

ORDINANCE NO. 15,154

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 126-65 and 126-186, relating to restrictions on reapplication after denial of a certificate of public convenience and necessity to conduct a taxicab service or limousine service.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 126-65 and 126-186, relating to restrictions on reapplication after denial of a certificate of public convenience and necessity to conduct a taxicab service or limousine service, as follows:

Sec. 126-65. Issuance of certificate of public convenience and necessity.

- (a) If the city council finds that further limousine service in the city, or between any point or points in the city and elsewhere, is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this article, then the city council shall direct the traffic engineer to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise the application shall be denied.
- (b) In making the findings of subsection (a) of this section, the city council shall take into consideration the information in the application, the results of the investigation and the following factors:
 - (1) Age of applicant. No certificate shall be granted to any person under the age of 18 years.
 - (2) The expectation that if the applicant is granted a certificate, the applicant will operate the limousine(s) in accordance with the provisions of this article.
 - (3) Number of vehicles the applicant owns or controls.
 - (4) The condition of each vehicle owned or controlled by the applicant including:
 - a. Age.
 - b. Type.
 - c. Whether and where vehicles have passed recent safety inspections.

- d. General appearance, including cleanliness.
 - e. Fitness for patronage.
 - (5) The number of limousines already in operation.
 - (6) Whether existing transportation is adequate to meet the public need.
 - (7) The probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.
- (c) A person lawfully possessing a certificate shall not be required to renew the certificate unless it has been revoked or voluntarily surrendered or the licenses herein required are not renewed within 30 days after the expiration thereof. Renewal of the certificate shall be pursuant to the same procedure as for the original issuance thereof. In the event the application is denied, the city council shall specify the grounds for such denial and the facts upon which such denial is based.
- (d) Whenever any application for a certificate shall have been denied by the city council, no new application covering the same applicant or any principal, member, partner, or shareholder of the same or similar applicant, if not an individual, shall be filed with the traffic engineer or considered by the city council until one year shall have elapsed from the date of filing the previous application. Provided, however, that this prohibition on filing and consideration shall not extend to an applicant who can demonstrate to the traffic engineer through clear and convincing evidence verified under oath that there has been a substantial, material change in circumstances since the previous application.

Sec. 126-186. Issuance of certificate of public convenience and necessity.

- (a) The city council shall determine whether a certificate of public convenience and necessity shall be issued to an applicant under this division. In making that determination the council shall consider the information in the application, the results of the investigation and the following factors:
- (1) The age of the applicant. No certificate shall be granted to any person under the age of 18 years.
 - (2) The character, business and financial responsibility of the applicant.
 - (3) Experience of the applicant.
 - (4) The expectation that if the applicant is granted a certificate, the applicant will operate the taxicabs in accordance with this article.
 - (5) The number of vehicles the applicant owns or controls.
 - (6) The condition of each vehicle owned or controlled by the applicant including:
 - a. Age.
 - b. Type.

- c. Whether and where the vehicles have passed recent safety inspections.
 - d. General appearance, including cleanliness.
 - e. Fitness for patronage.
- (7) Whether the applicant can provide 24-hour taxicab service.
- (8) Whether the applicant is able to operate a dispatch service.
- (b) If the city council finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this article, then the city council shall direct the traffic engineer to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise the application shall be denied.
- (c) A person lawfully possessing a certificate shall not be required to renew the certificate unless it has been revoked or voluntarily surrendered or all of the licenses herein required are not renewed within 30 days after the expiration thereof. Renewal of the certificate shall be pursuant to the same procedure as for the original issuance thereof. In the event the application is denied, the city council shall specify the grounds for such denial and the facts upon which such denial is based.
- (d) Whenever any application for a certificate shall have been denied by the city council, no new application covering the same applicant or any principal, member, partner, or shareholder of the same or similar applicant, if not an individual, shall be filed with the traffic engineer or considered by the city council until one year shall have elapsed from the date of filing the previous application. Provided, however, that this prohibition on filing and consideration shall not extend to an applicant who can demonstrate to the traffic engineer through clear and convincing evidence verified under oath that there has been a substantial, material change in circumstances since the previous application.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Steven C. Lussier
Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 13-0130), passed by the City Council of said City at a meeting held January 28, 2013 signed by the Mayor on January 28, 2013 and published as provided by law in the Business Record on February 15, 2013. Authorized by Publication Order No. 8211.

Diane Rauh, City Clerk