

ORDINANCE NUMBER O- 20515 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 16 2015

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 46; BY AMENDING CHAPTER 8, ARTICLE 3, AND RETITLING DIVISION 1; BY AMENDING SECTIONS 83.0101 AND 83.0102; BY AMENDING AND RENUMBERING SECTION 83.0103 TO SECTION 33.4604; BY RENUMBERING SECTION 83.0120 TO NEW SECTION 83.0103; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0104 TO SECTION 33.4605; BY RENUMBERING SECTION 83.0110 TO NEW SECTION 83.0104; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0105 TO SECTION 33.4603; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0125 TO NEW SECTION 83.0105; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0106 TO SECTION 33.4606; BY AMENDING AND RENUMBERING SECTION 83.0112 TO NEW SECTION 83.0106, BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0107 TO SECTION 33.4607; BY AMENDING AND RENUMBERING SECTION 83.0113 TO NEW SECTION 83.0107; BY AMENDING AND RENUMBERING SECTIONS 83.0108 TO SECTION 33.4608, SECTION 83.0109 TO SECTION 33.4609, SECTION 83.0110 TO SECTION 83.0104, SECTION 83.0111 TO SECTION 33.4621, SECTION 83.0112 TO SECTION 83.0106, AND SECTION 83.0113 TO SECTION 83.0107; BY RENUMBERING SECTION 83.0114 TO SECTION 33.4612; BY AMENDING AND RENUMBERING SECTION 83.0115 TO SECTION 33.4613, SECTION 83.0116 TO SECTION 33.4614, SECTION 83.0117 TO SECTION 33.4615, SECTION 83.0118 TO SECTION 33.4616, AND SECTION 83.0119 TO SECTION 33.4617; BY RENUMBERING SECTION 83.0120 TO SECTION 83.0103 AND TO SECTION 33.4611; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0121 TO SECTION 33.4610; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0122 TO SECTION 33.4605; BY AMENDING AND RENUMBERING SECTION 83.0123 TO SECTION 33.4618; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0124 TO SECTION 33.4610 AND SECTION 83.0125 TO SECTION 83.0105 AND NEW SECTION 33.4610; BY AMENDING AND RENUMBERING SECTION 83.0126 TO SECTION 33.4620; BY AMENDING, RETITLING, AND RENUMBERING SECTION

83.0127 TO SECTION 33.4622, SECTION 83.0128 TO SECTION 33.4622 AND SECTION 83.0129 TO SECTION 33.4623; BY AMENDING AND RENUMBERING SECTION 83.0130 TO SECTION 33.4619, SECTION 83.0131 TO SECTION 33.4624, SECTION 83.0132 TO SECTION 33.4625, AND SECTION 83.0133 TO SECTION 33.4626, AND ADDING A NEW SECTION 33.4627, ALL RELATING TO PEDICABS.

WHEREAS, the City of San Diego has regulated pedicabs since 1999 (Ordinance O-18701); and

WHEREAS, the pedicab industry has been under the management of the City's Transportation and Stormwater Department; and

WHEREAS, the San Diego City Council (City Council) finds that the San Diego Police Department is better equipped to manage the pedicab industry; and

WHEREAS, to protect public health, safety, and welfare, the City Council finds that it is prudent to treat the pedicab industry as a police-regulated business, requiring pedicab owners and operators to obtain a police permit; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 3 of the San Diego Municipal Code is amended by adding a new Division 46, to read as follows:

Chapter 3: Business Regulations, Business Taxes, Permits and Licenses

Article 3: Police Regulated Occupations and Businesses

Division 46: Police Permits for Pedicabs

§33.4601 Purpose

It is the purpose of this Division to regulate *pedicab owners* and *operators* by requiring a *police permit*. These regulations are intended to protect the health,

safety, and welfare of the general public, and passengers using *pedicabs* as a mode of transportation.

§33.4602 Definitions

Chief of Police has the same meaning as in San Diego Municipal Code (Municipal Code) section 33.0201.

Darkness means any time from one-half hour after sunset to one-half hour before sunrise and any time when visibility is not sufficient to render clearly discernible any *person* or vehicle on the highway at a distance of 1000 feet.

Operating permit means a photo identification issued by the *Chief of Police* pursuant to this Division, authorizing the *person* to act as a *pedicab operator*.

Operator means any *person* who pedals, steers, uses the brakes, or otherwise controls a *pedicab* within the City of San Diego.

Owner means any *person* who owns a *pedicab*.

Pedicab means:

- (a) A bicycle that: (1) has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, (2) is operated by a *person*, and (3) is used for transporting passengers for hire; or
- (b) A bicycle that: (1) pulls a trailer, sidecar, or similar device, (2) transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, (3) is operated by a *person*, and (4) is used for transporting passengers for hire.

Pedicab Decal means the numbered decal issued by the *Chief of Police* to a *pedicab owner* for display on the *pedicab* to indicate that the *pedicab* is permitted to operate everywhere in the City of San Diego except those areas designated as *Restricted Pedicab Zones*.

Pedicab Restricted Zone Decal means the numbered decal issued by the City to a *pedicab owner* for display on the *pedicab* to indicate that the *pedicab* is permitted to operate anywhere in the City of San Diego including those areas designated as *Restricted Pedicab Zones*.

Permit and *police permit* have the same meaning as in Municipal Code section 33.0201.

Person has the same meaning as in Municipal Code section 11.0210.

Restricted Pedicab Zone means a geographical area listed in Municipal Code section 83.0107.

Seatbelt means the safety strap or harness designed to hold a *person* securely in a seat.

§33.4603 Application and Regulatory Fees

- (a) It is the policy of the City of San Diego that the cost of investigating and processing applications for *police permits* for *pedicab owners* and *operators* be borne by the applicants. All applications shall be accompanied by a non-refundable application fee, which will cover the cost of investigating and processing the application.
- (b) It is the policy of the City of San Diego that the cost of inspecting, regulating, and enforcing laws relating to *pedicab owners* and *operators*

be borne by the *permittees* in the form of regulatory fees. Regulatory fees shall be paid according to the schedule set in the City Clerk's Composite Rate Book.

§33.4604 Police Permit Required for Pedicab Operator

- (a) It is unlawful for any *person* to operate a *pedicab* without a *police permit*.
- (b) It is unlawful for a *pedicab* operator, while operating a *pedicab*, to fail to wear or display his or her *operating permit* in a manner clearly visible to the public.

§33.4605 Pedicab Operator Permit Application Contents

- (a) Each applicant for an *operating permit* shall furnish the following information to the *Chief of Police*:
 - (1) Proof of a valid Business Tax Certificate issued pursuant to Chapter 3, Article 1 of this Municipal Code.
 - (2) A valid California driver's license, as required by the California Vehicle Code.
 - (3) The full true name and any other names ever used by the applicant.
 - (4) The applicant's date of birth.
 - (5) Applicant's height, weight, color of eyes and hair.
 - (6) The current residential address and telephone number of the applicant.
 - (7) Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address.

- (8) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment.
 - (9) Photographs as specified by the *Chief of Police*.
 - (10) Fingerprints.
 - (11) A signed copy of the "Pedicab Operator Code of Conduct."
 - (12) All criminal convictions, including those dismissed pursuant to California Penal Code section 1203.4, and the dates and places of the convictions.
- (b) Any application that does not include all information requested by the application form or not supported by the materials required by this section may be rejected as incomplete.

§33.4606 Term of Pedicab Operating Permit

- (a) An *operating permit* shall be valid for one year from the date of issuance.
- (b) *Operating permits* that are defaced, altered, forged, or counterfeited are invalid.
- (c) *Operating permits* are non-transferable.

§33.4607 Renewal of Pedicab Operating Permit

Operating permits may be renewed annually in accordance with the provisions of Municipal Code section 33.0308.

§33.4608 Fare Schedule

- (a) *Pedicab operators* shall post a “per passenger” fare schedule on the *pedicab* that meets the size, format, and location requirements of section 33.4609.
- (b) The fare schedule shall be clearly visible to all passengers while seated in the *pedicab*.
- (c) It is unlawful for any *operator* to charge a passenger a fare greater than the posted fare schedule.

§33.4609 Fare Schedule Sign Requirements

- (a) Size – A fare schedule sign shall be a minimum of 8-1/2 inches in width by 6 inches in height.
- (b) Font and color – The required font shall be “Arial Bold,” in a color to produce maximum contrast with the background, adequately spaced for maximum readability.
- (c) Format – The fare schedule shall include the following text:
 - Line 1– FARE SCHEDULE (All capitalized with minimum font size of 36)
 - Line 2– (PER PERSON) (All capitalized with minimum font size of 36)
 - Line 3– Rate charged (Minimum font size of 36).
- (d) Location Requirements – The fare schedule shall be securely attached to the *pedicab* in a location clearly visible to all passengers while seated in the *pedicab*.

§33.4610 Prohibitions on the Operation of Pedicabs

- (a) It is unlawful for any *person* under the age of eighteen to operate a *pedicab*.
- (b) It is unlawful to operate a *pedicab* in a manner that results in damage to public property.
- (c) It is unlawful to operate a *pedicab* in a manner that creates or generates public nuisance noise in violation of section 59.5.0501 or section 59.5.0502 of the Municipal Code.
- (d) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* having more than one attached trailer or sidecar.
- (e) It is unlawful to operate, or for an *owner* to allow to be operated, a *pedicab* while carrying a number of passengers that exceeds the number of available seats.
- (f) It is unlawful to operate a *pedicab* unless all passengers are restrained by *seatbelts*.

§33.4611 Other Laws Applicable to Pedicab Owners and Operators

Operators and *owners* are subject to all applicable laws, rules, and regulations of the Municipal Code and the California Vehicle Code pertaining to the operation of bicycles upon streets, except those provisions that by their very nature can have no application.

§33.4612 Pedicab Decals: General and Restricted Zone

- (a) The number of *Pedicab Restricted Zone Decals* issued shall be set by resolution of the San Diego City Council.

- (b) It is unlawful to operate a *pedicab* or for any *owner* to lease, rent, or allow a *pedicab* to be operated within the City without first having obtained a *Pedicab Decal* or *Pedicab Restricted Zone Decal* issued pursuant to this Division.
- (c) The *Pedicab Decal* or *Pedicab Restricted Zone Decal* shall be permanently affixed to the frame of the *pedicab* in a location that is clearly visible to the passenger or the public.

§33.4613 Application for Pedicab Decal or Pedicab Restricted Zone Decal

- (a) Before allowing a *pedicab* to be operated, *owners* shall obtain a *Pedicab Decal* or *Pedicab Restricted Zone Decal*.
- (b) Each applicant for a *Pedicab Decal* or *Pedicab Restricted Zone Decal* shall provide the following information to the *Chief of Police*:
 - (1) The full name and any other names ever used by the applicant;
 - (2) The current residential address and phone number of the applicant;
 - (3) Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address;
 - (4) Written proof that the applicant is at least eighteen years of age;
 - (5) Applicant's height, weight, color of eyes and hair;
 - (6) Photographs as specified by the *Chief of Police*;
 - (7) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment;

- (8) Whether the applicant has ever had a *pedicab operator permit*, *Pedicab Decal* or *Pedicab Restricted Zone Decal*, or similar *license* or *permit*, denied, suspended, or revoked within five years immediately preceding the date of the application, and the reason for the denial, suspension, or revocation;
 - (9) All criminal convictions, including those dismissed pursuant to California Penal Code section 1203.4, except traffic, and the dates and places of the conviction;
 - (10) Fingerprints;
 - (11) The name and address of all legal and registered *owners* of the *pedicab*;
 - (12) A description of the *pedicab*, including trade name, if any, serial number, and body style;
 - (13) Physical address of *pedicab* storage; and
 - (14) Such other information as the *Chief of Police* may require.
- (c) *Owners* shall provide proof of insurance in accordance with section 33.4620.
- (d) *Owners* shall provide a completed Pedicab Inspection Form, which verifies the City-assigned *pedicab* identification number, all required safety equipment, and *pedicab* exterior markings.
- (e) *Owners* shall inform the *Chief of Police* when changes in insurance, business address, storage address, or mailing address occur after a *Pedicab*

Decal or Pedicab Restricted Zone Decal is issued, within 10 calendar days of any such changes.

§33.4614 Requirements for Issuance or Renewal of Pedicab Decals and Pedicab Restricted Zone Decals

No *Pedicab Decals* or *Pedicab Restricted Zone Decals* may be issued or renewed unless the *pedicab* meets all of the equipment requirements contained in section 33.4618, and all outstanding parking fees for that *pedicab* are paid.

§33.4615 Pedicab Decal and Pedicab Restricted Zone Decal Fees

The *Chief of Police* shall charge a nonrefundable fee to recover the costs associated with the administration, regulation, and issuance of *Pedicab Decals* or *Pedicab Restricted Zone Decals*. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the City Clerk's Office.

§33.4616 Duration of Validity of Pedicab Decals and Pedicab Restricted Zone Decals

- (a) Section 33.0308 of the Municipal Code notwithstanding, a *Pedicab Decal* or *Pedicab Restricted Zone Decal* is valid from the date issued through December 31 of the year for which it is issued.
- (b) A *Pedicab Decal* or *Pedicab Restricted Zone Decal* is invalid if the *Pedicab Decal* or *Pedicab Restricted Zone Decal* is defaced, altered, mutilated, forged, or counterfeited.
- (c) *Pedicab Decals* and *Pedicab Restricted Zone Decals* are non-transferable.

§33.4617 Pedicab Decal and Pedicab Restricted Zone Decal Renewal

Pedicab Decals and *Pedicab Restricted Zone Decals* may be renewed every calendar year upon the filing of a new application and payment of a fee as

determined by the City. *Pedicab Decals* and *Pedicab Restricted Zone Decals* may be renewed beginning December 1 for the following calendar year.

§33.4618 Equipment Regulations for Pedicabs

- (a) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* during the hours of *darkness*, without using battery-operated taillights mounted on the right and left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet of the rear of the *pedicab*.
- (b) It is unlawful for any person to operate, or for any *owner* to allow to be operated, a *pedicab* without a *seatbelt* or *seatbelts* for passengers. *Seatbelts* shall be in proper working order.
- (c) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* in an unsafe condition.
- (d) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* that does not comply with the exterior marking requirements as required by section 33.4619.

§33.4619 Pedicab Exterior Markings

- (a) *Owners* shall permanently affix the company trade name, the company phone number, and the identification number assigned by the City, on the *pedicab* in a location that is clearly visible to the public at all times. These markings shall meet the following requirements:

- (1) Font and color – “Arial Bold” font in a color to produce maximum contrast, adequately spaced for maximum readability.
 - (2) Font size – Minimum 2 inches tall.
- (b) *Owners* shall also secure or affix a City-assigned identification number on each *pedicab*, on the *pedicab* seat tube or *pedicab* trailer draw bar, in a manner that is clearly visible.

§33.4620 Insurance Requirements

- (a) It is unlawful for any *person* to operate a *pedicab* within the City of San Diego unless at the time of such operation the *owner* has in effect a valid policy of commercial general liability coverage or business auto coverage with a *pedicab* endorsement on the policy.
- (b) The insurance policy, required to be issued under section 33.4620(a), shall be executed and delivered by a company with a rating of A in Best’s Key Rating Guide and authorized to carry on an insurance business in the State of California, the financial responsibility of which company has been approved by the City. The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than \$1 million per occurrence for bodily injuries and personal injuries or property damage caused by the operation of the *pedicab*, including but not limited to, *pedicabs* operated by the officers, employees, agents, independent contractors, or lessees of the *owner*.
- (c) A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection at the *owner*’s

principal place of business. A certificate of insurance shall provide that the insurer will notify the City of any cancellation of the *owner's* insurance policy and that the cancellation notice shall be in writing and such notice shall be sent by registered mail at least thirty days before cancellation of the policy.

- (d) The certificate shall include all of the following:
 - (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 City-assigned identification number of the specific vehicles insured;
 - (6) the effective dates of the insurance policy; and
 - (7) the certificate issue date.
- (e) Upon demand of a peace officer, every *operator* of a *pedicab* shall provide valid proof of insurance for the *pedicab*.
- (f) Every *operator* of a *pedicab* shall stop and provide proof of insurance to the other party or parties, if the *pedicab* becomes involved in a collision with another vehicle, bicycle, *pedicab*, or pedestrian, on public or private property.

33.4621 Pedicab Impound

- (a) Every *operator* and every *owner* is subject to applicable impound provisions in California Vehicle Code section 22651. *Operators* and

owners are subject to the same rights and responsibilities as a driver of a motor vehicle as it relates to *pedicab* impounds.

- (b) *Pedicabs* subject to impound may be removed by Police contract tow companies and are subject to City tow fees. Any peace officer, police officer, or parking enforcement officer engaged in traffic or parking enforcement may remove or impound a *pedicab* under any of the following circumstances:
- (1) When an *operator* is issued a citation for a violation of Municipal Code section 33.4612(b) or (c);
 - (2) When an *operator* is issued a citation for a violation of Municipal Code section 33.4604(a);
 - (3) When an *operator* is arrested and taken into custody;
 - (4) When an *owner* has five or more unpaid parking violations related to the *pedicab* to be towed;
 - (5) When an *operator* is physically incapacitated to the extent he or she is unable to safely operate the *pedicab*;
 - (6) When a *pedicab* is parked or left standing upon a City street or sidewalk so as to obstruct the normal movement of vehicles or pedestrians or in a condition that creates a hazard; or
 - (7) When the *pedicab* is in violation of section 83.0104(d) or (e).
- (c) An *owner* of a *pedicab* removed pursuant to section 33.4621 shall be provided an opportunity for a post-storage hearing to determine the validity of the storage, in accordance with California Vehicle Code

section 22852. The impounding agency shall have the burden of establishing the validity of the removal.

33.4622 Denial, Suspension, or Revocation of Operating Permit, Pedicab Decal, or Pedicab Restricted Zone Decal; Appeal Rights

- (a) *Operating permits, Pedicab Decals, or Pedicab Restricted Zone Decals* may be denied, suspended, or revoked by the *Chief of Police* based upon any of the following grounds:
- (1) The *operator* or *owner* fails to comply with the insurance requirements set forth in section 33.4620;
 - (2) The *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 *operator* to safely transport passengers, including a misdemeanor conviction under California Penal Code section 415 as part of a plea bargain in satisfaction of or substitute for an original charge of any of those listed above, 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 *operator* has been convicted of a crime that requires registration under the California Penal Code as a sex offender;
 - (4) The *operator* or *owner* has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the

application process for the *operating permit*, *Pedicab Decal*, or *Pedicab Restricted Zone Decal*;

- (5) The *operator* has engaged in activity that, in the judgment of the *Chief of Police*, constitutes a serious threat to public health, safety, or welfare, including receiving a report from a law enforcement agency that the *pedicab* or *operator* was at fault in a vehicle or pedestrian accident involving a *pedicab*, resulting in injuries;
 - (6) The *operator* fails to maintain a valid California driver's license, including having his or her driving privilege suspended or revoked by the Department of Motor Vehicles; or
 - (7) The *operator* fails to comply with any provision of the California Vehicle Code pertaining to the operation of bicycles upon streets.
- (b) Any *owner* or *operator* who has been denied a *police permit* or is given notice that regulatory action as described in sections 33.0403(b)(4) through (8) may be taken by the *Chief of Police* against an *operating permit*, *Pedicab Decal*, or *Pedicab Restricted Zone Decal* may request an appeal subject to the rights and procedures prescribed in Municipal Code sections 33.0501, 33.0502, 33.0503, 33.0504, 33.0505, and 33.0508.

33.4623 Immediate Seizure of Operating Permit; Emergency Action

- (a) Any peace officer may immediately seize an *operating permit* under any of the following circumstances:

- (1) When the *operator* is arrested for driving under the influence of alcohol or controlled substance while operating a *pedicab* under California Vehicle Code section 21200.5.
 - (2) When a *pedicab* is operated in a manner that creates an immediate safety hazard.
 - (3) When the *operator* or *owner* is found not in compliance with section 33.4610(f).
- (b) Upon seizure of an *operating permit*, a peace officer shall forward the *operating permit* along with a copy of the written complaint, as soon as practicable, to the *Chief of Police*. The *Chief of Police* may review and immediately begin proceedings to suspend or revoke the *operating permit*, or upon review, may make the *operating permit* available for return.
- (c) Section 33.4622(b) notwithstanding, when, after the issuance of an *operating permit*, the *Chief of Police* receives a certified record of conviction for an offense meeting the criteria of section 33.4622(a)(2) or (a)(3), or receives a report from a government agency that contains information that the grounds specified in section 33.4622(a)(5) exists, the *Chief of Police* may take immediate action pursuant to section 33.0406.

33.4624 Enforcement Authority

The *Chief of Police* shall administer and enforce this Division. The *Chief of Police* shall be responsible for accepting applications for a *police permit* to own or operate a *pedicab*, and for issuing the *permit*. The *Chief of Police* will be responsible for determining the fitness of applicants for a *police permit* to own or

operate a *pedicab*, investigating any violations of this Division, and for taking administrative action against any *police permit* issued under this Division.

33.4625 Enforcement Remedies

The provisions of Municipal Code section 12.0201 notwithstanding, violations of this Division may be prosecuted as misdemeanors punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County Jail for a period of not more than six months, or by both fine and imprisonment, except as otherwise stated in the California Vehicle Code. The *Chief of Police* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

33.4626 Strict Liability Offenses

Violations of this Division shall be treated as strict liability offenses, unless otherwise specified.

33.4627 Penalties and Regulatory Action

All penalties and regulatory action related to a *police permit* issued to *owners* and *operators* of *pedicabs* shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406.

Section 2. That Chapter 8, Article 3, Division 1 of the San Diego Municipal Code is amended by retitling Division 1, amending sections 83.0101 and 83.0102, by amending, retitling, and renumbering section 83.0103 to section 33.4604, by renumbering section 83.0120 to new section 83.0103, by amending, retitling, and renumbering section 83.0104 to section 33.4605, by renumbering section 83.0110 to new section 83.0104, by amending, retitling, and renumbering

section 83.0105 to section 33.4603, section 83.0125 to new section 83.0105, section 83.0106 to section 33.4606, by amending and renumbering section 83.0112 to new section 83.0106, by amending, retitling, and renumbering section 83.0107 to section 33.4607, by amending, retitling, and renumbering section 83.0113 to new section 83.0107, by amending and renumbering sections 83.0108 to section 33.4608, section 83.0109 to section 33.4609, section 83.0110 to section 83.0104, section 83.0111 to section 33.4621, section 83.0112 to section 83.0106, and section 83.0113 to section to section 83.0107, by renumbering section 83.0114 to section 33.4612, by amending and renumbering sections 83.0115 to section 33.4613, section 83.0116 to section 33.4614, section 83.0117 to section 33.4615, section 83.0118 to section 33.4616, and section 83.0119 to section 33.4617, by renumbering section 83.0120 to section 83.0103 and to new section 33.4611, by amending, retitling, and renumbering section 83.0121 to section 33.4610(a), by amending, retitling, and renumbering section 83.0122 to section 33.4605, by amending and renumbering section 83.0123 to section 33.4618, by amending retitling, and renumbering section 83.0124 to section 33.4610(e) and section 83.0125 to section 83.0105 and new section 33.4610(b), (d), and (f), by amending and renumbering section 83.0126 to section 33.4620, by amending, retitling, and renumbering sections 83.0127 to section 33.4622, section 83.0128 to section 33.4622, and section 83.0129 to section 33.4623, by amending and renumbering sections 83.0130 to section 33.4619, section 83.0131 to section 33.4624, section 83.0132 to section 33.4625, and section 83.0133 to section 33.4626, to read as follows:

Chapter 8: Traffic and Vehicles

Article 3: Pedicabs, Pedestrians and Bicycles

Division 1: Pedicabs - Operation, Parking, and Zone Restrictions

§83.0101 Purpose

The Council finds that *pedicabs* are a popular form of non-motorized transportation in San Diego. This Division is enacted in response to concerns due to the increasing prevalence of *pedicabs*. It is the intent of this Division to facilitate the safe, orderly flow of traffic and to relieve congestion and traffic hazards associated with *pedicab* use.

§83.0102 Definitions

Defined terms appearing in this Division are shown in italics. Whenever any words or phrases used in this Division are not defined in this Division but are defined in the California Vehicle Code, the words or phrases shall have the meaning set forth in the California Vehicle Code. For purposes of this Division:

Martin Luther King Promenade means the pedestrian right-of-way that runs parallel to Harbor Drive and north of the Metropolitan Transit System trolley tracks, between Market Street and Park Boulevard.

Operator means any *person* who pedals, steers, uses the brakes, or otherwise controls a *pedicab* within the City of San Diego.

Owner through Pedicab Restricted Zone Decal

[No change in text.]

Person has the same meaning as in San Diego Municipal Code (Municipal Code) section 11.0210.

Restricted Pedicab Zone means a geographical area listed in section 83.0107.

§83.0103 Other Laws Applicable to Pedicab Owners and Operators

Operators and *owners* are subject to all applicable laws, rules, and regulations of the Municipal Code and the California Vehicle Code pertaining to the operation of bicycles upon streets, except those provisions that by their very nature can have no application.

§83.0104 Pedicab Parking

- (a) Every *owner* and every *operator* is subject to all applicable parking provisions of the California Vehicle Code and the Municipal Code.
Owners and *operators* are subject to the same rights and responsibilities as a driver of a motor vehicle as it relates to parking violations.
- (b) To provide drop off and pick up areas for *pedicabs*, the Mayor may locate and designate *Pedicab Parking Zones* within the *Restricted Pedicab Zones*.
- (c) *Pedicab* parking violations will be issued to the *owner*. *Pedicab* parking violation fees will correspond with parking fees established for motor vehicles in the Municipal Code.
- (d) It is unlawful for an *operator* to leave his or her *pedicab* unattended in a *Pedicab Parking Zone*.
- (e) It is unlawful to park a *pedicab* in a metered or park pay display parking space.

§83.0105 Prohibitions on Where Pedicabs May Operate

- (a) It is unlawful to operate a *pedicab* on a City street with a posted speed limit in excess of 25 miles per hour unless the *pedicab* is operated within a class II bike lane.
- (b) It is unlawful to operate a *pedicab* on Garnet Avenue west of Ingraham Street; Pacific Beach Drive west of Riviera Drive; Riviera Drive; Sunset Cliffs Boulevard; Newport Avenue west of Sunset Cliffs Boulevard; Prospect Avenue between Coast Boulevard and Fay Avenue; Girard Avenue between Pearl Street and Torrey Pines Road.
- (c) It is unlawful to operate a *pedicab* on the *Martin Luther King Promenade*.
- (d) It is unlawful to operate a *pedicab* upon a sidewalk except as may be necessary to enter or leave adjacent property.

§83.0106 Pedicab Special Events Restrictions

It is unlawful to operate a *pedicab* within the perimeter of a permitted *Special Event* except where specifically authorized by the City.

§83.0107 Restricted Pedicab Zones

- (a) A *Pedicab Restricted Zone Decal* shall be required to operate a *pedicab* within a *Restricted Pedicab Zone*.
- (b) The following are *Restricted Pedicab Zones*:
 - (1) The Downtown Zone shall encompass the area bordered by the south curb line of Ash Street between San Diego Bay and 11th Avenue, the east curb line of 11th Avenue between Ash Street and C Street, the north curb line of C Street between 11th Avenue and

14th Street, and the east curb line of 14th Street between C Street and San Diego Bay.

- (2) The Ocean Beach Zone shall encompass the area bordered by the south curb line of Voltaire Street between the Pacific Ocean and Sunset Cliffs Boulevard, the east curb line of Sunset Cliffs Boulevard between Voltaire Street and Narragansett Avenue, and the north curb line of Narragansett Avenue between Sunset Cliffs Boulevard and the Pacific Ocean.
- (3) The Mission Beach/Pacific Beach Zone shall encompass the area bordered by the south curb line of Beryl Street and its extension between the Pacific Ocean and Ingraham Street, and the east curb line of Ingraham Street between Beryl Street and the Mission Bay Channel.
- (4) The La Jolla Zone shall encompass the area bordered by the south curb line of Camino del Collado between the Pacific Ocean and La Jolla Shores Drive, the west curb line of La Jolla Shores Drive between Camino del Collado and Torrey Pines Road, the north curb line of Torrey Pines Road between La Jolla Shores Drive and Girard Avenue, the east curb line of Girard Avenue between Torrey Pines Road and the extension of the north curb line of Marine Street, and the north curb line of Marine Street and its extension between Girard Avenue and the Pacific Ocean.
- (5) The Petco Ballpark Zone shall encompass the area bordered by the

south curb line of Island Ave between Sixth Avenue and 14th Street, the east curb line of 14th Street between Island Avenue and Commercial Street, the north curb line of Commercial Street between 14th Street and Harbor Drive, the north curb line of Harbor Drive between Commercial Street and Sixth Avenue and the west curb line of Sixth Avenue between Harbor Drive and Island Avenue.

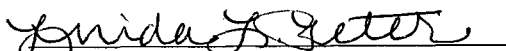
- (c) It is unlawful to operate a *pedicab* in a *Restricted Pedicab Zone* without a valid *Pedicab Restricted Zone Decal*.
- (d) It is unlawful to operate a *pedicab* within the Petco Ballpark Zone three hours before the scheduled start time and one hour after the conclusion of any Padres games, event, or *City Special Event* occurring at Petco Park.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Linda L. Peter
Deputy City Attorney

LLP:amt
May 28, 2015
08/13/15 COR. COPY
Or.Dept:Police
Doc. No.: 1082796

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 30 2015.

ELIZABETH S. MALAND
City Clerk

By *Mary Leonard*
Deputy City Clerk

Approved: 7/15/15
(date)

Kevin Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 46; BY AMENDING CHAPTER 8, ARTICLE 3, AND RETITLING DIVISION 1; BY AMENDING SECTIONS 83.0101 AND 83.0102; BY AMENDING AND RENUMBERING SECTION 83.0103 TO SECTION 33.4604; BY RENUMBERING SECTION 83.0120 TO NEW SECTION 83.0103; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0104 TO SECTION 33.4605; BY RENUMBERING SECTION 83.0110 TO NEW SECTION 83.0104; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0105 TO SECTION 33.4603; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0125 TO NEW SECTION 83.0105; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0106 TO SECTION 33.4606; BY AMENDING AND RENUMBERING SECTION 83.0112 TO NEW SECTION 83.0106, BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0107 TO SECTION 33.4607; BY AMENDING AND RENUMBERING SECTION 83.0113 TO NEW SECTION 83.0107; BY AMENDING AND RENUMBERING SECTIONS 83.0108 TO SECTION 33.4608, SECTION 83.0109 TO SECTION 33.4609, SECTION 83.0110 TO SECTION 83.0104, SECTION 83.0111 TO SECTION 33.4621, SECTION 83.0112 TO SECTION 83.0106, AND SECTION 83.0113 TO SECTION 83.0107; BY RENUMBERING SECTION 83.0114 TO SECTION 33.4612; BY AMENDING AND RENUMBERING SECTION 83.0115 TO SECTION 33.4613, SECTION 83.0116 TO SECTION 33.4614, SECTION 83.0117 TO SECTION 33.4615, SECTION 83.0118 TO SECTION 33.4616, AND SECTION 83.0119 TO SECTION 33.4617; BY RENUMBERING SECTION 83.0120 TO SECTION 83.0103 AND TO SECTION 33.4611; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0121 TO SECTION 33.4610; BY AMENDING, RETITLING,

AND RENUMBERING SECTION 83.0122 TO SECTION 33.4605; BY AMENDING AND RENUMBERING SECTION 83.0123 TO SECTION 33.4618; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0124 TO SECTION 33.4610 AND SECTION 83.0125 TO SECTION 83.0105 AND NEW SECTION 33.4610; BY AMENDING AND RENUMBERING SECTION 83.0126 TO SECTION 33.4620; BY AMENDING, RETITLING, AND RENUMBERING SECTION 83.0127 TO SECTION 33.4622, SECTION 83.0128 TO SECTION 33.4622 AND SECTION 83.0129 TO SECTION 33.4623; BY AMENDING AND RENUMBERING SECTION 83.0130 TO SECTION 33.4619, SECTION 83.0131 TO SECTION 33.4624, SECTION 83.0132 TO SECTION 33.4625, AND SECTION 83.0133 TO SECTION 33.4626, AND ADDING A NEW SECTION 33.4627, ALL RELATING TO PEDICABS.

Chapter 3: Business Regulations, Business Taxes, Permits and Licenses

Article 3: Police Regulated Occupations and Businesses

Division 46: Police Permits for Pedicabs

§33.4601 **Purpose**

It is the purpose of this Division to regulate *pedicab owners and operators* by requiring a *police permit*. These regulations are intended to protect the health, safety, and welfare of the general public, and passengers using *pedicabs* as a mode of transportation.

§33.4602 **Definitions**

Defined terms appearing in this Division are shown in italics.

Chief of Police has the same meaning as in San Diego Municipal Code

(Municipal Code) section 33.0201.

Darkness means any time from one-half hour after sunset to one-half hour before

sunrise and any time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1000 feet.

Operating permit means a photo identification issued by the Chief of Police pursuant to this Division, authorizing the person to act as a pedicab operator.

Operator means any person who pedals, steers, uses the brakes, or otherwise controls a pedicab within the City of San Diego.

Owner means any person who owns a pedicab.

Pedicab means:

- (a) A bicycle that: (1) has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, (2) is operated by a person, and (3) is used for transporting passengers for hire; or
- (b) A bicycle that: (1) pulls a trailer, sidecar, or similar device, (2) transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, (3) is operated by a person, and (4) is used for transporting passengers for hire.

Pedicab Decal means the numbered decal issued by the Chief of Police to a pedicab owner for display on the pedicab to indicate that the pedicab is permitted to operate everywhere in the City of San Diego except those areas designated as Restricted Pedicab Zones.

Pedicab Restricted Zone Decal means the numbered decal issued by the City to a pedicab owner for display on the pedicab to indicate that the pedicab is permitted to operate anywhere in the City of San Diego including those areas designated as Restricted Pedicab Zones.

Permit and police permit have the same meaning as in Municipal Code section 33.0201.

Person has the same meaning as in Municipal Code section 11.0210.

Restricted Pedicab Zone means a geographical area listed in Municipal Code section 83.0107.

Seatbelt means the safety strap or harness designed to hold a person securely in a seat.

§33.4603 **Application and Regulatory Fees**

- (a) It is the policy of the City of San Diego that the cost of investigating and processing applications for police permits for pedicab owners and operators be borne by the applicants. All applications shall be accompanied by a non-refundable application fee, which will cover the cost of investigating and processing the application.
- (b) It is the policy of the City of San Diego that the cost of inspecting, regulating, and enforcing laws relating to pedicab owners and operators be borne by the permittees in the form of regulatory fees. Regulatory fees shall be paid according to the schedule set in the City Clerk's Composite Rate Book.

§33.4604 **Police Permit Required for Pedicab Operator**

- (a) It is unlawful for any person to operate a pedicab without a police permit.
- (b) It is unlawful for a pedicab operator, while operating a pedicab, to fail to wear or display his or her operating permit in a manner clearly visible to the public.

§33.4605 Pedicab Operator Permit Application Contents

- (a) Each applicant for an *operating permit* shall furnish the following information to the *Chief of Police*:
- (1) Proof of a valid Business Tax Certificate issued pursuant to Chapter 3, Article 1 of this Municipal Code.
 - (2) A valid California driver's license, as required by the California Vehicle Code.
 - (3) The full true name and any other names ever used by the applicant.
 - (4) The applicant's date of birth.
 - (5) Applicant's height, weight, color of eyes and hair.
 - (6) The current residential address and telephone number of the applicant.
 - (7) Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address.
 - (8) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment.
 - (9) Photographs as specified by the *Chief of Police*.
 - (10) Fingerprints.
 - (11) A signed copy of the "Pedicab Operator Code of Conduct."

(12) All criminal convictions, including those dismissed pursuant to California Penal Code section 1203.4, and the dates and places of the convictions.

(b) Any application that does not include all information requested by the application form or not supported by the materials required by this section may be rejected as incomplete.

§33.4606 **Term of Pedicab Operating Permit**

(a) An operating permit shall be valid for one year from the date of issuance.

(b) Operating permits that are defaced, altered, forged, or counterfeited are invalid.

(c) Operating permits are non-transferable.

§33.4607 **Renewal of Pedicab Operating Permit**

Operating permits may be renewed annually in accordance with the provisions of Municipal Code section 33.0308.

§33.4608 **Fare Schedule**

(a) Pedicab operators shall post a “per passenger” fare schedule on the pedicab that meets the size, format, and location requirements of section 33.4609.

(b) The fare schedule shall be clearly visible to all passengers while seated in the pedicab.

(c) It is unlawful for any operator to charge a passenger a fare greater than the posted fare schedule.

§33.4609 **Fare Schedule Sign Requirements**

- (a) Size – A fare schedule sign shall be a minimum of 8-1/2 inches in width by 6 inches in height.
- (b) Font and color– The required font shall be “Arial Bold,” in a color to produce maximum contrast with the background, adequately spaced for maximum readability.
- (c) Format – The fare schedule shall include the following text:

Line 1– FARE SCHEDULE (All capitalized with minimum font size of 36)

Line 2– (PER PERSON) (All capitalized with minimum font size of 36)

Line 3– Rate charged (Minimum font size of 36).
- (d) Location Requirements – The fare schedule shall be securely attached to the *pedicab* in a location clearly visible to all passengers while seated in the *pedicab*.

§33.4610 **Prohibitions on the Operation of Pedicabs**

- (a) It is unlawful for any *person* under the age of eighteen to operate a *pedicab*.
- (b) It is unlawful to operate a *pedicab* in a manner that results in damage to public property.
- (c) It is unlawful to operate a *pedicab* in a manner that creates or generates public nuisance noise in violation of section 59.5.0501 or section 59.5.0502 of the Municipal Code.

- (d) It is unlawful to operate, or for any owner to allow to be operated, a pedicab having more than one attached trailer or sidecar.
- (e) It is unlawful to operate, or for an owner to allow to be operated, a pedicab while carrying a number of passengers that exceeds the number of available seats.
- (f) It is unlawful to operate a pedicab unless all passengers are restrained by seatbelts.

§33.4611 Other Laws Applicable to Pedicab Owners and Operators

Operators and owners are subject to all applicable laws, rules, and regulations of the Municipal Code and the California Vehicle Code pertaining to the operation of bicycles upon streets, except those provisions that by their very nature can have no application.

§33.4612 Pedicab Decals: General and Restricted Zone

- (a) The number of Pedicab Restricted Zone Decals issued shall be set by resolution of the San Diego City Council.
- (b) It is unlawful to operate a pedicab or for any owner to lease, rent, or allow a pedicab to be operated within the City without first having obtained a Pedicab Decal or Pedicab Restricted Zone Decal issued pursuant to this Division.
- (c) The Pedicab Decal or Pedicab Restricted Zone Decal shall be permanently affixed to the frame of the pedicab in a location that is clearly visible to the passenger or the public.

§33.4613 **Application for Pedicab Decal or Pedicab Restricted Zone Decal**

- (a) Before allowing a *pedicab* to be operated, owners shall obtain a *Pedicab Decal* or *Pedicab Restricted Zone Decal*.
- (b) Each applicant for a *Pedicab Decal* or *Pedicab Restricted Zone Decal* shall provide the following information to the *Chief of Police*:
- (1) The full name and any other names ever used by the applicant;
 - (2) The current residential address and phone number of the applicant;
 - (3) Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address;
 - (4) Written proof that the applicant is at least eighteen years of age;
 - (5) Applicant's height, weight, color of eyes and hair;
 - (6) Photographs as specified by the *Chief of Police*;
 - (7) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment;
 - (8) Whether the applicant has ever had a *pedicab operator permit*, *Pedicab Decal* or *Pedicab Restricted Zone Decal*, or similar *license* or *permit*, denied, suspended, or revoked within five years immediately preceding the date of the application, and the reason for the denial, suspension, or revocation;

- (9) All criminal convictions, including those dismissed pursuant to California Penal Code section 1203.4, except traffic, and the dates and places of the conviction;
 - (10) Fingerprints;
 - (11) The name and address of all legal and registered owners of the pedicab;
 - (12) A description of the pedicab, including trade name, if any, serial number, and body style;
 - (13) Physical address of pedicab storage; and
 - (14) Such other information as the Chief of Police may require.
- (c) Owners shall provide proof of insurance in accordance with section 33.4620.
- (d) Owners shall provide a completed Pedicab Inspection Form, which verifies the City-assigned pedicab identification number, all required safety equipment, and pedicab exterior markings.
- (e) Owners shall inform the Chief of Police when changes in insurance, business address, storage address, or mailing address occur after a Pedicab Decal or Pedicab Restricted Zone Decal is issued, within 10 calendar days of any such changes.

§33.4614

Requirements for Issuance or Renewal of Pedicab Decals and Pedicab Restricted Zone Decals

No Pedicab Decals or Pedicab Restricted Zone Decals may be issued or renewed

unless the *pedicab* meets all of the equipment requirements contained in section 33.4618, and all outstanding parking fees for that *pedicab* are paid.

§33.4615 Pedicab Decal and Pedicab Restricted Zone Decal Fees

The *Chief of Police* shall charge a nonrefundable fee to recover the costs associated with the administration, regulation, and issuance of *Pedicab Decals* or *Pedicab Restricted Zone Decals*. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the City Clerk's Office.

§33.4616 Duration of Validity of Pedicab Decals and Pedicab Restricted Zone Decals

- (a) Section 33.0308 of the Municipal Code notwithstanding, a *Pedicab Decal* or *Pedicab Restricted Zone Decal* is valid from the date issued through December 31 of the year for which it is issued.
- (b) A *Pedicab Decal* or *Pedicab Restricted Zone Decal* is invalid if the *Pedicab Decal* or *Pedicab Restricted Zone Decal* is defaced, altered, mutilated, forged, or counterfeited.
- (c) *Pedicab Decals* and *Pedicab Restricted Zone Decals* are non-transferable.

§33.4617 Pedicab Decal and Pedicab Restricted Zone Decal Renewal

Pedicab Decals and *Pedicab Restricted Zone Decals* may be renewed every calendar year upon the filing of a new application and payment of a fee as determined by the City. *Pedicab Decals* and *Pedicab Restricted Zone Decals* may be renewed beginning December 1 for the following calendar year.

§33.4618 Equipment Regulations for Pedicabs

- (a) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* during the hours of *darkness*, without using battery-operated

taillights mounted on the right and left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet of the rear of the *pedicab*.

(b) It is unlawful for any person to operate, or for any *owner* to allow to be operated, a *pedicab* without a *seatbelt* or *seatbelts* for passengers.

Seatbelts shall be in proper working order.

(c) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* in an unsafe condition.

(d) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* that does not comply with the exterior marking requirements as required by section 33.4619.

§33.4619

Pedicab Exterior Markings

(a) *Owners* shall permanently affix the company trade name, the company phone number, and the identification number assigned by the City, on the *pedicab* in a location that is clearly visible to the public at all times. These markings shall meet the following requirements:

(1) Font and color – “Arial Bold” font in a color to produce maximum contrast, adequately spaced for maximum readability.

(2) Font size – Minimum 2 inches tall.

(b) *Owners* shall also secure or affix a City-assigned identification number on each *pedicab*, on the *pedicab* seat tube or *pedicab* trailer draw bar, in a manner that is clearly visible.

§33.4620 Insurance Requirements

- (a) It is unlawful for any person to operate a pedicab within the City of San Diego unless at the time of such operation the owner has in effect a valid policy of commercial general liability coverage or business auto coverage with a pedicab endorsement on the policy.

- (b) The insurance policy, required to be issued under section 33.4620(a), shall be executed and delivered by a company with a rating of A in Best's Key Rating Guide and authorized to carry on an insurance business in the State of California, the financial responsibility of which company has been approved by the City. The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than \$1 million per occurrence for bodily injuries and personal injuries or property damage caused by the operation of the pedicab, including but not limited to, pedicabs operated by the officers, employees, agents, independent contractors, or lessees of the owner.

- (c) A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection at the owner's principal place of business. A certificate of insurance shall provide that the insurer will notify the City of any cancellation of the owner's insurance policy and that the cancellation notice shall be in writing and such notice shall be sent by registered mail at least thirty days before cancellation of the policy.

- (d) The certificate shall include all of the following:

- (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 City-assigned identification number of the specific vehicles insured;
 - (6) the effective dates of the insurance policy; and
 - (7) the certificate issue date.
- (e) Upon demand of a peace officer, every operator of a pedicab shall provide valid proof of insurance for the pedicab.
- (f) Every operator of a pedicab shall stop and provide proof of insurance to the other party or parties, if the pedicab becomes involved in a collision with another vehicle, bicycle, pedicab, or pedestrian, on public or private property.

§33.4621 Pedicab Impound

- (a) Every operator and every owner is subject to applicable impound provisions in California Vehicle Code section 22651. Operators and owners are subject to the same rights and responsibilities as a driver of a motor vehicle as it relates to pedicab impounds.
- (b) Pedicabs subject to impound may be removed by Police contract tow companies and are subject to City tow fees. Any peace officer, police officer, or parking enforcement officer engaged in traffic or parking

enforcement may remove or impound a *pedicab* under any of the following circumstances:

- (1) When an *operator* is issued a citation for a violation of Municipal Code section 33.4612(b) or (c);
 - (2) When an *operator* is issued a citation for a violation of Municipal Code section 33.4604(a);
 - (3) When an *operator* is arrested and taken into custody;
 - (4) When an *owner* has five or more unpaid parking violations related to the *pedicab* to be towed;
 - (5) When an *operator* is physically incapacitated to the extent he or she is unable to safely operate the *pedicab*;
 - (6) When a *pedicab* is parked or left standing upon a City street or sidewalk so as to obstruct the normal movement of vehicles or pedestrians or in a condition that creates a hazard; or
 - (7) When the *pedicab* is in violation of section 83.0104(d) or (e).
- (c) An *owner* of a *pedicab* removed pursuant to section 33.4621 shall be provided an opportunity for a post-storage hearing to determine the validity of the storage, in accordance with California Vehicle Code section 22852. The impounding agency shall have the burden of establishing the validity of the removal.

§33.4622 **Denial, Suspension, or Revocation of Operating Permit, Pedicab Decal, or Pedicab Restricted Zone Decal; Appeal Rights**

(a) *Operating permits, Pedicab Decals, or Pedicab Restricted Zone Decals*
may be denied, suspended, or revoked by the Chief of Police based upon
any of the following grounds:

- (1) *The operator or owner fails to comply with the insurance*
requirements set forth in section 33.4620;
- (2) *The 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
operator to safely transport passengers, including a misdemeanor
conviction under California Penal Code section 415 as part of a
plea bargain in satisfaction of or substitute for an original charge of
any of those listed above, 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 operator has been convicted of a crime that requires*
registration under the California Penal Code as a sex offender;
- (4) *The operator or owner has knowingly made a false statement of*
material fact, or knowingly failed to state a material fact in the
application process for the operating permit, Pedicab Decal, or

Pedicab Restricted Zone Decal:

- (5) The operator has engaged in activity that, in the judgment of the Chief of Police, constitutes a serious threat to public health, safety, or welfare, including receiving a report from a law enforcement agency that the pedicab or operator was at fault in a vehicle or pedestrian accident involving a pedicab, resulting in injuries;
- (6) The operator fails to maintain a valid California driver's license, including having his or her driving privilege suspended or revoked by the Department of Motor Vehicles; or
- (7) The operator fails to comply with any provision of the California Vehicle Code pertaining to the operation of bicycles upon streets.
- (b) Any owner or operator who has been denied a police permit or is given notice that regulatory action as described in sections 33.0403(b)(4) through (8) may be taken by the Chief of Police against an operating permit, Pedicab Decal, or Pedicab Restricted Zone Decal may request an appeal subject to the rights and procedures prescribed in Municipal Code sections 33.0501, 33.0502, 33.0503, 33.0504, 33.0505, and 33.0508.

§33.4623

Immediate Seizure of Operating Permit; Emergency Action

- (a) Any peace officer may immediately seize an operating permit under any of the following circumstances:

- (1) When the operator is arrested for driving under the influence of alcohol or controlled substance while operating a pedicab under California Vehicle Code section 21200.5.
 - (2) When a pedicab is operated in a manner that creates an immediate safety hazard.
 - (3) When the operator or owner is found not in compliance with section 33.4610(f).
- (b) Upon seizure of an operating permit, a peace officer shall forward the operating permit along with a copy of the written complaint, as soon as practicable, to the Chief of Police. The Chief of Police may review and immediately begin proceedings to suspend or revoke the operating permit, or upon review, may make the operating permit available for return.
- (c) Section 33.4622(b) notwithstanding, when, after the issuance of an operating permit, the Chief of Police receives a certified record of conviction for an offense meeting the criteria of section 33.4622(a)(2) or (a)(3), or receives a report from a government agency that contains information that the grounds specified in section 33.4622(a)(5) exists, the Chief of Police may take immediate action pursuant to section 33.0406.

§33.4624 **Enforcement Authority**

The Chief of Police shall administer and enforce this Division. The Chief of Police shall be responsible for accepting applications for a police permit to own or operate a pedicab, and for issuing the permit. The Chief of Police shall be responsible for determining the fitness of applicants for a police permit to own or

operate a *pedicab*, investigating any violations of this Division, and for taking administrative action against any *police permit* issued under this Division.

§33.4625 **Enforcement Remedies**

The provisions of Municipal Code section 12.0201 notwithstanding, violations of this Division may be prosecuted as misdemeanors punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County Jail for a period of not more than six months, or by both fine and imprisonment, except as otherwise stated in the California Vehicle Code. The *Chief of Police* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

§33.4626 **Strict Liability Offenses**

Violations of this Division shall be treated as strict liability offenses, unless otherwise specified.

§33.4627 **Penalties and Regulatory Action**

All penalties and regulatory action related to a *police permit* issued to *owners* and *operators* of *pedicabs* shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406.

Chapter 8: Traffic and Vehicles

Article 3: Pedicabs, Pedestrians and Bicycles

Division 1: Pedicabs - Operation, Parking, and Zone Restrictions

§83.0101 Purpose

The Council finds that *pedicabs* are a popular form of non-motorized transportation in San Diego. This Division is enacted in response to concerns due to the increasing prevalence of *pedicabs*. ~~It is necessary to enact regulations governing *pedicabs*, *operators*, and *owners* to protect the health, safety and welfare of the general public, and passengers using *pedicabs*.~~ It is further the intent of this Division to facilitate the safe, orderly flow of traffic and to relieve congestion and traffic hazards associated with *pedicab* use.

§83.0102 Definitions

Defined terms appearing in this Division are shown in italics. Whenever any words or phrases used in this Division are not defined in this Division but are defined in the California Vehicle Code, the words or phrases shall have the meaning set forth in the California Vehicle Code. For purposes of this Division:

Martin Luther King Promenade means the pedestrian right-of-way that runs parallel to Harbor Drive and north of the Metropolitan Transit System trolley tracks, between Market Street and Park Boulevard.

Operator means any individual person who ~~operates~~ pedals, steers, uses the brakes, or otherwise controls a *pedicab* within the City of San Diego.

Owner through *Pedicab Restricted Zone Decal*

[No change in text.]

Person has the same meaning as that term is defined in San Diego Municipal Code (Municipal Code) Section 11.0210 of this Municipal Code.

Restricted Pedicab Zone means a geographical area listed in Section 83.011307 of this Municipal Code.

§83.0103 **Permit Requirement to Operate Pedicab**

[Amended and renumbered to §33.4604.]

§83.0103 **Other Laws Applicable to Pedicab Owners and Operators**

Operators and owners are subject to all applicable laws, rules, and regulations of the Municipal Code and the California Vehicle Code pertaining to the operation of bicycles upon streets, except those provisions that by their very nature can have no application.

§83.0104 **Application for Operating Permit**

[Amended and renumbered to §33.4605.]

§83.0104 **Pedicab Parking**

(a) Every owner and every operator is subject to all applicable parking provisions of the California Vehicle Code and the Municipal Code.

Owners and operators are subject to the same rights and responsibilities as a driver of a motor vehicle as it relates to parking violations.

(b) To provide drop off and pick up areas for pedicabs, the Mayor may locate and designate Pedicab Parking Zones within the Restricted Pedicab Zones.

- (c) Pedicab parking violations will be issued to the owner. Pedicab parking violation fees will correspond with parking fees established for motor vehicles in the Municipal Code.
- (d) It is unlawful for an operator to leave his or her pedicab unattended in a Pedicab Parking Zone.
- (e) It is unlawful to park a pedicab in a metered or park pay display parking space.

§83.0105 Pedicab Operating Permit Fee

[Amended and renumbered to §33.4603.]

§83.0105 Prohibitions on Where Pedicabs May Operate

- (a) It is unlawful to operate a pedicab on a City street with a posted speed limit in excess of 25 miles per hour unless the pedicab is operated within a class II bike lane.
- (b) It is unlawful to operate a pedicab on Garnet Avenue west of Ingraham Street; Pacific Beach Drive west of Riviera Drive; Riviera Drive; Sunset Cliffs Boulevard; Newport Avenue west of Sunset Cliffs Boulevard; Prospect Avenue between Coast Boulevard and Fay Avenue; Girard Avenue between Pearl Street and Torrey Pines Road.
- (c) It is unlawful to operate a pedicab on the Martin Luther King Promenade.
- (d) It is unlawful to operate a pedicab upon a sidewalk except as may be necessary to enter or leave adjacent property.

§83.0106 Validity of Operating Permit

[Amended and renumbered to §33.4606.]

§83.0106 Pedicab Special Events Restrictions

It is unlawful to operate a pedicab within the perimeter of a permitted Special Event except where specifically authorized by the City.

§83.0107 Operating Permit Renewal

[Amended and renumbered to §33.4607.]

§83.0107 Restricted Pedicab Zones

(a) A Pedicab Restricted Zone Decal shall be required to operate a pedicab within a Restricted Pedicab Zone.

(b) The following are Restricted Pedicab Zones:

(1) The Downtown Zone shall encompass the area bordered by the south curb line of Ash Street between San Diego Bay and 11th Avenue, the east curb line of 11th Avenue between Ash Street and C Street, the north curb line of C Street between 11th Avenue and 14th Street, and the east curb line of 14th Street between C Street and San Diego Bay.

(2) The Ocean Beach Zone shall encompass the area bordered by the south curb line of Voltaire Street between the Pacific Ocean and Sunset Cliffs Boulevard, the east curb line of Sunset Cliffs Boulevard between Voltaire Street and Narragansett Avenue, and the north curb line of Narragansett Avenue between Sunset Cliffs Boulevard and the Pacific Ocean.

(3) The Mission Beach/Pacific Beach Zone shall encompass the area bordered by the south curb line of Beryl Street and its extension

between the Pacific Ocean and Ingraham Street, and the east curb line of Ingraham Street between Beryl Street and the Mission Bay Channel.

- (4) The La Jolla Zone shall encompass the area bordered by the south curb line of Camino del Collado between the Pacific Ocean and La Jolla Shores Drive, the west curb line of La Jolla Shores Drive between Camino del Collado and Torrey Pines Road, the north curb line of Torrey Pines Road between La Jolla Shores Drive and Girard Avenue, the east curb line of Girard Avenue between Torrey Pines Road and the extension of the north curb line of Marine Street, and the north curb line of Marine Street and its extension between Girard Avenue and the Pacific Ocean.
- (5) The Petco Ballpark Zone shall encompass the area bordered by the south curb line of Island Ave between Sixth Avenue and 14th Street, the east curb line of 14th Street between Island Avenue and Commercial Street, the north curb line of Commercial Street between 14th Street and Harbor Drive, the north curb line of Harbor Drive between Commercial Street and Sixth Avenue and the west curb line of Sixth Avenue between Harbor Drive and Island Avenue.
- (c) It is unlawful to operate a *pedicab* in a *Restricted Pedicab Zone* without a valid *Pedicab Restricted Zone Decal*.

- (d) It is unlawful to operate a *pedicab* within the Petco Ballpark Zone three hours before the scheduled start time and one hour after the conclusion of any Padres games, event, or City *Special Event* occurring at Petco Park.

~~§83.0108 Fare Schedule~~

[Amended and renumbered to §33.4608.]

~~§83.0109 Fare Schedule Sign Requirements~~

[Amended and renumbered to §33.4609.]

~~§83.0110 Pedicab Parking~~

[Amended and renumbered to §83.0104.]

~~§83.0111 Pedicab Impound~~

[Amended and renumbered to §33.4621.]

~~§83.0112 Pedicab Special Events Restrictions~~

[Amended and renumbered to §83.0106.]

~~§83.0113 Restricted Pedicab Zones~~

[Amended and renumbered to §83.0107.]

~~§83.0114 Pedicab Decals: General and Restricted Zone~~

[Renumbered to §33.4612.]

~~§83.0115 Application for Pedicab Decal or Pedicab Restricted Zone Decal~~

[Amended and renumbered to §33.4613.]

~~§83.0116 Requirements for Issuance or Renewal of Pedicab Decals and Pedicab Restricted Zone Decals~~

[Amended and renumbered to §33.4614.]

- ~~§83.0117~~ ~~Pedicab Decal and Pedicab Restricted Zone Decal Fees~~
[Amended and renumbered to §33.4615.]
- ~~§83.0118~~ ~~Duration of Validity of Pedicab Decals and Pedicab Restricted Zone Decals~~
[Amended and renumbered to §33.4616.]
- ~~§83.0119~~ ~~Pedicab Decal and Pedicab Restricted Zone Decal Renewal~~
[Amended and renumbered to §33.4617.]
- ~~§83.0120~~ ~~Other Laws Applicable to Pedicab Owners and Operators~~
[Renumbered to §83.0103 and §33.4611.]
- ~~§83.0121~~ ~~Minimum Age for Pedicab Operators~~
[Amended, retitled, and renumbered to §33.4610(a).]
- ~~§83.0122~~ ~~Business Tax Certificate Requirement to Operate Pedicab~~
[Amended and renumbered to §33.4605.]
- ~~§83.0123~~ ~~Equipment Regulations for Pedicabs~~
[Amended and renumbered to §33.4618.]
- ~~§83.0124~~ ~~Passenger Seating Requirements~~
[Amended and renumbered to §33.4610(e).]
- ~~§83.0125~~ ~~Prohibitions on the Manner of Operating Pedicabs~~
[Amended and renumbered to §83.0105 and §§33.4610(b), (d), and (f).]
- ~~§83.0126~~ ~~Insurance Requirements~~
[Amended and renumbered to §33.4620.]
- ~~§83.0127~~ ~~Denial, Suspension or Revocation of Operating Permit, Pedicab Decal or Pedicab Restricted Zone Decal; Notification of Action~~
[Amended and renumbered to §33.4622.]

~~§83.0128 Procedure for Denial, Suspension or Revocation of Operating Permits and
Pedicab Decals or Pedicab Restricted Zone Decals~~

[Amended and renumbered to §33.4622.]

~~§83.0129 Immediate Seizure of Operating Permit~~

[Amended and renumbered to §33.4623.]

~~§83.0130 Pedicab Exterior Markings~~

[Amended and renumbered to §33.4619.]

~~§83.0131 Enforcement Authority~~

[Amended and renumbered to §33.4624.]

~~§83.0132 Enforcement Remedies~~

[Amended and renumbered to §33.4625.]

~~§83.0133 Strict Liability Offenses~~

[Amended and renumbered to §33.4626.]

LLP:amt
May 28, 2015
08/13/15 COR. COPY
Or.Dept:Police
Doc. No.: 1082795

Passed by the Council of The City of San Diego on JUN 30 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 16 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By *Mary Hernandez*, 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

JUN 16 2015, and on JUL 16 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By *Mary Hernandez*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20515