

ORDINANCE NO. 11670
(New Series)

O. 75-335

AUG 27 1975

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 71.01 THROUGH 71.01.92, AND BY CHANGING THE NAME OF ARTICLE 1 FROM DEFINITIONS--GENERAL PROVISIONS TO VEHICLES FOR HIRE, AND ADDING DIVISION 1, DEFINITIONS, AND SECTION 71.0101; AMENDING ARTICLE 2 BY REPEALING SECTIONS 72.01 THROUGH 72.27; BY ADDING DIVISION 1, TAXICABS, SECTIONS 72.0101 THROUGH 72.0110; BY ADDING DIVISION 2, AUTOMOBILES FOR HIRE, SECTIONS 72.0201 THROUGH 72.0218; AND BY ADDING DIVISION 3, SIGHT-SEEING VEHICLES, SECTIONS 72.0301 THROUGH 72.0318.

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

Section 1. That Chapter VII, Article 1 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

SEC. 71.01	DEFINITIONS
SEC. 71.01.1	STREET
SEC. 71.01.2	OWNER
SEC. 71.01.3	DRIVER
SEC. 71.01.4	TAXIMETER
SEC. 71.01.5	TAXICAB
SEC. 71.01.6	COMPENSATION
SEC. 71.01.7	AUTOMOBILE
SEC. 71.01.8	TRANSFER
SEC. 71.01.9	AMBULANCE
SEC. 71.01.91	CERTIFICATE
SEC. 71.01.92	CERTIFICATE HOLDER

Section 2. That Chapter VII, Article 1 of the San Diego Municipal Code be and it is hereby amended by changing the name

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of Article 1 from Definitions--General Provisions to Vehicles for Hire, and adding Division 1, Definitions, and Section 71.0101 to read as follows:

ARTICLE 1
VEHICLES FOR HIRE
DIVISION 1
DEFINITIONS

SEC. 71.0101 DEFINITIONS

The following words and phrases, wherever used in this Chapter, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

(a) "Street" shall mean any place commonly used for the purpose of public travel.

(b) "Owner" shall mean every person, firm or corporation having use or control of any passenger-carrying automobile, or motor-propelled vehicle, as herein defined.

(c) "Driver" shall mean every person in charge of, or operating any passenger-carrying or motor-propelled vehicle, as herein defined, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner, as herein defined.

(d) "Taximeter" shall mean any mechanical instrument, appliance, device, or machine by which the charge for hire

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of a passenger-carrying vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and upon said instrument, appliance, device or machine such charge is indicated by figures.

(e) "Taxicab" shall mean every automobile or motor-propelled vehicle of a distinctive color or colors, and/or of public appearance such as is in common usage in this country for taxicabs, and/or operated at rates per mile, or for wait-time or for both, or for a compensation, and equipped with a taximeter, used for the transportation of passenger for hire over the public streets of the City of San Diego and not over a defined route and irrespective of whether the operations extend beyond the boundary limits of said City, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.

(f) "Compensation" shall mean, as used in this Chapter, and include any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(g) "Automobile for Hire" shall mean every automobile or motor-propelled vehicle, other than a taxicab or sight-seeing vehicle, which is operated by its owner or

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an employee, agent or representative of the owner for any fare or consideration, and used for the transportation of passengers over the public streets of the City of San Diego, irrespective of whether such operations extend beyond the boundary limits of said City.

(h) "Sight-seeing Vehicle" shall mean every automobile or motor-propelled vehicle for the transportation of passengers over streets of this city, irrespective of whether such operations extend beyond the boundary limits of this city, for sight-seeing purposes or showing points of interest and charging a fee or compensation therefor, regardless of whether any fee, compensation or consideration is paid to the driver of such sight-seeing vehicle, either by the passenger or by the owner or the person who employs the driver or contracts with the driver or charters such sight-seeing vehicle with a driver to transport or convey any passenger, and irrespective of whether or not such driver receives any fee or compensation for his services as driver.

(i) "Certificate" shall mean a certificate of public convenience and necessity.

(j) "Certificate Holder" shall mean any person or persons operating a business under a certificate of public convenience and necessity.

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Section 3. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

- SEC. 72.01 TAXICABS--CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
- SEC. 72.02 TAXICABS--RATES OF FARE
- SEC. 72.03 TAXICABS--TAXICAB SPECIFICATIONS AND EQUIPMENT
- SEC. 72.03.1 TAXICAB--FINANCIAL RECORDS AND REPORTING RECORDS
- SEC. 72.04 TAXICABS--MAINTENANCE
- SEC. 72.05 TAXICABS--OPERATING REGULATIONS
- SEC. 72.06 TAXICAB DRIVER: LICENSES
- SEC. 72.07 TAXICAB STANDS
- SEC. 72.08 TAXICAB STANDS--CHANGE OF LOCATION
- SEC. 72.09 TAXICABS AND AUTOMOBILES FOR HIRE--PUBLIC LIABILITY
- SEC. 72.10 AUTOMOBILES FOR HIRE--CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY
- SEC. 72.11 AUTOMOBILE FOR HIRE--APPLICATION
- SEC. 72.12 AUTOMOBILES FOR HIRE--RESOLUTION BY COUNCIL
- SEC. 72.13 AUTOMOBILE FOR HIRE--PUBLIC HEARINGS
- SEC. 72.14 AUTOMOBILE FOR HIRE--ISSUANCE OF CERTIFICATE
- SEC. 72.15 AUTOMOBILE FOR HIRE--CANCELLATION OF CERTIFICATE
- SEC. 72.16 AUTOMOBILE FOR HIRE--REISSUE OF CERTIFICATES
- SEC. 72.17 AUTOMOBILES FOR HIRE--DESTRUCTION OF AUTOMOBILES FOR HIRE
- SEC. 72.18 AUTOMOBILES FOR HIRE--SUSPENSION AND REVOCATION OF CERTIFICATE
- SEC. 72.19 AUTOMOBILES FOR HIRE--USE OF CERTIFICATE

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- SEC. 72.20 AUTOMOBILES FOR HIRE--SURRENDER OF CERTIFICATE
- SEC. 72.21 AUTOMOBILES FOR HIRE--RATES OF FARE
- SEC. 72.22 AUTOMOBILES FOR HIRE--EQUIPMENT
- SEC. 72.23 AUTOMOBILES FOR HIRE--MAINTENANCE
- SEC. 72.24 AUTOMOBILES FOR HIRE--OPERATING REGULATIONS
- SEC. 72.25 AUTOMOBILES FOR HIRE--DRIVERS--LICENSES
- SEC. 72.27 AUTOMOBILES FOR HIRE--PUBLIC LIABILITY

Section 4. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by adding Division 1, Taxicabs, and Sections 72.0101 through 72.0109 to read as follows:

DIVISION 1

TAXICABS

SEC. 72.0101 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.

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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 72.0101(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

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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;

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(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 certificates 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.

With each certificate the Council issues, the City Manager shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of the taxicab for which the certificate is issued. The medallion shall be fixed in a position in plain view from the rear of the taxicab. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the Traffic Division of the Police Department.

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Each certificate holder may utilize one spare taxicab and in the event that a taxicab for which a certificate has been issued becomes disabled or unsafe for use, said certificate holder will transfer the medallion from the disabled or unsafe taxicab to one heretofore duly inspected taxicab for a period not to exceed thirty (30) days; provided, however, that this section shall not be construed or deemed to replace those requirements in this Division for the permanent replacement of a taxicab for which a certificate has been previously issued. Each certificate holder must inform the Police Department when spare taxicab is in use and location of disabled vehicle.

(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 fifteen (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 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

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engage in the business of operating any taxicab or taxicabs within the City of 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 thirty (30) days after such sale or transfer purchases other taxicabs, the City Manager shall, as a matter of right, upon written application to the City Manager 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 City Manager, within thirty (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 City Manager of such destruction, and provided further that the owner has complied with all the provisions of this section.

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(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.

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

(6) The certificate holder fails to begin operating the taxicab for which the certificate is first issued within ninety (90) days after the resolution is passed.

(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

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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 (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.

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(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 72.0105(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.

SEC. 72.0102 RATES OF FARE

(a) The City Council by resolution shall, after a hearing, establish just and reasonable rates for hire of taxicabs. A certificate holder under Section 72.0101 shall petition the City Council for any desired change in taxicab rates for hire. Upon the effective date of this ordinance those rates heretofore established by City Council resolution shall be the effective rates for the hire of taxicabs.

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(b) It shall be unlawful for any owner or driver to operate any taxicab in the City of San Diego unless vehicle is equipped with a taximeter designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed and when operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism. The taximeter shall also be of a style and design approved by the City Manager of said City, or his representative. Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or traveling at a speed which is slow enough for the time rate to exceed the mileage rate; and the time consumed while standing at the direction of the passenger or person who has engaged such taxicab. It shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times, correctly and accurately indicate the correct charge for the distance

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traveled and waiting time, and such taximeter shall be at all times subject to inspection by an inspector of the City Manager, or any peace officer, and such inspector, or any peace officer is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon discovery of any inaccuracy in said taximeter, or if the taximeter is unsealed, to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the City of San Diego until such time as said taximeter shall have been correctly adjusted, or sealed.

(c) It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire, or is not employed, or to have such flag or other attached device in such a position as to prevent said taximeter from operating, and it will be unlawful for any driver to throw such flag into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a nonrecording position at the termination of each and every service.

(d) The taximeter shall be so placed in said taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab.

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(e) It shall be unlawful for any owner, driver, or operator of a taxicab to demand of a passenger a charge for hire other than the current applicable rate approved by the City Council and on file with the City Clerk.

(f) There shall be displayed in the passenger compartment of each taxicab in full view of the passenger a card not less than two inches by four inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which said owner operates, the business address and telephone number of said owner, and a schedule of the current authorized rates to be charged for hire of the vehicle.

SEC. 72.0103 TAXICAB SPECIFICATIONS AND EQUIPMENT

(a) No vehicle shall be granted a certificate unless it conforms with all the provisions of this Division or unless said vehicle shall have been granted a license to operate as a taxicab in this city prior to the effective date of this Article.

(b) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed by the State of California, Department of Weights and Measures, and thereafter so maintained in a manner satisfactory to the representative of the City Manager.

(c) Each taxicab shall bear on the outside an identification marker of the type and design and in the

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place prescribed by the City Manager, and also be equipped with a device which shall plainly indicate to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(d) All taxicabs must be and conform to a color scheme approved by the City Manager, and the Council may refuse a certificate to every person whose color scheme, trade name and/or insignia imitates that of any permittee in such manner as to deceive the public. Each taxicab shall be assigned a side or body number by the certificate holder. The side or body number so assigned shall be painted in numerals or decals no less than four inches high in places sufficient so that the side or body number may be seen from the rear, and either side of the taxicab.

(e) Each taxicab licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein a container of type and design approved by the Chief of Police. Said container shall contain a card provided by the Sheriff of the County of San Diego, visible to passengers, bearing the following information:

- (1) The number of the license of the driver thereof.
- (2) The name and business address of said driver.
- (3) The name of the company employing said driver.
- (4) A small photograph of said driver.

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SEC. 72.0104 FINANCIAL RECORDS AND REPORTING RECORDS

Every person engaged in the business of operating any taxicab within the City of San Diego under a certificate of public convenience and necessity granted by the Council of The City of San Diego shall maintain financial records in accordance with good accounting practices, and maintain reporting records in a form and at intervals which shall be determined from time to time by the City Manager. Such financial and reporting records shall be made available to the City Manager upon demand at any reasonable time.

SEC. 72.0105 MAINTENANCE

(a) Before a certificate is issued to any owner the taxicab or taxicabs for which such certificate or certificates are requested shall deliver such taxicab or taxicabs to a place designated by the City Manager for inspection and the City Manager shall designate agents to inspect such taxicab or taxicabs, their equipment and taximeters to ascertain whether such taxicab or taxicabs comply with the provisions of this Division.

(b) The Chief of Police of The City of San Diego shall have the right at any time after displaying proper identification, to enter into or upon any certificated taxicab for the purpose of ascertaining whether or not any of the provisions of this Division are being violated.

(c) Any taxicab which is found, after any such inspection, to be unsafe or in any way unsuitable for

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taxicab service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

(d) The interior and exterior of any taxicab shall be cleaned and well maintained and meet California Vehicle Code safety standards at all times when in operation.

SEC. 72.0106 OPERATING REGULATIONS

(a) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(b) Every driver shall, upon request of a passenger, give a receipt upon payment of the fare.

(c) All disputes as to fares shall be determined by the officer in charge of the police station nearest to the place where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the police officer.

(d) It shall be unlawful for any person to refuse to pay the lawful fare of taxicab after employing or hiring the same.

(e) No driver of any taxicab shall seek employment by repeatedly and persistently driving his vehicle to and fro in a short space in front of, or by otherwise interfering with the proper and orderly access to or egress from, any theater, hall, hotel, public resort, railway or

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ferry station, or other place of public gathering; or, by leaving his vehicle, or otherwise approach and solicit patronage by pedestrians upon the sidewalk, in any theater, hall, hotel, public resort, railway or ferry station, or other place of public gathering; but such driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic and at such speed as not to interfere with or impede traffic and may pass and repass before any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; providing that after passing such public place he shall not turn and repass until he shall have gone a distance of two blocks upon the streets and highways of the City of San Diego. No person shall solicit passengers for such vehicles other than the driver thereof when sitting upon the driver's seat of the vehicle; provided, however, the Chief of Police or his representative may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his discretion, public service and traffic conditions require.

(f) No driver of any taxicab shall transport any larger number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(g) No driver of any taxicab shall stop, park, or otherwise leave standing his taxicab on the same side of

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the street in any block in which two taxicabs are already stopped, parked, or otherwise standing, or within one hundred (100) feet of any other taxicab, or within fifteen (15) feet of any fire plug except as modified in Section 72.0108 of this Division.

(h) The driver of any taxicab shall promptly obey all lawful orders or instructions of any police officer or fireman.

(i) It shall be unlawful for the driver or operator of any taxicab to allow the taxicab to remain standing in any established taxicab stand unless the driver or operator shall remain within twelve (12) feet of any portion of the established cab zone, whether the zone be a single or multiple zone, unless said driver or operator is actually engaged in assisting passengers to load or unload or is actually engaged in answering his telephone.

(j) It shall be unlawful for the driver or operator of any taxicab to refuse a prospective fare or to take any action to actively discourage a prospective fare, unless it shall be readily apparent that the prospective fare is a hazard to the driver or operator.

(k) Additional Passenger. No driver, once a passenger has occupied his taxicab, shall permit any other passenger to occupy or ride in the taxicab unless the passenger first employing the taxicab shall consent to the acceptance of the additional passenger. No charge shall be

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made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination and then, only for the additional distance so traveled.

(1) City Map. Each driver shall carry in the taxicab a current map of the City of San Diego. Upon request, he shall provide the map for the passenger. Before leaving the taxicab, the passenger shall return the map to the driver.

SEC. 72.0107 DRIVERS--LICENSES

(a) No person shall drive or operate any taxicab unless such person has a taxicab driver's identification card issued by the Sheriff of the County of San Diego.

(b) No person shall employ as a driver or operator any person who has not been issued a taxicab driver's identification card by the Sheriff of the County of San Diego.

SEC. 72.0108 STANDS

(a) The City Council of The City of San Diego may by resolution locate and designate taxicab stands for one or more taxicabs, which stands when so established shall be appropriately designated "Taxis Only."

(b) Each taxicab stand established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the City Manager.

(c) It shall be unlawful for the owner, driver or operator of any taxicab to allow said taxicab to remain stopped, parked, or otherwise standing in the Central

Traffic District except in a regularly established taxicab stand; provided, however, that taxicabs may stop or stand in any available parking space when actually loading or unloading passengers; provided, further, that between the hours of 10:00 P.M. and 6:00 A.M. of the following day taxicabs may stop, park or stand in any place where parking of vehicles is otherwise permitted.

SEC. 72.0109 STANDS--CHANGE OF LOCATION

Any individual, partnership, association, corporation or other organization owning or operating any taxicab or taxicabs within the City of San Diego who petition said City requesting that a new taxicab stand be established, or that the location of an existing taxicab stand be changed to another location, shall, prior to the filing of such petition with said city, pay to the City Treasurer the sum of Fifty Dollars (\$50.00).

Said Treasurer shall thereupon issue his receipt for said fee and shall designate upon said petition that said fee has been paid.

No action of any kind shall be taken upon such petition by the Council or any officer of said City, without the payment of said fee.

SEC. 72.0110 PUBLIC LIABILITY

It shall be unlawful to operate a taxicab unless there shall be filed with The City of San Diego, a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California,

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the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amount, to-wit:

Minimum \$300,000 combined single limit
public liability and property damage.

Section 4. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by adding Division 2, Automobiles for Hire, and Sections 72.0201 through 72.0218 to read as follows:

DIVISION 2

AUTOMOBILES FOR HIRE

SEC. 72.0201 CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY

No person shall engage in the business of operating any automobile for hire 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.

SEC. 72.0202 APPLICATION

All persons applying to the Council for a certificate for the operation of one or more automobiles for hire 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.

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(2) The number of vehicles actually owned and the number of vehicles actually operated by such 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 automobile for hire for which application for a certificate of public convenience and necessity is made.

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

SEC. 72.0203 RESOLUTION BY COUNCIL

No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed automobile for hire service.

SEC. 72.0204 PUBLIC HEARINGS

In determining whether the public convenience and necessity require the operation of an automobile or automobiles for hire, 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:

(a) The demand of the public for automobiles for hire and/or any additional automobile for hire service.

(b) The adequacy of existing mass transportation, taxicab service and automobile for hire service.

(c) The financial responsibility and experience of the applicant.

(d) The number, kind and type of equipment to be used.

(e) The effect which such additional automobile for hire service may have upon traffic congestion and parking.

(f) Whether the additional automobile for hire service will result in a greater hazard to the public.

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

SEC. 72.0205 ISSUANCE OF CERTIFICATE

Having declared that the public convenience and necessity require additional automobile for hire 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 and shall issue the certificates subject to such conditions as the Council may deem advisable or necessary in the public interest.

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

With each certificate issued, the City Manager shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of the automobile for hire for which the certificate is issued. The medallion shall be fixed in a position, in plain view, from the rear of the automobile for hire. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the City Manager.

SEC. 72.0206 CANCELLATION OF CERTIFICATE

After the service for which a certificate is granted hereunder is discontinued, or if the person sells or discontinues his or its business, the certificates granted hereunder shall be automatically cancelled and shall be reissued only in accordance with the provisions of this Division.

SEC. 72.0207 REISSUE OF CERTIFICATES

Whenever an owner sells or transfers title to an automobile or automobiles for hire for which a certificate or certificates have been granted and within thirty (30) days after such sale or transfer purchases other automobiles for hire, the City Manager shall, as a matter of right, upon written application to the City Manager within thirty (30)

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days of such purchase, issue a new certificate or certificates for the operation of no greater number of automobiles for hire than those sold or transferred, and provided said owner has complied with all the provisions of this Division.

SEC. 72.0208 DESTRUCTION OF AUTOMOBILES FOR HIRE

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

SEC. 72.0209 SUSPENSION AND REVOCATION OF CERTIFICATE

Certificates may be suspended or revoked by the Council at any time in cases:

(a) The Council finds the owner's past record to be unsatisfactory in any particular not disclosed in the application;

(b) The owner fails to operate the automobile or automobiles for hire in accordance with the provisions of this Division;

(c) The owner shall cease to operate any automobile for hire for a period of thirty (30) consecutive

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days without having obtained permission for cessation of such operation from the Council.

(d) The automobile or automobiles for hire 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.

(e) The Council finds that the owner is operating the automobile or automobiles for hire in a manner inconsistent with the conditions of his certificate of convenience and necessity.

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

SEC. 72.0210 USE OF CERTIFICATE

Every certificate granted under this Division shall be based upon the immediate convenience and necessity of the public, and any such certificate may be revoked by the Council if the vehicle for which it is granted is not placed in operation within thirty (30) days from the date of issuance.

SEC. 72.0211 SURRENDER OF CERTIFICATE

Certificates which shall have been suspended or revoked by the Council shall, forthwith, be surrendered to the City Clerk, and the operation of any automobile or automobiles for hire covered by such certificates shall cease. Any owner who shall permanently retire any automobile or automobiles for hire from automobile for hire service and not replace the same within thirty (30) days thereof, shall

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immediately surrender any certificate or certificates granted for the operation of such automobile or automobiles for hire, to the Council, and said owner may not secure additional certificates for the operation of any automobile or automobiles for hire without having first made application thereof, in the manner provided in this Division.

SEC. 72.0212 RATES OF FARE

(a) Posting of Fares Schedule. Every owner of any automobile for hire operating in the City of San Diego shall file or cause to be filed with the City Clerk of said City a true and correct statement of the rates to be charged for the transportation of passengers in any and all automobiles for hire operated by said owner, and such owner shall not change or modify said rates in any manner without the written permission of said City Council and without filing said modified or changed rates with said City Clerk.

(b) Identification Cards.

1. There shall be displayed in the passenger compartment of each automobile for hire in full view of the passengers a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which said owner operates, the business address and telephone number of said owner,

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and a correct schedule of the rates to be charged for conveyance in said vehicle.

2. Said card shall provide that the schedule of rates stated thereon applies only within the limits of the City of San Diego.

(c) Map. There shall be carried either on the person of the driver, or in each automobile for hire, a map of the City of San Diego, which shall be displayed to any passenger upon request.

(d) Rates. It shall be unlawful for the owner or driver of any automobile for hire to charge more than ten dollars (\$10.00) per hour; or fifty cents (\$0.50) per mile per trip; and it shall be unlawful to charge more than seven dollars and fifty cents (\$7.50) minimum for any one trip. In determining whether to charge the hourly or mileage rate, it shall be permissible to charge whichever rate is greater.

SEC. 72.0213 EQUIPMENT

Each automobile for hire licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein a container of type and design approved by the Chief of Police. Said container shall contain a card provided by the Sheriff of the County of San Diego bearing the following information:

(a) The number of the license of the driver thereof.

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(b) The name and the business address of said driver.

(c) The name of the company employing said driver.

(d) A small photograph of said driver.

SEC. 72.0214 MAINTENANCE

(a) The Chief of Police of The City of San Diego shall have the right, at any time after displaying proper identification, to enter into or upon any certificated automobile for hire for the purpose of ascertaining whether or not any of the provisions of this Division are being violated.

(b) Any automobile for hire which is found, after any such inspection, to be unsafe or in any way unsuitable for automobile for hire service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

SEC. 72.0215 OPERATING REGULATIONS

(a) Every driver shall upon demand give a correct receipt upon payment of the correct fare.

(b) All disputes as to fares shall be determined by the officer in charge of the Police Station nearest to the place where the dispute is had. Failure to comply with such determination shall subject the offending party to a charge of misdemeanor.

(c) It shall be unlawful for any person to refuse to pay the lawful fare of any automobile for hire after employing or hiring the same, and any person who shall hire such vehicle with intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

(d) The driver of any automobile for hire shall promptly obey all lawful orders or instructions of any police officer or fireman.

(e) It shall be unlawful for any automobile for hire to remain standing on any public street in the City of San Diego, except when enabling passengers to load or unload.

(f) It shall be unlawful for any person, either as owner, driver or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point.

SEC. 72.0216 DRIVERS--LICENSES

(a) It shall be unlawful for any person to drive or operate any automobile for hire without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(b) It shall be unlawful for any person to employ as a driver or operator of any automobile for hire without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.

(d) No permit shall be issued to any of the following persons:

- (1) Any person under the age of 18 years.

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(2) Any person who has been convicted of a felony or who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.

(e) Each applicant for a permit shall be examined in writing by a person designated by the Chief of Police as to his knowledge of the provisions of this Division, the traffic regulations, and the geography of the city, and if the result of the examination be unsatisfactory, he shall be refused a permit.

(f) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

- (1) Been convicted of a felony;
- (2) Shall have had his State driver's license revoked or suspended;
- (3) Been convicted of driving while under the influence of intoxicating liquors;
- (4) Been convicted of driving while under the influence of narcotics;
- (5) During any continuous six (6) month period he shall have had three (3) or more convictions of

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any of the offenses set forth in Sections 23102, 23103, 23104, 23105, 22350, 22351 and/or 22352 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;

(6) When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive an automobile for hire.

(g) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Council for a hearing thereon which said hearing shall be granted; and the decision of the Council in this regard shall be final. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final.

SEC. 72.0217 EXCEPTIONS TO PROVISIONS

The provisions of this Division shall not apply to any vehicle operated by any person or transportation company under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 72.0218 PUBLIC LIABILITY

It shall be unlawful to operate a taxicab unless there shall be filed with The City of San Diego, a policy of

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insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amount, to-wit:

Minimum \$300,000 combined single limit
public liability and property damage.

Section 5. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by adding Division 3, Sight-seeing Vehicles, and Sections 72.0301 through 72.0318 to read as follows:

DIVISION 3

SIGHT-SEEING VEHICLES

SEC. 72.0301 CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY

No person shall engage in the business of operating any sight-seeing vehicle 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.

SEC. 72.0302 APPLICATION

All persons applying to the Council for a certificate for the operation of one or more sight-seeing vehicles

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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 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 sight-seeing vehicle for which application for a certificate of public convenience and necessity is made.
- (5) Such other information as the Council may in its discretion require.

SEC. 72.0303 RESOLUTION BY COUNCIL

No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed sight-seeing vehicle service.

SEC. 72.0304 PUBLIC HEARINGS

In determining whether the public convenience and necessity require the operation of a sight-seeing vehicle, for which application is made, the Council or the City Manager, if directed by the Council, shall hold such public

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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:

- (a) The demand of the public for sight-seeing vehicles and/or any additional sight-seeing vehicle service.
- (b) The adequacy of existing sight-seeing vehicle service.
- (c) The financial responsibility and experience of the applicant.
- (d) The number, kind and type of equipment to be used.
- (e) The effect which such additional sight-seeing vehicle service may have upon traffic congestion and parking.
- (f) Whether the additional sight-seeing service will result in a greater hazard to the public.
- (g) Such other relevant facts as the Council may deem advisable or necessary.

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SEC. 72.0305 ISSUANCE OF CERTIFICATE

Having declared that the public convenience and necessity require additional sight-seeing vehicle 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 certificates to be granted to any applicant or applicants and shall issue the certificates subject to such conditions as the Council may deem advisable or necessary in the public interest.

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

With each certificate issued, the City Manager shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of the automobile for hire for which the certificate is issued. The medallion shall be fixed in a position, in plain view, from the rear of the automobile for hire. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the City Manager.

SEC. 72.0306 CANCELLATION OF CERTIFICATE

After the service for which a certificate is granted hereunder is discontinued, or if the person sells or

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discontinues his or its business, the certificates granted hereunder shall be automatically cancelled and shall be reissued only in accordance with the provisions of this Division.

SEC. 72.0307 REISSUE OF CERTIFICATES

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

SEC. 72.0308 DESTRUCTION OF VEHICLE

Any owner whose sight-seeing vehicle(s) for which a certificate or certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any such vehicle, will, as a matter of right, upon written application to the City Manager within thirty (30) days after such destruction, be issued a new certificate or certificates for the operation of no greater number of sight-seeing vehicles than those so destroyed, and upon

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satisfactory evidence presented to the City Manager of such destruction, and provided further that the owner has complied with all the provisions of this Division.

SEC. 72.0309 SUSPENSION AND REVOCATION OF CERTIFICATE

Certificates may be suspended or revoked by the Council at any time in cases:

(a) The Council finds the owner's past record to be unsatisfactory in any particular not disclosed in the application.

(b) The owner fails to operate the sight-seeing vehicle in accordance with the provisions of this Division.

(c) The owner shall cease to operate any sight-seeing vehicle for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the Council.

(d) The Council finds that the owner is operating the vehicle or vehicles in a manner inconsistent with the conditions of his certificate of convenience and necessity.

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

SEC. 72.0310 USE OF CERTIFICATE

Every certificate granted under this Division shall be based upon the immediate convenience and necessity of the public, and any such certificate may be revoked by

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the Council if the vehicle for which it is granted is not placed in operation within thirty (30) days from the date of issuance.

SEC. 72.0311 SURRENDER OF CERTIFICATE

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

SEC. 72.0312 EQUIPMENT

Each sight-seeing vehicle licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein a container of type and design approved by the Chief of Police. Said container shall contain a card provided by the Sheriff of the County of San Diego bearing the following information:

- (a) The number of the license of the driver thereof.

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(b) The name and the business address of said driver.

(c) The name of the company employing said driver.

(d) A small photograph of said driver.

SEC. 72.0313 MAINTENANCE

(a) The Chief of Police of The City of San Diego shall have the right, at any time after displaying proper identification, to enter into or upon any certificated sight-seeing vehicle for the purpose of ascertaining whether or not any of the provisions of this Division are being violated.

(b) Any sight-seeing vehicle which is found, after any such inspection, to be unsafe or in any way unsuitable for sight-seeing vehicle service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

SEC. 72.0314 OPERATING REGULATIONS

(a) It shall be unlawful for any sight-seeing vehicle to remain standing on any public street in the City of San Diego, except when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point.

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SEC. 72.0315 DRIVERS--LICENSES

(a) It shall be unlawful for any person to drive or operate any sight-seeing vehicle without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(b) It shall be unlawful for any person to employ as a driver or operator of any sight-seeing vehicle without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.

(d) No permit shall be issued to any of the following persons:

(1) Any person under the age of 18 years.

(2) Any person who has been convicted of a felony or who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.

(e) Each applicant for a permit shall be examined in writing by a person designated by the Chief of Police as to his knowledge of the provisions of this Division, the traffic

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regulations, and the geography of the city, and if the result of the examination be unsatisfactory, he shall be refused a permit.

(g) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

(1) Been convicted of a felony;

(2) Shall have had his State driver's license revoked or suspended;

(3) Been convicted of driving while under the influence of intoxicating liquors;

(4) Been convicted of driving while under the influence of narcotics;

(5) During any continuous six (6) month period he shall have had three (3) or more convictions of any of the offenses set forth in Sections 23102, 23103, 23104, 23105, 22350, 22351 and/or 22352 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;

(6) When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive a sight-seeing vehicle.

(g) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of

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Police may within ten (10) days after receipt of notice thereof appeal to the Council for a hearing thereon which said hearing shall be granted; and the decision of the Council in this regard shall be final. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final.

SEC. 72.0316 EXCEPTIONS TO PROVISIONS

The provisions of this Division shall not apply to any vehicle operated by any person or transportation company under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 72.0317 PUBLIC LIABILITY

It shall be unlawful to operate a sight-seeing vehicle unless there shall be filed with The City of San Diego a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amount, to-wit:

Minimum \$500,000 combined single limit
public liability and property damage.

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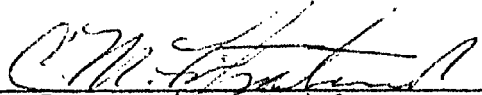
SEC. 72.0318 TRANSFER OF EXISTING CERTIFICATES

Persons who hold a certificate for automobiles for hire on the effective date of this ordinance may, if they so desire, transfer said certificate or certificates to certificates for sight-seeing vehicles as defined in this Article within sixty (60) days of the effective date of this ordinance without any charge or fee being paid therefor. Said transfer may be effective by applying to the City Manager for said transfer, and the City Manager shall issue a new certificate or certificates for sight-seeing vehicles provided the person applying therefor has met all of the requirements of this Division.

Section 6. 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
Senior Chief Deputy

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CMF:vl:504
6/5/75

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Passed and adopted by the Council of The City of San Diego on

AUG 27 1975

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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.

(Seal)

By *Kathleen Martinig*, Deputy.

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

AUG 13 1975

AUG 27 1975

~~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 *Kathleen Martinig*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1975 JUN 30 PM 3:45
SAN DIEGO, CALIF. (Seal)

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MAY 8 1978

CC-1255-A (REV. 1-75)

Office of the City Clerk, San Diego, California

Ordinance Number **11670**

AUG 27 1975

Adopted

00516

ORDINANCE NO. 11670

(New Series)

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 71.01 THROUGH 71.01.92, AND BY CHANGING THE NAME OF ARTICLE 1 FROM DEFINITIONS—GENERAL PROVISIONS TO VEHICLES FOR HIRE, AND ADDING DIVISION 1, DEFINITIONS, AND SECTION 71.0101; AMENDING ARTICLE 2 BY REPEALING SECTIONS 72.01 THROUGH 72.27; BY ADDING DIVISION 1, TAXICABS, SECTIONS 72.0101 THROUGH 72.0110; BY ADDING DIVISION 2, AUTOMOBILES FOR HIRE, SECTIONS 72.0201 THROUGH 72.0218; AND BY ADDING DIVISION 3, SIGHTSEEING VEHICLES, SECTIONS 72.0301 THROUGH 72.0318.

SEEING VEHICLES, SECTIONS 72.0301 THROUGH 72.0318.

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

follows:

Section 1. That Chapter VII, Article 1 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

SEC. 71.01 DEFINITIONS
SEC. 71.01.1 STREET
SEC. 71.01.2 OWNER
SEC. 71.01.3 DRIVER
SEC. 71.01.4 TAXIMETER
SEC. 71.01.5 TAXICAB
SEC. 71.01.6 COMPENSATION
SEC. 71.01.7 AUTOMOBILE
SEC. 71.01.8 TRANSFER
SEC. 71.01.9 AMBULANCE
SEC. 71.01.91 CERTIFICATE
SEC. 71.01.92 CERTIFICATE HOLDER

Section 2. That Chapter VII, Article 1 of the San Diego Municipal Code be and it is hereby amended by changing the name of Article 1 from Definitions—General Provisions to Vehicles for Hire, and adding Division 1, Definitions, and Section 71.0101 to read as follows:

ARTICLE 1 VEHICLES FOR HIRE DIVISION 1 DEFINITIONS

SEC. 71.0101 DEFINITIONS

The following words and phrases, wherever used in this Chapter, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

(a) "Street" shall mean any place commonly used for the purpose of public travel.

(b) "Owner" shall mean every person, firm or corporation having use or control of any passenger-carrying automobile, or motor-propelled vehicle, as herein defined.

(c) "Driver" shall mean every person in charge of, or operating any passenger-carrying or motor-propelled vehicle, as herein defined, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner, as herein defined.

(d) "Taximeter" shall mean any mechanical instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and upon said instrument, appliance, device or machine such charge is indicated by figures.

(e) "Taxicab" shall mean every automobile or motor-propelled vehicle of a distinctive color or colors, and/or of a public appearance such as is in common usage in this country for taxicabs, and/or operated at rates per mile, or for wait-time or for both, or for a compensation, and equipped with a taximeter, used for the transportation of passenger for hire over the public streets of the City of San Diego and not over a defined route and irrespective of whether the operations extend beyond the boundary limits of said City, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.

(f) "Compensation" shall mean, as used in this Chapter, and include any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(g) "Automobile for Hire" shall mean every automobile or motor-propelled vehicle, other than a taxicab or sight-seeing vehicle, which is operated by its owner or an employee, agent or representative of the owner for any fare or consideration, and used for the transportation of passengers over the public streets of the City of San Diego, irrespective of whether such operations extend beyond the boundary limits of said City.

(h) "Sight-seeing Vehicle" shall mean every automobile or motor-propelled vehicle for the transportation of passengers over streets of this city, irrespective of whether such operations extend beyond the boundary limits of this city, for sight-seeing purposes or showing points of interest and charging a fee or compensation therefor, regardless of whether any fee, compensation or consideration is paid to the driver of such sight-seeing vehicle, either by the passenger or by the owner or the person who employs the driver or contracts with the driver or charters such sight-seeing vehicle with a driver to transport or convey any passenger, and irrespective of whether or not such driver receives any fee or compensation for his services as driver.

"Certificate" shall mean a certificate of public convenience and necessity.

(i) "Certificate Holder" shall mean any person or persons operating a business under a certificate of public convenience and necessity.

Section 3. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

SEC. 72.01 TAXICABS—CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 72.02 TAXICABS—RATES OF FARE

SEC. 72.03 TAXICABS—TAXICAB SPECIFICATIONS AND EQUIPMENT

SEC. 72.03.1 TAXICAB—FINANCIAL RECORDS AND REPORTING RECORDS

SEC. 72.04 TAXICABS—MAINTENANCE

SEC. 72.05 TAXICABS—OPERATING REGULATIONS

SEC. 72.06 TAXICAB DRIVER LICENSES

SEC. 72.07 TAXICAB STANDS

SEC. 72.08 TAXICAB STANDS—CHANGE OF LOCATION

SEC. 72.09 TAXICABS AND AUTOMOBILES FOR HIRE—PUBLIC LIABILITY

SEC. 72.10 AUTOMOBILES FOR HIRE—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 72.11 AUTOMOBILE FOR HIRE—APPLICATION

SEC. 72.12 AUTOMOBILES FOR HIRE—RESOLUTION BY COUNCIL

SEC. 72.13 AUTOMOBILE FOR HIRE—PUBLIC HEARINGS

SEC. 72.14 AUTOMOBILE FOR HIRE—ISSUANCE OF CERTIFICATE

SEC. 72.15 AUTOMOBILE FOR HIRE—CANCELLATION OF CERTIFICATE

SEC. 72.16 AUTOMOBILE FOR HIRE—REISSUE OF CERTIFICATES

SEC. 72.17 AUTOMOBILES FOR HIRE—DESTRUCTION OF AUTOMOBILES FOR HIRE

SEC. 72.18 AUTOMOBILES FOR HIRE—SUSPENSION AND REVOCATION OF CERTIFICATE

SEC. 72.19 AUTOMOBILES FOR HIRE—USE OF CERTIFICATE

SEC. 72.20 AUTOMOBILES FOR HIRE—SURRENDER OF CERTIFICATE

SEC. 72.21 AUTOMOBILES FOR HIRE—RATES OF FARE

SEC. 72.22 AUTOMOBILES FOR HIRE—EQUIPMENT

SEC. 72.23 AUTOMOBILES FOR HIRE—MAINTENANCE

SEC. 72.24 AUTOMOBILES FOR HIRE—OPERATING REGULATIONS

SEC. 72.25 AUTOMOBILES FOR HIRE—DRIVERS—LICENSES

SEC. 72.27 AUTOMOBILES FOR HIRE—PUBLIC LIABILITY

Section 4. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by adding Division 1, Taxicabs, and Sections 72.0101 through 72.0109 to read as follows:

DIVISION 1 TAXICABS

SEC. 72.0101 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 72.0101(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 certificates to be granted to any applicant or applicants.

AND 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.

With each certificate the Council issues, the City Manager shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of the taxicab for which the certificate is issued. The medallion shall be fixed in a position in plain view from the rear of the taxicab. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the Traffic Division of the Police Department.

Each certificate holder may utilize one spare taxicab and in the event that a taxicab for which a certificate has been issued becomes disabled or unsafe for use, said certificate holder will transfer the medallion from the disabled or unsafe taxicab to one heretofore duly inspected taxicab for a period not to exceed thirty (30) days; provided, however, that this section shall not be construed or deemed to replace those requirements in this Division for the permanent replacement of a taxicab for which a certificate has been previously issued. Each certificate holder must inform the Police Department when spare taxicab is in use and location of disabled vehicle.

(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 fifteen (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 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 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 thirty (30) days after such sale or transfer purchases other taxicabs, the City Manager shall, as a matter of right, upon written application to the City Manager 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 Certificates. 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 City Manager, within thirty (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 City Manager 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.

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

(6) The certificate holder fails to begin operating the taxicab for which the certificate is first issued within ninety (90) days after the resolution is passed.

(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 a 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 certificates 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.

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(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 72.0108(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.

SEC. 72.0102 RATES OF FARE

(a) The City Council by resolution shall, after a hearing, establish just and reasonable rates for hire of taxicabs. A certificate holder under Section 72.0101 shall petition the City Council for any desired change in taxicab rates for hire. Upon the effective date of this ordinance those rates heretofore established by City Council Resolution shall be the effective rates for the hire of taxicabs.

(b) It shall be unlawful for any owner or driver to operate any taxicab in the City of San Diego unless vehicle is equipped with a taximeter designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed and when operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism. The taximeter shall also be of a style and design approved by the City Manager of said City, or his representative. Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or traveling at a speed which is slow enough for the time rate to exceed the mileage rate; and the time consumed while standing at the direction of the passenger or person who has engaged such taxicab. It shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by an inspector of the City Manager, or any peace officer, and such inspector, or any peace officer is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated in such taximeter, and upon discovery of any inaccuracy in said taximeter, or if the taximeter is unsealed, to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the City of San Diego until such time as said taximeter shall have been correctly adjusted, or sealed.

(c) It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire, or is not employed, or to have such flag or other attached device in such a position as to prevent said taximeter from operating, and it will be unlawful for a driver to throw such flag into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a nonrecording position at the termination of each and every service.

(d) The taximeter shall be so placed in said taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab.

(e) It shall be unlawful for any owner, driver, or operator of a taxicab to demand of a passenger a charge for hire other than the current applicable rate approved by the City Council and on file with the City Clerk.

(f) There shall be displayed in the passenger compartment of each taxicab in full view of the passenger a card not less than two inches by four inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which said owner operates, the business address and telephone number of said owner, and a schedule of the current authorized rates to be charged for hire of the vehicle.

SEC. 72.0103. TAXICAB SPECIFICATIONS AND EQUIPMENT

(a) No vehicle shall be granted a certificate unless it conforms with all the provisions of this Division or unless said vehicle shall have been granted a license to operate as a taxicab in this city prior to the effective date of this Article.

(b) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed by the State of California, Department of Weights and Measures, and thereafter so maintained in a manner satisfactory to the representative of the City Manager.

(c) Each taxicab shall bear on the outside an identification marker of the type and design and in the place prescribed by the City Manager, and also be equipped with a device which shall plainly indicate to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(d) All taxicabs must be and conform to a color scheme approved by the City Manager, and the Council may refuse a certificate to every person whose color scheme, trade name and/or insignia imitates that of any permittee in such manner as to deceive the public. Each taxicab shall bear a side or body number by the certificate holder. The side or body number so assigned shall be painted in numerals or decals no less than four inches high in places sufficient so that the side or body number may be seen from the rear, and either side of the taxicab.

(e) Each taxicab licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein a container of type and design approved by the Chief of Police. Said container shall contain a card provided by the Sheriff of the County of San Diego, visible to passengers, bearing the following information:

- (1) The number of the license of the driver thereof.
- (2) The name and business address of said driver.
- (3) The name of the company employing said driver.
- (4) A small photograph of said driver.

SEC. 72.0104 FINANCIAL RECORDS AND REPORTING RECORDS.

Every person engaged in the business of operating any taxicab within the City of San Diego under a certificate of public convenience and necessity granted by the Council of The City of San Diego shall maintain financial records in accordance with good accounting practices, and maintain reporting records in a form and at intervals which shall be determined from time to time by the City Manager. Such financial and reporting records shall be made available to the City Manager upon demand at any reasonable time.

paid.

No action of any kind shall be taken upon such petition by the Council or any officer of said City, without the payment of said fee.

SEC. 72.0110 PUBLIC LIABILITY

It shall be unlawful to operate a taxicab unless there shall be filed with The City of San Diego, a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amount, to-wit:

Minimum \$300,000 combined single limit public liability and property damage.

Section 4. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by adding Division 2, Automobiles for Hire, and Sections 72.0201 through 72.0218 to read as follows:

DIVISION 2

AUTOMOBILES FOR HIRE

SEC. 72.0201 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

No person shall engage in the business of operating any automobile for hire 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.

SEC. 72.0202 APPLICATION

All persons applying to the Council for a certificate for the operation of one or more automobiles for hire 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 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 automobile for hire for which application for a certificate of public convenience and necessity is made.
- (5) Such other information as the Council may in its discretion require.

SEC. 72.0203 RESOLUTION BY COUNCIL

No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed automobile for hire service.

SEC. 72.0204 PUBLIC HEARINGS

In determining whether the public convenience and necessity require the operation of an automobile or automobiles for hire, 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:

- (a) The demand of the public for automobiles for hire and/or any additional automobile for hire service.
- (b) The adequacy of existing mass transportation, taxicab service and automobile for hire service.
- (c) The financial responsibility and experience of the applicant.
- (d) The number, kind and type of equipment to be used.
- (e) The effect which such additional automobile for hire service may have upon traffic congestion and parking.
- (f) Whether the additional automobile for hire service will result in a greater hazard to the public.
- (g) Such other relevant facts as the Council may deem advisable or necessary.

SEC. 72.0205 ISSUANCE OF CERTIFICATE

Having declared that the public convenience and necessity require additional automobile for hire 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 and shall issue the certificates subject to such conditions as the Council may deem advisable or necessary in the public interest.

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

With each certificate issued, the City Manager shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of the automobile for hire for which the certificate is issued. The medallion shall be fixed in a position, in plain view, from the rear of the automobile for hire. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the City Manager.

SEC. 72.0206 CANCELLATION OF CERTIFICATE

After the service for which a certificate is granted hereunder is discontinued, or if the person sells or discontinues his or its business, the certificates granted hereunder shall be automatically cancelled and shall be reissued only in accordance with the provisions of this Division.

SEC. 72.0207 REISSUE OF CERTIFICATES

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

SEC. 72.0208 DESTRUCTION OF AUTOMOBILES FOR HIRE

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

SEC. 72.0209 SUSPENSION AND REVOCATION OF CERTIFICATE

Certificates may be suspended or revoked by the Council at any time in cases:

SEC. 72.0105 MAINTENANCE

(a) Before a certificate is issued to any owner the taxicab or taxicabs for which such certificate or certificates are requested shall deliver such taxicab or taxicabs to a place designated by the City Manager for inspection and the City Manager shall designate agents to inspect such taxicab or taxicabs, their equipment and taximeters to ascertain whether such taxicab or taxicabs comply with the provisions of this Division.

(b) The Chief of Police of The City of San Diego shall have the right at any time after displaying proper identification, to enter into or upon any certificated taxicab for the purpose of ascertaining whether or not any of the provisions of this Division are being violated.

(c) Any taxicab which is found, after any such inspection, to be unsafe or in any way unsuitable for taxicab service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

(d) The interior and exterior of any taxicab shall be cleaned and well maintained and meet California Vehicle Code safety standards at all times when in operation.

SEC. 72.0106 OPERATING REGULATIONS

(a) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(b) Every driver shall, upon request of a passenger, give a receipt upon payment of the fare.

(c) All disputes as to fares shall be determined by the officer in charge of the police station nearest to the place where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the police officer.

(d) It shall be unlawful for any person to refuse to pay the lawful fare of taxicab after employing or hiring the same.

(e) No driver of any taxicab shall seek employment by repeatedly and persistently driving his vehicle to and fro in a short space in front of, or by otherwise interfering with the proper and orderly access to or egress from, any theater, hall, hotel, public resort, railway or ferry station, or other place of public gathering; or, by leaving this vehicle, or otherwise approach and solicit patronage by pedestrians upon the sidewalk, in any theater, hall, hotel, public resort, railway or ferry station, or other place of public gathering; but such driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic and at such speed as not to interfere with or impede traffic and may pass and re-pass before any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; providing that after passing such public place he shall not turn and re-pass until he shall have gone a distance of two blocks upon the streets and highways of the City of San Diego. No person shall solicit passengers for such vehicles other than the driver thereof when sitting upon the driver's seat of the vehicle; provided, however, the Chief of Police or his representative may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his discretion, public service and traffic conditions require.

(f) No driver of any taxicab shall transport any larger number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(g) No driver of any taxicab shall stop, park, or otherwise leave standing his taxicab on the same side of the street in any block in which two taxicabs are already stopped, parked, or otherwise standing, or within one hundred (100) feet of any other taxicab, or within fifteen (15) feet of any fire plug except as modified in Section 72.0108 of this Division.

(h) The driver of any taxicab shall promptly obey all lawful orders or instructions of any police officer or fireman.

(i) It shall be unlawful for the driver or operator of any taxicab to allow the taxicab to remain standing in any established taxicab stand unless the driver or operator shall remain within twelve (12) feet of any portion of the established cab zone, whether the zone be a single or multiple zone, unless a said driver or operator is actually engaged in assisting passengers to load or unload or is actually engaged in answering his telephone.

(j) It shall be unlawful for the driver or operator of any taxicab to refuse a prospective fare or to take any action to actively discourage a prospective fare, unless it shall be readily apparent that the prospective fare is a hazard to the driver or operator.

(k) Additional Passenger. No driver, once a passenger has occupied his taxicab, shall permit any other passenger to occupy or ride in the taxicab unless the passenger first employing the taxicab shall consent to the acceptance of the additional passenger. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination and then, only for the additional distance so traveled.

(l) City Map. Each driver shall carry in the taxicab a current map of the City of San Diego. Upon request, he shall provide the map for the passenger. Before leaving the taxicab, the passenger shall return the map to the driver.

SEC. 72.0107 DRIVERS - LICENSES

(a) No person shall drive or operate any taxicab unless such person has a taxicab driver's identification card issued by the Sheriff of the County of San Diego.

(b) No person shall employ as a driver or operator any person who has not been issued a taxicab driver's identification card by the Sheriff of the County of San Diego.

SEC. 72.0108 STANDS
(a) The City Council of The City of San Diego may by resolution locate and designate taxicab stands for one or more taxicabs, which stands when so established shall be appropriately designated "Taxi Only."

(b) Each taxicab stand established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the City Manager.

(c) It shall be unlawful for the owner, driver or operator of any taxicab to allow said taxicab to remain stopped, parked, or otherwise standing in the Central Traffic District except in a regularly established taxicab stand; provided, however, that taxicabs may stop or stand in any available parking space when actually loading or unloading passengers; provided, further, that between the hours of 10:00 P.M. and 6:00 A.M. of the following day taxicabs may stop, park or stand in any place where parking of vehicles is otherwise permitted.

SEC. 72.0109 STANDS - CHANGE OF LOCATION

Any individual, partnership, association, corporation or other organization owning or operating any taxicab or taxicabs within the City of San Diego who petition said City requesting that a new taxicab stand be established, or that the location of an existing taxicab stand be changed to another location, shall, prior to the filing of such petition with said city, pay to the City Treasurer the sum of Fifty Dollars (\$50.00).

Said Treasurer shall thereupon issue his receipt for said fee and shall designate upon said petition that said fee has been

(a) The Council finds the owner's past record to be unsatisfactory in any particular not disclosed in the application;

(b) The owner fails to operate the automobile or automobiles for hire in accordance with the provisions of this Division;

(c) The owner shall cease to operate any automobile for hire for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the Council.

(d) The automobile or automobiles for hire 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.

(e) The Council finds that the owner is operating the automobile or automobiles for hire in a manner inconsistent with the conditions of his certificate of convenience and necessity.

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

SEC. 72.0210 USE OF CERTIFICATE

Every certificate granted under this Division shall be based upon the immediate convenience and necessity of the public, and any such certificate may be revoked by the Council if the vehicle for which it is granted is not placed in operation within thirty (30) days from the date of issuance.

SEC. 72.0211 SURRENDER OF CERTIFICATE

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

SEC. 72.0212 RATES OF FARE

(a) Posting of Fares Schedule. Every owner of any automobile for hire operating in the City of San Diego shall file or cause to be filed with the City Clerk of said City a true and correct statement of the rates to be charged for the transportation of passengers in any and all automobiles for hire operated by said owner, and such owner shall not change or modify said rates in any manner without the written permission of said City Council and without filing said modified or changed rates with said City Clerk.

(b) Identification Cards.

1. There shall be displayed in the passenger compartment of each automobile for hire in full view of the passengers a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which said owner operates, the business address and telephone number of said owner, and a correct schedule of the rates to be charged for conveyance in said vehicle.

2. Said card shall provide that the schedule of rates stated thereon applies only within the limits of the City of San Diego.

(c) Map. There shall be carried either on the person of the driver, or in each automobile for hire, a map of the City of San Diego, which shall be displayed to any passenger upon request.

(d) Rates. It shall be unlawful for the owner or driver of any automobile for hire to charge more than ten dollars (\$10.00) per hour; or fifty cents (\$0.50) per mile per trip; and it shall be unlawful to charge more than seven dollars and fifty cents (\$7.50) minimum for any one trip. In determining whether to charge the hourly or mileage rate, it shall be permissible to charge whichever rate is greater.

SEC. 72.0213 EQUIPMENT

Each automobile for hire licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein a container of type and design approved by the Chief of Police. Said container shall contain a card provided by the Sheriff of the County of San Diego bearing the following information:

- (a) The number of the license of the driver thereof.
(b) The name and the business address of said driver.
(c) The name of the company employing said driver.
(d) A small photograph of said driver.

SEC. 72.0214 MAINTENANCE

(a) The Chief of Police of The City of San Diego shall have the right, at any time after displaying proper identification, to enter into or upon any certificated automobile for hire for the purpose of ascertaining whether or not any of the provisions of this Division are being violated.

(b) Any automobile for hire which is found, after any such inspection, to be unsafe or in any way unsuitable for automobile for hire service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

SEC. 72.0215 OPERATING REGULATIONS

(a) Every driver shall upon demand give a correct receipt upon payment of the correct fare.

(b) All disputes as to fares shall be determined by the officer in charge of the Police Station nearest to the place where the dispute is had. Failure to comply with such determination shall subject the offending party to a charge of misdemeanor.

(c) It shall be unlawful for any person to refuse to pay the lawful fare of any automobile for hire after employing or hiring the same, and any person who shall hire such vehicle with intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

(d) The driver of any automobile for hire shall promptly obey all lawful orders or instructions of any police officer or fireman.

(e) It shall be unlawful for an automobile for hire to remain standing on any public street in the City of San Diego, except when enabling passengers to load or unload.

(f) It shall be unlawful for any person, either as owner, driver or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point.

SEC. 72.0216 DRIVERS - LICENSES

(a) It shall be unlawful for any person to drive or operate any automobile for hire without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(Ordinance No. 11670 Continued from Page 8A)

(b) It shall be unlawful for any person to employ as a driver or operator of any automobile for hire without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.

(d) No permit shall be issued to any of the following persons:

- (1) Any person under the age of 18 years.
- (2) Any person who has been convicted of a felony or who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.

(e) Each applicant for a permit shall be examined in writing by a person designated by the Chief of Police as to his knowledge of the provisions of this Division, the traffic regulations and the geography of the city, and if the result of the examination be unsatisfactory, he shall be refused a permit.

(f) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

- (1) Been convicted of a felony;
- (2) Shall have had his State driver's license revoked or suspended;
- (3) Been convicted of driving while under the influence of intoxicating liquors;
- (4) Been convicted of driving while under the influence of narcotics;
- (5) During any continuous six (6) month period he shall have had three (3) or more convictions of any of the offenses set forth in Sections 23102, 23103, 23104, 23105, 22350, 22351 and/or 22352 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;
- (6) When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive an automobile for hire.

(g) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Council for a hearing thereon which said hearing shall be granted; and the decision of the Council in this regard shall be final. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final.

SEC. 72.0217 EXCEPTIONS TO PROVISIONS
The provisions of this Division shall not apply to any vehicle operated by any person or transportation company under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 72.0218 PUBLIC LIABILITY
It shall be unlawful to operate a taxicab unless there shall be filed with The City of San Diego, a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amount, to-wit:

- Minimum \$300,000 combined single limit public liability and property damage.

Section 5. That Chapter VII, Article 2 of the San Diego Municipal Code be and it is hereby amended by adding Division 3, Sight-seeing Vehicles, and Sections 72.0301 through 72.0318 to read as follows:

**DIVISION 3
SIGHT-SEEING VEHICLES**

SEC. 72.0301 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

No person shall engage in the business of operating any sight-seeing vehicle 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.

SEC. 72.0302 APPLICATION

All persons applying to the Council for a certificate for the operation of one or more sight-seeing vehicles shall file with the Council a sworn application thereon 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 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 sight-seeing vehicle for which application for a certificate of public convenience and necessity is made.
- (5) Such other information as the Council may in its discretion require.

SEC. 72.0303 RESOLUTION BY COUNCIL

No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed sight-seeing vehicle service.

SEC. 72.0304 PUBLIC HEARINGS

In determining whether the public convenience and necessity require the operation of a sight-seeing vehicle, 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:

- (a) The demand of the public for sight-seeing vehicles and/or any additional sight-seeing vehicle service.
- (b) The adequacy of existing sight-seeing vehicle service.
- (c) The financial responsibility and experience of the applicant.
- (d) The number, kind and type of equipment to be used.
- (e) The effect which such additional sight-seeing vehicle service may have upon traffic congestion and parking.
- (f) Whether the additional sight-seeing service will result in a greater hazard to the public.
- (g) Such other relevant facts as the Council may deem advisable or necessary.

SEC. 72.0305 ISSUANCE OF CERTIFICATE

Having declared that the public convenience and necessity require additional sight-seeing vehicle service, the Council shall grant certificates of public convenience and necessity to those persons applying therefor who in its opinion are entitled to those certificates to be granted to its discretion determine the number of certificates to be granted to any applicant or applicants and shall may deem advisable or necessary in such conditions as the Council have fully complied with all of the requirements of this Division necessary to be complied with before the commencement of the operation of the proposed service.

With each certificate issued, the City Manager shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of the automobile to be fixed to the outside left issued. The medallion shall be fixed in a position in plain view, from the rear of the automobile for hire. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the City Manager.

SEC. 72.0306 CANCELLATION OF CERTIFICATE

After the service for which a certificate is granted hereunder is discontinued, or if the person sells or discontinues his or her business, the certificates granted hereunder shall be automatically cancelled and shall be reissued only in accordance with the provisions of this Division.

SEC. 72.0307 REISSUE OF CERTIFICATES

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

SEC. 72.0308 DESTRUCTION OF VEHICLE

Any owner whose sight-seeing vehicle(s) for which a certificate or certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any such vehicle, will, as a matter of right, upon written application to the City Manager within thirty (30) days after such destruction, be issued a new certificate or certificates for the operation of no greater number of sight-seeing vehicles than those so destroyed, and upon satisfactory evidence presented to the City Manager of such destruction, and provided further that the owner has complied with all the provisions of this Division.

SEC. 72.0309 SUSPENSION AND REVOCATION OF CERTIFICATE

Certificates may be suspended or revoked by the Council at any time in cases:
(a) The Council finds the owner's past record to be unsatisfactory in any particular not disclosed in the application.
(b) The owner fails to operate the sight-seeing vehicle in accordance with the provisions of this Division.
(c) The owner shall cease to operate any sight-seeing vehicle for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the Council.
(d) The Council finds that the owner is operating the vehicle or vehicles in a manner inconsistent with the conditions of his certificate of convenience and necessity.
(e) For any other reason which the Council may deem warrants suspension or revocation.

SEC. 72.0310 USE OF CERTIFICATE

Every certificate granted under this Division shall be based upon the immediate convenience and necessity of the public, and upon any such certificate may be revoked by the Council if the vehicle for which it is granted is not placed in operation within thirty (30) days from the date of issuance.

SEC. 72.0311 SURRENDER OF CERTIFICATE

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

SEC. 72.0312 EQUIPMENT

Each sight-seeing vehicle licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein a container of type and design approved by the Chief of Police. Said container shall contain a card provided by the Sheriff of the County of San Diego bearing the following information:

- (a) The number of the license of the driver thereof.
- (b) The name and the business address of said driver.
- (c) The name of the company employing said driver.
- (d) A small photograph of said driver.

SEC. 72.0313 MAINTENANCE

(a) The Chief of Police of have the right, at any time after displaying proper identification, to enter into or upon any certificated sight-seeing vehicle for the purpose of ascertaining whether or not any of the provisions of this Division are being violated.

(b) Any sight-seeing vehicle which is found, after any such inspection, to be unsafe or in any way unsuitable for sight-seeing vehicle service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

SEC. 72.0314 OPERATING REGULATIONS

(a) It shall be unlawful for any sight-seeing vehicle to remain standing on any public street in the City of San Diego, except when enabling passengers to load or unload.
(b) It shall be unlawful for any person, either as owner, driver or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point.

SEC. 72.0315 DRIVERS--LICENSES

(a) It shall be unlawful for any person to drive or operate any sight-seeing vehicle without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.
(b) It shall be unlawful for any person to employ as a driver or operator of any sight-seeing vehicle without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.
(d) No permit shall be issued to any of the following persons:

- (1) Any person under the age of 18 years.
- (2) Any person who has been convicted of a felony or who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.
- (3) Each applicant for a permit shall be examined in writing by a person designated by the Chief of Police as to his know-

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ledge of the provisions of this Division, the traffic regulations, and the geography of the city, and if the result of the examination be unsatisfactory, he shall be refused a permit.

(g) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

- (1) Been convicted of a felony;
- (2) Shall have had his State driver's license revoked or suspended;
- (3) Been convicted of driving while under the influence of intoxicating liquors;
- (4) Been convicted of driving while under the influence of narcotics;
- (5) During any continuous six (6) month period he shall have had three (3) or more convictions of any of the offenses set forth in Sections 23102, 23103, 23104, 23105, 22350, 22351 and/or 22352 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;
- (6) When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive a sight-seeing vehicle.

(g) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Council for a hearing thereon which said hearing shall be granted; and the decision of the Council in this regard shall be final. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final.

SEC. 72.0316 EXCEPTIONS TO PROVISIONS

The provisions of this Division shall not apply to any vehicle operated by any person or transportation company under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 72.0317 PUBLIC LIABILITY

It shall be unlawful to operate a sight-seeing vehicle unless there shall be filed with The City of San Diego a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall therefore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amount, to-wit:

Minimum \$500,000 combined single limit public liability and property damage.

SEC. 72.0318 TRANSFER OF EXISTING CERTIFICATES

Persons who hold a certificate for automobiles for hire on the effective date of this ordinance may, if they so desire, transfer said certificate or certificates to certificates for sight-seeing vehicles as defined in this Article within sixty (60) days of the effective date of this ordinance without any charge or fee being paid therefor. Said transfer may be effective by applying to the City Manager for said transfer, and the City Manager shall issue a new certificate or certificates for sight-seeing vehicles provided the person applying therefor has met all of the requirements of this Division.

Section 6. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on August 13, 1975

Passed and adopted by the Council of The City of San Diego on August 27, 1975

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of

San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of

San Diego, California.

By: **KATHLEEN MARTINEZ,**

Deputy.

(SEAL)
Pub. Sept. 5, 1975

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