

ORDINANCE NUMBER O- 21888 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 06 2024

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 46 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.4602, 33.4604, 33.4605, 33.4608, 33.4609, 33.4610, 33.4612, 33.4613, 33.4618, 33.4619, 33.4620, 33.4621, 33.4622, 33.4623, AND 33.4624; AND AMENDING CHAPTER 8, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 83.0101, 83.0102, 83.0104, 83.0105, 83.0106, AND 83.0107, ALL RELATING TO PEDICABS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. Pedicabs are a popular form of transportation in the City of San Diego (City).
- B. The City has regulated pedicabs since 2000 to protect the health, safety, and welfare of the public and passengers who use pedicabs as a form of transportation.
- C. The pedicab industry and the City's Municipal Code regulations have developed over time and have been amended several times in response to changes in the law or the industry.
- D. Most pedicab operators are independent contractors who lease pedicabs from pedicab owners.
- E. Pedicab owners must obtain a pedicab decal that determines in which areas of the City the pedicab may be operated.
- F. Pedicab operators must obtain a pedicab operating permit.
- G. Pedicab owners and operators must comply with various permit, equipment, and operating conditions.

H. The City has received hundreds of complaints from residents, businesses, and visitors regarding excessive noise from pedicabs equipped with sound amplification equipment, with noise often continuing until 2:00 a.m.

I. In 2023, the San Diego Unified Port District (Port) amended its pedicab regulations to prohibit use of sound amplification devices while operating a pedicab.

J. In addition to noise complaints, the City has received numerous complaints regarding fraudulent or deceptive fare practices resulting in passengers incurring unexpected costs.

K. To address these concerns, the City Council wishes to amend the pedicab regulations to define what it means to operate a pedicab, prohibit amplified sound, require a written invoice with the full pedicab fare prior to departure, strengthen the fare signage and pedicab marking requirements, increase the responsibility of pedicab owners by requiring them to sign the Code of Conduct for City of San Diego Pedicab Owners and Operators (Code of Conduct) and name the City of San Diego as an additional insured on their insurance policies, and making a violation of the Municipal Code or Code of Conduct grounds for administrative action against the owner or operator regarding the pedicab decal or operating permit.

L. The amendments will enhance public health, safety, and welfare, and achieve consistency with the Port regulations regarding amplified sound, making compliance easier for pedicab owners and operators.

M. The Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. That Chapter 3, Article 3, Division 46 of the San Diego Municipal Code is amended by amending sections 33.4602, 33.4604, 33.4605, 33.4608, 33.4609, 33.4610, 33.4612, 33.4613, 33.4618, 33.4619, 33.4620, 33.4621, 33.4622, 33.4623, and 33.4624 to read as follows:

§33.4601 Purpose

[No change in text.]

§33.4602 Definitions

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

Chief of Police has the same meaning as in Municipal Code section 33.0201.

Darkness through Fare Schedule [No change in text.]

Operate means to pedal, steer, use the brakes of, or otherwise control a *pedicab*, whether it is stationary or in motion.

Operating permit [No change in text.]

Operator means any *person* who *operates* a *pedicab*.

Owner through Pedicab [No change in text.]

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 *Chief of Police* 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* through *Seatbelt* [No change in text.]

Sound amplification equipment means any device or apparatus for the amplification of sound from any radio, phonograph, television, musical instrument, computer, online program, sound-producing or sound-playing device, or any device or apparatus for the reproduction or amplification of the human voice or any other sound.

Specialized pedicab through *Traditional pedicab* [No change in text.]

§33.4603 Application and Regulatory Fees

[No change in text.]

§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 the *operating permit* in a manner clearly visible to the public.
- (c) It is unlawful for a *pedicab operator* to use an *operating permit* for a *traditional pedicab* to *operate* a *specialized pedicab*.
- (d) It is unlawful for a *pedicab operator* to use an *operating permit* for a *specialized pedicab* to *operate* a *traditional pedicab*.

§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) through (10) [No change in text.]

(11) A signed copy of the Rules of Operation and Code of Conduct for City of San Diego Pedicab Owners and Operators.

(12) [No change in text.]

(b) [No change in text.]

§33.4606 Term of Pedicab Operating Permit

[No change in text.]

§33.4607 Renewal of Pedicab Operating Permit

[No change in text.]

§33.4608 Fare Schedule

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

(c) Prior to departure of any passenger ride for which a fare will be charged, *pedicab operators* shall issue a written invoice containing the following information:

(1) date,

(2) name or business name of the *pedicab operator*,

(3) *pedicab operating permit* number,

(4) agreed upon fare per passenger, and

(5) agreed upon total fare for all passengers due upon arrival at the destination.

- (d) It is unlawful for any *operator* to charge a passenger a fare greater than the posted *fare schedule* or greater than the agreed upon fare recorded in the written invoice as set forth in Municipal Code section 33.4608(c).

§33.4609 Fare Schedule Sign Requirements

- (a) through (c) [No change in text.]
- (d) Payment method – If the *operator* does not accept cash payments, the *fare schedule* sign shall also include the following text:

Line 5 – Operator does not accept cash payments (minimum font size of 36).
- (e) Location Requirements – The *fare schedule* sign shall be securely attached to the interior of the *pedicab* and displayed in a manner clearly visible to all passengers while seated in the *pedicab*. The *fare schedule* sign shall also be securely attached to the exterior left and right sides of the *pedicab* and displayed in a manner clearly visible to the public.

§33.4610 Prohibitions on the Operation of Pedicabs

- (a) It is unlawful for any *person* under the age of 18 to *operate* a *traditional pedicab*.
- (b) It is unlawful for any *person* under the age of 21 to *operate* a *specialized pedicab*.
- (c) It is unlawful to *operate* a *pedicab* in a manner that results in damage to public property.
- (d) It is unlawful to *operate* a *pedicab* while using any form of *sound amplification equipment*.

- (e) It is unlawful to *operate* a *pedicab* in a manner that creates or generates noise in violation of Municipal Code section 59.5.0501.
- (f) It is unlawful to *operate*, or for any *owner* to allow to be *operated*, a *traditional pedicab* having more than one attached trailer or sidecar, or a *specialized pedicab* with any attached trailer or sidecar.
- (g) 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.
- (h) It is unlawful to *operate* a *pedicab* unless all passengers are restrained by *seatbelts*.
- (i) It is unlawful to *operate*, or for an *owner* to allow to be *operated*, a *pedicab* in violation of the open container ordinance as set forth in Municipal Code section 56.54.
- (j) It is unlawful to *operate*, or for an *owner* to allow to be *operated*, a *pedicab* unless a color copy of the *operator's permit*, company trade name, and contact information, including a valid phone number, are securely attached to the interior of the *pedicab* and displayed in a manner clearly visible to all passengers while seated in the *pedicab*.
- (k) It is unlawful to *operate*, or for any *owner* to allow to be *operated*, a *pedicab* that produces a sound level that exceeds the applicable decibel limit for a respective zoning district as set forth in the Municipal Code section 59.5.0401.

§33.4611 Other Laws Applicable to Pedicab Owners and Operators

[No change in text.]

§33.4612 Pedicab Decals: General and Restricted Zone

(a) [No change in text.]

(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 under this Division.

(c) [No change in text.]

§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) through (3) [No change in text.]

(4) Written proof that the applicant is at least 18 years of age for *traditional pedicabs*, or proof that the applicant is at least 21 years of age for *specialized pedicabs*;

(5) through (12) [No change in text.]

(13) Physical address of *pedicab* storage;

(14) Such other information as the *Chief of Police* may require; and

(15) A signed copy of the Rules of Operation and Code of Conduct for City of San Diego Pedicab Owners and Operators.

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

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

[No change in text.]

§33.4615 Pedicab Decal and Pedicab Restricted Zone Decal Fees

[No change in text.]

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

[No change in text.]

§33.4617 Pedicab Decal and Pedicab Restricted Zone Decal Renewal

[No change in text.]

§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:

- (1) 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*; and
- (2) Using a battery-operated headlight that is mounted at the front of the *pedicab*. The headlight shall be white in color and plainly visible from all distances within 300 feet of the front 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 all 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 as to endanger any person.
- (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 in Municipal Code section 33.4619.
- (e) It is unlawful to *operate*, or for any *owner* to allow to be *operated*, a *pedicab* with strobing, flashing, or multi-color changing lights. Only static, single-color lights are allowed.
- (f) It is unlawful to *operate*, or for any *owner* to allow to be *operated*, a *specialized pedicab* with a *pedal assist device*.
- (g) It is unlawful to *operate*, or for any *owner* to allow to be *operated*, a *pedicab* that is equipped with *sound amplification equipment*.

§33.4619 Pedicab Exterior Markings – Owner Requirements

- (a) *Owners* shall permanently affix the *owner's* company trade name, the company phone number, and the identification number assigned by the City, on the exterior left and right sides of the *pedicab*, and the exterior rear of the *pedicab*, in a manner that is clearly visible to the public at all times. These markings shall meet the following requirements:
 - (1) [No change in text.]
 - (2) Font size – Minimum two inches tall.
- (b) [No change in text.]

§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*, and shall name the City of San Diego as an additional insured.

(c) through (g) [No change in text.]

§33.4621 Pedicab Impound

- (a) Every *operator* and every *owner* is subject to applicable impound provisions in California Vehicle Code sections 22650 and 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 City 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) through (3) [No change in text.]
 - (4) When an *operator* is physically incapacitated and unable to safely *operate* the *pedicab*;
 - (5) 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
 - (6) When the *pedicab* is in violation of section 83.0104(d) or (e).
- (c) An *owner* of a *pedicab* removed under 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) through (5) [No change in text.]
 - (6) The *operator* fails to maintain a valid California driver's license, including having a suspended or revoked driving privilege by the California Department of Motor Vehicles;
 - (7) The *operator* fails to comply with any provision of the California Vehicle Code pertaining to the operation of bicycles upon streets;

- (8) The *owner* or *operator* fails to comply with any provision of this Division, or Chapter 8, Article 3, Division 1 of the Municipal Code; or
- (9) The *owner* or *operator* fails to comply with any provision of the Rules of Operation and Code of Conduct for City of San Diego Pedicab Owners and Operators.

(b) [No change in text.]

§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) [No change in text.]

(b) through (c) [No change in text.]

§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

[No change in text.]

§33.4626 Strict Liability Offenses

[No change in text.]

§33.4627 Penalties and Regulatory Action

[No change in text.]

Section 2. That Chapter 8, Article 3, Division 1 of the San Diego Municipal Code is amended by amending sections 83.0101, 83.0102, 83.0104, 83.0105, 83.0106, and 83.0107 to read as follows:

§83.0101 Purpose

The Council finds that *pedicabs* are a popular form of 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. Words or phrases not defined in this Division but defined in the California Vehicle Code shall have the meaning set forth in the California Vehicle Code. For purposes of this Division:

Martin Luther King Promenade [No change in text.]

Operate has the same meaning as in Municipal Code section 33.4602.

Operator has the same meaning as in Municipal Code section 33.4602.

Owner through Pedicab Restricted Zone Decal [No change in text.]

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 [No change in text.]

Special Event has the same meaning as in Municipal Code section 22.4003.

Specialized pedicab through *Traditional pedicab* [No change in text.]

§83.0103 Other Laws Applicable to Pedicab Owners and Operators

[No change in text.]

§83.0104 Pedicab Parking

(a) [No change in text.]

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

(c) [No change in text.]

(d) It is unlawful for an *operator* to leave a *pedicab* unattended in a *Pedicab Parking Zone*.

(e) [No change in text.]

§83.0105 Prohibitions on Where Pedicabs May Operate

(a) It is unlawful to *operate a traditional pedicab* on a City street with a posted speed limit in excess of 25 miles per hour unless it is *operated* within a class II bike lane.

(b) It is unlawful to *operate a specialized pedicab* on a City street with a posted speed limit in excess of 30 miles per hour.

- (c) 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.
- (d) It is unlawful to *operate a pedicab* on the *Martin Luther King Promenade*.
- (e) 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 Manager.

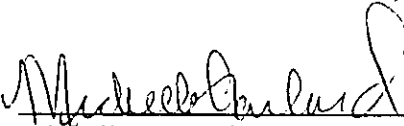
§83.0107 Restricted Pedicab Zones

- (a) A *Pedicab Restricted Zone Decal* shall be required to *operate a pedicab* within a *Restricted Pedicab Zone*.
- (b) [No change in text.]
- (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 beginning three hours before the scheduled start time until 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: MARA W. ELLIOTT, City Attorney

By: 
Michelle A. Garland
Senior Chief Deputy City Attorney

MAG:hm
September 25, 2024
Or.Dept: PSE
Doc. No. 3808867

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on ~~OCT 29 2024~~

DIANA J.S. FUENTES
City Clerk

By: 
Deputy City Clerk

Approved: 10/31/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is November 6, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

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 SECTIONS 33.4602, 33.4604, 33.4605, 33.4608, 33.4609, 33.4610, 33.4612, 33.4613, 33.4618, 33.4619, 33.4620, 33.4621, 33.4622, 33.4623, AND 33.4624; AND AMENDING CHAPTER 8, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 83.0101, 83.0102, 83.0104, 83.0105, 83.0106, AND 83.0107, ALL RELATING TO PEDICABS.

Chapter 3

Article 3: Police Regulated Occupations and Businesses

Division 46: Police Permits for Pedicabs

§33.4601 Purpose

[No change in text.]

§33.4602 Definitions

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

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

(~~Municipal Code~~) section 33.0201.

Darkness through Fare Schedule [No change in text.]

Operate means to pedal, steer, use the brakes of, or otherwise control a *pedicab*, whether it is stationary or in motion.

Operating permit [No change in text.]

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

Owner through Pedicab [No change in text.]

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~~ 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~~ Chief of Police to a *pedicab owner* for display on the *pedicab* to indicate that the *pedicab* is permitted to ~~operate~~ operate anywhere in the City of San Diego including those areas designated as *Restricted Pedicab Zones*.

Permit and police permit through Seatbelt [No change in text.]

Sound amplification equipment means any device or apparatus for the amplification of sound from any radio, phonograph, television, musical instrument, computer, online program, sound-producing or sound-playing device, or any device or apparatus for the reproduction or amplification of the human voice or any other sound.

Specialized pedicab through Traditional pedicab [No change in text.]

§33.4603 Application and Regulatory Fees

[No change in text.]

§33.4604 Police Permit Required for Pedicab Operator

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

§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) through (10) [No change in text.]
 - (11) A signed copy of the ~~“Pedicab Operator Code of Conduct.”~~ Rules of Operation and Code of Conduct for City of San Diego Pedicab Owners and Operators.
 - (12) [No change in text.]
- (b) [No change in text.]

§33.4606 Term of Pedicab Operating Permit

[No change in text.]

§33.4607 Renewal of Pedicab Operating Permit

[No change in text.]

§33.4608 Fare Schedule

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

(c) Prior to departure of any passenger ride for which a fare will be charged, pedicab operators shall issue a written invoice containing the following information:

- (1) date,
- (2) name or business name of the pedicab operator,
- (3) pedicab operating permit number,
- (4) agreed upon fare per passenger, and
- (5) agreed upon total fare for all passengers due upon arrival at the destination.

(ed) ~~It is unlawful for any operator to charge a passenger a fare greater than the posted fare schedule. It is unlawful for any operator to charge a passenger a fare greater than the posted fare schedule or greater than the agreed upon fare recorded in the written invoice as set forth in Municipal Code section 33.4608(c).~~

§33.4609 Fare Schedule Sign Requirements

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

(d) Payment method – If the operator does not accept cash payments, the fare schedule sign shall also include the following text:

Line 5 – Operator does not accept cash payments (minimum font size of 36).

- (~~e~~) Location Requirements – The *fare schedule* sign shall be securely attached to the interior of the pedicab and displayed in a location manner clearly visible to all passengers while seated in the *pedicab*, ~~and shall also be displayed and securely attached on the outside of the pedicab. The fare schedule sign shall also be securely attached to the exterior left and right sides of the pedicab and displayed in a manner clearly visible to the public.~~

§33.4610 Prohibitions on the Operation of Pedicabs

- (a) It is unlawful for any *person* under the age of ~~eighteen~~ (18) to ~~operate~~ operate a *traditional pedicab*.
- (b) It is unlawful for any *person* under the age of ~~twenty-one~~ (21) to ~~operate~~ operate a *specialized pedicab*.
- (c) It is unlawful to ~~operate~~ operate a *pedicab* in a manner that results in damage to public property.
- (d) It is unlawful to ~~operate~~ operate a *pedicab* ~~in a manner that creates or generates noise in violation of section 59.5.0501 or section 59.5.0502 of the Municipal Code~~ while using any form of sound amplification equipment.
- (e) It is unlawful to operate a pedicab in a manner that creates or generates noise in violation of Municipal Code section 59.5.0501.

- (ef) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *traditional pedicab* having more than one attached trailer or sidecar, or a *specialized pedicab* with any attached trailer or sidecar.
- (fg) It is unlawful to ~~operate~~ operate, or for an *owner* to allow to be ~~operated~~ operated, a *pedicab* while carrying a number of passengers that exceeds the number of available seats.
- (gh) It is unlawful to ~~operate~~ operate a *pedicab* unless all passengers are restrained by *seatbelts*.
- (hi) It is unlawful to ~~operate~~ operate, or for an *owner* to allow to be ~~operated~~ operated, a *pedicab* in violation of the ~~City's~~ open container ordinance as set forth in Municipal Code section 56.54.
- (ij) It is unlawful to ~~operate~~ operate, or for an *owner* to allow to be ~~operated~~ operated, a *pedicab* unless a color copy of the operator's operator's permit, company trade name, and contact information, including a valid phone number, are displayed and clearly visible within the seating area of the pedicab securely attached to the interior of the pedicab and displayed in a manner clearly visible to all passengers while seated in the pedicab.
- (jk) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *pedicab* that produces a sound level that exceeds the applicable decibel limit for a respective zoning district as set forth in ~~section 59.5.0401 of Municipal Code~~ section 59.5.0401.

§33.4611 Other Laws Applicable to Pedicab Owners and Operators

[No change in text.]

§33.4612 Pedicab Decals: General and Restricted Zone

(a) [No change in text.]

(b) It is unlawful to ~~operate~~ operate a *pedicab* or for any *owner* to lease, rent, or allow a *pedicab* to be ~~operated~~ operated within the City without first having obtained a *Pedicab Decal* or *Pedicab Restricted Zone Decal* issued ~~pursuant to~~ under this Division.

(c) [No change in text.]

§33.4613 Application for Pedicab Decal or Pedicab Restricted Zone Decal

(a) Before allowing a *pedicab* to be ~~operated~~ 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) through (3) [No change in text.]

(4) Written proof that the applicant is at least ~~eighteen~~ (18) years of age for *traditional pedicabs*, or proof that the applicant is at least ~~twenty-one~~ (21) years of age for *specialized pedicabs*;

(5) through (12) [No change in text.]

(13) Physical address of *pedicab* storage; ~~and~~

(14) Such other information as the *Chief of Police* may require; ~~and~~

(15) A signed copy of the Rules of Operation and Code of Conduct for City of San Diego Pedicab Owners and Operators.

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

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

[No change in text.]

§33.4615 Pedicab Decal and Pedicab Restricted Zone Decal Fees

[No change in text.]

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

[No change in text.]

§33.4617 Pedicab Decal and Pedicab Restricted Zone Decal Renewal

[No change in text.]

§33.4618 Equipment Regulations for Pedicabs

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

- (1) Using battery-operated ~~tail lights~~ taillights mounted on the right and left, respectively, at the same level on the rear exterior of the passenger compartment. ~~Tail lights~~ Taillights shall be red in color and plainly visible from all distances within 500 feet of the rear of the ~~pedicab~~ pedicab; and
- (2) Using a battery-operated headlight that is mounted at the front of the ~~pedicab~~ pedicab. The headlight shall be white in color and plainly visible from all distances within 300 feet of the front of the ~~pedicab~~ pedicab.

- (b) It is unlawful for any person to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *pedicab* without a *seatbelt* or *seatbelts* for all passengers. *Seatbelts* shall be in proper working order.
- (c) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *pedicab* in an unsafe condition as to endanger any person.
- (d) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *pedicab* that does not comply with the exterior marking requirements ~~as required by~~ in *Municipal Code* section 33.4619.
- (e) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *pedicab* with strobing, flashing, or multi-color changing lights. Only static, single-color lights are allowed.
- (f) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *specialized pedicab* with a *pedal assist device*.
- (g) It is unlawful to ~~operate~~ operate, or for any *owner* to allow to be ~~operated~~ operated, a *pedicab* ~~with any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speaker or sound amplifier, or other similar machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the pedicab when the pedicab is upon a public street or highway that is equipped with~~ sound amplification equipment.

§33.4619 Pedicab Exterior Markings – Owner Requirements

- (a) *Owners* shall permanently affix the *owner's* company trade name, the company phone number, and the identification number assigned by the

City, on the exterior left and right sides of the pedicab, and the exterior rear of the pedicab, in a ~~location~~ manner 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~~ two inches tall.

(b) [No change in text.]

§33.4620 Insurance Requirements

- (a) It is unlawful for any *person* to ~~operate~~ operate a *pedicab* within the City of San Diego unless at the time of such ~~operation~~ 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~~ operation of the *pedicab*, including but not limited to, *pedicabs* ~~operated~~ operated by the officers, employees, agents, independent contractors, or lessees of the *owner*, and shall name the City of San Diego as an additional insured.

(c) through (g) [No change in text.]

§33.4621 Pedicab Impound

(a) Every *operator* and every *owner* is subject to applicable impound provisions in California Vehicle Code sections 22650 and 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 City 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) through (3) [No change in text.]

~~(4) When an *owner* has five or more unpaid parking violations related to the *pedicab* to be towed;~~

~~(54) When an *operator* is physically incapacitated and unable to the extent he or she is unable to safely operate operate the *pedicab*;~~

~~(65) 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~~

~~(76) When the *pedicab* is in violation of section 83.0104(d) or (e).~~

(c) An *owner* of a *pedicab* removed pursuant to under 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) through (5) [No change in text.]

(6) The *operator* fails to maintain a valid California driver's license, including having ~~his or her driving privilege~~ a suspended or revoked driving privilege by the California 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; ~~;~~

(8) The owner or operator fails to comply with any provision of this Division, or Chapter 8, Article 3, Division 1 of the Municipal Code; or

(9) The owner or operator fails to comply with any provision of the Rules of Operation and Code of Conduct for City of San Diego Pedicab Owners and Operators.

(b) [No change in text.]

§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~~ operating a *pedicab* under California Vehicle Code section 21200.5.

(2) When a *pedicab* is ~~operated~~ operated in a manner that creates an immediate safety hazard.

(3) [No change in text.]

(b) through (c) [No change in text.]

§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~~ 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~~ 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

[No change in text.]

§33.4626 Strict Liability Offenses

[No change in text.]

§33.4627 Penalties and Regulatory Action

[No change in text.]

Chapter 8

Article 3: Alternative Transportation

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. Words or phrases not defined in this Division but defined in the California Vehicle Code shall have the meaning set forth in the California Vehicle Code. For purposes of this Division:

Martin Luther King Promenade [No change in text.]

Operate has the same meaning as in Municipal Code section 33.4602.

Operator has the same meaning as in ~~San Diego~~ Municipal Code (~~Municipal Code~~) section 33.4602.

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 Municipal Code section 83.0107.

Seatbelt [No change in text.]

Special Event has the same meaning as ~~that term is defined in Section~~ Municipal Code section 22.4003 of this Municipal Code.

Specialized pedicab through *Traditional pedicab* [No change in text.]

§83.0103 Other Laws Applicable to Pedicab Owners and Operators

[No change in text.]

§83.0104 Pedicab Parking

(a) [No change in text.]

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

(c) [No change in text.]

(d) It is unlawful for an *operator* to leave ~~his or her~~ a *pedicab* unattended in a *Pedicab Parking Zone*.

(e) [No change in text.]

§83.0105 Prohibitions on Where Pedicabs May Operate

(a) It is unlawful to ~~operate~~ operate a *traditional pedicab* on a City street with a posted speed limit in excess of 25 miles per hour unless it is ~~operated~~ operated within a class II bike lane.

(b) It is unlawful to ~~operate~~ operate a *specialized pedicab* on a City street with a posted speed limit in excess of 30 miles per hour.

(c) It is unlawful to ~~operate~~ 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.

- (d) It is unlawful to ~~operate~~ operate a *pedicab* on the *Martin Luther King Promenade*.
- (e) It is unlawful to ~~operate~~ 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~~ operate a *pedicab* within the perimeter of a permitted *Special Event* except where specifically authorized by the City Manager.

§83.0107 Restricted Pedicab Zones

- (a) A *Pedicab Restricted Zone Decal* shall be required to ~~operate~~ operate a *pedicab* within a *Restricted Pedicab Zone*.
- (b) [No change in text.]
- (c) It is unlawful to ~~operate~~ operate a *pedicab* in a *Restricted Pedicab Zone* without a valid *Pedicab Restricted Zone Decal*.
- (d) It is unlawful to ~~operate~~ operate a *pedicab* within the Petco Ballpark Zone beginning three hours before the scheduled start time ~~and~~ until one hour after the conclusion of any Padres games, event, or City *Special Event* occurring at Petco Park.

MAG:hm
September 25, 2024
Or.Dept: PSE
Doc. No. 3777812_2

Passed by the Council of The City of San Diego on OCT 29 2024, 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"/>
Henry L. Foster III	<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"/>
Kent Lee	<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 NOV 06 2024

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By Kristelle Medina, 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 14 2024, and on NOV 06 2024.

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.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21888</u>