CITY OF MORROW, GEORGIA

May 10, 2011 **Regular Meeting** **7:30 pm**

CALL TO ORDER: Mayor Millirons
PLEDGE OF ALLEGIANCE: All
INVOCATION: Mayor Millirons

1. **ROLL CALL**

2. **APPROVAL OF MEETING AGENDA**:

(Agenda Item 11-05-255)
To add or remove items from the Agenda:

3. **CONSENT AGENDA:**

(Agenda Item 11-05-256)
1. Approval of the April 26, 2011 Regular and Work Session Meeting Minutes

(Agenda Item 11-05-257)
2. Approval of the May 5, 2011 Special Called Meeting Minutes

(Agenda Item 11-05-258)
3. Approval of the May 10, 2011 Regular Meeting Minutes

(Agenda Item 11-05-259)
4. Approval of Jeanell Bridges as Councilmember to fulfill the unexpired term created by the removal of John Lampl on May 10, 2011.

4. **ADMINISTER OATH OF OFFICE:**

(Agenda Item 11-05-260)
1. Swearing in of Councilwoman Jeanell Bridges
(Performed by Judge Ronald Freeman)

5. **REPORTS AND PRESENTATIONS:**

1. 2011 Most Beautiful Yard Contest
(Presented by City Manager Jeff Eady)

HALL OF FAME

1834 Central Park Loop
Morrow, GA 30260

EAST SIDE:

1st Place
2136 Murry Trail
Morrow, GA 30260

Honorable Mention
6353 Harbin Woods Drive
Morrow, GA 30260

WEST SIDE:

1st Place
5988 Foxcroft Court
Morrow, GA 30260

Honorable Mention
6216 Continental Circle
Morrow, GA 30260

2. "Public Safety Digital Network" presentation
(Presented by Assistant Chief Landry Merkison with Clayton County)

3. Presentation of Morrow Police Department Annual Report
(Presented by Police Chief Jeff Baker)

4. Update on Freedom Fest 2011
(Presented by MBTA Director Mike Twomey)

5. Financial Report Update ***(Presented by Dan Defnall, Financial Officer)***

6. **FIRST PRESENTATION:**

(Agenda Item 11-05-259)

1. Approval of An Ordinance to impose License Fees on Insurers Conducting Business within the City of Morrow, Georgia; To impose a Gross Premiums Tax on Insurers operating within the State of Georgia; To provide an effective date; and other purposes.

(Agenda Item 11-05-260)

2. Approval of An Ordinance to Amend Title 9 Licensing and Regulations, Chapter 9 Taxicabs, Article A General Provisions, Section 9-9-1 through Section 9-9-18 and Article B, Driver's Permits, Section 9-9-20 through Section 9-9-25; and for other purposes.

7. **OLD BUSINESS:** None at this time

8. **NEW BUSINESS:** None at this time

9. **GENERAL COMMENTS:**

Citizens-
City Manager-
Mayor and Council –

10. **ADJOURNMENT:**

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. ____

AN ORDINANCE TO IMPOSE LICENSE FEES ON INSURERS CONDUCTING BUSINESS WITHIN THE CITY OF MORROW, GEORGIA; TO IMPOSE A GROSS PREMIUMS TAX ON INSURERS OPERATING WITHIN THE STATE OF GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND OTHER PURPOSES.

IT IS HEREBY ORDAINED by the Governing Authority of the City of Morrow, Georgia:

Section 1. Section 3-2-94 of the Code of Ordinances of the City of Morrow, Georgia, is amended to read in its entirety as follows:

Sec. 3-2-94. Insurers.

(a) *Insurers License Fees.* There is hereby levied for the year 2012 and for each year thereafter an annual license fee upon each insurer doing business within the City of Morrow, Georgia in the amount of fifty dollars ($50.00). For each separate business location in excess of one not covered by subsection (b), which is operating on behalf of such insurers within the City of Morrow, Georgia, there is hereby levied a license fee in the amount of fifty dollars ($50.00). For the purpose of this section, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. Sec. 33-3-5.

(b) *License Fees for Insurers Insuring Certain Risks at Additional Business Locations.* For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of seventeen and 50/100 dollars ($17.50) per location for the year 2012 and for each year thereafter.

(c) *Gross Premiums Tax Imposed on Life Insurers.* There is hereby levied for the year 2012 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec. 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec. 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a) of this section.

(d) *Gross Premiums Tax, All Other Insurers.* There is hereby levied for the year 2012 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. Sec. 33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec. 33-8-8.2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec. 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a) of this section.

(e) *Due Date for License Fees.* License fees imposed in subsections (a) and (b) of this section shall be due and payable on the first day of 2012 and on the first day of each subsequent year.

(f) *Administrative Provisions.* The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within 45 days of its enactment.

(g) *Effective Date; Prior Provisions.* This section shall become effective January 1, 2012. Fees and taxes imposed on insurers by Ordinance No. 2001-21, adopted November 27, 2001 are not repealed by this ordinance but remain in full force and effect.

Section 2. *Severability.*

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of Morrow, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

So Ordained this _____ day of _____, 2011 by the Mayor and Council of the City of Morrow, Georgia.

_____
Jim Millirons, Mayor

Attest:

_____
Evyonne Browning, City Clerk

First Presentation: May 10, 2011
Second Presentation: _____

(Seal)

HENDERSON & HUNDLEY, PC

Laurel E. Henderson
Kelly Michael Hundley
Paul C. Hoffman
Ashley N. Hopson

TO: Mayor and Council
City of Morrow

FROM: Laurel E. Henderson
City Attorney

DATE: May 3, 2011

RE: Taxicab ordinance

I was provided with a marked up version of the taxicab ordinance that sought not only to cover limousine services, but private transportation buses as well. State law precludes the ability of the City to reach either.

Motor common carriers are subject to regulation by the Public Service Commission. "Motor common carriers include every person owning, controlling, operating, or managing any motor propelled vehicle, and the lessees, receivers, or trustees of such persons, used in the business of transporting for hire of persons or property or both, otherwise than over permanent rail tracks, on the public highways of Georgia as a common carrier. The term includes, but is not limited to, limousine carriers as defined in paragraph (5) of Code §46-7-85.1." O.C.G.A. §46-1-1 (9)(B). Excepted from the definition of motor common carriers are taxicabs and limited other types of motor vehicles. However, the exception provided by state law does not extend to passenger vans having a capacity of ten or more persons. While the definition that exempts taxicabs appears to exempt buses as well, subsequent regulations within the code make it clear that was not the code's intent.

Private carriers are recognized by the act, but they are limited to those vehicles "used in the business of transporting persons or property in private transportation, not-for-hire over any public highway in the State". O.C.G.A. §46-1-1(13). While private carriers are exempted from this State legislation by O.C.G.A. §46-7-37, the exemption would not apply to any operation in which persons are paid a fee in exchange for transportation.

Moreover, limousines are subject to a separate article: Article 3 of Chapter 7 of Title 46. The policy of the State is that, "The State of Georgia fully occupies and pre-empts the entire field of regulation over limousine carriers as regulated by this article." O.C.G.A. §46-7-85.11. Limousine is defined similarly to the City ordinance as "any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designated seating capacity of no more than ten passengers, and 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

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entry or exit; further, no vehicle shall be permitted to be operated both as a taxi and a limousine." O.C.G.A. §46-7-85.1. Thus, the City has absolutely no power to regulate limousine services in any manner or to tax for their operation.

The City does have the ability to establish whether limousine operators are legitimately operating within the City. Every vehicle operated under a limousine registration must affix to the center of the front bumper of the vehicle a standard size license plate bearing the following information: 1) limousine company name, 2) city and state of principal domicile, 3) company telephone number, and 4) the vehicle classification". O.C.G.A. §46-7-85.15. It is an easy determination for the police to make, therefore, whether a vehicle is properly certificated by the Public Service Commission because, if so, that front license plate will be available. Moreover the Public Service Commission maintains a list of licensed limousine carriers on its website, pursuant to O.C.G.A. §46-7-85.11 so that if a limousine operator is pulled over, that website could be checked to determine if he is a properly permitted driver.

Many car services call themselves "limousine services" but provide vehicles such as luxury sedans that do not meet the state definition of a limousine. Generally, they are operating vehicles such as Lincoln Town Cars, Lexus's, etc. These may be regulated by the City to the extent they do not seat more than four but less than 10 seats behind the driver. Cross-overs and vans that meet the five-seat-behind-the-driver standard will not be limousines if they do not meet manufacturer's specifications as a "luxury limousine." I have therefore created a new category of "car for hire" to reach this type of service with regulation. With the exception of vehicle markings and taximeters, they are subject to the same regulations as taxicabs.

Cities are specifically barred from levying any type of tax on common carriers by O.C.G.A. §46-7-15. Since limousines and buses are both common carriers, that means the City may <u>not</u> impose a business tax on them.

What I have just outlined is the full extent of the City's power over limousine services. While the City may not regulate limousine services in any regard, if a limousine service is in fact domiciled within the City, it is still exempt from any City taxes under O.C.G.A. §46-7-15 because it is included within the definition of motor common carrier. The only regulatory authority the City has would be to require that any dispatch center used for limousine operators be limited to certain zoning districts, but the City would not have the ability to levy a business occupation tax against that limousine company, or to regulate the limousine in any manner.

Similarly, private transportation buses, as they were defined in the proposed ordinance, do not comport with this regulatory framework, and Cities are specifically exempted from regulating or taxing them in any manner, as the State has fully occupied that field. As with limousine service, a private bus company that wishes to operate a headquarters or a terminal in the City could be required to place that terminal in certain zoning districts, but the City would have no authority to license or permit drivers, license the company, or tax the company in any manner. It is even questionable whether the City would be able to limit where such vehicles are parked within the City. The City would have no authority to establish fares for anything other than taxicabs.

Finally, the existing ordinance had been amended by various people over time. Terminology was inconsistent and confusing. Some regulatory provisions were in conflict with one another. I have attempted to clean up language, distinguish between a business license which must be obtained by a company operator and a driver's permit that has to be obtained by each driver, and generally do other housecleaning items. I have not attempted to change City policy, other than to clarify the car for hire and limousine distinction and regulate to the extent possible.

While I realize the Mayor is interested in designating bus stops, the taxicab ordinance is not the best place to do this. A separate ordinance would be better. Once I receive some information from staff as to where those stops are located and how they are designated, I can draft something fairly easily.

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2011 - __

AN ORDINANCE TO AMEND TITLE 9 LICENSING AND REGULATIONS, CHAPTER 9 TAXICABS, ARTICLE A GENERAL PROVISIONS, SECTION 9-9-1 THROUGH SECTION 9-9-18 AND ARTICLE B, DRIVER'S PERMITS, SECTION 9-9-20 THROUGH SECTION 9-9-25; AND FOR OTHER PURPOSES.

IT IS HEREBY ORDAINED by the Governing Authority of the City of Morrow, Georgia:

Section 1. Title 9, Licensing and Regulation, Chapter 9, Taxicab and Limousine Services, Article A. General Provisions, Section 9-9-1 through 9-9-19 and Article B. Driver's Permits, Section 9-9-21 through 9-9-26 is amended by deleting said chapter in its entirety and replacing it with the following:

CHAPTER 9

Taxicabs

ARTICLE A

General Provisions

Sec. 9-9-1. Definitions.

The following words and phrases, when used in this chapter have the meanings as set out herein:

Car for hire shall mean a commercial motor vehicle operated for hire, designed for the transportation of no more than six (6) passengers at one time, the destination of which is under the direction of the passenger transported therein, which is not marked as a taxicab, and which is not licensed and regulated by the Public Service Commission. Cars for hire include unmarked vehicles sometimes referred to as "limousines" but which do not meet the definition of limousine below.

Driver shall mean and include any and every person in charge of driving or operating a taxicab, as defined herein, whether as owner, agent, employee or otherwise.

Driver's permit means the permission granted by the City to a person to drive a taxicab within the city.

Highway means any of the public streets, alleys, lanes, boulevards, avenues, drives, circles, or roads of the city.

License shall mean the business license granted by the governing body to engage in the taxicab business within the city.

Limousine shall mean any commercial motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designed seating capacity for no more than 10 passengers with a minimum of five (5) 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.

Operator of taxicab business shall mean any person who shall engage in the business of furnishing taxi service within the corporate limits of the City of Morrow, regardless of the number of vehicles, and regardless of whether an office is physically located within the corporate limits thereof. It shall not include those operations limited to delivering passengers on an occasional basis to the City of Morrow from points exterior of the city limits.

Owner shall mean and include any person having control of the operation or maintenance and collection of the revenue derived from taxicabs.

Taxicab shall mean a commercial motor vehicle operated for hire, designed for the transportation of no more than six (6) passengers at one time, the destination of which is under the direction of the passenger transported therein, which is marked as a taxicab, and which is not licensed and regulated by the Public Service Commission.

Sec. 9-9-2. Compliance with chapter provisions pre-requisite to operation for both taxicabs and cars for hire; exemptions.

It shall be unlawful for any taxicab to be operated within the limits of the city unless and until the owner and operator shall have first complied with the provisions of this chapter; provided that any taxicab licensed by another jurisdiction which maintains no office in the City, performs no solicitation in the City, originates no trips from within the City, and which drops off passengers in the City only on an irregular and intermittent basis is not subject to the requirements of this chapter. Limousine services, as that term is defined by the Public Service Commission, are exempt from this Chapter; provided that any car for hire service offering transportation for hire which does not fall within the definition of a limousine is nevertheless subject to regulation as a taxicab, regardless of the nomenclature it may apply to its operations. All cars for hire are required to comply with all regulations of this chapter except where specifically exempt.

Sec. 9-9-3. Business location.

Dispatch centers, vehicle storage lots or other physical facilities utilized by taxicab businesses shall be located only within the HM zoning district of the City.

Sec. 9-9-4. Insurance required.

(a) No owner of a taxicab shall operate or authorize any other person to operate a taxicab in the City of Morrow unless it is covered by a liability insurance policy issued by an insurance company authorized to do business in this State, which provides the following minimum coverage:

$100,000 – for injury to or death of one person in one accident;
$250,000 – for injury to or death of two or more persons in any one accident; and
$50,000 – for injury to or destruction of property of others in any one accident.

(b) Each taxicab operated within the city limits shall be required to carry and maintain in effect this minimum insurance coverage. Proof of such insurance coverage, including the name of issuing company, the amounts of coverage provided, and the policy number, shall be provided to the City before a permit shall be issued. Such insurance shall provide specific coverage for the vehicle used in the business of transporting passengers. Failure to maintain such coverage shall constitute cause for revocation of a City license and/or permit.

Sec. 9-9-5. Taxicab equipment; cars for hire.

(a) All taxicabs operating in the City of Morrow shall be equipped with a taximeter. Such taximeter shall be fastened in front of the passengers' seat and be visible to the passenger at all times. After sundown, the face of the taximeter shall be illuminated. It shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. It shall be sealed at all points and connections which, if manipulated, would affect its correct reading and recording. The taximeter must be operational, turned on and in use for each fare. Log sheets of each fare are to be kept and made available to the City upon request.

(b) Taxicabs shall be affixed with a vehicle permit sticker issued by the Chief of Police or his designee. Such stickers must at all times be displayed, fully visible and un-obscured in the lower right corner of the read windshield. Each vehicle will be assigned a numbered sticker and that sticker shall not be used on any other vehicle. The sticker shall be renewed annually.

(c) Taxicabs shall be plainly and prominently marked with the name and telephone number of the company which holds the City-issued permit. Such markings shall be affixed only by means of permanent vinyl lettering or paint.

(d) Taxicabs shall be marked with rates on the side of the vehicle so as to be plainly visible to persons seeking to use the taxicab.

(e) Taxicabs shall be equipped with a roof light that is permanently mounted on the roof of the vehicle, and maintained in good working order at all times.

(f) Taxicabs shall be maintained in good, safe, and serviceable mechanical condition as verified in a Vehicle Inspection Form issued by the Chief of Police, or his designee.

(g) Taxicabs shall transport as passengers only the number of persons specified by the vehicle manufacturer.

(h) Taxicabs shall have a compartment for the secure storage of passengers' luggage that is separate and apart from the passenger compartment.

(i) No taxicab shall have less than three doors, excluding the driver's door, for unloading and unloading passengers.

(j) Cars for hire shall not be required to utilize taximeters or be required to be marked as taxicabs. However, all cars for hire operating in the City shall establish a rate schedule, a copy of which shall accompany their application for business license. Cars for hire shall be required to comply with subsections (b), (f), (g), (h) and (i) of this section.

Sec. 9-9-6. Unlawful acts.

The following acts are prohibited by any owner, operator or driver of a vehicle licensed or permitted by this chapter:

(1) Transporting alcohol beverage(s) that are not the property of a fare.

(2) Failure to deliver any property of value left in a vehicle to the City of Morrow Police Department within 24 hours.

(3) Allowing a passenger to alight from the vehicle while it is in motion, or discharging a passenger at any place other than the curb or pavement edge or within the confines of a private driveway

(4) Allowing a passenger to consume alcoholic beverages or controlled substances in the vehicle.

(5) Transporting a passenger to his or her destination by a route that is not the safest or most direct, unless the passenger specifically authorizes such alternate or indirect route.

(6) Picking up any additional passengers without the express consent of the original passenger.

(7) Refusing to pick up as a passenger any person when the vehicle is available or to discriminate against any person as a passenger because of race, religion, national origin, sex, marital status, age or mental or sensor handicap.

(8) Activating equipment indicating vehicle is in use when it is not, or failing to activate such equipment when the vehicle is in use.

(9) Failing to conduct oneself with proper deportment at all times while the taxicab is in use.

Sec. 9-9-7. Parking or storing taxicabs in residential zoning districts.

(a) No person shall permit or cause any passenger vehicle used as a taxicab that displays on the vehicle's exterior any symbols, letters, numbers, words, phrases, codes, markings, or rooftop identification, to be parked for longer than one (1) hour or stored in a residential zoning district. Persons who are conducting business by transporting passengers shall be allowed sufficient time under the direction of the passenger transported therein to pick up and drop off passengers and to wait under the passenger's direction. Parking for up to one (1) hour shall also be permitted for meal breaks.

(b) No person shall permit parts of a taxicab to be stored or serviced on residential property, except that emergency service, such as tire changes, may be rendered to taxicabs upon permission of the chief of police or his designated representative.

Sec. 9-9-8. Authority to regulate fares; rate schedule to be posted.

(a) The City reserves the right to regulate rates and fares for taxicabs. In the absence of City regulation, the owner of every taxicab operated in the City shall establish a schedule of fares which shall be filed with the application for business license. Fares shall be posted at a conspicuous place inside the taxicab where all passengers may see the rates charged for carrying passengers and the manner of determining the fare to be charged passengers. Cars for hire shall maintain a schedule of fares at the central office from which such cars for hire are dispatched in lieu of posting fares inside vehicles.

(b) No passenger shall be charged a fare in excess of the established fare schedule for the vehicle.

Sec. 9-9-9. Discharging or receiving passengers.

(a) No taxicab driver shall stop his taxicab for the purpose of discharging or receiving passengers except at a point as near the driver's right-hand curb as possible. Wherever possible, taxicabs shall be pulled into a private driveway for pickup and discharge of passengers. No taxicab operator may pick up or discharge passengers who solicit rides in a public street or highway. All pickup of passengers shall occur as a result of dispatch to the driver to a specific address.

(b) For bus service offered within the City limits pursuant to certificates issued by the Public Service Commission, the City shall approve bus stops located off the public right-of-way. Such stops shall be used by all buses operating within the City. No stops on the street shall be permitted for pickup or discharge of passengers.

Sec. 9-9-10. Driver appearance.

Every taxicab driver, while on duty, shall keep a clean and well-groomed appearance and comport himself or herself in a professional manner.

Sec. 9-9-11. Lost articles.

Every taxicab driver shall inspect his or her vehicle after the departure of each passenger to ascertain that no article has been left behind. In the event that a passenger does leave an article in a cab, the driver shall immediately attempt to return it. If the driver is unable to immediately return the article, the dispatcher shall be notified and the article shall be turned in to the service company office not later than the end of the driver's shift. The taxicab owner and company shall make a diligent effort to locate the owner of any lost article. Any article left in a taxicab and not returned to the owner within 24 hours shall be retained by the taxicab company for no less than 30 days.

Sec. 9-9-12. Safe and legal operation.

Every taxicab shall operate his or her vehicle in accordance with the laws of the state and the city, and with due regard for the safety, convenience and comfort of passengers and the general public.

Sec. 9-9-13. Storage or transport of hazardous materials.

The storage or transport of hazardous material in the exterior, interior compartment, or trunk of a taxicab is prohibited.

Sec. 9-9-14. Enforcement and penalty.

(a) The Police Department shall enforce the regulations contained in this chapter.

(b) Violations of any provision of this chapter 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 chapter by any person, corporation, partnership or other entity may be enjoined by instituting appropriate proceedings for injunction 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 City of Morrow.

(d) Violations of any provision of this chapter by any license holder shall be due cause for revocation of any City license, after notice and hearing before the Mayor and Council.

(e) Vehicles for hire operating within the City of Morrow are subject to inspection at any time.

Section 9-9-15 through 9-9-20. Reserved.

ARTICLE B

Licenses and Permits

Sec. 9-9-21. License and permit pre-requisite.

No person shall operate any taxicab business within the City until a business license as provided for in this chapter has been granted and issued. No person shall drive a taxicab within the City without first having obtained a driver's permit.

Sec. 9-9-22. Application for business license.

(a) An applicant for a business license to operate a taxicab business, whether such business is physically located in the City or picks up passengers within the City, shall provide the following information to the Police Department:

(1) Name, current address and phone number of applicant, all owners, officers, shareholders and other interested persons in the proposed business.

(2) Name, current address and phone number of all drivers employed by the business.

(3) Criminal history of each person identified in paragraph (a)(1).

(4) Evidence of good moral character of each person identified in paragraph (a)(1).

(5) Information on vehicles to be operated as taxicabs within the City, including for each vehicle, the make, color, model, vehicle identification number.

(6) Proof of insurance on each vehicle to be utilized by the business.

(7) Location of the physical office of the business.

(8) Vehicle inspection reports for each vehicle to be utilized as a taxicab.

(9) Any other information deemed necessary by the City to conform with the requirements of this Chapter.

(b) An applicant who will maintain a physical office or other physical location within the City shall, in addition to submitting an application for business license for a taxicab business, submit a business tax return estimating the gross receipts anticipated for the business for the remainder of the current business tax year or future year if application is made after July 1. An applicant who will not maintain a physical office or other physical location within the City shall nevertheless submit a business tax return disclosing other jurisdictions to which it is responsible for payment of business taxes and shall tender prorated tax liability for the remainder of the year to the City.

(c) Each applicant shall appear in person at the Police Department, submit to fingerprinting and sign a form allowing for a criminal background check. Each applicant shall provide the addresses of residence for the past 10 years.

Sec. 9-9-23. Application for driver's permit.

(a) Any person desiring a driver's permit shall make application for the same to the Police Department. The applicant shall provide the following information:

(1) Name, current address and phone number of applicant.

(2) Criminal history of applicant.

(3) Evidence of good moral character of applicant.

(4) Any other information deemed necessary by the City to conform with the requirements of this Chapter.

(b) Each applicant shall appear in person at the Police Department, submit to fingerprinting and sign a form allowing for a criminal background check. Each applicant shall provide the addresses of residence for the past 10 years.

Sec. 9-9-24. Application fee and permit renewal.

(a) The applicant for a business license shall pay to the City such sum as fixed from time to time by the Mayor and Council for a regulatory fee at the time application is filed. Business licenses shall run for the calendar year. A license granted during the calendar year shall expire on Dec. 31 of the year of issuance. Business licenses for taxicab businesses shall be subject to renewal on an annual basis unless the license has been suspended or revoked by the City or the City determines the applicant for renewal has lost qualification required by this chapter. License fees shall be paid in full at the time of initial application and at the time of each renewal application.

(b) The applicant for a driver's permit shall pay to the City such sum as fixed from time to time by the Mayor and Council when the application is filed. Should the permit be granted, the applicant's permit fee will then be considered as paid until the last day of the issuing month of the following year. Prior to permit expiration, all taxicab drivers who expect to drive in the following year shall make an application for the renewal of their permits. The applicant shall pay an additional fee as fixed from time to time by the Mayor and Council with each renewal application filed.

Sec. 9-9-25. Investigation of the application.

(a) The Chief of Police shall cause an investigation to be made into the truthfulness of information provided by applicants for business licenses and driver's permits, into the personal and occupational history of each applicant and into whether the applicants meet the standards of this chapter.

(b) The Chief shall determine on the basis of the investigation whether driver's permits should be issued. Applications for driver's permits meeting the requirements of this chapter and showing good moral character shall be granted. If the Chief decides that the driver permit should be issued, he shall immediately notify the applicant; and if he decides the permit should not be issued, he shall immediately notify the applicant and inform the applicant of the reasons for the denial.

(c) The Chief shall make a recommendation to the Mayor and Council as to whether business licenses should issue for taxicab businesses. Such recommendation shall be completed within three weeks of final submission by the applicant of all required information. The recommendation shall be placed on the Council agenda of the next available Council meeting scheduled at least six days after the finalization of the Chief's recommendation.

Sec. 9-9-26. Criminal history disqualifying applicants for licenses or permits.

(a) No business license or driver's permit shall be issued if the applicant has been convicted of any of the following offenses within a period of 10 years preceding the date of application:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.

(2) Driving a motor vehicle while under the influence of alcoholic beverages or drugs.

(3) Any felony in the commission of which a motor vehicle is used.

(4) Failure to stop and render aid or leaving the scene of an accident, as required under the laws of the State of Georgia.

(5) Perjury or false swearing in making any statements under oath, including statements made in connection with an "Application for Permit" under this chapter.

(6) Perjury or the making of a false affidavit or statements under oath relating to the ownership or operation of motor vehicles.

(7) The violation of any law involving moral turpitude.

(8) Conviction as an habitual violator by the Georgia Department of Motor Vehicles.

(b) Convictions, pleas of guilty or nolo contendere or forfeiture of bail on three charges of a violation of the motor vehicle laws of the State of Georgia within twenty-four (24) months of the application date shall disqualify an applicant from holding either a business license or driver's permit.

Section 9-9-27. Drivers' qualifications for operator's permit.

(a) Before operating a taxicab within the City, a driver shall:

(1) Possess a valid Class C Georgia driver's license;

(2) Be competent to operate a motor vehicle;

(3) Be familiar with the traffic laws and ordinances of the State of Georgia and City of Morrow;

(4) Provide authorization and any information necessary to enable the Chief of Police or his designee to investigate the driver's background, criminal history, and traffic record;

(5) Provide a current Motor Vehicle Report (Drivers History Report) at the time of original application and at renewal time;

(6) Be of good character as determined by the aforesaid investigation; and

(7) Obtain a driver's permit issued by the City.

(b) A driver's permit shall be denied to any applicant who does not meet the criminal history requirements of section 9-9-26 and the standards of this section. The following additional conditions shall result in the denial of a driver's permit:

(1) A driver's license revoked by the Department of Public Safety for violations within the previous five (5) years;

(2) A conviction for open container and/or transporting alcohol which is not the property of a fare within five (5) years; or

(3) A conviction of three or more moving traffic violations within twenty-four (24) months of application date.

Sec. 9-9-28. Denial, suspension and revocation of permit.

(a) An application for a business license or driver's permit issued under this chapter may be denied, suspended or revoked for due cause as defined in subsections (d) and (e) hereof.

(b) The Mayor and Council shall furnish a business license holder a notice setting forth the time, place, and purpose of a meeting at which it intends to consider the revocation or suspension of a business license. After a hearing, if the Mayor and Council determine due cause exists, it may suspend, revoke or place the license on probation, with or without conditions, for a maximum of 12 months.

(c) The Police Chief shall be charged with suspension or revocation of driver's permits under the standards of this chapter. The Police Chief shall have the right to suspend for a given number of days, or to revoke entirely, following 10 days' notice and hearing, any permit issued under this chapter.

(d) A license or permit 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 license or permit.

(2) For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this chapter and of the Code of Ordinances.

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

(4) For violation of any part of this chapter by the license or permit holder, its or his agents, partners, officers, employees or contractors.

(5) For allowing required insurance coverage to lapse.

(6) For transporting alcoholic beverages(s) that are not the property of a fare.

(7) Conviction of three or more moving traffic violations within a twenty-four (24) month period.

(8) Conviction of a felony.

(9) Conviction of reckless driving, or being in physical control of a vehicle while under the influence of alcohol or drugs.

(10) Failure to retain and properly account for any property of value left in a vehicle.

(11) Allowing a passenger to alight from the vehicle while it is in motion, or discharging a passenger at any place other than the curb, pavement edge or on an established driveway.

(12) Allowing a passenger to consume intoxicating substances or other controlled substance in the vehicle.

(13) Transporting a passenger to destination by a route that is not the safest or most direct, unless the passenger specifically authorizes such alternate or indirect route.

(14) Picking up any additional passengers without the express consent of the original passenger.

(15) Refusing to pick up as a passenger any person or proper deportment when the vehicle is available or to discriminate against any person because of race, religion, national origin, sex, marital status, age or mental or sensor handicap.

(16) Activating equipment indicating the vehicle is in use when it is not, or failing to activate such equipment when the vehicle is in use.

(17) Engaging in any unfair or deceptive acts or practices.

(18) Having repeated violations of traffic law or ordinances, or of any ordinance provision regulating the conduct of taxicab drivers.

(e) Business license holders are responsible for violations of this chapter by their vehicle operators whether such operators are direct employees or independent contractors.

(f) In addition to other penalties provided in the charter of the city, this code of ordinances, and laws of the state, the judge of the municipal court shall have the authority to revoke a driver's permit when the holder thereof is convicted of a violation of the Code of Ordinances of the city.

Sec. 9-9-29. Transferability.

Licenses and permits issued under this chapter are not transferable.

Sec. 9-9-30. Content of permit and the posting thereof.

A driver's permit shall bear the name, address and age of the driver. Additionally, the permit shall show the name of the driver's employer and shall have thereon a specimen signature of the driver and shall display a current photograph of the driver. The permit shall be posted in the taxicab being driven in such a place as to be in full view of all passengers while the taxicab is being operated.

Sec. 9-9-31. Notification of new drivers.

It shall be the duty of a business license holder to notify the Chief of Police whenever a new driver is hired or terminated from employment. Failure to so notify can result in revocation of the business license.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3: Should any word, phrase, sentence or paragraph of this Ordinance be determined to be invalid by judgment of a court of competent jurisdiction, such invalidity shall not affect the remaining words, clauses, phrases, sentences and paragraphs of this Ordinance, which shall remain in full effect.

SO ORDAINED this ___ day of _____, 2011.

_____
Jim Millirons, Mayor

ATTEST:

_____
Evyonne Browning, City Clerk

Ordinance prepared and approved by:

First Presentation: May 10, 2011
Second Presentation: _____

_____
Laurel Henderson, City Attorney