

**San Diego Unified Port District – Port Code****Section No. 8.07****SECTION NO. 8.07 – REGULATION OF MOTORIZED MOBILITY DEVICES AND PEDICABS ON DISTRICT TIDELANDS****(a) Purpose**

The proliferation of electric bicycles, electric scooters, electric skateboards, and other non-traditional motorized mobility devices has resulted in these devices being readily available within the District’s jurisdiction. Motorized Mobility Devices can create public safety hazards when used in areas with pedestrian activity. The use of Pedicabs in pedestrian areas can also create public safety hazards. The purpose of this Section of the San Diego Unified Port District Code is to protect the safety of pedestrians and other individuals on District tidelands by prohibiting the use of Motorized Mobility Devices and Pedicabs on pedestrian areas, including Sidewalks, Promenades, Multi-use Pathways, Nature Trails, Plazas, public parking garages, Piers, and Parks, and to enact other regulations related to Motorized Mobility Devices and Pedicabs intended to protect public safety within the District’s jurisdiction.

**(b) Definitions**

1. “Electric Bicycle” – Any bicycle that is equipped with a motor that provides assistance when the rider is pedaling or that can exclusively propel the bicycle.

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2. “Electrically Motorized Board” – As defined by California Vehicle Code Section 313.5, as may be amended from time to time.
3. “Electric Personal Assistive Mobility Device” or “EPAMD” – As defined by California Vehicle Code Section 313, as may be amended from time to time.
4. “EPAMD Rental Business” – A Person who manages, owns, or operates a business that offers for rent one or more EPAMDs for guided tours.
5. “Executive Director” – Executive Director of the San Diego Unified Port District.
6. “Geofencing” – The creation of a virtual geographic boundary, defined by Global Positioning System (“GPS”), radio-frequency identification (“RFID”), or other technology, that enables a Shared Mobility Device Provider to regulate speed, issue notifications, and take other actions, when a Shared Mobility Device in its fleet enters or leaves an area.
7. “Member City”- The five (5) member cities of the District, which are: the cities of San Diego, Chula Vista, National City, Imperial Beach, and Coronado.
8. “Motorized Bicycle” – As defined by California Vehicle Code Section 406, as may be amended from time to time.

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9. “Motorized Mobility Device” or “MMD” – A mobility device, such as an EPAMD, Electrically Motorized Board, Motorized Scooter, Motorized Bicycle, Pedicab, skateboard, hoverboard, or similar device, that is motorized for the purpose of locomotion.
10. “Motorized Scooter” – As defined by California Vehicle Code Section 407.5, as may be amended from time to time.
11. “Multi-Use Pathway” - A pathway intended or suitable for more than one mode of travel (e.g., accommodating both pedestrian and bicycle traffic), such as walking, jogging, cycling, and wheelchair use.
12. “Nature Trail” – An unpaved pathway.
13. “Other Power-Driven Mobility Device” or “OPDMD” – As defined by the Americans with Disabilities Act and related regulations, as may be amended from time to time.
14. “Park” – Open and publicly accessible space intended primarily for recreation.
15. “Pedicab” - As defined by California Vehicle Code Section 467.5, as may be amended from time to time.
16. “Pedicab Operator” – Any Person who operates a Pedicab within the District, including but not limited to (a) owners; (b) employees; and (c) individual contractors.

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17. “Pedicab Parking Zone” – A parking area designated for the specific purpose of Pedicabs waiting for, dropping off, or picking up passengers.
18. “Pier” - A fixed structure that extends over the water and is used as a landing place for vessels. A pier can also be used for other non-landing activities such as, but not limited to, recreation and commercial uses.
19. “Plaza” – An open space designed for public use defined by surrounding buildings or streets.
20. “Promenade” – A public pathway adjacent to the water.
21. “Shared Mobility Device” or “SMD” – An MMD for shared use or transportation in exchange for financial compensation via the use of a digital application or other electronic or digital platform.
22. “Shared Mobility Device Provider” or “SMD Provider” – A Person that, in exchange for financial compensation, offers, makes available, or otherwise provides an SMD to another Person via the use of a digital application or other electronic or digital platform.
23. “Sidewalk” – A dedicated pathway providing pedestrian connectivity adjacent and parallel to a roadway.
24. “Stage” – To park or otherwise place an MMD or Pedicab in a location to offer for public use or rides.

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25. “Wheelchair” – As defined by the Americans with Disabilities Act and related regulations, as may be amended from time to time.

#### (c) Regulations and Enforcement of Motorized Mobility Devices

1. No Person shall ride or otherwise operate a Motorized Mobility Device or Pedicab in or on any Sidewalk, Promenade, Multi-use Pathway, Nature Trail, Plaza, public parking garage, Pier, or Park within the District’s jurisdiction.

a) Exception: The prohibitions in section 8.07(c) 1. do not apply to the use of Wheelchairs, OPDMDs, or other Mobility Devices as defined by the Americans with Disabilities Act (ADA) by individuals with mobility disabilities.

b) Exception: The prohibitions in section 8.07(c) 1. do not apply to the use of an EPAMD as part of an organized guided tour by an EPAMD Rental Business that has an active Permit to operate in the District’s jurisdiction issued by a Member City.

c) Additional exceptions may be approved by the Executive Director or the Executive Director’s designee from time to time, within the Executive Director’s sole discretion.

2. No Person shall stage or abandon an MMD in or on a Sidewalk, Promenade, Multi-use Pathway, Nature Trail, Plaza, public parking

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garage, Pier, or Park, or in any area in such a way as to restrict the free movement of vehicles or pedestrians or otherwise create a safety hazard within the District's jurisdiction.

3. No Person shall operate an MMD without an equipped brake that will enable a braked wheel skid on a dry, level, and clean pavement.

4. No Person shall operate an MMD while intoxicated by any substance or operate an MMD while ingesting any alcoholic beverage or substance.

5. No Person shall operate an MMD recklessly in willful or wanton disregard for the safety or property of others.

6. No Person under the age of eighteen (18) years old shall operate an MMD without a helmet.

7. No Person under the age of sixteen (16) years old shall operate an MMD.

8. No Person shall operate an MMD with passengers unless the MMD is designed for use by multiple people.

9. Pedicabs shall only be operated by one individual, and the total number of passengers shall be limited by the total number of seatbelts provided in the Pedicab passenger seating area.

10. No Person shall operate an MMD while carrying any package, bag, or bundle that prevents the use of at least one hand to steer.

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11. City of San Diego Operating Permit Required for Pedicabs: It shall be unlawful for any Person to operate a Pedicab within those portions of the District that share jurisdictional boundaries with the City of San Diego, without first having obtained a Pedicab Operating Permit from the City of San Diego, pursuant to San Diego Municipal Code Sections 83.0104 through 83.0107, as may be amended from time to time. All Persons with a Pedicab Operating Permit shall operate Pedicabs in strict conformance to, and in compliance with, their respective Pedicab Operating Permit, as may be updated and revised from time to time. This conformance and compliance shall include all requirements for passenger safety, speed, lighting, and noise restrictions.
12. City of San Diego Operating Contract Required for SMD Providers (SMD Operating Contract): Any SMD Provider operating within those portions of the District that share jurisdictional boundaries with the City of San Diego shall obtain and strictly comply with the SMD Operating Contract, pursuant to San Diego Municipal Code Sections 83.0301 through 83.0314, as may be amended from time to time.
13. SMD Providers must establish Geofencing of SMDs to prohibit riding, operating, parking, staging, or abandoning of SMDs, in any manner that violates this Section.

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14. City of San Diego Operating Permit Required for EPAMD Tour Providers: It shall be unlawful for any Person to provide tours within those portions of the District that share jurisdictional boundaries with the City of San Diego, without first having obtained an EPAMD Rental Business Permit from the City of San Diego, pursuant to San Diego Municipal Code Sections 83.0401 through 83.0407, as may be amended from time to time.

15. City of Chula Vista Permit required for SMD Providers: Any SMD Provider operating within those portions of the District that share jurisdictional boundaries with the City of Chula Vista shall obtain and strictly comply with an SMD permit issued by the City of Chula Vista, pursuant to Chula Vista Municipal Code Sections 5.67.010 through 5.67.120, as may be amended from time to time.

16. Insurance Required:

a) It shall be unlawful for any Person to operate a Pedicab within the District unless at the time of such operation that Person has a valid policy of Commercial General Liability Insurance, as more fully described in subsection 16. d), below.

b) It shall be unlawful for any SMD Provider to stage or cause to be staged an SMD within the District, operate an SMD, or allow another Person to operate an SMD within the District



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unless at the time of such staging and operation, the SMD Provider has in effect a valid policy of Commercial General Liability Insurance, as more fully described in subsection 16. e), below.

c) It shall be unlawful for any EPAMD Rental Business to operate within the District unless at the time of such operation the EPAMD Rental Business has in effect a valid policy of Commercial General Liability Insurance, as more fully described in subsection 16. f), below.

d) For any Pedicab Operator, said policy of insurance shall cover the District and its operations in the amount of not less than One Million Dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage suffered or alleged to be suffered by any person or persons whatsoever resulting directly or indirectly from any act or activities of the Pedicab Operator.

e) For any SMD Provider, said policy of insurance shall cover the District and operations in the amount of not less than Five Million Dollars (\$5,000,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage suffered or alleged to be suffered by any person or

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persons whatsoever resulting directly or indirectly from any act or activities of the operator of any SMD Provider.

f) For any EPAMD Rental Business, said policy of insurance shall cover the District and operations in the amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage suffered or alleged to be suffered by any person or persons whatsoever resulting directly or indirectly from any act or activities of the EPAMD Rental Business.

g) Certificates of insurance in a form acceptable to the District evidencing the existence of the necessary insurance policies, and original endorsements naming the District as an additional insured, shall be provided to the District and kept on file with the District during the entire time the Pedicab Operator or SMD Provider or EPAMD Rental Business Permit or contract with the City of San Diego or with the District's other Member Cities, is in effect.

17. Compliance with All Laws: In addition to all requirements set forth in this Section 8.07, all Persons shall comply with all applicable local, state, and federal laws, rules, regulations, and other requirements

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pertaining to the operation of MMDs, SMDs, and Pedicabs, including but not limited to those of the San Diego Unified Port District Code, any Member City, and the California Vehicle Code.

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#### **(d) Penalties**

Violations of this Section 8.07 may be punished in accordance with Article 0, Section 0.11 of this Code.

#### **(e) Administrative Regulations**

The Executive Director or the Executive Director's designee may promulgate and implement administrative regulations pertaining to the use and administration of Motorized Mobility Devices, Shared Mobility Devices, and Pedicabs, and the installation of signs and markings pertaining to the regulations in this Section.

#### **(f) Invalidity**

If any section, subsection, sentence, clause, phrase, or portion of this Section 8.07 is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct,

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and independent provision and such holding shall not affect the validity of the remaining portions.

(Enacted – August 21, 2001 – Ordinance No. 2145)

(Amended - May 9, 2023 – Ordinance No. XXXX)

### **SECTION NO. 8.07 — REGULATION OF PEDICABS**

#### ~~(a) — Definitions~~

- ~~1. “Bicycle” — 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 (16) inches in diameter and a frame size of at least Thirteen (13) inches.~~
- ~~2. “Decal” — Pedicab Permit Decal purchased from the District for each Pedicab operated by an Operator.~~
- ~~3. “District” — the San Diego Unified Port District.~~
- ~~4. “District Clerk” — Clerk of the District.~~
- ~~5. “Executive Director” — Executive Director of the San Diego Unified Port District.~~
- ~~6. “Identification Badge” — a badge that includes a color passport-sized photo and issued by the City of San Diego pursuant to San Diego Municipal Code Section 83.0110.~~

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7. ~~“Operate” – to conduct business with a Pedicab within the District.~~

8. ~~“Operator” – any individual who operates a Pedicab within the District, including but not limited to (a) owners; (b) employees; and, (c) individual contractors.~~

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~~9. “Pedicab” means:~~

- ~~a) A bicycle that has Three (3) or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual, and which 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~~

~~10. Pedicab Stand means a stand erected to allow a specified number of Pedicabs at any one time to stop and respond to requests for service.~~

~~(b) Operating Requirements~~

~~1. Decal Required:~~

- ~~a) It is unlawful for any Pedicab to operate within the District without a Decal affixed to it and issued by the District pursuant to a Pedicab Permit issued by the District.~~
- ~~b) The District shall deny issuance of a Decal if the Executive Director or his or her designee determines that the Pedicab~~

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~~does not meet the requirements of this division and/or the California Vehicle Code provisions applicable to Bicycles.~~

~~2. District Pedicab Permit Required: It shall be unlawful for any individual to operate a Pedicab within the District without first having obtained a Pedicab Permit from the District.~~

~~3. City of San Diego Operating Permit Required: It shall be unlawful for any individual to operate a Pedicab within the District without first having obtained a Pedicab Operating Permit from the City of San Diego, pursuant to San Diego Municipal Code Sections 83.0104 through 83.0107.~~

~~4. Identification Badge Required:~~

~~a) While the Pedicab is in operation the Operator shall wear an identification badge at all times, in a manner clearly visible to the public, issued by the City of San Diego pursuant to San Diego Municipal Code Section 83.0110.~~

~~b) It is unlawful for an Operator to fail to wear an identification badge, in a manner clearly visible to the public, while operating a Pedicab.~~

~~5. Insurance Required:~~

~~a) It shall be unlawful for any individual to operate a Pedicab within the District unless at the time of such operation the~~

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~~Operator has in effect a valid policy of Commercial General Liability Insurance as more fully described in subsection b); below.~~

~~b) Said policy of insurance shall cover the District and operations in the amount of not less than Two Million Dollars (\$2,000,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage suffered or alleged to be suffered by any person or persons whatsoever resulting directly or indirectly from any act or activities of the Operator of any Pedicab, pursuant to a Pedicab Permit issued by the District.~~

~~c) Certificates of insurance in a form acceptable to the District evidencing the existence of the necessary insurance policies, and original endorsements naming the District as an additional insured, shall be kept on file with the District during the entire time the Pedicab Permit is in effect.~~

~~6. Driver's License Required: It is unlawful for any individual without a motor vehicle driver's license valid in California and in his or her immediate possession to operate any Pedicab within the District.~~

~~7. Minimum Age for Operator: It is unlawful for any individual under the age of Eighteen (18) to operate a Pedicab within the District.~~



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~~8. Compliance with All Laws: Operators are subject to all applicable laws, rules and regulations of the San Diego Unified Port District Code, 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.~~

~~9. Stopping Prohibited: It shall be unlawful for any Operator, during operation of the Pedicab, to stop anywhere within the District for the purpose of soliciting a request for service, except at a designated Pedicab Stand.~~

#### ~~(c) Aggressive Solicitation~~

##### ~~1. Definitions:~~

- ~~a) “Aggressively” behaving in a hostile or intimidating manner.~~
- ~~b) “Coerce” to force or bring about by force or threat.~~
- ~~c) “Harass” to irritate or torment persistently.~~
- ~~d) “Hound” to pursue relentlessly and tenaciously.~~
- ~~e) “Intentionally Block” to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact.~~
- ~~f) “Intimidate” to frighten into submission or obedience.~~

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~~g) “Solicitor” as used in this Section, an Operator who asks for money or to provide services for costs.~~

~~h) “Threaten” to express an intention to inflict evil, injury or damage.~~

~~2). Acts Prohibited:~~

~~a) It is unlawful for any Operator while operating a Pedicab within the District to aggressively coerce, threaten, hound, harass, or intimidate another person for the purpose of soliciting money or services.~~

~~b) For purposes of this Section, an Operator "aggressively coerces, threatens, hounds, harasses or intimidates another person" when: i) the Operator's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; or ii) the Operator intentionally blocks the path of the solicitee; or iii) the Operator persists in following the solicitee closely, and continues to demand money or solicit Pedicab services after the solicitee has rejected the Operator's solicitation by words or conduct.~~

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#### ~~3. Reasonable Fear for Safety:~~

~~For purposes of this Section the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:~~

- ~~a) the solicitor's making physical contact with the solicitee; or~~
- ~~b) the proximity of the solicitor to the solicitee; or~~
- ~~c) the duration of the solicitation; or~~
- ~~d) the solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee.~~

#### ~~4. Demand for Services:~~

~~This Section is not intended to proscribe any demand for payment for services rendered or goods delivered.~~

#### ~~5. Free Speech:~~

~~This Section is not intended to restrict the exercise of protected free speech.~~

#### ~~(d) Appeal Procedure for District Refusal to Issue Pedicab Permit/Decal~~

- ~~1. Should District refuse to issue a Pedicab Permit or Decal to any Operator, and Operator believes he/she/it has satisfied all the requirements necessary for issuance of the Pedicab Permit or Decal as set forth in the District's Pedicab Permit, he/she/it may~~

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~~appeal such refusal in writing to the Executive Director or his or her designee within Ten (10) calendar days of receipt of such refusal by Applicant.~~

~~2. The Executive Director or his or her designee shall have Ten (10) calendar days to respond in writing to Operator detailing the reasons for the decision. The decision of the Executive Director or his or her designee is final.~~

#### ~~(e) Suspension or Revocation of Pedicab Permit/Decal~~

~~1. The Executive Director or his or her designee shall have the right to suspend or revoke a Pedicab Permit or Decal for failure to comply with any provision of this Section. Prior to the suspension or revocation of any Pedicab Permit or Decal, Operator shall be given Ten (10) calendar days written notice of the proposed suspension or revocation ("Notice of Intent to Suspend/Revoke Pedicab Permit/Decal") which shall include the reasons therefor.~~

~~2. Any suspension or revocation imposed shall become effective on the day after the Ten (10) day appeal period has expired if no timely appeal is filed.~~

~~3. If Operator files a timely appeal, any suspension or revocation of the Pedicab Permit or Decal shall be stayed pending final determination of the appeal.~~

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- ~~1. — The Notice of Intent to Suspend or Revoke Pedicab Permit/Decal shall notify Operator that he/she/it may file a written appeal with the Executive Director which shall be delivered or mailed to the District Clerk. Operator shall have Ten (10) calendar days from the date of receipt of the Notice of Intent to file the appeal.~~
- ~~2. — The Executive Director or his or her designee shall assign a Hearing Officer to hear the appeal. The matter shall be heard no later than Fifteen (15) calendar days from the date of the filing of the appeal unless such time is extended by mutual agreement of the parties. The Hearing Officer shall notify the parties in writing of the time, date and place of the hearing. The notice of hearing may be sent to Appellant by registered or certified mail, or by personal delivery.~~
- ~~3. — The hearing shall be an informal administrative proceeding with relaxed rules of evidence. The parties may be represented by legal counsel and witnesses may be produced and examined.~~
- ~~4. — The decision of the Hearing Officer shall be final. The decision of the Hearing Officer specifying his or her findings~~

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~~shall be furnished to the parties within Fifteen (15) calendar days after the hearing is concluded. For purposes of administrative mandamus, the decision shall be final when it is filed with the District Clerk.~~

~~5. The Hearing Officer's decision shall be subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.~~

#### ~~(g) Penalties~~

~~In addition to any of the administrative penalties set forth in this Section, violations of this Section may also be punished in accordance with Article 0, Section 0.11 of this Code.~~

#### ~~(h) Invalidity~~

~~If any section, subsection, sentence, clause, phrase or portion of this Section 8.07 is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.~~

*(Enacted – August 21, 2001 – Ordinance No. 2145)*

*(Amended - May 9, 2023 – Ordinance No. XXXX)*

