

ORDINANCE NO.  
(New Series)

11937

O. 77-66

OCT 27 1976

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 2, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY RENUMBERING SECTIONS 72.0312 THROUGH 72.0318 TO SECTIONS 72.0311 THROUGH 72.0317, AND AMENDING SECTIONS 72.0301 THROUGH 72.0314, AND SECTIONS 72.0316 AND 72.0317, ALL RELATING TO SIGHT-SEEING VEHICLES.

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

Section 1. That Chapter VII, Article 2, Division 3, of the San Diego Municipal Code be and it is hereby amended by renumbering Sections 72.0312 through 72.0318, as follows:

<u>Old Sections</u>		<u>New Sections</u>
SEC. 72.0312	EQUIPMENT	SEC. 73.0311
SEC. 72.0313	MAINTENANCE	SEC. 72.0312
SEC. 72.0314	OPERATING REGULATIONS	SEC. 72.0313
SEC. 72.0315	DRIVERS--LICENSES	SEC. 72.0314
SEC. 72.0316	EXCEPTIONS TO PROVISIONS	SEC. 72.0315
SEC. 72.0317	PUBLIC LIABILITY	SEC. 72.0316
SEC. 72.0318	TRANSFER OF EXISTING CERTIFICATES	SEC. 72.0317

Section 2. That Chapter VII, Article 2, Division 3, of the San Diego Municipal Code be and it is hereby amended by amending Sections 72.0301 through 72.0314, and Sections ~~72.0316~~ and 72.0317, to read as follows:

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DIVISION 3

SIGHT-SEEING VEHICLES

MAY 12 1978 SEC. 72.0301 OPERATING PERMITS

No person shall engage in the business of operating any sight-seeing vehicle within the City of San Diego

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without first having obtained an operating permit from the City Manager of The City of San Diego or his designated representative, which permit has not been revoked, suspended or otherwise cancelled or terminated by operation of law or otherwise. A separate permit is required for each vehicle operated.

SEC. 72.0302 APPLICATION

All persons applying to the City Manager for a permit for the operation of one or more sight-seeing vehicles shall file with the City Manager a sworn application therefor on forms provided by the City Manager 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 permits are desired.

(4) The intended make, type, year of manufacture and passenger seating capacity of each sight-seeing vehicle for which application for a permit is made.

(5) The rates of fare which applicant proposes to charge for sight-seeing services.

MICROFILMED (6) Such other information as the City Manager may in his discretion require.

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

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

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

(c) The effect which such additional sight-seeing vehicle service may have upon traffic congestion and parking.

(d) Whether the additional sight-seeing service will result in a greater hazard to the public.

(e) Such other relevant facts as the City Manager may deem advisable or necessary.

SEC. 72.0303 ISSUANCE OF PERMIT

The City Manager shall, in his discretion, determine the number of permits, if any, to be granted to any applicant or applicants and shall issue the permits subject to such conditions as the City Council may deem advisable or necessary in the public interest.

No permit 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.

**MICROFILMED** With each permit issued, the City Manager shall issue a numbered medallion of a distinctive design.

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The permit holder shall cause the medallion to be fixed to the outside left rear portion of the sight-seeing vehicle for which the permit is issued. The medallion shall be fixed in a position, in plain view, from the rear of the sight-seeing vehicle. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the City Manager.

Each permit holder may utilize one spare sight-seeing vehicle and in the event that a sight-seeing vehicle for which a permit has been issued becomes disabled or unsafe for use, said permit holder will transfer the medallion from the disabled or unsafe sight-seeing vehicle 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 sight-seeing vehicle for which a permit has been previously issued. Each permit holder must inform the Police Department when a spare sight-seeing vehicle is in use and the location of the disabled vehicle.

SEC. 72.0304 . TRANSFER OR CANCELLATION OF PERMIT

Each permit issued pursuant to the provisions of this Division is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person only upon the written

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approval of the City Manager; provided, however, that where a permit is issued pursuant to the provisions of this Division 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 Manager. The application for the transfer of said permit shall certify that the holder of said permit has notified the proposed transferee of the requirements of this section pertaining to the transfer of said permit, and whenever such application for a transfer of permit is made as provided for herein, the City Manager shall cause an investigation to be made regarding the transferee in accordance with the provisions of Section 72.0302 hereof. If the service for which a permit is granted hereunder is discontinued, the permit granted shall be automatically cancelled.

SEC. 72.0305 REISSUE OF PERMITS

Whenever an owner sells or transfers title to a sight-seeing vehicle or vehicles for which a permit or permits have been granted and within thirty (30) days

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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 permit or permits 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. 72.0306 DESTRUCTION OF VEHICLE

Any owner whose sight-seeing vehicle(s) for which a permit or permits 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 permit or permits 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. 72.0307 SUSPENSION AND REVOCATION OF PERMIT

Permits may be suspended or revoked by the City Manager at any time in cases:

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

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(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 City Manager.

(d) The owner has not duly posted the rates of fare charged for sight-seeing services.

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

SEC. 72.0308 SURRENDER OF PERMIT

Permits which shall have been suspended or revoked by the City Manager shall, forthwith, be surrendered to the City Clerk, and the operation of any sight-seeing vehicle covered by such permit 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 permit or permits granted for the operation of such vehicle to the City Clerk and said owner may not secure additional permits for the operation of any sight-seeing vehicle without having first made application thereof, in the manner provided in this Division.

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SEC. 72.0309 RIGHT OF APPEAL TO COUNCIL - DENIAL,  
SUSPENSION, REVOCATION OF PERMIT

When an operating permit authorized under the provisions of this Division is denied, suspended or revoked, the applicant may, within ten (10) days of such action, appeal to the City Council by filing a petition therefor with the City Clerk. Such denial, suspension or revocation shall be final if an appeal is not filed in accordance herewith.

SEC. 72.0310 PROCEDURE UPON APPEAL

When an appeal is filed in accordance with Section 72.0309, the City Clerk shall cause the matter to be set for a hearing before the Council on a regular Council meeting docket within fourteen (14) days after such filing, or any later date as the applicant and City Clerk agree, or as the Council may order. The decision of the Council shall be the final administrative remedy in such appeals.

SEC. 72.0311 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 Chief of Police bearing the following information:

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(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.

(e) The current rates of fare which permittee is charging for sight-seeing services which shall clearly set forth the rates of fare on a:

(i) per capita,

(ii) per hour,

(iii) per mile, or

(iv) per event

basis which shall clearly provide the passenger with the alternatives available (if any). A permittee may set forth more than one alternative as provided above.

SEC. 72.0312 MAINTENANCE

(a) The Police Department 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.

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(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 being returned to service shall have had all unsafe or unsuitable conditions corrected and shall have been inspected by the Police Department.

SEC. 72.0313 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 airport, or street railway loading point.

SEC. 72.0314 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.

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(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) 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

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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.

(f) 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. 72.0315 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. 72.0316 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.

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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:

Kind of Equipment (Passenger Seating Capacity)	For bodily injuries to or death of one person	For bodily injuries to or death of all persons injured or killed, in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person)	For loss or damage, in any one acci- dent, to property of others (ex- cluding cargo)	Minimum for Single Limit Coverage
7 passengers, or less	\$100,000	\$300,000	\$50,000	\$350,000
8 to 12 passengers, incl.	100,000	350,000	50,000	400,000
13 to 20 passengers, incl.	100,000	450,000	50,000	500,000
21 to 30 passengers, incl.	100,000	500,000	50,000	550,000
31 to 40 passengers, incl.	100,000	600,000	50,000	650,000
41 passengers or more	100,000	700,000	50,000	750,000

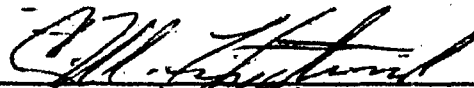
SEC. 72.0317 TRANSFER OF EXISTING CERTIFICATES

Persons who hold certificates of public convenience and necessity for sight-seeing vehicles on the effective date of this ordinance may, if they so desire, obtain operating permits for sight-seeing vehicles from the City Manager within sixty (60) days of the effective date of this ordinance without any charge paid therefor. Said transfer may be effective by applying to the City Manager for said transfer, and the City Manager shall issue an operating permit or permits for sight-seeing vehicles provided the person applying therefor has met all of the requirements of this Division.

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Section 3. 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

CMF:vl:504  
9/28/76

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MAY 12 1978

Passed and adopted by the Council of The City of San Diego on OCT 27 1976  
 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 checked="" 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"/>
Tom Gade	<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 Martinez, 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

**OCT 13 1976**

**OCT 27 1976**

and on

~~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 Martinez, Deputy.

RECEIVED  
 CITY CLERK  
 1976 OCT -1 PM 3:45  
 SAN DIEGO, CALIF.

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CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California	
Ordinance Number	<b>11937</b>
Adopted	<b>OCT 27 1976</b>
<b>CO281</b>	

*fw*

ATTORNEYS:

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101  
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

SIGHT-SEEING VEHICLES

ORDINANCE NO. 11937

(New Series)

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 2, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY RENUMBERING SECTIONS 72.0312 THROUGH 72.0318 TO SECTIONS 72.0311 THROUGH 72.0317, AND AMENDING SECTIONS 72.0301 THROUGH 72.0314, AND SECTIONS 72.0316 AND 72.0317, ALL RELATING TO SIGHT-SEEING VEHICLES, BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VII, Article 2, Division 3, of the San Diego Municipal Code be and it is hereby amended by renumbering Sections 72.0312 through 72.0318, as follows:

Old Sections	New Sections
SEC. 72.0312 EQUIPMENT	SEC. 72.0311
SEC. 72.0313 MAINTENANCE	SEC. 72.0312
SEC. 72.0314 OPERATING REGULATIONS	SEC. 72.0313
SEC. 72.0315 DRIVERS - LICENSES	SEC. 72.0314
SEC. 72.0316 EXCEPTIONS TO PROVISIONS	SEC. 72.0315
SEC. 72.0317 PUBLIC LIABILITY	SEC. 72.0316
SEC. 72.0318 TRANSFER OF EXISTING CERTIFICATES	SEC. 72.0317

Section 2. That Chapter VII, Article 2, Division 3, of the San Diego Municipal Code be and it is hereby amended by amending Sections 72.0301 through 72.0314, and Sections 72.0316 and 72.0317, to read as follows:

DIVISION 3  
SIGHT-SEEING VEHICLES  
SEC. 72.0301 OPERATING PERMITS

No person shall engage in the business of operating any sight-seeing vehicle within the City of San Diego without first having obtained an operating permit from the City Manager of The City of San Diego or his designated representative, which permit has not been revoked, suspended or otherwise cancelled or terminated by operation of law or otherwise. A separate permit is required for each vehicle operated.

SEC. 72.0302 APPLICATION

All persons applying to the City Manager for a permit for the operation of one or more sight-seeing vehicles shall file with the City Manager a sworn application therefor on forms provided by the City Manager 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 permits are desired.
  - (4) The intended make, type, year of manufacture and passenger seating capacity of each sight-seeing vehicle for which application for a permit is made.
  - (5) The rates of fare which applicant proposes to charge for sight-seeing services.
  - (6) Such other information as the City Manager may in his discretion require.
- Before any application is acted upon the City Manager shall cause an investigation to be made and shall report his findings, in writing, on the following:
- (a) The financial responsibility and experience of the applicant.
  - (b) The number, kind and type of equipment to be used.
  - (c) The effect which such additional sight-seeing vehicle service may have upon traffic congestion and parking.
  - (d) Whether the additional sight-seeing service will result in a greater hazard to the public.
  - (e) Such other relevant facts as the City Manager may deem advisable or necessary.

PATRICIA M. DUTRA

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

ORDINANCE NO. 11937

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

November 10, 1976

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

November 10, 1976

*Patricia M. Dutra*  
(Signature)

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50 1/4" @ 5.08 = 255.27 ✓



... shall issue the permits subject to such conditions as the City Manager may deem advisable or necessary in the public interest.

... permit 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 sight-seeing service.

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

Each permit holder may utilize one spare sight-seeing vehicle and in the event that a sight-seeing vehicle for which a permit has been issued becomes disabled or unsafe for use, said permit holder shall transfer the medallion from the disabled or unsafe sight-seeing vehicle 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 sight-seeing vehicle for which a permit has been previously issued. Each permit holder must inform the Police Department when a spare sight-seeing vehicle is in use and the location of the disabled vehicle.

**SEC. 72.0304 TRANSFER OR CANCELLATION OF PERMIT**

Each permit issued pursuant to the provisions of this Division is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person only upon the written approval of the City Manager; provided, however, that where a permit is issued pursuant to the provisions of this Division to a legal entity wherein control is evidenced by shares of stock or other evidence of ownership (including but not necessarily limited to a corporation, a partnership, a joint venture, a joint stock company, 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 Manager. The application for the transfer of said permit shall certify that the holder of said permit has notified the proposed transferee of the requirements of this section pertaining to the transfer of said permit, and whenever such application for a transfer of permit is made as provided for herein, the City Manager shall cause an investigation to be made regarding the transferee in accordance with the provisions of Section 72.0302 hereof. If the service for which a permit is granted hereunder is discontinued, the permit granted shall be automatically cancelled.

**SEC. 72.0305 REISSUE OF PERMITS**

Whenever an owner sells or transfers title to a sight-seeing vehicle or vehicles for which a permit or permits 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 permit or permits 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. 72.0306 DESTRUCTION OF VEHICLE**

Any owner whose sight-seeing vehicle(s) for which a permit or permits 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 permit or permits 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. 72.0307 SUSPENSION AND REVOCATION OF PERMIT**

Permits may be suspended or revoked by the City Manager at any time in cases:

- (a) The City Manager 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 City Manager.
- (d) The owner has not duly paid the rates of fare charged for sight-seeing services.
- (e) For any other reason which the City Manager may deem warrants suspension or revocation.

**SEC. 72.0308 SURRENDER OF PERMIT**

Permits which shall have been suspended or revoked by the City Manager shall, forthwith, be surrendered to the City Clerk, and the operation of any sight-seeing vehicle covered by such permit shall cease. Any owner who shall permanently retire any sight-seeing vehicle from service and not replace the same within thirty (30) days thereafter, shall immediately surrender any permit or permits granted for the operation of such vehicle to the City Clerk, and shall secure additional permits for the operation of any other sight-seeing vehicles without having first complied with the provisions of this Division.

Division is denied, suspended or revoked, the applicant may, within ten (10) days of such action, appeal to the City Council by filing a petition therefor with the City Clerk. Such denial, suspension or revocation shall be final if an appeal is not filed in accordance herewith.

**SEC. 72.0310 PROCEDURE UPON APPEAL**

When an appeal is filed in accordance with Section 72.0309, the City Clerk shall cause the matter to be set for a hearing before the Council on a regular Council meeting docket within fourteen (14) days after such filing, or any later date as the applicant and City Clerk agree, or as the Council may order. The decision of the Council shall be the final administrative remedy in such appeals.

**SEC. 72.0311 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 Chief of Police 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.
- (e) The current rates of fare which licensee is charging for sight-seeing services which shall clearly set forth the rates of fare on a:
  - (i) per capita.
  - (ii) per hour.
  - (iii) per mile, or
  - (iv) per event.

Licensee shall clearly provide the passenger with the alternatives available (if any). A licensee may set forth more than one alternative as provided above.

**SEC. 72.0312 MAINTENANCE**

(a) The Police Department of The City of San Diego shall have the right, at any time after displaying proper identification, to enter into any certified 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 being returned to service shall have had all unsafe or unsuitable conditions corrected and shall have been inspected by the Police Department.

**SEC. 72.0313 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 stopping 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 airport, or street railway loading point.

**SEC. 72.0314 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) 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.

(f) 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. The hearing shall be held on the date set forth in the notice. The Council's decision 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. 72.0016. EXCEPTIONS TO PERMITS**  
**SEC. 72.0016. 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 extended and delivered by a company authorized to carry on an insurance business in the State of California; the financial responsibility of such company shall theretofore have been approved by the City Manager on 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:

Kind of Transport Operation/Permit Class	For bodily injuries to or death of one person	For bodily injuries to or death of all persons in any one accident subject to a maximum of \$100,000 for bodily injuries to or death of one person	For loss or damage, to any one accident, to any property including cargo	Minimum Single Limit
1 passenger, incl.	\$100,000	\$250,000	\$20,000	\$250,000
2 to 10 passengers, incl.	100,000	250,000	20,000	250,000
11 to 20 passengers, incl.	100,000	500,000	20,000	500,000
21 to 30 passengers, incl.	100,000	500,000	20,000	500,000
31 passengers or more	100,000	500,000	20,000	500,000

**SEC. 72.0317. TRANSFER OF EXISTING CERTIFICATES**

Persons who hold certificates of public convenience and necessity for sight-seeing vehicles on the effective date of this ordinance may, if they so desire, obtain operating permits for sight-seeing vehicles from the City Manager within sixty (60) days of the effective date of this ordinance without any charge paid therefor. Said transfer may be effective by applying to the City Manager for said transfer, and the City Manager shall issue an operating permit or permits for sight-seeing vehicles provided the person applying therefor has met all of the requirements of this Division.

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

Introduced on October 13, 1976.  
 Passed and adopted by the Council of The City of San Diego, on October 27, 1976.

**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