

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

AN ORDINANCE TO CONTROL THE OPERATION OF VEHICLES FOR HIRE IN THE CITY OF ERWIN.

BE IT ORDAINED BY THE CITY OF ERWIN, TENNESSEE AS FOLLOWS:

Section 1. No person shall operate any passenger motor vehicle for hire in the City of Erwin, Tennessee, or permit another to operate such a vehicle owned or controlled by him/her for hire unless the driver of such vehicle has first obtained and has in force a permit as required by the provisions of this ordinance. An application for a permit to operate a passenger motor vehicle for hire in the City of Erwin shall be filed with the City Recorder on forms provided by the City and such application shall be verified under oath and shall contain the following information:

- A. Age of applicant. Applicant must be at least 18 years of age.
- B. A list of experience of the applicant in the transportation of passengers.
- C. The applicant's chauffeurs license number.
- D. A concise history of the applicant's employment.
- E. Such other information as may be reasonably required.

Section 2. The Chief of Police shall cause a background investigation to be conducted on each applicant to determine if the applicant has a criminal record and if the applicant is of good moral character.

Section 3. The City Recorder shall pass upon each application and shall not approve the application if, in the opinion of the City Recorder, the applicant is not of good moral character and competent to operate a passenger motor vehicle for hire. If an applicant is rejected by the City Recorder, such applicant may file a written request with the City Recorder within ten

(10) days after such rejection to appear personally before the Board of Mayor and Aldermen for a review of his/her application. The action of Board of Mayor and Aldermen on such appeal shall be final.

Section 4. Before any application is finally passed upon by the City Recorder, the applicant shall exhibit a current motor vehicle chauffeurs license issued by the state of Tennessee.

Section 5. Upon approval of an application and payment of a permit fee of \_\_\_ Dollars (\$\_\_\_\_\_), the Chief of Police shall issue a permit to operate a passenger motor vehicle for hire in the City of Erwin which shall bear the name, address, age, signature, and photograph of the applicant. Such permit shall be in effect for the remainder of the City's licensing year. A permit for each year thereafter shall be issued upon payment of Two Dollars (\$\_\_\_\_\_) unless the permit for the preceding year has been revoked, in which event a new application is required.

Section 6. Each driver of a passenger motor vehicle for hire shall post his or her drivers permit in such vehicle as to be in full view of all passengers while such driver is operating said passage motor vehicle for hire.

Section 7. The Board of Mayor and Aldermen may, at any time it is deemed to be in the best interest of the welfare of the City and the citizens thereof, suspend or revoke any permit issued pursuant to this ordinance. The Board of Mayor and Aldermen, if it desires to do so, may grant to such permit holder an opportunity to be heard before suspension or revocation is effective. The City Recorder may upon recommendation of the Chief of Police, and when he/she deems it to be in the best interest and welfare of the City, suspend any permit issued under the

terms of this ordinance. Such suspension shall be effective until the next regular meeting of the Board of Mayor and Aldermen at which time the Board of Mayor and Aldermen shall either reinstate, continue such suspension, or revoke such permit as it deems to be in the best interest and welfare of the City.

Section 8. Before any passenger motor vehicle for hire is licensed to be operated in the City of Erwin, the owner or operator thereof shall exhibit a liability insurance policy written by a company authorized to issue liability insurance policies in the state of Tennessee on which the premium has been paid for at least one year. Such liability insurance policy shall insure the occupants and the public against bodily injury or death and property damage of all persons injured or killed in any accident and property damage in any accident in an amount equal to at least the Governmental Tort Liability Limits as specified in *Tennessee Code Annotated 29-20-403b et. seq.* Uninsured motorist coverage with the same minimum limits same also be exhibited. Such policy shall provide that it shall not be cancelled or withdrawn until after thirty (30) days notice in writing shall have first been given to the City of Erwin and said thirty days notice shall commence upon the date that notice is actually received at the office of the City Recorder. In the event such policy is so cancelled or withdrawn, the license for the operation of the passenger motor vehicle for hire insured thereby shall be suspended until said policy is replaced with a like policy on which the premiums have been paid for at least one year.

Section 9. No person shall operate any passenger motor vehicle for hire within the City of Erwin, Tennessee, unless there is enforced with respect to such person a Certificate of Necessity issued by the Board Of Mayor and Aldermen. A Certificate of Necessity shall be issued to any qualified applicant thereby authorizing the operation of a

passenger motor vehicle for hire within the municipality of Erwin, Tennessee, if it is found that the applicant is fit, willing, and able to properly perform the services proposed and to conform to the provision of this ordinance, and that the proposed service authorized by such certificate is, or will be, required by the present or future public convenience and necessity. Otherwise, such application shall be denied. No certificate issued under this ordinance shall confer any proprietary or property rights in the use of the streets and highways within the City of Erwin, Tennessee. All applications for certificate of necessity shall be made to the Board of Mayor and Aldermen in writing, giving the name and address of the applicant, the number and character of passenger motor vehicles to be operated for hire, the reasons why such certificate should be issued, and such other information as may be pertinent to the application for an issuance of such certificate.

Section 10. All Certificates of Necessity issued to operators of passenger motor vehicles for hire are subject to suspension and/or revocation at any time by the Board of Mayor and Aldermen.

Section 11. All persons who hold Certificates of Necessity to operate passenger motor vehicles for hire in the City of Erwin shall be governed by the following rules and regulations:

- A. They shall have a place of business to do business from and shall do business from said place of business and shall not park vehicles which are not carrying passengers on the streets.
- B. They shall have their trademark or name, telephone number, and permit number shown on each side and the rear of each vehicle in permanent paint visible for at least 100 feet.
- C. They shall not cruise or park any vehicle on any street in the City for the purpose of soliciting business.

- D. They shall not have such office or place of business where alcoholic beverages are sold.
- E. They shall have at least monthly inspections for all operational vehicles for the purpose of safety to passengers, baggage, and the public. Records of said inspections shall be kept for at least one (1) year and shall be open to inspection by the City of Erwin at all times.
- F. They shall not permit any of said vehicles to be operated by a person under the influence of intoxicating liquor or drugs.

Section 12. Each driver must have an identification card with picture of the driver and certified by the Chief of Police posted in a conspicuous place in each passenger vehicle during the time said vehicle is driven by the authorized driver.

Section 13. The operator or driver of any passenger motor vehicle for hire who shall have been licensed for such purpose by the City of Erwin shall upon the first conviction for the offense of driving said vehicle while intoxicated—in addition to the other penalties provided—shall have his license or permit suspended for a period of one year from the date of the said violation and upon a second conviction for a like offense, said permit or license shall be permanently revoked.

Section 14. Each application for a Certificate of Necessity required by this ordinance shall be accompanied by an application fee of \_\_\_\_\_ (\$\_\_\_\_\_) Dollars.

Section 15. Any person who wilfully or deliberately violates or fails to comply with, or aids or abets in the violation of any provision of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof, the person shall be punished by a fine of up to \$50.00.

Section 16. If any section of this ordinance or part thereof is held to be void or ineffective for any cause, such holding shall not affect the residue of the ordinance, it being hereby declared and shall be conclusively presumed that the balance of the ordinance would

have been passed irrespective of the fact that one or more sections or parts thereof may be declared unconstitutional or void or ineffective for any cause.

Section 17. BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after its final passage, the public welfare requiring it.

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Passed First Reading

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Passed Second Reading

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MAYOR

ATTEST:

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City Recorder

APPROVED AS TO FORM:

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City Attorney