

ORDINANCE NO.: 4771

An Ordinance to repeal and recreate section 20.16 of the Code of Ordinances of the City of La Crosse regarding Public Vehicle for Hire Licenses.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 20.16 of the Code of Ordinances of the City of La Crosse entitled "Public Vehicle for Hire License" having been placed on file and open to public inspection in the Office of the City Clerk for a period of at least two (2) weeks, commencing September 13, 2013 in accordance with the procedures provided under Section 66.0103, Wis. Stats. is hereby adopted as Section 20.16 entitled "PUBLIC VEHICLE FORE HIRE LICENSE," as part of the Code of Ordinances in and for the City of La Crosse, La Crosse County, Wisconsin.

SECTION II: This ordinance shall take effect and be in full force from and after its passage and publication.

SECTION III: Except as provided herein, all other provisions of the Code of Ordinances for the City of La Crosse remain unchanged.

_____/s/_____

Tim Kabat, Mayor

_____/s/_____

Teri Lehrke, City Clerk

Passed: 10/10/13
Approved: 10/11/13
Published: 10/19/13

20.16 PUBLIC VEHICLE FOR HIRE LICENSE.

(A) LICENSE REQUIRED.

- (1) No person shall operate a public vehicle for the conveyance of passengers for hire or reward without having first obtained a license for such vehicle therefor from the City.
- (2) Conveyance of passengers for hire does not include the following:
 - (a) vehicles that operate over a regular route or between fixed termini, including inter-city bus transportation or school bus transportation whether by fixed route or by charter service;
 - (b) municipally-owned vehicles or vehicles operated under the authority or contract of any governmental agency;
 - (c) vehicles that are rented to be driven by the renter or his/her agent, commonly known as rent-a-cars;
 - (d) vehicles operating solely as funeral cars or ambulances;
 - (e) vehicles used for courtesy rides to customers.
- (3) No person licensed under this ordinance shall allow any person to drive any vehicle licensed in the name of said person unless said driver has first obtained an operator's license as hereinafter provided in subsection (M) below.

(B) DEFINITIONS.

- (1) "Driver" shall mean a person who holds a valid operator's license to drive a public passenger vehicle as authorized by this ordinance.
- (2) "Limousine" shall mean a large, luxurious chauffeur-driven automobile used to transport passengers on a prereserved basis with a partition between the driver and passengers.
- (3) "Meter taxicab" shall mean a public vehicle so designated under subsection (H) (1) (a) and equipped with a taximeter for the purpose of registering the fare charged upon the basis of the time and distance traveled.
- (4) "Operator's License" shall mean a license issued by the City in accordance with the provisions of this ordinance to operate a public passenger vehicle.
- (5) "Pedal-cab" is a multi-wheeled, hooded or unhooded, vehicle that is propelled by human power and is used to convey passengers and is available for hire in the public way.
- (6) "Person" shall mean a natural person, firm, partnership, corporation, association, company, or any group of individuals acting together for a common purpose.
- (7) "Public passenger vehicle" shall mean any motor vehicle or pedal-cab that is used for the conveyance of passengers for hire.
- (8) "Public way" shall mean any public street, road, boulevard, alley, lane, highway, or sidewalk; and including those portions of any public place under the control of the public or county which have been designated for use by motor vehicles.
- (9) "Rest period" shall mean a continuous uninterrupted period of time, lasting at least eight (8) hours, during which the driver does not drive a public passenger vehicle.
- (10) "Scanner" shall mean an FM radio-receiving device capable of operating in public taxicab radio bands.
- (11) "Taximeter" shall mean a mechanical or electrical device which accurately records and indicates a charge or fare calculated according to distance traveled, waiting time, traffic delay, initial charge, and other charges authorized by this section or by rule, or any combination of any of the foregoing, and which records other data.
- (12) "Zone taxicab" shall mean a public passenger vehicle, so designated on the permit, that operates on the zone system of charges

established in accordance with the provisions of subsection (H) (1) (b) below.

(C) LICENSING OF PUBLIC PASSENGER VEHICLE.

- (1) Every person required to be licensed by subsection (A) above shall pay an annual license fee in accordance with Section 25.01 of this Code per vehicle so operated.
- (2) The license for any public passenger vehicle shall annually expire on December 31st unless sooner revoked or suspended.
- (3) No new public vehicle for hire license shall be issued to any business/owner unless they license and maintain a license for a minimum of three (3) public passenger vehicles.
- (4) No new public passenger vehicle permit shall be issued to any vehicle of model years greater than ten (10) years old at the time of application.

(D) APPLICATION.

- (1) Any person wishing to obtain a license to engage in the business of conveying passengers for hire or reward in the City shall present to the City Clerk a written application accompanied by the license fee established in subsection (C) (1) above and proof of liability insurance coverage as required in subsection (G) of this ordinance.
- (2) The application shall contain the following information:
 - (a) name, address, and phone number of business;
 - (b) full name(s), address, phone number, and date of birth of owner(s);
 - (c) statement as to whether applicant(s) has been convicted of any crime or ordinance violation, the nature of the offense, and the place of conviction;
 - (d) the method of charging and schedule of rates;
 - (e) the number of vehicles to be licensed;
 - (f) a description of each vehicle by factory number, year, make, and model; as well as provide a photocopy of the title (or application for title transfer) and registration for each vehicle which shall be in the name of the business/owner.
 - (g) number of persons the vehicle is designed to carry;
 - (h) number of the state license under which the vehicle is operated;
 - (i) name of the insurance carrier, policy number, and amount of insurance carried;
 - (j) zoning district of the location where the business, public vehicle storage and maintenance will be located.

(E) GRANTING AND ISSUING LICENSE.

- (1) Upon the filing of such application with the City Clerk and determination by the Chief of Police that said applicant qualifies for a license under this section, the Common Council shall either grant or deny such license, whichever shall in its judgment appear in the interests of the public. If the Common Council approves the granting of the license, the applicant shall, upon complying with all of the provisions of this ordinance, be entitled to and shall receive from the City Clerk a written license authorizing such person to carry on the business of conveying passengers for hire.

The City Clerk may license additional public passenger vehicles of the licensee hereunder upon compliance with subsections (D) and (F).

- (2) No vehicle license shall be transferable from the vehicle described in the original application to another vehicle. If at any time during the course of the license year, a licensed vehicle is removed from the fleet and is replaced with a new vehicle, said new vehicle shall be subject to compliance of subsections (C), (D) and (F).

(F) CONDITION OF VEHICLES FOR PUBLIC CONVEYANCE.

- (1) Each motored public passenger vehicle shall be kept and maintained in a safe and reliable condition and the following mechanical devices intact and in sound working condition:
 - (a) All headlamps, tail lights, emergency blinkers and turn signals shall be operable and in good working condition.
 - (b) Each vehicle shall be equipped with a dome light mounted above the top line of the windshield.
 - (c) Each motor vehicle shall have a heater, defroster and permanently installed air conditioning system that is in good working condition.
 - (d) All hood, trunk and door latches shall be in proper working order.
 - (e) All windows shall be in proper working order and free of unsafe chips and cracks. There shall be no obstructions to normal vision by the driver.
 - (f) Operable and easily accessible safety belts for use by each person in the motor vehicle.
 - (g) The windshield wipers shall be in proper working order and the blades shall be free of defects.
 - (h) The horn shall be in sound working condition and be of the standard type for each motor vehicle.
 - (i) Door handles, arm rests and window handles must be clean and intact.
 - (j) The muffler, tailpipe and crossover pipe shall be securely connected and free of holes and punctures.
 - (k) Each motor vehicle shall be property equipped with both a front and rear bumper.
 - (l) The tire-tread depth shall not be less than 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.
- (2) To insure the safe condition of all motor vehicles, the applicant must present to the City Clerk a certificate of inspection as to the mechanical condition of the automobile signed by an Automotive Service Excellence (A.S.E.) Certified Technician (other than vehicle owner). Such vehicles shall also be subject to further inspection by the Wisconsin Department of Motor Vehicles, as may be required by the Police Department, in order to determine whether there are any violations of Wisconsin motor vehicle equipment regulations or statute. If any public passenger vehicle fails to pass a regular or special inspection, it shall be removed from service until such time as it has passed inspection.
- (3) Each pedal cab shall be kept and maintained in a safe and reliable condition and be equipped with the following devices in sound working order:
 - (a) head light, tail light and reflectors.
 - (b) strong wheels with rims being sound and secure and no excessive wear on tires.
 - (c) front and rear brakes.

- (d) horn or bell for auto signaling.
- (4) Pedal cabs shall be inspected daily for wear and tear and any adjustments/repairs to pedal cabs must be made before transporting passengers.
- (5) Each public passenger vehicle shall be kept and maintained in sanitary condition and well painted to match the rest of the vehicle. The interior of vehicles shall be free of trash and refuse and free of odor. Seats shall be kept clean and free of stains; tears and holes shall be repaired. The trunk shall be clean and free of any grease, trash or refuse.
- (6) The licensee shall maintain maintenance records for all public passenger vehicles under the licensee's operation or control, including, but not limited to, records of all tests of brakes, tires, steering wheels, mechanical parts, and lighting equipment and shall make said records available to the City or it's designee upon request.
- (7) Any police officer of this City, County, or State, may, at all reasonable times, inspect any public passenger vehicle licensed under this ordinance and may prohibit the use of any vehicle which is unsafe, not in proper repair or not in compliance with this or other relevant ordinances or state law.
- (8) Licensee shall promptly notify the City Clerk within five (5) business days of any accident involving a licensed motor vehicle. If such vehicle sustains body or mechanical damage, said vehicle is subject to a re-inspection by an A.S.E. certified technician and a new certificate shall be filed with the City Clerk's Office.

(G) INSURANCE COVERAGE REQUIRED.

- (1) It shall be unlawful to operate a vehicle for conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant files with the City Clerk a valid commercial policy or certificate of public liability and property damage insurance issued by a responsible insurance company authorized to do automobile liability business in the State and licensed by the Wisconsin Insurance Department. Coverage shall be provided for in the minimum liability amount of one million dollars (\$1,000,000.00) for bodily injury and property damage per occurrence covering all vehicles to be used and a ~~five~~ one million dollars (~~\$5~~1,000,000.00) umbrella liability following for excess of automobile insurance coverage. Coverage is to duplicate the requirement as set forth herein. Said policy shall also provide that the indemnitor be directly liable for and shall pay all damages for injuries to persons or property that may be recovered against the owner or operator of each such motor vehicle by reason of the negligent use or operation thereof. Said policy shall name the City of La Crosse, its elected and appointed officials, officers, employees and authorized agents as additional insured.
- (2) Such insurance policy shall describe the vehicle on which the same shall be issued by the factory number, make, and model; and no vehicle shall be used under the issued license unless such insurance policy covers it.
- (3) Said insurance policy shall further provide that the same may not be cancelled before the expiration of its term except upon thirty (30) days written notice to the City Clerk. The cancellation or other termination of any such insurance policy shall automatically revoke and terminate all licenses issued for the public passenger vehicles covered by such insurance policy, unless another policy shall be provided and be in effect at the time of such policy cancellation or termination.

- (4) If conveying passengers interstate (between two or more states), licensee must comply with Federal Motor Carrier Safety Administration (FMCSA) regulations, sec. 387.31 Financial Responsibility Required.

(H) RATES.

- (1) No license granted under this ordinance shall have any force or effect unless the licensee files with the City Clerk, at the time of application, a schedule of rates to be charged during the license year using any of the following manners of rate setting under the regulations set forth herein.
- (a) Metered Rates. A public passenger vehicle may use a taximeter to determine the cost of service, subject to the following regulations:
- (i) The taximeter shall be fastened in front of the passengers, readily visible at all times, day and night;
 - (ii) The taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.
 - (iii) The taximeters shall be sealed at all points and connections to prevent manipulation which would affect their correct reading and recording.
 - (iv) Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip.
 - (v) Said taximeters shall be subject to inspection from time to time by the Police Department or its designee. Any police officer is hereby authorized, with or without complaint, to inspect any meter. Upon discovering any inaccuracy, operation of that vehicle shall cease until the taximeter is repaired and in the required working condition.
 - (vi) Metered vehicles must take the shortest, most direct route to a certain destination, unless the passenger approves a different route.
 - (vii) Any patron who first engaged service in a meter vehicle shall receive individual service unless the passenger requests or agrees that one or more additional passengers be carried.
- (b) Zone Rates. A public passenger vehicle may use zone rates to determine the cost of service. The licensee shall establish said zones and submit a map to the City Clerk at the time of application. The operator shall state the rate to the customer prior to commencement of service and shall make available to the passenger prior to hire, the amount of all such charges including charges for additional stops and other potential costs.
- (c) Vehicle Rental Rate. A public passenger vehicle may be rented on an hourly, daily, or weekly rate or on a per ride basis pursuant to a written contract, which shall contain the time of commencement and termination of rental, a schedule of rates, and an estimate of total charge.

- (2) The Common Council may approve or disapprove the proposed rates or may substitute in its discretion a rate or rates, which shall be reasonable under the circumstances. A copy of the rates shall be on file with the City Clerk at all times and no changes may be made without prior Common Council approval.
- (3) Each vehicle operated under a license required by this ordinance shall have displayed in a prominent place, visible to passengers, the approved schedule of rates, including charges for additional stops, waiting periods, and other potential charges. It shall be unlawful for any owner or operator to charge or permit to be charged any other or different rates of fares than those listed on such schedule.

(I) CONDITIONS.

- (1) Failure to provide the service proposed to be performed, or failure to comply with any of the provisions of this ordinance, shall subject the licensee to the penalties provided by subsection (M) below.
- (2) No person engaged in the business of carrying passengers for hire or reward shall unreasonably or unlawfully refuse to carry passengers to or from any part of the City with reasonable promptness and at the rates fixed in the license to operate.
- (3) Upon demand, the operator shall provide the person paying for the hiring of the public vehicle a receipt at the time of payment in legible type or writing containing the business name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment.
- (4) No licensee or person driving a public vehicle shall carry or permit to be carried in any such vehicle more than the number of persons specified in the license applicable to such vehicle.
- (5) Every driver of a public passenger vehicle shall have at least one rest period, as defined in subsection (B)(9), in every 24-hour period. No licensee may permit its drivers, whether employees or contractors, to violate this provision.
- (6) It shall be unlawful for any driver of a taxicab to use or operate a scanner or other device in said vehicle to monitor the calls of another company for the purpose of taking the other company's calls.
- (7) Open Intoxicants are prohibited. No bottle or receptacle containing alcohol beverages shall be kept in the passenger compartment of the vehicle if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed. A utility compartment or glove compartment is considered to be within the passenger compartment. This subsection does not apply to passengers in a limousine or motor bus if the vehicle is operated by a chauffeur holding a valid license in accordance with Wis. Stats. 346.935(4)(b).
- (8) Repair and maintenance of public vehicles in residential areas is prohibited.

(J) VEHICLE MARKINGS.

- (1) All public passenger vehicles shall be appropriately marked as required herein. Vehicles not in compliance with these requirements shall not be used for conveying passengers.
 - (a) Interior marking. Each vehicle shall be marked on the interior with the name or trade name of owner, vehicle license number, vehicle permit number and type of permit, and current rate of fares.

- (b) Exterior marking. Each meter or zone taxicab shall be conspicuously and permanently marked on the right and left exterior sides with the name or trade name of owner. Such letters and numbers not to be less than one and one-half (1-1/2) inches in height and of contrasting color from the background paint.
- (c) License Identification Decal. All public passenger vehicles to be operated under this ordinance shall bear a license identification decal designed and furnished by the City Clerk. The license decal shall be displayed upon the vehicle at all times on the left side rear bumper of the vehicle so as to be plainly visible at all times. If a license decal is lost or destroyed, the licensee shall secure a duplicate thereof by applying to the City Clerk and paying a duplicate decal fee in accordance with Section 25.01 of this Code.

(K) REVISION OF LICENSE.

- (1) The Common Council may, after due hearing thereon and pursuant to notice to all interested parties, while any license required by this ordinance is in full force and effect, change such license or licenses by inserting therein additional terms or conditions or schedules of changes in the rates as may, to the Common Council, appear to be for the public good.

(L) DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

- (1) The Common Council may deny, revoke, or suspend any license for reasons which it deems to be for the best interest of the City or if the licensee lacks the necessary qualifications for the license. In addition, it may suspend or revoke any license because of the conduct of any licensee, his/her employee or agent, or any driver who: threatens the public safety or welfare, provokes or tends to provoke violence, defrauds or attempts to defraud, attempts to default or overcharge any person or passenger, fails to furnish adequate and timely service, or determines that the licensee has violated a state statute or city ordinance.
- (2) The Chief of Police may revoke any license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the applicant's necessary qualifications.
- (3) Notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary & Administration Committee. The Judiciary & Administration Committee shall make findings and a recommendation to the Common Council.
- (4) The provisions of subsection (3) shall not apply to summary suspensions for failure to provide proof of insurance, mechanical defect in a vehicle that renders it unsafe, or failure to submit a vehicle to an inspection. A licensee may appeal a summary suspension to the Judiciary & Administration Committee, and the decision of the Judiciary & Administration Committee shall be final.

(M) OPERATOR'S LICENSE.

- (1) No person shall operate any vehicle requiring a license under this ordinance without having first obtained an operator's license. Application for such operator's license shall be made to the City Clerk. The application shall contain the following information from the applicant:
 - (a) full name, address, and phone number;
 - (b) age, date of birth, and place of birth;
 - (c) height, weight, and color of eyes and hair;
 - (d) company employed by;
 - (e) driver's license number; and
 - (f) statement as to whether applicant has been convicted of any crime or ordinance violation, the nature of the offense, and the place of conviction.
- (2) Any such persons must be at least 18 years of age, have a valid driver's license issued by the state in which they reside, and be eligible to drive in Wisconsin.
- (3) Any such person shall be clean in dress and person and be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, tuberculosis or any other infirmity of body or mind which might render him/her unfit for the safe operation of the vehicle.
- (4) Such license shall be valid until the first day of January of the second year subsequent to the issuance thereof.
- (5) At the time of such application for said license, the applicant shall pay a non-refundable license fee in accordance with Section 25.01 of this Code. If an operator's license is lost, the licensee shall secure a duplicate thereof by applying to the City Clerk and paying duplicate license fee in accordance with Section 25.01 of this Code.
- (6) An operator shall be deemed to be operating a vehicle within the terms of this ordinance whenever he/she is in charge of a vehicle and holding himself/herself in readiness to convey passengers. Such operator shall have and keep their operator's license displayed within clear view of all passengers.
- (7) No operator's license shall be issued unless the Chief of Police or designee has certified that he/she has examined the applicant as to his/her qualifications as a driver of an automobile for hire in the City and finds that the applicant meets the necessary qualifications for such.
- (8) The Chief of Police may revoke any operator's license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the driver's character, reputation, or moral standing.
- (9) Upon denial or revocation, notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary & Administration Committee. The Judiciary & Administration Committee shall make findings and a recommendation to the Common Council.
- (10) The provisions of subsection (9) shall not apply to summary suspensions. A licensee may appeal a summary suspension to the Judiciary & Administration Committee, and the decision of the Judiciary & Administration Committee shall be final.