

ORDINANCE NUMBER O-16311 (NEW SERIES)

ADOPTED ON OCT 29 1984

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 5, DIVISIONS 1, 2, 3, 4, 5 AND 6 OF THE SAN DIEGO MUNICIPAL CODE REGARDING PARATRANSIT VEHICLES, INCLUDING TAXICABS, VEHICLES FOR HIRE, JITNEY VEHICLES, NON-EMERGENCY MEDICAL VEHICLES AND SIGHTSEEING VEHICLES BY AMENDING SECTIONS 75.0101, 75.0103, 75.0104, AND 75.0105; BY REPEALING SECTION 75.0106; BY AMENDING SECTION 75.0107; BY CONSOLIDATING AND RENUMBERING SECTIONS 75.0115, 75.0116 AND 75.0117; BY RENUMBERING SECTIONS 75.0108, 75.0109, 75.0110, 75.0111, 75.0112, 75.0113, 75.0114, 75.0118, 75.0119 AND 75.0120; BY CHANGING THE TITLES OF NEWLY RENUMBERED SECTIONS 75.0108, 75.0110, 75.0111, 75.0114 AND 75.0115; BY AMENDING NEWLY RENUMBERED SECTIONS 75.0108, 75.0109, 75.0110, 75.0111, 75.0112, 75.0113, 75.0114, 75.0115, 75.0116, AND 75.0117; BY ADDING NEW SECTION 75.0118; BY AMENDING NEWLY RENUMBERED SECTION 75.0119; BY ADDING NEW SECTION 75.0120; AND BY AMENDING SECTIONS 75.0201, 75.0202, 75.0203, 75.0204, 75.0205, 75.0302, 75.0402, 75.0501, 75.0502, 75.0602, 75.0603, 75.0604 AND 75.0605.

WHEREAS, taxicab operations in the City of San Diego are an important element of the region's transportation system; and

WHEREAS, in January, 1979, the City began implementation of a series of taxicab regulatory provisions designed to facilitate entry into the local market, improve taxi coverage and promote service and placing innovations, relieve the City of regulatory burden, improve administration of permit issuance and monitoring, and reduce the City's dependence on a single large operator; and

WHEREAS, the number of valid taxicab permits in San Diego has increased by over 100% since the regulatory provisions were approved in 1979; and

WHEREAS, while industry-wide productivity has increased but productivity per cab has declined since 1979; and

WHEREAS, the average daily vehicle utilization has declined since 1979; and

WHEREAS, there has been little or no increase in total geographic taxi service coverage and little increase to outlying residential areas since 1979; and

WHEREAS, visitors, residents, the Convention and Visitor's Bureau, and the Port Commission have registered numerous complaints with the City about the quality of service, appearance and attitudes of drivers, condition of cabs and the image of the City resulting, in part, from the increased numbers of taxis in the City; and

WHEREAS, tourism is one of the major industries of this City; and

WHEREAS, the Council by resolution established a moratorium on the issuance of new permits on April 25, 1983, and a moratorium on transfer of permits on July 11, 1983, May 7, 1984, and July 9, 1984, to give the Transportation and Land Use Committee, City Manager and Paratransit Administration an opportunity to study the problems and proposed solutions associated with overcrowding in the taxi industry; and

WHEREAS, the Transportation and Land Use Committee has held several public hearings on these issues since implementation of the moratorium on the issuance and transfer of permits; and

WHEREAS, the Transportation and Land Use Committee has concluded that restricting the transfer of paratransit permits,

establishing standards for drivers' appearance and condition of cabs, and implementing regulations designed to improve administration and enforcement of the City's paratransit laws will improve the quality of taxi and paratransit service in this City; and

WHEREAS, the Council concurs in the conclusion reached by the Committee and agrees that the ordinance proposed by the Committee will improve the health, safety and welfare of the City; NOW THEREFORE;

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

Section 1. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and the same is hereby amended by amending Section 75.0101, to read as follows:

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 sightseeing vehicles.

(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 sightseeing vehicle which:

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

(2) is made available for hire on call or demand through "cruising," at taxi stands or by telephone to destination(s) specified by passenger(s);

(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 herself 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; and

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

(f) "Sightseeing Vehicle" shall mean every vehicle which:

(1) transports passengers for sightseeing 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 sightseeing vehicle, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or charters such sightseeing 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 or her 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 person's 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 who is the registered owner of any paratransit vehicle and who holds the right to use the vehicle for his/her or its own advantage.

(j) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner 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 a paratransit vehicle as a business.

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

(o) "Medallion" shall mean the numbered plate issued by the City to the permit holder which is displayed on a paratransit vehicle to indicate the authorized use or uses of that vehicle.

(p) "Driver's Identification Card" shall mean 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 incorporated or 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 Section 75.0101(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 or non-emergency medical vehicle 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 or non-emergency medical vehicle by one or more related passengers at a time.

(x) "Passenger" shall mean every occupant other than the driver of the paratransit vehicle.

(y) "Stands" shall mean public areas designated for specific use of paratransit vehicles.

(z) "City Manager" shall mean the City Manager or his or her designated representative.

Section 2. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by changing



the title of Section 75.0103 from "APPLICATION OR TRANSFER" to read "APPLICATION FOR PERMIT" and by amending Section 75.0103 to read as follows:

SEC. 75.0103 APPLICATION FOR PERMIT

(a) All persons applying to the City Manager for permit(s) for the operation of one or more paratransit vehicles shall file with the City Manager a sworn application therefor on forms provided by the City Manager, stating as follows:

(1) The individual and business name, address and telephone number of the permit applicant;

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

(3) The name and address of all legal and registered owner(s) of the vehicle(s);

(4) The name and address of each person with a financial interest in the business which operates the vehicle;

(5) Data sufficient to establish the applicant's financial responsibility;

(6) The number of vehicle(s) for which a permit(s) is desired;

(7) The intended make, type, year of manufacture and passenger seating capacity of each vehicle for which application for permit is made;

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

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

(10) 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

(11) Such other information as the City Manager may in his or her discretion require.

(b) The applicant shall 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. The City Manager shall cause the filing fee amount to be placed in the Composite Rate Book maintained by the City Clerk.

Section 3. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by amending Section 75.0104 to read as follows:

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, in accordance with Council policy, determine the number of permits to be granted any applicant(s) and approve permits for any applicant(s) subject to such conditions as the City Council may deem advisable or necessary in the public interest. Before a permit may be approved, the applicant shall pay an initial regulatory fee in an amount to be determined by the City Manager. The City Manager shall cause the initial regulatory fee amount to be printed in the Composite Rate Book maintained by the City Clerk.

(c) The City Manager shall deny the approval of a permit when he or she makes a finding:

(1) that the applicant is under eighteen (18) years of age; or

(2) that within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to have been in violation of, any statute, ordinance, or regulation pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 75.0113 of this article. For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail shall be deemed a conviction; or

(3) that the applicant provided false information.

(d) Permits shall be approved for a period of one (1) year and be renewable annually upon payment of a regulatory fee in an amount to be determined by the City Manager. The City Manager shall cause the annual regulatory fee amount to be printed in the Composite Rate Book maintained by the City Clerk.

(e) No permit shall be approved or renewed for any person who has not fully complied with all of the requirements of this article and all other applicable laws and/or regulations necessary to be complied with before commencement of the operation of the proposed service.

(f) When the permit has been approved 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 a numbered medallion(s) to be affixed to the paratransit vehicle.

Section 4. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by amending Section 75.0105 to read as follows:

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. Permits may be transferred only after the passage of five (5) years from the date a permit was issued to the current permit holder or upon the death or permanent disability of the current permit holder. The transferability of permits may be limited by policy of the City Council established by resolution.

(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 section.

(c) The proposed transferee shall file with the City Manager a sworn application for the transfer and shall comply with the requirements of Section 75.0103. The permit holder shall certify in writing that the permit holder has notified the proposed transferee of the requirements of this section pertaining to the transfer of a permit. Whenever an application for a transfer of permit is filed, the City Manager shall process the application for transfer in accordance with Section 75.0104 of this article.

Section 5. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by repealing Section 75.0106, entitled "REISSUE OF PERMIT."

Section 6. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by amending Section 75.0107 to read as follows:

SEC. 75.0107 LIMITED PERMITS

(a) The City Manager may approve permits which are limited in duration of time and/or limited to a specific geographical area of the City. Applicants for limited permits must submit all relevant information as set forth in Section 75.0103(a), Subsections (1) through (11), and shall state specifically the appropriate time and/or the geographical limitations. In addition to the requirements set forth in this section, 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 the specified geographical area;

(3) Be allowed to transport passengers from a specified geographical area to points within or outside the area;

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

(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.

Section 7. That Chapter VII, Article 5, Division 1 of the San Diego Municipal Code, be and it is hereby amended by consolidating and renumbering Sections 75.0115, 75.0116 and 75.0117 to read, "SEC. 75.0108 EQUIPMENT AND OPERATING REGULATIONS" and by amending newly renumbered Section 75.0108 to read:

SEC. 75.0108 EQUIPMENT AND OPERATING REGULATIONS

(a) 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, 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.

(b) The permit holder shall maintain a business address, a mailing address where he or she can accept mail directed to his or her company, and a business telephone in working order which must be answered during normal business hours, Monday through Friday, and during all hours of operation. The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the City Manager in writing of such change within forty-eight (48) hours of the effective date of this change.

(c) Before a paratransit vehicle is placed in service, the paratransit vehicle shall be delivered to a place designated by the City Manager for inspection. Paratransit Inspectors shall inspect the paratransit vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this article.

(d) Any Paratransit Inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any paratransit vehicle operating under a paratransit permit for the purpose of determining whether the vehicle is in compliance with the provisions of this article.

(e) 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 Paratransit Inspector.

(f) The interior and exterior of the paratransit vehicle shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements and the requirements of this article at all times when in operation. The following minimum vehicle standards must be maintained to comply with this section:

(1) Tires: Tire-tread depth shall conform to the requirements of the California Vehicle Code.

(2) Body Condition: There shall be no tears or rust holes in the vehicle body, and no loose pieces hanging from the vehicle body, including fenders, bumpers and light trim. No extensive unrepaired body damage shall be allowed. The vehicle shall be equipped with front and rear bumpers. The exterior of the vehicle shall be maintained in a reasonably clean condition so as not to obscure the approved color scheme and/or vehicle markings.

(3) Paint: The vehicle shall be painted and marked in accordance with the color scheme approved under Section 75.0104(f) of this article. Paint and markings may not be faded or deteriorated in such a manner as to preclude immediate recognition of the approved color scheme.

(4) Lights: Headlights shall be operable on both high and low beam. Tail lights, parking lights, brake lights, signal lights, and interior lights shall all be operable. All lights must conform to applicable City ordinances and requirements of the California Vehicle Code.

(5) Wipers: Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.

(6) Brakes: Both the parking and hydraulic or other brake system must be operable and must conform to the standards of the California Vehicle Code.

(7) Steering: Excessive play in the steering mechanism shall not exceed 3 inches free play in turning the steering wheel from side to side.

(8) Engine: The engine compartment shall be reasonably clean and free of uncontained combustible materials.

(9) Mufflers: Mufflers shall conform to the requirements of the California Vehicle Code.

(10) Windows: The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a reasonably clean condition so as not to obstruct visibility.

(11) Door latches: All door latches shall be operable from both the interior and exterior of the vehicle.

(12) Suspension: The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.

(13) Seats: All seats shall be securely fastened. The upholstery shall be free of holes, rips, torn seams and burns.

(14) Interior: The interior of each vehicle shall be maintained in a reasonably clean condition, free of foreign matter and offensive odors. There shall be no excessive litter in the vehicle, and the seats shall be kept reasonably clean and without large wear spots. The door handles and doors shall be intact and clean.

(g) Each paratransit vehicle (except taxis) shall contain:

(1) A fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 5-B, C units and a current inspection card affixed to it.

(2) A minimum of three red emergency reflectors.

(3) A first-aid kit containing medical items to adequately attend to minor medical problems.

(h) In the event that a paratransit vehicle for which a permit has been approved becomes disabled or unsafe for use, the permit holder may utilize a spare paratransit vehicle which has been duly inspected by a Paratransit Inspector and approved prior to use. The spare vehicle will be issued a "spare vehicle" sticker which must be affixed to the outside left rear portion of the paratransit vehicle for which it is approved in plain view from the rear of the paratransit vehicle. The permit holder must immediately inform a Paratransit Inspector when a spare paratransit vehicle is in use and the location of the disabled vehicle. The permit holder may utilize one spare paratransit vehicle for a period not to exceed thirty (30) days. This subsection shall not be construed or deemed to replace those provisions in this article which apply to permanent replacement of a paratransit vehicle.

(i) The medallion issued to the permit holder must be affixed to the outside left rear portion of the paratransit vehicle for which the permit is approved in plain view from the rear of the paratransit vehicle. The permit holder must immediately report the loss, destruction or defacing of a medallion to the City Manager.

(j) There shall be displayed in the passenger compartment of each paratransit vehicle, in full view of the passengers, a card not less than four (4) inches by six (6) inches in size, which shall have plainly printed upon it the name of the permit holder, or the fictitious name under which the permit holder operates, the business address and telephone number of the permit holder, and business address and telephone number of The City of San Diego Paratransit Office.

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

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

(m) Each paratransit vehicle licensed to operate in the City shall have located in a convenient place in the driver's compartment, in full view of the passengers, a container of type and design approved by the City Manager. The container shall contain a card provided by the Sheriff of the County of San Diego or by the City Manager. The card shall be visible to passengers and shall bear the following information:

- (1) The number of the license of the driver;
- (2) The name and business address of the driver;

(3) The name of the company employing the driver; and

(4) A small photograph of the driver.

(n) 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.

(o) The driver shall offer each passenger 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.

(p) All disputes as to fare 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.

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

(r) The driver of any paratransit vehicle shall promptly obey all lawful orders or instructions of any police officer or fire fighter.

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

(t) It shall be unlawful for any person to solicit business for a paratransit vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific paratransit vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or commission for recommending or directing any passenger to an establishment operated by a specific owner.

(u) The driver of a paratransit vehicle shall wear in a manner clearly visible on their person an identification card approved by the City Manager.

(v) While driving or operating a paratransit vehicle, a driver shall be fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exception: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the

arms. Drivers shall wear shoes while driving or operating a paratransit vehicle. Drivers' clothing shall be neat and clean.

(w) The color scheme of a paratransit vehicle may not be changed without the prior written permission of the City Manager.

Section 8. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by renumbering Section 75.0118 to read 75.0109 and newly renumbered Section 75.0109 is hereby amended to read as follows:

SEC. 75.0109 PUBLIC LIABILITY

(a) It shall be unlawful to operate a paratransit vehicle unless the permit holder establishes and maintains in effect one of the forms of financial responsibility specified in this section.

(1) This requirement may be met by maintaining a valid 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 has been approved by the City Manager. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons or property caused by the operation of the paratransit vehicle in an amount determined by the City Manager.



(2) The permit holder may also meet this requirement by obtaining a certificate of self-insurance for a specified amount approved by the Council pursuant to the applicable provisions of the California Vehicle Code.

(b) A valid certificate of insurance issued by the company providing the insurance policy required under subsection (a) (1) of this section shall be filed with and approved by the City Manager. This certificate shall provide that The City of San Diego is a named certificate holder. It shall also provide that the insurer will notify the City of any cancellation and that the cancellation notice shall be in writing and shall be sent by registered mail at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

- (1) the full name of the insurer;
- (2) the name and address of the insured;
- (3) the insurance policy number;
- (4) the type and limits of coverage;
- (5) the specific vehicle(s) insured;
- (6) the effective dates of the certificate;

and

- (7) the certificate issue date.

Section 9. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and it is hereby amended by renumbering Section 75.0119 to read "SEC. 75.0110 by changing the

title of the newly renumbered section from "FINANCIAL RECORDS AND REPORTING RECORDS" to read "FINANCIAL, OWNERSHIP AND OPERATING RECORDS; REPORTING REQUIREMENTS" and by amending newly renumbered Section 75.0110 to read as follows:

SEC. 75.0110 FINANCIAL, OWNERSHIP AND OPERATING RECORDS; REPORTING REQUIREMENTS

(a) Every person engaged in the business of operating a paratransit vehicle within The City of San Diego under a permit granted by the City Manager shall maintain:

- (1) financial records in accordance with good accounting practices;
- (2) ownership records; and
- (3) operating records in a form and at intervals which shall be determined from time to time by the City Manager.

Ownership and operating records shall be made available to the City Manager upon demand at any reasonable time. The permit holder shall retain operating records for a minimum of six (6) months from the date the records are created.

(b) For purposes of this section, ownership records shall include but are not limited to the following:

- (1) Copies of the Articles of Incorporation as filed with the Secretary of the State of California;

(2) Records identifying all corporate officers and members of the corporation's board of directors; a corporation shall report any change in corporate officers or members of its board of directors to Paratransit Administration within ten (10) days of the effective date.

(3) A stock register recording the issuance or transfer of any shares of the corporate stock; and

(4) The registration cards issued by the State of California Department of Motor Vehicles to the vehicle owner for all paratransit vehicles operated under the authority of a City of San Diego paratransit permit.

(c) For purposes of this section, operating records shall include but are not limited to the following:

(1) Typed or written dispatch records for taxicab companies which operate their own radio dispatch service;

(2) Any log which a paratransit vehicle driver keeps describing the trips carried by a paratransit vehicle other than a taxicab;

(3) Copies of the daily trip log required by taxicab drivers under Section 75.0204(k); and

(4) Any other similar records.

(d) Between August 1 and September 1 of each calendar year, every permit holder shall file with the City Manager a signed statement which shall report and attest to the accuracy of the following information:

(1) The individual name(s), business name, business address and telephone number of the permit holder(s);

(2) The name and address of all legal and registered owner(s) of the paratransit vehicle;

(3) The name and address of each person with a financial interest in the business which operates the vehicle; and

(4) The year, manufacturer, model, vehicle identification number, license plate and medallion number affixed to the permitted vehicle.

If the permit holder is an individual, the permit holder must appear in person in the offices of the Paratransit Administration to file the statement; if the permit holder is a partnership, one of the partners must appear in person in the offices of the Paratransit Administration to file the statement; if the permit holder is an association or corporation, an officer of the association or corporation authorized to represent the company must appear in person in the offices of the Paratransit Administration to file the statement.

Section 10. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by renumbering

Section 75.0108 to read Section 75.0111, by changing the title of the newly renumbered section from "DESTRUCTION OF PARATRANSIT VEHICLES", to read "DESTRUCTION, PERMANENT REPLACEMENT OR RETIREMENT OF PARATRANSIT VEHICLES" and by amending newly renumbered Section 75.0111 to read as follows:

SEC. 75.0111 DESTRUCTION, PERMANENT REPLACEMENT OR  
RETIREMENT OF PARATRANSIT VEHICLES

(a) Whenever a paratransit vehicle is destroyed, rendered permanently inoperative, is sold, or the permit holder is no longer the owner of the paratransit vehicle the permit holder shall notify the City Manager in writing within forty-eight (48) hours.

(b) A replacement vehicle must be placed in service within thirty (30) days of the date the original vehicle is removed from service, unless prior written permission has been obtained 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.

The following guidelines are to be used in granting permission for a permit holder to take longer than thirty (30) days in placing a replacement vehicle in service.

(1) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and

identifying a plan and timetable for placing the replacement vehicle in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.

(2) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle in service within the shortest possible timeframe.

(3) An additional period of time not to exceed sixty (60) calendar days may be granted to a permit holder in case of severe personal illness or other similar hardship.

(4) An additional period of time not to exceed thirty (30) calendar days may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.

(5) No extensions will be granted to any permit holder who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs, of operating a paratransit vehicle.

(6) No more than one extension in time will be granted for each vehicle permit in a single twelve (12) month period.

(c) The City Manager shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred,

provided that the permit holder has complied with, and the paratransit vehicle is in conformance with, all applicable provisions of this article.

(d) When a permit holder permanently retires any paratransit vehicle or vehicles from service, and does not replace them within thirty (30) days, the permit for each such retired paratransit vehicle shall be considered abandoned, and will be void; the permit holder shall immediately surrender each related 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.

Section 11. That Chapter VII, Article 5, Division 1, be and is hereby amended by renumbering Section 75.0114 to read 75.0112 and by amending newly renumbered Section 75.0112 to read as follows:

SEC. 75.0112 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 City Manager 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 City Manager 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 unlawful



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) No person shall drive or operate any paratransit vehicle under the authority of a permit granted under this article unless such person has successfully completed a City-approved driver qualification examination.

(i) No paratransit vehicle driver's identification card shall be issued by the City Manager 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 driving a vehicle upon the highway under the influence of an intoxicating liquor or narcotics, or reckless driving; unless five (5) years have elapsed since his or her discharge from a penal institution or after having been placed upon probation during which period of time his or her record is good.

(3) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of, or held by any final administrative determination to have been in violation of, any statute, ordinance, or regulation pertaining to the same or similar business

operation which would have resulted in suspension or revocation of the driver's identification card in accordance with Section 75.0114 of this article.

(4) Any person who has provided false information in their application.

Section 12. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by renumbering Section 75.0109 to read 75.0113 and by amending newly renumbered Section 75.0113 to read as follows:

SEC. 75.0113 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.

The following guidelines are to be used in granting permission for a permit holder to cease operating a paratransit vehicle for a period longer than thirty (30) days.

(i) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the vehicle back in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.

(ii) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle back in service within the shortest possible timeframe.

(iii) An additional period of time not to exceed sixty (60) calendar days may be granted to a permit holder in case of severe personal illness or other similar hardship.

(iv) An additional period of time not to exceed thirty (30) calendar days may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.

(v) No extension will be granted to any permit holder who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs, of operating a paratransit vehicle.

(vi) No more than one extension in time will be granted for each vehicle permit in a single twelve (12) month period.

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

(6) The paratransit vehicle or vehicles, if operated as a taxicab, are operated at a rate of fare greater than those fares on file with the City Manager and posted on the taxicab pursuant to Section 75.0202(b) of this code.

(7) The paratransit vehicle or vehicles, if operated as a taxicab, are operated at a rate of fare greater than the current maximum rate established by the City Council pursuant to Section 75.0202(a) of this code.

(8) The permit holder fails to begin operating the paratransit vehicle for which the permit is first approved within ninety (90) days after the approval date.

(9) The permit holder has been convicted of assault, battery, resisting arrest, or any felony involving force and violence.

(10) The permit holder has been convicted of a crime involving moral turpitude that would require a person to register under Section 290 of the California Penal Code.

(b) For purposes of this section, a plea or verdict of guilty, a finding of guilt by a court, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction.

(c) The permit holder shall be notified each time a complaint against him or her has been filed, or each time the City Manager has noted an incident of noncompliance with the provisions of this article. The City Manager shall cause each complaint to be investigated.

(d) Upon the investigation and determination of three (3) valid complaints and/or incidents of noncompliance with this article, the permit holder shall receive a notice of adverse action and shall appear for an informal hearing before the City Manager.

(e) Following a notice of adverse action, receipt of one (1) additional valid complaint or incident of noncompliance with this article shall cause the permit to be revoked.

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

Section 13. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by renumbering Section 75.0110 to read 75.0114, by changing the title of newly renumbered Section 75.0114 from "REVOCATION PROCESS OF PERMIT AND DRIVER'S IDENTIFICATION CARD" to read "SUSPENSION AND REVOCATION OF DRIVER'S IDENTIFICATION CARDS" and by amending newly renumbered Section 75.0114 to read as follows:

SEC. 75.0114 SUSPENSION AND REVOCATION OF DRIVER'S IDENTIFICATION CARDS

(a) Driver's identification cards may be suspended or revoked by the City Manager at any time in case:

(1) The City Manager finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this article; or

(2) The driver fails to comply with the applicable provisions of this article; or

(3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable ordinance of the County of San Diego; or

(4) His or her State Driver's License is revoked or suspended; or

(5) The driver is convicted of driving under the influence of intoxicating liquors and/or narcotics while operating a paratransit vehicle; or

(6) His or her driving record shows a violation point count as specified in Sections 12810 and 12810.5 of the California Vehicle Code; or

(7) The driver has been convicted of assault, battery, resisting arrest, or any felony involving force and violence; or

(8) The driver has been convicted of a crime involving moral turpitude that would require a person to register under Section 290 of the California Penal Code.

(b) For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction.

(c) Notwithstanding a driver's possession of a valid taxicab driver identification card, the City Manager may deny, suspend, revoke or refuse to renew the driver's privilege to operate a paratransit vehicle in The City of San Diego if the driver falls within the provisions of this section.

(d) The driver shall be notified each time a complaint against him or her has been filed, or each

time the City Manager has noted an incident of noncompliance with the provisions of this article. The City Manager shall cause each complaint to be investigated.

(e) Upon the investigation and determination of three (3) valid complaints and/or incidents of noncompliance with this article, the driver shall receive a notice of adverse action and shall be given an opportunity for an informal hearing before the City Manager.

(f) Following a notice of adverse action, receipt of one (1) additional valid complaint or incident of noncompliance with this article shall cause the driver's identification card to be revoked.

(g) Upon a finding by the City Manager that a driver falls within the provisions of this section, the driver shall be notified that his or her driver's identification card has been revoked or suspended and the manner in which such action may be appealed.

Section 14. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and it is hereby amended by renumbering Section 75.0111 to read 75.0115, by changing the title of newly renumbered Section 75.0115 from "SURRENDER OF PERMIT" to read "SURRENDER OF MEDALLION" and by amending newly renumbered Section 75.0115 to read as follows:

SEC. 75.0115 SURRENDER OF MEDALLION



When a permit has been suspended or revoked, the operation of any paratransit vehicle authorized by such permit shall cease, and its medallion surrendered immediately to the City Manager.

Section 15. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by renumbering Section 75.0112 to read Section 75.0116 and by amending newly renumbered Section 75.0116 to read as follows:

SEC. 75.0116 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 delivery of the notice of revocation, suspension, or denial. The permit holder or driver shall set forth in the appeal 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) Except as provided in subsection (d), 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.

(d) If, in the City Manager's opinion, the continued operation of a paratransit vehicle or possession of a driver's identification card represents

an unsafe condition for any passenger, the revocation or suspension of the related permit or driver's identification card shall not be stayed. A revocation or suspension of a permit for failure to comply with Section 75.0108(e) or Section 75.0109 is rebuttably presumed to represent an unsafe condition. If an appeal has been heard and a decision rendered by the Transportation and Land Use Committee of the City Council, the revocation or suspension of a permit or driver's identification card shall not be stayed by a Council member's request under Section 22.0101 (Rule 4) of this code to have a hearing set before the full Council.

Section 16. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and it is hereby amended by renumbering Section 75.0113 to read Section 75.0117 and by amending newly renumbered Section 75.0117 to read as follows:

SEC. 75.0117 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) Both the permit holder or driver and the City Manager shall have the right to appeal the hearing officer's decision to the Transportation and Land Use Committee by filing notice in writing with the City Clerk within ten (10) days of receipt of the hearing officer's written decision.

(c) If the permit holder or driver has an appeal before the Transportation and Land Use Committee, the appellant shall present the medallion or driver's identification card with the Transportation and Land Use Committee at the beginning of the hearing before the Committee.

(d) The decision of the Council Committee shall be the final administrative remedy unless a hearing is set before the City Council pursuant to Section 22.0101, (Rule 4). A Council member's request under Rule 4 to have a hearing set before the full Council shall not operate as a stay of a decision by the Transportation and Land Use Committee to suspend or revoke a permit or driver's identification card.

(e) If the Transportation and Land Use Committee decides to suspend or revoke a permit or driver's identification, the appellant shall immediately surrender the medallion or driver's identification card to the City Manager.

Section 17. That Chapter VII, Article 5, Division 1 of the San Diego Municipal Code be and it is hereby amended by adding new Section 75.0118 to read as follows:

SEC. 75.0118 ENFORCEMENT; POWER TO ARREST; DESIGNATION OF PARATRANSIT INSPECTORS

The City Manager may designate Paratransit Inspectors whose duties are to enforce the provisions of this article. A Paratransit Inspector is hereby authorized

to arrest any person without a warrant whenever the Paratransit Inspector has reasonable cause to believe that the person to be arrested has committed a violation of this article in his presence.

Section 18. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by renumbering Section 75.0120 to read Section 75.0119 and by amending newly renumbered Section 75.0119 to read as follows:

SEC. 75.0119 EXCEPTIONS TO PROVISIONS

The provisions of this article do not apply to a vehicle properly licensed and 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, or the San Diego Transit Corporation.

Section 19. That Chapter VII, Article 5, Division 1, of the San Diego Municipal Code, be and is hereby amended by adding new Section 75.0120 to read as follows:

SEC. 75.0120 CITY MANAGER'S AUTHORITY TO ADOPT RULES

Except where Council action is specifically required in this article, the City Manager may adopt any rules and regulations reasonable and necessary to implement the provisions of this article.

Section 20. That Chapter VII, Article 5, Division 2, of the San Diego Municipal Code, be and is hereby amended by amending Sections 75.0201, 75.0202, 75.0203, 75.0204 and 75.0205 to read as follows:

SEC. 75.0201 TYPES OF SERVICE

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

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

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) No change.
- (b) No change.
- (c) No change.

(d) 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. 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 the taxicab. It shall be the duty of every permit holder operating a taxicab to keep the taximeter in proper condition so that the taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The taximeter shall be at all times subject to inspection by a Paratransit Inspector or any peace officer. The Paratransit Inspector or peace officer is hereby authorized at his or her instance or upon complaint of any person to investigate or cause to be investigated the taximeter, and upon discovery of any inaccuracy in the taximeter, or if the taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of The City of San Diego until the taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and taximeter must be inspected and approved by the City Manager.

(e) No change.

(f) No change.

(g) No change.

(h) Except as provided for in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the permit holder's meter rate filed with the City Manager pursuant to Section 75.0201 or 75.0202(b) of this code.

(i) Nothing in this article shall preclude a permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less than the permit holder's currently filed and posted rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip; except for trips commencing at the Lindbergh Field International Airport.

(j) For shared ride service, the permit holder and/or driver of a taxicab shall charge a zone fare rate no greater than the maximum rates as established by the City Council by resolution.

#### SEC. 75.0203 EQUIPMENT AND SPECIFICATIONS

(a) No change.

(b) No change.

(c) No change.

(d) All taxicabs must conform to a color scheme approved by the City Manager, and the City Manager may refuse a permit to any person whose color scheme, trade name and/or insignia imitates that of any permittee in such manner as to deceive the public.

(e) Each taxicab shall be assigned a body number by the permit holder. The trade name and body number shall be painted or permanently affixed in letters and numerals no less than four (4) inches high on both sides and the rear of the taxicab.

(f) All taxicabs shall be equipped and operated so 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 not be met by use of a mobile radio telephone service. For taxicabs operating under valid permits or certificates granted by City Council before September 1, 1976, this requirement must be met no later than 180 calendar days from the effective date of this ordinance.

(g) The radio dispatch capability described in paragraph (f) 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) No change.
- (b) No change.
- (c) No change.



(d) 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. This subsection shall not prohibit a driver of an out-of-service taxicab from displaying an "Out-of-Service" sign, provided the driver is parked in a lawful parking spot and the driver is not in the vehicle. However, a driver may not display an "Out-of-Service" sign while the driver is in the taxicab or the taxicab is located in a taxi stand.

(e) No change.

(f) No change.

(g) It shall also be unlawful for a taxicab driver, having parked and left his or her 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 (i). No person shall solicit passengers for a taxicab other than the driver thereof; provided, however, the City Manager may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his or her 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 or passenger loading zone unless the driver or operator remains within twelve (12) feet of his or her taxicab, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(i) Only paying passengers and persons specifically authorized by the City Manager may occupy a taxicab that is already occupied by a paying passenger. No driver, once a paying passenger has occupied his taxicab, shall permit any other paying passenger to occupy or ride in the taxicab unless the passenger first employing the taxicab consents 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. No driver, once a paying passenger has occupied his taxicab, shall permit any other non-paying passenger to occupy or ride in the taxicab.

(j) It shall be unlawful to respond to a call for service dispatched to another operator.

(k) The taxicab driver shall maintain a daily trip log. The trip log will accurately show the date, time, starting and ending locations, and fare for each trip provided. The driver shall furnish a copy of the daily trip log to the permit holder at regular intervals or upon request of the permit holder.

(1) All other operating regulations set forth in Section 75.0108 apply.

SEC. 75.0205 STANDS

(a) No change.

(b) No change.

(c) Any individual, partnership, association or other organization may petition the City requesting that a new taxicab stand be established, or that the location of an existing taxicab stand be changed to another location. A nonrefundable filing fee to be determined by the City Manager must be paid at the time the petition is submitted.

Section 21. That Chapter VII, Article 5, Division 3, of the San Diego Municipal Code, be and is hereby amended by amending Section 75.0302 to read as follows:

SEC. 75.0302 OPERATING REGULATIONS

(a) No change.

(b) No change.

(c) All other operating regulations defined in Section 75.0108 apply.

Section 22. That Chapter VII, Article 5, Division 4, of the San Diego Municipal Code, be and is hereby by amending Section 75.0402 to read as follows:

SEC. 75.0402 OPERATING REGULATIONS

(a) No change.

(b) No change.

(c) All other operating regulations defined in Section 75.0108 apply.

Section 23. That Chapter VII, Article 5, Division 5, of the San Diego Municipal Code, be and it is hereby amended by amending Sections 75.0501 and 75.0502 to read as follows:

SEC. 75.0501 RATES OF FARE

(a) No change.

(b) No change.

(c) No change.

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

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis or on a per capita plus per zone basis.

SEC. 75.0502 OPERATING REGULATIONS

(a) No change.

(b) All other operating regulations defined in Section 75.0108 apply.

Section 24. That Chapter VII, Article 5, Division 6, of the San Diego Municipal Code, be and is hereby amended by amending Sections 75.0602, 75.0603, 75.0604 and 75.0605 to read as follows:

SEC. 75.0602 JITNEY ROUTES

(a) A permit holder who wishes to provide a fixed route service shall apply to the City Manager for authorization to serve a defined route with a specific

vehicle. No paratransit vehicle may be operated as a jitney until it has met all other requirements of this article and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the City Manager has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

(1) A description of the vehicle(s) which will be utilizing the route;

(2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;

(3) A map in sufficient detail to clearly indicate the proposed route;

(4) The fare to be charged; and

(5) Such other information as the City Manager may in his or her discretion require.

(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 in accordance with standards established by the City Manager under Section 75.0605 of this article.

Only one route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter his or her approved fixed route(s), he or she must apply in writing to the City Manager, submitting the information required in Section 75.0602(b).

(e) The City Manager may, in his or her discretion, place conditions on the approval of fixed routes.

(f) The City Manager may change a route that has been approved previously when the City Manager finds it necessary to change a route. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the City Manager. The City Manager shall notify in writing any permit holder whose route has been changed. The City Manager's change of a route is subject to appeal under Section 75.0116 of this article.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle which is replacing a jitney vehicle already in service to use the approved fixed routes of the replaced vehicle.

SEC. 75.0603 OPERATING REGULATIONS

(a) No change.

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) All other operating regulations defined in

Section 75.0108 apply.

SEC. 75.0604 JITNEY HOLDING ZONES

(a) No change.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the City Manager. The City Manager shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours per day, the City Manager shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) No change.

(d) No change.

(e) No change.

(f) No change.

SEC. 75.0605 EQUIPMENT AND SPECIFICATIONS

(a) Each jitney shall bear on the outside signs clearly designating the route which it serves. The specifications of the sign are subject to the approval

of the City Manager. The City Manager shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs and other specifications that the City Manager finds necessary. For any application for jitney operating permits pending on July 11, 1984, or any application received after July 11, 1984, no permit to operate a jitney vehicle may be issued absent the City Manager's approval of the jitney route sign. For jitneys operating under valid operating permits as of July 11, 1984, the jitney route signs must be approved by the City Manager at the time of each vehicle's next regularly scheduled annual inspection.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the City Manager. For any application for jitney operating permits pending on July 11, 1984, or any application received after July 11, 1984, no permit to operate a jitney vehicle may be issued absent the City Manager's approval of the placement and size of the trade name lettering and body numbers. For jitneys operating under valid operating permits as of July 11, 1984, the location and size of the trade name, letters and body numbers must be approved by the City Manager at the time of each vehicle's next regularly scheduled annual inspection.



Section 25. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 26. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

APPROVED: John W. Witt, City Attorney

By *Cristie C. McGuire*  
Cristie C. McGuire  
Deputy City Attorney

CCM:sam:504.1  
9/21/84 Rev.  
Or.Dept:Atty  
O-85-12  
Form:o.cpru

OCT 29 1984

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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

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

(Seal)

By *Ellen Boardman*, 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 15 1984

OCT 29 1984

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.

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

(Seal)

By *Ellen Boardman*, Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	<b>0-16311</b>	Adopted <b>OCT 29 1984</b>

RECEIVED  
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION

1984 NOV 14 AM 9:09

SAN DIEGO, CALIF. *CL*

CITY OF SAN DIEGO  
202 C Street, 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16311

**ORDINANCE NUMBER O-16311  
(NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 5, DIVISIONS 1, 2, 3, 4, 5 AND 6 OF THE SAN DIEGO MUNICIPAL CODE REGARDING PARATRANSIT VEHICLES, INCLUDING TAXICABS, VEHICLES FOR HIRE, JITNEY VEHICLES, NON-EMERGENCY MEDICAL VEHICLES AND SIGHTSEEING VEHICLES BY AMENDING SECTIONS 75.0101, 75.0103, 75.0104, AND 75.0105; BY REPEALING SECTION 75.0106; BY AMENDING SECTION 75.0107; BY CONSOLIDATING AND RENUMBERING SECTIONS 75.0108, 75.0109, 75.0110, 75.0111, 75.0112, 75.0113, 75.0114, 75.0115, 75.0116 AND 75.0117; BY CHANGING THE TITLES OF NEWLY RENUMBERED SECTIONS 75.0108, 75.0110, 75.0111, 75.0114 AND 75.0115; BY AMENDING NEWLY RENUMBERED SECTIONS 75.0108, 75.0109, 75.0110, 75.0111, 75.0112, 75.0113, 75.0114, 75.0115, 75.0116, AND 75.0117; BY ADDING NEW SECTION 75.0118; BY AMENDING NEWLY RENUMBERED SECTION 75.0119; BY ADDING NEW SECTION 75.0120; AND BY AMENDING SECTIONS 75.0201, 75.0202, 75.0203, 75.0204, 75.0205, 75.0206, 75.0207, 75.0208, 75.0209, 75.0210, 75.0211, 75.0212, 75.0213, 75.0214 AND 75.0215.

I, Michael L. Ungashick, 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

ORDINANCE NUMBER O-16311  
(NEW SERIES)

12 "X 9-76 = 11792

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:

November 12, 1984

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

Dated at San Diego, California this 12th day of Nov., 1984.

Michael L. Ungashick  
(Signature)

This ordinance amends several sections of the Municipal Code that pertain to paratransit vehicles, including taxicabs, vehicles for hire, jitney vehicles, non-emergency medical vehicles and massing vehicles. It established additional restrictions for the transfer of paratransit permits. It grants authority to the City Manager to appoint Paratransit Inspectors whose duties are specified in the ordinance. It grants Paratransit Inspectors the power to arrest persons for violating the City's paratransit code. It expressly grants authority to the City Manager to adopt reasonable rules and regulations implementing the City's paratransit code. It clarifies existing law governing the effect of a Councilmember's request under SDMC 22.0101 (Rule 4) to have a hearing set following a decision by the Transportation Land Use Committee on an appeal from the denial, suspension or revocation of a paratransit permit. It establishes standards for paratransit vehicles' safety and appearance. It requires all taxicabs to be equipped with a two-way radio. It requires that a paratransit permit applicant's background for the five years preceding the date of application be checked before approval of the permit. It requires a paratransit permit holder to report certain information annually to the City. It requires a permit holder to provide certification that notice will be sent to the City prior to cancellation of liability insurance. It establishes paratransit vehicle drivers' clothing standards. It permits the City to develop and administer a paratransit vehicle drivers' test. It requires drivers to wear identification cards. It requires drivers to maintain daily trip logs. It permits non-emergency medical vehicles to establish fares for shared rides. It clarifies and reorganizes other portions of the City's paratransit code. It contains a severability clause.

Introduced on October 15, 1984

Passed and adopted by the Council of The City of San Diego on October 29, 1984.

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

By ELLEN BOVARD,

Deputy

(SEAL)

Pub. Nov. 12

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