


## MEMORANDUM

**TO:** City Commission

**FROM:** Denise M. Kirkpatrick, City Clerk 

**DATE:** November 14, 2016

**SUBJECT:** **FIRST READING OF ORDINANCE 16-04**, proposing to amend Section 82-35 to clarify liability insurance policies filed by taxicab owners, operators, drivers or chauffeurs must be issued by an appropriately licensed surety company and Section 82-42 necessary to clarify it is the duty of the Planning and Development Director to notify the City Manager of any ordinance violation by taxicab operator or chauffeur.

**RECOMMENDATION:** Approve Ordinance 16-04 on first reading.

**PRESENTER:** Denise M. Kirkpatrick, City Clerk

**BACKGROUND:** The Ordinance Review Committee:

Has reviewed Chapter 82 (Vehicles for Hire) of the Code of Ordinances.

Is recommending that a certain revision is necessary to clarify liability insurance policies filed by taxicab owners, operators, drivers or chauffeurs must be issued by an appropriately licensed surety company.

Is recommending that a certain revision is necessary to clarify it is the duty of the Planning and Development Director to notify the City Manager of any ordinance violation by taxicab owners, operators, drivers or chauffeurs.

**BUDGET IMPACT:** N/A

**NEXT ACTION:** If approved on first reading, Ordinance 16-04 will appear on the December 15, 2016 agenda for second reading.

**ATTACHMENTS:**

1. Ordinance 16-04
2. Excerpt of the Commission Workshop minutes of May 8, 2014.
3. Ordinance Review Committee's 2013 Report
4. Excerpt of the July 1 and August 5, 2013 ORC meeting minutes.

## ORDINANCE 16-04

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 82-35 OF THE DUNEDIN CODE OF ORDINANCES REQUIRING TAXICAB OWNERS, OPERATORS, DRIVERS OR CHAUFFEURS TO PROCURE AND FILE A LIABILITY INSURANCE POLICY ISSUED BY AN APPROPRIATELY LICENSED SURETY COMPANY; AMENDING SECTION 82-42 TO CORRECT A TYPOGRAPHICAL ERROR PROVIDING FOR THE DUTY OF THE PLANNING AND DEVELOPMENT DIRECTOR TO NOTIFY THE CITY MANAGER OF ANY ORDINANCE VIOLATION BY TAXICAB OPERATOR OR CHAUFFEUR; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the City of Dunedin's Ordinance Review Committee has reviewed Chapter 82 (Vehicles for Hire) of the Code of Ordinances; and

**WHEREAS**, the Ordinance Review Committee has recommended that certain revision is necessary to clarify liability insurance policies filed by taxicab owners, operators, drivers or chauffeurs must be issued by an appropriately licensed surety company; and

**WHEREAS**, the Ordinance Review Committee has recommended that certain revision is necessary to clarify it is the duty of the Planning and Development Director to notify the City Manager of any ordinance violation by taxicab owners, operators, drivers or chauffeurs;

**WHEREAS**, the recommendations of the Ordinance Review Committee have been found meritorious by the City Commission; and

**WHEREAS**, the City Commission has received input from the public at two public hearings.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 82-35 of Chapter 82 of the Code of Ordinances is amended to read as follows:

**Sec. 82-35. - Liability insurance or surety bond required.**

- (a) *Amounts.* It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to



be driven or operated upon the public streets of the city, unless the owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a ~~good and responsible~~ an appropriately licensed surety company. Such insurance company or surety company must have authority to do business as such in the state, and must be acceptable to and approved by the city commission. The minimum amount of liability insurance or surety bond for each taxicab shall be as follows:

- (1) An amount of not less than \$100,000.00 automobile liability protection for any one person injured by reason of the negligent operation of the taxicab.
  - (2) An amount not less than \$300,000.00 personal injury protection for more than one person injured in any one accident.
  - (3) Not less than \$50,000.00 for all property damage in one accident.
  - (4) Similar coverage for uninsured motorists.
- (b) *Separate or fleet policies permitted.* The policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab or may be in the form of a fleet policy covering all taxicabs operated by such taxicab owner, operator, driver or chauffeur; in which latter event, such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service, as specified in this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, the form to be prescribed by the city manager.
- (c) *Cancellation; notice.* No policy of insurance or surety bond as provided in this section shall be canceled until the expiration of five days after the notice of intended cancellation has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.

**Section 2.** That Section 82-42 of Chapter 82 of the Code of Ordinances is amended to read as follows:

**Sec. 82-42. - Violations by operators to be reported to city manager.**

It shall be the duty of the ~~city manager~~ Planning and Development Director to notify the city manager of any and all violations of any ordinance of the city by any taxicab owners, operators, drivers or chauffeurs.

**Section 3.** That this Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 15th day of December, 2016.**

\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: December 01, 2016

READ SECOND TIME AND ADOPTED: December 15, 2016

and sewer charges, wells and lawn sprinkler systems, reclaimed water system, stormwater management, rights-of-way, public acquisition of private drainage systems, and impact fees.

Recent amendments were made to the following sections of Chapter 78: Stormwater management (revised 2010), rights-of-way (revised 2010), and public acquisition of private drainage systems (revised 2011).

**CHAPTER 82 Vehicles for Hire**

Chair Phillips advised amendments are proposed to clarify the requirements of an insurance company issuing a surety bond, and to provide for the reporting of violations to the City Clerk, rather than the City Manager.

**CHAPTER 86 Waterways**

Chair Phillips advised no amendments to Chapter 86 are recommended.

Chair Phillips explained at one time this section concerned debris and refuse or obstructions in waterways which is now contained in Chapter 78. Chapter 86 has to do with Marina regulations. It sets forth procedures for renting slips, what happens if someone abandons a boat, what happens if someone is on the list to take a slip and then wants to wait, what happens if someone does not pay their rent and things of that nature. Staff indicated they were happy with Chapter 86 and recommended no changes; however, there are two amendments recommended including Sec 86-102 cleaning of fish in areas designated by the harbormaster and Sec. 86-108 addressing prohibition of new forms of conveyances.

Vice-Mayor Scales clarified with Chair Phillips there are no ADA issues as the intention is more for recreating. Vice-Mayor Scales suggested it be clarified in the language.

The Commission expressed appreciation and commended the members of the Ordinance Review Committee for their excellent work.

City Attorney Trask suggested since there are so many amendments, to address them at the City Commission meetings a couple at a time.

Mayor Eggers reviewed there was interest in further discussion on the alcohol issue, the injuries to volunteers, law enforcement removal, the seaplane discussion and ADA issues.

It was decided amendments to Fire, Parks & Recreation and Solid Waste should be done right away.

**3. EMS DISCUSSION**

Fire Chief Parks advised in order to provide the information on the current EMS status with Pinellas County he invited Pinellas County Public Safety Services Director Dr. Bruce Moeller and Pinellas County EMS Director Craig Hare who gave a presentation.

Dr. Moeller briefly reviewed and provided updates to the PowerPoint presentation given at the February 4, 2014 Board of County Commissioners meeting. He explained the dialogue is ongoing with the 18 first responder agencies of the cities and independent fire districts. The system has been recognized for being clinically excellent; one of the best in North America and the desire is to maintain that; however, there has been an ongoing concern about the fiscal sustainability of the system which has been the focus for the past few years.





**Ordinance Review Committee  
2013 Report**

## **ORDINANCE REVIEW COMMITTEE**

### **Recommended Amendments to City of Dunedin Code of Ordinances 2013**

#### **Committee Members:**

At its regularly scheduled meeting held February 21, 2013, the City of Dunedin Commission appointed the following seven (7) individuals to the Ordinance Review Committee (hereinafter, "ORC"): Lois R. Phillips, David R. Pauley, Mike Mackenzie, George Nigro, Charles ("Chuck") Dean, Thomas ("Jim") Graham and Scott Rehm. The Committee was charged with reviewing the City of Dunedin Code of Ordinances and reporting any recommended changes thereto to the City Commission.

Elected ORC Officers are Lois R. Phillips, Chair, and David R. Pauley, Vice-Chair.

City Attorney Thomas J. Trask provided legal assistance and guidance to the ORC.

City Clerk Denise M. Schlegel provided assistance for and at all ORC meetings.

City of Dunedin Staff members consulted with and provided assistance to ORC members throughout its review and discussion of Code amendments.

#### **ORC Review of City of Dunedin Code of Ordinances:**

The ORC held ten (10) meetings between April 1, 2013 and December 2, 2013 to review and discuss twenty-three (23) Chapters of the Code of Ordinances. Members read all Ordinance Chapters to be discussed at ORC meetings. Individual members were each assigned to analyze one or more specified chapters, present their findings at an ORC meeting and lead the ORC meeting discussions of the specific chapter. In preparation for meeting discussions, individual members met with and asked questions of Department Directors, or other appropriate persons, whose departments are subject to specific ordinances.

#### **Recommended Changes to Dunedin Code of Ordinances:**

Recommendations regarding proposed amendments to the Dunedin Code of Ordinances will be submitted to the City Commission with the ORC Report. Recommended changes to Chapters are reflected in a strike-out and underline format, in order to facilitate formal action.

Substantial amendments are proposed to Chapter 6 - Alcoholic Beverages, Chapter 10 - Animals, Chapter 14 - Businesses, Chapter 22 - Code Enforcement, Chapter 46 - Law Enforcement, Chapter 54 - Parks and Recreation, and Chapter 66 - Solid Waste. In general, amendments to other Chapters are proposed to update the ordinance to comply with Florida law, reflect current technology and standards and correct grammatical errors. A more detailed description of proposed amendments is located behind each chapter tab where you will find excerpts of the meetings where the Chapter was discussed and then the proposed recommendations.



## **RECOMMENDED CHANGES TO DUNEDIN CODE OF ORDINANCES**

### **Chapter 1 – General Provisions:**

Amend definition of "Sidewalk"; amend definition of "Gender", "Keeper and Proprietor" and "Person" to include limited liability companies and limited liability partnerships.

### **Chapter 2 – Administration:**

Amend Sec. 63 "Ex parte contact" to include electronic communication; amend Sec 2-93 concerning Gift policy to increase "negligible value" to \$50.00; amend Sec 2-142, 2-143 and 2-144 to increase \$5,000.00 to \$20,000.00.

### **Chapter 6 – Alcoholic Beverages:**

Amendments to clarify provisions of Chapter 6 and make language consistent throughout (e.g. currently refers to "intoxicating beverages" and "alcoholic beverages").

The major revision to Chapter 6 is the ORC's recommendation to make the legal hours for sale of alcoholic beverages uniform for every day of the week, including Sundays. The ORC feels there are no compelling reasons for a prohibition on the sale of alcoholic beverages on Sunday mornings before 11:00 a.m. The ORC feels the prohibition on the sale of alcoholic beverages on Sunday mornings is a hold-over from the Blue Laws of years past. In addition, many local restaurants offer Sunday brunches, which typically offer Mimosas or Bloody Mary's on the menu.

### **Chapter 10 – Animals:**

Amendments to update Chapter 10 to bring it into conformity with the current County-wide Ordinance on Animals and to include latest references to the Florida Administrative Code as it pertains to animals.

Further amendment to delete provisions concerning removal of dead animals from Chapter 66, Solid Waste and include said large dead animals provisions in Chapter 10.

### **Chapter 14 – Businesses:**

Chapter 14 addresses solely Service Stations.

After consultation with Director Gregory Rice, the ORC recommends repealing Chapter 14, moving Section 14-31 thereof to Appendix A "Definitions" of the Land Development Code, and moving Sections 14-32 and 14-33 thereof to Chapter 107 of the Land Development Code.



### **Chapter 18 – Civil Emergencies:**

Fire Chief Jeffrey Parks attended the ORC September 9, 2013 meeting for review of Chapter 18. No amendments to Chapter 18 are proposed.

### **Chapter 22 – Code Enforcement:**

Amendments proposed to update Chapter 22, with subtle changes, to bring its provisions up to current conditions. Add cross references to current Florida Statutes where changes are made.

Amend provisions concerning magistrate to give the City Commission greater flexibility in its efforts to address current conditions and possible needs.

### **Chapter 26 – Elections:**

Minimal changes are recommended to Chapter 26 because it was substantially reviewed and amended in 2012.

### **Chapter 30 – Emergency Services:**

Amendments to Chapter 30 as proposed by Fire Chief Parks.

### **Chapter 34 – Environment:**

Minimal changes are proposed to Chapter 34 because it was substantially reviewed in 2011. Furthermore, this area is included in Chapter 50 of the Land Development Code.

### **Chapter 38 – Fire Protection & Prevention:**

Amendments to Chapter 38 were made in consultation with Fire Chief Parks with a view to update the Code, bringing it into compliance with state and national standards and in some ways addressing flexibility to meet city needs.

### **Chapter 42 – Human Relations:**

After reviewing Chapter 42, the ORC, finds only that Section 42-35 references Section 1-15 of the Code.

### **Chapter 46 – Law Enforcement:**

ORC recommends the repeal of Chapter 46. The City no longer has its own Police Department, but now contracts with the Pinellas County Sheriff's Office (PCSO) to provide law enforcement services to Dunedin.

### **Chapter 50 – Miscellaneous Offenses:**

Amendments proposed to update Chapter to current standards.

### **Chapter 54 – Parks and Recreation:**

ORC reviewed and commented on a draft Chapter 54, which completely re-writes Chapter 54. Parks Superintendent Lanie Sheets made several presentations at ORC meetings concerning the proposed new Parks and Recreation Ordinance. The original ordinance included only the Dunedin Causeway Bridge. Since the initial ordinance was written, the City of Dunedin has added more than 30 parks, each with unique requirements.

### **Chapter 58 – Pensions & Retirements:**

No proposed amendments to Chapter 58. Human Resources Director Smalling and Lowell Walter, the City's Pension Attorney, do not recommend any changes to Chapter 58.

### **Chapter 62 – Sales:**

The ORC found the penalty for violation of Chapter 62 to be extremely harsh. Staff addressed this issue by an amendment adding, "subject to the Code Enforcement process of the City of Dunedin". In addition, the ORC recommended removing the requirements for permits with regard to garage sales.

### **Chapter 66 – Solid Waste:**

Chapter 66 was substantially rewritten because it was primarily based on outdated City requirements and the needs of the community in 1970.

Proposed Amendments include:

New up-to-date definitions are proposed.

New solid waste proposals identify types of trash and recycling containers and the process for curb-side pickup. The City's prior practice was to manually collect trash.

A time limit for the number of days a trash container may remain at the curb.

Remove the "Dead Animals" section and include the provisions in Chapter 10 "Animals".

Additional services added to allow the pick-up of other types of waste, e.g. appliances, furniture, construction waste, etc.

Addition of new section authorizing additional services to allow for smaller trash containers and/or fewer pick-ups for residences that do not produce much trash.



Addition of new Section 66-101(b), "The City manager shall establish an administrative procedure for ensuring an opportunity for property owners to consent to the payment of delinquent Solid Waste service prior to the discontinuation of those services".

**Chapter 70 – Taxation:**

Chapter was updated to comply with Florida Statutes and to correct grammatical errors.

**Chapter 74 – Traffic and Vehicles:**

Amendments are not substantive, but are proposed in order to clean up the language of the Chapter.

**Chapter 78 – Utilities:**

Amendments to Chapter 78 are not recommended at this time

Provisions of Chapter 78 were principally adopted pursuant to the Uniform Development Code of 1990 (UDC 1990). These provisions were not amended when the City of Dunedin adopted the "Land Development Code" (LDC). In accordance with local ordinance, Chapter 78 applies the provisions of the UDC 1990 to govern municipal water, sewers, stormwater utility, water and sewer charges, wells and lawn sprinkler systems, re-claimed water system, stormwater management, rights-of-way, public acquisition of private drainage systems, and impact fees.

Recent amendments were made to the following sections of Chapter 78: Stormwater management (revised 2010), rights of way (revised 2010), and public acquisition of private drainage systems (revised 2011).

**Chapter 82 – Vehicles for Hire:**

Amendments proposed to clarify the requirements of an insurance company issuing a surety bond, and to provide for the reporting of violations to the City Clerk, rather than to the City Manager.

**Chapter 86 – Waterways:**

No amendments to Chapter 86 are recommended.



## CHAPTER 82

*Excerpt of the ORC minutes of July 1, 2013*

### CHAPTER 82 VEHICLES FOR HIRE

Motion was made by Mike Mackenzie and seconded by Vice-Chair Pauley to amend Sec. 82-35, as displayed below, carried unanimously.

#### **Sec. 82-35. - Liability insurance or surety bond required.**

- (a) *Amounts.* It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets of the city, unless the owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by ~~a good and responsible~~ an appropriately licensed surety company. Such insurance company or surety company must have authority to do business as such in the state, and must be acceptable to and approved by the city commission. The minimum amount of liability insurance or surety bond for each taxicab shall be as follows:

(1) An . . .

Motion was made by Mike Mackenzie and seconded by Vice-Chair Pauley to amend Sec. 82-35, as displayed below, carried unanimously

#### **Sec. 82-42. - Violations by operators to be reported to city manager.**

It shall be the duty of the ~~city manager~~ Planning and Development Director to notify the city manager of any and all violations of any ordinance of the city by any taxicab operator or chauffeur.

*Excerpt of the ORC minutes of August 5, 2013*

### CHAPTER 82 VEHICLES FOR HIRE.

City Clerk Schlegel commented at the last meeting the ORC discussed Chapter 82 Vehicles for Hire, and there again it mentions that applications shall be submitted to the City Commission and it further references the City Clerk shall notify the City Manager of any violations, but this is not the way it works. She advised she sent Chapter 82 to Greg Rice to provide how this process is handled.

City Attorney Trask also commented there was a question, while he was on vacation, as to whether there are any specific insurance requirements for taxi, cab or car services. City Attorney Trask advised he searched the Florida Statutes for that and although there are requirements for the operation for a vehicle, there were no additional requirements that he could find, for the operation of a taxi.

