

CITY OF OJAI
ORDINANCE NO. 890

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA AMENDING TITLE 4,
CHAPTER 2 OF THE OJAI MUNICIPAL CODE
RELATING TO TAXICABS.**

**THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES ORDAIN
AS FOLLOWS:**

SECTION 1. Code Amendment. Ojai Municipal Code Section 4-2.01 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.01. Definitions.

For the purposes of this chapter, the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended:

(a) "Taxicab" shall mean and include every motor vehicle of a distinct color or commercial appearance used in the business of carrying passengers for hire, and which is rented from a public or private garage or any fixed stand or location, and the destination and route of which are under the control of the passenger being carried therein;

(b) "Automobile for hire" shall mean and include every motor vehicle of private appearance not equipped with a taximeter and which is operated and hired from a public or private garage or stand or other location, and the destination and route of which are under the control of the passengers being carried therein, for a compensation which is fixed in accordance with the distance traveled, waiting time, or both, and shall include motor vehicles coming within the above definition whether or not intended to be hired or which are hired for operation by a person other than the owner thereof or his agent or employee. ~~No automobile for hire shall be painted a distinctive color for the purpose of identification;~~

(c) "Owner" shall mean and include every person owning or controlling any taxicab or automobile for hire;

(d) "Driver" shall mean and include every person in actual charge and control of any taxicab or automobile for hire as the driver thereof;

(e) “Stand” shall mean and include a portion of the street designated by the Council for the sole use of taxicabs and automobiles for hire while waiting for employment;

(f) “Substantially located within the City of Ojai” means any taxicab or automobile for hire business, owner, or operator with a principal business address located within the City of Ojai or for whom the largest share of trips within Ventura County have been located within the City of Ojai in the year before each year’s permit application;

(g f) “Taximeter” shall mean and include a mechanical instrument or device by which the charge for hire of a passenger carrying vehicle is mechanically calculated, either for distance traveled or for waiting time, or both, and upon which such charge is indicated by mean of figures.

SECTION 2. Code Amendment. Ojai Municipal Code Section 4-2.02 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.02 Owner’s Permit Required.

It shall be unlawful for any person to operate or cause to be operated at any point in the City any taxicab or automobile for hire substantially located within the City of Ojai unless there shall have been issued an owner’s permit to the owner and unless each such permit be in full force and effect. Owners of taxicabs or automobiles for hire substantially located within the City of Ojai shall also procure a business license certificate under Chapter 1 of Title 6 of the Ojai Municipal Code.

SECTION 3. Code Amendment. Ojai Municipal Code Section 4-2.03 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.03. Owner’s permit application.

Any owner desiring to obtain the permit required by Section 4-2.02 hereof shall make application therefor to the Council. The application shall be verified under oath and shall set forth:

(a) The name, age, business address, residence, and citizenship of the applicant if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business, and the names of its principal officers, together with their respective addresses; or if a partnership, association, or unincorporated company, the names of the partners, or the persons comprising the association of company, with the place of business and residence of each such partner or person;

(b) The street number and exact location of the public or private garage from which each such vehicle is to be operated; and

(c) The principal business address of the owner; and

(d) Proof of commercial general liability insurance and automobile insurance in amounts as required by law or the City Manager; and

(e) Such further information as the Council, or such official of the City to whom the application may be referred, may require.

SECTION 4. Code Amendment. Ojai Municipal Code Section 4-2.06 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.06. Decision by Council at hearing.

At the time set for the hearing of the application referred to in Sections 4-2.03 and 4-2.04 of this chapter, the Mayor and Council may examine the applicant and all persons interested in the matter set forth in the application and shall determine whether or not the public interest, convenience and necessity require the issuance of the permit applied for, and if it is found by the Council that the public interest, convenience, and necessity require the issuance of the permit applied for, it shall order, by resolution, the City ~~License Tax Collector~~ to issue a permit, subject to the filing and approval of an undertaking as hereinafter provided in Section 4-2.18. The following reasons shall be sufficient for denial of the permit:

(a) That the application is not in the form and does not contain the information required to be contained therein by this chapter;

(b) That the color scheme, name, monogram, or insignia to be used upon such automobile shall be in conflict with or imitate any 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;

(c) That the location of the stand, as therein stated, is such as to congest or interfere with travel on any public street, or that the proposed stand is within one hundred (100') feet of any other stand theretofore fixed by the Council on the same street;

(d) That it shall appear to the Council that there are a sufficient number of taxicabs and automobiles for hire in the City to fully serve the public, and that the granting of more permits would unduly congest the traffic and interfere with the free use of the public streets by the public, and that the public interest, convenience, and necessity do not require the issuance of such permit; and

(e) That the persons, firms, or corporations holding permits for the operation of taxicabs or automobiles for hire, as defined in this chapter, are under efficient management, and are adequately serving the public under normal condition-; and

(f) That the persons, firms, or corporations holding permits for the operation of taxicabs or automobiles for hire have demonstrated development of and compliance with a mandatory controlled substance and alcohol testing certification program meeting applicable federal requirements.

Code Amendment. Ojai Municipal Code Section 4-2.07 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck-through text~~:

Sec. 4-2.07. Owner's permit restrictive.

It shall be unlawful for any owner granted a permit hereunder to conduct any operation or give any service other than the service authorized by the permit granted by the Council in accordance with the provisions of this chapter or any service licensed or permitted under other applicable law.

SECTION 5. Code Amendment. Ojai Municipal Code Section 4-2.10 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck-through text~~:

Sec. 4-2.10. License fees.

The permits herein mentioned shall entitle the holder thereof to obtain a license to engage in the business described in such permit from the City ~~License Tax Collector~~ upon payment of a license fee at the rate set by the City Council by resolution ~~of Fifteen and no/100ths (\$15.00) Dollars for five (5) such vehicles or less; Twenty and no/100ths (\$20.00) Dollars for not more than ten (10) nor less than six (6); and Forty and no/100ths (\$40.00) Dollars for vehicles in excess of ten (10), as is provided by Chapter I of Title 6 of this Code, per year for automobiles for hire, and upon payment of a license fee at the rate of Thirty and no/100ths (\$30.00) Dollars per year for five (5) taxicabs or less; Forty and no/100ths (\$40.00) Dollars per year for not more than ten (10) nor less than six (6) taxicabs; and Eighty and no/100ths (\$80.00) Dollars per year for ten (10) or more taxicabs, which fees for taxicabs shall be payable semi-annually in advance. Upon receipt of payment, the City ~~License Tax Collector~~ shall issue to the holder of such permit a license which shall set forth the kind of transportation for which the license is issued and the date of issuance and expiration date of the license. A penalty of ten (10%) per cent of the amount of the license tax, for taxicabs, or installment thereof, shall be added to all such license taxes not paid within fifteen (15) days after the due date thereof.~~

SECTION 6. Code Amendment. Ojai Municipal Code Section 4-2.11 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.11. License to be posted.

All persons required to secure an Owner's Permit and pay a City license fee pursuant to the provisions of this chapter shall post the license in a conspicuous place in their respective places of business. If any licensee shall not have a regular place of business, he shall carry the license in his automobile or taxicab or upon his person and exhibit the license to any City official ~~the City License Tax Collector or his deputy~~ upon demand. All persons licensed to operate a taxicab or automobile for hire in Ventura County by issuance of a permit from another jurisdiction within Ventura County, under Government Code section 53075.5, shall carry such license in the automobile or taxicab or upon their person and exhibit the license to any City official upon demand.

SECTION 7. Code Amendment. Ojai Municipal Code Section 4-2.12 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.12. Taxicab stands.

No person may operate a stand without a permit issued by the City Council, upon findings by the City Council that: (1) the proposed location of the stand will not congest or interfere with travel on any public street; (2) that the proposed stand is not within one hundred (100') feet of any other stand previously approved by the Council on the same street; and (3) that the approval of the proposed stand will not be injurious to the public's health, safety, or welfare. The Council shall designate, in any taxi stand permit granted by it, the exact location of the stand in which ~~the~~ taxicabs may park. No such stand shall be wider than twenty (20') feet on streets where parallel parking is required. Upon the granting of a stand permit pursuant to the provisions of this chapter, every stand as designated by the Council shall be designated by red paint or other red material upon the entire curb surface with the words, "Taxicabs Only," in white letters thereon. It shall be unlawful for any vehicle to occupy any regularly established taxicab stand unless such vehicle is one being operated by the owner to which such taxicab stand has been assigned.

SECTION 8. Code Amendment. Ojai Municipal Code Section 4-2.13 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.13. Application ~~fee~~ for taxicab stand permit.

An application fee in an amount set by the City Council by resolution ~~of Ten and no/100ths (\$10.00) Dollars~~ shall be required to be paid for each application for a stand permit or change of location thereof for which a permit is applied. All such application fees shall accompany the application, on a form issued by the City Manager. All taxi stand permits granted pursuant to the provisions of this ~~section~~ chapter shall be nontransferable. When any such permit is granted, the City License Tax Collector shall issue to the grantee thereof a certificate giving the name and address of the grantee, the nature of the permit, and the date when the permit was granted.

SECTION 9. Code Amendment. Ojai Municipal Code Section 4-2.14 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.14. Taxicab service.

Taxicab service shall be available at all times during which service is required by telephone call, internet-based communication, or wireless communication, by engagement of the taxicab when standing at a regularly assigned taxicab stand, or when properly hailed from the street or curb. It shall be unlawful for any carrier or driver of a taxicab to refuse or neglect to transport any orderly person upon request anywhere in the City when a taxicab of such carrier is standing in a regularly assigned taxicab stand, and such service shall be rendered immediately upon request. It shall be unlawful for any carrier or driver of a taxicab or driver or owner of an automobile for hire to prejudice, disadvantage, or require different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex, or any characteristic listed or defined in Section 11135 of the Government Code.

SECTION 10. Code Amendment. Ojai Municipal Code Section 4-2.15 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.15. Automobile for hire service.

The services of an automobile for hire operated pursuant to any permit granted pursuant to the provisions of this chapter shall be available only upon telephone call, internet-based communication, or wireless communication, or upon engagement at the public or private garage from which such vehicle is operated, or at the permitted taxicab stand where the vehicle is

parked. It shall be unlawful for any person to cruise, or cause or permit to be cruised, any automobile for hire. An automobile for hire shall be deemed to be cruising when it solicits or takes on any passenger other than in response to an order given at its garage or in response to a telephone call, internet-based communication, or wireless communication requesting transportation.

SECTION 11. Code Amendment. Ojai Municipal Code Section 4-2.16 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.16. Revision of permit application.

In the event any permit holder desires to change his schedule of rates and charges or the color scheme, name, monogram, or insignia used on his automobiles for hire or taxicabs, or to substitute any vehicle for and in place of the vehicle described in the application for a permit, or to increase or decrease the number of vehicles used by him as automobiles for hire or taxicabs, he shall make an application for permission to do so to the City ~~License Tax Collector~~, which permission shall be granted by the Council in its discretion if the Council deems the public interest, necessity, and convenience will be subserved by such change and if the permit holder has complied with all the provisions of this chapter.

SECTION 12. Code Amendment. Ojai Municipal Code Section 4-2.21 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.21. Rates.

The maximum rates of fare which may be charged the public by taxicab carriers and drivers shall be set by resolution of the Council.

SECTION 13. Code Amendment. Ojai Municipal Code Section 4-2.24 is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Sec. 4-2.06. Enforcement.

It shall be the duty of the ~~City Manager License Tax Collector~~ to enforce the provisions of this chapter. In addition to any other penalty or fine under other applicable law, any person who violates a provision of this chapter shall be subject to a civil administrative fine of between one hundred dollars (\$100) and one thousand dollars (\$1,000). In addition to any other penalty or fine under other applicable law, any person who violates Section 4-2.02 of this chapter by operating a taxicab or automobile for hire substantially located within the City of Ojai without an Owner's Permit shall be subject to a civil administrative fine of five thousand dollars (\$5,000), under this section and Government Code section 53075.5, subdivision (i)(2).

SECTION 14. Environmental Determination. The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing amendment to the Ojai Municipal Code is exempt from the California Environmental Quality Act (CEQA) for the following independent reasons:

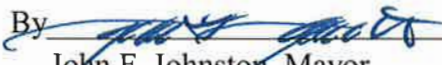
Under California Code of Regulations, Title 14, Section 15061, subdivision (b)(3), of the CEQA Guidelines, CEQA review is not required if an activity is not a project as defined in California Code of Regulations, Title 14, Section 15378, of the CEQA Guidelines. Under Section 15378, subdivision (b)(5), project for purposes of CEQA does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This ordinance is administrative in nature, and will not result in any direct or indirect physical changes in the environment. The adoption of this ordinance is therefore exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15060 and 15378, subdivision (b)(5) of the CEQA Guidelines.

SECTION 15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

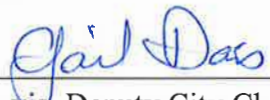
SECTION 16. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 17. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.

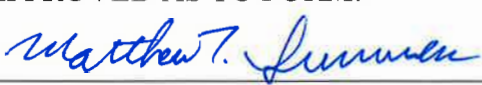
CITY OF OJAI, CALIFORNIA

By 
John F. Johnston, Mayor
March 14, 2018
Date signed

ATTEST:


Gail Davis, Deputy City Clerk


APPROVED AS TO FORM:


Matthew T. Summers, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on January 22, 2019 and adopted at a regular meeting held on February 26, 2019 by the following vote:

- AYES: Blatz, Francina, Haney, Johnston, Weirick
- NOES: None
- ABSTAIN: None
- ABSENT: None


Gail Davis
Deputy City Clerk