

ORDINANCE NO. 12563  
(New Series)

AN ORDINANCE AMENDING CHAPTER VII OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING ARTICLES 1 AND 2, AND ALL DIVISIONS AND SECTIONS ENUMERATED THEREIN, RELATING TO VEHICLES FOR HIRE AND AUTOMOBILE TRANSPORTATION; AND BY ADDING A NEW ARTICLE 5 AND THE ACCOMPANYING DIVISIONS AND SECTIONS THEREOF, RELATING TO PARATRANSIT VEHICLES.

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

Section 1. That Chapter VII of the San Diego Municipal Code be and it is hereby amended by repealing Articles 1 and 2 and all divisions and sections enumerated therein.

Section 2. That Chapter VII of the San Diego Municipal Code be and it is hereby amended by adding Article 5, entitled Paratransit Code, Divisions 1 through 6, and the accompanying sections enumerated below, to read as follows:

CHAPTER VII

PUBLIC UTILITIES AND TRANSPORTATION

ARTICLE 5

PARATRANSIT CODE

DIVISION ONE

GENERAL REGULATIONS

SEC. 75.0101 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) "Paratransit Vehicle" shall mean every vehicle, other than mass transit vehicles or vehicles involved in an organized car pool not available to the general public, which is operated for any fare or compensation 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. Such paratransit vehicles shall include taxicabs, vehicles for hire, jitney vehicles, non-emergency medical vehicles and sight-seeing vehicles. A paratransit vehicle may do business in the City of San Diego only under the authority of the Public Utilities Commission of the State of California or as specified in this Article.

(b) "Vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(c) "Taxicab" shall mean every vehicle other than a vehicle for hire, a jitney vehicle, a non-emergency medical vehicle or a sight-seeing vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City of San Diego;

(2) Is made available for hire on call or demand through "cruising," at taxi stands, by telephone or along a defined fixed route as authorized in the discretion of the City Manager.

(d) "Vehicle for Hire" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City of San Diego;

(2) Is routed at the direction of the hiring passenger;

(3) Is prearranged for hire but is not made available through cruising; and

(4) Is hired by and at the service of a person for the benefit of himself or a specified group.

(e) "Jitney" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City of San Diego;

(2) Follows a fixed route of travel between specified points with the fare based on a per capita charge established in its permit in the discretion of the City Manager; and

(3) Is made available to embarking passengers at specified locations along its route on a variable schedule.

(f) "Sight-Seeing Vehicle" shall mean every vehicle which:

(1) Transports passengers for sight-seeing purposes of showing points of interest over the public streets of the City of San Diego; and

(2) Charges a fee or compensation therefor regardless of whether any fee or compensation 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.

(g) "Non-Emergency Medical Vehicle" shall mean every vehicle which:

(1) transports physically and/or mentally disabled persons who require supervision and/or specialized transportation equipment, and such persons' attendants, over the public streets of the City of San Diego.

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

(i) "Owner" shall mean the person, partnership, association, firm or corporation having beneficial ownership of any passenger-carrying vehicle and holding the right to use the vehicle for his/her or its own advantage.

(j) "Compensation" shall mean, as used in this Article, 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.

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

(l) "Cruising" means the movement over the public streets of a taxicab in search of or solicitation of prospective passengers; except, the term does not include either the travel of a taxicab proceeding to answer a call for service received by telephone or radio from an intended passenger or the travel of such a vehicle, having discharged a passenger or passengers, returning to the owner's place of business or to its established point of departure.

(m) "Permit" shall mean the license under which a person, firm, partnership, association or corporation may operate as a business a paratransit vehicle.

(n) "Permit Holder" shall mean any person or persons operating a business under a paratransit vehicle permit.

(o) "Individual Owner-Driver" shall mean a person, self-employed, who engages in the business of operating

a single taxicab, as its owner and driver. The term includes all permit holders who hold no more than one such permit for one taxicab only.

(p) "Driver's Identification Card" means that license, issued pursuant to this Article, that permits a person to drive a paratransit vehicle within the City of San Diego.

(q) "Association" shall mean an unincorporated society or group of persons united for some purpose related to the operation of paratransit vehicles. This term includes a cooperative association.

(r) "Employ" as used in this Article includes any form of agreement or contract under which the driver may operate the permit holder's paratransit vehicle.

(s) "Driver" shall mean every person operating any paratransit vehicle as defined in subsection (a).

(t) "Doing Business" shall mean accepting or soliciting passengers for hire in the City of San Diego.

(u) "Group Ride" shall mean shared use of a taxicab where a group of related passengers enter at the same point of origin and disembark at the same destination and pay a single fare for the trip.

(v) "Shared Ride" shall mean non-exclusive use of a taxicab by two or more unrelated passengers, traveling between different points of origin and/or destination, and traveling in the same general direction.

(w) "Exclusive Ride" shall mean exclusive use of a taxicab by one or more related passengers at a time.

SEC. 75.0102 OPERATING PERMITS

No person shall engage in the business of operating any paratransit 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 termination by operation of law or otherwise. A separate permit is required for each paratransit vehicle operated.

SEC. 75.0103 APPLICATION OR TRANSFER

(a) All persons applying to the City Manager for a permit or for the transfer of a permit for the operation of one or more paratransit vehicles shall file with the City Clerk a sworn application therefor on forms provided by the City Clerk 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) Financial references and data sufficient to establish applicant's financial responsibility;
- (4) The number of vehicle(s) for which a permit(s) is desired;
- (5) The intended make, type, year of manufacture and passenger seating capacity of each vehicle for which application for a permit is made;

(6) The rates of fare which applicant proposes to charge for paratransit services;

(7) A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed vehicle design; and

(8) Where the application is for a limited permit, 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 permit shall be in existence; and

(9) Such other information as the City Manager may in his discretion require. The applicant will also submit, with the application, a nonrefundable filing fee to be determined by the City Manager in order to recover the cost of processing such applications.

(b) Before any application is acted upon, the City Manager shall cause an investigation to be made and shall make a written report on the following:

(1) The financial responsibility and past experience in the service proposed of applicant for a permit;

(2) The number, kind and type of equipment to be used; and

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



SEC. 75.0104 ISSUANCE OF PERMIT

(a) The City Council shall, in its discretion, determine the total number of paratransit permits to be granted.

(b) The City Manager shall determine the number of permits to be granted to any applicant or applicants and issue permits to any applicant or applicants subject to such conditions as the City Council may deem advisable or necessary in the public interest and upon payment of a regulatory fee to be determined by the City Manager.

(c) Such permits shall be issued for a period of one year and be renewable annually upon payment of a regulatory fee to be determined by the City Manager.

(d) No permit shall be issued to any person who shall not have fully complied with all of the requirements of this Article necessary to be complied with before the commencement of the operation of the proposed service.

(e) When the permit has been granted, and upon determination by the City Manager that the color scheme and paratransit vehicle are sufficiently distinctive as not to cause confusion with other paratransit vehicles already operating, and that the paratransit vehicle, after appropriate inspection, meets the requirements of this Article, the City Manager will issue for each paratransit vehicle a numbered medallion to be fixed to the outside left rear portion of the paratransit vehicle for which the permit is issued, in plain view from the rear of the paratransit

vehicle. Loss or destruction or defacing of the medallion shall be reported to the Traffic Division of the Police Department.

(f) Each permit holder may utilize one spare paratransit vehicle and in the event that a paratransit vehicle for which a permit has been issued becomes disabled or unsafe for use, the holder may transfer the medallion from the disabled or unsafe paratransit vehicle to the spare paratransit vehicle which must have been duly inspected by the Taxicab Inspector and approved prior to the transfer, for a period not to exceed thirty (30) days; provided, however, that this section shall not be construed or deemed to replace those provisions in this Article for the permanent replacement of a paratransit vehicle for which a permit has been previously issued. Each permit holder must inform the Police Department when a spare paratransit vehicle is in use and the location of the disabled vehicle.

(g) The privilege of engaging in the business of operating a paratransit vehicle in the City of San Diego granted in the permit is personal to the permit holder, who must be the owner of the paratransit vehicle. The rights and the requirements and responsibilities which attach to the permit remain with the holder at all times the paratransit vehicle is operated in the City of San Diego under the authority of the permit. These rights, requirements and responsibilities, which include but are not limited to the requirements of this Article, will remain unaffected

by any agreement or contractual arrangement between the permit holder and those persons who operate paratransit vehicles, irrespective of the form or characterization of the agreement under which the driver operates the paratransit vehicle.

(h) Permit holder shall, in the case of any change in his business address or telephone, notify the City Manager in writing of such change within 48 hours of the effective date of the change.

SEC. 75.0105 TRANSFER OF PERMIT

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity upon the approval of the City Manager. The transferability of permits may be limited by policy of the City Council, established by resolution, concerning the minimum number of permits to be held by individual owner-drivers.

(b) In the event that the permit holder is a corporation, partnership or legal entity other than a natural person, prior approval of the City Manager shall be required for any transfer or acquisition of majority ownership or control of that corporation, partnership or legal entity to a person or group of persons acting in concert, none of whom already owns or controls a majority interest. Any such acquisition or transfer occurring without prior approval of the City Manager shall constitute a failure to comply with a provision of this ordinance.

(c) The application for the transfer of a 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. Whenever such application for a transfer of permit is made, the City Manager shall cause an investigation to be made into the character, fitness, financial responsibility and experience of the applicant to engage in the business of operating a paratransit vehicle within the City of San Diego.

SEC. 75.0106 REISSUE OF PERMIT

Upon approval of a transfer of a paratransit vehicle permit by the City Manager, the City Manager within thirty (30) days of such transfer, shall issue a new permit for the operation of no greater number of paratransit vehicles than those transferred, and provided said owner has complied with all the provisions of this section.

SEC. 75.0107 LIMITED PERMITS

(a) The City Manager may issue limited permits which shall be limited in duration of time and/or limited to a specific geographical area of the City. The issuance of said limited permit shall require submission of all relevant information as set forth in Sec. 75.0103 subsections (1) through (9), and shall state specifically the appropriate time limitations and/or the geographical limitations. In addition to the requirement set forth hereinabove, services operating pursuant to a limited permit shall:

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

(2) Pick up passengers only in the specified geographical area of the City approved by the City Manager and shall not pick up passengers under any circumstances in the City outside said specified geographical area.

(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 vehicle 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 a paratransit vehicle as if granted a regular permit for the operation of a paratransit vehicle.

#### SEC. 75.0108 DESTRUCTION OF PARATRANSIT VEHICLES

Whenever a paratransit vehicle operating under a permit is destroyed, voluntarily or involuntarily, is sold, or its beneficial ownership is otherwise transferred, the permit holder may obtain a transfer of the permit to a replacement vehicle. The purchase of the replacement vehicle must be within thirty (30) days of the destruction, sale or transfer of ownership, and written application to

the City Manager for transfer of the permit must be made within ten (10) days after purchase; the City Manager shall, as a matter of owner right, transfer the permit, provided that the owner has complied with and the paratransit vehicle is in conformance with all the provisions of this Article.

SEC. 75.0109 SUSPENSION AND REVOCATION OF PERMIT

(a) Permits may be suspended or revoked by the City Manager at any time in case:

(1) The City Manager finds the permit holder's past record to be unsatisfactory with respect to satisfying the provisions of this Article.

(2) The permit holder fails to comply with the applicable provisions of this Article.

(3) The drivers of the paratransit vehicle or vehicles fail to act in accordance with those provisions of this Article which govern driver actions.

(4) The owner shall cease to operate any paratransit vehicle for a period of thirty (30) consecutive days without having obtained written permission for cessation of such operation from the City Manager. It is the intent of this section that the City Manager, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis.

(5) The paratransit vehicle or vehicles are operated at a rate of fare other than those fares on file with the City Manager.

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(6) The permit holder fails to begin operating the paratransit vehicle for which the permit is first issued within ninety (90) days after the permit is issued.

SEC. 75.0110 REVOCATION PROCESS OF PERMIT AND DRIVER'S IDENTIFICATION CARD

(a) Upon a finding by the City Manager that a permit holder falls within the provisions of Section 75.0109, the permit holder shall be notified that his/her permit has been revoked or suspended and the manner in which such action may be appealed.

(b) Upon a finding by the City Manager that a paratransit vehicle driver falls within the provisions of Sections 75.0114(h)(1) through (7), (j)(1) through (6), the driver shall be notified that his/her driver's identification card has been revoked or suspended and the manner in which such action may be appealed.

(c) The permit holder or driver shall be notified each time a complaint against him/her has been filed, or each time the Chief of Police has noted an incident of non-compliance with the provisions of this Article. The Chief of Police shall cause each complaint to be investigated.

(d) Upon the investigation and determination of three valid complaints and/or incidents of noncompliance, the

permit holder or driver shall receive a Notice of Adverse Action and shall appear for an informal hearing before the Chief of Police.

(e) Following a Notice of Adverse Action, receipt of one additional valid complaint or incident of noncompliance with this section shall cause the permit to be revoked. The permit holder or driver shall be notified by registered mail that his/her permit or driver's identification card has been revoked and the manner in which such action may be appealed.

#### SEC. 75.0111 SURRENDER OF PERMIT

When a permit or permits shall have been suspended or revoked, the operation of any paratransit vehicle or vehicles authorized by such permit(s) shall cease, and their permits(s) and medallions(s) surrendered immediately to the City Manager. When any permit holder permanently retires any paratransit vehicle or vehicles from service, and does not replace them within thirty (30) days and/or does not apply for permit transfer as specified in Section 75.0105 above, the permit for each such retired paratransit vehicle shall be considered abandoned, and will be void; the permit holder shall immediately surrender each related permit and medallion to the City Manager. Such abandoned permits may not be restored by any means other than through application as for new permits in the manner provided in this Article.



SEC. 75.0112 RIGHT OF APPEAL FROM DENIAL, SUSPENSION OR  
REVOCATION OF PERMIT OR DRIVER'S IDENTIFICATION  
CARD

(a) The permit holder or driver shall be notified that he/she may file with the City Manager written appeal within ten (10) days after receipt of the notice of revocation, suspension or denial. Contained in the appeal the permit holder or driver shall set forth the reasons why such action is not proper.

(b) If no appeal is filed within the proper time, the permit or driver's identification card shall be considered revoked, suspended or denied and shall be surrendered.

(c) Once an appeal is filed the revocation or suspension of the permit or driver's identification card shall be stayed pending the final determination of the appeal.

SEC. 75.0113 PROCEDURE UPON APPEAL

(a) When an appeal is filed, the City Manager shall cause the appeal to be assigned to a Hearing Officer, who shall schedule the hearing before him/her.

(b) Further appeal rights shall be available through the Transportation and Land Use Committee. Subject to the permanent rules of the Council, the decision of the Council Committee shall be the final administrative remedy.

SEC. 75.0114 DRIVER'S IDENTIFICATION CARDS

(a) No person shall drive or operate any taxicab under the authority of a permit granted under this Article unless such person has and displays a taxicab driver's identification card obtained through the Sheriff of the County of San Diego.

(b) No person shall drive or operate any paratransit vehicle (except taxicab) under the authority of a permit granted under this Article unless such person has and displays a paratransit vehicle driver's identification card issued by the Chief of Police of the City of San Diego.

(c) No permit holder shall employ as a taxicab driver or operator any person who has not obtained a taxicab driver's identification card through the Sheriff of the County of San Diego.

(d) No permit holder shall employ as a driver or operator any person whose privilege to operate a taxicab within the City of San Diego has been revoked, denied or suspended.

(e) No permit holder shall employ as a paratransit vehicle driver or operator (other than a taxicab) any person who has not been issued a paratransit vehicle driver's identification card by the Chief of Police of the City of San Diego.

(f) No permit holder shall employ as a driver or operator any person whose privilege to operate a paratransit vehicle within the City of San Diego has been revoked, denied or suspended.

(g) A taxicab driver may drive for more than one taxicab permit holder. The taxicab driver must, however, have on file with and accepted by the Sheriff of the County of San Diego a separate application, on forms provided by the Sheriff, for each permit holder with whom he has a current driving agreement. A driver may have on file with the

Sheriff a maximum of four (4) such applications at any one time. It shall be illegal for a taxicab driver to accept or solicit passengers for hire in the City of San Diego while operating the taxicab of any permit holder for whom the driver does not have such an application on file with the Sheriff.

(h) Notwithstanding a driver's possession of a valid taxicab driver identification card, the Chief of Police may for due cause, determined after notice and hearing on the matter, deny, revoke, or suspend the driver's privilege to operate a taxicab in the City of San Diego. The following will constitute cause for such denial, revocation or suspension:

(1) Any circumstance which would, under the terms of the applicable ordinance of the County of San Diego, furnish grounds for the initial denial, or subsequent revocation or suspension or refusal to renew the driver's identification card by the Sheriff.

(2) Violation by the driver of any of the provisions of this Article.

(3) Revocation or suspension of his/her State Driver's License.

(4) Conviction of assault, battery, resisting arrest, or any felony involving force and violence.

(5) Conviction of crime involving moral turpitude that would require that a person register under Section 290 of the California Penal Code.

(6) Conviction of driving under the influence of intoxicating liquors and/or narcotics while operating a paratransit vehicle.

(7) Any person whose driving record shows a violation point count as specified in Sections 12810 and 12810.5 of the California Vehicle Code. For the purposes of this paragraph, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail is deemed a conviction.

(i) No paratransit vehicle driver's identification card shall be issued by the Chief of Police to any of the following persons:

(1) Any person under 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 under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two (2) 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.

(j) The Chief of Police may for due cause, determined after notice and hearing on the matter, may revoke, suspend or refuse to renew driver's identification card. The following will constitute cause for such revocation or suspension:

(1) Violation by the driver of any of the provisions of this Article.

(2) Revocation or suspension of his/her State Driver's License.

(3) Conviction of assault, battery, resisting arrest, or any felony involving force and violence.

(4) Conviction of a crime involving moral turpitude that would require that a person register under Section 290 of the California Penal Code.

(5) Conviction of driving under the influence of intoxicating liquors and/or narcotics while operating a paratransit vehicle.

(6) Any person whose driving record shows a violation point count as specified in Sections 12810 or 12810.5 of the California Vehicle Code. For the purposes of this paragraph, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail is deemed a conviction.

SEC. 75.0115 EQUIPMENT

(a) Identification Cards

There shall be displayed in the passenger compartment of each paratransit vehicle 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 permit holder, or the fictitious name under which said permit holder operates, the business address and telephone number of said permit holder and the business address and telephone number of the San Diego Police Department.

(b) Map

There shall be carried either on the person of the driver, or in each paratransit vehicle, a map of the City of San Diego, which shall be displayed to any passenger upon request.

(c) Rates of Fare

The rates of fare charged for paratransit vehicle services shall be clearly displayed in the passenger compartment.

(d) Driver's Identification Card

Each paratransit 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, or the Chief of Police, visible to passengers, bearing the following information:

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

(e) Each paratransit vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

SEC. 75.0116 MAINTENANCE

(a) Before a permit is issued to any owner, the paratransit vehicle for which such permit is requested shall be delivered to a place designated by the City Manager for inspection. The City Manager shall designate agents to inspect such paratransit vehicles and its' equipment to ascertain whether such paratransit vehicle complies with the provisions of this Article.

(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 permitted paratransit vehicle for the purpose of ascertaining whether or not any of the provisions of this Article are being violated.

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

(d) The interior and exterior of any paratransit vehicle shall be cleaned and well maintained and meet California Vehicle Code requirements and the requirements of this Article at all times when in operation.

SEC. 75.0117 OPERATING REGULATIONS

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

accurately show the date, the starting and ending locations for the trip, the amount of the fare, company name and the name and signature of the driver.

(b) All disputes as to fares shall be determined by the police supervisor most readily available 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 supervisor.

(c) It shall be unlawful for any person to refuse to pay the lawful fare of a paratransit vehicle after employing or hiring the same.

(d) The driver of any paratransit vehicle shall promptly obey all lawful orders or instructions of any police officer or fireman.

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

SEC. 75.0118 PUBLIC LIABILITY

It shall be unlawful to operate a paratransit 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 an amount determined by



the City Manager and filed with the City Clerk. A permit holder may obtain a certificate of self-insurance for a specified amount approved by Council pursuant to the applicable provisions of the California Vehicle Code.

SEC. 75.0119 FINANCIAL RECORDS AND REPORTING RECORDS

Every person engaged in the business of operating any paratransit vehicle within the City of San Diego under a permit granted by the City Manager 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. 75.0120 EXCEPTION TO PROVISIONS

The provisions of this Article 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, the Metropolitan Transit Development Board, and San Diego Transit Corporation.

DIVISION TWO

TAXICABS

SEC. 75.0201 TYPES OF SERVICE

(a) A taxicab is authorized to provide the following types of services:

- (1) Exclusive ride;
- (2) Group ride;
- (3) Shared ride;

(4) Fixed route service;

A permit holder who wishes to provide a fixed route service shall:

(a) Apply to the City Manager for authorization to serve a defined route;

(b) Such application shall be in writing and describe the proposed fixed route and fare to be charged;

(c) Upon approval of a fixed route by the City Manager the permit holder shall display a representation of the route on each side of the taxicab in letters large enough to be easily read by potential customers;

(d) If a permit holder wishes to alter his/her approved fixed route he/she must apply in writing to the City Manager representing approval to alter the route.

SEC. 75.0202 RATES OF FARE

Rates of fare for taxicabs shall be set in accordance with the type of service that the taxicab is providing.

(a) The City Council by resolution shall, after a hearing before the Transportation and Land Use Committee, establish just and reasonable rates for exclusive ride and group ride hire of taxicabs. A permit holder shall petition the City Council for any desired change in taxicab rates for exclusive ride and group ride hire.

(b) For exclusive ride and group ride service the permit holder and/or driver shall charge the rate set by the City Council and shall use a taximeter to record the fare.

(c) It shall be unlawful for a permit holder or driver to operate any taxicab in the City of San Diego unless the vehicle is equipped with a taximeter designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed. 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 is traveling at a speed which is slow enough for the time rate to exceed the mileage rate; waiting time will also include 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 permit holder 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. The taximeter shall be at all times subject to inspection by an inspector of the City Manager, or any peace officer, and such inspector or 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 the vehicle equipped with such taximeter from the streets of the City of San Diego until the taximeter shall have been correctly adjusted and sealed; before being returned to service, the vehicle and taximeter must be inspected and approved by the Chief of Police.

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

(e) The taximeter shall be so placed in the 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.

(f) It shall be unlawful for any permit holder and/or driver, 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 or fixed route rate filed with the City Manager.

(g) There shall be displayed in the passenger compartment of each taxicab, well lighted and readily discernible by the passenger, in a container of type and design approved by the Chief of Police, a card showing the current authorized rates to be charged for hire of the vehicle.

(h) For shared ride service the permit holder and/or driver of a taxicab shall charge a zone fare rate in accordance with such rates as established by the City Council by resolution, after a hearing before the Transportation and Land Use Committee.

(i) For fixed route service the permit holder and/or driver of a taxicab shall charge a per capita fare in accordance with such rates as the permit holder has filed in writing with the City Manager. Such rates shall be filed at the time a permit holder submits a description and map of a requested fixed route.

(j) If a permit holder desires to change the rates of fare being charged for fixed route service he/she shall first file a document with the City Manager indicating said changes and no change shall be effective until fourteen (14) days following the filing of said change.

(X) No permit holder shall charge any rate of fare for fixed route services unless said rates are on file with the City Manager as aforesaid and duly displayed on two doors, either side of the taxicab in letters of a size easily read.

SEC. 75.0203 EQUIPMENT AND SPECIFICATIONS

(a) No vehicle shall be granted a permit unless it conforms with all the provisions 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 a medallion issued by 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 City Manager may refuse a permit 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 permit holder. The trade name and side or body number so assigned shall be painted in numerals or decals no less than four inches high in sufficient locations that the side or body number

may be seen from the rear side of the taxicab. The trade name shall be painted no less than three (3) inches high on each side of the vehicle.

(e) All taxicabs operating under authority of certificates granted by City Council or permit granted or transferred by the City Manager after October 31, 1976, shall be so equipped and operated that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may be met by use of a radio telephone or a netted radio dispatch system.

(f) The radio dispatch capability described in paragraph (e) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

#### SEC. 75.0204 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) 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, on the basis of race, creed, color, age, sex, national origin, handicap, or for any other reason, unless it shall be readily apparent that the prospective fare is a hazard to the driver or operator.

(c) 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 75.0205 of this Article.

(d) It shall be unlawful for the permit holder, driver or operator of any taxicab to allow the 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.

(e) A taxicab 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.



(f) It shall be unlawful, however, for the driver to seek employment by driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(g) It shall also be unlawful for a taxicab driver, having parked and left his taxicab, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering, except to the extent allowed in paragraph (h). No person shall solicit passengers for a taxicab other than the driver thereof; provided, however, the Chief of Police 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.

(h) It shall be unlawful for the driver or operator of any 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.

(i) 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, and consents to the operation of the taxicab on a shared ride basis. The driver shall then charge each passenger a zone fare as established by the City Council.

(j) It shall be unlawful for a taxicab to operate a fixed route service on other than that route(s) designated by the City Manager.

(k) All other operating regulations defined in Section 75.0117 apply.

SEC. 75.0205 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." The operating regulations of Section 75.0204 shall apply to such stands and to taxicab stands established by the San Diego Unified Port District in areas under its jurisdiction within the City of San Diego.

(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) Any individual, partnership, association or other organization may 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 a sum in the amount to be determined by the City Manager.

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

(e) 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.

#### DIVISION THREE

#### VEHICLES FOR HIRE

#### SEC. 75.0301 RATES OF FARE

(a) Within thirty (30) calendar days following the issuance of a permit by the City Manager, each permit holder shall file a document with the City Manager reflecting the rates of fare being charged by said permit holder for vehicles-for-hire services. Thereafter, each permit holder shall within thirty (30) days following the first day of each calendar year file a document with the City Manager reflecting the rates of fare being charged by said permit holder for vehicles-for-hire services.

(b) If a permit holder desires to change the rates of fare being charged for vehicles-for-hire services during any calendar year, he shall first file a document with the City Manager indicating said changes and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for vehicles-for-hire services unless said rates are on file with the City Manager as aforesaid and duly displayed.

(d) The rates of fare shall be established by prearranged contract on a per mile or per hour basis.

(e) The provisions of paragraph (d) of this section shall not apply to automobile-for-hire permits issued before December 1, 1978, as long as the permit is held by the person of record as of December 1, 1978. Once the permit is transferred the transferee shall conform to this section.

#### SEC. 75.0302 OPERATING REGULATIONS

(a) It shall be unlawful for any vehicle-for-hire to remain standing on any public street in the City of San Diego, except such reasonable time necessary 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.

(c) All other operating regulations defined in Section 75.0117 apply.

#### DIVISION FOUR

#### SIGHT-SEEING VEHICLES

#### SEC. 75.0401 RATES OF FARE

(a) Within thirty (30) calendar days following the issuance of a permit by the City Manager, each permit holder

shall file a document with the City Manager reflecting the rates of fare being charged by said permit holder for sight-seeing vehicle services. Thereafter, each permit holder shall within thirty (30) days following the first day of each calendar year file a document with the City Manager reflecting the rates of fare being charged by said permit holder for sight-seeing services.

(b) If a permit holder desires to change the rates of fare being charged for sight-seeing services during any calendar year, he shall first file a document with the City Manager indicating said changes and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for sight-seeing services unless said rates are on file with the City Manager as aforesaid and duly displayed.

(d) The rates of fare shall be established on a per capita or per event basis.

#### SEC. 75.0402 OPERATION 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 such reasonable time necessary 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.

(c) All other operating regulations defined in Section 75.0117 apply.

DIVISION FIVE

NON-EMERGENCY MEDICAL VEHICLES

SEC. 75.0501 RATES OF FARE

(a) Within thirty (30) calendar days following the issuance of a permit by the City Manager, each permit holder shall file a document with the City Manager reflecting the rates of fare being charged by said permit holder for non-emergency medical vehicle services. Thereafter, each permit holder shall within thirty (30) days following the first day of each calendar year file a document with the City Manager reflecting the rates of fare being charged by said permit holder for non-emergency medical vehicle services. *document*

(b) If a permit holder desires to change the rates of fare being charged for non-emergency medical vehicle services during any calendar year, he shall first file a document with the City Manager indicating said changes and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for non-emergency medical vehicle services unless said rates are on file with the City Manager as aforesaid and duly displayed.

(d) The rates of fare shall be established on a per capita plus per mile basis.

SEC. 75.0502 OPERATING REGULATIONS

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

(b) All other operating regulations defined in Section 75.0117 apply.

DIVISION SIX

JITNEY VEHICLES

SEC. 75.0601 RATES OF FARE

(a) Within thirty (30) calendar days following the issuance of a permit by the City Manager, each permit holder shall file a document with the City Manager reflecting the rates of fare being charged by said permit holder for jitney services. Thereafter, each permit holder shall within thirty (30) days following the first day of each calendar year file a document with the City Manager reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, he shall first file a document with the City Manager indicating said changes and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the City Manager as aforesaid and duly displayed.

(d) The rates of fare shall be established on a per capita basis.

SEC. 75.0602 JITNEY ROUTES

A permit holder who wishes to provide a fixed route service shall:

(a) Apply to the City Manager for authorization to serve a defined route.

(b) Such application shall be in writing and describe the proposed fixed route and fare to be charged.

(c) Upon approval of a fixed route by the City Manager the permit holder shall display a representation of the route, the fare and the permit holder's trade name on each side, of the vehicle in letters large enough to be easily read by potential customers.

(d) If a permit holder wishes to alter his/her approved fixed route he/she must apply in writing to the City Manager requesting approval to alter the route.

SEC. 75.0603 OPERATING REGULATIONS

(a) It shall be unlawful for any jitney 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.



(c) It shall be unlawful for a jitney vehicle to operate a fixed route service on other than that route(s) designated by the City Manager.

(d) All other operating regulations defined in Section 75.0117 apply.

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  \_\_\_\_\_  
John M. Kaheny, Deputy

JMK:lco:504  
1/18/79 REV.

JAN 29 1979

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen --	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

**CHARLES G. ABDELNOUR**  
City Clerk of The City of San Diego, California.

(Seal)

By E. H. Cook, 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

JAN 15 1979, and on JAN 29 1979

~~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.

**CHARLES G. ABDELNOUR**  
City Clerk of The City of San Diego, California.

(Seal)

By E. H. Cook, Deputy.

RECEIVED LB  
CITY CLERK  
JAN 29 1979  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12563</u>	Adopted <u>JAN 29 1979</u>

*Le*

XXXXXXXXXX

City of San Diego  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101

MAR 10 1979  
CITY OF SAN DIEGO

CERTIFICATE OF PUBLICATION

No. \_\_\_\_\_

IN THE MATTER OF

PARATRANSIT VEHICLES

**SYNOPSIS OF  
ORDINANCE NO. 12563**

**AN ORDINANCE AMENDING CHAPTER VII OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING ARTICLES 1 AND 2, AND ALL DIVISIONS AND SECTIONS ENUMERATED THEREIN, RELATING TO VEHICLES FOR HIRE AND AUTOMOTIVE TRANSPORTATION; AND BY ADDING A NEW ARTICLE 5 AND THE ACCOMPANYING DIVISIONS AND SECTIONS THEREOF, RELATING TO PARATRANSIT VEHICLES.**

This ordinance consolidates previous Municipal Code regulations relating to automobiles for hire, taxicabs, and sight-seeing vehicles and incorporates into the Code new regulations relating to jitney vehicles and non-emergency medical vehicles. The ordinance authorizes the implementation of shared rides and fixed route service by taxicabs. Certificates of Public Convenience and Necessity for taxicabs are replaced with permits. The City Manager is authorized to set fees to cover the cost of implementing these regulations.

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" St., San Diego CA 92101.

Introduced on January 15, 1979.

Passed and adopted by the Council of The City of San Diego on January 29, 1979.

**AUTHENTICATED BY:**

**PETE WILSON,**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR,**

City Clerk of The City of San Diego, California.

By **EARNEST H. COOK,** Deputy.

SEAL

Published February 12, 1979

00-2121

I **Patricia M. Spaulding**, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

SYNOPSIS OF ORDINANCE NO. 12563

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

February 12, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 21st day of Feb..... 19..79 .

*Patricia M. Spaulding*  
\_\_\_\_\_  
(Signature)

5 3/4 " - # 34.90