



Legislation Details (With Text)

File #: 061451 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 2/27/2007 **In control:** PUBLIC SAFETY COMMITTEE
On agenda: **Final action:** 4/17/2007
Effective date:

Title: A substitute ordinance establishing certain public passenger vehicle permit application processes and requirements and hearing procedures and revising certain regulations for the purposes of clarifying language.

Sponsors: THE CHAIR

Indexes: PUBLIC PASSENGER VEHICLES, REVISORS BILL, TAXICABS

Attachments: 1. Cover Letter, 2. Fiscal Note, 3. Notice Published on 5-3-07.PDF

Date	Ver.	Action By	Action	Result	Tally
2/27/2007	0	COMMON COUNCIL	ASSIGNED TO		
3/14/2007	1	CITY CLERK	DRAFT SUBMITTED		
3/23/2007	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/23/2007	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/23/2007	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/23/2007	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/29/2007	1	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
4/17/2007	1	COMMON COUNCIL	PASSED	Pass	15:0
4/24/2007	1	MAYOR	SIGNED		
5/3/2007	1	CITY CLERK	PUBLISHED		

061451
SUBSTITUTE 1

THE CHAIR

A substitute ordinance establishing certain public passenger vehicle permit application processes and requirements and hearing procedures and revising certain regulations for the purposes of clarifying language.

- 100-50 rc
- 100-51-6-a rc
- 100-51-15 rc
- 100-59-13 am
- 100-70-2-0 am
- 100-70-3 cr

This ordinance establishes certain permit application processes and requirements and hearing procedures related to the granting, denial, renewal, nonrenewal, suspension, revocation and surrender of public passenger vehicle permits, and clarifies provisions related to certain vehicle inspection procedures and the prohibiting of the operation for hire of public passenger vehicles not

holding valid public passenger vehicle permits. In addition, this ordinance establishes a separate penalty where any person violating certain public passenger vehicle equipment regulations shall upon conviction be subject to a forfeiture of not less than \$25 nor more than \$200.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 100-50 of the code is repealed and recreated to read:

100-50. Public Passenger Vehicle Permits.

1. PERMIT REQUIRED. a. No vehicle owner or lessee shall operate his or her vehicle, or allow his or her vehicle to be operated, as a public passenger vehicle for hire upon the streets of the city without the vehicle owner or lessee first obtaining for the vehicle a permit and current inspection sticker as provided in this section.

b. No person shall operate a public passenger vehicle for hire upon the streets of the city without the vehicle owner or lessee first obtaining for the vehicle a permit and current inspection sticker as provided in this section.

c. Any person violating this section shall be subject to the penalty provided in s. 100-70-2.

2. EXEMPTIONS. The following vehicles shall be exempt from the regulations of this subchapter:

a. Vehicles licensed by the Wisconsin Department of Transportation as human service vehicles as described in ch. Trans 301, Wis. Adm. Code.

b. Shuttle vehicles authorized by Milwaukee County to provide in-county shuttle service for General Mitchell International Airport under s. 4.05(4), Milwaukee county code.

3. ELIGIBILITY. a. Effective January 1, 1992, no new public passenger vehicle permits for taxicabs may be issued, except under either of the following conditions:

a-1. When a permittee applies to change his or her form of business such as by incorporating or forming a partnership.

a-2. When a permittee applies to transfer a permit to another person.

b. Prior to issuance of a new permit under par. a, the holder of an existing permit shall surrender the permit to the city clerk.

c. No new or renewal public passenger permits for taxicabs shall be issued for any motor vehicles of model years greater than 10 years old at the time of application.

4. APPLICATION. a. Application for a public passenger vehicle permit shall be filed with the city clerk on forms provided therefore. The application shall be signed and sworn to by the applicant, if an individual; each partner, if a partnership; a duly authorized agent, corporate president and secretary, if a corporation; or a duly authorized agent and 2 members, if a limited liability company.

b. The application shall require:

b-1. The name, date of birth and home address and telephone number of the applicant.

b-2. If the applicant is a corporation or limited liability company, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names, dates of birth and home addresses and telephone numbers of its designated agent and each of its officers or members, if any. If any of the members is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate officers.

b-3. If the applicant is a partnership, the application shall set forth the name, date of birth and home address and telephone number of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-4. The type of public passenger vehicle the applicant intends to employ.

b-5. The current state registration of each motor vehicle, naming the applicant as sole title holder and not as lien holder.

b-6. Evidence of financial responsibility as required by s. 100-53, issued to and covering the applicants.

b-7. All convictions of each person named on the application, including ordinance violations and traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred.

b-8. The identity of any dispatch services with which affiliated, if any.

b-9. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

c. If the applicant cannot satisfy the provisions of pars. b-5 and b-6 at the time of filing, the applicant shall file, with the application, a letter addressed to the licensing committee outlining his or her intentions of satisfying all the requirements of this subchapter prior to issuance of the applicable permit.

d. Each corporate applicant applying shall file with its application for a permit a statement by its officers or members showing the names and addresses of all persons who individually hold 10% or more of the corporation's total or voting stock, or proxies for that amount of stock, together with the amount of stock or proxies held by each person.

e. Each applicant shall file with the application for a permit a sworn statement by the applicant stating that the permit may be subject to suspension, nonrenewal or revocation if the permittee violates any rule or regulation provided in this chapter. The contents of the application shall be true, correct and complete, and show that the applicant has sworn to the truth of the same before a notary public authorized to give oaths in the state of Wisconsin.

f. In addition to the requirements of par. b, applications for horse and surrey livery permits shall require:

f-1. The name and address of a licensed veterinarian whom the applicant attests will be kept on call to administer veterinary services to the applicant's horses at any time when the horse and surrey livery service is operating.

f-2. The telephone number or numbers at which the licensed veterinarian can be reached 24 hours a day.

f-3. The manufacturer's specified seating capacity of the surrey. If the manufacturer has not specified the seating capacity of the surrey, the chief of police shall establish the seating capacity.

5. CHANGES TO BE REPORTED. a. A permittee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The permittee shall make this notification in writing within 10 calendar days after the change occurs.

b. Whenever a corporation or limited liability company holding a public passenger vehicle permit changes any of its corporate officers, members or agents, the corporation agent shall file, within 10 calendar days after the change occurs, the appropriate application with the city clerk and pay the fee required by s. 81-101.5. This application shall in all respects be treated as a new application subject to all the requirements of this section.

c. It shall be the duty of the corporate officers to file with the city clerk a statement of the sale or transfer of any stock or proxies, where the effect of such stock would constitute a change in the stockholders' list previously filed with the city clerk. The notice to the city clerk shall be given in writing within 10 calendar days after the sale or transfer occurs.

6. FEE. Each application shall be accompanied by the fee specified in ch. 81.

7. FINGERPRINTING. a. All applicants for a public passenger vehicle permit shall be fingerprinted. If the applicant is a corporation or limited liability company, the agent and each officer or member, as well as each stockholder owning 20% or more of the stock of the corporation, shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted.

b. Exemptions. The requirement that an applicant be fingerprinted shall not apply to a person already licensed by the city when that person is renewing the permit. The fingerprinting requirement shall also not apply to the officers and directors of nonprofit corporations which apply for a permit, except that the fingerprinting requirement shall apply to the agents of such corporations.

c. Duplicate Sets Not Required. If a set of fingerprints is on file with the police department, an

additional set shall not be required unless expressly requested by the police department for purposes of verification.

8. INVESTIGATION. Each application shall be referred to the chief of police who shall cause an investigation to be made and report the findings to the licensing committee.

9. COMMITTEE ACTION. a. If the chief of police files no written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the application shall be forwarded to the common council for approval.

a-2. If the chief of police files a written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the application shall be forwarded to the licensing committee for its recommendation as to whether or not each permit should be issued.

b. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing

b-2. A statement to the effect that the possibility of denial of the permit application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the permit to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted brief summary statements.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the permit should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-3. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

10. DISQUALIFICATION. a. Whenever an applicant for a new or renewal public passenger vehicle permit has had his or her application denied, not renewed or revoked, no other application by the same applicant for any new public passenger vehicle permit shall be recommended for approval by the licensing committee for a period of 12 months following the date of the denial, nonrenewal or

revocation.

- 11. ISSUANCE.** a. It shall be the duty of the city clerk, whenever a public passenger vehicle permit has been granted by the common council, to prepare and deliver to the applicant a permit in accordance with this chapter.
- b. No permit shall be issued by the city clerk unless the applicant has first provided the city clerk with all of the following items:
- b-1. A current state vehicle registration naming the applicant as sole titleholder and not as lien holder.
- b-2. If the vehicle is leased, an approved lease consistent with this chapter as a handicapped-elderly vehicle, luxury limousine or shuttle vehicle.
- b-3. A valid inspection sticker for the vehicle issued in accordance with s. 100-51.
- b-4. Proof of financial responsibility in accordance with s. 100-53.
- b-5. A city treasurer's receipt for payment of the permit fee.
- c. All permits shall bear the corporate seal of the city and the signature of the city clerk. The permit shall contain the engine number of each motor vehicle, together with the date of inspection of the vehicle, and blank spaces upon which an entry shall be made of the date of each inspection of the vehicle.
- d. A permit shall be issued only to a vehicle owner, excepting that a permit may be issued to an individual lessee of a handicapped- elderly vehicle, luxury limousine or shuttle vehicle if the vehicle is leased pursuant to this chapter.
- e. The permit shall be conspicuously and prominently displayed in each vehicle by the owner and shall be kept there at all times. An exception may be made to the permit display as provided in s. 100-51-7-b.
- f. A permit shall be mailed only to the vehicle owner. If a vehicle owner wishes to have the permit mailed to an address other than his or her home address, the vehicle owner shall fill out a form prepared by the city clerk, indicating the vehicle owner's mailing address. The address listed on the required form shall be a street address, not a post office box. In case of a corporation, limited liability company or limited liability partnership, the address listed on the form shall be the home address of the agent or the mailing address of the corporation, limited liability company or limited liability partnership. The individual owner, all partners of a partnership, the agent and all members of a limited liability company or limited liability partnership, and the agent, president and secretary of a corporation shall sign the form.
- g. Authorized Representative. g-1. If a permittee first files a statement with the city clerk signed in the presence of a notary public designating an individual who is authorized to represent the permittee, the authorized representative may pick up from the city clerk a permit issued to the permittee after the permittee:
- g-1-a. Has filed an affidavit with the city clerk for a duplicate permit.
- g-1-b. Has successfully completed an inspection for the replacement of a vehicle.
- g-2. No permit shall be released to any individual who is authorized under this subsection to represent the permittee without the city clerk first securing 2 adequate items of identification from the authorized representative.
- h. Whenever a permit has been defaced, lost, stolen or destroyed, the permittee shall immediately apply to the city clerk for a duplicate permit. All requests for a duplicate permit shall be accompanied by the fee specified in s. 81-1-4.

12. REGULATIONS. a. All Permittees. Every permittee shall be responsible for the operation of the vehicle for which the permit has been granted without regard to the legal relationship between the permittee and the driver.

b. Vehicle Leasing. b-1. A permittee may lease his or her vehicle to a person holding a public passenger vehicle driver's license issued under this chapter. No person leasing a vehicle from a permittee may sublease that vehicle. Subleasing shall subject such person to suspension or revocation of his or her driver's license as provided in this chapter.

b-2. A permittee shall own the vehicle for which a permit has been granted as sole titleholder and not as lien holder. However, the licensing committee may recommend the granting of a handicapped-elderly vehicle, luxury limousine, motorcycle, motorcycle with sidecar or shuttle vehicle permit for a vehicle leased or to be leased by the applicant if:

b-2-a. The vehicle is leased from an automobile dealer, motorcycle or vehicle leasing company and not from an individual or other type of corporation.

b-2-b. The lease provides that the city clerk be notified by the lessor within 10 calendar days of the cancellation of the lease.

b-2-c. The lease states the type of passenger service for which the vehicle is leased.

b-2-d. The lease includes permission for the placement of stickers and other identification required by this chapter.

b-2-e. The applicant has complied with any additional requirements established by the licensing committee.

c. Permit to be Put in Use. In this paragraph, "use" means continuity of operation of a vehicle as a public passenger vehicle.

c-1. Any taxicab permit granted by the common council shall be put in use by the permittee within 60 calendar days of the granting of the permit. Any taxicab permit not put into use within 60 calendar days shall be terminated by the city clerk without any further action. The city clerk shall report to the licensing committee at its next regular meeting, or special meeting, all terminated permits.

c-2. Any public passenger vehicle permit other than a taxicab permit granted by the common council shall be put in use by the permittee within 120 calendar days of the granting of the permit. The city clerk without further action shall terminate any such public passenger vehicle permit not put in use within 120 calendar days. The city clerk shall report to the licensing committee at its next regular meeting, or special meeting, all terminated permits.

d. Nonuse of Permits. Permits may be suspended or revoked by the licensing committee any time the permittee fails to make a reasonable effort to operate any vehicle licensed by the city. A permittee may remove a vehicle from service between May 1 and November 1 by notifying the city clerk of the action. A vehicle removed from service shall not be operated on the streets for hire or shall have its decals or designation as a public passenger vehicle removed or have the words "not in service" placed on each side of the vehicle in letters at least 5 inches high.

e. Replacement of Vehicle. e-1. No permit may be transferred to any other vehicle unless the owner or lessee of the vehicle is also the permittee, demonstrates financial responsibility for the vehicle, the vehicle has a current inspection sticker and the owner has paid the required vehicle replacement fee. The city clerk shall be notified of all vehicle replacements.

e-2. No public passenger permits for taxicabs shall be transferred to any motor vehicles of model years greater than 10 years old at the time of replacement.

f. Retirement of Vehicles. Any permittee who retires a vehicle from service and does not replace it shall immediately notify the city clerk of the action, indicating which retired vehicle will not be replaced. The licensing committee shall determine whether the permit for the retired vehicle shall be suspended until the vehicle is replaced, or revoked. Vehicles retired from service shall have all decals permanently removed or obliterated.

g. Fleet Parking. Fleet permittees shall be responsible for providing and using suitable off-street parking for their vehicles.

h. Affiliation. Vehicle owners shall maintain records ensuring that drivers serving their affiliations are properly licensed by the state of Wisconsin and the city. These records shall be made available to random inspection by the city.

13. TRANSFER OF PERMIT. a. If a permittee dies or becomes disabled, the permit may be transferred, upon notification of the city clerk by the claimant, to the surviving spouse, and if there is no surviving spouse, to the legal representative of the permittee or the estate, who shall be eligible for the operation or lease of the vehicle for the remainder of the permit period. A permit may also be

transferred with the permittee's consent to a spouse for good cause and upon approval of the licensing committee.

b. Upon expiration of the permit, the surviving spouse or legal representative may apply for the permit in his or her own name. The application shall not result in an increase in the number of permits in existence.

14. RENEWAL. a. Procedure for Renewal. a-1. Except as provided in subd. 2, the licensing committee shall, without a hearing, recommend to the common council the granting of an application for renewal of a public passenger vehicle permit to a permittee, provided the city clerk has received a timely-filed application for renewal and the applicant has complied with the requirements of sub. 7-a and 11-b.

a-2. If the chief of police files a written report summarizing the arrest and convictions of the applicant which could form a basis for nonrenewal, or there is a written objection to the renewal of the permit by any interested person, the application shall be forwarded to the licensing committee for its recommendation as to whether or not each permit should be renewed.

a-3. Any permittee who fails to apply for renewal prior to the expiration of his or her permit shall have the permit terminated on its expiration date. Any application filed after the expiration date shall be considered as a new permit application and be subject to the eligibility requirements for an original permit provided in this subchapter.

b. Procedure for Nonrenewal. b-1. If there is a possibility that the committee will not renew a permit, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless the notice has already been sent, in which case the hearing shall proceed.

b-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

b-2-a. The date, time and place of the hearing.

b-2-b. A statement of the common council's intention not to renew the permit in the event any objections to renewal are found to be true.

b-2-c. A statement of the reasons for possible nonrenewal.

b-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for nonrenewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-2-e. A statement that the applicant may be represented by counsel at the applicant's expense, if the applicant so wishes.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 16.

15. REVOCATION OR SUSPENSION OF PERMITS. a. Any permit issued under this section may be suspended or revoked for cause by the common council after notice to the permittee and a hearing.

b. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested person.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a permittee involving conduct which would violate ordinances that are grounds for suspension or revocation of a permit, the city clerk shall issue notice to the permittee. The notice shall be served upon the permittee so that the permittee has at least 3 days' notice of the hearing. The notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement to the effect that the possibility of suspension or revocation of the permit exists and the reasons for possible suspension or revocation.

c-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for suspension or revocation and to present witnesses under oath and to cross-examine

opposing witnesses under oath.

c-4. A statement that the permittee may be represented by counsel at the permittee's expense, if the permittee so wishes.

d. The licensing committee shall convene at the date and time designated in the notice for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed suspension or revocation.

e. If the permittee appears before the committee at the time designated in the notice and denies the charges contained in the complaint, the committee shall conduct an evidentiary hearing in connection with the suspension or revocation at that time. If the permittee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the complaints and the permittee in connection with the suspension or revocation.

f. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 16.

16. HEARING PROCEDURE. a. Authority of Committee. The licensing committee shall conduct hearings with respect to the nonrenewal, suspension or revocation of a permit pursuant to this subsection. The chair of the committee shall be the presiding officer.

b. Committee Hearing Procedure. b-1. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b-2. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection.

b-3. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-4. At all stages of the proceedings before the committee or before the common council, the permittee shall be entitled to appear both in person and by counsel.

c. Record. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

d. Grounds for Nonrenewal, Suspension or Revocation. The recommendation of the committee regarding the permittee shall be based on evidence presented at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of:

d-1. Failure of the permit holder to meet the municipal qualifications or any of the licensing requirements of this chapter.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the permittee, or by any employe, driver or lessee of the permittee.

d-3. The permittee, or any employe, driver or lessee of the permittee, having violated any of the operating regulations and prohibited practices set forth in this chapter.

d-4. Any other factor or factors which reasonably relate to the public health, safety and welfare.

e. Committee Report. e-1. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the permit be renewed conditioned upon a suspension of the permit for a defined period of time. When the committee elects to recommend that a permit be renewed with a period of suspension, the permit may be suspended for a period of not less than 10 days and no more than 90 days. All suspensions or revocations shall be effective upon service of notice of the nonrenewal, suspension or revocation upon the permittee.

e-2. Within 10 working days after it reaches a decision, the committee shall prepare and serve a

report and recommendation on the permittee and transmit a copy thereof to the city attorney. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

e-3. If the committee recommends that the permit not be renewed, be suspended or be revoked, then within 7 days of the receipt of the report and recommendation of the committee, the permittee shall file written exceptions, if any, to the report and recommendations of the committee. Written exceptions shall include a concise statement of objections together with supporting arguments.

c-4. Any exceptions filed by the permittee to the report and recommendations of the committee shall be filed by the close of business on the day that is 3 working days prior to the date on which the matter is to be heard by the common council. Copies of exceptions shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

d. Council Action. d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the permittee and complainant by certified mail and also notify the city attorney that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the permit be suspended, revoked or not renewed, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the permittee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted only at the discretion of the chair. If argument is permitted by the chair, argument shall be limited to 5 minutes, and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. Permittees shall appear only in person or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense. d-2. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. The vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending nonrenewal, suspension or revocation with the committee's report and recommendation, the city clerk shall give notice of each nonrenewal, suspension or revocation to the person whose permit is not renewed, suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused.

17. REQUEST TO SURRENDER A PERMIT. a. If a permittee wishes to surrender his or her permit after receiving a notice for a hearing on nonrenewal, suspension or revocation, the permittee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

b. If a permittee who has surrendered his or her permit wishes to have the surrendered permit returned, regardless of whether the permit was surrendered pursuant to par. a, the permittee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the permittee by the city clerk. The committee may approve the request and return the permit without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for nonrenewal, suspension or revocation. If the committee makes a recommendation to deny the request for the return of the permit, all committee

recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for nonrenewal, suspension or revocation.

c. Whenever any permit is surrendered in lieu of a pending nonrenewal, suspension or revocation proceeding, no new public passenger vehicle permit shall be granted to the same person for a period of 12 months following the date of surrender.

Part 2. Section 100-51-6-a of the code is repealed and recreated to read:

100-51. Vehicle Inspections.

6. DOCUMENTS. a. No vehicle shall be inspected unless prior to the inspection the permit, certificate of vehicle registration, trip sheets, and, if a meter fare taxicab, meter permit and meter inspection slip are presented to the inspecting officer.

Part 3. Section 100-51-15 of the code is repealed and recreated to read:

15. POLICE REPORT. a. The police department shall report to the licensing committee, in writing, at the end of each inspection period. The report shall include, but not be limited to, vehicles appearing for inspection, vehicles passing inspection, vehicles issued a current violation citation, vehicles red-tagged, and vehicles failing to appear for inspection.

b. The police department shall also notify the city clerk, in writing, of any vehicles receiving more than 2 red tags in any 12-month period. The city clerk shall issue a summons as described under s. 100-54-6-c demanding that the vehicle owner appear before the licensing committee to show cause why the permit should not be revoked.

Part 4. Section 100-59-13 of the code is amended to read:

100-59. Operating Regulations for all Public Passenger Vehicle.

13. TRIP RECORDS. Every driver shall ~~maintain daily~~ complete in real time on a daily basis trip records, approved by the police department as to format, which shall show the ~~time, date~~ date, time and place each passenger was picked up and the ~~time, date~~ date, time and place each passenger was discharged. Each daily record shall contain the driver's name and vehicle permit number. The permittee shall retain trip records for at least 6 months, and the original records shall be readily available for inspection upon request by the police department.

Part 5. Section 100-70-2-0 of the code is amended to read:

100-70. Penalty.

2. Any person who violates ~~ss.~~ s. 100-50-1~~[-a]~~ or 100-60-3-a shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment be confined in the county jail or house of correction until such forfeiture and costs are paid, but not to exceed 40 days:

Part 6. Section 100-70-3 of the code is created to read:

3. Any person who violates s. 100-51-7-c to q, s. 100-59-1, 6, 13 or 14, or s. 100-61-3 shall upon conviction forfeit not less than \$25 nor more than \$200 together with the costs of prosecution, or in default of payment may be imprisoned in the county house of correction for a period not to exceed 8 days.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

CCL07126-2

RGP

03/05/07

LRB07123-2

TWM:mbh

3/14/2007