

CITY OF BURLINGTON

ORDINANCE 5.06

Sponsor: Ordinance Committee  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Sixteen

First reading: \_\_\_\_\_

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An Ordinance in Relation to

VEHICLES FOR HIRE \*\*revised version\*\*

Signed by Mayor: 03/14/16

Published: 03/23/16

Effective: 04/13/16

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is  
2 amended by striking the text of the current ordinance in its entirety and replacing it with the following to  
3 read as follows:

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**Chapter 30**  
**VEHICLES FOR HIRE**

7

Article I. In General

8

**30-1 Definitions.**

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Administration Office. The Administration Office or Vehicle For Hire Administration Office is the office within the City responsible for administering this Vehicle For Hire Ordinance.

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Airport. The Airport is the Burlington International Airport and all other properties owned, operated, leased or controlled by the Airport, including all parking facilities.

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Airport Ground Transportation Personnel. Airport Ground Transportation Personnel is the person(s) appointed by the Airport or with whom the Airport contracts to assist in the enforcement of Airport and vehicle for hire regulations and to provide assistance to the traveling public.

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Applicant. An Applicant is an individual or other legal entity seeking a license from the City to operate a vehicle for hire or vehicle for hire business in the City of Burlington and/or at the Airport.

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Board. The Board is the City of Burlington Vehicle For Hire Licensing Board created in Section 30-4.

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Business License. A Business License is a license issued by the City pursuant to this chapter granting permission to a person, persons, or entity to operate a Vehicle For Hire or a Vehicle For Hire Company within the City or at the Airport.

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City. The City is the municipal corporation of the City of Burlington, Vermont.

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An Ordinance in Relation to VEHICLES FOR HIRE

23 Courtesy Vehicle. Courtesy vehicle is a motor vehicle that carries persons between the airport and off-  
24 airport businesses such as valet parking lots, hotels, motels, and rental car companies, which the passengers  
25 pay no direct charge or car dealer courtesy vehicles. These are not vehicles for hire.

26 Driver. A Driver is a person who operates a Vehicle For Hire in the City or at the Airport.

27 Dynamic market pricing. Dynamic market or surge pricing is defined as a pricing strategy that sets highly  
28 flexible prices for products or services based on a current market demands.

29 Licensee. A Licensee is the holder of a license granted pursuant to this chapter.

30 Out of Service Order. Out of Service Order is an order issued by the Board which requires (a) a Licensee to  
31 cease operations of a Vehicle For Hire when it is determined that the Licensee, its vehicle, and/or its Driver  
32 does not meet the requirements of this chapter or (b) a TNC to disallow a TNC Driver from accessing the  
33 TNC's digital network when a TNC Driver and/or vehicle does not meet the requirements of this chapter.

34 Passenger. A Passenger is any individual or group of individuals who have hired or attempted to hire a  
35 Vehicle For Hire for travel to any destination.

36 Prearrangement. Prearrangement is an agreement made between a Licensee or its Driver and a Passenger  
37 following a request for transportation but in advance of entering a Vehicle For Hire. The request must be  
38 made by contacting the Vehicle For Hire provider or the provider's digital network via telephone, software  
39 application, website, or other method of communication, prior to the Passenger's accessing transportation  
40 services.

41 Roof Light. Roof Light is an exterior light affixed to the roof of a Vehicle For Hire operating as a taxicab  
42 that is covered with a translucent fixture marked with the word "taxi," "taxicab," or "cab," or the company  
43 name.

44 Street Hail. Street Hail means to access a vehicle for hire without prearrangement, on the street or at a taxi  
45 stand.

46 Suspension. Suspension is the temporary recall of a license issued under this chapter for a specified period of  
47 time.

48 Taxicab. A taxicab is a Vehicle For Hire with a roof light and taximeter that is designed to accept street hails,  
49 as well as prearranged passengers, and that may carry no more than the number of passengers intended by  
50 the vehicle manufacturer, for a fee, on call or demand. A vehicle used to provide Transportation Network  
51 Company services is not a taxicab.

52 Taximeter. A taximeter is an instrument or device approved by the Board by which the fare for passengers of  
53 taxicabs picking up street hails is automatically calculated and plainly indicated.

54 Transportation Network Company (TNC). Transportation Network Company or TNC is a Vehicle For Hire  
55 business that uses a digital network or software application service to connect passengers to Transportation

56 Network Company Services provided by Transportation Network Company Drivers. The vehicles used to  
57 provide Transportation Network Company Services are Vehicles For Hire for purposes of this chapter.

58 Transportation Network Company (TNC) Driver. An individual who (a) receives connections to potential  
59 passengers and related services from a TNC in exchange for payment of a fee to the TNC and (b) operates a  
60 motor vehicle that is owned, leased or otherwise authorized for use by the individual and used to provide  
61 TNC Services. A TNC shall not be deemed to control, direct or manage the personal vehicle or the TNC  
62 Driver that connect to the TNC's digital network except where agreed to by written contract.

63 Transportation Network Company (TNC) Services. Transportation Network Company (TNC) Services is  
64 transportation of a passenger or passengers between points chosen by the passenger and prearranged with a  
65 TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin  
66 when a TNC Driver accepts a request for transportation received through the TNC's digital network or  
67 software application service, continue while the TNC Driver transports the passenger in the TNC Driver's  
68 vehicle, and end when the passenger exits the TNC Driver's vehicle.

69 Vehicle For Hire. A Vehicle For Hire is a passenger vehicle transporting passengers for compensation of any  
70 kind. Vehicles for hire include taxicabs, TNC vehicles, limousines, jitneys, car services, contract vehicles,  
71 shuttle vans, and other such vehicles transporting passengers for compensation of any kind, except:

72 (1) Those which an employer uses to transport employees;

73 (2) Those which are used primarily to transport elderly, special needs and handicapped persons  
74 for whom special transportation programs are designed and funded by state, federal, or local  
75 authority or otherwise exempted pursuant 23 V.S.A. § 4(15);

76 (3) Buses, trolleys, trains, or other similar mass transit vehicles; or

77 (4) Courtesy vehicles for which the passenger pays no direct charge, such as hotel or car dealer  
78 shuttle vans.

79 Vehicle For Hire Company. Vehicle For Hire Company is any business entity that owns, operates, controls,  
80 dispatches, or otherwise deals with Vehicles For Hire, including a TNC.

81 ARTICLE 2. SCOPE OF AUTHORITY AND GOVERNANCE

82 **30-2 Applicability.**

83 The provisions of this chapter shall apply to all Vehicles For Hire, Vehicle For Hire Drivers, and Vehicle For  
84 Hire Companies operating in the City or at the Airport whether or not they are legally and validly licensed  
85 pursuant to this chapter. The absence of a license is no defense to any regulatory action pursuant to this  
86 chapter, including penalties and fines.

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89 **30-3 Enforcement of chapter.**

90 This chapter shall be enforced by the Board, the Vehicle For Hire administration office, the City police  
91 department, any Airport Ground Transportation Personnel, and/or any other law enforcement officer  
92 assigned by the City.

93 **30-4 Licensing board and vehicle for hire administration office.**

94 (a) A vehicle for hire licensing board (Board) is established, which shall be composed of five (5)  
95 members appointed by the city council with mayor presiding. The initial terms of the members shall  
96 be staggered. The first two (2) shall be appointed for a term of three (3) years, and the remaining  
97 three (3) shall be appointed for a term of two years. Thereafter, all such appointments shall be for a  
98 term of three years commencing the first day of July following their appointment and continuing until  
99 their successors have been appointed and qualified. In making appointments, the city council with  
100 mayor presiding should consider including members of the general public who use vehicles for hire,  
101 representatives of the vehicle for hire industry, representatives from the public safety community, and  
102 any other persons expressing an interest in serving, but they are not required to satisfy each category  
103 of representatives when making appointments. Terms of Board members shall be for three (3) years.  
104 Three (3) members of the Board shall constitute a quorum.

105 (b) Authority. The Board shall diligently see that all ordinances related to vehicles for hire operating in  
106 the City and the airport are enforced and promulgate such rules and regulations, policies and  
107 procedures, and enforcement system and practices as are necessary to ensure the efficient  
108 administration of and compliance with standards established in this chapter.

109 The Board shall have authority to audit licensees' filings, monitor licensees' conduct and operations,  
110 and to affirm or reverse decisions made by the Administration Office. The Board shall also have the  
111 authority to fine a licensee and/or suspend or revoke a license for any violation of this chapter.

112 (1) Out of Service Order. The Board shall have the authority to order removed from operation on  
113 the streets of the City or Airport any vehicle regulated by this chapter which is deemed unfit  
114 for public patronage, and to prohibit operation of such vehicle pursuant to this chapter until all  
115 deficiencies have been corrected. The Board or its designee shall have the sole authority to  
116 determine if deficiencies have been corrected.

117 (2) Removal and impoundment. The Board shall have authority to order removal and  
118 impoundment by its designee of any unauthorized vehicle, including one ordered out of  
119 service pursuant to subsection (a)(1) of this section, or any vehicle being used by any  
120 unlicensed or suspended driver after previous written warning has been given the owner and  
121 driver of the vehicle. The vehicle shall be removed and impounded in accordance with due  
122 process requirements.

123 (c) Appeals. The Board shall have the authority to hear appeals regarding denials, suspensions and/or  
124 revocations of licenses issued by the Administration Office pursuant to this chapter, and to hear  
125 complaints regarding all vehicle for hire operations in the City and at the Airport. After holding a  
126 hearing on any such matter, the Board shall issue a written decision. The Board, in addition to having

127 the authority to affirm or reverse an action of the Administration Office and to issue its own  
128 determinations regarding complaints, may also impose a fine of up to eight hundred dollars (\$800.00)  
129 per day for each violation of this chapter found. This fine may be in addition to any fines imposed for  
130 a municipal violation. Any decision by the Board under this chapter shall be final. Any aggrieved  
131 person may appeal a decision of the Board by instituting relief in the Chittenden Superior Court  
132 under V.R.C.P. 74.

133 **30-5 Vehicle for hire administration office.**

134 A Vehicle For Hire Administration Office is established within the City Clerk/Treasurer's office. Under the  
135 direction and supervision of the City's Chief Administrative Officer with the oversight of the Board, the  
136 Administration Office shall be responsible for examining applications for vehicle for hire licenses in the city,  
137 performing criminal and motor vehicle record and other background information checks when requested by  
138 an applicant, performing compliance audits of existing licensees, and thereafter granting or denying licenses  
139 pursuant to the requirements of this chapter.

140 The Administration Office shall also be responsible for the day-to-day administration of the vehicle for hire  
141 ordinance and shall implement the rules and regulations, policies and procedures, and enforcement practices  
142 and systems promulgated by the Board. A Vehicle for Hire Administrator and a Vehicle for Hire  
143 Enforcement Officer are hereby established for this purpose.

144 **ARTICLE 3. VEHICLE FOR HIRE BUSINESS LICENSE**

145 **30-6 Business licenses required.**

146 Every Vehicle For Hire operation in the City or Airport, whether an individual, corporation, d/b/a, limited  
147 liability corporation, partnership, or other legal entity, shall obtain a vehicle for hire business license from  
148 the Administration Office. There shall be an annual application fee for each license, as set out in Schedule I,  
149 which shall be determined by the Board, approved by the City Council by resolution, and posted with the  
150 Administration Office. TNC Drivers and drivers who do not own their own Vehicle for Hire business do not  
151 require a business license.

152 **30-7 Application.**

- 153 (a) Every Applicant must complete a business license application provided by the Administration Office.
- 154 (b) Every Applicant must provide the Administration Office with a physical address for the applicant, as  
155 well as an official and current mailing address where all notices may be sent and any daily contact  
156 information.
- 157 (c) Applicant shall register with and meet all requirements of the Vermont Secretary of State to do  
158 business within the state of Vermont and shall maintain a registered agent in the state of Vermont.

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161 **30-8 Investigation and disqualification**

162 (a) By making application for a vehicle for hire business license, the applicant shall be deemed to have  
163 authorized being subject to the provisions of this Chapter.

164 (b) No Business License will be issued to any Applicant, and no Driver may operate a Vehicle for Hire  
165 within the City or the Airport, who fails to meet the standards of this ordinance, including those in  
166 §30-11 below.

167 (c) The Administration Office may also deny an Applicant a Business License if it is determined that the  
168 Applicant cannot or will not comply with the financial responsibility and safety requirements of this  
169 Chapter or if it is determined that the granting of a Business License would jeopardize the health,  
170 safety or general welfare of the public.

171 (d) The denial of a Business License may be appealed to the Board as provided in 30-4 (c) and 30-35  
172 below.

173 (e) Receipt of a Business License does not authorize pick up and drop off at the Airport. The Airport  
174 sets its own rules and regulations for ground transportation at the airport and any vehicle for hire  
175 operations at the Airport must be separately permitted by the Airport. Any fees related to vehicle for  
176 hire operations at the Airport shall be established pursuant to the recommendation of the Board of  
177 Airport Commissioners.

178 **30-9 Responsibilities of licensee; expiration of license.**

179 (a) License nontransferable. A Business License is not transferable unless approved by the Board.  
180 Approval may be granted only if the following criteria are met:

181 (1) The licensee pays a transfer fee to the Administration Office as set out in Schedule I,  
182 established by the Board and annually posted with the Administration Office; and

183 (2) The new business meets all licensing prerequisites of this chapter.

184 (b) Update of information. All licensees shall have a continuing obligation to notify the Administration  
185 Office of any material change in any of the information required that the licensee is required to report  
186 by this chapter, in writing, within five (5) business days of the change.

187 (c) All Licensees must:

188 (1) Maintain a current list of drivers and/or allow visual inspection of a list of all identification  
189 numbers of drivers operating in the City and provide samples for auditing when required  
190 pursuant to 30-20 below;

191 (2) Post in all vehicles for hire operating under the license or provide on the receipt required by  
192 Section 30-19(c) the phone number or email address of the Administration Office, to which  
193 complaints concerning the Licensee or its Drivers may be directed;

- 194           (3)    (a) If the Driver is a non-TNC Driver, promptly report (no more than forty-eight (48) hours  
195                   after learning of the suspension or revocation) to the Administration Office the suspension or  
196                   revocation of a state operator’s license; or
  
- 197                   (b) If the Driver is a TNC Driver, the TNC shall promptly disallow the Driver from accessing  
198                   the TNC’s digital network no more than forty-eight (48) hours after the TNC learns of the  
199                   suspension or revocation of the TNC Driver’s state operator’s license.

200    ARTICLE 4. VEHICLE FOR HIRE DRIVER STANDARDS

201    30-10 Background Checks.

- 202    (a)    Every Driver must undergo an annual background check, including a criminal background check that  
203           meets the standards in section 30-11(a) below.
  
- 204           (1)    If the Applicant elects to have the City conduct the background check, the Applicant shall  
205                   submit the nonrefundable background check fee established by the Board and as noted on the  
206                   attached Schedule I with the Application authorizing the City to conduct the background  
207                   check prior to issuing a license.
  
- 208           (2)    If the Applicant elects to conduct the background check or have a third party conduct the  
209                   background check, the Applicant shall provide the City with an annual certification that the  
210                   check has been conducted. The certification must be provided on a form approved by the  
211                   Board, in writing and under oath subject to the penalties of perjury, certifying that the  
212                   standards set out below have been met and that all Drivers permitted to drive under the  
213                   License at issue have successfully passed the background check and are qualified to operate a  
214                   vehicle for hire under section 30-11 below.
  
- 215           (3)    The background check must be completed and passed before any Driver may operate a  
216                   Vehicle For Hire in the City or at the Airport.
  
- 217    (b)    Whether conducted by the Administration Office or by a Business Licensee through a third party, the  
218           annual background check must consist of a complete criminal and motor vehicle background check  
219           performed by a company accredited by the National Association of Background Screeners (NAPBS)  
220           that includes a national and local criminal record check, a vehicle record check, and a review of the  
221           Vermont sex offender registry and the National Sex Offender Public Website. The background check  
222           must cover a period of time sufficient to demonstrate that each Driver meets the standards set forth in  
223           section 30-11 below.
  
- 224    (c)    All vehicle for hire licensees shall implement a zero tolerance policy on the use of drugs and alcohol  
225           that is applicable to any and all Drivers, provide notice of said zero tolerance policy on its website or  
226           other advertising, and provide procedures to report complaints if passengers suspect a Driver is under  
227           the influence of drugs or alcohol with said reports resulting in the immediate removal of said Driver’s  
228           access to a vehicle for hire pending completion of an investigation of said complaint.

230 30-11 Requirements for lawful operation of a vehicle for hire

231 (a) To legally operate a Vehicle For Hire in the City or at the Airport, each Driver must

232 (1) Be twenty-one (21) years of age or older; and

233 (2) Hold a valid operator's license, including any necessary endorsement; and

234 (3) Have at least one (1) year of driving experience; and

235 (4) Not have ever been convicted of homicide, manslaughter, kidnapping, or sexual assault, or is  
236 required by any governmental entity to register as a sex offender in any jurisdiction; and

237 (5) Not have been convicted of any of the following offenses in any jurisdiction in the past seven  
238 (7) years:

239 (a) Operating a motor vehicle while under the influence of either drugs or  
240 alcohol;

241 (b) Refusing to submit to an evidentiary alcohol or drug test for operating under the  
242 influence;

243 (c) Any felony involving the sale or possession of controlled substances or  
244 narcotics;

245 (d) Any offense involving threats, physical violence, or the use of a weapon;

246 (e) Any felony involving theft, fraud, or dishonesty;

247 (f) Any felony involving reckless driving, negligent operation, or leaving the scene of an  
248 accident; and

249 (6) Not have been convicted of more than three (3) moving motor vehicle violations within the  
250 past three (3) years and/or convicted of driving on a suspended or revoked driver's license  
251 within the last three (3) years in any jurisdiction; and

252 (7) Not have any pending unresolved criminal charges which if convicted would disqualify the  
253 Driver.

254 (b) In addition, the Applicant or a third-party conducting the background check shall require each Driver  
255 to self-certify prior to operating a Vehicle For Hire in the City or at the Airport that the individual:

256 (1) is physically and mentally fit to safely operate a vehicle for hire;

257 (2) is not under the supervision of the department of corrections or its equivalent entity in any  
258 jurisdiction due to a conviction for an offense enumerated in Section 30-11(a)(4) or (a)(5);

An Ordinance in Relation to VEHICLES FOR HIRE

- 264           (3) is not at the time of the application subject to an active abuse prevention order or its  
265           equivalent in any jurisdiction;
- 266           (4) has not had a taxi or Vehicle for Hire license or its equivalent revoked for safety-related  
267           reasons by the City or any other jurisdiction within the previous three (3) years; and
- 268           (5) is current with all legally assessed taxes, fees or other liabilities to the City or be current on a  
269           payment plan authorized by the Chief Administrative Officer of the City.
- 270   (c) In addition to these disqualifications, if the background check is being conducted by the  
271       Administration Office, subject to the right of appeal in Sections 30-4 (c) and 30-35 below, the  
272       Administration Office may deny an application if it is determined that allowing the Applicant to  
273       operate a vehicle for hire business in the City would jeopardize the health, safety or general welfare  
274       of the public.

275   **30-12 Obligation to disclose.**

- 276   (a) Any person operating a vehicle for hire business in the City and/or at the Airport or is a vehicle for  
277       hire Driver in the City or at the Airport shall have an ongoing obligation to disclose to the  
278       Administration Office and, if not individually licensed, to the Business Licensee for which that  
279       person is operating a vehicle for hire, within five (5) business days:
  - 280           (1) Any criminal charge or conviction in any jurisdiction that would result in the Driver being  
281           disqualified under Section 30-11;
  - 282           (2) Any motor vehicle conviction that would result in the Driver being disqualified under Section  
283           30-11;
  - 284           (3) Any motor vehicle suspension or revocation in any jurisdiction; and/or  
285           (4) Any abuse prevention order issued against him or her, or any charge or conviction of a sexual  
286           crime.
- 287   (b) Upon receipt of such a notice, the Business Licensee, or in the case of an individual Licensee, the  
288       Board, shall in a reasonable amount of time determine whether or not the incident makes the Driver  
289       ineligible to operate a vehicle for hire, and if so, shall immediately suspend the Driver's authority to  
290       operate, or in the case of an individual Licensee, that individual's Business License.
- 291   (c) Failure to make the disclosure required by subsection (a) shall be grounds for immediate suspension  
292       of driving privileges or disallowance from accessing a TNC digital network. A Business Licensee's  
293       failure to take reasonably prompt action upon receipt of notification may result in suspension or  
294       revocation of the Business License.

300 **30-13 Vehicle for hire driver identification**

301 All vehicle for hire drivers shall identify themselves to passengers prior to passengers entering the vehicle.  
302 All Drivers must post a photo ID prominently in the vehicle, or alternatively, if a TNC driver, must publish  
303 their first name on the TNC's software application or website, along with the license plate number and the  
304 make and model of the vehicle so that passengers can determine whether the driver of the vehicle for hire is  
305 in fact the person noted in the photo displayed in the vehicle or on the TNC's application or website.

306 **30-14 False impersonation of another.**

307 It shall be unlawful for any person to falsely impersonate a vehicle for hire Business Licensee and/or Driver.  
308 Such person shall be subject to any and all penalties set out in this chapter or otherwise available by law, and  
309 shall also be prohibited from driving for a Business Licensee and/or applying for or obtaining a Business  
310 License under this chapter.

311 **ARTICLE 5. VEHICLE FOR HIRE VEHICLE STANDARDS.**

312 **30-15 Inspections**

313 (a) Documentation of state inspection and registration. Any motor vehicle being used as a vehicle for  
314 hire must comply with the safety inspection requirements for motor vehicles under the state law in  
315 which the vehicle is registered.

316 (b) All motor vehicles operating as vehicles for hire shall not be more than ten (10) model years older  
317 than the current calendar year.

318 (c) All motor vehicles being operated as vehicles for hire must be properly registered as required under  
319 applicable law.

320 **30-16 Vehicle for hire inspection certifications.**

321 (a) Each Licensee must provide an annual certification to the Administration Office that all vehicles for  
322 hire used by any Driver operating under that Licensee's Business License meet all of the standards in  
323 Section 30-15.

324 (b) The certification must be provided on a form approved by the Board, in writing and under oath  
325 subject to the penalties of perjury, certifying that the standards set out in Section 30-15 have been  
326 met.

327 (c) The vehicle inspection must be completed and passed before a Driver may operate the vehicle as a  
328 Vehicle For Hire in the City or at the Airport.

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332 **30-17 Vehicle identification.**

333 (a) All vehicles for hire, while operating in the City or at the Airport, shall be identified with a uniform  
334 paint color, or a recognizable logo or decal. The logo or decal must be prominently displayed on the  
335 vehicle at all times the vehicle is carrying or available to accept paying passengers.

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337 **ARTICLE 6. VEHICLE FOR HIRE INSURANCE REQUIREMENTS.**

338 **30-18 Minimum insurance coverage.**

339 (a) Each TNC Licensee shall, for each vehicle operating under its License, maintain primary automobile  
340 liability insurance coverage of at least One Million Dollars (\$1,000,000) of liability coverage for  
341 bodily injury and property damage arising from the operation of a vehicle for hire.

342 (1) This coverage shall be applicable once a vehicle for hire accepts a ride request through the  
343 company's digital platform, website, telephone, or any other method of communication and  
344 shall continue until the last requesting passenger departs the vehicle.

345 (2) This coverage shall include underinsured / uninsured motorist coverage to the extent required  
346 under 23 V.S.A. § 941.

347 (b) Each TNC Licensee must also maintain contingent liability coverage of at least fifty thousand dollars  
348 (\$50,000) per person and at least one hundred thousand dollars (\$100,000) per accident, and at least  
349 twenty five thousand dollars (\$25,000) for property damage per accident during the time that a TNC  
350 Driver is logged into a company's digital network and available to receive requests for transportation  
351 service but has not accepted a ride request from a passenger.

352 (1) The coverage required under this section (b) shall be maintained by a TNC and provide  
353 coverage in the event a TNC Driver's own automobile liability policy excludes coverage  
354 according to its policy terms or does not provide coverage of at least the limits required in this  
355 subsection.

356 (2) This coverage shall include under insured/uninsured motorist coverage to the extent required  
357 under 23 V.S.A. § 941.

358 (c) In every instance where insurance maintained by a TNC Driver to fulfill the insurance requirements  
359 of this section has lapsed, failed to provide the required coverage, denied a claim for the required  
360 coverage or otherwise ceased to exist, insurance maintained by the TNC shall provide the coverage  
361 required by this Section beginning with the first dollar of a claim.

362 (d) Each other Licensee shall, for each vehicle operating under its License, maintain commercial liability  
363 insurance coverage of at least Five Hundred Thousand Dollars (\$500,000) for bodily injury and  
364 property damage arising from the operation of a vehicle for hire.

An Ordinance in Relation to VEHICLES FOR HIRE

365 (e) Insurance required under this section must be placed with an insurer authorized to do business in the  
366 state of Vermont or with a surplus lines insurer eligible under 8 V.S.A. § 5021 et seq.

367 (f) Each Licensee is under a continuing obligation to maintain valid insurance coverage of at least the  
368 minimums required by this section at all times. Failure to maintain insurance as required by this  
369 section shall be grounds for suspension or revocation of a license.

370 ARTICLE 7. VEHICLE FOR HIRE RECORDS AND REPORTING REQUIREMENTS.

371 30-19 Records.

372 (a) All Licensees shall maintain:

373 (1) Individual trip records for at least two (2) years from the date each trip was provided;

374 (2) Driver records, including background checks, for at least two (2) years after the last date a  
375 Driver's relationship with the Licensee has ended;

376 (3) Proof that each vehicle for hire operating under the Licensee passed an inspection in  
377 accordance with this Chapter for a period of at least two (2) years after the vehicle was last  
378 driven in service for the Licensee;  
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380 (b) Records may be maintained electronically.

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382 (c) All vehicles for hire Drivers and/or Business Licensees shall insure that they have the ability to  
383 transmit a paper or an electronic receipt to a passenger. The receipt shall document the origination  
384 and destination of the trip and a description of the total amount paid.  
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386 30-20 Reporting and Audits

387  
388 (a) For the purpose of ensuring public safety and verifying that the vehicle for hire company is in  
389 compliance with the requirements of this Chapter, and if the company has chosen to perform or have  
390 a third party perform driver background checks and vehicle inspections, the Administration Office,  
391 under the supervision of the City's Chief Administration Officer, shall have the right to request,  
392 visually inspect, and audit records, no more than semi-annually, Driver and vehicle for hire records of  
393 Business Licensees. The purpose of the record request, inspection, and audit is to verify that the  
394 Licensee is in compliance with the Driver and vehicle standards and insurance requirements of this  
395 Chapter. The terms of the record request, inspection and audit procedure shall be established by a  
396 memorandum of understanding between the City and the Licensee and approved by the City Council.  
397 Records provided must show:

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399 (1) The results of the most recent background check on Drivers and proof that the Drivers  
400 meets the requirements of this Chapter;

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(2) Proof that the vehicle(s) meet the standards of this Chapter; and

(3) Proof of adequate insurance coverage for each Driver and vehicle as required by this Chapter.

(b) The Administration Office may conduct an audit on a more frequent basis if it has a reasonable basis to suspect that a Business Licensee is not in compliance with the requirements of this Chapter. If the City receives a complaint against any Driver or Licensee, the Driver and/or Licensee shall cooperate with the City in investigating the complaint, including by producing any records held by the Licensee that the City deems necessary to investigate and resolve the complaint.

(c) At least once a year, each Licensee, including any TNCs operating in the City, shall describe to the City what, if any data, it may reasonably share with the City in order to assist the City in planning and addressing various transportation-related issues including, but not limited to traffic, pedestrian safety, parking, the availability of disabled-accessible vehicles, and the equitable availability of transportation options across neighborhoods and populations in the City. No Licensee or TNC shall be required to share any such data with the City pursuant to this Subsection unless the parties voluntarily agree to a data sharing agreement including any confidentiality terms.

ARTICLE 8. PASSENGER RIGHTS.

30-21 Notice to the public.

(a) Passenger Bill of Rights. Every Vehicle For Hire must include a copy of this Passenger Bill of Rights within the vehicle or be made available by a Licensee on its website or application:

(1) The drivers of vehicles for hire shall conduct themselves in a courteous and professional manner at all times;

(2) The rate of fare must have been agreed upon prior to the ride and posted in vehicles, on websites, on apps, or on a printed or electronic receipt, or must be calculated by a taximeter at the rates determined by the Board. A TNC that provides riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC vehicle complies with this provision;

(3) The driver's first name, picture, license plate number, and vehicle make and model must be prominently displayed in vehicles, on websites, on apps, or on a printed or electronic receipt;

(4) Smoking is not permitted in any vehicle at any time;

(5) No person other than the driver is permitted to remain in the vehicle at any time without the express consent of all passengers;

(6) The vehicle shall have a clean passenger seat area and trunk;

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- (7) The driver must know and obey all traffic laws and take the most direct or efficient route to your destination;
- (8) You may direct the destination and route used;
- (9) There shall be adequate heat and air conditioning in every vehicle.
- (10) Licensee policy regarding the capping of dynamic pricing during emergencies shall be followed.
- (b) Licensee shall also post in vehicles, on websites, on apps, or on a printed or electronic receipt the contact information for the Administration Office for purposes of making complaints.
- (c) Licensee shall maintain an ongoing customer feedback and complaint system for passengers. City law enforcement shall have the authority to review records related to complaints alleging violations of local, state, or federal laws pursuant to a duly-issued subpoena.

ARTICLE 9. FARES

30-22 Pre-agreement and Disclosure on Rates

- (a) For TNC operations, a TNC may charge a fare for the services provided to riders provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare or fare calculation method on its website or within the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC Driver's vehicle.
- (b) For non-TNC operations, prior to initiating a ride, except as provided in Section 30-23, each Licensee shall disclose the estimated cost of the ride to the potential rider via a written rate sheet posted in the vehicle, over the telephone, on a website, on a smartphone app, or any other method of communication, and the passenger shall pre-agree to pay the rate posted or quoted.
- (c) Except as provided below, no Licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.

30-23 Taxi Rides

- (a) Notwithstanding Section 30-22 above, vehicles for hire operating as taxicabs and picking up street hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the Board.

477 (b) A Driver or Licensee operating as a taxicab and using a meter for determining fares shall not tamper  
478 with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter  
479 that would affect its operation.

480 (c) Any taximeter shall be subject to inspection by the City at any time. If any violation or any  
481 inaccuracy is discovered, the Administration Office shall notify the taxicab Driver and/or Licensee  
482 for whom the Driver is operating to cease operation and shall order the vehicle out of service. The  
483 taxicab shall be kept out of service until the taximeter is repaired, the required working condition is  
484 restored, and the taximeter is resealed.

485 **30-24 Dynamic Market Pricing.**

486 (a) Licensees may utilize dynamic market or surge pricing in the City or at the Airport provided that the  
487 Licensee provides clear and visible indication that such pricing is in effect before a passenger  
488 requests a ride and include a feature that requires riders to confirm that they understand such pricing  
489 will be applied in order for the ride request to be completed.

490 (b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters  
491 and relevant states of emergency and shall make this policy available on its website or application.

492 **ARTICLE 10. SPECIFIC STANDARDS**

493 **30-25 Non-discrimination.**

494 (a) All Licensees and Drivers shall comply with all applicable laws requiring that they shall not  
495 unlawfully harass or discriminate against any Passenger or other person on the basis of destination,  
496 race, color, national origin, place of birth, ancestry, religious belief or affiliation, sex, sexual  
497 orientation, gender identity, marital status, disability, or age.

498 (b) Each Licensee shall adopt a written policy, and shall notify all Drivers of the policy, prohibiting such  
499 unlawful harassment or discrimination.

500 (c) A vehicle for hire Driver may refuse to transport an individual if:

501 (1) The vehicle for hire is already occupied by a passenger;

502  
503 (2) The vehicle for hire is already on its way to pick up a passenger in answer to a call for  
504 service;

505  
506 (3) The vehicle for hire is out of service for any reason;

507  
508 (4) Notwithstanding subsection (a) above, the person clearly poses a legitimate health or safety  
509 concern; or

510  
511 (5) The person has a documented history with the licensee of disorderly behavior or refusing to  
512 pay the authorized fare.

513 (d) A non-TNC vehicle for hire Driver who refuses to transport an individual pursuant to subsection (c)  
514 shall promptly file a report with the Administration Office and/or the Business Licensee for whom  
515 the Driver is operating.

516 **30-26 Accessibility.**

517 (a) Licensees and Drivers shall comply with all applicable laws relating to accommodation of service  
518 animals. No additional fare or fee shall be charged for carrying a service animal.

519 (b) Licensees shall not impose additional charges for providing services to persons with disabilities  
520 because of those disabilities.

521 (c) If a Licensee does not provide access to wheelchair accessible vehicles, the Licensee shall provide on  
522 its website or mobile application the contact information of providers of wheelchair accessible  
523 vehicle for hire services, if such services are available in the City.

524 **30-27 Transport of animals.**

525 Licensees and Drivers may refuse to transport any animal other than a service animal unless the animal is  
526 securely enclosed in a kennel case which can be reasonably accommodated by such vehicle or the animal is  
527 otherwise reasonably secured in accordance with the size, kind and nature of such animal.

528 **30-28 Carrying additional passengers.**

529 (a) No vehicle for hire Licensee or Driver shall carry any person(s) other than the passenger(s) first  
530 employing the vehicle for hire without the consent of such first passenger(s).

531 (b) No person shall be allowed to ride in a vehicle for hire except paying passengers or a trainee with the  
532 consent of the passenger.

533 **30-29 Most direct route.**

534 A vehicle for hire Driver shall take a passenger to his or her destination by a route that the Driver reasonably  
535 believes is the shortest or fastest route unless the passenger requests a different route. The Driver shall  
536 comply with all reasonable and lawful routing requests of the passenger.

537 **30-30 Compliance with authorities.**

538 No vehicle for hire Licensee or Driver may knowingly fail or refuse to comply with any lawful order or  
539 direction of any law enforcement officer, Airport Ground Transportation Personnel, Administration Office  
540 personnel, or other official City representative and upon demand shall exhibit his or her License or vehicle  
541 for hire Driver identification for closer inspection.

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544 **30-31 Compliance with law.**

545 (a) All Licensees and Drivers, while performing their duties and responsibilities, shall not commit or  
546 attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny  
547 against a passenger.

548 (b) Vehicle for hire Licensees and Drivers, while performing their duties and responsibilities, shall not  
549 use or permit any other person to use his or her vehicle for any unlawful purpose and shall report  
550 immediately to the police any use or attempt to use his or her vehicle for hire to commit a crime or  
551 escape from the scene of a crime.

552 **30-32 Maximum number of hours of operation.**

553 No Driver may drive, nor may any Licensee require a Driver to drive, more than twelve (12) consecutive  
554 hours within any twenty-four-hour period.

555 **Article 11. ENFORCEMENT**

556 **30-33 Monitoring of Public Safety Requirements**

557 The Administration Office shall establish a vehicle for hire monitoring and compliance system that on an  
558 ongoing basis, monitors and investigates Drivers and vehicles for hire operating in the City and at the Airport  
559 where there is reasonable suspicion that a Driver is violating:

560 (a) State inspection and safety standard requirements;

561 (b) Vehicle identification and decal requirements;

562 (c) Driver photo and identification requirements; and

563 (d) Passenger bill of rights posting requirements.

564 **30-34 Suspensions and revocations.**

565 (a) Each Licensee, including any TNC, shall automatically suspend the driving privileges of any Driver  
566 and/or disallow access to the TNC network if the Administration Office or the Board provides the  
567 Licensee with credible evidence indicating that:

568 (1) The Driver failed any portion of an Administration Office vehicle and Driver monitoring  
569 check more than one (1) time in a calendar year;

570 (2) The Driver's operator's license has been suspended or revoked for any reason;

571 (3) The Driver is convicted of an offense that under section 30-11(a) would have disqualified the  
572 Driver;

- 573           (4) The Driver has been charged with a criminal offense that under Section 30-11(a) would  
574           disqualify the Driver if the driver is convicted of the offense; or
- 575           (5) The Driver has engaged in conduct that poses an immediate and serious risk to the public's  
576           peace and safety.
- 577    (b) The City shall automatically suspend the driving privilege of any Driver working for a Vehicle for  
578    Hire Company for which the City has conducted the background checks:
- 579           (1) Who fails any portion of an Administration Office monitoring check more than one (1) time  
580           in a calendar year;
- 581           (2) Whose state operator's license has been suspended or revoked for any reason;
- 582           (3) Who is convicted of or charged with an offense under section 30-11(a);
- 583           (4) Who knowingly and materially fails to comply with the certification, audit, records, reporting  
584           or other provisions of this Chapter;
- 585           (5) Who, according to credible information from local, state, or national law enforcement or other  
586           source, has engaged in conduct that poses an immediate and serious risk to the public's peace  
587           and safety; or
- 588    (c) Each Licensee shall immediately remove from service any vehicle that is not covered by the liability  
589    insurance policy required under Section 30-18. A TNC shall not allow a TNC Driver to accept trip  
590    requests through the TNC's digital platform unless the vehicle that the TNC Driver will use to  
591    provide TNC arranged rides is covered by the liability insurance policy required under Section 30-18.
- 592    (d) The City shall automatically suspend the License of any Licensee who knowingly failed to suspend  
593    the driving privileges of a Driver as required in subsection (a).
- 594    (e) The City shall automatically suspend the License of any Licensee upon proof from an insurance  
595    carrier that the liability insurance required under Section 30-18 has lapsed or been cancelled.
- 596    (f) If the City automatically suspends a License under any of the provisions above, the Licensee shall be  
597    notified in writing immediately that the license has been suspended, effective upon the actual notice  
598    to the Licensee or three (3) days after the date on the notice of suspension; whichever is sooner. The  
599    notice shall set forth the reasons for the immediate suspension and the date for a hearing before the  
600    Board.
- 601    (g) A Licensee's Business License or a Driver's privilege to drive for a Licensee may be suspended or  
602    revoked by the Board for any other cause or violation of this Chapter only after notice and hearing.  
603    The Licensee shall be notified in writing of the alleged violations, the intention to suspend or revoke  
604    the license(s), and the date for hearing before the Board.

605 (h) A License may be suspended if the Licensee is found to have knowingly violated this Chapter three  
606 (3) or more times within a twelve (12) month period and the violations resulted in fines or  
607 suspensions of a Driver operating for that Licensee within a twelve (12) month period.

608 (i) Any suspended license shall be returned to the Administration Office within three (3) business days  
609 of said suspension.

610 **30-35 Appeals; Notice and opportunity for a hearing.**

611 (a) Except as expressly provided in this chapter, no Licensee may be fined or License revoked or  
612 suspended without prior notice to the Licensee, and after an opportunity for a hearing before the  
613 Board.

614 (b) Unexcused failure of an Applicant or Licensee to appear at the hearing shall be deemed a waiver of  
615 the rights to said hearing.

616 (c) At any hearing, the Applicant or Licensee shall be entitled to be represented by counsel, to summon  
617 witnesses on its own behalf, to cross-examine those witnesses who testify, and to present evidence.  
618 The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.

619 (d) The Board may agree to settle the case prior to a final decision. After a final decision, the Board may  
620 hear a motion for reconsideration at its discretion.

621 (e) All violations shall be determined based upon a preponderance of evidence standard. All hearings  
622 shall be conducted with substantial fairness, and strict adherence to the rules of evidence shall not be  
623 required. Hearsay evidence may be admissible.

624 (f) All hearings shall be held within thirty (30) calendar days of delivery to Licensee of the notice unless  
625 the Board grants a continuance for good cause.

626 **30-36 Removal and impoundment.**

627 (a) Removal and impoundment. The Board or police shall have authority to remove and impound any  
628 unauthorized vehicle for hire, including one being operated that has been ordered out of service, or  
629 any vehicle being operated by any unauthorized person. A vehicle impounded in accordance with this  
630 subsection shall be done so in accordance with due process of law and then removed to a designated  
631 facility as determined by the Board. A fine of up to eight hundred dollars (\$800.00), as determined  
632 by the Board, shall be due from the registered owner of the vehicle.

633 (b) Notice of impoundment. Within three (3) business days of removal and impoundment, the  
634 Administration Office or its designee shall provide written notice of impoundment to the registered  
635 owner of the vehicle. The notice shall state the grounds for removal and impoundment, the identity of  
636 the vehicle and the designated secured facility to which the vehicle was or will be taken.

637 (c) Vehicle impoundment hearing.

- 638           (1) The chair of the Board or the chair's designee shall serve as the vehicle impoundment hearing  
639 officer and hear vehicle impoundment cases pursuant to this Chapter. After a hearing, the  
640 hearing officer shall issue a written order of release or an order for further impoundment of  
641 the vehicle stating the grounds for the order.
- 642           (2) The registered owner of the vehicle may admit the violation and pay the fine, plus any  
643 applicable towing and storage fees or make a written request for a vehicle impoundment  
644 hearing before the vehicle impoundment hearing officer within five (5) business days of the  
645 notice of impoundment. The vehicle impoundment hearing officer shall conduct the hearing  
646 within five (5) business days of receipt of the request or as soon as practicable thereafter. All  
647 interested persons shall be given reasonable opportunity to be heard at the vehicle  
648 impoundment hearing.
- 649           (3) The formal rules of evidence will not apply at the hearing, and hearsay evidence may be  
650 admissible.
- 651           (4) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is  
652 not subject to impoundment under subsection (a), the vehicle impoundment hearing officer  
653 shall order the immediate release and return of the vehicle with no fines, towing fees or costs  
654 due to the City.
- 655           (5) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is  
656 subject to impoundment under subsection (a), the vehicle impoundment hearing officer shall  
657 order the continued impoundment of the vehicle as provided in this section unless the  
658 registered owner admits the violation(s) and pays in full any towing and storage fees plus the  
659 fine(s).
- 660           (6) The registered owner may seek relief in any court of competent jurisdiction as provided by the  
661 laws of the State of Vermont. Except where ordered otherwise by that court, the vehicle will  
662 continue to be impounded unless the registered owner posts with the Administration Office a  
663 cash bond in the amount of the maximum fine(s) owed plus any applicable towing and storage  
664 fees.
- 665           Any additional costs associated with the impoundment of the vehicle, including reasonable  
666 attorney's fees, will be the responsibility of the registered owner if the hearing officer's  
667 decision is upheld.
- 668           (7) If the registered owner does not obtain the vehicle by the date specified in the order of release  
669 or order for further impoundment, he or she shall be responsible for any further storage fees,  
670 and payment of such fees must be made before the release of the vehicle.
- 671           (d) Default hearing. If the registered owner fails to appear for the vehicle impoundment hearing or does  
672 not assert an interest in the impounded vehicle a default hearing will be held. The vehicle  
673 impoundment hearing officer shall make a determination pursuant to subsection (c). The  
674 Administration Office will inform the registered owner of the default determination by certified mail,  
675 return receipt requested. The registered owner may comply with the default determination within

676 seven (7) business days of such mailing or move to vacate such default determination. In the event  
677 that such default determination is vacated, the respondent shall be entitled to a full hearing. Such  
678 hearing shall be scheduled within ten (10) business days of the order vacating the default  
679 determination or as soon as practicable thereafter.

680 (e) Abandoned vehicles.

681 (1) If the registered owner does not assert an interest in the impounded vehicle by removing it  
682 from storage within the time periods specified in paragraph (2) of this subsection, the vehicle  
683 shall be deemed abandoned.

684 (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if a registered owner:

685 (i) Has not taken possession of the vehicle within fifteen (15) days of obtaining an order  
686 of release pursuant to subsection (c)(3) or (c)(4); or

687 (ii) Has not paid the fines assessed pursuant to this Chapter, if any, and towing and storage  
688 fees within fifteen (15) days of a hearing determination of continued impoundment  
689 pursuant to subsection (c)(4) herein, or within fifteen (15) days after notice of a default  
690 determination was mailed to the registered owner pursuant to subsection (d); or

691 (iii) Has not paid the fines assessed pursuant to this Chapter, if any, and towing and storage  
692 fees within fifteen (15) days of denial of a motion to vacate a default determination  
693 pursuant to subsection (d).

694 (f) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this  
695 subsection, the Administration Office shall by certified mail, return receipt requested, notify the  
696 registered owner that the vehicle has been deemed an abandoned vehicle and that, the City shall seek  
697 title to the vehicle from the State of Vermont pursuant to 23 V.S.A. § 2153.

698 (g) Upon receiving title to the vehicle from the state, the vehicle shall be sold. The registered owner or  
699 lienholder may claim the vehicle at any time before the sale of the vehicle by paying the towing and  
700 storage fees due and any fine(s).

701 **30-37 Penalties.**

702 (a) For any violation of this Chapter, the Board, after notice and hearing, may impose any of the  
703 following penalties:

704 (1) The Board may place legal conditions on a License that it deems necessary to ensure  
705 adherence to the requirements of this Chapter and ensure the public's safety and welfare.

706 (2) In addition to, or instead of suspension of a License, the Board may impose a fine of up to  
707 eight hundred dollars (\$800.00) per day for each knowing violation of this Chapter.

708 (3) In addition to any fines or conditions, the Board may impose a suspension of up to ninety (90)  
709 days for violations of this Chapter.

710 (4) Where there is sufficient evidence that continued licensing would undermine the vehicle for  
711 hire industry and/or would pose serious risk to public safety and welfare, the Board may  
712 revoke a License. A Licensee may not apply for a new License for a minimum period of three  
713 (3) years from the date of revocation.

714 (5) The Board or police may remove or impound any unauthorized vehicle for hire, including one  
715 being operated that has been ordered out of service, or any vehicle being operated by any  
716 unauthorized person. A vehicle impounded in accordance with this subsection shall be done  
717 so in accordance with due process of law and then removed to a designated facility as  
718 determined by the Board and a fine of up to eight hundred dollars (\$800.00), as determined by  
719 the Board, shall be due from the registered owner of the vehicle.

720 (b) The City may take any appropriate action to enjoin or abate any violation of this chapter. In addition  
721 to the penalties set forth herein, the City shall recover its costs of enforcement, including reasonable  
722 attorney's fees and costs associated with enjoining or abating said violation(s).

723

724 Note:

725 \* Entire ordinance is being replaced so text is not stricken in this document for ease of reading.

726 \*\* Material underlined is added.

727

728

729 lb/GM/Ordinances 2016/Vehicles for Hire – Chapter 30 (Taxi Rewrite)

730 2/12/16

ORIGINAL

AN ORDINANCE  
IN RELATION TO

VEHICLES FOR HIRE - revised version -

Introduced by Colin Kelly Ordinance Committee

Read in City Council first time \_\_\_\_\_, 20\_\_\_\_.

Attest, \_\_\_\_\_, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

February 16, 2016  
Attest, [Signature], Clerk.

Read in City Council second time \_\_\_\_\_, 20\_\_\_\_.

Attest, \_\_\_\_\_, Clerk.

Passed in City Council at meeting held  
February 16, 2016

Attest, [Signature], Clerk.  
Approved [Signature], Mayor.

\* \* \* \* \*

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

Assistant City Attorney Meyer  
Linda Blanchard, City Attorney's Office  
Ashley Bryce, C/T

Attest: [Signature]  
Lori Olberg  
Licensing, Voting & Records Coordinator

I, ACAO Goodwin, Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.  
And the within Ordinance was ordered published for \_\_\_\_\_ day, \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, namely the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Adopted \_\_\_\_\_  
Published \_\_\_\_\_  
Effective \_\_\_\_\_  
[Signature]  
ACAO \_\_\_\_\_, City Clerk