

PROPOSED

ORDINANCE NO

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIERS; AMENDING SECTION 22½-5 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AMENDING PROVISIONS RELATING TO ABANDONMENT OF CERTIFICATES OF PUBLIC CONVENIENCE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 22½ of the Broward County Code of Ordinances ("Code") provides that motor carriers, including taxicabs, that operate motor vehicles on the streets of Broward County must obtain a certificate of public convenience and necessity ("Certificate") and a valid permit;

WHEREAS, Section 22½-5(d) of the Code requires that a Certificate not in use during any consecutive one hundred eighty (180) day period is deemed abandoned and automatically terminated upon written notice from the Consumer Protection Division; and

WHEREAS, the Board of County Commissioners desires to provide flexibility to suspend the provisions of Section 22½-5(d) of the Code that require the abandonment of Certificates,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 22½-5 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 22½-5. Certificates of public convenience and necessity—Transfer; abandonment.

...

(d) A certificate required under this Chapter that is not in use during any consecutive one hundred and eighty (180) day period shall be deemed abandoned, and shall automatically terminate after notice from the Division forwarded by certified mail, unless a hearing to determine the use or status of the certificate is requested by the certificate holder within fifteen (15) days after the date of mailing of the notice. If a hearing is requested, it shall be held within thirty (30) days after the date of the Division's receipt of the request unless waived in writing by the certificate holder. To address impacts resulting from a declared state or local emergency, the Board, by resolution, may extend the number of days during which a certificate required under this Chapter is permitted to be not in use or may waive an abandonment of a certificate required under this Chapter. The Board may, also by resolution, suspend, for a period up to one (1) year, the provisions of this section requiring that a certificate not in use during any consecutive one hundred eighty (180) day period be deemed abandoned if the Board finds that such suspension is in the best interest of the public. During any suspension under this section, the certificate holder shall be required to pay annual permit fees when due.

...

43 Section 2. Severability.

44 If any portion of this Ordinance is determined by any court to be invalid, the invalid
45 portion will be stricken, and such striking will not affect the validity of the remainder of this
46 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
47 legally applied to any individual, group, entity, property, or circumstance, such
48 determination will not affect the applicability of this Ordinance to any other individual,
49 group, entity, property, or circumstance.

50 Section 3. Inclusion in the Broward County Code of Ordinances.

51 It is the intention of the Board of County Commissioners that the provisions of this
52 Ordinance become part of the Broward County Code of Ordinances as of the effective
53 date. The sections of this Ordinance may be renumbered or relettered and the word
54 "ordinance" may be changed to "section," "article," or such other appropriate word or
55 phrase to the extent necessary in order to accomplish such intention.

56 Section 4. Effective Date.

57 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Ricardo Abraham 01/20/2023
Ricardo Abraham (date)
Assistant County Attorney

By: /s/ Annika E. Ashton 01/20/2023
Annika E. Ashton (date)
Deputy County Attorney

RA/jc
Abandonment Moratorium Ordinance
01/20/2023

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.