

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, AMENDING AND RESTATING CHAPTER 4.03 (TAXICABS AND TAXICAB BUSINESSES) OF TITLE 4 (BUSINESS REGULATIONS) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE REGARDING THE OPERATION OF TAXICABS AND TAXICAB BUSINESSES IN THE CITY OF RANCHO SANTA MARGARITA

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.03 (Taxicabs and Taxicab Businesses) of Title 4 (Business Regulations) of the Rancho Santa Margarita Municipal Code is hereby amended and restated in its entirety to read as follows:

**Chapter 4.03 - Taxicabs and Taxicab Businesses**

**Sec. 4.03.010. - Definitions.**

For purpose of this Chapter, the words and phrases herein defined shall be construed in accordance with the following definitions.

"City" means the City of Rancho Santa Margarita.

"City authorization" means City authorization to operate a taxicab business in the City.

"Driver" means a person who drives or controls the movements of a taxicab.

"Driver's permit" means a valid permit issued by OCTAP authorizing a person to drive or control the movements of a taxicab.

"OCTAP" means the Orange County Taxi Administration Program administered by the Orange County Transportation Authority.

"Operate a taxicab" means to drive a taxicab and either solicit or pick up passengers for hire in the City.

"Owner" means the registered owner or lessor of a taxicab.

"Person" includes natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

"*Taxicab*" means a vehicle operated within the jurisdiction of the City, capable of carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. The term shall exclude a vehicle operating as a charter party carrier licensed as such by any state agency, including the Public Utilities Commission, or any other vehicle having a certificate of public convenience and necessity issued by any state agency, including the Public Utilities Commission.

"*Taxicab business permit*" means a valid permit issued by OCTAP authorizing a person to operate a taxicab business.

"*Taxicab vehicle permit*" means a valid permit issued by OCTAP authorizing a particular vehicle to be operated as a taxicab.

**Sec. 4.03.020. - City authorization required.**

- (a) A person shall only operate a taxicab if the owner of that taxicab is authorized by the City to operate a taxicab business in the City.
- (b) An owner shall only allow a taxicab owned by the owner to be operated if the owner is authorized by the City to operate a taxicab business in the City.
- (c) The procedures for City authorization to operate a taxicab business in the City shall be established by separate resolution or ordinance of the City Council.

**Sec. 4.03.030. - Driver's permit required.**

A person shall only operate a taxicab if that person possesses a driver's permit and if City authorization has been obtained. An owner shall only allow a driver to operate a taxicab owned by the owner if that driver possesses a driver's permit and if City authorization has been obtained.

**Sec. 4.03.040. - Taxicab vehicle permit required.**

A person shall only operate a taxicab if that vehicle displays a taxicab vehicle permit and if City authorization has been obtained. An owner shall only allow a taxicab owned by the owner to be operated in the City if that vehicle displays a taxicab vehicle permit and if City authorization has been obtained.

**Sec. 4.03.050. - Taxicab business permit required.**

A person shall only operate a taxicab business in the City if that person possesses a taxicab business permit and if City authorization has been obtained.

**Sec. 4.03.060. - Application for permits.**

Application for a driver's permit, taxicab vehicle permit or taxicab business permit shall be made to OCTAP, upon a form provided by OCTAP and shall be accompanied

by an application fee sufficient to cover the administrative costs of processing said application as established by OCTAP.

**Sec. 4.03.070. - Testing for controlled substances and alcohol.**

A driver shall test negative for controlled substances and alcohol as required by applicable state statutes.

**Sec. 4.03.080. - Insurance required.**

A driver operating a taxicab in the City shall carry with him/her at all times proof of insurance covering that vehicle, with such policy limits and coverage as established by OCTAP and adopted by separate resolution of the City Council. Said proof of insurance must clearly identify the vehicle covered.

**Sec. 4.03.090. - Nontransferability.**

No permit issued under this Chapter shall be assigned to, or used by, any person or vehicle other than the person or vehicle named in such permit.

**Sec. 4.03.100. - Equipment.**

A taxicab operated under the authority of this Chapter shall be equipped according to the standards established by OCTAP and adopted by separate resolution of the City Council.

**Sec. 4.03.110. - Mechanical condition.**

A taxicab operated under the authority of this Chapter shall be maintained according to the standards established by OCTAP and adopted by separate resolution of the City Council.

**Sec. 4.03.120. - Operational requirements.**

- (a) A driver shall only carry a passenger to his/her destination by the most direct and accessible route.
- (b) A taxicab shall have all permits issued by OCTAP conspicuously displayed according to the standards established by OCTAP and adopted by separate resolution of the City Council.
- (c) A taxicab shall have the following information continuously posted in a prominent location in the taxicab passenger's compartment according to the standards established by OCTAP and adopted by separate resolution of the City Council:

- (1) A schedule of rates and charges for the hire of said taxicab;
  - (2) The driver's name and address;
  - (3) The owner's name, address and telephone number;
  - (4) The taxicab identification number;
  - (5) The driver's permit issued pursuant to this Chapter;
  - (6) The taxicab vehicle permit issued pursuant to this Chapter; and
  - (7) Any other information required by the City.
- (d) A driver shall give a receipt for the amount charged upon the request of the person paying the fare.
- (e) A taxicab shall only be operated if the passenger compartment is kept in a clean and sanitary condition.
- (f) A driver shall not leave his taxicab to solicit passengers.
- (g) The name or trade name of the owner and the number by which the taxicab is designated shall be printed, stamped or stenciled conspicuously on the outside of each taxicab according to the standards established by OCTAP and adopted by separate resolution of the City Council.

**Sec. 4.03.130. - Rates and charges.**

No driver shall charge rates and charges other than those established by OCTAP and adopted by separate resolution of the City Council.

**Sec. 4.03.140. - Separate from business licensing.**

The requirements of this Chapter are separate and independent from the business licensing and any other provisions under this Code.

**Sec. 4.03.150. - Penalty.**

- (a) Violators of this Chapter may be cited and enforcement action taken pursuant to the provisions of Chapter 1.03 of this Code.
- (b) The City Attorney, at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.

**SECTION 2.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or

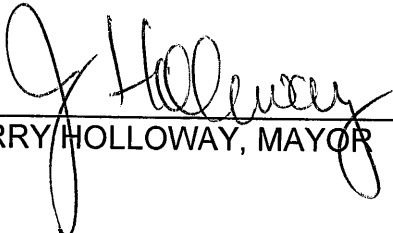
unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

SECTION 4. The City Council of the City of Rancho Santa Margarita determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

PASSED, APPROVED AND ADOPTED THIS 12<sup>TH</sup> DAY OF JUNE, 2019, BY VOTE AS FOLLOWS:

AYES: Council Members Beall, Figueroa, Gamble, Mayor Pro Tempore McGirr and Mayor Holloway (5)  
NOES: None (0)  
ABSTAIN: None (0)  
ABSENT: None (0)

  
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JERRY HOLLOWAY, MAYOR

ATTEST:

  
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AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF RANCHO SANTA MARGARITA )

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 19-04 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 22<sup>nd</sup> day of May, 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 12<sup>th</sup> day of June, 2019.

  
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AMY DIAZ, CITY CLERK



