



Ordinance Fact Sheet

DATE: December 18, 2006

TO: City Council

FROM: City Attorney

RE: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.72 OF THE PASADENA MUNICIPAL CODE, "VEHICLES FOR HIRE" BY AMENDING THE ACCESSIBILITY STANDARDS FOR PERSONS WITH DISABILITIES AND OTHER RELATED ADMINISTRATIVE PROVISIONS

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.72 OF THE PASADENA MUNICIPAL CODE, "VEHICLES FOR HIRE" BY AMENDING THE ACCESSIBILITY STANDARDS FOR PERSONS WITH DISABILITIES AND OTHER RELATED ADMINISTRATIVE PROVISIONS.

RECOMMENDATION OF THE ACCESSIBILITY AND DISABILITY COMMISSION

At its meeting of September 25, 2006, the City Council directed that the Accessibility and Disability Commission review the proposed ordinance prior to Council taking further action on the matter. The Commission did review and deliberate on the proposed ordinance at its meeting of November 7, 2006. Several revisions were made in the course of the meeting to address issues raised by the Commission. The Commission expressed a preference that the city be primarily responsible for investigating customer complaints instead of the taxicab companies; however, after language was crafted and added to insure that the city could independently investigate any such complaint and take action based on its own findings, the Commission unanimously approved the proposed ordinance in essentially the attached form.

BACKGROUND

The Accessibility and Disability Commission of the City of Pasadena recommended amendments to Chapter 5.72 ("Vehicles for Hire") to address certain concerns of individuals with disabilities, as well as the public at large. Staff concurred and recommended that the City Council consider these concerns. Accordingly, at its meeting of September 25, 2006 the City Council directed the City Attorney to draft, within 90 days, an ordinance amending Chapter 5.72 of the Pasadena Municipal Code.

The proposed ordinance amends the City's Vehicle For Hire Ordinance primarily to establish clear accessibility standards for vehicles for hire within the City of Pasadena. The proposed ordinance articulates both training and performance requirements to insure that the accessibility standards are met. In addition, a customer complaint process is established requiring taxicab companies to investigate and report on customer complaints, and a posting requirement notifying riders of that complaint process is established. The City license collector may independently investigate customer complaints, and, in addition, is given additional enforcement tools to address violations of the Vehicles for Hire Ordinance, including the administrative compliance order and citation authority established in the Pasadena Municipal Code. Additional standards are created for placement and operation of taximeters. The proposed ordinance, by redefining accessibility standards in other parts of the Vehicle for Hire Ordinance, emphasizes the obligation of owners to comply with those standards. Finally, the proposed ordinance changes the term "Board of Directors" to "City Council" throughout as a "housekeeping" update to the ordinance.

The proposed ordinance addresses the issues raised by the Accessibility and Disability Commission in its original discussions and at the September 25, 2006 meeting of the City Council. Other issues raised by the taxicab operators, such as requirements for trip sheets, establishment of taxicab stands and the establishment of a task force to study creating more uniformity between licensing jurisdictions are being studied by staff and will be the subject for future City Council consideration as appropriate.

PURPOSE OF ORDINANCE

The proposed ordinance amends the Vehicles for Hire ordinance to address the concerns identified by the Accessibility and Disability Commission. The resulting amendments would benefit both individuals with disabilities and the public at large.

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Department of Finance will be primarily affected by the adoption of the proposed ordinance.

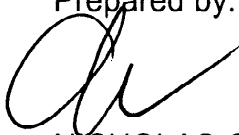
FISCAL IMPACT

There is no fiscal impact associated with the recommended amendments to the Pasadena Municipal Code.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

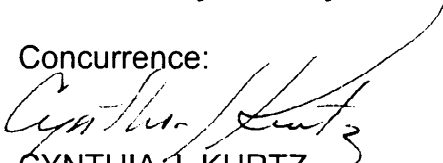
Prepared by:



12/11/06

NICHOLAS GEORGE RODRIGUEZ
Assistant City Attorney

Concurrence:


CYNTHIA J. KURTZ
City Manager

Introduced by Council Member

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.72 OF THE PASADENA MUNICIPAL CODE (“VEHICLES FOR HIRE”) BY AMENDING THE ACCESSIBILITY STANDARDS FOR PERSONS WITH DISABILITIES AND OTHER RELATED ADMINISTRATIVE PROVISIONS.

The People of the City of Pasadena ordain as follows:

SECTION 1: This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance reads as follows:

“SUMMARY

The ordinance amends the City’s Vehicles For Hire Ordinance primarily to establish clear accessibility standards for vehicles for hire within the City of Pasadena. The ordinance articulates both training and performance requirements to insure that the accessibility standards are met. In addition, a customer complaint process is established requiring taxicab companies to investigate and report on customer complaints, and a posting requirement notifying riders of that complaint process is established. The City license collector may independently investigate customer complaints, and, in addition, is given additional enforcement tools to address violations of the Vehicles for Hire Ordinance, including the administrative compliance order and citation authority established in the Pasadena Municipal Code. Additional standards are created for placement and operation of taximeters. The ordinance establishes a reference to accessibility standards in other parts of the Vehicles for Hire Ordinance so that the obligation of owners to comply with those standards is explicit as are the sanctions for

not complying. Finally, the proposed ordinance changes the term 'Board of Directors' to 'City Council' throughout as an update to the Vehicles for Hire Ordinance.

Ordinance No. _____ shall take effect upon the expiration of 30 days from its publication by title and summary.”

SECTION 2: Paragraphs A through C, inclusive of Section 5.72.020 are amended to read as follows:

~~A. “Board” means board of directors of the city.~~

~~A.B. ‘City’ means the city of Pasadena.~~

~~B.C. ‘City clerk’ means the city clerk of the city.~~

C. ‘Council’ means the city council of the city.”

SECTION 3: Paragraph H of Section 5.72.020 is amended to read as follows:

“H. ‘License collector’ means the city assessor, tax and license collector of the city who, in addition to the powers and duties set forth in this chapter, shall be or shall designate the administrator and enforcement official for the purposes of administrative penalties, both compliance orders and citations, under chapters 1.25 and 1.26 of this code for violating any provision of this chapter, including but not limited to accessibility standards.”

SECTION 4: Chapter 5.72 of said code is amended by adding a new Section 5.72.025 to read:

“5.72.025 Customer Complaint Process.

A. Every taxicab must post in a conspicuous place in the passenger compartment a card in a form approved by the license collector and with the following language, in no less than 20 pt. type in San Serif or comparable font: ‘COMPLAINTS?’

Call the City of Pasadena and the Taxicab Supervisor', followed by a telephone number provided and maintained by the city and a supervisor telephone number provided and maintained by the owner. The same information shall also be posted in Braille in an accessible and readily ascertainable position for persons with vision impairments. To the maximum extent feasible, the license collector shall standardize the placement of placards within vehicles with due regard for placement requirements of other licensing jurisdictions.

B. If a customer advises a driver that he or she wishes to file a complaint through this process, the driver shall properly identify himself or herself to the customer, including name, identification number if applicable, and the taxicab identification (vehicle) number.

C. As to complaints made to the city, the license collector shall give notice to the owner within two (2) business days of receipt (or as soon as practical thereafter) with a request for response and resolution. As to complaints made to the owner, the owner shall give notice to the license collector within two (2) business days of receipt. Owners shall respond to the city within twenty-four (24) hours of said notice informing the city of steps to be taken toward investigation, findings and remedial action. The company shall use best efforts to make final resolution of the complaint within fifteen (15) days of the date of the complaint, with the resolution and implementation schedule communicated both to the license collector and the complainant. The owner shall cooperate with the license collector, or designee in their active monitoring of complaints and resolution thereof.

D. The license collector or designee shall actively monitor all complaints and the resolution thereof. Nothing in this section shall prevent the license collector from independently investigating any customer complaint or from taking any enforcement action authorized by this code apart from or in addition to any resolution proposed or effected by the owner.

E. Without limiting the authority of the license collector to initiate any investigation, if a customer is dissatisfied with either the resolution or implementation schedule proposed by the owner as the result of a complaint, the customer may notify the license collector and request an independent investigation. The license collector shall promptly determine whether or not to conduct an independent investigation and shall notify the customer of that determination. If an investigation is conducted as a result, the license collector shall communicate findings and recommendations to the customer and to the owner.

SECTION 5: Section 5.72.055 of said code is amended to read:

“5.72.055 Accessibility Standards.

A. All owners shall comply with the requirements of the Americans with Disabilities Act in the delivery of services permitted under this chapter, including, but not limited to, providing wheelchair accessible taxi service and service to service animals as defined by the American with Disabilities Act.

B. Wheelchair accessible taxi service shall be provided on an equivalent response time to non accessible taxi service during all hours of operation, either directly or by written, cooperative agreement with another owner or owners. In addition, all

owners shall operate no fewer than 1 wheelchair accessible taxicab for every 20 vehicles permitted to operate within the city.

C. If there is a request for dispatch of a wheelchair accessible taxicab and the owner receiving said request has no wheelchair accessible taxicabs available, the owner shall immediately contact other taxi companies with wheelchair accessible vehicles to handle the request and advise the customer of the company name and vehicle number of the responding wheelchair accessible taxicab. If there are no wheelchair accessible taxicabs available in the City of Pasadena at the time of the call, the owner shall notify the customer of such and use best efforts to provide an alternative cab in a reasonable period of time, not to exceed one hour. The owner shall also advise the customer of the supervisor and a telephone number where the supervisor can be reached, and shall keep a record of the contact including the customer's name and what other taxicab services were contacted.

D. Service animals and their handlers shall be permitted in vehicles so long as the animal is under the direct control of the handler, such as in harness or on leash, or in a closed carrier. Unless it is impractical to do so, the service animal shall ride on the floor of the vehicle between the front and back seats.

E. Owners shall train every driver in the proper and legal procedures for transporting persons with disabilities and service animals consistent with the Americans with Disabilities Act and its progeny within seven (7) days of hire or engagement and at least once per year. Proof of training shall be submitted to the license collector at the time of annual permit renewal, including the use of tests or other indicia of competency established by the license collector for each driver following training. Failure to provide

training hereunder shall be considered adequate grounds to deny renewal of a permit, or to place conditions on said renewal. Standards for training and performance shall include the following:

1. A driver shall, if requested, provide all reasonable assistance to a person with a disability or service animal.
2. A driver shall not refuse to transport folding wheelchairs. Provided a wheelchair may be folded and placed in either the passenger, driver, or trunk compartment of a taxicab, the driver shall assist the passenger in folding and loading the wheelchair into the taxicab. If the driver is unable to assist the passenger upon request with his or her wheelchair, the driver shall notify the passenger of this fact and immediately notify dispatch and request another driver or service to assist. The driver shall remain with the passenger until assistance from another driver or service has arrived.
3. A driver may not refuse to transport service animals as such are defined by the Americans with Disabilities Act.

F. All drivers shall, at a minimum, meet and observe the standards of performance set forth in subparagraphs (E)1 through (E) 3 of this section.

SECTION 6. Section 5.72.240 is amended to read as follows:

“5.72.240 Revocation or suspension – When.

A. The license collector may temporarily suspend any owner’s or driver’s permit without a hearing, whenever the continued operation by the permittee would constitute a danger to public health, safety, welfare or public morals, including, without limitation, failure to maintain the minimum levels and standards of automobile liability

insurance or claims reserve or failure to observe accessibility standards. The notice of temporary suspension may be personally delivered to the party named and to the address given on the application pursuant to which such permit was issued, or, mailed by registered or certified mail to the party named at the address given on the application pursuant to which such permit was issued. The temporary suspension is effective upon the earlier of either receipt or the expiration of 5 days from the date of mailing. The notice of temporary suspension shall include a notice of hearing and all other information required by Section 5.72.250(A). The temporary suspension shall remain effective until the decision on revocation or suspension is final.

B. The license collector may at any time, with or without temporary suspension, suspend or revoke any owner's or driver's permit whenever the license collector determines, after notice and hearing as set forth in Section 5.72.250, and based upon substantial evidence, that the permit holder has not complied with or has violated any of the provisions of this chapter or any ordinance of the city, including but not limited to accessibility standards or the failure to maintain the minimum levels and standards of automobile liability insurance or claims reserve for any period of time, or any law of the state in connection with the operation of the permit or that such person's conduct indicates that he is not a fit and proper person to hold such owner's or driver's permit."

SECTION 7: Section 5.72.300 of said code is amended to read as follows:

"5.72.300 Taxicabs – Meters.

All taxicabs operated under the authority of this chapter shall be equipped with taximeters of a type and design approved by state laws and regulations. No fare shall be

charged other than allowed by state laws and regulations, and in no event shall a passenger be charged in excess of the amount displayed on the taximeter. All taximeters shall be maintained and inspected as prescribed by state laws and regulations. Such taximeter shall be subject to inspection from time to time by the license collector, the police chief or ~~his~~ their authorized representatives. In addition, all taxicab owners shall maintain and operate taximeters as follows:

A. Placement. All taxicabs shall have taximeters placed so that the reading dial displaying the amount to be charged is well lighted and readily discernable by the passenger riding in such taxicab.

B. Operation. The taximeter shall be in operation whenever there is a passenger in the taxi. This is also required when there is an agreement with a passenger for a pre-set flat rate. The open meter indicates that the taxicab has been hired, and that it is not then available. Rate cards shall be conspicuously placed in the vehicle to be clearly visible to passengers riding in either the front or back of the taxicab.

C. Certification. All taxicab licensees, at the time of license issuance/renewal, shall certify under penalty of perjury that the taximeter in every taxicab owned or operated by it, or by others operating under its color scheme, is accurate and fully functional and is in compliance with state laws and regulations. No taxicab shall be operated which has a taximeter which is inaccurate or which does not provide a true depiction of actual time or distance traveled.”

SECTION 8. Chapter 5.72.460 of said code is amended to read as follows:

“5.72.460 Violation – Penalty Penalties and administrative proceedings.

A. Misdemeanors. Any person who willfully violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment.

B. Infractions. Any person who violates any provision of this Chapter and is convicted of an infraction shall be punished by a fine of not more than \$250.00. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

C. Administrative Enforcement. In addition to the penalty provisions of subsections A and B of this section, any person who violates any provision of this chapter may be subject to the administrative proceedings set forth in chapters 1.25 and 1.26 of this code, including, but without limitation, civil penalties, late payment penalties, administrative fees, and other related charges.

D. Remedies Not Exclusive. To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.”

Penalty.

~~Any person violating any of the provisions of the chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the city jail for a period of not more than 6 months or by both such fine and imprisonment.~~

SECTION 9. "Board is changed to "Council" throughout."

Wherever the term "board" appears in chapter 5.72, it shall be changed to read as "council" in the appropriate form of the noun.

SECTION 10. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 11. This ordinance shall take effect thirty days after publication.

Signed and approved this day of _____, 2006.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by
the City Council of the City of Pasadena at its meeting held the ____ day of
_____, 2006, by the following vote:

Ayes:

Noes:


Absent:

Abstain:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



12/11/06

Nicholas George Rodriguez
Assistant City Attorney