AGENDA

CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Thursday, August 6, 2020
4:30 p.m.
Council Chambers, City Hall – 421 Michigan Street

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from July 2, 2020 and July 15, 2020
4. Public Comment on Agenda Items
5. Discussion of: Adopt a Soldier Donation
6. Consideration of: Mobile Food Vendor Ordinance Proposal
7. Consideration of: Taxicab and Shuttle Service Ordinance Updates
8. Consideration of: Taxicab Inspections
9. Consideration of: Monarch Butterfly
10. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 8/3/20
Time: 3:00 p.m.
By: SSO

Committee: Community Protection & Services
Dan Williams, Chr.
Kirsten Reeths
Seth Wiederanders

COMMUNITY PROTECTION & SERVICES COMMITTEE
July 2, 2020

A meeting of the Community Protection & Services Committee was called to order at 4:19 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Members Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Mr. VanLieshout, Captain Brinkman, Mr. Barker, Mr. Mann and Ald. Nault.

Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following agenda:

1. Roll Call
2. Adoption of Agenda
3. Approval of Meeting Minutes from June 4, 2020
4. Public Comment on Agenda Items
5. Consideration of: Contract with Mann Communication
6. Consideration of: Downtown Entertainment District: Elimination of Open Intoxicant Ordinance 10.175 – Drinking on Public Property Regulated
7. Discussion of: Monarch Butterfly USA Project
8. Discussion of: Creating an Inspection Process to the Taxi/Shuttle Ordinances
9. Adjourn

All Ayes. Carried.

Approval of Meeting Minutes
Moved by Ald. Reeths, seconded by Ald. Wiederanders to approve June 4, 2020 meeting minutes. All Ayes. Carried.

Public Comment
Amy Crook: 727 Prairie Lane
Barbara Pfiefer: 608 E. Walnut Drive
Ald. Spencer Gustafson: 445 S. Grant Avenue

Mann Communication Contract
The Mann Communication contract was discussed prior in the Cable Communication System Advisory Council and moved for approval by CPS.

Moved by Ald. Reeths, seconded by Ald. Wiederanders, to recommend to the Common Council to approve the Personal Service Contract with Mann Communication, LLC for Cable TV services for the term commencing on January 1, 2021 and ending December 31, 2023 as presented. All ayes.

Downtown Entertainment District – Elimination of Open Intoxicant Ordinance
Captain Brinkman spoke on behalf of the Police Department; he stated they are not opposed to relaxing the ordinance but do need to hear more information (to include: boundaries/zone of the district and days and hours of operation). It was suggested having a trial period as well. Items to also consider: use of plastic or glass containers, increase in garbage/litter and public restroom shortages.

Moved by Ald. Williams, seconded by Ald. Reeths, to table this topic and call a special meeting of the Community Protection and Services Committee prior to the July 21, 2020 Council meeting. All ayes. Carried.

Monarch Butterfly USA Project

Ald. Wiederanders presented information on this program. It is an open commitment which gives access to newsletters and connections to other communities who are in the program. The fee is $50; Ald. Wiederanders was going to confirm this. This will be brought back to the August meeting for consideration.

Inspection Process to Taxi/Shuttle Ordinance

The City's intern is working on this and will have something for a future meeting.

Moved by Ald. Wiederanders, seconded by Ald. Reeths, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Sarah Spude-Olson
Police Department Office Manager

DRAFT

COMMUNITY PROTECTION & SERVICES COMMITTEE
July 15, 2020

A meeting of the Community Protection & Services Committee was called to order at 4:30 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Members Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Mr. VanLieshout, Captain Brinkman and Ald. Gustafson.

Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following agenda:

1. Roll Call
2. Adoption of Agenda
3. Public Comment on Agenda Items
4. Consideration of: Downtown Entertainment District: Elimination of Open Intoxicant Ordinance 10.175 – Drinking on Public Property Regulated
5. Adjourn

All Ayes. Carried.

Public Comment
None

Downtown Entertainment District – Elimination of Open Intoxicant Ordinance
A draft resolution and map of the defined zone was introduced. If approved, the Committee will review the resolution and how things are going after a four-week trial period. A special meeting will be called if problems are occurring; otherwise the review will be done at the September 3, 2020 regular meeting.

Temporarily suspending Ordinance 10.175 – Drinking on Public Property Regulated will only occur in the outlined areas daily between the hours of 9:00 a.m. – 10:00 p.m., and will end December 31, 2020. All alcohol shall be in non-resealable and non-breakable containers.

Maps that clearly mark the designated zone will be dispersed via social media (i.e. City of Sturgeon Bay and Police Department websites), emailed to businesses and handed out with help from Destination Sturgeon Bay.

Moved by Ald. Williams, seconded by Ald. Reeths, to recommend the Common Council approve the resolution to conditionally suspend ordinance 10.175 of the Municipal Code – Drinking on Public Property Regulated as presented, along with the map as drawn indicating the defined zone, to be reviewed again after a four-week trial period. All ayes. Carried.

Moved by Ald. Reeths, seconded by Ald. Wiederanders, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:02 p.m.

Respectfully submitted,

Sarah Spude-Olson
Police Department Office Manager

To: Sturgeon Bay Community Protection and Services committee

From: Juliana Behme, Intern for the Sturgeon Bay City Administrator

Re: Mobile Food Vendor Ordinance Proposal

The staff of the City of Sturgeon Bay has previously considered the placement of a mobile food vendor ordinance but it was found to be unnecessary at that point in time. In the past few weeks we have reassessed the need for regulation, reviewed current policies, and compared it to other Wisconsin municipalities' licensing, zoning, and operating standards. A goal of this municipal analysis was to assess the success of mobile food vendor practices. Another goal was to compare the benefits and drawbacks of mobile food vendor locations.

A number of mobile food vendors are already active in Sturgeon Bay. While some have operated without incident, several calls have been made to city hall in regard to some vendors, citing inadequacies in regulation. These problems include customers using restrooms in other businesses without permission and improper maintenance of private property on which the mobile food vehicles rest. Additionally, provisions for tables, chairs, benches, bathroom facilities, and trash receptacles are not specified. An ordinance delineating the appearance of vendor properties, upkeep of eating areas, and provisions for restroom and sanitation facilities may be useful in maintaining Sturgeon Bay's visual aesthetic.

Mobile food vehicles currently fall under the category of seasonal transient merchants, which do not allow for them to remain as permanent merchants in the city. Some vendors have been operational for more than a year and/or are connected to an existing permanent business; because they do not fit into the current seller definitions, a new term would need to be added to include their activities. The current policy also does not allow mobile food vendors to sell products in any public spaces such as parking lots, parks, or residential areas unless it is in conjunction with a sanctioned event. Development of an ordinance that allows for vending in some public areas could improve business and draw people to the area. A POLCO survey can determine how citizens feel about vendors selling in public spaces or other possible regulations.

If an ordinance is considered necessary by the committee, the process to build that ordinance will begin. Attached is a mobile food vendor ordinance from the City of Mayville, Wisconsin as an example of some regulations that Sturgeon Bay may want to include.

We recommend that the committee assess the need to establish an ordinance for orderly management of mobile food establishments both present and future.

☐ § 195-1 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

FOOD

All articles used for food, nonalcoholic drink or condiment, including ice or water used by humans, whether simple, mixed or compound, and articles used or intended for use as ingredients in the composition or preparation thereof.

MOBILE FOOD VEHICLE

A self-contained, mobile food unit, including trucks, carts and trailers, in which food is prepared or processed and from which food is sold or dispensed to the end consumer.

MOBILE FOOD VEHICLE VENDOR

The owner of a mobile food vehicle or pushcart; hereinafter referred to as "vendor."

PUSHCART

A non-self-propelled wheeled cart, specifically designed and used for keeping, storing, cooling food or beverage or warming food or beverage for sale by a mobile food vehicle vendor, which may be moved by one person without the assistance of a motor.

TRANSIENT MERCHANT/DIRECT SELLER/SOLICITOR

See Chapter 193, Direct Sellers, Transient Merchants and Solicitors.

☐ § 195-2 **License required; general provisions.**

A. It shall be unlawful for any person to do any of the following within a public right-of-way or on public property in the City of Mayville without first having obtained a valid mobile food vending license as prescribed in this chapter:

(1) Operate a mobile food vehicle or pushcart;

(2) Serve, sell or distribute food from a mobile food vehicle or pushcart;

(3) Cook, wrap, package, process or portion food in a mobile food vehicle or pushcart for service, sale or distribution.

B. No person shall park, stop or operate a mobile food vehicle or pushcart, nor shall any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle or pushcart in a location adjacent to or within a two-hundred-foot radius of the nearest edge of any building or section of a building comprising a licensed food establishment within the City, the kitchen of which is open for serving food to patrons, excluding any patio, awning or temporary enclosure attached thereto. This requirement may be waived if the most recent application for a mobile food vending license was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.

C. All vendors will abide by all parking and traffic laws, ordinances, statutes, rules and regulations at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in said spaces so long as it abides by all other parking restrictions, including length of time operations.

D. Mobile food vehicle vending locations will be utilized on a first-come-first-reserved basis and may generally occur in commercially and industrially zoned areas (subject to limitations within residential areas). All mobile food vehicle units must maintain a distance of five feet from the nearest edge of any building and two feet from the curbs. All vendors will maintain the appropriate distances from crosswalks, curb cuts, sidewalk benches, bike racks, bus shelters and stops and other obstructions. The vendor is required to set up the mobile food vehicle, arrange for waiting on customers and have customers line up in a way that avoids conflict between customers and the traveling public, including pedestrians, parked vehicles and moving vehicles. A vendor shall maintain a clearance of not less than five feet wide on any public sidewalk upon which a pushcart is located. Mobile food vehicles are not permitted on public sidewalks. A vendor shall maintain clear access to and visibility of crosswalks and street corners. When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace area immediately adjacent.

E. Vendors are not allowed in City parking lots or on public property, except with written approval from Parks and Recreation Director or the Mayor. Vendors are not allowed in City parks where the City has a vending contract with a concessionaire or in City parks when concession or food stands are open. Mobile vehicle food vending is not allowed adjacent to parks with vending contracts or open concession or food stands. Vendors are allowed adjacent to City parks upon approval of the Parks and Recreation Director, the City Engineer or Chief of Police or their respective designee(s).

F. Vendors may set up on private property zoned for business, recreational or industrial land use, but such an operation may require a temporary use permit. In residential areas (such as areas not adjacent to City parks), vendors are not permitted to park and stay in one location; vendors must keep moving and make only short stops to sell products, except as part of an approved special event or upon approval by the Parks and Recreation Director or the Mayor.

G. A person with a valid driver's license of such a classification to allow the operation of the mobile food vehicle shall be with the vehicle at all times that any activity is taking place in the mobile food vehicle. The vendor is liable for any violation of this subsection.

H. No person will park, stop or operate a mobile food vehicle, nor will any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event or civic event licensed or sanctioned by the City is occurring except with permission of the Parks and Recreation Director or the Mayor.

I. Appropriate permits or other properly obtained permission must be obtained to park, stop or operate a mobile food vehicle or push cart in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event or civic event licensed or sanctioned by the City is occurring.

J. All mobile food vehicle vendors are prohibited from connecting to light poles, utility poles or any public source of electricity, water or sewer, or to any planter or tree or other public amenity.

K. All signage must be permanently affixed to the mobile food vehicle or pushcart. No accessory signage will be placed outside or around the mobile food vehicle or pushcart.

L. Mobile food vehicle or pushcart vending hours on public property and public rights-of-way are from 8:00 a.m. to 9:00 p.m. (Sunday through Thursday) and from 8:00 a.m. to 10:00 p.m. (Friday and Saturday). The mobile food vehicle must be closed, the area cleaned and the mobile food vehicle removed by the time specified. Mobile food vehicle vending hours are not restricted on private property locations.

M. Nothing in this chapter shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours or parking, except as specifically provided in this chapter. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

N. Mobile food establishments shall keep the area clean and free from litter, garbage and rubble and debris at all times. They shall maintain at least one leakproof container for the deposit of waste, garbage, litter and refuse. When leaving the vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from its operations.

☐ § 195-3 **License application; background check; time limit; transferability; denial of license.**

A. Any person desiring to operate a mobile food vehicle or pushcart will make written application for a mobile food vending license to the City Clerk's office. The application for such license shall be on forms provided by the City Clerk's office and will include all of the following:

(1) A completed mobile food vendor application with signature and payment of fees.

(2) The applicant shall submit a copy of the current mobile food establishment permit issued by the Wisconsin Department of Health Services.

(3) The applicant shall provide a mobile food vendor license plan addressing sanitation, pedestrian and traffic safety, including the following standards:

(a) The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian/vehicle conflicts or pedestrian safety hazards or impede building ingress/egress.

(b) The proposed plan will not create any significantly adverse impacts on neighboring properties as a result of:

[1] The accumulation of garbage, trash or other waste.

[2] Noise created by operation of the equipment.

[3] Light and glare.

[4] Odors and noxious fumes.

[5] The proposed plan will not be detrimental to the public health, safety or general welfare.

(4) No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be submitted at the time of application if the vendor wishes to operate on private property.

(5) For the Parks and Recreation Director, said conditions of approval shall be filed with the application and incorporated therein.

(6) All vehicles must pass inspection by the Mayville Fire Department. A copy of a passing inspection report must be submitted prior to approval of the application.

(7) A valid copy of proof of registration for the vehicle and driver's licenses for all operators and proof of insurance.

(8) Copy of a valid Wisconsin seller's permit.

(9) A photograph of the unit.

(10) The name, address and phone number of the primary applicant, together with the name, address and phone number of all individuals who will be operating a mobile food vehicle.

(11) Any additional information deemed necessary by the City Clerk to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.

B. Upon receipt of an application for a mobile food vending license, the Clerk may conduct a background check and may refer to the Chief of Police, or his or her designee, who may make and complete an investigation of the statements made in such registration. Any such investigation will be completed as soon as practicable. The City Clerk may refuse to register the applicant if any of the following is determined:

(1) The application contains any material omission or materially inaccurate statements;

(2) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related the applicant's fitness to engage in direct selling; or

(3) The applicant failed to comply with any requirement of the application.

C. A mobile food establishment can obtain a seasonal permit that is valid from June 1 to August 31 or an annual permit that is valid from June 1 to May 30. Fees for said permits shall be paid according to the schedule of fees as approved annually by the Common Council. Applications for renewals shall be handled in the same manner as original applications.

D. A mobile food vending license is not transferable from person to person.

E. A mobile food vending license is valid for one vehicle only and is not transferable.

F. The mobile food vending license will be permanently and prominently affixed to the mobile food vehicle.

G. Any person denied a mobile vending license may appeal the denial to the Common Council by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The City Clerk or the City Clerk's designee will notify the applicant, at least 48 hours prior to the Common Council meeting, of the time and place of such hearing.

☐ § 195-4 **Suspension and revocation.**

A mobile food vending license may be suspended or revoked by the City Clerk, or the Chief of Police, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provision of this chapter, if there are noise complaints related to the mobile food vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to the licensed activity. Notice of suspension or revocation will be mailed to the applicant and will include a statement of the act(s) upon which the denial is based.

☐ § 195-5 **Violations and penalties.**

A. Any person adjudged in violation of any provision of this chapter shall forfeit not less than $10 or more than $1,000 for each violation per day, plus costs of prosecution. Each violation shall constitute a separate offense.

B. The Police Department and the Department of Public Works shall have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either Department.

To: Sturgeon Bay Community Protection and Services committee

From: Juliana Behme, Intern for the Sturgeon Bay City Administrator

Re: Taxicab and Shuttle Service Ordinance Updates

The staff has updated the taxicab and shuttle ordinances over the last few weeks to update any information that was out of date. The goal of these changes is to increase safety measures for licensed drivers operating taxicabs and shuttle services in the City of Sturgeon Bay. Another goal of these changes is to allow the chief of police to designate tasks for taxicab licensing to other employees when necessary. A final goal of these changes is to modify licensing requirements for taxicab operators and licensees.

This memorandum provides information to describe proposed changes to the current taxicab and shuttle ordinances. Inspection of taxicabs and shuttle vehicles by an Automotive Service Excellence certified technician will ensure that all vehicles are operating properly and are safe for commercial use. The ability for the police chief to designate tasks to appropriate staff members decreases the chief's workload and ensures that licensing tasks are carried out quickly and effectively. There has been no indication of opposition to these changes thus far.

The proposed changes to this ordinance have been reviewed by the City Administrator, Police Chief, and City Attorney. Attached are the proposed changes to the ordinance. We recommend that you approve, in full, the proposed changes to the taxicab and shuttle service ordinances specified.

Chapter 9.06-Taxicabs

Throughout the document, any responsibility previously assigned to the chief of police was amended to allow for the chief of police or his/her designee to carry out the task.

Section 4. This amendment clarifies that it is the responsibility of the taxicab licensee to report any new vehicle to the clerk's office to add it to the license.

Section 6. The addition of subsection a) amends the requirement of proof of inspection to receive a taxicab license. It also amends the requirement of providing means of vehicle identification with the vehicle identification number. The addition of subsection b) establishes that all cars to be used under a taxicab license must complete an inspection by an Automotive Service Excellence certified technician. The addition of subsection c) specifies that all cars used under a taxicab license must pass an ASE inspection or they cannot be added to a license. It also amends the removal of cars that have failed inspection from the

license application. The addition of subsection d) amends that an ASE certified technician inspection must be completed yearly to renew a license.

Section 7. Proof of inspection was added as a stipulation for licenses being granted. This ensures that licensees complete the required inspection before operating any taxicabs for remuneration, thereby ensuring the safety of both their drivers and passengers.

Section 9. A specification that inspection must be repeated every year with an ASE certified technician was added to clarify that yearly inspections must always be from a certified technician for renewal as well as for a new license.

Section 13a. Section ii includes forfeiture for any illegal substance that may be present in a vehicle.

Chapter 9.065-Shuttle Services

The specification of an ASE certified inspection was added to maintain consistency with the taxi code. This ensures that safety inspections are completed properly to protect passengers using the shuttle service.

Taxi, shuttle, and ridesharing policy

Taxi Cabs and Similar Services

9.06 – Taxicabs.

1. *Definition of taxicab.* The term "taxicab" shall include all vehicles transporting passengers for remuneration for which patronage is solicited publicly. This section shall not apply to:
    a. Vehicles operating on established routes which are regulated by the Public Service Commission of Wisconsin;
    b. Vehicles rented to be driven by the renter or his/her agent, commonly known as rent-a-cars;
    c. Vehicles operated solely as funeral cars or ambulances; and
    d. Vehicles operated solely for a shuttle service between the city and destination points outside the city.

2. *Taxicab license.* No person shall for remuneration transport passengers in a taxicab within the city without first having obtained a taxicab license.

3. *Application for taxicab license.*
    a. Application for a taxicab license to operate one or more taxicabs or an application to operate additional taxicabs under an existing license shall be made in writing to the clerk-treasurer giving the address from which the business is conducted and signed by the owner of the business or his/her duly authorized agent. The application must also state for each vehicle to be operated the make, model and year of manufacture, vehicle identification number, and capacity for passengers, and the Wisconsin state certificate of title number and license plate number.
    b. The application shall be submitted by the clerk-treasurer to the common council, which shall set a date for a public hearing before the council to examine the public convenience and necessity of granting such license. The clerk-treasurer shall notify the applicant of the time and place set for the hearing.
    c. No license shall be granted until the city council, by resolution, has determined that the public convenience and necessity will be served by the service proposed in the application for license. The council may hold such further hearings and procure such additional information as it may deem necessary or advisable in making such determination. The council

may attach such conditions to the license as it deems appropriate for public convenience and necessity.

d. Vehicles operated solely as limousine serving a particular business establishment or establishments which are not generally available to members of the public at large, and for which patronage is not publicly solicited for purposes not related to the business establishment or establishments served by the limousine service, are exempt from this section.

4. *License fee.* The taxicab license fee shall be in an annual amount set by the common council or any fractional part thereof, for the first vehicle operated and in an annual amount set by the common council, or any fractional part thereof, for each additional vehicle operated by the licensee. The license year shall commence July 1 and end June 30. If less than six months remain of the license year, the license fee for the first taxicab shall be reduced one-half. If an additional vehicle is added after the original license is received, it is the responsibility of the owner to add this vehicle to their license.

5. *Insurance.*

   a. No taxicab license shall be issued until the applicant deposits with the clerk-treasurer a policy of liability insurance covering all vehicles to be included under the license. Such policy shall describe each vehicle by make, model and vehicle identification number, number of passengers capable of being accommodated therein at one time, and the number of the state motor vehicle license. Such insurance policy shall be issued by a company licensed to do business in the state and shall insure the licensee against loss from liability to the amount of $50,000.00 for the injury or death of one person in any one accident, and in the amount of $100,000.00 for the injury or death of more than one person in any one accident, and in the amount of $25,000.00 for damage to property of others for any one accident due to the negligent operation of such vehicle.

   b. The policy of insurance shall be approved by the city attorney as to legal form before it is filed, and shall contain a provision that the same may not be cancelled before the expiration of its terms except upon ten days' written notice.

   c. The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically revoke and terminate all licenses issued for the vehicles covered by such insurance policy, unless another policy shall have been filed and approved pursuant to this section, and shall be in effect at the time of such cancellation or termination.

6. *Inspection.*

   a. No taxicab license shall be issued until the applicant deposits with the clerk-treasurer signed certification that all vehicles to be included under the license are in good working order and suitable for safe commercial use. Signed certifications must include the state for each vehicle to be operated the make, model and year of manufacture, vehicle identification number, and capacity for passengers, and the Wisconsin state certificate of title number and license plate number.

   b. All vehicles proposed to be covered by such license must be inspected by an Automotive Service Excellence (ASE) certified automotive technician and be certified as safe for commercial passenger transport and in good working order Vehicle owners bear the cost of any and all inspection fees.

   c. Any vehicle that is unable to pass inspection by an ASE certified automotive technician will not be included under the taxicab license applied for and can only be added once inspection is passed. The owner of said vehicle must inform the clerk-treasurer's office of the removal of any vehicle that does not pass inspection from the license.

   d. Inspections must be completed yearly in order to renew taxi license.

7. *Issuing of taxicab license and license plates.*

   a. After passage of the resolution of convenience and necessity as provided in subsection (3)(c) and upon filing with the clerk-treasurer a receipt showing payment of the required license fees, proof of inspection, and the policy of insurance as herein provided, the clerk-treasurer shall issue to the applicant a taxicab license. Each license granted shall be numbered and shall show the owner's name and place of business and the number of vehicles which may be operated thereunder.

8. *Taxicabs to be marked.* Every taxicab shall be conspicuously marked on the right and left side with the name of the licensee and the serial number designated in the taxicab license, such letters and numbers not to be less than 1½ inches in height and of a light color on a dark background or dark color on a light background. A card containing the name of the licensee, taxicab license number and rates of fares printed thereon shall be kept in a conspicuous place inside of such vehicle at all times.

9. *Transfer of taxicab licenses.* A taxicab license shall be transferable with consent of the city council. Formal application to the city council shall be made, such application to state the names of the persons involved in the transfer and generally to contain all information required by subsection (3) hereof. The city council shall approve or disapprove such transfer, except that no license shall be issued until applicant for transfer shall have complied with all of the

provisions of subsection (5) in all respects and shall have in addition thereto paid over to the clerk a transfer fee in an amount set by the common council.

a. *Renewal.* Taxicab licenses may be renewed by the clerk-treasurer upon the payment of the fees, submission of proof of inspection on all vehicles by an ASE certified technician, and deposit of a sufficient policy of insurance as required for an original license.

10. *Revocation.* A taxicab license may be revoked at any time by the city council for violation of any provision of this section, or for violation of any provision of chs. 340—348, Wis. Stats., or of any such statutory provision incorporated in a municipal ordinance. Such revocation may be for all vehicles or any vehicle included under a license. When any taxicab license is revoked, it shall be the duty of the clerk-treasurer to immediately notify the licensee to cease immediately to operate the taxicab for which the license has been revoked.

11. *Condition of vehicles.* The licensee shall keep each taxicab in a clean and sanitary condition, well painted and equipped and maintained as required by ch. 347, Wis. Stats.

12. *Taxi driver's license required; issuance.*

a. No person shall operate a taxicab unless he/she shall possess a taxi driver's license. The fee for such license shall be in an amount set by the common council. This provision shall not apply to the operator of a non-motorized vehicle.

b. Each applicant shall submit in writing to the chief of police or his/her designee on forms furnished by the police department a statement of the applicant's full name; present residence; residence for three years past; age; height; weight; color of eyes and hair; citizenship; place of last previous employment; marital status; Wisconsin motor vehicle operator's license number; whether he/she has ever been convicted of a felony or a misdemeanor; whether he/she has ever been previously licensed as a driver or chauffeur and, if so, when and by what authority; whether his/her license has ever been revoked or suspended and, if so, for what cause; and the name of the prospective employer. Applications shall be retained as police department records.

c. No license shall be granted to any person:

i. Who is under 18 years of age.

ii. Who does not possess a valid Wisconsin state motor vehicle operator's license.

iii. Who has been convicted of any felony, misdemeanor or any other nontraffic offense the circumstances of which substantially relate to the circumstances of the vocation of a taxi driver.

iv. Who has been convicted of a traffic offense or traffic offenses which substantially relate to the circumstances of the vocation of a taxi driver and which indicate, for the preservation of public safety, that the applicant is unfit to drive a taxicab.

d. A taxi driver's license shall expire one year following its issuance. It may be renewed upon application to the chief of police or his/her designee on a form furnished by him/her entitled, "Application for Renewal of Taxi Driver's License," which shall show the full name and address of the applicant and date upon which his/her original license was granted and the number thereof.

e. Upon receiving payment of the license fee, the chief of police or his/her designee shall provide to each licensed taxi driver a license of such form and style as the chief of police or his/her designee may prescribe, with the license number thereof, which must, under penalty of revocation of the license, be constantly and conspicuously displayed in the taxicab when he/she is engaged in his/her employment. Each licensee shall affix to the face of the license, in the space provided, a photograph of himself/herself not less than 1½ inches square which shall provide an accurate likeness of his/her face.

f. The chief of police or his/her designee shall maintain a complete record of each license issued to a driver and of all renewals, suspensions, and revocations thereof, which shall be filed with the original application.

13. *Revocation of taxi driver's license.*

a. The chief of police or his/her designee shall revoke or refuse to renew the taxicab driver's license of any licensee:

i. Whose Wisconsin driver's license has been suspended or revoked.

ii. Who has been convicted of any felony, ordinance, misdemeanor, forfeiture, or any other nontraffic offense the circumstances of which substantially relate to the circumstances of the vocation of a taxi driver.

iii. Who has been convicted of a traffic offense or traffic offenses which substantially relate to the circumstances of the vocation of a taxi driver and which indicate, for the preservation of public safety, that the applicant is unfit to drive a taxicab.

b. Written notice of such revocation or refusal to renew shall be given the licensee. Any person whose license has been revoked or renewal refused by the chief of police or his/her designee may, within ten days thereof, appeal to the city council for a hearing; and the council may, after the hearing, affirm or reverse the action of the chief of police or his/her designee. If no appeal is taken within ten days, the action of the chief of police or his/her designee shall be final.

c. The chief of police or his/her designee shall repossess each license which is revoked.

14. *Transfer of drivers.* A taxi driver may not transfer from one taxicab licensee to another licensee until such transfer has been recorded in writing with the chief of police or his/her designee.

15. *Rates of fare.*

a. Every person licensed to operate one or more taxicabs under subsections (2) through (6) shall file with the city clerk a schedule of proposed fees. Within 20 days from such filing, the council shall either approve or disapprove of such rates. If the proposed rates shall be disapproved, the council shall hold a hearing within ten days from the date of such disapproval. Notice of the time, place and purpose of such hearing shall be given by publication of such notice in any newspaper having a paid circulation published in the city. The city council on such hearing shall hear all interested parties and thereafter fix rates which shall be consistent with public necessity and welfare.

b. If the city council neither approves nor disapproves the proposed rates within the time limited, the licensee shall operate under the rates proposed and the council shall not for a period of six months from such filing date change or alter the rates as filed.

c. The city council may, except as above provided, inquire into rates and fix and adjust such rates at any time, providing the council shall first hold a

hearing and advertise and give notice of the time, place and purpose of such hearing by publication of a notice at least twice.

d. The owner or driver of any taxicab shall not charge any passenger a higher or lower rate of fare than that authorized by the council.

(Code 1992, § 9.06; Ord. No. 976-996, § 2, 9-3-96; Ord. No. 978-996, § 1, 9-3-96; Ord. No. 1009-998, §§ 1—3, 9-1-98; Ord. No. 1016-699, § 1, 6-1-99; Ord. No. 1061-0301, § 1, 3-20-01; Ord. No. 1155-1105, § 1, 11-15-05; Ord. No. 1270-0112, § 4, 1-3-12; Ord. No. 1270-0112, § 5, 1-3-12; Ord. No. 1270-0112, § 6, 1-3-12)

State Law reference— Authority, § 349.24, Wis. Stats

9.065 - Shuttle services.
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(1)

License required. No person shall for remuneration transport passengers in a vehicle from a point in the city to destination points outside the city without first having obtained a license for such purpose from the city. This section covers taxicabs, limousines, shuttle buses, or other vehicles transporting persons for renumeration, except charter buses.

(2)

Application for license.

(a)

Application to operate a shuttle service between a point in the city and a destination point outside of the city shall be made in writing to the city clerk-treasurer giving the name and address of the applicant, the name and location of the shuttle business, the place from which passengers will be picked up in the city, and the place in which passengers from outside the city shall disembark in the city. In addition, the application must also state, for each vehicle to be operated in such shuttle business, the make, model and year of manufacture, the vehicle identification number, capacity for passengers, Wisconsin state certificate of title number and license plate number.

(b)

The applicant shall further furnish to the city clerk-treasurer evidence that the applicant and all other drivers of vehicles to be used in such business possess such vehicle operator licenses as are required by the State of Wisconsin to operate the vehicles used in such a shuttle service.

(c)

The application shall be submitted by the clerk-treasurer to the common council, which will set a date for a public hearing before the council to examine the public convenience and necessity of granting such license. The clerk-treasurer shall notify the applicant in writing of the time and place set for hearing.

(d)

No license shall be granted until the city council, by resolution, has determined that the public convenience and necessity will be served by the service proposed in the application for license. The council may hold such further hearings and procure such additional information as it may deem necessary or advisable in making such determination.

(3)

License fee. The license fee shall be in an annual amount set by the common council, or any fractional part thereof, for the first vehicle operated and in an annual amount set by the common council, or any fractional part thereof, for each additional vehicle operated by the licensee. The license year shall commence July 1 and end June 30. If less than six months remain on the license year, the license fee for the first vehicle shall be reduced by one-half.

(4)

Insurance. No license shall be issued for any vehicle used in such shuttle service until the applicant has complied with the insurance requirements set forth in section 9.06(5) of the City Code.

Inspection. No license shall be issued for any vehicle used in such shuttle service until the applicant has complied with the inspection requirements set forth in section 9.06 of the City Code.

(5)

Transfer of licenses. A license for a vehicle used in such shuttle serve shall be transferrable only with the written consent of the city council. Formal application to the city council shall be made, stating the names of the persons involved in the transfer and containing all information required by section (2) above. The city council shall approve or disapprove such transfer, except that no license shall be issued until the applicant for transfer has complied with all of the provisions of section (4) above in all respects and shall have, in addition, paid over to the clerk a transfer fee in an amount set by the common council.

(6)

Renewal; revocation. Renewal of licenses for vehicles used in such shuttle service and revocation of such licenses shall be as provided in sections 9.06(9) and (10) of the City Code.

(7)

Condition of vehicles. The licensee shall keep each vehicle used in such shuttle service in a clean and sanitary condition, well painted and equipped and maintained as required by ch. 347, Wis. Stats.

(8)

Rates of fare. Every person licensed to operate one or more vehicles in a shuttle service under this section shall comply with the requirements of rates of fare set forth in section 9.06(15) of the City Code.