Chapter 102  VEHICLES FOR HIRE*

*Charter reference(s)--City's power relating to vehicles for hire, § 1.13(30).

Cross reference(s)--Businesses and business regulations, ch. 22; railroads, ch. 70; streets and sidewalks, ch. 82; traffic and vehicles, ch. 90.

State law reference(s)--Reciprocal agreements as to operation of vehicles registered in other states inapplicable to motor vehicles for hire, O.C.G.A. § 40-2-95.

Article I. In General

Secs. 102-1--102-30. Reserved.

Article II. Wreckers

Sec. 102-31. Grant of franchise.

Sec. 102-32. Limitation of franchise.

Sec. 102-33. Towing by other wrecker service companies.

Sec. 102-34. Term.

Sec. 102-35. Acceptance.

Sec. 102-36. Assignment of franchise.

Sec. 102-37. Indemnity.

Sec. 102-38. Liability insurance.

Sec. 102-39. Forfeiture.

Sec. 102-40. Additions to area of city.

Sec. 102-41. Enforcement of additional regulations.
Sec. 102-42. Quality of service.

Sec. 102-43. Quality of equipment.

Sec. 102-44. Drivers.

Sec. 102-45. Rates.

Sec. 102-46. Compensation for services.

Secs. 102-47-.102-80. Reserved.

Article III. Taxicabs

Division 1. Generally

Sec. 102-81. Compliance with article; application of other provisions.

Sec. 102-82. Liability insurance.

Sec. 102-83. Application for occupation tax certificate to contain certain information.

Sec. 102-84. Display of permit number and authority of business license manager to issue permit number.

Sec. 102-85. Display of owner's name.

Sec. 102-86. Place of operation.

Sec. 102-87. Posting of price schedule.

Sec. 102-88. Maintenance and inspection of vehicle.

Sec. 102-89. Owner's compliance with article.

Secs. 102-90-.102-110. Reserved.

Division 2. Driver's Permit

Sec. 102-111. Required; authority to issue.

Sec. 102-112. Application.
Sec. 102-113. Permit fees.

Sec. 102-114. Qualifications and investigation of applicant; refusal to issue.

Sec. 102-115. Revocation by chief of police; appeal.

Sec. 102-116. Felony conviction, issuance of taxi permit.

ARTICLE I. IN GENERAL

Secs. 102-1--102-30. Reserved.

ARTICLE II. WRECKERS

Sec. 102-31. Grant of franchise.

The city grants to the grantee a franchise of scope and description as follows: The grantee has the exclusive right and authority during the term of the franchise granted by this article, to tow, transport and store all vehicles ordered to be towed, transported and/or stored by the police department. The grantee shall be available for towing and storing service on a 24-hour per day basis, seven days per week. The grantee shall be available for immediate service upon the request of the police department.

(Code 1983, § 22-21)

Charter reference(s)--Power of city to grant franchise for public service, § 1.13(10).

Sec. 102-32. Limitation of franchise.

No privilege or exemption is granted or conferred by the franchise except those specifically prescribed in this article.

(Code 1983, § 22-22)

Sec. 102-33. Towing by other wrecker service companies.

Any citizen requiring the towing services contemplated in this article shall have the right to request and use a towing
service of his choice, and the grantee shall not interfere with that decision.

(Code 1983, § 22-23)

Sec. 102-34. Term.

The franchise is granted for a term to end at midnight December 31 of the year in which it is granted.

(Code 1983, § 22-24)

Sec. 102-35. Acceptance.

The grantee shall file a written acceptance of the franchise with the city clerk by February 8, 1985. The franchise shall become effective only when such acceptance has been filed and evidence of insurance required in this article has been filed and approved.

(Code 1983, § 22-25)

Sec. 102-36. Assignment of franchise.

The grantee shall not have the right to assign the franchise or otherwise transfer it in any manner whatsoever, or sell, lease, license or permit others to use the franchise.

(Code 1983, § 22-26)

Sec. 102-37. Indemnity.

The grantee shall indemnify and defend the city, its governing authority (mayor and board of aldermen), officers, agents and employees, against any and all costs, losses, expenses, damages and liabilities, including attorney's fees, for injury to or death of any person or damage to any property caused by the grantee, its officers, agents or employees, arising out of the fulfillment of the obligations of the grantee under the franchise agreement.

(Code 1983, § 22-27)

Sec. 102-38. Liability insurance.
(a) At all times during the term of the franchise, the grantee will, at its own expense, maintain in full force and effect general comprehensive liability insurance and garagekeeper's liability insurance with an insurance company approved by the city, the policies to be in form satisfactory to the city attorney. The coverage represented by such policies shall be for the protection and indemnification of the city, members of the board of aldermen, and its officers, agents and employees against liability for loss or damages for bodily injury, death and property damage occasioned by the activities of the grantee under the franchise, and all costs and liabilities. Minimum liability limits under the general comprehensive liability policy shall be $100,000.00 to $300,000.00 liability limits for personal injury or death of any persons, in any one occurrence, and $50,000.00 for damage to property resulting from any one occurrence, and minimum $100,000.00 garagekeeper's liability.

(b) The original policies or exact duplicates shall be kept on file with the office of the city clerk. The policies mentioned in subsection (a) of this section shall each contain a provision that a written notice of any cancellation or reduction in coverage of the policy shall be delivered to the city by February 8, 1985.

(Code 1983, § 22-28)

Sec. 102-39. Forfeiture.

The franchise may be forfeited at the option of the city upon failure or refusal by the grantee to observe the terms and conditions set forth in this article. Forfeiture may be exercised by written notice to the grantee of failure to observe the terms and conditions of this article, followed by the grantee's refusal to eliminate or correct such failure or violation within ten days. In the event of any failure or violation, the city may sue in its own name in a manner provided by law for the forfeiture of the franchise; and the exercise of such remedy of forfeiture shall not preclude exercise of any other right or remedy given to the city by law, whether exercised concurrently or subsequently.

(Code 1983, § 22-29)

Sec. 102-40. Additions to area of city.
The grantee shall, on subsequent additions of areas to the city, either by annexation, consolidation or otherwise, be subject to the provisions of the franchise agreement granted by this article as to all such areas.

(Code 1983, § 22-30)

Sec. 102-41. Enforcement of additional regulations.

(a) The city expressly reserves the right to amend or change such provisions of this article as, in its judgment, the public good may demand.

(b) The city reserves the right to enforce such additional rules and regulations as may be deemed necessary to protect the interest, safety and welfare of the public in relation to the subject matter of the franchise, provided that any such rules and regulations shall not be inconsistent with the provisions of this article.

(Code 1983, § 22-31)

Sec. 102-42. Quality of service.

The wrecker service (towing, transportation and/or storage) shall be conducted in such manner as to provide the city with immediate service so as to tow, transport and store vehicles ordered to be towed, transported and/or stored by the police department in a safe and secure fenced place within two miles of the police department until the vehicle is reacquired by its lawful owner. The grantee shall have available 24 hours per day, seven days per week, 52 weeks per year, equipment suitable for the accomplishment of the towing of vehicles and properties for the safe and secure fenced storage of vehicles and personnel qualified to accomplish the towing and storage services.

(Code 1983, § 22-32)

Sec. 102-43. Quality of equipment.

The grantee shall have available sufficient number of vehicles required to maintain the quality and quantity of service set forth in section 102-42. Each vehicle must be annually inspected by the department of public safety and be maintained in
accordance with requirements of state law and in a clean and safe condition at all times.

(Code 1983, § 22-31)

Sec. 102-44. Drivers.

Each wrecker driver employed by the grantee shall hold and maintain in effect during the term of his employment a valid driver's license issued by the state, permitting the driver to operate the towing vehicles necessary to accomplish the services contemplated in this article.

(Code 1983, § 22-34)

Sec. 102-45. Rates.

(a) The grantee shall submit to the city a fixed rate for towing and storage per day (part day counts as a full day) of vehicles ordered to be towed, transported and/or stored by the police department. The grantee shall not perform any services contemplated under a franchise agreement for any compensation other than that stated in its schedule of rates and charges, being filed with the city clerk, unless an application for modification has been approved in the manner set forth in subsection (b) of this section, both in the instance of any application for an initial modification and in the instance of any subsequent application for modification.

(b) Any proposed modification of such schedule shall be filed with the city clerk before such modification may become effective. Within a period of 30 days, the mayor and board of aldermen shall act by ordinance to approve or disapprove, in whole or in part, such proposed modification. Any modification of such schedule or part that is approved by the mayor and board of aldermen shall not be put into effect until 30 days after final passage of the ordinance giving such approval. No proposed modification of any schedule can be put into effect if it shall not have been approved by the mayor and board of aldermen.

(c) The rates and charges filed by the grantee, promulgated either initially or as a result of the procedure prescribed
in subsection (b), shall not be arbitrary, unreasonable or unjustly discriminatory.

(Code 1983, § 22-35)

Sec. 102-46. Compensation for services.

The grantee shall be responsible for the collection of all charges, fees and rates charged for any of the services contemplated under the provisions of the franchise directly from the person who owned or had legal possession of the vehicle towed or stored. At no time shall the city be responsible to the grantee for any charges for towing or storage unless such charges are approved by the mayor and board of aldermen.

(Code 1983, § 22-36)

Secs. 102-47-.102-80. Reserved.

ARTICLE III. TAXICABS

DIVISION 1. GENERALLY

Sec. 102-81. Compliance with article; application of other provisions.

It is unlawful for any person to drive, use or operate on the streets of the city any taxicab, automobile, bus or other motor vehicle engaged in the business of conveying and transporting passengers for hire unless that person shall have complied and continued to comply with the regulations, restrictions, rules and conditions set forth in this article; and further, it is expressly provided that it is not the intention of the city to establish and fix rules, regulations, restrictions or conditions upon the compliance with which the city will grant an occupation tax certificate to operate a taxicab business, but that the provisions of this Code governing taxes shall apply to the granting or denying of such an occupation tax certificate; and it is expressly provided that the city in all such cases, or such applications, retains the right, within its discretion to grant or refuse any application for any such occupation tax certificate or permit for the privilege of engaging in the taxicab business.

(Ord. No. 97-017, § 1, 10-13-1997)
Sec. 102·82. Liability insurance.

It is unlawful for any person granted an occupation tax certificate to operate a taxicab business by the city to drive, use or operate on the streets of the city any taxicab, bus, automobile or any other motor vehicle for the carrying of passengers for hire unless the automobile, taxicab, bus or other motor vehicle is either:

(1) Insured against liability for any injury to persons or property that may be caused by the operation or running of such vehicles, in the sums of $1 million for the death or injury to any one person and $2 million for the death or injury to more than one person resulting from any one accident, and $300,000.00 for damage to personal property, including baggage; the insurance shall be carried by some reputable and solvent insurance company authorized by the laws of the state to do business in this state; and a copy of the policy shall be filed with the business license manager, together with a receipted premium for the insurer, or its duly authorized agent, showing payment of the premium on the policy for and during a period covered by the life of the insured person's occupation tax certificate to engage in the taxicab business; the insurance policy must provide and stipulate that the insurer will give notice to the city of at least 30 days before its termination or cancellation, for any reason, of the policy on the person insured; or

(2) Furnishes evidence of a current certificate of self insurance as issued by the state department of revenue in accordance with O.C.G.A. § 40-9-101(a)2, to be filed with the business license manager.

(Ord. No. 97-017, § 2, 10-13-1997)

Sec. 102·83. Application for occupation tax certificate to contain certain information.

Each person who is required to have a taxicab occupation tax certificate to operate or engage in the taxicab business, in filling out his application for an occupation tax certificate or permit as the case may be, shall be required to set forth the
facts as are disclosed by registration forms for state automobile licenses, together with the other pertinent facts as the official form for the occupation tax certificate may require.

(Ord. No. 97-017, § 8, 10-13-1997)

Sec. 102-84. Display of permit number and authority of business license manager to issue permit number.

It is unlawful for any person to operate or carry on a taxicab business within the city without first having painted on the rear and both sides of each taxicab, as described in the application for an occupation tax certificate to operate such taxicab business, in legible letters not less than four inches in height, the permit number assigned to such person by the business license manager, who is hereby authorized to issue the permit numbers only after an occupation tax certificate to operate or engage in a taxicab business has been first granted under lawful authority or approved by the board of aldermen.

(Ord. No. 97-017, § 9, 10-13-1997)

Sec. 102-85. Display of owner's name.

No person shall operate a taxicab over and upon the streets of the city unless that person shall have first painted the name of the legal owner, corresponding with the name as is in the application for the occupation tax certificate to operate or engage in the taxicab business, on either side or the rear of each vehicle operated as a taxicab.

(Ord. No. 97-017, § 10, 10-13-1997)

Sec. 102-86. Place of operation.

No person to whom an occupation tax certificate to operate or engage in a taxicab business has been granted by lawful authority or in the discretion of the mayor and board of aldermen shall operate or carry on the business from any place except the established place of business referred to and described in the application for an occupation tax certificate to operate or engage in the taxicab business. The taxicab business shall be located only in the C-1 zoning category for the city and shall contain sufficient parking for the number of taxicabs used by the business in the operation of its business. The board of aldermen
shall have the right to add additional stipulations to the business location dealing with parking, landscaping, buffers and other appropriate zoning issues.

(Ord. No. 97-017, § 11, 10-13-1997)

Sec. 102-87. Posting of price schedule.

No person to whom an occupation tax certificate to operate or engage in a taxicab business has been granted by lawful authority or in the discretion of the mayor and board of aldermen shall operate or carry on a taxicab business unless he at all times carries within the vehicle a card or poster plainly marked and conspicuously posted stating the maximum price per trip per passenger, together with all charges for hire.

(Ord. No. 97-017, § 12, 10-13-1997)

Sec. 102-88. Maintenance and inspection of vehicle.

Each person operating or engaging in the taxicab business shall maintain each vehicle thus operated in a good, safe and serviceable mechanical condition. Such condition shall be evidenced by a certificate executed by either a dealership doing business in the state authorized by the manufacturer to sell, as new, the make of the subject vehicle, or by a mechanic holding a current occupation tax certificate and who has been a mechanic for a minimum of five years. The certificate on a standard form provided by the city shall state that the subject vehicle is in a good, safe and serviceable condition after a careful examination and inspection has been made. The certificate shall be delivered to the police department, and the subject vehicle shall then be inspected by the police department to determine its compliance with this article. Upon the delivery of the certificate and if upon inspection of the vehicle by the police department the vehicle is found to be in compliance with this article, a decal shall be affixed to the exterior of the vehicle in order to indicate such vehicle's compliance with this section. Such decal shall be valid for a period of not more than six months and until the end of the calendar half year for which such decal was issued, except that any vehicles placed in service during the last half of any calendar half year may obtain a decal that shall not expire until the end of the following calendar half year. No vehicle shall be operated in the city without a current and valid decal issued pursuant to this section.
(Ord. No. 97-017, § 13, 10-13-1997)

Sec. 102-89. Owner's compliance with article.

It is unlawful for any owner of any taxicab or taxicab business to authorize or knowingly allow another person to drive, use or operate on the streets of the city any taxicab, automobile, bus or other motor vehicle engaged in the business of conveying and transporting passengers for hire unless that person shall have complied and continued to comply with the regulations, restrictions, rules and conditions set forth in this article and unless the vehicle being so operated complies with the regulations, restrictions, rules and conditions set forth in this article.

(Ord. No. 97-017, § 15, 10-13-1997)

Secs. 102-90--102-110. Reserved.

DIVISION 2. DRIVER'S PERMIT

Sec. 102-111. Required; authority to issue.

It is unlawful for any person to drive or operate, either for that person or for some other person, any taxicab or vehicle carrying or transporting persons for hire in the city unless the person has made application to and secured a permit from the chief of police; and the chief of police is authorized to issue the permit.

(Ord. No. 97-017, § 3, 10-13-1997)

Sec. 102-112. Application.

Each application for a driver's permit as required by section 102-111 shall contain the applicant's name, address, driving experience, color, age, state class C license number, whether the applicant has ever been convicted of any traffic law and if so, when and where, and his signature. Such application shall contain such additional information as may be required by the chief of police. Any information set forth in such application that was false at the time such application was signed by the applicant shall constitute a basis for revocation of the applicant's driver's permit.
Sec. 102-113. Permit fees.

Application for a driver's permit as required by this article shall be accompanied by a fee as set forth in the schedule of fees and charges on file in the office of the city clerk to cover the cost of handling and servicing the application. The application shall be renewed on January 1 in each year by the chief of police and for each renewal a sum as set forth in the schedule of fees and charges on file in the office of the city clerk shall be paid.

Sec. 102-114. Qualifications and investigation of applicant; refusal to issue.

No person shall be qualified to receive a driver's permit as required by section 102-111 unless he has attained the age of 18 years and has been issued a class C license by the state. No person shall be qualified to receive a permit whose regular driver's license to drive a motor vehicle has at any time been revoked within six months by the city or the state. It shall be the duty of the chief of police to make an investigation to determine the moral character and fitness of the applicant and the knowledge of the applicant of the provisions of this article and ordinances pertaining to the traffic regulations of the city. Should it appear that the applicant is qualified, the chief of police shall issue a driver's permit to the applicant, signed by the chief of police. Should the applicant appear not to be qualified and the chief of police refuses to issue a driver's permit to the applicant, the applicant shall have the right to appeal to the mayor and board of aldermen; and the decision of the mayor and board of aldermen shall be final.

Sec. 102-115. Revocation by chief of police; appeal.

Should the holder of a driver's permit as required by this article be convicted of the violation of any traffic laws while operating a taxicab, or should the holder of a driver's permit be convicted of the violation of any provision of this article, the
chief of police shall suspend the permit for a period of ten
days, and the board of aldermen, after affording the holder of
the permit notice of the charges and an opportunity to be heard,
may revoke the permit. In addition, should the holder of a
driver's permit violate any provision of this article, the board
of aldermen, after affording the holder of the permit notice of
the charges and an opportunity to be heard, may revoke the
permit.

(Ord. No. 97-017, § 7, 10-13-1997)

Sec. 102-116. Felony conviction, issuance of taxi permit.

No taxicab driver permit shall be issued to any person who
has been convicted of a felony within five years of the date of
the application for the permit.

(Ord. No. 97-017, § 14, 10-13-1997)