

ORDINANCE NO. 974

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ADDING CHAPTER 5.26 TO THE LANCASTER MUNICIPAL CODE RELATING TO VEHICLES FOR HIRE

WHEREAS, a city “may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws” (Cal. Const., art. XI § 7); and

WHEREAS, “[t]he legislative body of an incorporated city may, in the exercise of its police power, and for the purpose of regulation ... license any kind of business not prohibited by law transacted and carried on within the limits of its jurisdiction” (Cal. Bus. & Prof. Code § 16000(a)); and

WHEREAS, pursuant to the foregoing authority, the City of Lancaster has determined that it is in the public interest and welfare to add Chapter 5.56 to the Lancaster Municipal Code in order to establish regulations that regulate the commercial operation of vehicles for hire in the city that are not otherwise specifically regulated by state law and/or any other provision of the Lancaster Municipal Code, in order to ensure that such vehicles are operated safely and to protect the public health, safety and welfare.

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

Section 1. Chapter 5.26 of the Lancaster Municipal Code (“Vehicles for Hire”) is hereby amended in its entirety to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, including Exhibit “A”, is held for any reason 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 of the City of Lancaster hereby 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, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this ordinance shall take effect 30 days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 24<sup>th</sup> day of January, 2012, and placed upon its second reading and adopted at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF LANCASTER            )

CERTIFICATION OF ORDINANCE  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 974 for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

(seal)

**EXHIBIT “A”**  
**CHAPTER 5.26**  
**VEHICLES FOR HIRE**

**Sections:**

|                 |  |
|-----------------|--|
| <b>5.26.010</b> | <b>Purpose.</b>  |
| <b>5.26.020</b> | <b>Definitions.</b>  |
| <b>5.26.030</b> | <b>Owner’s and driver’s permit required.</b>                 |
| <b>5.26.040</b> | <b>Exemptions.</b>   |
| <b>5.26.050</b> | <b>Owner’s permit—application, issuance and denial.</b>      |
| <b>5.26.060</b> | <b>Driver’s permit—application, issuance and denial.</b>     |
| <b>5.26.070</b> | <b>Operating regulations—generally.</b>                      |
| <b>5.26.080</b> | <b>[Reserved]</b>  |
| <b>5.26.090</b> | <b>Indemnity and insurance.</b>                              |
| <b>5.26.100</b> | <b>[Reserved]</b>  |
| <b>5.26.110</b> | <b>Fees for permit.</b>                                      |
| <b>5.26.120</b> | <b>Revocation of owner’s or driver’s permit.</b>             |
| <b>5.26.130</b> | <b>Transfer, amendment, duration and renewal of permits.</b> |
| <b>5.26.140</b> | <b>Appeal.</b>   |
| <b>5.26.150</b> | <b>Violation and penalty.</b>                                |
| <b>5.26.160</b> | <b>Severability.</b>   |

**5.26.010 Purpose.**

The purpose of this Chapter is to regulate the commercial operation of vehicles for hire in the city that are not otherwise specifically regulated by state law and/or any other Chapter, Section or provision of this code, in order to ensure that such vehicles are operated safely and to protect the public health, safety and welfare.

**5.26.020 Definitions.**

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

“City” means the City of Lancaster.

“City manager” means the city manager of the city or his or her duly authorized representative.

“Darkness” means any time from one-half hour after sunset to one-half hour before sunrise and any time when visibility is not sufficient to render clearly discernible any person or vehicle on the public street at a distance of 1000 feet.

“DMV” means the California Department of Motor Vehicles.

“Driver” means any person who drives or operates a vehicle for hire on the public streets of the city.

“Driver’s permit” means a permit issued to a driver of a vehicle for hire in the city pursuant to the provisions of this Chapter.

“Horse-drawn vehicle” means any hack or carriage that is operated by being drawn by a horse, mule or other animal, for the transportation for hire of passengers.

“Owner’s permit” means a permit issued to an owner of a vehicle for hire business operating in the city pursuant to the provisions of this Chapter.

“Public street” means any street, avenue, highway or other public way in the city, and shall include the entire right-of-way thereof.

“Vehicle for hire” means any automobile, motor-propelled vehicle, or other vehicle or conveyance of any nature and however propelled, used in the business of transporting passengers over public streets, irrespective of whether such operations extend beyond the city, for which any fee, compensation or consideration is paid for such transportation.

**5.26.030 Owner’s and driver’s permit required.**

A. It is unlawful to operate or cause to be operated a vehicle for hire business within the city without first having obtained an owner’s permit in accordance with the provisions of this Chapter.

B. It is unlawful to drive or operate a vehicle for hire within the city without first having obtained a driver’s permit in accordance with the provisions of this Chapter.

**5.26.040 Exemptions.**

The provisions of this Chapter shall not apply to the operation of any of the following: (i) a horse-drawn vehicle; (ii) a taxicab as defined and regulated by Chapter 5.28 of this code; (iii) a towing unit as defined and regulated by Chapter 5.32 of this code; (iv) an ambulance or ambulette as defined and regulated by Chapter 5.48 of this code; and/or (v) a vehicle licensed by the California Public Utilities Commission.

**5.26.050 Owner’s permit—application, issuance and denial.**

A. An application to operate or cause to be operated a vehicle for hire business shall be submitted to the city manager, on a form supplied by the city manager, and shall contain or be accompanied by the following information:

1. The name, age, California driver’s license number (as issued by the DMV), business address, residence and telephone number of the applicant, if a natural person; if a corporation, its name, date and place of incorporation, address of its principal office, federal employer and/or tax identification number, telephone number, and the name of its principal officers together with their respective addresses; if a partnership, association, or other unincorporated entity, the names of the partners or persons comprising the association or company, the place of business and residence of each.

2. A summary of the past experience of applicant in the service proposed.

3. The name, address and past experience of the person to be in charge of the applicant's business.

4. A statement as to whether a license, permit or certificate issued to applicant, any person listed in the application, or a transportation business in which the applicant or any person listed in the application is or was a partner, director or officer has been revoked, cancelled or suspended by any federal, state or local governmental agency or entity.

5. Such facts that applicant believes tend to prove or support the granting of a permit.

6. The number of vehicles for hire to be operated or controlled by applicant, and a description of each vehicle for hire, including its model, serial number, its seating capacity, and the name of its manufacturer.

7. The color scheme or insignia to be used to designate applicant's vehicle(s) for hire.

8. The location of the proposed vehicle for hire business and satisfactory proof that the premises are in compliance with all applicable laws, regulations, statutes and ordinances.

9. Evidence acceptable to the city manager that applicant is the registered owner of each vehicle for hire to be utilized in applicant's vehicle for hire business.

10. A copy of the insurance policy naming the city as an additional insured, with appropriate limits, as required by and further described in this Chapter.

11. One of the following:

a. A receipt from the Los Angeles County Sheriff's Department evidencing that the applicant has (i) submitted fingerprint a card Form FD258 or such other fingerprint card as is accepted by the Department of Justice and the Federal Bureau of Investigation; and (ii) paid any and all fees required to conduct a background check on the applicant; or

b. A receipt evidencing that the applicant has (i) obtained electronic fingerprint scans, also known as Livescan, to the extent such technology is available, for the applicant; and (ii) paid any and all fees required to conduct background checks on the applicant; or

c. Written authorization that permits the city to utilize data retrieved pursuant to a background check completed within forty-five days of the applicant's submission of his or her application to the city. Such authorization letter shall state the name and include the signature of the applicant and shall state the name of the jurisdiction or entity that conducted the previous background check. Data retrieved pursuant to a background check conducted by the Los Angeles County Sheriff's Department shall be presumed valid. Data retrieved pursuant to a background check conducted by any other jurisdiction or entity shall be accepted upon approval by the city manager.

12. Such other information as the city manager may require.

B. Within thirty days of receipt of an application for an owner's permit and the required fee, the city manager shall issue an owner's permit unless substantial record evidence demonstrates one of the following bases for denial:

1. The application is incomplete or inaccurate; or

2. A vehicle for hire described in the application is inadequate or unsafe for the purposes for which it is to be used; or

3. The name, monogram, or insignia to be used imitates or is substantially similar to any name, monogram or insignia used by any other person or entity in such manner as to be misleading or tending to deceive, confuse or defraud the public; or

4. A license, permit or certificate issued to applicant, any person listed in the application, or a transportation business in which the applicant or any person listed in the application is or was a partner, director or officer has been revoked, cancelled or suspended by any federal, state or local governmental agency or entity; or

5. The applicant has operated a vehicle for hire or vehicle for hire business within the city in violation of this code; or

6. The operation of a vehicle for hire as stated in the application will threaten public peace, health, safety and/or welfare.

C. The city manager may require a criminal background investigation of any applicant by the Los Angeles County Sheriff's Department as part of determining whether or not to issue a permit pursuant to this Section.

D. The permit issued pursuant to this Section shall state on its face such information as shall be determined by the city manager. A duplicate of the permit issued pursuant to this Section may be issued by the city manager to replace a permit that has been lost or destroyed upon the filing of a statement that such permit has been lost or destroyed and payment of a duplicate permit fee as established by resolution of the city council.

**5.26.060 Driver's permit—application, issuance and denial.**

A. An application for a permit to drive a vehicle for hire shall be submitted to the city manager, on a form supplied by the city manager, and shall contain or be accompanied by the following information:

1. The name, age, address, telephone number and California driver's license number (as issued by the DMV) of the applicant.

2. A statement as to whether the applicant has been convicted of a violation of any federal law, the law of any state or of this code, and, if so, a description of the circumstances of such conviction and the sentence of the court.

3. A letter or certificate from a licensed physician certifying that, in his or her opinion, the applicant is not afflicted with any contagious disease or infirmity that may make the applicant an unsafe and unsatisfactory driver.

4. A copy of the driver's license issued to applicant by the DMV and evidence that such driver's license is not suspended or revoked.

5. A copy of applicant's driving record for the previous twelve months, including a driving record issued by the DMV and any other state in which applicant was licensed to drive within the previous twelve months.

6. One of the following:

a. A receipt from the Los Angeles County Sheriff's Department evidencing that the applicant has (i) submitted fingerprint a card Form FD258 or such other fingerprint card as is accepted by the Department of Justice and the Federal Bureau of Investigation; and (ii) paid any and all fees required to conduct a background check on the applicant; or

b. A receipt evidencing that the applicant has (i) obtained electronic fingerprint scans, also known as Livescan, to the extent such technology is available, for the applicant; and (ii) paid any and all fees required to conduct background checks on the applicant; or

c. Written authorization that permits the city to utilize data retrieved pursuant to a background check completed within forty-five days of the applicant's submission of his or her application to the city. Such authorization letter shall state the name and include the signature of the applicant and shall state the name of the jurisdiction or entity that conducted the previous background check. Data retrieved pursuant to a background check conducted by the Los Angeles County Sheriff's Department shall be presumed valid. Data retrieved pursuant to a background check conducted by any other jurisdiction or entity shall be accepted upon approval by the city manager.

7. Such other information as the city manager may require.

B. Within thirty days of receipt of an application for driver's permit and the required fee, the city manager shall issue a driver's permit unless substantial record evidence demonstrates one of the following bases for denial:

1. The application is incomplete or inaccurate; or

2. The applicant is not at least eighteen years of age; or

3. The applicant is afflicted with a disease or infirmity that may make the applicant an unsafe and unsatisfactory driver; or

4. The applicant has been convicted of operating a motor vehicle while under the influence of an intoxicating beverage or drug within one year prior to the date of the application submitted pursuant to this Section, or has been convicted of such an offence three or more times within two years prior to the date of the application submitted pursuant to this Section; or

5. The applicant does not possess a current and valid driver's license issued by the DMV; or

C. The city manager may require a criminal background investigation of any applicant by the Los Angeles County Sheriff's Department as part of determining whether or not to issue a permit pursuant to this Section.

D. The permit issued pursuant to this Section shall state on its face such information as shall be determined by the city manager. A duplicate of the permit issued pursuant to this Section may be issued by the city manager to replace a permit that has been lost or destroyed upon the filing of a statement that such permit has been lost or destroyed and payment of a duplicate permit fee as established by resolution of the city council.

**5.26.070 Operating regulations—generally.**

A. The owner of a vehicle for hire business issued a permit pursuant to this Chapter, including each driver and any person operating in the employ of such a business, shall comply with the following regulations and requirements in the conduct of such business:

1. The insurance requirements imposed by this Chapter shall be satisfied.

2. Each vehicle for hire operated on a public street shall have a sign plainly painted or affixed on each side, in letters not less than four inches high, containing the full name of the owner and the name of the vehicle for hire business.

3. There shall be painted or affixed on each side and on the rear of each vehicle for hire operated on a public street a number at least six inches high, such number to be a separate and distinct number from that on any other public vehicle or taxicab in the city. The number shall be assigned to such vehicle for hire, and the owner thereof, by the city manager and shall not be altered or changed without the written consent of the city manager.

4. Each vehicle for hire operated on a public street shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times when the vehicle for hire is in service.

5. Each vehicle for hire operated on a public street shall be kept painted and in a clean and sanitary condition, free of litter and debris at all times suitable for public transportation of passengers.

6. No vehicle for hire operated on a public street may stop in traffic, or delay any on-street traffic, for the purpose of loading or unloading passengers, or for any other purpose.

7. No vehicle for hire shall remain standing upon any portion of any public street within the city, except for loading and unloading persons for a period not to exceed five minutes; provided, however, that such prohibition shall not apply to any vehicle for hire while the same is engaged by and being paid for by persons. This Section



5.26.070(A)(7) shall not be interpreted or construed to permit a vehicle for hire to remain standing upon any portion of any public street or sidewalk within the city, if to do so would otherwise violate any federal, state or local law, regulation or ordinance.

8. No owner or driver may charge a greater sum for the use of a vehicle for hire than the rate published, advertised and indicated on a rate card that is posted in or on the vehicle for hire. Such rate card shall be displayed in such a place as to be conspicuous and to be in clear view of all passengers.

9. No driver may permit more persons to be carried in a vehicle for hire as passengers than the rated seating capacity of his or her vehicle for hire, which rated seating capacity shall be indicated on the rate card that is posted in or on the vehicle for hire.

10. No driver may refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged, or unable, or forbidden by the provisions of this Chapter.

11. No driver may solicit business for any hotel or other business or attempt to divert patronage from one hotel or business to another or use his or her vehicle for any purpose other than the transportation of passengers.

12. No driver may collect fares, make change, take on or discharge passengers, use headphones, or text or talk on a mobile telephone without a hands-free application while his or vehicle for hire is in motion.

13. The driver's permit issued pursuant to Section 5.26.060 shall be displayed in such a place as to be conspicuous and to be in clear view of all passengers.

14. The driver of a vehicle for hire being operated on a public street shall have in his or her possession either the original or a copy of the owner's permit issued pursuant to Section 5.26.050.

B. The city manager may promulgate additional operating requirements pursuant to this Section in order to implement this Chapter; provided, however that such additional operating requirements may not conflict with the provisions of this Chapter.

**5.26.080 [Reserved]**

**5.26.090 Indemnity and insurance.**

A. An owner issued a permit pursuant to this Chapter shall hold the city, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expenses that may accrue to the city by the reason of negligence, default or misconduct of the owner in connection with the rights granted to the owner pursuant to this Chapter. Nothing in this Chapter shall be considered to make the city, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any owner, its servants, agents, drivers or other employees, during the operation by the owner of a vehicle for hire business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

B. Any owner desiring a permit pursuant to this Chapter shall give and maintain a policy of insurance from a company authorized to do business in the state of California for each vehicle in use as a vehicle for hire. The minimum coverage shall be \$250,000 for bodily injury to any one person, \$1,000,000 for injury to more than one person which is sustained in the same accident, and \$100,000 for property damage resulting from one accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of an owner, its employees, drivers, servants or agents.

C. Any owner desiring a permit pursuant to this Chapter shall give a separate policy of insurance for each separate vehicle for hire, except where such owner actually owns or holds legal title to more than one vehicle for hire, in which event such owner may give one policy of insurance covering all the vehicles for hire actually owned. This latter provision, however, shall not apply to any group of persons separately owning vehicles for hire who may be jointly operating or doing business under a single owner's license.

D. Any owner desiring a permit pursuant to this Chapter shall maintain from a licensed insurance company comprehensive general liability insurance in the amount of \$1,000,000 for its undertakings associated with activities pursuant to this Chapter.

E. Before any policy of insurance required by this Chapter is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, in writing, to the city at least ten days before the same shall take effect.

**5.26.100 [Reserved]**

**5.26.110 Fees for permit.**

The city council shall establish by resolution, and from time to time may amend, the fees for the administration of this Chapter. The fees and permits required by this Chapter shall be in lieu of any fee or business license required by Chapter 5.04 of this code.

**5.26.120 Revocation of owner's or driver's permit.**

The city manager shall revoke a permit issued pursuant to this Chapter, in addition to any other basis provided by this code, upon determination that any of the following conditions exist:

A. The holder of a permit issued pursuant to this Chapter has failed to perform in accordance with this Chapter and has violated one or more of the provisions of this Chapter on two or more separate occasions. For purposes of the preceding sentence, the term "on two or more separate occasions" shall mean on two or more separate days; or

B. The holder of a permit issued pursuant to this Chapter made a material false, misleading, or fraudulent statement or omission of fact to the city, or engaged in fraud, in the application for such permit; or

C. The holder of a permit issued pursuant to this Chapter has violated any federal, state or local law, regulation or ordinance while engaged in activity pursuant to a permit issued under this Chapter.

**5.26.130 Transfer, amendment, duration and renewal of permits.**

A. No permit issued under this Chapter shall be transferable to any other person or entity.

B. A permit issued under this Chapter may be amended to reflect a change in mailing address, telephone number, website address and/or similar information upon filing a statement of such fact and payment of a fee as established by resolution of the city council. The unexpired permit previously issued shall be returned to the finance director prior to the issuance of the amended permit. A permit may not be amended to reflect a change in the person(s) transacting the business, the name of the business, the physical address of the business or a change in the type of business transacted; under such circumstances a new permit must be obtained.

C. Permits issued under this Chapter shall be valid for one year from the date of issuance and may be renewed on a year-to-year basis provided that the permit holder continues to meet the requirements of this Chapter. Applications for the next ensuing permit shall be filed with the city manager before the expiration of the existing permit.

D. Renewal applications shall require such information as may be required by the city manager to update the information contained in the original permit application. The applicant shall accompany the application for renewal with the appropriate filing fee.

**5.26.140 Appeal.**

If any person is aggrieved by a decision of the city manager regarding the issuance, denial or revocation of a permit pursuant to this Chapter, such person may appeal the decision by submitting a notice of appeal in accordance with the uniform appeal procedure set forth in Chapter 2.44 of this code.

**5.26.150 Violation and penalty.**

A. Violations of this Chapter shall constitute a misdemeanor and shall be punishable in the manner provided in Section 1.12.020(A) of this code.

B. Any violation of this Chapter shall be and the same is declared to be unlawful and a public nuisance. The city attorney or the district attorney may, in addition to or in lieu of prosecution in a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps, and shall apply to such other courts or court as may have jurisdiction to grant such relief as will abate or remove such public nuisance and restrain and enjoin any person from violating the provisions of this Chapter.

C. For failure to pay a permit fee when due, the finance director shall add a penalty of twenty percent (20%) of the permit fee on the first date of the month following the due date and ten percent (10%) each month thereafter while the fee remains unpaid,

provided that the amount of the penalty shall not exceed fifty percent (50%) of the amount of the permit fee due.

D. If an owner or driver required to obtain a permit pursuant to this Chapter fails to obtain such permit, the permit fee due shall be that amount due and payable from the first date the person or entity engaged in activity that requires a permit pursuant to this Chapter, together with the penalty described in subsection C of this Section.

E. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

**5.26.160 Severability.**

If any part or provision of this Chapter is found to be invalid or unenforceable by a court of law, such invalidity shall not affect any other part or provision herein, and all remaining provisions of this Chapter will be valid and enforceable to the fullest extent permitted by law.