CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Mar 3, 2015

Action Requested By: Public Transit

Agenda Type: Ordinance

Subject Matter:

Amendment to Ordinance 12-293 for Taxicab and Limousines.

Exact Wording for the Agenda:

Introduction of an ordinance to amend Chapter 8 Article IV Taxicabs and Limousines for the City of Huntsville, Alabama Code of Ordinances.

Note: If amendment, Please state title and number of the original

Item to be considered for: Introduction

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Cynd Wall for Tommy Brown

Date: Mar 3, 2015

ORDINANCE No.:_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Chapter 8, Article IV, Taxicabs and Limousines, of the Code of Ordinances of the City of Huntsville, Alabama, is hereby amended to read as follows:

CHAPTER 8

ARTICLE IV

VEHICLES FOR HIRE

DIVISION 1. GENERALLY

Sec. 8-151. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliated driver means a driver that operates a vehicle for hire for a vehicle for hire company, including as an owner, servant, agent, employee, or independent contractor of the company.

Airport shuttle means an unmetered motor vehicle with an original seating capacity of not less than five and not more than fifteen, which is not operated on a fixed route and which is used to transport passengers or baggage for compensation upon the public streets to or from the Huntsville International Airport on a pre-arranged basis.

Base of operation means a certified company's fixed base of operation from which the company conducts its business and which is suitably staffed by qualified and knowledgeable representatives of the company who are available during regular business hours to accept or respond to notices and inquiries of the city in its administration of this article and where records required to be maintained under this article are kept.

Carriage means a non-motorized vehicle drawn by horse that is used to transport passengers for compensation upon the public streets.

Certificate holder means a person that has obtained and maintains a certificate of public convenience and necessity pursuant to this article.

Certificate of public convenience and necessity or the term *certificate* shall mean the certificate issued pursuant to a resolution of the city council, adopted in accordance with the terms of this article, that authorizes the holder thereof to obtain a business

license to operate or allow or cause to be operated, in conformance with the certificate and the terms of this article, an eligible vehicle for hire upon the public streets for the convenience and necessity of the public.

Certified vehicle for hire company or *certified company* means a vehicle for hire company that has obtained and maintains a certificate of public convenience and necessity and a business license pursuant to this article.

Certified vehicle for hire means those vehicles which are operating under a certificate of public convenience and necessity and have been permitted in accordance with the provisions of this article.

Chief of police means the chief of police of the city or his/her designee. The chief of police may designate persons assigned to the police department or other city departments as deputies or inspectors to carry out the provisions of this article to the extent allowed by law.

City chauffeur's license or *chauffeur's license* means a license issued by the chief of police for the operation of a certified vehicle for hire.

City clerk-treasurer means the city clerk-treasurer of the city or his/her designee.

City business license or *business license* means the business license issued to a certificate holder by the city clerk-treasurer in accordance with chapter 15 of this Code.

Compensation means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid, accepted, or received in exchange for transportation of a passenger, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Courtesy vehicle means an unmetered motor vehicle operated exclusively by, or under contract with, any motel, hotel, convention or civic center, hospital, business or other entity for the convenience of its customers, guests, patients, or clients, provided there is no direct or separate remuneration required of the passengers. Such term shall include specially equipped courtesy vehicles used for the transportation of the physically disabled, chronically ill, and their attendants, including a motor vehicle that is wheelchair accessible.

Dedicated wheelchair accessible vehicle means an unmetered motor vehicle that is wheelchair accessible, with an original seating capacity of not more than fifteen, which is used exclusively to transport mobility-impaired passengers and their attendants, if any, for compensation upon the public streets on a pre-arranged basis.

Director of parking and public transit or *director* means the director of the department of parking and public transit of the city or his/her designee. The director of parking and public transit may designate persons assigned to the department of parking and public

transit as deputies or inspectors to carry out the provisions of this article to the extent allowed by the law.

Driver means a person operating a vehicle for hire upon the public streets of the city.

Eligible vehicle for hire means the following vehicles for hire that are entitled under this article to obtain and maintain a certificate of public convenience and necessity as a certified vehicle for hire:

(1) Airport shuttle;

(2) Carriage;

(3) Dedicated wheelchair accessible vehicle;

(4) Limousine;

(5) Luxury vehicle;

(6) Pedicab;

(7) Special shuttle;

(8) Taxicab; and

(9) Transportation network vehicle.

Inspection sticker means the numbered and dated sticker affixed to the front windshield of a vehicle for hire denoting that vehicles successful inspection and authority to operate for the time period denoted on the sticker.

Limousine means an unmetered, unmarked, stretch, luxury motor vehicle whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer's original specifications, whether at the time of manufacture or after, commonly referred to as a stretch limousine, which is not operated on a fixed route and which is used in the business of transporting passengers for compensation upon the public streets on a pre-arranged basis. The term also includes vintage and classic vehicles as approved by the director of parking and public transit.

Luxury vehicle means an unmetered, unmarked motor vehicle, excluding trucks and buses, that is recognized by the industry and approved by the director of parking and public transit as a full-sized luxury passenger vehicle, including sport utility vehicles (SUVs), with a maximum original seating capacity of not less than five and not more than fifteen, which is not operated on a fixed route and which is used to transport passengers for compensation upon the public streets on a pre-arranged basis.

Operate means the transporting of a passenger for compensation upon the public streets; and, in the case of a transportation network company, it means offering, making available, or using a transportation network vehicle to transport a passenger for compensation upon the public streets, including any time when an affiliated driver is logged onto the transportation network company's online-enabled application or digital platform showing that the driver is available to pick up passengers, when a passenger is in the vehicle, when the company's records show that the vehicle is en route, or when the affiliated driver has accepted a ride request and is in route to transport a passenger.

Original seating capacity means a vehicle's originally designed seating capacity, inclusive of the driver and the passengers, prior to any type of customization, modification, or conversion.

Passenger means an individual other than the driver who is an occupant of a vehicle for hire; for the purpose of this article such person shall be presumed to be a passenger for compensation.

Pedicab means a non-motorized vehicle propelled by human power, having two or more wheels, with power transmitted from the pedals to the wheels by means of a belt, chain, gears, or any combination thereof, designed and constructed to carry one or more passengers that is used to transport passengers for compensation upon the public streets.

Permit number means the number assigned by the city clerk-treasurer and displayed on or maintained in each vehicle, as required under this article.

Pre-arranged basis means a written or electronically transmitted reservation made in advance of passenger boarding from a specific location for the exclusive use of an unmetered vehicle for hire by a passenger or passengers who determine the trip's points of destination and timing.

Public street means any public street, road, alley, or any other such right-of-way within the corporate limits.

Special shuttle means an unmetered motor vehicle that is a van or small minibus with an original seating capacity of not less than ten and not more than twenty one, which is not operated on a fixed route and which is used to transport passengers for compensation upon the public streets to or from passenger prescribed destinations, excluding the airport, on a pre-arranged basis.

Taxicab or taxi means a motor vehicle, equipped with a taximeter, that is a sedan, non-luxury sports utility vehicle (SUV), or mini-van with a distinctive color scheme, not operated on a fixed route, with a maximum original seating capacity of eight persons that is used to transport passengers for compensation upon the public streets.

Trade dress means a unique visual element associated with a transportation network company that is attached to the vehicle while the vehicle is being operated so that the public and passengers can

readily identify the vehicle as being associated with that particular company.

Transportation network company means a person, not otherwise certified and licensed as another type of vehicle for hire company, that is engaged in a business that uses an online-enabled application (app) or digital platform to connect actual or potential passengers to an affiliated driver of a transportation network vehicle.

Transportation network vehicle means an unmetered motor vehicle, not operated on a fixed route, with a maximum original seating capacity of fifteen that is used to transport passengers for compensation upon the public streets on a pre-arranged basis by means of an online-enabled application (app) or digital platform to connect actual or potential passengers with drivers using their personal vehicles.

Unmetered means that the vehicle is not equipped with a taximeter or is not then-currently certified and permitted as a taxi under this article.

Vehicle for hire means any motor vehicle or other vehicle of whatever name called, which is used or operated for the purpose of transporting persons upon the public streets with the intent to receive compensation for providing such transportation.

Vehicle for hire company or *company* means a person engaged in a business that owns, leases, or controls one or more vehicles for hire and drives or allows or causes any such vehicle to be driven upon the public streets in order to transport passengers for compensation, or a person engaged in business as a transportation network company.

Wheelchair accessible means a motor vehicle that a passenger in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair that is equipped with operative features for wheelchair users that meet or exceed the requirements of section 8-243 of this article.

Sec. 8-152. Exclusions from the Operation of this Article.

(a) This article shall not apply to the following:

(1) Vehicles operated by a governmental agency;

(2) Vehicles tendering transportation services not for compensation;

(3) Vehicles operated solely as courtesy vehicles;

(4) Discharge of a passenger inside the city limits, where such passenger was picked up outside the city limits by a licensed vehicle for hire operating under another local jurisdiction having regulatory authority over the operations of the vehicle for hire that would otherwise be subject to the provisions of this article;

(5) Vehicles operated as ambulances or other pre-hospital service providers;

(6) Vehicles operated for the transportation of passengers between the vicinity of their residence and the vicinity of their places of work, charging, if any charge, only a fee calculated to reasonably cover expenses, in an arrangement commonly known as a "car pool" or "van pool";

(7) Vehicles operated by funeral homes in conjunction with the providing of funeral services;

(8) Vehicles used for the transportation of pupils to and from school or to and from school activities, and which are owned, operated, rented or leased by the Huntsville Board of Education or by any private school located within the city;

(9) Vehicles used for the transportation of persons to and from church or to and from church activities, and which are owned, operated, rented or leased by any church located within the city; and

(10) Vehicles which the city does not have the federal or state authority to regulate.

(b) Exclusion from the provisions of this article in accordance with subsection (a) shall not be construed as relieving any person from otherwise complying with applicable federal, state or local laws, ordinances or regulations, including chapter 15 of this Code governing business licenses.

(c) Vehicles, and the operation thereof, otherwise excluded in this subsection (a) of this section shall not be relieved from compliance with the provisions of this article in the event such vehicles are used or operated in such a manner as would cause them to come within the regulatory purview of this article.

Sec. 8-153. Violation.

It shall be a violation of this article for a driver or a vehicle for hire company, its servants, agents, or employees, to fail to comply with the applicable provisions of this article.

Sec. 8-154. Penalty.

An offense against a provision of this article shall be a violation which shall be governed by the provisions of section 1-7 of this Code.

Secs. 8-155—8-170. Reserved.

DIVISION 2. CERTIFICATION AND LICENSING

Subdivision I. In General

Secs. 8-171—8-180. Reserved.

Subdivision II. Certificate of Public Convenience and Necessity; Business License; Vehicle Permit Number

Sec. 8-181. Required.

Unless excluded from this article under section 8-152, it shall be unlawful for a driver or a vehicle for hire company to operate or allow or cause to be operated a vehicle for hire upon the public streets without having then in force a certificate of public convenience and necessity and city business license required under this article.

Sec. 8-182. Uncategorized Vehicles for Hire.

(a) Notwithstanding anything to the contrary contained in this article, a vehicle for hire that does not fall into one of the categories of eligible vehicles for hire may, nevertheless, apply for, on forms provided by the city, a temporary certificate of public convenience and necessity from the director of parking and public transit in order to operate on a temporary basis, not to exceed nine months, should the director, in his sole discretion, determine that the proposed category of vehicle for hire is one that should be available to serve the public convenience and necessity and issuance of the temporary certificate would not be contrary to the public health, safety, and general welfare. Notwithstanding the foregoing, a temporary certificate shall not be issued for the same or a substantially similar category of vehicle for hire that the city council has considered for addition to this article within the preceding two-year period.

(b) If the director has issued a temporary certificate under subsection (a) of this section, then he shall, within six months after issuance of the temporary certificate submit to the city council for its consideration an amendment to this article to add the particular category of vehicle being operated under the temporary certificate. If this article is amended to add the new category of vehicle for hire as an eligible vehicle for hire then the holder of the temporary certificate shall, in order to continue to operate, obtain a certificate of public convenience and necessity within thirty days of the amendment to this article. If this article is not amended to add the new category of vehicle for hire by the end of the nine-month permit period, then the temporary certificate and the business license shall immediately be deemed to expire without the necessity of further action by the city and the holder thereof shall immediately cease to operate.

(c) The issuance of a temporary certificate shall be conditioned upon complying with the insurance and inspection requirements of this article, obtaining a business license, and such other conditions that the director deems appropriate under the circumstances in order to protect the public health, safety, and general welfare. A vehicle for hire being operated under a temporary certificate shall be operated on the public streets by the holder of a chauffeur's license.

(d) The issuance of a temporary certificate under this section shall not be construed to grant the holder thereof any vested right or

property interest in the temporary certificate, the use of the public streets to operate a vehicle for hire, an amendment to this article to accommodate the particular category of vehicle for hire, or the issuance of a certificate of public convenience and necessity.

Sec. 8-183. Use of online enabled application or digital dispatch services.

Nothing provided in this article shall be construed to prohibit or limit the utilization of an online-enabled application (app) or digital platform for the provision of prearranged ride services by a certified company that is not a transportation network company.

Sec. 8-184. Filing fee; application for certificate.

Every company that desires a certificate of public convenience and necessity to operate an eligible vehicle for hire upon the public streets shall pay a filing fee of $50.00 and make a written application for a certificate to the city council upon forms to be furnished by the city clerk-treasurer, verified under oath stating:

(1) The name, address, and telephone number of the applicant, specifying, in the case of an unincorporated association, partnership, or firm, the names and addresses of each member or general partner thereof, and the quantum of interest of each member or general partner; and specifying in the case of a corporation, the names and addresses of each stockholder of a corporation whose shares are not publicly traded, officer, and director, with the number of shares of stock owned or held by each officer and director.

(2) The amount(s) of all unpaid judgments against the applicant, each member, general partner, officer, or director; the nature of the transaction or acts giving rise to said judgments; and, the name and location of the court in which and the date on which each was entered.

(3) All misdemeanors or felonies of which the applicant and any member or general partner thereof, if an unincorporated association, partnership, or firm, and any officer or director, if a corporation, has been convicted, stating the names and locations of the courts in which and the date on which such convictions were had and the penalties imposed therefore.

(4) The applicant's proposed base of operation.

(5) The number of vehicles which the applicant proposes to operate.

(6) A description of the proposed insignia, trade name, and proposed color scheme for each vehicle, or, in the case of a transportation network vehicle the proposed trade dress. In the case of taxicab companies, the trade name must contain the word "taxicab," "taxi," or "cab."

(7) A description of any and all services the applicant proposes to provide.

(8) Any other relevant information which the city clerk-treasurer, police department, or department of parking and public transit may require.

Sec. 8-185. Finding of council; current licensed vehicles.

No certificate of public convenience and necessity shall be granted to operate a vehicle for hire until the city council shall have determined, by resolution, that the vehicle is an eligible vehicle for hire and that the public convenience and necessity requires the proposed eligible vehicle for hire service.

Sec. 8-186. Notice of hearing.

Before making any finding as to whether public convenience and necessity justify the issuance of a certificate of public convenience and necessity for the proposed eligible vehicle for hire, the city council shall cause to be published, in a newspaper of general circulation in the city, a notice stating that such application has been made; the number of vehicles for which such application has been made, except in the case of a transportation network company; and that a public hearing shall be held to determine whether public convenience and necessity require such services on the date fixed therein, which date must be not less than seven days after the date of such publication.

Sec. 8-187. Basis for issuance generally; issuance.

In making the findings of public convenience and necessity required by section 8-185, the city council shall take into consideration the number of certified vehicles for hire already in operation in the city; whether existing transportation is adequate to meet the public need; the probable effect of additional certified vehicles for hire on local traffic conditions; the character, experience, and responsibility of the applicant; and that the service which the applicant proposes to give is adequate and is in compliance with the requirements of this article.

Sec. 8-188. Number of taxicabs.

In order to better control and regulate the taxicab operations within the city, the city council shall not make a finding that the public convenience and necessity justify the issuance of a taxicab certificate of public convenience and necessity unless the application therefor shall provide for the operating of at least five taxicabs. The intent being that no certificate for taxicab service shall be

granted to any person, unless such applicant operates five or more taxicabs.

Sec. 8-189. Issuance of certificate.

(a) If the city council shall find that further eligible vehicles for hire are required by public convenience and necessity, and if the city council shall find from the statements contained in the application for a certificate of public convenience and necessity that the applicant is qualified and able to perform such public transportation, and that the applicant is able to conform with the provisions of this article, then the city council shall adopt a resolution certifying that the public convenience and necessity require the proposed eligible vehicle for hire service. Such resolution may contain any qualifications or limitations the city council deems appropriate to impose in order to protect the public and to promote the safe, efficient, and effective use of the public streets. It shall be unlawful and a cause for suspension or revocation of certification and licensure for any person, including drivers and companies, to operate or allow or cause to be operated any certified vehicle for hire contrary to any qualifications or limitations imposed by the city council in the resolution adopted in accordance with this section.

(b) Where a resolution provides for a specified number of vehicles for hire to operate under a certificate, then the certificate holder may add up to four vehicles per calendar year during the term of the certificate, provided that the director of parking a public transit determines that the certificate holder, at the time of the request for additional vehicles, is operating in accordance with the provisions of this article. Where a resolution provides for a specified number of vehicles for hire to operate under a certificate and the certificate holder desires to add more than four vehicles to the specified number in any given year during the term of the certificate, then the holder must apply for an amendment to the certificate, which shall be acted upon by the city council in the same manner as the original application. All such additional vehicles shall be subject to the same qualifications and limitations, if any, imposed on the initially certified vehicles by the city council. Notwithstanding anything to the contrary in this subsection (b), in no event shall a certificate holder be allowed to add additional vehicles if the holder is operating less than the approved number of vehicles, including the specified number and additionally approved vehicles, if any, at the time of the request for additional vehicles.

(c) The resolution adopted by the city council pursuant to the provisions hereof shall be known as the certificate of public convenience and necessity and shall entitle the holder thereof to apply for a city business license subject to complying with all applicable conditions to issuance of the business license and requirements of this article. The certificate of public convenience and necessity shall be conditioned upon compliance with section 8-190, concerning issuance of a business license and certified vehicle permit, within the time provided by that section.

(d) Each certificate shall be valid for a ten year period from the date of issuance, unless terminated, revoked, or abandoned sooner. In addition, a vehicle for hire company that is operating a vehicle licensed on or before January 1, 2015, pursuant to an already-issued certificate is hereby granted an extension of the term of its certificate for a ten-year period starting the later of January 1, 2015, or the expiration stated in the certificate, unless terminated, revoked, or abandoned sooner; subject, however, to compliance with applicable provisions of this article.

(e) The issuance of a certificate of public convenience and necessity and city business license shall not be construed to create a vested property interest or right of any type in favor of the holder thereof.

Sec. 8-190. Issuance of a business license; certified vehicle permit.

(a) The certificate holder shall have 60 days after the adoption of the resolution certifying the public convenience and necessity to exercise the certificate by obtaining a business license from the city clerk-treasurer and by having at least five vehicles, in the case of a taxicab, and one vehicle in the case of all other eligible vehicles for hire, permitted in accordance with the requirements of this article; otherwise the certificate for public convenience and necessity and the authorization for licensure shall be deemed withdrawn. The director of parking and public transit may grant a 60-day extension for good cause shown.

(b) In order for a vehicle to be allowed to be operated it must be permitted and in order to be permitted each of the following conditions must be met:

(1) The certificate holder shall file with the city clerk-treasurer a description of each vehicle to be operated by the certificate holder pursuant to the certificate of public convenience and necessity, including the make, model, passenger seating capacity, year of manufacture, state license number, the V.I.N. number thereof, and the name and address of the owner.

(2) The vehicle must be of the type authorized under the certificate of public convenience and necessity and not exceed the number of vehicles that may be allowed under the certificate.

(3) The vehicle must meet the requirements of this article for that type of eligible vehicle for hire.

(4) The vehicle must meet applicable standards, pass all required inspections, and be duly insured in accordance with this article.

(5) The vehicle shall not be permitted under another certificate of public convenience and necessity.

(6) The applicable business license tax shall be paid.

(7) The vehicle must be issued a permit by being assigned a vehicle permit number by the city clerk-treasurer's office. Taxis

and airport shuttles shall display the permit number on the exterior of the vehicle as required in section 8-241(c)(2). All other vehicles for hire shall maintain a copy of their permit number at a readily accessible place inside the vehicle.

(c) No person, including a certificate holder or driver, shall operate or allow or cause to be operated a vehicle for hire unless and until that vehicle has been permitted by a permit number being assigned to that vehicle.

(d) Upon the certificate holder's compliance with the applicable provisions of this article and the city's business license code, and the certificate holder's establishment of a base of operation, then the city clerk-treasurer shall issue to the certificate holder a business license after payment of the appropriate business license tax.

(e) The business license shall be deemed to include such qualifications and limitations which the city council has imposed in its certificate of public convenience and necessity and non-compliance with such qualifications and limitations shall be a violation of this article.

Sec. 8-191. Insurance.

(a) Before a business license can be issued under this article the certificate holder shall file with the city clerk-treasurer a certificate of insurance that the certificate holder and each vehicle for hire to be certified is insured against public liability in the minimum limits required by the Alabama Public Service Commission but in any event not less than, in the case of special shuttles, $100,000.00 for personal injury to any one person in any one accident, and $500,000.00 for personal injury to two or more people in any one accident, and $50,000.00 for property damage in any one accident, and, in the case of all other vehicles for hire, $100,000.00 for personal injury to any one person in any one accident, and $300,000.00 for personal injury to two or more people in any one accident, and $50,000.00 for property damage in any one accident, which insurance policy and certificate shall provide that the City of Huntsville shall be given at least 30 days' prior notice of cancellation. Such policy shall not be canceled or suspended, either by the insured or the insurer, unless at least 30 days' notice in writing of the intention to cancel or suspend policy has been filed with the city clerk-treasurer, and upon such suspension or cancellation of insurance, the permit of the certified vehicle for hire of said insured shall stand suspended until such time as an acceptable policy and certificate of insurance shall be on file with the city clerk-treasurer. Any vehicle licensed under this article with an original seating capacity of more than seven passengers shall be insured in the minimum limits of as required by the Alabama Public Service Commission, but in no case for less than the limits required in this provision.

(b) The personal insurance policy of the driver of a transportation network vehicle shall not satisfy the requirements of this section.

(c) Proof of insurance must be physically present in each permitted vehicle while it is being operated.

Sec. 8-192. Renewal.

Upon the certification by the holder that there have been no changes in the information submitted as a prerequisite to the issuance of a certificate and a business license and upon the approval of the city clerk-treasurer, a business license issued to a certificate holder may be renewed annually for additional periods of one year each from the date of expiration for so long as the certificate of public convenience and necessity authorizing such licensure has not been revoked, suspended, abandoned, or has expired according to its terms; provided, however, that any business license not renewed after March 1 each year shall be deemed abandoned. A 60-day extension may be granted by the city clerk-treasurer for good cause shown.

Sec. 8-193. Operating fewer taxicabs than authorized.

It shall be unlawful and cause for suspension or revocation of a certificate of public convenience and necessity and business license for a certificate holder that has been issued a certificate of public convenience and necessity to operate taxicabs upon the public streets, to fail to have in operation at least five taxicabs for a period of time exceeding 60 days out of any period of 90 days, unless the director of parking and public transit has granted a 60-day extension for good cause shown.

Sec. 8-194. Changes reported.

Any change in the information furnished in the application for a certificate of public convenience and necessity or business license issued pursuant to this article must be reported to the city clerk-treasurer and director of parking and public transit in writing within twenty days and failure to so report may be cause for suspension or revocation of the certificate of public convenience and necessity, and any license issued pursuant thereto.

Sec. 8-195. Transfer.

A certificate of public convenience and necessity issued under this article is not transferable.

Sec. 8-196. Action against licensure, certification, and permitting.

(a) *Action against business license and certificate.*

(1) Upon the recommendation of the director of parking and public transit or the chief of police, the city clerk-treasurer may petition the city council to take action against a business

license issued under this article in accordance with section 15-56 of this Code. In addition to the reasons stated in section 15-56(a) of this Code, each of the following shall also constitute grounds for action being taken against the license:

a. If the licensee or those acting on its behalf make any false statement or misrepresentation on any applications made under this article, including applications for a certificate of public convenience and necessity or a business license issued under this article.

b. Failure of the licensee to maintain any of the general qualifications required in this article in order to obtain a certificate or business license.

c. If the licensee or those acting on its behalf violates a provision of this article.

(2) The action taken against a business license shall automatically constitute the same action being taken against the certificate of public convenience and necessity of the affected licensee; provided, however, in order to permanently revoke a certificate of convenience and necessity the director of parking and public transit or chief of police must recommend and the city clerk-treasurer must petition the city council that, at the same time and in the same proceeding, the certificate of public convenience and necessity be permanently revoked based on the same grounds that warrant action being taken against the business license, and the certificate holder must be notified that permanent revocation is being considered. The permanent revocation of the certificate shall constitute a permanent revocation of the business license and shall disqualify the certificate holder from holding a certificate, and, should the city council expressly make the determination, the immediate family members, officers, directors, general partners, members, or mangers, as the case may be, shall also be disqualified from holding a certificate.

(3) It shall be unlawful for any person, including the company or a driver, to operate or allow or cause to be operated a vehicle for hire under a license or certificate during the effective period of an adverse decision taken against the license or certificate.

(b) *Action against certified vehicle permit.*

(1) If it his determination that a certified vehicle for hire no longer meets the requirements of being permitted the director of parking and public transit may suspend or revoke the permit by providing the certificate holder with written notice of the action and the reason therefor, sent by personal delivery, or by certified mail, return receipt requested, or by first class U.S. mail, to the last-known mailing address of record in the city clerk's office. The revocation or suspension shall become

effective twenty days after the date the notice is sent unless the certificate holder submits, within that time period, a written request with the director of parking and public transit asking for the opportunity to be heard on the matter. Upon receipt of a request, the director will schedule, as soon as practicable, a time for the certificate holder to be heard on the matter. Upon the conclusion of the hearing the director may take no action, in which case the action stands, or withdraw the action, or modify the action. The director's decision is final.

(2) Notwithstanding the foregoing, the director or the chief of police may order, orally or in writing, an immediate suspension of the permit if, in their opinion, the health or safety of the public is immediately threatened or if the vehicle is no longer insured under the insurance coverage required by this article. The certificate holder may request to be heard on the suspension by proceeding in the same manner as outlined in subsection (b)(1) above. The suspension shall continue until the director or the chief of police determines that the threat has ended or the required insurance coverage obtained.

(3) Nothing in this section shall be construed to prevent a vehicle being taken out of service based the out of service criteria.

Secs. 8-197—8-210. Reserved.

Subdivision III. Chauffeur's License

Sec. 8-211. Required; exclusion.

(a) This subdivision, consisting of sections 8-211 through 8-218, shall not apply to drivers of carriages or pedicabs and the reference to "certified vehicles for hire" in this subdivision shall not mean carriages or pedicabs.

(b) It shall be unlawful for any person to operate a certified vehicle for hire who does not possess a valid city chauffeur's license.

Sec. 8-212. Application; fee.

Every person desiring to drive a certified vehicle for hire shall pay a fee of $25.00 and shall make a written application to the chief of police, on forms furnished by the chief of police. The application shall be verified under oath stating:

(1) The name, address, and age of the applicant. The minimum age is 21.

(2) The applicant's place of residence for two years immediately preceding his/her current address.

(3) A full description of the applicant, including his/her race, height, weight, color of eyes and hair, scars or marks.

(4) Recommendation by two residents of the county, not related to the applicant, who have known the applicant for a period of one year or more, and who will vouch for the applicant's sobriety, honesty, and general good character.

(5) The names and addresses of the applicant's employers during the last five years prior to his/her application.

(6) All misdemeanors and felonies for which the applicant has been convicted. The applicant shall state the name and location of the court and the date on which each such conviction was rendered and the penalty imposed.

(7) Whether applicant has previously held a license anywhere as a driver or chauffeur and whether such license has been revoked, or suspended, and, if so, for what cause.

(8) The number of the applicant's valid driver's license unless exempt under state law.

(9) Any other relevant information, which the police department may require.

Sec. 8-213. Attachments to application.

Every applicant for a city chauffeur's license, at the time of submitting his/her application, shall:

(1) Be photographed by the police department.

(2) Exhibit his/her valid driver's license for inspection, unless exempt under state law.

(3) Be fingerprinted by the police department.

(4) Furnish a certificate from a licensed physician certifying that in his/her opinion after examination the applicant can with reasonable accommodation perform the essential duties of driving a vehicle for hire as required under this article. A current Federal Department of Transportation medical card will be accepted as compliance with this requirement.

(5) Submit to the State of Alabama a request for a driving record check on the Alabama Department of Public Safety record request form; and criminal record check on the appropriate Alabama Bureau of Investigation criminal history release form.

Sec. 8-214. Issuance.

(a) No vested property right or property interest of any type is acquired by a chauffeur's license issued to any person under this article.

(b) All chauffeurs' licenses are revocable and subject to suspension in accordance with the provisions of this article and are to be exercised only in conformance with the provisions of this article.

(c) Upon the receipt of the information provided for in sections 8-212 and 8-213, the chief of police or such other member of the police department as he/she may designate shall issue a temporary city chauffeur's license to the applicant, which shall be valid for a period not to exceed 45 days, if he/she shall find that the applicant holds a valid state driver's license, unless exempt under state law, and the applicant is a fit and proper person to drive a certified vehicle for hire, considering the information submitted in his/her application or otherwise found to exist; otherwise such temporary license shall be denied. The temporary chauffeur's license may be revoked at any time by the chief of police for cause and such revocation shall be final and not subject to appeal.

(d) Upon receipt of the information on official forms received from the department of public safety and Alabama Bureau of Investigation as provided for in section 8-213, the chief of police or other member of the police department as he/she may designate shall issue a city chauffeur's license to the applicant, if he/she shall find that the applicant is a fit and proper person to drive a certified vehicle for hire considering the information submitted from the state's record check from the department of public safety and criminal history record from the Alabama Bureau of Investigation. The city chauffeur's license may be denied based on any disqualifying information the chief of police shall have found to exist, the denial shall be in writing and either delivered personally or sent by certified mail, return receipt requested, to the address appearing on the license application and shall contain the grounds for denial.

(e) Within ten days from the receipt of the denial, the license applicant may appeal the decision denying a chauffeur's license to a license review committee, consisting of the director of parking and public transit, the city clerk-treasurer, and the administrative aide of the mayor of the city, by filing a written notice of appeal with the chief of police. The notice of appeal shall be filed within ten days from the date of the receipt of the decision of the chief of police and shall state the grounds for appeal, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted, and whether the applicant will be represented at the hearing and the name of the counsel or representative of choice of the applicant. Failure to file a timely appeal shall cause the chief's decision to be final.

(f) Upon receipt, the chief of police shall schedule the hearing before the license review committee, and shall personally deliver or send by certified mail; return receipt requested, to the address appearing on the license application, a notice of the date, time, and place of the hearing.

(g) The chief of police, or his/her designee, shall be present at the hearing before the license review committee and shall be allowed to present evidence in support of his/her decision. The decision of the license review committee shall be final.

Sec. 8-215. Duration; renewal.

A city chauffeur's license shall in no event be valid for more than four years from the date of issuance and may be renewed each third year by re-application with the police department. Such application shall include all information required by the chief of police including updated criminal history and driving records check required in section 8-213, and shall be subject to the same approval criteria and process, including the right of appeal in case of denial, as the initial application process.

Sec. 8-216. Change of address; loss of chauffeur's license.

Every city chauffeur licensed as such pursuant to this article shall within five working days notify the chief of police of any change of his/her address or loss of his/her city chauffeur's license, or temporary chauffeur's license. A lost, destroyed or mutilated chauffeur's license shall be replaced upon payment of a fee of $10.00.

Sec. 8-217. Transfer.

The city chauffeur's license issued under this article shall enable the holder thereof to operate a certified vehicle for hire for a company that holds a certificate of public convenience and necessity and a business license. The city chauffeur's license shall be nontransferable or assignable from one person to another person.

Sec. 8-218. Suspension; revocation.

(a) *Violation of article.*

(1) The chief of police may, upon conviction by a court of competent jurisdiction, after the issuance of a chauffeur's license, for an offense against any provision of this article, suspend the city chauffeur's license, issued hereunder of such person convicted for a period of time not to exceed 90 days.

(2) Upon a second conviction, the city chauffeur's license of such person convicted may be permanently revoked by the chief of police.

(b) *Other grounds.* The chief of police may revoke or suspend a chauffer's license as follows:

(1) Upon conviction by a court of competent jurisdiction of a misdemeanor or felony;

(2) If the license holder is found to have made any false statement or misrepresentation on his/her application for a chauffeur's license; or

(3) For failure of the license holder to maintain any of the general qualifications required in this article for a chauffer's license, including suspension of the license holder's driver's license.

(c) *Notice and opportunity to be heard.*

(1) Before a chauffeur's license is suspended or revoked, the chief of police shall deliver personally or send by certified mail, return receipt requested, to the address appearing on the license application a notice of proposed action to the holder of the chauffeur's license stating the grounds therefor and providing the holder of the license with an opportunity, upon request, to present to the chief of police evidence as to why the licensure should not be revoked or suspended; provided, however, if, in the opinion of the chief of police, the health or safety of the public is immediately threatened the chief may immediately suspend, orally or in writing, the chauffeur's license, and upon such immediate suspension the certificate holder may proceed to request a hearing as hereafter provided.

(2) The holder must submit a written request for a hearing within ten days after receipt of the notice of the proposed action, or, in the case of immediate suspension, within ten days from the date of such suspension. The request for a hearing shall be submitted in writing and shall set forth the reason(s) why the license holder disagrees with the action of the chief, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted at the hearing, and whether the licensee will be represented at the hearing and the name of the counsel or representative of choice of the licensee.

(3) The chief of police shall set a hearing within 30 days of the date a request for a hearing has been duly filed; provided, however, in the event of the immediate suspension of licensure, the hearing shall be set within ten days from the date the written request for a hearing has been duly filed. A notice of the hearing shall be sent in the same manner as notice of the proposed action and shall state the hearing date, time, and location.

(4) Within 20 days of the conclusion of the hearing, the chief of police shall render a decision, which can include, but not be limited to, the following:

a. Suspension, for a designated period of time or until a violation has been remedied, of the city chauffeur's license.

b. Revocation of the city chauffeur's license.

(5) The chief of police shall render a decision in writing and shall cause it to be delivered personally or sent by certified mail, return receipt requested, to the license holder at the address furnished on the chauffeur's license application.

(d) *Appeal of adverse decision.*

(1) A license holder that receives an adverse decision may, upon written request, appeal the decision of the chief of police to the license review committee, consisting of the director of parking and public transit, the city clerk-treasurer, and the administrative aide of the mayor of the city, by filing a written notice of appeal with the chief of police. The notice of appeal shall be filed within ten days of the receipt of the decision of the chief of police and shall state the grounds for appeal, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted, and whether the applicant will be represented at the hearing and the name of the counsel or representative of choice of the applicant. Failure to file a timely appeal shall cause the chief's decision to be final. The filing of the notice of the appeal will not delay the effectiveness of any suspension or revocation.

(2) Upon receipt, the chief of police shall schedule the hearing before the license review committee, and shall personally deliver or send by certified mail; return receipt requested, to the address appearing on the license application, a notice of the date, time, and place of the hearing.

(3) The chief of police, or his/her designee, shall be present at the hearing before the license review committee and shall be allowed to present evidence in support of his/her decision. The license review committee may affirm, reverse or modify the decision appealed from. The decision of the license review committee shall be final.

Secs. 8-219—8-240. Reserved.

DIVISION 3. CONDITIONS AND INSPECTION OF VEHICLES

Sec. 8-241. Standards.

(a) *In general.* Every certified vehicle for hire operated upon the public streets of the city shall be kept clean, sanitary, fit and of good appearance, and in a safe condition for the transportation of passengers.

(b) *Taxis.* In addition to all other applicable requirements of this article, all taxicabs shall conform to the following standards:

(1) The color scheme for taxicabs shall be the same as that proposed in the application for a certificate and all taxicabs

within a company must be the same. A diagram of the vehicle with colors, color number, name, and any logo must be attached. Any changes must be approved by the director of parking and public transit.

(2) Each taxicab operated under this article shall have a securely affixed roof light with the words "taxicab," "taxi," or "cab," or the company name printed thereon; and, in addition, the telephone number or company name may be printed thereon in such manner as to be visible at all times. The roof light shall also be equipped with a top light actuated when the meter is in the hired mode and such light must be visible at all times and in all directions 360 degrees. Taxicabs may be equipped with an advertising sign known in the trade as a "taxi topper" that is a triangular shaped sign with a static, non-movable, non-digital display, and that is no larger than 42 inches by 15 inches with advertising allowed only on the left and right side of the sign. There is no vested right to maintain a taxi topper on a taxi.

(3) Each taxicab shall be equipped with a taximeter conforming to the provision of section 8-271.

(c) *Airport shuttles, special shuttles, and taxis.* In addition to all other applicable requirements of this article, all airport shuttles, special shuttles, and taxicabs shall conform to the following:

(1) The trade name of the company must be placed on the outside of each front door (sliding door in the case of vans or rear corner panel) of each airport shuttle, special shuttle, or taxicab in letters not less than three inches in height, in a permanent manner, and in contrasting color to background.

(2) The permit number assigned to each taxicab, special shuttle, or airport shuttle, by the city clerk-treasurer shall be placed on both sides of the body and on the front end and rear end of each taxicab, special shuttles, or airport shuttle in numerals three inches in height. Said number must be visible from all sides of the vehicle.

(d) *Transportation network vehicles.* In addition to all other applicable requirements of this article, all transportation network vehicles shall have the company's trade dress approved by the director of parking and public transit. The trade dress shall be attached to the transportation network vehicle while it is being operated.

(e) *Age of eligible or certified vehicles for hire.* Except in the case of classic or vintage limousines, at the time of the initial or each annual inspection, an eligible or certified vehicle for hire shall be no older than ten model years of age from the current model year (as measured from June 30 of the calendar year following the model year), unless the certified company requests in writing that the director of parking and public transit grant a waiver to this requirement. The waiver may be issued only if the vehicle meets or exceeds applicable standards and requirements of this article. An age

waiver may be renewed annually upon application, inspection, and approval of the director of parking and public transit.

Sec. 8-242. Standards for carriages.

In addition all other applicable standards and requirements of this article, all horse drawn carriages shall conform to the following standards:

(1) Carriage services shall not operate on any of the public streets of the city except on those public streets as approved by the City of Huntsville's Traffic Engineering or Police Department.

(2) Carriages shall not exceed 12 feet in length or six feet in width and must be authentically styled passenger carriages.

(3) All animals used to pull such carriages on the public streets must be equipped with a diapering apparatus that prevents the droppings of such animal from being deposited on the city streets and must be properly shod for street surfaces.

(4) All carriages must have proper lighting for nighttime operation including headlights, taillights, turn signals, and reflectors, continuously maintained in operating condition, and must display a slow moving vehicle emblem.

(5) All carriages and horses must be transported by truck or trailer to permitted locations.

(6) All carriage services must provide and keep in force an insurance policy protecting against liability in the minimum amount of $300,000.00 per accident. The city clerk-treasurer's office must be notified at least ten days prior to cancellation of said insurance.

(7) Only horses and mules in good health with adequate muscle tone and proper body conditions and have been certified as fit to work by a licensed equine veterinarian will be used to pull carriages.

(8) No equine will be used to pull a carriage if it has injuries or wounds, is lame, or unsound in one or more limbs or which has any other ailment without a specific written approval by a licensed equine veterinarian.

(9) The hooves of working horses or mules will be properly shod with appropriate shoes. Shoes which are designed to prevent slipping and absorb shocks will be utilized when working on paved surface.

(10) Each carriage animal will be properly sized relative to weight, size, and load capacity of carriage it will pull and the terrain over which it will operate.

(11) Working carriage animals shall be examined by a licensed equine veterinarian at least once per year and shall receive all necessary immunizations and be dewormed at appropriate intervals to control internal parasites. Carriage animals must be examined by a

licensed equine veterinarian upon request of the City of Huntsville Animal Control Director, or their designee, to insure compliance with these requirements.

(12) Horses must be removed from the streets during extremely hot or cold weather, as determined by the animal control director, or their designee.

(13) Carriage horse and mules shall not be worked more than three consecutive hours without a rest period with a maximum of nine hours worked per day. A ten-minute rest period shall be provided every hour during the work period.

(14) Carriage horse and mules shall not be worked more than six consecutive days without being provided a rest period of at least one day before the resumption of work.

(15) Fresh water shall be made available and each animal given the opportunity to drink during each rest period and during the hourly ten-minute break.

(16) Owners/drivers shall be knowledgeable in equine husbandry, training, and emergency first-aid. They must be knowledgeable in the proper use and maintenance of harnesses, tacks, and carriages or have in their employ a manager with such expertise.

(17) Carriage operators who have been convicted of animal cruelty shall have the carriage license revoked.

(18) This carriage license shall not be transferable.

Sec. 8-243. Standards for wheelchair accessible vehicles.

Subject to any applicable federal and state requirements for vehicles that are wheelchair accessible, in addition to all the other applicable requirements of this article, a vehicle that is wheelchair accessible must comply with the following special requirements:

(1) Vehicles that are wheelchair accessible must be designated by the manufacturer as a van or be built exclusively for wheelchair access and must have the following equipment:

a. Electrically or hydraulically operated lift mechanisms or ramps with a nonskid surface to accommodate the loading and unloading of a passenger confined to a wheelchair;

b. A positive means of securing a wheelchair to the inside of the vehicle to prevent any lateral, forward, backward or vertical motion of the wheelchair within the vehicle;

c. A rear-view mirror which enables the chauffeur to view the passengers;

d. Outside rear-view mirrors on both sides of the vehicle; and

e. Emergency exit door or doors at the rear of the vehicle.

(2) A vehicle that is wheelchair accessible may accept as passengers wheelchair-confined persons when such persons remain in a sitting position within the chair during transport or transfer to a seat after loading.

Sec. 8-244. Standards for pedicabs.

In addition to all the other applicable requirements of this article, a pedicab must comply with the following special requirements:

(1) The certificate holder shall have fixed routes approved by the director of parking and public transit and shall not operate during peak traffic periods as specified by the director.

(2) A driver shall pick up and discharge passengers only at specified locations on a prescribed route approved by the director of parking and public transit.

(3) Each pedicab or rickshaw operated after dusk shall be equipped with two (2) front and two (2) side lights capable of emitting a white or amber light a distance of at least seventy-five (75) feet from the vehicle, and two (2) rear lights capable of emitting a red light at least five hundred (500) feet from the vehicle.

(4) Each pedicab or rickshaw shall have mounted a triangular "slow-moving vehicle" reflector on the rear of the vehicle.

(5) Each pedicab or rickshaw shall be equipped with a suitable and efficient braking mechanism.

(6) Before the certificate holder shall place any pedicab or rickshaw into service, the holder shall identify such vehicle with the initials of the certificate holder's name followed by a dash and a permit number assigned by the director of parking and public transit, which number shall be of a size and color designated by the director and shall not be used on any other vehicle.

Sec. 8-245. Vehicle Inspections.

(a) *Inspections required.* No person shall operate or allow or cause to be operated a vehicle for hire until the vehicle has been inspected as prescribed in this section under the direction of the chief of police and director of parking and public transit and found to be in safe operating condition and meeting the applicable standards and requirements of this article.

(b) *Authority to inspect, inspectors.*

(1) *Department inspections.* The inspecting of eligible or certified vehicles for hire shall be under the control and direction of the chief of police and the director of parking and public transit. The chief of police and the director and parking and public transit are hereby authorized to use such members of

or persons assigned to their respective departments as they may designate as deputies and inspectors, to carry out the provisions of this article, including performing vehicle inspections.

(2) *Private inspections*. In lieu of using department designated personnel to conduct inspections, the chief of police and the director of parking and public transit are hereby authorized to accept or require inspections, in whole or part, be performed by a private technician or mechanic that is ASE (Automotive Service Excellence) certified (series A) or meeting the Federal Motor Carrier Safety Administration (FMCSA) inspector qualifications of 40 C.F.R. § 396.19, or any succeeding federal regulation, and that is not an employee of a vehicle for hire company. In the case of private inspections, the qualified inspector shall be required to certify to the city that the vehicle meets the inspection criteria set forth in section 8-246. The director of parking and public transit shall prepare and provide to a certificate holder an inspection form to be completed and certified to by the private inspector.

(3) *Wheelchair equipment inspections*. In the case of vehicles that are wheelchair accessible, inspections of wheelchair accessibility equipment and related features shall be performed by dealers having National Mobility Equipment Dealers Association (NMEDA) Quality Assurance Program (QAP) accreditation or other similar nationally recognized accreditation programs for dealers. The inspectors shall be required to certify to the city that the wheelchair accessibility equipment and related features comply with the standards set forth in section 8-243.

(b) *Frequency of inspections; notification of inspections; fee*.

(1) *Random inspections*. The chief of police and director of the department of parking and public transit are hereby authorized to maintain constant vigilance over all certified vehicles for hire to see that they are kept in a condition of continued fitness for public use in compliance with this article and to that end are hereby authorized to make such incidental on-the-road or random inspections as they deem advisable, provided that, in the case of transportation network vehicles, such inspections shall be conducted only when the vehicle is being operated under this article.

(2) *Non-routine scheduled inspections*. The chief of police and the director of parking and public transit are hereby authorized to inspect or require or cause to be inspected all certified vehicles for hire from time to time or on complaint of any citizen as often as may be necessary. Such non-routine inspections shall be scheduled in advance in accordance with the scheduling provisions of this subsection (b).

(3) *Routine scheduled inspections*. The chief of police and the director of parking and public transit, shall inspect or require

or cause to be inspected all certified vehicles for hire on a routine basis as follows:

a. Except for carriages and pedicabs, all vehicles that undergo department inspections shall be inspected at least every six months;

b. Carriages, pedicabs, and vehicles that undergo private inspections shall be inspected at least every 12 months; and,

c. Wheelchair accessibility equipment and features of a vehicle shall be inspected at least every 12 months.

(4) *Scheduling of routine and non-routine inspections.*

a. In the case of routine and non-routine department inspections, the chief of police or the director of parking and public transit shall notify each certificate holder in writing by personal delivery or notice mailed to the last address furnished by said certificated holder, of the date, time, and place of a scheduled routine or non-routine inspection.

b. In the case of routine private inspections, the inspection must be conducted annually no more than 30 days prior to the date of business license expiration, but in no case any longer than one year from the date of the last inspection.

c. In the case of non-routine private inspections, the chief of police or the director of parking and public transit shall notify each certificate holder in writing by personal delivery or notice mailed to the last address furnished by said certificated holder, that the certificate holder must have performed a non-routine inspection by a stated date.

(5) *Requested inspections.* In the case of vehicles which undergo department inspections, a certificate holder may request in writing to the director of the department of parking and public transit inspection of a vehicle certified in accordance with the provisions of this article. Such request shall be at the director's option and shall be conducted within three working days of a proper written request to the director of the department of parking and public transit. Where the director of requires or allows a city inspection be performed, the vehicle is to be delivered to such place at such time specified or the inspection shall be deemed waived until the next scheduled or requested inspection.

(6) *Fee; cost of inspection.* In the case of department inspections, a fee in the amount of $25.00 for each vehicle is hereby established for each routine, non-routine, or requested scheduled inspection. In the case of private inspections, the

certificate holder shall be responsible for paying the costs of private inspections.

Sec. 8-246. Inspection Criteria.

(a) *Vehicle inspection criteria.* All vehicle inspections performed under this article shall apply the following inspection criteria:

(1) *Vehicle cleanliness.* A vehicle must be free of dirt inside and out.

(2) *Paint.* A vehicle's paint must not be faded, blistered or peeling off, and, where applicable, the appropriate color scheme.

(3) *Required letters and numbers.* If required, permit numbers shall be displayed on all four vertical sides. Metal plates on front will be accepted.

(4) *Body.* The vehicle body must be free of moderate to large areas of damage; however, new damage will be given consideration. An accident report may be required to establish dates.

(5) *Glass.* A vehicle's glass must be certified to be in good repair without major cracks or damage that could affect the driver's visibility without any coverings to prevent seeing into the vehicle, and must not leak water around any seals and, if window is a type that opens, it must be in working order.

(6) *Deck/cargo.* Rear window area or deck cargo area of station wagons and vans must be clean and in good repair. No loose articles shall be permitted.

(7) *Door seals.* The seals of all doors and the trunk lid must be in good repair in order to prevent any water, dust or air drafts from getting into the vehicle.

(8) *Dash.* The dash must be in good repair without major cracks, tears, or other wear, and clean. Nothing shall be mounted to the dash except the meter.

(9) *Seats.* Seats must be clean and in good repair. Covers will be permitted, but only if they are secure to prevent any loose areas. Broken down seats will not be accepted.

(10) *Floor covering.* Floor covering must be clean and secure to the floor.

(11) *Head liners.* Head liners must be secure, in place and free of dirt.

(12) *Trunk.* The vehicle's trunk must be clean and free of dirt. It shall have no sharp or loose objects that could damage passenger's articles carried in the trunk.

(13) *Headlights.* The headlights shall conform to state rules governing headlights and be in good working order.

(14) *Turn signals.* The turn signals of all vehicles shall be in good working order in the front and rear.

(15) *Horn.* The horn shall be in working order operated by a control in easy one hand reach of the driver.

(16) *Windshield wipers.* Windshield wipers shall be in good repair and good working condition.

(17) *Tires.* Tires shall be of the proper type and meet all state rules governing tires.

(18) *Taillights.* All taillights shall be in working order and meet all state rules governing taillights.

(19) *Brake lights.* All brake lights shall be in working order and meet all state rules governing brake lights.

(20) *Tag light.* The tag light shall be in working order and mounted to show a white light on the tag plate. No tag "rings" shall be permitted that cover any part of the wording or other marking on the tag.

(21) *Top taxi light.* The "top light" or taxi light shall be in proper working order and shall be on at all times; however, the white light will be allowed to be dimmed or off while the meter is in the flagged or on position.

(22) *Defroster.* The defroster shall be in working order and able to give off warm air to clear the front windshield.

(23) *Taximeter light.* The taximeter or area displaying the taxi fare shall have a light in working order to show the amount of the fare. All meters shall be calibrated to the approved fare and properly sealed.

(24) *Shock absorbers.* All shock absorbers shall be in good working order to eliminate excessive noise, give a reasonable ride and allow for safe handling and steering.

(25) *Suspension.* The suspension shall be in proper repair and good working order to eliminate excessive noise, give a reasonable ride and allow for safe handling and steering.

(26) *Brakes and emergency brakes.* The brake system shall be in good working order to insure safety at all times and shall be able to stop the vehicle. The emergency brake shall also be in working order.

(27) *Exhaust system.* The exhaust system shall be in good working order and meet all state rules governing exhaust systems.

(28) *Permit/driver's license display.* City chauffeur's license shall be displayed on the dash of all taxicabs in a manner so that they may be seen clearly from all seating positions in the vehicle.

(29) *Seatbelts/child restraint devices.* There shall be sufficient factory-installed seatbelts or other approved restraint devices for all seating positions in the vehicles. All restraints

shall be in proper working order, clean and free of any damage or wear.

(30) *Speedometer.* The speedometer must be operable.

(31) *Battery.* The vehicle battery must be secured within the engine compartment. All removable vent/fill caps must be in place.

(32) *Fuel cap.* A fuel cap must be in place on the fuel tank fill tube to prevent fuel from coming out while the vehicle is at rest or in motion.

(33) *Mirrors.* All original mirrors must be intact with unbroken glass and comply with state rules governing mirrors. (34) *Taxi-meter seals.* Taxi-meter seals shall not be removed, altered, or mutilated in any way.

(b) *Driver inspection criteria.* All drivers of a certified vehicle for hire shall comply with the following criteria:

(1) *Driver cleanliness.* A driver must be clean and neat in appearance.

(2) *Driver's age.* A driver of a certified vehicle for hire shall be at least 21 years of age

(3) *Driver's license/permit.* A driver shall have obtained and have in their possession a valid driver's license unless exempted by state law.

(4) *Waiver of physical disqualification.* A waiver of physical disqualification must be carried on the driver's person. This is a waiver signed by a licensed physician stating that the driver is eligible to safely operate a vehicle licensed according to the terms of this article.

(5) *Sickness or fatigue.* A driver must be physically capable of operating a vehicle in a safe manner. A driver shall not be impaired by fatigue, illness or other medical conditions to an extent that would render him/her incapable of safely operating a vehicle or would pose a liability to himself/herself, his/her passengers or the general public.

(6) *Drugs/intoxicating beverages.* No driver shall operate a vehicle or be in actual physical control of a vehicle while under the influence of alcohol and/or any substance, which impairs the mental or physical faculties of such person to a degree, which renders him/her incapable of safely operating the vehicle.

Sec. 8-247. Vehicles failing inspection.

If, after an inspection, including a scheduled, requested, or incidental on the road or random inspection, any certified vehicle for hire is found not to be in a safe condition for the transportation of passengers, the vehicle shall be placed out of service. If a certified vehicle fails to comply with any other provisions of this article, the vehicle may be placed out of service. Any vehicle not returned to

service within 60 days from the date the vehicle is taken out of service shall be deemed permanently out of service, and the certified vehicle for hire permit for that vehicle shall automatically be forfeited. A 60-day extension may be granted by the director of the department of parking and public transit for good cause shown. Where applicable, the inspection sticker shall be removed from any vehicle taken out of service. Where a permit has been forfeited under this section, any business license tax paid on a per vehicle basis shall be deemed to be forfeited for that vehicle.

Sec. 8-248. Inspection sticker; inspection certification.

(a) *Vehicle inspection stickers.* Except for transportation network vehicles, a certified vehicle for hire that has undergone a vehicle inspection must have affixed a current inspection sticker issued by the department of parking and public transit.

(1) Inspection stickers shall be issued to a vehicle for hire at the time of a routine scheduled inspection.

(2) No inspection sticker shall be issued until the vehicle has successfully completed all required inspection criteria, proof of current insurance has been presented, and current city and county licenses have been presented for inspection.

(3) The inspection sticker shall remain valid for the period indicated on the sticker as long as all requirements of the inspection by the department of parking and public transit are complied with.

(4) Upon failure to comply with all requirements of the inspection and general requirements for operation contained in this article, the inspection sticker shall become void and may be revoked by the director of the department of parking and public transit, the chief of police, or their designees.

(5) A temporary sticker may be authorized for a specific time period to allow a vehicle for hire to comply with non-safety requirements of the inspection. If the requirements are not met in the time period allowed, the temporary sticker shall become void and must be removed from the vehicle.

(6) Any vehicle for hire operating without a current valid inspection sticker is subject to fine. The company under which it operates is subject to loss of its certificate of public convenience and necessity.

(b) *Vehicle and equipment certifications.* A transportation network vehicle and wheelchair accessibility equipment that has undergone a private inspection as allowed or required under this article must have somewhere readily accessible inside the vehicle a copy of the then-current private inspection certification and shall produce it upon the demand of the chief of police or another a law enforcement officer of the city, or the director of the department of parking and public transit or city personnel operating under the director's supervision. Any privately inspected vehicle for hire

operating without a copy of the then-current private inspection certification is subject to fine. The company under which it operates is subject to loss of its certificate of public convenience and necessity.

Sec. 8-249. Out-of-service.

(a) If, in the opinion of the official inspecting a vehicle operating under this article, a defect could affect passenger safety, the vehicle may be removed from service and valid inspection stickers removed until the defect is repaired and the vehicle is re-inspected.

(b) Other defects or violations of the inspection criteria shall be repaired within the time frame indicated by the inspector on the inspection form. If the defect is not corrected in the allotted time, the vehicle must be placed out of service by the driver or company until properly repaired and re-inspected.

(c) It shall be unlawful for any person, including a driver or company, to operate, or to allow or cause to be operated, any certified vehicle for hire that has been deemed out of service; that, where applicable, does not have a current, valid inspection sticker affixed to the vehicle; or that, where applicable, does not have a copy of the then-current private inspection certification inside the vehicle.

Secs. 8-250—8-270. Reserved.

DIVISION 4. TAXIMETERS AND VEHCILE FOR HIRE RATES

Sec. 8-271. Taximeters.

(a) *Taximeters required for all taxis.* It shall be unlawful to own and operate or cause to be operated any taxicab upon the streets or thoroughfares of the city, unless such taxicab is equipped with a practical standard taximeter in good and workable condition designed to accurately measure distance traveled, and to record the time the vehicle is in waiting. Upon the taximeter there shall be indicated by means of figures the fare charged.

(b) *Readability.* Indications of the amount of fare shall never be obscured from the view of any passenger. All openings through which any indications or markings are viewed at any time by the passenger shall be of such location, size, and design that the indications or markings may be read with accuracy. This shall be construed to mean, among other things, that between sunset and sunrise the face of any taximeter shall be illuminated by a suitable light so arranged as to throw a continuous steady light thereon and render the meter clearly readable to a passenger in the rear seat.

(c) *Seal.* Adequate provision shall be made for sealing all taximeters in such manner that no adjustments, alterations, or

replacements can be made that may affect in any way the indications, the time or mileage rates or, in general, the accuracy of the taximeter. Every taximeter shall be sealed by the chief of police or an inspector or deputy duly authorized by the chief of police or the director of the department of parking and public transit. It shall be unlawful for any person to operate or allow or cause to be operated a taxicab equipped with a taximeter that is not sealed or has a mutilated or destroyed seal; provided, however, that upon request, the director of the department of parking and public transit, is authorized to issue a temporary permit to operate a taxicab without a sealed taximeter until the next scheduled or requested inspection, if the director of the department of parking and public transit finds that such taximeter required some adjustment, alteration or replacement which has been made.

(d) *Use of flag.* It shall be unlawful for the driver of a taxicab to have the taximeter in a mode as to denote that such vehicle is not employed while carrying passengers or have the taximeter in a recording position when such vehicle is not actually employed, or to fail to put such taximeter in a non-recording mode at the termination of each and every service. Meters may not be operated in the time mode while the cab is in motion (no hot meters). No switches bypassing the top light are allowed.

(e) *Changing size of tires, gears cables, etc.* It shall be unlawful for any person to operate or allow or cause to be operated a taxicab with tires of a smaller size than those which were on the taxicab at the time the taximeter was last inspected and sealed, without first having the taxicab re-inspected. It shall also be unlawful to operate or allow or cause to be operated a taxicab utilizing any gears, cables, computer chips or other parts that could affect meter rates other than those on the taxicab when the taximeter was last inspected and sealed without first having the taxicab re-inspected.

Sec. 8-272. Vehicle for hire rates.

(a) *Taxi cabs.*

(1) All taxicabs must base their charges on taximeters. The maximum rate is the rate authorized and recorded on a properly working and properly sealed taximeter. The passenger may be charged less than the maximum rate reflected on the taximeter.

(2) The maximum rate to be charged for a trip to one destination by any taxicab shall be $3.50 for the first one-half-mile and $0.10 for each additional one-twentieth-mile. ($3.50 for the first one-half-mile and $2.00 for each mile thereafter.)

(3) A driver may, in addition to the metered rate, require a waiting charge to be paid which shall not exceed the rate of $20.00 per hour, regardless of the number of passengers. Such waiting time shall include the time when the taxicab is not in motion, beginning with the time of arrival at the place to which

it has been called or time consumed while it is standing at the direction of the passenger; but no charge shall be made for the first five minutes after arrival or for time lost on account of inefficiency of the taxicab or its operator or the time consumed by the premature response to a call or traffic conditions. A fare shall not be considered to be terminated until the taxicab is available for service to another customer.

(4) All taxicabs operated within or under the certificate of public convenience and necessity of the same entity must charge the same rate.

(5) Maximum rates charged must be displayed on each taxicab on the rear quarter panel in a size no smaller than one-inch letters with drop charges, rate per mile, and waiting time.

(6) Maximum rates must be posted at the Huntsville International Airport and in all bus stations in a manner prescribed by the director of the department of parking and public transit.

(7) Response cards must be placed in each taxicab in a manner clearly visible to passengers; referring persons with questions or comments to the City of Huntsville Public Transit Division and listing the phone number and vehicle permit number.

(8) It shall be unlawful for the company or the driver of a taxicab to charge any passenger a fare for the use of such taxicab which is in excess of the rate established by this article and displayed on a properly working and inspected taximeter. Passengers shall have the right to pro-rate charges among themselves as they see fit. In the event the passengers cannot reach agreement as to their respective share of the total fare, the driver then shall be allowed to collect the fare to the point of final destination from the first passenger engaging the taxicab.

(9) No driver shall allow or permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passengers.

(10) If the metered fare for any trip to or from the Huntsville International Airport is less than $15.00, a minimum fare of $15.00 may be charged. On trips originating or terminating at the Huntsville International Airport, an additional $2.00 may be charged for each additional passenger, excluding children under the age of six years.

(11) Every taxicab driver shall, upon the request of a passenger, give a receipt upon payment of the fare. The receipt shall indicate the beginning and ending points of the trip, the fare charged, the date, the company's name, and the vehicle number, and shall be signed by the driver.

(6) Transportation network vehicle rates shall be uniform among the same class of vehicles.

(7) Upon completion of a ride, the transportation network company shall transmit to the passenger an electronic receipt, either by electronic mail or via text message. The message shall document the point of origin and destination of the ride, the total distance and duration of the ride, the total fare paid including the base fare and any additional charges, and the driver's first name and a customer service telephone number and email address for the company.

(d) All rates for any vehicle for hire shall be placed on file by letter to the director of parking and public transit.

(e) The driver is permitted to collect the amount owed from any passenger but it shall be left to the passengers to prorate the amount charged among themselves.

(f) At any time and from time to time the city council may amend this section to provide for a change in the amount of rates or the method for setting rates applicable to some or all vehicles for hire. In such event the amendatory action shall apply to then-current and future certified companies and their vehicles.

Sec. 8-273. Unauthorized fares.

(a) No company or driver shall demand or suggest that any passenger or prospective passenger pay a fare larger than that authorized in this article.

(b) No company or driver shall demand or suggest that any passenger pay an amount that exceeds the posted rate or, in the case of transportation network vehicle, the passenger-accepted rate.

Sec. 8-274. Credit cards.

(a) By January 1, 2016, all certified vehicle for hire companies, except for carriages and pedicabs, shall require their drivers to accept all major credit, debit, and charge cards (collectively "credit cards" for the purposes of this section) as payment for services rendered and shall accept any and all risk of nonpayment.

(b) In the case of certified companies that accept credit cards, no additional charge shall be levied against a passenger for use of credit cards, nor shall any passenger be refused service for their use of credit cards. Drivers shall not set a minimum or maximum charge for any credit card transactions. Drivers shall provide all credit card paying customers with a truncated copy of their sales draft or charge receipt clearly showing the amount and date of the transaction, company's name and telephone number, the driver's certified vehicle permit number, and the transaction's authorization approval code. The truncated sales draft or receipt shall not include

the credit card's expiration date or any more than the last four digits of the credit card's number.

(c) In the case of certified companies that accept credit card payments, the vehicle shall be equipped with a fully-functioning wireless device that provides a secure credit card processing method, satisfies all Payment Card Industry Data Security Standard ("PCI DSS") requirements, and (i) encrypts any information transmitted to authenticate a credit card payment transaction for approval, (ii) generates a truncated printed sales draft or charge receipt, and (iii) accepts cards affiliated with all major credit card associations including, but not limited to, MasterCard, Visa, American Express, and Discover Network. Manual imprinting machines are prohibited.

Secs. 8-275—8-300. Reserved.

DIVISION 5. OPERATIONS

Sec. 8-301. Possession of city chauffeur's license.

(a) No person shall drive a taxicab upon the streets of the city unless there is displayed in such taxicab in a manner in which it is clearly visible on the dash of the vehicle and can be readily observed by all passengers therein, a valid city chauffeur's license, or temporary chauffeur's license, that has been issued to the driver or operator of the vehicle.

(b) In the case of certified vehicles for hire other than a taxi, no person shall drive such vehicle upon the streets of the city unless the person has in their immediate possession a valid city chauffeur's license, or temporary chauffeur's license, issued to that person, which he/she shall produce upon request of any passenger, law enforcement officer, or authorized inspector.

Sec. 8-302. Street hails; soliciting passengers.

(a) Except in the case of taxis, no driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(b) No driver shall respond to calls for another company intercepted from a scanner or other radio monitoring device, or, except in the case of taxis, cruise in search of passengers.

(c) *Soliciting passengers.*

(1) For the purpose of this section the term "solicit" means an appeal by a driver upon a public street using words or gestures to elicit immediate patronage of a vehicle for hire by attempting to direct people to a vehicle for hire that is parked, stopped, standing, or moving upon a public street.

(2) No certified vehicle for hire driver shall solicit passengers, except in the case of taxis drivers and then only in accordance with the following subsection (c)(3).

(3) No taxicab driver shall solicit passengers except when sitting in the driver's seat or standing immediately adjacent thereto, or in any manner to annoy, obstruct the movement of, or follow any person for the purpose of soliciting patronage. In addition, no taxi driver shall stop or stand, even momentarily, in the driving lanes of a public street in order to solicit passengers.

Sec. 8-303. Pre-arranged services; additional passengers.

(a) *Pre-arranged services.*

(1) For those vehicles for hire that are defined to include transportation on a pre-arranged basis, it shall be unlawful for the company or driver to fail to demonstrate prearrangement by presenting upon request of the director of parking and public transit or chief of police, or their respective designees, proof of pre-arrangement, including a copy of the reservation or an electronic record made in advance of passenger pick-up.

(2) For those vehicles for hire that are defined to include transportation on a pre-arranged basis, it shall be unlawful for a company or driver to transport additional passengers under a separate arrangement at the same time that the vehicle is engaged under a prior arrangement.

(3) Nothing herein shall be construed to prevent those vehicles for hire whose definition does not include transportation on a pre-arranged basis to arrange in advance to transport passengers for compensation.

(b) *Additional passengers.* It shall be unlawful of a driver of a certified vehicle for hire to pick-up additional passengers while proceeding to the destination of any passengers then occupying the vehicle except in the case of a taxi and then only with the consent of all the passengers.

Sec. 8-304. Number of passengers and luggage.

(a) No company or certified vehicle for hire driver shall allow more passengers to be transported than the number of available seats equipped with operative seatbelts.

(b) No certified vehicle for hire driver shall allow more children to be transported than the number for which operative child passenger restraint devices are available for children within the legal age limit requiring such devices.

(c) No certified vehicle for hire driver shall carry any luggage exceeding the vehicle's storage volume or load-carrying capacity regardless of the number of passengers occupying the vehicle.

Sec. 8-305. Prohibition against discrimination.

No certified company or driver shall refuse service to any person based on the geographical area of the city to be served or because of any person's race, creed, color, national origin, sex, religion, or age.

Sec. 8-306. Two or more destinations; single destination.

(a) If a certified vehicle for hire is carrying two or more passengers to different destinations, the driver shall be the sole judge of the order in which such passengers shall be delivered to their destination and the shortest possible route shall be followed.

(b) Any certified vehicle for hire driver charging on a per mile basis shall take the most direct route possible that will carry the passenger to his/her destination safely and expeditiously, unless the passenger requests otherwise.

Sec. 8-307. Requiring passenger to wait.

No passenger in a certified vehicle for hire shall be kept waiting longer than five minutes before proceeding to his/her announced destination, unless the passenger otherwise agrees to wait.

Sec. 8-308. Record and reports of operations.

(a) Every certified company shall keep accurate books and records of account of its operations in the city at the company's base of operations for a minimum of one (1) year.

(b) Every certified company shall keep a record on any of its affiliated drivers who were alleged to have committed a violation of this article or their terms of service or who have been suspended or banned from driving for the company, including any zero-tolerance complaints and the outcome of the investigation into those complaints.

(c) Except in the case of carriages and pedicabs, every certified company shall, with regard to its operations in the city, create and retain a written or electronic record of all pick-up and drop-off information, including the name of the driver, the time of pickup and delivery and the number of passengers.

(d) A transportation network company must provide upon the request of the director of parking and public transit, police chief, or their designees, factual information regarding the company's affiliated drivers and vehicles so as to determine whether or not a particular driver was active on the companies dispatch system application, in route to a passenger location, or engaged with a passenger at a specific time and date. Such information shall be

provided within eight (8) hours of the request unless otherwise required by the licensing official.

(e) At any time and from time to time the director of parking and public transit may request and the company shall provide, at no cost to the city and in the manner and form prescribed by the director of parking and public transit, records or reports concerning the company's operations in the city.

Sec. 8-309. Base of operations; registered agent; customer service number.

(a) All certified companies must maintain a base of operations. The base of operations shall be suitably staffed by qualified and knowledgeable representatives of the company who are available during regular business hours to accept or respond to notices and inquiries of the city in its administration of this article and where records required to be maintained under this article are kept. Failure to maintain a base of operation shall be a violation of this article and cause for action being taken against the company's business license and the certificate of need and necessity.

(b) The location of the base shall not be changed without first notifying the director of parking and public transit.

(c) Companies must maintain an agent for service of process in the state.

(d) At a minimum a certified company shall maintain a customer service telephone number that shall be staffed with suitable personnel who are able to assist consumers with complaints or inquiries during normal business hours. The telephone number shall be posted with the director of parking and public transit.

Sec. 8-310. Sale of vehicle.

(a) All companies, upon the sale or other disposition or removal of a vehicle from its service shall, within ten working days, notify in writing the city clerk-treasurer and the director of the department of parking and public transit of such sale or other disposition.

(b) All identification markings and the inspection sticker shall be removed prior to delivery of the vehicle upon sale or other disposition thereof.

(c) The permit number issued for vehicles within a company may be transferred to a new or replacement vehicle within the same company, so long as all requirements of this article are met, but not from person to person. The transfer of a permit number to a new or replacement vehicle shall not increase the amount of business license tax owed.

Sec. 8-311. Trailers.

No trailer or semi-trailer shall be attached or secured to a certified vehicle for hire while it is being used to transport passengers.

Sec. 8-312. Sleeping in vehicle.

No driver shall sleep or doze in any certified vehicle for hire in any place generally open to the public in the city.

Sec. 8-313. Lost property.

It shall be the duty of the driver of a certified vehicle for hire to carefully search such vehicle immediately after the termination of business for any property lost or left therein and any such property, unless sooner claimed or delivered to the owner, shall be taken to and deposited with the police department within 24 hours after the finding thereof. The police department, unless the same is sooner claimed by the owner, shall dispose thereof in the manner prescribed by law for lost and stolen property.

Sec. 8-314. Cleaning of vehicle.

It shall be the duty of the company or driver operating any certified vehicle for hire to keep and maintain any such vehicle at all times in a safe, comfortable, clean, and sanitary condition. The seats, floors, steps, running boards, upholstery, and baggage compartments of any such vehicle shall be thoroughly cleaned in such a manner as to be free of visible dirt, dust, soil, trash, and rubbish of every description; the interior shall be thoroughly sprayed or wiped at least once during each 24-hour period with a liquid disinfectant of adequate strength and efficiency so that every portion of the surface of the interior of the vehicle shall be covered or come in contact with such disinfecting fluid.

Sec. 8-315. Conduct of drivers.

(a) Each driver of a certified vehicle for hire while operating such vehicle upon the public streets of the city shall comply with all of the traffic regulations of the State of Alabama and the city and shall not commit any act that would threaten the health or safety of his/her passengers or the general public, including an act which would constitute a violation of driving while under the influence laws of the state.

(b) No driver of any certified vehicle for hire shall use or authorize the use of the vehicle for an illegal purpose.

Sec. 8-316. Out-of-town vehicle for hire.

Any vehicle for hire company that is not a certified vehicle for hire company in the city, but is authorized to operate a vehicle for hire by another jurisdiction may bring passengers into the city from their jurisdiction of origin, but may not, on more than six occasions in a given calendar year, pick up or allow or cause to be picked up any passenger for any destination or accept any business within the city.

Sec. 8-317. Refusal to pay fare.

It shall be unlawful for a passenger to refuse to pay the agreed or established fare. A driver may request proof of ability to pay fare prior to transporting.

Sec. 8-318. Alcoholic beverages.

Any alcoholic beverage transported in a certified vehicle for hire shall be in its closed original container and transported in the baggage compartment of the vehicle.

Secs. 8-319—8-340. Reserved.

Section 2. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 3. This Ordinance shall become effective upon its adoption and approval.

ADOPTED this the _____ day of _____, 2015.

_____
President of the City Council
Of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2015.

_____
Mayor of the City of
Huntsville, Alabama