

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FULLERTON, CALIFORNIA, AMENDING CHAPTER 3.44 OF
TITLE 3 OF THE FULLERTON MUNICIPAL CODE RELATING TO
THE REGULATION OF TAXICABS

WHEREAS, the California Legislature recently passed AB 1069 amending Government Code section 53075.5 to require every city and county in which a taxicab company is substantially located to adopt an ordinance or resolution regarding taxicab transportation service operation in order to protect the public health, safety, and welfare; and

WHEREAS, the ordinance must provide for a policy for entry into the business of providing taxicab services, the establishment or registration of rates for the provision of such services, and a mandatory controlled substance and alcohol testing certification program; and

WHEREAS, Section 53075.5(j)(1)(B) permits a city to enter into an agreement with a transit agency for the purpose of regulating or administering the taxicab companies located substantially within the jurisdictional boundaries of the transit agency, provides that a taxicab company is substantially located within the jurisdictional boundaries of the transit agency if it is substantially located within the city that enters into an agreement pursuant to Section 53075.5(j)(1)(B), and permits the transit agency to exercise all powers granted to the city that is a party to the agreement pursuant to Section 53075.5 in order to regulate or administer taxicab companies within those boundaries; and

WHEREAS, the City of Fullerton ("City") and other Orange County cities formed the Orange County Taxi Administration Program ("OCTAP") to comply with the requirements of Section 53075.5 and to establish minimum safety and service standards for the provision of taxicab services in Orange County, to increase public safety, to reduce administrative costs for the public and private sector, and to expand the provision of private transportation service in Orange County; and

WHEREAS, the City, along with several other Orange County cities and the County of Orange, has entered into Cooperative Agreement No. C-8-2015, effective January 1, 2019, with the Orange County Transportation Authority ("OCTA") for such administration and regulation; and

WHEREAS, pursuant to the Cooperative Agreement, OCTA administers OCTAP on behalf of the participating cities and the County; and

WHEREAS, pursuant to Article 4(B) of the Cooperative Agreement, the participating agencies are required to adopt OCTAP Regulations into their respective municipal codes and are responsible for enforcement of all violations of their taxicab ordinances and the OCTAP Regulations occurring within their jurisdictions; and

WHEREAS, the City desires to amend Chapter 3.44 of the Fullerton Municipal Code to comply with its obligations pursuant to the Cooperative Agreement and state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES
ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.44 of Title 3 of the Fullerton Municipal Code is hereby deleted in its entirety and replaced as follows:

3.44.010 Purpose and intent.

The purpose of this chapter is to provide an objective and comprehensive process for taxicab operations within the city.

3.44.020 Definitions.

Unless otherwise set forth herein, the words and phrases used in this chapter shall have the meaning set forth in the taxicab regulations adopted by the City Council.

“OCTAP” means the Orange County Taxi Administration Program, an association of cities, including city, and the County of Orange, formed to establish a policy for entry into the business of providing taxicab transportation service in compliance with the agencies’ requirements under California Government Code section 53075.5, and administered by the Orange County Transportation Authority.

“Substantially located” has the meaning set forth in California Government Code section 53075.5.

“Taxicab” means a vehicle 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 California Public Utilities Commission (CPUC), or any other vehicle operating under the authority of any state agency, including the CPUC.

3.44.030 Permit required.

It shall be unlawful for any taxicab driver or taxicab company to operate within the city without a permit issued by OCTAP.

3.44.040 Taxicab regulations.

All taxicab drivers and taxicab companies shall comply with the taxicab regulations adopted by the City Council, which include fees, rates, and fines. The taxicab regulations are made a part of this chapter by this reference as though set out in full herein. A copy of the taxicab regulations is on file in the office of the City Clerk.

3.44.050 Separate from business licensing.

The requirements of this chapter are separate and independent from the business licensing provisions of this code if the driver or company is substantially located within the city.

3.44.060 Violation and penalty.

Violation of this chapter shall be subject to the penalty provisions set forth in Chapters 1.08 and 1.10 of this code and in the taxicab regulations adopted by the City Council. In

addition, any person or company operating a taxicab in the city without a valid permit may be subject to a fine of five thousand dollars (\$5,000.00).

SECTION 2. In compliance with Section 53075.5(b) of the California Government Code, the City Council hereby adopts as the City's taxicab regulations the OCTAP Regulations attached hereto as Exhibit "A." One full copy of the OCTAP Regulations, certified to be a true copy by the City Clerk, shall be kept on file in the office of the City Clerk for public inspection.

SECTION 3. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses may be declared unconstitutional.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2019.

Jesus J. Silva, Mayor

ATTEST:

Lucinda Williams, City Clerk

Date _____

EXHIBIT A

REGULATIONS OF THE ORANGE COUNTY TAXI ADMINISTRATION PROGRAM