

AN ORDINANCE

AN ORDINANCE BY THE CITY OF EAST POINT, GEORGIA, PROVIDING FOR THE AMENDMENT CHAPTER 5 VEHICLES FOR HIRE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAST POINT AND IT IS HEREBY ORDAINED THAT THE FOLLOWING AMENDMENT BE MADE:

CHAPTER 5. VEHICLES FOR HIRE*

Article A. Taxicabs

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ARTICLE A. TAXICABS DIVISION 1. GENERAL PROVISIONS Sec. 11-5001.

Definitions.

In the interpretation of this article, the following words and phrases, unless otherwise provided or unless the context shows another sense to be intended, shall be held to have the meanings hereinafter stated:

- (1) The words *cab* or *taxicab*, hereinafter referred to only as "cab," are hereby defined to be motor vehicles operated for hire, the destination of which is under the direction of the passenger transported therein.
- (2) The word *highways* means any of the public streets, alleys, lanes, boulevards, avenues, drives, circles or roads of the city.
- (3) The term *waiting time* shall mean and include the time when the cab is not in motion, beginning with the arrival of such cab at the point to which it has been called or the time consumed while standing at the direction of the passenger.
- (4) The word *owner* shall mean and include any person, firm or corporation having control of the operation or maintenance and collection of the revenue derived from cabs.
- (5) The words *driver* and *operator* shall mean and include any and every person in charge of or driving or operating a cab, as herein defined, whether as owner, agent, employee or otherwise.
- (6) The word *permit* shall mean the license or authority granted by the Chief of Police to engage in the taxicab business within the city.
(Code 1959, § 21-1)
- (7) *Open Stands* means that portion of the street that has been marked off by the Police Department for taxicabs to use in receiving and discharging passengers.
- (8) *Company* means any person owning or operating or purporting to operate a taxicab.

See, 11-5002. Compliance with chapter.

It shall be unlawful for any cabs to be operated on the highways of the city unless and until the owner and operator shall have complied with the provisions of this article.

(Code 1959, § 21-2)

Sec. 11-5003. Permit; required; Number of Permits.

No person shall operate any vehicles upon the highways of the city covered by this article until a permit therefore has been granted and issued. Chief of Police shall designate the total number of permits to be issued each year.

(Code 1959, § 21-3)

Sec. 11-5004. Insurance; residency requirements; notice of changes.

In order to maintain a permit for a vehicle for hire, any person and any taxicab driver or company operating within the city must:

(a) Obtain and maintain automobile liability insurance procured from a licensed insurance company within this state in the same amounts per vehicle for hire as are required of all vehicles by the state with respect to personal injury, liability, property damage liability and personal injury protection benefits available to drivers, passengers, pedestrians and others. Provide current certificates of insurance evidencing such coverage by vehicle identification number, make and model, the amount of coverage afforded to each such vehicle, the term for which coverage has been prepared, the name of the insurance company supplying the coverage and the policy number. The insurance must provide specific coverage for a vehicle used in the business of transporting passengers. Self insurance programs approved for commercial vehicles by the state insurance commissioner shall satisfy this requirement.

(b) Maintain residency in the state.

(c) The licensee shall notify the city business licensing inspector in writing within ten (10) days of any change in the owner, chief executive officer or other corporate officers, if a corporation; firm or association; any change in address of the licensee. Notification shall set out the names of the persons involved in the change.

Sec. 11-5005. Application-Generally.

(a) No permit to operate any cab within the city shall be granted except upon written application to the Police Department, which application shall be filed with the license inspector and shall contain the full name and address of the person proposing to operate a cab or conduct a taxicab business within the city, the location from which the business is to be operated, and whether the operator of the taxicab business for which the permit is sought is a corporation, a partnership or an individual, and if a corporation the name and address of all officers thereof and the amount of its capital stock. Each application shall contain a full and complete statement of the business to be engaged in, the type of equipment to be used, the number and a particular description of all vehicles to be operated under such permit if granted, including the name and passenger capacity of each vehicle to be used.

(b) If the owner of the business to be conducted under the permit is a partnership, such application must disclose the full name and residence, street and post office address of each of the partners interested in such partnership, and the extent of such interest. Such application shall show any other information required by the Chief of Police, and among other things shall affirmatively allege that any business conducted under the permit granted upon such application shall be in full and complete compliance with all national, state, county, municipal and local laws, ordinances, rules and regulations with reference to wages, hours and conditions of employment and the protection by liability

insurance of all persons whom the law requires the operators of such a business to protect. (Code 1959, § 21-5)

(c) All applications for permit under this section shall be accompanied by a one hundred fifty dollar (\$150.00) investigation fee to be paid to the Police Department at the time of application. All fees specified in this chapter are non-refundable and are not prorated.

Sec. 11-5006. Same-Investigation of application; public hearing.

The application referred to in section 11-5005 shall be referred to the Police Department, which shall investigate the application and fix a time and place for a public hearing on such application if it seems in the public interest. The Police Department shall cause a notice of such application to be served one day before any hearing upon the holders of all permits to operate a similar business in the city, after which service of such notice Police Department shall have a public hearing, at which time testimony may be heard for or against the granting of such permit.

Sec. 11-5007. Same-Issuance.

After the hearing provided by section 11-5006 the Chief of Police may either adopt or reject such report. If the report favors the granting of the permit and is adopted, the license inspector shall issue to such applicant a permit.

Sec. 11-5008. Grant to minors prohibited.

The permit to operate a taxicab business shall not be granted pursuant to this article to any person under eighteen (18) years of age.

Sec. 11-5009. Form.

"PERMIT

_____ is hereby licensed,

subject to the rules and regulations of the city, to conduct the business of transporting passengers for hire under direction of the passenger in compliance with all laws, rules and regulations of the City of East Point for 12 months, subject to the right of the Police Department of East Point to revoke this permit at any time without notice. Not transferable.

This _____ day of _____, 19_____.

License Inspector
(Code 1959, § 21-9)

Sec. 11-5010. Assignment, etc.

No permits granted under the provisions of this article may be sold, assigned, transferred, leased or otherwise disposed of except upon approval of the Police Department.
(Code 1959, § 21-10)

Sec. 11-5011. Penalties; Revocation.

Upon conviction of a holder of a permit to operate a taxicab business in the city of a violation of any provisions of this article, such person such permit may be revoked in addition to any other penalty that may be imposed. The provision for revocation of license and permit shall apply equally to the operator of the taxicab, and to the owner thereof, if owned by some person other than the operator or person found guilty. (Code 1959, § 21-11)

Sec. 11-5012. Temporary, prohibited.

It shall be unlawful for any temporary permit to be issued for the operation of taxicabs in the city unless otherwise authorized by Chief of Police.
(Code 1959, § 21-12)

Sec. 11-5013. Annual license tax.

Every person engaged in the business of conducting a taxicab business in the city shall pay to the city an annual license tax in advance for the privilege of using the streets for this business (Code 1959, § 21-13)

Sec. 11-5014. Procedure for issuance of license.

No license for automobiles or hack or cab carrying passengers for hire shall be issued unless the Police Department approves a certificate that the automobile or vehicle and team which the applicant proposes to use are such as will be creditable and safe, and the driver is of proper age.

Sec. 11-5015. Unsafe cabs.

The Chief of Police may suspend from operation any cab found to be unsafe, and any vehicle so suspended shall not be permitted to operate again until repaired and put in proper condition for use, and then only after its condition has been approved by the Chief of Police

Sec. 11-5016. Identification of vehicles; rate card to be displayed; passenger rights.

(a) All taxicabs shall have the correct name or trade name and telephone number of the owner of each cab, his permit or license number, and a cab number to distinguish such cab from other cabs operated in the city affixed by means of permanent, nonmagnetic decals on each side of such cab, such numbers to be prescribed by the Police Department. All such words, letters and figures shall not be less than six (6) inches nor greater than twenty-four (24) in height.

(b) Each taxicab shall have a schedule of rates painted or affixed by decal to the left and right rear doors.

(c) All taxicabs shall have a schedule of passenger rights, which shall include the right to an air-conditioned cab, the right to direct the driver to use a certain route to a destination, the right to an explanation of all rates and charges, including, its license number and the company's telephone number in addition to the license inspector's telephone number for complaints and comments clearly posted on the back of the driver's seat. The driver's permit shall be placed on a bracket so as to be visible and shall be located on the right half of the dash.

(d) Each taxicab shall be equipped with a dome light not less than six inches in height, permanently affixed to the roof, bearing the term "taxi" or the company name.
(Code 1959, § 21-15)

Sec. 11-5017. Rates of fare, etc.

(a) The Police Department reserves the right to regulate the rates and fares from time to time to be charged by cabs, and owners of cabs in the city, and to further regulate the taxicab business.

(b) It shall be unlawful for the operator, owner, driver or other person to demand, accept or receive taxi fares for transportation of passengers or property by taxicabs operating under license from the city in excess of the following rates:

- (1) To first one-seventh mile, \$2.25.
- (2) Each additional one-seventh mile, \$0.25.
- (3) Waiting time, \$18.00 per hour.
- (4) For each additional passenger in excess of one riding in the vehicle on the same trip, \$1.00 per person. Only one child in the company of an adult will be charged the additional passenger fee; any additional children will not be charged any additional passenger fee. Children under six will not be charged.
- (5) There shall be no charge for use of additional space for luggage, trunks or cargo for which the trunk space in a four-door sedan would not be adequate.

Sec. 11-5018. Operation from an established place of business; parking spaces.

- (a) Cabs shall be operated only from an established place of business, and before using the streets as parking places, operators of such cabs must secure a permit from the Police Department to park at a particular place, which permit shall not be granted except by and with the consent of adjacent property owners, and no space shall be allotted more than two (2) vehicles in one (1) particular locality; provided, nothing herein shall prohibit the concentration of a larger number of cabs at places where the public is assembled in large groups, such as baseball and football games, city auditorium, churches and like gatherings. Space reserved for cab stands shall be designated or marked by clearly drawn yellow lines by the Police Department of the city.
- (b) The Police Department shall maintain a list of all open taxicab stands. Such stands shall be created by the traffic division based on the criteria of traffic conditions, public necessity and convenience and the effect on police functions.
- (c) Open stands shall be used exclusively by taxicabs for which permits have been issued by the city. No taxicab shall be placed upon or occupy any taxicab stand except for the purpose of being held forth for hire. Taxicabs shall be placed on stands only from the rear and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs. Violation of this rule constitutes line jumping and shall be grounds for suspension of a driver's permit. When a taxicab stand is occupied to its full capacity, no taxicab shall wait outside of a cab stand in violation of any traffic laws. Each taxicab occupying a stand shall not be left unattended.
(Code 1959, § 21-17)

Sec. 11-5019. How passengers to be received and discharged.

It shall be unlawful for any taxicab to stop for the purpose of discharging or receiving passengers except at a point as near the right-hand curb as possible.
(Code 1959, § 21-18)

Sec. 11-5020. Drivers to carry photograph and identification card.

No person shall be allowed to drive a taxicab who shall not at all times carry on his person a valid Georgia driver's license and display a card of identification signed by the Chief of Police.

Sec. 11-5021. Stopping to discharge, receive passengers at motels, hotels.

It shall be unlawful for any taxicab to stop for the purpose of discharging or receiving passengers at any motel or hotel within the City of East Point, except at the main entrance to such hotel or motel.

(Code 1959, § 21-19.1)

Cross reference-Stopping, standing and parking generally.

Sec. 11-5022. Vehicle condition and equipment, inspection and inspection sticker.

(a) Drivers and business licensees are responsible for maintaining each vehicle for hire in a clean and mechanically safe condition. The interior and exterior shall meet the requirements set out under inspection requirements outlined in this section.

(b) Drivers are not to drive and business licensees are not to allow drivers to operate a vehicle without the required markings, top light and inspection sticker required in this section.

(c) All cabs to be used by a licensee in the city shall be inspected annually and approved by the Police Department fleet manager. Once a vehicle meets the requirements of the inspection, a sticker will be affixed to the left side of the windshield. The requirements that each vehicle must meet are as follows:

(1) Exterior inspection shall ensure that headlights, taillights, brake lights, top lights, directional lights, license plate lights, windshield wipers, all vehicle glass, window cranks or electric windows, door locks, trunk lid, trunk, hood, door handles, exhaust system, bumpers, fenders, body, tires and other vehicle parts are in good condition and functioning properly. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. There shall be no unrepaired body damage or any body condition which would create a safety problem or interfere with the operation of the vehicle.

(2) Interior inspection shall include the rearview mirror, steering wheel, foot brakes, parking brakes, air conditioning and heating systems to ensure each item is in good operating condition. The upholstery, floor mats, headlining, door panels and the trunk compartment shall be inspected to insure there are no tears, that they are clean and have no offensive odors and that the trunk has sufficient space for passenger luggage.

(3) The vehicle shall have a spare tire and jack.

(4) All taxicabs shall be equipped with two-way radios, top lights, and taximeters.

(5) Taximeters must be positioned so that they are visible from the passenger compartment. Taximeter accuracy shall be verified as part of vehicle inspections and a certificate attached to each machine indicating the last date of inspection and certifying the machine as to accuracy.

(6) Vehicles shall be subject to random inspections at any time. Vehicles found to be substandard shall be removed from service immediately and shall be subject to immediate vehicle inspection sticker removal by the Police Department.

(7) No vehicle operated as a taxicab shall be more than six (6) years old. By December of each year, automobiles of a model year seven (7) years prior to that year must be replaced.

(d) The inspection sticker is proof that the business met the licensing and insurance requirements at the time of license issuance and that the vehicle passed the last vehicle inspection. Each vehicle operator must have in the vehicle proof of current insurance coverage. Any company or vehicle letting insurance coverage lapse shall have the inspection sticker or stickers removed by the police department and the business license suspended or revoked by the city licensing department. Business operations shall not be resumed until proof of insurance is provided to the city licensing department, the license reinstated and the vehicle or vehicles reinspected and new inspection stickers issued by the Police Department.

(e) No business licensed for operating vehicles for hire shall use any vehicle that has not been inspected and had the city inspection sticker affixed:

(f) Inspection stickers are not transferrable from vehicle to vehicle and are nonrefundable if the vehicle is wrecked or taken out of service for any reason. The Police Department must be notified within ten (10) days of any vehicle being taken out of service; stickers from vehicles taken out of service must be turned in to the Police Department. Stickers for replacement vehicles or additional vehicles are issued under the same procedures as original inspection stickers. (Ord. No. 1149-97, § 1, 10-6-97; Ord. No. 001-02, § 1, 2-18-02)

Sec. 11-5023. Appearance and hygiene of drivers; responsibility of licensees for driver dress and conduct.

Drivers must practice good personal hygiene and wear proper dress while operating a vehicle for hire. Proper dress shall mean the wearing of shoes, ankle length pants or mid length shorts, a skirt or dress and a shirt or blouse with sleeves. Clothing must be clean and not visibly soiled. Licensees are responsible for driver dress and conduct.

(Ord. No. 1149-97, § 1, 10-6-97)

Sec. 11-5024. Taximeters.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Basic distance rate* means the charge for distance for all intervals except the initial interval.
- (2) *Basic time rate* means the charge for the time for all intervals except the initial interval.
- (3) *Cleared* means a taximeter is inoperative with respect to all fare when no indication of fare or extras is shown and when all parts are in those positions in which they are designed to be when the vehicle on which the taximeter is installed is not engaged by a passenger.
- (4) *Cold tire pressure* means the pressure in a tire when the tire is at ambient temperature.
- (5) *Face* means a taximeter upon which passenger charges are indicated.
- (6) *Fare* means that portion of the charge for the hire of a vehicle that is automatically calculated by a taximeter through the operation of the distance or time mechanism.
- (7) *Fifth wheel test* means a distance test similar to a road test except that the distance traveled by the vehicle under test is determined by a mechanism known as a "fifth wheel" that is attached to the vehicle and that independently measures and indicates the distance.
- (8) *Flag* means a plate at the end of the lever arm or similar part by which the operating condition of the taximeter is controlled.
- (9) *Hired* means a taximeter that is operative with respect to all applicable indications of fares or extras. The indications of fare include time and distance where applicable unless by another indication of the term "time not recording" or an equivalent expression.
- (10) *Initial distance of time interval* means the interval corresponding to the initial money drop.

- (11) *Money drop* means an increment of fare indication. The initial money drop is the first increment of fare indication following activation of the taximeter.
 - (12) *Multiple-tariff taximeter* means one that may be set to calculate fares at any one of two or more rates.
 - (13) *Operating tire pressure* means the pressure in a tire when the vehicle has been driven for at least five miles or eight kilometers.
 - (14) *Road test* means a distance test, over a measured course, of a complete taximeter assembly when installed on a vehicle, the mechanism being actuated as a result of vehicle travel.
 - (15) *Rolling circumference* means the straight-line distance traveled per revolution of the wheel that actuates the taximeter. If more than one wheel actuates the taximeter, the rolling circumference is the average distance traveled per revolution of the wheels.
 - (16) *Simulated road test* means a distance test during which the taximeter may be actuated by some means other than road travel. The distance traveled is either measured by a properly calibrated roller device or computed from rolling circumference and wheel-turn data.
 - (17) *Single-tariff taximeter* means one that calculates fares at a single rate only.
 - (18) *Subsequent distance or time intervals* means the intervals corresponding to money drops following the initial money drop.
 - (19) *Taximeter* means any instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times the vehicle travels or is in waiting and to indicate the fare to be charged.
- (b) Taxicabs operating with nonelectronic taximeters shall be furnished with a sign approved by the Police Department immediately adjacent to the taximeter which explains the way the fare shall be calculated if the taximeter reaches its highest fare before the passenger's destination is reached. The sign shall be pointed out to the passenger by the driver at the beginning of the trip.
 - (c) A taximeter shall be equipped with a primary indicating element.
 - (d) Except when a taximeter is being cleared, the primary indicating elements shall be susceptible of advancement only by the rotation of the vehicle wheels or by the time mechanism.
 - (e) Except when a taximeter is being cleared, indications of fare shall be clearly visible at all times and at least ten millimeters in height for the fare and four millimeters in height for all other indications.
 - (f) When a taximeter designed to calculate fares upon the basis of a combination of distance traveled and time elapsed is operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the distance mechanism whenever the vehicle is in motion at such a speed that the rate of distance revenue equals or exceeds the time rate and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism.
 - (g) Whenever the indicating elements of a taximeter are set to indicate a charge for the hire of

the vehicle, the character of the fare indication shall be clearly shown on the taximeter face. When a taximeter is cleared, the indication "not registering," "vacant" or an equivalent expression shall be shown.

- (h) Whenever a single-tariff taximeter is set so as to register charges, the indication "registering," "hired" or an equivalent expression shall be shown.
- (i) Whenever a multi-tariff taximeter is set so as to register charges, the basis for the particular tariff for which it is set shall be shown.
- (j) Indications of fare shall be displayed through and entirely protected by glass or other suitable transparent material securely attached to the housing of the taximeter.
- (k) A taximeter shall calculate fares only upon the basis of distance traveled, time elapsed or a combination of distance traveled and time elapsed.
- (l) A control lever-arm knob, handle or other convenient and effective means shall be provided to set the taximeter mechanism for the desired operating condition and to clear the taximeter.
- (m) The several positions of the control lever shall be mechanically defined and displacement from any of these positions shall be sufficiently obstructed that the accidental or inadvertent changing of the operating condition of the taximeter is improbable. Possible movement of this control lever to an operating position immediately following its movement to the cleared position shall automatically be displayed enough to permit the taximeter mechanism to come to complete rest in the cleared position.
- (n) Adequate provisions shall be made for affixing lead-and wire seals to a taximeter and to other parts required for service operation of a complete installation on a vehicle so that no adjustments, alterations or replacements affecting in any way the accuracy or indications of the device or the assembly can be made without mutilating the seals. The sealing means shall be such that it is not necessary to disassemble or remove any part of the device or of the vehicle to apply or inspect the seals.
- (o) To determine compliance with distance tolerances, a distance test of a taximeter shall be conducted utilizing one or more of the following test methods:
 - a. *Road test.* A road test consists of driving the vehicle over a precisely measured road course.
 - b. *Fifth wheel test.* A fifth wheel test consists of driving the vehicle in a simulated road test; 150 pounds or 70 kilograms of test weights may be substituted in lieu of the second person.
- (p) Maintenance and acceptance tolerances for taximeters shall be as follows:
 - a. On overregistration, one percent of the interval under test.
 - b. On underregistration, four percent of the interval under test, with an added tolerance of 100 feet or 30 miles whenever the initial interval is included in the interval under test.
- (q) Maintenance and acceptance tolerances on individual time intervals shall be as follows:
 - a. On overregistration, three seconds per minute (five percent).
 - b. On underregistration, nine seconds per minute (15 percent) on the initial interval and six

seconds per minute (ten percent) on subsequent intervals.

- (r) When mounted upon a vehicle, a taximeter shall be so located that its face can be seen by a passenger from the rear compartment of the vehicle. Adequate lighting facilities shall be provided for so illuminating the face of the taximeter that the indications thereof may be conveniently read by the passenger and the face of the taximeter shall be so illuminated whenever the taximeter is in operation and artificial illumination is necessary for the convenient reading of its indications.
- (s) The distance and time rates for which a taximeter is adjusted shall be given.
- (t) A reinspection is required whenever a taximeter has been damaged or repairs that might in any way affect the accuracy of its indications have been made or any of the official security seals have been mutilated. Such device shall not thereafter be used until it has been officially examined and reapproved.

Sec. 11-5025. Random Inspections.

All taxicabs may be subject to random inspections at any time.

Sec. 1-5026. Miscellaneous requirements and penalties.

- (a) Each driver shall maintain in each vehicle for hire a suitable map or street guide of the metropolitan Atlanta area and Fulton County.
- (b) Within twenty four (24) hours of the discovery of any personal property left by a passenger in a vehicle for hire, a driver shall forward such property to the Police Department.
- (c) A taxicab driver shall not refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.
- (d) No driver shall refuse to accept a passenger solely on the basis or perception of that person's race, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, or disability.
- (e) It shall be unlawful for any driver, company or licensee to operate any vehicle for hire for which is not insured in the amounts required by the state.
- (f) No taxicab shall be permitted to carry nonpaying passengers while transporting a paying passenger except for the purpose of driver training.
- (g) At no time shall two-way communication between the taxicab driver and any other person be conducted by the use of a hand held cellular telephone without hands-free capability.
- (h) It shall be unlawful for a taxicab driver to operate the vehicle in a manner which threatens a passenger or anyone else or to threaten or otherwise abuse a passenger or for any passenger to abuse a driver.
- (i) It shall be unlawful for a driver to discharge any passenger before reaching the passenger's destination, unless the driver has reasonable belief that the passenger is dangerous or unless street conditions do not permit a safe discharge.
- (j) No television sets may be operated on the front seat of any taxicab while such vehicle is in motion.

- (k) It shall be unlawful for any licensee, driver, or company to refuse to display to duly appointed police officers or code enforcement officials any information required by this article, or from cooperating with such officials in the performance of their duties.
- (l) Taxicab drivers shall give receipts upon request of a passenger, showing the amount of fare paid, company name and contact information, driver's name, permit number, number of passengers, location of trip, origination and location of trip termination.
- (m) It shall be unlawful for any driver of a vehicle for hire to carry a number of passengers that exceeds the seating capacity of the vehicle according to the vehicle manufacturer's specifications.
- (n) Any driver found guilty of disorderly conduct, particularly fighting, using profane and /or abusive language or any other violent act while on a taxicab stand or driving a cab will be subject to the following penalties:
 - (1) First offense, \$250.00 fine. Hearing may be waived by payment of fine.
 - (2) Second offense, \$300.00 fine and 30 days suspension.
 - (3) Third offense, \$500.00 fine, 60 days suspension and/or permanent revocation of permit.

Secs. 11-5027-11-5030. Reserved.

Sec. 11-5031. Permit Required.

It shall be unlawful for any person to drive, operate or be in actual physical control of a taxicab within the city until he has obtained a operator's permit as required by this division. (Code 1959, § 21-20)

Sec. 11-5032. Application-Contents, etc.

(a) Before any person may drive any cab within the city, he shall make written application under oath to the Chief of Police for a driver's permit upon blanks furnished by the Chief of Police, which application shall give the full correct name, age, height, weight, race, home, street and post office address of such applicant and state whether he is of sound mind, has any physical handicaps, has good eyesight, uses intoxicating liquors, drugs or narcotics and whether he has ever been convicted of violating any federal, state or city law, and if so, the number of times and the kinds of offenses for which he has been convicted and the times when, and the places where such convictions occurred.

(b) Such application shall also show for whom the applicant desires a permit to drive.

(c) Such application shall furnish any other information the Chief of Police may reasonably require.
(Code 1959, § 21-21)

Sec. 11-5033. Same-Investigation and report.

The Police Department of the city is charged with the duty of investigating all applications for permits to drive taxicabs and to report to the Police Department when called upon to do so, the results of such investigation.

Sec. 11-5034. Grounds for disqualification.

In no case shall a driver's permit, as required by section 11-5031, be granted to any driver who fails to meet the following qualifications:

- (a) Be at least eighteen (18) years of age.
- (b) Possess a valid state driver's license which must have been held for a minimum period of one year prior to application, and the license must not be limited as defined in O.C.G.A. § 40-5-64.
- (c) Be a citizen of the United States or an alien admitted for permanent residence or otherwise granted employment authorization by the United States Immigration and Naturalization Service.
- (d) Be a resident of the state for at least one year immediately preceding the date of application.
- (e) Exhibit proficiency with the English language so as to be able to comprehend and interpret traffic signs, issue receipts to passengers and obey lawful orders of police and others in lawful authority.
- (f) Be fingerprinted by the Police Department.
- (g) Not having been declared a habitual violator by the state department of public safety and/or not having been convicted, plead guilty or nolo contendere to, been on probation, parole or served any sentence or other penalty or punishment for driving under the influence of any intoxicant or drugs, reckless driving, aggravated misdemeanor, illegally dealing in narcotics or other controlled substances or any crime involving moral turpitude within the last five (5) years; or any felony conviction within the last ten (10) years.
- (g) Not having been convicted on two or more occasions of a violation of this chapter or other city ordinances governing the conduct or operation of vehicles for hire within the last three (3) years.
- (h) Not making false statements or giving false information to the Police Department regarding this application.
- (i) Not having four or more moving traffic violations in any twelve (12) month period.
- (j) Not possessing poor eyesight, other physical deformity or any other reason which makes it unsafe to operate a motor vehicle on the highways of the city.

Sec. 11-5035. Revocation.

Upon conviction in the municipal court of the holder of a driver's permit in the city of a violation of any provisions of this article, such permit may be revoked in addition to any other penalty that may be imposed by the court. (Code 1959, § 21-24)

Sec. 11-5036. Temporary operators' permits use for forty-five days authorized.

It shall be unlawful for the driver of a taxicab to drive more than forty-five (45) days on a temporary driver's permit.

Sec. 11-5037. Same-Authority of the Chief of Police to issue; persons eligible.

The Chief of Police may issue a temporary operator's permit for any person to drive a taxicab within the city if the applicant has a state driver's license that has never been revoked, suspended, cancelled or modified and which does not show the holder thereof to have been convicted of operating an automobile while under the influence of any intoxicant or drugs or reckless driving within the last four (4) years; or any felony conviction within the last ten (10) years. (Code 1959, § 21-26)

Sec. 11-5038. Same-Prerequisites to issuance.

No temporary operator's permit to operate a taxicab in the city shall be issued except upon written recommendation of any person permitted to operate a taxicab business within the city, and except upon approval of the Chief of Police. (Code 1959, § 21-27)

Sec. 11-5039. Same-Recommendation of prospective employer required.

No temporary operator's permit shall be issued under the provisions of this division except upon the recommendation of the person holding a permit to operate a taxicab business within the city by whom the applicant for temporary permit is employed. Such recommendation shall be of effect unless it states in writing that such holder of such permit to operate a taxicab business in the city has employed the applicant for the temporary driver's permit, contingent upon the issuance of a temporary driver's permit.

Sec. 11-5040. Same-Approval of application by the Chief of Police.

The Chief of Police of the city shall approve every written application for a temporary operator's permit, on written recommendation of the person for whom the applicant for the temporary operator's permit desires to drive, if the records of the Police Department of the city do not disclose that such applicant has a police record, if such driver has an unrevoked, unsuspended driver's license issued by the state, which state license does not show the holder thereof to have been convicted of operating an automobile under the influence of any intoxicant or drug or reckless driving within the last four (4) years; or any felony conviction within the last ten (10) years.

(Code 1959, § 21-29)

Sec. 11-5041. Same-Form and Contents

Every temporary driver's permit issued pursuant to the provisions of this division shall have written or printed thereon the name of the person to whom issued, the name of the taxicab company for whom such person is to drive, the age, the height, race and address of such driver, the date of issuance of such license and "Temporary License Expiration 45 Days From Date Hereof," which quoted words shall be in black-faced type, and such permits shall be signed by the Chief of Police or by some person by him duly authorized.

(Code 1959, § 21-30)

Sec. 11-5042. Same-Term.

No temporary operator's permit issued pursuant to this division shall be of any force or effect at the expiration of forty-five (45) days from the date upon which it is issued.

(Code 1959, § 21-31)

Sec. 11-5043. Fees.

Fees for issuing taxi permits shall be fifty dollars (\$50.00) per applicant, payable at the time of application. Renewal fees shall be forty dollars (\$40.00) per applicant. Licensees shall be charged an inspection fee of one hundred dollars (\$100.00) per vehicle inspection. All fees required by this chapter are non-refundable and are not prorated.

Sec. 11-5044. Duties of driver to maintain daily trip sheets.

In order to maintain a permit to operate a vehicle for hire, a driver must maintain a daily trip sheet, which shall be retained by the driver for a period of 90 days, subject to the inspection of the Police Department. As used in this subsection, the term "trip sheet" means a daily log of all passengers, the time, place of entry and the destination of each passenger, the amount charged and an itemization of any personal property left in the taxicab. Trip sheets must be kept in the vehicle for the 48 hours immediately following the date those trips occur.

Sec. 11-5045-11-5050. Reserved

This Ordinance shall become effective as upon the approval of Council and the Mayor.

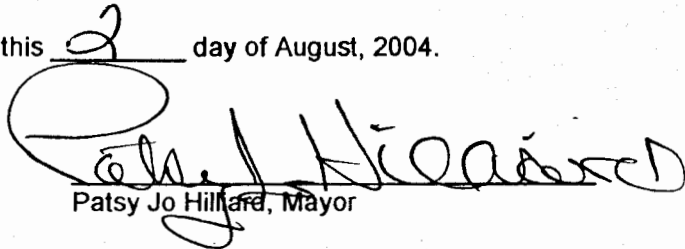
Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed;

Severability. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no matter affect the other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsections, sentence, clause or phrase so declared to be adjudged invalid or unconstitutional were not a part hereof. The Council hereby declares that it would not have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

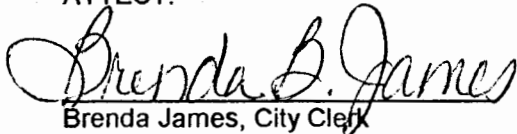
First Reading June 21, 2004

Second Reading August 2, 2004

Approved this 2 day of August, 2004.


Patsy Jo Hillfare, Mayor

ATTEST:


Brenda James, City Clerk