

Chapter 35

VEHICLES FOR HIRE¹

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ARTICLE I. IN GENERAL

Secs. 35-1 -- 35-16. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. TAXICAB BOARD

Sec. 35-17. Created; membership; term of office and compensation of members; votes required for action of the board.

There is hereby created a Taxicab Board. Such Board shall consist of three (3) representatives of the Tourism Industry, four (4) taxicab industry members, and two (2) citizens at-large, all of whom shall be appointed by the Mayor and confirmed by a majority vote of the whole membership of the City Council, and who shall serve without compensation for a term of two (2) years or until their successors are appointed. The industry members shall be owners or

¹ **Cross references** -- Advertising, Ch. 3; metropolitan transient authority, Ch. 23; motor vehicles and traffic, Ch. 24; operation of vehicles in parks, §26-3; certain commercial vehicles, etc., prohibited in city parks, §26-5; streets and sidewalks, Ch. 32.

State law references -- Motor carriers, T.C.A., §65-15-101 et seq.; exemption of taxicabs from portion of motor carriers chapter, §65-15-103(3); municipal authority to regulate jitneys, §§65-19-102, 65-19-105; authority to regulate taxicabs, §7-56-102.

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operators of taxicabs, but not more than one (1) member shall be employed by or affiliated with the same taxi company or cab stand, unless the number of taxi companies or cab stands is less than five (5) in which case a taxi company or cab stand may have more than one (1) member so long as every taxi company and cab stand is represented. Five (5) members present for a meeting of the Taxicab Board shall constitute a quorum.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 2, 10-6-92; Ord. No. 9940, § 1, 8-24-93; Ord. No. 10268, § 1, 7-25-95)

Sec. 35-18. Secretary; treasurer.

(a) The Mayor shall designate a secretary for the Taxicab Board who shall serve as the custodian of its records.

(b) The City Treasurer shall issue permits for those persons, companies, and vehicles approved by the Taxicab Board, bearing individual numbers for each taxicab licensed under such permit. Prior to issuing such permits, the City Treasurer shall collect such fees therefor as are authorized by this Article.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-19. Jurisdiction; appeals.

The Taxicab Board shall have exclusive jurisdiction of the licensing and regulation of taxicabs and shall constitute the sole administrative agency for the administration of all laws and ordinances relating to the licensing and regulation of taxicabs. There is hereby imposed upon such Board the authority, power and duty to enforce the provisions of this ordinance, provided that nothing in this Section shall be construed to prohibit any court from imposing penalties provided by this Code for any violation of this Article. The actions of the Taxicab Board shall be final, subject to such judicial appeal as may be allowed by law.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-20. Taxicab inspector(s).

The Mayor shall appoint one (1) or more persons as taxicab inspector(s). The taxicab inspector(s) may have other duties. If the taxicab inspector(s) is not a regular police officer, he or she shall be appointed as a special police officer authorized to issue citations for violations of this Article.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-21. Duties of chief of police and traffic engineer.

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The chief of police and the traffic engineer shall advise the Board when requested concerning those matters of public safety and proper traffic control.
(Ord. No. 9784, § 1, 9-8-92)

ARTICLE III. REGULATION OF TAXICABS

DIVISION 1. GENERALLY

Sec. 35-22. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them by this section:

Certificate: A certificate of public convenience and necessity issued by the Taxicab Board, authorizing the holder thereof to conduct a taxicab business within Chattanooga.

Cruising: The driving of a taxicab on the streets, alleys or public places of Chattanooga in search of or soliciting prospective passengers for hire.

Driver's permit: The permission granted by the Taxicab Board to a person to drive a taxicab upon the streets and roads of Chattanooga.

Holder: A person to whom a certificate of public convenience and necessity has been issued.

Manifest: A daily record prepared by a taxicab driver or taxicab dispatcher of all trips made by such driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Rate card: A card issued by the taxicab inspector(s) for display in each taxicab, which contains the rates of fare then in force.

Taxicab: A motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than fifteen (15) persons and not operated on a fixed route; provided that courtesy vehicles operated to or from the airport to hotels, motels, parking lots or car rental agencies shall not be deemed to be taxicabs.

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Taxicab stand: A place alongside a street, or elsewhere, where the traffic engineer has authorized a holder of certificate of public convenience to park for picking up or discharging passengers.

Taximeter: A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

Waiting time: The time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but such term does not include any time that the taxicab is not in motion if due to any cause other than the request, acts or fault of a passenger.
(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-23. Equipment and maintenance of vehicles; appeals.

(a) *Inspection.* Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the taxicab inspector(s), and found to comply with the following minimum standards:

- (1) All tires shall have more than three thirty-seconds (3/32nds) of an inch of tread.
- (2) All vehicles shall have an operable horn; a rear-view mirror; two operable headlights; operable turn signals; and two operable tail lights.
- (3) The windshield must be unbroken and must be equipped with operable wipers.
- (4) The vehicle's exhaust system and muffler must be in proper operating condition.
- (5) The brakes and emergency brakes must be in working condition.
- (6) There can be no major body damage and body replacement parts must match the original part in color. Any damage in excess of a five hundred dollar (\$500.00) repair cost shall be deemed to be major property damage; however, any property damage which affects passenger comfort, convenience, or safety is also considered major property damage. Any major property damage shall be repaired within sixty (60) days of the event giving rise to the damage.
- (7) The interior of the taxi shall be clean, with no torn seats, unpleasant odors, or broken windows.
- (8) All doors of the vehicle shall be in working order.

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- (9) All taxis shall be equipped with a taximeter and the owner shall certify to such meter being in proper working order.
- (10) Each vehicle shall be equipped with the same number of seat belts as was installed on the vehicle at the time of its manufacture.
- (11) All taxis shall be equipped with two-way radios or cellular phones.
- (12) All taxis shall have clear and visible identification numbers of size four (4) inches or larger, not to exceed three (3) digits placed on each side and on the rear of the taxicab.
 - (b) *Periodic inspections.* Every vehicle operating under this article shall be inspected annually by the taxicab inspector(s) to insure the continued maintenance of safe operating conditions.
 - (c) *Cleanliness.* Every vehicle operating under this article shall be kept in a clean and sanitary condition, and shall at all times meet the minimum conditions set forth in subsection (a).
 - (d) *Appeals.* All decisions of the Taxicab Inspector(s) shall be appealable to the Taxicab Board provided the owner or operator shall file written notice of appeal within thirty (30) days following the action of the Taxicab Inspector(s).
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, §§ 3-5, 10-6-92)

Sec. 35-24. Designation of company name; color scheme and insignia.

- (a) Each taxicab shall bear on the outside of each front door, in painted letters, not less than four (4) inches nor more than six (6) inches in height, the name of the company and, in addition, may bear an identifying monogram or insignia. No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall in the opinion of the Taxicab Board conflict with or imitate any color scheme, identifying design, monogram or insignia used by a vehicle already operating under this article in such manner as to be misleading or tend to deceive or defraud the public. If, after a certificate of public convenience and necessity has been issued for a taxicab under this article, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the Taxicab Board, in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such manner as to be

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misleading or tend to deceive the public, the certificate of or certificate covering such taxicabs shall be suspended or revoked.

(b) Taxicabs currently licensed may continue to operate with existing exterior marking and color schemes up to sixty (60) days from the date of the adoption of this ordinance; but thereafter all vehicles operating from the same taxi stand shall be required to adopt unique color and exterior marking schemes as provided in subsection (a).

(c) Once a vehicle shall cease to be operated as a taxicab licensed hereunder, it shall not be operated for any other purpose until such exterior markings identifying the vehicle as a taxicab are obliterated.

(Ord. No. 9784, § 9-8-92; Ord. No. 9799, § 6, 10-6-92)

Sec. 35-25. Taximeters.

All taxicabs operated under the authority of this article shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night. After sundown, the face of the taximeter shall be illuminated. Such taximeters shall be operated mechanically by a device 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. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to throw the flag of such taximeter into a recording position at the beginning of each trip and to throw the flag of such taximeter into a non-recording position at the termination of each trip. Taximeters shall be subject to inspection from time to time by the taxicab inspector(s). Any inspector is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the highways until the taximeter is repaired and in required working condition.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-26. Rates of fare - schedule.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than the rates set below:

(a) There is hereby established a maximum rate to be charged for taxicab service. The maximum charge for actuating the meter shall be no greater than two dollars (\$2.00). The maximum charge for each one-tenth of a mile thereafter shall be no greater than twenty cents (\$0.20). The rate shall be subject to a performance review by the Office of the Mayor.

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(b) All taxicab drivers shall drive the shortest and most direct route in transporting a passenger from the point of pick-up to the point of destination unless requested otherwise by the passenger.

(c) There will be an additional charge for waiting time which shall be up to a maximum of twenty cents (\$0.20) for each one (1) minute of waiting. Waiting time shall be charged only for stops or delays caused by the passenger(s) and shall not apply to stops or delays due to any other cause.

(d) The Taxicab Board may establish one or more "meter zones" where all trips that have their origin and destination in the zone may be charged a flat rate providing the rate shall be less than or substantially equivalent to the rates authorized under paragraph (a) of this Section.

(e) The Taxicab Board may establish a single fare structure for all taxi trips beginning or ending at Lovell Field with origin or destination within Chattanooga's corporate limits which fare shall be reasonably related to the cost of providing such services.

(f) The taxicab inspector(s) shall furnish rate cards to the holders of certificates of public convenience and necessity. Said rate cards shall be displayed conspicuously in each taxicab. Failure to display said rate card in a conspicuous manner shall be grounds for revocation or suspension of the permit for the taxicab failing to display the rate card.

(g) The Taxicab Board may approve temporary emergency rates for sixty (60) days. (Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 7, 10-6-92; Ord. No. 11934, § 1, 2-13-07)

Sec. 35-27. Same - filing of changes.

Each taxicab company shall be required to file a list of their rates thirty (30) days prior to change with the taxicab inspector(s), and there shall not be more than one (1) rate charged by any one (1) taxicab company or stand. Rates charged by each taxicab shall be the same as that on file with the taxicab inspector(s) and shall be posted conspicuously in the taxicab. Additional charges for services such as waiting time or baggage handling shall be submitted as a part of the fare structure. Rates may not be changed more often than semi-annually except for extraordinary cause such as but not limited to marked increases in fuel costs caused by shortages, government policy, or other events beyond the control of the owner of the taxicab. (Ord. No. 9784, § 1, 9-8-92)

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Sec. 35-28. Receipts.

The driver of any taxicab shall upon request by the passenger, provide a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, the amount of meter reading or charges and date of transaction.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-29. Refusal of passenger to pay legal fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and it shall be unlawful for any person to hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-30. Solicitation of passengers by drivers; drivers to remain in or near vehicles.

No taxicab driver shall solicit passengers for a taxicab, except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public streets; except, that when necessary, a driver may be absent from his taxicab for not more than ten (10) consecutive minutes when the taxicab is in service; provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-31. Prohibited manner of solicitation.

No taxicab driver shall solicit patronage by obstructing the movement of any persons, or by following any person for the purpose of soliciting patronage.

(Ord. No. 9784, § 1, 9-8-92)

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Sec. 35-32. Receipt and discharge of passengers on sidewalk only.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either side of the roadway in the absence of a sidewalk.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-33. Cruising.

No driver shall cruise in search of passengers, except in such areas and at such times as shall be designated by the Taxicab Board. Such areas and times shall only be designated when the Taxicab Board finds that taxicabs cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-34. Solicitation of other common-carrier passengers prohibited.

No driver, owner or operator of a taxicab shall solicit passengers at an interstate bus station, rail station, airport or at any bus stops along any established route of the Chattanooga Regional Transportation Authority.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-35. Reserved.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-36. Additional passengers.

No taxicab driver shall permit, except as otherwise provided in this article, any other person to occupy or ride in such taxicab unless the person first employing the taxicab shall consent to the acceptance of additional passengers. There is hereby authorized a charge for additional passengers not to exceed one dollar (\$1.00) per passenger when such passenger is accompanying the original passenger and proceeding to the same destination. When the additional passenger rides beyond the original passenger's destination he shall be charged only for the additional distance so traveled.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-37. Restrictions on number of passengers.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his or her taxicab, as stated in the certificate for such vehicle issued by the Taxicab Board.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-38. Refusal to carry orderly passengers prohibited.

No taxicab driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-39. Taxicab stands - establishment; use.

(a) *Establishment.* The Taxicab Board is hereby authorized and empowered to and shall establish taxicab passenger loading zones or stands upon the streets of the City in such places as, in its discretion, it deems proper. The Taxicab Board is further authorized to eliminate any taxicab passenger loading zones or stands now in use, or later established. The written approval of the abutting property owners of such places shall be required before the creation of such passenger loading zones or stands. The traffic engineer shall make an investigation of the traffic conditions at such places and shall thereafter file written recommendations with the Taxicab Board. The Taxicab Board shall abide by these recommendations.

(b) *Open stands.* Any taxicab passenger loading zone or stand established in accordance with subsection (a) of this section, exclusive of those stands previously assigned to the sole use of specific holders shall be public or open passenger loading zones or stands, available to all holders. Any new or additional passenger loading zones or stands established in the immediate vicinity of, adjacent to, in front of or in the rear of previously assigned stands shall be public or open passenger loading zones or stands available to all holders, but such passenger loading zones or stands shall not be available to holders of exclusive stand privileges at such locations. Nothing contained herein shall be construed as denying, or intending to deny any passenger the right to take a cab of his or her choice or preference at any such stand.

(c) *Starters.* Each holder operating a taxicab stand as provided for in this article may be allowed where it would facilitate the convenience of the public, in the discretion of the Taxicab Board, to have on duty at such stand a starter or other employee for the purpose of assisting in the loading and unloading of passengers from taxicabs, for receiving calls and

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dispatching cabs, and for soliciting passengers at such stands. The words "at such stands" shall mean that point of the sidewalk immediately adjacent to and of equal length with such stand. It shall be unlawful for any such starter or other employee to go beyond the area herein designated for the purpose of soliciting passengers or assisting them to board such cabs.

(d) *Obstruction, etc.* It shall be unlawful for any holder to obstruct or interfere with the free use and enjoyment of any public or open taxicab stand by any other holder, or to interfere with, obstruct or otherwise impede the use of any assigned stand by the holder of such stand. Each occurrence affecting such "other holder" shall be deemed a separate offense. Any holder found guilty of three (3) offenses within any twelve (12) months period shall have his certificate suspended for not less than thirty (30) days, nor more than ninety (90) days for a first offense. A second offense or subsequent offense within one (1) year shall be subject to a suspension of not less than ninety (90) days nor more than one (1) year.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-40. Same - use by other vehicles prohibited.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as taxicab stands.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-41. Duty to render service; central place of business required.

All persons engaged in the taxicab business in Chattanooga, operating under the provisions of this article, shall render an overall service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received from them for services inside Chattanooga as soon as they can do so, and if such services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before such call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere within Chattanooga at any time when such holder has available cabs, or who shall fail or refuse to give overall service, shall be deemed a violator of this article, and the certificate granted to such holder may be revoked at the discretion of the Taxicab Board.

(Ord. No. 9784, § 1, 9-8-92)

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Sec. 35-42. Drivers' manifests.

Every taxicab driver, or taxicab dispatcher, shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip and the amount of fare and number of passengers. All such completed manifests shall be returned to the cab owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the cab owner and shall be of a character approved by the Taxicab Board.

Every cab owner shall retain and preserve all drivers' manifests in a safe place for at least the current year and the calendar year next preceding the current calendar year, and such manifests shall be available for inspection by the taxicab inspector(s) and the Taxicab Board. (Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 8, 10-6-92)

Sec. 35-43. Records and reports by certificate holders.

Every holder of a certificate of public convenience and necessity shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the Taxicab Board. Every such holder shall maintain the records containing such information and other data required by this article at a place readily accessible for examination by the taxicab inspector(s) and the Taxicab Board. Except to the extent deemed advisable by either the Taxicab Inspector(s) or Taxicab Board to administer or enforce the provisions of this article, these records shall not be copied or if copied for administrative purposes retained for periods longer than necessary for such administration. (Ord. No. 9784, § 1, 9-8-92)

Sec. 35-44. Duty of taxicab inspector(s) to enforce ordinance.

The taxicab inspector(s) is/are hereby authorized and are instructed to watch and observe the conduct of holders of certificates of public convenience and necessity and drivers operating under this article. Upon discovering a violation of the provisions of this article, the taxicab inspector(s) shall report the same to the Taxicab Board, which will order or take appropriate action. The taxicab inspector(s) may also cite the violator to City Court for violations of this article or other applicable law or ordinance. (Ord. No. 9784, § 1, 9-8-92)

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Sec. 35-45. Taxicab company agreement for taxicabs operated under franchise control and liability.

(a) All taxicab companies shall be required to show proof of liability insurance or a certificate of self-insurance issued pursuant to T.C.A. § 55-12-111 to the Taxicab Board for each taxicab operated under their franchise.

(b) This insurance shall cover each vehicle operated under their franchise.

(c) A failure to maintain such insurance shall be grounds for revocation of a certificate or driver's permit.

(Ord. No. 9784, § 1, 9-8-92)

DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 35-46. Required.

No person shall operate or permit a taxicab or motor vehicle owned or controlled by him and as defined in Section 35-22 of this Code as amended, upon the streets and roads of Chattanooga without having first obtained a certificate of public convenience and necessity from the Taxicab Board.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-47. Application.

(a) An application for a certificate of public convenience and necessity shall be filed with the Taxicab Board upon forms provided by the taxicab inspector(s) and upon the payment of a nonrefundable fee of one thousand dollars (\$1,000.00), plus fifty dollars (\$50.00) per taxi for taxis in excess of ten (10) cabs. A renewal application and a fee of fifty (\$50.00), plus ten dollars (\$10.00) per cab for each cab in excess of ten (10) cabs, shall be filed on or before the annual renewal date of the certificate of public convenience and necessity. Such application shall be verified under oath and shall furnish the following information:

(1) The name and address of the applicant.

(2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments.

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- (3) The experience of the applicant in the transportation of passengers.
 - (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of the certificate.
 - (5) The number of vehicles and their make and year models to be operated or controlled by the applicant and the location of proposed depots and terminals.
 - (6) The color scheme and insignia to be used to designate the vehicles of the applicant.
 - (7) Whether or not the applicant has been convicted of a felony within three (3) years.
 - (8) Such further information as the Taxicab Board may require.
- (b) No applications for public convenience and necessity shall be accepted for less than ten (10) cabs, excluding any person or company who has regularly operated a taxi business in Chattanooga prior to the effective date of this Article.
- (c) If an application is incomplete, it shall be returned to the applicant for completion prior to being acted upon.
- (d) Each application shall be signed by the owner(s) or duly authorized officer, which shall be deemed to be a certification that the information on the application is accurate. Any material misrepresentation made on an application shall be grounds for revocation of the certificate.
- (e) Notwithstanding the requirements of paragraph (a) of this section, any person or company operating a taxi business in Chattanooga on and prior to September 22, 1992, may file their application without the payment of fees provided therein and shall be granted a certificate of public convenience and necessity upon completion of a partial application containing the information required by sub-paragraphs (1), (5), (6), and (8) of paragraph (a) and verification of the accuracy thereof by the Taxicab Board. No public hearing required by Section 35-48 or finding that further taxicab service is needed in Chattanooga required by Section 35-49 shall be required to issue the certificate of public convenience and necessity for any person or company operating a taxi business in Chattanooga on and prior to September 22, 1992. The Taxicab Board shall determine the number of permits to grant to each person or company in operation as

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of September 22, 1992, based upon the number of cabs that each applicant had in operation as of that date and which are properly equipped and can pass inspection under Section 35-23; and if necessary to maintain the initial cap of one hundred fifty (150) permits for the first year of the existence, it may pro rate the permits based upon the relative size of the operations of the applicants as of that date.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 9, 10-6-92)

Sec. 35-48. Public hearing.

Upon the filing of an application for a certificate of public convenience and necessity and/or a request for additional permits, the Taxicab Board shall fix a time and place for a public hearing thereon, to be not less than thirty (30) days after receipt of the application or request. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall be given the general public by posting a notice of such hearing in the morning and evening newspapers at least three (3) days, but not more than five (5) days prior to the public hearing. Any person may file with the Taxicab Board a memorandum in support of or opposition to the issuance of a certificate of public convenience or a request for additional taxicab permits. The Taxicab Board may call special meetings for the consideration of new certificates of public convenience and necessity and/or applications for new taxicab permits. The Taxicab Board shall adopt procedures to govern the consideration of such applications.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 11075, § 1, 10-3-00)

Sec. 35-49. Issuance.

If the Taxicab Board finds that further taxicab service in Chattanooga is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article, the Taxicab Board shall issue a certificate, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance; otherwise, the application shall be denied. Provided that should the application be incomplete, the Taxicab Board shall not issue a certificate of public convenience and necessity until any omissions are cured. Any material misrepresentation in the application shall be a basis for denial of a certificate of public convenience and necessity. If the applicant or any owner of the business having a ten percent (10%) or greater financial interest in the business has been convicted of a felony within three (3) years, the certificate shall be denied.

In making the above findings, the Taxicab Board shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public

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need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant. At the time of the enactment of this Article, there have been approximately one hundred fifty (150) permits issued under preexisting regulations. One hundred fifty (150) shall be the cap placed upon the issuance of permits for the first year that the Taxicab Board shall be in existence, which cap may thereafter be changed by the Taxicab Board pursuant to the above criteria. Permits for taxicabs which are not regularly used shall not be renewed. If a taxicab shall not be operated for ninety (90) days or more consecutive days in any permit year without adequate justification, it shall be deemed not to be regularly used; however, other proof of lack of regular use may be considered by the Board.

The action of the Taxicab Board in issuing or denying such a certificate shall be final, except as it may be subject to review at law.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-50. Proof of financial responsibility required.

No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect proof of financial responsibility for each vehicle authorized in an amount in accordance with the minimum limits set by the law of the State of Tennessee for financial responsibility of owners and operators of motor vehicles. Such security shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Proof of financial responsibility shall be established in accordance with standards set by the law of the State of Tennessee. Proof of financial responsibility shall be filed with the taxicab inspector(s) and shall have as a surety thereon a surety company authorized to do business in the State of Tennessee or a certificate of self-insurance issued by the Commissioner of Safety as provided by T.C.A. § 55-12-111.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-51. Reserved.

Sec. 35-52. Transfer.

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred, nor may there be any modification of ownership as to stock transfer, new or additional partners, etc., by a holder of a certificate of public convenience and necessity without the consent of the Taxicab Board. Provided that in the event of a death of a permit holder, the certificate may be devised to or inherited by a spouse or child, and they shall be

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granted a certificate by the Taxicab Board providing they are otherwise qualified for the certificate.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 11, 10-6-92)

Sec. 35-53. Suspension and revocation.

(a) A certificate of public convenience and necessity issued under the provisions of this division may be revoked or suspended by the Taxicab Board if the holder thereof has:

- (1) Violated any of the provisions of this article.
- (2) Discontinued operations for more than five (5) days.
- (3) Has violated any provision of this Code or other Chattanooga ordinance or the laws of the United States or the State of Tennessee, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
- (4) Has charged a passenger rates in excess of those authorized pursuant to Sections 35-26 and 35-27.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. The action of the Taxicab Board at such hearing shall be final subject to review at law.

(Ord. No. 9784, § 1, 9-8-92)

DIVISION 3. DRIVERS' PERMITS

Sec. 35-54. Required.

(a) All owners of vehicles for hire being operated as taxicabs are required to maintain a current driver's permit and/or owner's permit. The permit shall be obtained in the manner provided by in this chapter.

(b) No person shall operate a taxicab for hire upon the streets and roads of Chattanooga, and no person who owns or controls a taxicab shall permit it to be so driven and no taxicab licensed by the Taxicab Board shall be so driven at any time for hire, unless the driver of such taxicab shall first obtain and shall have then in force a taxicab driver's permit issued under the provisions of this division.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-55. Application.

An application for a taxicab driver's permit or annual renewal shall be filed with the Taxicab Board on forms provided by the taxicab inspector(s). Such application shall be verified under oath and shall contain the following information:

(a) Proof of a license issued by the state.

(b) Each application shall be accompanied by a certificate from a licensed physician certifying that, in his or her opinion, the applicant is not inflicted with any disease or infirmity which might make the applicant an unsafe or unsatisfactory driver.

(c) At the time the application or renewal is filed, the applicant shall pay to the Taxicab Board a fee of ten dollars (\$10.00).
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 12, 10-6-92)

Sec. 35-56. Police investigation of applicant.

The police department shall conduct an investigation of each applicant for a taxicab driver's permit. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Taxicab Board.
(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-57. Consideration of application.

The Taxicab Board shall, upon the consideration of the application or renewal and the reports and certificate required to be attached thereto, approve or reject the application. The applicant must appear in person. The action of the Board approving or denying such application shall be final subject to a review at law.
(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-58. Issuance; contents.

Upon approval of an application or renewal for a taxicab driver's permit, the Taxicab Board shall issue a permit to the applicant, which shall bear the name, address, age, signature, and photograph of the applicant.
(Ord. No. 9784, § 1, 9-8-92)

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Sec. 35-59. Term; renewal fee.

Each taxicab driver's permit shall be issued for a period of one (1) year or any part thereof, with all permits issued pursuant to this article expiring on September 30 of each year. A permit for the one-year period or any portion thereof shall be issued upon the payment of ten dollars (\$10.00) unless the permit for the preceding year has been revoked. A five dollar (\$5.00) fee shall be charged for all replacement or temporary taxicab driver permits.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 13, 10-6-92)

Sec. 35-60. Display in taxicab.

Every driver to whom a permit is issued under this division shall post his or her driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-61. Suspension and revocation.

The Taxicab Board is hereby authorized to suspend any driver's license issued under this division for a driver's failing or refusing to comply with the provisions of this article. The Taxicab Board is also authorized to revoke any driver's permit for failure to comply with the provisions of any other ordinance or law related to the driver's qualifications to be a taxi driver. The Taxicab Board may revoke a driver's license for charging a passenger rates in excess of those authorized pursuant to Sections 35-26 and 35-27. However, a permit may not be revoked or suspended unless the driver has received notice and had an opportunity to present evidence in his or her behalf. The Taxicab Board shall adopt administrative procedures to govern the conduct of such hearing. The action of the Taxicab Board in suspending a license or permit shall be final, subject to a review at law.

(Ord. No. 9784, § 1, 9-8-92)

Secs. 35-62 -- 35-145. Reserved.

ARTICLE IV. WRECKING AND TOWING SERVICE

Sec. 35-146. Purpose.

The purpose of this article is to establish regulations and procedures to license district wrecker operators who apply to remove wrecked or disabled vehicles at the request or call of the City Police Department or other department of the City and to establish a rotation call list procedure for these operators and to establish a board to administer this article.
(Code 1986, § 35-146 ; Ord. No. 11400, 03-04-03)

Sec. 35-147. Definitions.

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

District wrecker. All wrecker or towing operators licensed by the city under this article who qualify to be placed on the rotation call list to respond to requests for towing of vehicles made by the city.

Inside storage. The storing of a motor vehicle within an enclosed building being used by the wrecker or towing operator as his place of business.

Normal business hours. The hours from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Outside storage. The storing of a motor vehicle within a lot or premises being used by the wrecker or towing operator as a place of business, but not inside storage as described above.

Wrecker board. The beer and wrecker board created to administer this article.

Wrecker inspector. That officer or employee of the city police department designated by the chief of police as the person responsible for receiving applications, conducting investigations of proposed wrecker operators, and making recommendations to the wrecker board.

Wrecker or towing operator. Any person engaged in the business of, or offering the services of, a wrecker or towing service to remove wrecked or disabled vehicles at the request or call of the City Police Department or other department of the City, whereby motor vehicles are

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or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

(Code 1986, § 35-147, Ord. No. 10625, § 1, 10-7-97; Ord. No. 11400, 03-04-03)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 35-148. District Wrecker classifications.

(a) For purposes of this article, District wreckers are classified into four (4) classes, class A, class B, class C, and recovery class, with minimum requirements for each classification as follows:

- (1) *Class A.* For towing passenger cars, pick-up trucks, small trailers, etc.

CHASSIS:

- A. Minimum GVWR 14,500 lbs.;
- B. Dual Rear Wheels
 - 1. Minimum 7.50 X 16
 - 2. Minimum 225 X 16
 - 3. Minimum Tread 8/32;
- C. Minimum 60 inch cab to axle;
- D. Present a professional outward appearance; and
- E. Fully functional drivers and passenger side mirrors.

WRECKER:

- A. Manufactured body, boom, and underlift;
- B. Minimum 60 inch cab to axle;
- C. Hydraulic recovery boom
 - 1. Minimum capacity 8 ton retracted
 - 2. Minimum capacity 4,000 LD extended
 - 3. Hydraulic elevation
 - 4. Hydraulic extension
- D. Dual Hydraulic 8,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 3/8 inch cable
 - 3. 100 feet minimum of cable from winch
 - 4. Swidged thimbles (no clamps)
- E. Hydraulic Wheel Lift

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1. Hydraulic Elevation
 2. Hydraulic Extension
 3. 3,500 LB Capacity at full extension
 4. 7,500 LB Tow Rating
 5. Sound and operational tire restraint straps
 6. Safety chains OEM Spec's Or %70 Grade 5/16 inch
- F. Operational Dollies
- G. Tow Sling w/J Hooks and chains
1. Sling straps in sound working condition
 2. J Hooks and Chain in Sound WO
- H. Tow Lights w/Cord (Operational)
- I. Rotating Light Bar (Fully Operational)
- J. Work Lights (Operational)
- K. Trailer Ball Attachment
- L. Attachment or carrying straps for motorcycle
- M. Safety Package
1. 5 LB Fire Extinguisher (charged & operational)
 2. Shovel
 3. Broom
 4. Bucket
 5. 2 3/8 inch X 10 Ft recovery chains (Not "J" Hooks sling chains) minimum
 6. 5 Lbs oil dry
 7. First Aid Kit

(2) *Class B.* For towing medium size trucks, trailers, etc.

CHASSIS:

- A. Minimum GVWR 25,500 LBS
- B. Dual Rear Wheel
 1. 8.25 X 22.5
 2. 265R X 22.5
 3. Minimum 8/32 tread all six tires
- C. Minimum cab to axle 108 inches
- D. Air Brakes
- E. Professional Outward Appearance
- F. Functional Drivers/Passenger Side Mirrors

WRECKER:

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- A. Manufactured body, boom, and wheellift
 - B. Boom Capacity 16 Ton
 - C. Hydraulically Powered Boom
 - 1. Hydraulic Elevation
 - 2. Hydraulic Extension
 - D. Dual 16,000 LB Hydraulic Winches
 - 1. Direct Mount Hydraulic Motor
 - 2. 6 X 19 ½ inch cable
 - 3. 150 feet of cable from the winch
 - 4. Swidged Thimbles (No clamps)
 - E. Hydraulic Wheellift
 - 1. Power elevation
 - 2. Power extension
 - 3. 8,000 Lb. capacity full extension
 - 4. 32,000 Lb. Tow Rating
 - 5. ½ inch OEM or T-70 Safety Chain Permanently Attached
 - F. Medium Duty Truck Hitch w/ ½ in. chasis
 - G. Rear Jacks or spades (Wheellift not acceptable)
 - H. Tow Lights or Bar w/Cord (Operational)
 - I. Rotating light bar (Fully Operational)
 - J. Work Lights
 - 1. Upper Work Lights
 - 2. Lower Hook Up Lights
 - 3. All lights must be operational
 - K. Tow Ball and/or Attachment
 - L. Safety Package
 - 1. 5 Lb. Fire Extinguisher
 - 2. Shovel
 - 3. Broom
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. Pair 3/8 in. X 10 ft. Chains minimum
 - 8. Pair ½ in. X 10 ft. Chains minimum
 - 9. First Aid Kit
- (3) *Class C.* For towing large trucks, road tractors and trailers.
CHASSIS:

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- A. Minimum GVWR 50,000 LBS.
- B. Tandem Axle
 - 1. 10 X 22.5 Minimum
 - 2. 285R X 22.5 Minimum
 - 3. 8/32 Tread minimum all ten (10) tires
- C. Minimum 156 Inch C.B.
- D. Air Brake
- E. Air Service Lines
- F. Professional Outward Appearance
- G. Functional Driver/Passenger Side Mirrors

WRECKER:

- A. Manufactured Body, Boom, and Underlift
- B. Boom Capacity of 25 Ton
- C. Hydraulically Powered Boom
 - 1. Power Elevation
 - 2. Power Extension
- D. Dual Hydraulic 25,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 5/8 inch cable minimum
 - 3. 200 ft. minimum from winch
 - 4. Swidged Thimbles (No clamps)
- E. Hydraulically Powered Underlift
 - 1. Power Elevation
 - 2. Power Extension
 - 3. 12,000 LB Capacity Full Extension
 - 4. 80,000 LB Tow Rating
 - 5. 5/8 OEM or A-80 Safety Chain
- H. Truck Hitches w/chains and/or Underlift Attachment
- I. Hydraulic Rear Jacks or Spades
- J. Tow Bar w/Cord
- K. Rotating Light Bar
- L. Air and Service Lines
- M. Work Lights
 - 1. Upper Work Lights
 - 2. Lower/Hookup Lights
 - 3. All Lights Operational

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- N. Tow Ball and Pintal Hook Attachment
- O. Safety Package
 - 1. 5 LB Fir Extinguisher
 - 2. Broom
 - 3. Shovel
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. 2 Pair of T70 X 10 FT minimum chain
 - 8. 1 Pair of A80 X 10 FT minimum chain
 - 9. First Aid Kit

(4) *Recovery Class* for towing large trucks, road tractors and trailers:

- A. The Tow Truck chassis shall have:
 - 1. a minimum manufacturers capacity of not less than, GVWR 7 tons/ 54,000 pounds and tandem axles:
 - i. 11 X 22.5 Tires minimum
 - ii. 11 X 24.5 Tires minimum
 - iii. 295R X 22.5 or 24.5 Tires Minimum
 - 2. Minimum overall wheelbase 300" measured from the center of the bogey to the front steering axle
 - 3. Air brakes & air service lines

(Ord. No. 11566, §1, 06-15-04)

- B. Wrecker shall have:
 - 1. Manufactured body minimum 156" cab to bogey Boom
 - 2. Manufactured boom capacity 50 ton rotator minimum
 - 3. Fully hydraulic recovery boom
 - i. Power elevation
 - ii. Power extension
 - 4. Dual hydraulic mount 50,000 lb. winch motor
 - i. Direct mount winch motor
 - ii. 6 x 37 IWRC $\frac{3}{4}$ cable with swivel hook and 250' of continuous cable
 - iii. Swidged cable (no clamps)
 - 5. Hydraulic power underlift
 - i. Power elevation

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- ii. Power extension
 - iii. 15,000 lb. lift capacity
 - iv. 80,000 lb. tow rating
 - v. Minimum 105" of clear reach
6. Heavy duty truck hitch w/chains or underlift attachment
7. Hydraulic power rear jacks and/or spades
8. Rotating light bar strobe
9. Tow light bar w/cord
10. Two (2) Air lines, 45' long, with a 3/8" minimum inside diameter
11. Work lights
 - i. Upper set w/ swivel base
 - ii. Lower set hook up
 - iii. All lights must be operational
12. Towball and pintle hook attachment
13. Safety package
 - i. First aid

C. Recovery Class permit holders shall have:

1. One licensed recovery class wrecker
2. One licensed Class C wrecker – meeting the current specification for Class C Wrecker
3. 1 Sliding axle trailer
4. a “congear” system
5. The following air cushions:
 - i. Two (2) Starter Cushions: Size 36" Diameter X 36" High 7,000 pounds – Vertical Lift (Each) 1,100 pounds Float Capacity
 - ii. Four (4) Heavy Lift Cushions: Size 60" Diameter X 96" High 19,500 pounds – Vertical Lift (Each) 7,300 pounds Float Capacity
6. generator w/additional accident scene lighting
7. owner and/or first lease holder to fully insure storage lot (insurance issued to operator of tow service only) to hold minimum 4 complete tractor trailer units
8. Minimum 35,000 Lb. Drag winch with 200 feet of cable

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9. One (1) set of acetylene/oxygen cutting torch with a minimum of 50 feet of hose lines
10. One (1) 48 inch wrecking bar
11. One (1) ½ inch nylon rope – minimum of 50 feet
12. One (1) truck air brake release kit
13. Two (2) nylon lifting slings 25 feet in length, 6 inches wide
14. One (1) front end loader with minimum of 1-1/2 cubic yard bucket, or equivalent loading capability
15. One (1) reciprocating electric saw
16. One (1) air impact metal cutter
17. One (1) engine driven air compressor with receiving tank, regulator hose reel and hose, with minimum of 5 h.p. /11.8 cfm
18. One (1) 12- inch circular saw (electric)
 19. One (1) 10 foot x 12 foot tarpaulin – canvas or equal
 20. One (1) 12 foot x 40 foot tarpaulin – canvas or equal
 21. One (1) set of 36 inch bolt cutters
 22. Four (4) 3/8 inch alloy tow chain – minimum of 20 feet, and brakes
 23. Four (4) ½ inch alloy tow chain – minimum of eight (8) feet
 24. Sufficient number of binders to secure loads up to 50,000 pounds
 25. One (1) axe
 26. Four (4) snatch block – 12 ton capacity
 27. One (1) set of four (4) cribbing beams, three (3) feet long

(b) Notwithstanding the particular specifications for class A, class B, class C or Recovery Class wrecker, the wrecker board may grant a permit to a vehicle which is functionally equivalent for a particular class although the vehicle may not meet each and every specification.

The applicant shall bear the burden of demonstrating through technical literature or otherwise that the vehicle is functionally equivalent.

(Code 1986, § 35-148; Ord. No. 11400, 03-04-03)

Any wrecker or towing operator that had a wrecker that was classified as a Class C wrecker prior to January 1, 2003, with a minimum “minimum manufacturer's capacity of not less than three (3) tons (thirty thousand (30,000) pounds G.V.W.) shall be placed on the City's Recovery Class district wrecker rotation list until January 1, 2006. A wrecker or towing operator placed on the Recovery Class rotation list by the provisions of this section shall be removed from such rotation list if such wrecker or towing operator does not have a wrecker that

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meets the minimum standards for classification as Recovery Class on or before January 1, 2006.

(Ord. No. 11566, §2, 06-15-04)

(c) A *Recovery Class* district wrecker shall be restricted to controlled access highway and such wreckers shall only be dispatched by the Chattanooga Police Department if one or more of the following factors are applicable:

1. There is major structural damage to a large truck(s), road tractor(s) or trailer(s) so as to result in an unstable situation which might result in more damage or a rupture of tanks or trailers and the potential spillage of contents; or,
2. There is wreckage in an uncontained state at the site of an accident; or,
3. Recovery of large truck(s), road tractor(s) or trailer(s) requires multiple pieces of equipment such as wreckers, loaders, cranes or other such equipment to clear affected thoroughfares; or,
4. As required by a law enforcement officer or firefighter for life safety purposes; or,
5. As determined by an appropriate official with Tennessee Department of Transportation (TDOT) or incident management official.

(Ord. No. 11566, §3, 06-15-04)

Sec. 35-149. Wrecker board.

(a) The city beer board established by section 5-16 of this Code shall be named the beer and wrecker board, which shall be herein referred to as the wrecker board.

(b) The wrecker board shall meet on every first and third Thursday at 9:00 a.m. in the City Council Assembly Room, and at such other times as it shall deem necessary.

(c) The wrecker board shall have the authority to approve, revoke or suspend district wrecker permits, and otherwise administer the provisions of this article.

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(d) The action of the wrecker board in granting or refusing a district wrecker permit or in revoking or suspending a district wrecker permit shall be final, except as it may be subject to review by law.

(Code 1986, § 35-149; Ord. No. 11400, 03-04-03)

Sec. 35-150. Permit -- required; existing permittees.

No person shall engage in the business of, or offer the services of, a district wrecker, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted for that purpose without having been issued a permit as provided by this article. Permits shall be issued for class A through recovery class wreckers as the vehicles meet the requirements of section 35-148. Additionally, permits shall be granted for "district wreckers" as provided herein.

(Code 1986, § 35-150 ; Ord. No. 11400, 03-04-03)

Sec. 35-151. Same -- application.

(a) Any person desiring to obtain a district wrecker permit shall file with the wrecker inspector an application setting out, among other things, the following:

- (1) Name and address of the person desiring the license.
- (2) The location and full description of all property to be utilized in connection with the business, including tax parcel numbers and zoning of this property.
- (3) The number of wreckers or towing cars owned or available for use by the applicant and a full description of the wreckers sufficient to determine a proper classification under section 35-148.
- (4) A statement that all wreckers are properly equipped for the applicable classification set forth in section 35-148 and contain the required equipment set out in 35-156, and that all wreckers meet applicable State and Federal regulations.
- (5) A statement that the wrecker or towing operator will accept responsibility for any and all personal property left in towed or stored vehicles.

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- (6) A statement setting forth and describing available space including inside storage, if available, for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
- (7) A statement that the applicant will provide twenty-four (24) hour service, including holidays, and that he will have a qualified operator on duty at all times for each district wrecker location licensed hereunder.
- (8) A statement that the wrecker or towing operator will not release any vehicles impounded by the city without authorization by the police department, that a file will be maintained on all vehicle release forms and that this file will be made available for police inspection upon request.
- (9) Information to show that the applicant has had at least one (1) year's experience as a wrecker operator.
- (10) An assurance that the applicant will maintain a minimum of one (1) properly equipped and operable wrecker throughout the year for which application is being made.

(Code 1986, § 35-151; Ord. No. 9246, § 2, 9-19-89; Ord. No. 10625, § 2, 10-7-97; Ord. No. 11400, 03-04-03)

Sec. 35-152. Same -- fees; expiration date and renewal.

Any new applicant for a district wrecker permit under this article, except those who have been heretofore licensed under ordinances and procedures of the city in effect on the effective date of Ordinance Number 8415, shall be charged an application and investigation fee of two hundred dollars (\$200.00) to cover the expense of investigating the applicant, the place of business, and the wreckers and equipment. The initial applications and permits hereunder for currently licensed wrecker operators shall be without an investigation fee other than the fifty dollar (\$50.00) annual fee. If an applicant changes his business location or adds or substitutes a new or different wrecker, there shall be a supplemental investigation fee of one hundred dollars (\$100.00). Additionally, there shall be annual license fee of fifty dollars (\$50.00) per wrecker licensed hereunder which shall be collected by the city treasurer upon granting an approved license or renewal license. All licenses shall expire on December thirty-first and applications for renewal shall be filed by November thirtieth of each year. Late applications for renewal will be considered in due course, but the applicant will not be privileged to operate such wreckers from December thirty-first until the renewal is approved by the wrecker board.

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(Code 1986, § 35-152; Ord. No. 11175, § 35, 9-11-01; Ord. No. 11400, 03-04-03)

Sec. 35-153. Same -- investigation of applicant.

The wrecker inspector shall investigate or cause to be investigated each applicant for a district wrecker permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a district wrecker operator, and, if the applicant is qualified. The Wrecker Inspector shall report his findings to the Wrecker Board and make a recommendation regarding the issuance of a district wrecker permit. The wrecker board shall direct or make such further investigation as it deems proper and grant or refuse a permit.

(Code 1986, § 35-153; Ord. No. 9246, § 7, 9-19-89; Ord. No. 11400, 03-04-03)

Sec. 35-154. Same -- issuance.

Every person qualified under this article shall be issued a permit by the city treasurer for each district wrecker approved by the wrecker board, which permit shall at all times be kept with each wrecker. The permit shall bear a notation "district wrecker." Such permit shall have printed thereon the year for which it is valid.

(Code 1986, § 35-154 ; Ord. No. 11400, 03-04-03)

Sec. 35-155. Same -- revocation.

(a) The wrecker board shall suspend or revoke the permit of any permittee on any of the following grounds:

- (1) If the permit was procured by fraudulent conduct or false statement of a material fact or a material fact concerning the applicant which was not disclosed at the time of his making application that would have constituted just cause for refusing to issue the license.
- (2) Failure of a district wrecker permittee to have an operable and properly equipped wrecker and qualified operator on duty at all times or to promptly respond to police calls.
- (3) If the district wrecker permittee has knowingly overcharged or consistently overcharges.
- (4) A violation of any provision of this article.

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- (5) If a district wrecker does not meet all applicable State and Federal regulations.
- (6) The wrecker board may suspend or revoke a permit in its discretion for due cause not specified herein.

(b) Such suspension or revocation shall terminate all authority and permission granted by such district wrecker permit to the licensee. Any person whose permit has been revoked shall not be eligible to again apply for a district wrecker permit for a period of one (1) year from the date of such revocation.

(Code 1986, § 35-155; Ord. No. 11400, 03-04-03)

Sec. 35-156. Required equipment and standards.

In addition to the equipment required under the applicable district wrecker classifications set forth in section 35-148, all district wreckers shall have and maintain additional equipment and standards as follows:

- (1) The following additional equipment is required:
 - a. At least one (1) heavy-duty push broom;
 - b. Flood lights on hoist to illuminate scene at night;
 - c. One (1) shovel;
 - d. A twenty (20) pound Class ABC Underwriter Laboratory approved fire extinguisher, a two and seven-tenths (2.7) pound Halon 1301/1211 fire extinguisher, or equivalent fire extinguisher adequately charged.
- (2) The appearance of all district wreckers shall be reasonably good with equipment painted.
- (3) All district wreckers shall display the firm's name, address and phone number. Such information shall be painted on or permanently affixed on both sides. Such lettering shall be at least three (3) inches high. Magnetic signs will not be permitted as a substitute.
- (4) It is the responsibility of the district wrecker service to have equipment for removing glass and other debris from the highway accident scene and to remove such debris from the highway.

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(Code 1986, § 35-156; Ord. No. 10625, § 3, 10-7-97; Ord. No. 11400, 03-04-03)

State law reference--Persons removing wrecked or damaged vehicles to remove glass, etc. from highway, T.C.A., § 55-8-170(c).

Sec. 35-157. Required storage facilities and procedures for district wreckers.

District wreckers must provide proper storage facilities and procedures as follows:

- (1) The wrecker operator shall provide a properly zoned (or lawful nonconforming use) fenced lot or building for proper and safe storage. Such lot for storage shall be located on the same property as the wrecker service or in close enough proximity to the wrecker service facility to permit the operator to visually observe the storage facility to prevent vandalism or other loss or damage to vehicles and their contents. The fence shall be a minimum of six (6) feet high, constructed of chain-link fencing, lumber, or other material which will serve as a significant deterrent to unauthorized entry. The fencing shall be equipped with lockable gates, which shall be locked at all times when the storage facility is unattended. There shall be room to store at least ten (10) cars within the fenced lot. Class C operators shall additionally have room to store a minimum of one tractor and trailer within the fenced lot.
- (2) Records of the vehicles towed and charges of tows from calls received from the city rotation list shall be maintained for at least one (1) year and shall be open for inspection by the city and the owner of any vehicle towed or his agent.
- (3) All vehicles towed under the rotation call list provided for by this ordinance shall be stored inside a building or inside the fenced storage facility described above unless an authorization to do otherwise is obtained from the vehicle's owners.
- (4) The wrecker service shall notify the registered owners and lienholders, within fifteen (15) days after any vehicle is towed pursuant to a request by any officer or official of the City of Chattanooga, of the location of the stored vehicles and the costs of securing possession of the towed and stored vehicle. Any wrecker service that fails to comply with the notice provisions of this section shall only be entitled to receive the costs of towing the vehicle and the costs for storing the vehicle during the fifteen (15) day notice period. The City of Chattanooga Police Department is hereby authorized to provide, upon written request, to the wrecker service company registration records on stored vehicles for the purposes of issuing the notice required by this section.

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(Code 1986, § 35-157; Ord. No. 9246, § 3, 9-19-89; Ord. No. 9658, § 1, 1-14-92; Ord. No. 11400, 03-04-03)

Sec. 35-158. Notification required for vehicles held over thirty days.

The state department of revenue will be notified of all vehicles held over thirty (30) days, except when arrangements for longer storage are made by the owner, as required by Tennessee Code Annotated section 55-16-101.

(Code 1986, § 35-158)

Sec. 35-159. Insurance.

Before the wrecker board shall approve a district wrecker permit under this article including a renewal license, the applicant shall deposit with the wrecker inspector a certificate of an underwriter that the applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the state and has the minimum insurance coverage required by applicable State and Federal regulations and as follows:

- (1) A general liability policy covering the operation of applicant's own business, equipment or vehicles for bodily injuries in the amount of two hundred fifty thousand dollars (\$250,000.00) for any one (1) person killed or injured, six hundred thousand dollars (\$600,000.00) for more than one (1) person injured or killed in any one accident and seventy-five thousand dollars (\$75,000.00) for all damage arising from injury to or destruction of property. All such policies shall include cargo or "on-hook" riders or otherwise protect the operator against such liability. All such policies shall include garage keeper's liability riders or otherwise protect the operator against liability for damage to towed or wrecked cars kept on the premises arising from fire, theft, or other casualty.
- (2) All applicants shall provide a copy of such insurance policies with their application and shall provide copies of all renewals thereof to the Wrecker Inspector. The insurance policy shall be subject to approval by the City Attorney, or his designees, as to the minimum requirements contained herein. A certificate of insurance shall be provided which contains an endorsement providing a minimum of ten (10) working days' notice in the event of a cancellation of the policy or an expiration of a policy without a copy of a renewal being provided to the Wrecker Inspector, any license issued hereunder shall be suspended until a new policy and certificate of insurance are provided.

(Code 1986, § 35-159; Ord. No. 9246, § 4, 9-19-89; Ord. No. 11400, 03-04-03)

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Sec. 35-160. Billing and charges for district wreckers.

All applicants for a district wrecker permit shall be subject to regulation as to billing and charges for any call from the police department referred to the district wrecker under the call rotation system as follows:

- (1) The owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. If requested by the owner of the disabled vehicle, the operator of the wrecker before towing a disabled vehicle away shall prepare a bill on his billhead form in duplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. This bill shall contain the following information:
 - a. Name and address of person engaging towing car.
 - b. State license number of disabled vehicle.
 - c. Storage rates per day or part thereof.
 - d. An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.
- (2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the wrecker inspector or his duly authorized representative.
- (3) In the event the bill is for an amount more than the schedule of charges for routine services described in paragraph (4) below, then the bill shall contain an itemization of the number of worker-hours involved in the recovery and towing of the disabled vehicle, an itemization of the vehicle-hours involved, and any other special charges which cause the bill to be higher than the schedule of charges for routine services.
- (4) The maximum charge for district wrecker calls shall be as follows:

<i>A Class</i> –	Daytime tow	\$125.00
	Night/Weekend/Holiday	\$135.00

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	Daily Storage (After 8 Hours)	\$ 15.00
	per day	
	Extra Winching	\$ 50.00
a.	Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment. Dollies (If wrecker is used)	\$ 45.00
b.	Dollies are chargeable only if a wrecker is used For the tow, not in cases where a rollback is used. There should be no extra charge allowed for a Rollback tow.	
<i>B Class – Day time</i>		\$250.00
	Night/Weekend/Holiday	\$285.00
	*Extra Winching	\$150.00
a.	Extra winching if for overturned vehicles and/or Vehicles off roadway and down an embankment. Daily Storage (After 8 Hrs)	
a.	Tractor	\$ 35.00 per day
b.	Trailer	\$ 35.00 per day
<i>C Class –</i>	Daytime tow	\$425.00 per hour
	Night/weekend/holiday	\$500.00 per hour
	Daily Storage (After 8 Hours)	
a.	Tractor	\$ 35.00 per day
b.	Trailer	\$ 35.00 per day
	*Extra Winching (per ½ hour)	\$225.00 Per ½ hour
	Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment.	
	Air Bags (first 2 (two) hours)	\$1,000.00
	(\$500.00 per hour starting with hour 3)	

Any additional charge by Class A, Class B, or Class C wreckers for winching, dollies, wheel lift or rollbacks, or other equipment or services not normally incident to towing wrecked or disabled vehicles shall be allowed only when the additional charge is (1) reasonably necessary to retrieve a wrecked vehicle which is off of the road or overturned; (2) to protect the wrecked or disabled vehicle from reasonably foreseeable additional damage should the device not be used; or (3) at the request of or permission of the owner or operator. An additional charge

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can be made for the pneumatic devices used to raise overturned trucks or other equipment not normally used in a tow. If more than one wrecker is necessary for recovery of the wrecked disabled vehicle the charges shall apply to each vehicle. In all cases involving a combination vehicle of Five (5) or more axles or a single vehicle with a gross vehicle weight rating of Twenty-six Thousand and One (26,001) pounds or more, total charges computed utilizing the previously itemized schedule of hourly rates and equipment charges shall not exceed the total maximum recovery cost that would be applicable using the following schedule of permissible charges by weight for Recovery Class operations.

Recovery Class maximum charges shall be as follows:

- | | | |
|----|---|----------------|
| A. | Contained recovery/winch for all recovery jobs in which there is no clean-up of debris from the vehicle to be recovered and cargo doors remain closed. | 7.0¢ per pound |
| B. | Salvage/debris recovery for picking up debris/ parts or loading from one vehicle to another, or a vehicle that breaks apart and needs to be towed from the scene. | 8.0¢ per pound |
| C. | The following charges may be added to the contained recovery/winch or salvage/debris recovery when applicable, and if specified on the billing invoice: | |
| 1. | <u>Incident Weather:</u> rain, snow, or if the temperature is below 25° F | 1.5¢ per pound |
| 2. | <u>Nights, Weekends and Holidays:</u>
Includes times after 7:00 p.m. and before 8:00 a.m. and any time on Saturdays, Sundays, and all public holidays | 1.5¢ per pound |
| 3. | <u>Wheels higher than roof:</u> If any wheel is higher than any part of the roof | 1.0¢ per pound |
| 4. | <u>Embankments or Inclines:</u> If it is necessary to work on an embankment or incline | 1.0¢ per pound |

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5. Back Door Frame Open: If the back doors cannot be closed or the door frame is torn away and the integrity of the trailer is jeopardized. 1.0¢ per pound
6. Tractor from under Trailer: If the tractor separates from the trailer in the crash 1.0¢ per pound
7. Major Suspension Damage: If major suspension damage has an impact on the recovery, e.g., axles have been torn from suspension, but does not include if only the front axle is involved. 5.0¢ per pound
8. Air Bags: 1,000.00 first 2 hours; \$500.00 per hour thereafter
9. Sublet Charges: For tractor trailers, dump trucks, backhoes, containers, roll of containers, traffic control devices and personnel and other equipment necessary for the recovery which is not required equipment to qualify as a recovery class or any other wrecker class under this ordinance. Sublet charges shall be reasonable rates based upon the market rate for renting said equipment in the City of Chattanooga.
10. Exposure to Hazardous and/or Flammable Materials: Charges for personnel being exposed to the risks associated with hazardous materials and/or flammable materials, not including the charges for the clean of said materials. This charge shall be a reasonable charge based upon the market rate in this State. The burden shall be upon the wrecker company to establish the market rate.

All Licensed Recovery Class operators must keep on file at their location, for a period of one year, video documentation of the scene, and the conditions for which all additional charges are being billed pursuant to this ordinance. Video documentation shall consist of videotape, film, photographs, or other media which accurately depicts the scene and conditions as they actually appeared at

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the time of recovery.

No storage fee shall be charged by any district wrecker class if the vehicle is reclaimed by the owner within the first eight (8) hours.

For every wrecker class, if more than one owner or employee per wrecker is of necessity assigned to assist in the recovery of the disabled vehicle, the normal hourly wage of the additional employee's adjusted fringe benefits can be made as an additional charge.

(Code 1986, § 35-160; Ord. No. 9246, § 5, 9-19-89; Ord. No. 10625, §4, 10-7-97; Ord. No. 11400, 03-04-03; Ord. No. 11566, §4, 06-15-04)

Sec. 35-161. Wrecker zones for district wreckers.

(a) The city shall be divided into six (6) zones for the purpose of administering the wrecker districts. An applicant for a district wrecker permit for a particular zone must have an office and storage facilities within that zone. The place of business must be within the city limits unless the wrecker operator was licensed as a district wrecker prior to the effective date of Ordinance Number 8415 (January 22, 1985). A district wrecker company shall apply to be listed in no more than one (1) zone for each separate place of business. Police calls will be placed only to operators within the zone and will be placed from a separate rotating call list for Class A, Class B, Class C and Recovery Class wreckers. Class B wreckers may be listed on both the "A" and "B" class list upon request. Class C wreckers may be listed on both Class "C" and Class "B" upon request. Recovery Class wreckers may be listed on both Class B and Class C upon request.

(b) The wrecker board shall have the duty and responsibility to recommend to the mayor from time to time that the wrecker zones established hereunder be changed to more efficiently serve the public interest. Prior to making such recommendations, the wrecker board shall receive reports from the wrecker inspector and the staff of the Chattanooga-Hamilton County Regional Planning Commission as to changes they may recommend.

(c) The city shall be divided into six (6) wrecker zones or districts described as follows:

District 1: This area shall cover North Chattanooga, Suck Creek, and a portion of Mountain Creek. It is bounded on the east, south and west by the northern bank of the Tennessee River. It is bounded on the north by Access Road, thence southwestwardly along Hixson Pike to Ashland Terrace, thence westwardly along Ashland Terrace to the

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Red Bank corporate boundaries, but not including said streets. It shall also be bounded on the north by the Red Bank corporate boundaries and in the Mountain Creek area by the intersection of Mountain Creek Road and Morrison Springs Road.

District 2: The area bounded on the west by the corporate boundaries; bounded on the north by the Tennessee River to the west line of Market Street, but excluding said street; southwestwardly along the west line of Market Street to its intersection with I-24; thence along I-24 and including I-24 to the Central Avenue exit; thence along the south line of I-24, but excluding said interstate to the Chattanooga-East Ridge corporate boundaries; bounded on the east by the Chattanooga-East Ridge boundaries; and bounded on the south by the corporate boundaries.

District 3: The area bounded on the west by the west line of Market Street, and including said street from and including the Market Street Bridge southwardly along Market Street to the I-24 overpass; and thence bounded on the south by the north right-of-way line of I-24 but excluding said interstate to the Central Avenue exit; thence along the south right-of-way line of said interstate and including said interstate to the Crest Road overpass (“ridgecut”); bounded on the east by the west line of Crest Road and excluding said road to the intersection of Wilcox Boulevard to where said boulevard, if extended, would cross the Tennessee River; thence along the north bank of the Tennessee River to the point of beginning including Veterans Bridge and the Market Street Bridge.

District 4: The area north of Wilcox Boulevard and Shallowford Road, but excluding said streets, and east of the western boundary of the Tennessee River including the C. B. Robinson Bridge and the Wilkes T. Thrasher Bridge and their approaches northeastwardly to the corporate boundaries. The area is bounded on the south by Districts 3 and 5 and on the west by District 1.

District 5: The area of the corporate boundaries south of the above-described District 4 and east of the above-described District 3. It is bounded on the west by Crest Road and includes said road. It is bounded on the north by Wilcox Boulevard and Shallowford Road and includes said streets.

District 6: This area shall cover Hixson and the northern Mountain Creek area. It shall be bounded on the east by the Tennessee River, on the south by Access Road, thence southwestwardly along Hixson Pike to Ashland Terrace, thence along Ashland Terrace to the Red Bank corporate boundaries including said streets. It shall cover those areas north of the Red Bank corporate boundaries to the corporate boundaries of Chattanooga

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and it shall include those areas of Mountain Creek north of the intersection of Morrison Springs Road and Mountain Creek Road.

(d) Class C wreckers and Recovery Class wreckers shall be on a city-wide rotation list for towing large trucks, road tractors and trailers. If requested, they will be placed in district for purposes of responding to smaller disabled vehicles.

(Code 1986, § 35-161; Ord. No. 9654, § 2, 1-6-92; Ord. No. 10625, § 5, 10-7-97; Ord. No. 11400, 03-04-03)

Sec. 35-162. Regulations for district wreckers.

A district wrecker permittee shall follow these procedures:

- (1) No district wrecker permittee shall operate his business jointly with any other district wrecker permittee. Joint operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.
- (2) No permittee shall directly or indirectly operate more than one (1) district wrecker within the same zone. Indirect operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.
- (3) No permittees shall be permitted to operate in more than one (1) zone unless each separate location shall separately meet all of the qualifications for a permit.
- (4) All permittees are expected to be familiar and comply with the traffic laws of the city and the state, and abide by all provisions of this article.
- (5) Permittees will be familiar with and abide by all provisions of this article.
- (6) No permittee shall charge unreasonable rates for services rendered.
- (7) Permittees shall be available for twenty-four (24) hour service with vehicles in proper operating condition and a qualified operator on duty.
- (8) Operators shall carry vehicles to any destination within the city at the owner's or operator's request when charges therefor have been prepaid.

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- (9) Permittees shall have a telephone number prominently posted for after-hours release of vehicles. The permittees may make an additional charge for releasing a vehicle other than during normal business hours except when the location is otherwise open for business.
- (10) The police department may direct that a police impoundment be towed to a city lot at no additional charge.
- (11) Amber lights are to be used in the immediate vicinity of a wreck and while towing a vehicle.
- (12) All operators shall respond to a wreck within a reasonable time after being called, and except for exigent or unusual circumstances a response must be made within thirty (30) minutes after the dispatch request is made to the wrecker operator. If the wrecker is engaged elsewhere or for any reason the wrecker operator cannot reasonably expect to respond within thirty (30) minutes, it shall be the duty of the wrecker operator to so advise the police department and decline to accept the call whereupon the next wrecker operator on rotation shall be called. Class C wreckers and Recovery Class wreckers shall be granted an additional fifteen (15) minutes to respond to a tow for a large truck, road tractor and trailers.
- (13) No licensee shall refer or delegate police calls to other wrecker companies.
- (14) No answering service, paging service or similar service or procedure may be used to forward a call to an owner or employee of the wrecker service during normal business hours. The operator may provide for an after-hours number which shall be provided to the wrecker inspector.
- (15) The first wrecker operator at the scene shall tow the vehicle causing the greatest hazard as directed by the investigating police officer.
- (16) No repairs or other additional services shall be performed except on request of the owner.
- (17) An operator may accept a dispatch of more than one (1) wrecker only if qualified wreckers and operators are available within the time limits specified above.
- (18) All district wrecker permittees shall file with the Wrecker Inspector a photocopy

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of a current operator's license for each employee authorized to operate a wrecker.

The photocopy of any new operator's license shall be filed within ten (10) days following employment or renewal of the operator's license.

- (19) No district wrecker permittee shall jointly use any real or personal property with any other district wrecker permittees except as provided herein. Real property shall be considered to be jointly used if it is used in any manner for the use or storage of any wrecker, wrecker equipment, or wrecked and disabled vehicles by two (2) or more permittees. Separate recorded parcels of real property shall be deemed to be one parcel of real property for purposes of this Ordinance if (1) the parcels have any common boundaries; (2) the boundaries of the parcels are separated only by a public street, alley, or private driveway; or (3) a common parcel of property as described above was subdivided, sold, leased, rented, or in any manner divided or conveyed on or after the effective date of the Ordinance by the owner of such property to create separate parcels. No district wrecker permittee shall use any wrecker, equipment or other personal property owned by another district wrecker permittee, excluding bona-fide lease or rental contracts for a term of thirty (30) days or more except upon a written lease or rental agreement supported by fair market consideration. A copy of any such lease or rental contract shall be filed with the Wrecker Inspector within thirty (30) days of the vehicle first being used on district wrecker calls. District wrecker permits issued prior to September 1, 1989, may be renewed without regard to the requirement for separate recorded parcels of real property and operated notwithstanding the provisions of paragraphs 1 and 2 of this section.

- (20) Each district wrecker operator shall regularly employ at least two primary operators for each location permitted under this Article who shall be employed forty (40) hours per week during normal working hours or a normal work week if the permittee's normal work week for employees is less than forty (40) hours. A photocopy of the primary operator's chauffeur's license or commercial motor vehicle license shall be submitted to the Wrecker Inspector within ten (10) days following their employment and the operator shall keep the Wrecker Inspector advised of any changes* in employment of such operators within ten (10) days. The same person can not be qualified to act as the primary operator for more than district wrecker permittees. Nothing herein shall prevent a primary operator of one permittee to act as a part time operator for another permittee. The owner(s) may qualify as a primary operator(s) providing that he or she regularly operates the wrecker and responds to wrecks or disabled vehicles personally during normal business hours.

(Code 1986, § 35-162; Ord. No. 9246, § 6, 9-19-89; Ord. No. 11400, 03-04-03)

Editor's note -- At the discretion of the editor, the word "charges" was amended to read

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"changes" due to an inadvertent clerical error contained in Ord. No. 9246, § 6, adopted 9-19-89.

Sec. 35-163. Vehicles to be towed to place designated by owner; coercion at scene of an accident prohibited.

The wrecker operator may tow the wrecked or disabled vehicles to the operator's place of business; provided, if the owner or agent of the wrecked or disabled vehicle pays or secures the towing charges, then the wrecker operator or crane operator shall pull the vehicle to any place within the city designated by such owner or agent. It shall be unlawful for the owner of a district wrecker, his agent, employee or representative at the scene of any accident to high-pressure or otherwise to coerce or insist upon any owner of a wrecked or disabled vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked or disabled vehicle.

(Code 1986, § 35-163; Ord. No. 11400, 03-04-03)

Sec. 35-164. Wreckers to go to scene of accident on call of police only.

It shall be unlawful for any district wrecker operator, or his agent or representative, to go to any place where an accident has occurred unless called by the police department dispatcher. In any event, the wrecker shall clear with the police dispatcher before going to the accident scene. It shall be unlawful for the owner of any district wrecker, or his agent or representative to go to the place of a wreck by reason of information received by shortwave or police radio.

(Code 1986, § 35-164; Ord. No. 11400, 03-04-03)

Sec. 35-165. Solicitation of towing work by operator, etc., of district wrecker prohibited .

A district wrecker operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in section 35-164 of this Code. Responding to a call upon notice from gas station attendants, taxicab drivers or unauthorized persons shall be considered a violation of this article; provided that, the provisions of this section shall not be operable during periods of snow emergencies proclaimed by the mayor or under the provisions of section 24-376 of this Code.

(Code 1986, § 35-165; Ord. No. 11400, 03-04-03)

Sec. 35-166. Emergency towing and storage.

Whenever any police officer finds a vehicle standing upon any street or highway which constitutes a hazard to the safe movement of traffic along such street, or when the towing of such vehicle is otherwise permitted by this Code or other applicable law, the officer shall:

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- (1) Notify the police dispatcher, who shall call the district wrecker having the class of wrecker necessary.
- (2) The district wrecker shall tow the wrecker or disabled motor vehicle in the manner and procedures as provided in this article; and
- (3) The district wrecker shall be entitled to recover any unpaid charges for towing and storage in accordance with title 55, chapter 16, Tennessee Code Annotated, "Unclaimed or Abandoned Vehicles."

(Code 1986, § 35-167)

Sec. 35-167. Fleet Service Contracts.

(a) Owners or operators of a fleet of vehicles may apply to the wrecker inspector to have their vehicles listed with the police department for the dispatch of a particular wrecker service in lieu of having the district wrecker respond to a wreck for a disabled vehicle. To defray the cost of establishing and maintaining this system, each applicant shall pay a fee of twenty dollars (\$20.00) with the original application and an additional twenty dollar (\$20.00) fee for each amendment thereafter. Such applications shall be accepted only from owners or operators having a right to directly control the use of the vehicle, and they shall not be accepted from auto repair facilities or leasing companies other than for vehicles directly used in such businesses.

(b) If an owner or operator of a fleet of vehicles has a request on file to notify a particular wrecker service, and the police officer on the scene is so notified, he shall radio the dispatcher who shall notify the requested wrecker company, if the wrecker company meets the qualifications and response time set forth in this Ordinance to tow the type of vehicle to be towed, and to do so would not interfere with the public's health, safety or welfare. However, if the officer or dispatcher is notified of a particular wrecker service after a district wrecker has been dispatched, then the request for the particular wrecker service shall be denied, notwithstanding the fact that an application has been filed and the twenty (\$20.00) fee paid.

(Code 1986, § 35-168; Ord. No. 11175, § 36, 9-11-01; Ord. No. 11400, 03-04-03)

Sec. 35-168 Severability.

If any provision of this article is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this article. Failure

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to enforce any provision of this article does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this article at any time.

(Ord. No. 11400, 03-04-03)

Secs. 35-169 -- 35-180. Reserved.

(Ord. No. 11400, 03-04-03)

ARTICLE V. AMBULANCES²

Sec. 35-181. Authority to provide service; scope.

The mayor is authorized to do all things necessary to provide emergency ambulance service to the citizens of this city, including but not limited to making of contracts, leases and agreements, purchasing and replacing of equipment, and the hiring and training of personnel, all subject to the approval of the mayor.

(Code 1986, § 35-181; Ord. No. 9654, § 127, 1-6-92)

Sec. 35-182. Fees; method of determination; availability.

(a) There is hereby imposed a charge of one hundred dollars (\$100.00) for emergency ambulance service by the city to be collected per transport or trip, as hereinafter provided, without regard to the number of persons transported in each trip. Each person transported per trip shall be charged a pro rata share of the fee for such trip; provided that, the emergency ambulance service authorized under this article shall also be available to the indigent citizens of this city.

(b) In addition to the charge imposed under paragraph (a) of this section, there is hereby imposed the following charges for the respective services:

- (1) Administration of oxygen, ten dollars (\$10.00);

² **Charter reference**--Authority to impose a fee or charge reasonably necessary to the exercise of city powers, § 2.1(2).

Cross reference--Operation of authorized emergency vehicles, § 24-11 et seq.

State law reference--Authority to provide ambulance service as a public service, T.C.A. § 7-61-102.

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- (2) Cardiac monitoring, twenty-five dollars (\$25.00);
- (3) Intravenous therapy, fifteen dollars (\$15.00), plus ten dollars (\$10.00) for each additional medication;
- (4) Defibrillation, ten dollars (\$10.00);
- (5) Administration of medical anti-shock trousers, ten dollars (\$10.00);
- (6) Administering disposable bag mask, twenty-five dollars (\$25.00);
- (7) Administering endotracheal tubes, five dollars (\$5.00);
- (8) Administering contamination kit, ten dollars (\$10.00);
- (9) Administering disposable laryngoscope, five dollars (\$5.00);
- (10) Administering cervical collars, ten dollars (\$10.00);
- (11) Administering PtL Airway, twenty-five dollars (\$25.00).

(c) If an ambulance is called, but for any reason the response does not result in the transportation of a patient, the basic ambulance response fee for that trip shall be seventy-five dollars (\$75.00) instead of the one hundred dollars (\$100.00) provided for under paragraph (a) of this section.

(Code 1986, § 35-182; Ord. No. 9205, § 1, 8-1-89)

Sec. 35-183. Authority of mayor to negotiate contracts.

The mayor may negotiate and enter contracts to effect the collection of charges for the emergency ambulance service hereby authorized, such contracts to include procedures, fees to be allowed to the contracting party, and such standards of indigency as may be deemed necessary to effectuate the provisions of section 35-182 of this article.

(Code 1986, § 35-183; Ord. No. 9654, §§ 127-128, 1-6-92)

Sec. 35-184. Permission required for ambulances to respond to emergency calls.

It shall be unlawful for any person to drive, operate or have driven or operated any ambulance on the streets of the city on any emergency call where the patient was or is to be picked up within the city without having called police headquarters and secured permission to

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make such emergency call. The sergeant or other person on duty at headquarters shall authorize the first ambulance operator who calls reporting an emergency call to respond to such call, and shall inform all persons who report such call subsequently that it is already being answered. (Code 1986, § 35-184)

Sec. 35-185. Reports by drivers.

All ambulance drivers shall immediately report to the chief of police all cases of shooting, cutting or other injuries which may constitute a murder or an attempt to murder, which they may be called upon to handle either at the place of the injury or the residence of the injured, giving in such report the number of the residence and the names of the injured persons. It shall also be the duty of all ambulance drivers to report to the chief of police all patients injured in automobile accidents to whom they may be called for professional services.

(Code 1986, § 35-185)

Cross reference--Physicians to report injuries constituting a murder or attempt to murder, § 16-50.

ARTICLE VI. HORSE-DRAWN CARRIAGES

DIVISION 1. IN GENERAL

Sec. 35-186. Definitions.

"Carriage" means any four-wheeled device in, upon or by which any person may be transported and is designed to be drawn by one or more horses.

"Carriage permit" means a permit issued by the Taxicab Board for an animal-drawn carriage to transport persons.

"Certificate of public convenience and necessity" (also written as CPCN) as it relates to this article, means a license granted, upon application and approval, by the Taxicab Board for the sole purpose of authorizing the certificate holder to provide transportation through an animal-drawn carriage or vehicle and may hold one or more permits as defined under this section.

"Custodian" means a person who has the immediate possession, bailment, custody, use, or control of a horse. For the purposes of this act, the term "custodian" includes a driver.

"Driver" means a person licensed to drive, steer, transport, or operate a carriage or horse used in the horse-drawn carriage trade.

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"Driver permit" means a permit issued by the Taxicab Board to drive and operate a horse-drawn carriage.

"For hire horse-drawn carriage" means any vehicle pulled by a horse, mule or other equine regularly engaged in the business of carrying passengers for fee, donation, gratuity or gratis.

"Horse" means any animal of the genus equus which is of a type used for the purpose of driving, pulling, or hauling a carriage. Ponies and Thoroughbreds are not allowed.

"Licensed veterinarian" means a person licensed to practice veterinary medicine and who specializes in equine or large animal medicine.

"Taxicab inspector" means the inspector(s) appointed in Section 35-20 of this chapter.

"Taxicab Board" means the board established in Section 35-17 of this chapter.
(Ord. No. 11378, §1, 02-11-03)

Sec. 35-187. Jurisdiction.

The Taxicab Board shall have exclusive jurisdiction of the licensing and regulation of horse-drawn carriages. The Taxicab Board has the authority, power and duty to enforce the provisions of this Article, provided that nothing in this Section shall be construed to prohibit any court, including the Municipal Court of the City of Chattanooga, from imposing penalties provided by this Code for any violation of this Article.

The actions of the Taxicab Board shall be final, subject to such judicial appeal as may be allowed by law.
(Ord. No. 11378, §1, 02-11-03)

DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 35-188. Required and term.

No horse-drawn carriage shall be used or operated on a for hire basis by any person in the City of Chattanooga without an owner or operator having first obtained a certificate of public

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convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-189. Application and fees.

(a) Upon application and the payment of a fee of one hundred dollars, a person may be issued an annual CPCN certificate to operate a horse-drawn carriage business subject to the approval of the Taxicab Board.

(b) All applications for a CPCN certificate shall set forth:

- (1) Name, home address, telephone number, date of birth, and social security number of the applicant(s);
- (2) Business name (D/B/A), business address and telephone number if different from above;
- (3) A list of current drivers employed by the business, with each driver's permit number indicated;
- (4) The form of business of the applicant, i.e. corporation, partnership, sole proprietor. If the business is a corporation or any other form of association, a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business;
- (5) A description of any past business experience of the applicant, particularly in providing horse-drawn carriage services. Identification and description of any revocation or suspension of operating authority imposed by any government against any license or permit held by the applicant before the date of filing the application and any litigation related to the operation of the business and accidents involving injury to persons or animals;
- (6) The number and description of carriages the applicant proposes to use in the operation of the service, including any identifying characteristics such as color, style and

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other markings;

- (7) The number of horses the applicant proposes to use in the operation of the service along with a description and four separate and unobstructed color photographs of each animal (front, each side and rear), and a statement (not more than thirty days old) by a veterinarian certified by the state of Tennessee documenting that the horse has been examined and is approved as serviceable for its use in a carriage rental business and that there has been formulated and implemented a health maintenance plan for each horse. The Taxicab Board may by rule require any necessary forms to implement this part;
- (8) A description of the proposed service, including routes, rates or fares to be charged, and schedules, where applicable;
- (9) The financial ability and responsibility of the applicant as reflected by a financial statement, insurance coverage to be provided, and other pertinent facts which may be required by the Taxicab Board. The Taxicab Board may by rule designate a specific financial statement to be submitted;
- (10) Whether the applicant has been convicted of a felony within five years prior to the date of application or for any offense related to cruelty or neglect of animals.
- (11) Any additional information, including business references, strategic plans and similar information, as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted;
- (12) Any additional information as the Taxicab Board considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.

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(c) Upon the filing of an application for a certificate of public convenience and necessity and/or a request for additional permits, the Taxicab Board shall fix a time and place for a public hearing thereon, as detailed in Section 35-48 of this chapter. Any material misrepresentation in the application shall be a basis for denial of a certificate of public convenience and necessity. If the applicant or any owner of the business having a ten percent (10%) or greater financial interest in the business has been convicted of a felony within five (5) years, the certificate shall be denied.

(d) The Taxicab Board shall issue such certificate valid for one year if it finds that the applicant meets all requirements of this article.

(e) If the Taxicab Board finds that a certificate should be issued to an applicant, the applicant will be issued a permit for each carriage to be operated.

(f) The action of the Taxicab Board in issuing or denying such a certificate shall be final, except as it may be subject to review at law.

(g) An applicant who has been denied a certificate or license by the Taxicab Board, shall not be allowed to make another application for six months from the date of the denial.

(h) The owner, operator, or custodian of a horse engaged in a horse-drawn carriage service shall have such valid certificate available for immediate inspection by the Taxicab inspector, a police officer, or an Animal Services officer at all times when a horse is on any street or public byway.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-190. Insurance required.

(a) Before any certificate shall be issued by the Taxicab Board, or before the renewal of such certificate shall be granted, the applicant shall be required to file an insurance policy and/or certificate of insurance with the Taxicab Board evidencing insurance coverage as required in this section.

(b) Insurance coverage as provided in subsection (a) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Chattanooga as an additional insured, with the minimum amount of insurance to be one million dollars per carriage, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty

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days written notice to the Taxicab Board.

Any changes in insurance coverage must be reported to the Taxicab Board immediately. (Ord. No. 11378, §1, 02-11-03)

Sec. 35-191. Certificates, generally.

(a) A certificate must state on its face that it is for the exclusive purpose of operating a for-hire horse-drawn carriage service within the City of Chattanooga. It may also contain other conditions and limitations deemed necessary by the commission, including, but not limited to:

- (1) Number and description of vehicles authorized;
- (2) Number and description of horses to be used;
- (3) Number of passengers that may be safely transported in each vehicle, based on the size of the vehicle and the type of horse pulling the vehicle;
- (4) Places for loading or unloading passengers;
- (5) Hours of operation and/or schedules and routes to be followed;
- (6) Operating procedures;
- (7) The use of special safety equipment;
- (8) The use of special sanitary devices and special care procedures;
- (9) Special conditions or limitations.

(b) A certificate holder commits an offense if he or she fails to comply with the conditions or limitations placed on the operating authority under which he or she is operating the horse-drawn carriage.

(c) If a certificate holder changes address or telephone number of the service, the certificate holder shall immediately notify the commission director. Failure to do so may result in disciplinary action.

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(d) If a carriage that has received a valid certificate under this Article is sold, destroyed, or otherwise taken out of use by the certificate holder, the certificate holder shall have the right to substitute within thirty days after sale, destruction or elimination of the carriage, another carriage of the same or similar type and construction and receive a new carriage identification certificate if the permittee complies with all other requirements of this article, subject to inspection.

Change of ownership of a carriage that has been issued a certificate, will cause such certificate to automatically be revoked and the certificate shall be destroyed or returned to the Taxicab Board.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-192. Disciplinary action.

(a) The Taxicab Board may place on probation, suspend or revoke a certificate holder if it is determined that the certificate holder, or any driver operating on behalf of the certificate holder, has:

- (1) Made a false statement in the application;
- (2) Failed to comply provisions of this chapter;
- (3) Operated a service not authorized by the certificate;
- (4) Failed to comply with the conditions and limitations of the certificate;
- (5) Been convicted of a violation of local, state, or federal law, that indicates a lack of fitness of the permittee to perform a passenger transportation service;
- (6) Been convicted of any felony offense while holding the permit;
- (7) Engaged in conduct detrimental to the public safety; or
- (8) Been convicted of any offense involving driving while intoxicated.

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(b) Any certificate holder or applicant convicted of a violation of this chapter or any other local, state or federal law concerning the treatment of animals shall be denied a certificate under this chapter, or such conviction shall form the basis for the suspension or revocation of any certificate granted under this chapter.

(c) A permit or certificate may not be revoked or suspended unless the owner or driver has received notice and had an opportunity to present evidence in his or her behalf. The action of the Taxicab Board in suspending a license or permit shall be final, subject to a review at law.

(d) After receipt of notice of suspension, revocation, or denial of certificate renewal, the certificate holder shall, on the date specified in the notice, discontinue driving or operating a horse-drawn carriage for hire inside the City of Chattanooga and shall surrender the written certificate to the Taxicab Board.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-193. Records and reports.

(a) Each certificate holder shall maintain at a single location business records of its horse-drawn carriage business. The records must contain the following information:

- (1) An identification of the carriage used for each trip;
- (2) The number of trips made by each carriage on a daily basis;
- (3) An identification of the horse used for each trip and notation of the periods of work and rest for each horse; and
- (4) Any other information the Taxicab Board determines necessary for monitoring the activities, operations, service, and safety record of the permittee.

(b) A certificate holder shall make its records available for inspection by the Taxicab Board, Taxicab Inspector, Animal Services officer or designated officials.

(Ord. No. 11378, §1, 02-11-03)

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Sec. 35-194. Temporary Permits.

Special occasion permits must be obtained by carriage owners, who are not already certificate holders, for such events as weddings, parades, etc. Such a permit shall be applied for in advance of the event by submitting a written application to the Taxicab Inspector, accompanied by a \$25 fee. There shall be a limitation of 3 temporary permits per year per owner.

Carriages authorized by a temporary permit under this section:

- (1) May not be used for more than 3 days, and such permit expires sixty days after it is issued;
- (2) Must comply with the vehicle requirements of this chapter;
- (3) Must comply with the insurance requirements of this chapter;
- (4) Must comply with the requirements for horse care and treatment in this chapter; and,
- (5) Are subject to inspection by the Taxicab Inspector, who may (at any time) order unsafe vehicles or abused/ tired/ unfit horses to be removed from service.

Any horse-drawn vehicle used in a parade, or like event, must have at least two (2) outwalkers or outriders accompanying it throughout such event.
(Ord. No. 11378, §1, 02-11-03)

Sec. 35-195. Rates of fare.

(a) Each certificate holder shall be required to file with the Taxicab Board a list of their basic rates thirty days prior to any change. The rate charged by each carriage shall be posted conspicuously within the carriage.

(b) Passengers shall be informed of the rate prior to embarking.
(Ord. No. 11378, §1, 02-11-03)

DIVISION 3. HORSE-DRAWN CARRIAGE DRIVERS.

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Sec. 35-196. Permit required.

(a) No person shall drive or otherwise operate a carriage engaged in the for-hire horse-drawn carriage service unless he or she has a driver's permit. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the Taxicab Board.

(b) A person commits an offense if he or she operates a horse-drawn carriage for-hire in the City of Chattanooga without a driver's permit issued by the Taxicab Board.

(c) A business commits an offense if it employs or otherwise allows a person to operate a horse-drawn carriage owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the Taxicab Board.

(d) Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-197. Permit Qualifications.

(a) An application for a horse-drawn carriage driver permit and payment of a fee of thirty dollars (\$30) shall be filed with the Taxicab Board and shall contain the following information:

- (1) The name, residential address, telephone number and date of birth of the applicant. No applicant under eighteen years of age will be approved for a permit;
- (2) The names, addresses, telephone numbers, and signatures of four persons, at least one of whom is a resident of the state of Tennessee, who have known the applicant for a period of at least one year and who will provide information regarding the applicant as specified by the Taxicab Board;
- (3) The applicant's experience in the transportation of passengers;
- (4) The applicant's educational background;

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- (5) The applicant's recent employment history;
- (6) The applicant's residential address for the last five years;
- (7) Proof of a valid Tennessee driver's license;
- (8) State whether he/she has been convicted of a felony in the last five years or ever been convicted of any offense related to cruelty or neglect of animals;
- (9) An official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application;
- (10) A statement from company owner stating that individual is adequately trained to operate a carriage of such description, pulled by one/two/four horses, in an urban setting. This training shall include a) a minimum of 24 hours of observation riding with an experienced driver (3 years minimum experience) and b) an additional 64 hours of driver training while accompanied by an experienced driver.
- (11) A statement from a licensed physician that certifies that he or she is in good physical condition and is free of defective vision not corrected by eyeglasses or contact lenses, epilepsy, vertigo, or other medical disabilities which may substantially impair his or her ability to operate a horse-drawn carriage or to control a horse; and
- (12) Any other information mandated by the Taxicab Board by a rule.

(b) The Taxicab Board may designate by rule the requirements of a horsemanship course to be completed by applicants.
(Ord. No. 11378, §1, 02-11-03)

Sec. 35-198. Ineligibility for driver's permit.

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- (a) The applicant shall be ineligible to receive a permit if:
- (1) The applicant has been convicted, pled guilty, or pled nolo contendere in the last ten years for any of the following offenses involving bodily injury or death or in the last five years for any of the following offenses not involving injury or death:
 - a. Hit and run,
 - b. Driving under the influence of an alcoholic beverage or drug,
 - c. Reckless or careless driving.
 - (2) No more than four moving violations within the last three years and no more than two moving violations in the last year will be allowed;
 - (3) The applicant has been convicted, pled guilty, placed on diversion, probation or parole, or pled nolo contendere of any felonies within a period of ten years prior to the date of application.
 - (4) The applicant has been found by the Taxicab Board or the Municipal Court of the City of Chattanooga to be in violation of two or more sections of the Chattanooga City Code or other ordinances governing the operation of vehicles for hire during a period of two years prior to the date of application.
 - (5) The applicant has been convicted of any local, state or federal law related to cruelty to or neglect of animals.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-199. Investigation of applicant.

The police department shall conduct an investigation of each applicant for a horse-drawn carriage driver's permit. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Taxicab Board.

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(Ord. No. 11378, §1, 02-11-03)

Sec. 35-200. Permit to be posted.

(a) Upon approval of an application for a horse-drawn carriage driver's permit, the Taxicab Board shall issue a permit to the applicant, which shall bear the name, address, age, weight and other information deemed appropriate.

(b) Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body (including a neck tag) or upon the carriage.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-201. Denial, suspension, revocation and appeal.

(a) The Taxicab Board may deny any applicant's license if it determines that the applicant fails to comply with any requirement of this chapter.

(b) The Taxicab Board is hereby given authority to suspend or revoke any horse-drawn carriage driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article.

(c) The Taxicab Board may not suspend or revoke any permit unless the driver has received notice of the charges against him or her and has had the opportunity to present evidence on his or her behalf. The action of the Taxicab Board in suspending a license or permit shall be final, subject to a review at law.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-202. Conduct of drivers.

(a) A driver shall at all times:

- (1) Act in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not permit a person other than another employee or the owner of the horse-drawn carriage service to operate the carriage under the driver's control;
- (4) Not permit a person on the back of a carriage horse when the horse is under the driver's control;

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- (5) Not leave a horse untethered or unattended except when confined to a stable or other enclosure;
- (6) Not permit a horse to drop excrement from its diaper;
- (7) Keep all carriage stands clean and free of animal excrement;
- (8) Not permit the seating capacity rated for his or her carriage to be exceeded;
- (9) Travel only those routes designated for horse-drawn carriage travel, including special occasion travel routes as approved by the traffic and parking commission;
- (10) Not operate a carriage while under the influence of intoxicating beverages or drugs;
- (11) Not permit a passenger to stand or ride on any part of the carriage other than the designated seating area while the carriage is in motion and to advise the passengers that they must be seated except when loading or unloading;
- (12) Not drink, eat, smoke or talk on a cellular phone (except in emergencies) while carrying passengers or while carriage is in motion;
- (13) Maintain both hands on the reins and be seated at all times the carriage is in motion and while loading and unloading passengers;
- (14) Not permit the speed at which any horse-drawn carriage is driven to exceed a trot;
- (15) No person shall unbridle a horse while horse is connected to a carriage; and

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- (16) Be responsible for the proper and humane care and treatment of each horse under their direct care and supervision.

(b) No person shall drive or operate a horse-drawn carriage on any day or at any time that the Chief of the Chattanooga Police Department makes a specific determination that the horse-drawn carriage trade would be inconsistent with other special events or public safety requirements.

(Ord. No. 11378, §1, 02-11-03)

DIVISION 4. HORSES, CARRIAGES AND EQUIPMENT.

Sec. 35-203. Requirements for horses in service.

(a) To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a carriage, the Taxicab inspector, an Animal Services officer or a police officer may issue an order that a horse is deemed unfit for work and order it removed from the vehicle and the city streets. To reinstate a horse removed from service, the horse must be examined by a licensed veterinarian and written approval from such veterinarian must be submitted to the Taxicab Inspector.

(b) Before any horse may be used in a horse-drawn carriage business, the certificate holder must furnish the Taxicab Board with:

- (1) A state certificate of veterinarian inspection identifying the horse by description and with front, rear, right and left photographs and showing that the horse has been examined at least once within the preceding six months by a licensed veterinarian;
- (2) Each horse must be examined at least once a year by a licensed veterinarian. The examination shall encompass that which is consistent with maintaining the health and well-being of the animal. Such examinations should include, but not be limited to, leg and hoof exams, dental exams, eyes, internal parasites, lab reports, and

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cardiovascular health;

- (3) Proof that the horse has had tetanus, rabies, Influenza, Rhinopneumonitis, and Eastern-Western encephalitis vaccinations;
- (4) A negative Coggins test result; and
- (5) The maximum weight or sized carriage that can humanely be pulled by the horse.

(c) A permittee with a horse used in a horse-drawn carriage must adhere to the following regulations and conditions:

- (1) Be appropriately shod and trimmed, and shall utilize rubber-coated pad or boots or open steel barium tip shoes, or other shoes approved by a veterinarian;
- (2) Inspected and maintained by a farrier at least every eight weeks, or as necessary. Records must be kept by the owner of the dates and the name of the farrier who shod the animal and are subject to inspection.

If a horse loses a shoe while working, an "easy" type boot may be used to finish the scheduled workday;

- (3) Not have any open or bleeding wound, oozing sore, cut below skin level, or bleeding wound;
- (4) Not have evidence of lameness;
- (5) Have all harnesses properly fitted and in good repair with no deficiencies that create a safety hazard;
- (6) Be properly cleaned with no offensive odors or caked dirt or mud;
- (7) Wear a special sanitary device for containing animal excrement;

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- (8) Flies and other insects must be controlled through general sanitation and other necessary means;
- (9) Cannot pull a weight greater than that certified by the licensed veterinarian;
- (10) Not have obvious signs of emaciation, malnutrition, or exhaustion;
- (11) All harnesses, bridles and bits and any other equipment shall be properly fitted and kept in good repair. Blankets, bridles and bits shall not be used on another horse unless it is first disinfected. Harnesses and bridles shall be kept well oiled and cleaned and in good repair;
- (12) Animals requiring veterinary care shall not be moved, ridden or driven, except for the purpose of humane keeping, pasturing or obtaining medical care;
- (13) "Free choice" salt shall be available to all horses in the stabling and/or assembly/transfer sites;
- (14) Carriages shall not be pulled by stallions, pregnant mares, or mares that are within 180 days after foaling;
- (15) Mules or other equine used to pull carriages must meet the same requirements as described for horses;
- (16) Provisions shall be made to catch or immediately pick up any manure deposited by the carriage horses away from the stable or assembly/ transfer sites. The manure shall be returned to the stable or transfer sites for appropriate disposal;
- (17) Horses shall wear properly attached and fitted blinders while pulling carriages;
- (18) Owner and handlers shall take immediate measures to prevent shivering of horses;

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- (19) Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other conditions that are a threat to the health or safety of the horse and public. Streets that require the crossing of metal construction plates on the roadway should be avoided; and
- (20) No horses shall be permitted to pull a carriage with a loose shoe.
- (21) Horses must be no less than 4 years of age.
- (22) A trailer shall be used to transport a horse to a job location that is more than three miles from the location where the horse is stabled.

(d) Before a horse may be used to pull a carriage in the City of Chattanooga, the carriage owner must submit a signed statement to the Taxicab Board that such horse has been driven with a carriage on urban streets 1) by an experienced carriage driver for a minimum of 80 hours over a 2 month period without passengers and 2) by an experienced carriage driver for a minimum of 60 hours over a 4 month period with passengers.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-204. Animal working conditions.

(a) No animal shall be worked under any of the following conditions, and any owner allowed to let the conditions exist will be found in violation of this article:

- (1) The animal is pulling more people or weight than the limit certified by the licensed veterinarian;
- (2) The animal pulling a carriage is moved at a speed faster than a trot;
- (3) The animal is worked with equipment causing an impairment of vision other than normal blinders;
- (4) The animal is subject to any condition or treatment that

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will impair the good health and physical condition of the animal;

- (5) Water must be available before and after each shift. In addition, water shall be offered while working, when appropriate and will not be injurious to the horse;
- (6) Make sure horses are given proper amounts of water before and after working, and have additional water available if needed;
- (7) Horses shall not be worked for commercial purposes in extreme temperatures or in adverse weather. When the weather is determined to be adverse, all horses must immediately cease working, be offered shade or shelter when available, be rested and cooled off, and then walked to their stable. All horses so ordered to return to their stable must be unbridled and remain at the stable for at least one hour and until the temperature returns to the appropriate levels;
- (8) Be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal;
- (9) Shall not be overridden or driven to overheating or exhaustion and shall be provided with adequate exercise when not working.
- (10) Horses shall be housed in an area that is adequate, healthy and humane in size, ventilation and sanitation.

(b) No animal shall work more than seven (7) hours a day. For purposes of this section, an animal is deemed working whenever it is attached to a horse-drawn vehicle.

(c) No animal shall work more than five (5) consecutive days without a rest period of

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at least one day.

(d) Animal shall be rested for at least 15 minutes after every 2 hours of work.

(e) No animal can be “nerved” or subjected to any procedure intended to permanently or temporarily block the animals ability to perceive pain.

(f) No animal shall be worked when the outdoor temperature at the horse’s location exceeds 95 degrees Fahrenheit, or when the combined sum of temperature and humidity exceeds 155, or when the temperature or wind chill factor is below 20 degrees Fahrenheit.

(g) No animal shall be worked during periods of ice, snow, heavy rain, or other slippery conditions.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-205. Carriage and equipment.

(a) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage shall ensure and certify that the equipment used in the operation of the horse-drawn carriage meets the following standards of this section:

- (1) Provide that the carriage used is in good operating condition, the axles are well-greased, and that all operating mechanisms are in good working order;
- (2) Provide that the carriage is equipped with hydraulic brakes or band brakes in good working condition;
- (3) Provide that the saddle, harness, shoes, bridle, and any other equipment for the horse fits properly, is in good working condition, and shall not cause injury or pain to the horse;
- (4) Not use twisted wire, spurs, bucking straps, flank straps, or similar devices. All bits and other equipment must be humane which are not injurious to the horse;
- (5) Daily inspect all horses and all equipment at the time of departure from and return to the stable; and
- (6) Provide that all horses are equipped with a diaper that is

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constructed of a sturdy material and is properly fitted to the horse to ensure comfort.

- (b) A carriage used in the horse-drawn carriage service shall:
- (1) Have a valid permit conspicuously displayed on the carriage at all times;
 - (2) Be equipped with a slow-moving vehicle emblem attached to the rear of the carriage;
 - (3) Be maintained in a safe and sanitary condition;
 - (4) Not drive or transport more than the intended capacity of the carriage;
 - (5) Display the name and telephone number of the horse-drawn carriage with letters not to exceed three inches nor less than one inch in height on the carriage exterior. These signs must be displayed at all times that the carriage is operating for business unless the carriage is being used for a special event, such as a wedding or funeral;
 - (6) Must be equipped with a chemical to be poured over horse urine by drivers each time a horse urinates, so as to break down and eliminate accumulated agents and odors. Such chemical is to be approved by the City's stormwater department;
 - (7) Sufficient reflective material must be placed along the shafts of the carriage, or other parts thereof, which normally parallel the body, head or legs of the horse pulling such carriage;
 - (8) Be equipped with lights which comply with applicable state law;
 - (9) A fully charged backup battery must be readily available and a carriage cannot operate without proper lights; and

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- (10) A first aid kit; and,
- (11) A thermometer and hygrometer for reading temperature and humidity.

(c) If, upon any inspection, a carriage is found to be unsafe, unclean or unsightly, Taxicab inspector or a police officer, may direct that the carriage be taken out of service until such condition is corrected.

(d) The Taxicab Board may, by rule, establish additional inspection requirements for a carriage and other equipment used in the horse-drawn carriage service.
(Ord. No. 11378, §1, 02-11-03)

Sec. 35- 206 Enforcement by police department.

Officers of the police department and Animal Services shall assist in the enforcement of this chapter. A police officer or Animal Services officer observing a violation of this chapter, or the regulations established by the Taxicab Board, shall take necessary action to insure effective regulation of horse-drawn carriage.
(Ord. No. 11378, §1, 02-11-03)

Sec. 35- 207 Accidents.

(a) The driver of a horse carriage shall report any accident involving such carriage to the police department. The company shall notify the Taxicab Inspector of such accident by nine a.m. on the next business day.

(b) No horse or carriage involved in an accident where structural damage to the carriage or injury to the horse has occurred, shall be operated again until the carriage has been inspected by the Taxicab Inspector or a police officer and the horse has been certified for service in writing by a veterinarian. The company shall present such certification to the Taxicab Inspector.
(Ord. No. 11378, §1, 02-11-03)

Sec. 35-208. Miscellaneous.

(a) A person commits an offense by harassing or startling, or attempting to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse

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inhumanely while it is working in a horse-drawn carriage.

(b) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal whether in or out of service. Light taps are the only acceptable usage.

(c) The certificate holder shall notify the Taxicab Board of any carriage horse that dies within twenty-four hours, or if on the weekend or a legal holiday, during the next business day. The Taxicab Board, Taxicab Inspector, or the Animal Services Director may request that a board certified veterinary pathologist shall perform a necropsy at the expense of the certificate holder. A record of the death and/or necropsy finding shall be filed with the Taxicab Board.

(d) The Taxicab Board is hereby authorized and empowered to and shall establish taxicab passenger loading zones or stands upon the streets of the City in such places as, in its discretion, it deems proper. The Taxicab Board is further authorized to eliminate any taxicab passenger loading zones or stands now in use, or later established. The written approval of the abutting property owners of such places shall be required before the creation of such passenger loading zones or stands. The traffic engineer shall make an investigation of the traffic conditions at such places and shall thereafter file written recommendations with the Taxicab Board. The Taxicab Board shall abide by these recommendations.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-209 Non-transferability.

A certificate of public convenience and necessity, horse-drawn carriage permit, carriage driver's license, or an identification card is assigned to one person, applicant, carriage or horse, and is not transferable.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-210 Exception.

Any person who has submitted application for a driver's permit under this article and is driving a for-hire horse drawn carriage at the time of passage of this ordinance, shall have six (6) months from the passage of this ordinance to conform with the training requirements listed in Sec. 35-197 (a) (10) above.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-211-35-225. Reserved.

(Ord. No. 11378, §1, 02-11-03)

VEHICLES FOR HIRE