



City of Sacramento Law and Legislation Committee

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chairperson (D-5)

Patti Bisharat
Government Affairs

SANDY SHEEDY (D-2)
Councilmember

Yvette Rincon
Legislative Analyst

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

City Hall
915 I Street
First Floor Council Chambers
April 4, 2006
12:30 P.M.

The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council, established to consider subjects of particular class.

Its purpose is to review proposed legislation, revisions to existing legislation, proposed city ordinance, and revisions to existing ordinances in order to make recommendation to the full City Council.

NOTICE IS HEREBY GIVEN that the Sacramento City Council will conduct concurrent meetings with the Council Committee(s) listed on this agenda which is incorporated herein by reference. The Special Meeting(s) are called to permit members who are not on the listed committees to attend the meetings and participate in the discussion. In the event five (5) or more members of the City Council are present at a committee meeting, only those items listed on the agenda can be acted upon or discussed.

All meetings will be held at the date, time and place indicated; and the subjects to be considered and acted upon shall be those as listed on the agenda. The numbered items listed on the agenda are a brief description of business to be transacted or discussed; the recommendations of the staff as shown, do not prevent the committee from taking other action.

This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda is located in the posting cabinet on the I Street side of City Hall. Any item not addressed at this meeting may be continued, by motion, to a future afternoon or evening meeting.

Meeting facilities are accessible to persons with disabilities. Please notify the City Clerk's office at (916) 808-7200 at least 48 hours prior to the meeting if you require special assistance to participate in the meeting. The meeting is archived and accessible along with other meeting information on the City's website.

**Law and Legislation Committee
Agenda**

CALL TO ORDER

ROLL CALL

| |
|-------------------------|
| Consent Calendar |
|-------------------------|

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of March 21, 2006 Minutes

RECOMMENDATION: Approve March 21, 2006 Minutes

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

3.0 Amendments to Update the Health and Safety Code

RECOMMENDATION: Approve and forward to full Council the amendments to update the Health and Safety Code.

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| Staff Reports |
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Each speaker is limited to a maximum of 3 minutes.

4.0 City Position on State Bills Relating to Redevelopment and the Use of Eminent Domain

RECOMMENDATION: Adopt an oppose position.

5.0 Pedi-Cab Ordinance

RECOMMENDATION: Committee information and direction to staff on whether to draft an ordinance to regulate pedi-cabs, and, if so, what policies to include.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

6.0 To be announced

Committee Ideas and Questions

7.0 To be announced

Adjournment

8.0 To be announced



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

1

Consent
April 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Approval of Minutes – March 21, 2006

Location/Council District: All

Recommendation: Approve the minutes for the Committee meeting of March 21, 2006.

Contact: Yvette Rincon, Legislative Analyst - 808-5827

Presenters: None

Department: City Manager's Office

Division: Legislative Affairs

Organization No: 0300

Summary: Staff is recommends the approval of the minutes for the Committee meeting of March 21, 2006.

Committee/Commission Action: None.

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

1

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: 
Patti Bisharat, Government Affairs

Recommendation Approved:

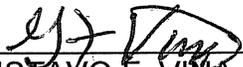

GUSTAVO F. VINA
Assistant City Manager

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City of Sacramento Law and Legislation Committee Minutes

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chairperson (D-5)

Patti Bisharat
Government Affairs

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Councilmember

Yvette Rincon
Legislative Analyst

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

City Hall
915 I Street
First Floor Council Chambers
March 21, 2006
12:30 P.M.

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**Law and Legislation Committee
Minutes**

CALL TO ORDER – 12:32pm

ROLL CALL – Sheedy, Hammond, Waters, present. Cohn absent.

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| Consent Calendar |
|-------------------------|

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of March 7, 2006 Minutes

RECOMMENDATION: Approve March 7, 2006 Minutes

ACTION: Moved/Seconded/Carried (Sheedy/Waters) approval of March 7, 2006 minutes.

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| Staff Reports |
|----------------------|

Each speaker is limited to a maximum of 3 minutes.

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

ACTION: Moved/Seconded/Carried (Waters/Hammond) approval of Law and Legislation Log.

3.0 AB 2137, Altering Voting Structure of Sacramento Regional Transit Board of Directors

RECOMMENDATION: Adopt a support position on AB 2137.

ACTION: Moved/Seconded/Carried (Waters/Hammond) to forward AB 2137 to the Full Council with no recommendation.

4.0 June 2006 Ballot Propositions

RECOMMENDATION: Approve and forward to full City Council, City positions on the June 2006 Propositions.

ACTION: Moved/Seconded/Carried (Waters/Hammond) to forward a support position recommendation to Full Council on Proposition 81.

Moved/Seconded/Carried (Waters/Sheedy) to forward Proposition 82 to the full City Council with no recommended position.

5.0 Legislative Update

RECOMMENDATION: Information Only

ACTION: No action taken.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

6.0 To be announced

Committee Ideas and Questions

7.0 To be announced

Adjournment

8.0 Adjourned – 1:02pm

LAW AND LEGISLATION COMMITTEE
Preliminary Calendar
As of March 30, 2006

DISCLAIMER: The following information is tentative as to dates and subjects.

April 18, 2006

Amend Ordinance Relating to Northgate Boulevard Special Planning District– **Development Svcs**

Amendments to Marina Ordinance (tentative)– **CC&L**

Alcohol Use Permit Processing Ordinance – **Police**

Amendments to Update Development Services Code– **Development SVCS**

May 16, 2006

Amend City Code Regarding Animal Control- **DGS**

R Street Urban Design Plan and SPD Amendments - **Development Svcs**

PENDING ORDINANCES/REPORTS:

Report Back on Contract Standards - **General Svcs**

Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**

Contractual Conflict of Interest of City Employees- **Finance**

Ordinance Amending Code Relating to Temporary Construction Zones- **Transportation**

Amendments to the Condominium Conversion Regulations- **Development Svcs**

Drug & Gun Free Zones and Creation of Civil Exclusion- **Police**

Report Back on City-wide Sign Ordinance - **Development Svcs**

Illegal Dumping Vehicle Impound Ordinance – **Code Enforcement**

Fire Code Revisions - **Fire**

Housing Trust Fund Nexus Study - **Development Svcs**

Front yard Landscaping – **Code Enforcement**

Amend Ordinance Regarding Reward Program – **Code Enforcement**

Solid Waste Facility Fee - **Utilities**

Amend Tree Ordinance – **Parks & Rec**

Public Financing of Campaigns – **City Clerk**

Mobile Food Vendor Ordinance – **Finance**

Report Back on Rental Inspection Pilot Program – **Code Enforcement**

Report Back on City Infill Housing Project – **Development Svcs**

Second Hand Smoke in Multi-Family Rental Units – **Code Enforcement**

Amend Ordinance Relating to Recycling Centers – **Development Svcs**

White paper on Truancy/Daytime Curfew for Teens – **Police**

AB 32 Relating Greenhouse Gas Emissions – **CMO**

AB 1404 Relating to Street Sweeping Fines – **Transportation**

Legislation Log

| | Tracking Number | Subject Matter | Ordinance Sponsor/ Staff | Estimated Law & Legislation hearing Date ¹ | Notes | Controversial or Significant Policy Issues | Anticipated Attorney Drafting Time for Completion ² | City Departments Possibly Affected |
|----|-----------------|--|------------------------------------|---|--|--|--|------------------------------------|
| 9 | 03.05.03 | Front yard Landscaping Ordinance | NSD/Max Fernandez | May 2006 | Amend City Code related to front yard landscaping to allow maintained garden vegetation. Committee directed staff to return with more restrictive language. | Possibly | Moderate | Dev Svcs / NSD |
| 10 | 4.04.1 | Solid Waste Facility Fee/ Host Benefit Fee | General Svcs/Harold Duffy | May/June 2006 | Ordinance to mitigate potential impacts to a geographic area relative to locating a solid waste facility. The Law & Leg Committee heard a staff report on this issue on November 4, 2004 and directed staff to get input from an advisory committee and report back to the L&L Committee with recommendations on fees. | To be Determined | To be Determined | Solid Waste/ Dev Svcs |
| 11 | 1.11 | Mobile Food Vendor Ordinance | CM Tretheway/ Aaron Chong | 8-Jun-06 | The Law & Leg Committee heard a report on February 7, 2006 regarding revising the existing ordinance to address regulation of Mobile Food Vendor industry including hours of operation, locations, etc. The Committee directed staff to report back with a proposed ordinance that addressed a number of issues. | Potentially Yes | Moderate | Finance/Dev Svcs/Code |
| 12 | 1.06.3 | Update on Rental Inspection Program Pilot | L&L Committee/Code | Summer 06 | At the meeting of January 17, 2006 the Law & Leg Committee requested a report back on the Rental Inspection Pilot Program after six months. | No | Not Applicable | Code |
| 13 | 3.06.3 | Report Back on City Infill Housing Project | L&L Committee/DSD/ Luncinda Wilcox | September 2006 | The Law & Leg Committee heard this item on 3/7/06 and requested a report back in six months on the status of the project to include the housing plans that have been approved to date. | No | N/A | DSD |
| 14 | 1.05.02 | Amend Tree Ordinance | Parks & Rec/Joe Benassini | Fall 2006 | Amend the City's Tree Ordinance to add section to: allow assessment of fees; prohibit topping of trees; and amend the tree permit appeals process. | To be Determined | To be determined | Parks & Rec |
| 15 | 03.05.05 | Public Campaign Financing | CMO/Clerk | Winter 2006 | Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns and oversight. | Yes | Moderate | CMO/Clerk |

¹ Reflects attorney drafting time only not time required for the legal process, including staff direction, public outreach, community meetings, workshops, formal noticed public hearings required for adoptions.

² Limited =<10 hrs, Moderate =10-40 hrs, Sig. => 40 hrs

Legislation Log

| Tracking Number | Subject Matter | Ordinance Sponsor/ Staff | Estimated Law & Legislation hearing Date | Notes | Controversial or Significant Policy Issues | Anticipated Attorney Drafting Time for Completion 2 | City Departments Possibly Affected |
|-----------------|---|---|--|---|--|---|------------------------------------|
| | | | | LAW AND LEG COMMITTEE ORDINANCE & REPORTS - DATE PENDING | | | |
| 16 | Contractual Conflict of Interest of City Employees | Finance | Pending | Amendment of code related to prohibition on city employees having a financial interest in a city contract. | No | Limited | Citywide |
| 17 | Amend Code Relating to Temporary Construction Zones | Transportation/ Parking/ Howard Chan | Pending | Amend Section 10.36.140 of Title 10 of City Code to delete the use of the cumbersome portable construction signs in favor of a monthly hangtag to improve staff efficiency and provide better customer service. | Unlikely | Moderate | Trans |
| 18 | Amend Condominium Conversion Regulations | Dev Svcs/Aaron Sussman | Pending | Proposed updates and revisions to the City Code relative to Condominium Conversions. Heard by Council on 05/17/05 and referred back to staff for report back. Item scheduled to be heard by Council on April 4th as part of the affordable housing workshop. Based on the recommendations by Council, staff will bring this item to L&L. | Possibly | To be determined | Dev Svcs |
| 19 | Establish Drug & Gun Free Zones and Creation of Civil Exclusion | Police/Sherri Scruggs | Pending | Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee. | Possibly | Significant | Police/CAO |
| 20 | Update on Sign Ordinance and Sign Program | CM Waters/Dev Svcs/ NSD | Pending | Development Svcs staff will meet with CM Waters to provide an update. Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee. | Yes | Significant | Dev Svcs/ NSD |

1 Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.

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Legislation Log

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|----|-----------------|--|--------------------------------------|---|--|--|--|------------------------------------|
| 21 | 09.04.02 | Illegal Dumping Vehicle Impound Ordinance | CM Hammond Utilities/Harold Duffy | Pending | Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options. Pending court decision. | Potentially Yes | Significant | Code |
| 22 | 05.05.02 | Housing Trust Fund Nexus Study | Dev Svcs | Pending | Amend City Code related to Housing Trust Fund fees. Item scheduled to be heard by Council on April 4th as part of the affordable housing workshop. Based on the recommendations by Council, staff will bring this item to L&L. | Possibly | To Be Determined | Dev Svcs |
| 23 | 08.05.1 | Amend Ordinance Relating to Reward Program | Waters/Utilities/ Harold Duffy | Pending | Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution. | Unlikely | Limited | Code |

¹ Reflects attorney drafting time only not time required for the legal process, including staff direction, public outreach, community meetings, workshops, formal noticed public hearings required for adoptions.

² Limited = <10 hrs, Moderate = 10-40 hrs, Significant = >40 hrs



REPORT TO LAW AND LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

③
CONSENT
April 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: An Ordinance Amending Sacramento City Code Section 8.96.110
Relating to Dangerous Buildings, Section 8.100.560 Relating to
Inadequate Sanitation, and Section 8.108.060 Relating to
Enforcement of Miscellaneous Health Regulations

Location/Council District: City-wide

Recommendation:

The Code Enforcement Department is recommending that the attached ordinance amendment be forwarded to City Council for adoption to update and make corrections in the specified sections of the City of Sacramento Housing Code Sections 8.96.110, 8.100.560 and 8.108.060.

Contact: Max Fernandez, Director of Code Enforcement, (916) 808-7940; Ron O'Connor, Code Enforcement Manager, (916) 808-8183

Department: Code Enforcement

Division: Administration

Organization No: 4654

Summary:

The proposed amendment will update various sections of the City of Sacramento Housing Code Sections 8.96.110 relating to dangerous buildings, 8.100.560 relating to inadequate sanitation and 8.108.060 relating to miscellaneous health regulations (Exhibit A).

Background Information:

Changes to various sections of Chapter 8 of the Sacramento City Code are proposed to clean up ordinance language:

- Section 8.96.110 Dangerous Buildings, Item N, shall be amended to include the *county health officer, city building official, city code enforcement manager or their designees who are certified as vector control technicians pursuant to Section*

106925 of the Health and Safety Code. This section deletes references to the county building officer.

- Section 8.100.560 Inadequate Sanitation, Item L, shall be amended to include *city building official, city code enforcement manager, or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code*. Item O of this Section shall include the *county health officer, city building official, city code enforcement manager, solid waste manager or their designees* as the parties who will determine the lack of adequate garbage and rubbish storage and removal facilities.
- Section 8.108.060 Miscellaneous Health Regulations shall be amended to include the *City of Sacramento* under enforcement.

Financial Considerations:

This report has no fiscal implications.

Environmental Considerations:

This report is not considered a project and therefore has no environmental impact as stated by the California Environmental Quality Act (Section 15061 (b) (3)).

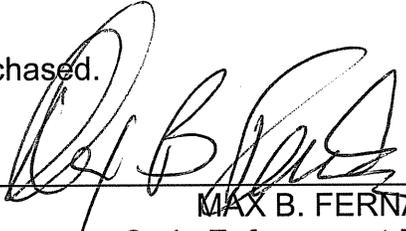
Policy Considerations:

The staff recommendation is consistent with City Council priorities and policies related to compliance with the City's Codes, cost recovery, and the City's goals to improve and expand public safety.

Emerging Small Business Development (ESBD):

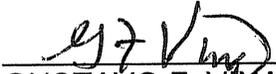
Not applicable. No goods or services are being purchased.

Respectfully Submitted by:



MAX B. FERNANDEZ
Code Enforcement Director

Recommendation Approval:



GUSTAVO F. VINA
Assistant City Manager

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ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

**AN ORDINANCE AMENDING SACRAMENTO CITY CODE
SECTION 8.96.110 RELATING TO DANGEROUS BUILDINGS,
SECTION 8.100.560 RELATING TO INADEQUATE SANITATION,
AND SECTION 8.108.060 RELATING TO ENFORCEMENT OF
MISCELLANEOUS HEALTH REGULATIONS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 8.96.110 of the Sacramento City Code is hereby amended to read as follows:

8.96.110 Dangerous Building.

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

B. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Sacramento city building code for new buildings of similar structure, purpose or location.

C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Sacramento city building code for new buildings of similar structure, purpose or location.

D. Whenever any portion or member of a building or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

E. Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Sacramento city building code, for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Sacramento city building code, for such buildings.

F. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structure portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

G. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

I. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

J. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

K. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

L. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by regulations specified in Titles 8 and 15 of this code or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent, of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Ordinance 2006-

N. Whenever the county health officer, city building official, city code enforcement manager, or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code, has determined that a building or structure, used or intended to be used for dwelling purposes, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, insects, rodents, pests or other vectors, or otherwise.

O. Whenever the fire marshal has determined that a building, structure, or the premises thereof constitute a fire hazard for any of the following reasons:

1. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;
2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;
3. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;
4. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts;
5. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;
6. Other conditions including, but not limited to, want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, which create a hazardous condition.

P. Whenever any building or structure, because of faulty electrical wiring, or other cause, is determined by the building official to be an electrical or fire hazard to life, health or property.

Q. Whenever any building or structure, because of faulty gas connections, heating apparatus or water and sewer systems, or other cause, is determined by the building official to be a hazard to life, health or property.

R. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

S. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is vacant, unoccupied, or abandoned for a period in excess of six months such that the building or portion thereof is an attractive nuisance or hazard to the health, safety and welfare of the public.

T. Whenever any well, septic tank or other excavation appurtenant to any existing or demolished structure has been abandoned.

SECTION 2

Section 8.100.560 of the Sacramento City Code is hereby amended to read as follows:

8.100.560 Inadequate Sanitation.

Inadequate sanitation shall include but not be limited to the following:

- A. Lack of, or improper water closet, lavatory, and bath tub or shower in a dwelling unit;
- B. Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel;
- C. Lack of, or improper kitchen sink;
- D. Lack of hot and cold running water to plumbing fixtures in a hotel;
- E. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- F. Lack of adequate heating facilities;
- G. Lack of, or improper operation of required ventilating equipment;
- H. Lack of minimum amounts of natural light and ventilation required by this chapter;
- I. Room and space dimension less than required by this chapter;
- J. Lack of required electrical lighting;
- K. Dampness of habitable rooms;
- L. Infestation of insects, vermin, or rodents as determined by the county health officer, city building official, city code enforcement manager or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code;
- M. General dilapidation or improper maintenance;
- N. Lack of connection to required sewage disposal system;
- O. Lack of adequate garbage and rubbish storage and removal facilities as determined by the county health officer, city building official, city code enforcement manager, solid waste manager or their designees.
- P. Presence of lead hazards. "Lead hazards" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment, if one or more of these hazards is present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms Ordinance 2006-

Exhibit A
in Section 17920.10 of the California Health and Safety Code or Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations, or any successors thereto, and that are likely to endanger the health of the public or the occupants as a result of their proximity to the public or the occupants.

SECTION 3

Section 8.108.060 of the Sacramento City Code is hereby amended to read as follows:

8.108.060 Enforcement.

The provisions of this chapter shall be enforced by the City of Sacramento and the health department of the county of Sacramento.

Adopted by the City of Sacramento City Council on _____, 2006 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

Passed for Publication:

Adopted:

Effective:

Ordinance 2006-

ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

**AN ORDINANCE AMENDING SACRAMENTO CITY CODE
SECTION 8.96.110 RELATING TO DANGEROUS BUILDINGS,
SECTION 8.100.560 RELATING TO INADEQUATE SANITATION,
AND SECTION 8.108.060 RELATING TO ENFORCEMENT OF
MISCELLANEOUS HEALTH REGULATIONS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 8.96.110 of the Sacramento City Code is hereby amended to read as follows:

8.96.110 Dangerous Building.

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

B. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Sacramento city building code for new buildings of similar structure, purpose or location.

C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Sacramento city building code for new buildings of similar structure, purpose or location.

D. Whenever any portion or member of a building or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

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E. Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Sacramento city building code, for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Sacramento city building code, for such buildings.

F. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structure portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

G. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

I. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

J. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

K. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

L. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by regulations specified in Titles 8 and 15 of this code or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent, of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

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N. Whenever the county health officer, city building official, city code enforcement manager, or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code, has determined that a building or structure, used or intended to be used for dwelling purposes, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, insects, rodents, pests or other vectors, or otherwise, ~~is determined by the county building official or health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.~~

O. Whenever the fire marshal has determined that a building, structure, or the premises thereof constitute a fire hazard for any of the following reasons:

1. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;

3. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;

4. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts;

5. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;

6. Other conditions including, but not limited to, want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, which create a hazardous condition.

P. Whenever any building or structure, because of faulty electrical wiring, or other cause, is determined by the building official to be an electrical or fire hazard to life, health or property.

Q. Whenever any building or structure, because of faulty gas connections, heating apparatus or water and sewer systems, or other cause, is determined by the building official to be a hazard to life, health or property.

R. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

S. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is vacant, unoccupied, or abandoned for a period in excess of six months such

that the building or portion thereof is an attractive nuisance or hazard to the health, safety and welfare of the public.

T. Whenever any well, septic tank or other excavation appurtenant to any existing or demolished structure has been abandoned.

SECTION 2

Section 8.100.560 of the Sacramento City Code is hereby amended to read as follows:

8.100.560 Inadequate Sanitation.

Inadequate sanitation shall include but not be limited to the following:

- A. Lack of, or improper water closet, lavatory, and bath tub or shower in a dwelling unit;
- B. Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel;
- C. Lack of, or improper kitchen sink;
- D. Lack of hot and cold running water to plumbing fixtures in a hotel;
- E. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- F. Lack of adequate heating facilities;
- G. Lack of, or improper operation of required ventilating equipment;
- H. Lack of minimum amounts of natural light and ventilation required by this chapter;
- I. Room and space dimension less than required by this chapter;
- J. Lack of required electrical lighting;
- K. Dampness of habitable rooms;
- L. Infestation of insects, vermin, or rodents as determined by the county health officer, city building official, city code enforcement manager, or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code;
- M. General dilapidation or improper maintenance;
- N. Lack of connection to required sewage disposal system;
- O. Lack of adequate garbage and rubbish storage and removal facilities as determined by the county health officer, city building official, city code enforcement manager, city solid waste manager or their designees.

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P. Presence of lead hazards. "Lead hazards" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment, if one or more of these hazards is present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms in Section 17920.10 of the California Health and Safety Code or Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations, or any successors thereto, and that are likely to endanger the health of the public or the occupants as a result of their proximity to the public or the occupants.

SECTION 3

Section 8.108.060 of the Sacramento City Code is hereby amended to read as follows:

8.108.060 Enforcement.

The provisions of this chapter shall be enforced by the City of Sacramento and the health department of the county of Sacramento.

Adopted by the City of Sacramento City Council on _____, 2006 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

Passed for Publication:

Adopted:

Effective:

Ordinance 2006-

4.0 City Position on State Bills Relating to Redevelopment and the Use of Eminent Domain

To Be Delivered



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2604

STAFF REPORT
April 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Possible Pedicab Ordinance

Location/Council District: Citywide

Recommendation:

This report is for Committee information. Staff seeks direction on whether to draft a pedicab ordinance, and, if so, which policies to include.

Contact: Max Fernandez, Code Enforcement Director, 808-7940
Bob Rose, Code Enforcement Manager, 808-5947

Presenter: Max Fernandez, Code Enforcement

Department: Code Enforcement

Division: Code Enforcement

Organization No:

Summary:

Councilmember Tretheway has requested that staff bring the concept of an ordinance to regulate pedicabs for the Law and Legislation Committee's consideration. Consistent with the protocols established by the Committee and City Council, staff submits this report with information and policy considerations regarding pedicab regulation. Staff seeks direction on drafting an ordinance for consideration and the policies to be included.

Committee/Commission Action:

None.

Background Information:

Councilmember Ray Tretheway has asked staff to explore the issue of pedicab operation and regulation in the City of Sacramento. A pedicab is a human-powered machine for hire that has two or more wheels and has seating for passengers that is either attached to the machine or in a trailer or sidecar. Pedicabs are frequently driven by independent contractors who rent the machines from the owners. This human-powered form of transportation is often popular with tourists. Pedicabs operate in other North American cities, including San Diego and Toronto. These cities have found that with proper regulation, pedicabs can provide a nonpolluting, alternative form of transportation.

Current Findings

Staff from the City's Department of Transportation and Old Sacramento have been consulted, as have staff from other cities that regulate pedicabs. Based on this research, Code Enforcement staff have identified issues to consider in regulating pedicabs:

Critical Elements

- Operation and location: Compliance with existing vehicle codes; areas where pedicabs would have to follow the same rules as bicycles and where they might require special consideration (K Street, Old Sacramento, the Capitol's perimeter, and the route into West Sacramento from Old Sacramento).
- Insurance: Policy provider requirements; amount of coverage required; providing proof of coverage. Machine owners or operators could be required to carry insurance.
- Pick up and drop off zone rules to prevent aggressive solicitation of customers.

Additional Elements

- Operator permit requirements, procedures, and fees: Requiring driver's license, business license, and background check; identification badges; minimum age; permit renewal, suspension, revocation, and appeal process.
- Equipment requirements: Inspections; lights, horns, mirrors, passenger seating, sound systems, trailers, and sidecars; certification decals and their associated fees.
- Items to consider in the future as demand warrants: posted fare schedules and receipts.

Future Direction

Staff requests direction from the Law and Legislation Committee regarding the future consideration and discussion of a pedicab ordinance. If directed to proceed, staff will prepare an ordinance for the Committee's consideration. Staff would consult with interest groups such as the Sacramento Area Bicycle Advocates (SABA), taxicab and horse-drawn carriage operators, and other business people.

Financial Considerations:

Staff recommendations will not financially impact the City's operating budget at this time. Staff will report back to the Law and Legislation Committee regarding revenue and budget issues if and when a pedicab ordinance is brought back to the Committee for consideration.

Environmental Considerations:

This report is not considered a project under the California Environmental Quality Act (CEQA).

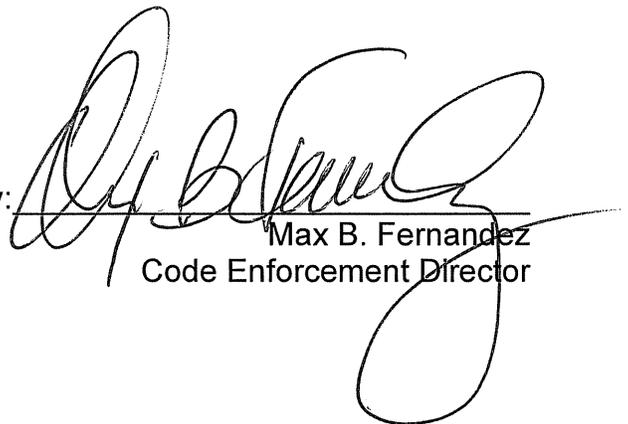
Policy Considerations:

Pedicabs are a non-polluting form of transportation in a region facing serious air quality and vehicular traffic problems. They are popular with tourists and offer a relatively inexpensive small-business opportunity for entrepreneurs. Establishing reasonable rules for their operation sets the stage for such individuals while protecting the public's health, safety, and welfare.

Emerging Small Business Development (ESBD):

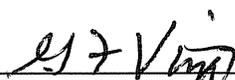
No services or goods are being purchased.

Approved by:



Max B. Fernandez
Code Enforcement Director

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

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Pedicabs

Article 3: Pedestrians

Division 1: Pedicabs

(“Pedicabs” added 11-1-1999 by O-18701 N.S.)

§83.0101 Purpose

The Council finds that *pedicabs* have become an increasingly popular form of non-motorized transportation for hire in San Diego. This Division is enacted in response to concerns due to this increasing prevalence of *pedicabs*. It is necessary to enact regulations governing *pedicabs*, *operators*, and *owners* to protect the general safety and welfare of passengers using *pedicabs* for hire.
(“Purpose” added 11-1-1999 by O-18701 N.S.)

§83.0102 Definitions

Defined terms appearing in this division are shown in italics. For purposes of this division:

Bicycle means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears, and which has wheels at least sixteen inches in diameter and a frame size of at least thirteen inches.

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.

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.

Hearing Officer has the same meaning as the term “Enforcement Hearing Officer” defined in section 11.0210 of this Municipal Code.

Identification Badge means a badge that includes a color passport-size photo.

Operating Permit means a written permit issued by the City authorizing a *person* to operate a *pedicab* as a business.

Operator means any individual who operates a *pedicab* within the City of San Diego.

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

Pedicab means:

- (a) A *bicycle* that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual, and that is used for transporting passengers for hire; 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, that is operated by an individual, and that is used for transporting passengers for hire.

Person has the same meaning as that term is defined in section 11.0210 of this Municipal Code.

(“Definitions” added 11-1-1999 by O-18701 N.S.)

§83.0103 Permit Requirement to Operate Pedicab

It is unlawful for any individual to operate a *pedicab* within the City without first having obtained an *operating permit* issued by the City pursuant to this division.

(“Permit Requirement to Operate Pedicab” added 11-1-1999 by O-18701 N.S.)

§83.0104 Application for Operating Permit

- (a) Before operating a *pedicab*, an individual shall apply for a *pedicab operating permit*.
- (b) The *pedicab operating permit* application form shall be prescribed by the City Manager.
- (c) The applicant shall provide the following information to complete the application:
 - (1) The applicant’s full name and residence address; and
 - (2) The applicant’s date of birth; and
 - (3) The applicant’s driver’s license number; and,
 - (4) Such other information as the City Manager may require.
- (d) The applicant shall provide the following material to complete the application:

- (1) Proof that the applicant is eighteen years or older; and
- (2) Proof of ability to drive lawfully in California; and
- (3) Proof of a valid City of San Diego Business Tax Certificate issued in accordance with the provisions of Chapter 3, Article 1, of this Code; and
- (4) Two recent color passport-sized photographs; and,
- (5) Such other material as the City Manager may require.
(“Application for Operating Permit” added 11-1-1999 by O-18701 N.S.)

§83.0105 Pedicab Operating Permit Fee

The City Manager shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of *pedicab operating permits*. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the City Clerk’s Office.

(“Pedicab Operating Permit Fee” added 11-1-1999 by O-18701 N.S.)

§83.0106 Duration of Validity of Operating Permit

Operating permits shall be valid for a period of one year from date of issuance.

(“Duration of Validity of Operating Permit” added 11-1-1999 by O-18701 N.S.)

§83.0107 Operating Permit Renewal

Pedicab operating permits shall be renewable annually upon filing and approval of a new application and payment of a *pedicab operating permit* fee as determined by the City Manager.

(“Operating Permit Renewal” added 11-1-1999 by O-18701 N.S.)

§83.0108 Denial of Permit for Failure to Comply with Division

The City Manager may deny issuance of a *pedicab operating permit* if the applicant fails to comply with the requirements of this division.

(“Denial of Permit for Failure to Comply with Division” added 11-1-1999 by O-18701 N.S.)

§83.0109 Denial of Pedicab Operating Permit, Suspension, or Revocation

The City Manager may deny issuance of a *pedicab operating permit* if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a *pedicab operating permit*. If such misrepresentation becomes known after a permit has been issued, the permit may be suspended or revoked.

(“Denial of Pedicab Operating Permit, Suspension, or Revocation” added 11-1-1999 by O-18701 N.S.)

§83.0110 Identification Badges Issued to Pedicab Operators With a Permit

(a) The City Manager shall issue an *identification badge* to an individual after that individual has been issued a *pedicab operating permit*.

(b) While the *pedicab* is in operation, the *pedicab operator* shall wear the *identification badge* at all times, in a manner clearly visible to the public.

(c) It is unlawful for a *pedicab operator* to fail to wear an *identification badge*, in a manner clearly visible to the public, while operating a *pedicab*.

(“Identification Badges Issued to Pedicab Operators With a Permit” added 11-1-1999 by O-18701 N.S.)

§83.0111 Fare Schedule

(a) *Pedicab operators* shall post a fare schedule in a manner clearly visible to the public at all times while operating a *pedicab*.

(b) It is unlawful for any *pedicab operator* to demand from a passenger a fare greater than the fare contained in the posted fare schedule.

(c) Section 83.0111(b) does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passenger and the *pedicab operator* prior to the beginning of the tour.

(“Fare Schedule” added 5-20-2003 by O-19176 N.S.)

§83.0115 Pedicab Decal

It is unlawful for any *owner* to lease, rent, or allow a *pedicab* to be operated for hire within the City without first having obtained a *decal* issued pursuant to this division. The *decal* shall be affixed in a manner prescribed by the City Manager.

(“Pedicab Decal” added 11-1-1999 by O-18701 N.S.)

§83.0116 Application for Pedicab Decal

- (a) Before allowing a *pedicab* to be operated for hire, *owners* shall obtain a *pedicab decal*.
- (b) The *pedicab decal* application form shall be prescribed by the City Manager.
- (c) The applicant shall provide the following information to complete the application:
 - (1) The full name and address of the applicant; and
 - (2) The name and address of all legal and registered owners of the vehicle; and
 - (3) A description of the vehicle, including trade name, if any, serial number, and body style.
- (d) Applicants shall also provide proof of insurance in accordance with the provisions of this division in an amount not less than \$1 million per occurrence.

("Application for Pedicab Decal" added 11-1-1999 by O-18701 N.S.)

§83.0117 Requirements for Issuance of Pedicab Decal

- (a) *Pedicab decals* will be issued only when a *pedicab* meets all of the following requirements:
 - (1) The *pedicab* shall be equipped with a battery-operated headlight capable of projecting a beam of white light for a distance of 300 feet.
 - (2) The *pedicab* shall be equipped with battery-operated taillights mounted on the right and the 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 to the rear of the *pedicab*.
 - (3) The *pedicab* shall be equipped with side-mounted rearview mirrors affixed to the right and left side of the *bicycle* so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the *pedicab*.

("Requirements for Issuance of Pedicab Decal" added 11-1-1999 by O-18701 N.S.)

§83.0118 Pedicab Decal Fee

The City Manager shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of *pedicab decals*.
(“*Pedicab Decal Fee*” added 11-1-1999 by O-18701 N.S.)

§83.0119 Duration of Validity of Pedicab Decal

Pedicab decals shall be valid for a period of one year from date of issuance.
(“*Duration of Validity of Pedicab Decal*” added 11-1-1999 by O-18701 N.S.)

§83.0120 Pedicab Decal Renewal

Pedicab decals shall be renewable annually upon filing of a new application and payment of a *pedicab decal* fee as determined by the City Manager.
(“*Pedicab Decal Renewal*” added 11-1-1999 by O-18701 N.S.)

§83.0121 Denial of Decal for Failure to Comply with Division

The City may deny issuance of a *pedicab decal* if the City Manager determines that the *pedicab* does not meet the requirements of this division and the California Vehicle Code provisions applicable to *bicycles*.
(“*Denial of Decal for Failure to Comply with Division*” added 11-1-1999 by O-18701 N.S.)

§83.0122 Other Laws Applicable to Pedicab Owners and Operators

Pedicab operators are subject to all applicable laws, rules, and regulations of the San Diego 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.
(“*Other Laws Applicable to Pedicab Owners and Operators*” added 11-1-1999 by O-18701 N.S.)

§83.0123 Minimum Age for Pedicab Operators

It is unlawful for any individual under the age of eighteen to operate a *pedicab*.
(“*Minimum Age for Pedicab Operators*” added 11-1-1999 by O-18701 N.S.)

§83.0124 Driver's License Requirement to Operate Pedicab

It is unlawful for any individual without a motor vehicle driver's license valid in California to operate any *pedicab* within the City.

("Driver's License Requirement to Operate Pedicab" added 11-1-1999 by O-18701 N.S.)

§83.0125 Business Tax Certificate Requirement to Operate Pedicab

(a) It is unlawful for an individual to operate a *pedicab* without first obtaining a business tax certificate pursuant to Chapter III, Article 1 of this Code.

(b) Municipal Code Section 31.0202 is not applicable.

("Business Tax Certificate Requirement to Operate Pedicab" added 11-1-1999 by O-18701 N.S.)

§83.0126 Equipment Regulations for Pedicabs

(a) It is unlawful for any *person* to operate, or cause to be operated, a *pedicab* during the hours of *darkness*, without using a headlight capable of projecting a beam of white light for a distance of 300 feet.

(b) It is unlawful for any *person* to operate, or cause 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 to the rear of the *pedicab*.

(c) It is unlawful for any *person* to operate, or cause to be operated, a *pedicab* without using side-mounted rearview mirrors affixed to the right and left side of the *bicycle* so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the *pedicab*.

(d) It is unlawful for any *person* to operate, or cause to be operated, a *pedicab* in an unsafe condition.

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

(Amended 5-20-2003 by O-19176 N.S.)

§83.0127 Passenger Seating Requirements

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

(“*Insurance Requirements*” renumbered to Sec. 83.0129; “*Passenger Seating Requirements*” added 5-20-2003 by O-19176 N.S.)

§83.0128 Damage to Public Property

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

(“*Suspension or Revocation of Operating Permit or Decal*” renumbered to Sec. 83.0130; “*Damage to Public Property*” added 5-20-2003 by O-19176 N.S.)

§83.0129 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 *pedicab owner* has in effect a valid policy of commercial general liability coverage or business auto coverage with a *pedicab* endorsement on the vehicle.
- (b) The insurance policy, required to be issued under section 83.0127(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 Manager. 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, or lessees of the *pedicab 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 Manager 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. 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 specific vehicles insured;
- (6) The effective dates of the insurance policy; and
- (7) The certificate issue date.

(“*Right of Appeal from Denial of Operating Permit or Decal*” renumbered to Sec. 83.0131; “*Insurance Requirements*” renumbered from Sec. 83.0127 on 5-20-2003 by O-19176 N.S.)

§83.0130 Suspension or Revocation of Operating Permit or Decal

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

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

(“Right of Appeal from Suspension or Revocation of Operating Permit or Decal” renumbered to Sec. 83.0132; “Suspension or Revocation of Operating Permit or Decal” renumbered from Sec. 83.0128 and amended 5-20-2003 by O-19176 N.S.)

§83.0131 Right of Appeal from Denial of Operating Permit or Decal

- (a) The City Manager shall notify the applicant that his or her *operating permit* or *decal* has been denied. The City Manager shall also notify the applicant of the right to appeal the denial. Any written appeal shall be filed within ten calendar days after service of notice of denial. Service shall be by any of the methods listed in Municipal Code section 11.0301. The applicant shall set forth in the appeal the reason why the denial is not proper.
- (b) If no appeal is filed within the time allowed, the *operating permit* or *decal* shall be considered denied.

(“Procedure Upon Appeal” renumbered to Sec. 83.0133; “Right of Appeal from Denial of Operating Permit or Decal” renumbered from Sec. 83.0129 on 5-20-2003 by O-19176 N.S.)

§83.0132 Right of Appeal from Suspension or Revocation of Operating Permit or Decal

- (a) The City Manager shall notify the *pedicab operator* or *owner* that his or her *operating permit* or *decal* has been suspended or revoked. The City Manager shall also notify the *pedicab owner* or *operator* of the right to appeal the suspension or revocation. Any written appeal shall be filed within ten calendar days after service of notice of suspension or revocation. Service shall be by any of the methods listed in Municipal Code section 11.0301. The *pedicab operator* or *owner* shall set forth in the appeal the reason why the suspension or revocation is not proper.
- (b) If no appeal is filed within the time allowed, the *operating permit* or *decal* shall be considered suspended or revoked and the *pedicab operator* or *owner* shall immediately surrender the *operating permit* or *decal* in the manner prescribed by the City Manager.

- (c) Once a timely appeal is filed, the suspension or revocation of the *operating permit* or *decal* shall be stayed pending the final determination by the *Hearing Officer*.

(“*Enforcement Authority*” renumbered to Sec. 83.0134; “*Right of Appeal from Suspension or Revocation of Operating Permit or Decal*” renumbered from Sec. 83.0130 on 5-20-2003 by O-19176 N.S.)

§83.0133 Procedure Upon Appeal

- (a) An applicant served with a notice of denial, suspension, or revocation may file an appeal within ten calendar days from the service of the notice. Service shall be by any of the methods listed in Municipal Code section 11.0301.
- (b) The appeal shall be made in writing and filed with the City Manager.
- (c) As soon as practicable after receiving the written notice of appeal, the City Manager shall appoint a *Hearing Officer* and schedule a date, time, and place for the hearing.
- (d) Written notice of the date, time, and place of the hearing shall be served at least ten calendar days before the date of the hearing on the person appealing the notice by any of the methods listed in Municipal Code section 11.0301.
- (e) The appeal hearing shall be conducted pursuant to the administrative enforcement hearing procedures set forth in Division 4, Article 2, Chapter I of this Code.
- (f) Failure to attend the administrative enforcement hearing by the person appealing a notice shall constitute a waiver of his or her rights to an administrative enforcement hearing and adjudication of the notice or any portion of the notice.
- (g) If the *Hearing Officer* decides to uphold the decision of the City Manager to revoke or suspend an *operating permit* or *decal*, the appellant shall immediately surrender the *operating permit* or *decal*.
- (h) The *Hearing Officer*'s decision on an appeal of a denial, suspension, or revocation of a *decal* or *operating permit* shall be final on the date of service. Service shall be by any of the methods listed in Municipal Code section 11.0301.

(“*Enforcement Remedies*” renumbered to Sec. 83.0135; “*Procedure Upon Appeal*” renumbered from Sec. 83.0131 on 5-20-2003 by O-19176 N.S.)

§83.0134 Enforcement Authority

The City Manager is authorized to administer and enforce the provisions of the division. The City Manager may exercise any enforcement powers as provided in Division 1, Article 2, Chapter 1 of this Code.

(“Strict Liability Offenses” renumbered to Sec. 83.0136; “Enforcement Authority” renumbered from Sec. 83.0132 on 5-20-2003 by O-19176 N.S.)

§83.0135 Enforcement Remedies

Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The City Manager 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.

(“Enforcement Remedies” renumbered from Sec. 83.0133 on 5-20-2003 by O-19176 N.S.)

§83.0136 Strict Liability Offenses

Violations of this division shall be treated as strict liability offenses.

(“Strict Liability Offenses” renumbered from Sec. 83.0134 on 5-20-2003 by O-19176 N.S.)