

ORDINANCE NUMBER O- **21444** (NEW SERIES)

DATE OF FINAL PASSAGE APR 14 2022

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3,
DIVISION 46 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 33.4618, RELATING TO PEDICABS.

WHEREAS, the City of San Diego (City) has regulated pedicabs since 1999 by requiring pedicab owners and operators to obtain a police permit to operate; and

WHEREAS, California Vehicle Code (Vehicle Code) section 467.5 defines a pedicab as either (a) a bicycle with three or more wheels that is capable of transporting passengers on seats attached to the bicycle, or (b) a bicycle that pulls a trailer, sidecar or similar device that transports, or is capable of transporting passengers on seats attached to the trailer, sidecar or similar device; and

WHEREAS, the Vehicle Code defines a third type of pedicab as a four-wheeled device that is primarily or exclusively pedal-powered with seating for eight or more passengers, that is operated by a person, and that is hired for transporting passengers; and

WHEREAS, the Municipal Code makes it unlawful to operate a "traditional pedicab," which is the equivalent of a "pedicab" as defined by Vehicle Code section 467.5, or a "specialized pedicab," which is the aforementioned four-wheeled device, with a "pedal assist device," which is an electric or motorized unit that helps propel a pedicab, eliminating the exclusive use of human power; and

WHEREAS, Senate Bill 814, which took effect January 1, 2022, expanded the Vehicle Code definition of a pedicab to include electric bicycles; and

WHEREAS, the Municipal Code must be amended to allow "traditional pedicabs" to operate with a pedal assist device consistent with the recently amended Vehicle Code; and

WHEREAS, the Municipal Code will still prohibit “specialized pedicabs” from operating with a pedal assist device because the amendments to the Vehicle Code did not change the law in that regard; and

WHEREAS, the City desires to amend the Municipal Code to reflect the change in state law; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 3, Division 46 of the San Diego Municipal Code is hereby amended by amending section 33.4618 to read as follows:

§33.4618 Equipment Regulations for Pedicabs

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

(f) It is unlawful to operate, or for any *owner* to allow to be operated, a
specialized pedicab with a pedal assist device.

(g) [No change in text.]

Section 2. 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 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jill S. Cristich
Jill S. Cristich
Deputy City Attorney

JSC:hm
December 7, 2021
Or.Dept: PSE
Doc. No.: 2834328

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 05 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 4/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, 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,
DIVISION 46 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 33.4618, 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

§33.4618 Equipment Regulations for Pedicabs

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

(f) It is unlawful to operate, or for any *owner* to allow to be operated, a
specialized pedicab with a *pedal assist device*.

(g) [No change in text.]

JSC:hm
November 3, 2021
Or.Dept: PSE
Doc. No.: 2806637

Passed by the Council of The City of San Diego on APR 05 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 14 2022.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Connie Patterson, 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

MAR 15 2022

, and on APR 14 2022.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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