

ARTICLE 5

TAXICABS

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ARTICLE 5

TAXICABS

SEC. 6-5.00 DEFINITIONS. For the purposes of this article, the following words and phrases shall have the meaning ascribed to them as defined by this section, unless it is apparent from the context that a different meaning is intended:

- a. 'Certificate' means a certificate of compliance issued pursuant to this article.
- b. 'Taxicab' means an automobile or other motor-propelled vehicle with maximum seating capacity of not more than eight persons, and used for the transportation of passengers for hire over the public streets of the City of Hayward, and not over a defined route or upon a fixed schedule, irrespective of whether the operations extend beyond the boundary lines of the City, and which is equipped with a taximeter by which the charge is mechanically computed.
- c. 'Taximeter' means an instrument or device attached to a taxicab by means of which instrument the authorized charge is mechanically calculated either on a basis of distance traveled or waiting time, or a combination thereof, which charge shall be indicated upon the taximeter by visible figures in dollars and cents.

SEC. 6-5.01 CERTIFICATE OF COMPLIANCE. The City Council finds that the public convenience and necessity require that one taxicab be available for approximately each 3,000 residents or a portion thereof. The holder of a taxicab owner's permit shall have a minimum of five taxicabs as provided in section 6-5.01a.(3) of this code. No person shall engage in the business of providing taxicab service or of operating a taxicab upon any public street within the City unless there shall have been issued by the City Manager or designee a certificate of compliance to the owner thereof and unless the certificate shall be in full force and effect; provided, however, that no certificate shall be required for any operation for which a certificate or permit has been issued by the public utilities commission of the state or by the interstate commerce commission of the United States of America.

- a. Application for Certificate; Fee. Any person desiring to obtain the certificate required by this article shall make a verified application for the certificate to the Division of Permits upon forms provided by the Permit Division. The application shall be accompanied by payment of a non-refundable fee as established by resolution of the City Council, and shall set forth:
 - (1) The name and address of applicant, and if the same be a corporation, the names of its principal officers; if the same be a partnership, association, or fictitious company, the names of the partners or persons comprising the association or company, with the address of each;
 - (2) A complete schedule of the fares or rates to be charged;
 - (3) Proof that a taxi owner applicant is prepared to operate with at least five four-door vehicles large enough to assure the comfort and safety of the passenger(s), together with a description of every motor vehicle the applicant

proposes to use, including trade name, vehicle identification number, state license number, seating capacity, and body style;

- (4) The street number and exact location of the business and the place where the applicant proposes to keep the taxicabs while not actually engaged;
- (5) The distinctive color scheme, name, monogram, or insignia which shall be used on each taxicab;
- (6) The name of the legal and registered owner of each taxicab;
- (7) A financial declaration or such other statement of financial responsibility as the City Manager or designee may require showing the financial status of the applicant and a balance sheet showing the financial status of the applicant, including assets, liabilities, and specifically the amounts of all unpaid judgments against the applicant, and the nature of the transaction or event giving rise to such judgments;
- (8) Any facts which the applicant believes would tend to prove that public convenience and necessity requires the granting of a certificate;
- (9) All persons whose names appear as required by subparagraph (a) of this section shall indicate in their application their assent to submit to background investigation and fingerprinting by the Chief of Police;
- (10) Such other information as the Chief of Police or City Manager may deem necessary in all applications or in individual applications, for the proper police protection of the City.

b. Investigation and Hearing. Upon receipt of any application for a certificate, the Division of Permits shall, upon determining the application to be in order, refer the matter to the Chief of Police for investigation. In the course of the investigation, the Chief of Police shall inspect the vehicles and equipment and may require the applicant or any person named in the application to be photographed and fingerprinted. The Chief of Police shall complete his or her investigation within 30 days, unless prevented from doing so by lack of cooperation of the applicant or other person named in the application, and shall provide a written report of his or her findings to the City Manager or designee regarding the moral character of the applicant and other persons named in the application, and the adequacy and safety of the vehicles with respect to cleanliness, equipment, safety devices, brakes, lights, and obsolescence.

c. Issuance of Certificate.

- (1) Upon receipt of the report, the City Manager or designee shall consider the information provided as well as the information provided in the application, and shall grant a certificate of compliance if he or she finds the applicant is fit, willing, and able to perform the taxicab services and to conform to all the provisions of this article and other applicable laws and regulations. In making such findings, consideration shall be given to the character, experience, and responsibility of the applicant. Otherwise, the application shall be denied.

The City Manager or his or her designee shall render the decision within 60 days after the report from the Chief of Police is received. If the application is denied, the City Manager or his or her designee shall so notify the applicant in writing within 30 days after the decision is rendered.

- (2) Every person holding a valid permit to engage in the taxicab business in the City for which a certificate of public necessity and convenience had been required prior to the effective date of this section shall be deemed to be providing such service in the City as required by the public necessity and convenience, and shall also be presumed to be fit, willing, and able to perform taxicab services and to conform to the provisions of this article and other applicable laws and regulations, and a certificate of compliance shall be granted by the City Manager or designee to such person without application therefor.
 - (3) Upon granting and issuance of a certificate of compliance, the original thereof shall be filed in the office of the City Clerk and a copy thereof shall be issued to the applicant.
- d. Renewal of Certificate. Each certificate issued hereunder shall expire on the 31st day of December of each year, and may be renewed by filing with the City Manager, or his or her designee, an application for renewal, at least 30 days prior to expiration. Said application for renewal shall be subject to investigation pursuant to section 6-5.01(b) of this code. If there are no material changes and the provisions of this code have been satisfied, the certificate shall be renewed. In the event the Chief of Police finds material changes in the owner's operation, the renewal application shall be considered as a new application.
- e. Grounds for Denial. Any of the following reasons shall be sufficient for denial of a certificate required by this article:
- (1) That the application is not in the form, and does not contain the information required to be contained therein by this article;
 - (2) That the vehicles described therein are inadequate or unsafe for the purpose for which they are to be used;
 - (3) That the color scheme, name, monogram, or insignia to be used upon such automobiles would be in conflict with or imitate any other color scheme, name, monogram, or insignia used by any person in such manner as to be misleading or tend to deceive or defraud the public;
 - (4) That the applicant has within the past two years had an application for a certificate denied for cause or the applicant has, at some prior time, had such a certificate revoked for reason;
 - (5) That the schedule of fares or rates does not appear to be fair and equitable.
- f. Proof of Financial Responsibility Required.

- (1) It shall be unlawful to drive or operate any public motor vehicle in the City unless the owner thereof shall have obtained a vehicle liability insurance policy or policies from an insurance company authorized to issue such policies under the laws of the State of California, insuring the vehicle operation by the owner and covering each vehicle insured under such policy or policies. Each vehicle insured shall be designated by number and State license number. Such policy of insurance shall guarantee the payment to any and all persons suffering injuries or damage to personal property of any final judgment rendered against such owner or driver within the policy limits set forth in section 6-501(f)(2) of this code. Evidence of such insurance shall be by written certificate or certificates of such insurance corporation, including a separate endorsement naming the City of Hayward as an additional insured, filed with the City Clerk. Failure to maintain motor vehicle liability insurance as provided herein shall be grounds for immediate revocation of the certificate.
- (2) The motor vehicle liability policy required by this section shall insure the owner and any other person using or responsible for the use of any such vehicle, with the consent, express or implied, of the owner against loss from the liability imposed upon such owner by law for injury to or death of any person, or damage to property, growing out of the maintenance, operation or ownership of any taxicab. The policy must comply with the following minimum coverage:
 - (i) Personal injury to or death of any one person, \$100,000 and subject to the limit of \$100,000 for each person injured or killed, \$450,000 for such injury to, or the death of two or more persons in any one accident;
 - (ii) Damage to property, \$25,000 for any one occurrence;
 - (iii) In lieu of the requirements in (i) and (ii) above, combined single limit coverage of \$500,000.

Every certificate evidencing the insurance required under the provisions of this section shall certify that the motor vehicle liability policy or policies evidenced shall not be canceled except upon 30 days prior written notice thereof to the City Attorney's Office.

All motor vehicle liability policies and all certificates thereof shall be subject to the approval of the City Attorney in any and all matters, and if at any time, in the judgment of the City Attorney, the motor vehicle policies are not sufficient for any cause, the City Attorney may require the owner to replace the motor vehicle policies within 10 days with other policies in accordance with the provisions of this section. If the owner fails to replace the motor vehicle policies within the 10-day period with good and sufficient policies, as set out in this section, then the City may suspend the owner's certificate until the requirement is complied with or the certificate is revoked.

- g. Revocation. Any certificate granted under the provisions of this article may be revoked by the City Manager or his or her designee either as a whole or as to any part described therein, or as to the right to use any distinctive color, monogram, or insignia, after five days notice to the certificate holder, requiring him or her to appear at a certain time and place to show cause why the certificate should not be revoked for any of the following reasons:

- (1) That the undertaking provided for in subdivision (f) has not been given or has been withdrawn or lapsed for nonpayment of premium, or is not in force for any reason;
- (2) For the nonpayment to the City of any required license fee;
- (3) For failure to observe any of the rules and regulations or provisions set out in this article or in the certificate;
- (4) For the violation of any of the laws of the federal or state government, or local ordinances of the City by any certificate holder, operator or driver of any taxicab covered by the certificate;
- (5) For failure to maintain satisfactory service to the public by means of any of the vehicles described in the application or for failure to keep any such car in use for an unreasonable length of time, or for failure to use the distinctive color, monogram, or insignia described in the applications, or for deviation from the schedule of rates and fares set forth in the application.

h. Transferability. No certificate of compliance issued under this chapter shall be assignable or transferable unless the prior approval of the Chief of Police is first had and obtained. Prior to presenting the proposed assignment or transfer to the Chief of Police, the person to whom the permit is intended to be assigned or transferred shall first file a statement with the Chief of Police setting forth on such statement the information required to be furnished by an original applicant, together with such additional information as the Chief of Police may request. Within five days after receipt of such statement, the Chief of Police shall make an investigation, and shall either approve or disapprove the assignment or transfer within 30 days after the filing of the statement.

SEC. 6-5.02 CHANGES OF OPERATION. In the event any certificate holder desires to change the color scheme or any monogram or insignia used on a vehicle, or to substitute any vehicle for a vehicle described in the application, or to increase or decrease the number of vehicles used, application to the City Manager or designee shall be made for permission to do so, and the City Manager or designee shall grant such permission if it deems the public interest, convenience, and necessity will be served by the change, and if the certificate holder has complied with all the provisions of this article.

SEC. 6-5.03 RATE SCHEDULE. Each person seeking a certificate shall file a proposed schedule of rates. The City Council shall by resolution establish a schedule of rates applicable to all taxicabs. The schedule of rates may be modified from time to time by resolution of the City Council after the holding of a public hearing thereon, preceded by the publication of notice of the hearing in a newspaper of general circulation with the City at least 10 days before the hearing.

The City Clerk shall mail a copy of any such resolution to each person holding a current certificate to operate a taxicab in the City.

It shall be unlawful for the owner or operator of any taxicab to demand or charge any amount greater than the schedule of rates and charges set forth in the resolution.

SEC. 6-5.04 RULES AND REGULATIONS FOR OPERATION. The following

rules and regulations shall be observed by all persons operating taxicabs:

- a. Insurance. No taxicabs shall be operated in the City unless the undertaking provided for in Section 6-5.01, subdivision (f), is in full force and effect.
- b. Taxicab Stands. In the permit granted under the provisions of this article, there may be designated a certain place where the permittee shall be allowed to stand any vehicle it operates as a taxicab while waiting employment. The Chief of Police, in his or her discretion, shall determine the location of stands and the number granted, provided, however that not more than one stand shall be located upon both sides of a street within the limits of any one block. A permittee who has been granted a designated taxi stand shall not allow any taxicab operating under his or her permit to stand awaiting employment at any place other than the designated stand. Failure on the part of any permittee to use the stand assigned for a continuous period of 72 hours elapsed time shall constitute and be sufficient grounds for revocation of the particular permit and license, unless a special permit not to use the stand for a longer period than 72 hours has first been granted by the Chief of Police.
- c. Standing on Streets. No owner or driver shall permit any taxicab to be parked unattended in any street stand for a period of time exceeding five minutes. This section shall not apply to any taxicab while it is engaged by and being paid for by a passenger.
- d. Soliciting passengers; exclusive use of taxicab by passengers; window blinds prohibited. No operator, driver or owner of any taxicab shall solicit or carry any passenger after the taxicab has been engaged or while in use for another passenger, without first obtaining the consent of the passenger first engaging the taxicab. A passenger engaging a taxicab shall have the exclusive right to full and free use of the passenger compartment and the whole thereof if he or she so desires. It shall be unlawful for the driver of any taxicab to cause or permit any shade or blind to be drawn over any window of the vehicle while it is occupied.
- e. Direct route. The driver of any taxicab shall carry any passengers engaging the same safely and expeditiously to their destination by the most direct and accessible route.
- f. Business license. No person shall operate any taxicab without prepaying any license fee required by the City for the transaction of such business.
- g. Mechanical condition. All taxicabs shall be kept in safe and good mechanical condition.
- h. Exterior condition. The exterior of all taxicabs shall be kept clean and free from obvious body damage. The color of the paint shall be consistent throughout.
- i. Complaint Procedure. All certificate holders must maintain a passenger complaint procedure which is available to all passengers. Certificate holders must investigate all complaints and must issue a written determination of the complaint to the passenger within 30 days of the complaint being made. All taxicabs shall carry complaint forms visible to the passenger, which shall be printed in at least 12 point type.
- j. Information to be posted in taxicabs. In every taxicab there shall be a sign of heavy

material, not smaller than 6 inches by 4 inches (or such other specified by the City Manager or designee) securely attached and clearly displayed in view of the passenger at all times, providing in letters as large as the size of the sign will reasonably allow, all of the following information:

- (1) The name, address, and telephone number of the City police department;
- (2) The name, address, and telephone number of the certificate holder;
- (3) The name or trade name of the operator;
- (4) The taxicab number;
- (5) A schedule of rates and charges.
- (6) Complaint form and Notice of Complaint Procedure

In addition, there must be posted in plain view of the passenger another similar card bearing the driver's name and address.

- k. Excessive charges. No charge shall be made by any operator or owner of a taxicab lower than or in excess of the rates posted in the passenger compartment of the car and approved by the City Council.
- l. Sanitary condition. No taxicab shall be operated unless the passenger compartment be kept clean and in sanitary condition.
- m. Fire extinguisher. Every taxicab shall be equipped at all times with a standard type of fire extinguisher in good working condition.
- n. Baggage. Persons engaging a taxicab are entitled to have such valises or hand baggage as can be conveniently carried in a single action when the vehicle is loaded, conveyed, and unloaded without charge. This provision is not intended to require drivers to load and unload more than four bags of groceries or any other type of baggage or items a person may be transporting. In the event a passenger desires to transport more items, the driver may drop the flag and begin charging for the service when he or she begins loading the items, and may continue to accrue such charges until the items are delivered and unloaded to the passenger's destination.
- o. Refusal to pay fare. No person shall refuse to pay the legal fare for the hire of any taxicab, after having hired the same. No person shall hire any vehicle described in this article with the intent to defraud the person from whom it is hired of the charges or fare.
- p. Refusal to carry passengers. It is unlawful for any driver operating under a certificate issued pursuant to the terms of this article to refuse to transport passengers who present themselves for carriage in a sober and orderly manner and for a lawful purpose, when the vehicle is in service and not otherwise engaged. This subdivision is intended to prevent drivers from discriminating against a person on the basis of race, ethnicity, gender, etc. It is not intended to require a driver to transport a person whom the driver knows has not paid a fare in the past, or who presents a threat to the safety of the driver.

- q. Unlicensed taxicabs. It shall be unlawful for the operator of a taxicab which is not licensed by the City of Hayward to solicit or pick up a fare within the limits of the City.
- r. Taxicab identification. Every certificate holder shall designate each of his or her taxicabs by number, and no two taxicabs of any certificate holder shall be designated by the same number, nor shall any taxicabs of different companies have a duplicate number. The name or trade name of the certificate holder and the number by which the taxicab is designated shall be printed, stamped, or stenciled conspicuously on the outside of each taxicab; in addition, each taxicab must have a sticker indicating current registration in accordance with police department regulations.
- s. Driver's license and permit. No person shall drive a taxicab in the City without first having obtained a taxicab driver's permit issued by the Chief of Police, as provided in this article.
- t. Operation certificate and license. No person shall solicit or pick up passengers for pay within the City for transportation in any taxicab who is not licensed by the City to do so.
- u. Waybills required. The driver of every taxicab shall keep a separate record (waybill) of every service rendered while on duty, which shall include the following information:
 - (1) location where passengers entered the vehicle;
 - (2) time of entry;
 - (3) number of passengers;
 - (4) location where passengers were discharged;
 - (5) amount of fare collected.
- v. Additional rules and regulations. The Chief of Police may promulgate additional rules and regulations governing the taxicab business which in his or her sound discretion are necessary for the public safety or convenience.

SEC. 6-5.05 TESTING OF DRIVERS FOR CONTROLLED SUBSTANCES
AND ALCOHOL.

- a. Each holder of a certificate of compliance shall maintain a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations for all drivers of vehicles operated under the Certificate. Under the program and the requirements of this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less the 0.02 percent. The program shall contain requirements for rehabilitation and for return-to-duty and follow-up testing and other requirements conforming substantially to Part 382 of Title 49 of the Code of Federal Regulations.
- b. No certificate of compliance shall be issued or renewed unless the holder at the time

of certificate issuance or renewal files with the police department a certification that the holder maintains a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the code of Federal Regulations for all drivers of vehicles operated under the certificate. The program shall contain requirements for rehabilitation and for return-to-duty and follow-up testing and other requirements conforming substantially to Part 382 of Title 49 of the Code of Federal Regulations.

- c. No certificate of compliance shall be issued or renewed unless the holder at the time of certificate issuance or renewal files with the police department a certification that, prior to employment with the holder of the certificate, each driver of vehicles operated under the certificate has tested negatively for controlled substances under a mandatory controlled substance testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations.
- d. No certificate of compliance shall be issued or renewed unless the holder at the time of certificate issuance or renewal files with the police department a certification that each driver of vehicles operated under the certificate has tested negatively for controlled substances and alcohol under a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations.
- e. No driver's permit shall be issued or renewed unless the applicant and the certificate holder for which the driver is authorized to operate a vehicle both certify that the driver is in compliance with a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations.

SEC. 6-5.06 DRIVER'S PERMIT.

- a. Application. It shall be unlawful for any driver to operate any taxicab in the City of Hayward unless he or she has obtained a valid permit to do so as herein provided. Application for a driver's permit shall be made to the Chief of Police, shall be in writing and shall be made under penalty of perjury.

The application shall set forth the name, age, and address of the applicant, his or her past experience in operating automobiles, the names and addresses of employers during the preceding three year period, whether the applicant has an unrestricted valid driver's license issued by the State of California, whether a valid driver's license issued to applicant by the State of California or any other state or governmental agency has ever been revoked, the name and address of the owner by whom the applicant is to be employed, and such additional information as the Chief of Police may require. The owner must submit an endorsement of the application.

- b. Procedure and Requirements. Upon application for a driver's permit and before it shall be issued, the driver, whether the owner or otherwise, must demonstrate a proficient knowledge of the traffic laws of the City and the State of California and also demonstrate his or her ability to operate a taxicab to the satisfaction of the Chief of Police. As part of this assessment, each applicant will be required to take and pass a written driver's test, administered by the Police Department Traffic Bureau. The purpose of the test is to ensure that each driver possesses the knowledge and skills necessary to operate a public conveyance. If an applicant does not pass the test, he or

she will not receive a driver's permit. An applicant will not be allowed to take the test more than two times a year.

No driver's permit shall be granted to any person under the age of 21 years. An application for a driver's permit may be denied upon substantial evidence of facts of either physical or moral deficiencies of the applicant which, in the sound discretion of the Chief of Police, would render such applicant not competent to operate a taxicab.

Upon satisfying the foregoing requirements, the driver shall be fingerprinted and his or her record shall be filed with the City Police Department. The driver shall also file with the application, 2 recent photographs (sized 1-1/2 inch by 1-1/2 inch), one to be filed with the application and one to be permanently attached to the driver's permit when issued. The permit must be posted in a place conspicuous when viewed from the passenger's compartment of the taxicab whenever the driver is operating the taxicab.

- c. Every driver's permit issued hereunder shall set forth the name of the owner for which the driver is authorized to operate a taxicab, and shall be valid only so long as the driver continues in that owner's employ. Upon termination of employment, the driver shall surrender the permit to the owner, who shall forward the permit within five days to the Chief of Police. In the event the driver fails to surrender the permit to the owner, the owner shall notify the Chief of Police within five days of termination that the driver's employment has been terminated.

In the event a driver with a current, valid permit determines to change employment to another certificated taxicab owner during the course of the year, the driver must notify the Chief of Police before commencing work for the new owner, on a form to be provided by the Department, which includes an endorsement from the new employer. There will be no additional charge for change of employment, however, the driver's permit must be renewed from the date it was first issued, not from the date the driver undertook new or subsequent employment.

- d. Nontransferability. No driver's permit issued hereunder shall be transferable in any event.
- e. Renewal. Every driver's permit shall expire one year after date of issuance or renewal, unless it is renewed for an additional one-year period by the Chief of Police. Application for renewal shall be made in conformity with, and shall contain such information as may be required by, rules prescribed by the Chief of Police.
- f. Fee. Any person applying for a driver's permit, or renewal of permit, shall pay the fee established by resolution of the City Council before the permit is issued or renewed.
- g. Temporary Permit. The Chief of Police may, in his or her discretion, grant a temporary permit to drive or operate any taxicab pending final action on any application for a permanent driver's permit as provided for in this article, but no such temporary permit may be issued to any person who does not have a valid, unrestricted driver's license issued by the State of California. The temporary permit shall authorize the holder thereof to drive the vehicle for a period of 30 days when the holder shall have the temporary permit in his or her possession.

- h. Change of Address. Every person holding a taxicab driver's permit shall at all times keep the Chief of Police notified of his or her residence address and phone or message phone number. The driver shall notify the Chief of Police, in writing, of any change in address within ten days after a change is made.
- i. Suspension and Revocation. A driver's permit issued hereunder may be suspended or revoked by the City Manager or designee after five days notice to the permit holder, requiring him or her to appear at a certain time and place to show cause why the permit should not be revoked, in the event the holder violates any provisions of this article or shall be found guilty of reckless driving, or for the violation of any other provisions of this article or other law; which violation in the sound discretion of the City Manager or designee, shall be deemed sufficient evidence of the fact that the driver is not a competent person to drive a taxicab.

In the event a driver's permit is suspended or revoked, the driver must immediately surrender the permit and any certification which might have been issued in connection with the permit to the Chief of Police.

SEC. 6-5.07 TAXIMETER. All taxicabs shall be equipped with a taximeter in working order, and shall be of a type and design approved by the Chief of Police. The taximeter shall be arranged and illuminated so that any passenger may conveniently observe it and the amount of fare registered thereon, and shall be subject to inspection at all times by the Chief of Police or his or her designee.

All taximeters must be certified by the Alameda County Department of Weights and Measures on a yearly basis. The owner will provide the Police Department with the original certificate and shall maintain a copy of each certificate in their files. The certificates must be filed with the Police Department on a yearly basis.

The Chief of Police shall compel the owner to discontinue the operation of any taxicab in which the taximeter is found to calculate inaccurately until the taximeter is replaced with one approved by the Chief of Police or shall be adjusted to the satisfaction of the Chief of Police.

Every driver, while operating any taxicab, shall at all times maintain the flag attached to the taximeter in a position to correctly denote whether the vehicle is or is not employed, and shall at all times place the flag of the taximeter in a non-recording position at the termination of each and every service.

SEC. 6-5.08 RADIO DISPATCH. A comprehensive and adequate telephone and two-way radio dispatch system will be maintained at all times on a 24-hour basis. Such system shall include, either on the owner's premises or by a business elsewhere under contract to the owner, the operation of a telephone answering line and an operator in charge thereof devoted primarily and promptly answering telephone calls requesting cabs and to dispatching cabs by radio in response to such calls. The owner will have 180 days from the date of permit issuance, to have the telephone and two-way radio dispatch system in operation. The Chief of Police may extend the time for compliance on a showing that, for reasons beyond the control of the owner, compliance is not possible within 180 days. In the interim, the owner will have in place an adequate system to handle calls for service, i.e., cellular telephone, answering service, or pager. Failure to comply with this requirement is grounds for immediate suspension or revocation of the certificate.

SEC. 6-5.09 PENALTIES. Any person violating any provision of this Article shall

be guilty of an infraction. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in Government Code section 36900. After the third conviction for a violation of this Article within any twelve-month period, any subsequent violation within the twelve-month period may be punished as a misdemeanor.

The procedure provided in the provisions of this Article shall be cumulative and in addition to any other remedies provided in ordinances of the City or by State law, and shall not prejudice or affect any other action, civic or criminal, to enforce any rights or prosecute or restrain any violations hereunder.

SEC. 6-5.10 APPEALS. Any person aggrieved by an act or failure to act on the part of the City Manager, his or her designee or by the Chief of Police, either in issuing, failing to issue or revoking any certificate or permit provided for pursuant to this Article, may appeal to the City Manager pursuant to Article 1, Chapter 6, of this Code.