

11-0-1684

(Do Not Write Above This Line)
 AN ORDINANCE BY C. J. Martin
 COUNCILMEMBER

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, DIVISION 2, SECTION 162-61, (ENTITLED NUMBER LIMITED COSTS), SO AS TO INCREASE THE PERMISSIBLE AGE OF A VEHICLE THAT MAY BE OPERATED AS A TAXICAB IN THE CITY FROM EIGHT TO NINE, EFFECTIVE JANUARY 1, 2012; TO REMOVE LANGUAGE CONTAINED IN SECTION 162-61 MADE SUPERFLUOUS BY SAID INCREASE IN THE PERMISSIBLE AGE OF A VEHICLE THAT MAY BE OPERATED AS A TAXICAB IN THE CITY; AND FOR OTHER PURPOSES.

APPROVED BY:

COUNCILMEMBER

ADOPTED BY

NOV 21 2011

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 11/7/11
 Referred To: Public Safety

Date Referred
 Referred To:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Public Safety & Legal Affairs
11/13/11
Chair
Action

Fav, Adv, Hold (see rev. side)
ON SUBSTITUTE

Members

5 years, 1 substitute, Bond
Members
Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
 Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
 NOV 21 2011

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
 NOV 21 2011

Rachel Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE
 BY OPERATION OF LAW



11-O-1684

**AN ORDINANCE BY COUNCILMEMBER C.T. MARTIN
AS SUBSTITUTED BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, DIVISION 2, SECTION 162-61, (ENTITLED NUMBER LIMITED; COSTS), SO AS TO TEMPORARILY INCREASE THE PERMISSIBLE AGE OF A VEHICLE THAT MAY BE OPERATED AS A TAXICAB IN THE CITY FROM EIGHT TO NINE, EFFECTIVE JANUARY 1, 2012; TO REMOVE LANGUAGE CONTAINED IN SECTION 162-61 MADE SUPERFLUOUS THEREBY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Vehicles for Hire; and

WHEREAS, City of Atlanta Code of Ordinances § 162-33 sets forth that Chapter 162, Article II shall apply to all vehicles for hire for which a permit has been issued; and

WHEREAS, before September 30, 2009, City of Atlanta Code of Ordinances Chapter 162, Article II, Division 2 provided that “no vehicle having a vehicle age greater than eight years may be operated as a taxicab in the city;” and

WHEREAS, on September 21, 2009, Ordinance 09-O-1651 was adopted by the Atlanta City Council, and on September 30, 2009 Ordinance 09-O-1651 approved as per City Charter Section 2-403; and

WHEREAS, Ordinance 09-O-1651 temporarily increased the permissible age of a vehicle that may be operated as a taxicab in the city from eight (8) years to ten (10) years until December 31, 2011 due to the difficult condition of the United States economy in 2009, and a desire to give taxi drivers temporary relief therefrom; and

WHEREAS, in accordance with the scheduled expiration of the temporary increase in the permissible age of taxicabs pursuant to Ordinance 09-O-1651, over five-hundred (500) vehicles, currently being operated, will be ineligible for operation in the city



beginning on January 1, 2012 once the permissible age of a vehicle that may be operated as a taxicab reverts to eight (8) years; and

WEHREAS, as a result, taxi drivers and taxi companies will be required to replace over 500 vehicles on or before January 1, 2012 in order to maintain current levels of service; and

WEHREAS, the City of Atlanta does not desire taxi drivers and taxi companies to bear such an immediate and costly burden; and

WEHREAS, temporarily reducing the permissible age of a vehicle which may be operated as a taxicab in the city from ten (10) years to nine (9) years, rather than from ten (10) years to eight (8) years will allow over three-hundred (300) of the five-hundred (500) vehicles currently scheduled to become ineligible on January 1, 2012 to be operated for one more year; and

WHEREAS, it is therefore the desire of the City of Atlanta that following the expiration of the temporary increase in the permissible age of taxicabs pursuant to Ordinance 09-O-1651 on December 31, 2011, Chapter 162, Article II, Division 2, Section 162-61 of the City of Atlanta Code of Ordinances be amended to temporarily set the permissible age of a vehicle which may be operated as a taxicab in the city at nine (9) years;

WHEREAS, certain other language contained in Section 162-61 prescribing the effective dates of previous vehicle age limits is currently superfluous, and it is the desire of the City of Atlanta that such superfluous language be removed.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 162, Article II, Division 2, Section 162-61, of the City of Atlanta Code of Ordinances, entitled “[n]umber limited; costs,” which currently provides as follows:

Sec. 162-61. - Number limited; costs.

(a) The maximum number of taxicab CPNC's outstanding shall be 1,600, which is the number of CPNC's issued as a result of the legislative limitation established in 1995. This limitation is specifically based upon the relationship between the number of taxicabs operating within a geographic area and the quality of service they provide. An excessive number of taxicabs results in a reduced level of service and more



passenger complaints. A taxicab CPNC will be issued to, and can only remain affixed to a vehicle which meets the age limitations set forth below:

No vehicle having a vehicle age greater than ten years may be operated as a taxicab in the city. For purposes of this article, the term "vehicle age" shall be determined based on the vehicle's model year, and a "year" shall be measured through the last day of that respective calendar year (for example, a vehicle with a model year of 2000 shall have a vehicle age of one year as of January 1, 2001). This ten-year age provision shall be temporary in nature and shall only remain in effect until December 31, 2011, after which time, it shall no longer be of any further force and effect, and said taxicab age provision shall revert back to a "vehicle age" of no greater than eight years.

As of August 15, 2001, no new or replacement taxicab vehicle may be operated as a taxicab in the city if such vehicle is greater than five years old. However, any such new or replacement vehicle for which a CPNC is obtained may continue to be operated as a taxicab through that vehicle's eighth model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city.

(b) The maximum number of animal-drawn vehicle CPNC's outstanding shall be 31, which is the number of CPNC's issued as a result of the legislative limitation established in 1995. This limitation is specifically based upon the quality of service provided by animal-drawn vehicles and upon the necessity for humane treatment of the animals involved.

(c) The maximum number of sedan CPNC's shall be 500. Any entity holding a city limousine CPNC at the time this legislation is enacted, may present the CPNC to the bureau to be converted to as a sedan CPNC. A sedan CPNC will only be issued to and can only remain affixed to a vehicle that is three years old or less as of January 1 of the year in question. This age limit will be phased in as follows:

- (1) All sedans will be five years or less as of January 1, 1996.
- (2) All sedans will be four years or less as of January 1, 1997.
- (3) All sedans will be three years or less as of January 1, 1998 and thereafter.

(d) The cost of each CPNC issued by the bureau shall be \$6,000.00 for taxicabs, \$6,000.00 for sedans, and \$600.00 for carriages. The market valued of any type of CPNC will be determined on January 1 of each year. Any CPNC sold by the City of Atlanta will be sold in accordance with



Chapter 2, Article X of the Atlanta Code of Ordinances; and shall be sold for no less than market value during that year. No sedan or taxicab CPNC shall be sold for less than \$6,000.00. No carriage CPNC shall be sold for less than \$600.00.

(e) The maximum number of CPNCs which may be issued to limousines shall be the number of those certificates which are being held on the date the ordinance from which this section derives becomes law.

(f) As used in this section, the phrase "date of entry of final order" shall mean the date of entry of the final dispositive ruling of the United States District Court for the Northern District of Georgia in either the case of Steve Belcher et al. V City of Atlanta, Georgia, et al, United States District Court for the Northern District of Georgia, Civil Action File No 1:95-CV-2771-WBH or Atlanta Taxicab Company Owners Association, et al V City of Atlanta, Georgia, United States District Court for the Northern District of Georgia, Civil Action File No. 1:95-CV-2933-WBH, or both, whichever occurs later in time.

(g) The provisions of subsection (a) of this section 162-61, insofar as the same relate to the allowable maximum age of taxicabs, shall not become effective until the expiration of the time periods specified below:

(1) As of the expiration of six months following the date of entry of final order, all vehicles shall be ten years of age or less; and

(2) As of the expiration of one and one-half years following the date of entry of final order, all vehicles shall be eight years of age or less; and

(3) As of the expiration of two and one-half years following the date of entry of final order, all vehicles shall be six years of age or less.

(h) The delayed effective dates provided for in subsection (g) above shall apply only to those provisions of subsection (a) of section 162-61 pertaining to the allowable maximum age of taxicabs, and shall not apply to that provision establishing the maximum number of taxicab CPNC's outstanding at 1600, which provision shall remain in full force and effect as of the date that such provision became effective after its original adoption by the city council.

be amended such as Chapter 162, Article II, Division 2, Section 162-61, of the City of Atlanta Code of Ordinances, entitled "[n]umber limited; costs," shall read as follows:

Sec. 162-61. - Number limited; costs.



(a) The maximum number of taxicab CPNC's outstanding shall be 1,600, which is the number of CPNC's issued as a result of the legislative limitation established in 1995. This limitation is specifically based upon the relationship between the number of taxicabs operating within a geographic area and the quality of service they provide. An excessive number of taxicabs results in a reduced level of service and more passenger complaints. A taxicab CPNC will be issued to, and can only remain affixed to a vehicle which meets the age limitations set forth below:

No vehicle having a vehicle age greater than ~~ten~~ **nine** years may be operated as a taxicab in the city. For purposes of this article, the term "vehicle age" shall be determined based on the vehicle's model year, and a "year" shall be measured through the last day of that respective calendar year (for example, a vehicle with a model year of 2000 shall have a vehicle age of one year as of January 1, 2001). This ~~ten~~ **nine**-year age provision shall be temporary in nature and shall only remain in effect until December 31, ~~2011~~ **2012**, after which time, it shall no longer be of any further force and effect, and said taxicab age provision shall revert back to a "vehicle age" of no greater than eight years.

As of August 15, 2001, no new or replacement taxicab vehicle may be operated as a taxicab in the city if such vehicle is greater than five years old. However, **until December 31, 2012**, any such new or replacement vehicle for which a CPNC is obtained may continue to be operated as a taxicab through that vehicle's ~~eighth~~ **ninth** model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city. **After December 31, 2012, any such new or replacement vehicle may continue to be operated as a taxicab through that vehicle's eighth model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city.**

(b) The maximum number of animal-drawn vehicle CPNC's outstanding shall be 31, which is the number of CPNC's issued as a result of the legislative limitation established in 1995. This limitation is specifically based upon the quality of service provided by animal-drawn vehicles and upon the necessity for humane treatment of the animals involved.



(c) The maximum number of sedan CPNC's shall be 500. Any entity holding a city limousine CPNC at the time this legislation is enacted, may present the CPNC to the bureau to be converted to as a sedan CPNC. A sedan CPNC will only be issued to and can only remain affixed to a vehicle that is three years old or less as of January 1 of the year in question. This age limit will be phased in as follows:

(1) All sedans will be five years or less as of January 1, 1996.

(2) All sedans will be four years or less as of January 1, 1997.

(3) All sedans will be three years or less as of January 1, 1998 and thereafter.

(d) The cost of each CPNC issued by the bureau shall be \$6,000.00 for taxicabs, \$6,000.00 for sedans, and \$600.00 for carriages. The market value of any type of CPNC will be determined on January 1 of each year. Any CPNC sold by the City of Atlanta will be sold in accordance with Chapter 2, Article X of the Atlanta Code of Ordinances; and shall be sold for no less than market value during that year. No sedan or taxicab CPNC shall be sold for less than \$6,000.00. No carriage CPNC shall be sold for less than \$600.00.

(e) The maximum number of CPNCs which may be issued to limousines shall be the number of those certificates which are being held on the date the ordinance from which this section derives becomes law.

~~(f) As used in this section, the phrase "date of entry of final order" shall mean the date of entry of the final dispositive ruling of the United States District Court for the Northern District of Georgia in either the case of Steve Beleher et al. v City of Atlanta, Georgia, et al, United States District Court for the Northern District of Georgia, Civil Action File No 1:95-CV-2771-WBH or Atlanta Taxicab Company Owners Association, et al v City of Atlanta, Georgia, United States District Court for the Northern District of Georgia, Civil Action File No. 1:95-CV-2933-WBH, or both, whichever occurs later in time.~~

~~(g) The provisions of subsection (a) of this section 162-61, insofar as the same relate to the allowable maximum age of taxicabs, shall not become effective until the expiration of the time periods specified below:~~



~~(1) — As of the expiration of six months following the date of entry of final order, all vehicles shall be ten years of age or less; and~~

~~(2) — As of the expiration of one and one half years following the date of entry of final order, all vehicles shall be eight years of age or less; and~~

~~(3) — As of the expiration of two and one half years following the date of entry of final order, all vehicles shall be six years of age or less.~~

~~(h) — The delayed effective dates provided for in subsection (g) above shall apply only to those provisions of subsection (a) of section 162-61 pertaining to the allowable maximum age of taxicabs, and shall not apply to that provision establishing the maximum number of taxicab CPNC's outstanding at 1600, which provision shall remain in full force and effect as of the date that such provision became effective after its original adoption by the city council.~~

Section 3: This ordinance shall take effect on January 1, 2012.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Nov. 21, 2011
Nov. 30, 2011

RCS# 1564
11/21/11
2:23 PM

Atlanta City Council

REGULAR SESSION

11-O-1684

AMEND COA CODE SEC 162-61; TEMPORARILY
INCREASE PERMISSIBLE AGE OF TAXICABS
ADOPT/SUBST

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

11-O-1684