Agenda Item #:

31-1

#### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY

 Meeting Date: April 12, 2011
 []
 Consent
 [x]
 Regular

 Department: Public Safety
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 Ordinance
 []
 Public Hearing

 Submitted By: Public Safety Department
 Submitted For: Consumer Affairs Division
 Vision
 Vision

# I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011 at 9:30 a.m. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A SIX-MONTH MORATORIUM FOR THE ACCEPTANCE OF NEW APPLICATIONS FOR AND THE ISSUANCE OF VEHICLE FOR HIRE BUSINESS PERMITS, BY AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-043), PROVIDING FOR A MORATORIUM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**Summary:** On March 15, 2011, the Board of County Commissioners voted to impose a six-month moratorium on the acceptance of applications for the issuance of Vehicle for Hire business permits for new companies wishing to operate a Vehicle for Hire business within Palm Beach County. The moratorium will give staff the opportunity to work with the vehicle for hire industry to determine if additional restrictions should be placed on the requirements or quantity of vehicle for hire businesses operating in Palm Beach County and to try and standardize the application process with Broward/Dade County Vehicle for Hire process. This Ordinance implements the Board's direction to enact the moratorium. <u>COUNTYWIDE</u> (GB).

**Background and Policy Issues:** At its meeting on March 15, 2011, the Board of County Commissioners voted to institute a moratorium on acceptance of applications for and the issuance of Vehicle for Hire business permits to new companies desiring to engage in Vehicle for Hire services in Palm Beach County. This ordinance will impose a six-month moratorium per the Board's direction. The Board may terminate the moratorium by Resolution if it finds the moratorium is no longer required. The moratorium will not preclude companies with existing business permits from obtaining additional or replacement vehicle decals nor will it preclude existing permitted companies from renewing their 2012 vehicle for hire business permit.

#### Attachments:

Proposed Ordinance

Recommended by:

Approved By:

Approve

# II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years	201	2012	2013	2014	2015
Capital Expenditures				1	
Operating Costs					
External Revenues*	10,000				
Program Income (Count	y)				
In-Kind Match (County)					
NET FISCAL IMPACT	10,000	0	0	0	0
		2			
# ADDITIONAL FTE					
POSITIONS (Cumulative			<u> </u>	/ #	
Is Item Included In Cur	rrent Budge	t? Yes	No <u>&gt;</u>	<u> </u>	

Budget Account No.: Fund <u>1429</u> Agency <u>660</u> Org. <u>6240</u> Object \_\_\_\_\_ Reporting Category B. Recommended Sources of Funds/Summary of Fiscal Impact:

License and other fees enable this program to be self-funded with no ad valorem impact.

C. Departmental Fiscal Review: Stiphanic Sepréfic \* We expect a reduction of # 10,000 in revenue for the implementation of the moratorium.

## III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

B. Légal Sufficié

P/11

Contract Dev. and Control

C. Other Department Review:

unty Attorney

Department Director Revised 9/03 ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

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## ORDINANCE NO. 2011-\_\_\_\_

ORDINANCE AN OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING SIX-MONTH MORATORIUM Α UPON THE ACCEPTANCE OF APPLICATIONS FOR AND THE ISSUANCE OF VEHICLE FOR HIRE BUSINESS PERMITS, BY AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-043), PROVIDING FOR A MORATORIUM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates taxicabs: limousines, sedans, vans, minibuses, SUVs for hire, non-medical transport vehicles and other passenger vehicles for hire that operate in the unincorporated and incorporated areas of the County; and

WHEREAS, On March 15, 2011, the Board of County Commissioners voted to impose a six-month moratorium on acceptance of applications for and the issuance of Vehicle For Hire business permits to new companies wishing to do business within Palm Beach County; and

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amends Palm Beach County Code Chapter 19, Article IX, (Ordinance No. 2008-043).

WHEREAS, the Board of County Commissioners of Palm Beach County hereby

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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#### 1 SECTION 1. MORATORIUM

- a. <u>The Board of County Commissioners of Palm Beach County does hereby impose a</u>
   <u>moratorium, beginning on the effective date of this ordinance upon the acceptance of</u>
   <u>applications for and the issuance of Vehicle For Hire Company business permits.</u>
- b. The moratorium shall not preclude companies with existing business permits from obtaining
   additional or replacement vehicle decals nor shall it preclude existing permitted companies from
   renewing business permits for the 2012 license year.
- 9 c. <u>The Ordinance shall expire upon the earlier of the following: (1) six months from the</u>
   10 <u>effective date of this Ordinance or (2) enactment of a resolution by the Board of County</u>
   11 <u>Commissioners of Palm Beach County terminating the moratorium.</u>
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## 13 SECTION 2. Repeal of Laws in Conflict.

14 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby 15 repealed as it relates to the enforcement of this Ordinance only.

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#### 17 SECTION 3. Savings Clause.

18 Notwithstanding Section 2, Repeal of Laws in Conflict, all administrative and court orders, fines 19 and pending enforcement issued pursuant to the authority and procedures established by 20 Ordinance 2008-043 shall remain in full force and effect.

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#### 22 SECTION 4. Inclusion in the Code of Laws & Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the words "ordinance," "article," "section," "subsection," or "paragraph" may be changed to any other appropriate word to accomplish codification.

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## 28 SECTION 5. Severability.

29 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason

- 30 held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding
- 31 shall not affect the remainder of this Ordinance.

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# 2 SECTION 6. Effective Date.

3	The provisions of this Ordinance shall be effect	tive immediately upon filing with the Department		
4	of State.			
5	ADDOVED and ADOPTED has the Deard of	Sounds Commission on a Chalm Deach County		
6	APPROVED and ADOPTED by the Board of C			
7	Florida, on this the day of	, 2011.		
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9				
10	SHARON BOCK, CLERK			
11	Board of County Commissioners	BOARD OF COUNTY COMMISSIONERS		
12				
13	By	Ву:		
14	By Deputy Clerk	Karen T. Marcus, Chair		
15				
16				
17	APPROVED AS TO FORM AND			
18	LEGAL SUFFICIENCY			
19				
20	Ву:			
21	County Attorney			
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23				
24	Filed with the Department of State on the	day of 2011		
25	r ned with the Department of State of the	uay 01, 2011.		
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