

DRAFT

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT 30 PM 6:01

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE NO. 12880 C.M.S. (MASTER FEE SCHEDULE) AS AMENDED, TO COVER THE COST OF INSTALLING AND MAINTAINING TAXI STANDS BY PRORATING THIS COST ACROSS ALL OAKLAND TAXI CABS

WHEREAS, Oakland's taxi stands were previously requested by individual taxi companies for the use of their drivers only; and

WHEREAS, Oakland taxi stands are now available to all permitted Oakland taxis; and

WHEREAS, there is no mechanism in the Master Fee Schedule for adding and funding taxi stands, other than by individual application and individual payment; and

WHEREAS, this has caused the number of taxi stands to shrink over the years; and

WHEREAS, there are currently too few taxi stands available in the City; and

WHEREAS, taxi stands provide a cost-efficient way for taxi drivers to locate passengers who desire taxi services; and

WHEREAS, the benefit of additional taxi stands is available to all permitted Oakland taxi drivers; and

WHEREAS, the cost of adding 20 taxi stands and maintaining a total 30 taxi stands for a period of five years is minimal if allocated across all permitted Oakland taxis (315);

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Master Fee Schedule as set forth in Ordinance Number 12880 C.M.S., as amended, is hereby amended to establish an annual ~~permit fee for bingo hall operator permits and a monthly fee for law enforcement and public safety for bingo game operators~~ component of the vehicle permit fee to cover the cost of installing and maintaining 30 taxi stands as set forth in Exhibit A, attached hereto and made a part hereof. Additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed:

SECTION 2. All revenues generated through the adoption of these fees will be deposited in the General Fund (1010), Traffic Maintenance Organization (30523), Encroachment Permit Account (42314). The expenditures for taxi stand installation and maintenance will be appropriated to the General Fund (1010), Traffic Maintenance Organization (30523), Miscellaneous Supplies Account (52519).

SECTION 3. This ordinance shall be effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

DRAFT

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

FILED
OFFICE OF THE CITY CLERK
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APPROVED AS TO FORM AND LEGALITY

DRAFT

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

**ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER
5.64 "TAXICABS" TO**

- A) SPECIFY REQUIREMENTS FOR 24/7 COVERAGE OF ALL AREAS OF THE CITY**
- B) REQUIRE IN-CAB POSTING OF MEDALLION NUMBER**
- C) CLARIFY TAXI STAND INSTALLATION, COST CALCULATION AND FEE CHARGE PROCESS**
- D) REMOVE BADGE REQUIREMENT FOR FLEET MANAGERS AND TAXI DRIVERS**

WHEREAS, the protection of the public health and safety are the paramount considerations in the interpretation and enforcement of taxicab regulations; and

WHEREAS, in response to the City's stated need for increased taxi availability to all parts of the City at all times and for accurate waybills to show taxi usage, the major taxi companies respond that they cannot meet the City's need because they cannot control the drivers operating under their fleet management permits; and

WHEREAS, the City's unmet need for increased taxi coverage and accurate reporting of taxi usage justifies the use of its police power to establish and implement a system for complete coverage of the City at all times; and

WHEREAS, in-cab vehicle number signage would facilitate timely reporting of violations to the City; and

WHEREAS, the process for requesting, installing, and maintaining taxi stands should include an approval and should reflect the correct City Departments involved in the decision making and installation/maintenance processes; and

WHEREAS, the identification of drivers is better accomplished by the posting of their permit than by the requirement to wear a badge; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. It is the intent of the City Council in enacting this Ordinance, to improve the safety of Oakland's taxicab industry, the availability of taxis to residents and visitors, and the quality of the consumer's experience with Oakland taxicabs.

SECTION 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 3. The City Council finds and determines that the adoption of this Ordinance is exempt from CEQA under Sections 15061(b)(3) of the State CEQA Guidelines and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

SECTION 4. Oakland Municipal Code Chapter 5.64 is hereby amended to read as follows; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed:

5.64.040 Fleet management permit

~~D. Fleet management permittees shall make available badges for use by all permitted drivers which drivers shall wear at all times. The badge shall be of a type approved by the Chief of Police.~~

D. Fleet management permittees shall be responsible for all aspects of the fleet management and day-to-day management operations, including but not limited to drivers and vehicles operated under the fleet management permit. Any violation of any provision of this chapter by a driver or vehicle may be grounds for suspension or revocation of the fleet management permit pursuant to section 5.64.080, and any violation by a driver or vehicle may also be imputed to the fleet management permittee for the purposes of prosecution of violations pursuant to section 5.64.135;

1. Fleet managers shall provide to drivers receipts for all fees collected from said drivers.
2. Upon driver request, fleet managers shall provide all information and documentation on insurance claims filed or processed for accidents and/or other vehicle damage in which said driver was involved.

F. The Chief of Police may deny the granting of any fleet management permit if the applicant has been convicted of any crime, taking into consideration the nature and circumstance of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation.

G. Fleet management permits issued under the provisions of this chapter shall be effective for the calendar year for which the permit is issued only. All fleet management permits shall expire on December 31st of the year for which the permit is issued. Fleet management permits must be renewed annually by the fleet management permittee by submitting a completed application with required documents as set forth in this section no later than November 15th.

H. Any person, partnership, cooperative, corporation, firm, or association in receipt of a fleet management permit shall designate one person as the fleet manager. The fleet manager shall be jointly and severally liable with the fleet management permittee for all acts and omissions arising from the operation of the fleet.

~~I. Fleets consisting of ten (10) or more vehicles shall, as part of their annual permit renewal process, submit a plan for providing taxi coverage to all parts of the City twenty four (24) hours per day, seven (7) days per week.~~

H. Fleets consisting of ten (10) or more vehicles shall provide taxi coverage to all parts of the City twenty-four (24) hours per day, seven (7) days per week. The City Administrator shall divide the City into geographic areas and determine the required level of coverage for each area and time of day. In establishing these requirements the City Administrator, or authorized designee, shall consider the number of vehicle permits managed by each fleet and shall assign the required coverage levels proportionately.

With the exception of the year of adoption, when the plan will be requested upon adoption of the ordinance, as part of the annual renewal process, Fleet Managers of fleets consisting of ten (10) or more vehicles shall submit a plan for meeting the required level of coverage, as determined by the City Administrator. Fleet managers shall maintain records demonstrating compliance with the coverage plan including but not limited to daily records for each permitted vehicle in the fleet showing the name of the driver(s), the time of day and the geographic area serviced by each vehicle. These records shall be maintained by the fleet management company for at least one year and shall be submitted to the City on a quarterly basis in January, April, July and October of each year.

Failure to operate the fleet according to the coverage plan, maintain accurate records of actual operation of each permitted vehicle in the fleet, or submit timely quarterly reports shall be a violation of this Chapter and shall constitute a basis for revocation of the fleet management permit and/or any vehicle permits under the ownership, possession or control of the fleet management company.

5.64.055 Operating permit.

D.2. On the exterior and interior sides of the vehicle shall appear the vehicle permit number in a size specified by the Chief of Police.

5.64.070 Driver permits.

E. All persons driving taxicabs are required to post their driver permit within the taxicab as directed by the Chief of Police and in full view of passengers. ~~All persons driving taxicabs shall wear their driver's badge provided by the fleet management permittee as set forth in Section 5.64.040D.~~

5.64.120 Taxicab stands.

Upon their approval of the written application, the Traffic Engineer shall designate throughout the city open places to permit any taxicab to stand while awaiting employment. Such application shall state the number of taxicabs for which the permit is sought and the proposed location of such stands. Such application must be accompanied by the written consent of the person primarily affected, by reason of the fact that the taxicabs shall stand in front of the premises either owned or occupied by him or her or in which he or she is otherwise interested. Not more than three taxicabs shall be permitted to stand upon either side of a street within the limits of any one block unless otherwise designated by the traffic engineer. No permit shall be issued for any

stand to be located within seventy-five (75) feet of another such stand on the same side of the street unless otherwise designated by the traffic engineer. No fleet manager shall permit any vehicle operated by him or her and no driver shall cause any such vehicle to stand while awaiting employment in any place other than a stand designated by the Traffic Engineer. It is unlawful for the driver of any vehicle, other than a driver of a taxicab to park or leave standing such vehicle in any taxicab stand. The Traffic Engineer shall identify all such stands with a posted distinctive sign, identifying the space ~~and the number of taxicabs allowable in said stand for taxicab use~~ and shall ~~have~~ paint the curb adjacent to the stand painted white. The cost of taxi stand identification and maintenance shall be determined by ~~the Traffic Engineer~~ Maintenance and established in the Master Fee Schedule, prorated over the total number of vehicle permits, and collected in the annual vehicle permit process. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.13)

SECTION 5. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

SECTION 6. If any article, section, subsection sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions, which shall remain in full force and effect.

COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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