

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: ☒ MAYOR ☒ COUNCIL AUTHORITY: DATE: August 10, 2017
Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

DEPARTMENT: LEGAL

ADDRESS: 175 East 2nd, Ste. 685

CONTACT NAME: Robert R. Edmiston

TELEPHONE: (918)596-7717

ORDINANCE # 23779

SUBJECT: Antique, Classic and Special Interest Vehicles for Hire

ORDINANCE TYPE: AMENDING PREVIOUS ORDINANCE

BA or CT #:

AMENDMENT OF ORD#:

TRO TITLE:

TRO SUBTITLE:

PLANNING DISTRICT:

ZONING #:

SSID:

PUD #:

PROP/NON-PROP:

COUNCIL DISTRICT:

SUMMARY:

The City is adding three new types of vehicles for hire to the Taxicab, Paratransit Vehicle and Utility Vehicle for Hire ordinance (Title 36) called Antique, Classic and Special Interest vehicles for hire. Antique or Classic vehicles for hire must be 25 calendar years old or older and not have been substantially altered from the manufacturer's original design. A Special Interest vehicle for hire is one which does not match the description of other vehicles for hire and yet may appeal to a certain age group through nostalgic association or current fad, such as the Batmobile, Elvis's Pink Cadillac, the Oscar Mayer Weiner car, etc. These vehicles shall be regulated as Paratransit Vehicles, NOT as taxicabs. These vehicles shall not be equipped with taximeters and shall be for hire only by prearrangement at a rate charged per hour or fixed in advance. These vehicles shall be of a type and configuration not generally licensed as taxicabs or busses in the City.

APPROVED BY MAYOR
CITY OF TULSA

SEP 18 2017

Approved By
City Council On
SEP 13 2017

BUDGET:

FINANCE DIRECTOR APPROVAL:

FUNDING SOURCE: N/A

REQUEST FOR ACTION:

All department items requiring Council approval must be submitted through the Mayor's Office.

It is requested that the Mayor and Council execute this ordinance and that a conformed copy of the executed original be delivered to Bob Edmiston in the Legal Department.

DEPARTMENT HEAD APPROVAL: [Signature]

ASST CITY ATTORNEY APPROVAL: [Signature]

BOARD APPROVAL:

MAYORAL APPROVAL: [Signature]

OTHER:

DATE: 8/10/17
8-10-17

SEP 18 2017

FOR CITY COUNCIL OFFICE USE ONLY:

COMMITTEE: VED

COMMITTEE DATE(S): 8/30/17

DATE RECEIVED: 8-11-17
FIRST AGENDA DATE: 8-30-17

HEARING DATE:

SECOND AGENDA DATE: 9-13-17

APPROVED:

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept #, Item #, Sub-Item #, Status: S=Synopsis):

09-18-2017

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(Published in the
Tulsa World,

September 24 2017).

ORDINANCE NO. 23779

AN ORDINANCE AMENDING TITLE 36, TULSA REVISED ORDINANCES, TAXICABS, PARATRANSIT VEHICLES, AND UTILITY VEHICLES FOR HIRE, CHAPTER 1, ENTITLED "TAXICAB, PARATRANSIT VEHICLE AND UTILITY VEHICLE FOR HIRE REGULATIONS"; AMENDING SECTION 101 ENTITLED "DEFINITIONS" TO INCLUDE AN ANTIQUE, CLASSIC OR SPECIAL INTEREST VEHICLE FOR HIRE AS ANOTHER CATEGORY CONSIDERED TO BE PARATRANSIT VEHICLES AND REGULATED AS PARATRANSIT VEHICLES AND NOT AS TAXICABS; AMENDING SECTION 136 TO EXEMPT ANTIQUE, CLASSIC AND SPECIAL INTEREST VEHICLES FOR HIRE FROM AGE LIMITATIONS IMPOSED ON OTHER VEHICLES REGULATED BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; PROVIDING AN OPERATIVE DATE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That a new Title 36, Chapter 1, Section 101, Tulsa Revised Ordinances, be and the same is hereby enacted to read as follows:

"Section 101. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

Ambulance shall mean a vehicle defined in and permitted by the provisions of Title 37-A of the Revised Ordinances of the City of Tulsa.

Antique, classic or special interest vehicle for hire shall mean the following:

1. Antique or classic vehicle for hire shall mean vehicles which are 25 calendar years old or older and have not been substantially altered, remodeled or remanufactured from the manufacturer's original design.
2. Special interest vehicle for hire shall mean a vehicle which does not match the description herein of other vehicles for hire yet may appeal to a certain age group through nostalgic association, as a cultural icon or a current fad.
3. These vehicles shall not be equipped with a taximeter and shall be for hire only by prearrangement at a rate charged per hour or fixed in advance, as long as the fixed rate is for a minimum period of one (1) hour, provided that all such vehicles are:
 - a. For hire for continuous periods of one (1) hour or more, whether actually used for one (1) hour or not;
 - b. Of a type and configuration not generally licensed as a taxicab or bus in the City;
 - c. Not to cruise in search of patronage and not to park in any public street, or in any public or private place of assemblage to solicit patronage not prearranged. This shall

be interpreted to preclude the parking of these vehicles at any location other than to collect prearranged passengers.

Bus shall mean a chauffeur-driven vehicle for hire, designed to accommodate more than five (5) passengers excluding the chauffeur, classified by the manufacturer as a bus or van, not equipped with a taximeter and provided that all such vehicles are:

1. To be for hire only for travel along a fixed route which is approved by the Director in advance;
2. Of a type and configuration not generally licensed as a taxicab or limousine;
3. Not to cruise in search of patronage and not to park in any public street, or in any public or private place of assemblage soliciting patronage. This shall not be interpreted to preclude the parking of vehicles at any location while awaiting passengers; and
4. To operate at a rate fixed in advance and charged for regular travel over the approved route.

Certificate shall mean a certificate authorizing the operation of a taxicab, paratransit service or a utility vehicle for hire, service within the City limits of Tulsa.

Chauffeur shall mean a licensed individual who drives or operates a taxicab, paratransit vehicle or utility vehicle for hire, regardless of whether or not the individual drives or operates such vehicle as an employee, lessee, independent contractor or his lessee, or in any other capacity.

Church Bus shall mean a vehicle used primarily for the transportation of the members, guests or staff of a church.

City shall mean the City of Tulsa, Oklahoma, a municipal corporation.

Council shall mean the Council of the City of Tulsa, Oklahoma.

Courtesy Vehicle shall mean a vehicle used by hotel and motel facilities, apartment complexes, businesses, merchants, companies, private organizations or groups exclusively for the convenience of their guests, occupants, customers, employees or members and is not for hire.

Director shall mean the person designated by the Mayor to enforce the provisions of this chapter or that person's designee.

For Hire shall mean a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by the chauffeur or an employee or the holder operating any taxicab, paratransit vehicle or utility vehicle in exchange for the temporary use by or for the transportation of a person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge. For hire shall also include a taxicab, paratransit vehicle or a utility which being operated for a commercial (profit) purpose whether or not computation is expected from its passengers.

He/Him/His/It/Its shall include the masculine, feminine and neuter gender.

Hearse shall mean a vehicle customarily and primarily used to transport the deceased for burial.

Holder shall mean a person who is granted a certificate.

Horse-Drawn Carriage shall mean a chauffeur-driven carriage, coach, wagon, or buggy for hire, having one (1) or more horses or other equines under harness and rein, which can carry one (1) or more passengers, usually operated and promoted for selected sightseeing routes.

I.D.L. Definition. As used herein, the I.D.L. (Inner Dispersal Loop) shall mean the area of the City of Tulsa bounded on the East by the East leg of the I.D.L. (U.S. 75), on the West by I-244, on the North by I-244, and on the South by the Broken Arrow Expressway (S.H. 51). (Drawing Attached)"

Limousine shall mean:

1. A specialized passenger motor vehicle in which a minimum of five (5) passengers can ride in the rear passenger compartment. The driver's seat is separated from the passenger's compartment by a partition that can ensure privacy for the rear passengers; or
2. A luxury sedan; luxury, as defined by the manufacturer of the vehicle. A paratransit company may operate a luxury sedan as a Limousine, provided they also have an equivalent number of specialized passenger motor vehicles. The certificate holder must license one (1) specialized passenger motor vehicle for every four (4) luxury sedans.
3. The vehicle shall not be equipped with a taximeter and shall be for hire only by prearrangement at a rate charged per hour or fixed in advance, as long as the fixed rate is for a minimum period of one (1) hour, provided that all such vehicles are:
 - a. For hire for continuous periods of one (1) hour or more, whether actually used for one (1) hour or not;
 - b. Of a type and configuration not generally licensed as a taxicab or bus in the City;
 - c. Not to cruise in search of patronage and not to park in any public street, or in any public or private place of assemblage soliciting patronage not prearranged. This shall be interpreted to preclude the parking of vehicles at any location while awaiting passengers.

Mayor shall mean the Mayor of the City of Tulsa, or designee.

Metropolitan Tulsa Transit Authority shall mean the public trust organized for the purpose of operating transportation within the City of Tulsa under the trade name of Tulsa Transit.

Mortuary Limousine shall mean a vehicle customarily and primarily used to transport a funeral party.

Paratransit Vehicles shall mean antique, classic or special interest vehicles for hire, limousines, physically limited transport vehicles, wheelchair transport vehicles, buses, peda-cabs, sightseeing vehicles, rickshaws and horse-drawn carriages for hire.

Peda-Cab shall mean a chauffeur-driven, non-motorized conveyance for hire, propelled by human power, having two (2) or more wheels, with power transmitted from the pedals to the wheels by means of a belt, chain, gears or any combination thereof, designed and constructed to carry one (1) or more passengers in addition to the chauffeur.

Person shall mean any individual, firm, corporation, company, association, partnership or any combination thereof, or two (2) or more persons having a joint or common economic interest. The word person shall include both the singular and plural.

Physically Limited Transport shall mean a chauffeur-driven vehicle for hire which is designed or suited for the transportation of the ambulatory elderly or physically limited, where no medical assistance is required en route to the passenger's destination and where stretcher transportation is not required. Stretcher transportation is deemed necessary when the passenger is not capable of sitting and is not ambulatory. Physically Limited Transport is to be used only by those who are physically unable to utilize a standard taxicab service.

Prearranged shall mean an agreement to provide transportation by registration in advance of boarding from a specific location in an antique, classic or special interest vehicle for hire, or a limousine at an agreed-upon rate for a minimum of a one-hour period without regard to whether the trip requires less than one (1) hour or not. The key factor in determining the cost of a prearranged limousine service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed-upon fixed rate that exceeds the normal hourly rate for one (1) hour, and not the distance traveled.

Rickshaw shall mean a chauffeur-driven, non-motorized conveyance for hire, propelled by human power, having two (2) or more wheels, designed and constructed to carry one (1) or more passengers in addition to the chauffeur.

School Bus shall mean a vehicle used primarily for the transportation of a school's students and staff.

Sightseeing Vehicle shall mean a chauffeur-driven vehicle for hire, for carrying passengers on a sightseeing tour over a fixed route within the City, for a charge or fare per passenger, per tour trip or per hour, fixed by an agreement in advance or by the purchase of a ticket.

Street shall mean any street, alley, avenue, boulevard, drive, place, court, terrace, viaduct, public way or highway commonly used for the purpose of public travel.

Taxicab shall mean and include any motor vehicle for hire, designed to carry seven (7) persons or less excluding the chauffeur, accepting passengers indiscriminately on call or demand, for transportation between such points along streets or highways as may be directed by the passenger or passengers being transported.

Taxicab or Paratransit Service shall mean a transportation service operated for hire that uses vehicles or other types of conveyances in its operation.

Taxicab or Paratransit Stands shall mean parking places reserved for the exclusive use of either taxicabs or paratransit vehicles, whichever designated. The City of Tulsa shall designate such stands, except for those at the Tulsa International Airport, which shall be designated by the Tulsa Airport Authority and approved by the City Council. The locations of all such stands shall be filed with the Director.

Taximeter shall mean any approved, internally mounted instrument, appliance, mechanism or device which records mechanically, electrically, electronically, or any combination thereof, and which calculates and displays the fare based upon any of the rate-setting criteria set forth in this chapter.

Traffic Violation shall mean a violation of any offense described or listed in Title 37, Chapter 6, of the Tulsa Revised Ordinances, regardless of where the violation occurred.

Utility Vehicle: For purposes of this Chapter, the definition set out in 47 O.S. §1102 (39) shall also apply throughout this Chapter. A utility vehicle is defined as a vehicle that is powered by an internal combustion engine, manufactured and used exclusively for off-highway, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels. This definition is republished here for convenience only, and the definition set out in 47 O.S. §1102 (39), as amended from time to time, is controlling for all purposes.

Utility Vehicle for Hire: A utility vehicle for hire is one driven for commercial (profit) reasons or when money or anything of value is paid to the driver or to the holder of the utility vehicle for hire certificate in exchange for the transportation of a person as a passenger within the I.D.L., exclusively.

Waiting Time shall mean such time consumed or lost at the request or direction of a passenger or his agent after the acknowledgment of the arrival of the taxicab or paratransit vehicle and before reaching the destination. Waiting time also includes time lost as a result of congested traffic and controlled intersections.

Wheelchair shall mean a chair mounted on wheels, allowing an individual mobility in a sitting position, not altered or manufactured to allow the individual's position to be changed to a horizontal state.

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Wheelchair Transport shall mean a chauffeur-driven vehicle for hire which is designed or suited for the transportation of wheelchair-confined persons while such persons are sitting in their wheelchairs."

Section 2. That a new Title 36, Chapter 1, Section 136, Tulsa Revised Ordinances, be and the same is hereby enacted to read as follows:

"Section 136. Vehicle inspections and requirements.

A. The Director shall have the authority to inspect vehicles according to the following provisions.

1. The Director shall inspect each taxicab, paratransit vehicle and utility vehicle for hire before it is placed into service, annually thereafter and at such other times as he determines necessary for compliance with this chapter.
2. If a holder or chauffeur fails to make a taxicab, paratransit vehicle or utility vehicle for hire available for inspection within a reasonable time after being requested to do so, the Director may order the taxicab, paratransit vehicle or utility vehicle for hire removed from service until it is made available for inspection.
3. If, upon inspection of a taxicab, paratransit vehicle or utility vehicle for hire, the Director determines that the vehicle does not meet the requirements of this chapter, the Director may order the vehicle to be taken out of service until the requirements are met and the vehicle is reinspected and approved by the Director.

B. All taxicab, paratransit vehicles and utility vehicles for hire shall comply with the following requirements for safety, equipment and maintenance, and model year and size of the vehicle; unless the Director issues a written waiver with specific findings that a particular requirement is not applicable because of the design of the vehicle or the nature of its operation.

1. Vehicle age requirements:

- a. **New applications and renewals.** Except for antique, classic or special interest vehicles for hire, the vehicle's model year shall be no more than eight (8) years prior to the date of the application or renewal;
- b. **Age waiver.** Antique, classic or special interest vehicles for hire and vehicles older than eight (8) years will be allowed to renew an existing permit only upon written waiver of the Director. The waiver shall be issued for vehicles which meet or exceed all applicable taxicab conditions and requirements. An age waiver shall be valid for one (1) licensing year, but may be renewed annually upon application, inspection and approval by the Director.
- c. **Grandfather clause.** Vehicles with a current permit are exempt as to age as long as the permit is maintained but shall not be subject to renewal beyond the April 2005 period of renewal.

2. The vehicle shall be equipped with a heater and an air conditioner, each of which shall be in working order during the appropriate seasons.

a. The air conditioning must be in operating condition during the period of April 15 to October 15 of every year. During these months, the air conditioner compressor shall demonstrate adequate performance.

b. The heater must be in operating condition during the period of October 16 through April 14 of every year.

3. The exterior of the vehicle shall be clean, polished and well-painted.

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- a. Unless significant weather conditions prevail, taxicab, paratransit vehicles and utility vehicles for hire shall be washed as often as needed to keep the exterior in a clean condition. For the purpose of this section, clean condition means free from dirt, grease or other pollution;
 - b. For the purposes of this section, polished means that all surfaces are of a highly developed glossy state; and
 - c. For the purposes of this section, well-painted means that all painted surfaces are free from scratches, oxidation, dents, fading, or other flaws that detract from the appearance of the vehicle
4. The body of the vehicle shall be free from dents, rust and holes not in place when originally manufactured, or such holes necessary for the installation of accessory equipment.
 5. The taxicab shall be uniform in its color scheme and markings in accordance with the certificate holder's approved color scheme and in accordance with Section 137 of this title.
 6. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers.
 7. All vehicle wheels shall have hubcaps attached unless the wheels are of a design which do not require hubcaps.
 8. All bumpers and body moldings shall be in good condition and properly attached as when manufactured.
 9. Interior lights and dashboard illumination shall be operable.
 10. All installed accessory equipment shall be operational.
 11. Taxicab windows shall not be equipped with shades, curtains, film or coatings to such extent that the occupants of the vehicle cannot be seen from the outside of the vehicle.
 12. Loose items shall not be placed on the dashboard or rear shelf when the vehicle is on duty.
 13. Front and rear dashboards shall be free from breaks and cracks, be properly repaired or covered with a mounted dash cover appropriate to the vehicle style.
 14. The interior of the vehicle shall be clean, sanitized and free from litter and offensive odors. Torn and worn upholstery and carpets and broken seat springs shall be promptly repaired.
 15. If seat covers are used, they shall cover the front, sides and back of the seat and match in style and color throughout the vehicle.
 16. The windshield and all windows shall be clean and clear, from both the outside and inside. Cracks in windshield and windows must be less than six (6) inches, and stars or chips must be less than one (1) inch in diameter. No more than three (3) cracks, stars or chips of any size may be allowed in windshield and windows.
 17. Mirrors shall be attached as when manufactured and not be broken or cracked.
 18. Car lights or reflector lenses shall not be broken or cracked.
 19. The trunk of the vehicle shall be clean and free of items or materials that could damage or stain the passenger's baggage and shall be free of any flammable liquids or other hazardous materials. If so equipped, spare tires shall be properly stored as originally manufactured.
 20. A taxicab shall be equipped with a two-way radio approved by the Director. Radios shall be mounted securely to vehicle.

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21. The vehicle shall be equipped with seat belts in working order as required by state law.
 22. A sign or notice provided by the Director containing the name, address and telephone number of the holder, the vehicle number and the telephone number of the Director shall be placed in each vehicle in a place visible to all passengers to assist any passenger who wishes to file a complaint.
 23. All taxicabs shall have a rigid roof and considered a midsize or a comparable size or larger by the manufacturer.
 24. Taxicabs shall not leak or drip any fluids other than condensation from air conditioning or exhaust.
 25. Taxicabs shall not emit grinding noises, squeals, screeches, knocks, smoke emission or other factors that detract from the appearance of the vehicle.
 26. Taxicab vehicles shall not be excessively out of alignment.
 27. Taxicab vehicle tire tread shall not be less than 4/32 inches across tire.
 28. Taxicab vehicle shocks, springs and struts shall be of good working condition and limit the vehicle from excessive movement.
 29. Taxicab engine, brakes, transmission and muffler shall all be in good working condition as determined by the Director.
- C. In the event that a provision of this section imposes a different standard or requirement than does a state inspection standard or requirement, the provision imposing the more restrictive standard or requirement shall govern.
- D. Any person violating any of the provisions of this section shall be guilty of a misdemeanor offense and, upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00), excluding costs, fees and assessments.”

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 5. OPERATIVE CLAUSE. Following passage of this ordinance by the City Council, approval by the Mayor, and publication, this ordinance shall be operative on and after _____, 2017.

Section 6. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: SEP 13 2017
Date


Chair of the Council

FILED
CITY OF TULSA
STATE OF OKLAHOMA

2017 SEP 14 AM 10 30

MICHAEL P. KIER
CITY CLERK

ADOPTED as an emergency measure: _____.

Date



Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.

Date

Time

G. T. Bynum, Mayor

By _____

Secretary

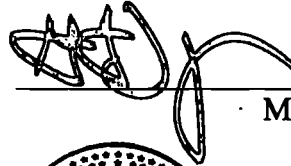
SEP 18 2017

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,

Date

at _____.

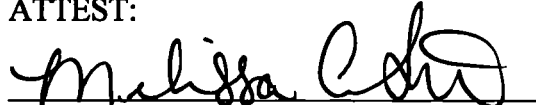
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Mayor

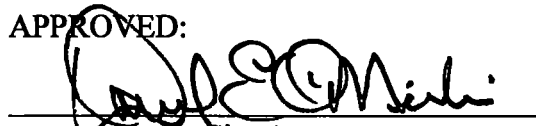
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ATTEST:

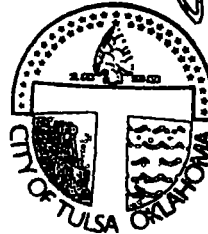


Deputy City Clerk

APPROVED:



City Attorney vve



The Inner Dispersal Loop
(I.D.L.)

