

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,851, passed July 6, 1992, and amended by Ordinance No. 11,960, passed March 22, 1993, by repealing Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-70, 19-71.01 thereof and enacting new Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-60, 19-63, 19-64, 19-65, 19-67, 19-68, 19-70, 19-71.01, and adding and enacting new Sections 19-48.01, 19-49.01, 19-70.01, 19-70.02 AND 19-70.05, relating to limousines.

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

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,851, passed July 6, 1992, and amended by Ordinance No. 11,960, passed March 22, 1993, is hereby amended by repealing Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-70, 19-71.01 thereof and enacting new Sections 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-55, 19-56, 19-57, 19-58, 19-60, 19-63, 19-64, 19-65, 19-67, 19-68, 19-70, 19-71.01, and adding and enacting new Sections 19-48.01, 19-49.01, 19-70.01, 19-70.02 and 19-70.05 relating to limousines, as follows:

### SUBCHAPTER 3. LIMOUSINES

#### 19-47. DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this subchapter, have the meanings in this section.

"Airport" means the Des Moines International Airport located in southwest Des Moines on Fleur Drive between McKinley Avenue and Army Post Road.

"Aviation director" means the director of the Des Moines International Airport or an authorized representative.

"Booking" means an agreement between a limousine company and a passenger, or group of passengers, for limousine service at a specified time not less than one hour after the acceptance of such agreement.

"Booking sheet" means a record prepared by a limousine company of all charters booked by the company showing the date and time the charter was booked, the date and time of the service, place of origin and destination, number of passengers, and the amount of fare. If service is provided at the airport, the booking sheet shall also include the name(s) of the passenger(s) being picked up and the flight number of the arriving passenger(s).

~~"Central business district" means the area bounded by the MacVicar Freeway on the north, East 14th Street on the east, the Des Moines and Raccoon Rivers on the south and Martin Luther King, Jr. Parkway extended on the west.~~

"Certificate" means a certificate of public convenience and necessity issued by the city council of the city of Des Moines authorizing the holder thereof to conduct a limousine service in the city of Des Moines.

"Contracted limousine service" means a written agreement or contract with an individual or business, for a period of not less than 180 days duration, for limousine service.

~~"Charter limousine~~ Limousine service means transportation of a ~~minimum of five passengers in a motor vehicle~~ from or to any point in the city of Des Moines on a prearranged basis, for a minimum of one (1) hour at an hourly rate.

"City clerk" means the city clerk of Des Moines or an authorized representative.

"Finance director" means the finance director of the city of Des Moines or an authorized representative.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued.

"Limousine" means a motor vehicle ~~with a passenger capacity of more than six and less than twenty~~ engaged in the transportation of passengers for hire in ~~normal or charter~~ limousine service.

"Limousine license" means the license granted annually to a person who holds a certificate to conduct a limousine service ~~and to so operate the number of limousines so licensed for the year upon the streets of~~ in the city of Des Moines.

~~"Normal limousine service" means transportation of passengers in a motor vehicle between the airport terminal and a motel, a hotel, the central business district or Drake University. For purposes of this subchapter, "Drake University" shall mean that area bounded on the east by 25th Street, on the west by 31st Street, on the south by University Avenue, and on the north by Forest Avenue.~~

"Rate card" means a card issued by the holder ~~and openly displayed in each limousine~~ which contains the rates of fare then in force.

"Solicit" means to invite another, either by word or deed, to be a passenger in a vehicle for hire. Such deeds may include, but are not limited to, parking in any area where prospective passengers might be found without a booking sheet listing a specific passenger to be picked up.

~~"Traffic director engineer" means the city director of traffic and transportation engineer~~ of the city of Des Moines or an authorized representative.

~~"Trip card" means a daily record prepared by a limousine driver of all trips made by the driver showing the time and place of origin, destination, number of passengers, and the amount of fare for each trip.~~

~~"Zone 1" means the area within the city of Des Moines south of the Des Moines and Raccoon Rivers.~~

~~"Zone 2" means the area within the city of Des Moines north of the Des Moines and Raccoon Rivers excluding the central business district.~~

19-48. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY--  
REQUIRED.

Any no person shall operate or permit owning, operating or controlling a limousine owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the city without having or picking up any passenger for a fare within the corporate limits of the city, shall first obtained a certificate

and the required annual limousine license from the traffic ~~director~~ engineer. The following motor vehicles are excluded from the requirements of this subchapter:

1. Motor vehicles owned and operated by hotels, motels and other boarding places, used for the purpose of transporting patrons, without fee or charge, between said hotel, motel or boarding place and the local station of a common carrier.

1. Ambulances and other emergency vehicles.

2. Funeral hearses.

3. Metropolitan Transit Authority buses or other commercial vehicles designed to transport sixteen (16) or more persons, including the driver, duly licensed by the State of Iowa.

19-48.01 REQUIREMENTS FOR LIMOUSINE SERVICE.

Each company filing an application for a limousine certificate shall meet the following minimum requirements:

(1) Maintain a central place of business in a location properly zoned for that business and have a telephone so that any individual may request the services of the limousine company. The business shall have a listed telephone number. If vehicle maintenance and storage is provided separately from the central office, then the vehicle maintenance / storage area must also be in a location properly zoned for such activity.

(2) Provide transportation of passengers in a motor vehicle from or to any point in the city of Des Moines only on a prearranged basis, for a minimum of one (1)

hour at an hourly rate as provided in this subchapter. For "contracted limousine service" the minimum trip rate and prearranged time restriction do not apply.

(3) Meet all applicable zoning ordinance regulations.

19-49. APPLICATION.

Any person seeking ~~An application for~~ a certificate shall be filed an application with the traffic ~~director~~ engineer. The application shall be signed by the applicant or by an officer of the applicant and verified under oath and shall contain the following information:

(1) The name, ~~and~~ address and age of the applicant. If the applicant is a corporation, its name, the address of its principal place of business, and the name and address of its registered agent. If the applicant is a partnership, its name, the names of general and limited partners and the address of its principal place of business. If the place of business is outside the corporate limits of the city of Des Moines, the applicant shall provide a statement from the governing jurisdiction that the business complies with the appropriate zoning regulations, except that any person lawfully operating a limousine service at the time of adoption of this subchapter shall not be required to provide such a statement.

(2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments. If the

applicant is a firm, partnership, corporation or any other type of business entity which has been organized for less than five years, prior to the date of application, this information shall be provided for each of the shareholders, partners, officers, or other investors of the business entity. The Federal Tax Identification Number (or Social Security Number for an individual) and State of Iowa Sales Tax Permit Number shall also be provided.

(3) The experience of the applicant in the transportation of passengers including a statement of any state or municipality where the applicant has ever been licensed to operate a taxicab or limousine service, whether such license was ever suspended or revoked and the reasons for suspension or revocation, and whether an application for a license or a renewal of a license was denied and the reasons for denial.

(4) Any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate.

(5) The number of vehicles to be operated or controlled by the applicant.

(6) The location of proposed vehicle storage depots ~~and terminals.~~

(7) A statement of the condition of the vehicles to be operated including ~~information as to~~ the age and type of each vehicle, and

the date on which the vehicle passed its most recent safety inspection, if any.

(8) A statement as to whether the applicant has ever, within the ten years immediately preceding the date of application, been convicted of, pled guilty to or stipulated to the facts of violating any criminal statute or ordinance, including traffic laws and municipal ordinances. If the applicant has been convicted, a statement as to the date and place of conviction, the nature of the offense and the punishment imposed.

(9) The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand.

(10) Where the applicant will operate its central place of business.

(11) The color scheme or insignia, if to be used, to designate the vehicles of the applicant.

(12) Such further information as the traffic engineer ~~director~~ may require of each applicant.

#### 19-49.01. INVESTIGATION OF APPLICANT.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the city council. Where the applicant is a corporation, the corporate officers' records shall be investigated; where a partnership, each partner's records shall be investigated.

#### 19-50. PUBLIC HEARING.

Upon the filing of an application, the city council shall fix a time and place for a public hearing thereon. Written notice of such hearing shall be given to the applicant by the city clerk and to all ~~persons to whom~~ current holders of certificates have been theretofore issued. Any interested person may file with the city clerk a memorandum in support of or opposition to the issuance of a certificate.

19-51. ISSUANCE.

(a) If the city council finds that further limousine service in the city of Des Moines, 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 subchapter, then the city council shall direct the traffic engineer ~~director~~ 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 subchapter.

(3) Number of vehicles the applicant owns or controls.

(4) The condition of each vehicle owned or controlled by the applicant including:

(i) Age.

(ii) Type.

(iii) Whether and where  
vehicles have passed  
recent safety  
inspections.

(iv) General appearance,  
including cleanliness.

(v) Fitness for  
patronage.

(5) ~~T~~he number of limousines  
already in operation,

(6) ~~W~~hether existing  
transportation is adequate to meet  
the public need,

(7) ~~T~~he probable effect of  
increased service on local traffic  
conditions, and the character,  
experience, and responsibility of  
the applicant.

~~(c) Any person lawfully operating limousines upon the streets  
of the city of Des Moines at the time of adoption of this  
subchapter notwithstanding the foregoing shall be granted a  
certificate.~~

~~(d)~~(c) A person lawfully possessing a certificate shall not be  
required to renew the ~~same~~ certificate unless ~~the certificate is~~  
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.

#### 19-52. LIABILITY INSURANCE REQUIRED.

(a) ~~A~~ No certificate shall not be issued or continued in  
operation effect unless and until the owner of ~~such~~ the  
limousine business ~~shall have~~ furnished to the traffic engineer  
~~director~~ for filing with the city clerk an insurance policy or

~~certificate of insurance issued by an insurance company licensed to do business in the state, providing insurance coverage for such limousine business with a minimum liability of \$500,000.00 for the injury or death of any one person and subject to the same limit per person, a minimum liability of \$500,000.00 for the injury or death of any number of persons in one accident, and a minimum liability of \$500,000.00 for damage to property of others, in the care, custody or control of the insured, or to property hired or leased by the insured, and for the bodily injury to or death of others, except to employees of the insured engaged in the course of their employment resulting from accident or collision for which the owner will be liable on account of the liability imposed upon him or her by law for any reason, including acts of negligence by him or her, or his or her agents in the negligent operation of such limousine.~~ of Iowa, providing commercial general liability and automobile liability insurance coverage, or the equivalent thereof, for the limousine business with minimum limits of liability equal to any applicable limits required by the Code of Iowa, the United States Code, and/or interstate commerce commission regulation, whichever is greater. The above coverages and limits shall extend to the following on a per occurrence basis: The injury or death of any one person; the injury or death of any number of persons in one accident; damage to property in the care, custody and control of the insured but excluding property of the insured; the bodily injury or death of others resulting from negligent acts of the insured while involved in the furtherance of the limousine business.

(b) ~~The insurance policy or certificate of insurance referred to in this section shall provide that it cannot be cancelled or terminated until ten days notice by registered mail of such cancellation or termination shall have been received by the traffic director.~~ The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide thirty days advance written notice of cancellation, non-renewal, reduction in insurance coverage or limits and ten days written notice for nonpayment by registered mail to the traffic engineer.

(c) ~~The cancellation or other termination of any required insurance policy, issued in compliance with this section,~~ shall automatically revoke and terminate the certificate and all licenses issued for the limousine business and the vehicles covered by such insurance policy(ies), unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination. The

traffic engineer ~~director~~ shall immediately issue written notification of the revocation of said certificate and all licenses for the limousine business and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.

#### 19-53. LICENSES REQUIRED.

(a) A ~~No~~ certificate shall not be issued or continued in ~~operation effect~~ unless ~~the~~ its holder ~~thereof~~ has paid to the finance director an annual calendar year certificate fee of \$150.00 for the right to engage in the limousine business and an annual license fee of \$50.00 for each vehicle operated under a certificate. ~~The license fee shall be for the calendar year, shall be the same amount for each annual renewal of the licenses and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or to the vehicle or vehicles under his or her operation and control.~~

(b) Whenever a license is issued by the traffic engineer ~~director~~ under the terms of this subchapter, ~~an metal plate or~~ identification sticker shall be delivered to the owner thereof. ~~The metal plate or~~ identification sticker shall be approximately three inches in width and six inches in length and shall have stamped or printed thereon the word "limousine", the official license number and the date of expiration of such limousine license. An individual ~~plate or~~ sticker shall be issued for each specific limousine. Such ~~plate or~~ sticker shall be affixed facing outward on the lower right (passenger side) corner of the windshield in a conspicuous place on the rear of the limousine for which such license is granted. ~~The plate or~~ sticker shall be a distinctly a different color each year.

(c) The holder shall ~~place on~~ file with the traffic engineer ~~director~~ information on each limousine including make, model, year, color scheme or insignia, passenger capacity, and state of Iowa license number.

#### 19-54. TRANSFER.

No certificate shall be sold, assigned, mortgaged, or otherwise transferred without the consent of the city council.

#### 19-55. SUSPENSION OR REVOCATION.

(a) A certificate ~~issued under the provisions of this subchapter~~ may be revoked or suspended ~~in accordance with section 19-52 or~~ by the city council if the holder thereof has:

(1) Violated any of the provisions of this subchapter. A certificate may be suspended if the certificate holder or any of the certificate holder's operators have a combined total of three (3) or more convictions of violations of this subchapter in an eighteen (18) month period, and may be revoked if the certificate holder or any of the certificate holder's operators have a combined total of five (5) or more convictions of violations of this subchapter in an eighteen (18) month period; or

(2) Discontinued operations for more than ten days unless such discontinuance is caused by a labor dispute; or

(3) Violated any provision of this subchapter or ordinance of the city of Des Moines, or any law of the United States or the state of Iowa, the violation of which is found by the city council to so affect the public safety as to prove the holder not a proper person to offer public transportation.

(b) Prior to suspension or revocation as provided in this section, the holder shall be given three days written notice by the city clerk of the proposed action to be taken and shall be afforded an opportunity to appear before the city council and be heard.

19-56. LIMOUSINE ~~TAXI CAB~~ DRIVER'S LICENSE--REQUIRED.

Every ~~No~~ person ~~shall who~~ operates a limousine for hire upon the streets of the city and ~~no person who owns or controls a limousine shall permit it to be so driven, and no limousine~~

~~licensed by the city shall be so driven at any time for hire, unless the driver of said limousine shall have first obtained and shall properly display have then in force a limousine taxicab driver's license. issued under the provisions of subchapter 5 of this chapter.~~

19-56.01 APPLICATION FOR LIMOUSINE DRIVER'S LICENSE.

(a) Any person seeking a limousine driver's license shall file an application with the traffic engineer on forms provided by the city. The application shall contain the following information:

1. The full name, current mailing address, date of birth, height, weight and drivers license number of the applicant.

(2) The names and addresses of three residents of the city who have known the applicant for a period of one year and who will vouch for the applicant's sobriety, honesty, and general good character.

(3) The experience of the applicant in driving an automobile.

(4) The educational background of the applicant.

(5) A concise history of the applicant's employment.

(6) A concise statement of the history of his or her health and any present impairments or disabilities.

(7) A list of all convictions (convicted of, pled guilty to or stipulated to the facts) for criminal offenses, other than traffic offenses, during the ten years immediately preceding the date of application. If the

applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant shall provide certified copies of any and all dispositions of the criminal offenses to the Des Moines Police Department.

(8) A list of all convictions for traffic violations for which the applicant's license was suspended, revoked or barred during the five years immediately preceding the date of application.

(9) A statement that the contents of the completed application are true.

(10) The date the application is filed.

(11) Further information as the traffic ~~director~~ engineer may require.

(b) Any person seeking renewal of a limousine driver's license shall file an application with the traffic engineer on forms provided by the city. The application shall contain the following information:

1. The full name, current mailing address, date of birth, height, weight and drivers license number of the applicant
1. A concise history of the applicant's employment for the past one year.
1. A concise statement of the history of his or her health for the past one year and any present impairments or disabilities.
1. A list of all convictions (convicted of, pled guilty to or stipulated to the facts) for criminal offenses, other than traffic offenses, during the past year. If the

applicant has been convicted of, pled guilty to or stipulated to the facts of any criminal offense, the applicant will provide certified copies of any and all dispositions of the criminal offenses to the Des Moines Police Department.

1. A statement that the contents of the completed application are true.
1. The date the application is filed.
1. Further information as the traffic engineer may require.

(c) At the time an initial or renewal application is filed the applicant shall pay to the finance director the sum of \$20.00.

#### 19-56.02 QUALIFICATIONS FOR LIMOUSINE DRIVER'S LICENSE.

(a) Each applicant must meet the following requirements before a license may be issued:

(1) Possess a current valid motor vehicle chauffeurs license, with the proper endorsement, issued by the Iowa Department of Transportation.

(2) Be a person of good moral character.

(3) Have a good driving record.

(4) Be at least eighteen (18) years of age.

(b) Definitions:

(1) Person of good moral character means any person who meets the following requirements:

(i) Has such good reputation as will satisfy the licensing authority that he or she

will comply with this subchapter and all other laws, ordinances and regulations applicable to the performance of his or her duties as a limousine driver.

(ii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving moral turpitude or sexual abuse within the preceding ten years.

(iii) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving a simple misdemeanor, excluding theft, assault, public exposure, harassment or fraud within the preceding five years.

(iv) Has not been convicted of, pled guilty to or stipulated to the facts of an offense involving forcible felony, theft, assault, public exposure, harassment or fraud within the preceding ten years.

(2) Good driving record means all of the following:

- i. The applicant has not, within the preceding five years been convicted of any moving traffic violation which resulted in

automatic suspension or revocation of an operators or chauffeurs license under chapter 321, 321A or 321J, the Code of Iowa.

- ii. The applicant's operators or chauffeurs license has not been suspended or revoked for any single moving traffic violation or combination of moving traffic violations within the preceding five years.
- iii. The applicant has not, within the preceding one year, been convicted of three or more moving traffic violations.
- iv. The applicant has not, within the preceding one year, been involved in more than one traffic accident in which applicant was at fault.

#### 19-56.03 INVESTIGATION OF APPLICANT; ARREST AND TRAFFIC RECORD.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the traffic engineer.

#### 19-56.04 APPROVAL OF APPLICATION.

(a) If the traffic engineer determines the applicant meets the requirements he or she shall issue a license.

(b) If the traffic engineer determines the applicant does not meet the requirements, he or she shall deny the license. However, the traffic engineer may issue a license if any conviction resulting in suspension of an operator's license under chapter 321, 321A or 321J of the Code of Iowa or any other suspension of an operator's or chauffeur's license did not involve driving behavior which is indicative of a disregard for public safety. Any license issued under this subsection shall be subject to a quarterly review to assure there have been no further convictions of traffic violations or criminal offenses entered against the applicant during such quarter.

(c) Any applicant who is denied a license by the traffic engineer may request a hearing before the city council by filing a written appeal with the city clerk within ten days of the final action. Such appeal shall be heard by the city council

within 25 days of the date the notice of appeal is filed with the city clerk. The sole issue before the city council on such appeal shall be whether the traffic engineer has abused his or her discretion in denying the license. No additional evidence may be presented in the appeal.

#### 19-56.05 ISSUANCE.

Upon approval of an application for a limousine driver's license, the traffic engineer shall issue a license to the applicant in the form of a laminated card containing a current picture of the driver and the license number, or such other form and style as the traffic engineer shall prescribe. This license shall be constantly and conspicuously displayed on the outside of the driver's hat, coat or outer garment while he or she is on any airport property, and at all other times while on duty, the driver shall keep the license in his or her possession. Any driver loaning his or her badge or permitting another person to use the same, shall be guilty of a misdemeanor and his or her license shall be revoked.

#### 19-56.06 DURATION OF LICENSE.

A license shall be in effect only for the calendar year in which issued or renewed.

#### 19-56.07 FEE.

The fee for a license shall be \$20.00.

#### 19-56.08 LOST LICENSE.

Any person who loses his or her limousine license shall present an affidavit as to the circumstances of such loss to the traffic engineer who shall issue a replacement license upon payment of \$5.00 for such replacement license. The traffic engineer shall keep a separate record of replacement licenses issued showing the date of issuance, to whom issued and the identification contained thereon.

#### 19-56.09 SUSPENSION, REVOCATION OR DENIAL OF LICENSE.

(a) If any person who has a current limousine driver's license has his or her Iowa drivers license suspended or revoked, or is convicted of, pleads guilty to, or stipulates to the facts of any criminal offense during the license period, he or she shall immediately notify the traffic engineer.

(b) Any limousine driver license may be suspended, revoked, or denied renewal for (1) violations of this subchapter, or (2) acts demonstrating lack or absence of good moral character, or (3) providing false information on the license application or renewal.

(c) No license shall be suspended, revoked or denied renewal except after a hearing of the matter before the traffic engineer. The traffic engineer, upon being informed of grounds for suspension, revocation or denial of renewal, shall schedule a hearing of said matter and shall cause notice of said hearing to be delivered to the licensee or applicant by mailing notice in the regular mail at least ten days before the date of hearing to the licensee's or applicant's address as shown on the most recent application.

(d) If, after such hearing, the traffic engineer determines (1) that a violation of this subchapter did in fact take place, (2) that the person committed acts demonstrating lack of good moral character, or (3) that the person falsified an application for a license or a renewal, the traffic engineer may, depending on the number or severity of the acts, suspend a license for up to thirty days, revoke a license, or deny an application for a license renewal.

(e) Any licensee or applicant may appeal such decision to the city council by notifying the city clerk in writing of the appeal within ten days of the date of the traffic engineer's decision. Such appeal shall be heard by the city council within 25 days of the date the notice of appeal is filed with the city clerk. The sole issue before the city council on such appeal shall be whether the traffic engineer abused his or her discretion in denying the license. No additional evidence may be presented in the appeal.

(f) A licensee whose license has been revoked shall immediately surrender his or her license to the traffic engineer and shall not be eligible to apply for another such license for a period of 180 days after such revocation. A person whose application has been denied shall not be eligible to reapply for a period of 180 days after such denial. The 180 day period shall commence on the day final city action is taken by either the traffic engineer or, if appealed, the city council.

19-57. VEHICLES--EQUIPMENT AND MAINTENANCE.

~~(a) Vehicles must comply with applicable laws. Prior to the its use and operation of any vehicle under the provisions of this subchapter the ,each~~ vehicle shall be made to comply with all applicable requirements of the state motor vehicle code and other state and city laws.

~~(b) Vehicles must be kept in a clean and sanitary condition. Every Each vehicle operating under this subchapter shall be kept in a clean and sanitary condition, both interior and exterior.~~

(c) Each vehicle shall be equipped with an operable heater and air conditioner of adequate capacity.

(d) Each vehicle exterior shall be maintained in good condition, with all parts intact and properly painted.

(e) Each vehicle shall be in excellent mechanical condition, free from all known defects which could cause inconvenience or hazard to any passenger.

(f) Each vehicle shall have properly inflated tires with a safe amount of remaining tread.

#### 19-58. DESIGNATION OF LIMOUSINES.

(a) Each limousine ~~shall~~ may bear on the outside of the door or on the side glass on each side the name of the owner company and, in addition, may bear an identifying design. If an identifying name or design is used, the markings shall be painted or affixed by decal in letters or figures at least one and one-half (1-1/2) inches in height. Any licensed ~~No vehicle covered by the terms of this subchapter shall be licensed whose shall not have a color scheme, identifying design, monogram, or insignia to be used thereon shall~~ that will conflict with or imitate any existing limousine or any official or emergency vehicle color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this subchapter, in such a manner as to tend to that will mislead or deceive or defraud the public; ~~provided that if, after a license has been issued for a limousine hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license and certificate covering such limousine or limousines shall be suspended or revoked as provided in this subchapter.~~

~~(b) Each limousine shall bear on the inside of the passenger compartment clearly visible to passengers a sign which denotes the name of the owner and the number used by the owner to designate the limousine.~~

19-59. TRIP RATES.

(a) No person owning, operating or controlling any motor vehicle operated as a limousine within the limits of the city shall charge an amount in excess less than the minimum nor greater than the maximum of the following rates:

~~(1) Normal limousine service--  
from or to the airport to or from  
any permitted point in~~

~~(i) Zone 1-----  
-----\$5.00~~

~~(ii) Central business  
district-----\$5.00~~

~~(iii) Zone 2-----  
-----\$6.00~~

The hourly rate for any vehicle shall not be less than \$35.00, and a minimum of one (1) hour shall be charged for each trip. This minimum trip rate shall not apply to "contracted limousine service" when the operator has entered into an agreement or contract with an individual or a business to provide transportation service on a pre-arranged basis. The agreement or contract shall be in writing and shall cover a period not less than 180 days duration, and a copy shall be filed with the traffic engineer prior to beginning service.

~~(2) Charter limousine service--  
from or to any point in the city  
of Des Moines on a pre-arranged  
basis-----The minimum and~~

maximum hourly rates by for each licensed vehicle shall to be those most recently filed with the traffic engineer director.

~~(b) The current rate schedule not in excess of those amounts listed above shall be that most recently placed on file with the traffic engineer director by the holder.~~

~~(c) For service in picking up and delivering packages and parcels, the ordinary rates provided by subsection (a) (1) shall apply.~~

#### 19-60. RECEIPT FOR PAYMENT OF RATES.

If requested by the passenger, the driver ~~in charge of a limousine shall deliver to the person hiring the same at the time of such payment,~~ provide a receipt therefor in legible type or writing containing the name of the owner, the limousine license number or the driver's signature, the total amount paid and the date of payment. If the charter is paid at the office, the receipt may be issued there.

#### 19-61. ~~POSTING RATES.~~ REPEALED BY ORD. 13,---

~~Every limousine shall post a schedule of rates in a conspicuous place on the inside of the limousine, clearly visible to the passengers thereof.~~

#### 19-62. PREPAYMENT.

Every driver of a limousine shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid.

#### 19-63. OVERCHARGE.

No person shall charge, or attempt to charge, a passenger a higher rate of fare than the current rates placed on file with the traffic engineer by the holder specified in this subchapter.

#### 19-64. REFUSAL TO PAY.

Any person who ~~shall have hired~~ hires a limousine for the purpose of riding therein, or transporting any goods, wares or merchandise, and who ~~shall refuses~~ refuses to pay the fare ~~therefor as fixed by this subchapter,~~ shall be ~~deemed~~ guilty of a misdemeanor.

19-65. PASSENGER LOADS.

~~No limousine shall be operated with loads in excess of the normal capacity of such vehicle. Nor A driver may not transport more passengers than the manufacturer's passenger rating for the vehicle and for which operating seat belts are provided, with not more than one passenger shall occupy in the front seat in addition to with the driver.~~

19-66. ~~NORMAL LIMOUSINE SERVICE~~ REPEALED BY ORD. 13,---.

- ~~a. All persons engaged in limousine service in the city of Des Moines shall render such service, pursuant to the provisions of this subchapter, to those members of the public desiring to use such service.~~
- ~~b. A holder of a certificate shall maintain a central place of business in a location properly zoned for that business, staffed and operated as necessary to provide adequate service related to the arrivals and departures of scheduled airlines serving the city of Des Moines.~~
- ~~c. Normal operation of limousine service contemplates service from no later than 7:00 A.M. to no earlier than 9:00 P.M. on a daily basis, operating both ways between the Des Moines International Airport and other permitted points.~~

~~(d) A list of locations to which the holder shall provide normal limousine service must be filed with the traffic director and shall identify each permitted point of service by its public or trade name and its address.~~

19-67. CHARTER LIMOUSINE SERVICE.

~~Charter~~ Limousine service may be undertaken by the holder of a certificate subject to the following conditions:

- (a) No charter limousine service shall be booked less than one (1) hour prior to on the date of the service, except for contracted limousine service under a written contract or agreement on file with the traffic engineer.
- (b) The holder shall maintain a central place of business in a location properly zoned for that business.

(c) If vehicle maintenance and storage is provided separately from the central office, then the vehicle maintenance / storage area must also be in a location properly zoned for such activity.

(d) The holder shall have a listed telephone number.

(e) The service must be booked at a scheduled rate on file with the traffic engineer for a minimum of one (1) hour, even if the trip requires less than one hour, except for contracted limousine service under a written contract or agreement on file with the traffic engineer.

19-68. TRIP CARDS BOOKING SHEETS.

(a) ~~Every driver~~ Each holder shall maintain a daily ~~trip card booking sheet~~ upon which are recorded all ~~trips made~~ charters booked by the company each day, showing the date and time the charter was booked, the date and time of the service, and place of origin, the and destination of each trip, number of passengers, and the amount of fare, and all such complete trip cards shall be returned to the owner by the driver at the conclusion of the driver's tour of duty. The forms for each trip card shall be furnished to the driver by the owner and shall be approved by the chief of police. Upon request by any law enforcement officer or any City of Des Moines police cadet, any driver shall present the booking sheet, or a copy thereof, showing the name(s) of the passenger(s) being picked up, and if at the airport, the flight number of the arriving passenger(s).

(b) ~~Every~~ Each holder shall retain and preserve all ~~driver's trip cards~~ booking sheets in a safe place for at least one month following the date of the making of the record. ~~Trip cards~~ Booking sheets shall be available to the chief of police or the traffic engineer ~~director~~.

(c) Each holder shall submit to the traffic engineer ~~director~~ a report by January ~~15~~ 30 of each year summarizing the activity of the previous year. ~~Such~~ The report shall contain information on number and types of complaints received including specific information on any discrimination complaints; number of passengers carried; number of trips per vehicle; age, mileage and general condition of each vehicle; tenure and turnover of drivers' and other information as required by the traffic engineer ~~director~~.

19-69. MISREPRESENTATION OR FRAUD IN SECURING CERTIFICATE OR LICENSE.

No person shall give any false or fictitious information on any application for any certificate or license provided for in this subchapter, or practice any fraud or misrepresentation in any manner to secure such a certificate or license.

19-70. SOLICITING PASSENGERS.

No owner, driver or employee of a limousine shall solicit passengers ~~for a limousine at the airport except when sitting in the driver's compartment or while standing immediately adjacent to the curb side of that limousine.~~ Nothing herein contained shall be deemed to prohibit any driver from alighting onto the street or sidewalk for the purpose of loading or unloading any baggage, goods, wares or merchandise.

19-70.01. CRUISING.

No driver of a limousine shall cruise in search of passengers.

19-70.02. DRIVER PROHIBITIONS.

(a) No limousine driver shall engage in selling intoxicating liquors or solicit business for any house of prostitution or use or permit another person to use his or her vehicle for any unlawful purpose or any purpose other than that provided by this subchapter.

(b) While on duty, a driver shall not engage in any unlawful act.

(c) While on duty or within twelve (12) hours prior to being on duty, a driver shall not partake of any alcoholic beverage, intoxicating liquor, narcotic, sedative, barbiturate, marijuana, or any other drug or substance which may impair his or her driving ability; and, while on duty, a driver shall not have any such beverage or substance in his or her possession, except that a limousine may carry an alcoholic beverage or other substance if it is in full compliance with State law.

(d) A driver shall not have a firearm, explosive device or illegal weapon in his or her possession while on duty.

(e) A driver shall not operate a limousine which is in an unsafe operating condition.

(f) A driver shall not operate a limousine while his or her ability or alertness is so impaired, or is likely to become impaired, because of fatigue, illness or any other cause which would make it unsafe for him or her to operate the vehicle.

(g) A driver shall not remain on duty for more than sixteen (16) continuous hours in any twenty-four (24) hour period.

(h) A driver shall not charge any passenger greater than or less than the current rates on file with the traffic engineer by the holder.

(i) A driver shall not dismiss nor discharge any passenger at a point other than the requested destination without good cause. If a passenger is discharged for good cause, it shall be done, if at all possible, at a safe, well-lighted place, convenient to public transportation.

(j) A driver shall not induce nor attempt to induce any person to be transported by willful misrepresentation.

(k) A driver shall not solicit a gratuity; however, a driver may accept a gratuity if it is given voluntarily, without solicitation.

(l) A driver shall not refuse to place a passenger's luggage or packages in an out of the vehicle when requested to do so.

(m) A driver shall not refuse to assist a passenger in and out of the vehicle when requested to do so, provided, however, that the driver shall not be required to lift or carry any passenger.

(n) A driver shall not smoke in the vehicle while it is occupied by a passenger unless the passenger consents. Likewise, a passenger shall not smoke in the vehicle unless the driver consents.

(o) A driver shall not operate a radio or other device at a volume which might be objectionable to a passenger, and the driver shall change stations, reduce the volume or turn off the device upon a reasonable request of the passenger.

19-70.05. DRIVER STANDARDS OF DRESS, APPEARANCE AND CONDUCT.

Each holder of a certificate will furnish to the traffic engineer a proposed standard of dress, appearance and conduct for their drivers. As a minimum, the items listed below shall be addressed by these standards:

(a) All drivers shall be appropriately dressed.

(b) All drivers shall be neat and clean in person and appearance.

(c) All drivers shall refrain from talking loudly, shouting or using profanity.

Upon approval of the traffic engineer, each certificate holder shall be responsible for maintaining and enforcing these standards.

#### 19-71. OPERATION AT AIRPORT.

Each limousine operating at the airport shall do so in accord with rules and regulations adopted by the aviation director as provided in chapter 4 of this code. (C79, §19-71; 0.10,060)

#### 19-71.01. CRIMINAL ~~AND~~ OR CIVIL PENALTIES.

~~(a) Any person who violates or resists enforcement of any provisions of this subchapter, upon conviction shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist constitutes a separate offense.~~Any person, firm, or corporation who fails to perform an act required by the provisions of this subchapter, or who commits an act prohibited by the provisions of this subchapter, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-11 of the city code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-11 of the city code.

~~(b) Any person who violates or resists the enforcement of any of the provisions of this subchapter shall be guilty of a municipal infraction punishable by a civil penalty of one hundred dollars (\$100.00) for the initial offense and two hundred dollars (\$200.00) for each repeat offense. Each day that a municipal infraction occurs constitutes a separate offense. Any person who violates this subchapter after having previously been found guilty of violating the same code provision at the same location or at a different location shall be guilty of a repeat offense. This municipal infraction penalty shall be an~~

~~alternative to the penalties provided for in subsection (a) of this section. Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief, including an order for abatement or injunctive relief, from the court in the same action or as a separate action. Upon issuance of any citation under this subchapter, the issuing agency shall deliver a copy of the citation to the city prosecutor and the traffic engineer.~~

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

FORM APPROVED:

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Katharine Ramsay Massier

Assistant City Attorney