



Legislation Text

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Substitute 2

THE CHAIR

A substitute ordinance reordering and revising public passenger vehicle standards, equipment requirements and operating and inspection regulations for the purposes of clarifying language, eliminating obsolete provisions, and establishing annual license periods and renewal permit fees.

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This ordinance reorders and revises certain public passenger vehicle standards, equipment requirements and operating and inspection regulations for the purposes of clarifying language and eliminating obsolete provisions. In addition, this ordinance establishes, effective January 1, 2009, the following provisions:

1. Amends from a 2-year license period to a one-year license period the license period for public passenger vehicle permits,
2. Amends from November 30 to October 30 the expiration date of license periods for taxicab permits.
3. Increases from \$165 to \$175 the permit fee for new public passenger vehicle permits.
4. Establishes a permit fee of \$100 for renewal of public passenger vehicle permits.
5. Establishes an exemption from vehicle renewal inspections for certain vehicles that have passed vehicle inspections within 30 days of designated renewal inspection periods.
6. Establishes in the amount of \$75 the nonrefundable portion of license and permit fees that are

\$175 or more.

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

Part 1. Section 81-1-3-a-2 of the code is amended to read:

81-1. General Provisions.

3. REFUND OF FEES BY CITY CLERK'S OFFICE.

a-2. \$50, if the permit or license fee is ~~[[more than]]~~\$100 >>to \$174<<.

Part 2. Section 81-1-3-a-3 of the code is created to read:

a-3. \$75, if the permit or license fee is \$175 or more.

Part 3. Section 81-58.5 of the code is amended to read:

81-58.5. Handicapped-Elderly Vehicle Permit.

1. Each handicapped-elderly vehicle permit shall be issued for a ~~[[2-year]]~~>>one-year<<period and expire on April 30 ~~[[in odd-numbered years]]~~>>irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[165]]~~>>175<<.

Part 4. Section 81-58.5-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 5. Section 81-60.5 of the code is amended to read:

81-60.5. Horse and Surrey Livery Permit.

1. Each horse and surrey livery permit shall be issued for a ~~[[2-year]]~~>>one-year<<period ~~[[beginning May 1 in odd-numbered years]]~~>>and expire on April 30 irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[165]]~~>>175<<.

Part 6. Section 81-60.5-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 7. Section 81-68-1 and 2 of the code is amended to read:

81-68. Luxury Limousine Permit. 1. Each luxury limousine permit shall be issued for a ~~[[2-year]]~~>>one-year<< period and expire on April 30 ~~[[in odd-numbered years]]~~>> irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[\\$165]]~~>>\\$175<<.

Part 8. Section 81-68-3 of the code is repealed and recreated to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 9. Section 81-75.5 of the code is repealed.

Part 10. Section 81-76 of the code is amended to read:

81-76. Motorcycle ~~[[with Sidecar]]~~>>Used for Tours<< Permit.

1. Each motorcycle ~~[[with sidecar]]~~>>used for tours<< permit shall be issued for a ~~[[2-year]]~~>>one-year<< period, expiring on April 30 ~~[[in odd-numbered years]]~~>> irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[\\$80]]~~>>\\$175<<.

Part 11. Section 81-76-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 12. Section 81-89 of the code is amended to read:

81-89. Pedicab Owner's Permit. 1. Each pedicab owner's permit shall be issued for a ~~[[2-year]]~~>>one-year<< period, expiring on April 30 ~~[[in odd-numbered years]]~~>> irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[\\$165]]~~>>\\$175<<.

Part 13. Section 81-89-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 14. Section 81-101.3 of the code is amended to read:

81-101.3. Public Passenger Vehicle Fee, Special. The fee for >>any<< special inspection of a public passenger vehicle, ~~[[which shall apply when the vehicle owner fails to obtain a current inspection sticker during an established period]]~~, as provided in s. 100-51, shall be \$75.

Part 15. Section 81-106.5 of the code is amended to read:

81-106.5. Shuttle Vehicle Permit. 1. Each shuttle vehicle permit shall be issued for a ~~[[2-year]]~~>>one-year<< period, expiring on April 30 ~~[[in odd-numbered years]]~~>> irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[\\$165]]~~>>\\$175<<.

Part 16. Section 81-106.5-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 17. Section 81-126 of the code is amended to read:

81-126. Taxicab Permit. 1. Each meter fare or zone fare taxicab permit shall be issued for a ~~[[2-year]]~~>>one-year<< period expiring on ~~[[November 30 in odd-numbered years]]~~>>October 30 irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be ~~[[\\$165]]~~>>\\$175<<.

Part 18. Section 81-126-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 19. Section 100-3-6.5 and 6.7 of the code created to read:

100-3. Definitions.

6.5. FIXED ROUTE means authorized scheduled trips from predetermined passenger pickup points to predetermined destinations.

6.7. HAIL means the vehicle may be hired by signaling the driver.

Part 20. Section 100-3-11-b-2 of the code is amended to read:

b-2. Specific vehicles not meeting this definition may be permitted if approved by the common council pursuant to s. ~~[[100-66-2]]~~>>100-50-9.5<<.

Part 21. Section 100-3-21-0 of the code is amended to read:

21. PUBLIC PASSENGER VEHICLE means a vehicle which is used for the transportation of passengers for hire, including handicapped-elderly livery, horse and surrey livery, luxury limousine, pedicab, motorcycle used for tours, ~~[[motorcycle with a sidecar used for tours,]]~~ shuttle vehicle, and meter or zone fare taxicab. Public passenger vehicle does not include:

Part 22. Section 100-3-23.5 of the code is created to read:

23.5. STANDS means street curb locations which are designated for a particular type of permitted vehicles.

Part 23. Section 100-50-1-c of the code is amended to read:

100-50. Public Passenger Vehicle Permits.

1. PERMIT REQUIRED.

c. Any person violating this section shall be subject to the penalty provided in s. ~~[[100-70-2]]>> 100-62-2<<.~~

Part 24. Section 100-50-9-a of the code is amended to read:

9. COMMITTEE ACTION. a. ~~[[#]]>>~~Except as provided in sub. 9.5, 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.

Part 25. Section 100-50-9.5 of the code is created to read:

9.5. APPEAL OF ADMINISTRATIVE DENIAL, LIMOUSINES. 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 licensing committee, 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.

Part 26. Section 100-50-11-e of the code is amended to read:

11. ISSUANCE.

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]]~~ is made to the permit display for any taxicab or shuttle vehicle marked as provided in s. ~~[[100-51-7-b]]~~ 100-51.5-1-c.

Part 27. Section 100-50-12-b-2-0 of the code is amended to read:

12. REGULATIONS.

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:

Part 28. Section 100-50-12-c of the code is repealed.

Part 29. Section 100-50-12-d to h of the code is renumbered c to g.

Part 30. Section 100-50-14-a-3 of the code is amended to read:

14. RENEWAL.

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 of the license period following the license period for which the permit was issued shall be considered as a new permit application and be subject to the requirements for an original permit provided in this subchapter.

Part 31. Section 100-51 of the code is repealed and recreated to read:

100-51. Vehicle Inspection. 1. INSPECTION REQUIRED. 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 successfully completing each vehicle inspection required under this section.

2. WHEN REQUIRED. A vehicle inspection conducted by the police department or its designee shall be required for each vehicle in all of the following circumstances:

a. Prior to the issuance by the city clerk of any new or renewal permit under this subchapter.

b. Except as provided in sub. 3, during a designated renewal inspection period under sub. 5.

c. When replacing any vehicle under s. 100-50-12-e.

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

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

3. EXEMPTION. No vehicle inspection shall be required under sub. 2-b for any vehicle that meets all of the following criteria:

a. The same vehicle was inspected under sub. 2-c and was found to meet the vehicle standards and equipment requirements established in this subchapter.

b. The vehicle inspection under sub. 2-c was conducted within 30 days of the first day of a designated renewal inspection period under sub. 5.

c. An application for renewal of a permit issued under this subchapter has been filed on or before the application filing deadline established by the city clerk.

4. ELIGIBILITY. a. No vehicle shall be inspected under sub. 2-b unless an application for renewal of a permit issued under this subchapter has been filed on or before the application filing deadline established the city clerk.

b. No vehicle shall be inspected unless, prior to 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.

c. Applicants for transfer under s. 100-50-3-a and permittees replacing a vehicle under s. 100-50-12-e who cannot obtain a certificate of vehicle registration, because of a waiting period imposed by the Wisconsin department of transportation, may present an application showing proof of receipt of the application by the Wisconsin department of transportation and payment of the registration fee. Permittees providing proof of application shall present the certificate of vehicle registration to the city clerk as soon as it is issued.

d. No meter fare taxicab shall be inspected by the police department 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.

5. RENEWAL INSPECTION DATES. a. Luxury limousines, shuttle vehicles, horse and surrey livery, motorcycles used for tours, and handicapped-elderly vehicles shall be inspected in the first 2 full working weeks of April.

b. Inspection of taxicabs shall be held in the first 2 full working weeks of October.

6. NOTICE OF INSPECTION. a. Annual Inspections. Permittees for vehicles required to be inspected under subsection 2-b shall be notified by United States first class mail, postage prepaid of the inspection date and time at least 2 weeks prior to inspection.

b. Random Inspections. Permittees of vehicles directed by the police department 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 inspection.

7. POLICE REPORT. 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 removed from public service, and vehicles failing to appear for inspection.

8. INSPECTION ACTIONS. a. Inspection Sticker. The police department shall place in a conspicuous location a nonremovable sticker on the exterior of each public passenger vehicle thoroughly inspected by the police department 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 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 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-1. A red sticker shall be placed on the vehicle that shall read: THIS VEHICLE UNSAFE FOR PUBLIC PATRONAGE.

c-2. The sticker may only be removed by the police department 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 shall be subject to the penalty provisions of this chapter.

d. Suspend Permit. d-1. Without any further action, the police department shall immediately suspend the permit and notify the permittee by United States first class mail, postage prepaid mail of the suspension whenever any of the following occur:

d-1-a. The permittee fails to submit the vehicle on the designated date and time for any inspection or reinspection required under this section.

d-1-b. All violations found during any inspection are not corrected when the vehicle is presented at the designated inspection station for reinspection.

e. Any permit suspended under this section shall be immediately reinstated upon successful inspection or reinspection and payment of any special inspection fee required under s. 81-101.3.

Part 32. Section 100-51.5 of the code is created to read:

100-51.5. Vehicle Standards and Equipment Requirements. 1. GENERAL REQUIREMENTS. a. Responsibility. No vehicle owner, lessee or other person 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 first meeting the vehicle standards and equipment requirements established in this section.

b. Vehicle Standards. Vehicles shall meet all safety standards required by law and, as adjudged by the police department or its designee, be kept in good operating condition and appearance.

b-1. Vehicle interior and exterior shall be free of dirt, mud, oil, rips, tears, exposed springs, foodstuff, trash, waste material or any other substance or object capable of harm, damage or injury to, or interference with the person, clothing, personal property, comfort or convenience of any passenger, whether upon ingress or egress of such vehicle, or while riding therein.

b-2. Vehicle shall have an exterior which is free of any misshapen or deformed condition arising from collision, crash or other impact, excepting minor dents. Vehicles shall be free of holes in floorboards, and trunk shall be empty except for emergency equipment. Vehicle shall be free of exterior rust and exterior must be painted a uniform color so as not to have patches of unmatching paint on the vehicle.

b-3. All vehicles shall be washed a minimum of once per week.

c. Vehicle Markings. c-1. Each taxicab and shuttle vehicle, excepting a shuttle vehicle meeting the definition in s. 100-3-23-b, shall have the following clearly and permanently marked:

c-1-a. The word "Milwaukee" on the right and left sides of the vehicle.

c-1-b. The permit number, the type of permit and the name of the owner of the vehicle or the trade name under which the vehicle is operated, placed on the right and left sides of the vehicle on either the front or rear doors with the permit number at least 5 inches high in a color to contrast with the auto body color.

c-1-c. The permit number at least 5 inches high in a color to contrast with the auto body color marked on the trunk or rear door of the vehicle.

c-1-d. The permit number clearly displayed on the back of the driver's seat.

c-2. Vehicles with shuttle permits, excepting a shuttle vehicle meeting the definition in s. 100-3-23-b, shall have the word "shuttle" in a color to contrast with the auto body color permanently marked on the left and right side of the vehicle.

c-3. The licensing committee may require vehicle marking other than as required by this paragraph for specified types of vehicles.

d. Complaint Forms. Except as provided in par. e-1, each public passenger vehicle shall have available, in the passenger compartment in a conspicuous place plainly visible to all occupants of the

vehicle, complaint forms provided by vehicle owners, in a format approved by the city clerk.

e. Complaint Placard. Except as provided in par f, each public passenger vehicle shall have posted, in the passenger compartment in a conspicuous place plainly visible to all occupants of the vehicle, a rate and service complaint placard provided by the city, in substantially the following form:

Milwaukee Taxicab Permit Number _____

NOTICE TO PASSENGERS

The Rates of Fare are:

[Fill in with approved rates and zone map, if required.]

Complaints regarding rates or service may be addressed in writing to:

License Division Manager, City Clerk's Office

Room 105, City Hall, 200 E. Wells St.

Milwaukee, WI 53202

license@milwaukee.gov

Complainant: Please provide the name of the driver, vehicle number, company name, trip date and time, and details of the complaint.

f. Information provided to passengers. Luxury limousines and shuttle vehicles meeting the definition under s. 100-3-23-b shall provide to passengers, at the time the service is contracted for hire, the information provided on the complaint form and rate and service complaint placard required under this subsection.

g. Complaints. Complaints shall be in writing and contain the name of the driver, vehicle number, company name, trip date and time, and the details of the complaint.

2. EQUIPMENT REQUIREMENTS. In addition to any other vehicle standards and equipment requirements established in this section, each public passenger vehicle shall be equipped with a Milwaukee area street map or street guide and the following mechanical devices, in sound working condition:

a. All headlamps, tail lights, emergency blinkers and turn signals shall be operable and in good working condition.

b. Each taxicab shall be equipped with a dome light mounted above the top line of the windshield.

c. Each motor vehicle shall have a heater and defroster that is in good working condition and shall be equipped with a permanently installed air conditioning system capable of reducing the interior temperature of the passenger section to 68 degrees Fahrenheit. A motor vehicle is exempt from the air conditioning requirement contained in this paragraph if the vehicle has been continually licensed as a public passenger vehicle by the vehicle owner prior to July 23, 2005.

d. The spare tire, if standard equipment, shall be securely attached and properly inflated.

e. All hood, trunk and door latches shall be in proper working order.

f. All windows shall be in proper working order and free of unsafe chips and cracks.

No vehicle shall operate with curtains, shades or other means which hide its occupants from outside view. There shall be no obstructions to normal vision by the driver.

- g. Operable and easily accessible safety belts for use by each person in the motor vehicle.
- h. The windshield wipers shall be in proper working order and the blades shall be free of defects.
- i. The horn shall be in sound working condition and be of the standard type for each motor vehicle.
- j. Door handles, arm rests and window handles must be clean and intact.
- k. The muffler, tailpipe and crossover pipe shall be securely connected and free of holes and punctures.
- L. The condition of the steering apparatus, suspension and brakes shall be determined by a road test of whatever length to verify the safe operating condition of the devices.
- m. The tire-tread depth shall not be less than $\frac{2}{32}$ of an inch and each tire shall be free of cuts or breaks in the sidewall. Each tire shall be of the type approved for use as original equipment. No tire shall extend beyond the outer fender wall.

3. TAXICAB REQUIREMENTS. a. Body Colors. The body colors designated for affiliated taxicabs shall be as follows:

a-1. Blue - All City Veteran Taxi.

a-2. Yellow - Yellow Cab Co-op.

a-3. Orange - Brew City Cab Cooperative.

a-4. White - Mitchell International Taxicab Association.

a-5. Red - American United Cab Company, Inc., a taxicab radio dispatch service.

a-6. The color black, brown, green and gray shall be reserved for taxicab owners not affiliated with the 5 taxicab entities specified in pars. a-1 to 5.

b. Taximeter. b-1. The taximeter shall not be in error more than 1% in deficiency and more than 4% in excess of the interval under test.

b-2. After sundown a suitable light, so arranged as to throw a continuous steady light thereon, shall illuminate the face of the taximeter.

b-3. The taximeter case is sealed and its cover and gear intact.

b-4. Taximeters shall not be transferred between vehicles without permission of the city sealer.

b-5. Taximeters shall not be programmed to charge rates higher than permitted.

4. HANDICAPPED-ELDERLY VEHICLE REQUIREMENTS. Handicapped-elderly livery vehicles shall

be suited for the transportation of handicapped or elderly persons who by reason of physical or mental infirmity or age cannot be transported on public mass transportation vehicles or in taxicabs. These vehicles shall have:

- a. Doorways wide enough to accommodate a wheelchair.
- b. Ramps or lifting devices for elevating wheelchairs from the curb or sidewalk into the vehicle.
- c. Adequate means of securing wheelchairs to the inside of the vehicle and safety belts for all handicapped persons.
- d. A door, in addition to those normally provided on the vehicle for ingress and egress from the vehicle, located at the rear of the vehicles to be used as a method of escape in case of an emergency.

5. HORSE AND SURREY LIVERY REQUIREMENTS. A horse and surrey livery shall:

- a. Be in thoroughly safe and sanitary condition for the transportation of the public.
- b. Comply with the equipment requirements of ch. 347, Wis. Stats., as amended, with respect to lamps and identification emblem for animal drawn, slow moving vehicles.
- c. Be provided with facility to remove all fecal matter and flush all urine from public ways.
- d. Fixed seating. Each horse and surrey livery shall provide passengers with fixed seating which has been installed by the manufacturer of the surrey.
- e. Posting of Signs. Each horse and surrey livery shall securely post and maintain placards indicating the following:
 - e-1. The seating capacity of the surrey which has been specified by the manufacturer, or established by the chief of police, and declared on the application for a new or renewal permit pursuant to s. 100-50-4-f-3.
 - e-2. A placard posted in the passenger compartment in a conspicuous place visible to all occupants of the vehicle stating: "No standing while vehicle is in motion."

6. MOTORCYCLE USED FOR TOURS REQUIREMENTS. A motorcycle used for tours shall:

- a. Be in a thoroughly safe condition for the transportation of the public.
- b. Comply with the equipment requirements of ch. 347, Wis. Stats., as amended.

7. PEDICAB REQUIREMENTS. A pedicab shall be in a thoroughly safe condition for the transportation of the public.

Part 33. Section 100-52-5 of the code is amended to read:

100-52. Rates Established.

5. OTHER PUBLIC PASSENGER VEHICLE RATES. Maximum rates for other vehicles including those permitted for handicapped and elderly, as horse and surrey, luxury limousine, pedicab, motorcycle used for tours, ~~[[motorcycle with sidecar used for tours]]~~ or shuttle vehicle may be established by adoption of such rates by the common council.

Part 34. Section 100-53-1-0 of the code is amended to read:

100-53. Financial Responsibility.

1. REQUIRED. ~~>>a.<<~~ No person may operate~~[[or obtain]]>>~~, or shall be issued~~<<~~ a permit to operate~~>>~~, << a public passenger vehicle unless the person has given to the city~~>>~~, << and there is in full force and effect at all times while the person is driving or operating a public passenger vehicle, on file with the city clerk, one of the following:

Part 35. Section 100-53-1-a to d of the code is renumbered a-1 to 4.

Part 36. Section 100-53-1-b of the code is created to read:

b. The permit will be automatically suspended by 9 a.m. on the day the bond or policy ceases to be in effect. The permit will be reinstated upon presentation of documentation evidencing insurance coverage required in this section by operation of law.

Part 37. Section 100-53-2 of the code is repealed.

Part 38. Section 100-53-3 to 7 of the code is renumbered 100-53-2 to 6.

Part 39. Section 100-54-2-b of the code is amended to read:

100-54. Driver's License.

2. QUALIFICATIONS AND APPLICATION.

b. Possess a valid state of Wisconsin motor vehicle driver's license, excluding occupational ~~[[permits]]>>~~licenses~~<<~~. An applicant desiring to operate a motorcycle ~~[[or motorcycle with a sidecar]]~~ for tours within the city shall possess a valid state of Wisconsin motorcycle driver license for the operation of "Class M" vehicles under ch. 343, Wis. Stats., and shall be licensed as a public passenger vehicle driver by the city of Milwaukee.

Part 40. Section 100-54-5-f of the code is amended to read:

f. ~~[[Any licensee who fails to apply for renewal prior to the expiration of the license period immediately following the license period for which his or her license was issued shall have the license terminated on its expiration date.]]~~ Any application filed after the expiration date ~~>>~~of the license period following the license period for which the license was issued~~<<~~ shall be considered a new ~~[[permit]]>>~~license~~<<~~ application and is subject to the requirements for an original license provided in sub. 2.

Part 41. Section 100-59-1-a of the code is amended to read:

100-59. Operating Regulations for all Public Passenger Vehicles

1. LICENSE TO BE EXHIBITED. a. Any driver while operating a vehicle shall display in a location clearly visible to the passengers and, in a motor vehicle illuminated at night, a valid license granted under this chapter, which license shall display the photograph of the driver. In lieu of displaying the license in a conspicuous place in the vehicle, the license may be carried on the person of a driver engaged in the operation of ~~[[a public passenger vehicle, excepting taxicabs, handicapped elderly vehicles and shuttle vehicles meeting the definition under s. 100-3-23-a]]~~ >>the following public passenger vehicles: horse and surrey livery, luxury limousine, pedicab, motorcycle, and shuttle vehicle meeting the definition under s. 100-3-23-b<<.

Part 42. Section 100-59-1-b of the code is amended to read:

b. Whenever a licensee's state of Wisconsin motor vehicle driver's license is revoked or suspended, the public passenger vehicle driver's license issued under this chapter to the licensee shall be >> automatically suspended and<<returned to the city clerk within 10 working days following the date on which the motor vehicle driver's license was revoked or suspended. ~~[[If the public passenger vehicle driver's license is not returned to the city clerk's office within the specific period, the license will be automatically suspended.]]~~ The public passenger vehicle driver's license will be reinstated upon presentation of documentation evidencing the possession of a valid state of Wisconsin motor vehicle driver's license. ~~[[If the licensee fails to present within 45 days of the date the public passenger vehicle license was suspended under this section documentation evidencing the possession of a valid state of Wisconsin motor vehicle driver's license, the city clerk shall issue a summons pursuant to s. 100-54-6-c demanding that the licensee appear before the licensing committee to show cause why the public passenger vehicle driver's license should not be revoked.]]~~

Part 43. Section 100-59-13 of the code is amended to read:

13. TRIP RECORDS. >>Prior to starting any shift, every driver shall fill in on the trip record his or her name, the shift date and start time, and the vehicle permit number. ~~<<~~ Every driver shall complete in real time on a daily basis trip records, approved by the police department as to format, which shall show the date, time and place each passenger was picked up and the 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 44. Section 100-59-14-a of the code is amended to read:

14. DAILY SAFETY CHECKLIST.

a. Every public passenger vehicle driver prior to the beginning of each shift shall inspect the vehicle to make sure that all equipment on the vehicle is operable and in good working condition and that the vehicle is maintained in a reasonably clean condition on the inside and outside. ~~[[All vehicles shall be washed a minimum of once per week.]]~~

Part 45. Section 100-60 of the code is repealed and recreated to read:

100-60. Additional Operating Regulations.

1. METER FARE TAXICABS. a. Taxi Stand Use. a-1. No taxicab standing at the head of a taxi stand line shall refuse to carry any orderly person applying for a taxicab who agrees to pay the proper fare, but this shall not prevent any person from selecting any taxicab he or she may desire on the stand whether it be at the head of the line or not.

a-2. As the taxicabs leave the line with passengers, those behind shall move up, and any taxicab seeking a place on the stand shall approach the same only from the rear of the stand and shall stop as near as possible to the last taxicab already on the line. No taxicab shall stand within 5 feet of any crosswalk.

b. Radio Service Prohibited. b-1. No person may provide radio service to any unlicensed taxicab or taxicab whose license has been suspended or revoked.

b-2. Penalty. Any person violating subd. b-1 shall be subject to the penalty provided in s. 100-62-2.

c. Double Loading. Double loading is prohibited unless expressly authorized by the first passenger. No driver may plant, or permit to be planted, any person for the purpose of assuming the role of a first passenger to attempt to evade the provisions of this paragraph. Any person consenting to act as a plant for the purpose of falsely assuming the role of a first passenger shall be considered with the driver to be violating this paragraph.

d. Maximum Period. A driver of a taxicab shall respond to a service request within 30 minutes upon receiving the request.

2. HORSE AND SURREY LIVERY. a. Hours of Operation. Unless otherwise authorized by the chief of police, no horse and surrey livery service shall be conducted between 7 a.m. and 9 a.m. and 3 p.m. and 6 p.m. on weekdays, except during the months of November, December, January and February, when no horse and surrey livery service shall be conducted between 7 a.m. and 9 a.m. and 3 p.m. and 6:30 p.m. on weekdays.

b. Sanitation. No driver of a horse and surrey livery may permit urine or fecal matter of such animal to remain on any street, alley, gutter, sidewalk, lawn, field or any public or private property as set forth in ss. 79-11 and 79-12, and it shall be solely the responsibility of the driver of the animal to immediately remove all fecal matter by shovel or like instrument, and dilute and flush the urine.

c. Maximum Number of Passengers. No horse and surrey shall carry more passengers than can be seated comfortably on the seats without exceeding the seating capacity of the surrey as posted pursuant to s.100-51.5-5-e-1, except up to 2 children under 5 years of age who each shall be carried in the arms of separate persons 18 years of age or older.

d. Riding with Driver Prohibited. The driver of any horse and surrey livery shall not permit any passenger to sit alongside the driver while the driver is engaged in the operation of the horse and surrey livery.

e. Operation on Certain Streets Restricted. No horse and surrey livery shall be operated on East

State Street, West State Street, East Wells Street or West Wells Street for more than one block length at a time. Whenever a horse and surrey livery operates for one block on one of the specified streets, it shall then turn onto an intersecting street.

f. Horse and Surrey Stands. Livery services shall stop, stand or park only at stands approved for that purpose pursuant to s.101-23-9.

g. Serious Injury. g-1. Whenever a horse and surrey animal is injured in an accident so severely that the police department believes euthanasia may be necessary, the police department shall immediately contact the horse and surrey livery permittee, inform the permittee of the situation and, in consultation with the permittee, determine whether euthanasia is required.

g-2. If the police department and the permittee agree that euthanasia is required and determine that the licensed veterinarian on call is able to come to the accident site in a period of time that will not prolong excessive suffering by the animal, the permittee shall immediately summon the veterinarian to the accident site. Euthanasia shall then be permitted only when both of the following conditions are met:

g-2-a. The euthanasia is performed by a veterinarian licensed by the state of Wisconsin who concurs with the determination of the police department and the permittee that euthanasia is necessary.

g-2-b. The euthanasia is administered by painless lethal injection.

g-3. The police department may euthanize a horse and surrey animal with close range gunfire directed at the animal's brain under any of the following circumstances:

g-3-a. The police department and the permittee agree that euthanasia is required but determine that the veterinarian cannot come to the accident site in a period of time that will not prolong excessive suffering by the animal.

g-3-b. The police department is unable to make contact with the permittee, and the police department determines that, in order to prevent excessive suffering by the animal, the animal must be euthanized immediately.

g-3-c. The police department determines that the animal poses an immediate and serious threat to public safety.

3. SHUTTLE VEHICLES. a. Each person holding a permit for a shuttle vehicle operating on a fixed route and schedule shall post a current route schedule in the vehicle and submit a copy to the city clerk.

b. No shuttle vehicle operating on a fixed route and schedule may deviate from the route filed with the city clerk, without the person holding a permit for the shuttle vehicle having first filed an amended route and schedule form with the city clerk's office at least 48 hours prior to the change in route and schedule.

Part 46. Section 100-61 of the code is repealed and recreated to read:

100-61. Driver Operating Activity. Table 100-61 indicates the driver operating activity classifications relating to means of hiring vehicles, types of passenger occupancy, and routes and schedules requirements for all public passenger vehicles permitted under this chapter, excepting shuttle vehicles meeting the definition under s. 100-3-23-b. The following are the activity classifications indicated in Table 100-61:

- a. “Y” indicates a permitted activity.
- b. “R” indicates an activity authorized on a restricted basis.
- c. “N” indicates a prohibited activity.

Table 100-61 DRIVER OPERATING ACTIVITY TABLE								
Public Type	Means of Hiring Vehicles			Passenger Occupancy			Routes and Schedules	
	Standards	Hail	Preserved	Exclusive Ride	Ride Sharing	Reserved Group	Fixed Route	Variable Schedule
Handicap	Y	N	Y	N	Y	Y	N	Y
Horse and	Y	Y	Y	Y	R	Y	N	Y
Luxury Limousine	N	N	Y	Y	N	Y	N	Y
Motorcycle	Y	N	Y	Y	N	N	N	Y
Pedicab	Y	Y	Y	Y	N	N	N	Y
Shuttle Vehicle	Y	N	Y	N	Y	Y	Y	N
Taxicab	Y	Y	Y	Y	R	Y	N	Y
Taxicab	Y	Y	Y	N	Y	N	N	Y

Part 47. Section 100-62 to 68 of the code is repealed.

Part 48. Section 100-70 of the code is renumbered 100-62.

Part 49. Section 100-62-2-0 of the code is amended to read:

100-62. Penalty.

2. Any person who violates s. 100-50-1 or ~~[[100-60-3-a]]~~>>100-60-1-b-1<< 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:

Section 50. Section 100-62-3 of the code is amended to read:

3. Any person who violates s. ~~[[100-51-7-c to e]]~~>>100-51.5-1 or 2<<, s. 100-59-1, 6, 13 or 14, or s. ~~[[100-61-3]]~~>>100-60-2-b<< 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.

Part 51. This ordinance shall be effective January 1, 2009.

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: _____

CCL070725-1

RGP

11/14/2008

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