

BILL NO. 2019- 44

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

**AN ORDINANCE TO AMEND THE HERMANN MUNICIPAL CODE TO ESTABLISH PUBLIC TRANSIT SYSTEM REGULATIONS WITHIN THE CITY.**

WHEREAS, the City of Hermann is a popular tourist destination; and

WHEREAS, those in the business of providing public transit to tourists and to citizens should do so safely and reliably; and

WHEREAS, the Board of Aldermen has determined that the implementation of certain licensing procedures and regulations for public transit systems would serve a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI AS FOLLOWS:

**SECTION ONE:** A new Chapter 660 *Public Transit Systems* is established, as follows:

**CHAPTER 660 - PUBLIC TRANSIT SYSTEMS.**

**Section 660.010 – DEFINITIONS.**

As used in this Chapter, the following terms shall have the meaning indicated:

*Bus.* A large motor vehicle, having a long body, equipped with seats or benches for passengers, usually operating on a schedule and which meets DOT safety regulations for transporting the general public and which carries over 15 passengers.

*Passenger.* A person who is allowed to ride on a bus for a fee.

*Bus Stop.* A designated place where buses stop for passengers to board or alight from a Bus.

*City Ordinance.* A law enacted by a municipal body, such as a Board of Aldermen.

*Common Carrier.* A person or entity that is available for hire to transport people or property in exchange for a fee.

*Contract Carrier.* A person or entity that transports people or property from one place to another under a contract of carriage or as an amenity of patronage, such as a vehicle owned by a business in Hermann used exclusively to transport their own customers.

*Controlled Substance.* A drug, substance or immediate precursor as identified in Mo. Rev. Stat. Chapter 195, which is incorporated herein by reference.

*Intoxicating Liquor.* Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented and all preparations or mixes for beverage purposes containing an excess of one-half of one percent (0.5%) by volume.

*Public Transit System.* A Common Carrier which utilizes one or more coach type Buses or rubber tire Trolleys which meet DOT safety guidelines, proposed for use in transporting the general public in the City.

*Operator.* Any person legally driving or operating a Bus or Trolley.

*Owner.* Any person who legally owns, rents, controls or has the use of any Bus, Trolley, business, property, premises, permit, license, or anything else as specified in this Chapter.

*Trolley.* A rubber tire Trolley type Bus used in a Public Transit System which meets DOT safety regulations for transporting the general public.

**Section 660.020 – LICENSE REQUIRED:**

No person shall engage in, operate or conduct a Public Transit System within the City without first having secured a license therefor as provided in this Chapter.

**Section 660.030 – LICENSE APPLICATION.**

An applicant for a license to operate a Public Transit System within the City shall file a written application therefor with the City Clerk. Every application for a license for a Public Transit System within the City shall be made at least 60 days prior to the issuance of the license, unless a renewal which requires an updated copy of the prior year's submission. The application shall include a Plan of Operation with the following contents:

- A. *Vehicle Type and Number.* A list of the number and type of each Trolley or Bus proposed to be operated within the City. The Public Transit System Owner will attach descriptive literature, specifications, photographs and illustrations sufficient to allow the Board of Aldermen to evaluate the design and appearance of each Trolley or Bus.
- B. *Manufacturer's certification.* A manufacturer's certification for all Trolleys and/or Buses proposed for use including the vehicle identification numbers or serial numbers, gross weight, maximum passenger capacity of those certified. This information is usually found on a Manufacturers Data Plate, a photo of which shall serve to fulfill the requirements of this section.
- C. *Fares.* All fares charged, which shall be set by the owner or operator.
- D. *Inspection documents.* Copies of all state and federally required inspection documents and certificates.

- E. *Driver's licenses.* Copies of each driver's commercial (CDL) license issued by the State of Missouri.
- F. *Certificates of Insurance.* A copy of a Certificate of Insurance confirming that the applicant maintains in full force a surety bond or a policy of public liability and property damage insurance upon each vehicle for injuries to persons or property in sums of not less than that required by Missouri law.
- G. *Other Information.* Such other information which may be required by the Board of Aldermen to evaluation the applicant's plan of operation.

Section 660.040 – APPROVAL OF APPLICATION REQUIRED.

No license for a Public Transit System shall be issued unless first approved by the Board of Aldermen.

Section 660.050 – LICENSE FEE.

An annual fee of \$32.50 will be charged for a license required by this Chapter.

Section 660.060 – TERM OF LICENSE.

All licenses to operate a Public Transit System shall terminate 12 months from the date the license is issued.

Section 660.070 – SALE OF PUBLIC TRANSIT SYSTEM.

The sale or transfer of a Public Transfer System requires a new license to be issued to the purchasing party. The purchasing party shall submit a license application to the City Clerk as provided in Section 660.030, above.

Section 660.080 – COMPLIANCE WITH STATE LAWS.

All Owners and Operators of Public Transit Systems shall comply with all applicable City, state and federal ordinances and laws.

Section 660.090 – OPERATING REGULATIONS.

- A. *Operators to be Licensed; Obedience to Applicable Laws.*
  - 1. The Operator of every Bus or Trolley must be licensed as a commercial driver, CDL, under Missouri law.
  - 2. The Operator of every Bus or Trolley shall abide by all applicable State laws and City Ordinances when operating the Bus or Trolley, including, but not limited to the City's entire Traffic Code.

3. The Operator of every Bus or Trolley shall insure that the passengers of the Bus or Trolley shall abide by all applicable State laws and City Ordinances.
  4. No Operator of any Bus or Trolley shall knowingly allow, in or upon the Bus or Trolley, any improper disturbances, lewdness, immoral activities, nudity, brawls or any indecent, profane or obscene language.
- B. *Relocation of Bus Stops.* Each year the City Administrator shall produce a map of the City showing the location of all Bus Stops. Any request to move a Bus Stop must be approved by the Board of Aldermen, which approval shall not be unreasonably withheld.
- C. *Passenger Pickup and Drop-off.* Buses and Trolleys may make stops of very short duration in places other than approved Bus and Trolley stops to let passengers on or off; provided, however, that stops shall not hinder the flow of traffic or create danger to pedestrians crossing or attempting to cross the street.
- D. *Indemnification of City.* The Bus or Trolley Owner shall indemnify the City and its officers from any liability for injury or damage arising from any casualty to persons or property due to the negligence, omission or willful, wrongful act of the Bus or Trolley Owner or Operator.
- E. *Information to be Displayed.* Every Bus and Trolley shall maintain two signs to be located in the front and rear of the vehicle, not less than 18 inches by 24 inches in size, which shall have plainly printed thereon: "Possession of open containers of alcohol and drinking alcohol while in this vehicle are strictly prohibited. Violators will be prosecuted per Hermann Code Sections 600.370 and 660.090."
- F. *Use or Possession of Intoxicating Liquor or Controlled Substances by Owner or Operator.* No Bus or Trolley Owner or Operator, while on duty, shall have in his or her possession an open container of Intoxicating Liquor or any Controlled Substances, nor shall he or she drink or consume such items while on duty.
- G. *Use or Possession of Intoxicating Liquor or Controlled Substances by Passengers.* A Bus or Trolley Owner or Operator shall make every reasonable effort to identify and prevent any passenger from having in his or her possession an open container of Intoxicating Liquor or any Controlled Substances and bringing or possessing it on board. The Bus or Trolley Owner or Operator shall refuse to allow anyone on board who attempts to enter with an open container of any kind that is not clearly labelled as non-alcoholic.
- H. *Passengers to remain seated.* All Bus and Trolley Owners and Operators shall require passengers to remain seated at all times that the Bus or Trolley is moving, except those using the ten hand straps or hand rail, inspected and approved for that purpose by the appropriate state or federal authorities. Proof of such approval or inspection shall be provided if requested.

- I. *Excessive Noise Prohibited.* No Bus or Trolley Owner or Operator shall allow noise on the Bus or Trolley to be so loud as to prevent him/her from communicating instructions with the passengers.
- J. *Passengers to Remain Inside Bus or Trolley.* Bus and Trolley Owners and Operators shall require all passengers to keep their entire bodies inside the Bus or Trolley at all times. Passengers shall not be allowed to ride on railing, porches or running boards unless they have been inspected and approved for that purpose by the appropriate state or federal authorities. Proof of such approval or inspection shall be provided if requested.
- K. *Number of Passengers in Vehicle.* There shall not be more passengers than that recommended by the manufacturer of the vehicle, including the driver, carried in a vehicle at any one time.
- L. *Operator Use of Cell Phones.* Operators shall not drive a bus or trolley while holding and operating a handheld wireless telephone or other electronic communications device unless the wireless telephone or device is specifically designed and configured to allow for hands-free operation and it is used in that manner while driving.

Section 660.100 – REVOCATION OF LICENSE.

Any license issued pursuant to this Chapter may be revoked, after ten (10) days' prior notice in writing to the licensee advising of the prospective revocation and of the right of such licensee to request within such ten (10) day period a hearing thereon before the Board of Aldermen, by order of the Mayor at any time during the term of such license, in the event of the occurrence of any of the following circumstances:

- A. Forfeiture or surrender of the licensee's Missouri sales tax license or exemption therefrom.
- B. The making of any material false statement by the licensee in the licensee's application for such license.
- C. A substantiated violation of any law or ordinance which regulates the type of business for which such license has been issued.

Section 660.110 – PARKING BY CONTRACT CARRIERS.

It shall be unlawful for buses, trollies, fun buses, extended limousines or extended vans that are engaged as Contract Carriers to use public street parking spaces except for unloading and loading persons that they transported to Hermann under contract. When not unloading or loading passengers, these vehicles must be parked in the lot provided and so labelled, located at the East side of the intersection of Gutenberg Street and 5<sup>th</sup> Street.

Section 660.120 - CONTRACT CARRIER SHALL NOT ACT AS COMMON CARRIER.

It shall be unlawful for any Contract Carrier to act as a Common Carrier, advertise or make itself available for hire to transport people within the City of Hermann in exchange for a fee. Any city licensed Common Carrier may act as a Contract Carrier if a contract is executed.

**SECTION TWO:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION THREE:** This Ordinance shall be in full force and effect commencing on \_\_\_\_\_.

**SECTION FOUR:** The publisher of the City of Hermann ordinances shall be permitted to re-designate the section or sub-section number of this revised code section to fit within an appropriate portion of the Hermann City Code, within the discretion of the publisher.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**VOTE:**

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman David Faerber						
Alderman Bruce Cox						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DR. ROBERT C. KOERBER, Mayor

\_\_\_\_\_  
PATRICIA HEANEY, City Clerk