

★ Roll Call Number

Agenda Item Number

46A

Date..... October 27, 2008

An Ordinance entitled, " AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 13,850 passed August 7, 2000, and by Ordinance 13,886 passed November 20, 2000, and by Ordinance 14,175 passed December 16, 2002, and by Ordinance 14,493 passed September 26, 2005, by amending Sections 126-116, 126-118, 126-119, 126-121, 126-136, 126-149, 126-181, 126-182, 126-183, 126-184, 126-186, 126-187, 126-188, 126-189, 126-217 and 126-218 thereof, relating to Vehicles for Hire",

which was considered and voted upon under Roll Call No. 08-  
1779 of October 13, 2008; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

(Council Communication No. 08-660)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

40A



# Council Communication

Office of the City Manager

Date	October 13, 2008
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Agenda Item No.	49
Roll Call No.	08-1779
Communication No.	08-319
Submitted by:	Jeb E. Brewer, P.E., City Engineer

## AGENDA HEADING:

Amending Chapter 126 of the Municipal Code Regarding Taxicab Regulations.

## SYNOPSIS:

Recommend approval of several changes to the taxicab regulations. The regulations retain the requirements for any taxicab service to provide an overall service to the public; maintain a place of business, properly zoned; operate a dispatch service; answer all calls for service within the city; and many other requirements, which are in general conformance with the recommendations of the Taxi, Limousine, and Paratransit Association (TLPA). The changes would reduce the insurance requirements from \$1.5 million to \$750,000; reduce the minimum number of vehicles from eight to five and the minimum number of drivers from ten to six; add a section that would allow an association of taxicab owners who could furnish taxicab service as an operating group; and establish a maximum age of ten years for any vehicle used as a taxicab. These changes are intended to continue adequate regulations to provide quality taxicab service for the public, including service in residential neighborhoods, for short trips and to elderly, frail, or disabled passengers, while creating additional options and potentially reduced costs for a taxicab company to provide service in Des Moines.

In addition, the existing taxicab companies (Yellow and Capitol, operated by TransIowa, Inc.) have requested an increase in some of the taxicab maximum rates to offset higher operating costs due to high fuel costs, and the recommended changes would establish higher maximum rates that taxicab companies could charge.

## FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

## ADDITIONAL INFORMATION:

Like many other cities throughout the country, the City of Des Moines regulates vehicles for hire, under Chapter 126 of the Municipal Code. These regulations include taxicabs, limousines and paratransit, but exclude hotel/motel "courtesy" vehicles, ambulances and other emergency vehicles, funeral hearses, and DART buses and other buses licensed by the State. The regulations also do not cover animal-drawn vehicles. The taxicab regulations cover both taxicab drivers and taxicab companies.

### Taxicab Drivers

Taxicab drivers must obtain an annual taxicab drivers license. An applicant for a taxicab driver's license must file an application with the city traffic engineer. This application includes detailed background information, including a copy of any criminal record from the State Division of Criminal Investigation (DCI) and a copy of their driving record from the Iowa Department of Transportation (IDOT). The police department reviews the criminal and driving records and recommends approval or denial. The city traffic engineer reviews the application and the police department recommendation, and, must issue a license if the applicant meets the requirements, or must deny a license if the applicant does not meet the requirements. If the license is denied, the applicant may appeal the decision to the City Council, and the Council can deny the license, issue the license, or issue the license on a probationary basis.

The existing taxicab driver's license requirements, and the process for reviewing and issuing licenses, are thorough and well tested. No licenses issued by the City Council on a probationary basis have had a subsequent violation. Liability insurance required for the taxicabs is provided by the taxicab company, and not the individual driver. Based on the above factors, no changes are recommended in the taxicab driver's license regulations.

### Taxicab Regulation

Staff members have researched taxicab ordinances in other cities as well as studies of taxicab regulations and the impacts of taxicab deregulation. During the 1960's and 1970's, a number of cities deregulated their taxicab service, following a national trend of deregulation of transportation in the trucking and airline industries. In general, many cities experienced an oversupply of taxicabs with open entry, which led to deteriorating service. A major study reported that removal of entry controls often induced an excessive influx of independent operators, who were attracted by low entry costs, the opportunity to service "guaranteed" trips at a cabstand and the opportunity to work for oneself. The study found that in cities with large cabstand and street hail markets, "open entry has consistently led to an oversupply of cabs and deterioration in service quality. Proliferation of cabs creates a dysfunctional taxi system that spreads fare revenues too thinly across the industry to support quality drivers, vehicles and dispatch systems and creates incentives for drivers to shun less profitable trips."

The study further found that "as a result of oversupply and deteriorating service, most cities that were deregulated at one time or another have adopted entry restrictions." These taxicab regulatory systems establish entry qualifications for drivers and/or companies and may limit the number of taxicabs through a medallion or permit system or through a franchise or certificate system.

### Taxicab Companies in Des Moines

Des Moines has for many years regulated taxicab service, with entry qualifications for both drivers and companies and a determination of the need for additional taxicab service. Prior to operating on the streets of Des Moines, any taxicab company must obtain a "Certificate of Public Convenience and Necessity" as well as an annual company license and annual license for each vehicle. A certificate can only be issued after the City Council has held a public hearing and considered the information from the applicant. If the City Council determines that further taxicab service is required for the public convenience and necessity, and that the applicant is fit, willing, and able to provide public transportation, then they direct the city traffic engineer to issue a certificate. If the Council denies the application, they must state the reason for the denial.

The current regulations require that a taxicab company must provide an overall service to the public, and further require that they shall: maintain a central place of business 24 hours a day; be properly zoned;

dispatch taxicabs only through a centralized dispatch service; answer all calls for service inside the city; and not refuse to accept a call or deny service to any orderly passenger along with a number of other requirements. These requirements are in close conformance with the recommendations of the TLPA, and are important in having quality taxicab service for the public, including service in residential neighborhoods, for short trips and to elderly, frail, or disabled passengers.

### Proposed Changes

A very significant feature that distinguishes full taxicab service from individual taxicab operation is the requirement for a dispatch service. While this basic requirement for dispatching taxicabs is recommended to be retained, it is also recommended to be modified to allow any method which accurately records and retains detailed information about each call for service and each trip, including but not limited to: time of call for service; address of the origin and destination of the trip; the time the trip was dispatched; and the time the trip was started (taximeter activated) and ended.

There are some other existing regulations that are recommended for change, including insurance requirements, minimum number of vehicles and drivers, allowing an association of taxicab owners who could provide taxicab service as an operating group, reducing the requirements for a central place of business open 24 hours a day and establishing a maximum age for any taxicab. The existing insurance requirement of \$1.5 million is substantially higher than the requirements in many other Midwest cities, and it is recommended to reduce this requirement to \$750,000. In order to provide an adequate level of service to a city the size of Des Moines', a minimum number of vehicles and drivers are necessary. The existing minimum requirements may be higher than needed, so it is recommended to reduce the minimum number of vehicles from eight to five and the minimum number of drivers from ten to six.

Several other cities allow an association of taxicab owners to furnish taxicab service as an operating group, and it is proposed to add this feature to Des Moines regulations. As proposed, an association could be allowed to obtain a certificate if the City Council determined that additional taxicab service was needed, and the association applying for a certificate was fit, willing, and able to provide such service. The association would be responsible to meet all obligations of the City requirements for a holder of a certificate. If the association or any of its members did not operate in compliance with the regulations, the City Council could suspend or revoke the certificate in the same manner that Council could suspend or revoke the certificate of any other certificate holder.

An important component of quality taxicab service is the professional appearance and conduct of taxicab drivers. The current ordinance provides that the taxicab companies are to establish and enforce standards for dress, appearance and conduct for their drivers. It is recommended that this section be retained, and that the City Traffic Engineer would make sure that this requirement is being met.

The current regulations require that any taxicab vehicle comply with the Motor Vehicle Code, State and City laws; be clean and sanitary, inside and outside; be in excellent mechanical condition, with no defects; properly inflated, safe tires, and some other requirements. It is recommended to establish a maximum age of ten years for any vehicle used as a taxicab, and require all of the vehicle's standard safety features to be in proper working order.

### Proposed Rate Changes

In addition, the existing taxicab companies (Yellow and Capitol, operated by TransIowa, Inc.) have requested an increase in some of the taxicab maximum rates to offset higher operating costs due to high fuel costs. Taxicab rates have not changed since at least 1999, and recent increases in fuel costs and

other items have substantially increased overall operating costs. The recommended changes would establish higher maximum (and minimum) rates that taxicab companies could charge, as follows:

- Base rate (flag drop) - increase from \$2.00 to \$2.50 (min. from \$0.90 to \$1.00)
- Additional charge per mile - increase from \$1.80 to \$2.00 (min. stay at \$1.00)
- Additional passenger over 12 years – no change
- Waiting time, per minute - increase from \$0.35 to \$0.42 (min. from \$0.20 to \$0.25)
- Insurance surcharge – delete and include in the base rate
- Night surcharge (10 pm to 4 am) – increase from \$1.00 to \$2.00 / trip
- Airport additional fare (\$0.50 / passenger) – no change
- Excess expense surcharge of \$1.00 by Council resolution – no change

### Summary

Regulation of taxicabs is necessary to enhance the safety of passengers, ensure that a fair price is charged for the service, and to provide quality taxicab service for all segments of the public. Several substantial changes are recommended to the current regulations. These changes are intended to continue adequate regulations to provide quality taxicab service, while creating additional options and potentially reduced costs for a taxicab company to provide service in Des Moines, and to allow an increase in some of the taxicab maximum rates to offset higher operating costs due to high fuel costs.

On October 1, City staff held a public meeting on the draft taxicab ordinance revisions. All persons and companies known to have an interest were invited and provided copies of the draft revisions. Representatives from TransIowa, Freedom Taxi and Alpha Taxi attended the meeting and provided comments regarding several of the proposed revisions.

### **PREVIOUS COUNCIL ACTION(S):**

Roll Call No: 08-696

Date: April 21, 2008

Action: From Council Members Hensley and Mahaffey to discuss taxi cab license procedures. Moved by Mahaffey to refer to the City Manager for review and recommendation. Motion Carried 7-0.

### **BOARD/COMMISSION ACTION(S): NONE**

### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

08-17-19  
4946A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 13,850 passed August 7, 2000, and by Ordinance 13,886 passed November 20, 2000, and by Ordinance 14,175 passed December 16, 2002, and by Ordinance 14,493 passed September 26, 2005, by amending Sections 126-116, 126-118, 126-119, 126-121, 126-136, 126-149, 126-181, 126-182, 126-183, 126-184, 126-186, 126-187, 126-188, 126-189, 126-217 and 126-218 thereof, relating to Vehicles for Hire.

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

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 13,850 passed August 7, 2000, and by Ordinance 13,886 passed November 20, 2000, and by Ordinance 14,175 passed December 16, 2002, and by Ordinance 14,493 passed September 26, 2005, by amending Sections 126-116, 126-118, 126-119, 126-121, 126-136, 126-149, 126-181, 126-182, 126-183, 126-184, 126-186, 126-187, 126-188, 126-189, 126-217 and 126-218 thereof, relating to Vehicles for Hire, as follows:

**Sec. 126-116. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 airport or an authorized representative.

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

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

*City manager* means the city manager or an authorized representative.

*Chief of police* means the city chief of police 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 city finance director 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* 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 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 license* means the license granted annually to a person who holds a certificate to conduct a taxicab service in the city.

*Taxicab service* means transportation of passengers in a motor vehicle from or to any point in the city, 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.

#### **Sec. 126-118. 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 article 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.
- (g) Each vehicle shall be not greater than ten (10) years old, based on the model year of production, and shall include all standard safety features in proper working order.

**Sec. 126-119. Designation.**

- (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 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~~ holder and the number used by the ~~owner~~ holder to designate the vehicle.

**Sec. 126-121. Trip rates.**

- (a) Taxicab fares shall not exceed the following rates:
  - (1) For the first ~~one-ninth~~one-tenth mile or fraction thereof for one person . . . . \$~~1.40~~2.50
  - (2) For each succeeding ~~one-ninth~~one-tenth mile or fraction thereof . . . . \$0.20
  - (3) For each additional passenger over the age of 12 for the whole journey . . . . \$0.50
  - (4) For each minute of waiting time or fraction thereof . . . . \$~~0.35~~0.42
  - ~~(5) Insurance surcharge per trip . . . . \$0.60~~
  - (~~6~~5) Night surcharge per trip (10:00 p.m. to 4:00 a.m.) . . . . \$~~1.00~~2.00
  - (~~7~~6) Excess expense surcharge per trip not to exceed \$1.00, as may be put into effect by resolution adopted by the city council.

- (b) Taxicab fares shall not be lower than the following rates:
- (1) For the first one-fifth mile or any fraction thereof  
    . . . . \$~~0.90~~1.00
  - (2) For each succeeding one-fifth mile or fraction thereof . . . . \$0.20
  - (3) For each ~~1~~  $1\frac{1}{5}$  minutes of waiting time . . . .  
    \$~~0.20~~0.25
  - (4) For each additional person for the whole journey . .  
    . . \$~~0.10~~0.25
- (c) An additional fare of \$0.50 may be collected from each passenger transported from the airport if the holder enters into an agreement with the city regarding minimum levels of service and methods of operation.
- (d) 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.
- (e) 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.
- (f) For service in picking up and delivering packages and parcels, the ordinary rates provided by subsection (a) of this section shall apply.
- (g) 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.

**Sec. 126-136. 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 article.
- (b) While on duty, a driver shall not engage in any unlawful act.

- (c) While on duty or within 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 16 continuous hours in any 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.~~ Smoking in a taxicab is prohibited in accordance with the "Smokefree Air Act." I.C. Chapter 142D.
- (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.

**Sec. 126-149. 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 for receiving calls for service.
- (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~~ using any method which accurately records and retains detailed information about each call for service and each trip, including but not limited to: time of call for service; time the trip was dispatched; address of the origin and destination of the trip; and time the trip was started (taximeter activated) and ended.
- (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 ~~tensix~~ qualified drivers.
- (g) The holder shall provide a minimum of ~~eightfive~~ qualified vehicles, with a minimum of four 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 article and the certificate granted to such holder may be revoked at the discretion of the city council.

**Sec. 126-181. Certificate of public convenience and necessity required.**

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.

(1) 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 article, and who either own or are lessees of licensed taxicabs. Such agreement shall incorporate the provisions of this article 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.

~~(2) Any holder of a certificate operating under this plan shall be treated as an owner in applying sections 126-119, 126-122, 126-150 and 126-187 of this article.~~

(2) Unincorporated association. A certificate may also be granted to an applicant, or renewed to an existing holder of a certificate, consisting of an association of taxicab owners who propose to furnish taxicab service as an operating

group to meet all obligations of this article for a holder of a certificate.

(3) Nothing herein shall change the holder's obligation to furnish to the city the insurance coverages provided for in section 126-187 of this division or change the license fees provided for in section 126-188 of this division.

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

a. 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.

b. Ambulances and other emergency vehicles.

c. Funeral hearses.

d. Metropolitan Transit Authority buses or other motor buses duly licensed by the state.

**Sec. 126-182. Requirements for taxicab service.**

~~Each company~~ Any person, including an association, 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 certificate holder.~~ The business shall have a listed telephone number.

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

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

(5) Meet all applicable zoning ordinance regulations.

**Sec. 126-183. Application for certificate of public convenience and necessity.**

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 or, in the case of an unincorporated association, by all taxicab owners in the association,~~ 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 applicant is an association, its name, the names and addresses of all taxicab owners in the association, the address of its principal place of business, and the name of a member authorized by the association to receive and accept all correspondence and notices from the city pertaining to the association, its members and its drivers. If the place of business is outside the corporate limits of the city, 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, including an association, 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. If the applicant is an association, this information shall be stated as to each member of the association.

(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 the model year and type of each vehicle 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 current criminal history report from each state of residence, and a certified copy of their driving record, for the five years preceding the date of application. If the applicant is an association, the above statements shall be made, and criminal history report and certified copy of driving record provided, as to each member of the association.

(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.



**Sec. 126-184. Investigation of applicant for certificate of public convenience and necessity.**

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; where an association, each association member's records shall be investigated.

**Sec. 126-186. Issuance of certificate of public convenience and necessity.**

- (a) The city council shall determine whether a certificate of public convenience and necessity shall be issued to an applicant under this division. In making that determination the council shall consider the information in the application, the results of the investigation and the following factors:
- (1) The age of the applicant. No certificate shall be granted to any person under the age of 18 years.
  - (2) The character, business and financial responsibility of the applicant.
  - (3) Experience of the applicant.
  - (4) The expectation that if the applicant is granted a certificate, the applicant will operate the taxicab(s) in accordance with this article.
  - (5) The number of vehicles the applicant owns or controls.
  - (6) The condition of each vehicle owned or controlled by the applicant including:
    - a. Age.
    - b. Type.
    - c. Whether and where the vehicles have passed recent safety inspections.

- d. General appearance, including cleanliness.
  - e. Fitness for patronage.
- (7) Whether the applicant can provide 24-hour taxicab service.
  - (8) 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 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 article, 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.

**Sec. 126-187. 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 an insurance policy or policies, or certificate of insurance, issued by an insurance company licensed to do business in the state, having an A.M. Best rating of no less than B+. The policy(ies) shall include providing commercial general liability insurance coverage and automobile liability insurance coverage, or the equivalent thereof, for the taxicab business and independent contractors of the taxicab business. The commercial general liability insurance shall include coverage for bodily injury, death and property damage with minimum limits of liability of not less than \$750,000.00 per occurrence and aggregate combined single

limit. The automobile liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than \$750,000.00 per occurrence combined single limit. \$1,500,000.00 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 30 days advance written notice of cancellation, 45 days advance written notice of non-renewal, reduction in insurance coverage or limits and ten days advance written notice for of cancellation due to nonpayment of premium, and that these written notices 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.

#### **Sec. 126-188. 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 for the right to engage in the taxicab business and an annual license fee for each vehicle

operated under a certificate in the amount set forth in the schedule of fees adopted by the city council by resolution.

- (b) Whenever a license is issued by the traffic engineer under the terms of this division, a metal plate or identification sticker for each vehicle operated shall be delivered to the ownerholder. 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 license number.

**Sec. 126-189. Transfer of certificate of public convenience and necessity.**

No certificate shall be sold, assigned, mortgaged or otherwise transferred without the consent of the city council. No association of taxicab owners with a certificate shall add or replace any association member without the consent of the city council.

**Sec. 126-217. Application.**

- (a) Pre-application and pre-renewal. Any person who applies for, or seeks to renew, a taxicab driver's license on or after January 1, 2000, must first obtain, at their own expense, a copy of his or her current FBI DCI criminal history report through the police department state Department of Public Safety and certified copy of his or her current driving record. If a new applicant resided outside of Iowa anytime during the five years before applying, the person must also obtain, at their own expense, a copy of his or her current criminal history report and certified copy of driving record from each state of residence during the prior five years. Any person whose taxicab driver's license has been suspended or revoked, or has expired for more than 30 days, will be required to obtain a current FBI criminal history report and certified driving record in the same manner as a new applicant. Any person who holds a current taxicab driver's

~~license on December 31, 1999, will not be required to obtain an FBI criminal history report at the time of license renewal.~~

- (b) 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 driver's 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 city 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.
- (c) 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 driver's 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 city 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.
- (d) At the time an initial or renewal application is filed the applicant shall pay to the finance director the appropriate fee in the amount set forth in the schedule of fees adopted by the city council by resolution.

**Sec. 126-218. Qualifications of applicant.**

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Good driving record* means ~~both~~ 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 I.C. ch. 321, 321A or 321J.

(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.

(2) *Person of good moral character* means any person who:

(i) Has such good reputation as will satisfy the licensing authority that he or she will comply with this article 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 which is a simple misdemeanor, other than those listed in paragraph (2) (iv), below, within the preceding five years.

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

(v) Has not been convicted of, pled guilty to or stipulated to the facts of an offense which is a felony within the preceding ten years.

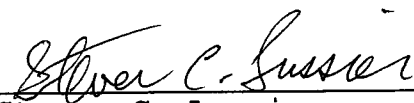
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(b) Each applicant for a taxicab driver's license must meet the requirements of this subsection before a license may be issued. The applicant shall:

- (1) Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the state department of transportation.
- (2) Be a person of good moral character.
- (3) Have a good driving record.
- (4) Be at least 18 years of age.

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

FORM APPROVED:

  
\_\_\_\_\_  
Steven C. Lussier  
Assistant City Attorney