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Date October 26, 2009

RESOLUTION SETTING DATE OF PUBLIC HEARING
UPON APPLICATION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE LIMOUSINE SERVICES

WHEREAS, Section 126-62 of the Municipal Code forbids the operation of a limousine as a vehicle for hire upon the streets of Des Moines without obtaining a Certificate of Public Convenience and Necessity; and

WHEREAS, Michael G. Marks, seeking to do business as Marks Limousine Service, Des Moines, Iowa, has filed an application with the City Traffic Engineer requesting permission of the City Council to operate a limousine service in the City of Des Moines, which application is now on file in the office of the City Clerk for public review and consideration; and

WHEREAS, upon the filing of an application for a Certificate of Public Convenience and Necessity, Section 126-64 of the Municipal Code requires the City Council to fix a time and place for a public hearing on the matter of the issuance of a certificate to operate a limousine service; and

WHEREAS, Section 126-64 does require that written notice of the hearing be given to the applicant and all present holders of a certificate, if any.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the Des Moines City Council shall hear the matter of the request to operate a limousine service in the City of Des Moines at the regularly scheduled City Council meeting on November 9, 2009, in the City Council Chambers at 5:00p.m.; and
2. That the City Clerk is directed to give written notice of the time and place of the scheduled hearing to the applicant at the following address and to all the present holders of a limousine certificate at their addresses of record.

Michael G. Marks
Marks Limousine Service
2433 SE 14th Street
Des Moines, IA 50320

★ Roll Call Number

Agenda Item Number

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Date October 26, 2009

3. That any interested person, pursuant to Section 126-64, may file with the City Clerk a memorandum in support of or opposition to the issuance of the certificate.

MOVED BY _____ to adopt.

APPROVED AS TO FORM:

K. Massier

Katharine Ramsay Massier
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Limousine Company Application Checklist

Applicant: Michael G. Marks

Marked block w/ initials indicates that the applicant has provided documentation meeting or exceeding the requirements of the Municipal Code of the City of Des Moines.

Sec. 126-62.5. 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.
MB
244-1868
2433 SE 14th
2914 SE 14th

(2) Provide transportation of passengers in a motor vehicle from or to any point in the city only on a prearranged basis, for a minimum of one hour at an hourly rate as provided in this article. For contracted limousine service the minimum trip rate and prearranged time restriction do not apply. For limousine service which is booked at least 24 hours in advance, the minimum trip rate does not apply.
Service Requirement

(3) Meet all applicable zoning ordinance regulations.
MB

Sec. 126-63. Application for certificate of public convenience and necessity.

Any person seeking a certificate shall file an application with the traffic 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, 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, 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 article shall not be required to provide such a statement.
MB
Originals on file.

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- (2) *MRB* 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 sales tax permit number shall also be provided. *original on file*
- (3) *MRB* 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) *MRB* Any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate.
- (5) *MRB* The number of vehicles to be operated or controlled by the applicant. – *one*
- (6) *MRB* The location of proposed vehicle storage. *2914 SE 14th*
- (7) *MRB* A statement of the condition of the vehicles to be operated including the age and type of each vehicle, and the date on which the vehicle passed its most recent safety inspection, if any. *Provided*
- (8) *MRB* A statement as to whether the applicant has, 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) *MRB* The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand. – *one*
- (10) *MRB* Where the applicant will operate its central place of business. *2433 SE 14th*
- (11) *MRB* The color scheme or insignia, if used, to designate the vehicles of the applicant. *None.*
- (12) *MRB* Such further information as the traffic engineer may require of each applicant.
- Sec. 126-63.5. Investigation of applicant. *provided (enclosed)*

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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.



Sec. 126-66. Liability Insurance required. *Provided (Enclosed)*

- (a) A certificate shall not be issued or continued in effect unless and until the owner of the limousine business furnishes to the traffic engineer 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 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 certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide 30 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 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 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.



Sec. 126-82. Booking sheets. *Provided (Enclosed) Form previously approved by Chief of Police.*

- (a) Each holder shall maintain a daily booking sheet upon which are recorded all charters booked by the company each day, 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. Upon request by any

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law enforcement officer or any city 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) Each holder shall retain and preserve all booking sheets in a safe place for at least one month following the date of the making of the record. Booking sheets shall be available to the chief of police or the traffic engineer.
- (c) Each holder shall submit to the traffic engineer a report by January 30 of each year summarizing the activity of the previous year. 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.

Sec. 126-62. Certificate of public convenience and necessity required.

service
Any person owning, operating or controlling a limousine as a vehicle for hire upon the streets of the city or picking up any passenger for a fare within the corporate limits of the city, shall first obtain a certificate and the required annual limousine license from the traffic engineer. The following motor vehicles are excluded from the requirements of this article:

- (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.
- (2) Ambulances and other emergency vehicles.
- (3) Funeral hearses.
- (4) Metropolitan Transit Authority buses or other commercial vehicles designed to transport 16 or more persons, including the driver, duly licensed by the state.

Sec. 126-70. Limousine driver's license required.

MBB
Every person who operates a limousine for hire upon the streets of the city shall first obtain and shall properly display a limousine driver's license.

Sec. 126-72. Designation. *None.*

MBB

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Each limousine may bear on the outside of the door or on the side glass on each side the name of the 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 1 1/2 inches in height. Any licensed vehicle shall not have a color scheme, identifying design, monogram, or insignia that will conflict with or imitate any existing limousine or any official or emergency vehicle color scheme, identifying design, monogram or insignia in a manner that will mislead or deceive or defraud the public.

Sec. 126-81. Limousine service.

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

- (1) *Service* No limousine service shall be booked less than one hour prior to the service, except for contracted limousine service under a written contract or agreement on file with the traffic engineer.
- (2) *MRB* The holder shall maintain a central place of business in a location properly zoned for that business.
- (3) *MRB* 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.
- (4) *MRB* The holder shall have a listed telephone number. *(515) 244-1869*
- (5) *Service* The service must be booked at a scheduled rate on file with the traffic engineer for a minimum of one 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.

Definitions

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 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

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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).

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

City clerk means the city clerk or an authorized representative.

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

Finance director means the finance director of the city 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 engaged in the transportation of passengers for hire in limousine service.

Limousine license means the license granted annually to a person who holds a certificate to conduct a limousine service in the city.

Limousine service means transportation of passengers in a motor vehicle from or to any point in the city on a prearranged basis, for a minimum of one hour at an hourly rate.

Rate card means a card issued by the holder 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 Engineer means the city traffic engineer of the city or an authorized representative.



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