

CHAPTER 6.08REGULATED BUSINESSES

6.08.010 Purpose. Any person who conducts a business or activity which is described in this Chapter shall first obtain a permit or license required by the provisions of this Chapter, together with any other licenses and permits required by this Code. Notwithstanding, the provisions of this Chapter, proposed activities shall be subject to Zoning Regulations and Coastal Development Requirements, pursuant to Title 30 of this Code. (Ord. 94-06)

6.08.020 Adoption of Code by Reference. There is hereby adopted, by reference, by the City of Encinitas, for the purpose of prescribing rules and regulations for the protection of the public health and safety, the following portions of the San Diego County Code, together with such secondary references as are included in those portions, effective as of the date set forth in Section 6.08.030 below. The provisions thereof shall be controlling within the limits of the City of Encinitas to include, without limitation, regulatory provisions, and definitions, but excluding the procedural provisions, to include fees: (Ord. 96-03)

A. Title 2, Division 1, Chapter 1 relating to Procedures, except that an \*appeal must be filed with the City Clerk for hearing by the City Council. (\*See Chapter 1.12.010 through 1.12.060). (Ord. 2008-01)

B. Title 2, Division 1, commencing with Section 21.301 relating to Taxicabs and Taxicab Operations. Amendments to reference to San Diego County Code are as follows: (Ord. 2009-07)

(1) Section 21.301 (a) reference is amended to read:

“Medallion” means the unique, pre-numbered decal placed on a taxicab windshield by the Issuing Officer or designee annually, signifying that the “taxicab operator” is authorized to operate the vehicle as a taxicab in the City of Encinitas.

(2) Section 21.301(g) reference is amended to read:

“Taxicab operator’s license” means the annual license issued by the Issuing Officer authorizing a taxicab operator to pick up passengers in the County of San Diego.

- (3) Section 21.305 (c) reference is amended to read:

If the Issuing Officer is satisfied that a taxicab has passed an inspection required by this section, the Issuing Officer shall issue an annual taxicab permit and he or his designee shall affix a medallion on the vehicle rear window thereby authorizing the operator to place the taxicab in service for one year or until the expiration of the medallion.

- (4) Section 21.305 (d) reference is amended to read:

It shall be unlawful for any person other than the Issuing Officer or his designee to place a medallion on or remove a medallion from a taxicab. It shall also be unlawful to tamper with or alter a medallion. As designees, law enforcement officers are authorized to remove expired medallions or medallions found on vehicles for which the medallions were not issued.

- (5) Section 21.305 (e) reference is amended to read:

The absence of a valid medallion on a taxicab operating in the City of Encinitas is a violation of Encinitas Municipal Code and the violator is subject to citation and fine.

- (6) Section 21.307 (a) reference is amended to read:

It shall be unlawful for any taxicab driver to pickup or discharge passengers in the City of Encinitas without first obtaining a taxicab driver's identification card from the Issuing Officer. The Issuing Officer may issue an applicant a temporary identification card for up to 60 days, while an investigation is pending.

- (7) Section 21.308 reference is amended to add:

(e) Driving a taxicab in the City of Encinitas with an expired Driver's Identification Card is a violation of Encinitas Municipal Code and the violator is subject to citation and fine.

- (8) Section 21.308 reference is amended to add:

(f) Driving a taxicab in the City of Encinitas without a Driver's Identification Card is a violation of Encinitas Municipal Code and the violator is subject to citation and fine.

- (9) Section 21.311 (a) reference is amended to read:

It shall be unlawful for any person to operate a taxicab business within the City of Encinitas unless the person has in effect insurance coverage issued by a company authorized to transact insurance business in the State of California with coverage amounts that meet the minimum requirements pursuant to Section 21.311 (b). A taxicab operator shall furnish the Issuing Officer and the City with a Certificate of Insurance coverage and a separate endorsement of the City of Encinitas as additional insured. This is a prerequisite to obtaining a taxicab operator's license. The certificate shall provide that the insurer will notify the Issuing Officer in writing of any policy status change, including cancellation and any cancellation notice shall be sent to the Issuing Officer by registered mail at least 30 days prior to cancellation of the policy. The certificate shall also state:

- (1) The full name, address and phone number of the insurer;
- (2) The full name, address and phone number of the insured as they appear on the taxicab operator permit and on the City taxicab permit application;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicle(s) insured;
- (6) The effective dates of the certificate; and
- (7) The certificate issuance date.

- (10) Section 21.315 (h) reference is amended to read:

A taxicab driver shall not operate a taxicab unless he has affixed his driver's identification card in a prominent location inside the taxicab, visible to passengers in the passenger compartment. A taxicab driver while working shall display the name and photo identification badge issued to him by the Issuing Officer. The driver shall prominently display the badge on the outside front of the driver's clothing, between the waist and shoulders. A taxicab driver in violation of any provisions of this section shall be subject to citation and fine.

C. Title 2, Division 1, commencing with Section 21.601 relating to Junk Yards and Motor vehicle wrecking yards. (Ord. 2008-01)

D. Title 2, Division 1, commencing with Section 21.701 relating to Pawnbrokers and Secondhand Dealers. (Ord. 2008-01)

E. Title 2, Division 1, commencing with Section 21.901 relating to Amusement Devices and Establishments. (Ord. 2008-01)

F. Title 2, Division 1, commencing with Section 21.1201 relating to Firearm Dealers.

G. Title 2, Division 1, commencing with Section 21.1301 relating to Swap Meets.

H. Title 2, Division 1, commencing with Section 21.2101 relating to Entertainment Establishments.

I. Title 2, Division 1, commencing with Section 21.2201 relating to Public Dances.

J. Title 2, Division 1, commencing with Section 21.2301 relating to Teenage Public Dances.

K. Title 3, Division 7, commencing with Section 37.400 relating to Bingo.

L. Title 2, Division 1, commencing with Section 21.1051 Regulation of Carnivals.

6.08.030 Effective Date. The operative date of this Chapter is March 27, 2008.

6.08.040 Issuing Authority. The City's law enforcement agency is the issuing authority for the permits specified in this Chapter.

6.08.050 Regulations. Each applicant for a permit or license required by this Chapter shall submit the application to City Hall.

6.08.060 Penalties for Delinquent Payment.

A. In any case where the applicant has failed for a period of thirty days (30) to file the application and obtain the required permit, there shall be added to and collected with the required fee a penalty equal to ten percent (10%) of the fee and for each additional month or fraction of a month after the expiration of said thirty day (30) period that the applicant fails to file such application and obtain such permit, there shall be added to and collected with the fee an additional penalty equal to ten percent (10%) of the fee; provided, however, in no event shall the total penalty added to the fee pursuant to this section be more than sixty percent (60%) of the fee. The imposition of or payment of the penalty imposed by this section shall not prevent the imposition of any other penalty prescribed by this Code or prevent the prosecution for violation of this Code.

B. The annual fee for renewal, if unpaid, is delinquent on the first day of the second month after the month in which the permit expires and thereafter a penalty equal to ten percent (10%) of the annual fee shall be added thereto, and shall be collected at the time application for renewal is made.

C. If the annual fee for renewal and the penalty is not paid the first month after it is due there shall be added to and collected with the annual fee, an additional penalty equal to ten percent (10%) of the annual fee for each month or fraction of a month during which the annual fee or any penalty continues to remain unpaid, provided, however, in no event shall the total penalty added to the annual fee pursuant to this section be more than sixty percent (60%) of the annual fee. The imposition of, or payment of the penalty imposed by this section, shall not prevent the imposition of any other penalty prescribed by this Code or prevent the prosecution for violation of this Code.