

RECOMMENDED BY: TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

SUBMITTED BY: ACTING CITY ATTORNEY

ORDINANCE NO. 14-5

**AN ORDINANCE TO AMEND TITLE 12 "LICENSING AND REGULATION,"
CHAPTER 16, "TAXIS AND VEHICLES FOR HIRE", AS AMENDED, OF THE
GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980.**

BE IT ORDAINED by the Council of the City of Birmingham that:

SECTION 1.

Title 12 "Licensing And Regulation," Chapter 16, "Taxis And Vehicles For Hire", as amended, of the General Code of the City Of Birmingham, 1980, is hereby amended to read as follows:

**"ARTICLE A
"GENERAL PROVISIONS**

"Section 12-16-1 Definitions.

"Unless otherwise expressly provided, the following words for the purpose of this chapter shall have the meanings herein indicated:

"Accessible vehicle: A minivan, van or bus that meets the requirements of the Americans with Disabilities Act ("ADA") and equipped with the following:

- (1) a lift mechanism capable of lifting a passenger in a wheelchair from street level into the vehicle or a ramp with a slope that is suitable for a wheelchair passenger to enter the vehicle safely,
- (2) headroom of sufficient capacity to accommodate wheelchair passengers comfortably, and,
- (3) wheelchair tie-downs, but shall not include transportation of passengers in a recumbent position or on stretchers or beds.

"Airport shuttle service: Transportation provided exclusively to or from the Birmingham Shuttlesworth International Airport by a minivan, van or minibus at flat rate per person fare. A vehicle operating under a "CPNC" issued by the Council to provide airport shuttle service is prohibited from providing any other service defined herein.

"Automobile: A passenger car, minivan, sports utility vehicle (SUV) or station wagon designed to

seat between five and nine persons.

"Bus: A passenger vehicle designed to seat over 16 persons.

"Business: single act of transporting a passenger or passengers for hire.

"Business licenses: The licenses required of any business to operate within the City by the license codes of the City.

"Call or demand: Transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but shall not be limited to, the hailing of a taxicab, airport shuttle service vehicle, or courtesy vehicle or any other oral request for service from such vehicles made from a public street location, airport terminal roadway or public vehicular area as the pickup. No public service vehicle, other than a taxicab, airport shuttle service vehicle or courtesy car shall be operated on call or demand.

"Certificate of public necessity and convenience (also referred to as "CPNC"): The authorization granted by the Council permitting an entity, person, company or corporation to operate one vehicle as a public service vehicle upon the streets of the City, which authorization shall be limited to one of the types of service defined hereinabove and which may also be limited as to the type of vehicle.

"Chauffeur: A person employed to transport others by operating a vehicle for hire.

"City: When referring to an entity, shall mean the City of Birmingham, Alabama, and, when referring to a geographic location, shall mean the City of Birmingham, Alabama, and the police jurisdiction thereof.

"City Center: Formal boundaries as established by the City Center Master Plan

"City Council or Council: The Council of the City of Birmingham

"Cruising: Driving on, over or along city streets and around businesses soliciting passengers for hire or parking for the purpose of soliciting fares.

"Courtesy vehicle service: Any vehicle used for public transportation which is not for hire which is owned or leased and operated for the purpose of transporting customers, clients, guests or any passengers in aid of or in connection with the permit holder's business situated in the State of Alabama. Such services shall be incidental and complimentary to the permit holder's primary business endeavor. A vehicle providing courtesy vehicle service is prohibited from charging a fee for any transportation provided and is prohibited from providing any other service defined herein.

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

"Executive sedan service: A sedan-type, luxury automobile or SUV, such as a Cadillac, Lincoln, Lexus, Mercedes, Chevrolet Suburban, or Ford Expedition, or like vehicle with a passenger

seating capacity not in excess of eight persons including the driver operating by pre-arrangement and furnished with a chauffeur. A vehicle operating under a "CPNC" issued by the Council to operate as an executive sedan service is prohibited from providing any other service defined herein.

"Franchise bus service: All forms of buses which are operated under franchise, agreement, or contract with or from the city and are generally associated with or developed for mass surface transportation of the public. A Franchise bus service does not require a "CPNC".

"High Flagging: The use of a taxi to transport passengers without engaging the taxi meter.

"Hired Auto: A specialty limousine carrying a maximum of 5 individuals plus driver/chauffer, which is owned by a person or entity other than the business using it which otherwise meets the insurance and safety requirements as set out herein. A company utilizing a hired auto for passenger pick-ups within the corporate limits of the City must first notify the Birmingham Police Department twenty-four (24) hours prior to such use.

"Jitney service: A public service vehicle for hire which is a van, minibus or bus, not equipped with a taximeter, and which is driven or operated upon a fixed route or between fixed termini approved by the Council with a per passenger rate but which term does not include franchise buses or school buses. A vehicle operating under a "CPNC" issued by the Council to operate as a jitney service is prohibited from accepting or discharging passengers at any location other than locations on its approved fixed route and is prohibited from providing any other service defined herein.

"Limousine: A motor vehicle furnishing transportation for hire in the city, not over fixed routes, operated by a chauffeur on a prearranged basis which meets the manufacturer's specifications for luxury limousine, with a minimum of six (6) seats located behind the operator of the vehicle, with a designed seating capacity for no more than fourteen (14) passengers, and with a door at the rear of the vehicle designed to allow passenger entry or exit. Provided, however, the classification "limousine" shall not apply to any motor vehicle which is classified as a taxicab, executive sedan or shuttle vehicle as herein defined and is used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; and, provided, that each vehicle under such agreement will have the same distinctive visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity or operated as a bus under a franchise granted by the city.

"Limousine service: A public service vehicle for hire, furnished with a driver, which is not a van, minibus or bus, not equipped with a taximeter, which is engaged by prearrangement based on a fee determined by increments of time, and not driven or operated in regard to any fixed route nor in regard to definite termini. A vehicle operating under a "CPNC" issued by the Council to operate as a limousine service is prohibited from: cruising, (ii) operating on call or demand, and (iii) providing any other service defined herein.

"Limousine Luxury Bus Service: A public service vehicle for hire, furnished with a driver and

which is a bus seating 16 or more persons, not equipped with a taximeter, which is engaged by pre-arrangement based on a per person passenger fee, and not driven or operated in regard to any fixed route nor in regard to definite termini. A vehicle operating under a "CPNC" issued by the Council to operate as a limousine luxury bus service is prohibited from (i) cruising, (ii) operating on call or demand, and (iii) providing any other service defined herein.

"Long Hauling: The practice of a for-hire-transportation driver, taking a route other than the most direct or efficient route, in order to charge the customer a higher amount.

"Non- Emergency Medical Transport Service: A public service vehicle for hire:

- (1) which is engaged by prearrangement,
- (2) which is a van, minivan or bus or is an accessible vehicle, and
- (3) which provides non-emergency transportation service to ambulatory or wheelchair passengers to and from medical appointments.

"Non-Profit or Not for Profit Vehicle: A public service vehicle which is provided as a free service and which is available for use by the general public.

"Medical transport service includes services provided under the Alabama Medicaid Non-Emergency Transportation Program (NET) wherein vouchers are issued for the payment of these transportation services. A vehicle operating under a CPNC issued by the Council to operate as a medical transport service is prohibited from:

- (1) providing emergency medical transportation,
- (2) transporting passengers in a recumbent or prone position,
- (3) making intra-hospital facility transfers,
- (4) cruising,
- (5) operating on call or demand, or
- (6) providing any other service defined herein.

"Nonprofit Vehicles: Any vehicle owned or leased by a nonprofit or not-for-profit operating within the city.

"Operate: The picking up and/or dropping off of a passenger for hire within the city.

"Operator's Permit: A permit issued by the Chief of Police or his designee for the operation of a vehicle for hire by an applicant therefore.

"Owner: A person owning or operating one (1) or more vehicles for hire and driving or causing any such vehicle to be driven upon the public streets for hire.

"Passenger: A person other than the driver who is an occupant of a vehicle for hire. For the purpose of this chapter, any occupant of a vehicle for hire other than the driver shall be presumed to be for hire.

"Pedicab service: A bicycle that has three or more wheels that transports, or is capable of transporting, passengers on seats attached to the bicycle that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration; or a bicycle with a singular unarticulated frame, that pulls a device that transports, or is capable of transporting, passengers on seats attached to a passenger cab or similar device, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.

"Person and/or applicant: An individual, partnership, firm, association, corporation or any other legal entity.

"Prearranged: Transportation has been arranged or reserved via telephone, facsimile or computer before the vehicle for hire begins to render the transportation service and any service ancillary to the transportation such as loading baggage.

"Public service vehicle: Any motor vehicle for hire, furnished with a driver, which is made available to the public for the purpose of carrying passengers, including but not limited to all of the services defined by this section except "franchise bus service" and "school bus service" and also including courtesy car service as defined herein. For the purpose of this chapter, a public service vehicle shall include a pedicab as defined herein.

"School bus service: A bus operated solely for the purpose of transporting school children to and from school and other school-related functions and which is regulated by the Alabama Board of Education by or under contract with the Birmingham Board of Education. School bus service does not require a "CPNC".

"Sedan: Any vehicle which has a seating capacity for the driver and not more than five (5) passengers.

"Shuttle service: A business of offering or providing transportation for hire by a shuttle vehicle when:

- (1) The driver is furnished as part of the service; and
- (2) The service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route.

"Shuttle vehicle: A van-type motor vehicle that has a manufacturer's seating capacity of not less than seven (7) passengers and not more than fifteen (15) passengers and is used for the transportation of persons from a location within the city to another location either inside or outside the city. Provided, however, the classification "shuttle vehicle" shall not apply to any motor vehicle which is:

- (1) Classified as a limousine, executive sedan or taxicab as herein defined.
- (2) Used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; provided, that each vehicle under such agreement will have the same distinctive

visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity.

- (3) Operated as a bus under a franchise granted by the city.

"Specialty limousine: An antique or special interest vehicle which is maintained in excellent condition." Antique vehicle" shall mean a vehicle that is 25 years old or older and recognized by the Antique Automobile Club of America. "Special interest vehicle" shall mean a vehicle that, due to limited production, outstanding design, unique character, and/or technical achievement, is of special interest, such as a Rolls Royce, Bentley or Excalibur Phaeton. A specialty limousine shall carry a maximum of five (5) passengers plus driver/chauffeur. The determination of whether a vehicle qualifies as an antique, classic or special interest vehicle shall be made by the City.

"Stand, closed: A place alongside the curb of a street or elsewhere in the city which has been designated by the city as reserved exclusively for the use of taxicabs of a particular holder of a certificate of public convenience and necessity.

"Stand, open: A public place alongside the curb of a street or elsewhere in the city which has been designated by the city as reserved exclusively for the use of taxicabs.

"Street Legal: A vehicle that meets the requirements, safety standards, and any other measure of roadworthiness required of any typical motor vehicle used in normal day to day transportation upon public or private streets, roadways, or other thoroughfares

"Stretch luxury limousine: A custom-designed, extended-body type automobile, SUV, or pick-up truck which is luxurious in its appointments and accommodations, which has had its frame and body extended a minimum of 60 inches by conversion, and which is designed for a minimum seating capacity of (5) persons behind the driver.

"Stretch luxury or specialty limousine service: A stretch luxury or specialty limousine:

- (1) which is driven by a uniformed chauffeur,
- (2) which is engaged by pre-arrangement the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged, and
- (3) which is not driven or operated in regard to any fixed route or in regard to definite termini.

"A vehicle operating under a "CPNC" issued by the Council to operate as a stretch luxury or specialty limousine service is prohibited from: (i) cruising, (ii) operating on call or demand, and (iii) providing any other service defined herein.

"Suburban jitney service: A jitney service, as defined herein, which receives passengers outside of the city for discharge within the city, or receives passengers within the city for discharge outside the city, but which does not receive passengers within the city for discharge within the city. A vehicle operating under a "CPNC" issued by the Council to operate as a

suburban jitney service is prohibited from accepting or discharging passengers at any location other than the locations on its approved fixed route and is prohibited from providing any other service defined herein.

"Taxicab service: A public service automobile or accessible vehicle for hire equipped with a taximeter which is not operated or driven in regard to any fixed route or in regard to definite termini. Taxicab service is allowed to engage in cruising and may be operated on call or demand.

"Taxicab: A motor vehicle not operated over a fixed route furnishing transportation for hire within the city to passengers from points of origin to destinations as directed by the passengers. Provided, however, the classification "taxicab" shall not apply to any motor vehicle which is:

- (1) Classified as a limousine, executive sedan or shuttle vehicle as herein defined.
- (2) Used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; provided, that each vehicle under such agreement will have the same distinctive visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity.
- (3) Operated as a bus under a franchise granted by the city.

"Taximeter: A device that automatically calculates, at a predetermined rate or rates, and displays the charge for hire of a vehicle.

"Taxi Stand: A reserved area where waiting taxicabs are parked.

"Terminal: The fixed base of operations from which the applicant proposes to conduct his vehicle for hire business.

"Uniformed Chauffeur: A driver of a stretch luxury or specialty limousine who shall wear a uniform or a dark blue or black business suit, or tuxedo, and a solid white or colored shirt.

"Vehicle for hire (VFH): Any motor vehicle, animal-drawn vehicle, pedicab or other vehicle designed or used for the transportation of passengers for hire, the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged. The following are excluded from the definition of vehicle for hire under this chapter:

- (1) Limousines or any other vehicle owned solely by a funeral home and used for the performance of funeral services. However, if the limousine or other vehicle owned by a funeral home is used for other transportation-for-hire purposes for which a fee is charged, a CPNC is required.
- (2) Ambulance and other medical transport service vehicles
- (3) Vehicles provided by an employer or an employee association for use in transporting employees back and forth between the employees' homes and to the employers' place of business, with employees reimbursing the employer or employee association in an amount

calculated to offset the reasonable expenses of operating the vehicle.

- (4) Vehicles owned and operated for the purpose of transporting the driver and/or others on a prearranged basis between their homes and places of employment or places of common destination and only charging a fee calculated to reasonably cover expenses (i.e. carpool, vanpool, etc.).
- (5) Vehicles owned and operated by a person, corporation, or other entity under contract with the city for the purpose of providing a transportation service for the general public.
- (6) Vehicles owned and operated by hotels/motels which provide free transportation service to guests. However, vehicles operated by hotels/motels which provide transportation services for a fee are not excluded.

"Section 12-16-2 Vehicle Permitting Requirements.

Taxicabs shall be designated for single use only. A vehicle permitted as a taxicab shall not be used as a shuttle, non-emergency medical transport, limousine, or as an executive sedan. A vehicle permitted as a shuttle, non-emergency medical transport, limousine, or executive sedan shall not be used as a taxicab.

"Section 12-16-3 Vehicle requirements.

Every vehicle classified as a vehicle for hire under this chapter shall be kept clean, sanitary, fit, and of good appearance, and in a safe condition for the transportation of passengers and shall conform to the standards as set out in 12-16-6 herein. Additionally, Vehicles for Hire must have an operational GPS (Global Positioning System) and two-way radio or cellular telephone in the vehicle while in operation.

"Section 12-16-4 Display of information on body of vehicles.

"A. Taxicabs and shuttle vehicles

- (1) The color scheme for taxicabs shall be the same as that proposed in the application for a CPNC's. All taxicabs owned or operated by a person licensed/permitted under this chapter shall have a uniform color scheme.
- (2) No CPNC holder or driver shall operate or cause to be operated any taxicab within the City unless it is equipped with a stool light that is illuminated when the taxicab is vacant and available for hire. The stool light shall be controlled by the taximeter. When the taximeter is in the recording position, the stool light shall be off, and when the taximeter is not recording, the stool light shall be on and shall illuminate a "vacant" sign contained thereon.
- (3) Each taxicab shall bear on each side, in painted letters not less than two and one-half (2 1/2) inches in height, the name of the owner or the trade name under which the owner does business. Whenever the name of the owner or the trade name under which the owner does business does not include any one (1) of the words "taxicab," "taxi," or "cab," then the word "Taxicab" shall be painted on each side of the taxicab immediately beneath the owner's name or trade name. A serial body number assigned by the owner to each taxicab shall be painted on each side

and on the rear of the taxicab. All the foregoing mandatory lettering, wording and figures shall be of such color as will contrast distinctly with the color of the body of the taxicab.

- (4) Posted inside each taxicab or shuttle vehicle on front passenger side dashboard immediately visible to a passenger shall be the following:
- (5) The card issued to each taxicab or shuttle by the Revenue Division of the Finance Department in accordance with section 12-16-16 bearing the words "certified taxicab or shuttle."
- (6) The schedule of rates and charges.
- (7) The company's telephone number.
- (8) The driver's license
- (9) The driver's health and welfare certificate
- (10) Each taxicab and shuttle shall have affixed to the rear windshield on the left (drivers) side a valid CPNC sticker issued by the Chief of Police or his designee showing the vehicle's CPNC number, VIN#, and the date of inspection.
- (11) Each taxicab shall be equipped with a taximeter conforming to the provisions of section 12-16-7.
- (12) It shall be unlawful for any person to transport or offer to transport passengers for hire in any taxicab or shuttle vehicle which does not have affixed to the lower-right-rear bumper a valid inspection sticker issued by the Chief of Police or his designee showing the vehicle's CPNC number, VIN#, and the date of inspection.
- (13) Shuttle vehicles shall display not more than two signs, logos or other emblems, not to exceed 400 square inches each, which identify the person or organization making available the service and the persons to whom the service is made available. No additional signage or advertising is permitted.
- (14) No vehicle shall be equipped with shades, curtains, or any other vision-obstructing device, excepting antique vehicles where originally equipt.
- (15) Animal-drawn vehicles for hire shall each be identified with the name of the owner, operator or trade name and number of each vehicle with lettering of at least two inches in height and numerals of at least three inches in height prominently displayed on each side or the rear of each vehicle.
- (16) In the event a public service vehicle is removed from service for any reason, all body information as described by paragraphs (2) and (3) of this section shall immediately be removed from such vehicle.

"B. Limousines and Executive Sedans.

- (1) It shall be unlawful for any person to transport or offer to transport any passenger or passengers for hire in any limousine or executive sedan which does not have affixed to the lower right-rear bumper a valid inspection sticker issued by the Chief of Police or his designee showing the vehicle's CPNC number, VIN#, and the date of its then most-recent inspection.
- (2) No limousine or executive sedan shall be approved for service if it bears any advertising or other writing or emblem on the outside, except for license plates and inspection stickers.
- (3) Each limousine and executive sedan shall have affixed to the upper right corner of

the front windshield a then-current yearly insurance sticker.

"All Public Service Vehicles shall be designated for single use only. A vehicle permitted as a taxicab shall not be used as a shuttle vehicle or as a limousine or executive sedan. A vehicle permitted as a shuttle vehicle shall not be used as a taxicab or as a limousine or executive sedan. A vehicle permitted as a limousine shall not be used as a taxicab or as an executive sedan or shuttle vehicle.

"Section 12-16-5 Vehicle insurance.

"A. Every vehicle classified as a vehicle for hire under this chapter and operated within the city limits or police jurisdiction thereof shall be required to carry and maintain in effect a single limit policy of insurance issued by a company duly authorized to conduct business in the State of Alabama, by the provisions of which insurance policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the vehicles for hire referred to in such application; provided, that the minimum amount for which liability shall be assumed for injury to or death of one or more persons and for which liability shall be assumed for injury to or destruction of property in any one accident shall be:

- (1) Taxis, Pedicabs, Specialty Limousines and Horse Drawn Carriages: five hundred thousand (\$500,000) dollars. The applicant is required to have insurance coverage in the minimum amount of five hundred thousand (\$500,000) dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured.
- (2) All other vehicles for hire: one million (\$1,000,000) dollars. The applicant is required to have insurance coverage in the minimum amount of one million (\$1,000,000) dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured.

"B. No permit required by this chapter or business license shall be granted to any person to operate any vehicle for hire upon the streets or elsewhere in the city or its police jurisdiction until such person shall have first filed in person with the City Clerk a current and valid copy of the certificate of the insurance requirements stated in paragraph A hereinabove, issued to such person by a public liability insurance company authorized to do business in the state, and excepting Specialty Limousines operated as Hired Autos, must denote the VIN# for each individual vehicle covered by the policy. In addition, each VIN# listed must correspond to the VIN# attached to each CPNC held by the business owner.

"C. Specialty Limousine services may operate vehicles leased, hired, rented, or borrowed from private owners as Hired Autos under commercial Hired Auto Liability insurance coverage, provided that:

1. The vehicle is owned by, and possesses a current and valid vehicle registration

to, a person or entity other than the business, its owner(s), employees, partners (if a partnership), members (if a limited liability company), or members of their households,

2. The vehicle maintains a valid CPNC and complies with all requirements of this Chapter, including but not limited to the inspection requirements set forth in section 12-16-6,
3. The business owner shall have first filed in person with the City Clerk a copy of the vehicle registration and a current and valid certificate of commercial Hired Auto Liability coverage, listing the business as the Insured, and with a liability limit greater than or equal to the minimum limits of liability prescribed for Specialty Limousines in paragraph A hereinabove,
4. All vehicles owned by, or registered to, the business or its owner(s), partners (if a partnership), or members (if a limited liability company) in operation and requiring a CPNC under this Chapter are scheduled by VIN# on a commercial automobile single limit policy of insurance meeting the requirements prescribed by paragraph A hereinabove.

CPNCs issued to Specialty Limousine services for vehicles operated as Hired Autos shall be valid only while the vehicle is operated by the business named as the Insured in item (3) hereinabove and covered by Hired Auto Liability insurance, and may not be operated for hire within the City by any other person or business at any time.

- D. The insurance coverage required by this section shall at all times be maintained for the full amount. The certificate of each policy or policies of insurance required by this section to be filed with the City Clerk shall contain a clause obligating the company issuing the same to give not less than thirty (30) days' written notice to the City Clerk's office before cancellation thereof. Notice of cancellation shall not relieve the company issuing such policy or policies of liability insurance for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the effect of suspending the permit of such person to operate vehicles for hire or business covered thereby until a new policy or policies complying with the provisions of this section is filed with the City Clerk. If any such policy shall be allowed to lapse such that the insurance held does not meet the requirements set forth by this code the CPNC's associated with said policy shall be revoked.

"Section 12-16-6 Vehicle inspection.

"Each vehicle for hire shall be inspected during the month of the expiration of the then-current inspection sticker issued by the Chief of Police or his designee.

"A. General Provisions

"The Chief of Police or his designee may conduct random inspections of vehicles for hire at any time.

- (1) A mechanic at the city garage will complete all random mechanical inspections at the city's expense. For Specialty Limousines, the mechanic may inspect visible components, but may not remove or disassemble components without the consent of the Owner. Owners or operators of Specialty Limousines may be present for inspection.
- (2) Any law enforcement officer can perform non-mechanical inspections to ensure compliance.

"If a vehicle for hire fails to pass the requirements of an inspection, the Chief of Police or his designee shall issue the driver a correction slip, giving the driver fifteen (15) days within which to correct all listed deficiencies. In such event, the Chief of Police or his designee shall forward to the CPNC holder a copy of the correction slip. If such deficiencies shall not have been corrected and if an inspection certificate shall not have been issued within such fifteen-day period, then such vehicle shall not be used thereafter as a vehicle for hire until a new inspection certificate shall have been issued.

"The issuance of a city business license to the owner of such vehicles by the Revenue Division of the Finance Department shall be conditioned upon the receipt by the Chief of Police or his designee of inspection certificate as well as positive inspection by Chief of Police or his designee, receipt of the insurance policies on said vehicles by the City Clerk's office, and granting of CPNC's by the Council.

"All vehicles for hire shall be inspected annually for proper markings and display information. All vehicles excepting those classified by this chapter as Specialty Limousines must have a sticker or plate, installed by the manufacturer that designates the seating capacity of the vehicle.

"B. Inspection Requirements, Vehicles other than Specialty Limousines

"A certificate from a technician that is ASE (Automotive Service Excellence) certified or from a licensed garage which has been certified by a Federal Motor Carrier Safety Administration (FMCSA) approved facility stating that the vehicle has been inspected and meets the requirements set forth in this chapter shall be issued to the owner of the vehicle for presentation to the City when applying for a city business license.

"Each vehicle for hire shall be inspected annually for proper markings and display of information and to ensure equipment is properly installed and functioning. Such annual inspections must be conducted by:

- (a) A technician that is ASE certified,
or
- (b) A mechanic certified to meet the FMCSA Inspector qualifications of 49 C.F.R. §396.19, or
- (c) A qualified garage or mechanic licensed to do business in the corporate limits of the City or its police jurisdiction, based on the following criteria:

1. The vehicle meets or exceeds all applicable standards set forth by the FMCSA in 49 C.F.R. Chapter III Subchapter B Appendix G.
2. The vehicle interior shall be in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. The seats shall be kept clean and without holes or large wear spots. The rear view mirror, horn, seat belts (front and back), steering wheel, foot brakes and air conditioning and heating systems where installed shall be inspected to ascertain that each is functioning properly. The dashboard, upholstery, floor mats, head lining, door panels and the trunk compartment shall be inspected to determine whether they are clean, free of debris, free of tears, and that the trunk has sufficient space (within reason) for passengers' luggage. The vehicle shall contain a spare tire, a jack, a functional means of communication for limousines, executive sedans, shuttles, jitneys and taxicabs.
3. Exterior headlights, taillights, brake lights, directional signal lights, side mirrors, license plate lights, windshield, vent glasses, windshield wipers, all other vehicle glass, glass window raisers, doors and door locks, trunk lid, trunk, hood, door handles, exhaust system, splash shields, hubcaps, bumpers, fenders, motor vehicle frame, and tires shall be inspected to ascertain that each is intact and functioning properly. The exterior of each vehicle shall be maintained in a clean condition. There shall be no tears or rust holes in the vehicle body. The paint shall not be peeling or in a faded condition. No loose pieces such as fenders, bumpers or trim shall be hanging from the vehicle body. There shall be no unrepaired body damage or any condition which would create a safety problem or interfere with the operation of the vehicle.

"C. Inspection Requirements, Vehicles classified as Specialty Limousines

" A certificate from:

- (a) A technician with a current ASE certificate in at least one ASE certification area A1 through A9,
or
- (b) A technician meeting the FMCSA Inspector qualifications of 49 C.F.R. §396.19,
or
- (c) The owner or operator or his employee, provided that he holds a current ASE certificate in at least one ASE certification area A1 through A9, or meets the FMCSA Inspector qualifications of 49 C.F.R. §396.19, stating that the vehicle has been inspected and meets the requirements set forth in this chapter shall be issued to the owner of the vehicle for presentation to the City when applying for a city business license. Additionally, each Specialty Limousine for hire shall be inspected annually by an inspector meeting the above listed qualifications, based on the following criteria:

1. The vehicle meets or exceeds all applicable standards established by

Appendix "SL" of this chapter.

2. The vehicle interior shall be in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. The seats shall be kept clean and without holes or large wear spots. The dashboard, upholstery, floor coverings, head lining, door panels and the trunk compartment shall be inspected to determine whether they are clean, free of debris, and in good condition. The vehicle shall contain a readily accessible UL approved fire extinguisher in operable condition at all times. If originally equipped, the vehicle shall contain a spare tire in good condition and a serviceable jack.
3. Exterior headlights, taillights, brake lights, directional signal lights (where originally installed), windshield, windshield wipers, all other vehicle glass, doors, trunk lid, trunk, hood, door handles, exhaust system, splash shields, hubcaps, bumpers, fenders, motor vehicle frame, and tires shall be inspected to ascertain that each is intact and functioning properly. The exterior of each vehicle including tires shall be maintained in a clean condition. There shall be no tears or rust holes in the vehicle body. The paint shall be in good condition. No loose pieces such as fenders, bumpers or trim shall be hanging from the vehicle body. There shall be no unrepaired body damage or any condition which would create a safety problem or interfere with the operation of the vehicle.

"Section 12-16-7 Taximeters.

- (1) "It shall be unlawful to own, operate or cause to be operated, any taxicab upon the streets or thoroughfares of the City, unless such taxicab is equipped with a taximeter that has been issued a Certificate of Conformance by the U.S. Department of Commerce, National Institute of Standards and Technology (NIST) and conforms to specifications and tolerances described in NIST Handbook 44.
- (2) All taxicabs operated under the authority of this chapter shall be equipped with taximeters that have adequate provision shall be made for affixing wire seals to the taximeter so that no adjustments, alterations or replacement affecting in any way the accuracy or indications of the device or the assembly can be made without mutilating the seal or seals. The sealing means shall be such that it is not necessary to disassemble or remove any part of the device or of the vehicle to apply or inspect the seals. Each taximeter shall have thereon a device to activate the meter and shall have a lighted display clearly denoting when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the device of such taximeter into a non-recording position at the termination of each trip. The taximeter shall be subject to inspection from time to time by the Chief of Police or his designee. Any officer of the Birmingham Police Department is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon such

taxicab shall be kept off the streets of the City until the taximeter is repaired and in the required working condition.

- (3) It shall be unlawful for any person to operate a taxicab upon which has been placed tires of a smaller size than those which were on the taxicab at the time the taximeter on the taxicab was last sealed, without first having the taxicab inspected or giving notice requesting such inspection as provided for in Section 12-16-6 at least thirty (30) days previous to such operation. The operational tire pressure recommended by the manufacturer shall be maintained.
- (4) Whenever a taximeter has been damaged, or repairs that might in any way affect the accuracy of its indications have been made, or any of the official security seals have been mutilated, such device shall not thereafter be used until it has been officially examined and re-approved by the Chief of Police or his designee or by a taximeter mechanic certified by a recognized taximeter company approved by the Chief of Police or his designee.

"Section 12-16-8 Rates of fare.

"A. Taxicab Rates: No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates as adjusted under paragraph C herein:

- (1) Three dollars (\$3.00) for the first one-fourth (1/4) mile or fraction thereof, and twenty-five cents (\$.25) for each additional one-eighth (1/8) mile or fraction thereof.
 - (a) There shall be a charge for waiting on the basis of twenty-four dollars (\$24.00) per hour, after the first five minutes.
 - (b) There will be no charge for any bag, suitcase or ordinary light traveling baggage weighing not more than fifty (50) pounds.
 - (c) Contract Rates: Any taxicab may transport packages not otherwise prohibited in this Section, or passengers at a prearranged flat rate mutually agreeable to all parties to the agreement.
 - (d) Credit Cards:
 - (i) Every Taxicab CPNC holder shall require its drivers to accept all major credit, debit, and charge cards (collectively "Credit Cards") as payment for services rendered and shall accept any and all risk of nonpayment. 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 owner's name and telephone number, the driver's taxi 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 (4) digits of the Credit Card's number.
 - (ii) Every taxicab 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.

- "B. Limousine and executive sedan rates: No owner or driver of a limousine or executive sedan shall charge a lesser sum for the use of a limousine or executive sedan than in accordance with the following rates:
- (1) Limousines, a minimum charge of fifty-five dollars (\$55.00) per hour, per vehicle. A limousine service may not charge fares based upon fractions of an hour except after the first hour of service.
 - (2) Shuttles, not to exceed fifty-five dollars (\$55.00) per hour, per vehicle. A shuttle service may not charge fares based upon fractions of an hour except after the first hour of service.
 - (3) Airport Shuttles to/from the Birmingham Shuttlesworth International Airport to points in and beyond the downtown Birmingham area, so long as such points are within the legal limits of the City and its jurisdiction, shall not charge more than twenty dollars (\$20.00) per person.
 - (4) Executive Sedans, a minimum charge of forty-five dollars per transfer (\$45.00) per vehicle. An Executive sedan may not charge fares based upon fractions of an hour except after the first hour of service.
 - (5) Jitneys, not to exceed the per passenger rate approved by Council for their respective routes.
- "C. The rates established in section 12-16-8A(1) above may be adjusted annually to reflect changes in the cost of regular, unleaded gasoline over the prior year, as follows;
- (1) For the year beginning January 2011 (the "base year"), the Chief of Police or his designee and the Director of Finance will review the cost of regular, unleaded gas during the preceding year by averaging the rack rate of regular, unleaded gasoline at a nearby distribution center on the last day of each month of that year (the "average price per month") and then averaging the twelve (12) average prices per month to determine an average price per year.
 - (2) For the year beginning January, 2012, (the "subject year") the Chief of Police or his designee and the Director of Finance will review the cost of regular, unleaded gas during the preceding year by averaging the rack rate of regular, unleaded gasoline at a nearby distribution center on the last day of each month of that year (the "average price per month") and then averaging the twelve (12) average prices per month to determine an average price per year.
 - (3) If the average price per year for the subject year is less than or equal to the average

price per year for the base year, the prices set out in section 12-16-8A(1) will not be adjusted for the subject year.

- (4) In calculating the adjustment for each subsequent subject year, the new base year will be the next year following the prior base year. By way of example, for the adjustment in January 2012, the base year will be 2010 and the subject year will be 2011.
- (5) The Chief of Police or his designee and Director of Finance will apply the formula in this paragraph C to determine whether to adjust the rates established in 12-16-8(a)(1) in January 2009 and each January thereafter.
- (6) If the average price per year for the subject year is greater than the average price per year for the base year, (the "price increase") the rates set out in section 12-16-8A(1) may be increased as follows:
 - (a) If the price increase is less than one dollar (\$1.00), the rate will increase by one cent (\$0.01) per one-sixth (1/6) mile;
 - (b) If the price increase is equal to or more than one dollar (\$1.00), and less than two dollars (\$2.00), the rate will increase by two cents (\$0.02) per one-sixth (1/6) mile;
 - (c) If the price increase is equal to or more than two dollars (\$2.00), and less than three dollars (\$3.00), the rate will increase by three cents (\$0.03) per one-sixth (1/6) mile;
 - (d) If the price increase is equal to or more than three dollars (\$3.00), and less than four dollars (\$4.00), the rate will increase by four cents (\$0.04) per one-sixth (1/6) mile;
- (7) The Chief of Police or his designee and the Director of Finance will apply this formula to determine whether to adjust the taxicab rates set out in Section 12-16-8A(1). In so doing they may exercise their discretion to avoid inequitable results. They will notify the Mayor and City Clerk of their determination and the date on which it will become effective, which shall be no later than March 1.

"D. Permit Holder to Report Schedule of Rates: Each Permit Holder operating a Public Service Vehicle for hire under this chapter shall file with the Chief of Police or his designee a schedule of rates to be charged; however, such rates shall not exceed the maximum rates allowed by this Section. Such rates shall not be changed without five (5) days written notice to the Chief of Police or his designee.

"Section 12-16-9 - CPNC's Required for Business License.

Courtesy shuttles need not obtain a Business License in order to obtain CPNC's. For vehicles characterized as "For Hire," CPNC's must be acquired before a Business License will be applied for and issued. The Revenue Division of the Finance Department shall obtain documentation from the Birmingham Police Department to insure compliance prior to the issuance of a Business

License.

"Section 12-16-10 Required.

It shall be unlawful for any owner of any vehicle for hire to operate or to permit the same to be operated on the streets of the City until a valid CPNC and a business license have been obtained therefore, as the case may be, as herein provided.

"Section 12-16-11 Application for CPNC.

"A. Every person or company who desires a CPNC's shall, prior to obtaining a business license from the Revenue Division of the Finance Department, pay a filing fee of one hundred dollars (\$100.00) and make a written application for a CPNC to the Council upon forms to be furnished by the Birmingham Police Department verified under oath stating:

- (1) The name and address of the applicant, specifying, in the case of any unincorporated association, partnership, firm or limited liability company, the names and addresses of each member thereof, and the quantum of interest of each member; and, in the case of any corporation, the names and addresses of each stockholder, officer and director thereof with the number of shares of stock owned or held by each of them.
- (2) A complete statement by the applicant, specifying the amounts of all unpaid judgments against the applicant and each of the applicant's members, officers or directors, and the nature of the transaction or acts giving rise to the judgments and the name and location of the court in which, and the date on which, each was entered.
- (3) All offenses, including traffic violations, of which the applicant has been arrested or convicted during the previous five (5) years. For each conviction identified, the applicant shall also state the name and location of the court in which the conviction was rendered, the date of each such conviction, and the sentence or penalty imposed. For each arrest, the applicant shall also state the name and location of the agency (i.e., police department, sheriffs department, etc.) which made the arrest, the date of the arrest, and the outcome or status of the arrest or the resulting charge. Failure to properly identify all such arrests and convictions may result in denial of the application. If the applicant is an unincorporated association, partnership, firm, or limited liability company, then the applicant shall disclose arrests and convictions of all members and officers thereof. If the applicant is a corporation, then the applicant shall disclose arrests and convictions for all stockholders, officers, and directors thereof.
- (4) The location of any and all depots and terminals proposed to be used by the applicant.
- (5) The number of vehicles which the applicant wishes to operate.
- (6) A description of the insignia, trade name and proposed color scheme for each vehicle for hire. Any trade name for taxicabs must contain the word "taxicab," "taxi" or "cab."
- (7) Any other relevant information which the Revenue Division of the Finance

Department may require.

- (8) That the applicant is at least twenty-one (21) years of age.
- (9) That the applicant is a citizen of the United States or an alien admitted for permanent residence that has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
- (10) That the applicant has been a resident of the state and has been such for more than one (1) year immediately preceding the date of application.
- (11) That the applicant possesses and maintains a publicly listed telephone number.
- (12) That the applicant must submit a drug testing policy for employees.

"B. After the application has been completed, the applicant shall return the application to the Chief of Police or his designee. The Chief of Police or his designee shall review the application and the information provided therein, and shall report to the council any information pertinent to the application or applicant. The council shall not consider any application until such time as the Chief of Police or his designee has issued its report to the council.

"Section 12-16-12 Types Cost, and Number of CPNC."

"A. The types of CPNC and examples of vehicles used for each type of CPNC are as follows:

- (1) Taxicabs- typically four to eight passenger vehicles including but not limited to the Ford Crown Victoria, Chevrolet Impala, Dodge Charger or other similar vehicles up to and including minivans and SUV's including but not limited to Dodge Caravan or Chevrolet Suburban.
- (2) Limousines as constructed from vehicles including but not limited to Ford, Chrysler, Lincoln, Cadillac, and Lexus, but may include classic, or antique vehicles including but not limited to vehicles such as Rolls Royce, Bentley or Jaguar.
- (3) Executive Sedans - typically four to eight passengers including but not limited to Lincoln, Cadillac and Lexus, but may include Chevrolet Suburban and Ford Expedition.
- (4) Shuttles - typically seven to fifteen passengers including but not limited to Dodge Caravan, Chevrolet Astrovan, Ford E Series, and Chevrolet Express. Non-Emergency Medical transport vehicles - including but not limited to specially equipped Ford F250 or larger vehicles equipped for the non-emergency transport of medical patients.
- (5) Pedicabs - As defined in this Chapter.
- (6) Horse Drawn Carriage - As defined in this Chapter
- (7) Jitneys - vans, minibuses or buses with a seating capacity of not less than seven passengers, including the driver.
- (8) Non-Profit Vehicles - As defined in this chapter
- (9) Courtesy Vehicles - As defined in this chapter
- (10) Additional types of CPNC's may be established or designated by amendment of this Section.

"B. Number of CPNC's - The maximum number of taxicab CPNC's for vehicles operating

within the City is based on a review of the number of taxicabs operating in cities of similar size and cities with similar transportation issues as the City. Based on a review of the relevant information the total number of taxicab CPNC's which should be in effect (other than temporary CPNC's issued for special events) is 200. Therefore, the number of taxicab CPNC's will be capped unless the number of taxicab CPNC's falls below 200. A review shall be conducted by the council each January to determine the maximum number of CPNC's allowed in circulation for that year. No taxicab CPNC holder can own less than three (3) taxicab CPNC's. In such event that the CPNC holder does hold less than 3 CPNC's, the CPNC holder's business license and remaining CPNC's shall be revoked. No one taxi company shall be in possession of more than seventy percent (70%) of the City's total number of CPNC's issued. There is no limit imposed on any of the other categories of CPNC.

"C. "Taxicab CPNC Utilization - Each taxicab CPNC holder may be allowed to retain unused "CPNC's" in a number not to exceed 15% of the number of public service vehicles for which they have yearly permits, and which have current insurance and business licenses.

"D. "The cost of each CPNC is in addition to the cost of the Business License, and is as follows:

Executive Sedan	\$200.00 per CPNC
Horse Drawn Carriage	\$200.00 per CPNC
Jitney	\$200.00 per CPNC
Limousine and Specialty Limousine	\$200.00 per CPNC
Non-Emergency Medical Transport	\$200.00 per CPNC
Non-Profit or Not for Profit	\$ 10.00 per CPNC
Pedicab	\$200.00 per CPNC
Taxicab	\$200.00 per CPNC
Shuttle (Regular and Airport)	\$200.00 per CPNC

"Section 12-16-13 Finding of necessity required.

No CPNC's shall be granted until the Council shall have determined, by resolution, that the public convenience and necessity requires the proposed vehicle for hire service; provided, however, that no such finding shall be necessary for the issuance of a license to the holder of a license/permit(s) on the effective date of this Ordinance for the same number of vehicles for hire that such licensee has held previous to the date of adoption; provided further that such prior licensee/permittee shall not be exempt from all other and further provisions of this chapter or from the making of an application for a CPNC's as herein provided.

"Section 12-16-14 Issuance of CPNC.

If the Council determines that further vehicle for hire service is required by public necessity and convenience, and that the applicant is qualified and able to perform such service and to conform with the provisions of this chapter, then the council shall adopt a resolution that the public necessity and convenience require the proposed vehicle for hire service, and authorize

the Revenue Division of the Finance Department issue, upon payment of all required fees, a business license and at the same time, the Chief of Police or his designee to issue CPNC's for each vehicle, reflecting the expiration date and VIN# on each respective permit.

"Section 12-16-15 Factors for consideration in finding of necessity and convenience.

In making the findings of public necessity and convenience required by section 12-16-13, the Council shall take into consideration the type of CPNC requested, number of vehicles for hire already in operation in the City, whether existing transportation is adequate to meet the public need, the probable effect of additional vehicles for hire on local traffic conditions and the character, experience and responsibility of the applicant and the adequacy of the service which the applicant proposes to give.

"Section 12-16-16 Information prerequisite to CPNC issuance.

- "A. Each applicant for a CPNC under this chapter shall, before the issuance to him of a permit(s) under this section, file with the Revenue Division of the Finance Department:
- (1) A description of each motor vehicle to be operated by the applicant pursuant to the permit, including the make, model, passenger seating capacity, year of manufacture, state license number, the chassis and engine number, or Vehicle Identification Number (VIN) thereof, and the name and address of the owner.
 - (2) A certificate of insurance as stated in Section 12-16-5 of this chapter. The insurance policy and certificate shall provide that the City shall be given at least thirty (30) days prior notice of cancellation. Such policy shall not be canceled or suspended either by the insured or the insurer unless at least thirty (30) days' notice in writing of the intention to cancel or suspend policy has been filed with the City Clerk's Office, and upon such suspension or cancellation of insurance, the CPNC (s) of the insured shall be revoked if not made current and valid within the same time frame.
- "B. Failure to comply with subsection (a) hereof within sixty (60) days after the adoption of a resolution by the Council of public necessity and convenience as required by Section 12-16-13 shall be deemed to be abandonment of the application and the CPNC's in respect to the number of motor vehicles not so reported and not so insured pursuant to Section 12-16-12.

"Section 12-16-17 Renewal.

"Any CPNC (s) issued under this chapter may be renewed annually for additional periods of one (1) year each in December of each year upon the certification under oath that there have been no changes in the information submitted as required by Section 12-16-11, and upon the approval of the Revenue Division of the Finance Department pursuant to Section 12-16-14 except as to the finding by the Council of public necessity and convenience; provided, however, that no CPNC(s) shall be renewed thirty days following the December renewal deadline of the CPNC's without reapplying therefore as herein provided and a finding by the

Chief of Police or his designee justify the renewal of such CPNC(s). The cost for renewal shall be the same as set out in Section 12-1612 herein.

"With each renewal application for CPNC's, the following will be submitted: the current MVR, Criminal Background Records, and Health and Welfare status of drivers. Owners of CPNC's must at all times, maintain a current and complete list of all drivers and their MVR, Criminal Background Records, and Health and Welfare status on record in the office of the Chief of Police or his designee.

"Section 12-16-18 Nontransferable.

The CPNC(s) issued hereunder shall not, at any time, be transferable to any other vehicle or company without prior approval of the Council.

"Section 12-16-19 Procedure for additional permitted vehicles.

"Every licensed/permitted vehicle for hire company under this chapter who shall desire to add to the number of vehicles for hire he or she wishes to operate shall make a written application to the Council upon forms to be furnished by the Chief of Police or his designee, stating:

- (1) The name and address of the applicant.
- (2) A statement of whether any information furnished on the original application has changed, and if so, indicate the changes.
- (3) A description of each such additional vehicle, including the make, model, passenger seating capacity, year of manufacture, state license number, motor number or Vehicle Identification Number (VIN), and name and address of the owner.
- (4) Any other relevant information which the Revenue Division of the Finance Department may require.

"Section 12-16-20 Suspension or revocation.

"A. A CPNC issued under the provisions of this chapter may be revoked or suspended by the Council if the holder thereof has:

- (1) violated any of the provisions of this chapter;
- (2) Discontinued operations for more than sixty (60) days;
- (3) Violated any of the ordinances of the City or the laws of the United States or of the State of Alabama; or
- (4) In the event of recovery of any final judgment and termination of final appeal proceedings, if any, against the holder for damages on account of bodily injuries or death or for damage to property resulting from the ownership, maintenance or use of any vehicle for hire in the City and nonpayment thereof for a period of thirty (30) days thereafter; provided, however, that such permittee has been given a ten-day written notice in person or addressed and mailed to him at the address furnished on his application.

"B. Excepting specialty limousines, it shall be unlawful and cause for suspension or revocation of the applicable CPNC(s) to fail to operate a vehicle for hire for a period of over sixty (60) days; provided, however, a taxicab shall not be deemed to be out of operation for the purposes of this subsection for a period of sixty (60) days from the date such taxicab failed to be certified as herein provided by the Chief of Police or his designee or as provided in Section 12-16-12 (C).

"Section 12-16-21 Changes in license or permit information.

Any change in the information furnished in the application for a CPNC's pursuant to this chapter must be reported to the Revenue Division of the Finance Department in writing within ten (10) days of the change(s) in business license or permit information and failure to so report shall be cause for suspension or revocation of the license and CPNC's.

"Section 12-16-22 Limitation on operating area.

Neither the granting of a business license or permit(s) to operate a vehicle for hire under the terms of this chapter nor the exclusion from business license or permit requirements hereunder of certain vehicles described in subsection (2) of the definitions of "limousine," "executive sedan," "shuttle vehicle" and "taxicab" in Section 12-16-3 shall constitute a grant of authority, per se, to pick up and discharge passengers at the Birmingham Shuttlesworth International Airport, in that the privilege of engaging in such conduct by limousines, executive sedans, shuttle vehicles, taxicabs, courtesy cars or any other commercial suppliers of ground transportation shall be subject to such restrictions and license or permit fees as may be imposed by separate contracts entered into between the City and any such commercial suppliers of ground transportation to and from the Birmingham Shuttlesworth International Airport.

"Section 12-16 -23 Terminal.

Applicants for Certificates of Public Necessity and Convenience operating vehicles for hire must store and operate said vehicles from fixed locations that are properly zoned according to the City of Birmingham Zoning Ordinance. These terminals must contain sufficient on-site parking for said vehicles when not in use, and must also serve as the central dispatch location for said licensee/permittee. No licensee/permittee shall change his place of terminal without first obtaining the authorization of the Council.

"Section 12-16-24 Notification of sale of vehicle; removal of markings.

- (1) Every licensee/permittee upon the sale or other disposition of a permitted vehicle for hire shall within seventy two (72) hours notify the City Clerk of such sale or other disposition.
- (2) All identification markings shall be removed prior to delivery of a vehicle for hire upon sale or other disposition thereof.

"Section 12-16-25 Real Interstate Driver Equity Act of 2002.

All vehicle for hire drivers engaging in interstate transportation shall meet the federal guidelines as stated in the Real Interstate Driver Equity Act of 2002 (RIDE). Passenger vehicles for hire involved in intrastate or interstate transportation must comply with all applicable USDOT and ALDOT regulations.

"Section 12-16-26 Temporary CPNC's.

The Council may issue temporary CPNC(s) to qualified applicants for special events including but not limited to sporting events and conventions, and other special needs, subject to the following restrictions:

- (1) The temporary permit will be valid only for the time period of the event.
- (2) The vehicles shall be properly licensed, registered, inspected, and insured.
- (3) Operators of such permitted vehicles shall themselves possess a valid state driver's license.
- (4) For applicants not holding current CPNC's with the City, applications shall be made sixty days prior to the event
- (5) For companies that hold existing, valid, and current CPNC's, applications shall be made as soon as practicable.
- (6) A copy of such permit(s) shall be kept within the vehicle.

"Section 12-16-27 Vehicle Age Limitations.

No Vehicle for Hire, as defined in Section 12-16-1, with the exception of Specialty Limousines and Horse Drawn Carriages, can exceed a model year of more than 10 years prior to the calendar year in which the CPNC is sought. Transfer of the CPNC to a newer vehicle must be approved by the Chief of Police or his designee.

"Section 12-16-28 Required.

No person shall operate a vehicle for hire upon the streets of the City and no person who owns or controls a vehicle for hire shall permit it to be so driven and no CPNC's by the City shall be so driven at any time for hire, unless the driver of such vehicle for hire shall have first obtained and shall have then in force an Operator's Permit issued under the provisions of this chapter.

"Section 12-16 -29 Application and release.

- "A. An application and release form for an Operator's Permit shall be filed with the Chief of Police or his designee on forms provided by the City. Such form shall be verified under oath subject to the penalty of perjury, and shall contain the following information:
- (1) That the applicant is a citizen of the United States or an alien admitted for permanent residence that has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
 - (2) That the applicant is a resident of the state and has a current Alabama driver's license.

- (3) That the applicant is able to speak, read, and write the English language.
- (4) That the applicant is twenty-one (21) years of age or over.
- (5) That the applicant:
 - (a) Does not have a record of driving violations or a record of convictions or offenses involving the operation of motor vehicles within the past three (3) years, indicating an inability or unwillingness to safely operate a vehicle on the public streets;
 - (b) Has not, during the five-year period prior to the application been convicted for the violation of a criminal offense or placed on probation or parole, served time on a sentence for a criminal violation or forfeited a cash bond to appear in court to answer charges for a criminal offense;
 - (c) Has not been convicted of an offense involving illegal possession or sale of alcoholic beverages or narcotic drugs or other substances defined as "controlled substances" within the past five (5) years under the laws of the state;
 - (d) Does not have a record of more than two (2) at-fault traffic accidents within the three-year period preceding application with fault being determined by the Chief of Police or his designee from the applicant's required submission of accident reports generated as a result of those accidents.
 - (e) Has not been convicted of driving violations amounting to more than 12 or more points for a period of three (3) years prior to the date of application.

"B. Each application shall be accompanied by a set of the applicant's fingerprints, which fingerprints shall be taken by the Chief of Police or his designee.

"C. Each public service vehicle driver shall, initially and prior to the annual renewal of his public service vehicle driver's permit, have a physical and mental examination by a licensed physician, who shall certify whether such driver is physically and mentally qualified to safely operate a public service vehicle in accordance with standards established by Federal Motor Carrier Safety Regulation 49 C.F.R. §391.41-391.49. NRS 706.8842, NAC 706.5 19.

"D. Each applicant for an Operator's Permit shall pay an application fee of thirty dollars (\$30.00) to the Birmingham Police Department. In addition the applicant must submit a money order in the amount of twenty-five (\$25.00) dollars to cover the cost of processing for the required fingerprint card. In the event of the loss of the Operator's Permit there shall be a replacement fee of ten dollars (\$ 10.00). Each holder of Operator's Permit who applies to renew his or her permit shall pay a renewal fee of ten dollars (\$10.00) bi-annually.

"Section 12-16-30 Reserved.

"Section 12-16-31 - Investigation of applicant.

When applying for an Operator's Permit under Section 12-16-29 above, each applicant shall:

- (1) Submit physician's certificate with two copies, from a physician who is licensed to practice medicine in the State of Alabama (M.D. or D.O.). The physician shall issue the certificate if they find that a prospective driver meets health requirements established by Federal Motor Carrier Safety Regulation 49 C.F.R. §391.41-391.49. NRS 706.8842, NAC 706.5 19.
- (2) Provide, at the applicant's expense, a signed form requesting that a criminal history information record maintained by the Alabama Criminal Justice Information Center by the current procedures required by the Alabama Legislature and the Alabama Criminal Justice Information Center Commission from the State of Alabama Bureau of Investigation be provided to the Chief of Police or his designee along with a certified check or money order made payable to the Alabama Bureau of Investigation for the cost required by the State for such background check for the applicant, manager or any company official named in the application;
 - (a) Any applicant for an Operator's Permit who has, during the five-year period prior to the application, been convicted for the violation of a criminal offense or placed on probation or parole, served time on a sentence for a criminal violation or forfeited a cash bond to appear in court to answer charges for a criminal offense shall be ineligible for a Operator's Permit. For purposes of this paragraph, a "criminal offense" includes all felonies or misdemeanors of the City, state, or any other state or of the United States and further, includes violations of local alcoholic beverage laws. If at any time during the application process the applicant is charged with any criminal offense, consideration of the application shall be suspended until entry of a judgment on or dismissal of the charge.
 - (b) The applicant shall accompany the application and release form submitted to the Chief of Police or his designee with a certified cashier's check or money order payable to Treasury of the United States in an amount sufficient to obtain a comprehensive criminal background check. The Chief of Police or his designee will mail the completed application and payment to ACJIC.
 - (c) A referral letter from the vehicle for hire company currently licensed and permitted to operate in the City.
 - (d) (g) No taxi Operator's Permit will be issued to the applicant until the applicant has completed a taxi driver's training course, defensive driving course, and safety course approved by the Chief of Police or his designee. The cost of any approved taxi driver's training courses will be at the expense of the applicant.

"Section 12-16-32 Operator to Wear Uniform or Appropriate Clothing.

Every Driver of a Public Service Vehicle, while operating the same within the City, shall wear clothing subject to guidelines as outlined in this paragraph.

- (1) All clothing worn by Drivers shall be clean and sanitary, free of any rips or tears. Shirts shall be of a front button type (including "polo" shirts), and worn with all buttons buttoned except the top collar button, have sleeves and a full collar and shall be worn tucked inside trousers, provided however, if the bottom hem of the shirt is straight cut (even around the hem) the shirt may be worn outside the trousers as long as the hem

does not extend beyond the bottom edge of the trouser pocket. Trousers shall be worn to ankle length. Trousers shall be worn with the waist at the waist, no underwear showing. Shoes shall be worn and not be of a sandal or open toed type. Socks or hose shall be worn. Driver's with facial piercings shall not wear anything in such piercings provided that one earring may be worn in each ear provide the earring shall not exceed one inch measured in any direction.

- (2) A public service vehicle Operator's Permit shall be displayed by taxi drivers at all times while operating a Taxicab and by all other public service vehicle drivers, except limousine and executive sedan drivers. The badge shall be displayed and plainly visible at all times while the Driver is operating a public service vehicle, on the front passenger side dashboard. For limousine drivers and executive sedan drivers shall carry their public service vehicle Operator's Permit on their person at all times while operating the limousine or sedan.

"Section 12-16-33 Renewal.

Operator's Permits as provided in this chapter shall be issued yearly and shall be valid for a period of two (2) years from the date of issuance. Applications for renewal thereof shall be filed with the Chief of Police or his designee at least thirty (30) days prior to the expiration date of said permit(s). The cost and requirements for renewal are the same as set out in Section 12-16-29.

"Section 12-16-34 Nontransferable.

No Operator's Permit or CPNC shall be assigned or transferred to any other person.

"Section 12-16-35 Applicability.

The regulations in this article shall be observed in the operation and driving of every vehicle for hire upon the public streets of the City and its jurisdiction. It shall be unlawful for any person to violate the regulations in this article.

"Section 12-16-36 Fare to be standard.

No vehicle for hire owner or driver shall demand or suggest that any passenger or prospective passenger pay a fare in excess of that authorized.

"Section 12-16-37 Refusal to pay fare.

It shall be unlawful for a passenger to refuse to pay the agreed or established fare.

"Section 12-16-38 Drivers not to refuse service.

No vehicle for hire driver shall refuse or neglect to convey any orderly person upon request, unless previously engaged to full capacity or unless the transportation of such person shall

substantially delay or inconvenience vehicle for hire passengers who already have engaged his vehicle, or the driver determines the prospective passenger has no ability to pay or is under suspicious circumstances.

"Section 12-16-39 Number of passengers.

No vehicle for hire driver shall permit more persons to be carried in his vehicle than the suggested manufacturer's seating capacity.

"Section 12-16-40 Multiple passengers with multiple destinations.

If a vehicle for hire is carrying two (2) or more persons to different destinations, the driver shall be the sole judge of the order in which such persons shall be delivered to their destination, and the shortest possible route to all destinations shall be followed.

"Section 12-16-41 Stopping en route to add passengers.

No vehicle for hire driver shall stop to pick up any additional passengers while proceeding to the destination of any passengers then occupying the vehicle for hire without the consent of all such passengers.

"Section 12-16-42 Waiting time.

No passenger in a taxi service for hire shall be kept waiting longer than five (5) minutes before proceeding to his announced destination.

"Section 12-16-43 Only taxis to be allowed in taxi stands.

It shall be unlawful to occupy or park any vehicle except a taxicab duly permitted hereunder in a space established as a taxi stand as provided herein.

"Section 12-16-44 Cruising.

No vehicle for hire driver shall cruise in search of passengers.

"Section 12-16-45 Preferences and soliciting of business.

- (1) It shall be unlawful for any person to seek or solicit a passenger or passengers for any vehicle for hire, whether or not the vehicle is identified as a taxicab, at, in or near any passenger depot, hotel, airport, bus stop or station, or upon any sidewalk or street or any other place in the City except for within the boundaries of the City Center, Five Points South, Lakeview Commercial Revitalization District, and other areas as may be designated by the Council.
- (2) It shall be unlawful for any person to call out "taxicab," "limousine," "auto for hire," "carriage," "bus," "baggage," "hotel," or any other words or gestures that could be

construed as soliciting a passenger for hire outside of the City Center or Lakeview Commercial Revitalization District..

- (3) It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of taxicabs available for hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any taxi. The provisions of this section shall not be construed to prohibit the owner of business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.
- (4) Transportation companies seeking the installation, construction, placement, or otherwise of a taxi stand must submit a request to REV and the Department of Traffic Engineering Department and receive approval of the Council.

"Section 12-16-46 Parking or standing on public street.

No vehicle for hire operated and permitted pursuant to this chapter shall park or stand on any public street or place other than a taxi stand, no parking zone, limited time parking zones, and passenger loading zones for the purpose of soliciting or accepting passengers. It shall be unlawful for any for-hire-vehicle to stop in driving lanes, even momentarily, to load or unload passengers.

"Section 12-16-47 Out-of-city vehicles.

Vehicles for hire having no City business license or CPNC and whose place of business is not in the City may bring passengers into the City but may not pick up any passenger for any destination or accept any business within the City.

"Section 12-16-48 Cleanliness and safety of vehicle.

It shall be the duty of every person operating a vehicle for hire to keep and maintain any such vehicle at all times in accordance with section 12-16-6. The interior shall be thoroughly sprayed or wiped at least once during each twenty-four-hour period with a liquid disinfectant of adequate strength and efficiency so that every portion of surface of the interior of the vehicle shall be covered or come in contact with such disinfecting fluid.

"Section 12-16-49 Lost property.

Taxicab drivers must conduct a search of the interior of their taxicabs at the termination of each trip. If the driver discovers any property of a passenger, the driver shall immediately report the property discovered to his employer and, as soon as practicable, deliver the property to their employer. The employer shall, when able, make every reasonable effort to notify passenger of recovery of lost property. The employer shall also maintain property in his possession in a secured location for a minimum of 30 days. A sign reflecting this policy shall be placed in each vehicle for hire.

"Section 12-16-50 Penalties for Violation of these Provisions.

the individual company or individual involved. In addition to the forfeiture of CPNC's the following fines or penalties are hereby established for violation of these Sections:

(1)	Driving with an expired CPNC	\$500.00
(2)	No or expired Operator's Permit	\$500.00
(3)	Operation without Business License or CPNC	\$500.00
4)	Transportation of biohazardous, medical, or otherwise hazardous material	\$500.00
(5)	Violation of 12-16-45 (Soliciting Business)	\$500.00
(6)	Failure to have inspection certificate for vehicle	\$250.00
(7)	Operator failing to comply with clothing requirements	\$200.00
(8)	Operator failing to keep Taxicab clean or serviceable	\$200.00
(9)	No or improper signage on vehicle for Hire	\$200.00
(10)	Operator sleeping in vehicle for hire	\$50.00
(11)	High Flagging	\$50.00
(12)	No or inoperable Taxi Light or Taximeter light	\$50.00
(13)	Failure to display Operator's Permit	\$50.00
(14)	Failure to keep/maintain Trip Log	\$50.00
(15)	Driver operating a commercial motor vehicle with passenger capacity of 16 passengers or more operating without a CDL/P endorsement	\$500.00

Additionally, any public service vehicle requiring a CPNC whose CPNC has been revoked by the City Council of the City of Birmingham, or who operates without first applying for and receiving a CPNC, and who operates or continues to operate within the Birmingham city limits is subject to being impounded by the Birmingham Police Department until such time as the owner/operator of said vehicle comes into compliance with this Ordinance.

"Section 12-16-51 Possession and display of driver's license, health and welfare certificate, and Operator's Permit.

No person shall drive a vehicle for hire upon the streets of the City unless he has in his immediate possession, on the front passenger dashboard in a manner in which it is clearly visible and can be readily observed by all passengers, a valid Alabama driver's license, current health and welfare certificate, and current Operator's Permit issued to him.

"Section 12-16-52 Driver's behavior.

No driver of a vehicle for hire shall be impolite, discourteous, use vulgar, profane or obscene language, or use controlled substances (drugs) or drink intoxicating beverages while on duty.

"Section 12-16-53 Drivers not to sleep in vehicles.

No driver shall sleep or doze in any vehicle for hire in any public place in the City.

"Section 12-16-54 Trip log.

Each driver shall keep a written record of all trips which shall be retained by the licensee/permittee of each vehicle for hire for at least one year, showing the vehicle registration certificate number, driver's permit number, name of driver, time on duty (a.m.-p.m.), time off duty (a.m.-p.m.), date, amount of fare collected, the time and place each passenger engaged such vehicle for hire and the time and place he left such vehicle for hire. Drivers who are able to maintain and preserve the above information in an electronic format are exempt from having to maintain "written trip logs."

"Section 12-16-55 No trailers.

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

"Section 12-16-56 Customer inspection of vehicle for hire.

Limousine and Executive sedan vehicles for hire shall be made available for customer viewing and inspection prior to the trip event.

"Section 12-16-57 Reserved.

"Section 12-16-58 Direct route.

A driver of any taxi for hire shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger. Long hauling shall be unlawful.

"Section 12-16-59 Discrimination.

No vehicle for hire driver shall refuse to accept a passenger solely on the basis of age, race, color, national origin, religious belief, sex, sexual orientation or physical disability.

"Section 12-16-60 Driving practices.

It shall be unlawful for a vehicle for hire driver:

- (1) to operate his vehicle in a manner which threatens the life, health, and safety of the passenger or the public, or threatens damage or destruction of property; or,
- (2) to discharge any passenger before reaching the passenger's destination unless the driver has reasonable belief that the passenger is dangerous or unless street conditions do not permit a safe discharge.

"Section 12-16-61 Televisions or DVD Players in vehicles for hire.

No television or DVD player visible to the driver of a vehicle for hire may be operated in a moving vehicle.

"Section 12-16-62 Receipts.

The driver of any vehicle for hire shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, on which shall be the name of the company, the vehicle registration certificate number, name and permit number of the driver, trip origin and destination, amount of charges and date of transaction.

"Section 12-16-63 Smoking.

It shall be unlawful for the driver of any vehicle for hire operated upon the streets of the City to smoke or allow any other person to smoke in such vehicle.

"Section 12-16-64 Radio.

It shall be unlawful for the driver of any vehicle for hire operated upon the streets of the City to play a radio, or any other form of music player if objected to by a passenger.

"12-16-65 Prohibition Against Transport of Hazardous Materials or Medical Specimens.

Vehicles for Hire are for the transportation of the public and shall not be used to transport hazardous materials, medical specimens or any biohazardous material of any kind. Violations of this section will result in revocation of the CPNC.

"12-16-66 Severability Clause.

All provisions, terms and conditions of this Ordinance/Code, to include Articles A, B, C, D and E shall be deemed to be severable in nature. If, for any reason, the provisions contained herein are held to be to any extent invalid or contrary to the Constitution of the State of Alabama or any statute or applicable law, then to the extent that such provisions are, or shall be, valid and enforceable under applicable law, then this Ordinance/Code shall be construed and interpreted to provide for maximum enforceability under applicable law.

"12-16-67 Effective Date.

All provisions, terms and conditions of this Ordinance/Code, to include Articles A, B, C, D and E shall be effective as of January 1, 2013.

"Sections 12-16-67 through 12-16-100 reserved

"ARTICLE B

"BUSES

"Section 12-16-101 Terminals for interurban buses and suburban jitneys.

No operator of an interurban bus or suburban jitney shall receive or discharge any passenger within the corporate limits of the City otherwise than at a fixed-route-stop or terminal, approved by Traffic and Engineering, provided for the receipt and discharge of passengers outside of any street or alley of the City.

"Section 12-16-102 Where buses to stop for loading and unloading.

It shall be the duty of drivers of franchise buses, when stopping for the purposes of receiving or discharging passengers at intersections to stop at the right-hand curb line at such intersection; except, that where there has been established and marked a bus loading zone, it shall be the duty of such drivers to stop adjacent to such bus loading zone for the receipt or discharge of passengers therein.

"Section 12-16-103 Doors of buses to be kept closed.

It shall be the duty of operators of buses operated for hire to keep the doors of such buses closed at all times while in motion and at all other times when not actually engaged in the reception or discharge of passengers and when the driver is not absent from such bus in the performance of some duty enjoined by law or actual necessity.

"Section 12-16-104 Receiving or discharging passengers in closed-door zone

- (1) It shall be unlawful for any operator or driver of any suburban jitney to receive or discharge any passengers within the zone of the City bounded on the north by Eighth Avenue North; on the east by Twenty-sixth Street; on the south by Second Avenue South; and on the west by Fourteenth Street, called the 'closed-door zone,' except at a terminal specified in the applicable permit or as set out in subsection (b) of this section.
- (2) The operator or driver of any suburban jitney may receive or discharge passengers in specified curb-loading zones inbound and outbound on Eighteenth Street at Morris Avenue.

"Section 12-16-105 Time limit in bus stands.

It shall be unlawful for any person in charge or control of any person in charge or control of any suburban jitney to permit or allow such jitney to occupy any lawfully established bus stand for a longer aggregate time than 15 minutes in any period of 1 hour.

"Section 12-16-106 Receiving or discharging passengers to points within City.

It shall be unlawful for any operator or driver of any suburban jitney to receive at such terminal or elsewhere within the City any passenger for a destination within the City or to discharge within the City any passenger received within the City.

"Sections 12-16-107 through 12-16-120 reserved.

"ARTICLE C

"RENTAL VEHICLES

"Section 12-16-121 Renting motor vehicles to minor.

It shall be unlawful for any person to rent a motor vehicle to any minor on any plan by which the service or use of such motor vehicle is allowed such minor and no driver is furnished, without the written consent of the parent or guardian of such minor.

"Section 12-16-122 Tampering or interfering with speedometer.

When any motor vehicle has been rented to any person for hire, it shall be unlawful for that person or for any other person to remove or attempt to remove, or tamper with or attempt to tamper with, or in any way interfere with the speedometer or other mechanical device attached to such motor vehicle for the purpose of registering the distance such motor vehicle travels.

"Section 12-16-123 False Impersonation or representations.

It shall be unlawful for any person, in making application to rent a motor vehicle, to make any false impersonation of another, or to make any false or fraudulent statement or representation in writing, or to subscribe his name or the name of another to any false or fraudulent statement or representation

"Section 12-16-124 Failure to pay hire.

When any person has rented a motor vehicle for hire, it shall be unlawful for such person to fail or refuse to pay the lawful charges for the hire of such motor vehicle immediately upon the termination of the hire of such motor vehicle, unless a later time of payment be mutually agreed upon prior to the renting of such motor vehicle.

"Section 12-16-125 Abandonment or failure to redeliver.

When any person has rented a motor vehicle under a contract to redeliver such motor vehicle to the person from whom it was rented, it shall be unlawful for the person to whom such motor vehicle was rented to abandon or willfully refuse or neglect to redeliver the motor vehicle to the person from whom it was rented, without the consent of the person from whom such motor vehicle was rented.

"Section 12-16-126 Permitting others to drive rented car.

It shall be unlawful for any person to whom a motor vehicle has been rented to permit any other

person to operate or drive such motor vehicle without first securing the consent of the person from whom such motor vehicle was rented.

Sections 12-16-127 through 12-16-140 reserved.

**"ARTICLE D
"Horse-Drawn Carriages**

"Section 12-16-141 Health of the animal.

"No animal shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

- (1) The animal must be at least 30 months old.
- (2) The animal must weigh at least 900 pounds.
- (3) The animal has no open sores or wounds, is not lame nor has any other ailment. Any animal found to have an ailment shall not be used without the approval of a veterinarian licensed in the State of Alabama.
- (4) The hoofs of the animal must be properly shod and trimmed.
- (5) The animal must be groomed daily and not have fungus, dandruff or a poor or dirty coat.
- (6) The animal must have adequate flesh and muscle tones and ribs showing must be no deeper than one-fourth inch.
- (7) The animal must be no more than six (6) months pregnant.
- (8) A certified copy of a current veterinary health certificate shall be filed with the Chief of Police or his designee annually. The certificate shall state that a veterinarian licensed in the State of Alabama has given the animal a complete physical examination, including a coggings test, and declares that the results of the Coggings test were negative and that the animal is fit for carriage service.

"Section 12-16-142 Animal working conditions.

"No animal shall be worked under any of the following conditions, and any owner or operator who permits or allows these conditions to exist shall be in violation of this section:

- (1) No animal or combination of animals shall pull any combined weight; including carriage, passenger(s) and driver in excess of two (2) times the animal(s) body weight.
- (2) The animal shall work no more than 10 hours in any 24-hour period and shall have at least one (1) 20-minute or two (2) 10-minute rest breaks per hour during the shift.
- (3) The animal pulling a carriage shall be moved at a speed faster than a slow trot.
- (4) The animal shall work no more than 50 hours in any seven-day period and shall not work more than five (5) consecutive days.
- (5) The animal shall not be worked with equipment causing an impairment of vision other than normal blinders.
- (6) The animal shall not be subject to any condition or treatment which will impair the good

health and physical condition of the animal.

- (7) Harnesses must be properly fitted and maintained, kept free of wire or other harmful devices and be oiled and cleaned so as to be soft at all times.
- (8) All bits shall be smooth and shall not cut the animal's mouth.
- (9) No driver shall whip an animal with more than a light touch by a light whip.
- (10) No animal shall be worked without proper fitting shoes on each properly trimmed hoof. Should an animal throw a shoe during the shift, the driver shall remove any nails from the hoof immediately. If such hoof has grown up at least one-fourth inch from the quick, the animal may complete the shift provided that the animal shall be reshod prior to the next shift; otherwise the animal shall not be worked.
- (11) A dequate water shall be provided in the stables at all times and in the working areas as often as needed, as climate and working conditions require.

"Section 12-16-143 Vehicle specifications.

"Animal-drawn vehicles which are for hire shall conform to the following specifications:

- (1) The wheelbase shall be equal to or less than 14 feet.
- (2) The total overall length of vehicle shall be equal to or less than 28 feet.
- (3) The maximum overall width of vehicle shall be equal to or less than 78 inches.
- (4) The tires shall be rubber or other resilient material. Metal tires shall be prohibited.
- (5) The vehicle right turn radii shall not be greater than 12 feet for the right rear wheel and 24 feet for the left front wheel.
- (6) The vehicle shall be drawn by no more than two (2) animals.
- (7) Carriages must be properly lubricated and wheels must spin freely.

Section 12-16-144 Diapers.

All animals shall be equipped with diapers which are properly fitted and constructed of sturdy material to ensure comfort to the animal and complete waste disposal. Failure to comply with the provisions of this section shall be grounds for suspension or revocation of the public service vehicle permit.

"Section 12-16-145 Drivers of animal-drawn vehicles.

Drivers of animal-drawn vehicles must have a working knowledge and general experience involving horses and animal-drawn vehicles.

"Section 12-16-146 Animal-drawn vehicle operating specifications.

Animal-drawn vehicles shall adhere to the following operating specifications during the hours of operations:

- (1) Vehicles shall travel in the curb lane except when passing parked vehicles or other obstructions which prevent use of the curb lane.

- (2) Vehicles shall not travel on streets with grades equal to or greater than 10 percent without approval of the director of traffic engineering.
- (3) Vehicles shall not stop within the roadway other than at designated loading and unloading areas except when necessary to avoid conflict with other traffic or in compliance with the directions of the police or a traffic control sign or signal.
- (4) Vehicles shall observe all applicable rules of the road.

"Section 12-16-147 Insurance requirements.

Any animal-drawn vehicle company operating under this chapter shall execute an agreement holding the City, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this chapter shall be considered to make the City, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any animal-drawn vehicle company, its servants, agents, drivers or other employees, during the operation by the company of the animal-drawn vehicle business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

In addition to the insurance requirements under Sec 12-16-5 of this chapter, each animal-drawn vehicle insurance policy shall include the City as a named insured.

"Sections 12-16-148 through 12-16-160 reserved.

"ARTICLE E

"PEDICAB SERVICES

"Section 12-16-161 Application and Licensing Process.

- (1) Any person or business desiring to obtain a CPNC (CPNC) to operate a Pedicab service shall follow the guidelines established in 12-16-11 of this chapter.
- (2) Any person desiring to drive a Pedicab vehicle shall follow the guidelines established in Sec 12-16-29 of this chapter.

"Section 12-16-162 Business License, Annual Permit and Financial Responsibility.

- (1) No Pedicab service vehicle shall operate upon the streets of the City unless a business license for the then current license year shall have first been issued by the Director of Finance. The Director of Finance shall not issue such license until and unless the applicant has been granted current, valid CPNC(s) and filed insurance as required by this chapter.
- (2) No Pedicab service vehicle shall operate upon the streets of the City unless a yearly permit and decal for such calendar year shall have first been authorized by the Chief of Police or his designee. Each permit and decal is valid only for the Pedicab vehicle for

which it is issued.

- (3) The Chief of Police or his designee shall not authorize the issuance of such annual permit and decal until and unless the application hereinafter required shall have been submitted along with the latest safety and soundness inspection report, proof of insurance and all other reports required by this chapter.

"Section 12-16-163 Pedicab Passenger Services.

- (1) Each Pedicab Service CPNC Holder shall file with the Chief of Police or his designee a schedule of rates to be charged. Such schedule of rates shall not be changed without five (5) days' written notice having been given to the Chief of Police or his designee.
- (2) Every Pedicab vehicle shall have permanently affixed to the outside thereof, in a place readily seen by passengers, a frame covered with clear plastic, or similar material, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such Pedicab. The Pedicab companys name and telephone number shall be listed on the rate sheet.
- (3) If requested by the passenger, the Pedicab driver shall provide a legible receipt, containing the name of owner, the listing of all charges, the date, and total amount paid.
- (4) Service Refusal:
 - (a) Every CPNC holder under this chapter shall accept for transportation any orderly person requesting exclusive service anywhere in the approved Pedicab service area.
 - (b) Provided, however, that the licensee/permittee or its driver has the right to request a passenger to pay an estimated fare prior to transporting the passenger. If prepayment is refused the licensee/permittee or its drivers may refuse service.
 - (c) It shall be unlawful to refuse any person transportation in an unoccupied Pedicab to any place of destination within the approved Pedicab service area, unless such Pedicab is on its way to pick up a passenger or otherwise out of service or unless the person to be served uses profane or abusive language in attempting to contract for service.

"Section 12-16-164 Pedicabs and Equipment Requirements.

Every Pedicab vehicle providing service in the City shall:

- (a) Be maintained to assure that it is mechanically dependable, clean, and safe.
- (b) Have a battery-operated headlight capable of projecting a beam of white light for a distance of 300 feet. The headlight shall be permanently affixed to the Pedicab. Such lights may be removable and recharged.
- (c) Have taillights permanently affixed on the right and the left at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the Pedicab. Such light may be removable and recharged.
- (d) Have turn signal indicators.
- (e) Provide a seat belt for every passenger.
- (f) Be designed and manufactured so every passenger may enter and exit without crossing any interior barriers.

- (g) Have the name of the Pedicab company and its telephone number posted on both sides of the Pedicab vehicle in letters of a contrasting color and not less than two inches (2") height.

"Section 12-16-165 General Operation.

- (1) All Pedicabs shall operate according to the provisions in this chapter, the applicable provisions of the Birmingham city code and Alabama state laws governing the operation of bicycles, and all other applicable state and federal laws and regulations. No Pedicab shall be operated in weather conditions that pose an unreasonable safety risk to the drivers or passengers of the Pedicab, or to other motorists or pedestrians. No Pedicab shall be operated during a Level 3 Ozone Alert declared by the Jefferson County Health Department for the City.
- (2) Every Pedicab operating under this Chapter must be inspected by an authorized bicycle repair facility recognized by the manufacturer of the bicycle being used as a pedicab or at an authorized bicycle repair facility approved by the Chief of Police or his designee, at such intervals as may be established by the Chief of Police or his designee, but no less than once annually, to insure the continued maintenance of safe operating conditions. Such Pedicabs shall be maintained in working order and good repair. Maintenance and repair records for each Pedicab shall be retained for at least one year after such maintenance and repair has been completed, and such records shall be made available to the City upon request.
- (3) For the purposes of immediately loading or unloading passengers, a Pedicab may remain standing upon a street if the Pedicab is in any legal parking stall or space, designated loading zone or any other location that does not impede pedestrian or vehicular traffic. Otherwise, a Pedicab may not be left parked or standing in specifically designated spaces, such as those for taxis, buses, handicapped drivers, and the like. The Department of Traffic Engineering may set forth specific additional locations where Pedicabs are allowed to park or stand. No Pedicab, while in operation for the solicitation or transportation of passengers, shall be left unattended by the Pedicab driver for a period of more than fifteen (15) minutes at a time unless parked in one of those specific locations identified by the Department of Traffic Engineering.
- (4) Pedicab owners shall maintain an operational log for each Pedicab owned and operated under that owner's CPNC permit. The operational log shall list the dates and times of the operation of each Pedicab, as well as the name of any Pedicab driver operating the Pedicab during those dates and time.
- (5) It shall be unlawful for any Pedicab owner, driver or operator to drive or operate a Pedicab, or allow a Pedicab to be driven or operated, on the following streets or highways:

University Boulevard; First Avenue North; Tallapoosa Street; East Lake Boulevard; U.S. Highway 280;; U.S. Highway 11; U.S. Highway 31; U.S. Highway 78 (Crestwood Blvd.); any one-way street; and any other street with a speed limit greater than 30 mph.

A Pedicab operator or driver may cross a prohibited street or highway for the purpose of accessing an approved street or highway.

- (6) The Chief of Police or his designee, in conjunction with the Department of Traffic

Engineering, may propose other times of operation and locations where Pedicabs may not be driven and operated within the City. Any such rules or restrictions shall be adopted by Council ordinance to be effective.

- (7) Pedicab drivers shall abide by the appearance and conduct standards for public service vehicles as outlined in Article B, Division 7 of this chapter, except for the clothing requirement. Pedicab owners shall submit, for the Chief of Police or his designee's approval, a suggested clothing or uniform scheme for their drivers.

"Section 12-16-166 Insurance requirements and hold harmless agreement.

- (1) Any Pedicab company operating under this chapter shall maintain the insurance requirements for public service vehicles as outlined under *12-16-5* of this chapter, and each Pedicab company insurance policy shall include the City as a named insured.
- (2) Any Pedicab company operating under this chapter shall execute an agreement holding the City, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this chapter shall be considered to make the City, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any Pedicab company, its servants, agents, drivers or other employees, during the operation by the company of the Pedicab business or service, either in respect to injury to persons or with respect to damage to property which may be sustained."

SECTION 2. That the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses phrases, or parts are held to be unconstitutional or void, the remainder shall continue in full force and effect.

SECTION 3. That this Ordinance shall become effective upon publication as required by statute.

Adopted by the Council January 14, 2014 and Approved by the Mayor January 21, 2014



A CERTIFIED COPY
Lee Frazer, City Clerk
Birmingham, Al

A handwritten signature in black ink, appearing to read "Lee Frazer".