★ **Roll Call Number**

.....

**Agenda Item Number**
58

**Date** March 9, 2015

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, as heretofore amended, by amending Section 126-26 of Article II. Buses, by repealing Article III. Limousines and Article IV. Taxicabs of Chapter 126, Vehicles for Hire, and adding and enacting a new Article V. Vehicle Transportation Services of Chapter 126, relating to vehicle transportation services",

which was considered and voted upon under Roll Call No. 15-0335 of February 23, 2015; again presented.

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

(Second of three required readings)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|---|---|---|---|---|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MOORE | | | | |
| 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

58

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, as heretofore amended, by amending Section 126-26 of Article II. Buses, by repealing Article III. Limousines and Article IV. Taxicabs of Chapter 126, Vehicles for Hire, and adding and enacting a new Article V. Vehicle Transportation Services of Chapter 126, relating to vehicle transportation services.

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, as heretofore amended, is hereby amended by amending Section 126-26 of Article II. Buses, by repealing Article III. Limousines and Article IV. Taxicabs of Chapter 126, Vehicles for Hire, and adding and enacting a new Article V. Vehicle Transportation Services of Chapter 126, relating to vehicles transportation services.

## ARTICLE II. BUSES*

---

***State law reference(s)**--Authority to regulate vehicles for hire, I.C. § 321.236(7); authority to grant franchises for public transit, I.C. § 364.2(4).

---

**Sec. 126-26. 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:

*Bus* means any automobile, motorbus, trackless trolley, jitney or other self-propelled vehicle not operated upon fixed rails or tracks, used for the public transportation of passengers in the city for compensation, either between fixed termini or over a regular route, or under a special charter or contract if designed to transport 16 or more passengers including the driver, except those buses owned by school corporations and used exclusively in carrying school children to and from schools.

**Cross reference(s)**--Definitions generally, § 1-2.

## ARTICLE III. LIMOUSINES* (Repealed by Ordinance No. 15,---)

---

*__State law reference(s)__--Authority to regulate vehicles for hire, I.C. § 321.236(7); authority to grant franchises for public transit, I.C. § 364.2(4).

---

__Sec. 126-61. 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.

*Airport authority* means the Des Moines Airport Authority created in chapter 22 of this Code.

*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 authorizing the holder to conduct a limousine service in the city.

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

*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.

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

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

*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.

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

*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 or an authorized representative.

__Cross reference(s)__--Definitions generally, § 1-2.

**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.

(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. 126-62.5. 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.

(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.

**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 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.

(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.

(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.

**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.

**Sec. 126-64. 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.

**Sec. 126-65. Issuance of certificate of public convenience and necessity.**

(a) If the city council finds that further limousine service in the city, 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 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.

(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 article.

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

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

a. Age.

b. Type.

c. Whether and where vehicles have passed recent safety inspections.

d. General appearance, including cleanliness.

e. 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.

(d) Whenever any application for a certificate shall have been denied by the city council, no new application covering the same applicant or any principal, member, partner, or shareholder of the same or similar applicant, if not an individual, shall be filed with the traffic engineer or considered by the city council until one year shall have elapsed from the date of filing the previous application. Provided, however, that this prohibition on filing and consideration shall not extend to an applicant who can demonstrate to the

traffic engineer through clear and convincing evidence verified under oath that there has been a substantial, material change in circumstances since the previous application.

(e) An applicant who is disqualified by a reason of Section 126, Article III, may be issued a probationary Certificate of Public Convenience and Necessity so long as the applicant is otherwise qualified and have not previously been issued a probationary Certificate of Public Convenience and Necessity. The probationary Certificate of Public Convenience and Necessity period shall extend one year, and can be revoked for any cause determined justified by the City Council. If the probationary Certificate holder completes the one year probation without being revoked or being charged with any violation of law or ordinance, then the probationary Certificate holder will be eligible for a regular Certificate of Public Convenience and Necessity under this chapter. However, if a Certificate holder is charged with any violation of law or ordinance within the one year probationary period, the probationary Certificate of Public Convenience and Necessity will be immediately and automatically revoked, without notice or hearing. The City Traffic Engineer shall make quarterly review of such provisional license to assure that there have been no further charges of traffic violations or criminal offenses entered against the probationary Certificate holder during such quarter. The probationary Certificate holder must adhere to all the other requirements for limousine service outlined in Section 126, Article III.

(f) A probationary Certificate holder is responsible for ensuring that it has no open suspensions, fines or liens before requesting to convert a probationary Certificate of Public Convenience and Necessity to a regular Certificate of Public Convenience and Necessity. Failure to so ensure shall result in automatic denial of the regular Certificate of Public Convenience and Necessity and the termination of the probationary Certificate of Public Convenience and Necessity.

(g) Upon completion of the probationary year, the probationary Certificate holder must submit an annual report per Section 126-82(c) of this Code along with the original application for regular Certificate of Public Convenience and Necessity. Traffic and Transportation will then review the application and supporting documents probationary Certificate holder submits as well as the probationary Certificate holder's record in the probationary year. The City Traffic Engineer will submit these documents to council for council to decide whether or not to grant a regular Certificate of Public Convenience and Necessity.

**Sec. 126-66. 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, 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. 126-67. License 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 for the right to engage in the limousine business and an annual license fee for each vehicle operated under a certificate in the amount set 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 article, 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 license number.

**Sec. 126-68. 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.

**Sec. 126-69. Suspension or revocation of certificate of public convenience and necessity.**

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

(1) Violated any of the provisions of this article. A certificate may be suspended if the certificate holder or any of the certificate holder's operators have a combined total of three or more convictions of violations of this article in an 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 or more convictions of violations of this article in an 18-month period;

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

(3) Violated any provision of this Code or ordinance of the city, or any law of the United States or this state, 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.

**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. 126-70.1. 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 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) 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.

(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 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) 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.

(c) 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 in the schedule of fees adopted by the city council by resolution.

**Sec. 126-70.2. Qualifications for limousine driver's license.**

(a) *Requirements.* 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 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.

(b) *Definitions.*

(1) *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 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 meets the following requirements:

(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 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 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.

**Sec. 126-70.3. 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.

**Sec. 126-70.4. Approval of application.**

(a) If the traffic engineer determines, with or without a hearing, that the applicant meets the requirements for issuance of a limousine driver's license he or she shall issue a license. If the traffic engineer is unable to make a determination that the applicant meets the requirements based on the contents of the application and a report on the applicant's criminal background provided by the police department, the traffic engineer shall schedule the application for further consideration at a hearing. Unless the date and time of the hearing is scheduled by agreement with the applicant, notice of the date, time and place of the hearing shall be sent by regular mail to the applicant at the address shown on the application at least 10 days before the date of hearing.

(b) If at the conclusion of the hearing 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 probationary limousine driver's license for up to one year if: i) the applicant can demonstrate that a holder of a certificate of public convenience and necessity to conduct a limousine service has offered to employ the applicant upon obtaining a limousine driver's license; and, ii) the requirements are not satisfied only because of minor misdemeanor offenses, or suspension of an operator's license under I.C. ch. 321, 321A or 321J or any other suspension of an operator's or chauffeur's license which did not involve driving behavior which is indicative of a disregard for public safety. Any probationary license issued under this subsection shall be subject to immediate revocation by the traffic engineer in the event the applicant is shown to have engaged in any criminal offense or traffic violation that would disqualify the applicant from satisfying the requirements in section 126-70.2. The traffic engineer shall make a quarterly review of all such provisional licenses to assure there have been no further charges 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 appeal the determination pursuant to the administrative appeal process set forth in chapter 3 of this Code. In order to appeal such determination, written notice of appeal must be filed with the city clerk within ten business days of the traffic engineer's decision.

**Sec. 126-70.5. 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 at all 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.

**Sec. 126-70.6. Duration of license.**

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

**Sec. 126-70.7. Fee.**

The appropriate fee for a license shall be in the amount set in the schedule of fees adopted by the city council by resolution.

**Sec. 126-70.8. 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 the fee for such replacement license in the amount set in the schedule of fees adopted by the city council by resolution. 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.

**Sec. 126-70.9. Suspension, revocation or denial of license.**

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

(b) Any limousine driver license may be suspended, revoked, or denied renewal for (1) violations of this article, 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 article 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 30 days, revoke a license, or deny an application for a license renewal.

(e) Any licensee or applicant may appeal such decision pursuant to the administrative appeal process set forth in chapter 3 of this Code. In order to appeal such determination, written notice of appeal must be filed with the city clerk within ten business days of the date of the traffic engineer's decision.

(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 administrative hearing officer.

**Sec. 126-71. Vehicle 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.

**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.

**Sec. 126-73. Trip rates.**

~~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 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 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.~~

**~~Sec. 126-74. 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.~~

**~~Sec. 126-75. Reserved.~~**

~~**Editor's note**--Ord. No. 13,720 repealed § 126-75 which pertained to posting of rates and derived from Code 1962, § 26A-15; Ord. No. 8474; Code 1975, Code 1979, § 19-61; Ord. No. 10,060; and Code 1991, § 19-61.~~

**~~Sec. 126-76. Prepayment of rates.~~**

~~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.~~

**~~Sec. 126-77. Overcharging.~~**

~~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.~~

**~~Sec. 126-78. Refusal to pay rates.~~**

~~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.~~

**~~Sec. 126-79. 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.

**Sec. 126-80. Reserved.**

**Editor's note**--Ord. No. 13,720 repealed § 126-80 which pertained to normal service and derived from Code 1962, § 26A-20; Ord. No. 8474; Code 1975, § 19-66; Ord. No. 9327; Code 1979, § 19-66; Ord. No. 10,060; Code 1985, § 19-66; Ord. No. 10,911; and Code 1991, § 19-66.

**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.

(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.

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

(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.

**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. 126-83. Misrepresentation or fraud in securing certificate of public convenience and necessity or license.**

No person shall give any false or fictitious information on any application for any certificate of public convenience and necessity or license provided for in this article, or practice any fraud or misrepresentation in any manner to secure such a certificate or license.

**Sec. 126-84. 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.

**Sec. 126-85. Operation at airport.**

Each limousine operating at the airport shall do so in accord with rules and regulations adopted by the Airport Authority.

**Sec. 126-86. Criminal or civil penalties.**

(a) Any person, firm, or corporation who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of this Code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.

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

**Sec. 126-87. Cruising.**

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

**Sec. 126-88. 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 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, 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 16 continuous hours in any 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.

**Sec. 126-89. 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:

(1) All drivers shall be appropriately dressed.

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

(3) 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.

**Secs. 126-90--126-115. Reserved.**

## ARTICLE IV. TAXICABS*(Repealed by Ordinance No. 15,---)

---

***State law reference(s)**--Authority to regulate vehicles for hire, I.C. § 321.236(7); authority to grant franchises for public transit, I.C. § 364.2(4).

---

## DIVISION 1. GENERALLY

### 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 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.

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 126-117. Compliance required.**

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

(b) Any vehicle operated under the provisions of this article shall comply with all applicable requirements of the state motor vehicle code or other state and city laws.

(c) Any vehicle operated under the provisions of this article shall be inspected quarterly by the holder of the certificate to ensure compliance to all applicable requirements of the state motor vehicle code or state and city laws.

**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. The ten (10) year maximum age limit will not disqualify a vehicle from use as a taxicab until January 1, 2011, provided the vehicle complies with all other requirements.

**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 holder and the number used by the holder to designate the vehicle.

**Sec. 126-120. Taximeters.**

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

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

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

(1) For the first one-tenth mile or fraction thereof for one person . . . . $2.50

(2) For each succeeding 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 . . . . $0.42

(5) Night surcharge per trip (10:00 p.m. to 4:00 a.m.) . . . . $2.00

(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 . . . . $1.00

(2) For each succeeding one-fifth mile or fraction thereof . . . . $0.20

(3) For each minute of waiting time . . . . $0.25

(4) For each additional person for the whole journey . . . . $0.25

(c) An additional fare of $2.00 per trip may be collected for each trip from the airport or from any designated taxicab stand where the holder has provided a taxicab steward, security personnel, or other special measures to provide for public convenience and/or security, 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. 126-122. Receipt for payment of rates.**

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

**Sec. 126-123. Posting of rates.**

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

**Sec. 126-124. Prepayment of fares.**

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

**Sec. 126-125. Overcharging.**

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

**Sec. 126-126. Refusal to pay.**

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

**Sec. 126-127. Solicitation of passengers by driver.**

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

**Sec. 126-128. Prohibited solicitation.**

(a) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.
(b) No driver shall solicit business for any hotel, or to attempt to divert patronage from one hotel to another.
(c) No driver shall solicit or convey any person to or from any area where movement within the area has been restricted by police order due to a fire or other emergency.

**Sec. 126-129. Receipt and discharge of passengers.**

(a) No driver shall receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road, except upon one-way streets, where passengers may be discharged at either the right or left-hand sidewalk or side of the roadway in the absence of a sidewalk.
(b) No driver shall load or unload passengers or luggage at an intersection or crosswalk or at any other location where it will interfere with the orderly flow of traffic.
(c) Every driver of a taxicab operating at the airport shall do so in accord with rules and regulations adopted by the Des Moines Airport Authority.

**Sec. 126-130. Reserved.**

**Editor's note**--Ord. No. 13,699 repealed § 126-130 which pertained to centralized dispatch service required and derived from Code 1975, § 19-155.01; Ord. No. 8960, Code 1979, § 19-155.01; Ord. No. 10,060; and Code 1991, § 19-155.01.

**Sec. 126-131. Cruising.**

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

**Sec. 126-132. Solicitation of other common carrier passengers.**

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

**Sec. 126-133. Additional passengers.**

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

**Sec. 126-134. Passenger loads.**

(a) A driver may not transport more passengers than the manufacturer's passenger rating for the vehicle and for which operating seat belts are provided, with not more than one passenger to be seated in the front seat with the driver, except as provided in subsection (b) of this section.
(b) If at least one passenger is a child no older than 12 years of age, then not more than two such passengers may be seated in the front seat with the driver.
(c) A driver on duty may not transport any person other than a paying passenger.
(d) A driver may allow or refuse to allow a passenger to ride in the front seat when there is an unoccupied seat in the rear of the vehicle.

**Sec. 126-135. Refusal to carry orderly passengers.**

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

**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 operate 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) 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. 126-136.5. Driver standards of dress, appearance and conduct.**

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

(1) All drivers shall be appropriately dressed.

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

(3) 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.

**Sec. 126-137. Location of taxistands.**

Taxicab stands shall be located as designated in section 114-613 of this Code.

**Sec. 126-138. Prohibited locations of taxistands.**

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

**~~Sec. 126-139. Taxistands preventing ingress and egress to property.~~**

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

**~~Sec. 126-140. Signs to denote number of cabs allowed.~~**

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

**~~Sec. 126-141. Manner of waiting in stands.~~**

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

**~~Sec. 126-142. Taxicab at head of line refusing to carry passengers; selection by passenger.~~**

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

**~~Sec. 126-143. Manner of progress in line at stand.~~**

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

**~~Sec. 126-144. Only licensed cabs permitted on stands.~~**

~~Only licensed taxicabs shall occupy a taxicab stand.~~

**~~Sec. 126-145. Standing elsewhere for purpose of soliciting.~~**

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

**~~Sec. 126-146. Compliance with parking restrictions.~~**

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

**~~Sec. 126-147. Other vehicles prohibited from using stand.~~**

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

**~~Sec. 126-148. Limit on number using stand.~~**

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

**~~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 place of business in a location properly zoned for that business.~~

~~(c) The holder shall have a listed telephone number for receiving calls for service.~~

~~(d) The dispatching of taxicabs shall be accomplished 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 six qualified drivers.~~

~~(g) The holder shall provide a minimum of five qualified vehicles, with a minimum of four vehicles available to respond into operation at all times.~~

~~(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. 126-150. Reports and records.~~**

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

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

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

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

**Sec. 126-151. Advertising.**

Any holder of a certificate exhibiting any sign, placard or other form of advertising matter within or without any taxicab, other than the advertising of the taxicab business, shall be subject to the annual billboard license fee according to division 5 of article II of chapter 26 of this Code.

**Sec. 126-152. 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 article or practice any fraud or misrepresentation in any manner to secure a certificate or license.

**Sec. 126-153. Indemnification in use of stands.**

In accepting a certificate under this article, the person receiving it shall be deemed to have agreed to hold and shall hold the city harmless from and indemnified against any and all damages arising from or growing out of the operation or use of taxicabs owned or controlled by that person at the taxicab stands provided for in sections 126-137 and 126-138 of this division.

**Sec. 126-154. Criminal or civil penalties.**

(a) Any person, firm, or corporation who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of this Code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.

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

**Sec. 126-155. Paratransit service.**

(a) This article shall apply to the operation of a paratransit service only to the extent specified in this section.

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

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

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

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

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

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

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

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

(d) An annual license shall be issued upon compliance with subsection (c) of this section, as well as sections 126-187 and 126-188 of this article with regard to insurance and annual license fees.

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

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

(g) Division 3 of this article and subsection 126-117(a) of this division concerning taxicab drivers' licenses and drivers licensed under such division and subsection shall apply to the operation of a paratransit service.

(h) Subsections 126-117(b) and (c) through section 126-118 of this division concerning vehicle compliance, inspection and condition shall apply to the operation of a paratransit service.

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

(j) Section 126-119 of this division concerning identification and designation of vehicles shall apply to the operation of a paratransit service.

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

(l) Section 126-150 of this division concerning reports and records shall apply to the operation of a paratransit service.

(m) Sections 126-152 and 126-154 of this division concerning misrepresentation and fraud in securing licenses and criminal and civil penalties shall apply to the operation of a paratransit service.

**Secs. 126-156--126-180. Reserved.**

DIVISION 2. OPERATORS' CERTIFICATES AND LICENSES

**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) 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) Any holder of a certificate operating under the above plans shall be treated as an owner in applying sections 126-119, 126-122, 126-150 and 126-187 of this article.

(4) 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.

(5) 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.**

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 available for inspection upon request of the city manager. If vehicle maintenance and storage is provided separately from the 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 certificate holder. The business shall have a listed telephone number.
(3) Provide a minimum of six qualified taxicab drivers.
(4) Provide a minimum of five qualified taxicab vehicles with a minimum of four vehicles available to respond into 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, 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, 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 dispatch service.

(10) The color scheme or insignia to be used to designate the 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. 126-185. Public hearing on certificate of public convenience and necessity.**

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

**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 taxicabs 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 a 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.

(d) Whenever any application for a certificate shall have been denied by the city council, no new application covering the same applicant or any principal, member, partner, or shareholder of the same or similar applicant, if not an individual, shall be filed with the traffic engineer or considered by the city council until one year shall have elapsed from the date of filing the previous application. Provided, however, that this prohibition on filing and consideration shall not extend to an applicant who can demonstrate to the traffic engineer through clear and convincing evidence verified under oath that there has been a substantial, material change in circumstances since the previous application.

**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 an insurance policy or policies, or certificate of insurance, issued by an insurance company having an A.M. Best rating of no less than B+. The policy(ies) shall include 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 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.

(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, and ten days advance written notice 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 holder. 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. 126-190. Suspension or revocation of certificate of public convenience and necessity.**

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

(1) Violated any of the provisions of this article. A certificate may be suspended if the certificate holder or any of the certificate holder's taxicab operators have a combined total of three or more convictions of violations of this article in an 18-month period, and may be revoked if the certificate holder or any of the certificate holder's taxicab operators have a combined total of five or more convictions of violations of this article in an 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 Code or ordinance of the city, or any law of the United States or the state, 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.

**Secs. 126-191--126-215. Reserved.**

DIVISION 3. DRIVERS' LICENSES

**Sec. 126-216. Required.**

Every person who operates a taxicab for hire upon the streets of the city shall first obtain and shall properly display a taxicab driver's license in the form of a metal badge (also known as a taxicab badge).

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

(a) Pre-application and pre-renewal. Any person who applies for, or seeks to renew, a taxicab driver's license must first obtain, at their own expense, his or her current DCI criminal history report through the 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 criminal history report and certified driving record in the same manner as a new applicant.

(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 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, with in 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.

(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. 126-219. Investigation of 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.

**Sec. 126-220. Approval of original application.**

(a) If the traffic engineer determines, with or without a hearing, that the applicant meets the requirements for issuance of a taxicab driver's license, he or she shall issue a license. If the traffic engineer is unable to make a determination that the applicant meets the requirements based on the contents of the application and a report on the applicant's criminal background provided by the police department, the traffic engineer shall schedule the application for further consideration at a hearing. Unless the date and time of the hearing is scheduled by agreement with the applicant, notice of the date, time and place of the hearing shall be sent by regular mail to the applicant at the address shown on the application at least 10 days before the date of hearing.

(b) If at the conclusion of the hearing 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 probationary taxicab driver's license for up to one year if: i) the applicant can demonstrate that a holder of a certificate of public convenience and necessity to conduct a taxicab service has offered to employ the applicant upon obtaining a taxicab driver's license; and, ii) the requirements are not satisfied only because of minor misdemeanor

offenses, or suspension of an operator's license under I.C. ch. 321, 321A or 321J 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 probationary license issued under this subsection shall be subject to immediate revocation by the traffic engineer in the event the applicant is shown to have engaged in any criminal offense or traffic violation that would disqualify the applicant from satisfying the requirements in section 126-218. The traffic engineer shall make a quarterly review of all such provisional licenses to assure there have been no further charges 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 appeal the determination pursuant to the administrative appeal process set forth in chapter 3 of this Code. In order to appeal such determination, written notice of appeal must be filed with the city clerk within ten business days of the traffic engineer's decision.

**Sec. 126-221. Issuance.**

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

**Sec. 126-222. Duration.**

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

**Sec. 126-223. Fee.**

The appropriate fee for a license (taxicab badge) shall be in the amount set forth in the schedule of fees adopted by the city council by resolution.

**Sec. 126-224. Lost license (taxicab badge).**

Any person who loses his or her taxicab badge shall present an affidavit as to the circumstances of such loss to the traffic engineer who shall issue a replacement badge upon payment of the fee for such replacement badge in the amount set forth in the schedule of fees adopted by the city council by resolution. The traffic engineer shall keep a separate record of replacement badges issued showing the date of issuance, to whom issued and the identification contained thereon.

**Sec. 126-225. Suspension, revocation or denial.**

(a) If any person who has a current taxicab driver's license has his or her state driver's license suspended or revoked, or is convicted of, pleads guilty to, or stipulates to the facts of any

~~criminal offense during the license period, he or she shall immediately notify the traffic engineer.~~

~~(b) Any taxicab driver's license may be suspended, revoked, or denied renewal for (1) violations of this article, 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 article 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 30 days, revoke a license, or deny an application for a license renewal.~~

~~(e) Any licensee or applicant may appeal such decision pursuant to the administrative appeal process set forth in chapter 3 of this Code. In order to appeal such determination, written notice of appeal must be filed with the city clerk within ten business days of the traffic engineer's decision.~~

~~(f) A licensee whose license has been revoked shall immediately surrender his or her taxicab badge to the traffic engineer and shall not be eligible to apply for another such license for a period of 180 days after such revocation. A person whose application has been denied shall not be eligible to reapply for a period of 180 days after such denial. The 180-day period shall commence on the day final city action is taken by either the traffic engineer or, if appealed, the administrative hearing officer.~~

## ARTICLE V. VEHICLE TRANSPORTATION SERVICES

### Sec. 126-226. Statement of policy and purpose.

(a) It is the policy and purpose of the City of Des Moines to promote adequate and satisfactory vehicle for hire services that will promote a positive image to residents and visitors within its corporate limits. To achieve this goal, this article provides for the regulation of companies providing transportation services that will reasonably protect the public interest, welfare, health and safety, and will promote the availability of transportation services to the public while protecting the principles of free enterprise.

(b) The rights granted under this article are, at all times, subservient to the right of the City to fully exercise its rights of control over the streets, alleys and public ways of the City of Des Moines.

### Section 126-227. Definitions.

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

*Airport* means the Des Moines International Airport.

*Airport authority* means the Des Moines Airport Authority created in chapter 22 of this Code.

*Ambulance* means a vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities.

*Chief of Police* means the City of Des Moines Chief of Police or that person's designee.

*Church bus* means a vehicle used primarily for the transportation of the members, guests or staff of a church.

*City* means the City of Des Moines, Iowa, a municipal corporation.

*Council* means the City Council of the City of Des Moines, Iowa.

*Courtesy vehicle* means a vehicle used by hotel and motel facilities, apartment complexes, businesses, merchants, companies, private organizations or groups exclusively for the convenience of their guests, occupants, customers, employees or members and is not for hire.

*Digital platform* means an online or smart phone enabled application that allows passengers to request vehicle transportation services.

*Driver* means every person who drives or operates a vehicle while providing vehicle transportation services pursuant to a VHC certificate.

*Good cause* means an adequate or substantial reason put forth in good faith that is not unreasonable or arbitrary.

*Hearse* means a vehicle customarily and primarily used to transport the deceased for burial.

*He/Him/His/It/Its* includes the masculine, feminine and neuter gender.

*Holder* means a person who is granted a VHC certificate issued by the Council.

*Mortuary limousine* means a vehicle customarily and primarily used to transport a funeral party.

*Motor vehicle* means a self-propelled vehicle not operated upon rails that is used to transport people upon the streets and highways.

*Owner* means every person, firm, partnership, association or corporation having ownership or control of any vehicle for hire company.

*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.

*Person* means any individual, firm, corporation, company, association, partnership or any combination thereof, or two or more persons having joint or common economic interest. The word person includes the singular and the plural.

*School bus* means a vehicle used primarily for the transportation of a school's students and staff.

*Taxicab* or *cab* means a motor vehicle regularly engaged in vehicle transportation services and not operated on a fixed route and operating with a taximeter and with 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.

*Traffic Engineer* means the city traffic engineer or an authorized representative.

*Transportation service vehicle or TSV* means a vehicle used to provide transportation service associated with a VHC certificate.

*Vehicle for Hire Company or VHC* means a business entity that offers vehicle transportation services including, but not limited to, business entities providing limousine or taxi cab services with or without the use of a digital platform, and business entities using a digital platform to provide vehicle transportation services.

*Vehicle transportation services* means use of a motor vehicle for providing a ride to passengers for consideration arranged by any means.

*VHC certificate* means a certificate issued by the Council, authorizing the operation of a vehicle for hire company for trips originating within the city limits of Des Moines, IA.

*Wheelchair Bound Person* means any person with physical or mental disabilities related to mobility issues, of such severity, that it temporarily or permanently eliminates their ability to legally drive a motor vehicle under the laws of the State of Iowa. This level of limited mobility would be noted by the requirement for an assistive device (wheelchair, walker or gurney, for example) to provide limited mobility. A cane, in and of itself, does not meet the degree of severity or limited mobility necessary to qualify as wheelchair bound. If the disability is of a temporary nature, once that person is able to meet the physical and/or mental requirements of the State of Iowa to become licensed to legally drive, that person would no longer be considered wheelchair bound.

**Sec. 126-228. Exclusions from this article.**

(a) The provisions under this article shall not apply to the following categories of vehicles and services:
  (1) Buses as defined in Article II of this chapter;
  (2) Hearses and mortuary limousines when used as funeral vehicles;
  (~~5~~3) Ambulances and other emergency vehicles, except "for hire" para transit vehicles;
  (~~6~~4) School and church buses when used for school or church purposes;
  (~~7~~5) Vehicles rented or leased to the public without a driver;
  (~~8~~6) Vehicles operated by the Des Moines Area Regional Transit Authority, a/k/a DART, or other commercial vehicles designed to transport ~~17~~16 or more persons, including the driver, duly licensed by the state;
  (~~9~~7) Vehicles operated on a share-the-expense plan, such as car pools;
  (~~10~~8) Courtesy vehicles.

(b) The provisions of this article will not be construed to limit any rights or powers that the airport authority may have to regulate the operation of transportation service vehicles on airport premises.

**Sec. 126-229. Administration and appeals.**

(a) *Notice of adverse action.* If the Traffic Engineer proposes to take any action adverse to an applicant or Holder, except when a VHC certificate is denied pursuant to Sec. 126-234 of this article, the Traffic Engineer shall establish a time, date and place for a hearing and shall notify such person (hereinafter "respondent") of the pending action at the

respondent's address contained on his most recent application. Notice shall be sent by United States Mail, certified, return receipt requested. Circumstances resulting in the certified notice not being accepted, delivered or returned to sender, address unknown or as undeliverable shall not restrain the Traffic Engineer from setting the date of the hearing or from taking appropriate adverse action if the Traffic Engineer can show that the notice was mailed in accordance with the requirements of this section and mailed to the respondents most current address on file with the Traffic Engineer. Mailed certified notice shall be considered service of notice of pending adverse action. Mailed certified notice shall be postmarked no later than seven (7) days preceding the date of the hearing and shall:

(1) Set forth in detail the proposed action and the reasons therefor;

(2) Designate any section of this chapter, any statute, ordinance or other authority that requires or supports the proposed action;

(3) Set forth the date, time and place of the hearing;

(4) Advise the respondent that he may be present at such hearing to provide reasons why the proposed action should not be taken; and

(5) Advise the respondent that if he fails to appear at the hearing, action may be taken in his absence. Copies of such notice shall also be sent to the complaining party, if applicable.

(b) *Hearing.* A hearing shall be held before the Traffic Engineer on the date and time and at the place contained in the notice described above.

(1) If the respondent appears, he shall be afforded an opportunity to be heard. Following the hearing, the Traffic Engineer may take or refrain from taking the proposed action or may modify the same by placing reasonable conditions on the respondent, or otherwise, according to the provisions of this chapter.

(2) If the respondent fails to appear, notice of the decision made or action taken shall be given to all parties, and unless appealed to the Council as hereinafter provided, such decision shall be final and binding ten (10) working days from and after the date of the decision.

(3) Notice of the action taken or decision made shall be given by Certified Mail, return receipt requested to the respondent, mailed to the most recent address provided by the respondent.

(4) The respondent shall be advised of his right to appeal the action or decision to the Council.

(c) *Appeals to the Council.* Any person aggrieved by a decision of the Traffic Engineer may file an appeal to the Council by filing a written notice of appeal with the Traffic Engineer within ten (10) working days of the date of the decision complained of. Such notice shall specify the grounds for the appeal. A hearing on the appeal shall be heard by the Council not later than thirty (30) days from the date of filing the notice of appeal. If an appeal is filed, the Traffic Engineer shall notify the complaining party, if any.

(d) *Enforcement stayed.* If an appeal of the Traffic Engineer's decision is made to the Council, enforcement of such decision shall be stayed until the Council has rendered its decision, unless the Traffic Engineer certifies to the Council that a stay would cause imminent danger to life or property.

**Sec. 126-230. VHC certificate required.**

(a) A person shall not operate a vehicle for hire company within the City without a current and valid VHC certificate.

(b) VHC certificates shall not be sold, assigned or otherwise transferred without approval of the City Council.

**Sec. 126-231. Requirements for VHC certificate holders.**

Holders of VHC certificates shall meet the following requirements:

(a) The Holder must require all drivers authorized to operate a transportation service vehicle and provide vehicle transportation services to be at least eighteen (18) years of age.

(b) The Holder must require all drivers authorized to provide vehicle transportation services to possess a valid Iowa Class D Chauffers' Driver's License; proof of vehicle registration for the vehicle which supplies the vehicle transportation services in accordance with the laws of the State of Iowa and proof of motor vehicle insurance policy for said vehicle for transporting persons for consideration containing the minimum coverage required of all drivers by law.

(c) The Holder shall maintain liability insurance for operation of the vehicles used in providing vehicle transportation services and provide proof of the following coverages as provided herein:

(1) Provide to the Traffic Engineer an insurance policy or policies, or certificate of insurance, issued by an insurance company having an A.M. Best rating of no less than B+. The policy(ies) shall include commercial general liability insurance coverage and automobile liability insurance coverage, or the equivalent thereof, for the VHC business and independent contractors of the VHC, to include TSVs and their drivers. The commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than ~~$750,000.00~~$1,000,000.00 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~~ $1,000,000.00 per occurrence, combined single limit. The insurance required must cover claims regardless of whether a driver maintains insurance adequate to cover any portion of a claim and the certificate of insurance or policy must clearly indicate such coverage. The insurance provided must cover the TSVs and their drivers at all times the TSV is en route to pick up a passenger, cruising for a trip with an internet application on (hereinafter: "App Open status"), while transporting a passenger, or while otherwise engaged in any commercial activity under the VHC certificate; provided, however, that when the vehicle is in the App Open status, the insurance requirements shall be the higher of any amount required by the State of Iowa for such status or $50,000 individual/accident, aggregate of $100,000 per accident and $25,000 for property if there is no other insurance coverage.

(2) 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, and ten days advance written notice of cancellation due to nonpayment of premium, and that these written notices shall be provided by e-mail, facsimile, delivery or regular mail to the Traffic Engineer.

(3) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the VHC certificate and all licenses or certificates issued for the VHC business, independent contractors and the TSVs 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 to the VHC certificate holder and note that all licenses for the VHC business, independent contractors and the TSVs covered by such insurance is cancelled or terminated immediately. The Traffic Engineer shall file a copy of such notice with the Council.

(d) Before the driver is allowed to operate a TSV, and biennially thereafter, the Holder shall have a third party that is accredited by the National Association of Professional Background Screeners or a successor accreditation entity conduct the following examinations:

(1) A local and national criminal background check for the preceding 10 years;

(2) The national sex offender database background check, national abuse registers, national elderly abuse and dependent person abuse registers; and

(3) A full driving record check for the preceding 5 years.

(e) A match of an individual on the national registers under subsection (d)(2) or a conviction that appears on a criminal background check as provided in this subsection (e) including all its subparts shall automatically disqualify an individual from acting as a driver for a Vehicle for Hire Company. An individual under consideration by a Holder as a driver is subject to the following requirements:

(1) Shall not have been convicted of an offense involving moral turpitude or sexual abuse within the preceding ten years;

(2) Shall not have been convicted of an offense which is a felony as defined by Iowa Code section 702.11 as amended, or of any offense of hit and run driving, manslaughter or negligent homicide resulting from the operation of a motor vehicle, or an offense involving theft, assault, drugs, public exposure, harassment or fraud, unless ten (10) years have elapsed since the date of conviction;

(3) Shall not have been convicted of any other felony, serious or aggravated ~~or~~ misdemeanor offense ~~with the exception of moving traffic or parking violations~~ unless five (5) years have elapsed since the date of conviction;

(4) Shall not have been convicted of any moving traffic violation that resulted in automatic suspension or revocation of an operators or chauffeurs license under I.C. ch. 321, 321A or 321J unless five (5) years have elapsed since the date of conviction;

(5) The driver's operators or chauffeurs license must not have been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years;

(6) Shall not have been convicted of three or more moving traffic violations, or involved in more than one traffic accident in which applicant was at fault, unless one (1) year has elapsed since the date of conviction.

(7) Shall not be subject to any outstanding warrants for arrest;

(8) Shall not have been convicted of aggravated reckless driving, driving while intoxicated or being in actual physical control of a vehicle while intoxicated, attempting to evade the police, or the use of a motor vehicle to commit a crime, unless ten (10) years have elapsed since the date of conviction;

(f) The Holder shall prohibit the use of or being under the influence of drugs or alcohol by a driver while providing vehicle transportation services and upon receiving a meritorious complaint of such drug or alcohol use by a driver, the VHC shall:

(1) Immediately revoke the driver's privilege to operate a transportation service vehicle. The revocation shall last the duration of the investigation, and

(2) Conduct an investigation. If the complaint is found to be true, the VHC shall permanently revoke the driver's privilege to operate a transportation service vehicle. If the complaint is found to be untrue, the driver's privilege to operate a transportation service vehicle may be immediately reinstated.

(g) *Posting of rates; Rate violation; receipts on request.*

(1) Rates and charges shall be posted at all times in a manner and place clearly visible to the person requesting the service prior to the TSV service being booked or performed. Such rates and charges shall be posted for the potential customer's information in whatever medium utilized for contracting for such services, including but not limited to use of a rate card, taximeter, digital platform or the internet.

(2) It shall be unlawful for the Holder or driver of any TSV, in the City to fix, charge, collect, and/or offer to fix, charge, or collect a rate more than that specified at the time the service is requested.

(3) If requested by a passenger or customer as applicable, the Holder shall give a receipt upon payment of the correct fare or charge via paper, email or an electronic transmission.

(h) All requests for service from a TSV, except taxicabs, must be placed and accepted in advance of the vehicle transportation services rendered.

(i) TSVs, except taxicabs, are strictly prohibited from accepting street hails.

(j) TSVs except taxicabs are prohibited from using taxicab stands as designated in section 114-613 of this code.

(k) *Most direct route required.* Drivers shall transport passengers to their destinations by the most direct, expeditious and safe route, unless otherwise requested by the passenger.

(l) *Responsibility.*

(1) Transportation Service Vehicles authorized pursuant to this article shall be operated in compliance with this ordinance and the Holder's written policies and regulations acknowledged by the driver.

(2) Prior to offering vehicle transportation services the Holder shall require each TSV driver to pass a driver-training program to ensure each driver safely operates their TSV.

(3) Any violation of local, state or federal law by any driver while operating under the authority of a VHC certificate issued pursuant to this article may be deemed a violation by the Holder if so determined by the Traffic Engineer following a hearing as provided in Section 126-229 of this article.

(m) *No Discrimination; Accessibility.*

(1) The Holder shall require that TSV drivers do not discriminate against passengers or potential passengers on the basis of age, race, religion, creed, color, sex, sexual orientation, gender identity, national origin, ancestry or disability.

(2) The Holder shall require TSV drivers to comply with all applicable laws relating to accommodation of service animals.

(3) The Holder shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(4) The Holder shall provide a potential TSV passenger an opportunity to indicate whether they require a wheelchair-accessible TSV. If a wheelchair-accessible TSV cannot be provided that passenger shall be directed to a licensed provider of such service.

(5) The Holder shall require TSV drivers to not discriminate against or show favoritism for any geographic area of the city or any neighborhood of the city, but will serve all patrons seeking transportation from whichever point in the city the request may originate. To ensure compliance with this provision, the Holder shall maintain a registry of call origination and provide to the Traffic Engineer with their annual report, or upon request.

(n) *Minimum number of vehicles required.*

Holders shall have at a minimum five (5) vehicles operable and available for service at all times unless the Holder who has a certificate of public convenience and necessity has fewer vehicles than herein required as of the effective date of this article.

**Sec. 126-232. Certificate application.**

(a) *Application.* An application for a VHC certificate shall be in accordance with the requirements of this article and be furnished by the Traffic Engineer. It shall be signed and verified by the applicant, or an officer of the applicant, and filed with the Traffic Engineer and shall include documentary proof of meeting the requirements in Section 126-231 of this article. The tendered application expires if the applicant has not completed the process and received a certificate within one hundred twenty (120) days from the application date, unless additional time is justified by the Traffic Engineer.

(b) *Application Fee.* Each application shall be accompanied by a nonrefundable processing fee in an amount set in the schedule of fees adopted by the Council by resolution.

(c) *Application requirements.* In addition to the requirements under subsection (a) of this section, the application shall require the following:

(1) The name, address and age of the applicant. The business name and address. 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 transportation service vehicle 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.

(2) Primary contact person and telephone number;

(3) If a corporation, proof of registration with Secretary of State to conduct business within the State.

(4) Proof of insurance coverage by a certificate of insurance meeting the requirements of subsection 126-231(c) of this article;

(5) Copy of the applicant's State Sales Tax Certificate or acknowledged receipt from the State of Iowa, for application for same (copy to be furnished to the City upon receipt) if applicable;

(6) Description of type and extent of service to be rendered;

(7) With said application, applicant shall attach a copy of applicant's third party background examinations accredited by the National Association of Professional Background Screeners or a successor accreditation entity.

(8) Applicant's website if applicable or other documentation containing information on its method of fare calculation, the rates and fees charged, and customer service telephone number and email address.

(d) *Misrepresentation or fraud in securing certificate.* No person shall give any false or fictitious information on any application for a VHC certificate provided for in this chapter or practice any fraud or misrepresentation in any manner to secure a VHC certificate.

(e) *Reapplication after denial.* Whenever any application for a certificate shall have been denied by the city council, no new application covering the same applicant or any principal, member, partner, or shareholder of the same or similar applicant, if not an individual, shall be filed with the traffic engineer or considered by the city council until one year shall have elapsed from the date of filing the previous application.

**Sec. 126-233. 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; where an association, each association member's records shall be investigated.

**Sec. 126-234. Certificate issuance.**

The Traffic Engineer shall review the application within a reasonable time after its completion and submittal. If the Traffic Engineer finds that the application is complete and that applicant has met the requirements set forth in Sections 126-231 and 126-232 herein, the Traffic Engineer shall forward the application onto the Council. The Council shall determine at a public hearing whether the applicant meets all requirements of this article for issuance of the VHC certificate

and whether the police department's investigation is favorable or not and shall grant or deny the certificate accordingly.

**Sec. 126-235. Certificate fees.**

(a) An annual certificate fee shall be assessed for each vehicle for hire company. The certificate fee shall be assessed annually for the period from January 1 through December 31st of each year. The initial annual fee shall be based upon the number of TSV drivers authorized to provide vehicle transportation services in the first month of operation. The renewal annual certificate fee shall be based upon the average number of TSV drivers providing vehicle transportation services per month during the prior certificate year as reported in the TSV company's annual report. The respective fee shall be assessed at an amount set in the schedule of fees adopted by the Council by resolution.

(b) The Holder shall maintain an accurate record of the number of TSV drivers per month to ensure reporting of the number of TSV drivers is accurate.

**Sec. 126-236. Certificate renewal.**

On or before December 31st of each year, the Holder may renew his certificate by the payment of the fees herein required and submittal of an application for renewal in the same manner as required for original issuance, however, such renewal will not be considered by Council unless the Traffic Engineer denies the renewal after affording a hearing and an appeal is requested as provided under section 126-229 of this article. The VHC certificate shall be considered fully expired at midnight January 31st of the year after issuance.

**Sec. 126-237. Certificate suspension or revocation.**

(a) The Traffic Engineer may at any time, pursuant to the hearing proceedings under section 126-229 of this article, revoke or suspend the certificate granted under this article, if he or she makes any of the following determinations of violations by any drivers, operators, managers, partners, officers, or employees of the Holder; or an independent contractor or agent operating under the authority of Holder if the Holder has knowledge of, reasonably should have had knowledge of, or failed to prevent or supported the violations committed by the driver, independent contractor or agent:

(1) If vehicles operated under the authority of the Holder are not operated in accordance with the provisions of this article;

(2) If vehicles are operated within the corporate limits of the City at a rate or fare greater than that specified by the VHC at the time TSV services were requested;

(3) If a Holder fails to maintain insurance, or if a TSV is operated but is not insured as required by this article;

(4) If the certificate was procured by fraudulent conduct or false statement of a material fact, or a fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue the certificate;

(5) If those persons, drivers, owners, operators, managers, partners, officers, employees, independent contractors, and/or agents engaging in the operation of a business that provides vehicle transportation services pursuant to the Holder's authority have violated any provisions of this chapter, or have committed any other acts which reflect unfavorably on the fitness of the Holder to offer public services;

(6) If those persons, drivers, owners, operators, managers, partners, officers, employees, independent contractors and/or agents engaging in the operation of a business that provides vehicle transportation services pursuant to Holder's authority have failed to maintain adequate and properly operating equipment as required by this article;

(7) If Holder is in violation of any City of Des Moines Municipal Code requirements for fire, building, or zoning ordinances for buildings or facilities owned within the City of Des Moines and used in conjunction with the VHC certificate, or if Holder is leasing property within the City of Des Moines for use in conjunction with the VHC certificate, such location is in violation with municipal fire, building, or zoning ordinances.

(8) For good cause, as shown by the City Traffic Engineer.

(b) After revocation of a certificate, a Holder shall not be eligible to make application for a certificate for a period of one (1) year from the start date of the revocation, and subsequent applications must be made in accordance with Section 126-232 of this article.

**Sec. 126-238. Record-keeping requirements of certificate/license holders.**

(a) *Records required.* Each Holder shall maintain all records of vehicle transportation services within the City for the previous 365-day period, subject to review by the Chief of Police or the Traffic Engineer as provided herein. Each Holder shall submit to the Traffic Engineer a report by January 30 of each year summarizing the activity of the previous year. The report shall contain general information on the number and types of complaints received including information on discrimination complaints; number of trips; origin of calls for vehicle transportation service; number of TSV's by month, list of drivers and contact information which may be submitted as stated in subsection (b) of this section, verification of driver's background check, and any other information as required by the Traffic Engineer (and as noted in Sec. 126-231(m)(5)).

(b) *Coded Identification.* The requirement under this section of providing a list of drivers and contact information may be fulfilled by providing a full list of drivers by identifying them only by the last four digits of their driver's license number. The traffic engineer may then select from this coded list those drivers he/she wishes to see the full name and contact information which names and information will be promptly supplied by the Holder.

(~~b~~c) *Open records law.* If the Holder desires the records it produces under this article to remain confidential, the Holder must make that request in writing to the traffic engineer who shall then provide Holder notice by telephone or e-mail of a public records request for such records. Holder shall then have five (5) business days after notice to file a petition in the Iowa District Court for Polk County to enjoin production of the requested records as permitted by Iowa Code section 22.8.

**Sec. 126-239. Record Inspection Authority.**

If a meritorious complaint against a VHC, Holder or Driver is received by the Chief of Police or the Traffic Engineer, or for any other good cause, the Chief of Police or the Traffic Engineer has the authority to inspect the records of the VHC or Holder as necessary to investigate the cause and/or to resolve the complaint.

**Sec. 126-240. Driver compliance with traffic rules and regulations.**

Any driver providing vehicle transportation services shall drive in compliance with city and state traffic rules and regulations, and shall not engage in any unlawful act while providing vehicle transportation services.

**Sec. 126-241. Vehicle inspections; maintenance; equipment.**

(a) Every vehicle operating under this article shall be inspected by the Holder, or a third party at Holder's request, ~~annually~~quarterly to ensure the continued maintenance of safe operating conditions. Upon such inspection, if it is found that the vehicle does not meet safe operating requirements, the Holder shall cause the vehicle to be removed from service until such time as the repaired vehicle will comply with safe operating standards. Records of these vehicle inspections shall be maintained, during the current VHC license period, for a period of no less than twelve (12) months by the VHC holder and will provide these records to the traffic engineer as part of the annual report process.

(b) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation service vehicle unless such vehicle:

(1) Has a manufacturer's rated seating capacity of ~~sixteen (16)~~fifteen (15) or less persons, including the transportation service vehicle driver;

(2) Has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;

(3) Is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible; and

(c) The Holder and the driver shall be jointly and severally liable if the Holder permits the driver to use a vehicle that does not meet the requirements for a transportation service vehicle. Operation of any vehicle in violation of the requirements of this section shall subject the Holder to sanction, as determined by the Traffic Engineer, up to and including suspension or revocation of the VHC certificate after hearing as prescribed in Section 126-229 of this article.

**Sec. 126-242. Transportation service vehicle designation and driver identification.**

(a) *Vehicle identification.* The holder shall establish and require each TSV to display a consistent and distinctive identifying design consisting of a logo, insignia, or emblem at all times while the TSV is en route to pick up a passenger or vehicle transportation services are being provided. The markings shall:

(1) Be painted or affixed by decal in letters or figures at least two inches in height visible from the outside of both the driver and passenger sides of the vehicle, or from the front windshield on the passenger side. Such decals may be designed to be removed from the vehicle when not providing vehicle transportation services. Taxicabs ~~shall~~may be further identified with a top-light.

(2) Not conflict with or imitate any other companies' logo, insignia, or emblem or any official or emergency vehicle color scheme, in a manner that will mislead or deceive or defraud the public.

(b) *Driver identification.* Holders shall require TSV drivers to clearly display on the dashboard inside the vehicle and ~~in the rear compartment for the~~visible to all passengers ~~to see~~ driver identification cards with the name and photograph of the driver, as well as the make, model and license plate number, or unit number unique to the TSV. The traffic engineer shall provide the specifications for the driver identification cards and shall approve the locations where they are displayed. The driver identification cards for each vehicle shall be provided for every driver by each VHC certificate holder at its sole cost and expense. A TSV driver may provide this information through an online platform that is reviewable to passengers from the time a ride is accepted through the duration of the trip.

**Sec. 126-243. Operation at Airport.**

Holders and drivers operating vehicle transportation services at the airport shall do so in accord with rules, regulations, and policies adopted by the airport authority.

**Sec. 126-244. Criminal or civil penalties.**

(a) Except as provided under subsection (b) of this section, ~~A~~any person who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, shall be guilty of a misdemeanor punishable by fine of $500.00 for each offense or if the act is a repeat offense a $625.00 fine for each repeat offense, or imprisonment as provided by section 1-15 of this Code; or shall be guilty of a municipal infraction punishable by a civil penalty of $750.00 for each offense or if the act is a repeat offense a $1,000.00 civil penalty and may be subject to other remedies as allowed by law pursuant to section 1-15(d) of this Code.

(b) Any person who fails to perform an act required by the following provisions of this article, or who commits an act prohibited by the provisions of this article, shall be guilty of a misdemeanor punishable by a fine, or imprisonment as provided by section 1-15 of this Code:

(1) 126-231 subsection (g)(1), (g)(2) and (g)(3), regarding posting of rates, rate violation and receipts on request respectively;

(2) 126-231 subsection (k), requiring most direct route;

(3) 126-242 subsections (a) and (b), regarding vehicle identification and driver identification respectively;

(4) 126-246, regarding solicitation of passengers by driver;

(5) 126-247 subsections (a), (b) and (c), all regarding prohibited solicitation;

(6) 126-248 subsections (a) and (b), regarding receipt and discharge of passengers;
(7) 126-249, regarding solicitation of other common carrier passengers;
(8) 126-250, regarding additional passengers;
(9) 126-251 subsections (a), (b), (c), and (d), all regarding passenger loads;
(10) 126-253 including all subsections (a) through (r), regarding driver prohibitions;
(11) 126-258, regarding standing of taxicabs only in taxicab stands.

(~~b~~c) Upon issuance of any citation or charge under this article, the issuing agency shall deliver a copy of the citation to the city prosecutor and the Traffic Engineer.

**Sec. 126-245. Prepayment of fares and refusal to pay.**

(a) ~~When a fare will be paid in cash, e~~Every driver of a TSV shall have the right to demand payment of the estimated legal fare in advance and may refuse employment unless so prepaid.

(b) Any person who contracts with a vehicle for hire company and uses a TSV for the purpose of riding therein, or transporting any goods, wares or merchandise, and who refuses to pay the fare shall be guilty of a misdemeanor.

**Sec. 126-246. Solicitation of passengers by driver.**

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

**Sec. 126-247. Prohibited solicitation.**

(a) No driver shall solicit patronage in any unreasonably loud voice or by sign or in any manner disturb the peace, quiet or good order of any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

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

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

**Sec. 126-248. Receipt and discharge of passengers.**

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

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

**Sec. 126-249. Solicitation of other common carrier passengers.**

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

**Sec. 126-250. Additional passengers.**

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

**Sec. 126-251. Passenger loads.**

(a) A driver may not transport more passengers than the manufacturer's passenger rating for the vehicle and for which operating seat belts are provided, with not more than one passenger to be seated in the front seat with the driver, except as provided in subsection (b) of this section.
(b) If at least one passenger is a child no older than 12 years of age, then not more than two such passengers may be seated in the front seat with the driver.
(c) A driver on duty may not transport any person other than a paying passenger.

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

**Sec. 126-252. Refusal to carry orderly passengers.**

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

**Sec. 126-253. Driver prohibitions.**

(a) A 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 8 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; or otherwise be impaired 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 TSV which is in an unsafe operating condition.
(f) A driver shall not operate a TSV 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) Smoking in a TSV 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 vehicle for hire company shall not respond to a radio call for any vehicle of another vehicle for hire company.
(q) A driver shall not be unkempt in personal appearance and cleanliness.
(r) A driver shall not talk in an unreasonably loud voice, or shout or use profanity.

~~**Sec. 126-254. Advertising.**~~

~~Any TSV exhibiting any sign, placard or other form of advertising matter within or without any TSV, other than the advertising of the holder's business, shall be subject to the annual billboard license fee according to division 5 of article II of chapter 26 of this Code.~~

**Sec. 126-~~255~~254. Taximeters.**

Each taxicab operated under the authority of this article shall be equipped with a taximeter fastened in front of the passengers, visible to them at all times of the day and night, and, after sundown, the face of the taximeter shall be illuminated.

**Sec. 126-~~256~~255. Location of taxicab stands.**

Taxicab stands shall be located as designated in section 114-613 of this Code.

**Sec. 126-~~257~~256. Prohibited locations of taxicab stands.**

No taxicab stand shall be located within 15 feet of either side of the entrance of any theater, auditorium, hotel or other public building where large assemblages of people are held, nor where the standing of taxicabs thereon would obstruct or hinder ingress and egress to the property abutting upon the street where the stand is located.

**Sec. 126-~~258~~257. Only holder's taxicabs permitted on stands.**

Only taxicabs owned or operated by a holder shall occupy a taxicab stand. Where security is provided by a holder, only those taxicabs which have paid pursuant to written agreement shall use such stands.

**Sec. 126-~~259~~258. Standing elsewhere for purpose of soliciting.**

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

**Sec. 126-~~260~~259. Indemnification in use of taxicab stands.**

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

**Sec. 126-~~261~~260. Paratransit service.**

(a) This article shall apply to the operation of a paratransit service only to the extent specified in this section.

(b) A VHC certificate under this article shall not be required for the operation of a paratransit service.

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

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

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

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

(4) A description of each paratransit taxicab, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the paratransit taxicab has been in use; and the color scheme, insignia,

name, monogram or other distinguishing characteristics to be used to designate the applicant's paratransit taxicab.

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

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

(d) An annual license shall be issued upon compliance with subsection (c) of this section, as well as sections 126-231(b); 126-231(c) of this article with regard to insurance, and payment of a fee set as in section 126-235 of this article.

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

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

(g) Subsections 126-231(d); 126-231(e); 126-231(f) and section 126-240 of this article concerning drivers' requirements shall apply to the operation of a paratransit service.

(h) Section 126-241 of this article concerning vehicle inspections; maintenance and equipment shall apply to the operation of a paratransit service.

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

(j) Section 126-242 of this article concerning vehicle designation and driver identification shall apply to the operation of a paratransit service.

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

(l) Section 126-238 of this division concerning reports and records shall apply to the operation of a paratransit service.

(m) Subsection 126-232(d) and section 126-244 of this division concerning misrepresentation and fraud in securing licenses and criminal and civil penalties shall apply to the operation of a paratransit service.

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

FORM APPROVED:

Douglas P. Philiph
Assistant City Attorney