

Chapter 34

VEHICLES FOR HIRE*

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***Editor's note**—Ord. No. 2003-03, § 1, adopted Feb. 11, 2003, amended Ch. 34, in its entirety, to read as herein set out. See the Code Comparative Table for a detailed analysis.

Cross references—Public ground transportation at airport, § 6-6; business tax receipts, Ch. 19; traffic and motor vehicles, Ch. 31.

ARTICLE I. IN GENERAL

Sec. 34-1. Title.

This chapter shall be known and may be cited as the "Vehicles for Hire Ordinance" of the city. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-2. Purpose.

The purpose of this chapter is to regulate the operation of taxicabs and for-hire vehicles, which will protect the safety and welfare of the public while ensuring the availability of safe and reliable transportation. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-3. Scope and compliance with chapter.

Owners of taxicabs and for-hire vehicles are required to obtain a certificate of public convenience and necessity for the operation of such vehicles in the city. Drivers of taxicabs and for-hire vehicles are required to obtain a vehicle for hire driver's permit before operating such a vehicle. The operation of taxicabs and for-hire vehicles within the city shall be subject to the conditions, regulations and restrictions set forth in this chapter. It shall be unlawful to operate such a vehicle until and unless the conditions, regulations and restrictions set forth and prescribed by this chapter have been complied with. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-4. Definitions.

The following words and phrases shall have the meanings ascribed to them by this section for the purpose of this chapter unless it appears from the context that a different meaning is intended.

Certificate of public convenience and necessity or certificate shall mean the certificate granted by the city manager, which grants the privilege to operate a vehicle for hire or taxicab within the jurisdictional limits of the City of Melbourne.

City clerk shall mean the city clerk of the City of Melbourne or a duly authorized designee.

Decal means the tangible symbol affixed to a vehicle, which indicates that the owner of the

vehicle has been granted a certificate of public convenience and necessity and vehicle permit to operate the taxicab or for-hire vehicle to which the decal is physically attached.

Driver shall mean any person in charge of or operating any taxicab or for-hire vehicle.

For-hire vehicle shall mean any motor-driven vehicle used for the transportation of passengers upon the streets of the city in exchange for compensation or consideration, except buses being operated under franchise and over fixed routes and between fixed termini, ambulances and conveyances used in connection with the conducting of funeral services.

Owner shall mean all officers, trustees, or general or limited partner of the applicant corporation, partnership, or other legal entity having control of the operation or maintenance of taxicabs or for-hire vehicles. The term shall also include any person having control of the collection of revenue derived from the operation of taxicabs or for-hire vehicles.

Police chief shall mean the chief of the Melbourne Police Department or a duly authorized designee.

Street shall mean any street, alley, avenue, lane, public place or highway within the city.

Taxicab shall mean a for-hire vehicle equipped with a taximeter.

Taxi meter or taxicab meter shall mean any mechanical, digital or electronic device capable of accurately monitoring the distance, time and mileage to determine the fare to be charged a passenger of a vehicle for hire. Such meter shall conform to industry standards as they apply to operation, calibration and accuracy of measurement.

Vehicle for hire driver's permit or driver's permit shall mean a permit issued pursuant to this chapter which entitles a person to drive or operate a vehicle for hire within the jurisdictional limits of the City of Melbourne

Vehicle permit shall mean a specific vehicle authorized by the certificate to operate in the city. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-5. Exemptions.

The following categories of vehicles for hire shall be exempt from the provisions of this chapter:

- (1) Ambulances licensed by the State of Florida.
- (2) Hearses operated or limited exclusively to use by a licensed mortician.
- (3) Passenger vehicles seating more than twenty (20) persons.
- (4) Passenger vehicles owned, operated, leased or controlled by a governmental agency.
- (5) Shuttle services owned and operated directly by a hotel or motel for transportation limited to registered guests thereof.
- (6) Exclusive ride sharing vehicles as defined in F.S. § 341.031(9), as amended from time to time.
- (7) Transportation services as provided for in F.S. Ch. 427, as amended from time to time, including but not limited to transportation for the disadvantaged, school bus transportation and public transportation.
- (8) Transportation services operated as a bonafide tour company by a seller of travel as defined in F.S. § 559.927, as amended from time to time.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-6. Additional regulations.

The city manager may issue administrative procedures applicable to this chapter, which in his opinion are necessary for public safety and to carry out the purpose and intent of this chapter. (Ord. No. 2003-03, § 1, 2-11-03)

Secs. 34-7—34-17. Reserved.**ARTICLE II. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND DECAL****Sec. 34-18. Authority to process applications.**

The city clerk is hereby authorized and directed to process all applications for certificates of public convenience and necessity.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-19. Application.

(a) The city clerk shall provide the form to be filed by the owner for a certificate of public convenience and necessity. The following items shall be attached to the application:

- (1) Certificate of insurance meeting the requirements of section 34-78.
- (2) The schedule of rates and charges, which will apply to the persons and their baggage, transported by the applicant's vehicles.
- (3) Proof of inspection for each vehicle for hire to be used by the applicant demonstrating that each vehicle meets the mechanical requirements set forth in section 34-69.
 - a. Said inspection shall be conducted by an automobile mechanic or technician certified in automotive service excellence within three hundred sixty-five (365) days prior to the date of the application.
 - b. Proof of vehicle inspection from another jurisdiction, which satisfies the requirements of section 34-69, conducted in the past three hundred sixty-five (365) days, shall be acceptable proof for purposes of this section.
- (4) Any other information deemed proper by the city clerk.

- (5) Application fee.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-20. Fee established; application for certificate.

An application fee of fifty dollars (\$50.00) is hereby established to process each application for a certificate of public convenience and necessity. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-21. Authority to issue certificate of public convenience and necessity; additional vehicle permits.

(a) The city manager shall have the authority to issue a certificate of public convenience and necessity, which includes vehicle permits, once the applicant has met the following:

- (1) The insurance requirements set forth in section 34-78.
- (2) The operation appears to conform to city ordinances.

(b) The owner may obtain additional vehicle permits within 90 days after a certificate has been issued without going through the application process. The additional vehicles must have proof of insurance, schedule of rates, and proof of inspection as outlined in section 34-19. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-22. Transfer of certificate prohibited.

A certificate is not transferable to a subsequent owner. A new owner must make new application for a certificate. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-23. Issuance of decal; process for obtaining.

(a) Following the issuance of a certificate of public convenience and necessity by the city manager, the owner may obtain a decal for the vehicle described in the application.

(b) The owner shall pay the fee for the decal to the city revenue division. Following payment of the fee, the owner shall present the receipt to the city clerk. The city clerk shall affix a decal, which contains the last six (6) digits of the vehicle

identification number, to the inside of the lower portion of the windshield on the passenger side of the vehicle.

(c) The vehicle may not be operated as a for-hire vehicle until the decal has been obtained and affixed to the vehicle. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-24. Fee established for decal.

A ten dollar (\$10.00) fee for each decal is hereby established. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-25. Certificate and decal to be registered and remain in name of owner.

The certificate granted by the city manager and the decal issued for the vehicle for hire shall at all times be held and registered with the city clerk in the name of the owner. The rights, requirements and responsibilities which attach to the certificate and the decal remain with the owner so long as the vehicle for hire is operated under the authority of the certificate and are unaffected by an agreement, understanding or contractual arrangement between the owner and a for-hire driver. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-26. Decal to remain with vehicle for hire; replacement of decal; transfer of vehicle permit; surrender of decal.

(a) The decal supplied by the city shall remain with and be affixed to the vehicle for hire so long as the vehicle is used as a vehicle for hire in the city or until surrendered to the city as required by law.

(b) Whenever a decal has been destroyed, lost or stolen, the owner may obtain a replacement decal by paying the prescribed fee.

(c) Whenever a vehicle for hire is taken out of service, the owner may obtain a transfer of the vehicle permit for a replacement vehicle. The replacement vehicle must have proof of insurance, schedule of rates, and proof of inspection as

outlined in section 34-19. The owner must pay the fee for and obtain a new decal for the replacement vehicle.

(d) Whenever a vehicle for hire is removed from service as a result of failure of mechanical inspection; or, whenever a certificate is suspended for more than ten (10) days or is revoked, the decal shall be surrendered to the city clerk. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-27. Suspension and revocation.

(a) A certificate and decal issued under the provisions of this article may be revoked or suspended by the city manager if the holder thereof violates any of the provisions of this chapter or, subsequent to issuance of the certificate and decal, is convicted of or pleads no contest to any of the following:

- (1) Driving under the influence of drugs or alcohol.
- (2) Vehicular manslaughter.
- (3) Reckless driving.
- (4) Murder, manslaughter, armed robbery, assault with a deadly weapon, or aggravated assault.
- (5) Any crime which is designated as a felony.
- (6) Any crime involving the sale or possession of controlled substances as defined by F.S. § 893.03.
- (7) The Florida RICO Act.
- (8) Exposure of the sexual organs and any crime defined under F.S. Ch. 800.
- (9) "Prostitution" as defined in F.S. Ch. 796, or in this Code, including assignation or solicitation for prostitution.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to appeal the city manager's decision.

(b) If any policy of insurance required under section 34-78 is cancelled or expires, the certificate and decal issued under the provisions of this

article shall be automatically revoked on the date of cancellation or expiration of said policy without notice.

(c) If annual proof of inspection required under section 34-70 is not provided, the certificate and decal issued under the provisions of this article shall be automatically revoked without notice.

(d) If a certificate is suspended or revoked for more than ninety (90) days, the owner must reapply for a certificate as if the application were new. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-28. Fee established for reinstatement of certificate and/or decal.

(a) A certificate suspended or revoked may be reinstated if all violations, which led to the suspension or revocation, have been remedied. A reinstatement fee of two hundred fifty dollars (\$250.00) is hereby established.

(b) A decal suspended or revoked may be reinstated if all violations, which led to the suspension or revocation, have been remedied. A reinstatement fee of fifty dollars (\$50.00) per vehicle is hereby established. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-29. Appeal.

A person aggrieved by a decision of the city manager in the issuance or denial of a certificate may appeal to the city council. (Ord. No. 2003-03, § 1, 2-11-03)

Secs. 34-30—34-40. Reserved.

**ARTICLE III. VEHICLE FOR HIRE
DRIVER'S PERMIT**

Sec. 34-41. Authority to process applications.

The police chief is hereby authorized and directed to process all applications for driver's permits. A determination on the application shall be made within ten (10) days, excluding weekends and holidays, of application. (Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-42. Application.

A person who is eighteen (18) years of age or older and possesses a valid Florida Driver License may apply in person for a driver's permit. The police chief shall provide the form to be filed by the applicant. The following documents shall be in a format provided by the city and shall be submitted with the application:

- (1) A sworn affidavit by the applicant stating whether the applicant has ever been convicted of or whether any charges are currently pending for any of the following crimes:
 - a. Driving under the influence of drugs or alcohol.
 - b. Vehicular manslaughter.
 - c. Reckless driving.
 - d. Murder, manslaughter, armed robbery, assault with a deadly weapon, or aggravated assault.
 - e. Any crime which is designated as a felony.
 - f. Any crime involving the sale or possession of controlled substance as defined by F.S. § 893.03.
 - g. The Florida RICO Act.
 - h. Exposure of the sexual organs and any crime defined under F.S. Ch. 800.
 - i. Any crime defined as prostitution under F.S. Ch. 796, or by this Code, including, but not limited to, assignment or solicitation for prostitution.
- (2) A statement by the applicant of whether the applicant has previously been employed as a driver or chauffeur or had a vehicle for hire driver's permit, and, if so, whether his permit has ever been revoked or suspended for any reason.
- (3) The name, address and telephone number of the owner for which the applicant is working or intends to work.
- (4) Proof of a criminal history background investigation for the applicant conducted

within thirty (30) days of the application date, which includes fingerprints. Such criminal history background investigation shall be ordered by the applicant and shall include, at a minimum, State of Florida criminal history information from the Florida Department of Law Enforcement. If a private investigation agency or security company conducts the background investigation, the agency or company shall be properly licensed in the State of Florida to conduct such background investigations. If a private investigation agency or security company conducts the background investigation, the agency or company must provide proof of proper licensing along with the certified history directly to the police chief in a sealed envelope. If the Florida Department of Law Enforcement (FDLE) conducts the background investigation, the applicant shall authorize FDLE to provide an electronic report to the police department.

- (5) Any other information deemed proper by the police chief.

- (6) Application fee.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-43. Fee established; application for driver's permit.

An application fee of fifteen dollars (\$15.00) is hereby established.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-44. Authority to issue a driver's permit; grounds for denial; appeal.

(a) The police chief shall have the authority to issue a driver's permit once the applicant has met the following:

- (1) The applicant has submitted the application, the application fee, and all required documents as outlined in the application process.
- (2) The applicant meets all the requirements of this chapter.

(b) The police chief shall deny a driver's permit if within the past five (5) years immediately preceding the application, the applicant has been convicted of, or has pending charges for, or has plead no contest to any of the following:

- (1) Driving under the influence of drugs or alcohol.
- (2) Vehicular manslaughter.
- (3) Reckless driving.
- (4) Murder, manslaughter, armed robbery, assault with a deadly weapon, or aggravated assault.
- (5) Any crime which is designated as a felony.
- (6) Any crime involving the sale or possession of controlled substances as defined by F.S. § 893.03.
- (7) The Florida RICO Act.
- (8) Exposure of the sexual organs and any crime defined under F.S. Ch. 800.
- (9) "Prostitution" as defined in F.S. Ch. 796, or in this Code, including assignation or solicitation for prostitution.

(c) An applicant for a driver's permit will be denied if false information was provided on the application, or if the applicant omitted any information requested on the application.

(d) The police chief shall notify an applicant in writing if the application for the driver's permit is denied. The notification must cite the reason for denial. The police chief shall have the discretion to determine whether a conviction for a violent crime, whenever committed, shall disqualify an applicant from obtaining a driver's permit. The applicant may appeal a decision of the police chief to the city manager.
(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-45. Driver's permit; term; display.

Each driver's permit issued by the city shall clearly state "vehicle for hire driver's permit." The permit shall have an issue date and shall expire three (3) years from the date of issuance. At least thirty (30) days prior to expiration, the driver

shall make new application. While operating a vehicle for hire, each driver shall be required to wear or display his or her driver's permit.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-46. Surrender; revocation; suspension.

A driver's permit shall become void and shall be surrendered immediately by a driver upon a violation of this chapter or upon a conviction of, plea of guilty to, or plea of no contest to any of the crimes outlined in section 34-44(b)(1)—(9).

(Ord. No. 2003-03, § 1, 2-11-03)

Secs. 34-47—34-57. Reserved.

ARTICLE IV. RATES

Sec. 34-58. Schedule of rates to be posted.

The schedule of rates provided with the application for the certificate of public convenience and necessity shall be posted in each taxicab. The rates shall be posted in a conspicuous place readily visible to the occupants of the vehicle. All other vehicles for hire shall have the rates available for review in the vehicle. Any change in rates must be submitted in writing to the city clerk prior to the new rates taking effect.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-59. Charging rates in excess of established rates declared unlawful.

It shall be unlawful for the operator of any vehicle for hire to charge or demand from any customer any sum of money in excess of those rates or charges posted or available for review in the vehicle.

(Ord. No. 2003-03, § 1, 2-11-03)

Secs. 34-60—34-65. Reserved.

placed under the seat or between the lower and upper portions of the seat, are deemed not easily accessible.

- (9) *Windshield wipers.* Each vehicle for hire shall have standard, operational windshield wipers for the entire front windshield, which shall be controlled electronically or by vacuum and operated from the interior of the vehicle for hire. The wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or badly worn.
- (10) *Brakes.* Each vehicle for hire shall contain an operational parking brake and primary braking system, which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, wheel cylinder or any part of the brake system and no frayed cables. All primary brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method" and with the vehicle for hire operating at a speed of at least twenty (20) miles per hour. Brake linings and/or disc pads, when measured at the thinnest point, shall not be less than one-sixteenth ($\frac{1}{16}$) of an inch. Brake linings and/or pads shall also be firmly attached to the brake shoes and/or disc coupler. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage, which change or impair the functional service.
- (11) *Headlights, turn signals, brake lights, and tail lamps.* Each vehicle for hire shall be equipped with operational State of Florida approved headlights, and turn indicating lamps or devices on the front and rear of the vehicle and foot-brake-activated stop lights on the rear of the vehicle. Each vehicle for hire shall also have a tail lamp so situated on the vehicle as to illuminate the rear license plate with a white light and render it clearly legible.
- (12) *Steering mechanism.* Steering mechanisms shall neither be worn or jammed, nor shall there be more than two (2) inches play to the left or right of center, measured at the steering wheel rim with the road wheels in a straight ahead position, on wheels up to eighteen (18) inches in diameter, or three (3) inches of play on wheels over eighteen (18) inches.
- (13) *Exhaust system.* There shall be no leakage of gas at the manifold gaskets, manifold and exhaust line gasket, muffler and muffler connections or at any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear or sides of the passenger and luggage compartment. No part of the exhaust system shall pass through or leak into the part of the vehicle occupied by passengers, as determined by visual inspection.
- (14) *Air conditioning and heating.* Every vehicle for hire shall be equipped with an adequately operating air conditioning, heating system and windshield defrost or defogging system.
- (15) *Two-way radio.* All vehicles for hire shall be equipped with a permanently attached operational two-way radio or comparable wireless communication device such that office dispatchers may immediately and effectively notify vehicle drivers of requests for service and such that drivers may immediately and effectively request assistance should assistance be needed.
- (b) Correction of defects. Every vehicle for hire owner shall repair or replace any equipment or parts of the vehicle found to be worn out, defective or creating a safety hazard.
- (c) Posting of consumer sign. It shall be the duty of the vehicle certificate holder to post the following sign within the interior of every vehicle:
- (1) The schedule of rates provided with the application for the certificate.
- (d) Subsections (a)(15) and (c) shall apply to taxicabs only.

(e) The police chief may inspect any taxicab or vehicle for hire while the vehicle is being operated to insure compliance with the provisions of this chapter. No vehicle shall be operated upon the city streets in violation of this section except for purposes of securing repairs to the vehicle.
(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-70. Mechanical inspection.

It shall be the duty of the owner of every taxicab or for-hire vehicle to annually submit to the city clerk a proof of inspection that the vehicle meets the mechanical requirements set forth in this article. Said proof shall be due at the same time the proof of insurance is due and shall be conducted by an automobile mechanic or technician certified in automotive service excellence. The inspection must be less than three hundred sixty-five (365) days old. Failure to provide annual proof of inspection shall result in the decal being suspended or revoked. A mechanical inspection shall not be required if the vehicle is less than three hundred sixty-five (365) days old, has less than ten thousand (10,000) miles, and has not been involved in an accident.
(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-71. Markings required.

Each taxicab shall bear on the outside on at least two (2) sides the name of the owner in letters not less than five (5) inches high and plainly visible at a distance of one hundred (100) feet; and on two (2) sides and the back the owner's telephone number plainly visible at a distance of one hundred (100) feet. Rates shall also be plainly visible on the outside on at least two (2) sides of the vehicle. All other vehicles for hire must display a tag on the front of the vehicle with the company name.
(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-72. Taximeters.

All taxicabs shall be equipped with a taximeter installed in view of all passengers. The face of the taximeter shall be illuminated after sunset. Taximeters shall be subject to inspection from time to

time by the police department. Vehicles with an inoperable taximeter may not be operated as a taxicab.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-73. Number of passengers carried; most direct route; providing change; receipt to be provided.

(a) No more than one (1) passenger shall be transported at one (1) time unless the operator requests and receives the affirmative consent of the person first engaging the vehicle.

(b) A taxicab driver shall use the most direct available route on all trips unless the passenger specifically requests a change to the route.

(c) A driver shall be able to provide a reasonable and prudent amount of change, and if correct change is not available, no additional charge will be made to the passenger in attempting to secure the change.

(d) The vehicle driver shall deliver a legible receipt if demanded by the passenger containing the trade name of the certificate holder, the company car number, the driver's name, the date, and the total amount paid.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-74. Receiving police radio calls prohibited.

It shall be unlawful to operate any taxicab or for-hire vehicle with a radio capable of receiving police calls.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-75. Stands.

Drivers of taxicabs and for-hire vehicles may not appropriate any portion of a public right-of-way for use as a stand.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-76. Maintenance of records.

Every owner of a taxicab or for-hire vehicle shall maintain a written or computerized record showing for each day the number of vehicles operated, the driver of each vehicle, the origin and destination of all calls, the identity of each caller

if available, the trip made by each vehicle, and the amount charged. Such records shall be open at all times to inspection by any member of the police department and shall be preserved for a period of not less than one (1) year. It shall be unlawful to knowingly falsify a record.

(Ord. No. 2003-03, § 1, 2-11-03)

given to the city clerk, in addition to such other notice as may be required by law to be given prior to the cancellation of such policy.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-77. Report of accidents.

The driver of a taxicab or for hire vehicle involved in an accident, regardless of how slight, shall immediately make a report to the police department.

(Ord. No. 2003-03, § 1, 2-11-03)

Sec. 34-78. Public liability insurance required.

(a) Every owner of any taxicab or for-hire vehicle operating in the city shall file with the city clerk and keep in effect at all times a liability insurance policy or policies, the terms and conditions thereof providing protection for all persons against losses or injury by reason of the operation of any taxicab and for-hire vehicle, as hereinafter provided.

(b) Each such insurance policy shall be in the form of a certificate of insurance and shall be executed by an insurance company authorized to do business in the State of Florida. The policy shall be in the penal sum of not less than one hundred thousand dollars (\$100,000.00) for injury or death to any one (1) person, three hundred thousand dollars (\$300,000.00) for injury or death to all persons caused by one (1) accident or occurrence, and fifty thousand dollars (\$50,000.00) for damage to property resulting from any accident, and each of said policies shall remain in full force and effect and shall be undiminished during the effective period of such insurance.

(c) Each such certificate of insurance so filed shall name the city as certificate holder and shall be directed to the attention of the city clerk. The certificate shall contain a clause to the effect that the insurance carrier may not cancel the policy until thirty (30) days' written notice has been