

ORDINANCE NO. 11355
(New Series)

O. 74-62

JUL 25 1974

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING
SECTION 72.01, RELATING TO TAXICAB CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter VII, Article 2, of the San Diego
Municipal Code be, and the same is hereby amended by amending
Section 72.01, relating to taxicab certificates of public con-
venience and necessity, to read as follows:

SEC. 72.01 TAXICABS--CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY

(a) No person shall engage in the business of
operating any taxicab within the City of San Diego with-
out first having obtained a certificate of public con-
venience and necessity from the Council of The City of
San Diego.

(b) All persons applying to the Council for a certifi-
cate for the operation of one or more taxicabs shall file
with the Council a sworn application therefor on forms
provided by the Council stating as follows:

(1) The name and address of the owner or
person applying.

(2) The number of vehicles actually owned and
the number of vehicles actually operated by such owner
on the date of application, if any.

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(3) The number of vehicles for which a certificate of public convenience and necessity is desired.

(4) The intended make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate of public convenience and necessity is made.

(5) The make and type of taximeter intended to be installed on each taxicab for which application for certificate is made.

(6) A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed taxicab design.

(7) Where, pursuant to Section 72.01(m), the application is for a limited certificate of public convenience and necessity, a detailed description of the geographical area in which the applicant proposes to operate and (if applicable) a statement setting forth the period of time in which said certificate shall be in existence.

(8) Such other information as the Council may in its discretion require.

(c) No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed taxicab service.

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(d) In determining whether the public convenience and necessity require the operation of a taxicab or taxicabs for which application is made, the Council or the City Manager, if directed by the Council, shall hold such public hearings as may be necessary to determine that fact. In the event such hearings are conducted by the City Manager, he shall report his findings in writing to the Council and recommend the granting or denial of such application or applications.

Before any application is acted upon the City Manager shall cause an investigation to be made and shall report his findings, in writing, to the Council on the following:

- (1) The demand of the public for additional taxicab service;
- (2) The adequacy of existing mass transportation and taxicab service;
- (3) The financial responsibility and experience of the applicant;
- (4) The number, kind and type of equipment and the color scheme to be used;
- (5) The effect which such additional taxicab service may have upon traffic congestion and parking;
- (6) Whether the additional taxicab service will result in a greater hazard to the public;
- (7) Such other relevant facts as the Council may deem advisable or necessary.

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(e) Having declared that the public convenience and necessity require additional taxicab service, the Council shall grant certificates of public convenience and necessity to those persons applying therefor who in its opinion are entitled thereto. The Council shall in its discretion determine the number of permits to be granted to any applicant or applicants.

No certificate shall be issued to any person who shall not have fully complied with all of the requirements of this section necessary to be complied with before the commencement of the operation of the proposed service.

(f) The provisions of this section shall not affect the number of taxicabs, operating with valid permits on the effective date hereof, except as such vehicles are abandoned or the right to operate has been lost through inability of operators to meet requirements of the ordinances of The City of San Diego; or in the event licenses are not renewed within 15 days after expiration thereof, or through revocation of said permits for cause by the Council.

(g) Every owner operating a licensed taxicab or taxicabs prior to the effective date of this code, shall be presumed in the absence of any contrary evidence and finding of the Council to have established a prima facie evidence of public convenience and necessity for the licensing of the taxicab or taxicabs actually in operation, and the Council upon written application received by the Council not later than 15 days after the effective date of

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this section shall grant a certificate or certificates to said owner for each such taxicab or taxicabs.

(h) Each certificate issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person upon the approval of the City Council; provided, however, that where a certificate is issued pursuant to the provisions of this section to a form of legal entity wherein control is evidenced by shares of stock or such other evidence of ownership (including but not necessarily limited to a corporation, a partnership, a joint venture, a joint stock company, or a business trust) and the majority interest in said entity is transferred from that entity to another person or entity, said transfer, whether voluntary, by operation of law or otherwise, shall be made only upon the approval of the City Council. The application for the transfer of said certificate shall certify that the owner of said certificate has notified the proposed transferee of the requirements of this section pertaining to the transfer of said certificate; and whenever such application for a transfer of certificate is made as provided for herein, the City Manager shall cause an investigation to be made into the character and fitness of the applicant to engage in the business of operating any taxicab or taxicabs within the City of

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San Diego, and no transfer shall be approved by the City Council without the recommendation of the City Manager in writing.

(i) Whenever an owner sells or transfers title to a taxicab or taxicabs for which a certificate or certificates have been granted and within 30 days after such sale or transfer purchases other taxicabs, the Council shall, as a matter of right, upon written application to the Council within thirty (30) days of such purchase, issue a new certificate or certificates for the operation of no greater number of taxicabs than those sold or transferred, and provided said owner has complied with all the provisions of this section.

(j) Destruction of Taxicabs. Any owner whose taxicab or taxicabs, for which a certificate or certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any taxicab or taxicabs, will, as a matter of right, upon written application to the Council, within 30 days after such destruction, be issued a new certificate or certificates for the operation of no greater number of taxicabs than those so destroyed, and upon satisfactory evidence presented to the Council of such destruction, and provided further that the owner has complied with all the provisions of this section.

(k) Suspension and Revocation of Certificate.
Certificates may be suspended or revoked by the Council at any time in case:

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(1) The Council finds the owner's past record to be unsatisfactory;

(2) The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this section;

(3) The owner shall cease to operate any taxicab for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the Council;

(4) The taxicab or taxicabs are operated at a rate of fare other than that approved by the Council and stated on the certificate and the rate card issued by the Council; and

(5) For any other reason which the Council may deem warrants suspension or revocation.

(1) Surrender of Certificate. Certificates which shall have been suspended or revoked by the Council shall, forthwith be surrendered to the Clerk of the City Council, and the operation of any taxicab or taxicabs covered by such certificates shall cease. Any owner who shall permanently retire any taxicab or taxicabs from taxicab service and not replace same within thirty (30) days thereof, shall immediately surrender any certificate or certificates granted for the operation of such taxicab or taxicabs to the Council and said owner may not secure additional certificates

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for taxicabs without having first made application therefor, in the manner provided in this section.

(m) Limited certificates of public convenience and necessity. The Council may issue limited certificates of public convenience and necessity which shall be limited in duration of time and/or limited to a specific geographical area of the City in which a taxicab service may be operated. The issuance of said limited certificate of public convenience and necessity shall require submission of all relevant information as set forth in subsections (a) through (l), supra, and shall state specifically the appropriate time limitations and/or the geographical limitations. In addition to the requirement set forth hereinabove, said taxicab services operating pursuant to a limited certificate of public convenience and necessity shall:

(1) Commence operations at the specified date approved by the City Council and cease operations at the ending date approved by the City Council.

(2) Pick up passengers only in the specified geographical area of the City approved by the City Council and shall not pick up passengers under any circumstances in the City outside said specified geographical area notwithstanding the provisions of Section 72.05(j) herein.

(3) Be allowed to transport passengers from said specified geographical area to points within said area or to points without said area.

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(4) Prominently display on the taxicabs the geographical area of the City in which the driver is authorized to pick up passengers.

(5) Be subject to each and every provision relating to the operation of taxicabs as if granted a regular certificate of public convenience and necessity for the operation of a taxicab.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick, Chief Deputy

CMF:vl
6/14/74

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Passed and adopted by the Council of The City of San Diego on JUL 25 1974,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.
 By Patricia Polen, Deputy.

(Seal)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUL 11 1974, and on JUL 25 1974.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.
 By Patricia Polen, Deputy.

(Seal)

RECEIVED
 CITY CLERK'S OFFICE
 1974 JUN 28 PM 4:36
 SAN DIEGO, CALIF.

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 MAY 3 1978

Office of the City Clerk, San Diego, California

Ordinance Number 11355 Adopted JUL 25 1974

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ATTORNEY (S)

San Diego, City of
12th Floor, City Administration Center
202 West C Street
San Diego, CA. 92101

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

TAXICAB CERTIFICATES

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

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is a true and correct copy of which this certificate is annexed and was published in said newspaper on

August 2, 1974

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

August 2, 1974

Patricia M. Applestill
(Signature)

327' @ \$4.42 = \$145.31



ORDINANCE NO. 11355

(New Section)

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 72.01, RELATING TO TAXICAB CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VII, Article 2, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 72.01, relating to taxicab certificates of public convenience and necessity, to read as follows:

SEC. 72.01 TAXICABS — CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

(a) No person shall engage in the business of operating any taxicab within the City of San Diego without first having obtained a certificate of public convenience and necessity from the Council of The City of San Diego.

(b) All persons applying to the Council for a certificate for the operation of one or more taxicabs shall file with the Council a sworn application therefor on forms provided by the Council stating as follows:

(1) The name and address of the owner or person applying.

(2) The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of application, if any.

(3) The number of vehicles for which a certificate of public convenience and necessity is desired.

(4) The intended make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate of public convenience and necessity is made.

(5) The make and type of taximeter intended to be installed on each taxicab for which application for certificate is made.

(6) A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed taxicab design.

(7) Where, pursuant to Section 72.01(m), the application is for a limited certificate of public convenience and necessity, a detailed description of the geographical area in which the applicant proposes to operate and (if applicable) a statement setting forth the period of time in which said certificate shall be in existence.

(8) Such other information as the Council may in its discretion require.

(c) No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed taxicab service.

(d) In determining whether the public convenience and necessity require the operation of a taxicab or taxicabs for which application is made, the Council or the City Manager, if directed by the Council, shall hold such public hearings as may be necessary to determine that fact. In the event such hearings are conducted by the City Manager, he shall report his findings in writing to the Council and recommend the granting or denial of such application or applications.

Before any application is acted upon the City Manager shall cause an investigation to be made and shall report his findings, in writing, to the Council on the following:

(1) The demand of the public for additional taxicab service;

(2) The adequacy of existing mass transportation and taxicab service;

(3) The financial responsibility and experience of the applicant;

(4) The number, kind and type of equipment and the color scheme to be used;

(5) The effect which such additional taxicab service may have upon traffic congestion and parking;

(6) Whether the additional taxicab service will result in a greater hazard to the public;

(7) Such other relevant facts as the Council may deem advisable or necessary.

(e) Having declared that the public convenience and necessity require additional taxicab service, the Council shall grant certificates of public convenience and necessity to those persons applying therefor who in its opinion are entitled thereto. The Council shall in its discretion determine the number of permits to be granted to any applicant or applicants. No certificate shall be issued to any person who shall not have fully complied with all of the requirements of this section necessary to be complied with before the commencement of the operation of the proposed service.

(f) The provisions of this section shall not affect the number of taxicabs operating with valid permits on the effective date hereof, except as such vehicles are abandoned or the right to operate has been lost through inability of operators to meet requirements of the ordinances of The City of San Diego; or in the event licenses are not renewed within 15 days after expiration thereof, or through revocation of said permits for cause by the Council.

(g) Every owner operating a licensed taxicab or taxicabs prior to the effective date of this code, shall be presumed in the absence of any contrary evidence and finding of the Council to have established a prima facie evidence of public convenience and necessity for the licensing of the taxicab or taxicabs actually in operation, and the Council upon written application received by the Council not later than 15 days after the effective date of this section shall grant a certificate or certificates to said owner for each such taxicab or taxicabs.

(h) Each certificate issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person upon the approval of the City Council; provided, however, that where a certificate is issued pursuant to the provisions of this section to a firm or legal entity wherein control is evidenced by shares of stock or such other evidence of ownership (including but not necessarily limited to a corporation, a partnership, a joint venture, a joint stock company, or a business trust) and the majority interest in said entity is transferred from that entity to another person or entity, said transfer, whether voluntary, by operation of law or otherwise, shall be made only upon the approval of the City Council. The application for the transfer of said certificate shall certify that the owner of said certificate has notified the proposed transferee of the requirements of this section pertaining to the transfer of said certificate; and whenever such application for a transfer of certificate is made as provided for herein, the City Manager shall cause an investigation to be made into the character and fitness of the applicant to engage in the business of operating any taxicab or taxicabs within the City of San Diego, and the same shall be reported by the City Manager to the Council in writing.

(i) Whenever an owner sells or transfers title to a taxicab or taxicabs for which a certificate or certificates have been granted and within thirty (30) days after such sale or transfer purchases other taxicabs, the Council shall, as a matter of right, upon written application to the Council within thirty (30) days of such purchase, issue a new certificate or certificates for the operation of no greater number of taxicabs than those sold or transferred, and provided said owner has complied with all the provisions of this section.

(j) Destruction of Taxicabs. Any owner whose taxicab or taxicabs, for which a certificate or certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any taxicab or taxicabs, will, as a matter of right, upon written application to the Council, within 30 days after such destruction, be issued a new certificate or certificates for the operation of no greater number of taxicabs than those so destroyed, and upon satisfactory evidence presented to the Council of such destruction, and provided further that the owner has complied with all the provisions of this section.

(k) Suspension and Revocation of Certificate. Certificates may be suspended or revoked by the Council at any time in case:

(1) The Council finds the owner's past record to be unsatisfactory;

(2) The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this section;

(3) The owner shall cease to operate any taxicab for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the Council;

(4) The taxicab or taxicabs are operated at a rate of fare other than that approved by the Council and stated on the certificate and the rate card issued by the Council; and

(5) For any other reason which the Council may deem warrants suspension or revocation.

(l) Surrender of Certificate. Certificates which shall have been suspended or revoked by the Council shall, forthwith be surrendered to the Clerk of the City Council, and the operation of any taxicab or taxicabs covered by such certificates shall cease. Any owner who shall permanently retire any taxicab or taxicabs from taxicab service and not replace same within thirty (30) days thereof, shall immediately surrender any certificate or certificates granted for the operation of such taxicab or taxicabs to the Council and said owner may not secure additional certificates for taxicabs without having first made application therefor, in the manner provided in this section.

(m) Limited certificates of public convenience and necessity. The Council may issue limited certificates of public convenience and necessity which shall be limited in duration of time and/or limited to a specific geographical area of the City in which a taxicab service may be operated. The issuance of said limited certificate of public convenience and necessity shall require submission of all relevant information as set forth in subsections (a) through (i), supra, and shall state specifically the appropriate time limitations and/or the geographical limitations. In addition to the requirement set forth hereinabove, said taxicab services operating pursuant to a limited certificate of public convenience and necessity shall:

(1) Commence operations at the specified date approved by the City Council and cease operations at the ending date approved by the City Council.

(2) Pick up passengers only in the specified geographical area of the City approved by the City Council and shall not pick up passengers under any circumstances in the City outside said specified geographical area notwithstanding the provisions of Section 72.05(j) herein.

(3) Be allowed to transport passengers from said specified geographical area to points within said area or to points without said area.

(4) Prominently display on the taxicabs the geographical area of the City in which the driver is authorized to pick up passengers.

(5) Be subject to each and every provision relating to the operation of taxicabs as if granted a regular certificate of public convenience and necessity for the operation of a taxicab.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on July 11, 1974.

Passed and adopted by the Council of The City of San Diego on July 23, 1974.

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California
EDWARD NIELSEN
City Clerk of The City of San Diego, California
By PATRICIA POLEN, Deputy

(SEAL)
Attest August 2, 1974