

ORDINANCE NO. 1393

AN ORDINANCE OF THE CITY OF REDLANDS GRANTING TO LEROY C. GISH A FRANCHISE TO OPERATE AUTHORIZED PASSENGER CARRYING VEHICLES (BUS) FOR A PERIOD NOT TO EXCEED TWELVE MONTHS, OVER, ALONG, AND UPON THE STREETS OF THE CITY OF REDLANDS

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

SECTION ONE: A franchise is hereby granted to Leroy C. Gish, hereinafter sometimes referred to as "Grantee", to operate authorized passenger carrying vehicles (bus) over, upon, and along the streets of the City of Redlands, and charge and retain a City-approved fare, subject to the provisions and conditions of this ordinance.

SECTION TWO: The term of this franchise shall be for the period of twelve (12) months, unless sooner terminated, and shall be subject to the right of the City to terminate or alter or amend said franchise at any time as hereinafter provided.

SECTION THREE: If the Grantee shall at any time fail to comply with or fulfill the terms or conditions of this franchise, the City Council may by ordinance revoke this franchise. Failure of the Grantee to furnish adequate service by reason of strikes, lockouts, war, riot, civil commotion; inability to acquire equipment, parts, fuel, lubricant, or other causes beyond the control of the Grantee, shall not be a violation of the terms of this franchise.

If any term or condition of this franchise shall be or become invalid or unenforceable, the City Council may by ordinance terminate this franchise, provided the City Council shall find and declare that the invalid or unenforceable term or condition constituted a consideration material to the grant of this franchise.

SECTION FOUR: All vehicles used under this franchise shall be operated and maintained in accordance with the laws of the State of California, and the ordinances of the City.

SECTION FIVE: The Grantee of this franchise, by acceptance of the same, agrees with the City to charge such rates for passenger carrying (bus) service as may from time to time be made by the City, by resolution.

SECTION SIX: The City of Redlands shall have the right by resolution to regulate the operation of the Grantee as follows:

- (a) To prescribe orders respecting character, routes, extent, quality and standards of the passenger carrying bus service.

- (b) To fix rates of fares charged passengers, and to make orders respecting the same.
- (c) To prescribe such other rules and regulations as may be necessary to facilitate the service to be rendered to the public under this franchise.

SECTION SEVEN: The Grantee is responsible that the operators of the passenger carrying vehicles (bus) shall, at all times, be qualified and possess a Class II driver's license pursuant to the requirements of the Vehicle Code of the State of California.

SECTION EIGHT: Neither this franchise, nor any interest therein, shall be sold, assigned or disposed of, either by merger or consolidation, or otherwise, without the consent of the City expressed in writing.

SECTION NINE: The City hereby expressly reserves the right to modify, amend, alter, change or eliminate any of the provisions of this franchise during the life of the same, for the following purposes, to wit:

- (a) To eliminate or delete from the same such conditions as prove obsolete or impractical.
- (b) To impose such additional conditions upon the Grantee as may be just and reasonable, such conditions to be those as may be deemed necessary for the purpose of insuring adequate service to the public.

SECTION TEN: In the interest of public health, safety and welfare, the Grantee shall not operate any passenger carrying vehicle (bus) unless and until the following conditions have been met:

- (a) Only vehicles approved by the California Highway Patrol (Motor Carrier Operation Section) will be used.
- (b) Each vehicle should have the following equipment or facility:
 - 1. Proper seating for passenger capacity.
 - 2. An emergency door, so marked on the inside, provided at the rear of the bus on the driver's side. This door must be capable of being opened by anyone inside the bus. A warning device must be installed near the driver to indicate, by means of a light or buzzer, when this emergency door is open.

3. Proper heating equipment.
 4. Proper defrosting equipment.
 5. The vehicle undercarriage must have a guard placed over any slip-joint on the driveshaft. (For example, the universal joint and the differential.)
 6. The exhaust pipe system must terminate at the end of the bus, or in any event terminate beyond the rear drive wheels.
 7. Standees will not be permitted unless adequate safety facilities are installed.
 8. The Grantee must keep daily records on each driver, showing the hours of his work, including the hours of starting and stopping work.
- (c) Vehicles may be inspected at irregular intervals by the Chief of Police of the City of Redlands.
- (d) Grantee shall secure and maintain at all times a policy or policies of insurance in the following categories and minimum amounts:

Bodily Injury Liability	\$100,000 each person
Bodily Injury Liability	\$300,000 each occurrence
Property Damage	\$ 50,000

The City of Redlands will be named as an additional insured on above policies. The Grantee shall file certificates, in form acceptable to the City, of evidence of such coverage with the City Clerk.

- (e) The Grantee shall maintain a distinctive color scheme with the name of the company on each side of each vehicle.

SECTION ELEVEN: The City Council of the City of Redlands declares that public convenience, necessity and welfare require a minimum of two passenger carrying vehicles (bus) to be maintained and operated by the franchise holder, in accordance with schedules and upon routes prescribed by orders issued by the City in accordance with Section Six, herein, such vehicles to be based and operative within the city limits of the City of Redlands, together with necessary operators available for each vehicle. In the event the existing franchise holder fails to provide such minimum requirements or fails to abide by any term of this franchise, the City shall upon such determination notify the Grantee in writing and the Grantee shall have ten days to increase service to minimum standards. If the Grantee fails, the City may grant an additional franchise.

SECTION TWELVE: It shall be unlawful for the Grantee or any vehicle operator to give directly or indirectly, or cause to be given,

any rebates, commissions, reserve rebates, or any reduced rates or cash discounts to any person or persons, or to any groups, except as provided herein. A schedule of such rates shall be posted in a conspicuous place within each vehicle (bus).

SECTION THIRTEEN: To promote the public interest in the establishment and operation of an efficient passenger carrying service (bus), the City of Redlands shall provide the following assistance to Grantee:

- (a) To pay \$750.00 per month to Grantee monthly. Cost of gasoline and oil supplied by City, (Par. (b) below), will be deducted from this payment.
- (b) To supply gasoline and oil from the City's gasoline storage facilities to Grantee at City cost price, with such fuel to be provided to Grantee only by employees of the City and to be used only for operating passenger carrying vehicles (bus) in accordance with this ordinance within the boundaries of the City of Redlands.
- (c) Payments will commence when the Grantee begins to operate the bus service and will continue only during such time as Grantee provides bus service in accordance with all provisions of this ordinance.

SECTION FOURTEEN:

- (a) As the payment of \$750.00 per month to the Grantee is to compensate him, in part, for providing regular, dependable bus service during period of minimum use by the fare-paying public, it is agreed between City and Grantee that when use is made of the facility by the fare-paying public to the extent that fare revenue plus City compensation exceeds total allowable expenses of bus operations, including a reasonable return on investment, calculated on an annual basis, City payments will be correspondingly reduced or eliminated, by the amount which total income exceeds allowable expenses of the bus operation.
- (b) In implementation of this City policy, at the end of the twelve (12) month period of this ordinance, the revenue and expense data of the Grantee will be reviewed by the City. Prior to any renewal or extension of this franchise, a formula will be developed by the City and the Grantee, which will provide that any City payments to the Grantee in an extension of this franchise, will be reduced or eliminated in accordance with the policy stated in Section Fourteen (a), above.

SECTION FIFTEEN: The granting of this franchise is conditional upon the Grantee's filing with the City Clerk within ten (10) days

after the ordinance granting the franchise becomes effective, of a written acceptance thereof and agreement to comply with the terms and conditions herein set forth.

SECTION SIXTEEN:

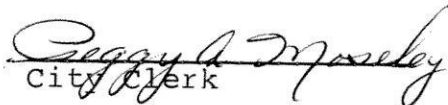
- (a) Whenever in this ordinance any right or power is conferred upon, or duty imposed upon the City, such right and power shall inure to and be exercised by, and such duty shall be imposed upon the City Council.
- (b) This franchise shall not constitute an exclusive grant of any right to conduct passenger carrying (bus) services within the City.

SECTION SEVENTEEN: This ordinance is declared to be an emergency measure for the preservation of the public health and safety in accordance with the provisions of the Government Code of the State of California. This ordinance shall take effect immediately upon its adoption.

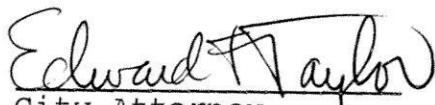
SECTION EIGHTEEN: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts.

ATTEST:


Mayor of the City of Redlands

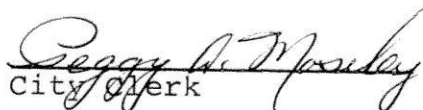

City Clerk

APPROVED FOR FORM:


City Attorney

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Redlands at a regular meeting thereof held on the 5th day of August, 1969, by the following vote:

AYES: Councilmen Martinez, Cummings, DeMirjyn, Knudsen, Mayor Burroughs
NOES: None
ABSENT: None


City Clerk