

ORDINANCE NO. 2293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE II OF CHAPTER 25 OF THE WEST COVINA MUNICIPAL CODE RELATED TO VEHICLES FOR HIRE

WHEREAS, the City of West Covina City Council previously adopted Article II of Chapter 25 of the West Covina Municipal Code detailing the regulation and licensing of vehicles for hire; and

WHEREAS, since the adoption of the current code, a new type of passenger vehicle for hire has emerged, known as Transportation Network Companies (TNCs). TNCs are regulated by the California Public Utilities Commission as a type of vehicle for hire, but distinct from limousine services, taxicabs and bus companies. TNCs are, however, a type of charter carrier. By state law, other vehicles for hire continue to be within the right of city and county authorities to regulate; and

WHEREAS, the City of West Covina City Council desires to amend the Municipal Code to continue to regulate vehicles for hire, excluding vehicles operated as authorized by and under a TNCs permit to the extent that they are regulated by the CPUC; and

WHEREAS, nothing herein is intended to affect the operation of Chapter 14 of the City of West Covina Municipal Code relating to business licensing .

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 25-16 of the West Covina Municipal Code is hereby amended to read as follows:

Sec. 25-16. - Definitions.

The following words and phrases, whenever used in this article shall be construed as defined in this section, unless it shall be apparent from the context that a different meaning is intended:

“Automobile for hire” shall mean and include every automobile or motor-propelled vehicle, excluding Transportation Network Companies (TNCs) operating under permit from the California Public Utilities Commission and their authorized TNC drivers/vehicles, used for the transportation of passengers for compensation over the streets of the city and not over a fixed or defined route, irrespective of whether the operations extend beyond the boundary limits of the city, at rates for distance traveled, per mile, per trip, for waiting time, or otherwise.

“Owner” shall mean and include any person other than a driver, who or which owns, operates, controls or directs the use of an automobile for hire.

“Driver” is a person who drives or is in actual physical control of an automobile for hire.

“Taximeter” is a mechanical instrument or device by which the charge for hire of an automobile at a predetermined rate or rates, is mechanically calculated and registered, either

from distance traveled, or for waiting time, or both, and upon which such charge shall be indicated by means of figures.

“Transportation Network Companies” are organizations, whether in the form of a corporation, partnership, sole proprietor, or other form, operating in California that provide prearranged transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers using their personal vehicles and which are permitted and regulated by the California Public Utilities Commission.

“City license collector” shall mean and include the person exercising that function or any city employee designated by the city license collector to perform such functions hereunder.

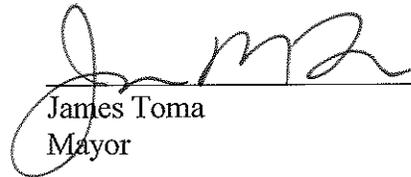
“Chief of police” shall mean and include the person exercising that function or any city employee designated by the chief of police to perform such functions hereunder.

SECTION NO. 2. If any part of this Ordinance, or its application to any person or circumstances, is held to be invalid, the remainder of the Ordinance, including the application or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Ordinance are severable.

SECTION NO. 3. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

SECTION NO. 4. This Ordinance shall take effect thirty days from adoption.

PASSED, APPROVED AND ADOPTED on this 1st day of March, 2016.


James Toma
Mayor

APPROVED AS TO FORM:

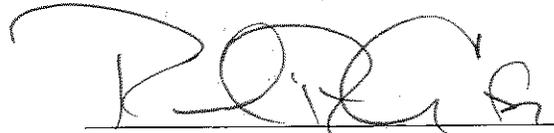

Kimberly Hall Barlow
City Attorney

ATTEST:


Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 16th day of February, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 1st day of March, 2016, by the following vote:

AYES: Johnson, Spence, Warshaw, Wu, Toma
NOES: None
ABSENT: None
ABSTAIN: None

A handwritten signature in black ink, appearing to read "N. Lewis", written over a horizontal line.

Nickolas S. Lewis
City Clerk