

Chapter 5.35

TAXICABS & PEDICABS

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Article I. General Provisions

- 5.35.010 ~~Purpose and intent~~Purpose, intent and effective date.

This chapter is to further the public convenience and necessity of transportation services by taxicabs and ~~pedi-cabs-limousines~~, to comply with the requirements of applicable State law, and is enacted pursuant to the Constitution of the State of California and the Charter of the City of Santa Clara ("City"). This Ordinance shall take effect on January 1, 2019.

5.35.020 Definitions.

For purposes of this chapter, certain words and phrases are defined and shall be construed as set forth herein unless it is apparent from the context that a different meaning is intended.

- (a) "Chief of Police" shall mean the elected Chief of the Santa Clara Police Department, or his/her designee, ~~duly authorized agents and representatives.~~

(b) "City Manager" means the City Manager, or his/her designee, duly authorized agents and representatives.

(c) "For Hire." A vehicle is "for-hire" if any fare, fee, charge or other consideration is payable for the transportation service of the vehicle, whether paid or not.

~~(d) "Limousine" is a passenger vehicle for hire used to transport passengers on public streets. The charge for the use of a limousine is not determined by a taximeter. "Limousine" includes vehicles exhibiting one or more of the following characteristics:~~

~~(1) It does not operate over any fixed or defined route or routes;~~

~~(2) It operates between such points and covers such routes as may be directed by the passenger hiring such vehicle; or~~

~~(3) The charge for the use of such vehicle is agreed to in advance between the passenger hiring the vehicle and the owner or driver of the vehicle. Such charges may be on a mileage, trip or time basis or any combination thereof.~~

(e) "Owner" shall mean ~~the a~~ person, partnership, firm, association or corporation engaged in the business of who is registered with the Department of Motor Vehicles of the State of California ("DMV") as the owner of a vehicle or vehicles used in taxicab the transportation services or pedi-cab transportation services, as applicable, of persons for compensation, or who has a legal right to possession of such vehicle pursuant to a lease or rental agreement. The act or omission of any Owner's officer, agent, employee or independent contractor, or of any driver whose services are engaged by Owner ~~any of the above~~, is for all purposes the act or omission of the Owner, operating the for hire transportation services regulated by this chapter.

(f) "Pedi-cab" shall have the same meaning as set forth in Vehicle Code Sections 467.5(a) and (b), as that section may be amended or renumbered. Pedi-cab may be referred to as a "vehicle" throughout this Chapter.

~~(f) "Public convenience and necessity" shall mean a genuine need for additional public passenger vehicles for hire, as determined by the Chief of Police, in order to serve promptly, adequately and efficiently the needs and convenience of the general public.~~

(g) "Substantially located" shall have the same meaning as set forth in Government Code §53075.5, as that section may be amended or renumbered.

(h) "Taxicab" shall mean a passenger vehicle, designed for carrying not more than eight persons, excluding the driver, used to transport persons for compensation on public streets; the compensation for which is determined by a taximeter or flat rate which determines a charge for distance traveled and/or time expended. Taxicab may be referred

to as a “vehicle” throughout this Chapter. Taxicab excludes Transportation Network Companies as defined and regulated by the California Public Utilities Commission.

~~(h) “Taximeter” is any instrument or device approved for use under the applicable laws of the State, which mechanically or electronically calculates the charge for the use of a taxicab. The taximeter registers such charge by means of figures, including dollars and cents, calculated by an initial charge and thereafter a charge for distance traveled and/or waiting time.~~

5.35.030 Taxicab stands.

(a) Taxicab stands shall be maintained and occupied only as provided by laws and ordinances of the City.

~~(b) For every space occupied by a taxicab stand, a fee shall be paid for each taxicab stand utilized by a taxicab in accordance with the fee schedules established by resolution of the City Council.~~

~~(c) Taxicab stand fees shall be paid yearly, in advance, to the Police Department.~~

~~(d) When a space has been designated as a taxicab stand and the fee has been paid as provided above,~~

~~(b) T~~axicab drivers shall be entitled to use of the stand on a first-come, first-serve basis and are not subject to paying additional costs requested from property personnel.

~~(c)~~ Hotel personnel or its valet representatives shall not ask for or receive any type of compensation from the taxicab drivers in exchange for requesting taxi service.

~~(d)~~ The driver shall pull onto the taxicab stand from the rear and shall advance forward as the cabs in front pull off.

~~(e)~~ Except for a customer deliberately choosing a different taxi, taxis shall pick up customers and leave the taxicab stand by the order of arrival only.

~~(f)~~ A taxicab driver shall not park, stand or stop in any other place where there is a designated taxicab stand provided.

~~(g)~~ Taxicab drivers shall not leave their vehicle unattended while parked in a taxicab stand.

~~(h)~~ Taxicabs displaying “out-of-service” signs shall not park in a taxicab stand.

~~(i)~~ The taxicab owner’s right to use a taxicab stand, as provided herein, shall be modified and/or suspended if the taxicab driver fails to obey the provisions of this chapter or any other federal, State or local laws, ~~and ordinances of the City.~~

Article II. Permits and Regulations License

5.35.040 Taxicab p~~Permit~~License requirements.

(a) No ~~owner of a taxicab business~~ Owner shall operate or permit the operation of a taxicab as a vehicle for hire on the streets of the City of Santa Clara without having first obtained a taxicab permit from thea city within Santa Clara County or from Santa Clara County in which the company Owner is substantially located, as that term is defined in Government Code Section 53075.5, or from the County of Santa Clara. from the Chief of Police a taxicab license pursuant to the provisions of this chapter.

~~(b) An owner of a taxicab business whose principal place of business is located outside the City may obtain either a taxicab license or a restricted taxicab license with prior approval of the Chief of Police. If Owner~~ the taxicab company is substantially located in the City of Santa Clara, then -applicant must Owner must obtain a taxicab permit from the City of Santa Clara as set forth in this Chapter.

~~(c) Owner~~ The applicant must be the registered owner of at least seven taxicabs at the time of filing the permit application pursuant to SCCC 5.35.050, and must maintain at least seven taxicabs and seven permitted drivers for the duration of the permit while operating in the City of Santa Clara.

5.35.045 Pedi-cab permit requirements.

(a) No Owner shall operate or permit the operation of a pedi-cab on the streets of the City without having obtained from the Chief of Police a pedi-cab permit pursuant to the provisions of this Chapter.

(b) The applicant must be the registered owner of at least seven pedi-cabs at the time of filing the application, and must maintain at least seven pedi-cabs and seven permitted operators while operating in the City of Santa Clara.

(c) The vehicles described in Vehicle Code section 467.5(c) are not permitted in the City of Santa Clara.

(d) Alcoholic beverages may not be consumed on a pedi-cab in the City of Santa Clara.

5.35.050 Taxicab permit a~~Application~~.

Every Owner substantially located in the City of Santa Clara applicant for a taxicab license~~permit~~ shall execute and file with the Chief of Police a verified application for taxicab permit containing the following information:

(a) The Owner's applicant's name, home address and business address;

(b) The Owner's applicant's trade name and distinguishing vehicle markings including color or colors if a color scheme is used;

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(c) The ~~location~~ primary business address of the proposed business, where an office or terminal containing the documents or other information required by this Chapter may be inspected by the City;

(d) Satisfactory proof that the primary business address, if located within the City, ~~location of the proposed business~~ is properly zoned and is in compliance with any required land use permit, for the conduct of the proposed business;

(e) The applicant's past experience with regard to taxicab service;

(f) Whether any license, permit or certificate issued to the applicant has been denied, revoked or suspended by any public organization. The circumstances of said denial, revocation or suspension shall be fully explained;

(g) Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

(h) The number of vehicles proposed to be used as taxicabs;

(i) A description of the vehicles, including the make, model, serial number and license number of each vehicle;

(j) A sworn statement that each vehicle is in safe operating condition and is in compliance with the California Vehicle Code, made by and individual certified by or registered with the National Institute for Automotive Service Excellence or the California Bureau of Automotive Repair ~~either the proprietor of a public garage engaged in auto repair who is licensed by the State of California, or by a mechanic licensed by the State of California and employed by the applicant~~, who has inspected and examined such vehicles;

(k) A completed taxicab inspection form showing that each vehicle has successfully passed ~~the lamp, brake, smog and meter inspections, and the~~ all required inspections including inspection by the Police Department;

(l) A sworn statement by the ~~applicant-Owner~~ that the ~~applicant-Owner~~ shall not operate any vehicle until the statement in subsection (j) of this section and the form in subsection (k) of this section concerning the vehicle have been filed with the Chief of Police;

(m) Evidence that ~~applicant-Owner~~ is the registered owner of each vehicle. ~~The applicant-Owner~~ shall declare that ~~the applicant-Owner~~ will not operate any vehicle until ~~the applicant-Owner~~ has become the registered owner of such vehicle and evidence thereof is filed with the Chief of Police;

(n) Evidence of reasonable financial responsibility, shown by providing a duplicate copy of the insurance policies required by SCCC 5.35.310, ~~or where not yet issued, the~~

~~written statement from an insurer that such insurance policies will be issued if the application is granted;~~

~~(o) A complete description of the proposed operations, including two-way radio dispatching services. Such services shall include the operation of at least one telephone answering line for each eight taxicabs and operators in charge of answering telephone calls and dispatching cabs by radio. Such answering lines shall be maintained on the owner's premises, or by another business under contract with the owner;~~

~~(op) Evidence that applicant-Owner has paid all applicable City taxes including the business tax certificate;~~

~~(p) Proof of substantial location in the City of Santa Clara, including submission of trip data (if applicable) for the prior year, in a form to be prescribed by the Chief of Police;~~

~~(q) Certification that each driver of vehicles operated under the permit has tested negatively for controlled substances and alcohol under a mandatory controlled substance and alcohol testing certification program that complies with Government Code §53075.5(b)(3);~~

~~(r) Proof of compliance with Government Code Section 53075.5(h), as that section may be amended or renumbered, including pull-notice program participation, safety training, disabled access education and criminal history check of drivers; and~~

~~(q) The applicant's sworn financial statement; and~~

~~(sf) Such additional information as the Chief of Police may require.~~

5.35.055 Pedi-cab permit application.

Every Owner shall execute and file with the Chief of Police a verified application for pedi-cab permit containing the following information:

(a) The Owner's name, home address and business address;

(b) The Owner's trade name and distinguishing vehicle markings including color or colors if a color scheme is used;

(c) The location of the proposed business;

(d) Satisfactory proof that the location of the proposed business, if in the City of Santa Clara, is properly zoned and is in compliance with any required land use permit, for the conduct of the proposed business;

(e) The applicant's past experience with regard to pedi-cab service;

(f) Whether any license, permit or certificate issued to the applicant has been denied, revoked or suspended by any public organization. The circumstances of said denial, revocation or suspension shall be fully explained;

(g) Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

(h) The number of pedi-cabs proposed;

(i) A sworn statement that each vehicle is in safe operating condition, made by the proprietor of a business engaged in maintenance and repair of similar vehicles, who has inspected and examined the vehicles;

(j) A completed pedi-cab inspection form showing that each pedi-cab has successfully passed inspection by the Police Department;

(k) A sworn statement by the Owner that the Owner shall not operate any pedi-cab until the statement in subsection (i) and the form in subsection (j) have been filed with the Chief of Police;

(l) Proof of insurance in the amounts set forth in SCCC 5.35.315;

(m) Evidence that Owner has paid all applicable City taxes including the business tax certificate;

(n) Such additional information as the Chief of Police may require.

#### 5.35.060 Application renewal.

The renewal of an ~~Owner's~~ permit, for both taxicabs and pedi-cabs, shall be made annually every five years ~~with~~ the Police Department. ~~The renewal procedure shall be limited to the review and updating of the owner's permit application information and will be subject to a fee.~~ If there are substantial changes in the ~~Owner's~~ application information, the Police Department may require that the ~~Owner~~ submit a new application for review and approval. Application renewal shall generally include:

- (a) Proof of current, valid, insurance coverage with limits and terms as set forth in this Chapter;
- (b) Proof of pull-notice program participation (if applicable);
- (c) Trip data information showing substantial location in the City (if applicable);
- (d) Annual vehicle inspection results; and
- (e) Proof of compliance with drug and alcohol testing program requirements (if applicable).

#### 5.35.070 ~~Background investigation fee~~Fees.

~~The applicant for a taxicab license permit shall submit with the application a background investigation fee~~ Owners and driver/operators shall pay all applicable fees including, but

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not limited to, an initial permit fees and an annual renewal fees, as established by resolution of the City Council.

5.35.080 Grounds for denial.

The Chief of Police, or the City Manager on appeal, may deny an application for a taxicab license permit on any of the following grounds:

~~(a) Repealed by Ord. 1898;~~

~~(ab) The application fails to contain any of the required information, or fulfill the criteria, as set forth in SCCC 5.35.050 this Chapter;~~

~~(be) Any of the information contained in the application is false;~~

~~(d) The name under which the applicant will conduct business, or applicant's proposed color scheme or other marking, design or insignia, will tend to confuse the identification of taxicabs which applicant proposes to operate with those operated under existing taxicab license permits;~~

~~(e) The Chief of Police, or the City Manager on appeal, determines that the applicant lacks the financial ability to provide the proposed service;~~

~~(cf) Any vehicle proposed for operation is not safe, and the applicant has failed to remove such vehicle from service or to substitute a safe vehicle in its place within a reasonable time;~~

~~(de) The applicant has failed to comply with any term, condition or requirement in a taxicab license permit previously issued;~~

~~(eh) An act or omission of the applicant constitutes a ground for revocation or suspension of the taxicab license permit as provided in SCCC 5.35.450;~~

~~(fi) The applicant, within five years prior to the date of application, has been convicted of a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab or pedi-cab business, as applicable;~~

~~(j) The applicant is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;~~

~~(k) The applicant, within five years prior to the date of application, has done an act involving violence, dishonesty or fraud with the intent to substantially injure another, or substantially benefit the applicant or another;~~

~~(gl) The applicant has had a taxicab or pedi-cab license permit issued under the provisions of this chapter revoked or suspended in the City of Santa Clara or any other jurisdiction within five years prior to the date of application; or~~

~~(h)~~ The applicant has failed to pay when due any applicable taxes or fees imposed by the City of Santa Clara.

5.35.090 Action by Chief of Police.

(a) Within a reasonable time after receipt of the application, the Chief of Police may either grant or deny the application, ~~or issue a taxicab license permit to the applicant to conduct all or any part of the proposed service.~~

(b) The Chief of Police may impose such terms, conditions or restrictions on the ~~taxicab license permit~~ as ~~he or the Chief deems~~ she deems necessary to provide adequate and dependable service to the public and to protect the use of public streets and facilities.

5.35.100 ~~Taxicab license~~ Permit application appeal procedure.

The decision of the Chief of Police to deny ~~the an~~ application for a ~~taxicab license permit under this Chapter~~ may be appealed to the City Manager as set forth in ~~SCCC 5.35.430 through 5.35.460~~ this Chapter.

5.35.110 License Permit not transferable.

The ~~taxicab license permit~~ issued pursuant to this ~~e~~Chapter, and all interests, rights and obligations pertaining thereto, are personal to the holder of such license permit, and are not transferable or assignable, by operation of law or otherwise.

5.35.120 ~~Reserved. Acceptance.~~

~~The applicant to whom a taxicab license permit has been issued by the Chief of Police shall, prior to commencement of any taxicab operation, file with the Chief of Police acknowledged written acceptance thereof and its agreement to comply with all the terms and conditions required under such license permit and this chapter.~~

5.35.130 Additional or substitute vehicles.

(a) Permission to operate vehicles in addition to or different from those approved under the initial ~~taxicab license permit~~ may be obtained by filing an application amendment with the Chief of Police in the same manner as prescribed by this chapter for obtaining the initial ~~taxicab license permit~~.

(b) In granting or denying such applications for additional or different vehicles, the Chief of Police shall have the same authority as vested in the Chief of Police by this chapter in the matter of the initial applications.

5.35.140 ~~Reserved~~ Substitution of vehicles.

~~The holder of a taxicab license permit may substitute a different vehicle for a taxicab operated under a taxicab license permit issued pursuant to this chapter, by filing an application amendment with the Chief of Police, setting forth the following:~~

~~(a) Description of the vehicle, including the make, model, serial number and license permit number of the vehicle;~~

~~(b) Reason(s) for the proposed substitution;~~

~~(c) A sworn statement that the vehicle is in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the State, or by a mechanic licensed by the State and employed by the applicant, who has inspected and examined said vehicle;~~

~~(d) A completed taxicab inspection form, showing that the vehicle has successfully passed the lamp, brake, smog and meter inspections, and the inspection by the Police Department;~~

~~(e) Evidence that the applicant is the registered owner of the vehicle; and~~

~~(f) Evidence that the vehicle is covered under the insurance policies required by SCCC 5.35.310.~~

#### 5.35.150 Fares.

Owner may set fares or charge a flat rate. Owner may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code, as those sections may be amended or renumbered. Owner shall disclose fares, fees, or rates to the customer. Owner may satisfy this requirement by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request by the customer. Owner shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, within an application of a mobile telephone, device, or other Internet-connected device, or be clearly visible in either print or electronic form on or inside the vehicle.

~~(a) No owner or driver shall charge or receive any rates or fares for the use of a taxicab other than those established by resolution of the City Council, except as provided in subsection (d) of this section. Such charges shall be applicable to all portions of the passenger's travel, within or without the City.~~

~~(b) Bona fide tips are not prohibited by this section.~~

~~(c) Rates and fares for the use of taxicabs licensed under this chapter shall be adopted by the City Council by resolution after a public hearing. The City Council may, upon its own motion, or upon application of a holder of the taxicab license, adjust such rates and fares to reflect the prevailing rates and fares charged by taxicab businesses in the neighboring cities.~~

~~(d) Service may be prearranged electronically by an application or online service. Rates and fares are not subject to the requirements of this section or SCCC 5.35.160 so long as~~

~~the application or online service displays the current fare prior to booking. An application shall mean a self-contained program or piece of software application designed to fulfill requests for dispatch services that is downloadable by a user to a computer or mobile device. (Ord. 1713 § 2, 5-5-98; Ord. 1959 § 1, 8-23-16. Formerly § 28-15).~~

5.35.160 ~~Reserved. Display of schedule of taximeter fares.~~

~~(a) Except as provided in SCCC 5.35.160 (b)50(d), no driver shall operate a taxicab unless the schedule of rates and fares for the use of the taxicab is posted in a conspicuous place and in a permanent and secure manner in the passenger compartment.~~

~~(b) Service may be prearranged by phone dispatch, electronically by an application or online service. Rates and fares are not subject to the requirements of this section or SCCC 5.35.160 so long as the application or online service displays the current fare prior to booking. An application shall mean a self-contained program or piece of software application designed to fulfill requests for dispatch services that is downloadable by a user to a computer or mobile device.~~

5.35.170 Full use of taxicabs.

(a) Any person who hires a taxicab shall have the exclusive right to use the entire taxicab. There shall not be additional charges for any of the person's companions or personal belongings.

(b) No owner or driver of a taxicab shall carry or solicit, or permit to be carried or solicited, any additional passenger unless the person first hiring the taxicab consents to the acceptance of such additional passenger.

5.35.180 Duty to provide services.

(a) No owner or driver of any taxicab shall refuse to provide taxicab service to a person who requests to be taken to a destination within the city, except as provided in SCCC 5.35.180(b).

(b) The owner or driver may refuse to provide taxicab service when:

(1) The person requesting such service does not appear to be in a sober or orderly manner;

(2) The service is requested for an unlawful purpose; or

(3) The taxicab has already been hired.

5.35.190 Direct route.

Unless otherwise directed by the passenger hiring the taxicab, the driver or operator of such a taxicab or pedi-cab shall take the most direct, expeditious and safe route from the starting point to the destination point.

5.35.200 ~~Reserved. Passenger prohibited in front seat.~~

~~(a) No owner or driver shall permit any passenger to ride in the front seat when the taxicab is in motion.~~

~~(b) The provisions of this section shall not apply to a passenger who, for physical reasons, can ride with greater comfort in the front seat.~~

#### 5.35.210 Overcharge prohibited.

~~(a) No person Owner or driver/operator shall charge a greater fare than that disclosed to the passenger pursuant to SCCC 5.35.150 authorized by this chapter for the hire of a taxicab.~~

~~(b) It shall constitute a ground for revocation or suspension of a permit taxicab license or a taxicab driver's permit for any Owner or driver/operator to charge a greater fare than that authorized by this Chapter ~~for the hire of a taxicab.~~~~

~~(c) The Owner or driver/operator who overcharges a taxicab fare shall be liable to the person who hires the taxicab or pedi-cab for the difference between the amount of fare actually charged and the amount of fare authorized by this Chapter.~~

~~(d) The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.~~

#### 5.35.220 Testing of taxicab drivers for controlled substances and alcohol.

~~(a) Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers shall test negative for these controlled substances and for alcohol as a condition of grant of permit and renewal of a permit. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.~~

~~(b) Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and for return-to-duty and follow-up testing and other requirements, except as provided otherwise in this section, shall be implemented by Owners substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.~~

~~(c) A test from another jurisdiction shall be accepted by the City. Any negative test result shall be accepted for one year as meeting the requirement for periodic permit renewal testing, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.~~

~~(d) In the case of a self-employed independent driver, the test results shall be reported directly to the City, which shall notify the taxicab leasing company of record, if~~

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any, of positive results. In all other cases, the results shall be reported directly to the Owner, who shall notify the City immediately of positive results.

(e) All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

(f) Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. Owners shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an Owner may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

(g) Upon the request of a driver applying for a permit, the City shall give the driver a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the City knows offer tests in or near the City.

~~(a) No taxicab license or taxicab driver's permit shall be issued or renewed unless the holder at the time of permit issuance or renewal files with the Police Department a certification that the holder maintains a mandatory controlled substance and alcohol testing certification program conforming to 49 CFR Part 40 (Section 40.1 et seq.) and Part 382 (Section 382.101 et seq.) and California Government Code Section 53075.5 for all drivers of vehicles operated under the certificate.~~

~~(b) No taxicab license or taxicab driver's permit shall be issued or renewed unless the holder at the time of the permit issuance or renewal files with the Police Department a certification that each driver of vehicles operated under the certificate has tested negatively for controlled substances and alcohol under a mandatory controlled substance and alcohol testing certification program conforming to Parts 40 and 382 of Title 49 of the Code of Federal Regulations and California Government Code Section 53075.5.~~

~~(c) An applicant that receives a positive test result during a pre-employment drug screening procedure may not resubmit an application for a taxicab driver's permit for a period of five years.~~

~~(d) If a taxicab driver tests positive during a random drug screening process, the taxicab driver's permit will be suspended pursuant to SCCC 5.35.460, Emergency suspension, until the driver has successfully completed all the requirements placed on him/her by the Substance Abuse Professional (SAP). If this same taxicab driver tests positive again during a random drug screening process, his/her taxicab driver's permit will be revoked for a period of not less than five years.~~

#### 5.35.230 ~~Taxicab fares~~ Refusal to Pay and Receipt.

(a) Refusal to Pay Fares Prohibited.

(1) No person shall refuse to pay the fare imposed on the person for having received any taxicab or pedi-cab service.

(2) No person shall hire any taxicab or pedi-cab with the intent to defraud the owner or driver/operator of the value of the ~~taxicab~~ service.

(3) The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.

(b) Receipt for Fare. The driver/operator of any taxicab or pedi-cab shall give any passenger who so requests a receipt for the fare charged and paid. The receipt shall contain:

(1) The name of the ~~taxicab~~ business;

(2) The name of the driver/operator;

(3) Taxicab or pedi-cab license number;

(4) Date of transaction; and

~~(5) The meter reading; and~~

(6) The amount of fares charged and paid.

5.35.240 Taxicab Equipment and conditions required.

(a) Each taxicab operated under a taxicab ~~license permit~~ issued pursuant to this Chapter shall at all times have:

(1) One operable safety belt for each passenger carried;

(2) A spare tire, capable of being used on any of the wheels of the vehicle;

(3) A set of tools for changing tires;

(4) Two independently acting and entirely unconnected braking systems in proper operating order;

(5) Safety or shatterproof glass in windshield, windows and doors;

(6) An "out of service" sign within the vehicle, with dimensions of twelve (12) inches by fourteen (14) inches, to be displayed in the right rear window during those times when the taxicab is on public streets and not available for hire by the general public; and

~~(7) A two-way radio in an "on and operating" position for the entire time the taxicab is in service and available to the public.~~

(b) Each taxicab operated under a taxicab license issued pursuant to this Chapter shall be maintained in such condition so that:

(1) All doors, windows, hood and trunk will open and close securely;

(2) The inside of the taxicab and the luggage compartment is free of litter and trash, and shall be maintained such that it does not soil, rip or otherwise damage the passenger's clothing or effects; and

(3) The exterior of the taxicab is clean and in good repair, and does not have any peeling, dents, rust or missing components which are discernable from five feet of the taxicab.

(c) All taxicabs shall be no more than nine model years old or exceed four hundred thousand (400,000) miles, upon the annual taxi inspection date. These two requirements may be waived at the discretion of the Permits Unit, if the taxicab meets all current safety inspection requirements.

~~(d) Any human powered taxicab or vehicle regulated by this chapter shall at all times have:~~

~~(1) A battery or generator operated headlight(s) and taillight(s);~~

~~(2) Turn signals visible from the front and rear of the vehicle;~~

~~(3) Hydraulic or mechanical disc brakes; and~~

~~(4) Spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the vehicle.~~

#### 5.35.245 Pedi-cab equipment and conditions required

(a) Each pedi-cab operated under a pedi-cab permit issued pursuant to this Chapter shall at all times be clean and safe, and have:

1. Seatbelts for all passengers;

2. Seat backs for all passengers

3. Hydraulic or mechanical disc brakes;

4. Reflectors on each wheel and on the front and rear of the vehicle;

5. Headlights and taillights;

6. Turn signals visible from the front and rear of the vehicle; and

7. Grab rails

~~± (b) The seating area of the pedi-cab shall be free of litter and trash, and shall be maintained such that it does not soil, rip or otherwise damage the passenger's clothing or effects.~~

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#### 5.35.250 Identification of taxicabs.

(a) Taxicabs identified and permitted by another jurisdiction may use that identification scheme while working within the City.



(b) ~~For taxicabs~~ not previously identified and permitted by another jurisdiction, ~~the~~ following identification shall be placed on both sides and the rear of each taxicab operated under this chapter, to be applied by non-water-soluble paint or similar material:

(1) A serial body number, issued by the Chief of Police for each taxicab:

(A) Shall be placed on both the front quarter panels and the left side of the rear trunk lid of each vehicle.

(B) Shall be at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab.

(2) The owner's trade name:

(A) Shall include the word "taxicab," "taxi" or "cab."

(B) Shall be in letters at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab.

(c) The owner and the driver shall maintain the paint, color scheme if a scheme has been adopted, decals and lettering on the exterior of a taxicab in good condition for the duration of the permit period ~~and in the same condition as originally approved by the Chief of Police.~~

(d) All identification required to be placed on a taxicab shall be removed within forty-eight (48) hours after such taxicab is removed from the owner's taxicab service.

#### 5.35.255 Identification of pedi-cabs

(a) The following identification shall be placed on both sides and the rear of each pedi-cab passenger compartment, to be applied by non-water-soluble paint or similar material, to be clearly visible at all times, and shall be at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab:

(1) The permit number, issued by the Chief of Police for each pedi-cab;

(2) The Owner's trade name;

(b) The owner and the driver/operator shall maintain the paint, color scheme if a scheme has been adopted, decals and lettering on the exterior of a pedi-cab in good condition for the duration of the permit period.

(d) All identification required to be placed on a pedi-cab shall be removed within forty-eight (48) hours after such pedi-cab is removed from service.

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5.35.260 Safety inspection.

(a) All ~~taxicabs-vehicles~~ shall be safety inspected annually in the manner provided for by ~~this Chapter, the California Vehicle Code, and/or Government Code § 53075.5, as applicable SCCC 5.35.050(j) and (k).~~ The inspection shall be completed prior to the renewal of the ~~permitted~~taxicab license. If the ~~taxicab-vehicle~~ successfully completes the safety inspection, a ~~taxicab~~ safety permit sticker shall be issued and shall be displayed in the ~~rear window of a taxicab or on the rear of the passenger compartment of a pedi-cab.~~ rear window.

(b) Taxicabs that are owner-operated vehicles will receive a taxicab safety permit sticker only if the registered owner holds a valid taxi driver permit.

(c) The driver of a ~~taxicab-vehicle~~ shall inspect the ~~taxicab-vehicle~~ and its equipment at least once each day.

(d) The ~~registered~~ owner of a ~~taxicab~~vehicle, who is aware of or should have been aware of any unsafe condition of the ~~taxicab~~vehicle, shall not allow the ~~taxicab-vehicle~~ to be used until necessary repairs are made.

5.35.270 Evidence of mechanical condition.

(a) Upon receipt of a citizen's complaint or police officer's observation regarding the mechanical condition of a ~~taxicab~~vehicle, or following the ~~taxicab's-vehicle's~~ involvement in an accident, the Chief of Police may require any or all of the following:

(1) A visual inspection of the ~~taxicab-vehicle~~ by a member of the Police Department; and/or

(2) An interview by a member of the Police Department with the owner or driver/~~operator~~ of the ~~taxicab-vehicle~~ regarding the mechanical condition of the ~~taxicab~~vehicle; and/or

(3) A sworn statement that the ~~taxicab-vehicle~~ is in safe operating condition, made ~~in the same manner as that submitted with a permit application, by either the proprietor of a public garage engaged in auto repair who is licensed by the State of California, or by a mechanic licensed by the State of California and employed by the holder of the taxicab license, who has inspected and examined said taxicab.~~

(b) If the owner or driver/~~operator~~ of the ~~taxicab-vehicle~~ refuses to submit to an inspection as required by subsection (a) of this section, the Chief of Police may issue an order prohibiting such vehicle from use in ~~taxicab~~ service.

(c) Upon determination that any vehicle operated under a ~~permitted~~taxicab license is not in safe operating condition, the Chief of Police may issue an order requiring that such vehicle not be used in ~~taxicab~~ service until it has been repaired to the satisfaction of the Chief of Police.

(d) The Chief of Police shall have the authority to impound vehicles which continue to be used for ~~taxicab~~ service in violation of the order.

#### 5.35.280 Report of accidents.

Each ~~holder of a taxicab license~~ permitted Owner and ~~the driver/operator~~ of a ~~taxicab vehicle~~ involved in an accident resulting in property damage exceeding one hundred dollars (\$100.00), or personal injury of any kind, shall report the accident to the Chief of Police within ten days after the accident.

#### 5.35.290 Owner's records.

(a) The Owner shall maintain at all times complete and accurate records of:

(1) The names, addresses and dates of commencement and termination of employment or engagement ~~under contract~~ of drivers/operators by the Owner;

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(2) The description of the ~~taxicab vehicle~~ driven by each driver/operator, including the make, model, serial number and license number (as applicable);

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(3) The hours during which each driver/operator is on duty and the number of trips taken by each driver/operator; ~~and~~

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(4) A log of all trips made by drivers/operators including the starting and destination points and times; and

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(5) All other information required by State law.

~~(4) All dispatch calls received and made by the owner, including the starting and destination points and times.~~

(b) The Owner shall maintain such records for a minimum period of five years and shall make them available for inspection upon request by the Chief of Police.

~~(c) A list of current taxicab drivers shall be sent to the Chief of Police on a bimonthly schedule.~~

~~(cd)~~ The Owner, who is aware of or should have been aware that a ~~taxicab driver/operator~~ does not possess a valid City ~~taxicab~~ driver's permit, shall not dispatch that ~~taxicab driver/operator~~ for hire within the City.

~~(de)~~ Drivers/operators shall submit to Owner a daily ~~driver's~~ log sheet indicating, at a minimum, the following:

(1) Driver/operator's name;

(2) Date;

(3) ~~Taxicab-Vehicle~~ number;

(4) Time started;

(5) Time finished;

(6) Time of pick-up call;

(7) Pick-up location; and

(8) Drop-off location.;

~~(9) Meter reading and amount of total fare collected.~~

5.35.300 ~~Reserved~~Issuance prior to amendment.

~~All taxicab licenses issued prior to the effective date of this amendment to this chapter shall be deemed issued pursuant to this chapter as amended and shall in all respects be subject to the provisions of this chapter as amended.~~

5.35.310 Taxicab insurance requirements.

(a) No taxicab ~~license-permit~~ shall be issued or continued in operation unless there is in full force and effect a policy of comprehensive automobile liability insurance in a form approved by the City Attorney, executed by an insurance company authorized to conduct business in the state of California and with an A.M. Best rating of at least A VII, whereby the ~~Q~~owner and driver of each of the taxicabs operated under the ~~permitfranchise~~ are insured against liability for damage to property and for injury to or death of any person as a result of the ownership, operation or other use thereof. The minimum liability limits upon each vehicle shall not be less than one million dollars (\$1,000,000.00) combined single limit for bodily injury to or death of any persons and for damages to or destruction of property in any one accident.

(b) Such policy of insurance shall contain an endorsement providing that the policy will not be cancelled until notice in writing has been given to the City of Santa Clara, addressed to the Chief of Police, at least thirty (30) days immediately prior to the time such cancellation becomes effective.

(c) Such policy of insurance shall name the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents as additional insureds using an endorsement acceptable in form to the City Attorney.

(d) Taxicab ~~license-permit~~ holders, vehicle owners and drivers shall indemnify, defend and hold harmless the City, its City Council, commissions, officers, employees, volunteers and agents from any loss, liability, claim, injury or damage arising or alleged to arise from the willful or negligent acts or omissions of the taxicab ~~license-permit~~ holder, vehicle owner or driver in connection with the provision of transportation service pursuant to the taxicab ~~license~~permit.

5.35.315 Pedi-cab Insurance Requirements.

- (a) No pedi-cab permit shall be issued or continued in operation unless there are in full force and effect policies of general liability coverage and general umbrella insurance, executed by an insurance company authorized to conduct business in the state of California and with an A.M. Best rating of at least A VII, whereby the Owner and operator of each of the pedi-cabs operated under the permit are insured against liability for damage to property and for injury to or death of any person as a result of the ownership, operation or other use thereof. The minimum liability limits shall be in the amounts set forth in Vehicle Code Section 21215, which section is made expressly applicable to pedi-cabs defined under Vehicle Code §§ 467(a) and (b) in the City of Santa Clara.
- (b) Such policy of insurance shall contain an endorsement providing that the policy will not be cancelled until notice in writing has been given to the City of Santa Clara, addressed to the Chief of Police, at least thirty (30) days immediately prior to the time such cancellation becomes effective.
- (c) Such policy of insurance shall name the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents as additional insureds using an endorsement acceptable in form to the City Attorney.
- (d) Pedi-cab permit holders, vehicle owners and driver/operators shall indemnify, defend and hold harmless the City, its City Council, commissions, officers, employees, volunteers and agents from any loss, liability, claim, injury or damage arising or alleged to arise from the willful or negligent acts or omissions of the permit holder, vehicle owner or driver/operator in connection with the provision of transportation service pursuant to the permit.

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Article III. Taxicab Driver's Permit

5.35.320 Application.

(a) No person shall operate any taxicab in the City unless the person has a valid driver's permit to do so as hereinafter provided.

(b) Application for a taxicab driver's permit shall be made in writing to the Chief of Police setting forth the following information:

- (1) The applicant's name, agedate of birth, address, California driver's license number, and past experience with regard to taxicab service;
- (2) The names and addresses of the applicant's employers during the preceding three years;
- (3) Whether an operator's or a chauffeur's license issued to the applicant by any state or governmental agency has ever been revoked, and the reasons therefor;

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(4) Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

(5) Attaching a printed Department of Motor Vehicles driving record report;

(6) The name and address of the Owner by whom the applicant is to be employed or engaged under contract as a taxicab driver;

(7) The endorsement by the owner, by whom the applicant is to be employed or engaged under contract as a taxicab driver, on the application stating that the applicant has acquired proficient knowledge of the traffic laws of the State of California and the City, and of the streets of the City, and to safely operate a public transportation vehicle in the City;

(8) Whether the applicant has paid all applicable taxes imposed by the City, including the business tax certificate if applicant is to be engaged under contract as an independent contractor; ~~and~~

(9) Compliance with the controlled substances and alcohol testing requirements set forth in this Chapter; and

(10) Such additional information as the Chief of Police may require.

5.35.330 Permit card.

The taxicab driver's photo permit shall be posted in a place conspicuous from the passenger's compartment of the taxicab.

5.35.340 Permit fingerprints and requirements.

(a) Applicants shall be fingerprinted by the Police Department.

(b) Prior to the issuance of a taxicab driver's permit, the applicant must demonstrate to the Chief of Police ~~;~~

~~(1) Proficient knowledge of the City's Taxi Ordinance, the traffic laws of the State of California, and the streets of the City.~~

~~(2) Ability to properly and safely operate a taxicab may be considered in each taxicab driver's permit evaluation.~~

5.35.350 ~~Reserved.~~ Permit fee:

~~The applicant for a taxicab driver's permit shall submit a nonrefundable application fee as set forth in the schedule of fees established by resolution of the City Council.~~

5.35.360 Grounds for denial.

The Chief of Police, or the City Manager on appeal, may deny an application for a taxicab driver's permit filed by any person who:

(a) Is under the age of eighteen (18) years;

(b) Does not hold a valid driver's license issued by the California Department of Motor Vehicles ~~of the State~~ for the type of vehicle the applicant proposes to use as a taxicab in the City;

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~~(c) Has a positive result in a controlled substance or alcohol test, as described in this Chapter;~~

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~~(d) Within five years prior to the date of application, has been convicted of a crime that is substantially related to the qualifications, functions or duties of a taxicab driver including, but not limited to:~~

~~1. Hit and Run;~~

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~~2. An offense involving conduct which requires registration under California Penal Code Section 290;~~

~~3. Any offense involving the use, possession, sale or transportation of controlled substances, where the commission of such offense involved the use of a motor vehicle; and~~

~~4. Reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death;~~

~~Because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a public transportation vehicle;~~

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~~(d) Is addicted to the use of controlled substances or a habitual user of any other drug which renders a person incapable of safely operating a public transportation vehicle;~~

~~(e) Is epileptic~~Any other fact or occurrence that renders it unsafe for the applicant to perform the functions or duties of a taxicab driver;

~~(f) Has a disorder characterized by lapses of consciousness;~~

~~(fg)~~ Does not demonstrate proficient knowledge of the traffic laws of the State and the City, the streets of the City, or, to safely operate a public transportation vehicle in the City;

~~(gh)~~ Has failed to furnish the information required for the application for the permit;

~~(hi)~~ Has ~~knowingly~~ made a false statement, or concealed a material fact, or otherwise committed any fraud in the application;

~~(j) Within five years prior to the date of application has been convicted of a offense involving conduct which requires registration under California Penal Code Section 290;~~

~~(k) Within five years prior to the date of application has been convicted of any offense involving the use, possession, sale or transportation of controlled substances, and the commission of such offense involved the use of a motor vehicle;~~

~~(l) Within five years prior to the date of application has been convicted of reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death;~~

~~(m) Within five years prior to the date of application has been convicted of a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;~~

~~(n) Is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;~~

~~(o) Within five years prior to the date of application has done any act involving violence, dishonesty or fraud with the intent to substantially injure another, or substantially benefit the applicant or another;~~

~~(p) Has had a taxicab driver's permit issued pursuant to this chapter revoked within three years prior to the date of application;~~

~~(q) The Chief of Police determines, is a negligent or incompetent operator of a motor vehicle;~~

~~(r) Has failed to pay when due all applicable fees and taxes imposed by the City;~~

~~(s) The printed Department of Motor Vehicles driving record report indicates more than three chargeable vehicle accidents within the last three years or more than one such accident in the last one year; or~~

~~(t) The Chief of Police may deny the granting of any license-permit to operate-drive any taxicab and limousine in the City for the reason that the public convenience or necessity does not require such additional taxicab and limousine operations, or for any other reasonable cause that, within its discretion, renders the proposed operations unsafe ~~desirable~~ to the City.~~

#### 5.35.370 Issuance of permit and renewal.

(a) Within a reasonable time after receipt of the application, the Chief of Police shall issue a taxicab driver's permit to the applicant, if the Chief determines that there is no ground for denial of the permit.

(b) The duration of the permit issued pursuant to this chapter shall be for onetwo ~~two~~ years from the date of the application.



(c) Renewal of a taxicab driver's permit shall require a renewal fee, ~~and background check~~ proof of compliance with drug and alcohol testing program requirements, and proof of continued employment with Owner. Re-testing may be required of the taxicab driver.

#### 5.35.380 Information on permit.

Each taxicab driver's permit shall be numbered and signed by the Chief of Police and shall contain the following information:

(a) The date of expiration of permit;

(b) The driver's name and driver's license number;

(c) A description of the driver, including date of birth, sex, height, weight, color of eyes and color of hair;

(d) The name of the ~~Ownereab company~~ by whom the driver is employed or engaged under contract;

(e) Photograph; and

(f) Other information as may be deemed necessary by the Chief of Police.

#### 5.35.390 Termination of employment or contract.

(a) The taxicab driver's permit shall be automatically ~~revoked-void~~ upon the termination of the driver's employment or contract with the owner who endorsed the permit application ~~as required by SCCC 5.35.320(b)(6)~~.

(b) Within twenty-four (24) hours after any termination of employment or contract, the ~~Owner and driver~~ shall ~~jointly~~ notify the Chief of Police in writing of such termination. Within twenty-four (24) hours, Driver shall and surrender any taxicab the taxicab driver's permit to the Chief of Police, in their respective possessions. If said permit is unavailable, the ~~Owner~~ and ~~De~~river shall state on the notification the unavailability of the permit and the reasons therefor.

#### 5.35.400 Reissuance of permit.

(a) The Chief of Police may approve reissuance of a taxicab driver's permit to an applicant without requiring the applicant's photographs and fingerprints, and the permit fee, if an application endorsed by another ~~O~~owner is filed within six months after the applicant's prior employment or contract with a taxicab business as a driver was terminated.

(b) This section does not apply to an applicant whose employment or contract with a taxicab business as a driver was terminated for reasons which constituted any of the grounds for denial, suspension or revocation of a taxicab driver's permit.

5.35.410 ~~Reserved. Issuance prior to amendment.~~

~~All taxicab driver's permits issued prior to the effective date of this amendment to this chapter shall be deemed issued pursuant to this chapter as amended and shall in all respects be subject to the provisions of this chapter as amended. City-issued identification card shall be carried on the taxicab driver's person at all times while working within the city.~~

5.35.420 Driver's appearance.

The taxicab drivers shall ~~be clean and neat in appearance and shall~~ wear shoes at all times while on duty. Nothing in this chapter shall preclude an owner from establishing a dress code or similar rules to regulate the appearance of all drivers. Taxicab drivers shall not sleep in their vehicles while on ~~active~~ duty.

#### Article IV. Pedi-cab Operator's Permit

##### 5.35.430 Application.

(a) No person shall operate any pedi-cab in the City unless the person has a valid operator's permit to do so as hereinafter provided.

(b) Application for a pedi-cab operator's permit shall be made in writing to the Chief of Police setting forth the following information:

(1) The applicant's name, date of birth, address, California driver's license number (if the operator has a current driver's license) or other valid government-issued identification, and past experience with regard to pedi-cab service;

(2) The names and addresses of the applicant's employers during the preceding three years;

(3) Whether an operator's license issued to the applicant by any state or governmental agency has ever been revoked, and the reasons therefor;

(4) Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

(5) The name and address of the Owner by whom the applicant is to be employed or engaged under contract as a pedi-cab driver;

(6) The endorsement by the Owner, by whom the applicant is to be employed or engaged under contract as a pedi-cab driver, on the application stating that the applicant has acquired proficient knowledge of the traffic laws of the State of California and the City, and of the streets of the City, and to safely operate a pedi-cab in the City;

(7) Whether the applicant has paid all applicable taxes imposed by the City, including the business tax certificate if applicant is to be engaged under contract as an independent contractor;

(8) Attaching a printed Department of Motor Vehicles driving record report if the operator has a California driver's license;

(9) Such additional information as the Chief of Police may require.

5.35.440 Permit card.

The pedi-cab operator permit shall be kept with the operator at all times when the pedi-cab is in service.

5.35.450 Permit fingerprints and requirements.

(a) Applicants shall be fingerprinted by the Police Department.

(b) Prior to the issuance of a pedi-cab operator permit, the applicant must demonstrate to the Chief of Police:

(1) Proficient knowledge of the City's Ordinance, the traffic laws of the State of California, and the streets of the City.

(2) Ability to properly and safely operate a pedi-cab may be considered in each pedi-cab operator permit evaluation.

5.35.460 Grounds for denial.

The Chief of Police, or the City Manager on appeal, may deny an application for a pedi-cab operator permit filed by any person who:

(a) Is under the age of eighteen (18) years;

(b) Does not hold a valid driver's license issued by the California Department of Motor Vehicles or other valid government issued identification;

(c) Within five years prior to the date of application, has been convicted of a crime that is substantially related to the qualifications, functions or duties of a pedi-cab operator including, but not limited to:

1. Hit and Run;

2. An offense involving conduct which requires registration under California Penal Code Section 290;

3. Any offense involving the use, possession, sale or transportation of controlled substances, where the commission of such offense involved the use of a motor vehicle or pedi-cab; and

4. Reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death;

(d) Any other fact or occurrence that renders it unsafe for the applicant to perform the functions or duties of a pedi-cab operator;

(e) Does not demonstrate proficient knowledge of the traffic laws of the State and the City, the streets of the City, or, to safely operate a pedi-cab in the City;

(f) Has failed to furnish the information required for the application for the permit;

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- (g) Has made a false statement, or concealed a material fact, or otherwise committed any fraud in the application;
- (h) Has had a pedi-cab operator permit revoked within three years prior to the date of application;
- (i) Has failed to pay when due all applicable taxes imposed by the City;
- (j) The printed Department of Motor Vehicles driving record report, if the operator has a driver's license, indicates more than three chargeable vehicle accidents within the last three years or more than one such accident in the last one year; or
- (k) The Chief of Police may deny the granting of any permit to operate any pedi-cab in the City for any other reasonable cause that, within its discretion, renders the proposed operations unsafe to the City.

5.35.470 Issuance of permit and renewal.

(a) Within a reasonable time after receipt of the application, the Chief of Police shall issue a pedi-cab operator permit to the applicant, if the Chief determines that there is no ground for denial of the permit.

(b) The duration of the permit issued pursuant to this chapter shall be for one year from the date of the application.

(c) Renewal of a pedi-cab operator permit shall require a renewal fee and proof of continued employment with Owner. Re-testing may be required of the pedi-cab operator.

5.35.480 Information on permit.

Each pedi-cab operator permit shall be numbered and signed by the Chief of Police and shall contain the following information:

(a) The date of expiration of permit;

(b) The operator's name;

(c) A description of the operator, including date of birth, sex, height, weight, color of eyes and color of hair;

(d) The name of the Owner by whom the operator is employed or engaged under contract;

(e) Photograph; and

(f) Other information as may be deemed necessary by the Chief of Police.

5.35.490 Termination of employment or contract.

(a) The pedi-cab operator permit shall be automatically revoked upon the termination of the operator's employment or contract with the Owner who endorsed the permit application.

(b) Within twenty-four (24) hours after any termination of employment or contract, the Owner and operator shall jointly notify the Chief of Police in writing of such termination and surrender any pedi-cab operator permit in their respective possessions. If said permit is unavailable, the Owner and operator shall state on the notification the unavailability of the permit and the reasons therefor.

5.35.500 Reissuance of permit.

(a) The Chief of Police may approve reissuance of a pedi-cab operator permit to an applicant without requiring the applicant's photographs and fingerprints, and the permit fee, if an application endorsed by another Owner is filed within six months after the applicant's prior employment or contract with a pedi-cab business as a driver was terminated.

(b) This section does not apply to an applicant whose employment or contract with a pedi-cab business as an operator was terminated for reasons which constituted any of the grounds for denial, suspension or revocation of a pedi-cab operator permit.

5.35.510 Operator's appearance.

The pedi-cab operator shall wear shoes at all times while on duty. Nothing in this chapter shall preclude an Owner from establishing a dress code or similar rules to regulate the appearance of all operators. Operators shall not sleep in their vehicles while on duty.

Article ~~IV~~. Suspension and Revocation

~~5.35.430-520~~ Suspension or revocation of ~~permitted~~taxicab license.

The Chief of Police, or the City Manager on appeal, shall have the power to suspend or revoke a ~~permit issued under this Chapter~~taxicab license issued under this chapter, on any of the grounds stated in this ~~C~~chapter, or on any of the following grounds:

(a) The violation by the owner of any of the terms, conditions or requirements of the ~~permitted~~taxicab license or of this chapter.

(b) Any act or omission of the ~~O~~owner or driver/operator of any fact or condition which, if it existed at the time the application for a ~~permitted~~taxicab license was filed, would have warranted the denial of the application.

(c) Cancellation or suspension of any insurance policy or coverage required of the owner by ~~SCCC 5.35.310~~under this Chapter.

(d) Failure of the ~~O~~owner or driver/operator to pay any judgment ~~against the owner~~ for personal injury of death, or property damage arising out of the conduct of business under the ~~permitted~~taxicab license issued pursuant to this chapter, within thirty (30) days after the judgment has become final.

(e) Voluntary written request by the Owner or driver/operator to suspend the taxicab license for a definite period of time.

(f) Overcharge of, or the attempt to overcharge, ~~taxicab~~ fares by the Owner or driver/operator, as prohibited by SCCC 5.35.210.

(g) Failure of the Owner or driver/operator to pay when due any applicable taxes imposed by the City.

(h) Any activity that impairs the safety of passengers.

(i) Suspension, revocation or expiration of license to drive by the Department of Motor Vehicles or any other governmental agency.

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~~5.35.440 Suspension or revocation of taxicab driver's permit.~~

~~The Chief of Police, or the City Manager on appeal, shall have the power to suspend or revoke a taxicab driver's permit issued under this chapter, on any of the grounds stated in this chapter or on any of the following grounds:~~

~~(a) Suspension, revocation or expiration of the driver's privilege granted by the Department of Motor Vehicles of the State to operate a motor vehicle on the public highways of the State.~~

~~(b) The violation by the driver of any of the terms, conditions or requirements of the taxicab driver's permit or of this chapter.~~

~~(c) Any act or omission of the driver or any fact or condition which, if it existed at the time the application for a taxicab driver's permit was filed, would have warranted the denial of the application.~~

~~(d) Failure of the driver to pay any judgment against the driver for personal injury or death, or property damage arising out of the driver's operation of a public transportation vehicle, within thirty (30) days after the judgment has become final.~~

~~(e) The driver consumed drugs or alcohol or is under the influence of drugs or alcohol while on duty or is convicted of a crime relating to drugs or alcohol.~~

~~(f) Overcharge of, or the attempt to overcharge, taxicab fares by the driver, as prohibited by SCCC 5.35.210.~~

~~(g) Failure of the driver to pay when due any applicable taxes imposed by the City. (Ord. 1713 § 2, 5-5-98. Formerly § 28-44).~~

5.35.530450 Notice and hearing for suspension and revocation.

Revocations and suspensions shall be administered as follows:

(a) Except as provided in SCCC 5.35.460540, a ~~taxicab license or a taxicab driver's~~ permit issued pursuant to this ~~C~~chapter shall be revoked or suspended only after the ~~O~~wner or driver/~~operator~~ has been given reasonable notice and opportunity to be heard.

(b) Whenever the Chief of Police has reasonable cause to believe that grounds for the suspension or revocation of a permit exists, he/she shall give the holder of the ~~taxicab license or taxicab~~ permit written notice stating the ~~alleged~~ grounds for the suspension or revocation and the effective date of the suspension or revocation. The effective date of the suspension or revocation shall be no less than ten (10) calendar days after the date of the notice. This notice will be by certified mail, return receipt requested, sent to the address shown on the last application or renewal, or by personal service. The decision of the Chief of Police to revoke or suspend a ~~taxicab license or taxicab driver's~~ permit may be appealed to the City Manager or designee. The notice shall provide the permit holder with information on the appeal process.

(c) The license holder must submit a request for an appeal hearing to the City Manager within ten calendar days ~~after receipt of written~~ the date of the City's notice.

(d) Upon receipt of a request for an appeal hearing, the City Manager, or designee, shall conduct a hearing within forty-five (45) days of the request. The City Manager, or designee, shall notify the permit holder in writing of the date, time, and place of the hearing. The hearing shall not be less than ten days after the service of the notice of hearing by postage of the notice by certified mail, return receipt requested, or by personal service.

(e) The suspension or revocation shall be stayed pending the outcome of the appeal hearing.

(f) At the hearing, both the holder of the ~~taxicab license or taxicab driver's~~ permit and the Chief of Police shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, as stated in the written grounds for the appeal hearing. Within ten working days of the conclusion of the hearing, the City Manager shall issue a written decision which states whether the decision of the Chief of Police is upheld, modified, or reversed; the length of any suspension, and the effective date of the suspension or revocation. The decision of the City Manager shall be served on the holder of the permit by certified mail, return receipt requested, or by personal service.

(g) The decision of the City Manager shall be final.

(h) Unless otherwise specifically prohibited by law, the burden of proof is on the permittee/applicant in any hearing or other matter under this chapter.

(i) Upon a written decision of the City Manager which suspends or revokes a ~~taxicab license or taxicab~~ permit, the holder of the ~~taxicab license or taxicab~~ permit shall

surrender the ~~license and/or~~ permit to the Chief of Police immediately after service of the notice of the decision.

5.35. ~~540460~~ Emergency suspension.

(a) The Chief of Police may issue a ~~notice~~ ~~order~~ suspending a ~~taxicab license or a taxicab driver's~~ permit for a period not exceeding ten days without having conducted a hearing therefor, if the Chief determines that the continued use of the ~~license or~~ permit will cause immediate hazard to the public safety, health or welfare.

(b) Within ten days of the effective date of the ~~order~~ ~~notice~~, the ~~City Chief of Police~~ ~~shall~~ ~~Manager shall~~ hold a hearing for the owner or driver/~~operator~~ to show cause why the ~~license or~~ permit should not be suspended or revoked.

(c) The ~~order~~ ~~notice~~ issued by the Chief of Police under subsection (a) of this section shall also contain a notice of the hearing setting forth the date, time and place of the hearing.

5.35. ~~550470~~ Notice of violation and hearing.

Any person found to be ~~owning or~~ operating a taxicab ~~or pedi-cab~~ in the ~~City~~ in violation of ~~the provisions of this Chapter~~ ~~SCCC 5.35.040(a) or 5.35.320(a)~~ shall be issued a notice of violation by the Santa Clara Police Department, in person or by mail, ~~to be enforced in accordance with the provisions of SCCC Title 1 ("General Provisions") and the provisions of this Chapter. Operation of a taxicab without a valid permit shall be punishable by an administrative citation in an amount not less than \$5,000 pursuant to Government Code § 53075.5(i).~~

~~(a) The violator shall schedule a hearing by mail, phone or in person with the Santa Clara Police Department Community Services Division Unit Supervisor within twenty (20) days of receipt of the notice of violation.~~

~~(b) The Santa Clara Police Department shall conduct a hearing before issuing a citation to the violator or imposing a penalty. The hearing official may conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.~~

~~(c) If the violator waives his or her right to a hearing in writing, fails to schedule a hearing with the Santa Clara Police Department in the permitted time, or fails to appear at the scheduled hearing, the Santa Clara Police Department shall affirm the violation and issue a citation.~~

~~(d) The hearing official shall set forth his or her decision to affirm or cancel the notice of violation in writing. If the notice of violation is affirmed, a citation shall be issued imposing a penalty not to exceed one thousand dollars (\$1,000.00). The hearing official shall consider the following factors when determining the penalty amount:~~



~~(1) Whether the violator has previously violated the license or driver's permit requirements or other provisions of this chapter;~~

~~(2) Whether the violator concealed or attempted to conceal his or her noncompliance with the license or driver's permit requirements; and~~

~~(3) Such additional factors as the hearing official may deem appropriate.~~

~~(e) This section shall supersede any penalty provisions set forth by any ordinance or resolution of the City of Santa Clara. (Ord. 1850 § 1, 12-15-09).~~