

PROPOSED
ORDINANCE NO. 23-10

ORDINANCE NO. 27-10

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 7-10-21, PERTAINING TO TAXICAB DEFINITIONS; AMENDING SECTIONS 7-10-22 AND 7-10-28 TO ELIMINATE A FIVE TAXICAB PERMITTING MINIMUM; AMENDING SECTION 7-10-25, PROVIDING FOR APPEAL FROM DENIAL OF COMPANY PERMIT; AMENDING SECTION 7-10-26, PERTAINING TO TRANSFER OF COMPANY PERMIT; AMENDING SECTION 7-10-27, PERTAINING TO SUSPENSION AND REVOCATION OF COMPANY PERMIT; AMENDING SECTION 7-10-28, PERTAINING TO TAXICAB BUSINESS REQUIREMENTS; AMENDING SECTION 7-10-30, PROVIDING FOR ISSUANCE OF TAXICAB PERMIT; AMENDING SECTION 7-10-31(a), PROVIDING FOR PERIODIC INSPECTIONS OF TAXICABS; AMENDING SECTION 7-10-33, PROVIDING FOR NAME OF HOLDER AND RATES; REPEALING SECTION 7-10-39, PROVIDING FOR AN ANNUAL REVIEW; AMENDING SECTION 7-10-46, REQUIRING TAXICAB PERMITS; AMENDING SECTION 7-10-47, PERTAINING TO APPLICANT QUALIFICATIONS; AMENDING SECTION 7-10-48, PERTAINING TO TAXICAB VEHICLE PERMIT APPLICATIONS; AMENDING SECTION 7-10-49, REQUIRING LIABILITY INSURANCE; REPEALING SECTION 7-10-54, PERTAINING TO SUBSTITUTION OF VEHICLES; AMENDING SECTION 7-10-67, PROVIDING FOR QUALIFICATIONS OF TAXICAB DRIVER'S LICENSE APPLICANT; AMENDING SECTION 7-10-68 (c) THROUGH (f), PERTAINING TO TAXICAB DRIVER'S LICENSE APPLICATION; AMENDING SECTION 7-10-93, PERTAINING TO SOLICITATION BY TAXICAB DRIVER; AMENDING SECTION 7-10-94, PROHIBITING SOLICITATION AT TERMINAL OF COMMON CARRIER; AMENDING SECTION 7-10-95, PROHIBITING TAXICAB CRUISING; AMENDING SECTION 7-10-99, PROVIDING FOR ADDITIONAL PASSENGERS; AMENDING SECTION 7-10-100, PROVIDING FOR RESTRICTION ON NUMBER OF PASSENGERS; AMENDING SECTION 7-10-104, PROVIDING FOR KNOWLEDGE OF PROPER OPERATION; CREATING SECTION 7-10-105, REQUIRING TAXICAB DRIVER TO MAINTAIN ADEQUATE CHANGE; AMENDING SECTION 7-10-134, ESTABLISHING TAXICAB RATES; AMENDING SECTION 7-10-135, PROHIBITING FLAT RATES; AMENDING SECTION 7-10-138, PERTAINING TO PARTIES OF PASSENGERS; AND AMENDING SECTION 7-10-141, PERTAINING TO LIMOUSINES FOR HIRE, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; REPLACING THE TERM "CITY MANAGER" WITH "MAYOR" TO CONFORM THE CODE TO THE 2010

CHARTER; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 7-10-21 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec.7-10-21. Definitions.

The following words and phrases when used in this article have the meaning as set out herein:

Company permit. A certificate of public convenience and necessity issued by the city manager authorizing the holder thereof to conduct taxicab services in the City of Pensacola.

Chief of police. The chief of the police department of the city or any of his designated agents.

City manager. The individual appointed by the council to serve in said capacity or his designated agent.

Cruising. The driving of a taxicab or limousine on the streets, alleys, public places of the city or airport in search of or soliciting prospective passengers for hire.

Demand-responsive transportation service. Transportation service initiated by the rider or someone else for the rider involving transportation over a public way but not on a fixed route. Service operated on a basic fixed route but with deviations for individual pickup requests shall be considered not on a fixed route. Demand-responsive shall include immediate demand and delayed demand (subscription) service.

Holder. A person to whom a company permit has been issued.

Manifest. A daily record prepared by a taxicab driver of all trips made by the driver showing the time and the place of origin, the destination, the number of passengers, and the amount of fare of each trip.

Rate card. A card issued by the city for display in each taxicab which contains the rates of fare then in force and average fares to and from various locations within the Pensacola area.

Revocation. The discontinuance of a driver's or firm's privilege to operate within the City of Pensacola with reinstatement of operating privileges to be permitted after one year's time upon written approval of the city manager.

Subscription service. Transportation requested by a passenger or passengers at a future specific time and place. The reservation will be agreed to by passengers and company in advance and will become a part of company records.

Suspension. The temporary discontinuance of up to thirty (30) days of a driver's or firm's privilege to operate means of public convenience within the City of Pensacola.

Taxi driver's license. The permission granted by the city to a person to drive a taxicab upon the streets of the city.

Taxicab vehicle permit. A permit issued for each taxicab operated under said permit.

Taxicab. A public passenger vehicle equipped with a taximeter operated under company permit and taxicab vehicle permit required by this article, which carries passengers for hire only at lawful rates of fare recorded and indicated on a taximeter, or rates of fare otherwise authorized by this article or rule.

Taximeter. A mechanical or electrical device which records and indicates a charge of fare calculated according to distance traveled, waiting time, traffic delay, initial charge, number of passengers, and other charges authorized by this article or by rule, or by combination of any of the foregoing, and which records other data.

Terminal. The fixed base of operations of the owner of the taxicab business.

Waiting time. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion due to any cause other than the request, act or fault of a passenger or passengers.

SECTION 2. Section 7-10-22 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-22. Company permit; determination of need.

No taxicab vehicle permit shall be granted until the person applying for such permit has secured from the city manager that the public convenience and necessity warrants the operation of the additional taxicab or taxicabs for which taxicab vehicle permit is sought. In determining such public convenience and necessity, the city manager shall consider the number of taxicabs then operating in the city, and whether the needs of the public require additional taxicab service, the financial responsibility of the applicant, the number of taxicabs for which permits are sought, the traffic conditions of the city, and the demand for additional taxicab service. The cost for the initial permit and renewal shall be fifty dollars (\$50.00) annually, expiring on September 30. The vehicles must be currently operable, permitted, and inspected as required by this chapter.

SECTION 3. Section 7-10-25 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-25. Appeal from denial of company permit.

In the event that the city manager denies the issuance of a company permit pursuant to his authority in section 7-10-24 of the Code of the City of Pensacola, Florida, the applicant shall have the right to appeal the city manager's decision to the city council. In order to take such an appeal, the applicant must notify the city clerk in writing of his desire to appeal the city manager's decision within ten (10) days from the date of the city manager's decision. The appeal shall be scheduled promptly for hearing at the next regularly scheduled city council meeting provided that such meeting does not occur less than four (4) working days prior to the request for appeal, in which case the appeal shall be considered at the next occurring council meeting.

SECTION 4. Section 7-10-26 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-26. Transfer of company permit.

No company permit may be sold, assigned, mortgaged, or otherwise transferred without the written consent of the city manager, and in determining whether to grant its consent, the city manager shall consider the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the eligibility of the applicant, and the anticipated effect of increased service on existing traffic conditions.

SECTION 5. Section 7-10-27 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-27. Suspension and revocation of company permits.

A company permit issued under the provisions of this article may be revoked or suspended by the city manager or his/her designee if the holder thereof has:

- (1) Violated any of the provisions or requirements of this article;
- (2) Discontinued operations for more than ten (10) days; or
- (3) Violated any law or regulation reflecting unfavorably on the fitness of the holder to provide transportation to the public.

Any revocation or suspension of a company permit also revokes or suspends all taxicab driver permits and taxicab permits operating under the company permit.

Any person aggrieved by any ruling or decision of the city manager or his/her designee may appeal the decision by notifying the city clerk in writing of his/her desire to

appeal the city manager's decision within ten (10) days from the date of the decision of suspension or revocation. The appeal shall be scheduled promptly for hearing at the next regularly scheduled city council meeting provided that such meeting does not occur less than four (4) working days prior to the request for appeal, in which case the appeal shall be considered at the next occurring council meeting. The decision of the city council thereon shall be final.

SECTION 6. Section 7-10-28 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-28. Persons presently permitted and engaged in taxicab business.

Persons duly permitted and operating taxicabs on the effective date of this chapter shall not be required to be equipped with an operable two-way radio or other communications equipment as specified under section 7-10-142, and shall not be required to maintain an office as required under section 7-10-137 (so long as his company permit remains active and is not revoked). These exemptions shall remain valid and be transferable so long as the company permit remains active or is not revoked.

SECTION 7. Section 7-10-30 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-30. Same—Issuance of taxicab vehicle permit.

When the city manager or his/her designee finds that a vehicle has met the established standards, the city shall issue a permit to that effect, which shall also state the authorized seating capacity of said vehicle.

SECTION 8. Section 7-10-31(a) of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-31. Same--Periodic inspections; fee for reinspection.

(a) All vehicles shall be annually inspected for proper markings, display of information, and the following characteristics in accordance with standards which shall be available for inspection at the designated department:

- (1) *Exterior:* Headlights, taillights, brake lights, signal lights, license plate lights, windshield wipers, horn, window raisers, doors and door locks, trunk latch, hood latch, and interior door handles, exhaust system, no loud twin pipes, hubcaps, bumpers, fenders, body and tires shall be inspected to ascertain that each is functioning safely and properly. Each taxicab shall be maintained in a clean condition. There shall be no tears or rust holes in the vehicle body and no loose pieces such as fenders, bumpers or trim hanging from the vehicle body. There shall be no unrepaired body damage or any body condition which would create a safety problem or interfere with the operation of the vehicle.

All taxicabs must install a light underneath their vehicle that emits a red glow should the taxi driver require police assistance.

- (2) *Interior:* The rearview mirror, steering wheel, foot brakes, parking brakes, air conditioning and heating systems shall be inspected to ascertain that each is functioning safely and properly. The upholstery, floor mats or carpet, seats, seat belts, door panels and trunk compartment shall be inspected to determine whether they are clean, free of excessive wear, and that the trunk has sufficient space for passenger luggage. A rate card approved by the city shall be visible from the front and back seat of the vehicle. All taxi cabs shall have an operable taximeter.

SECTION 9. Section 7-10-33 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-33. Name of holder and rates.

Each taxicab shall bear on both sides of each vehicle, in printed letters not less than three (3) inches nor more than five (5) inches in height, the name of the holder as well as the drop fee, meter rate, and mileage rate, in printed letters not less than two (2) inches nor more than four (4) inches in height. All of the items mentioned in this section must be non-removable or permanently affixed to the vehicle. No taxicab company names may appear on any window of the vehicle.

SECTION 10. Section 7-10-39 of the Code of the City of Pensacola, Florida, is hereby repealed.

SECTION 11. Section 7-10-46 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-46. Required.

(a) No person shall engage in the business of operating a taxicab upon the streets of the city without having first obtained a taxicab vehicle permit for each of the taxicabs to be operated under a company permit.

(b) A taxicab having no city permit may bring passengers into the city, but may not pick up any passenger or accept any business within the city for any destination within the city, or any destination outside the corporate limits of the city.

SECTION 12. Section 7-10-47 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-47. Qualifications of applicant.

No taxicab vehicle permit shall be issued at any time to any person who:

- (a) has not attained the age of twenty-one (21) years;
- (b) is not a person of good moral character; or
- (c) has been convicted of:
 - (1) was convicted of or released from incarceration for a class three felony in the United States within the preceding three (3) years;
 - (2) a class two felony, a class one felony, a capital felony, or a life felony;
 - (3) more than one driving under the influence charge; or
 - (4) a sex crime or listed on a sexual offender or sexual predator registry;

SECTION 13. Section 7-10-48 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-48. Application.

(a) *Contents, information required.* Application for a taxicab vehicle permit under this division shall be made under oath and in writing, to the city clerk, upon blanks to be provided by him, and shall, if the applicant is an individual, state the applicant's full name, whether married or single, age and residence; and horsepower, make, ownership, engine number, and license number of the automobile proposed to be used in the business and its seating capacity.

(b) *Endorsement by chief of police.* The city manager may request the chief of police to require such additional information as the manager deems necessary, and shall make such inquiry as he deems necessary in regard to the applicant, and within a reasonable length of time shall endorse thereon his approval or rejection. If the application is rejected, he shall note there on his reason therefor.

(c) *Rejection, reapplication.* If the city manager rejects an application for a taxicab vehicle permit, the applicant may reapply in writing to the city manager for reconsideration.

SECTION 14. Section 7-10-49 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-49. Liability insurance required.

(a) No taxicab vehicle permit shall be granted or continued in operation unless there is in full force and effect a liability insurance certificate issued by an insurance

company authorized to do business in the State of Florida for each vehicle authorized in the minimum amount of one hundred twenty-five thousand dollars (\$125,000.00) because of bodily injury to or death of one person in an accident and subject to said units for one person in the minimum amount of two-hundred fifty thousand dollars (\$250,000.00) because of bodily injury or death of two (2) or more persons in any one accident, and in the minimum amount of fifty thousand dollars (\$50,000.00) because of injury to or destruction of property of others in any one accident, or in amounts as required by the State of Florida, if greater. Such insurance coverage shall be filed with the city manager.

(b) A company permit holder, including any taxi firm, partnership, association or corporation may be self-insured in accordance with the Florida Statutes provided that the coverage on each vehicle is equal to or greater than the minimum liability requirements specified by the City of Pensacola.

SECTION 15. Section 7-10-54 of the Code of the City of Pensacola, Florida, is hereby repealed.

SECTION 16. Section 7-10-67 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-67. Qualifications of applicant.

(a) Each applicant for a taxicab driver's license must:

- (1) Be of the age of twenty-one (21) years of age;
- (2) Be able to read and write in the English language.

(b) No taxicab driver's license shall be issued to any person who has been convicted of:

- (1) a class three felony in the United States within the preceding three (3) years or released from incarceration for a class three felony in the United States within the preceding three (3) years;
- (2) a class two felony, a class one felony, a capital felony, or a life felony;
- (3) more than one driving under the influence charge; or
- (4) a sex crime or listed on a sexual offender or sexual predator registry;
- (5) a misdemeanor three (3) times within a period of three years previous to the date of application;

nor shall a license be issued to any person who is not a person of good moral character.

SECTION 17. Section 7-10-68 (c) through (f) of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-68. Application.

(c) *Information required.* Each applicant for a driver's license must fill out, upon a blank form to be provided by the police department, a statement giving his full name, residence, place of residence for five (5) years previous to moving to his present address, age, height, color of eyes and hair, place of birth, length of time he has resided in the city, whether citizen of the United States, place of previous employment, whether married or single, whether he has ever been convicted of a felony or misdemeanor, whether he has ever previously been licensed as a driver or chauffeur, and if so, when and where, and whether his license has ever been revoked and for what cause. Such statement shall be signed and sworn to by the applicant and filed with the police department as a permanent record.

(d) *Investigation.* The investigation of all applications for licenses under the provisions of this division shall be conducted by the police department.

(e) *False information.* Any applicant who gives false information pertaining to the applicant's police records shall be deemed to have committed the crime of perjury and complaint may be made in the manner provided for punishment of such cases.

SECTION 18. Section 7-10-93 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-93. Solicitation--Generally.

(a) No taxicab shall stand in any metered area in any public street or place other than upon the stand assigned to it, in accordance with this article. Each taxicab, after discharging its passengers, shall return to its designated stand; provided, the taxicab may take on any passengers while returning, as aforesaid. No driver of the taxicab shall seek employment by repeatedly and persistently driving his taxicab back and forth in a short space or by otherwise interfering with the proper and orderly access to or egress from any theater, hall, hotel, public resort or railway station or other place of public gathering, or in any other manner obstructing or impeding traffic; but any taxicab may solicit employment by cruising through any public street or place without stops other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic, and may pass and repass before any theater, hall, hotel or public place; but he shall not turn and repass until he shall have gone a distance of two (2) blocks beyond such place.

(b) No driver shall solicit passengers for a taxicab except when standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to this vehicle at all times when the vehicle is upon the public street; except that, when necessary, a driver may be absent from his taxicab for not more than ten (10) consecutive minutes; and provided further,

that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(c) No driver shall solicit patronage in a loud or annoying tone of voice or by sign, or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

SECTION 19. Section 7-10-94 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-94. Same--Other common carrier passengers.

No driver, owner or operator shall solicit passengers at the terminal of any common carrier, nor at any intermediate points along any established route of any other common carrier.

SECTION 20. Section 7-10-95 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-95. Same--Cruising.

No driver shall cruise in search of passengers except in such areas and at such time as shall be designated by the Pensacola Police Department. The areas and times shall only be designated when the Pensacola Police Department finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

SECTION 21. Section 7-10-99 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-99. Additional passengers.

No taxicab driver shall permit any other person to occupy or ride in the taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. No charge shall be made for an additional passenger other than the extra passenger charge. Once the original destination for the first passenger is reached, then the first fare must end and a new fare begins if the additional passenger is going on to a different destination. The additional passenger is responsible for the new fare for the ride past the original destination.

SECTION 22. Section 7-10-100 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-100. Restriction on number of passengers.

No taxicab driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab, as stated in the license for said vehicle issued by the police department.

SECTION 23. Section 7-10-104 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-104. Knowledge of proper operation.

Drivers operating cabs in the city must be thoroughly knowledgeable of the proper operation of taxi meters.

SECTION 24. Section 7-10-105 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 7-10-105. Adequate change.

Drivers operating taxicabs must maintain adequate change for fares. Failure to maintain adequate change will result in the fare being lowered to the amount for which the driver has adequate change.

SECTION 25. Section 7-10-134 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-134. Rates--Generally.

No owner or operator of a taxicab shall charge a greater or lesser sum for the use of a taxicab than in accordance with the following rates:

(1) *Mileage rates.* Two dollars (\$2.00) for the first one-ninth mile or fraction thereof; twenty-five cents (\$0.25) for each additional one-ninth mile or fraction thereof; charge for additional passengers over the age of thirteen (13) years, fifty cents (\$0.50) each;

(2) *Waiting time.* Eighteen dollars (\$18.00) per hour;

(3) *Airport trips--Minimum fare.* Pickups from the airport, eleven dollars (\$11.00) minimum per trip (limited to taxicab companies with valid permits to serve the airport). Fares over eleven dollars (\$11.00) shall be calculated based upon the meter rate commencing at the airport pickup point.

SECTION 26. Section 7-10-135 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-135. Same--Flat and minimum rates.

No flat rates may be charged for any taxicab ride that starts in the jurisdictional limits of the city except for charter hires as described in §7-10-139.

SECTION 27. Section 7-10-138 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-138. Parties.

(a) No driver of a taxicab shall carry any other person than the passenger first employing the taxicab without the consent of the passenger; and in no event shall a driver pick up or carry any other passenger en route after a trip has started except that, where the passenger first engaging the taxicab is a party or member of a party together, other members of the party may be picked up at different locations en route on direction of the member or members of the party first engaging the cab.

(b) When a party of passengers engages a taxicab, the members of the party shall be entitled to be carried to the same destination for the meter rate above provided, including extra passenger fare where applicable. When a member or members of a party are being dropped off, but other members of the party are continuing to a different destination, then the fare shall be settled when the first member(s) is dropped off and the meter shall be reengaged for the next portion of the trip.

SECTION 28. Section 7-10-141 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 7-10-141. Limousines for hire.

Limousines for hire, as defined in section 7-10-175 herein, operating anywhere within the corporate limits of the City of Pensacola shall be required to comply with the following provisions of the Code of the City of Pensacola, Florida:

- (1) Insurance requirements-specified in section 7-10-2(a) through (c).
- (2) Record keeping requirements of section 7-10-5.
- (3) Restricted use requirements of section 7-10-7.
- (4) Nonconforming activity regulations of section 7-10-8.
- (5) Certificate of public convenience and necessity with fee as required for taxicabs by sections 7-10-22 through 7-10-27.
- (6) Vehicle inspection requirements of section 7-10-29 through 7-10-32.
- (7) Section 7-10-34(b).

- (8) Section 7-10-37.
- (9) Section 7-10-38.
- (10) Sections 7-10-46 through 7-10-52, in the same manner as those provisions are applicable to taxicabs.
- (11) Sections 7-10-66 through 7-10-75 and sections 7-10-77 through 7-10-79, in the same manner as those provisions are applicable to taxicabs.
- (12) Sections 7-10-91, 7-10-92, and 7-10-99, in the same manner as those provisions are applicable to taxicabs.
- (13) Limousines shall not engage in cruising, as defined in section 7-10-175, anywhere in the corporate limits.
- (14) Limousines or their operators shall not solicit customers as fares except by prior arrangement or contract.
- (15) Limousines shall not charge less than fifty dollars (\$50.00) per hour or any fraction thereof.
- (16) At no time may a vehicle licensed as a taxicab be licensed as a limousine.

SECTION 29. Effective at 12:00 noon on January 10, 2011, wherever the term “city manager” or “manager” appears in §§7-10-21, 7-10-22, 7-10-25 through 7-10-30, 7-10-33, 7-10-46 through 7-10-49, 7-10-67, 7-10-93 through 7-10-95, 7-0-99, 7-10-100, 7-10-104, 7-10-105, 7-10-134, 7-10-135, 7-10-138, and 7-10-141, it shall be replaced with the term “mayor”, except that the definition of the term “city manager” in §7-10-21 shall be stricken in its entirety.

SECTION 30. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 31. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 32. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: November 18, 2010

Approved: s/Michael C. Wiggins
Mayor

Attest:

s/Ericka L. Burnett
City Clerk

Legal in form and valid if
enacted:

s/William D. Wells
City Attorney