Chapter 110 VEHICLES FOR HIRE *

ARTICLE I. IN GENERAL

Secs. 110-1-110-62. Reserved.

ARTICLE II. OPERATION AND BUSINESS REGULATIONS

Sec. 110-63. Definitions.

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

Business license means the license required of all persons, firms or corporations engaged in business in the city.

Chauffeur means, for purposes of this article, any person with a state driver's license who meets the qualifications as prescribed in O.C.G.A. § 46-7-85.10 and who is authorized by the public service commission to drive a sedan.

Dispatcher means the police chief.

Dispatch means a person assigned to a base of operations, in contact with taxicabs of the licensee's company having access to a telephone to talk with passengers or place phone calls in the event of an emergency.

Domicile means the place where the corporate establishment is maintained, its principal place of business.

Licensee means a person, firm, partnership, corporation or other entity licensed by the city business license office to engage in the vehicle for hire business.

Limousine means any motor vehicle that meets the manufacturer's specifications for luxury limousine with a designed seating capacity for no more than ten passengers with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and as a limousine. Limousines and limousine carriers shall be fully regulated by the state under the public service commission.

Motor vehicle safety standards means standards promulgated by the police department for approval by the governing authority that all vehicles for hire regulated under this article must meet.

Operator's permit means the written authority granted by the police department to persons who qualify to operate vehicles for hire. Sometimes referred to as driver's permit.
Permittee means a person granted a permit to operate vehicles for hire in the city.

Sedan means any luxury or nonluxury sedan or town car type vehicle which has a seating capacity of not more than five passengers and the driver and which does not contain a taximeter designed to measure electronically or mechanically the distance traveled or time.

Sedan carrier means any person, firm, partnership, corporation, company, association or joint-stock association operating a service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of sedans driven by chauffeurs on the basis of telephone contract, written contract or other prearrangement.

Taxicab means a motor vehicle used as a public conveyance which does not meet the requirements of a limousine, is not a van, minibus or sedan, has a taximeter and is subject to the rules and regulations of this article, and in which the number of persons carried does not exceed the manufacturer’s specifications for number of passengers for which the car was designed, with the driver counted as one such person.

Taxicab stand means any area on privately owned property which is approved and designated for the parking, stopping or standing of taxicabs by the property owner or person lawfully responsible for the property for the purpose of accepting or soliciting any consideration, charge or fee in exchange for transportation by or other use of the taxicabs. Such designation must be made in writing granting express authority to the licensee to operate from or within a taxicab stand by the property owner or person responsible for the property and kept on file at the business license office for each current year of the designation. Such area must be zoned for such use by the zoning ordinances of the city and must be approved for such use in the application submitted to the city.

Valid complaint means a complaint against an operator or business to the business license office where the complainant provides his or her name, address and substance of complaint, and expresses a willingness to attend any hearing regarding his/her complaint.

Van means any motor vehicle, other than a limousine, extended limousine, minibus or a sedan with a designed seating capacity for no more than 15 passengers, including the driver.

Vehicle for hire means any motor vehicle designed or used for the purpose of transporting passengers for consideration or charges which are determined by agreement, contract, mileage or by the length of time the vehicle is used. Such term does not include vehicles regulated by the state public service commission. For the purposes of this article, vehicles for hire shall mean taxicabs and sedans.

Vehicle permit sticker means the sticker issued to licensee upon proof of insurance and verification of compliance with city vehicle mechanical safety standards to be placed on each vehicle for hire operated under this article and renewed annually.

(Ord. No. 95-23, 12-18-95)

Sec. 110-64. Engaged in business of vehicles for hire defined.

Engaged in business of vehicles for hire means any person, firm or corporation who within the city engages in picking up passengers and accepting or soliciting any consideration, charge or fee, which is determined by an agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transporting.

(Ord. No. 95-23, 12-18-95)

Sec. 110-64.1. Sedan carriers and chauffeurs.

(a) The following provisions of this article shall not apply to sedan carriers:

./om_isapi.dll?advquery=vehicles%20for%20hire&infobase=11505.nfo&record={10075AB}&s7/11/00
(1) Section 110-65(c)(4) regarding a copy of the rate schedule and operation hours.

(2) Section 110-65(c)(8) regarding dispatcher's address and operating hours.

(3) Section 110-67(1)a. regarding submitting a company logo and/or identification color scheme.

(4) Section 110-73(a), (b) and (c) regarding vehicle markings and rates.

(5) Section 110-74(c) regarding the prominent display of the telephone number of the business license office.

(6) Section 110-81(a) regarding the first sentence pertaining to notification of a dispatcher concerning personal property left behind.

(7) Section 110-82(a), second sentence, regarding display of the business license office number.

(b) The following provisions shall not apply to a chauffeur if such chauffeur can show he/she has provided substantially the same information to the public service commission within the last 12 months:

(1) Section 110-65(c) regarding submitting to a police clearance consisting of a background investigation and/or fingerprinting.

(2) Section 110-70(c) regarding submitting to a police clearance consisting of a background investigation and/or fingerprinting.

(c) All other provisions of this article shall remain in full force and effect with regard to sedan carriers and chauffeurs.

(Ord. No. 95-23, 12-18-95)

Sec. 110-65. License generally.

(a) No person, firm, partnership, corporation or other entity shall engage in the business of operating vehicles for hire, except limousines, in the city without first having been issued a business license. Limousine carriers and other vehicles not regulated by this article but engaged in the business of vehicles for hire which are domiciled within the city must be issued a business license and pay business license fees including a nonrefundable application fee. All licenses shall be issued by the city business license office. No license shall be issued without the approval of the governing authority after a public hearing. A business license shall be granted by the supervisor of the business license office if the application meets all the legal requirements of this article and the police department provides a clearance consistent with the requirements of this article. If the application does not meet all the legal requirements of this article or the police department does not provide a clearance on the application or the governing body does not approve it, it shall not be granted by the supervisor of the business license office.

(b) The license must be posted in public view at the license location.
CODE OF ORDINANCES City of SMYRNA, GEORGIA Codified through Ordinance No. 99-06, adopted Dec. 6, 1999. (Supplement No. 12)

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Sec. 110-65. License generally.

(c) In order to secure a business license to operate a taxicab service or as a sedan carrier, an applicant must provide information showing its qualifications on a form provided by the business license office of the city, [must provide] information requested by the police department and must submit to a police clearance consisting of a background investigation and/or fingerprinting. If the applicant is other than a sole proprietor, all partners, officers, managers and stockholders holding a 20 percent or more interest in the company shall be subject to the provisions of this section. An applicant must:

(1) Be at least 21 years of age;

(2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service;

(3) a. Not have been convicted, plead guilty, plead nolo contendere or been on probation or parole for a period of five years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: Criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of article 3 of chapter 8 of title 42, O.C.G.A., relating to first offender status;

b. If at the time of application the applicant is charged with any of the offenses prescribed in subparagraph a. of this paragraph, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;

(4) Provide a copy of the rate schedule and the daily hours of operation;

(5) Provide the name, address and telephone number of a responsible individual who is a full-time employee in a management position of the applicant residing [in] the city who will be the registered agent for the purpose of serving of process;

(6) Provide proof of insurance pursuant to section 110-66 of this article;

(7) Provide information and verification pursuant to section 110-67 of this article;

(8) Provide the address of an office staffed by company agents or employees, including a dispatcher, that will be open between the hours of 7:00 a.m. and 7:00 p.m., and during any additional hours that any vehicle for hire associated with that company is being operated.

(d) All licenses obtained through the business license office of the city for taxicab companies or other entities shall not be transferrable.

(Ord. No. 95-23, 12-18-95)

Sec. 110-66. Insurance required for license.

(a) An applicant for a business license to operate a taxicab service or as a sedan carrier shall provide with the application proof of motor vehicle insurance indicating the vehicle(s) as a vehicle(s) to be used as a vehicle for hire, covering public liability and property damage naming the city as insured under the policy, issued by an insurer approved by the state and in the applicant's name, in the following amounts per vehicle:

(1) $25,000.00 per death or bodily injury per person;
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Sec. 110-66. Insurance required for license.

(2) $50,000.00 per death or bodily injury per occurrence;

(3) $15,000.00 personal property damage.

Should the state law which requires motor vehicle liability minimum insurance coverage as evidence of security for bodily injury and property damage liability (O.C.G.A. chapter 9 of title 40; the "Motor Vehicle Safety Responsibility Act") be changed to require greater minimums in any category of liability listed above, the minimum amounts listed herein shall be automatically amended to require such amount(s) upon the effective date of such legislation with no additional notice to the public and no formal action required by the governing authority. Additionally, should there be enacted at any time laws affecting insurance requirements of vehicles for hire particularly, this article will automatically incorporate such requirements with no additional notice to the public and no formal action required by the governing authority.

(b) All persons, firms, partnerships, companies or other entities licensed to operate a taxicab service or as a sedan carrier in the city as of December 18, 1995, the date of adoption of this article[,] shall be entitled to continue doing business provided such person or entity submits to the business license office of the city proof of current insurance in the manner and amounts described above and verification pursuant to section 110-68 of this article on or before the effective date of this article.

(c) Proof of insurance must be submitted in accordance with the term of the individual policy, but in any event at least on an annual basis showing proof of insurance for the subsequent year. Such proof may be made by:

(1) By providing a verified statement from a licensed insurance agent or licensed insurance company within this state setting forth the identity of the vehicle(s) for which coverage has been procured (by vehicle identification number, make and model), the amount of coverage afforded to each such vehicle, indication that the vehicle is being operated as a taxicab and the term for which such coverage has been prepared by the licensed company or entity.

[2) Reserved.]

(d) Before the policy is cancelled for nonpayment of premium or other cause, notice thereof shall be given by the insurance company in writing to the business license office of the city at least 30 days before the policy lapses.

(e) A licensee shall report any additional vehicles to be operated pursuant to this article to the business license office and shall provide proof of insurance on such vehicle(s) pursuant to this section.

(Ord. No. 95-23, 12-18-95; Ord. No. 96-06, 5-20-96)

Sec. 110-67. Vehicle permit stickers with license.

A business duly licensed to operate a taxicab service or as a sedan carrier pursuant to this article will be issued, at the time of licensing or at the time of providing proof of insurance as required by section 110-66(b) of this article, vehicle permitting stickers for each vehicle owned, leased or operated by such business, pursuant to the following conditions:

(1) The applicant or licensee must:

a. List all vehicles to be operated in the business indicating their make, model, year, VIN, tag number and color on a form to be provided by the business license office. Each company shall submit a company logo and/or identification/color scheme which shall not be the same or similar to any other company. The logo and/or identification/color scheme shall be approved by the business license office.

b. Execute a verification statement concerning the mechanical safety of each vehicle listed subsection (1)a. above pursuant to section 110-68 of this article.
c. Provide proof of insurance for each vehicle listed in subsection (1)a. above as set forth in section 110-66 along with vehicle registration, both of which must be in the applicant's name.

d. Pays a fee for vehicle permit sticker.

(2) Stickers must at all times be displayed on the passenger's rear side window and in the front windshield, bottom righthand corner for sedan carriers. Each vehicle will be assigned a numbered sticker and that sticker may not be used on any other vehicle.

(3) No vehicle permit sticker issued under this article may be leased, subleased, assigned or otherwise transferred. No vehicle to which a permit sticker is affixed may be leased, subleased or otherwise assigned for the purpose of operating a taxicab service or as a sedan carrier under this article.

(4) A licensee shall report any additional vehicles to be operated pursuant to this article and shall provide all information necessary and pay all fees required to obtain additional vehicle permit stickers.

(5) A fee schedule for vehicle permit stickers will be recommended by the supervisor of the business license office and approved from time to time by the governing authority. Such schedule will be on file with the clerk of the city, the business license office and the department of public safety. It shall be the responsibility of the licensee to renew vehicle permit stickers annually. Any licensee who fails to timely renew its vehicle permit and pay such fee when due shall pay, in addition to such fee, a separate penalty equal to ten percent of the permit sticker fee for each period of 30 days, or portion thereof, following the due date. To be considered a city business for purposes of determining vehicle sticker permit fees, a business must have or operate out of one or more offices in the unincorporated part of the city. A post office box will not constitute an office.

(6) If a business license is suspended for any length of time, all vehicle permit stickers associated with such license shall be null and void for the period of the suspension only. If the suspension is in effect on the annual renewal date of the business license or on the annual renewal date of the vehicle permit sticker, then immediately upon the suspension ending, such person or entity shall renew its license and vehicle permit sticker(s).

(Ord. No. 95-23, 12-18-95)

Sec. 110-68. Vehicle safety standards; verification.

(a) Each person, firm, partnership, company or other entity operating a taxicab service or as a sedan carrier shall maintain each vehicle thus operated in a good, safe and serviceable mechanical condition.

(b) The police department shall recommend minimum motor vehicle safety standards for approval by the governing authority. These standards will be filed with the clerk of the city, the business license office and the police department. All persons or entities operating, owning or leasing vehicles for hire shall be presumed to have knowledge of such standards. All vehicles for hire operating on the roads and streets of the city will be required to maintain their motor vehicles in compliance with such standards. A verification statement that the motor vehicles to be used in the business meet or exceed the requirements and standards approved by the governing authority shall be required and shall be submitted to the business license office in such form as the business license office shall require before vehicle permit stickers may be issued. Such verification must be signed by a technician at a location properly licensed to do business and also executed by the sole proprietor, named partner or president or CEO of a corporation.

(c) Vehicles shall be subject to random inspections at any time by the police department or the business license office. A vehicle found to be standard shall be removed from service immediately and will remain removed from service until adequate proof is provided to the police chief or his designee or the supervisor of the business license office that the vehicle is compliant with the standards approved by the city. Proof that a vehicle has been brought into compliance with the standards shall not affect the ability to assess any and all civil or criminal penalties or actions against the business or driver for violation of this Code.
Sec. 110-69. Denial, suspension and revocation of business license; hearing.

(a) A business license or an application for a business license under this article may be denied, suspended or revoked for due cause as defined in subsection (d) hereof.
(b) Upon summary consideration of facts that indicate due cause under paragraph (d) of this section, the mayor or the police chief or the supervisor of the business license office may suspend a license under this article. The suspension shall be reported in writing to the governing authority and the governing authority will review such action at the next regularly scheduled public meeting. A notice shall be sent to the licensee setting forth the time, place and purpose of the meeting. After a hearing, if the governing authority determines due cause to exist, the governing authority may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the license or licensee.

(c) A business license previously issued by this city may be revoked only after a hearing before the governing authority on a prior written notice to the licensee setting forth the time, place and purpose of such hearing and a statement of the reason why the license would be revoked. Unless the circumstances justify otherwise, three days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the governing authority may deem the circumstances justify. The hearing shall be held no later than 30 days after the supervisor notifies licensee of a hearing before the governing authority. After a hearing, if the governing authority determines due cause to exist, the governing authority may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the license or licensee.

(d) A business license may be denied, suspended or revoked for any of the following reasons:

1. Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a business license.

2. For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this article, and of the City Code, and as they may be amended.

3. For failure to maintain all of the general qualifications applicable to the initial issuance of a license.

4. For violation of any part of this article by the licensee, its agents, partners, officers, employees or contractors.

5. Allowing the required insurance coverage to lapse.

6. Allowing taxicabs to operate [within] the city that do not meet the requirements and standards adopted by the governing authority pursuant to section 110-68 of this article.

7. Violation of any provisions contained in paragraph (c) of section 110-81 of this article.

8. Three valid violation complaints received pursuant to section 110-82 of this article.

(e) Licensees under this article are responsible for violations of this article by their vehicle operators whether such operators are direct employees or independent contractors.

(Ord. No. 95-23, 12-18-95)

Sec. 110-70. Regulation of drivers of vehicles for hire.

(a) No person shall operate a taxicab or sedan without an operator's permit issued by the police department. No business licensed to operate a taxicab service or as a sedan carrier shall employ any driver who has not been issued an operator's permit.
CODE OF ORDINANCES City of SMYRNA, GEORGIA Codified through Ordinance No. 99-06, adopted Dec. 6, 1999. (Supplement No. 12)

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Sec. 110-69. Denial, suspension and revocation of business license; hearing.

(b) Upon summary consideration of facts that indicate due cause under paragraph (d) of this section, the mayor or the police chief or the supervisor of the business license office may suspend a license under this article. The suspension shall be reported in writing to the governing authority and the governing authority will review such action at the next regularly scheduled public meeting. A notice shall be sent to the licensee setting forth the time, place and purpose of the meeting. After a hearing, if the governing authority determines due cause to exist, the governing authority may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the license or licensee.

(c) A business license previously issued by this city may be revoked only after a hearing before the governing authority on a prior written notice to the licensee setting forth the time, place and purpose of such hearing and a statement of the reason why the license would be revoked. Unless the circumstances justify otherwise, three days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the governing authority may deem the circumstances justify. The hearing shall be held no later than 30 days after the supervisor notifies licensee of a hearing before the governing authority. After a hearing, if the governing authority determines due cause to exist, the governing authority may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the license or licensee.

(d) A business license may be denied, suspended or revoked for any of the following reasons:

(1) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a business license.

(2) For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this article, and of the City Code, and as they may be amended.

(3) For failure to maintain all of the general qualifications applicable to the initial issuance of a license.

(4) For violation of any part of this article by the licensee, its agents, partners, officers, employees or contractors.

(5) Allowing the required insurance coverage to lapse.

(6) Allowing taxicabs to operate [within] the city that do not meet the requirements and standards adopted by the governing authority pursuant to section 110-68 of this article.

(7) Violation of any provisions contained in paragraph (c) of section 110-81 of this article.

(8) Three valid violation complaints received pursuant to section 110-82 of this article.

(e) Licensees under this article are responsible for violations of this article by their vehicle operators whether such operators are direct employees or independent contractors.

(Ord. No. 95-23, 12-18-95)

Sec. 110-70. Regulation of drivers of vehicles for hire.

(a) No person shall operate a taxicab or sedan without an operator's permit issued by the police department. No business licensed to operate a taxicab service or as a sedan carrier shall employ any driver who has not been issued an operator's permit.
(b) Operator's permits shall not be issued to any driver not employed by or representing a licensed company. Proof of employment or representation shall be presented upon application of a permit.

(c) An applicant for a permit must furnish information requested on a form to be provided by the police department and submit to a police clearance consisting of a background investigation and/or fingerprinting. Operator permit applicants must meet the following requirements:

   (1) Be at least 21 years of age; provided, however, any driver between the age of 18 and 21 who was operating a taxicab on or before the effective date of this article shall not be subject to this age provision.

   (2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

   (3) Possess a current, valid state driver's license, which must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.

   (4) Exhibit a proficiency with the English language so as to be able to comprehend and interpret traffic signs, read a map in order to find streets, issue written receipts to passengers and obey lawful orders of police and others in lawful authority.

   (5) a. Not have been convicted, plead guilty, plead nolo contendere or been on probation or parole for a period of five years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: Criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft; or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of article 3 of chapter 8 of title 42, O.C.G.A., relating to first offender status.

   b. If at the time of application the applicant is charged with any of the offenses prescribed in subparagraph a. of this paragraph, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

(d) All operator permits automatically expire two years from the date they are issued. It shall be the responsibility of the operator to renew his/her permit and pay the applicable fee.

(e) Drivers are responsible for reporting any change in qualifications or status from information previously supplied to the police department within ten days of such change.

(f) Operator permits must be posted on the dash or sun visor of the vehicle being driven so that it is visible from the passenger area. Drivers of sedans must have their operator's permits in their possession and they must be visible to passengers. Licensees under this article are responsible for checking to ensure that each driver has a current operator's permit in his or her possession and that such permit is posted on the dash or sun visor of the vehicle being operated.
(g) A schedule of operator permit fees, as adopted from time to time by the governing authority, shall be posted in the offices of the clerk of the city and the police department. Any permittee who fails to timely renew his or her permit and fails to pay such fee when due shall pay, in addition to such fee, a separate penalty equal to ten percent of the required fee, for each period of 30 days, or portion thereof, following the due date. If the fees adopted from time to time by the governing authority provide for different fees for city drivers/operators than for non-city drivers/operators, to be considered a city driver/operator and pay fees associated therewith, a driver must have or operate out of one or more offices in the unincorporated part of the city; a post office box will not constitute an office. Proof of a current lease, if applicable, for the company premises, an affidavit as to ownership or occupancy or proof of association with a city licensee must be submitted to the police department upon request.

(Ord. No. 95-23, 12-18-95)

Sec. 110-71. Denial, suspension, revocation of operator's permits; hearing.

(a) An operator's permit or an application for an operator's permit under this article may be denied, suspended or revoked for due cause as defined in subsection (c) hereof. An operator's permit shall be granted by the police chief or his designee if the application meets all the legal requirements of this article and the police department provides a clearance consistent with the provisions of this article. If the application does not meet all the legal requirements of this article or the police department does not provide a clearance on the application, it shall not be granted by the police chief or his designee. Any decision of the police chief or his designee shall be final unless an appeal is filed by any aggrieved party within ten days from the date of notice to the applicant regarding denial of the application. The appeal shall be to the police committee of the governing body.
(b) The police chief or his designee may suspend or revoke an operator's permit for due cause as defined in subsection (d) hereof. The suspension or revocation may be appealed in writing to the police committee of the governing body and the committee will review such action as soon as practical. A notice shall be sent to the permittee setting forth the time, place and purpose of the meeting. After a hearing, the police committee may affirm the decision of the police chief to suspend or revoke the permit, or place on probation for a maximum of 12 months, with or without the conditions, the permit or operator. If the decision of the police chief is disaffirmed, the permit shall be returned to the permittee immediately.

(c) The decision of the police committee shall be final unless appealed to the full mayor and council.

(d) An operator's permit may be denied, suspended or revoked for any of the following reasons:

1. For violation of any part of this article.
2. Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a permit.
3. For failure to pay any fees imposed by the provisions of this article.
4. For failure to maintain all the general qualifications applicable to the initial issuance of a driver's permit.
5. Having four or more moving traffic violations in any 12-month period.
6. Refusing to accept a passenger solely on the basis of race, color, national origin or religious belief.
7. Operating a vehicle with knowledge, actual or implied, that the required insurance coverage is not current or has lapsed.
8. For operating a vehicle in a manner which threatens a passenger or anyone else.
9. For operating a vehicle the driver knows or should know is not in compliance with the motor vehicle safety standards approved by the governing authority.
10. The permit applicant, during the 12-month period next preceding the filing of his application, has suffered a revocation of his operator's permit.
11. A complaint is received pursuant to section 110-82 of this article and determined to be valid by the licence review board.

(e) Notwithstanding any of the provisions in this section, any permits issued through administrative error or an error in the completion of a background investigation may be terminated by the police chief or his designee.
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Sec. 110-71. Denial, suspension, revocation of operator's permits; hearing.

(Ord. No. 95-23, 12-18-95)

Sec. 110-72. Previous denial or revocation of business license or operator's permit.

All persons or entities who have had their business license or operator's permit revoked must reapply for a license or permit. No license or operator's permit shall be issued to an applicant if within 12 months immediately preceding the filing of the application the applicant for a license, operator's permit or renewal has had an application denied or a license or operator's permit revoked.

(Ord. No. 95-23, 12-18-95)

Sec. 110-73. Vehicle markings; rates.

(a) Each taxicab shall plainly and prominently advertise the name and telephone number of the person, firm or corporation that holds the business license to operate the vehicle. Such advertisement shall be permanently affixed to both sides of the vehicle in a manner that prohibits the transfer of the advertisement from one vehicle to another.

(b) A schedule of rates and hours of operation shall be marked on the side of the taxicab so as to be plainly visible to persons seeking to engage such vehicle for hire and shall be posted inside the vehicle and shall be filed with the business license office by the licensee.

(c) Each taxicab shall have a taxi rooflight mounted on the roof of the vehicle. Such rooflight shall have a lighting system functional for nighttime operation.

(Ord. No. 95-23, 12-18-95)

Sec. 110-74. Interior requirements of vehicles for hire.

(a) The interior of each vehicle for hire, including the trunk, shall be maintained in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk and the seats shall be kept clean and without holes or large wear spots.

(b) All vehicles for hire shall present a clean environment for passengers.

(c) The telephone number of the business license office shall be prominently displayed within the taxicab designating such number as the number to call when filing complaints.

(d) Permittees and licensees shall be responsible for compliance with this section.

(e) The police chief or supervisor of the business license office may conduct inspections of the interior without notice to ensure compliance.
CODE OF ORDINANCES City of SMYRNA, GEORGIA Codified through Ordinance No. 99-06, adopted Dec. 6, 1999. (Supplement No. 12)

PART II CODE OF ORDINANCES
Chapter 110 VEHICLES FOR HIRE

ARTICLE II. OPERATION AND BUSINESS REGULATIONS
Sec. 110-74. Interior requirements of vehicles for hire.

(Ord. No. 95-23, 12-18-95)

Sec. 110-75. Parking of taxicabs.

The driver of a taxicab shall not park on any street in any business district at any place other than at a taxicab stand, except that this provision shall not prevent the driver of such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading and unloading passengers, and from making emergency repairs.

(Ord. No. 95-23, 12-18-95)

Sec. 110-76. Trip sheets or logs.

In order to maintain a license to operate a vehicle for hire service, a licensee must maintain daily dispatch log sheets, which shall be kept on file at the licensed business premises for a minimum of one year. Dispatch log sheets shall indicate all passengers carried, the time, place of entry and destination of each passenger, the amount charged and an itemization of any personal property left in the vehicle for hire.

(Ord. No. 95-23, 12-18-95)

Sec. 110-77. Cruising.

Operators of taxicabs are prohibited from "cruising." Cruising is defined as moving about the streets of the unincorporated area or any private property for the purpose of picking up and transporting passengers who have not previously requested such service by telephone or by personal command. Licensees under this article are responsible for ensuring that no driver participates in cruising.

(Ord. No. 95-23, 12-18-95)

Sec. 110-78. Call jumping.

Licensees under this article shall not participate in nor allow their drivers to practice call jumping or the act of intercepting a passenger who has requested service from another company.

(Ord. No. 95-23, 12-18-95)

Sec. 110-79. Appearance and hygiene of drivers.

Drivers of vehicles for hire 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, a shirt or blouse with sleeves and collar; hats must be of the baseball style or chauffeur’s cap. Clothing must be clean and not visibly soiled.
CODE OF ORDINANCES City of SMYRNA, GEORGIA Codified through Ordinance No. 99-06, adopted Dec. 6, 1999. (Supplement No. 12)

PART II CODE OF ORDINANCES
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ARTICLE II. OPERATION AND BUSINESS REGULATIONS
Sec. 110-79. Appearance and hygiene of drivers.

(Ord. No. 95-23, 12-18-95)

Sec. 110-80. Audits.

Each person, firm or company licensed to do business under the provisions of this article and City Code, including limousine carriers, shall be subject to audit by the city. The city shall conduct such audit at reasonable times and with prior notice to the licensee.

(Ord. No. 95-23, 12-18-95)

Sec. 110-81. Miscellaneous regulations.

(a) Drivers of taxicabs shall notify their dispatcher of any personal property left in the vehicle for hire and such property shall be noted on the daily dispatch log sheets. Within 24 hours of discovery of any personal property left by a passenger, a driver shall forward such property to the police department or to its company's headquarters. Licensees shall maintain an accurate log of all private property held by them and the names of all persons claiming and receiving such property for a minimum of one year.

(b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.

(c) It shall be unlawful for any driver of a vehicle for hire who is not permitted and for any person or entity which is not licensed to solicit or engage passengers within the unincorporated areas of the county.

(d) No driver shall refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.

(e) No driver shall refuse to accept a passenger solely on the basis of race, color, national origin or religious belief.

(f) No driver shall be permitted to carry nonpaying passengers in a taxicab while transporting a paying passenger or passengers except for the purpose of driver training.

(g) It shall be unlawful for a driver to operate his vehicle in a manner which threatens a passenger or anyone else, or to threaten or otherwise abuse a passenger.

(h) It shall be unlawful for a driver to discharge any passenger before reaching the passenger's destination unless the driver has a reasonable belief that the passenger is dangerous, or unless street or area conditions do not permit a safe discharge to either the passenger or driver.

(i) No television sets may be operated on the front seat on which the driver sits inside of a moving vehicle.

(j) It shall be unlawful for drivers to drive, or for companies or other entities to allow to be driven, any vehicle for hire which does not have a valid inspection sticker, is not validly insured or, if a taxicab, has an unsealed or improperly working taxifare meter.
(k) Persons or other entities operating a taxicab service or as a sedan carrier shall be prohibited from allowing such vehicles to be operated by persons not holding valid operator permits.

(l) Drivers shall not be required to carry more than $15.00 in change.

(m) Upon request of a passenger of a taxicab, drivers shall give receipts showing the amount of fare paid, name of company, license number, number of passengers, location of trip, origination and location of trip termination. Upon request of a passenger of a sedan carrier, drivers of sedans shall give receipts showing the amount paid.

(Ord. No. 95-23, 12-18-95)

Sec. 110-82. Complaints.

(a) The business license office shall be responsible for receiving complaints concerning the operation of vehicles for hire in the city. The telephone number of the business license office shall be prominently displayed outside and inside the taxicab and shall designate such number as the number to call for filing complaints.

(b) The business license office shall maintain true and accurate records of the names and identification numbers of each driver permitted to drive vehicles for hire and each business licensed to operate a taxicab service or as a sedan carrier, together with other requirements of this article, and shall maintain a log of all complaints for each operator and licensee. In the event the business license office shall receive any ordinance violation complaints concerning a particular operator, or three violation complaints concerning a licensee, the business license office shall notify the operator and licensee of the complaint(s) if the business license supervisor sets a hearing on such complaints or suspends the operator's permit or business license. The operator or licensee will have the right to show cause that he (or it) is in compliance with the rules and regulations of this article.

(c) A hearing shall be set before the police committee no later than 30 days after the supervisor has notified licensee or permittee of a hearing or has suspended a permit or license. The operator may use witnesses or other evidence to show his/its compliance with the ordinances of the city. In the event the police committee shall determine a violation on the part of the operator or licensee of the ordinances of the city, it may suspend or revoke the operator's permit or recommend to the governing authority suspension or revocation of the business license.

(d) The business license office shall maintain a true and accurate log of each complaint showing the name of the complainant, the address of the complainant and the substance of the complaint. Such records shall be available to the operator and licensee and shall be deemed a public record.

(Ord. No. 95-23, 12-18-95)

Sec. 110-83. Reserved.

Sec. 110-84. Severability.

The sections, paragraphs, sentences, clauses and phrases of this article are severable; and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional or unreasonable and thus void by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality or declaration of unreasonableness shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this article, since they would have been enacted without the unconstitutional or unreasonable phrase, clause, sentence, paragraph or section.

(Ord. No. 95-23, 12-18-95)

Sec. 110-85. Enforcement and penalty.

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CODE OF ORDINANCES City of SMYRNA, GEORGIA Codified through Ordinance No. 99-06, adopted Dec. 6, 1999. (Supplement No. 12)

PART II  CODE OF ORDINANCES

Chapter 110  VEHICLES FOR HIRE

ARTICLE II. OPERATION AND BUSINESS REGULATIONS

Sec. 110-85. Enforcement and penalty.

(a) The police department and the business license office shall enforce the regulations contained in this article.

(b) Violations of the provisions of this article shall be punished by the payment of fines up to $1,000.00 or imprisonment up to six months, or both. Each separate occurrence shall be deemed a separate offense.

(c) The violation of the provisions of this article by any person, corporation, partnership or other entity, whether a licensee or permittee may be enjoined by instituting appropriate proceedings for injunctions in the courts of competent jurisdiction in this state. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the governing authority of the city.

(d) Violations of any provision of this article by any licensee shall be due cause for revocation of any city business license, after notice and hearing before the governing authority of the city.

(e) Violations of any provision of this article by any permittee shall be due cause for revocation of any permit after notice and hearing as provided in this article.

(f) The above remedies are cumulative to each other.

(Ord. No. 95-23, 12-18-95)

Sec. 110-86. Effective date.

This article shall take effect three months from [December 18, 1995,] the date of its adoption by the governing authority. All businesses currently licensed to operate vehicles for hire [in] the city must be in compliance with this article by the effective date.

(Ord. No. 95-23, 12-18-95)

APPENDIX A  ZONING*

*Editor's note--Printed herein is the zoning ordinance, as adopted by the mayor and council on December 10, 1973, and effective on March 1, 1974. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets. Rezoning petition fees are currently on file and available for inspection in the offices of the city.

Charter reference(s)--Zoning, §§ 18(a), 18(b).

Cross reference(s)--Amusements and entertainments, ch. 10; animals, ch. 14; buildings and building regulations, ch. 18; businesses, ch. 22; manufactured homes and trailers, ch. 62; signs, ch. 82; vehicles for hire, ch. 110.
(a) The police department and the business license office shall enforce the regulations contained in this article.

(b) Violations of the provisions of this article shall be punished by the payment of fines up to $1,000.00 or imprisonment up to six months, or both. Each separate occurrence shall be deemed a separate offense.

(c) The violation of the provisions of this article by any person, corporation, partnership or other entity, whether a licensee or permittee may be enjoined by instituting appropriate proceedings for injunctions in the courts of competent jurisdiction in this state. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the governing authority of the city.

(d) Violations of any provision of this article by any licensee shall be due cause for revocation of any city business license, after notice and hearing before the governing authority of the city.

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