



## AGENDA REPORT

**Meeting Date:** February 18, 2014

**Item Number:** E-4

**To:** Honorable Mayor & City Council

**From:** Chad Lynn, Director of Parking Operations  
Genevieve Row, Audit and Permit Administrator

**Subject:** ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING  
THE BEVERLY HILLS MUNICIPAL CODE REGARDING AGE OF  
TAXICAB VEHICLES

**Attachments:** 1. Ordinance

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### **RECOMMENDATION**

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "Ordinance of the City of Beverly Hills Amending the Beverly Hills Municipal Code Regarding Age of Taxicab Vehicles" be introduced and read by title only.

### **INTRODUCTION**

The City of Beverly Hills currently regulates taxi companies, vehicles, and drivers delivering services to residents and visitors for trips originating within the City limits through the Beverly Hills Municipal Code (BHMC) and issuance of Certificates of Public Convenience and Necessity.

Taxicabs associated with certificate holders are permitted on an annual basis from April 1 to March 31 of the following year. The City is currently in the process of transitioning the regulatory environment from these Certificates to a Franchise program. Based on the timeline for this transition, the City will be issuing 2014-15 annual permits prior to the implementation of the Franchise system for a potentially shortened period if a Franchise is awarded prior to the end of the 2014-15 permit cycle.

In an effort to manage the condition of the taxicab vehicles in service within the City, section 7-4-214(J) of the Beverly Hills Municipal Code (BHMC) prohibits a vehicle to remain in operation for more than seven (7) years from the date of manufacture. The current industry and regional practice for such a condition is to base the length of service

on model year of the vehicle and not manufacture date, and to provide for an extended operating life for vehicles that have been substantially modified for disabled accessibility.

**DISCUSSION**

Taxicab owner/operators that are currently serving the City have expressed concerns with the need to purchase new vehicles to meet the City's current code requirement considering the operating or permit period may be reduced due to the implementation of a Franchise system. This concern is compounded by the fact that the specific language in the City's code that references 'manufacture date' in contrast to 'model year' may further reduce the service life by a full year when operating in Beverly Hills.

The implementation of the franchise program being considered during the 2014-15 permit year has exacerbated historically minor concerns over the loss of a service-year of a taxicab. Owner/Operators are concerned about the investment in new vehicles when it is foreseeable that a franchise may not be awarded to the current certificate holder.

Staff is recommending amending the BHMC to reference the 'model year' instead of the 'manufacture date' and to provide for the age limit for standard vehicles to be no older than eight (8) model years old and for vehicles that have been substantially modified for disabled accessibility to be no older than ten (10) model years old. The additional term provides the owner/operator of such modified vehicles the ability to amortize the additional capital costs of the vehicles over a longer period of time.

Amending the BHMC to reference the 'model year' instead of the 'manufacture date' and providing for additional years of service for these vehicles mitigates the potential that drivers may choose not to obtain newer vehicles during this transition period and may instead choose to operate in neighboring jurisdictions where the vehicle may remain in service for the additional years as described.

The City Council may choose to maintain the current language of the BHMC, however, this course of action may result in a greater number of owner/operators and vehicles that will reach their end of service life based on the Beverly Hills standard, while still meeting service requirements in surrounding jurisdictions. This may result in a reduction of taxi service providers in the community until they can be backfilled or until the transition to the Franchise program has been completed.

**FISCAL IMPACT**

The ordinance will have no fiscal impact on the City.

Don Rhoads   
Finance Approval

  
George Chavez  
Approved By

# **Attachment 1**

**ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
REGARDING THE AGE OF TAXICAB VEHICLES**

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Age of Taxicab Vehicles. The City Council hereby amends Paragraph J of Section 7-4-214 (“ADDITIONAL RESTRICTIONS AND REGULATIONS APPLICABLE TO TAXIS”) of Article 2 (“Taxis And Other Public Transportation Vehicles”) of Chapter 4 (“PUBLIC TRANSPORTATION VEHICLES”) of Title 7 (“TRAFFIC, PARKING, AND PUBLIC TRANSPORTATION”) of the Beverly Hills Municipal Code to read as follows:

“No vehicle shall be issued a public transportation vehicle permit for taxicab use where such vehicle is in excess of five (5) model years of age unless such vehicle undergoes a special inspection by a mechanic selected by the city and not affiliated with the taxicab operator before the end of the vehicle's fifth, sixth, seventh, eighth and ninth years, as applicable, and obtains a certificate certifying that the mechanical condition of the vehicle is satisfactory. This special vehicle inspection shall be in addition to the inspections required by subsection 7-4-202D and section 7-4-216 of this chapter and shall be based upon standards established by the city. Taxicab vehicles shall be removed from service by midnight on December 31 at the conclusion of the vehicle's eighth model year; provided, however, vehicles that are wheelchair accessible

under ADA standards may remain in operation until midnight on December 31 at the conclusion of the vehicle's tenth model year.”

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be remain in full force and effect.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

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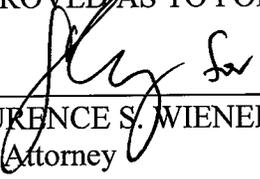
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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BYRON POPE  
City Clerk

(SEAL)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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JEFFREY C. KOLIN  
City Manager