



Legislation Text

File #: 111222, **Version:** 3

111222
SUBSTITUTE 3

ALD. BAUMAN AND WITKOWSKI

A substitute ordinance relating to the issuance of new public passenger vehicle permits for taxicabs, the frequency of vehicle inspections, and vehicle standards and equipment requirements.

81-60.5-4 cr

81-68-4 cr

81-76-4 cr

81-89-4 cr

81-106.5-4 cr

81-126-2 rc

81-126-3 rc

81-126-4 cr

81-126-5 cr

85-21-2-b am

100-3-16 am

100-3-18 am

100-50-3 rc

100-50-4-a rc

100-50-4-e am

100-50-11-i cr

100-50-12-a am

100-50-12-b-1 am

100-50-12-b-3 cr

100-50-12-c rn

100-50-12-c cr

100-50-12-d rn

100-50-12-e rn

100-50-12-f rn

100-50-12-g rn

100-50-12-i cr

100-50-13 rc

100-50-14-a rn

100-50-14-a cr

100-50-14-b rn

100-50-14-c rn

100-51-1 rn
100-51-1-b cr
100-51-1-c cr
100-51-1-d cr
100-51-2-0 am
100-51-2-e rc
100-51-4-d am
100-51-5-b am
100-51-6-b am
100-51-7 am
100-51-8-a am
100-51-8-b am
100-51-8-c-0 am
100-51-8-c-2 am
100-51-8-c-3 am
100-51-8-d-1-0 am
100-51.5-3-c cr
100-51.5-3-d cr

This ordinance repeals the limitation on issuance of new public passenger vehicle permits for taxicabs and authorizes the issuance of 100 new permits prior to November 1, 2014. Ten additional new permits may be issued after November 1, 2014, annually for a period of 5 years. Additional new permits may be issued to ensure that the total number of permitted taxicabs is not reduced to fewer than 320. New permits may only be issued to applicants who reside within city limits, or, if the applicants are partnerships, corporations or limited liability companies, only to those partnerships, corporations or limited liability companies in which the individuals holding the chief financial interest are residents of the city.

The ordinance authorizes the city clerk to establish a process for accepting and processing completed applications using a lottery or other system as necessary to ensure orderly processing of taxicab permit applications. If a lottery is established, the city clerk may provide for a waiting list. A \$100 lottery participation fee is established. Not more than 2 lottery entries will be permitted during a single lottery except that a veteran will be entitled to submit a third without additional fee.

The ordinance prohibits an applicant from having a financial interest in more than 2 new taxicab permits. This limitation does not apply to permits issued prior to November 1, 2013. No person holding more than one taxicab permit issued prior to November 1, 2013, shall be eligible to apply for a new permit on or after that date. Each applicant for a taxicab permit is required to acknowledge these limitations in the sworn statement that is filed with the application.

The ordinance also provides that new permits, issued on or after November 1, 2014, may only be issued for vehicles that, in addition to meeting all other requirements, either meet requirements for handicapped-elderly vehicles or provide passenger leg room of not less than 40 inches.

The ordinance provides that failure to place a vehicle into service within 60 days of the date that permit issuance is authorized by the common council constitutes surrender of the permit. Upon notice from the city clerk, cause may be given to retain the permit or to allow an extension by the licensing committee.

The ordinance requires that 2 inspections of permitted taxicabs be scheduled and conducted in the course of a permit year. The department of public works is designated as the agency responsible for scheduling and conducting inspections of public passenger vehicles including taxicabs, or if the volume is too great, to approve and designate one or more additional parties, businesses or agencies to conduct inspections.

The ordinance increases the one-year permit fee from \$175 to \$370, and the one-year renewal permit fee from \$100 to \$295. The fees for a new permit and for a renewal permit are reduced by \$20 if the permitted vehicle is registered within the city. The ordinance also provides an increased late filing fee for public passenger vehicle permits from \$25 generally charged for late renewal applications to \$125 to cover the costs of inspection. Late permit renewal fees are applicable to permits for horse and surrey livery, limousines, motorcycles used for tours, pedicabs, shuttle vehicles and taxicabs.

The ordinance further provides that no taxicab may be operated under a permit first issued on or after November 1, 2013, except by the permittee, the person holding the chief interest in the applicant if the applicant is a partnership, limited liability company or corporation, or a relative of the permittee, or the person holding the chief financial interest in the applicant if the applicant is a partnership, limited liability company or corporation. Relative means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé, fiancée or registered domestic partner. All persons operating a taxicab under a new permit are required to file a copy of a certificate or other document to the city clerk attesting completion of a driver training course offered by the Taxicab, Limousine and Paratransit Association or its equivalent approved by the chief of police.

The ordinance also requires each taxicab operator to be readily identifiable by uniform clothing consisting of a white shirt with collar and khaki-style trousers. Shirts must be clearly marked with the words "City of Milwaukee Taxicab" or a symbol of the city adopted by the common council. Alternatively, shirts worn by operators driving taxicabs for an affiliated company may reflect the colors of the company.

The ordinance replaces provisions for the transfer of public passenger vehicle permits including new taxicab permits issued on and after November 1, 2013, with the general transfer procedures applicable to other business licenses and permits provided in ss. 85-19 and 85-24 effective November 1, 2013. Taxicab permits issued prior to November 1, 2013, may be transferred under current provisions.

All permittees replacing a taxicab or placing a new vehicle into service on or after November 1, 2013, shall install rear seat swipe credit card processing equipment subject to policy or rule established by the city clerk under a policy reviewed and approved by the licensing committee.

Finally, the ordinance requires the legislative reference bureau to provide the common council with an annual report on or before April 1 including information about the numbers of permit applications made and permits issued, changes in the costs to the city incurred in processing applications and issuing new and renewal permits, factors affecting the availability, accessibility and safety of public passenger vehicles, and other information requested by the licensing committee. The report due on or before April 1, 2014 shall be accompanied by a report with information and recommendations related to the implementation of fuel efficiency standards by April 1, 2018.

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

Part 1. Section 81-60.5-4 of the code is created to read:

81-60.5. Horse and Surrey Livery Permit.

4. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.

Part 2. Section 81-68-4 of the code is created to read:

81-68. Limousine Permit.

4. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.

Part 3. Section 81-76-4 of the code is created to read:

81-76. Motorcycle Used for Tours Permit.

4. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.

Part 4. Section 81-89-4 of the code is created to read:

81-89. Pedicab Owner's Permit.

4. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.

Part 5. Section 81-106.5-4 of the code is created to read:

81-106.5. Shuttle Vehicle Permit.

4. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.

Part 6. Section 81-126-2 and 3 of the code is repealed and recreated to read:

81-126. Taxicab Permit .

2. The fee for each new permit shall be:

- a. \$350, if the permitted vehicle is registered to an address within the city.
- b. \$370, if the permitted vehicle is registered to an address outside the city .

3. The fee for renewal of each permit shall be:

- a. \$295, if the permitted vehicle is registered to an address within the city.
- b. \$315, if the permitted vehicle is registered to an address outside the city .

Part 7. Section 81-126-4 and 5 of the code is created to read:

- 4. If the city clerk establishes a lottery or similar system for accepting applications, the non-refundable entry fee shall be \$100 for each entry.
- 5. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.

Part 8. Section 85-21-2-b of the code is amended to read:

85-21. Fingerprinting and Investigation Required.

2. INVESTIGATION.

- b. The report provided by the chief of police shall include information for the preceding 10 years related to any criminal or ordinance convictions and any pending criminal charges and ordinance citations of the applicant; each partner, if the applicant is a partnership; or agent, as well as any persons holding 20% or more ownership in the legal entity, if the applicant is a corporation, limited liability company or similar firm or business recognized in law. >>The chief of police shall access and use all appropriate and available data bases and resources consistent with state law.<<

Part 9. Section 100-3-16 and 18 of the code is amended to read:

100-3. Definitions.

- 16. PERMITTEE, FLEET means a person who has been issued ~~[[5]]~~>>10<< or more vehicle permits.
- 18. PERSON means any individual, partnership, corporation >>, limited liability company<< or association.

Part 10. Section 100-50-3 and 4-a of the code is repealed and recreated to read:

100-50. Public Passenger Vehicle Permits.

- 3. ELIGIBILITY, TAXICABS. a. No new or renewal public passenger vehicle permit for a taxicab shall be issued for any motor vehicle of a model year greater than 10 years old at the time of application.
- b. No new public passenger vehicle permit for a taxicab shall be issued on and after November 1, 2014, except for a motor vehicle that, in addition to meeting all other requirements of this subchapter, provides passenger leg room of not less than 40 inches measured from the back of the seated passenger forward.
- c. A renewal permit may be issued for a taxicab permitted and in service on or before November 1,

2014, but no permit shall be transferred to a different vehicle on or after November 1, 2014, except a vehicle in compliance with par. b.

d. Notwithstanding the vehicle requirements of pars. b and c, a permit for a taxicab may be issued upon a determination that the vehicle model meets the requirements in s. 100-51.5-4 for handicapped-elderly vehicles.

4. APPLICATION. a. a-1. Application for a public passenger vehicle permit shall be filed with the city clerk on forms provided and, except where otherwise expressly provided in this section, shall conform to the requirements in s. 85-12.

a-2. Completed applications for a new permit shall be accepted by the city clerk for processing in a manner established by the city clerk for submission to the licensing committee.

a-3. Not more than 100 new taxicab permits shall be issued upon approval of the licensing committee prior to November 1, 2014, after which the number of taxicab permits that may be issued shall be increased by 10 permits annually in addition to the number of permits issued and in effect at the end of the prior 12-month period. No additional new taxicab permits shall be issued on or after November 1, 2019, with the exception of a sufficient number of new permits that may be issued to ensure that the total number of permitted taxicabs remains no fewer than 320.

a-4. The city clerk, upon approval of the licensing committee, may establish a lottery or any other reasonable means to ensure fair and orderly processing of taxicab permit applications. Upon approval of a plan of implementation by the licensing committee, and if a lottery is established to determine eligibility for submission of taxicab permit applications, the following shall apply:

a-4-a. Lottery participants shall pay the nonrefundable fee provided in s. 81-126-4.

a-4-b. Not more than two lottery entries may be submitted by any person during the conduct of a single lottery except as provided in subd. c.

a-4-c. A veteran of the military service may submit a third lottery entry at no extra fee if, upon successful placement in the lottery, the veteran intends to apply for a taxicab permit as an individual or sole proprietor of a corporation or limited liability company or as a partner holding the chief financial interest in the operation of the taxicab.

a-4-d. A waiting list may be established by the city clerk permit additional applications when applications are denied or permits expire, are not renewed, are surrendered or are revoked.

a-4-e. If a waiting list is established, persons on the list shall be eligible to apply in the order they are listed for any available new permit or for any permit that becomes available due to the nonrenewal, surrender or revocation of any permit.

a-4-f. The lottery selection process shall be conducted fairly and shall be open to the public for observation.

a-5. No applicant shall have a financial interest in more than 2 new taxicab permits issued after October 31, 2013, as verified by the sworn statement required under par. e. No person holding more

than one taxicab permit prior to November 1, 2013, shall be eligible to apply for a new permit.

a-6. An applicant for a new taxicab permit issued after October 31, 2013 shall reside within the city limits, or, if the applicant is a partnership, corporation or limited liability company, the individual holding the chief financial interest in the partnership, corporation or limited liability company shall reside in the city.

Part 11. Section 100-50-4-e of the code is amended to read:

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. >>The application for a new taxicab permit shall include an acknowledgement that the applicant does not have a financial interest in more than one additional permit or in the operation of more than one additional taxicab under permit first issued on or after November 1, 2013, nor does the applicant have more than one permit first issued prior to November 1, 2013.<<

Part 12. Section 100-50-11-i of the code is created to read:

11. ISSUANCE.

i. On or before April 1 of each year, the legislative reference bureau shall provide a report to the common council including:

i-1. Information of the numbers of public passenger permit applications made and numbers of permits issued for all types of vehicles.

i-2. Information related to the numbers of public passenger permits issued for taxicabs including any factors that present a risk that the total number of permitted taxicabs may be reduced to fewer than 320.

i-3. Changes in the costs to the city incurred in processing applications and issuing new and renewal permits.

i-4. Factors affecting the availability, accessibility and safety of public passenger vehicles.

i-5. Such other information as may be requested by the licensing committee.

Part 13. Section 100-50-12-a and b-1 of the code is amended to read:

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]]~~>>Except as provided in subd. 3, 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.

Part 14. Section 100-50-12-b-3 of the code is created to read:

b-3. No taxicab may be operated under a new permit issued after October 31, 2013, except by the permittee or a relative of the permittee, or, if the permittee is a partnership, corporation or limited liability company, the person having the chief financial interest in the partnership, corporation or limited liability company, or that person's relative. For purposes of this section, "relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé, fiancée or registered domestic partner. This restriction shall not apply to taxicab permits issued or transferred prior to October 31, 2013, and subsequently renewed. Each person operating a taxicab under a new permit shall file a copy of a certificate or other document with the city clerk attesting completion of a driver training course offered by the Taxicab, Limousine and Paratransit Association or its equivalent approved by the chief of police.

Part 15. Section 100-50-12-c to g of the code is renumbered 100-50-12-d to h.

Part 16. Section 100-50-12-c of the code is created to read:

c. Prompt Placement Into Service. Failure to place a permitted vehicle into service within 60 days of common council action authorizing issuance of a permit shall constitute constructive surrender of the permit. The deadline for placement into service may be extended for a reasonable period by the licensing committee upon a showing of good cause for the extension. The city clerk shall provide written notice to the person who made application for the permit that the permit is deemed surrendered and that the applicant has 30 days to show cause why the permit should not be deemed surrendered or that an extension of the deadline for placement into service should be granted.

Part 17. Section 100-50-12-i of the code is created to read:

i. Taxicab Operator Identification. Every permittee shall ensure that, in addition to the vehicle markings and placards required in s. 100-51.5-1, the driver operating a permitted taxicab shall be readily identifiable and at all times when operating the taxicab for hire or hail shall wear uniform clothing consisting of a long-sleeved white shirt with collar and khaki-style trousers. The shirt worn by an operator:

i-1. Shall be visibly marked with the words "City of Milwaukee Taxicab" or with a symbol or logo adopted by common council resolution as representative of the city.

i-2. May be short-sleeved between the dates of Memorial Day and Labor Day.

i-3. May, as an alternative, be colored to reflect the color of the affiliated taxicab as provided in s. 100-51.5-3-a.

Part 18. Section 100-50-13 of the code is repealed and recreated to read:

13. TRANSFER OF PERMITS. a. Except as provided under par. b, see ss. 85-19 and 85-24 for

provisions relating to the transfer of permits and change of permit names.

b. Public passenger vehicle permits for taxicabs first issued prior to November 1, 2013 may be transferred under either of the following conditions:

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

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

b-3. Prior to issuance of a new permit under this paragraph, the holder of an existing permit shall surrender the permit to the city clerk.

Part 19. Section 100-50-14-a to c of the code is renumbered 100-50-14-b to d.

Part 20. Section 100-50-14-a of the code is created to read:

14. RENEWAL. a. Renewal Application. Notwithstanding any other provision of this code to the contrary, failure of a public passenger vehicle taxicab permittee to file an application for renewal prior to the deadline established by the city clerk for filing renewal applications for any class of vehicle shall result in the expiration of the permit at the end of the permit period if not earlier surrendered or revoked.

Part 21. Section 100-51-1 of the code is renumbered 100-51-1-a.

Part 22. Section 100-51-1-b to d of the code is created to read:

100-51. Vehicle Inspection. 1. INSPECTION REQUIRED.

b. The department of public works shall conduct inspections under this section.

c. Upon a finding by the commissioner of public works that the volume of inspections requires additional assistance, the commissioner may approve and designate one or more additional parties, businesses or agencies to conduct inspections under terms and conditions that will assure substantially similar quality and costs as if conducted by the department.

Part 23. Section 100-51-2-0 and d of the code is amended to read:

2. WHEN REQUIRED. A vehicle inspection when conducted by the ~~[[police]]~~ department >>of public works<< or its designee shall be required for each vehicle in all of the following circumstances:

d. When transferring any permit to another person under s. ~~[[100-50-3-a]]~~>>100-50-13<<, if the application for permit transfer involves the replacement of a vehicle.

Part 24. Section 100-51-2-e of the code is repealed and recreated to read:

e. When requested by the police department or the city clerk for any additional inspection on a random selection basis or when identified by complaint.

Part 25. Section 100-51-4-d of the code is amended to read:

4. ELIGIBILITY.

d. No meter fare taxicab shall be inspected by the ~~[[police]]~~ department ~~>>~~of public works or its designee~~<<~~ until the city sealer has examined the taximeter attached to the vehicle and found it to meet the requirements under s. 100-51.5-3-b.

Part 26. Section 100-51-5-b of the code is amended to read:

b. Inspection of taxicabs shall be held ~~[[in the first 2 full working weeks of October]]~~~~>>~~not less than 2 times in the course of a full permit year at times established by the department of public works~~<<~~.

Part 27. Section 100-51-6-b of the code is amended to read:

6. NOTICE OF INSPECTION.

b. Random Inspections. Permittees of vehicles ~~[[directed]]~~~~>>~~requested~~<<~~ by the police department ~~>>~~or the city clerk to appear~~<<~~ for any additional inspection under sub. 2-e shall be notified by United States first class mail, postage prepaid of the inspection date and time at least 2 days prior to the inspection.

Part 28. Section 100-51-7, 8-a to c-0, 2, 3 and d-1-0 of the code is amended to read:

7. ~~[[POLICE]]~~~~>>~~INSPECTION~~<<~~ REPORT. The ~~[[police]]~~ department~~>>~~of public works~~<<~~ 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 removed from public service, and vehicles failing to appear for inspection.

8. INSPECTION ACTIONS. a. Inspection Sticker. The ~~[[police]]~~ department~~>>~~of public works~~<<~~ shall place in a conspicuous location a nonremovable sticker on the exterior of each public passenger vehicle thoroughly inspected by the ~~[[police]]~~ department~~>>~~of public works~~<<~~ and found to meet the vehicle standards and equipment requirements established in this subchapter. The city clerk may provide for an inconspicuous inspection sticker for luxury limousines.

b. Require Reinspection. The ~~[[police]]~~ department~~>>~~of public works~~<<~~ shall not issue an inspection sticker for, and shall require reinspection of, any vehicle that is found in violation of any of the vehicle standards and equipment requirements established in this subchapter. Violations found during any inspection shall be corrected and the vehicle shall be presented at the designated inspection station for reinspection on the next regularly scheduled inspection date, or on or before the last day of the annual inspection period, if applicable.

c. Remove Vehicle from Service. In addition to any action taken under par. b, the ~~[[police]]~~ department~~>>~~of public works~~<<~~ shall immediately suspend the permit of and remove from public service any vehicle that is found to be in a hazardous condition and unsafe for public patronage.

c-2. The sticker may only be removed by the ~~[[police]]~~ department >>of public works<< upon a successful reinspection at the designated inspection station.

c-3. Removal, alteration, defacement or obscuration of the sticker by anyone other than the ~~[[police]]~~ department >>of public works<< shall be subject to the penalty provisions of this chapter.

d. Suspend Permit. d-1. Without any further action, the ~~[[police department]]~~ >>the city clerk<< shall immediately suspend the permit and notify the permittee by United States first class mail, postage prepaid mail of the suspension whenever >>the city clerk receives information that<< any of the following ~~[[occur]]~~ >>has occurred<<:

Part 29. Section 100-51.5-3-c and d of the code is created to read:

100-51.5. Vehicle Standards and Equipment Requirements.

3. TAXICAB REQUIREMENTS.

c. Noncash Payment. On or after November 1, 2013, each permittee replacing a taxicab or placing a new vehicle into service shall install rear seat swipe credit and debit card-processing equipment subject to policy or rule established by the city clerk under a policy reviewed and approved by the licensing committee.

d. Fuel Efficiency. d-1. The legislative reference bureau shall provide a report on or before April 1, 2014, together with the annual report required in s. 100-50-11-i, containing recommendations to the common council on strategies and regulation to improve fuel efficiency and to reduce reliance upon fossil fuels within the city's permitted taxicab fleets.

d-2. The report required in subd. 1 shall be prepared with active participation and advice of permittees, drivers and other representatives of the taxicab industry and shall also include participation by affected businesses, tourism and entertainment interests and members of the general public. The report shall:

d-2-a. Assume a target date of April 1, 2019, for implementation of fuel-efficient fleets.

d-2-b. Propose appropriate definitions and standards for establishing fuel-efficiency based upon current and best practices among comparable taxicab fleets and using model engineering and other standards.

d-2-c. Propose alternative standards and specifications that include consideration of the economic burden new vehicle standards and requirements may place upon persons operating one or a small number of permitted vehicles.

d-2-d. Address the goal of reducing harmful emissions in addition to reducing reliance upon fossil fuels and increasing fuel efficiencies.

d-2-e. Include statements and comments submitted by affected taxicab industry participants and the general public.

Part 30. This ordinance shall take effect August 26, 2013. No new taxicab permits shall take effect prior to November 1, 2013.

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: _____

LRB144881-4.5

Richard L. Withers

5/8/2013