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Date May 21, 2012.....

**REVIEW OF APPLICATION BY NPI LIMO SERVICES LLC TO INCREASE THE  
NUMBER OF LIMOUSINES OPERATED UNDER THEIR CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A LIMOUSINE SERVICE  
IN THE CITY OF DES MOINES FROM ELEVEN (11) LIMOUSINES TO  
FIFTEEN (15) LIMOUSINES**

WHEREAS, Section 126-62 of the Municipal Code of the City of Des Moines, Iowa, forbids the operation of a limousine as defined under the limousine subchapter of the municipal code (Article IV of Chapter 126) as a vehicle for hire upon the streets of Des Moines without obtaining a certificate of public convenience and necessity; and

WHEREAS, NPI Limo Services LLC, 3329 109<sup>th</sup> Street, Urbandale, Iowa, has filed an application requesting permission of the City Council to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to Operate a Limousine Service in the City of Des Moines from eleven (11) to fifteen (15) limousines; and

WHEREAS, pursuant to Section 126-64 on May 7, 2012, by Roll Call No. 12-0697, the City Council has fixed this date as the time and place for a public hearing on the matter of the application; and

WHEREAS, Section 126-65 provides if this Council finds at the conclusion of such public hearing that limousine, or 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 the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of the subchapter, then the Council shall direct the City 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 section provides the application shall be denied; and

WHEREAS, Section 126-65(a) provides that in making the findings of subsection (b) of said section, this Council shall take into consideration the number of limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant;

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That the hearing is hereby closed and the application is granted or denied, as the case may be, as set out in the next paragraph.

\_\_\_\_\_ Alternative One: That the application to increase the number of limousines operated under their certificate of public convenience and necessity from eleven (11) to fifteen (15) limousines be approved and hereby granted and the City Traffic Engineer is directed to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate, and the date of issuance, it being the finding of this City Council of the City of Des Moines that such service is required by the public convenience and necessity and that the applicant, NPI Limo Services LLC, is fit, willing, and able to perform such public transportation and to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing;

or

\_\_\_\_\_ Alternative Two: That the application by NPI Limo Services LLC to increase the number of limousines operated under their certificate of public convenience and necessity from eleven (11) to fifteen (15) limousines be hereby denied it being the finding of this City Council of the City of Des Moines that such service is not required by the public convenience and necessity, and/or that the applicant is unfit to perform such public transportation and unable to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing.

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BE IT FURTHER RESOLVED that upon adoption of Alternative One (to grant the request to increase the number of limousines from eleven (11) to fifteen (15) limousines, the City Traffic Engineer is hereby directed to issue a certificate to NPI Limo Services LLC stating the name and address of the applicant, the number of vehicles authorized under said certificate, as set out in the application, and the date of issuance.

(Council Communication Number 12-243 Attached)

MOVED BY \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Katharine Massier by Mark Galic*

Katharine Massier  
Assistant City Attorney

*DEB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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

**Limousine Company Application Checklist**

**Applicant: NPI Limousine Services, LLC**

Marked block w/ initials indicates that the applicant has provided documentation meeting or exceeding the requirements of the Municipal Code of the City of Des Moines.  Indicates that these requirements have been met.  Indicates item is for information only.

**Sec. 126-62.5. 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. 3329 – 109<sup>th</sup> St, Urbandale, IA 50322, (515) 274-3978. Maintained @ 8000 University Blvd, Clive, IA 50325. Both properly zoned.
- (2) Provide transportation of passengers in a motor vehicle from or to any point in the city only on a prearranged basis, for a minimum of one hour at an hourly rate as provided in this article. For contracted limousine service the minimum trip rate and prearranged time restriction do not apply. For limousine service which is booked at least 24 hours in advance, the minimum trip rate does not apply.
- (3) Meet all applicable zoning ordinance regulations. Business & storage locations are both properly zoned, (statements attached).

**Sec. 126-63. 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 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, the applicant shall provide a statement from the governing



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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 article shall not be required to provide such a statement . Mark Kirchner, 51 yrs old, 3329 109<sup>th</sup> St., Urbandale, IA 50322. Zonig statements from Urbandale (business location) and Clive (vehicle service location) are attached.

- (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 sales tax permit number shall also be provided. Financial Statement provided. No judgements. Federal Tax ID 45 3263426. State Sales Tax number applied for 10/5/11.
- (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. No prior experience operating limousine company.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate. Provided.
- (5) The number of vehicles to be operated or controlled by the applicant. (11)
- (6) The location of proposed vehicle storage. 3329 – 109<sup>th</sup> St, Urbandale, IA 50322
- (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. Provided
- (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. Provided -- None
- (9) The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand. (11 max / 2 min)

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- (10) Where the applicant will operate its central place of business. 3329 -- 109<sup>th</sup> St, Urbandale, IA 50322,
- (11) The color scheme or insignia, if used, to designate the vehicles of the applicant.  
None
- (12) Such further information as the traffic engineer may require of each applicant.  
None at this time

**Sec. 126-63.5. 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. Investigation report attached

**Sec. 126-66. Liability Insurance required. Coverage meets these requirements.**

- (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, 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 30 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.

**Sec. 126-82. 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 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.

**Sec. 126-62. 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 article:

- (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.



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- (4) Metropolitan Transit Authority buses or other commercial vehicles designed to transport 16 or more persons, including the driver, duly licensed by the state.

**Sec. 126-70. 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.

**Sec. 126-72. Designation.**

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 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. **No design or logo**

**Sec. 126-81. Limousine service.**

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

- (1) No limousine service shall be booked less than one hour prior to the service, except for contracted limousine service under a written contract or agreement on file with the traffic engineer.
- (2) The holder shall maintain a central place of business in a location properly zoned for that business. **3329 – 109 St. Urbandale, IA 50322 - Properly zoned.**
- (3) 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. **8000 University Blvd, Clive, IA 50325 - Properly zoned**
- (4) The holder shall have a listed telephone number. **(515) 274-3978**
- (5) The service must be booked at a scheduled rate on file with the traffic engineer for a minimum of one 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.



