



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Contact: Gina Coburn, Communications Director: (619) 533-6181

SAN DIEGO CITY PEDICAB ORDINANCE UPHELD

San Diego, CA: The San Diego City Attorney's Office has won a lawsuit challenging the validity of the City's Pedicab Ordinance amendments adopted by the City Council in September, 2009. The September, 2009, amendments created restricted pedicab zones where a pedicab must have a pedicab restricted zone decal to lawfully operate, and whereby the number of such decals is limited by resolution of the City Council to 250. Plaintiff, owner of a pedicab company, challenged the constitutionality of the Pedicab Ordinance amendments on 18 separate bases.

On Friday, January 28, Superior Court Judge Timothy Taylor rejected all legal challenges and granted the City's *Motion for Summary Judgment* thereby dismissing the case. Judge Taylor's tentative decision (confirmed as final on Friday) is attached. In that decision, he found that the Pedicab Ordinance and its amendments "constitute a valid exercise of police powers which was undertaken after adequate study, contains procedural safeguards, and was reasonably related to proper legislative goals (public safety, easing of traffic congestion, long term preservation of the industry, etc.)"

"Our office worked closely with the City Council to ensure that this ordinance was properly adopted, that constitutional standards were met and individual rights protected," said City Attorney Jan Goldsmith. "We appreciate the work of Deputy City Attorney Mike McGowan and his team for defending the ordinance and Deputy City Attorney Ryan Kohut for properly advising the City Council in adopting these amendments."

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