

ORDINANCE NO. 13,720

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. 11,851, passed July 6, 1992, and amended by Ordinance No. 11,960, passed March 22, 1993, by repealing Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-70, 19-71.01 thereof and enacting new Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-60, 19-63, 19-64, 19-65, 19-67, 19-68, 19-70, 19-71.01, and adding and enacting new Sections 19-48.01, 19-49.01, 19-70.01, 19-70.02 AND 19-70.05, relating to limousines.

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. 11,851, passed July 6, 1992, and amended by Ordinance No. 11,960, passed March 22, 1993, is hereby amended by repealing Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-70, 19-71.01 thereof and enacting new Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-60, 19-63, 19-64, 19-65, 19-67, 19-68, 19-70, 19-71.01, and adding and enacting new Sections 19-48.01, 19-49.01, 19-70.01, 19-70.02 and 19-70.05 relating to limousines, as follows:

SUBCHAPTER 3. LIMOUSINES

19-47. 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.

"Booking" means an agreement between a limousine company and a passenger, or group of passengers, for limousine service at a specified time not less than one hour after the acceptance of such agreement.

"Booking sheet" means a record prepared by a limousine company of all charters booked by the company showing the date and time the charter was booked, the date and time of the service, place of origin and destination, number of passengers, and the amount of fare. If service is provided at the airport, the booking sheet shall also include the name(s) of the passenger(s) being picked up and the flight number of the arriving passenger(s).

"Certificate" means a certificate of public convenience and necessity issued by the city council of the city of Des Moines authorizing the holder to conduct a limousine service in the city of Des Moines.

"Contracted limousine service" means a written agreement or contract with a business, for a period of not less than 180 days duration, for limousine service.

"Limousine service" means transportation of passengers in a motor vehicle from or to any point in the city of Des Moines on a prearranged basis, for a minimum of one (1) hour at an hourly rate.

"City clerk" means the city clerk of Des Moines or an authorized representative.

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

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

"Limousine" means a motor vehicle engaged in the transportation of passengers for hire in limousine service.

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

"Rate card" means a card issued by the holder 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. Such deeds may include, but are not limited to, parking in any area where prospective passengers might be found without a booking sheet listing a specific passenger to be picked up.

"Traffic engineer" means the city traffic engineer of the city of Des Moines or an authorized representative.

19-48. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY--  
REQUIRED.

Any person owning, operating or controlling a limousine 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 a certificate and the required annual limousine license from the traffic engineer. 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.
1. Ambulances and other emergency vehicles.
2. Funeral hearses.
3. Metropolitan Transit Authority buses or other commercial vehicles designed to transport sixteen (16) or more persons, including the driver, duly licensed by the State of Iowa.

19-48.01 REQUIREMENTS FOR LIMOUSINE SERVICE.

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

- (1) Maintain a central place of business in a location properly zoned for that business and have a telephone so that any individual may request the services of the

limousine company. The business shall have a listed telephone number. 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 transportation of passengers in a motor vehicle from or to any point in the city of Des Moines only on a prearranged basis, for a minimum of one (1) hour at an hourly rate as provided in this subchapter. For "contracted limousine service" the minimum trip rate and prearranged time restriction do not apply. For limousine service which is booked at least twenty-four (24) hours in advance, the minimum trip rate does not apply.

(3) Meet all applicable zoning ordinance regulations.

#### 19-49. 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, except that any person lawfully operating a limousine service at the time of adoption of this subchapter shall not be required to provide such a statement.

(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 the 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. The Federal Tax Identification Number (or Social Security Number for an individual) and State of Iowa Sales Tax Permit Number shall also be provided.

(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 requires the granting of a certificate.

(5) The number of vehicles to be operated or controlled by the applicant.

(6) The location of proposed vehicle storage.

(7) A statement of the condition of the vehicles to be operated including the age and type of each vehicle, and the date on which the vehicle passed its most recent safety inspection, if any.

(8) A statement as to whether the applicant has, within the ten years immediately preceding the date of application, been convicted of, pled guilty to or stipulated to the facts of violating any criminal statute or ordinance, including traffic laws and municipal ordinances. If the applicant has been convicted, a statement as to the date and place of conviction, the nature of the offense and the punishment imposed.

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

(10) Where the applicant will operate its central place of business.

(11) The color scheme or insignia, if used, to designate the vehicles of the applicant.

(12) Such further information as the traffic engineer may require of each applicant.

19-49.01. 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.

19-50. 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 such 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.

19-51. ISSUANCE.

(a) If the city council finds that further limousine service in the city of Des Moines, or between any point or points in the city and elsewhere, 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.

(b) In making the findings of subsection (a) of this section, the city council shall take into consideration 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) The expectation that if the applicant is granted a certificate, the applicant will

operate the limousine(s) in accordance with the provisions of this subchapter.

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

(4) 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.

(5) The number of limousines already in operation,

(6) Whether existing transportation is adequate to meet the public need,

(7) The probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

(c) A person lawfully possessing a certificate shall not be required to renew the certificate unless it has been revoked or voluntarily surrendered or 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.

19-52. LIABILITY INSURANCE REQUIRED.

(a) A certificate shall not be issued or continued in effect unless and until the owner of the limousine 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 limousine business with minimum limits of liability 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 coverages 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 but excluding property of the insured; the bodily injury or death of others resulting from negligent acts of the insured while involved in the furtherance of the limousine 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 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 limousine business 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 limousine business and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.

19-53. LICENSES REQUIRED.

(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 limousine 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, an identification sticker shall be delivered to the owner thereof. The identification sticker shall be approximately three inches in width and six inches in length and shall have stamped or printed thereon the word "limousine", the official license number and the date of expiration of such limousine license. An individual sticker shall be issued for each specific limousine. Such sticker shall be affixed facing outward on the lower right (passenger side) corner of the windshield of the limousine for which such license is granted. The sticker shall be a distinctly different color each year.

(c) The holder shall file with the traffic engineer information on each limousine including make, model, year, color scheme or insignia, passenger capacity, and state of Iowa license number.

#### 19-54. TRANSFER.

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

#### 19-55. 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 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 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.

#### 19-56. LIMOUSINE DRIVER'S LICENSE--REQUIRED.

Every person who operates a limousine for hire upon the streets of the city shall first obtain and shall properly display a limousine driver's license.

##### 19-56.01 APPLICATION FOR LIMOUSINE DRIVER'S LICENSE.

(a)Any person seeking a limousine 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) 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.

(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 limousine 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
1. A concise history of the applicant's employment for the past one year.
1. A concise statement of the history of his or her health for the past one year and any present impairments or disabilities.
1. A list of all convictions (convicted of, pled guilty to or stipulated to the facts) 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.
1. A statement that the contents of the completed application are true.
1. The date the application is filed.
1. 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.

#### 19-56.02 QUALIFICATIONS FOR LIMOUSINE 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 limousine 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.

#### 19-56.03 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.

#### 19-56.04 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 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 ten 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.

#### 19-56.05 ISSUANCE.

Upon approval of an application for a limousine driver's license, the traffic engineer shall issue a license to the applicant in the form of a laminated card containing a current picture of the driver and the license number, or such other form and style as the traffic engineer shall prescribe. This license shall be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is on any airport property, and at all other times while on duty, the driver shall keep the license in his or her possession. 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.

#### 19-56.06 DURATION OF LICENSE.

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

#### 19-56.07 FEE.

The fee for a license shall be \$20.00.

#### 19-56.08 LOST LICENSE.

Any person who loses his or her limousine license shall present an affidavit as to the circumstances of such loss to the traffic engineer who shall issue a replacement license upon payment of

\$5.00 for such replacement license. The traffic engineer shall keep a separate record of replacement licenses issued showing the date of issuance, to whom issued and the identification contained thereon.

#### 19-56.09 SUSPENSION, REVOCATION OR DENIAL OF LICENSE.

(a) If any person who has a current limousine driver's license has his or her Iowa drivers 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 limousine driver 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 license 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.

#### 19-57. VEHICLES--EQUIPMENT AND MAINTENANCE.

(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 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.

#### 19-58. DESIGNATION OF LIMOUSINES.

Each limousine may bear on the outside of the door or on the side glass on each side the name of the company and, in addition, may bear an identifying design. If an identifying name or design is used, the markings shall be painted or affixed by decal in letters or figures at least one and one-half (1-1/2) 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 limousine or any official or emergency vehicle color scheme, identifying design, monogram

or insignia in a manner that will mislead or deceive or defraud the public.

19-59. TRIP RATES.

(a) No person owning, operating or controlling any motor vehicle operated as a limousine within the limits of the city shall charge an amount less than the minimum nor greater than the maximum of the following rates:

(1) The hourly rate for any vehicle shall not be less than \$35.00, and a minimum of one (1) hour shall be charged for each trip. This minimum trip rate shall not apply to "contracted limousine service" when the operator has entered into an agreement or contract with a business to provide transportation service on a pre-arranged basis. The agreement or contract shall be in writing and shall cover a period not less than 180 days duration, and a copy shall be filed with the traffic engineer prior to beginning service. The minimum trip rate shall not apply to limousine service which is booked at least twenty-four (24) hours in advance.

(2) The minimum and maximum hourly rates for each licensed vehicle shall be those most recently filed with the traffic engineer.

19-60. RECEIPT FOR PAYMENT OF RATES.

If requested by the passenger, the driver shall provide a receipt containing the name of the owner, the limousine license number or the driver's signature, the total amount paid and the date of payment. If the charter is paid at the office, the receipt may be issued there.

19-61. REPEALED BY ORD. 13,720.

19-62. PREPAYMENT.

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

19-63. OVERCHARGE.

No person shall charge, or attempt to charge, a passenger a higher rate of fare than the current rates placed on file with the traffic engineer by the holder.

19-64. REFUSAL TO PAY.

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

19-65. PASSENGER LOADS.

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 in the front seat with the driver.

19-66. REPEALED BY ORD. 13,---.

19-67. LIMOUSINE SERVICE.

Limousine service may be undertaken by the holder of a certificate subject to the following conditions:

(a) No limousine service shall be booked less than one (1) hour prior to the service, except for contracted limousine service under a written contract or agreement on file with the traffic engineer.

(b) The holder shall maintain a central place of business in a location properly zoned for that business.

(c) 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.

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

(e) The service must be booked at a scheduled rate on file with the traffic engineer for a minimum of one (1) hour, even if the trip requires less than one hour, except for contracted limousine service under a written contract or agreement on file with the traffic engineer.

19-68. BOOKING SHEETS.

(a) Each holder shall maintain a daily booking sheet upon which are recorded all charters booked by the company each day, showing the date and time the charter was booked, the date and time of the service, place of origin and destination, number of passengers, and the amount of fare. Upon request by any law enforcement officer or any City of Des Moines police cadet, any driver shall present the booking sheet, or a copy thereof, showing the name(s) of the passenger(s) being picked up, and if at the airport, the flight number of the arriving passenger(s).

(b) Each holder shall retain and preserve all booking sheets in a safe place for at least one month following the date of the making of the record. Booking sheets shall be available to the chief of police or the traffic engineer.

(c) 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 information on number and types of complaints received including specific information on any discrimination complaints; number of passengers carried; number of trips per vehicle; age, mileage and general condition of each vehicle; tenure and turnover of drivers' and other information as required by the traffic engineer.

19-69. MISREPRESENTATION OR FRAUD IN SECURING CERTIFICATE OR LICENSE.

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 such a certificate or license.

19-70. SOLICITING PASSENGERS.

No owner, driver or employee of a limousine shall solicit passengers. Nothing herein contained shall be deemed to prohibit any driver from alighting onto the street or sidewalk for the purpose of loading or unloading any baggage, goods, wares or merchandise.

19-70.01. CRUISING.

No driver of a limousine shall cruise in search of passengers.

19-70.02. DRIVER PROHIBITIONS.

(a) No limousine driver shall 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, except that a limousine may carry an alcoholic beverage or other substance if it is in full compliance with State law.

(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 limousine which is in an unsafe operating condition.

(f) A driver shall not operate a 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 charge any passenger greater than or less than the current rates on file with the traffic engineer by the holder.

(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 an 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.

#### 19-70.05. 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. As 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.

#### 19-71. OPERATION AT AIRPORT.

Each limousine 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.

19-71.01. CRIMINAL OR CIVIL 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 under this subchapter, the issuing agency shall deliver a copy of the citation to the city prosecutor and the traffic engineer.

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

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 99-2073), passed by the City Council of said City at a meeting held June 28, 1999, signed by the Mayor on June 28, 1999, and published as provided by law in the Business Record on July 12, 1999. Authorized by Publication Order No. 6183.

Donna Boetel-Baker, CMC/AAE, City Clerk