

ORDINANCE NO. 2018-1466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING CHAPTER 5.48.040 (INSURANCE REQUIRED; TERMS, CONDITIONS, AMOUNTS) OF THE SAN MARCOS MUNICIPAL CODE TO CHANGE TAXICAB AUTOMOBILE LIABILITY INSURANCE REQUIREMENTS

WHEREAS, the City desires to amend Chapter 5.48.040 of the San Marcos Municipal Code to change the automobile liability insurance requirements for taxicab operators; and

NOW, THEREFORE, the City Council of the City of San Marcos, California, in accordance with the freedom afforded to charter cities generally, and by the Charter of the City of San Marcos specifically, does ordain as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Section 5.48.040 of the San Marcos Municipal Code is hereby amended to read as shown in blacklined underlined additions and strikeouts as follows:

5.48.040 Insurance Required; Terms, Conditions, Amounts.

(a) A permittee shall, at all times during the duration of the permit, provide and maintain, at its own cost, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the licensee's operation and use of a taxicab. The following types and levels of insurance coverage are required, and endorsements reflecting such coverage and associated requirements must be submitted to the City and processed to approval prior to use of the permit:

(1) General Liability Insurance. Occurrence basis with minimum limits of one million dollars (\$1,000,000) each occurrence and two million dollars (\$2,000,000) general aggregate; and

(2) Automobile liability insurance of three hundred fifty thousand dollars (\$350,000) combined single limit per accident for bodily injury and property damage; and

(3) Workers' Compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship.

(b) Each insurance policy required by (a) above, and the certificates of insurance and endorsements thereon, must be acceptable to the City attorney.

(c) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs with at least ten (10) days' written notice of cancellation for non-payment. Insurance coverage must be provided by an A.M. Best's A-rated, Class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers. All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.

(d) Both the general liability and the automobile liability policies must name the City specifically as an additional insured under the policy on a separate endorsement page. The City includes its officials, employees and volunteers. The endorsement must be ISO Form CG 20 10 11 85 edition or its equivalent for general liability endorsements, and CA 20 01 for automobile liability endorsements.

(e) The general liability policy must be as broad as ISO Form CG00001 and protect the City against liability for loss or damages for personal injury, death and property damage arising from or in connection to the licensee's operation and use of the taxicab.

(f) The auto liability policy must cover all owned, non-owned, and hired auto, and must provide coverage as broad as ISO Form CA00001.

(g) The general liability and auto liability policies must each be primary and noncontributory. Any insurance maintained by the City is excess, and waivers of subrogation must be provided.

Section 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance, or the title thereof, as a summary as required by state law.

Section 5. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published in accordance with the provisions of state law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 26th day of June, 2018; and

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos, California, held on the 10th day of July, 2018, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk
City of San Marcos

Helen Holmes Peak, City Attorney
City of San Marcos