

ORDINANCE NO. 13,699

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 13,215, passed by July 24, 1995, and amended by Ordinance No. 13,238, passed August 28, 1995, by repealing Sections 19-124, 19-125, 19-126, 19-126.01, 19-127, 19-128, 19-129, 19-130, 19-132, 19-133, 19-134, 19-135, 19-136, 19-137, 19-138, 19-139, 19-140, 19-141, 19-142, 19-143, 19-144, 19-145, 19-146, 19-147, 19-148, 19-149, 19-152, 19-153, 19-154, 19-155, 19-155.01, 19-156, 19-157, 19-158, 19-159, 19-161, 19-165, 19-166, 19-168, 19-169, 19-171, 19-174, 19-175 and 19-180 thereof and enacting new Sections 19-124, 19-125, 19-126, 19-126.01, 19-127, 19-128, 19-129, 19-130, 19-132, 19-133, 19-134, 19-135, 19-136, 19-137, 19-138, 19-139, 19-140, 19-141, 19-142, 19-143, 19-144, 19-145, 19-146, 19-147, 19-148, 19-149, 19-152, 19-153, 19-154, 19-155, 19-156, 19-157, 19-158, 19-159, 19-161, 19-165, 19-166, 19-168, 19-169, 19-171, 19-174, 19-175 and 19-180, and adding and enacting a new Section 19-161.01, relating to taxicabs.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 13,215, passed by July 24, 1995, and amended by Ordinance No. 13,238, passed August 28, 1995, is hereby amended by repealing Sections 19-124, 19-125, 19-126, 19-126.01, 19-127, 19-128, 19-129, 19-130, 19-132, 19-133, 19-134, 19-135, 19-136, 19-137, 19-138, 19-139, 19-140, 19-141, 19-142, 19-143, 19-144, 19-145, 19-146, 19-147, 19-148, 19-149, 19-152, 19-153, 19-154, 19-155, 19-155.01, 19-156, 19-157, 19-158, 19-159, 19-161, 19-165, 19-166, 19-168, 19-169, 19-171, 19-174, 19-175 and 19-180 thereof and enacting new Sections 19-124, 19-125, 19-126, 19-126.01, 19-127, 19-128, 19-129, 19-130, 19-132, 19-133, 19-134, 19-135, 19-136, 19-137, 19-138, 19-139, 19-140, 19-141, 19-142, 19-143, 19-144, 19-145, 19-146, 19-147, 19-148, 19-149, 19-152, 19-153, 19-154, 19-155, 19-156, 19-157, 19-158, 19-159, 19-161, 19-165, 19-166, 19-168, 19-169, 19-171, 19-174, 19-175 and 19-180, and adding and enacting a new Section 19-161.01, relating to taxicabs, as follows:

SUBCHAPTER 5. TAXICABS

19-124. DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this subchapter, have the meanings in this section:

"Airport" means the Des Moines International Airport located in southwest Des Moines on Fleur Drive between McKinley Avenue and Army Post Road.

"Aviation director" means the director of the Des Moines international airport or an authorized representative.

"Certificate" means a certificate of public convenience and necessity issued by the city council, authorizing the holder to conduct a taxicab business in the city.

"City clerk" means the city clerk or an authorized representative.

"Cruising" means the driving of a taxicab on the streets, alleys, or public places of the city in search of, or soliciting, prospective passengers for hire.

"Finance director" means the finance director of the city or an authorized representative.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued.

"Open stand" means a public place alongside the curb of a street or elsewhere, in the city, which has been designated as reserved exclusively for the use of taxicabs.

"Paratransit service" means specialized transportation services only for wheelchair bound persons provided by a paratransit taxicab.

"Paratransit taxicab" means a taxicab equipped and operated exclusively for the provision of paratransit services.

"Rate card" means a card issued by the holder for display in each taxicab which contains the rates of fare then in force.

"Solicit" means to invite another, either by word or deed, to be a passenger in a vehicle for hire.

"Taxicab driver's license" means the permission granted by the city to a person to drive a taxicab upon the streets of the city issued in the form of a metal badge.

"Taxicab or cab" means a motor vehicle regularly engaged in the business of carrying passengers for hire in a taxicab service and not operated on a fixed route and operating with a meter.

"Taxicab license" means the license granted annually to a person who holds a certificate to conduct a taxicab service in the city of Des Moines.

"Taxicab service" means transportation of passengers in a motor vehicle from or to any point in the city of Des Moines, with a central office and central dispatch available 24 hours a day.

"Taximeter" means an instrument or device attached to a taxicab, which measures mechanically, electrically, or electronically the distance driven and the waiting time upon which the fare is based and converts them to monetary charges.

"Taximeter flag" means a switch or other device which clearly indicates to passengers that the taxicab is employed and that the standard rate is being charged.

"Traffic engineer" means the city engineer or an authorized representative.

"Trip card" means a daily record prepared by a taxicab driver of all trips made by him or her showing the time and place of origin, destination, number of passengers, and the amount of fare for each trip.

19-125. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Any person owning, operating or controlling a taxicab as a vehicle for hire upon the streets of the city or picking up any passenger for a fare within the corporate limits of the city, shall first obtain certificate and the required annual license from the traffic engineer.

(a)Contract drivers. A certificate may also be granted to an applicant or renewed to an existing holder of a certificate, who proposes to furnish taxicab service at least in part through drivers who are duly licensed by the city, who are bound by written agreement with the certificate holder to furnish taxicab

services of the quality provided for in this subchapter, and who either own or are lessees of licensed taxicabs. Such agreement shall incorporate the provisions of this subchapter applicable to such driver. Certificate holders bound by said written agreements shall have available a report, on or before the fifth day of each month, stating the names and addresses of all drivers who operated taxicabs during the preceding month.

(b) Any holder of a certificate operating under this plan shall be treated as an owner in applying sections 19-129, 19-145, 19-148 and 19-175 of this code.

(c) Nothing herein shall change the holder's obligation to furnish to the city the insurance coverages provided for in section 19-129 of this code or change the license fees provided for in section 19-130 of this code.

(d) Exemptions. The following motor vehicles are excluded from the requirements of this subchapter:

(1) Motor vehicles owned and operated by hotels, motels and other boarding places, used for the purpose of transporting patrons, without fee or charge, between said hotel, motel or boarding place and the local station of a common carrier.

(2) Ambulances and other emergency vehicles.

(3) Funeral hearses.

(4) Metropolitan Transit Authority buses or other motor buses duly licensed by the State of Iowa.

19-125.01. REQUIREMENTS FOR TAXICAB SERVICE.

Each company filing an application for a taxicab certificate shall meet the following minimum requirements:

(1) Provide an office in a location properly zoned for that business which must be accessible 24 hours a day, seven days a week and is available for inspection upon request of the city manager or an authorized representative. If vehicle maintenance and storage is provided separately from the central office, then the vehicle maintenance / storage area must also be in a location properly zoned for such activity.

(2) Provide taxicab service to the public 24 hours a day, seven days a week and have a telephone that is answered 24 hours a day, seven days a week so that any individual may request the services of the taxicab company. The business shall have a listed telephone number.

(3) Provide a minimum of ten qualified taxicab drivers.

(4) Provide a minimum of eight qualified taxicab vehicles for which a minimum of four vehicles shall be in operation at all times.

(5) Meet all applicable zoning ordinance regulations.

19-126. APPLICATION.

Any person seeking a certificate shall file an application with the traffic engineer. The application shall be signed by the applicant or by an officer of the applicant and verified under oath and shall contain the following information:

(1) The name, address and age of the applicant. If the applicant is a corporation, its name, the address of its principal place of business, and the name and address of its registered agent. If the applicant is a partnership, its name, the names of general and limited partners and the address of its principal place of business. If the place of business is outside the corporate limits of the city of Des Moines, the applicant shall provide a statement from the governing jurisdiction that the business complies with the appropriate zoning regulations.

(2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to these judgments. If the applicant is a firm, partnership, corporation or any other type of business entity which has been organized for less than five years prior to the date of application, this information shall be provided for each of the shareholders, partners, officers, or other investors of the business entity.

(3) The experience of the applicant in the transportation of passengers including a statement of

any state or municipality where the applicant has ever been licensed to operate a taxicab, or limousine service whether such license was ever suspended or revoked and the reasons for suspension or revocation, and whether an application for a license or a renewal of a license was denied and the reasons for denial.

(4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

(5) The number of vehicles to be operated or controlled by the applicant. A statement of the condition of the vehicles to be operated including and the date on which the vehicle passed its most recent safety inspection, if any.

(6) The location of proposed depots and terminals.

(7) A statement as to whether the applicant has ever been convicted of, pled guilty to or stipulated to the facts of a violation of a criminal statute or ordinance, traffic law or municipal ordinance. If the applicant has been convicted, found guilty of or stipulated to a charge a statement as to the date and place of disposition, the nature of the offense and the punishment imposed. In addition, for applications filed after January 1, 2000, the applicant shall provide a certified copy of their driving record for the five years preceding the date of application.

(8) The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand.

(9) Where the applicant will operate its central dispatch service.

(10) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

(11) Further information as the traffic engineer may require of each applicant.

19-126.01. INVESTIGATION OF APPLICANT.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the city council. Where the applicant is a corporation, the corporate officers' records shall be investigated; where a partnership, each partner's records shall be investigated.

19-127. PUBLIC HEARING.

Upon the filing of an application, the city council shall fix a time and place for a public hearing thereon. Written notice of the hearing shall be given to the applicant by the city clerk and to all current holders of certificates. Any interested person may file with the city clerk a memorandum in support of or opposition to the issuance of a certificate.

19-128. ISSUANCE.

(a)The city council shall determine whether a certificate of public convenience and necessity shall be issued to an applicant. In making that determination the council shall consider the information in the application, the results of the investigation and the following factors:

(1)Age of applicant. No certificate shall be granted to any person under the age of 18 years.

(2)Character, business and financial responsibility of applicant.

(3)Experience of applicant.

(4)The expectation that if the applicant is granted a certificate, the applicant will operate the taxicab(s) in accordance with the provisions of this subchapter.

(5)Number of vehicles the applicant owns or controls.

(6)The condition of each vehicle owned or controlled by the applicant including:

(i)Age.

(ii)Type.

(iii)Whether and where vehicles have passed recent safety inspections.

(iv) General appearance, including cleanliness.

(v) Fitness for patronage.

(7) Whether the applicant can provide 24 hour taxicab service.

1. Whether the applicant is able to operate with a central dispatch service.

(b) If the city council finds that further taxicab service in the city of Des Moines is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this subchapter, then the city council shall direct the traffic engineer to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise the application shall be denied.

(c) A person lawfully possessing a certificate shall not be required to renew the certificate unless it has been revoked or voluntarily surrendered or all of the licenses herein required are not renewed within 30 days after the expiration thereof. Renewal of the certificate shall be pursuant to the same procedure as for the original issuance thereof. In the event the application is denied, the city council shall specify the grounds for such denial and the facts upon which such denial is based.

19-129. LIABILITY INSURANCE.

(a) A certificate shall not be issued or continued in effect unless and until the owner of the taxicab business furnishes to the traffic engineer for filing with the city clerk an insurance policy or certificate of insurance issued by an insurance company licensed to do business in the state of Iowa, providing commercial general liability and automobile liability insurance coverage, or the equivalent thereof, for the taxicab business and independent contractors of the taxicab business with minimum limits of liability of \$1,500,000 or equal to any applicable limits required by the Code of Iowa, the United States Code, and/or interstate commerce commission regulation, whichever is greater. The above coverage and limits shall extend to the following on a per occurrence basis; The injury or death of any one person; the injury or death of any number of persons in one

accident; damage to property in the care, custody and control of the insured or its independent contractor, but excluding property of the insured or independent contractor; the bodily injury or death of others resulting from negligent acts of the insured or its independent contractors while involved in the furtherance of the taxicab business.

(b)The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide thirty days advance written notice of cancellation, non-renewal, reduction in insurance coverage or limits and ten days written notice for nonpayment shall be provided by registered mail to the traffic engineer.

(c)The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the certificate and all licenses issued for the taxicab business, independent contractors and the vehicles covered by such insurance policy(ies), unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination. The traffic engineer shall immediately issue written notification of the revocation of said certificate and all licenses for the taxicab business, independent contractors and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.

19-130. LICENSES.

(a)A certificate shall not be issued or continued in effect unless its holder has paid to the finance director an annual calendar year certificate fee of \$150.00 for the right to engage in the taxicab business and an annual license fee of \$50.00 for each vehicle operated under a certificate.

(b)Whenever a license is issued by the traffic engineer under the terms of this subchapter, a metal plate or identification sticker for each vehicle operated shall be delivered to the owner. The metal plate or identification sticker shall be approximately three inches in width and six inches in length and shall have stamped or printed thereon the word "taxicab" the official license number and the date of expiration of the license. The plate or sticker shall be affixed in a conspicuous place on the rear of the vehicle for which the license is granted. It shall be a distinctly different color each year.

(c)The holder shall file with the traffic engineer information pertaining to each vehicle for which a license has been issued including make, model, year, and state of Iowa license number.

19-131. TRANSFER.

No certificate shall be sold, assigned, mortgaged or otherwise transferred without the consent of the city council.

19-132. SUSPENSION OR REVOCATION.

(a)A certificate may be revoked or suspended by the city council if the holder has:

(1)Violated any of the provisions of this subchapter. A certificate may be suspended if the certificate holder or any of the certificate holder's taxicab operators have a combined total of three (3) or more convictions of violations of this subchapter in an eighteen (18) month period, and may be revoked if the certificate holder or any of the certificate holder's taxicab operators have a combined total of five (5) or more convictions of violations of this subchapter in an eighteen (18) month period; or

(2)Discontinued operations for more than ten days unless such discontinuance is caused by a labor dispute; or

(3)Violated any provision of this subchapter or ordinance of the city of Des Moines, or any law of the United States or the state of Iowa, the violation of which is found by the city council to so affect the public safety as to prove the holder not a proper person to offer public transportation.

(b)Prior to suspension or revocation as provided in this section, the holder shall be given three days written notice by the city clerk of the proposed action to be taken and shall be afforded an opportunity to appear before the city council and be heard.

19-133. TAXICAB DRIVER'S LICENSE (TAXICAB BADGE).

Every person who operates a taxicab for hire upon the streets of the city shall first obtain and shall properly display a taxicab

driver's license in the form of a metal badge (also known as a taxicab badge).

19-134. APPLICATION FOR TAXICAB DRIVER'S LICENSE.

(a) Any person seeking a taxicab driver's license shall file an application with the traffic engineer on forms provided by the city. The application shall contain the following information:

- (1) The full name, current mailing address, date of birth, height, weight and drivers license number of the applicant.
- (2) The names and addresses of three residents of the city who have known the applicant for a period of one year and who will vouch for the applicant's sobriety, honesty, and general good character.
- (3) The experience of the applicant in driving an automobile.
- (4) The educational background of the applicant.
- (5) A concise history of the applicant's employment.
- (6) A concise statement of the history of his or her health and any present impairments or disabilities.
- (7) A list of all convictions (convicted of, pled guilty to or stipulated to the facts of a criminal offense) for criminal offenses, other than traffic offenses, during the ten years immediately preceding the date of application. If the applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant shall provide certified copies of any and all dispositions of the criminal offenses to the Des Moines Police Department at time of pre-application.
- (8) A list of all convictions for traffic violations for which the applicant's license was suspended, revoked or barred during the five years immediately preceding the date of application.
- (9) A statement that the contents of the completed application are true.

(10)The date the application is filed.

(11) Further information as the traffic engineer may require.

(b)Any person seeking renewal of a taxicab driver's license shall file an application with the traffic engineer on forms provided by the city. The application shall contain the following information:

1. The full name, current mailing address, date of birth, height, weight and drivers license number of the applicant.
2. A concise history of the applicant's employment for the past one year.
3. A concise statement of the history of his or her health for the past one year and any present impairments or disabilities.
4. A list of all convictions (convicted of, pled guilty to or stipulated to the facts of a criminal offense) for criminal offenses, other than traffic offenses, during the past year. If the applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant will provide certified copies of any and all dispositions of the criminal offenses to the Des Moines Police Department.
5. A statement that the contents of the completed application are true.
6. The date the application is filed.
7. Further information as the traffic engineer may require.

(c)At the time an initial or renewal application is filed the applicant shall pay to the finance director the sum of \$20.00.

19-135. QUALIFICATIONS FOR TAXICAB DRIVER'S LICENSE.

(a)Each applicant must meet the following requirements before a license may be issued:

- (1)Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the Iowa Department of Transportation.

- (2) Be a person of good moral character.
- (3) Have a good driving record.
- (4) Be at least eighteen (18) years of age.

(b) Definitions:

(1) Person of good moral character means any person who meets the following requirements:

(i) Has such good reputation as will satisfy the licensing authority that he or she will comply with this subchapter and all other laws, ordinances and regulations applicable to the performance of his or her duties as a taxicab driver.

(ii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving moral turpitude or sexual abuse within the preceding ten years.

(iii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving a simple misdemeanor, excluding theft, assault, public exposure, harassment or fraud within the preceding five years.

(iv) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving forcible felony, theft, assault, public exposure, harassment or fraud within the preceding ten years.

(2) Good driving record means all of the following:

(i) The applicant has not, within the preceding five years been convicted of any moving traffic violation which resulted in automatic suspension or revocation of an operators or

chauffeurs license under chapter 321, 321A or 321J, the Code of Iowa.

(ii)The applicant's operators or chauffeurs license has not been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years.

(iii)The applicant has not, within the preceding one year, been convicted of three or more moving traffic violations.

(iv)The applicant has not, within the preceding one year, been involved in more than one traffic accident in which applicant was at fault.

19-136. INVESTIGATION OF APPLICANT; ARREST AND TRAFFIC RECORD.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the traffic engineer.

19-137. APPROVAL OF APPLICATION.

(a)If the traffic engineer determines the applicant meets the requirements, he or she shall issue a license.

(b)If the traffic engineer determines the applicant does not meet the requirements, he or she shall deny the license, however, the traffic engineer may issue a license if:

(1)Any conviction resulting in suspension of an operator's license under chapter 321, 321A or 321J of the Code of Iowa or any other suspension of an operator's or chauffeur's license did not involve driving behavior which is indicative of a disregard for public safety. Any license issued under this subsection shall be subject to a quarterly review to assure there have been no further convictions of traffic violations or criminal offenses entered against the applicant during such quarter.

(c) Any applicant who is denied a license by the traffic engineer may request a hearing before the city council by filing a written appeal with the city clerk within 10 days of the final action. Such appeal shall be heard by the city council within 25 days of the date the notice of appeal is filed with the city clerk. The sole issue before the city council on such appeal shall be whether the traffic engineer has abused his or her discretion in denying the license. No additional evidence may be presented in the appeal.

19-138. ISSUANCE.

Upon approval of an application for a taxicab driver's license, the traffic engineer shall issue a license to the applicant in the form of a metal taxicab badge of such form and style as the traffic engineer shall prescribe, with the license number thereon. This badge must be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is engaged in this employment. Any driver loaning his or her badge or permitting another person to use the same, shall be guilty of a misdemeanor and his or her license shall be revoked.

19-139. DURATION OF LICENSE.

A license (taxicab badge) shall be in effect only for the calendar year in which issued or renewed.

19-140. FEE.

The fee for a license (taxicab badge) shall be \$20.00

19-141. LOST LICENSE (TAXICAB BADGE).

Any person who loses his or her taxicab badge shall present an affidavit as to the circumstances of such loss to the traffic engineer who shall issue a replacement badge upon payment of \$5.00 for such replacement badge. The traffic engineer shall keep a separate record of replacement badges issued showing the date of issuance, to whom issued and the identification contained thereon.

19-142. SUSPENSION, REVOCATION OR DENIAL OF LICENSE.

(a) If any person who has a current taxicab driver's license has his or her Iowa driver's license suspended or revoked, or is convicted of, pleads guilty to, or stipulates to the facts of any criminal offense during the license period, he or she shall immediately notify the traffic engineer.

(b) Any taxicab driver's license may be suspended, revoked, or denied renewal for (1) violations of this subchapter, or (2) acts demonstrating lack or absence of good moral character, or (3) providing false information on the license application or renewal.

(c) No license shall be suspended, revoked or denied renewal except after a hearing of the matter before the traffic engineer. The traffic engineer, upon being informed of grounds for suspension, revocation or denial of renewal, shall schedule a hearing of said matter and shall cause notice of said hearing to be delivered to the licensee or applicant by mailing notice in the regular mail at least ten days before the date of hearing to the licensee's or applicant's address as shown on the most recent application.

(d) If, after such hearing, the traffic engineer determines (1) that a violation of this subchapter did in fact take place, (2) that the person committed acts demonstrating lack of good moral character, or (3) that the person falsified an application for a license or a renewal, the traffic engineer may, depending on the number or severity of the acts, suspend a license for up to thirty days, revoke a license, or deny an application for a license renewal.

(e) Any licensee or applicant may appeal such decision to the city council by notifying the city clerk in writing of the appeal within ten days of the date of the traffic engineer's decision. Such appeal shall be heard by the city council within 25 days of the date the notice of appeal is filed with the city clerk. The sole issue before the city council on such appeal shall be whether the traffic engineer abused his or her discretion in denying the license. No additional evidence may be presented in the appeal.

(f) A licensee whose license has been revoked shall immediately surrender his or her taxicab badge to the traffic engineer and shall not be eligible to apply for another such license for a period of 180 days after such revocation. A person whose application has been denied shall not be eligible to reapply for a period of 180 days after such denial. The 180 day period shall

commence on the day final city action is taken by either the traffic engineer or, if appealed, the city council.

19-143. COMPLIANCE WITH SUBCHAPTER PROVISIONS.

(a) Any driver licensed under this subchapter shall comply with all city, state and federal laws. Failure to do so will justify suspension or revocation of his or her license.

(b) Any vehicle operated under the provisions of this subchapter shall comply with all applicable requirements of the State Motor Vehicle Code or other state and city laws.

(c) Any vehicle operated under the provisions of this subchapter shall be inspected quarterly by the holder of the certificate to ensure compliance to all applicable requirements of the State Motor Vehicle Code or state and city laws.

1. 19-144. VEHICLE CONDITION.

(a) Prior to its use and operation, each vehicle shall be made to comply with all applicable requirements of the State Motor Vehicle Code and other state and city laws.

(b) Each vehicle operating under this subchapter shall be kept in a clean and sanitary condition, both interior and exterior.

(c) Each vehicle shall be equipped with an operable heater and air conditioner of adequate capacity.

(d) Each vehicle exterior shall be maintained in good condition, with all parts intact and properly painted.

(e) Each vehicle shall be in excellent mechanical condition, free from all known defects which could cause inconvenience or hazard to any passenger.

(f) Each vehicle shall have properly inflated tires with a safe amount of remaining tread.

19-145. DESIGNATION OF TAXICABS

(a) Each taxicab shall bear on the outside of a door on each side the name of the holder; and, in addition, may bear an identifying design. The markings shall be painted or affixed by decal in letters or figures at least two (2)

inches in height. Any licensed vehicle shall not have a color scheme, identifying design, monogram, or insignia that will conflict with or imitate any existing taxicab or any official or emergency vehicle color scheme, in a manner that will mislead or deceive or defraud the public.

(b) Each taxicab shall bear on the inside of the passenger compartment clearly visible to passengers a sign which denotes the name of the owner and the number used by the owner to designate the vehicle.

19-146. TAXIMETERS.

Each taxicab shall be equipped with a taximeter fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. The taximeter shall be operated mechanically, electrically or electronically, and shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have a flag to denote when the vehicle is employed and when it is not employed. The driver shall throw the taximeter flag into a recording position at the beginning of each trip and into a non-recording position at the end of each trip. Taximeters shall be subject to inspection from time to time by the police department. Any inspector or other department officer is hereby authorized, either upon complaint of any person or without such complaint, to inspect any meter, and upon discovery of an inaccuracy therein of over five percent to the prejudice of any passenger, to notify the person operating said taxicab to cease operation. The taxicab shall then be kept out of service until the taximeter is repaired, or replaced with another properly functioning meter.

19-147. TRIP RATES FOR TAXICABS.

2. (a) Taxicab fares shall not exceed the following rates:

For the first 1/7 mile or fraction

thereof for one person \$1.20

For each succeeding 1/7 mile or fraction

Thereof \$.20

For each additional passenger over the
age of 12 for the whole journey\$.50

For each minute of waiting time
or fraction thereof\$.25

Insurance surcharge per trip\$.50

Night surcharge per trip
(10:00 P.M. to 4:00 A.M.)\$1.00

Taxicab fares shall not be lower than the following rates:

For the first 1/5 mile or any
fraction thereof\$.90

For each succeeding 1/5 mile or
fraction thereof\$.20

For each 1 1/5 minutes of
waiting time\$.20

For each additional person for the
whole journey\$.10

(b)An additional fare of \$.50 may be collected from each passenger transported from the Des Moines International Airport if the holder enters into an agreement with the city regarding minimum levels of service and methods of operation.

(c)Waiting time shall include: the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called; the time consumed while standing at the direction of the passenger; the time while stopped in the observance of traffic controls, or due to delays in traffic when

the taxicab is traveling at a speed which is slow enough for the time rate to exceed the mileage rate on the taximeter.

(d) No charge shall be made for the time lost because of the inefficiency of the taxicab or its operator or time consumed by premature response to a call. In no event shall the taximeter accumulate charges for time and distance concurrently, nor shall the taximeter be set so there is a time charge when the taxicab is moving at a velocity in excess of the rate per hour divided by the rate per mile.

(e) For service in picking up and delivering packages and parcels, the ordinary rates provided by subsection (a) shall apply.

- a. This range of fares shall be binding on all taxicab owners and operators. The collection of fares at a higher or lower rate shall constitute a misdemeanor.

19-148. RECEIPT FOR PAYMENT OF RATES.

If requested by the passenger, the driver shall provide a receipt containing the name of the owner, the vehicle license number or the driver's signature, the total amount paid and the date of payment.

19-149. POSTING RATES.

Every taximeter shall be connected to the taxicab so that the amount of fare shall be plainly visible to all passengers or occupants. Every vehicle shall carry a rate card, posted in a conspicuous place on the inside of the vehicle

19-150. PREPAYMENT.

Every driver of a taxicab shall have the right to demand payment of the estimated legal fare in advance and may refuse employment unless so prepaid.

19-151. OVERCHARGE.

No person shall charge, or attempt to charge, a passenger a higher or a lower rate of fare than that specified in this subchapter.

19-152. REFUSAL TO PAY.

Any person who hires a taxicab for the purpose of riding therein, or transporting any goods, wares or merchandise, and who refuses to pay the fare shall be guilty of a misdemeanor.

19-153. SOLICITATION OF PASSENGERS BY DRIVER.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment or while standing immediately adjacent to the curb side of the vehicle. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when the vehicle is upon the public street. Nothing herein contained shall be deemed to prohibit any driver from alighting onto the street or sidewalk for the purpose of assisting passengers into or out of the vehicle or from complying with the directions of the person engaging the taxicab regarding the loading or unloading of any baggage, goods, wares or merchandise.

19-154. PROHIBITED SOLICITATION.

(a) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(b) No driver shall solicit business for any hotel, or to attempt to divert patronage from one hotel to another.

(c) No driver shall solicit or convey any person to or from any area where movement within the area has been restricted by police order due to a fire or other emergency.

19-155. RECEIPT AND DISCHARGE OF PASSENGERS.

(a) No driver shall receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road, except upon one-way streets, where passengers may be discharged at either the right or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

(b) No driver shall load or unload passengers or luggage at an intersection or crosswalk or at any other location where it will interfere with the orderly flow of traffic.

(c)Every driver of a taxicab operating at the airport shall do so in accord with rules and regulations adopted by the aviation director as provided in chapter 4 of this code.

19-155.01. REPEALED BY ORD. 13,699.

19-156. CRUISING.

No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the traffic engineer. These areas and times shall be designated only when the traffic engineer finds that taxicabs cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

19-157. SOLICITATION OF OTHER COMMON CARRIER PASSENGERS.

No driver, owner or operator shall solicit passengers within the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier. This rule is not intended to prohibit or interfere with response to any call for a taxicab, made by telephone, or by signal from a pedestrian, or from soliciting patronage of a debarking passenger of any common carrier.

19-158. ADDITIONAL PASSENGERS.

No driver shall permit any other person to occupy or ride in his or her taxicab, unless the person or persons first employing the taxicab shall consent to an additional passenger or passengers.

19-159. PASSENGER LOADS.

(a)A driver may not transport more passengers than the manufacturer's passenger rating for the vehicle and for which operating seat belts are provided, with not more than one passenger to be seated in the front seat with the driver, except as provided in subsection (b) of this section.

(b)If at least one passenger is a child no older than 12 years of age, then not more than two such passengers may be seated in the front seat with the driver.

(c)A driver on duty may not transport any person other than a paying passenger.

(d)A driver may allow or refuse to allow a passenger to ride in the front seat when there is an unoccupied seat in the rear of the vehicle.

19-160. REFUSAL TO CARRY ORDERLY PASSENGERS.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this subchapter to do so.

19-161. DRIVER PROHIBITIONS.

(a)A taxicab driver shall not engage in selling intoxicating liquors or solicit business for any house of prostitution or use or permit another person to use his or her vehicle for any unlawful purpose or any purpose other than that provided by this subchapter.

(b)While on duty, a driver shall not engage in any unlawful act.

(c)While on duty or within twelve (12) hours prior to being on duty, a driver shall not partake of any alcoholic beverage, intoxicating liquor, narcotic, sedative, barbiturate, marijuana, or any other drug or substance which may impair his or her driving ability; and, while on duty, a driver shall not have any such beverage or substance in his or her possession.

(d)A driver shall not have a firearm, explosive device or illegal weapon in his or her possession while on duty.

(e)A driver shall not operate a taxicab or limousine which is in an unsafe operating condition.

(f)A driver shall not operated a taxicab or limousine while his or her ability or alertness is so impaired, or is likely to become impaired, because of fatigue, illness or any other cause which would make it unsafe for him or her to operate the vehicle.

(g)A driver shall not remain on duty for more than sixteen (16) continuous hours in any twenty-four (24) hour period.

(h)A driver shall not overcharge any passenger.

(i)A driver shall not dismiss nor discharge any passenger at a point other than the requested destination without good cause. If a passenger is discharged for good cause, it shall be done, if at all possible, at a safe, well-lighted place, convenient to public transportation.

(j)A driver shall not induce nor attempt to induce any person to be transported by willful misrepresentation.

(k)A driver shall not solicit a gratuity; however, a driver may accept a gratuity if it is given voluntarily, without solicitation.

(l)A driver shall not refuse to place a passenger's luggage or packages in and out of the vehicle when requested to do so.

(m)A driver shall not refuse to assist a passenger in and out of the vehicle when requested to do so, provided however, that the driver shall not be required to lift or carry any passenger.

(n)A driver shall not smoke in the vehicle while it is occupied by a passenger unless the passenger consents. Likewise, a passenger shall not smoke in the vehicle unless the driver consents.

(o)A driver shall not operate a radio or other device at a volume which might be objectionable to a passenger, and the driver shall change stations, reduce the volume or turn off the device upon a reasonable request of the passenger.

(p)A driver of one taxicab company shall not respond to a radio call for any vehicle of another taxicab company.

19-161.01. DRIVER STANDARDS OF DRESS, APPEARANCE AND CONDUCT.

Each holder of a certificate will furnish to the traffic engineer a proposed standard of dress, appearance and conduct for their drivers. At a minimum, the items listed below shall be addressed by these standards:

(a)All drivers shall be appropriately dressed.

(b)All drivers shall be neat and clean in person and appearance.

(c)All drivers shall refrain from talking loudly, shouting or using profanity.

Upon approval of the traffic engineer, each certificate holder shall be responsible for maintaining and enforcing these standards.

19-162. LOCATION OF TAXI STANDS.

Taxicab stands shall be located as designated in section 27-704 of this code.

19-163. PROHIBITED LOCATIONS.

No taxicab stand shall be located within 15 feet of either side of the entrance of any theatre, auditorium, hotel or other public building where large assemblages of people are held.

19-164. PREVENTING INGRESS AND EGRESS.

No taxicab stand shall be established where the standing of taxicabs thereon would prevent convenient ingress and egress to the property abutting upon the street where the stand is located.

19-165. SIGNS TO DENOTE NUMBER OF CABS ALLOWED.

The number of taxicabs that shall be allowed to occupy any stand shall be designated by the traffic engineer by a sign.

19-166. CABS TO WAIT IN SINGLE FILE HEADED IN ACCORDANCE WITH TRAFFIC REGULATIONS.

No taxicab in excess of the number set forth on the sign may remain at the stand while waiting for employment and only in single file headed in accordance with traffic regulations.

19-167. CAB AT HEAD OF LINE NOT TO REFUSE TO CARRY; SELECTION BY PASSENGER.

No taxicab standing at the head of any line on the stand shall refuse to carry an orderly person applying who agrees to pay the proper fare. This shall not prevent any person from selecting any taxicab he or she may desire on the stand, whether it is at the head of the line or not.

19-168. MANNER OF PROGRESS IN LINE.

As a taxicab leaves the stand those behind it shall promptly move up and any taxicab seeking a place on the stand shall approach only from the rear and shall stop as near as practicable to the last cab already in the line.

19-169. ONLY LICENSED CABS PERMITTED ON STANDS.

Only licensed taxicabs shall occupy a taxicab stand.

19-170. STANDING ELSEWHERE FOR PURPOSE OF SOLICITING.

No taxicab shall stand at any place upon the streets of the city for the purpose of soliciting business, except upon the taxicab stands established or provided for that purpose.

19-171. COMPLIANCE WITH PARKING RESTRICTIONS.

No taxicab shall occupy a taxicab stand during any hours where parking during such hours is prohibited by law and is designated by a proper sign.

19-172. OTHER VEHICLES PROHIBITED FROM USING STAND.

No vehicle other than a taxicab shall stop on any taxicab stand except for the purpose of and while in the act of discharging or loading passengers.

19-173. LIMIT ON NUMBER OF CABS USING STAND.

The vehicles of a holder shall not occupy more than one stall of a two stall taxicab stand, nor more than two stalls of a three or four stall taxicab stand, nor more than three stalls of a five or six stall taxicab stand except when only one current holder exists in the city.

19-174. TAXICAB SERVICE.

(a) Any person engaged in the taxicab business in the city shall render an overall service to the public desiring to use taxicabs.

(b)The holder of a certificate shall maintain a central place of business in a location properly zoned for that business, staffed and operated as necessary to provide adequate service, and keep the same open 24 hours a day for the purpose of receiving calls and dispatching cabs.

(c)The holder shall have a listed telephone number.

(d)The dispatching of taxicabs by radio or telephone shall be accomplished only through a centralized dispatch service conducted by the holder of the certificate.

(e)The holder shall answer all calls received for services inside the corporate limits of the city as soon as they can do so. If their services cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.

(f)The holder shall provide a minimum of ten (10) qualified drivers.

(g)The holder shall provide a minimum of eight (8) qualified vehicles, with a minimum of four (4) vehicles in operation at any time.

(h)Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when the holder has available cabs or who shall fail or refuse to give overall service, shall be deemed a violator of this subchapter and the certificate granted to such holder may be revoked at the discretion of the city council.

19-175. REPORTS AND RECORDS.

(a)Each driver shall maintain a daily trip card. All complete trip cards shall be returned to the holder by the driver at the conclusion of his or her tour of duty. The forms for each trip card shall be furnished to the driver by the holder and shall be approved by the chief of police.

(b)Each holder shall submit to the traffic engineer a report by January 30 of each year summarizing the activity of the previous year. The report shall contain general information on number and types of complaints received including information on any discrimination complaints; number of trips per vehicle; age,

mileage and general condition of each vehicle; tenure and turnover of drivers; periodic normal response time and other information as required by the traffic engineer.

(c) Each holder of a certificate shall retain and preserve all trip cards in a safe place for at least one month following the date of making the record. Trip cards shall be available to the chief of police and the traffic engineer.

19-176. ADVERTISING.

Any holder of a certificate exhibiting any sign, placard or other form of advertising matter within or without any taxicab, other than the advertising of the taxicab business, shall be subject to the annual billboard license fee according to the provisions of chapter 8, subchapter 1 of this code.

19-177. MISREPRESENTATION OR FRAUD IN SECURING CERTIFICATE OR LICENSES.

No person shall give any false or fictitious information on any application for any certificate or license provided for in this subchapter, or practice any fraud or misrepresentation in any manner to secure a certificate or license.

19-178. CITY TO BE HELD HARMLESS IN USE OF TAXICAB STANDS.

In accepting a certificate under this subchapter, the person receiving it shall be deemed to have agreed to hold and shall hold the city harmless from, and indemnified against any and all damages arising from or growing out of the operation or use of taxicabs owned or controlled by that person at the taxicab stands provided for in sections 19-162 and 19-163 of this code.

19-179. CRIMINAL OR PENALTIES.

(a) Any person, firm, or corporation who fails to perform an act required by the provisions of this subchapter, or who commits an act prohibited by the provisions of this subchapter, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-11 of the city code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-11 of the city code.

(b) Upon issuance of any citation or charge under this subchapter, the issuing agency shall deliver a copy of the citation to the city prosecutor and the traffic engineer.

19-180. PARATRANSIT SERVICE.

(a) The provisions of this subchapter shall apply to the operation of a paratransit service only to the extent specified in this section.

(b) A certificate of public convenience and necessity under this subchapter shall not be required for the operation of a paratransit service.

(c) Application for a license to operate a paratransit service shall be submitted to the traffic engineer, upon forms prepared or prescribed by the traffic engineer. The application shall contain:

(1) The name and address of the applicant and the owner of the paratransit service.

(2) The trade or other name, if any, under which the applicant does business and proposes to do business.

(3) The training and experience of the applicant in the transportation of wheelchair bound persons.

(4) A description of each paratransit taxicab, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the paratransit taxicab has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's paratransit taxicab.

(5) The location and description of the place or places from which it is intended to operate.

(6) Other information as the traffic engineer, shall deem reasonably necessary.

(d) An annual license shall be issued upon compliance with the provisions of subsection (c), as well as the provisions of section 19-129 and section 19-130 with regard to insurance and annual license fees.

(e) No paratransit service license issued pursuant to this subchapter may be sold, assigned or transferred without the prior approval of the city council and a finding of conformance with all of the applicable standards prescribed in this subchapter.

(f) The city council may suspend or revoke any or all paratransit service licenses issued under this subchapter for failure of a licensee to maintain compliance with the standards of this subchapter, but only after warning and a reasonable time for compliance has been given. The traffic engineer shall give the paratransit service owner 15 days written notice of the city council meeting at which the suspension or revocation action shall be presented.

(g) The provisions of sections 19-133 through 19-143(a) of this subchapter concerning taxicab driver's licenses and drivers licensed under such sections shall apply to the operation of a paratransit service.

(h) The provisions of section 19-143(b) and (c) through section 19-144 of this subchapter concerning vehicle compliance, inspection and condition shall apply to the operation of a paratransit service.

(i) Any operator of a paratransit service shall also comply with any and all applicable federal statutes and regulations and shall maintain evidence of such compliance for the review of the traffic engineer.

(j) The provisions of section 19-145 of this subchapter concerning identification and designation of vehicles shall apply to the operation of a paratransit service.

(k) A current schedule of all rates charged for services provided by the paratransit service shall be filed with the traffic engineer.

(l) The provisions of section 19-175 of this subchapter concerning reports and records shall apply to the operation of a paratransit service.

(m) The provisions of sections 19-177 and 19-179 of this subchapter concerning misrepresentation and fraud in securing licenses and criminal and civil penalties shall apply to the operation of a paratransit service.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Katharine Ramsay Massier, Assistant City Attorney