


Agenda Item: PH-1

Meeting Date: 12/15/16

## MEMORANDUM

**TO:** City Commission

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

**DATE:** December 2, 2016

**SUBJECT:** **SECOND 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:** Adopt Ordinance 16-04.

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

**BACKGROUND:** On December 1, 2016, Ordinance 16-04 was approved unanimously on first reading.

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:** Send Ordinance 16-04 to be codified for the City of Dunedin Code of Ordinances.

**ATTACHMENTS:**

1. Ordinance 16-04
2. Notice of Public Hearing

## 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.**

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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

## **CITY OF DUNEDIN, FLORIDA NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN**, the Dunedin City Commission will hold a Public Hearing at Dunedin City Hall, 542 Main Street, at 6:30 p.m. (or as soon thereafter as it may be heard) on **THURSDAY, DECEMBER 15, 2016**, to consider adoption and hear comments from the public on the following:

### **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.

### **ORDINANCE 16-21**

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, REPEALING SECTIONS 78-251, 78-252, 78-253, 78-254 AND 78-259 OF THE CODE OF ORDINANCES TO CONFORM WITH STATE LAW THAT PREEMPTS THE CITY FROM IMPOSING ADDITIONAL OR DUPLICATIVE REQUIREMENTS OR FEES IN THE PERMITTING OF THE LOCATION, ABANDONMENT, BORING OR OTHER ASSOCIATED ACTIVITIES RELATING TO THE INSTALLATION OR ABANDONMENT OF GROUNDWATER WELLS; THAT SECTIONS 78-255 THROUGH 78-258 SHALL BE RENUMBERED 78-251 THROUGH 78-254; AMENDING RENUMBERED SECTION 78-253 TO REMOVE THE REFERENCE TO INSPECTION AND APPROVAL OF WELLS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

During consideration of the ordinances, the Dunedin City Commission may approve, disapprove or take other such action deemed appropriate in the public interest. The ordinances are available to the public for inspection in the Office of the City Clerk in the Municipal Services Building, 750 Milwaukee Avenue, during regular business hours from 8 a.m. to 5 p.m.

Interested parties may appear at the Commission meeting and be heard with respect to the proposed ordinances. All persons are hereby advised that any presentation they make to the Dunedin City Commission will be encouraged to be as concise as possible and that the Commission may limit the time of each individual to permit maximum participation by the public at large.

Any person who decides to appeal any decision of the Dunedin City Commission with respect to any matter considered at this hearing will need a record of the proceedings, and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based - per Florida Statute 286.0105.

The City of Dunedin does not discriminate on the basis of race, color, national origin, sex, religion, age and political affiliation, marital status, sexual orientation and disabled status in employment or the provision of services.

City of Dunedin, Florida  
Denise M. Kirkpatrick., City Clerk

12/2/16

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