

ORDINANCE NUMBER O- 19176 (NEW SERIES)

ADOPTED ON MAY 20 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER VIII, ARTICLE 3, DIVISION 1, BY ADDING NEW SECTION 83.0111; BY AMENDING EXISTING SECTION 83.0126; BY RENUMBERING EXISTING SECTIONS 83.0127, 83.0128, 83.0129, 83.0130, 83.0131, 83.0132, 83.0133, 83.0134, RESPECTIVELY TO SECTIONS 83.0129, 83.0130, 83.0131, 83.0132, 83.0133, 83.0134, 83.0135, AND 83.0136; BY ADDING NEW SECTION 83.0127; BY ADDING NEW SECTION 83.0128; AND AMENDING EXISTING SECTION 83.0130, ALL RELATING TO PEDICABS, PEDESTRIANS AND BICYCLES.

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

Section 1: That Chapter 8, Article 3, Division 1, of the San Diego Municipal Code is amended by adding new Section 83.0111, to read as follows:

§ 83.0111 Fare Schedule

- (a) *Pedicab operators* shall post a fare schedule in a manner clearly visible to the public at all times while operating a pedicab.
- (b) It is unlawful for any *pedicab operator* to demand from a passenger a fare greater than the fare contained in the posted fare schedule.
- (c) Section 83.0111(b) does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passenger and the *pedicab operator* prior to the beginning of the tour.

Section 2: That Chapter 8, Article 3, Division 1, of the San Diego Municipal Code is amended by amending Section 83.0126, to read as follows:

§ 83.0126 **Equipment Regulations for Pedicabs**

(a) through (d) [No change in text.]

(e) It is unlawful for any *person* to operate, or cause to be operated, a *pedicab*, which has more than one attached trailer or sidecar.

Section 3: That Chapter 8, Article 3, Division 1, of the San Diego Municipal Code is amended by renumbering Sections 83.0127, 83.0128, 83.0129, 83.0130, 83.0131, 83.0132, 83.0133, 83.0134, respectively to Sections 83.0129, 83.0130, 83.0131, 83.0132, 83.0133, 83.0134, 83.0135, and 83.0136.

Section 4: That Chapter 8, Article 3, Division 1, of the San Diego Municipal Code is amended adding new Section 83.0127, to read as follows:

§ 83.0127 **Passenger Seating Requirements**

It is unlawful for any *person* to operate a *pedicab* while carrying a number of passengers that exceeds the number of available seats.

Section 5: That Chapter 8, Article 3, Division 1, of the San Diego Municipal Code is amended adding new Section 83.0128, to read as follows:

§ 83.0128 **Damage to Public Property**

It shall be unlawful for any *person* to operate a *pedicab* in a manner that results in damage to public property.

Section 6: That Chapter 8, Article 3, Division 1, of the San Diego Municipal Code is amended by amending Section 83.0130, to read as follows:

§ 83.0130 Suspension or Revocation of Operating Permit or Decal

(a) *Pedicab operating permits or decals* may be suspended or revoked by the City Manager at any time based upon any of the following grounds:


- (1) The *pedicab operator* has failed to comply with the applicable provisions of this Division, or the rules and regulations prescribed by the City Manager.
- (2) The *pedicab operator* has been convicted of assault; battery; resisting arrest; any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the *pedicab operator* to safely transport passengers, unless five years has elapsed from the date of discharge from a penal institution, or the successful completion of probation for such conviction.
- (3) The *pedicab operator* has been convicted of a crime that requires registration under the California Penal Code as a sex offender.
- (4) The *pedicab operator* has knowingly made a false statement or material fact, or knowingly failed to state a material fact in the application process for the *pedicab operating permit or decal*.

- (5) The *pedicab operator's* ability to drive lawfully in California has expired or has been suspended or revoked.
- (6) When the City Manager determines that the *pedicab operator* has engaged in criminal activity or other activity that constitutes a serious threat to public health, safety, or welfare, a *pedicab operating permit* or *decal* may be summarily suspended or revoked, and a notice of the suspension or revocation may be issued without a hearing. The summary suspension or revocation shall remain in effect until the conclusion of the appeal process set forth in sections 83.0131 and 83.0132.

Section 7: That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 8. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Lisa A. Foster
Deputy City Attorney

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