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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 10-4-11)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to vehicles for hire; amending Chapter 31 of the Code

Ordinance No. 11-77

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez and Co-Sponsor Commissioner Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

Date: October 4, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance amending Chapter 31 of the Code relating to vehicles for hire

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The proposed ordinance provides temporary relief measures to vehicle age limitations for wheelchair accessible taxicabs (WAC) by extending the vehicle replacement age by one (1) year. The ordinance also amends vehicle age limitations for luxury, stretch, and super-stretch limousines by allowing them to be placed into service at three (3) years in 2011 and 2012. The proposed ordinance will not have a fiscal impact to the County.

Office of the Mayor

Fis5311

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 4, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
10-4-11

ORDINANCE NO. 11-77

ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT ACCESSIBLE TAXICABS SCHEDULED TO BE RETIRED ON DECEMBER 31, 2011 SHALL BE ALLOWED TO BE OPERATED FOR AN ADDITIONAL ONE-YEAR PERIOD; AMENDING VEHICLE AGE REQUIREMENTS FOR LUXURY LIMOUSINES, STRETCH LIMOUSINES AND SUPER-STRETCH LIMOUSINES TO PROVIDE THAT NO SUCH VEHICLE INITIALLY PLACED INTO SERVICE DURING 2011 OR 2012 SHALL BE OLDER THAN THREE MODEL YEARS OF AGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 31 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

CHAPTER 31

VEHICLES FOR HIRE

ARTICLE II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES

Sec. 31-82. For-hire licenses.

* * *

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.

(1) The director, by administrative decision, may require that at least fifty (50) percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to Sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.

(2) Licenses to be operated using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is ten thousand dollars ($10,000.00) less than the amounts stated in Section 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or five thousand dollars ($5,000.00), whichever amount is greater, payable in full within one hundred twenty (120) days after each lottery.

(3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.

(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab. >>Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31, 2011 shall be allowed to be operated for an additional one-year period.<<

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Section 2. Section 31-609 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-609. Vehicle Standards.

* * *

(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as follows; provided however, that the CSD may inspect a for-hire vehicle at any time:

(1) Luxury limousine sedans. No luxury limousine sedan initially placed into service shall be older than two (2) model years of age. No luxury limousine sedan that exceeds five (5) model years of age shall be inspected or operated.

(2) Stretch limousines. No stretch limousine initially placed into service shall be older than two (2) model years of age. No stretch limousine that exceeds five (5) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of forty-two (42) inches may be operated beyond five (5) model years as long as the vehicle meets the inspection requirements of the Code.

(3) Super-stretch limousines. No super-stretch limousine initially placed into service shall be older than two (2) model years of age. No super-stretch limousine that exceeds seven (7) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of one hundred twenty (120) inches may be operated beyond seven (7) model years as long as the vehicle meets the inspection requirements of the Code.

(4) The limousine vehicle age requirements will be effective one year after adoption of this article. >>Notwithstanding the vehicle age limits required by Section 31-609(b)(1), (2) and (3) of the Code, no luxury limousine sedan, stretch limousine or super-stretch limousine initially placed into service during 2011 or 2012 shall be older than three (3) model years of age.<<

(5) Ancient, antique, or collectible limousines are exempt from the vehicle age requirements of this article.

(6) Limousines shall minimally meet the following inspection schedule:

(i) Limousines one (1) through two (2) model years of age shall be inspected annually;

(ii) Limousines three (3) through four (4) model years of age shall be inspected semi-annually;

(iii) Limousines five (5) model years of age or more shall be inspected quarterly; provided, however, that ancient or antique limousines shall be inspected semi-annually.

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: October 4, 2011

Approved by County Attorney as to form and legal sufficiency: DAC

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Chairman Joe A. Martinez
Co-Sponsor: Commissioner Jean Monestime