



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** June 8, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: An Ordinance to create and adopt a new Article VIII on Limousines in Chapter 26 of the Code of Ordinances of the City of Sandy Springs

MEETING DATE: For Submission onto the June 15, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: jm APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 6/15/10

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the June 15, 2010 City Council Meeting Agenda

Agenda Item: An Ordinance to create and adopt a new Article VIII on Limousines in Chapter 26 of the Code of Ordinances of the City of Sandy Springs

City Attorney's Recommendation:

The City Attorney recommends the adoption of the attached Ordinance creating a new Article VIII in Chapter 26 on Limousines.

There are currently no provisions in the Code of Ordinances addressing limousines. Although state law, O.C.G.A. § 46-7-85.1, et seq. regulates limousine carriers, those deemed to be doing business in the City are required to obtain a business occupation certificate. There is currently, however, no requirement that any limousine carrier deemed to be doing business in the City provide proof of a valid limousine carrier certificate from the Public Service Commission of the State of Georgia. If the City wants to be able to insure that limousine carriers are in compliance with state law requirements for the issuance of a state certificate to engage in the business of limousine carrier, an ordinance covering limousine carriers is necessary.

Background:

When the City adopted Fulton County's ordinances, a limousine ordinance was not included. While a taxicab ordinance was included, limousine carriers, being regulated by state law, are not and cannot be covered by the taxicab ordinance.

Discussion:

Although a limousine carrier may provide similar services to a taxicab business, limousine carriers are regulated by state law and come within the jurisdiction of the Public Service Commission. Therefore, in order to be able to verify compliance with state law of those carriers deemed to be doing business in the City, a specific ordinance is required.

Alternatives:

There is no alternative if the City wants to be able to insure that limousine carriers are in compliance with state law requirements for the issuance of a state certificate to engage in the business of limousine carrier.

Concurrent Review:

John McDonough, City Manager

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO CREATE AND ADOPT A NEW ARTICLE VIII ON LIMOUSINES IN CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF SANDY SPRINGS.

WHEREAS, the City of Sandy Springs (the “City”) currently has no provisions in its Code of Ordinances addressing limousines; and

WHEREAS, although state law, O.C.G.A. § 46-7-85.1, et seq. regulates limousine carriers, those deemed to be doing business in the City are required to obtain a business occupation certificate; and

WHEREAS, there is currently no requirement that any limousine carrier required to obtain a business occupation certificate provide proof of a valid limousine certificate from the Public Service Commission of the State of Georgia; and

WHEREAS, in order to insure that limousine carriers are in compliance with state law requirements for the issuance of a state certificate to engage in the business of limousine carrier, the adoption of an ordinance is deemed to be necessary;

NOW, THEREFORE, in order to accomplish the foregoing, the Mayor and City Council of the City, pursuant to their authority, do hereby create and adopt the following to be known as Article VIII on Limousines of Chapter 26 of the Code of Ordinances of the City of Sandy Springs:

Chapter 26

Article VIII. Limousines

Section 26-291. Operation of limousines to be in compliance with Article.

No person shall operate any limousine for the transportation of passengers for compensation in the City of Sandy Springs (“City”) except in accordance with the provisions of this Article.

Section 26-292. Definitions.

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

- (a) “Certificate” means a certificate issued by the Public Service Commission of the State of Georgia to a limousine carrier.
- (b) “Chauffeur” means any person with a Georgia state driver’s license who meets the qualifications as prescribed in O.C.G.A. § 46-7-85.10 and who is authorized by the Commissioner of Driver Services of the State of Georgia to drive a limousine.
- (c) “Limousine” means any motor vehicle that meets the manufacturer’s specifications for a luxury limousine with a designed seating capacity for no more than ten passengers and

with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further no vehicle shall be permitted to be operated both as a taxicab and a limousine.

- (d) "Limousine carrier" means any person operating a service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of limousines, or extended limousines, on the basis of telephone or written contract.
- (e) "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.
- (f) "Public highway" means every public street, road, or highway in the City.

Section 26-293. Operations deemed to be doing business in the City.

A limousine carrier shall be deemed to be doing business in the City when its original terminus, that is to say, the place from which it operates and receives dispatch calls, shall be located in the City.

Section 26-294. Annual business occupation tax certificate.

- (a) No person shall conduct the business of limousine carrier in the City until the person has first applied for and obtained a business occupation tax certificate as provided in Article 1 of this Chapter.
- (b) In addition to all other information required to be provided by this Chapter relating to the issuance of a business occupation tax certificate, the applicant must hold and provide proof of a current and valid certificate issued by the Public Service Commission of the State of Georgia to a limousine carrier pursuant to O.C.G.A. § 46-7-85.1 et seq. and must further provide a detailed description of the limousines(s) to be used in the business, the name of the chauffeur(s) thereof, proof of the permit issued to the chauffeur pursuant to O.C.G.A. § 46-7-85.10, and the address and telephone number of the office or call station from which the business is operated.
- (c) Except as may otherwise be specifically provided in this Article or by O.C.G.A. § 46-7-85.1 et seq., all provisions and terms contained in Article 1 of this Chapter shall apply to a limousine carrier in the City.

Section 26-295. Limousine parking.

Limousine chauffeurs shall not park limousines in any congested area. The parking of limousines shall be subject at all times to regulation by the police department and direction of a police officer when desirable for the relief of an emergency traffic condition.

Section 26-296. Effective date.

This Article shall become effective upon adoption.

SO ORDAINED, this the _____ day of _____, 2010.

Approved:

EVA GALAMBOS, Mayor

Attest:

Michael Casey, City Clerk
(SEAL)