

**STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN**

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 22, DIVISION 4. TAXICABS OF THE CODE OF ORDINANCES OF THE CITY OF CALHOUN; TO REPEAL ALL CONFLICTING ORDINANCES, TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council for the City of Calhoun seek to amend the former municipal code of ordinances to establish a professional set of standards and requirements for improved taxicab service and vehicle inspections to best ensure the safety and welfare of the consumer within the city limits; and

WHEREAS, the Mayor and Council for the City of Calhoun seek to require the use of electronic taximeters to better regulate the operation of taxicab services and protect the consumer within the city limits;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN HEREBY ORDAIN:

SECTION ONE: Sec.22-10(a)(3) titled **Applicability of regulatory fee; regulatory fee schedule** is stricken in its entirety, and is hereby replaced with language to read as follows:

“ (3) the holder of a taxicab certificate of operation, or a limousine operator.”

SECTION TWO: DIVISION 4. TAXICABS, including the discrete sections and subsections, is stricken in its entirety and replaced with DIVISION 4. TAXICABS to read as follows:

“ DIVISION 4. TAXICABS

Subdivision I. In General

Sec. 22-231. Applicability of state law.

All motor vehicles engaged in the transportation of persons for hire within the city shall be in compliance with all appropriate state laws and regulations covering such class of vehicles.

Sec. 22-232. Drivers to comply with city, state and federal laws.

(a) Every driver licensed under this ordinance shall comply with all city, state, and federal laws. Failure to do so will justify the suspension or revocation of the taxicab driver’s permit, or the business certificate of operation.

(b) All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in Section 1-7 of this Code.

Sec. 22-233. Definitions.

The following words and phrases, whenever they occur in this article, shall be construed as herein defined:

- (a) **APPLICANT:** Any person or persons, or in the case of a corporation, any stockholder, director or officer.
- (b) **TAXICAB:** Any public passenger vehicle used for transporting persons for hire, equipped with a taximeter, and accepting or discharging all such persons as may offer themselves for transportation.
- (c) **CERTIFICATE OF OPERATION:** A certificate issued by the City through its appropriate officers authorizing the operation and control of a taxicab or fleet of taxicabs within the City limits in the manner as provided in this article.
- (d) **OPERATOR:** Any individual, corporation, or other form of business entity as recognized by state law, who is operating one or more taxicabs with a certificate of operation issued by the City of Calhoun pursuant to Subdivision II of this article.
- (d) **DRIVER:** Any individual approved by the City with a permit who actually is in control of a particular vehicle while providing services for hire.
- (f) **TAXICAB DRIVER'S PERMIT:** The permit issued by the City through its appropriate officers authorizing a certain individual for operation of a taxicab on the streets within the City limits. Said permit shall apply only to the driver described in the application for said permit.
- (g) **TAXIMETERS:** Any mechanical device which records and indicates a charge or fare measured by distance traveled, waiting time and extra passengers.

Sec. 22-234. Identification of vehicles required.

(a) No operator under this article shall have in service any taxicab without there having been painted lettering, or attached vinyl lettering, on both sides and the rear of the vehicle the word "Taxi" or "Taxicab," as well as, the name and telephone number of the taxicab business.

(b) The letters, numbers, and words providing this information shall be not less than three (3) inches in height.

Sec. 22-235. Display of fares and rated visibly in passenger compartment.

No individual or business holding a certificate of operation under this article shall have in service any taxicab without there having been affixed by a decal, no smaller than eight (8) inches by eight (8) inches on both the right and left rear passenger windows, which shall clearly display and explain a schedule of rates and charges to taxicab services, including any and all “flat rate” fares.

Sec. 22-236. Taximeters required.

(a) All taxicabs operated under the authority of this article shall be equipped with taximeters fastened to front dash of the taxi in full view of the passengers. The information thereon shall be visible to the passenger at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated.

Such taximeter shall be operated mechanically by a mechanism of approved design and construction, driven either from the transmission, or from one of the front wheels, by a flexible and permanently attached driving mechanism. All meters in use shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording.

(b) Each taximeter shall have thereon a flag, or other electronic or mechanical device, to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the taxi driver to throw the flag of such taximeter into a non-recording position at the termination of each trip.

(c) The police department is hereby authorized, on complaint of any person, to inspect any such taximeter, at any time, and upon discovery of any inaccuracy therein to notify the operator to cease operation of that vehicle immediately. Said notice shall be in writing and upon issuance of said citation such taxicab shall be kept out of service until the taximeter is repaired or replaced, and in the required working condition.

Sec. 22-237. Condition of vehicles.

It shall be unlawful for the operator to permit any vehicle to be in service unless and until each vehicle is equipped with proper brakes, tires, lights, horn, muffler, rear vision mirror, and windshield wipers in good condition, and such other equipment as required by the statutes of the

State of Georgia. No vehicle shall be operated unless it has passed any and all city and state inspections as may be required.

Sec. 22-238. Cleanliness of vehicles.

The interior and exterior of every vehicle operating under this article shall be kept, at all times, in a clean and sanitary condition.

Sec. 22-239. Examination and inspection of vehicles in service.

(a) Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the police department, or a designated independent agent.

(b) When the police department finds that a vehicle has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity of the vehicle so certified. This capacity shall at no time be exceeded, and the certificate shall be displayed in the taxicab stating the date of the inspection.

(c) Any vehicle with significant damage to the body or any damage to the frame, axles, wheels, bumpers, or drive train shall be immediately pulled from service until all repairs have been made. Upon the completion of said repairs, the vehicle shall be again submitted for a new inspection in accordance with sub-sections (a) and (b) above.

Sec. 22-240. Report of accidents.

All accidents arising from, or in connection with, the operation of any taxicab which results in death or injury to any person, damage to any vehicle, or to any property in an amount exceeding the sum of \$500.00, shall be reported within 24 hours from the time of occurrence to the police department on a form to be furnished by such department.

Sec. 22-241. Receipts for fares.

The driver of any taxicab shall, upon request by the passenger, render to such a passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt, on which shall be the name of the operator, the license number or motor number, the amount of the meter reading or charges, and the date of the transaction.

Sec. 22-242. Refusal of passenger to pay legal fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after

having hired the taxicab, and it shall likewise be unlawful for any person to hire any taxicab with the intent to defraud the person from whom it is hired of the value of such service.

Secs. 22-243 thru 22-260. Reserved.

Subdivision II. Certificate of Operation

Sec. 22-261. Certificate of operation required.

It shall be unlawful to engage in the business of operating a single taxicab or a fleet of two or more taxicabs in the City without first having obtained a certificate of operation therefor. A certificate of operation shall be issued by the City Clerk pursuant to the direction of the Mayor and Council authorizing the operation on the streets of the City.

Sec. 22-262. Qualification of applicant for certificate of operation.

No certificate of operation shall be issued to or held by any person who is not of legal age, who is not a person of good character, or who has been convicted of a felony, nor shall such certificate of operation be issued to or held by any corporation if any officer or stockholder or director thereof would be ineligible for a certificate under the foregoing conditions.

Sec. 22-263. Application for certificate of operation.

Application for certificate of operation shall be made in writing to the City Clerk and shall state the name of the applicant, the intended place of business, the number of vehicles to be operated, and such other information as may be required. Upon the filing with the City Clerk of an application for a certificate of operation, the city clerk shall cause notice of the filing of such application to be published once in the local legal organ, *The Calhoun Times*. Said notice shall designate a public hearing to be held before the Mayor and Council not less than fourteen (14) days from the date of the publication.

Sec. 22-264. Application fee.

Each application for certificate of operation shall be accompanied by a nonrefundable fee to cover administrative costs and publication of legal notices required. The amount of this fee shall be determined by the municipal fee schedule established by the Mayor and Council.

Sec. 22-265. Considerations for issuance of certificate of operation.

In considering the issuance of the proposed certificate of operation, the Mayor and Council shall consider the following:

- (a) Protests, complaints and testimony in favor of;

- (b) The character of the applicant as determined by a police department investigation and criminal background search;
- (c) The experience of the applicant;
- (d) The public need for operators;
- (e) The type of service proposed by the applicant;
- (f) Inventory of vehicles;
- (g) Current demand and anticipated future demand for service;
- (h) Number of vehicles in operation; and
- (i) Other facts considered relevant by the Mayor and Council.

Sec. 22-266. Findings.

In the event that the Mayor and Council determine that the proposed certificate of operation be issued, it shall specify the minimum and/or maximum number of vehicles to be operated on a regular basis by the applicant under the certificate of operation. Any special agreements or stipulations shall likewise be included in the certificate of operation.

Sec. 22-267. Term of certificate.

- (a) A certificate of operation authorized by the Mayor and Council shall remain in full force and effect for a period of time from the date of issuance until the First day of January immediately following said issuance. At no time shall the term of the initial certificate exceed one (1) calendar year.
- (b) The annual renewal fee for a certificate of operation shall be according to the municipal fee schedule established by the Mayor and Council, and this fee shall become due on the First day of January of each calendar year following the issuance of the initial certificate. Failure to pay the renewal fee in a timely manner, prior to expiration, shall suspend the certificate of operation until all fees are paid in full.

Sec. 22-268. Certificate nontransferable and requirement of physical address

- (a) A certificate of operation shall be non-assignable and nontransferable unless the Mayor and Council approves and authorizes the transfer and the assignment of said certificate of operation upon such terms and conditions as it may deem necessary.
- (b) At no time shall a certificate of operation be issued to any applicant who operates without a physical mailing address. A post office box cannot be used as the address for any application

considered under this article.

Sec. 22-269. Liability insurance required.

(a) Each holder of a certificate of operation under this article shall maintain a liability insurance policy issued by an insurance company authorized to do business in the state. The holder of the certificate of operation under this article shall furnish to the City Clerk for inspection a copy of the insurance certificate showing the amounts provided herein and the expiration date for the insurance policy required.

(b) Each policy shall require notice to be sent within ten (10) days to the City Clerk as a certificate holder of any cancellation of any policy provided for in this article.

Sec. 22-270. Filing of address; notice.

Every operator shall file with the city clerk an address in the city to which all notices required to be given to the operator under this article may be addressed, All such notices shall be deemed good and sufficient for all purposes when deposited in the United States mail in a postpaid envelope addressed to the operator at the address on file with the city clerk.

Sec. 22-271. Application to change number of taxicabs.

The holder of a certificate of operation may seek an increase or decrease in the number of taxicabs provided by such certificate by filing an application with the city clerk specifying the proposed changes.

Sec. 22-272. Right of suspension by license & inspection department; revocation.

(a) The City Clerk shall have the right to immediately suspend for cause, when any operator under this chapter violates any law or ordinance of the United States, the State Georgia, or the City of Calhoun. The City Clerk shall report the suspension of such to the next regular meeting of the Mayor and Council, and shall provide the operator with at least three (3) days notice of said meeting where they can appear and defend.

(b) A certificate of operation granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension. Such may include any violation of any law or ordinance for the United States, the State of Georgia, or the City of Calhoun. Whenever there is cause to revoke the license, a written notice of intention to revoke it shall be furnished to the operator at least three (3) days before a regular meeting of the Mayor and Council where they can appear and defend.

(c) After a hearing, the Mayor and Council may take any of the following actions deemed in the best interest, peace and good order of the City of Calhoun:

- (1) continue the current suspension;
- (2) place the operator on a probation for a fixed term to ensure compliance;
- (3) revoke the certificate of operation; or
- (4) restore the certificate such that it remains in full force.

Sec. 22-273 – 22-280. Reserved.

Subdivision III. Taxicab driver's permit.

Sec. 22-281. Taxicab driver's permit required.

No person shall operate a taxicab for hire upon the streets of the city and no operator who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed under the provisions of this division shall be driven at any time for hire, unless the driver of the taxicab shall have first obtained and shall have then in force a valid motor vehicle driver's license, issued by the State of Georgia, and a valid taxicab driver's permit issued by the City as provided in this subdivision.

Sec. 22-282. Application for taxicab driver's permit; granting or denial.

(a) *Filing and contents of application; physician's certificate.* An application for a taxicab driver's permit shall be in writing, addressed to the Mayor and Council, and filed with the City Clerk. Such application shall be verified under oath and shall contain the following information:

- (1) The names and addresses for three residents of the city who have known the applicant and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (2) The experience of the applicant in the transportation of passengers;
- (3) The educational background of the applicant; and
- (4) A concise history of the applicant's employment.

Each application shall be accompanied by a certificate from a reputable physician of the city certifying that, in such physician's opinion, the permit applicant is not afflicted with any disease or infirmity which might make the driver unsafe or unsatisfactory.

(b) *Police investigation of applicant.* The chief of police shall cause to be made an

investigation of each applicant for a taxicab driver's permit. Such investigation shall be made to determine the moral character and fitness of the applicant, as well as the applicant's knowledge of the city and all traffic regulations therein. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application and forwarded to the governing body.

(c) *Granting or denial; request for reconsideration.* The governing body shall, upon consideration of the application and the reports required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Mayor and Council to offer evidence why the application should be reconsidered.

Sec. 22-283. Persons ineligible for permit.

No individual shall be permitted to obtain a taxicab driver's permit to operate any taxicab, who has been convicted of a crime involving moral turpitude, or having violated any law or ordinance dealing with having, possessing, selling or drinking intoxicating liquor, wine, beer, a violation of O.C.G.A. §40-6-391, or a violation of the Georgia Controlled Substances Act.

Sec. 22-284. Issuance of permit.

Upon approval of an application for a taxicab driver's permit, the police department shall issue a permit to the applicant, which shall be signed by the chief of police, bear the corporate seal of the city, and set forth the name, address, age and signature of the applicant. The police department shall procure or cause to be procured two photographs of such applicant, one of such photographs to be retained in the application files maintained by the department, and the other to be attached to the taxicab driver's permit.

Sec. 22-285. Display of permit.

Every holder of a taxicab driver's permit under this subdivision shall post such driver's permit in a place as to be in full view of all passengers at all times while operating his or her particular taxicab.

Sec. 22-286. Forfeiture of permit for possession of alcoholic beverage.

Any person to whom a taxicab driver's permit has been granted to operate a taxicab or car for hire shall immediately forfeit the permit such person may have obtained upon being found in possession of any intoxicating liquor, wine or beer in any taxicab or car for hire such person may have a license to operate, except where the intoxicating liquor, wine or beer is found

upon the passenger or in a passenger’s luggage or effects.

Sec. 22-287 – 22-310. Reserved.”

SECTION THREE: This ordinance shall become effective immediately following enactment by the Mayor and Council of the City of Calhoun, Georgia, the public health, safety, and welfare requiring it. All applicants for either a certificate of operation or a taxicab driver’s permit after the date of enactment must be in full compliance with the provisions of this ordinance.

SECTION FOUR: Any individual or business entity operating a taxicab service under the provisions of the former ordinance on the date of enactment for this article shall have until January 1, 2013 come into full compliance with these new terms and provisions.

SECTION FIVE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION SIX: It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ADOPTED, this the 23rd day of July, 2012

JAMES F. PALMER, MAYOR
CITY OF CALHOUN, GEORGIA

ATTEST:

PAUL WORLEY, CITY CLERK

Date of First Reading: July 9, 2012
Date of Second Reading: July 23, 2012
Date of Public Reading: July 23, 2012