CITY OF MILWAUKEE

Form CA-43

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October 31, 2003

Honorable Common Council
City Hall, Room 205

RE: File No. 030792, to prohibit two companies providing taxi service in the City of Milwaukee from operating under the same or similar names

Dear Council Members:

This ordinance prohibits taxicab companies and cooperatives from adopting names "substantially similar" to those of the entities granted body colors by the code [referring to the Milwaukee Code of Ordinances, Chapter 100]. It also includes findings, which will clarify the legislative intent of the City's already-adopted color system for taxicabs.

The stated purpose of such a prohibition is to eliminate conflict and confusion among users of different types of services.

Currently, § 349.24, Wis. Stats., provides in relevant portion:

> **Authority to license taxicab operators and taxicabs.** **(1)** The council of any city and every village or town board may:
> (a) Regulate and license chauffeurs and operators of taxicabs used for hire;
> (b) Regulate and license the taxicab business by licensing each taxicab used for hire;
> (c) Prohibit any person from operating any motor vehicle for taxicab purposes upon the highway of the city, village or town unless the person is licensed as a chauffeur and operator and unless the taxicab business is licensed by the licensing of each taxicab;
> (d) Revoke any license mentioned in this section when in its judgment the public safety so requires.

Chapter 100 is that chapter of the Milwaukee Code of Ordinances (MCO) that deals with the regulation of taxicabs. Section 100-2, MCO, provides in relevant portion:

> **Purpose.** The purpose of this chapter is to:
>
> . . .
>
> 6. Eliminate conflict and confusion among users between different types of services.

It seems obvious to us that a prohibition against two taxicab companies operating under the same or similar name is consistent with the express purposes of Chapter 100 and is well within the authority granted to the Common Council by § 349.24, Wis. Stats.

We also believe this is a regulation well within the police power of the Milwaukee Common Council. Under the provisions of § 62.11(5), Wis. Stats., the governing body of a city may regulate for the health, safety and welfare of the citizens of the community. Under § 62.11(5), Wis. Stats., the power to license (or not license) is one of the enumerated powers by which the governing body may exercise its police power.

It seems to us the elimination of conflict and confusion among taxicab services is consistent with the broad powers granted to the Milwaukee Common Council in § 62.11(5) and § 349.24 of the Wisconsin Statutes.

Very truly yours,

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BDS:wt:73556
c: Ronald D. Leonhardt, City Clerk

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