**Public Hearing** 

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY



Meeting Date: November 15, 2011 [] Consent [] Regular

Ordinance

[X]

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

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2001-015, AMENDED BY ORDINANCE NO. 2008-043, AMENDED BY ORDINANCE NO. 2011-007); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE (VFH), TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR A MORATORIUM EXTENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**Summary:** On October 18, 2011, the Board of County Commissioners (BCC) voted to amend the current VFH Ordinance to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the acceptance of applications for the issuance of VFH business permits for new companies wishing to operate within Palm Beach County. The BCC approved the 1<sup>st</sup> Reading on the Ordinance amendment on November 1, 2011, and authorized staff to move forward for Final Reading. Public Safety will return to the BCC in December 2011 to advertise for public hearing amending the Ordinance to include the remaining revisions discussed at the October 18, 2011 meeting. **Countywide (GB)** 

**Background and Justification:** On May 17, 2011, the Board established a moratorium and directed staff to review the existing VFH Ordinance. Staff directed the VFH Advisory Committee to review the existing ordinance. On September 22, 2011, all of the proposed ordinance revisions were approved by a majority vote of the VFH Advisory Committee.

## Attachments:

1. VFH Ordinance Amendments (With <u>additions</u>/<del>deletions</del> noted)

2. VFH Ordinance Amendment (Clean version)

Recommended by:

| Market | Ma

## II. FISCAL IMPACT ANALYSIS

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)					
Net Fiscal Impact	X				
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0
ls Item Included In Curi	rent Budget?	Yes	No		
Budget Account Exp No Rev No	o: Fund Depar o: Fund Depar				
<ul> <li>B.  Recommended S</li></ul>	ratorium will cor f VFH business n County.	ntinue to defe permits for n	r the acceptanc ew companies v	e of applicatior	
	III. <u>REVI</u>	EW COMME	NTS		
A. OFMB Fiscal and	Sias uhlu	<u>'</u> (/	trol Comments	Jacobot)	117/1
B. Legal Sufficiency Assistant Count	y:  // / / / y Attorney	<u> </u>	ū		
C. Other Departmen	ոt Review։				
Departme	nt Director	_			

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2001-015, AMENDED BY ORDINANCE NO. 2008-043, AMENDED BY ORDINANCE NO. 2011-007); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE (VFH), TO BE KNOWN AS THE HIRE **VEHICLE ORDINANCE**; **PROVIDING FOR** FOR MORATORIUM EXTENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS: PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES: PROVIDING FOR SEVERABILITY: PROVIDING FOR AN EFFECTIVE DATE.

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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 the existing and future residents of Palm Beach County 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 the existing and future residents of Palm Beach County 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 May 25, 2011, the Board of County Commissioners voted to impose a moratorium on the 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

WHEREAS, On October 18, 2011March 15, 2011, the Board of County Commissioners voted to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the 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

1	WHEREAS, the Board of County Commissioners of Palm Beach County hereby
2	amends Palm Beach County Code Chapter 19, Article IX, (Ordinance No. 201108-
3	0 <del>43</del> 07).
4	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
5	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
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7	SECTION 1. MORATORIUMMoratorium.
8	a. The Board of County Commissioners of Palm Beach County does hereby extend the
9	impose a moratorium that began on May 25, 2011 and which expires on November 25,
10	2011, beginning on the effective date of this ordinance upon the acceptance of
11	applications for and the issuance of new Vehicle For Hire Company business permits.
12	The moratorium extension shall begin on November 25, 2011.
13	b. The moratorium shall not preclude companies with existing business permits from
14	obtaining additional or replacement vehicle decals nor shall it preclude existing permitted
15	companies from renewing business permits for the 2012 license year.
16	c. This moratorium extensione Ordinance shall expire upon the earlier of the following: (1)
17	six months from November 25, 2011 the effective date of this Ordinance or (2) enactment
18	of a resolution by the Board of County Commissioners of Palm Beach County
19	terminating the moratorium.
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21	SECTION 2. Repeal of Laws in Conflict.
22	All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
23	repealed as it relates to the enforcement of this Ordinance only.
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25	SECTION 3. Savings Clause.
26	Notwithstanding Section 2, Repeal of Laws in Conflict, all administrative and court orders, fines
27	and pending enforcement issued pursuant to the authority and procedures established by Chapter
28	19, Article IX, Palm Beach County Code Ordinance 2008-043, as amended, shall remain in full

force and effect.

1	SECTION 4. Captions.				
2	The captions, section headings, and section designations used in this Ordinance are for				
3	convenience only and shall have no effect on	convenience only and shall have no effect on the interpretation of the provisions of this			
4	Ordinance.				
5		•			
6	SECTION 54. Inclusion in the Code	of Laws & Ordinan	ces.		
7	The provisions of this Ordinance shall become and be made a part of the Code of Laws and				
8.	Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered				
9	or relettered to accomplish such, and the words "ordinance," "article," "section," "subsection," o				
10	"paragraph" may be changed to any other appropriate word to accomplish codification.				
11					
12	SECTION 65. Severability.				
13	If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason				
14	held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding				
15	shall not affect the remainder of this Ordinan	ce.	·		
16					
17	SECTION 76. Effective Date.				
18	The provisions of this Ordinance shall be eff	ective immediately upor	n filing with the Department		
19	of State.				
20 21 22 23 24	APPROVED and ADOPTED by the Board of Florida, on this the day of		s of Palm Beach County,		
25 26 27	SHARON BOCK, CLERK Board of County Commissioners		OUNTY, FLORIDA BY ITS NTY COMMISSIONERS		
28	By Deputy Clerk	By:	Chair		
29 30	Deputy Clerk		Chair		
31 32 33 34 35	APPROVED AS TO FORM AND LEGAL SUFFICIENCY				
36 37	By: County Attorney				
38 39	Filed with the Department of State on the	day of	, 2011.		

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2001-015, AMENDED BY ORDINANCE NO. 2008-043, AMENDED BY 2011-007); RELATING TO ORDINANCE NO. OTHER VEHICLES FOR HIRE (VFH), TO BE KNOWN AS THE **HIRE** ORDINANCE: **PROVIDING** VEHICLE **FOR** MORATORIUM EXTENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES: PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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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 the existing and future residents of Palm Beach County 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 the existing and future residents of Palm Beach County require 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 May 25, 2011, the Board of County Commissioners voted to impose a moratorium on the 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

WHEREAS, On October 18, 2011, the Board of County Commissioners voted to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the 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

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

1	amends Palm Beach County Code Chapter 19, Article IX, (Ordinance No. 2011-007).
2	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
3	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
4	
5	SECTION 1. Moratorium.
6	a. The Board of County Commissioners of Palm Beach County does hereby extend the
7	moratorium that began on May 25, 2011 and which expires on November 25, 2011 upon
8	the acceptance of applications for and the issuance of new Vehicle For Hire Company
9	business permits. The moratorium extension shall begin on November 25, 2011.
10	b. The moratorium shall not preclude companies with existing business permits from
11	obtaining additional or replacement vehicle decals nor shall it preclude existing permitted
12	companies from renewing business permits for the 2012 license year.
13	c. This moratorium extension shall expire upon the earlier of the following: (1) six months
14	from November 25, 2011 or (2) enactment of a resolution by the Board of County
15	Commissioners of Palm Beach County terminating the moratorium.
16	
17	SECTION 2. Repeal of Laws in Conflict.
18	All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
19	repealed as it relates to the enforcement of this Ordinance only.
20	
21	SECTION 3. Savings Clause.
22	Notwithstanding Section 2, Repeal of Laws in Conflict, all administrative and court orders, fines
23	and pending enforcement issued pursuant to the authority and procedures established by Chapter
24	19, Article IX, Palm Beach County Code, as amended, shall remain in full force and effect.
25	
26	SECTION 4. Captions.
2,7	The captions, section headings, and section designations used in this Ordinance are for
28	convenience only and shall have no effect on the interpretation of the provisions of this
29	Ordinance.

1	SECTION 5. Inclusion in the Code	of Laws & Ordinances.			
2	The provisions of this Ordinance shall be	ecome and be made a part of the Code of Laws and			
3	Ordinances of Palm Beach County, Florida	a. The sections of this Ordinance may be renumbered			
4	or relettered to accomplish such, and the w	vords "ordinance," "article," "section," "subsection," or			
5	"paragraph" may be changed to any other a	ppropriate word to accomplish codification.			
6					
7	SECTION 6. Severability.				
8	If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason				
9	held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding				
10	shall not affect the remainder of this Ordinance.				
11					
12	SECTION 7. Effective Date.				
13	The provisions of this Ordinance shall be	effective immediately upon filing with the Department			
14	of State.				
15 16 17 18 19	APPROVED and ADOPTED by the Board Florida, on this the day of	of County Commissioners of Palm Beach County, , 2011.			
20 21 22	SHARON BOCK, CLERK Board of County Commissioners	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS			
23 24 25	By	By:Chair			
26 27 28 29	APPROVED AS TO FORM AND LEGAL SUFFICIENCY				
30 31 32	By: County Attorney				

Filed with the Department of State on the \_\_\_\_\_\_day of \_\_\_\_\_\_\_, 2011.

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