

ORDINANCE NO. 290

AN ORDINANCE TO REGULATE THE RATES, RULES, PRACTICES AND OPERATIONS OF TAXICABS IN THE TOWN OF SAN ANSELMO PRESCRIBING TERMS AND CONDITIONS UNDER WHICH SUCH OPERATIONS MAY BE CONDUCTED, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

*11/19/88
attached*

THE CITY COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. Unless it appears from the context that a different meaning is intended, the following words shall have the meaning attached to them by this section:

- (a) The word "street" shall mean and include any street, alley, avenue, lane, public place, or highway within the city limits of the Town of San Anselmo.
- (b) The word "person" includes both the singular and plural and shall mean and include any person, firm, corporation, association, partnership, or society.
- (c) The word "taxicab" shall mean and include any vehicle for hire for the purpose of transporting passengers other than over a fixed or regular route.
- (d) The word "owner" shall mean and include any person having control of the operation or maintenance and collection of the revenue of taxicabs.
- (e) The word "driver" shall mean and include every person in charge of or operating a taxicab.
- (f) The word "certificate" shall mean the certificate of public convenience and necessity granted by the City Council of the Town of San Anselmo to engage in the taxicab business as provided in this ordinance.
- (g) The phrase "within the limits of the Town of San Anselmo" shall include all of the territory within the corporate limits of the Town of San Anselmo.

Section 2. Unlawful to Engage in Taxicab Business or Operate Taxicab Without Complying with Ordinance. It shall be unlawful for any person to engage in the business of operating a taxicab, or taxicabs, within the Town of San Anselmo, or to drive a taxicab within the Town of San Anselmo unless the provisions of this ordinance have been complied with, provided, however, this ordinance shall not apply to licensed taxicabs of other cities or towns merely delivering passengers into the Town of San Anselmo, or driving through said town from one locality to another.

Section 3. Certificate of Public Convenience and Necessity Required. No person shall hereafter operate within the Town of San Anselmo any taxicab unless a certificate of public convenience and necessity for the operation of such taxicab as herein provided for has been issued and is in effect.

Section 4. Application for Certificate. How Made. Contents. Application for certificate shall be made to the City Council of the Town of San Anselmo upon forms provided by the Town therefor, and each such application shall be verified under oath and shall furnish the following information:

- (a) The name and address of the proposed owner. If the proposed operation is to be financed wholly or partly by means of borrowed money or capital in any form furnished by any person other than the owner, the name of the person lending the money or furnishing the capital shall be disclosed on the application.
- (b) The financial ability and responsibility of the applicant.
- (c) The number and kind of vehicles, and the character and location of the depots and terminals to be used.
- (d) The experience of the applicant in the transportation of passengers for hire.
- (e) Any facts upon which the applicant believes public convenience and necessity require the granting of his application.
- (f) A schedule showing the maximum and minimum passenger fares to be charged, and whether it is intended to operate on zone rate or meters, and if zone rate, the distance and charge for each respective zone, and if by meter, the distance of the first charge and rate per mile for each additional mile or fraction thereof.
- (g) An agreement or stipulation that the applicant will operate, 6 hours per day, 5 days each week, of license year, and continue to operate during the time the certificate shall remain in effect, and that the applicant will not charge more nor less than fare specified in the schedule filed with said application.
- (h) The exact nature of the proposed business for which the permit is requested, and the name under which it is to be operated.
- (i) The color scheme and characteristic insignia to be used to designate the vehicles of said owner.
- (j) Such further information as the City Council, or such official of the Town of San Anselmo, to whom the application may be referred, may require.

Section 5. Matters to Be Considered on Application for Certificate. The City Council of the Town of San Anselmo shall determine whether the public convenience and necessity require the operation of the taxicabs for which application has been filed, and in making this determination it shall consider:

- (a) Whether the demand of public convenience and necessity require such proposed or such additional taxicab service within the Town of San Anselmo.
- (b) The probable permanence and quality of the services offered by the applicant.
- (c) The financial ability, character, and responsibility of the applicant.
- (d) The number and character of vehicles.

- (e) The experience of the applicant in the transportation of passengers for hire in automobiles.
- (f) The schedule of rates proposed to be charged.
- (g) The number of taxicabs now operating in the Town of San Anselmo, and the increased traffic congestion and demand for increased parking space upon the streets of the Town, which may result, and whether the safe use of the streets by the public both vehicular and pedestrian will be preserved.
- (h) Any such further investigation or other relevant facts as the City Council may deem advisable and necessary.

Section 6. Powers of City Council to Grant or Refuse Certificate. The City Council shall have the power, and it shall be its duty to order said certificate issued, or to refuse to issue same, or to issue same for the partial exercise only for the privilege sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in their judgment the public convenience and necessity may require. The City Council may at any time after a hearing, for any violation of any ordinance of the Town of San Anselmo or any violation of any State law, and for good cause, suspend, alter, amend, or revoke any such certificate.

Section 7. Form and Contents of Certificate. The form of a certificate of public convenience and necessity issued under this ordinance shall be prescribed by the City Council, and shall contain the name and address of the owner, the number, kind, and description of vehicles, the operation of which is authorized by the certificate, and special limitations prescribed by the City Council in granting the certificate, and the certificate shall state that it is issued subject to the provisions of this ordinance.

Section 8. Certificate Is a License to Operate. Renewal. A certificate shall constitute a license from the Town of San Anselmo for the operation of taxicabs within the Town of San Anselmo, subject to the provisions of this ordinance, as it is in effect or thereafter amended until midnight on the 30th day of June next following the date of issue. Application for renewal shall be filed annually prior to June 1st, and hearing shall be held on such application as herein provided.

Section 9. Transfer of Certificate. A certificate is not transferable without the consent of the City Council of the Town of San Anselmo. Application for a transfer shall be filed with the City Council and the person to whom the transfer is to be made shall be required to file an application as if an original application were being made. The proceedings upon such transfer shall be the same as upon an original application, except that public convenience and necessity need not be proved, and the hearing thereon shall be held as early as possible at such time as shall be fixed by the Council. A public hearing shall not be held except by special order if the person to whom the transfer is being made already holds a certificate of public convenience and necessity for the operation of taxicabs within the Town of San Anselmo.

Section 10. Continuation of License in Effect at Time of Adoption of This Ordinance. All licenses to operate a taxicab in the Town of San Anselmo in effect at the effective date of this ordinance are continued in effect until June 30, 1946; after which date the holders thereof

must have secured a certificate of convenience and necessity as provided in this ordinance.

Section 11. Application May Be Filed at Any Time.

Application for a certificate may be filed at any time with the City Clerk, upon forms provided by the Town, and shall be referred by him to the City Council at its next meeting.

Section 12. Hearing Upon Application and Notice of Time of Hearing. Upon the filing of an application for a certificate as hereinbefore provided, the City Clerk of the Town of San Anselmo shall, in writing, notify the applicant of a day, time, and place of the City Council's consideration of his application for said certificate. Such hearing shall be public. A special hearing upon any application may be had at any time upon order of the City Council upon like notice. Any hearing may be continued for a fixed time or from time to time without further notice, but announcement thereof shall be made at the time and place fixed for the hearing to be continued.

Section 13. License Fee. Each person, firm or corporation engaged in the taxicab business in the Town of San Anselmo shall notwithstanding any of the ordinances of the Town of San Anselmo pay license fee to the Town of San Anselmo of the sums of \$50.00 for each year or fraction thereof in advance for one taxicab, and \$5.00 for each year or fraction thereof in advance for each additional taxicab. The license year shall be from July 1st to and including June 30th of each year.

Section 14. Amendment of Schedule of Fares. It shall be unlawful to charge, collect, or receive any other or different compensation for the use of such taxicab than that specified in the tariff or schedule of fares so on file and at the time in effect. Such tariffs shall not be amended except with the consent of the City Council.

Section 15. Posting of Approved Schedule of Fares. Such owner shall keep posted in a conspicuous place in the passenger compartment of each vehicle operated by him, the schedule of fares chargeable for the use of such vehicle.

It shall be unlawful to change the schedule of fares so posted unless and until a new schedule of fares shall have been filed and approved in accordance with the provisions of this ordinance.

Section 16. Unlicensed Operation Prohibited. No person shall be permitted to act as a driver or chauffeur of any vehicle for hire unless he holds a license from the Chief of Police of said city and a chauffeur's permit from the State of California. The license from the Chief of Police, as herein provided for, shall not be necessary if the driver shows a license to operate a taxicab issued to him by the Chief of Police of another town or city in Marin County, California, pursuant to an ordinance regulating the operation of taxicabs, when, in the opinion of the Chief of Police of the Town of San Anselmo the ordinance requirements and qualifications of drivers, as contained in the ordinance of said other town or city is equivalent to the requirements of this ordinance. In such case, the license issued by the other city or town shall be equivalent to a license issued hereunder.

(a) Requisites for Driver's License. Each application for driver's license shall be verified under oath and show the applicant to have the following qualifications, to-wit:

1. Be a citizen of the United States, of good moral character.
2. Be of the age of twenty-one (21) years or over.
3. Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of the body or mind and not be addicted to the use of intoxicating liquor

or narcotics, which might render him unfit for the safe operation of a taxicab, limousine, sedan, interurban or sightseeing bus.

4. Be able to read and write the English language.
5. Be clean in dress and person.
6. Produce certificates of his character from two (2) reputable persons who are citizens.
7. Fill out upon a blank form to be provided by the Chief of Police a statement giving his full name, residence, place of residence for five (5) years next preceding the date of his application, age, color, height, color of eyes and hair, place of birth, length of time he has resided in the Town of San Anselmo, whether a citizen of the United States, places of previous employment covering five (5) years next preceding the date of his application, whether married or single, whether he has ever been convicted of a felony or of a misdemeanor, whether he has ever been previously licensed as a driver or chauffeur, and if so, whether his license has ever been revoked and for what cause - which statement shall be signed by the applicant and filed with the Chief of Police as a permanent record.

(b)

Photographs of Applicant - Filed with Police Department.

Each applicant for a driver's permit must have his finger prints taken by the Chief of Police and file with his application, two (2) recent photographs of himself of a size that may be easily attached to his license. If the Chief of Police determines that the applicant is in sound physical condition, that the applicant is of good moral character, and is qualified to drive a taxicab, he shall issue to the applicant a license card, which shall bear a number, shall contain the name, home address, business address, employer and photograph of the driver, and the driver shall have said license with him at all times, displayed in a permanent place in a taxicab when he is engaged in operating or is in charge of a taxicab within the Town of San Anselmo, and it shall be the duty of such driver to expose such license upon the request of any person at any time.

At Termination

(c)

Driver's Permit Subject to Revocation of Employment with Owner Under Whose Employ Permit Issued. Each driver's permit issued hereunder shall set forth the name of the owner for which said driver is authorized to operate a taxicab and shall be valid only so long as he continues in the employ of such owner. Upon the termination of such employment, the said driver shall forthwith surrender his driver's permit to the Chief of Police. Upon the termination of the employment of any driver, the owner for whom such driver has been working shall immediately give the Chief of Police written notice of such termination.

(d)

Soliciting Passengers. No driver of any taxicab, or agent of the owner or operator thereof, shall solicit passengers except from a taxicab stand, or while standing immediately adjacent thereto on the curb side thereof, nor in any event solicit passengers in a louder tone of voice than that used ordinarily in conversation.

(e)

Revocation of Permits. The Chief of Police, in the exercise of a sound and reasonable discretion, when the public interest and safety may require, may suspend or revoke any driver's permit issued under the provisions of this section, upon the driver's being convicted upon a violation of any section of the Vehicle Code from Secs. 480 to 483, inclusive, or Secs. 500 to 506, inclusive, or upon two or more convictions for violation of any of the following sections of said vehicle code, to-wit: 510 to 560.5 inclusive, while driving said vehicle for hire, or on a charge or offense involving moral turpitude.

(f)

Definition of "Conviction" in Section 16(e) Above. For the purpose of this section, a plea of guilty, judgment of guilty, whether probation is granted or not, or any forfeiture of bail, shall constitute a conviction of any of the crimes mentioned herein.

Section 17. Name on Car. Every taxicab, or vehicle for hire, for the operation of which a permit has been issued, shall have the name under which the owner operates plainly painted in letters at least two (2) inches in height in the center of the main panel of the front or rear doors, and also there shall be placed on the front or rear doors an individual identifying number at least two (2) inches in height.

Section 18. Operation of Vehicle for Hire. The owners of all vehicles engaged in the transportation of vehicles for hire in said Town must operate the same and furnish service in strict conformity with the terms of this license and with the provisions of the ordinance.

Section 19. Filing of Schedule of Rates. Within 30 days after the adoption of this ordinance, the owners of vehicles under licenses issued previous to the adoption of this ordinance shall file with said City Council a schedule of rates and agreement as provided for in Section 4, Subdivision (f) and (g) of this ordinance.

Section 20. Insurance Coverage. Every owner operating in the Town of San Anselmo shall file with the City Clerk and thereafter keep in full force and effect a policy of insurance or bond in such form as the City Clerk may deem proper and executed by surety or sureties approved by the City Clerk, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles: provided, the minimum amount of recovery in such policy of insurance or bond specified shall not be less than the following sums, i.e:

For the injury of any one (1) person or the death of any one (1) person in any one (1) accident, Five Thousand (\$5,000.00) Dollars.

For the injury of two (2) or more persons or the death of two (2) or more persons in any one (1) accident, Ten Thousand (\$10,000.00) Dollars.

For the injury or destruction of property in any one (1) accident, Two Thousand (\$2,000.00) Dollars.

Section 21. Designation of Parking and Loading Zones. There is hereby designated and set aside for use by taxicab operators for the parking, loading, and unloading of said taxicabs all that certain street area being the usual parking space on the westerly side of Sir Francis Drake Boulevard from the southerly corner of the northerly Greyhound Bus Depot driveway southerly 130 feet, which said parking space shall be adequate and appropriately marked and designated by the Chief of Police of the Town of

San Anselmo. It is hereby declared to be unlawful for any person, firm or corporation other than a taxicab ^{operator} to park, or leave standing, or to cause or permit to be parked or left standing any motor vehicle or other vehicle in, upon, or along the area herein designated and set aside for use by taxi cabs. WSM

Section 22. Restriction on Parking or Standing in Business District. It shall be unlawful to park or stand in the central business district of the Town of San Anselmo, except for the loading or unloading of passengers, ~~any taxicab in the Town of San Anselmo~~, except on private property, or at a regularly marked and designated site provided by the Town of San Anselmo on the public streets hereinbefore provided in Section 21. WSM

Section 23. Penalties of Violation of This Ordinance. Any person, firm, corporation or association violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (\$300.00) Dollars, or by imprisonment in the County Jail for not more than three (3) months, or by both such fine and imprisonment.


Section 24. Refusal of Passenger to Pay Legal Fare. It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this ordinance after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.


Section 25. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 26. The foregoing ordinance shall, within fifteen (15) days after its final passage and adoption, be published once in the San Anselmo Herald, a newspaper of general circulation, published and circulated in the Town of San Anselmo, and hereby designated for that purpose, and said ordinance shall be in full force and effect thirty (30) days after final passage and adoption.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the City Council of the Town of San Anselmo held in said town on the 8th day of January, 1946, and was thereafter at a ^{subsequent regular} meeting held in the Town of San Anselmo on the 15th day of January, 1946, duly passed and adopted by the following vote:

Ayes: Councilmen SMITH-LOVE-MONTE-VON ROTZ.
Noes: Councilmen NONE
Absent: Councilmen KIENTZ

ATTEST:

Clerk of the Town of San Anselmo


Mayor of the Town of San Anselmo

HEP JAN-24-17

HOO
Reports