



City of Omaha  
Jim Suttle, Mayor

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**Paul D. Kratz**  
City Attorney

Honorable President

and Members of the City Council,

Attached are proposed amendments to the taxicab permit Ordinance, requested by the Police Department, to provide clarification of the reasons for denial of a taxicab permit and to eliminate any conflicts. The reasons for denial include certain felony convictions and more recent criminal and traffic misdemeanor convictions.

Your favorable consideration of this request will be appreciated.

Respectfully submitted:

Michelle Peters  
Assistant City Attorney

PLAW - CITY COUNCIL DOCUMENTS\2012\30034dlm

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

1 AN ORDINANCE to amend Omaha Municipal Code Sec. 38-64 and Sec. 38-72 dealing with  
2 taxicab permit denials and suspensions or revocations; to clarify the reasons for denial and to  
3 eliminate any conflicts; to repeal Sec. 38-64 and Sec. 38-72 as heretofore existing; and to  
4 provide the effective date thereof.

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

6 Section 1. That Omaha Municipal Code Sec. 38-64 is hereby amended to read as follows:

7 **Sec. 38-64. Denial.**

8  
9 No permit required by the provisions of this division shall be issued if the applicant therefor:

- 10  
11 (a) Is not qualified as required by the provisions of this division;  
12  
13 (b) Is subject to vertigo or fainting spells;  
14  
15 (c) Has seriously impaired hearing;  
16  
17 (d) Has highly defective eyesight;  
18  
19 (e) Is subject to an infirmity of mind or body which might render him unfit or unable to  
20 operate a taxicab; or  
21  
22 (f) Has ever been convicted of:  
23  
24 (1) Any crime related to a sexual assault or sexual contact of an adult or child or  
25 is a registered sex offender in any jurisdiction;  
26  
27 (2) Any homicide, felony assault or manslaughter;  
28  
29 (3) Any violent felony including, but not limited to robbery, assault on an officer  
30 or kidnapping;  
31  
32 (4) Any crime relating to a motor vehicle accident involving serious injury or  
33 death;  
34  
35 (5) Two or more DUI convictions.

1 (g) Or has been convicted of:  
2

3 (1) Any other a felony, not mentioned in subsection (f) within five years of the  
4 date of application; , unless the police chief shall satisfy himself that the  
5 applicant is otherwise qualified, and is of good morals, character and  
6 reputation, in which event said conviction may be waived and a permit  
7 issued. Denial of a permit based upon prior felony conviction shall be  
8 directly or reasonably related to the occupation of taxicab driver.  
9

10 (2) A hit and run, willful reckless driving, careless driving, driving under a  
11 suspended license or DUI within the past five years of the date of application;  
12

13 (3) Misdemeanor theft or a crime of fraud within the past three years of the date  
14 of application.  
15

16 (h) Or has more than three moving violations in the past three years or two traffic  
17 violations within the past two years in the State of Nebraska.  
18

19 However, any such applicant may be approved for temporary employment to drive a  
20 taxicab during such period of time as shall be necessary for the police chief or his  
21 authorized representative to conduct such investigation as shall be necessary to  
22 ascertain whether or not said applicant has ever been convicted of a felony, said  
23 temporary authority to be issued by the written direction of the police chief or his  
24 authorized representative.  
25

26 Section 2. That Omaha Municipal Code Sec. 38-72 is hereby amended to read as follows:

27 **Sec. 38-72. Suspension or revocation.**  
28

29 Any permit issued under the provisions of this division may be revoked by the city, by and  
30 through the chief of police:  
31

32 (a) If the permittee has become physically or mentally unfit to operate the taxicab;  
33

34 (b) If the permittee's motor vehicle operator's license has been revoked;  
35

36 (c) If the permittee has been convicted of any crime or cited for any violation listed in  
37 Sec. 38-64 which would disqualify the permittee under that section upon a third  
38 offense of violating the traffic ordinances of the city during the preceding year;  
39

40 (d) ~~If the permittee has been convicted of operating a motor vehicle while under the~~  
41 ~~influence of alcoholic liquor or of any illegal drug;~~

1 (e) If the permittee has been convicted of a felony, unless the chief of police shall satisfy  
2 himself that the applicant is otherwise qualified and is of good morals, character and  
3 reputation, in which event such conviction may be waived and a permit issued.  
4 Denial of a permit based on a prior felony conviction shall be directly or reasonably  
5 related to the occupation of taxicab driver; or  
6

7 (f) If the permittee's act or omission has directly caused the taxi service provider for  
8 which the permittee was working at the time of said act or omission to be convicted  
9 of violating any federal, state or local law regulating the taxi service provider.  
10

11 Upon suspension or revocation, it shall be the duty of the permittee to surrender his/her  
12 permit and badge to the chief of police.  
13

14 Section 3. That Sec. 38-64 and Sec. 38-72 of the Omaha Municipal Code as heretofore  
15 existing are hereby repealed.

16 Section 4. That this Ordinance shall be in full force and take effect 15 days from and after  
17 the date of its passage.

INTRODUCED BY COUNCILMEMBER

\_\_\_\_\_

APPROVED BY:

\_\_\_\_\_  
MAYOR OF THE CITY OF OMAHA DATE

PASSED \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

*Michelle Peters* 2-16-12  
\_\_\_\_\_  
ASSISTANT CITY ATTORNEY DATE