



Agenda Cover Memorandum

Meeting Date: January 23, 2017

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Public Hearing – Revocation of Certificate of Operation for Pink Taxi or other appropriate penalties due to violation of 10-2-4 of the Municipal Code

Action Requested:

<input type="checkbox"/> Approval	<input type="checkbox"/> For discussion
<input type="checkbox"/> Feedback requested	<input checked="" type="checkbox"/> For your information

Staff Contact: Cheryl L. Peterson, Deputy City Clerk **Phone:** 847/318-5464

Email: cpeterso@parkridge.us

Background:

Pink Taxi has been operating in the City of Park Ridge as a taxicab company since February 6, 2012 at which time the company's first Certificate of Operation was issued for a four year term through February 5, 2016. At the time of application, a non-refundable fee of two hundred dollars (\$200.00) was be paid to cover administrative costs and legal notices. Annually, taxicab companies must pay a fee of five hundred dollars (\$500.00) to cover administrative related costs. Such annual fee is due on the first day of January of each year.

On February 15, 2016, after the expiration of Pink Taxi's initial Certificate of Operation, the company applied for its renewal. The City moved expeditiously, publishing its application on February 17, 2016, arranged for a Public Hearing to be held on February 22, 2016, and published the required notice so that final approval of Pink Taxi's Certificate of Operation could be obtained before the City Council on March 7, 2016.

On November 21, 2016, Deputy Clerk Peterson submitted an invoice request to the Finance Department for Pink Taxi's 2017 Annual Fee of \$500; an invoice was generated and sent. Although payment was due by January 1, 2017, the City did not receive payment.

A notice was emailed to Pink Taxi on January 3, 2017 reminding the company that payment was in arrears. The City Attorney was notified; communication regarding the City's recourse for non-payment was provided and communicated with Pink Taxi via email. Acting City Manager Gilmore and Administration Services Supervisor Ron Davis of the Police Department were made aware of the matter.

The City placed a courtesy telephone call to Mike Kowal of Pink Taxi on January 5, 2017. Deputy Clerk Peterson was told by Mr. Kowal that he would stop by City Hall before the end of the day. At 3:50 pm, Mr. Kowal sent the City an email indicating he would come to City Hall on January 6, 2017; Mr. Kowal failed to show.

A Legal Notice for a Public Hearing was sent to the Park Ridge Herald Advocate on January 9, 2017 for publication in its January 12, 2017 newspaper. The Police Department attempted delivery of said notice to Pink Taxi; its office was closed. Delivery of the Legal Notification was made the following day, January 10, 2017 to Mike Kowal who signed the receipt.

All communications have been attached according to date along with a copy of the Municipal Code, ARTICLE 10 – 2 TAXICABS AND LIMOUSINES; Certificate of Operation

Recommendation:

Revocation of Certificate of Operation for Pink Taxi or other appropriate penalties due to violation of 10-2-4 of the Municipal Code

Attachments:

Communications

Municipal Code:ARTICLE 10 – 2 TAXICABS AND LIMOUSINES; Certificate of Operation

Peterson, Cheryl

From: Peterson, Cheryl
Sent: Tuesday, January 03, 2017 12:11 PM
Subject: Annual Fee for Taxi Company is due by 5 pm today January 1, 2017

Importance: High

Tracking:	Recipient	Delivery	Read
	'pattilu@pinktaxi.org'		
	'Park Ridge Taxi Community Cab'		
	Peterson, Cheryl	Delivered: 01/03/2017 12:11 PM	Read: 01/03/2017 12:11 PM

- An invoice from the City of Park Ridge was sent to you in December.

- **10-2-4 - APPLICATION AND ANNUAL FEE**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

Each application for Certificate of Operation shall be accompanied by a non-refundable fee of two hundred dollars (\$200.00) to cover administrative costs and cost of legal notices.

Each recipient of a Certificate of Operation must pay an annual fee of five hundred dollars (\$500.00) to cover administrative and related costs. Such annual fee will be due on the first day of January of each year. If the initial Certificate of Operation is issued after January 31, the initial annual fee shall be prorated on a monthly basis.

(Ord. No. 2011-59, 11-7-2011)

Thank you.

Cheryl L. Peterson, CMC
Deputy City Clerk
City of Park Ridge
505 Butler Place Park Ridge IL 60068
Direct: 847/318-5464 | Fax 847/318-5200 | cpeterson@parkridge.us

Please note: Emails, attachments, and responses may be subject to release through the Illinois Freedom of Information Act.

INVOICE REQUEST



MUNIS CUSTOMER ID: _____ REQUEST DATE: 11/21/2016

DESCRIPTION (CLAIM # OR ACCIDENT#): 2017 Annual Fee

CUSTOMER INFORMATION

*COMPANY: Pink Taxi *ADDRESS: 1420 Renaissance Dr #306
*CONTACT: Patti Carpenter *CITY: Park Ridge
*PHONE #: 847.940.8294 *STATE: IL *ZIP CODE: 60068
*FAX #: unknown *E-MAIL: pattilu@pinktaxi.org

* MANDATORY INFORMATION

REQUESTOR INFORMATION

NAME: Cheryl L Peterson E-MAIL: cpeterso@parkridge.us
PHONE #: 847/318.5464

ITEMIZATION

AR CODE: _____
CHARGE CODE: _____
INVOICE AMOUNT: \$500.00
INVOICE DESCRIPTION: Annual fee of \$500 due 1/1/2017

SIGNATURE: _____ INVOICE DATE: _____
INVOICE COMPLETION DATE: _____

**** ALL INVOICE REQUESTS DUE BY THURSDAY ****

**** ATTACH ANY IMPORTANT INFORMATION ****

Peterson, Cheryl

From: Tappendorf, Julie <jtappendorf@ancelglink.com>
Sent: Tuesday, January 03, 2017 12:55 PM
To: Peterson, Cheryl
Cc: Adam B. Simon
Subject: Taxicab violations

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Cheryl:

The remedy for failure to pay the annual license fee would be revocation of the company's certificate of operation. That requires a hearing before the P&R Committee, with at least 5 days prior written notice published in the newspaper. If the P&R Committee recommends in favor of revocation, the City Council can then revoke the license. (see below).

My recommendation is to wait until tomorrow to see if either or both of the companies pay their fee. If they don't, then you might send them a copy of this provision of the City Code as a reminder that if they don't pay the fee, their license could be revoked. You might suggest that if they don't pay by the end of the week, the City will consider publishing notice of a revocation hearing before the P&R Committee.

10-2-9 - REVOCATION OF CERTIFICATE

A Certificate of Operation may be revoked by action of the City Council; provided, however, that no such revocation shall be made without cause and without a hearing before the Procedures and Regulations Committee. At least five days notice of the time and place of such hearing shall be published in a newspaper of general distribution within the City. The Procedures and Regulations Committee may give such other notice to parties who may be interested as in its discretion is advisable. In the event that said Procedures and Regulations Committee finds that a good cause exists for the revocation of said Certificate of Operation, it shall so report its findings and recommendations to the City Council, and thereupon said Certificate of Operation may be revoked by action of the City Council. Cause for revocation of a Certificate of Operation shall be the violation by the operator of the Statutes of the State of Illinois, the United States or the ordinances of the City, the violations of which reflect unfavorably on the fitness of the operator to offer public transportation, the violation of the operator of any provisions of this Chapter, proof of fraud or misrepresentation in obtaining the Certificate of Operation, or failure to comply with the terms of the Certificate of Operation or any agreement therein contained.

Julie A. Tappendorf, Partner



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Chicago, IL 60603
Direct Dial: 312.604.9182
Telephone: 312.782.7606
Fax: 312.782.0943
jtappendorf@ancelglink.com
www.ancelglink.com



Peterson, Cheryl

From: Peterson, Cheryl
Sent: Wednesday, January 04, 2017 10:59 AM
To: 'mikek@pinktaxi.org'; 'pattilu@pinktaxi.org'
Subject: Taxicab Operation Annual License Fee - Past Due Notice Immediate Attention is Required

Importance: High

Good Morning Patti and Mike.

The City of Park Ridge sent Pink Taxi an invoice in December for the annual renewal fee of \$500 which was due by January 1. According to the City's Municipal Code, you are currently at risk for revocation of your Certificate of Operation due to non-payment.

If payment is not received by 1/5/2017 5 p.m. the City will move forward with publishing a Notice of Revocation Hearing in the newspaper and arrange for a hearing before the Procedures and Regulation Committee.

Your immediate attention to this matter is mandatory. Thank you.

Regards,

Cheryl L. Peterson, CMC
Deputy City Clerk
City of Park Ridge
505 Butler Place Park Ridge IL 60068
Direct: 847/318-5464 | Fax 847/318-5200 | cpeterson@parkridge.us

Please note: Emails, attachments, and responses may be subject to release through the Illinois Freedom of Information Act.

Peterson, Cheryl

From: Microsoft Outlook
To: mikek@pinktaxi.org; pattilu@pinktaxi.org
Sent: Wednesday, January 04, 2017 10:59 AM
Subject: Relayed: Taxicab Operation Annual License Fee - Past Due Notice Immediate Attention is Required

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

mikek@pinktaxi.org (mikek@pinktaxi.org)

pattilu@pinktaxi.org (pattilu@pinktaxi.org)

Subject: Taxicab Operation Annual License Fee - Past Due Notice Immediate Attention is Required

Sent 1/9/17 10:45 am - cjp

Peterson, Cheryl

To: Suburban.legal@tribpub.com
Subject: For Publication in the Park Ridge Herald Advocate 1/12/2017

LEGAL NOTICE

Legal Notice is hereby given that on Monday, January 23, 2017, at 7:00 p.m., at the Procedures & Regulations Committee of the Whole Meeting held at the Park Ridge City Hall, 505 Butler Place, Park Ridge, IL 60068, the Procedures & Regulations Committee of the Whole will hold a Public Hearing to consider revoking Pink Taxi's certificate of operation or other appropriate penalties for alleged violations of the City of Park Ridge Municipal Code, including the failure to pay the required annual fee pursuant to Section 10-2-4 of the Code.

All persons interested in this matter should attend and will be given an opportunity to provide written and oral testimony. The public hearing may be continued from time to time by motion of the Procedures & Regulations Committee of the Whole without further public notice.

Dated January 9, 2017

Cheryl L. Peterson
Deputy City Clerk
City of Park Ridge

Cheryl L. Peterson, CMC
Deputy City Clerk
City of Park Ridge
505 Butler Place Park Ridge IL 60068
Direct: 847/318-5464 | Fax 847/318-5200 | cpeterson@parkridge.us

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V1
Peterson, Cheryl

To: Mike Kowal
Subject: RE: INVOICE
Attachments: 01092017 PR; Notice of Pink Taxi Violation and Hearing.pdf

Good afternoon Mike-

This morning, the Police Department attempted to deliver a Notice of Hearing to you. At the time of delivery, the officer was to obtain your signature acknowledging receipt of said notice. Since you were not in the office, an officer will again attempt to deliver this to you tomorrow.

A copy of the said Notice has been attached for your convenience.

Thank you.

Cheryl L. Peterson, CMC
Deputy City Clerk
City of Park Ridge
505 Butler Place Park Ridge IL 60068
Direct: 847/318-5464 | Fax 847/318-5200 | cpeterson@parkridge.us

Please note: Emails, attachments, and responses may be subject to release through the Illinois Freedom of Information Act.

From: Mike Kowal [mailto:mikek@pinktaxi.org]
Sent: Thursday, January 05, 2017 3:50 PM
To: Peterson, Cheryl <cpeterso@parkridge.us>
Subject: INVOICE

Cheryl,

(Private info withheld)
and will come to City Hall tomorrow.

Thank you
Mike

--

Mike Kowal
Chief Operations Officer
Think Pink, Inc.

Peterson, Cheryl

From: Microsoft Outlook
To: Mike Kowal
Sent: Monday, January 09, 2017 12:39 PM
Subject: Relayed: Park Ridge Taxi /Notice of Violation and Hearing

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Mike Kowal \(mikek@pinktaxi.org\)](mailto:mikek@pinktaxi.org)

Subject: Park Ridge Taxi /Notice of Violation and Hearing



CITY OF PARK RIDGE

505 BUTLER PLACE
PARK RIDGE, IL 60068-4182
TEL: 847/ 318-5200
FAX: 847/ 318-5300
TDD: 847/ 318-5252
www.parkridge.us

Pink Taxi
1420 Renaissance Drive - #306
Park Ridge IL 60068 301-E

LEGAL NOTICE

Legal Notice is hereby given that on Monday, January 23, 2017, at 7:00 p.m., at the Procedures & Regulations Committee of the Whole Meeting held at the Park Ridge City Hall, 505 Butler Place, Park Ridge, IL 60068, the P&R Committee of the Whole will hold a public hearing to consider revoking Pink Taxi's certificate of operation or other appropriate penalties for alleged violations of the City of Park Ridge Municipal Code, including the failure to pay the required annual fee pursuant to Section 10-2-4 of the Code.

All persons interested in this matter should attend and will be given an opportunity to provide written and oral testimony. The public hearing may be continued from time to time by motion of the P&R Committee of the Whole without further public notice.

Dated January 9, 2017

Cheryl L. Peterson
Deputy City Clerk
City of Park Ridge

Delivered in person to:

Michael Kowal Sec

Print Name/Title

M Kowal

Signature

by Jal Zannos 402 B of the Park Ridge Police Department

this 10 day of January, 2017 at 9:50 AM/PM

CHAPTER 2 - CERTIFICATE OF OPERATION⁽²⁾

SECTION

Footnotes:

-- (2) --

History—Ord. No. 2011-59, 11-7-2011.

10-2-1 - CERTIFICATE OF OPERATION

It shall be unlawful to engage in the business of operating a livery vehicle in the City without first having obtained a Certificate of Operation therefor. No Certificate of Operation shall be issued unless and until the Procedures and Regulations Committee shall find and declare to the City Council that the public convenience and necessity for livery service requires the service to be rendered. A Certificate of Operation shall be issued by the City Clerk pursuant to the direction of the City Council.

(Ord. No. 2002-31, 9-3-2002)

10-2-2 - QUALIFICATIONS OF APPLICANT FOR CERTIFICATE OF OPERATION

No Certificate of Operation shall be issued to or held by any person who is not of legal age or who is not a person of good character or who has been convicted of a felony, nor shall such Certificate of Operation be issued to or held by any corporation if any officer or stockholder or director thereof would be ineligible for a certificate under the foregoing conditions.

10-2-3 - APPLICATION FOR CERTIFICATE OF OPERATION

Application for Certificate of Operation shall be made in writing to the City Clerk and shall state thereon the name of the applicant, the intended place of business, the number of vehicles to be operated, and such other information as may be required. Applications will not be accepted from an operator who has been denied a Certificate of Operation within the last 12 months.

Upon the filing with the City Clerk of an application for a Certificate of Operation, the Procedures and Regulations Committee shall cause notice of the filing of such application to be published in a newspaper of general distribution within the City. Said notice shall designate a public place for hearing to be held not less than five nor more than 15 days from the date of the publication. At said public hearing, the public as well as the holders of currently valid Certificates of Operation shall be entitled to appear and be heard on issuance of such certificate. At all such

public hearings, the burden of proof shall be upon the applicant to establish by clear and convincing evidence that public need requires the issuance of the Certificate of Operation. In determining whether this burden has been met, the Committee may consider, among other things, (1) the fairness of the existing service's rate structure as compared to other communities or other livery services; (2) whether or not Park Ridge residents have expressed a desire for additional and/or competitive service; (3) the number and seriousness of complaints with regard to existing service; (4) comments received at the public hearing; (5) the current service's adherence to the applicable Park Ridge regulations.

(Ord. 2002-31, 9-3-2002; Ord. No. 2011-59, 11-7-2011)

10-2-4 - APPLICATION AND ANNUAL FEE

Each application for Certificate of Operation shall be accompanied by a non-refundable fee of two hundred dollars (\$200.00) to cover administrative costs and cost of legal notices.

Each recipient of a Certificate of Operation must pay an annual fee of five hundred dollars (\$500.00) to cover administrative and related costs. Such annual fee will be due on the first day of January of each year. If the initial Certificate of Operation is issued after January 31, the initial annual fee shall be prorated on a monthly basis.

(Ord. No. 2011-59, 11-7-2011)

10-2-5 - CONSIDERATIONS FOR ISSUANCE OF CERTIFICATE OF OPERATION

In considering the issuance of the proposed Certificate of Operation, the Procedures and Regulations Committee shall consider the following:

- A. Protests, complaints and testimony in favor of;
- B. The character of the applicant;
- C. The experience of the applicant;
- D. The public need for operators;
- E. The type of service proposed by the applicant;
- F. Financial responsibility of the applicant;
- G. Inventory of vehicles;
- H. Current demand and anticipated future demand for service;
- I. Number of vehicles in operation;

J. Other facts considered relevant by the Procedures and Regulations Committee.

(Ord. 2002-31, 9-3-2002)

10-2-6 - COMMITTEE TO REPORT FINDINGS

Upon the conclusion of the public hearing, the Procedures and Regulations Committee shall promptly report in writing to the City Council setting forth its findings in said report, and recommending to the City Council that such Certificate of Operation be either refused or granted. In the event that the Committee recommends that the certificate be granted, it shall further recommend the maximum and the minimum number of vehicles to be operated and licensed by the operator, and may further recommend the inclusion in said Certificate of Operation of any agreement proposed by the applicant or the Committee. In the event that the City Council determines that the proposed Certificate of Operation be issued, it shall specify the minimum and/or maximum number of vehicles to be operated on a regular basis by the applicant under the Certificate of Operation. Any special agreements or stipulations shall likewise be included in the Certificate of Operation. Said operator shall, by acceptance of such certificate, agree to any special agreements or stipulations made, and operate the minimum number of vehicles stipulated and may operate additional vehicles, not to exceed the maximum authorized. When said certificate is issued by the Clerk pursuant to the direction of the City Council, said certificate shall specify any special agreement and the maximum and the minimum number of vehicles to be operated by said operator under said certificate.

(Ord. 2002-31, 9-3-2002)

10-2-7 - TERM OF CERTIFICATE

A Certificate of Operation authorized by the City Council shall remain in full force and effect for a period of four calendar years from the date of issuance unless sooner terminated in accordance with the provisions of this Chapter.

(Ord. 2002-31, 9-3-2002)

10-2-8 - CERTIFICATE NONTRANSFERABLE

A Certificate of Operation shall be non-assignable and non-transferable unless the City Council approves and authorizes the transfer and the assignment of said Certificate of Operation upon such terms and conditions as it may deem necessary.

(Ord. 2002-31, 9-3-2002)

10-2-9 - REVOCATION OF CERTIFICATE

A Certificate of Operation may be revoked by action of the City Council; provided, however, that no such revocation shall be made without cause and without a hearing before the Procedures and Regulations Committee. At least five days notice of the time and place of such hearing shall be published in a newspaper of general distribution within the City. The Procedures and Regulations Committee may give such other notice to parties who may be interested as in its discretion is advisable. In the event that said Procedures and Regulations Committee finds that a good cause exists for the revocation of said Certificate of Operation, it shall so report its findings and recommendations to the City Council, and thereupon said Certificate of Operation may be revoked by action of the City Council. Cause for revocation of a Certificate of Operation shall be the violation by the operator of the Statutes of the State of Illinois, the United States or the ordinances of the City, the violations of which reflect unfavorably on the fitness of the operator to offer public transportation, the violation of the operator of any provisions of this Chapter, proof of fraud or misrepresentation in obtaining the Certificate of Operation, or failure to comply with the terms of the Certificate of Operation or any agreement therein contained.

(Ord. No. 2002-31, 9-3-2002)

10-2-10 - ACCESS TO EQUIPMENT, BOOKS BY COMMITTEE

For the purpose of enabling the Procedures and Regulations Committee or the City Council to inform itself as to the character and quality of service rendered the public and the just, reasonable and uniform rates of fare to be fixed from time to time by the City Council, and for determination of whether the operator is maintaining adequate reserves and insurance to meet personal injury, death and property damage claims, the Procedures and Regulations Committee shall have access to the plant, equipment, apparatus and other property, and the inventories, books, papers, accounts and records of all property and operations of the operator at all reasonable times. Every operator at all times shall keep in the City complete and accurate books and records of all property, operations, receipts and disbursements, in such form and detail as may be prescribed from time to time by the City Council. For each six-month period during the term of the Certificate of Operation, a true statement of all assets and liabilities, gross earnings, operating expenses and income of the operator within the City and in addition whenever called

upon by the Procedures and Regulations Committee, shall be filed as well as such other information as may be required by said Committee. All statements required to be filed pursuant to this Article shall be sworn to by the operator or the duly authorized agent of the operator.

(Ord. No. 2002-31, 9-3-2002)

10-2-11 - FILING OF ADDRESS; NOTICE

Every operator shall file with the City Clerk an address in the City to which all notices required to be given to the operator under this Article may be addressed. All such notices shall be deemed good and sufficient for all purposes when deposited in the United States mail in a postpaid envelope addressed to the operator at the address on file with the City Clerk.

10-2-12 - INSURANCE

The holder of a Certificate of Operation shall maintain in full force and effect insurance as required in Section 10-5-8 of this Municipal Code.

10-2-13 - VEHICLE LICENSE

It shall be unlawful for the holder of a Certificate of Operation to enter into or maintain an agreement with any person who has not obtained a vehicle license for any and all vehicles to be operated.

10-2-14 - CHAUFFEUR'S LICENSE

It shall be unlawful for the holder of a Certificate of Operation to enter into or maintain an agreement with any person who has not obtained the necessary Chauffeur's License as provided under the laws of the City of Park Ridge.

10-2-15 - STATE LICENSE

It shall be unlawful for the holder of a Certificate of Operation to enter into or maintain an agreement with any person who has not obtained the necessary State vehicle license.

10-2-16 - CONDITION OF VEHICLES

It shall be unlawful for the holder of a Certificate of Operation to permit any vehicle to operate under said certificate unless and until each vehicle is equipped with proper brakes, tires, lights, horn, muffler, rear vision mirror, and windshield wipers in good condition, and such other equipment as required by the Statutes of the State of Illinois. No vehicle shall be operated unless it has passed any and all City and State inspections as may be required. It shall be the duty of the Police Chief to inspect or cause to be inspected every vehicle so often as may be necessary to see to the enforcement of the provisions of this Section.

10-2-17 - APPLICATION TO CHANGE NUMBER OF LIVERY VEHICLES

The holder of a Certificate of Operation may seek an increase or decrease in the number of livery vehicles provided by such certificate by filing an application with the City Clerk specifying the proposed changes. Hereupon, the City Council shall consider the matter at its next regularly scheduled public meeting, unless the meeting is less than 15 days after the applicant's request. Notices of the request and date of the public meeting shall be given to holders of all Certificates of Operation shall be heard on the proposed amendments of the Certificate of Operation. At all such meetings, the burden of proof shall be upon the applicant to establish by clear and convincing evidence that the public need requires the amendment of the Certificate of Operation.

(Ord. 2002-31, 9-3-2002)

10-2-18 - CONSIDERING REQUESTED AMENDMENT

In considering the proposed amendment, the City Council shall, among other matters, consider the following:

- A. Protests, complaints and testimony in favor of;
- B. Manner of service theretofore rendered;
- C. The public need for more or fewer livery vehicles or for any other proposed amendment;
- D. The financial statement of applicant in the operation theretofore conducted within the City;
- E. The financial statement of other operators, if available;
- F. The equipment of all operators;
- G. The possible effect of the proposed amendment on any of the foregoing matters;
- H. Other facts considered relevant by the Procedures and Regulations Committee.

Upon the conclusion of the public meeting provided for in this Chapter, the City Council shall promptly report in writing to the City Council setting forth its findings and making recommendations as to the amendments of said Certificate of Operation. The City Council may thereupon, without further public meeting, adopt the recommendations of said City Council in whole or in part and thereupon the Certificate of Operation shall be amended in accordance with such action of the City Council.

(Ord. of 1-1999; Ord. No. 2002-31, 9-3-2002)

10-2-19 - COMPLAINTS AND POSTING OF INFORMATION

All complaints regarding taxicabs or taxicab drivers shall be made using the City approved complaint form and process. Each vehicle that has a livery vehicle license must post, in an area conspicuous to passenger, an emblem that includes the telephone number and email address where complaints may be made regarding that livery vehicle and/or its driver.

(Ord. 2011-59, 11-7-2011)