

ORDINANCE NO. C-14-20

AN ORDINANCE AMENDING CHAPTER 27, VEHICLES FOR HIRE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO MODIFY THE REGULATION OF VEHICLES FOR HIRE INCLUDING BUT NOT LIMITED TO THE ISSUANCE AND REVIEW OF LICENSES, CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Fort Lauderdale makes it unlawful for any person to engage in or carry on the business of operating a taxicab or rental cars with chauffeurs and/or sightseeing vehicles within the City without first obtaining from the City a Certificate of Public Convenience and Necessity ("CPCN"); and

WHEREAS, the Code of Ordinances requires that the Community Services Board review and make recommendations to the City Commission on all applications for these CPCN; and

WHEREAS, on February 7, 2012, the City Commission adopted Ordinance No. C-12-01 changing the duties of the Community Service Board; and

WHEREAS, the review of applications for CPCN is incompatible with the new duties of the Community Service Board;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 27-3, Enforcement, of the Code of Ordinances of the City of Fort Lauderdale, Florida (hereinafter "Code") is hereby amended to read as follows:

Sec. 27-3. Enforcement.

The ~~transportation examiner~~ director of the Department of Transportation

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

and Mobility shall be in direct control of the enforcement of the provisions of this chapter and all ordinances relating to vehicles for hire, including, but not limited to, taxicabs, U-Drive-Its, courtesy cars and sightseeing operations. This authority shall not be construed in limitation or derogation of the police authority, police departments, or ~~license~~ inspectors therewith.

SECTION 2. That Section 27-4, Obedience to lawful orders, of the Code is hereby amended to read as follows:

Sec. 27-4. Obedience to lawful orders.

It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order pertaining to this chapter issued by ~~the transportation examiner~~ personnel authorized by the director of the Department of Transportation and Mobility, any police officer or other ~~city~~-official as may be designated in this chapter.

SECTION 3. That Section 27-26, Interurban transportation, of the Code is hereby amended to read as follows:

Sec. 27-26. Interurban transportation.

...

(b) However, the ~~transportation examiner~~ director of the Department of Transportation and Mobility is authorized to waive this requirement when it is necessary to cooperate with adjacent cities where a large convention such as the Democratic or Republican National Convention is held.

SECTION 4. That Section 27-43, New applications, of the Code is hereby amended to read as follows:

Sec. 27-43. New applications.

(a) Applications for new certificates of public convenience and necessity for taxicab operators will not be accepted by the city until a public hearing has

been held pursuant to section 27-45 and ~~a recommendation has been made by the community services board to the city commission~~ to increase the number of taxicab permits.

...

(e) The city commission shall ~~consider the recommendations of the community services board and may~~, after a public hearing at one (1) of its regular commission meetings, authorize issuance of a new certificate to an applicant who has demonstrated that the additional taxicab service to be provided will meet the public convenience and necessity.

SECTION 5. That Section 27-45, Limitation on number of taxicab permits under certificates; procedure to increase limit, of the Code is hereby amended to read as follows:

Sec. 27-45. Limitation on number of taxicab permits under certificates; procedure to increase limit.

(a) On and after November 20, 1979, not more than two hundred (200) taxicab permits under certificates of public convenience and necessity shall be issued until a public hearing is held. Such public hearing shall be held annually in the month of June before the ~~community services board~~ city commission and must establish that public convenience and necessity require additional taxicab service before new permits can be authorized. Notice of such hearing shall be published in a newspaper of general circulation in the city at least fourteen (14) days in advance, and a copy shall be sent by certified mail to each certificate holder by the city clerk. All certificate holders and members of the public shall have the right to be heard and offer evidence pertinent to the matter of public convenience and necessity. In determining whether public convenience and necessity require additional taxicab service, consideration shall be given to the following:

- (1) Public demand for taxicab service.
- (2) The effect of an increase in the number of taxis on the safety of existing vehicular and pedestrian traffic.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

- (3) The growth of the city (taking into consideration the nature, extent and volume of tourist business) including development or geographical expansion.
- (4) Such other factors as the board may deem relevant which may require a change in the maximum number of taxicab permits previously fixed by the commission.

(b) Despite any provision which is or may appear to be to the contrary in this section, the requirements of this section shall become operative only at such time as any federal or state census report shows that the number of city inhabitants has increased to a number sufficient to authorize the city to issue one (1) or more additional permits based on the inhabitants-to-permit ratio as prescribed in the Broward County Code of Ordinances, section 22-1/2-11(3).

SECTION 6. That Section 27-46, Issuance of unassigned taxicab permits, of the Code is hereby amended to read as follows:

Sec. 27-46. Issuance of unassigned taxicab permits.

(a) When the city, through enforcement of ordinances, has unassigned taxicab permits, the permits may be issued to existing certificate holders utilizing the following procedures:

- (1) The ~~transportation examiner~~ Department of Transportation and Mobility shall notify each certificate holder by certified letter that the city has and intends to issue unassigned permits.
- (2) Any certificate holder desiring additional permits shall reply in writing to the ~~transportation examiner~~ Department of Transportation and Mobility and state the number of permits he desires and also furnish the following information:
 - a. The gross annual income per permit for previous year.

- b. A description of the operation of the company, including the approximate number of taxicabs on the road during each shift for the different seasons.
 - c. A description of how additional permits will be used.
- (3) Thirty (30) days after the issuance of certified letters by the ~~transportation-examiner~~ Department of Transportation and Mobility and if any certificate holder responds under paragraph (a)(2) above, a public hearing shall be called giving notice as provided in section 27-45.

(b) The city commission shall determine at the public hearing which certificate holder or holders will be issued the unassigned permits.

SECTION 7. That Section 27-49, Evidence of insurance, of the Code is hereby amended to read as follows:

Sec. 27-49. Evidence of insurance.

After a certificate is issued, but before a permit is issued to or sought to be renewed by any person or corporation to operate a taxicab, the applicant shall submit to the ~~city license inspector~~ Department of Transportation and Mobility a copy of the evidence of insurance required to be submitted to and approved by the ~~county social services transportation division~~ Broward County Consumer Affairs Division or its successor agency under Broward County Code of Ordinances, section 22½-9, as it may be amended from time to time.

SECTION 8. That Section 27-52, Continuous adequate service and compliance with city ordinances, of the Code is hereby amended to read as follows:

Sec. 27-52. Continuous adequate service and compliance with city ordinances.

The service of the holder of every certificate of public convenience and necessity shall be operated regularly to the extent reasonably necessary to

meet the public demand for service and in accordance with this article. If the service of any certificate holder is discontinued for any reason except on account of strike, act of God or cause beyond its control or any applicable provision of this chapter violated, the ~~transportation examiner~~ Department of Transportation and Mobility shall give written notice to such certificate holder to restore service and/or comply with the applicable provisions of this chapter or allow suspension. Within thirty (30) days after the notice, the ~~transportation examiner~~ Department of Transportation and Mobility may recommend to the commission that the certificate and/or permits be revoked or suspended, and the commission shall set the matter down for hearing on the question of suspension or revocation as provided in this article.

SECTION 9. That Section 27-54, Replacement or substitution of motor vehicles, of the Code is hereby amended to read as follows:

Sec. 27-54. Replacement or substitution of motor vehicles.

A holder of a certificate of public convenience and necessity and permits thereunder may make replacements or substitutes of motor vehicles by obtaining the necessary inspection statement on the new car from the ~~transportation examiner~~ Broward County Consumer Affairs Division or its successor agency and furnishing the ~~license inspector~~ Department of Transportation and Mobility with the inspection certificates, a statement of which vehicle is to be replaced or substituted and the transfer of insurance, the make and model of the new vehicle.

SECTION 10. That Section 27-77, Daily trip record, of the Code is hereby amended to read as follows:

Sec. 27-77. Daily trip record.

Each taxicab company shall keep a daily trip record of the operation of each of its vehicles for hire. Such trip record shall include the name of the driver, the vehicle number, the time each call is dispatched, the destination of the passenger and the time of arrival at that destination. The daily trip records of the drivers shall be collected and stored by the taxicab company at their main office

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

of business and shall be accessible to the police department or the ~~transportation examiner~~ Department of Transportation and Mobility on demand.

SECTION 11. That Section 27-79, Permanent operating location; registration; changes of location, of the Code is hereby amended to read as follows:

Sec. 27-79. Permanent operating location; registration; changes of location.

The owner of each and every motor vehicle used for the transportation of persons which is for hire within the city shall have a permanent operating location for such motor vehicle when such motor vehicle is not actually in operation. A sign shall be displayed at such location advising the public that such location is the permanent operating location of the company and designating the kind of business carried on at such location. Such operating location shall be registered by the owner of the motor vehicle with the ~~license inspector~~ Department of Transportation and Mobility, and the owner shall notify the ~~transportation examiner and the license inspector~~ Department of Transportation and Mobility of any change in the operating location of the motor vehicle. Such location shall be in a proper zoned area and shall be sufficient to accommodate all vehicles for hire assigned to such location.

SECTION 12. That Section 27-81, Identification and colors of taxicabs, of the Code is hereby amended to read as follows:

Sec. 27-81. Identification and colors of taxicabs.

(a) The taxicabs of every owner operating a taxicab in the city shall be of a color scheme and bear the owner's trade name, monogram or insignia which are clearly and easily distinguishable from the color scheme, owner's trade name, monogram or insignia used on the taxicab of any other owners already operating under this article. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the ~~transportation examiner~~ Department of Transportation and Mobility and it shall be unlawful for any person soliciting patronage from any vehicle described in this article to represent by word, sign or insignia that the

vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owners.

...

SECTION 13. That Section 27-83, Advertising material permitted on certain vehicles, of the Code is hereby amended to read as follows:

Sec. 27-83. Advertising material permitted on certain vehicles.

(a) The operators of taxicabs shall be permitted to display advertising material on taxicabs and make a charge for such space, provided that such advertising matter shall be displayed only by one (1) of the following methods:

- (1) In a frame or holder on the rear panel of such taxicab and such frame or holder shall not protrude over the sides of the taxicab or the bumper or above the bottom of the rear window; or
- (2) In a V-shape frame or holder on the roof of such taxicab which may be illuminated to display the advertising material contained therein. Such frame or holder and any sign contained therein shall be noise-free and shall not protrude over the front or back edges of the taxicab roofline which is the point where the roof, windshield and rear window of the vehicle are joined.

(b) The ~~transportation-examiner~~ Department of Transportation and Mobility is hereby empowered and directed to promulgate rules regulating the size (within the above-stated limitations), type and subject matter of advertisements displayed on taxicabs and the ~~transportation-examiner~~ Department of Transportation and Mobility may order and compel the operators of any such taxicabs to remove therefrom any advertising matter found to be objectionable. It is declared to be against the public interest for any certificate holder or operator to advertise rates or cut rates in such frame or holder or in any other place or on any outer portion of the vehicle.

CODING: Words, symbols, and letters stricken are deletions; words, symbols, and letters underlined are additions.

SECTION 14. That Section 27-85, Taxicab meters required, of the Code is hereby amended to read as follows:

Sec. 27-85. Taxicab meters required.

(a) No taxicab shall be allowed on the streets of the city without a meter, which meter shall conform to the type of meter usually maintained on taxicabs, and the meter shall be maintained and used for the purpose of correctly measuring and computing the charge for waiting time or the distance traveled by such taxicab while employed and shall be operated by mechanical means, the power for which is derived by cable from the transmission of such taxicab or by star gear attached to the front wheels of such taxicab, before such taxicab may be operated for hire on the streets and thoroughfares of the city. Such taxicab and meter shall be subject to inspection by the ~~transportation examiner of the city~~ Broward County Consumer Affairs Division or its successor agency.

(b) If a meter is found to be operating improperly, the ~~transportation examiner~~ Department of Transportation and Mobility can summarily order that the meter be put out of service until such time as the meter is corrected and rechecked by the ~~transportation examiner~~ Broward County Consumer Affairs Division or its successor agency. If inspection of meters indicates that an undue number of meters of any one (1) operator repeatedly register high or low, the ~~transportation examiner~~ Department of Transportation and Mobility may consider this as a proper basis for recommending action leading toward the suspension or revocation of the certificate of public convenience and necessity.

SECTION 15. That Section 27-95, Reporting convictions of drivers to companies, of the Code is hereby amended to read as follows:

Sec. 27-95. Reporting convictions of drivers to companies.

Whenever any driver of a vehicle for hire has been convicted of a violation of a city ordinance, the police department shall notify the ~~transportation examiner~~ Department of Transportation and Mobility of such conviction and the

~~transportation director~~ Department of Transportation and Mobility shall report such conviction to the employing company when, in his judgment, the offense has a relationship to the driver's employment.

SECTION 16. That Section 27-127, Inspection of vehicle, of the Code is hereby amended to read as follows:

Sec. 27-127. Inspection of vehicle.

Each hotel courtesy car shall be inspected for safety of operations by the ~~transportation examiner~~ Broward County Consumer Affairs Division or its successor agency.

SECTION 17. That Section 27-132, Public liability and property damage insurance required, of the Code is hereby amended to read as follows:

Sec. 27-132. ~~Public liability and property damage~~ Automobile liability insurance required.

(a) Before a business tax receipt is issued to any person or business entity that intends to operate hotel courtesy cars, that person or entity shall provide the city ~~business tax division~~ Finance Department with a ~~policy or commitment of public~~ certificate of insurance providing proof of automobile liability and property damage insurance (bodily injury and property damage) for each vehicle operated in the following amounts:

| Public Liability Policies <u>Bodily Injury Liability</u> Amount | <u>Property Damage</u> Policies <u>Policy</u> Amount |
|--|--|
| \$100,000.00 per person/ \$300,000.00 per occurrence | \$25,000.00 <u>\$100,000</u> per occurrence |

(b) All such ~~public liability and property damage~~ automobile liability insurance policies shall be written by companies having ~~or enjoying~~ a B, ~~BB~~ or better rating (as defined in A.M. Best's Insurance Guide) and authorized to transact business in the state.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

(c) ~~Such policy certificate shall be deposited with~~ submitted to the city business tax division Finance Department and the insurance shall be kept in full force and effect by the applicant at all times. Failure to file ~~such policy a current certificate~~ with the city business tax division Finance Department or to keep ~~same the insurance~~ in full force and effect shall automatically cancel and void the payment of the business tax. ~~A receipt showing that payment of premiums is current as to all insurance policies required hereunder shall be deposited with the city business tax division with such insurance policies.~~

SECTION 18. That Section 27-152, Public liability and property damage insurance required, of the Code is hereby amended to read as follows:

Sec. 27-152. ~~Public liability and property damage~~ Automobile/Motorcycle liability insurance required.

(a) Before a business tax receipt is issued to any person or business entity that intends to operate U-Drive-It vehicles, whether passenger car or truck, that person or entity shall provide the city ~~business tax division Finance Department~~ with a policy or commitment of public certificate of insurance providing proof of automobile/motorcycle liability (bodily injury and property damage) insurance for each vehicle operated in the following amounts:

| Public Liability Policies <u>Bodily Injury Liability Policy</u> Amount | Property Damage Policies <u>Policy</u> Amount |
|---|--|
| \$100,000.00 <u>per person</u> / \$300,000.00 <u>per occurrence</u> | \$10,000.00 <u>\$100,000</u> per occurrence |

(b) The above provision shall also apply with respect to U-Drive-It motorcycles, motor scooters, and motorbikes, except that the liability limits for these vehicles shall be:

| Public Liability Policies Bodily Injury Liability Policy Amount | Property Damage Policies Policy Amount |
|---|---|
| \$25,000.00/\$50,000.00 <u>\$100,000 per person/\$300,000 per occurrence</u> | \$5,000.00 <u>\$25,000</u> |

(c) All such ~~public liability and property damage~~ automobile/motorcycle liability insurance policies shall be written by companies having ~~or enjoying a~~ B+, BBB or better rating (as defined in A.M. Best's Insurance Guide) and authorized to transact business in the state.

(d) Such ~~policy certificate~~ shall be ~~deposited with~~ submitted to the city ~~business tax division~~ Finance Department and ~~the insurance~~ shall be kept in full force and effect by the applicant at all times. Failure to file ~~such policy a current certificate~~ with the city ~~business tax division~~ Finance Department or to keep ~~same~~ the insurance in full force and effect shall automatically cancel and void the payment of the business tax. ~~A receipt showing that payment of premiums is current as to all insurance policies required hereunder shall be deposited with the city business tax division with such insurance policies.~~

SECTION 19. That Section 27-155, Records to be kept by licensee; inspection; reporting of accidents, of the Code is hereby amended to read as follows:

Sec. 27-155. Records to be kept by licensee; inspection; reporting of accidents.

(a) The licensee under this article shall keep a record of the registration number of the motor vehicle so rented, the name, address and the local and permanent address of the person to whom the vehicle is rented, the number of the driver's license of such person, the state or country where such license was issued and the expiration date of such license. Such record shall be kept for a minimum period of not less than four (4) years, and such record shall be open for inspection at any time by any police officer or the ~~transportation examiner~~ personnel of the Department of Transportation and Mobility.

CODING: Words, symbols, and letters stricken are deletions; words, symbols, and letters underlined are additions.

(b) The licensee shall keep a record of all known accidents. The licensee shall report to the police department all accidents involving personal injury or death. The licensee shall also report to the police department damage to vehicles or property over one hundred dollars (\$100.00).

SECTION 20. That Section 27-192, Application; information to be shown; fee; procedure for issuing certificates, of the Code is hereby amended to read as follows:

Sec. 27-192. Application; information to be shown; fee; procedure for issuing certificates.

(a) The city ~~business tax division~~ Department of Transportation and Mobility shall issue ~~neither a permit nor shall the Finance Department issue a~~ business tax receipt for a rental car with chauffeur or for a sightseeing vehicle until:

- (1) The individual or entity seeking such permit and/or responsible for paying the business tax files an application for a certificate of public convenience and necessity with the city ~~license division~~ Department of Transportation and Mobility; and
- (2) The ~~community services board~~ city commission reviews the application and ~~submits its review to the city commission~~; and
- (3) The city commission authorizes the city ~~business tax division~~ Department of Transportation and Mobility to issue a certificate of public convenience and necessity to the applicant.

(b) Any applicant desiring a certificate of public convenience and necessity shall apply in writing to the city commission on an application form obtained from the city ~~business tax division~~ Department of Transportation and Mobility, and shall provide the following information:

- (1) The name and address of the applicant, and if the applicant is a business entity, the names and addresses of its officers and directors, or partners or managers, as applicable.

- (2) The number of motor vehicles the applicant desires to operate, including a brief description of each vehicle.
- (3) The rate and fares proposed to be charged. The applicant shall agree that all changes in rates and fares or charges, whether increased or decreased, shall be set by the city commission.
- (4) The permanent location at which such vehicle(s) will be stored or parked when not in use.
- (5) The identity of the owner or owners of such vehicle(s) if the applicant does not own such vehicle(s).
- (6) A certified financial statement.
- (7) A profit and loss statement, if the applicant is the holder of a certificate of public convenience and necessity.
- (8) An accurate certified account of records for the previous year or the nearest accounting period, including a profit and loss statement for the previous year, setting forth earnings and expenditures for operation, insurance premiums paid, including but not limited to unemployment, worker's compensation, social security, ~~public~~ general and automobile liability.
- (9) Each application for a certificate of public convenience and necessity shall be accompanied by a tender of the tax as provided by section 15-57 of this Code.
- (10) A comprehensive listing of any violations or complaints made against the applicant, or against the present business entity, or against any former business entity that involved any of the same corporate officers, directors, managers, or partners, as applicable, regarding vehicle(s) for hire for incidents that occurred in the State of Florida.
- (11) The date the application is made.

(c) ~~The city business tax division~~ Department of Transportation and Mobility shall review each application submitted to determine sufficiency. Upon such a determination, ~~the city business tax division~~ Department of Transportation and Mobility shall forward each application to the ~~community services board~~ city commission for review. ~~The community services board~~ city commission shall ~~convene~~ may conduct a public hearing ~~no more frequently than once every six (6) months, unless circumstances require more frequent meetings, and shall to review all the applications forwarded by the city business tax division~~ Department of Transportation and Mobility. ~~Notice of such meeting shall be published in a newspaper of general circulation in the city at least fourteen (14) days in advance, and the~~ The city business tax division Department of Transportation and Mobility shall provide each applicant with notice of the ~~meeting~~ public hearing by certified mail. At the ~~meeting~~ public hearing, ~~the community services board~~ city commission shall review each application by considering the date of the application, the violation history of the applicant, the testimony provided by the applicant, and the comments from members of the public. The city commission may issue certificate(s) of convenience and necessity to those applicants who have provided the requisite information.

~~(d) Within forty five (45) days from the meeting, the city business tax division shall forward the complete results of the community services board's review to the city commission together with any city business tax division or community services board comments that the city business tax division finds are necessary to explain the review. The city business tax division shall provide notice, by certified mail, to each applicant informing the applicant of the time and place of the meeting when the city commission is scheduled to evaluate the community services board's review. Upon receipt and evaluation of the community services board's review, the city commission shall issue certificate(s) of convenience and necessity to those applicants who provided the requisite information; the city commission may issue the certificate(s) of convenience and necessity in accordance with the recommendation(s) of the community services board.~~

~~(e)~~
(d) Each unsuccessful application will be retained by the city business tax division Department of Transportation and Mobility for one (1) year from the

date of application and shall be submitted to the ~~community services board~~ city commission at the next opportunity.

SECTION 21. That Section 27-193, Insurance required, of the Code is hereby amended to read as follows:

Sec. 27-193. Insurance required.

(a) After a certificate is issued but before a permit is issued to any person or corporation to operate a rental car with chauffeur and/or sightseeing vehicle, the applicant for such permit shall ~~place in the hands of the city license inspector~~ submit to the Department of Transportation and Mobility a ~~policy or policies of public~~ certificate of insurance providing proof of automobile liability and property damage insurance for each vehicle operated as follows:

| Type of Vehicle | Public Liability <u>Policies Bodily Injury Liability Policy</u> Amount | Property Damage Policies <u>Policy</u> Amount |
|---------------------------|---|--|
| Rental car with chauffeur | \$ 50,000.00/\$100,000.00 <u>\$100,000 per person/\$300,000 per occurrence</u> | \$ 5,000.00 <u>\$100,000</u> |
| Sightseeing vehicle | \$100,000.00 per person/\$300,000.00 per occurrence | \$25,000.00 <u>\$100,000</u> |

(b) All such ~~public liability and property damage~~ automobile liability insurance policies shall be written by companies having, ~~or enjoying,~~ a B and ~~BB~~ or better rating and authorized to transact business in the state. Such ~~policies~~ certificate shall be ~~deposited with the license inspector~~ submitted to the Department of Transportation and Mobility of the city and ~~the insurance~~ shall be kept in full force and effect by the applicant at all times. Failure to file ~~such policy~~ a current certificate with the ~~city license inspector~~ Department of Transportation and Mobility or to keep ~~same~~ the insurance in full force and effect shall automatically cancel and void the certificate of public convenience and necessity or permit granted to the rental car with chauffeur and/or

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

sightseeing vehicle covered by such policy.

SECTION 22. That Section 27-212, Permit, of the Code is hereby amended to read as follows:

Sec. 27-212. Permit.

(a) A permit in the form of a metal or plastic tag shall be issued by the ~~license division~~ Department of Transportation and Mobility for each approved nonmotorized vehicle. Each permit shall be inscribed with the city license number under which it is issued and the current year for which it is valid. Such permit shall be, at all times during the period for which it is valid, securely attached to a conspicuous place on the left rear portion of each nonmotorized vehicle.

(b) A five-dollar fee shall be paid in advance for each permit issued. A fee of ten dollars (\$10.00) shall be charged for any replacement permit, if one (1) is lost or destroyed; provided, however, that the applicant shall inform the ~~license division~~ Department of Transportation and Mobility of the number of the vehicle permit to be replaced.

SECTION 23. That Section 27-227, Application, of the Code is hereby amended to read as follows:

Sec. 27-227. Application.

(a) An operator shall apply to the ~~license division of the building and zoning department~~ Department of Transportation and Mobility for a license to operate a nonmotorized vehicle business by submitting an application which shall include the following information:

- (1) The number, type, make, model and other information which describes each type of nonmotorized vehicle to be operated or a full description of each animal to be used or both.

- (2) The name, address and telephone number of the operator. If other than a natural person, such as a corporation, the name and address of each principal and of the registered agent shall also be submitted.
- (3) A list of all other locales in which the operator is engaged in or associated with a nonmotorized vehicle business.
- (4) A map depicting the proposed route which shall be of such scale as to designate in detail the exact locations of all passenger embarkation and debarkation points and, if applicable, the location at which the nonmotorized vehicles will be loaded and unloaded from a truck or trailer.
- (5) The location of the storage facility for the nonmotorized vehicles when not in use.
- (6) If applicable, a full description of the arrangements made for the housing and care of all animals to be used to propel nonmotorized vehicles, as well as measures to be undertaken for sanitary removal of animal wastes from the route.
- (7) The days and hours of operation.
- (8) The fare to be charged per passenger, per ride, or both.
- (9) If applicable, a description of any advertising to be displayed on each nonmotorized vehicle.
- (10) The identity of each driver, by providing a two-inch by two-inch photograph and a copy of the state driver's license for each, as well as the driver's address. Any change in the status of any driver

information must be promptly reported by the operator to the license ~~division~~ Department of Transportation and Mobility.

- (11) The name, address and telephone number of the business operation and evidence of its registration as a fictitious name or trade name, if applicable.
- (12) If animals are proposed to be used, a written statement from a local veterinarian certifying that each animal is in good health and fit for nonmotorized vehicle service. A similar statement shall be supplied to the license division six (6) months after license issuance, certifying that each animal is fit to continue service.
 - (b) A filing fee of one hundred fifty dollars (\$150.00) shall accompany each application.
 - (c) The ~~license division~~ Department of Transportation and Mobility shall send a copy of each completed application to the police and fire departments, the ~~planning and community development department~~ Department of Sustainable Development and the office of the city manager. Each shall provide the ~~license division~~ Department of Transportation and Mobility a written evaluation of the application, including proposed conditions of approval, if applicable, based upon consideration of the following criteria:
 - (1) The size and intensity of the proposed operation and its effect upon vehicular and pedestrian traffic flow over the proposed route and the impact, if any, upon affected commercial areas, residential neighborhoods, or both.
 - (2) The existence of identical or similar operations which use or propose to use all or part of the same route and the potential for adverse effect, if any, upon traffic flow, affected commercial areas, residential neighborhoods, or any of them.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

(3) If animals are to be used for propulsion, the adequacy of the operator's arrangements for animal welfare and the measures for preservation of sanitary conditions within the city.

(4) Any other public health, safety or welfare concern.

(d) The ~~license division~~ Department of Transportation and Mobility shall advise the city commission of the staff evaluations, recommended conditions, or both. If a staff determination is made that the applicant's proposed operation may have any adverse effects or is or may be fundamentally incompatible with the public health, safety or welfare, the evaluation shall specify the grounds for such conclusion and recommend to the city commission that the application be rejected or approved with conditions, whichever is applicable.

SECTION 24. That Section 27-228, Procedure for review by city commission, of the Code is hereby amended to read as follows:

Sec. 27-228. Procedure for review by city commission.

(a) When the ~~business tax division~~ Department of Transportation and Mobility has received the evaluations described in section 27-227, it shall agenda the application for consideration by the city commission at the next available regular meeting. At that meeting, the city commission shall evaluate the proposed operation in light of the factors set forth in section 27-227(c), after providing an opportunity for the operator, city staff and any member of the public to be heard.

(b) After the hearing, the city commission shall, by motion, either:

(1) Disapprove the application (in such event, no application from the same operator shall be accepted by the ~~business tax division~~

Department of Transportation and Mobility for a minimum period of six (6) months from the date of such city commission action);

- (2) Approve the application unconditionally and grant the operator a license; or
- (3) Approve the application subject to compliance with stated conditions. Such conditions may include, but are not limited to, a restriction on the hours or days of operation, a limitation on the number of nonmotorized vehicles which may be operated, a limitation on the size and number of signs on each nonmotorized vehicle, a modification of the proposed route and any other condition which is consistent with protection of the public health, safety and welfare.

(c) If approved, the ~~business tax division~~ Department of Transportation and Mobility shall issue a license to an approved operator which shall not be transferable without the approval of the city commission. The license shall include a statement of all conditions specified by the city commission. The city reserves the right to temporarily prohibit use of or otherwise modify any approved route whenever the public interest or convenience so requires; provided, however, that the operator shall be permitted to appeal any modification which will affect a route for more than fifteen (15) days, as such appeal procedure is set forth in section 27-232.

(d) If the operator's principal place of business is located within the corporate limits of the city, proof of possession of a current city business tax receipt shall be required prior to issuance of an operator's license.

SECTION 25. That Section 27-229, Renewal, of the Code is hereby amended to read as follows:

Sec. 27-229. Renewal.

(a) The holder of a license shall be entitled to a renewal of the license each year on October 1 by applying to the ~~business tax division~~ Department of Transportation and Mobility and submitting the following information:

- (1) Any change in the operator information listed on the original or any subsequent renewal application.
- (2) The number and type of nonmotorized vehicles actually operated during the previous year.
- (3) Any fare increase imposed during the previous year or proposed during the next year.
- (4) Evidence of insurance.
- (5) A current veterinarian statement, if applicable, as prescribed by section 27-227(a)(12), above.

(b) A filing fee of one hundred fifty dollars (\$150.00) shall accompany each such renewal application.

(c) If the operator's principal place of business is within the corporate limits of the city, each such renewal application shall be accompanied by proof of a current city business tax receipt.

SECTION 26. That Section 27-230, Insurance, of the Code is hereby amended to read as follows:

Sec. 27-230. Insurance.

~~For each nonmotorized vehicle there shall be maintained a policy or policies of public liability insurance with a combined single limit for death, bodily injury and property damage liability of at least fifty thousand dollars (\$50,000.00) per~~

~~person and one hundred thousand dollars (\$100,000.00) per occurrence. All such insurance policies shall be written by companies authorized to transact business in the state. A certificate of insurance indicating the liability amounts and the policy period must be filed with the license division and approved by the city risk manager prior to issuance or renewal of any permit. All such policies shall be kept in full force and effect at all times any nonmotorized vehicle is operated within the city.~~ Each business/owner shall maintain general liability insurance with a combined single limit for death, bodily injury and property damage liability in an amount not less than \$1,000,000 per occurrence and an aggregate of not less than \$2,000,000. In addition, a no-fault medical payment policy/coverage form must be maintained in an amount not less than \$10,000 per person. The policy or policies must provide protection consistent with the operation of non-motorized vehicles.

All such insurance policies shall be written by companies with an A.M. Best rating of A- or better and authorized to transact business in the state. A certificate of insurance, which documents the policy period and above referenced liability amounts, must be filed with the Department and Transportation and Mobility every six (6) months and approved by the city's Risk Manager prior to insurance or renewal of any permit. All such policies shall be kept in full force and effect at all times any non-motorized vehicle is operated within the city.

SECTION 27. That Section 27-231, Modification of license conditions, of the Code is hereby amended to read as follows:

Sec. 27-231. Modification of license conditions.

(a) After a minimum of six (6) months have passed from the date a license was issued, an operator may submit a written request for permission to modify the licensed operation. A request for a new route or for use of two (2) or more additional vehicles shall be treated as an initial license application.

(b) The operator shall apply to the ~~license division~~ Department of Transportation and Mobility by listing the specific modifications requested. The ~~license division~~ Department of Transportation and Mobility shall submit the completed application for staff review as prescribed in section 27-227(c), above. Staff shall conduct an evaluation of the requested modifications based upon the same criteria used for evaluating an initial license application.

(c) The application and the evaluations shall be considered by the city commission. The city commission may approve all of the modifications, some of them or disapprove them, subject to compliance with the notice and hearing procedures as prescribed in section 27-228.

(d) If the city commission approves all or some of the requested modifications, the operator shall be issued an amended license by the ~~license division~~ Department of Transportation and Mobility. If the city commission approves an increase in the number of nonmotorized vehicles, the ~~license division~~ Department of Transportation and Mobility shall issue the appropriate number of additional permits upon payment of the applicable permit fee.

SECTION 28. That Section 27-232, Suspension and revocation, of the Code is hereby amended to read as follows:

Sec. 27-232. Suspension and revocation.

(a) A license may be suspended or revoked on any of the following grounds:

(1) Fraud or misrepresentation of a material statement contained in the license application.

(2) Failure by an operator to comply with any of the provisions of this article, conditions of an approved application as set forth in section 27-228(b)(3), or both.

(3) Failure by a business/owner to comply with any of the provisions set forth in section 27-230.

~~(3)~~

(4) Conduct by an operator in connection with the licensed business in a manner which creates a public nuisance or endangers the public health, safety or welfare or the health, safety or welfare of any animal used in the business.

~~(4)~~

(5) The knowing and unnecessary impeding of the flow of vehicular or pedestrian traffic.

(b) When the ~~license division~~ Department of Transportation and Mobility becomes aware of any reason which may constitute grounds for suspension or revocation of a license, it shall inform the operator by written notice of the specific nature of the grounds. If the operator disputes the grounds, the ~~license division~~ Department of Transportation and Mobility shall agenda a hearing on the matter before the city commission at the next available regular meeting and shall by written notice inform the operator of the date, time and place for such hearing.

(c) At the specified meeting of the city commission, the ~~license division~~ Department of Transportation and Mobility and the operator shall each be afforded the opportunity to present evidence with the assistance of legal counsel, if so desired, which evidence must be relevant to the alleged grounds. Any witnesses shall be subject to the right of cross-examination. Technical rules of evidence shall not be applicable. After hearing, the city commission may

suspend a license for a specified period of time or revoke the operator's license. The action of the city commission shall be conclusive and final.

(d) An operator whose license has been revoked shall not be eligible to apply for reinstatement of the license or a new license for a period of three (3) years.

SECTION 29. That Section 27-252, Definitions, of the Code is hereby amended to read as follows:

Sec. 27-252. Definitions.

For the purpose of this division, the following words shall have the meanings indicated:

...

Department means the ~~planning and zoning department~~ Department of Sustainable Development or such department, which has the responsibility for the administration of the planning and zoning requirements of the city as designated by the city manager.

Director shall mean the director of the ~~planning and zoning department~~ Department of Sustainable Development.

...


SECTION 30. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 31. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 32. That this Ordinance shall be in full force and effect ten days from the date of final passage.


PASSED FIRST READING this the 1st day of April, 2014.

PASSED SECOND READING this the 15th day of April, 2014.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

L:\COMM 2014\Ordinances\April 15\C-14-20.docx