

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, AMENDING CHAPTER 5.35 (“TAXICABS”) OF
TITLE 5 (“BUSINESS LICENSES AND REGULATIONS”) OF
“THE CODE OF THE CITY OF SANTA CLARA,
CALIFORNIA”**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Chapter 5.35 of the Code of the City of Santa Clara (“SCCC”) addresses the regulations of taxicabs in the City of Santa Clara;

WHEREAS, on May 30, 2018, the California Legislature passed Assembly Bill 939, an act to amend Sections 53075.5, 53075.51, and 53075.52 of the Government Code, relating to local government regulation of taxicabs;

WHEREAS, the City of Santa Clara is required to comply with this new statewide regulation by implementing appropriate regulatory modifications by January 1, 2019;

WHEREAS, Taxicab businesses under this new legislation are no longer required to obtain a permit from the City of Santa Clara unless the company is “substantially located” within the City of Santa Clara; and,

WHEREAS, additional modifications to the current SCCC Chapter 5.35 are required in order to efficiently and effectively align the City’s regulations with changes in the local taxicab industry including, but not limited to, ridesharing services and pedi-cabs.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That Chapter 5.35 (entitled “Taxicabs”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California,” (“SCCC”) is amended to read as follows:

**“Chapter 5.35
TAXICABS & PEDICABS**

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Article I. General Provisions

5.35.010 Purpose, intent and effective date.

This chapter is to further the public convenience and necessity of transportation services by taxicabs and pedi-cabs, 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.

(b) "City Manager" means the City Manager, or his/her designee.

(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) "Owner" shall mean a person, partnership, firm, association or corporation engaged in the business of taxicab transportation services or pedi-cab transportation services, as applicable. The act or omission of any Owner's officer, agent, employee or independent contractor, or of any driver whose services are engaged by Owner, is for all purposes the act or omission of the Owner.

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

(g) "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. 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.

5.35.030 Taxicab stands.

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

(b) Taxicab 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.

Article II. Permits and Regulations

5.35.040 Taxicab permit requirements.

(a) No 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 the city within Santa Clara County in which the Owner is substantially located, as that term is defined in Government Code Section 53075.5, or from the County of Santa Clara.

(b) If Owner is substantially located in the City of Santa Clara, then Owner must obtain a taxicab permit from the City of Santa Clara as set forth in this Chapter.

(c) Owner 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.

5.35.045 Peditaxi permit requirements.

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

(b) The applicant must be the registered owner of at least seven peditaxis at the time of filing the application, and must maintain at least seven peditaxis 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 peditaxi in the City of Santa Clara.

5.35.050 Taxicab permit application.

Every Owner substantially located in the City of Santa Clara shall execute and file with the Chief of Police a verified application for taxicab 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 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, 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 an individual certified by or

registered with the National Institute for Automotive Service Excellence or the California Bureau of Automotive Repair, who has inspected and examined such vehicles;

(k) A completed taxicab inspection form showing that each vehicle has successfully passed all required inspections including inspection by the Police Department;

(l) A sworn statement by the Owner that the 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 Owner is the registered owner of each vehicle. Owner shall declare that Owner will not operate any vehicle until 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;

(o) Evidence that 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

(s) 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 with the Police Department. 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 Fees.

Owners and driver/operators shall pay all applicable fees including, but not limited to, an initial permit fee and an annual renewal fee, 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 permit on any of the following grounds:

(a) The application fails to contain any of the required information, or fulfill the criteria, set forth in this Chapter;

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

(c) 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;

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

(e) An act or omission of the applicant constitutes a ground for revocation or suspension of the permit;

(f) 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;

(g) The applicant has had a taxicab or pedi-cab permit revoked or suspended 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.

(b) The Chief of Police may impose such terms, conditions or restrictions on the permit as he or 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 Permit application appeal procedure.

The decision of the Chief of Police to deny an application for a permit under this Chapter may be appealed to the City Manager as set forth in this Chapter.

5.35.110 Permit not transferable.

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

5.35.120 Reserved.

5.35.130 Additional or substitute vehicles.

(a) Permission to operate vehicles in addition to or different from those approved under the initial 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 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.

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.

5.35.160 Reserved.

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.

5.35.185 Non-discrimination.

No Owner or driver/operator shall prejudice, disadvantage, or require different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex, or any characteristic listed or defined in Section 11135 of the Government Code.

5.35.190 Direct route.

Unless otherwise directed by the passenger, the driver or operator of 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.

5.35.210 Overcharge prohibited.

(a) No Owner or driver/operator shall charge a greater fare than that disclosed to the passenger pursuant to SCCC 5.35.150.

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

(c) The Owner or driver/operator who overcharges a 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 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.

5.35.230 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 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 business;
- (2) The name of the driver/operator;
- (3) Taxicab or pedi-cab license number;
- (4) Date of transaction; and
- (5) The amount of fares charged and paid.

5.35.240 Taxicab Equipment and conditions required.

(a) Each taxicab operated under a taxicab 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; and
- (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.

(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 missing components.

(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.

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.

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 visible at all times.

(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.

(c) 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.

5.35.260 Safety inspection.

(a) All 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. The inspection shall be completed prior to the renewal of the permit. If the

vehicle successfully completes the safety inspection, a 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.

(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 vehicle shall inspect the vehicle and its equipment at least once each day.

(d) The owner of a vehicle, who is aware of or should have been aware of any unsafe condition of the vehicle, shall not allow the 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 vehicle, or following the vehicle's involvement in an accident, the Chief of Police may require any or all of the following:

(1) A visual inspection of the 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 vehicle regarding the mechanical condition of the vehicle; and/or

(3) A sworn statement that the vehicle is in safe operating condition, made in the same manner as that submitted with a permit application.

(b) If the owner or driver/operator of the 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 service.

(c) Upon determination that any vehicle operated under a permit is not in safe operating condition, the Chief of Police may issue an order requiring that such vehicle not be used in 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 service in violation of the order.

5.35.280 Report of accidents.

Each permitted Owner and driver/operator of a 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;

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

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

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

(5) All other information required by State law.

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

(d) Drivers/operators shall submit to Owner a daily log sheet indicating, at a minimum, the following:

- (1) Driver/operator name;
- (2) Date;
- (3) Vehicle number;
- (4) Time started;
- (5) Time finished;
- (6) Time of pick-up call;
- (7) Pick-up location; and
- (8) Drop-off location.

5.35.300 Reserved.

5.35.310 Taxicab insurance requirements.

(a) No taxicab 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 Owner and driver of each of the taxicabs 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 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 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 permit holder, vehicle owner or driver in connection with the provision of transportation service pursuant to the taxicab 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.

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, date 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;

(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;

(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 proficient knowledge of the City's Taxi Ordinance, the traffic laws of the State of California, and the streets of the City.

5.35.350 Reserved.

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 for the type of vehicle the applicant proposes to use as a taxicab in the City;

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

(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;

(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.

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

(f) 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;

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

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

(i) Has had a taxicab driver's permit revoked within three years prior to the date of application;

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

(k) 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

(l) The Chief of Police may deny the granting of any permit to drive any taxicab in the City for any other reasonable cause that, within its discretion, renders the proposed operations unsafe 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 one year from the date of the application.

(c) Renewal of a taxicab driver's permit shall require a renewal fee, 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 Owner 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 void upon the termination of the driver'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 shall notify the Chief of Police in writing of such termination. Within twenty-four (24) hours, Driver shall surrender the taxicab driver's permit to the Chief of Police. If said permit is unavailable, the Owner and Driver 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 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.

5.35.420 Driver's appearance.

The taxicab drivers 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 duty.

Article IV. Peditaxi Operator's Permit

5.35.430 Application.

(a) No person shall operate any peditaxi 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;

(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 V. Suspension and Revocation

5.35.520 Suspension or revocation of permit.

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

(a) The violation by the owner of any of the terms, conditions or requirements of the permit.

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

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

(d) Failure of the Owner or driver/operator to pay any judgment for personal injury of death, or property damage arising out of the conduct of business under the permit 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, fares by the Owner or driver/operator.

(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.

5.35.530 Notice and hearing for suspension and revocation.

Revocations and suspensions shall be administered as follows:

(a) Except as provided in SCCC 5.35.540, a permit issued pursuant to this Chapter shall be revoked or suspended only after the Owner 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 permit written notice stating the 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 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 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 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 permit, the holder of the permit shall surrender the permit to the Chief of Police immediately after service of the notice of the decision.

5.35.540 Emergency suspension.

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

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

(c) The 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.

5.35.550 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 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).”

SECTION 2: Ordinances Repealed. Ordinance Nos. 1713, 1741, 1763, 1807, 1850, 1898, 1926, and 1959, creating Chapter 5.35 (“Taxicabs”) of Title 5 (“Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” (“SCCC”), and all ordinances amendatory thereto, and, with exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Effective date. This ordinance shall take effect on January 1, 2019, or thirty (30) days after its final adoption, whichever is later. However, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this _____ day of _____, 2018, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST:

JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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