

**ORDINANCE NO. 25-2017**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AS AMENDED FROM TIME TO TIME AT CHAPTER 130, VEHICLES FOR HIRE, ARTICLE II, TAXICABS AND LIMOUSINES, BY AMENDING SECTION 130-31, DEFINITIONS; BY RESCINDING SECTIONS 130-32 AND 130-33; BY INCORPORATING A NEW SECTION 130-32 TO PROVIDE THAT VEHICLES FOR HIRE PERMITTED IN THE TOWN, ALONG WITH THEIR DRIVERS, COMPLY WITH PALM BEACH COUNTY'S CODE, CHAPTER 19, ARTICLE IX RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 130-34 RELATING TO TAXI STANDS; AMENDING SECTION 130-36 – PENALTIES; RESCINDING IN THEIR ENTIRETY SECTIONS 130-61 AND 130-62 OF DIVISION 2 RELATING TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PERMIT; AMENDING SECTION 130-63 RELATING TO APPROVAL OF APPLICATION, DENIAL; AMENDING SECTION 130-64 - PERMIT FEE; RESCINDING SECTION 130-65 IN ITS ENTIRETY; AMENDING SECTION 130-67 – TOWN COUNCIL TO DETERMINE THE NUMBER OF PERMITS AVAILABLE; AMENDING SECTION 130-68 RELATING TO ANNUAL RENEWAL OF PERMITS; AMENDING SECTION 130-69 RELATING TO INSPECTION OF VEHICLES; AMENDING SECTION 130-70 RELATING TO SALE, ASSIGNMENT OR TRANSFER; RESCINDING SECTION 130-71 RELATING TO AUTOMOBILE LIABILITY INSURANCE REQUIREMENT IN ITS ENTIRETY; AMENDING SECTION 130-72, SUSPENSION AND REVOCATION; RESCINDING IN THEIR ENTIRETY SECTIONS 130-96, 130-97, 130-98, AND SECTION 130-99 OF DIVISION 3 RELATING TO CHAUFFER'S; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intention of the Town to require that all vehicles for hire that are permitted in the Town of Palm Beach, along with their drivers, shall comply with Palm Beach County's Code, Chapter 19, Article IX relating to same; and

WHEREAS, it is the intention of the Town to continue to regulate vehicles for hire

pursuant to Chapter 130 of the Town Code of ordinances as amended herein and subject to certain amendments contained herein; and

WHEREAS, it is the intention of the Town to specifically exclude transportation network companies as defined in Florida Statute 627.748 from regulation by the Town as said companies are regulated through state legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 130 of the Town Code of Ordinances relating to Vehicles for Hire is hereby amended at Section 130-31, Definitions, to read as follows:

(Note strikeouts for deletions and underlining for new language.)

“Sec. 130-31 - Definitions.

~~Certificate of public convenience and necessity means the formal written authority granted by the Town under this article for the holder to engage in the taxicab business or limousine business in the Town. The granting of a certificate shall infer that the certificate holder will be granted one or more taxicab or limousine permits.~~

~~Chauffer's permit means the written authority given by the Town, pursuant to the provisions of this article, or to any person to drive or operated a permitted taxicab or limousine upon the public streets of the Town.~~

*Cruising*, for purposes of this article, is the practice of driving about the public streets of the Town with a taxicab so as to solicit passengers or to bring the presence of the taxicab to the attention of prospective passengers. A taxicab driving along the streets in the Town for any purpose other than transporting a passenger, going to a definite destination by the most direct route in response to a call for a taxicab for a prospective passenger or returning by the most direct route to the taxicab's home terminus after discharging a passenger or going to or from the said terminus to the driver's home base by the most direct route shall be prima facia evidence of cruising. Prima facia evidence of cruising can also be established by a police officer or other designated Town official who directly observes a taxicab pass the same traffic control point, landmark, structure or other marker three or more times during a period of one hour or less.

*Highway* means any of the streets, boulevards, avenues, drives or alleys located in the Town.

*Limousine* means a chauffeur-driven non-metered vehicle for hire, including, but not limited to, modified-for-the-purpose luxury limousines or full size luxury sedans providing

seating accommodations for not more than 16 persons, including the driver, and which rates are determined on an hourly, daily, weekly or monthly rental of the vehicle and the chauffeur or a combination of rental and mileage charges.

*Off-street stand* means a taxicab or limousine stand located upon private property within the Town, providing off-street parking space for taxicabs or limousines.

*On-street stand* means a public place in the Town that has been designated by the Town Manager as reserved exclusively for the use of taxicabs or limousines.

*Permit* means the formal written authority granted by the Town under this article ~~to the holder of a certificate of public convenience necessary~~ to operate each taxicab or limousine under the terms and provisions of this article.

*Prearranged charter* means a written or telephone reservation made for a taxicab or limousine, which may or may not hold a permit within the Town, made in advance by the person requesting service at the place of business of the vehicle for hire for the provision of service from the caller's location to a destination inside or outside the corporate limits of the Town. Such reservation shall be documented in written form by the business. The written documentation designated herein shall be made available immediately upon the request of authorized code enforcement or law enforcement personnel of the Town. The advance requirement does not apply to companies with authorized vehicle for hire contracts with Palm Beach International Airport when said vehicles are responding to requests for travel between Palm Beach International Airport and a location within the Town.

*Taxicab* means a chauffeur driven motorized vehicle equipped with a taxi meter engaged in the transportation of passengers for compensation and where the route or destination is controlled by the passenger and which are licensed by Palm Beach County. Except when responding as a prearranged charter, the operation of taxicabs in the Town is permitted only from 9:00 p.m. to 4:00 a.m. of the following day. Taxicabs permitted by the Town may operate outside the hours specified herein when operating on the private property of a hotel for the benefit of hotel guests with the express permission of the hotel operator.

*Vehicle for Hire* is as defined in 320.01(15), F.S. specifically excluding Transportation Network Companies as defined in 627.748, F.S."

Section 2. Section 130-32 and 130-33 are rescinded in their entirety as noted below.

~~Sec. 130-32. Rates; schedule to be filed with Town.~~

~~(a) All persons holding certificates or permits shall file with the Town annually a schedule of maximum taxicab fares and rates to be charged by such persons under a certificate of public convenience and necessity with the Town, and this schedule shall at all times be on file with the Town. This schedule shall be subject~~

~~to review by the Town from time to time for the purposes of determining whether the rates and fees are reasonable and competitive with other prevailing rates within the county.~~

- ~~(b) Each certificate holder shall also maintain a currently updated schedule of rates for public inspection at their designated offices. Each permit holder shall maintain on board his permitted vehicle a currently updated schedule of rates and produce the schedule on demand of passengers or of prospective passengers. Failure of the certificate holder or permit holder to maintain a schedule of rates, fares and charges at the locations designated herein shall be grounds for revocation of the certificate or permit.~~

~~Section 130.33. — Amounts; receipt to be filed; regulations.~~

- ~~(a) *Schedule of maximum rates.* Rates on file with the Town and in other places enumerated herein shall be the maximum rates to be charged passengers by any certificate holder under this article. The schedule of fares shall be posted in the interior and exterior of every taxicab in such a manner as to be visible to passengers at all times. All taxicabs shall be equipped with a meter which accurately registers the rates and fares posted. All taxicabs are required to use the meter to determine all fares. The meter must be plainly visible to allow the easy viewing of the meter rate display by the passenger.~~
- ~~(b) *Receipts.* Certificate holders operating taxicabs or limousine under this article are required to deliver to the passenger or passengers of each vehicle, upon request, a receipt for each fare collected from such passenger or passengers. Such receipts shall show the point of origin, termination of the trip, the day and approximate hour of the trip, and the amount of fare charged and collected therefor.~~
- ~~(c) *Exemptions.* The terms and provisions of this section shall not be deemed or held to apply to established and authorized bus lines within the Town.~~
- ~~(d) *List of drivers.* Holders of certificates of public convenience and necessity shall file with the Town, on an annual basis, by September 1 of each year, a list of all drivers employed by the holder. In addition, it shall be the responsibility of holders of certificates of public convenience to report, in writing, to the Town, any changes which occur to said lists of drivers when the change occurs. In the event the holder of a certificate of public convenience and necessity fails to file a current list of all drivers employed by the holder as provided in this section, the holder of the certificate of public convenience and necessity shall pay to the Town a cash penalty for each event of noncompliance. The amount of the cash penalty enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. No certificate shall be renewed unless full payment has been made to the Town of the penalties due pursuant to this section.~~
- ~~(e) *Requirement for credit card reader on board.* No later than January 1, 2016, all taxicabs permitted in the Town shall have a credit card reader on board and passengers shall be allowed to pay their fare by credit card.~~

Section 3. There is hereby adopted a new Section 130-32 to read as follows:

“Section 130-32 – Requirement for Palm Beach County permit.

It is a requirement that all vehicles for hire that are permitted in the Town of Palm Beach, along with their drivers, shall comply with Palm Beach County’s Code, Chapter 19, Article IX.”

Section 4. Section 130-34 - Taxi stands, is amended as set forth below:

“The Town’s public safety director or his or her designee is authorized to establish on-street stands in such places upon the streets of the Town as is deemed necessary for the use of taxicabs operated in the Town. No taxi stand shall be created without taking into consideration the need for such stand by a taxi and the convenience to the general public. The public safety director or his or her designee shall prescribe the number of taxicabs that shall occupy such stands. No stand shall be created in front of any place of business where such stands would tend to create a traffic hazard. Taxi stands may only be occupied by taxis licensed by the Town during the hours such taxis may legally operate in the Town. The creation of taxi stands shall be subject to review and approval of the Town Council, upon appeal, or upon written request of any person or entity. The issuance of a ~~certificate of public convenience and necessity~~ permit shall not entitle the holder to an on-street stand.”

Section 5. Section 130-36 – Penalties, is hereby amended as set forth below:

“Any person who shall violate any of the terms, provisions or conditions of this article shall be punished as provided in section 2-439. In addition thereto, the Town Council

may, after hearing, but within its discretion, revoke any ~~certificates of convenience and necessity or permits issued under this article.~~"

Section 6. Sections 130.61 and 130.62 of Division 2 relating to Certificate of Public Convenience and Necessity and Permit are hereby deleted in their entirety as set forth below:

~~"Sec. 130-61. – Required; permits under common ownership of certificate holder; revocation. It shall be unlawful for any person to operate any motor vehicle for hire in the town other than as otherwise authorized by law, or for any person to engage in the business of operating taxicabs or limousines on the highways of the Town, or to operate any taxicab or limousine for the transportation of persons for compensation on any highway in the Town without first having obtained from the Town a certificate of public convenience and necessity and permits as provided in this division. It shall be unlawful and a violation of this article for a certificate holder to employ a taxicab or limousine operator not qualified under this article. Further, the certificate of title to all vehicles for which permits are granted shall be under the common ownership of the applicant for the certificate of public convenience and necessity. This section shall not apply to prearranged charters."~~

~~Sec. 130-62. – Contents of application. An application for a certificate of public convenience and necessity and a permit or permits thereunder shall be led with the Town Manager upon forms provided by the Town, and the application shall be verified under oath and shall furnish the following information: A copy of the applicant's Palm Beach County permit. The name and address of the applicant and the names and addresses of its officers, directors and stockholders holding more than ten percent of the stock of the~~

~~company, if any. The name of the applicant's business, business location, business mailing address, business email address and business phone number. The trade name under which the business will operate and the telephone number which will be used by customers to contact the business for service. An agreement on the part of the applicant to conform with and abide by all ordinances of the Town whether such ordinances may have been theretofore enacted or may thereafter be enacted, and by the laws of the state and the United States. A copy of the current Florida vehicle registration for each vehicle to be permitted. A list of the names and addresses and telephone numbers of all persons who would be driving vehicles under the permits if granted. Such further information as the Town Council or Town Manager may require. Completed and certified vehicle inspection checklist. The applicant shall submit as attachments to the application such documents as shall show compliance with the following terms and conditions: Insurance certification providing that the applicant has met the insurance requirements of this article. An affidavit sworn to by the applicant that no person, officer or stockholder making application for permit has neither pled guilty to nor been convicted, within the past five years, or has pending charges for any of the following: Any crime designated as a felony; Any offense related to driving a motor vehicle under the influence or while intoxicated; Any crime involving the sale or possession of controlled substances as denied by F.S. § 893.03, the Florida RICO Act; Exposure of the sexual organs; and Any crime denied under F.S. ch. 796 relating to prostitution. In the event it is determined by review of the Town that an applicant for a certificate of public convenience and necessity and a permit or permits thereunder have by virtue of a permit received from Palm Beach County met all of the requirements for the contents of application with the Town the Town may rely upon~~

~~the county permit in granting a certificate of public convenience and necessity or a permit or permits hereunder. Any information required by the Town which is not included within the requirements for the county permit shall be provided as required in this section.”~~

Section 7. Section 130-63. – Approval of application; denial, is hereby amended in the manner set forth below:

“It has been determined by the Town Council that the maximum number of permits necessary to provide for the public convenience and necessity in the Town is 50 limousine permits and 25 taxicab permits. The ~~initial~~ 25 taxicab permits will be issued by way of a random selection process in a manner to be determined by the Town. Taxicab permits are only valid for use in the Town from 9:00 p.m. to 4:00 a.m. the following day. Taxicabs permitted by the Town may operate outside the hours specified herein when operating on the private property of a hotel for the benefit of hotel guests with the express permission of the hotel operator. If the Town finds that the applicant ~~favorably meets the criteria stated in section 130-62~~ has a valid, current Palm Beach County vehicle for hire permit, including a County issued vehicle decal and the vehicle complies with all other requirements set forth herein, the application shall be approved and ~~a certificate of public convenience granted along with~~ the permits applied for shall be thereunder granted, subject, however, to the availability therefor. If ~~it is found~~ the Town finds that the applicant does not ~~favorably meet the criteria stated in section 130-62,~~ comply by not having a valid County issued permit, or by not conforming to vehicle standards as set forth in 130-106, the application shall be denied. A denial may be conditional, and the applicant will be given an opportunity to provide further information or take other action which will result in the approval of the application, or final, and no further action will be taken or permitted under the application.”



Section 8. Section 130-64. – Permit fee, is hereby amended in the manner set forth below:

“Sec. 130-64. - Permit fee.

(a) Upon issuance of permits, the permittee shall pay a permit fee for each taxicab or limousine permit as follows:

~~(1) For each certificate of public convenience.~~

~~(2) For each taxicab or limousine permit.~~

The amount of the permit fees enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. The above referenced permits shall be valid for a period of one year, to terminate on September 30 of each year.

(b) There shall be no proration as to the fee for permits, and the fee shall remain as set forth by resolution of the Town Council regardless of the date upon which a permit is issued during any one year.”

Section 9. Section 130-65. – Ineligible recipients, is hereby rescinded in its entirety as set forth below:

~~“Sec. 130-65. Ineligible recipients. No permit will be issued to any person or to any business or company who has or whose officers or stockholders have been convicted within the past five years of or have pending charges for any of the following: Any crime designated as a felony; Any offense related to driving a motor vehicle under the influence or while intoxicated; Any crime involving the sale or possession of controlled substances~~

~~as denied by F.S. § 893.03, the Florida RICO Act; Exposure of the sexual organs; and Any crime denied under F.S. ch. 796, relating to prostitution.”~~

Section 10. Section 130-67 relating to Town Council to determine the number of permits available is hereby amended in the manner set forth below:

Sec. 130-67. - Town Council to determine the number of ~~certificates of public convenience~~ and permits available.

The Town Council may address upon its own initiative the number of ~~certificates of public convenience and permits~~ that may be issued within the Town based upon a consideration of public convenience and necessity. Any determination to increase or decrease the number of permits ~~or certificates of public convenience~~ in effect during any one year shall be made at a public hearing of the Town Council. Notice of such hearing shall be given to persons ~~to whom certificates of public convenience and necessity have been theretofore issued~~ who currently hold permits. Notice shall also be given to the general public by publishing a notice of such hearing in a local newspaper of general circulation at least seven days prior to a hearing. The Town Council, in determining whether to grant additional permits or decrease permits available, shall make its decision based upon the following factors:

- (1) Public demand for taxicab and limousine service.
- (2) Whether the public has been adequately served by existing permitted taxicab and limousine service.
- (3) The effect on traffic congestion and safety of existing vehicular and pedestrian traffic.

(4) Such other factors as the Town Council finds to be relevant.

A maximum of five taxicab permits shall be allotted for any one entity, ~~to which a certificate of public convenience is issued.~~

Section 11. Section 130-68. – Annual renewal of permit is hereby amended in the manner and form set forth below:

“Sec. 130-68. - Annual renewal of permit.

~~Certificates and P~~ermits for limousines may be renewed as a matter of right upon application duly filed with the Town. ~~Certificates and permits for taxicabs may be renewed upon application duly filed with the Town.~~ Renewal of certificates or permits shall be made as of October 1 of each year, the cost thereof to be as set forth in this article. Failure of any person holding a certificate or permit under this article to renew the same as provided in this section by November 1 of each year shall operate as automatic revocation of such ~~certificate or permit~~, and it shall thereafter be unlawful to operate taxicabs ~~or limousines~~ covered thereby. In the event a ~~certificate and applicable~~ permits ~~are~~is not renewed as of October 10 a late penalty for ~~certificate or permit~~ renewal shall be paid to the Town. The amount of the late penalty for ~~certificate or permit~~ renewal enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. No ~~certificate or permit~~ shall be renewed unless full payment has been made to the Town for the penalties due pursuant to this section.

Permits for taxicabs are valid for a period of one year from issuance, with no renewal provisions. Applicants ~~which~~who have held a permit for a one year period shall,

~~to renew said permit, make an application pursuant to the provisions of this section and shall be selected pursuant to the provisions of section 130-63.~~

Permits previously revoked shall not be renewed.”

Section 12. Section 130-69. Inspection of vehicles, is hereby amended in the manner set forth below:

Sec. 130-69. - Inspection of vehicles.

~~Each taxicab or limousine operated under terms of this article and under a certificate and permit shall be certified by a qualified mechanic, as denied by the Town, upon application for an initial certificate and permit, and upon annual renewal of same, as to the safety of such vehicles driven under the certificate or permit. Evidence of compliance with this section will be noted on the application and on the application for the renewal. Such evidence may be a current Palm Beach County permit indicating that the vehicle in question has passed the required county mechanical and safety inspection. In addition thereto, the vehicle is required to submit to and pass an inspection by the Town as to the general appearance of the vehicle. The appearance shall be required to be neat and clean, and the vehicle shall not contain more than two signs visible on the outside of the vehicle, which signs shall not be in excess of a total of 100 square inches. It shall be unlawful for any vehicle operating under this article to be driven upon the streets of the Town that does not have affixed thereto a valid and current insignia sticker issued by the Town and placed on the lower left hand side of the rear window of the vehicle. Permits shall be withheld for any vehicle which has not complied with the inspection process described herein. In addition, there shall be a penalty per vehicle for noncompliance. The~~

amount of the penalty per vehicle for noncompliance enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. No ~~certificate or permit~~ shall be renewed unless full payment has been made to the Town of the penalties due pursuant to this section. ~~The Town may rely upon evidence of inspections conducted and approved by Palm Beach County to determine compliance with this section, except additional requirements of the Town not otherwise required by the county shall also be met.~~

Section 13. Section 130-70. – Sale, assignment or transfer, is hereby amended in the manner set forth below:

“Sec. 130-70. - Sale, assignment or transfer.

~~Except for certificates of public convenience~~Permits for the operation of taxicabs authorized by this division may not be sold, assigned, mortgaged, leased or otherwise transferred,~~;~~ ~~certificates of convenience and necessity and P~~permits for the operation of limousines~~relating thereto issued prior to October 11, 2011,~~ authorized by this division, may be sold, assigned, mortgaged, leased or otherwise transferred; however, all applications for transfers of ~~certificates or permits~~ must be verified and contain all of the same information required under the terms of this article for original application. The application for transfer must state the date the transfer is to take place, the amount of consideration therefor, and whether the transfer is by sale, gift, inheritance or otherwise, together with the reason for the transfer. If the transfer is approved by the office of the Town Manager, the transfer of ~~either a certificate or a permit~~ shall be accompanied by a fee per permit. The amount of the transfer fee per permit enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by

resolution of the Town Council.”

Section 14. Section 130-71. – Automobile liability insurance requirements, is hereby rescinded in its entirety as noted below:

~~“Sec. 130-71. – Automobile liability insurance requirement.~~

~~No certificate of public convenience and necessity or permit shall be issued or continued in operation unless there is in full force and effect an insurance policy for each vehicle authorized in the amount of \$1,000,000.00 combined single limit each accident with an umbrella or excess coverage of \$1,000,000.00 for limousines and \$125,000.00 for personal injury or accident; and \$300,000.00 per occurrence; and \$50,000.00 property or \$300,000.00 combined single limit for taxicabs. The Town shall be endorsed as an additional insured under the liability insurance required herein. The policy shall comply with all requirements of the state. The policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Satisfactory evidence of the required policy in the form of a certificate of insurance acceptable to the Town shall be led with the required application for a certificate of public convenience and shall have as insurer thereon an insurance company authorized to do business in the state. A copy of the certificate of insurance required under this section shall be led with the required application for a certificate of public convenience and necessity or permit and at any time before expiration of the policy should the certificate of insurance indicate that the policy expires prior to the cessation of the validity of the certificate of public convenience and necessity or permit issued by the Town. Evidence of renewal of the policy shall be led with the Town prior to the respective expiration dates. Failure to maintain and renew the~~

~~policy shall automatically revoke the certificate of public convenience and necessity or permit issued under this section. All insurance policies provided under this section shall be subject to review and approval of the Town.”~~

Section 15. Section 130-72. – Suspension and revocation, is hereby amended in the manner set forth below:

“Sec. 130-72. - Suspension and revocation.

(a) ~~Certificates or p~~Permits issued under the provisions of this division may be revoked or suspended if the holder thereof has:

(1) Violated any provisions of this article.

(2) Violated any of the ordinances of the Town, including this article, or laws of the state, or the United States the violation of which reflect unfavorably on the fitness of the holder to offer public transportation.

(3) Failed to render adequate, prompt and courteous service to the public to such an extent as to warrant discipline by the Town Council.

(4) Had their Palm Beach County Vehicle for Hire permit suspended or revoked.

(5) Operated a vehicle for hire in the Town during a time when the vehicle’s County permit was inactive.

~~(4) Pled guilty to or been convicted of within the past five years or currently has pending any charges for crimes designated and listed under subsection 130-97(5).~~

~~(5) Been convicted of three moving traffic violations under the laws of the state during any 12-month period.~~

~~(6) Found guilty of three or more violations set forth in division 4 of this chapter.~~

(b) Any person violating any provision of this article or any person found to have obtained a ~~certificate of public convenience or permit~~ by way of misrepresentation or concealment shall be subject to having his ~~certificate or permit~~ revoked.

(c) Prior to suspension or revocation, the holder shall be notified at least seven days prior to the proposed action to be taken and shall have an opportunity to be heard. A hearing on suspension or revocation shall take place at a regularly scheduled meeting of the Town Council or at a special meeting called for that purpose.”

Section 16. Sections 130-96, 130-97, 130-98, and 130-99 of Division 3 relating to Chauffer’s permits, are hereby rescinded in their entirety as noted below:

~~“Sec. 130-96. Required.~~

~~Operators of vehicles permitted under this article shall have first obtained from the Town a chauffeur's permit as set forth in this division. Any person being 18 years of age or older may make application to the Town for a chauffeur's permit.~~

~~Sec. 130-97. Application.~~

~~The application for a chauffeur's permit shall include the following:~~

~~(1) Proof that the applicant holds a valid Class A, B, C or D state driver's license.~~

~~(2) A photograph of the applicant taken by the Town.~~

~~(3) The applicant's fingerprints procured by the Town.~~

~~(4) The name, address and phone number of the taxicab or limousine company for which the applicant is working or proposes to work.~~

~~(5) An affidavit sworn to by the applicant that the applicant has not pled guilty to nor been convicted of, within the past five years, nor does the applicant have any~~



~~charges currently pending for any of the following:~~

~~a. Any crime designated as a felony;~~

~~b. Any offense related to driving a motor vehicle under the influence or while intoxicated;~~

~~c. Any crime involving the sale or possession of controlled substances as defined by F.S. § 893.03, the Florida RICO Act;~~

~~d. Driving while intoxicated or under the influence of alcohol or other drugs;~~

~~e. Exposure of the sexual organs; and~~

~~f. Any crime denied under F.S. ch. 796, relating to prostitutes;~~

~~and that he has not been found guilty of more than three moving traffic violations under the laws of the state within the immediately preceding 12 months prior to the date of application. A fee per permit shall accompany the application. The amount of the permit fee enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council.~~

~~Sec. 130-98. Conviction of certain crimes.~~

~~If at the time of application for chauffeur's permit it is determined that the applicant has pled guilty to or has been convicted of any of the crimes listed in subsection 130-97(5), within the five years preceding the application, has been found guilty of three moving traffic violations under the laws of the state within the immediately preceding 12 months, or has charges currently pending against him for any of the offenses listed in subsection 130-97(5), the applicant shall not be issued a chauffeur's permit. Additionally, any person issued a chauffeur's permit by the Town who subsequently pleads guilty to or is convicted of any of the above referenced offenses during the time the chauffeur's permit~~

~~is in effect shall have his permit revoked. Any person having been denied a chauffeur's permit under this section may appeal the denial to the Town Council in the same manner as set forth in section 130-66 for denial of certificates of public convenience or permits. Revocation shall occur as set forth in section 130-99.~~

~~Sec. 130-99. Suspension and revocation.~~

~~(a) A chauffeur's permit issued under the provisions of this division may be revoked or suspended if the holder thereof has:~~

~~(1) Violated any provisions of this article.~~

~~(2) Violated any of the ordinances of the Town, including this article or laws of the state, or the United States the violation of which reflect unfavorably on the fitness of the holder to offer public transportation.~~

~~(3) Failed to render adequate, prompt and courteous service to the public to such an extent as to warrant discipline by Town Council.~~

~~(4) Pled guilty to or been convicted of within the past five years or currently has pending any charges for crimes designated and listed under subsection 130-97(5).~~

~~(5) Been convicted of three moving traffic violations under the laws of the state during any 12-month period.~~

~~(b) Any person violating any provision of this article or any person found to have obtained a chauffeur's permit by way of misrepresentation or concealment shall be subject to having his chauffeur's permit revoked.~~

~~(c) Prior to suspension or revocation, the holder shall be notified at least seven days prior to the proposed action to be taken and shall have an opportunity to be heard. A hearing on suspension or revocation shall take place at a regularly scheduled meeting of~~

~~the Town Council or at a special meeting called for that purpose.”~~

Section 16. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 17. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 18. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 19. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017, and for second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Richard M. Kleid, Town Council President

\_\_\_\_\_  
Danielle H. Moore, President Pro Tem

\_\_\_\_\_  
Julie K. Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Michael J. Pucillo, Town Council Member

\_\_\_\_\_  
Gwendolyn Peirce, MMC,  
Town Acting Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

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