



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 2/7/2006      **In control:** PUBLIC SAFETY COMMITTEE

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**Effective date:**

**Title:** A substitute ordinance relating to the definition of luxury limousine and establishing certain appeal hearing procedures under public passenger vehicle regulations.

**Sponsors:** ALD. WITKOWSKI

**Indexes:** LIVERY SERVICE, PUBLIC PASSENGER VEHICLES

**Attachments:** 1. Fiscal Note, 2. List of Approved Vehicles, 3. Memo 2/16/05 from License Division, 4. List of vehicles Licensed as Luxury Limousines as of 2/7/06, 5. Notice Published on 3-16-06.PDF

Date	Ver.	Action By	Action	Result	Tally
2/7/2006	0	COMMON COUNCIL	ASSIGNED TO		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/10/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/13/2006	1	CITY CLERK	DRAFT SUBMITTED		
2/16/2006	1	PUBLIC SAFETY COMMITTEE	AMENDED	Pass	4:0
2/16/2006	2	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
2/16/2006	2	CITY CLERK	DRAFT SUBMITTED		
2/28/2006	2	COMMON COUNCIL	PASSED	Pass	15:0
3/8/2006	2	MAYOR	SIGNED		
3/16/2006	2	CITY CLERK	PUBLISHED		

051411  
SUBSTITUTE 2

ALD. WITKOWSKI

A substitute ordinance relating to the definition of luxury limousine and establishing certain appeal hearing procedures under public passenger vehicle regulations.

100-3-11 rc  
100-66-2 rc

This ordinance establishes the following:

1. A "luxury limousine" means a category of for-hire, unmetered, unmarked ground transportation vehicles regularly engaged in the business of carrying passengers on a prereserved basis only, and

which meets either a stretched limousine or executive sedan classification definition.

2. A vehicle must be of a make and model approved for use by the common council in order to meet the executive sedan classification definition.

3. A list of all makes and models of vehicles approved for use is required to be maintained by the city clerk and must be accessible to the public.

4. Vehicles not meeting the executive sedan classification definition may be permitted if approved by the common council after an appeals hearing and recommendation from the appropriate committee of the common council.

In addition, this ordinance establishes certain factors the committee may consider when making its recommendation relating to approving a make and model of vehicle for use as a luxury limousine under the executive sedan classification definition.

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

Part 1. Section 100-3-11 of the code is repealed and recreated to read:

### 100-3. Definitions.

11. LUXURY LIMOUSINE means a category of for-hire, unmetered, unmarked ground transportation vehicles regularly engaged in the business of carrying passengers on a prereserved basis only and which meets the definition of one of the following classifications:

a. Stretched limousine, which is a luxury custom motor vehicle whose chassis and wheelbase have been altered, whether at the time of manufacture or after, beyond the length of the manufacturer's original specifications for the vehicle and which has safety features that comply with all applicable federal motor vehicle safety standards.

b. Executive sedan, which is a luxury production 4-door sedan or sports utility vehicle that may have custom nonproduction features and which is of a make and model approved for use by the common council.

b-1. A list of all makes and models of vehicles approved for use shall be maintained by the city clerk and shall be accessible to the public.

b-2. Specific vehicles not meeting this definition may be permitted if approved by the common council pursuant to s. 100-66-2.

Part 2. Section 100-66-2 of the code is repealed and recreated to read:

2. a. In the event a determination is made by the city clerk that an application for a public passenger vehicle permit for a luxury limousine does not meet the definition under s. 100-3-11-b, no permit shall be issued unless the applicant requests, in writing on forms provided by the city clerk therefor, an appeal before the appropriate committee of the common council, no more than 10 working days after the date on which the applicant was notified of the city clerk's determination. A hearing of an appeal shall be conducted as set forth in s. 100-54-4-d.

b. The recommendation of the committee regarding the permit must be based on evidence presented at the hearing. Probative evidence concerning whether the permit should be granted may be presented on the following subjects:

b-1. The characterization of the vehicle by the manufacturer in sales or promotional materials regularly distributed to the public.

b-2. The original manufacturer's suggested retail price or present fair market value of the vehicle.

b-3. The body style, number of doors, interior volume and rear passenger-carrying capacity of the vehicle.

b-4. The type and number of any standard and optional equipment, custom nonproduction features and alterations from the manufacturer's original specifications.

- b-5. Any other factors which reasonable relate to the public health, safety and welfare.
- c. The committee may make a recommendation immediately following the hearing or on a later date. Written notice of the committee's recommendation will be provided if the decision is made at a later date or if the applicant was not present. 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.
- d. All common council action and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in s. 100-54-7-f.

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: \_\_\_\_\_

CCL06001-3

RGP

2/16/06