicab passenger compartment according to the standards established by the JPA.

1. A schedule of rates and charges for the hire of said Taxicab;
2. The Driver's name and address;
3. The owner's name, address and telephone number;
4. The Taxicab identification number;
5. The Driver's Permit issued by the JPA; and
6. The Vehicle Permit issued by the JPA.

D. A Driver shall give a receipt for the amount charged upon the request of the person paying the fare.

E. A Taxicab shall only be operated if the passenger compartment is kept in a clean and sanitary condition free from offensive odors.

F. The name or trade name of the owner and the number by which the Taxicab is designated shall be printed, stamped or stenciled conspicuously on the outside of each Taxicab according to the standards established by the JPA.

4-10.12 Separate from Business Licensing.

The requirements of this chapter are separate and independent from the business licensing and any other provisions under the Town Code. Any company, owner and/or Driver operating a Taxicab in the Town of San Anselmo shall obtain a business license to the extent required under the terms of this Code.

4-10.13 Enforcement and Penalty Provisions.

The Town of San Anselmo intends to secure compliance with the provisions of this chapter by any of the following alternate, separate and distinct methods. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations nor does it prevent utilization of any other enforcement mechanisms and/or penalties available by law. Each day a violation exists constitutes a separate offense.

Notwithstanding any other provision of this chapter, each violation of the provisions of this chapter may be enforced alternatively as follows:

A. Infraction. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter may be prosecuted for an infraction.

Written citations for infractions may be issued by police officers or nonsafety employees designated by the Town by separate resolution. Any person convicted of an infraction under the provisions of this chapter shall be punished by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation within one year;
3. A fine not exceeding five hundred dollars for each additional violation within one year.

B. Misdemeanor. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter may be prosecuted for a misdemeanor.

Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by the Town by separate resolution. Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine not

exceeding one thousand dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

C. Civil Action. The Town Attorney by and at the request of the Town Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this chapter, as provided by law.

SECTION 2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 3. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its adoption.

SECTION 4. Publication. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the Town of San Anselmo.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Anselmo Town Council on the 12th day of April 2005, and was adopted at a regular meeting of the San Anselmo Town Council on the 26 day of April, 2005 by the following vote:

AYES: Breen, Kroot, Thornton
NOES: (None)
ABSENT: Chignell, Cooper
ABSTAIN: (None)



PETER BREEN

Mayor

Attest:


BARBARA CHAMBERS
Town Clerk