

COUNCIL and ADMINISTRATRON

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 70 - 2018

---

October 3, 2018

Introduced by the Administration and Councilpersons Affa, MacLean, Mota and Robinson

---

AN ORDINANCE

Amending Article 121.05 City Registered Vehicles, by changing the word sedan to the word vehicles in two places; granting the Mayor authority to designate exceptions to the marked vehicle requirement; changing the number of vehicles permitted to be taken home from 13 to 30; providing for the appropriate marking of fire vehicles; requiring appropriate compliance with IRS regulations; deleting the section C. 4, that states vehicles can not be taken home if you are simply on call; requiring a report to be submitted at budget time detailing the cost of the city fleet rather than placing the costs in a fund and making other clarifications.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 121.05 be amended to read as follows:

**121.05 CITY REGISTERED VEHICLES**

**A. Identification of City Vehicles**

1. All City vehicles, except vehicles in the Police Department as so determined by the Police Administration and those authorized by the Mayor, shall be appropriately marked. For the purpose of this section, "appropriately marked" means having both the City Seal and an identification number permanently, conspicuously and prominently displayed on the vehicle.
2. All Fire Chiefs' vehicles shall be ~~red in color~~ appropriately marked and have permanent flashing lights.

**B. Use of City Vehicles**

1. City vehicles are the property of the City and shall be used only for official City business.
2. Vehicles shall be used by City employees only upon authorization by their immediate supervisor. Vehicles shall also be accessible to elected officials. For the purpose of this ordinance, City employees are defined as workers on the City payroll and workers paid by Federal grant programs that serve as part of the City's workforce. Elected officials means the Mayor, City Council and the City Controller. (13741 §1 3/3/99)
3. City vehicles shall be operated only by City employees or elected officials with a current and validated operator's license which reflects the appropriate classification for the size and type of the vehicle driven. If non-City personnel accompany a City employee, they may share the driving only when authorized by the employee's respective department head. (13741 §1 3/3/99)

4. Only in cases of an emergency shall a City employee or elected official operating a City vehicle carry passengers that are not employed by the City or engaged in business with City personnel if not approved by their immediate supervisor.  
(13741 §1 3/3/99)

5. IN NO CASE shall vehicles be used for personal or non-work related errands.

6. Each vehicle shall have a log wherein daily mileage, trip destinations, drivers and repairs shall be recorded. The log shall be filed each month with the Department Director and subject to review by the City Controller.

7. The number of City ~~sedans~~ vehicles (with the exception of the Criminal Investigation Division) permitted to be taken home is set at ~~thirteen~~ thirty.

### **C. Assignment of City Vehicles**

#### **Assignment to Personnel**

1. The Mayor shall have the authority to assign City personnel to the ~~thirteen (13)~~ thirty (30) take-home ~~sedans~~ vehicles mandated by City Council.

2. Employees are expected to travel to and from work at their own expense.

3. In no case shall a City ~~sedan~~ vehicle be taken home unless it falls within the ~~thirteen (13)~~ thirty (30) take-home vehicles mandated by City Council.

4. ~~City vehicles cannot be taken home if you are simply "on call" and do not require special equipment or for convenience.~~

5. City vehicles assigned to personnel who need immediate transportation in order to respond to City emergencies, meeting the criterion stated above; or who need the necessary equipment and tools to implement appropriate action in emergency situations overnight or on weekends, may not be used for any personal transportation or errands.

### **D. Limits on Use of City Vehicles**

1. Usage: City vehicles assigned to employees during the work shift as part of the employee's normal work duties may not be used for personal or non-work related errands of any nature. Employees may only use the vehicle for expressly authorized, official City business.

2. Lunch: Any employee who is assigned a vehicle as part of his/her normal duties is not authorized to use the vehicle as transportation to lunch and back to the work site. However, only when approved by the foreman or the employees supervisor on a particular job site may permit the employee to use the vehicle as transportation to lunch and back to the work site. The supervisor's grant of such permission must be clearly expressed and may not be implied.

3. City geographic limits. City vehicles ~~are to~~ shall remain within the City limits. An employee may use a city vehicle outside City limits only if authorized, official City business requires travel outside the City or the employee's supervisor expressly authorizes the employee to travel outside the City with the vehicle. ~~authorized by the employee's supervisor or on necessary official City business.~~

3. City vehicles are to remain within the City limits unless otherwise authorized by the employee's supervisor or on necessary official City business.

### **E. Funding of City Vehicles**

Expenditures on City Vehicles (inclusive of purchase and maintenance) shall be presented in the annual budget in a separate fund report.

### **F. Reimbursement**

The process of obtaining mileage reimbursement and the insurance protection afforded employees for use of their private vehicles while on City business shall be provided in the Administrative Information Manual (AIM).

### **G. Tax Reporting**

Under the Internal Revenue Code, employees who drive a City vehicle home must be charged the value of the benefit. Affected employees are required to make reporting arrangements with the Finance Office. Affected employees are responsible

for maintaining personal records substantiating commuting mileage as required under the Internal Revenue Code. Employees are responsible for their own tax liability.

#### **H. Violations**

1. It is the responsibility of the operator to operate the vehicle in a manner that is courteous, safe, and in compliance with all City and State traffic and parking regulations. The individual City employee shall assume complete responsibility for any citations resulting from violations of traffic laws incurred while operating the City vehicle.

2. Accidents occurring during any unauthorized use of a City vehicle shall be the sole responsibility of the operator.

3. Vehicle operation, which is unauthorized or for personal uses will result in disciplinary action and/or dismissal.

4. Operators violating the provisions of this ordinance shall forfeit any future rights to use City vehicles.

SECTION TWO: That all ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: That this ordinance take effect ten (10) days after final passage.

